



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
February 5, 2026
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- January 15, 2026 Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmations - Bicycle Pedestrian Path Advisory Committee, Congregate Living and Social Services Licensing Board, Human Rights Committee, Planning Board, Trustees of Trust Funds and Cemetery Trustees
2. Nominations - Assessors Board, Human Rights Committee

C. COMMUNICATIONS

1. Jon Loveland - Concerns Relating to the Downtown Infrastructure Project
2. Councilor Workman - Request for Review and Update of 2019 Inter-Agency Memorandum of Understanding Involving Local Law Enforcement Partners
3. Mark Rebillard/Keene Downtown Group - Request for Community Funded Event Status - Series of Small Scale Festivals During Downtown Construction
4. Mark Rebillard/Keene Downtown Group - Request for Community Funded Event Status - Keene 250th Independence Day Celebration - July 4, 2026

D. REPORTS - COUNCIL COMMITTEES

1. Monadnock View Cemetery Expansion Project

2. Presentation - Public Storm Response Maps
3. Downtown Infrastructure Project Update
4. Thomas Burton - Request for Increase to Disabled Veteran Property Tax Credit
5. Execution of Lease - 11 Central Square
6. Execution of an Agreement for Engineering Services With NXTGen for the Design of the Gilbo Avenue Solar Pavilion Project

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Acceptance of Donations

G. REPORTS - BOARDS AND COMMISSIONS

1. O-2025-40: Relating to Setback Exceptions, Accessory Dwelling Units, and Parking Regulations

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

1. Relating to Fines for Nuisance, Menace and Vicious Dog Offenses
Ordinance O-2026-01
2. Relating to the Definition of "Family"
Ordinance O-2026-02

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

1. Relating to the Reallocation of Unspent Bond Funds for the WWTP Service Water System Upgrade Project
Resolution R-2026-04
2. Relating to the Appropriation of Planned Funds for Engineering Services for the Robin Hood Park Improvements Project
Resolution R-2026-05
3. Relating to the Appropriation of Funds for Recycling Equipment Replacement
Resolution R-2026-06

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, January 15, 2026. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:00 PM. Roll called: Randy L. Filiault, Michele A. Chalice, Edward J. Haas, Bettina A. Chadbourne, Laura E. Tobin, Robert C. Williams, Philip M. Jones, Kris E. Roberts, Jacob R. Favolise, Bryan J. Lake, Laura E. Ruttle-Miller, Molly V. Ellis, Thomas F. Powers, and Mitchell H. Greenwald were present. Catherine I. Workman was absent. Councilor Filiault led the Pledge of Allegiance.

MINUTES FROM PRECEDING MEETING

A motion by Councilor Greenwald to adopt the December 18, 2025, and January 1, 2026, meeting minutes as presented was duly seconded by Councilor Powers. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Workman was absent.

ANNOUNCEMENTS

Mayor Kahn led the Council in honoring Councilor Tobin, who celebrated a January birthday.

The Mayor shared upcoming dates of interest in January and February 2026:

- Monday, January 19: The City of Keene would be closed for Martin Luther King Jr./Civil Rights Day.
- Monday, January 19 at 5:30 PM at Heberton Hall: The Keene Public Library hosting a screening of the documentary *Here Am I, Send Me: The Journey of Jonathan Daniels*, in honor of Martin Luther King Jr. Day. The screening would be followed by a Q & A session with producers and directors Larry Benaquist and William Sullivan.
- Tuesday, January 27: International Holocaust Remembrance, which commemorates the liberation of Auschwitz by the Russian Red Army during the Holocaust in 1945.
- Saturday, February 7, from 11:00 AM to 5:00 PM in Downtown Keene: the Annual Ice and Snow Festival, featuring 14 ice carvers (up from 12 the previous year), along with many fun family activities.
- Tuesday, February 17 at 6:00 PM at Heberton Hall: screening of the documentary *Shadow Falls North* as a part of the Human Rights Committee's Black History Month programming in February. This documentary focuses on the overlooked Black History of New England and efforts to reclaim it. A follow-up discussion would take place on March 5, 2026 at 6:30 PM at the Historical Society of Cheshire County, which has an ongoing project relative to Black History in the Monadnock Region.

Lastly, Mayor Kahn reminded all Councilors that the City Clerk emailed an electronic Statement of Special Interest form for their completion per Section 15 of the City Council's Rules of Order, with a submission deadline of January 31, 2026. Councilors should contact the City Clerk for assistance using the electronic submittal form.

COMMUNITY RECOGNITION - STEVEN LEVY - OWNER OF TOY CITY

Mayor Kahn was honored to recognize the owner of Toy City, Steven Levy. The Mayor knew that many of Keene's past generation of parents, grandparents, or children walking into Toy City recall being greeted by a simple yet profound question: "Tell me about your child [yourself]."

Mr. Levy's question was a first step in a thoughtful search for the perfect toy. Mayor Kahn said Mr. Levy had been a steward of tradition and a champion of child development for decades, wielding the potent tool: an unwavering belief in the transformative power of play. The Mayor stated that this legacy was hard earned. Mr. Levy's family ran Toy City in Manchester, New Hampshire, when he was a child, and he watched his father Maury grow the business into nine toy stores under multiple names across New Hampshire, Vermont, and Massachusetts. Mayor Kahn noted that as the child of a toy store entrepreneur, Mr. Levy often became the curator of "misfit toys," which would not sell. He seemingly inherited his father's entrepreneurial spirit, earning a business degree in 1977 from Babson College in just three years, and running a toy store on Main Street Keene two days after graduating. That foray in Keene captured Mr. Levy's heart and Toy City turned into the final and most enduring of his father's legacy. The Mayor said Mr. Levy was drawn to Keene's welcoming community, which he made his permanent home, greatly aided by his love for Susan, a single mom of three, who he would marry and raise a family with at the store.

The Mayor said Mr. Levy was more than an owner: he was a character, a local legend. When selling the local *Keeneopoly* game, Mr. Levy dressed up as Mayor Monopoly and declared himself Mayor of Toy City (during a local Mayoral campaign). His playful spirit spilled over into his home on Court Street, where a Playmobil Soldier could be seen peering out of the second-floor window; much to his wife's chagrin, Mr. Levy added. In a world obsessed with the newest, fastest, and loudest, Mayor Kahn said Toy City stood as a testament to the timeless joy of a wooden block or a completed puzzle inside the store. There were no rush transactions; there was a conversation, curiosity, and deep-seated generosity. Mr. Levy was known to quietly fulfill a Christmas wish for children, even when a family could not afford the gift, ensuring the magic of the season was accessible to all. He guided his life and store by a simple philosophy: for toys to be truly satisfying, they must be rewarding and interactive.

Today, the City of Keene honored Mr. Levy's lifelong commitment to preserving the art of toys and crafts. The Mayor said Mr. Levy offered not just items on a shelf, but experiences that enriched childhoods, strengthened families, and bridged generations. Although the Mayor said there were wishes for Mr. Levy's continued participation supporting families in the Monadnock Region, Mayor Kahn recognized that Mr. Levy had more than earned his retirement. Mayor Kahn said: Let all who seek joy, growth, and a piece of nostalgia know this truth, Toy City has been more than a store, it has been a living testament to the irreplaceable value of play-based learning. The Mayor said Mr. Levy stands as an example of what is good, generous, and kind in the City of Keene. Mayor Kahn proclaimed that the City recognized and honored Steve Levy on January 15, 2026 for his lifelong dedication to toy craft and the invaluable contributions he has made to the community. The City celebrated Toy City as a testament to the importance of play and human connections, extending deepest gratitude to Mr. Levy for his generosity as he entered a well-earned retirement. The Mayor presented Mr. Levy with a symbolic Key to the City of Keene.

Mr. Levy was overwhelmed; he always just considered himself a guy who sold toys. It was not until the announcement of the retirement that so many people told him that he and the store were much, much more. Never in his wildest dreams did he think he would be standing in front of the Keene City Council with the Key to the City for selling toys. Mr. Levy said he could not be any

more humble or grateful to his community. Mayor Kahn thanked Mr. Levy's family for attending.

PUBLIC HEARING - CDBG GRANT APPLICATION - 657 MARLBORO STREET

Before opening the public hearing on the Community Development Block Grant (CDBG) application, Mayor Kahn reviewed the process to follow, including for new Councilors. The Community Development Finance Authority (CDFA) has very specific protocols on how these public hearings are handled. The hearing notice identified four separate components: the two actual CDBG applications, and their corresponding Residential Anti-Displacement and Relocation Assistance Plans. The Mayor would open and close each of these four segments separately. Upon the close of the second hearing, he would call forward Resolution R-2026-02. Upon the close of the fourth hearing, he would call forward Resolution R-2026-03. As these applications were time sensitive, he noted that he would seek Suspension of the Rules of Order to allow immediate action upon the Resolutions.

Mayor Kahn opened the public hearing at 7:17 PM to address a proposed CDBG application for 657 Marlboro Street and City Clerk Terri Hood read the notice of hearing. The Mayor welcomed Jack Ahern, Associate Planner with Southwest Region Planning Commission (SWRPC), and Carolyn Sweet of Keene Housing to address the grant request.

Mr. Ahern began by providing a brief overview of the Community Development Block Grant (CDBG) program before reviewing the details of this application. He explained that CDBG funds are available to municipalities for economic development, and public facilities and housing rehabilitation projects that benefit primarily low- and moderate-income people. The City of Keene is eligible to receive up to \$500,000 per year for public facilities and housing rehabilitation, up to \$500,000 per year for economic development, up to \$750,000 per year for Microenterprise technical assistance, and up to \$500,000 in emergency funds. Feasibility study funds are available for up to \$25,000. Mr. Ahern provided a handout describing the NH CDBG Program eligible activities, including the area income limits determined by U.S. Department of Housing and Urban Development (HUD).

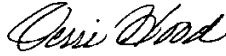
Mr. Ahern described the proposed application to the CDFA for up to \$500,000 to support rehabilitation of a Keene Housing property located at 657 Marlboro Street in Keene, New Hampshire. This building is one of nine properties, and 48 total housing units, which Keene Housing acquired from Cheshire Housing Trust upon their dissolution in 2021. The building, constructed in 1875, consists of four permanently affordable housing units. As is common with structures of this age, Mr. Ahern said the building needed energy efficiency and accessibility upgrades. Lead-based paint was known to be present throughout the building and would require substantial abatement to provide a safe and healthy living space for tenants; at this time, only two of the four units were occupied due to this issue.

Mr. Ahern said the proposed project would consist of lead remediation in various areas of the building, and Keene Housing would ensure the proper storage and disposal of any and all hazardous materials from the site. Other improvements aim to modernize the building's energy efficiency and accessibility. These activities would include installing new windows and doors,

replacing appliances and lighting fixtures, low flow plumbing fixtures, and additional insulation of the building. Keene Housing would provide \$250,000 to serve as match funding for the project. Mr. Ahern said the proposed project would align with goals set forth in the City of Keene's Housing and Community Development Plan to, *"Have a variety of housing options available that are affordable, accessible, eco-efficient, and supportive of varied lifestyles,"* and to, *"Have housing that uses... green building standards that improve energy efficiency and conserve resources."* Mr. Ahern introduced Carolyn Sweet, a representative of Keene Housing, to provide more details about the project.

Ms. Sweet thanked the Council for considering this proposal. She added that at this time in the four-unit building, there was a one-bedroom apartment and three, two-bedroom apartments; only two of them were habitable. She said that with this proposed application, Keene Housing would be maintaining two units of affordable housing and adding two more units of affordable housing stock to the City. These units would be permanently affordable as a part of Keene Housing—Monadnock Affordable Housing Corporation. She agreed with Mr. Ahern that this would be a part of a larger project, in which Keene Housing would remediate the lead out of most of the buildings that it acquired from Cheshire Housing Trust. Ms. Sweet said Keene Housing had seven units vacant at this time as a part of another full lead remediation project; the 657 Marlboro Street project became so expensive that it was out of the scope of the other remediation project and had to become something separate. Ms. Sweet welcomed questions.

Mayor Kahn opened the Hearing to public comments and there being none, he closed this Public Hearing for the proposed CDBG application for 657 Marlboro Street.

A true record, attest: 
City Clerk

Mayor Kahn opened the second Public Hearing regarding the Residential Anti-Displacement and Relocation Assistance Plan for 657 Marlboro Street at 7:23 PM. He recognized Mr. Ahern again to address the Plan.

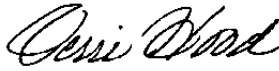
Mr. Ahern explained that if any displacement takes place as a result of the proposed CDBG project, the Uniform Relocation Act must be followed. This requires that any displaced household or business in a project using federal funds must be found comparable housing or commercial space in a comparable neighborhood at a comparable price. Under the certification section of the application, the City would certify that the Residential Anti-Displacement and Relocation Assistance (RARA) Plan is in place, and in the event that it would be discovered that this specific project does displace people or households, a Displacement Implementation Plan must be submitted to CDFA prior to obligating or expending funds. CDFA requirements mandate that the City of Keene certifies that it will require the Subrecipient to comply with the Uniform Relocation Act and Section 104(d) of the Housing and Community Development Act of 1974, as amended.

Mr. Ahern said Keene Housing anticipated that temporary displacement may occur during construction and abatement activities. A comprehensive Displacement Implementation Plan was drafted and would be made available to the City upon request and submitted to CDFA upon

award of grant funds. He noted that Keene Housing would be in a position to provide any displaced tenants from the subject property with comparable housing and moving assistance services, without issue. Mr. Ahern introduced Carolyn Sweet from Keene Housing.

Ms. Sweet noted that tenants housed within Keene Housing have project-based vouchers that allow them to pay 30% of their income toward their rents; Keene Housing rents are managed at the federal and state levels. She did anticipate that the two tenants currently occupying the building would be displaced for up to three months, which is within the guidance of the 12-month period. Those tenants would most likely be displaced within the building to units that were rehabbed already; they would be in the second phase. They would have a choice to move to another Keene Housing unit or onto the market, should they choose.

Mayor Kahn opened the Hearing to public comments and there being none, Mayor Kahn closed the Anti-Displacement and Relocation Assistance Plan Public Hearing at 7:26 PM.

A true record, attest: 
City Clerk

RESOLUTION - COMMUNITY DEVELOPMENT BLOCK GRANT APPROVAL - 657 MARLBORO STREET - RESOLUTION R-2026-02

A memorandum was read from Jack Ahern, Associate Planner for the Southwest Region Planning Commission, recommending that the City Council adopt the attached Resolution [R-2026-02] for federal Community Development Block Grant (CDBG) funds to the NH Community Development Finance Authority (CDFA); and further to adopt the Anti-Displacement and Relocation Assistance Plan specific to this project. Resolution R-2026-02 read for the first time.

A motion by Councilor Greenwald to suspend Section 27 of the Rules of Order to act on Resolution R-2026-02 was duly seconded by Councilor Filiault. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Workman was absent.

A motion by Councilor Greenwald to adopt Resolution R-2026-02 was duly seconded by Councilor Filiault. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Workman was absent.

PUBLIC HEARING - CDBG GRANT APPLICATION - COMMUNITY KITCHEN

Mayor Kahn opened the third Public Hearing at 7:29 PM to address a proposed Community Development Block Grant (CDBG) application for The Community Kitchen and the City Clerk read the notice of Hearing. Mayor Kahn welcomed Jack Ahern, Associate Planner with Southwest Region Planning Commission (SWRPC), and Barb Weisman, Executive Director of The Community Kitchen (TCK), to address the grant request.

Mr. Ahern said the proposed application to the Community Development Finance Authority (CDFA) was for up to \$500,000 to support improvements to TCK's facility located at 37 Mechanic Street in Keene, New Hampshire. The Community Kitchen operates a Soup Kitchen and Food Pantry that together serve approximately 4,000 unduplicated individuals annually and distributed more than 400,000 meal equivalents to the residents of Keene and surrounding areas in 2025. TCK's facility on Mechanic Street is a two-story, historic brick structure, which is more than 100 years old. While substantial renovations have been completed, including prior CDBG-funded improvements, Mr. Ahern said continued investment would be required to maintain safe and efficient operations.

Mr. Ahern explained that the proposed project would include two major upgrades: (1) the installation of a freight lift and (2) the purchase of a stand-by generator. The freight lift will improve operational efficiency by reducing labor hours required to unload and store deliveries. The generator will ensure uninterrupted operations during power outages, enabling continued service through emergencies and disaster events. Additionally, the project would include several minor spot improvements: the replacement of two rooftop HVAC units, new flooring in the dining area, a new rear entryway, additional cooler space, and pavement improvements. Mr. Ahern said the proposed project would align with the goal set forth in Keene's Housing and Community Development Plan to, "[make] improvements to *The Community Kitchen*." He introduced Ms. Wiseman to provide additional details about the project.

Ms. Wiseman explained that The Community Kitchen has proudly served this community for more than 40 years as Keene's primary emergency food provider. Its Pantry and Hot Meals Programs serve seniors, families, working people, and children who simply need food—no referrals, no barriers, and no judgment. TCK's Mobile Pantry Program had expanded to reach those who cannot access the Kitchen. Ms. Wiseman said The Community Kitchen also partners with Hundred Nights to provide hot, nutritious meals for people experiencing homelessness. In 2025 alone, the Community Kitchen served nearly 400,000 meal equivalents to 3,571 unique individuals through the Pantry and prepared more than 40,000 hot meals. That was a 10% increase over 2024's service numbers. Ms. Wiseman explained that the need in Keene and throughout the region is growing and TCK is working every day to meet it. She said that it is possible almost entirely through the generosity of individuals, businesses, municipalities, and Cheshire County. The Community Kitchen receives no state or federal operating funds. Their donors give because they want to feed people and she said The Community Kitchen takes that responsibility seriously. That means it relies on targeted funding sources like the CDBG to support the infrastructure that makes its services possible.

Ms. Wiseman explained that this CDBG request included three critical projects that would directly affect Keene's ability to respond to hunger, especially in times of crisis. First, the generator: while The Community Kitchen certainly cares about protecting the food in its five walk-in coolers, its ability to stay open when the Community needs it most matters far more. The Community Kitchen is listed in Keene's Hazard Mitigation Plan, but without power, the organization cannot distribute food, prepare meals, or serve as a community resource in a major storm, prolonged outage, or emergency. Ms. Wiseman said hunger does not pause; in fact, it escalates quickly and those who never needed help before may suddenly find themselves on the receiving end, needing a helping hand. So, she said Keene needs an operational food safety net

and this generator would allow The Community Kitchen to be there when everything else goes dark. Second, the freight lift: at this time, it took staff about eight hours of labor to move one truck load of food from the back lot to its second-floor warehouse, using an outdated conveyor belt; a freight lift would reduce that time to about 20 minutes. Ms. Wiseman said that it would not only enhance efficiency, but also safety, dignity for TCK's staff, and time that can be redirected toward serving the public during emergencies or peak demand, when speed and flexibility really matter. Third, the HVAC replacement: the existing rooftop units were 17 years old at this time and beyond their expected lifespan. Ms. Wiseman said that every time the units failed, operations stopped. Food storage, meal preparation, and volunteer services all depend on those systems. She stated that this would not be a luxury or an upgrade, but an essential maintenance that keeps Keene's food safety net intact. Together, Ms. Wiseman explained that these investments would ensure that TCK could continue doing what this community relies on it to do: feed people, stabilize families, and respond when the need is greatest on behalf of thousands of Keene residents who depend on The Community Kitchen each year, the volunteers who dedicate their time to service, and TCK staff who are so deeply committed to this mission. Ms. Wiseman thanked the City Council for its consideration, partnership, and for building a stronger and more resilient community.

Councilor Jones asked a process question after having reviewed both applications. He recalled that Linda Mangones formerly managed grants for the City of Keene and asked if there was no longer a manager or if the process had changed. City Manager Elizabeth Ferland replied that Ms. Mangones had retired from that role a few years prior. The City Manager explained that Southwest Region Planning Commission is the City's Grant Administrator and prepares grant applications with nonprofit organizations. Councilor Jones confirmed that it was still the same process.

Mayor Kahn recognized the significant role Carolyn Sweet of Keene Housing plays in preparing these proposals and thanked her for the work she does.


Mayor Kahn opened the Hearing to public comments on The Community Kitchen's Housing and Community Development Plan.

Michele DellaVita was present representing two organizations. First, she read a statement as Director of Leadership of the Greater Monadnock Collaborative, which is the regional Chamber of Commerce, *"The Greater Monadnock Collaborative strongly supports The Community Kitchen's plan to install a generator system to ensure continuity of services during power outages, events that often affect not only Keene, but surrounding communities across the region during emergencies and all year round. The Community Kitchen serves as critical infrastructure. If The Community Kitchen has power when others don't, it allows them to continue feeding community members and allows them also to support first responders and volunteers at moments when reliable services are most needed. We also support the request for funding to upgrade additional equipment that will improve efficiency and capacity, strengthening their ability to meet growing demand. Investments like this enhance regional resilience and ensure that our essential services remain available when our community needs them most."*

Ms. DellaVita shared a second statement on behalf of the Monadnock United Way, for which she is Board Chair, *“The Monadnock United Way is proud to support The Community Kitchen and the Monadnock Food Pantries Collective, a network of local pantries that strive to provide nutritious food to people in all corners of our region. Food pantries are an essential lifeline in every community. Strengthening The Community Kitchen’s capacity to meet significantly rising needs will have a positive ripple effect throughout our broader food security network. We respectfully urge approval of this grant, so The Community Kitchen can continue serving as the vital anchor in our region’s fight against hunger.”*

Mark Bodin, President of Savings Bank of Walpole (SBW), said he thought that everybody knows SBW is involved in basically every organization in this community and proud to do that. He said it is really an unfortunate reality that The Community Kitchen is one of the most vital organizations the City has, and that the community had just seen the tip of the iceberg of how much the demand would start to increase. Mr. Bodin said that toward the end of 2025, SBW recognized the needs and invested another \$20,000 above what it usually did in TCK, and he said that it was not going to stop. Mr. Bodin stated that SBW was invested in terms of human resources, intellectual resources, and would continue to support TCK. He said at this point, with everything coming up, he could not think of another organization more important for this community to invest in; especially if more money could come in from other sources to help, such as small businesses contributing. Mr. Bodin encouraged everybody to really support this.

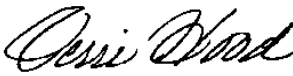
Hearing no further public comments, Mayor Kahn closed the Public Hearing for The Community Kitchen CDBG Housing and Community Development Plan.

A true record, attest: 
City Clerk

Mayor Kahn opened the Public Hearing for The Community Kitchen’s Residential Anti-Displacement and Relocation Assistance Plan at 7:41 PM, and recognized Jack Ahern, Associate Planner for the Southwest Region Planning Commission, to address the Plan.

Mr. Ahern explained that if any displacement takes place as a result of the proposed CDBG project, the Uniform Relocation Act must be followed, which requires that any displaced household or business in a project using federal funds must be found comparable housing or commercial space in a comparable neighborhood at a comparable price. Under the certification section of the application, the City will certify that the Residential Anti-Displacement and Relocation Assistance (RARA) Plan is in place, and in the event that it is discovered that this specific project does displace persons or households, a Displacement Implementation Plan must be submitted to Community Development Finance Authority (CDFA) prior to obligating or expending funds. Because of the nature of the proposed project, it is unlikely that any sort of relocation will be necessary. However, CDFA requirements still mandate that The City of Keene certifies that it will require the Subrecipient to comply with the Uniform Relocation Act and Section 104(d) of the Housing and Community Development Act of 1974, as amended.

Mayor Kahn opened the floor to public comments and questions about the Residential Anti- Displacement and Relocation Assistance Plan for The Community Kitchen and hearing none, he closed the Public Hearing at 7:42 PM.

A true record, attest: 
City Clerk

RESOLUTION - COMMUNITY DEVELOPMENT BLOCK GRANT APPROVAL -
COMMUNITY KITCHEN - RESOLUTION R-2026-03

A memorandum was read from Jack Ahern, Associate Planner for the Southwest Region Planning Commission, recommending that the City Council adopt the attached Resolution [R-2026-03] for federal Community Development Block Grant (CDBG) funds to the to the NH Community Development Finance Authority (CDFA); and further to adopt the Anti-Displacement and Relocation Assistance Plan specific to this project. Resolution R-2026-03 read for the first time.

A motion by Councilor Greenwald to suspend Section 27 of the Rules of Order to act on Resolution R-2026-03 was duly seconded by Councilor Filiault. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Workman was absent.

A motion by Councilor Greenwald to adopt Resolution R-2026-03 was duly seconded by Councilor Filiault. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Workman was absent.

RESIGNATION - SARAH VEZZANI - PLANNING BOARD

A memorandum was read from Planner Megan Fortson, recommending the Council accept Sarah Vezzani's resignation from the Planning Board, with gratitude for her two years of service. A motion by Councilor Greenwald to accept the resignation with gratitude for service was duly seconded by Councilor Filiault. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Workman was absent.

NOMINATIONS - BICYCLE PEDESTRIAN PATH ADVISORY COMMITTEE;
CONGREGATE LIVING AND SOCIAL SERVICES LICENSING BOARD; HUMAN
RIGHTS COMMITTEE; PLANNING BOARD; AND TRUSTEES OF TRUST FUNDS AND
CEMETERY TRUSTEES

Mayor Kahn nominated the following individuals to City boards and committees:

To the Bicycle/Pedestrian Path Advisory Committee: Jacob Robertson, nominated to serve as a Regular Member, with a term to expire December 31, 2028. To the Congregate Living and Social Services Licensing Board: Ian Matheson, nominated to serve as a Regular Member, with a term to expire December 31, 2028. To the Human Rights Committee: Jennifer Porschitz,

nominated to serve as an Alternate Member, with a term to expire December 31, 2028. To the Planning Board: David Bergeron, nominated to serve as a Regular Member, with a term to expire December 31, 2028. To the Trustees of Trust Funds and Cemetery Trustees: Michelle Howard, re-appointed to serve as a Regular Member, with a term to expire December 31, 2028; Heather Scheck, appointed to serve as an Alternate Member, with a term to expire December 31, 2028.

Mayor Kahn tabled the nominations until the next regular meeting.

COMMUNICATION - VICKY MORTON - CONCERNS REGARDING CURRENT KEENE TAX RATE AND REQUEST FOR CREATION OF A CITIZEN'S BUDGET ADVISORY COMMITTEE

A communication was received from Vicky Morton, expressing concern with the property tax rate and requesting the creation of a Citizens' Budget Advisory Committee to help explain the current situation and possibly offer creative solutions to reduce the current tax rate.

In response to the request to create a Budget Advisory Committee, Mayor Kahn explained that City staff would provide a public presentation at the Finance, Organization and Personnel Committee meeting on February 26, 2026. That presentation would address some of the questions in Ms. Morton's letter, including: how the City's tax rate is established, how the municipal budget and Capital Improvement Planning (CIP) processes work, and how the public can participate in those processes. It would also include an overview of the one-page budget guide. The Mayor recalled public participation in the budget process having been pretty lean the previous year, so he called this pre-step an attempt to alert the community to the upcoming CIP consideration, followed by Budget consideration. This overview would precede those hearings and provide the public an introduction and overview before getting into the specifics.

Councilor Filiault agreed with the Mayor. Councilor Filiault said there are budget hearings, and they are called the Finance, Organization and Personnel (FOP) Committee meetings. He said that every year he had been on the Council, it would be lucky if two or three people showed up to those meetings. Mayor Kahn said the public should please feel welcome to participate.

Councilor Haas thanked City Manager Elizabeth Ferland for responding in this fashion, providing an overall presentation of the Budget and the Budget process. Although there are plenty of FOP meetings that people can attend to learn the details, Councilor Haas said it would be pretty opaque to many people. So, he thought some kind of presentation along these lines would really serve a lot of people. He said the City does a great job with the CIP and the budget should get the same kind of exposure, so Councilor Haas saw this as good step in that direction. Mayor Kahn agreed that it would be good to provide that initial insight to the community.

Mayor Kahn accepted the communication as informational.

COMMUNICATION - THOMAS BURTON - REQUEST FOR INCREASE TO DISABLED VETERAN PROPERTY TAX CREDIT

A communication was received from Thomas Burton, requesting consideration for an increase to Keene's optional property tax credit for 100 percent service-connected disabled veterans, from the current \$4,000 to the statutory maximum of \$5,000 authorized under RSA 72:35. Mr. Burton notes in his communication that, effective July 13, 2025, the New Hampshire Legislature amended RSA 72:35 to increase the allowable optional credit for veterans with total and permanent service-connected disabilities. Mayor Kahn referred the communication to the Finance, Organization and Personnel Committee.

FOP REPORT - 2025 HOMELAND SECURITY GRANT PROGRAM AWARD - 2025 TACTICAL EQUIPMENT

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Manager be authorized to do all things necessary to accept and expend the 2025 Homeland Security Grant Program Award - Tactical Equipment grant in the amount of \$12,714.00. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Workman was absent.

FOP REPORT - REALLOCATION OF FUNDS FROM THE WEST SIDE DOWNTOWN PARKING STRUCTURE PROJECT TO THE CITY HALL PARKING DECK MAINTENANCE PROGRAM

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Manager be authorized to do all things necessary to reallocate unspent CIP project funds in the amount of \$15,350 from the West Side Downtown Parking Structure Project (22J002AA) to the City Hall Parking Deck Maintenance Program (22M006). A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Workman was absent.

FOP REPORT - ENGINEERING SERVICES AGREEMENT FOR THE FY26 STORMWATER CHANNEL REHABILITATION 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 an agreement with Dubois & King for the Design of the Stormwater Channel Rehab Project (75M01626) for an amount not to exceed \$96,000. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne.

The Mayor said he looked at a Zoning Map and saw that Tannery Brook is near Black Brook. City Engineer Brian Ruoff confirmed.

The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Workman was absent.

FOP REPORT - HOWARD STREET SALE RFP RECOMMENDATION

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 for the sale and residential development of 0 Howard Street, parcel 536-034-000-000-000. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne.

Mayor Kahn agreed with Councilor Powers' description that this would be the City acting for the benefit of its Comprehensive Master Plan and goals for the City, so the Mayor called it a good step.

Councilor Williams acknowledged Councilor Lake for his work a few years prior, noticing that these parcels could potentially be found, assembled, and sold to someone who would build.

The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Workman was absent.

CITY MANAGER COMMENTS

City Manager Elizabeth Ferland began by following up on something the Council had discussed a few times: creating an online opportunity for people to volunteer. She explained the [Landing Page for Volunteer Opportunities](#), which soft launched on the City of Keene website thanks to Deputy City Manager, Rebecca Landry. The page hosts an online form to sign up to volunteer. At this time, opportunities included Green Up Keene, parks or trails beautification, landscaped area maintenance (e.g., roundabouts, rights-of-way, etc.), youth sports coaching, and a box for "other." This page will evolve and grow as more volunteer opportunities are identified. For instance, she imagined an effort around invasive plants. The City Manager called it a wonderful opportunity and thanked Councilor Tobin for initiating the idea.

Next, the City Manager explained a Brownfields Assessment Grant the Monadnock Economic Development Corporation (MEDC) was pursuing. The application requires a municipal sponsor, and the City would serve in that role. This arrangement would be similar to the Community Development Block Grant (CDBG) model with the Southwest Region Planning Commission, where the regional entity works with local nonprofits to apply for and administer grants, with the City or County serving as the municipal sponsor. Under the City Manager's existing authority, she is permitted to authorize grant applications. At this stage, the City's involvement would be limited strictly to sponsorship. If awarded, the anticipated administrative burden on City staff would be minimal, consisting primarily of participation in an Assessment Coalition led by MEDC and involvement in the site selection process. The potential benefit could be significant, with at least two properties in Keene that could ultimately benefit from Assessment funding. If successful, the City Manager would return to a future City Council meeting for authorization to accept the grant and to further define the City's role moving forward.

The City Manager also presented Councilor's with copies of the upcoming Capital Improvement Planning (CIP) schedule. During the February 26, 2026 Finance, Organization and Personnel (FOP) Committee, the Finance Director and City Assessor would explain how the City's tax rate

is established, how the municipal Operating Budget and CIP process works, and how the public can participate. This session is intended to provide background information in advance of the formal CIP review, which begins at the following FOP meeting. The City Manager shared the 2026 CIP schedule:

CIP Kickoff – FOP Committee Meeting and Council Workshop

- **Date:** March 3
- **Location:** Heberton Hall
- **Time:** Council Workshop begins at 5:30 PM
 - Food available for Council, Planning Board members, and staff (coordinated by the Clerk's Office)
 - Presentations begin at 6:00 PM
- This meeting formally kicks off the CIP process. The format includes a round-robin session with project poster-board stations, followed by a PowerPoint presentation.

FOP Committee Special CIP Review Meeting

- **Date:** March 10
- **Time:** 5:30 PM
- At this special meeting, the FOP Committee conducts a detailed, section-by-section review of the CIP book.

FOP Committee Regular Meeting – Continued CIP Review

- **Date:** March 12
- The Committee continues reviewing the remaining sections of the CIP book during its regularly scheduled meeting.

City Council Public Hearing

- **Date:** March 19
- City Council holds a Public Hearing on the proposed CIP, offering an opportunity for public comments.

Final Adoption by City Council

- **Date:** April 2
- Final adoption of the CIP by the City Council has been scheduled.

The City Manager said the public is encouraged to attend these meetings, ask questions, and provide comments on proposed capital projects. Public participation is an important part of the City's long-term capital and fiscal planning process for large infrastructure projects; it is where the majority of the City's new dollars are spent.

The City Manager also reported that City staff, with support from Mayor Kahn, were working closely with the City's nonprofit partners—Southwestern Community Services (SCS), Hundred Nights, and the UCC Church—to open a winter warming shelter. Last year, Hundred Nights utilized its resource room for this purpose; however, for a variety of reasons, their Board voted not to do so this year. As a result, the City Manager said the City worked collaboratively with

this group to address both immediate needs and long-term planning required for the community's cold-weather emergency response. In the near term, the City would be partnering with Hundred Nights and the UCC Church to support an overnight warming shelter, through a Memorandum of Understanding with the City's Human Services Budget funding the staffing necessary to operate the space. The goal was to open by January 20 and operate through March 31. Longer term, the City Manager said all partners agreed on the importance of continuing these discussions to move toward a more predictable and planned approach for the future. She thanked the City's nonprofit partners—especially the UCC Church—for once again stepping up to help, as well as the Mayor and City staff for their collaboration and thoughtful, quick approach to problem solving. The City hopes that other nonprofits and churches will also contribute (i.e., volunteers, food, or supplies). The shelter hours would be 9:00 PM to 7:00 AM.

City Attorney Amanda Palmeira introduced the new Deputy City Attorney, Brandon Latham, who came from a New Hampshire municipal law firm. The City Attorney appreciated having another municipal mind on board. Deputy City Attorney Latham also brought experience working with an internship through the City of Concord, as well as with the New Hampshire Municipal Association. City Attorney Palmeira said he brought all the great experience she was hoping for and she thanked Deputy City Attorney Latham for his support. Mayor Kahn congratulated them both.

ECC REPORT - ENERGY & CLIMATE COMMITTEE RECOMMENDATION REGARDING THE COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY & RESILIENCY (C-PACER) PROGRAM

An Energy and Climate Committee report was read, unanimously recommending that the City Council amend the City Code of Ordinances to include the Commercial Property Assessed Clean Energy & Resiliency or "C-PACER" Program as a voluntary funding mechanism for energy-efficient upgrades, building insulation, cost-effective and renewable energy, and water conservation measures for development projects in Keene. Mayor Kahn referred the recommendation to the Planning, Licenses and Development Committee.

RESOLUTION - RELATING TO THE REALLOCATION OF UNSPENT BOND FUNDS FOR THE WWTP SERVICE WATER SYSTEM UPGRADE PROJECT - RESOLUTION R-2026-04

A memorandum was read from Assistant Public Works Director Aaron Costa, recommending Resolution R-2026-04 "Relating to the Reallocation of Unspent Bond Funds" be referred to the Finance, Organization and Personnel Committee for their consideration and a recommendation to the City Council. Mayor Kahn referred Resolution R-2026-04 to the Finance, Organization and Personnel Committee.

NON PUBLIC SESSION

Mayor Kahn introduced Abigail Ham the new City Hall writer for the Keene Sentinel. He had appreciated her coverage that he thought was helping the City fill positions on committees.

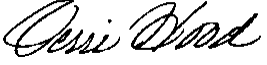
01/15/2026

A motion by Councilor Greenwald to go into non-public session to discuss litigation pursuant to RSA 91-A:3, II(e), and legal matters pursuant to RSA 91-A:3, II(L) was duly seconded by Councilor Filiault. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Workman was absent. Community Development Director, Paul Andrus, was asked to remain in the room for the non-public session. The session began at 8:16 PM.

The public session reconvened at 8:58 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 Filiault. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Workman was absent.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 9:00 PM.

A true record, attest: 
City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: February 5, 2026

To: Mayor and Keene City Council

From: Mayor Jay V. Kahn

Through: Terri Hood, City Clerk

Subject: **Confirmations - Bicycle Pedestrian Path Advisory Committee, Congregate Living and Social Services Licensing Board, Human Rights Committee, Planning Board, Trustees of Trust Funds and Cemetery Trustees**

Council Action:

In City Council January 15, 2026.

Nominations as corrected by the City Clerk tabled until the next regular meeting.

Recommendation:

Attachments:

None

Background:

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

Bicycle Pedestrian Path Advisory Committee

Jacob Robertson
20 Salisbury Road
Regular Member, Slot 6

Term Exp. December 31, 2028

**Congregate Living and Social Services
Licensing Board**

Ian Matheson
11 Court Street
Regular Member, Slot 5

Term Exp. December 31, 2028

Human Rights Committee

Jennifer Porschitz
196 South Lincoln Street
Alternate Member, Slot 10

Term Exp. December 31, 2028

Planning Board

David Bergeron
139 Old Walpole Road
Regular Member, Slot 1

Term Exp. December 31, 2028

**Trustees of Trust Funds and Cemetery
Trustees**

Michelle Howard
Reappointment, Regular Member, Slot 4

Term Exp. December 31, 2028

Heather Scheck
15 Newman Street
Alternate Member, Slot 6

Term Exp. December 31, 2028



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.2.

Meeting Date: February 5, 2026
To: Mayor and Keene City Council
From: Mayor Jay V. Kahn
Through: Terri Hood, City Clerk
Subject: **Nominations - Assessors Board, Human Rights Committee**

Recommendation:

Attachments:

1. Houston, Christine_Redacted
2. White, Thomas_Redacted

Background:

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

ASSESSORS BOARD

Christine Houston
92 Ridgewood Road
Regular Member, Slot 2

December 31, 2028

HUMAN RIGHTS COMMITTEE

Thomas M. White
86 Colonial Drive
Alternate Member, Slot 14

December 31, 2028

From: [City of Keene](#)
To: [Meagan McLaughlin](#); [Terri Hood](#); [Heather Fitz-Simon](#)
Subject: New submission from City Board or Commission Volunteer Form
Date: Tuesday, January 20, 2026 7:50:11 AM

Submitted on 01/20/2026

Submitted fields are:

Name
Christine Houston
Email
[REDACTED]
Phone
[REDACTED]
Address
92 Ridgewood Ave Keene, New Hampshire 03431 United States Map It
How long have you resided in Keene?
40 years
Employer
Greenwald Realty Group
Occupation
REALTOR
Retired?
No
Please list any organizations, groups, or other committees you are involved in
Keene Lions Club 100+ Women Who Care Ladies Charitable Society (LCS) Monadnock Board Of REALTORS - Treasurer/Secretary NH Association of REALTORS
Have you ever served on a public body before?
Yes
Please select the Boards or Commissions you would be most interested in serving on.
<ul style="list-style-type: none">Assessor's Board
Please let us know the Board or Commission that you are most interested in serving on.

Assessors Board

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

All manners of housing - I am homeowner and REALTOR.
Frequent attendee of home inspections and meetings with appraisers for my clients

Suggest other public bodies of interest

Planning or Zoning Boards

Please provide two personal references:

Name

Mitch Greenwald

Email

mg@greenwaldrealtors.com

Phone

[REDACTED]

Name

Terry Hood

Email

thood@keenenh.gov

Phone

[REDACTED]

From: [City of Keene](#)
To: [Meagan McLaughlin](#); [Terri Hood](#); [Heather Fitz-Simon](#)
Subject: New submission from City Board or Commission Volunteer Form
Date: Tuesday, January 20, 2026 11:12:57 AM

Submitted on 01/20/2026

Submitted fields are:

Name
Thomas M White
Email
[REDACTED]
Phone
[REDACTED]
Address
86 Colonial Drive Keene, New Hampshire 03431 United States Map It
How long have you resided in Keene?
62 years
Employer
Self
Occupation
Educational Consultant
Retired?
Yes
Please list any organizations, groups, or other committees you are involved in
Association of Holocaust Organizations - Board Member
Have you ever served on a public body before?
Yes
Please select the Boards or Commissions you would be most interested in serving on.
<ul style="list-style-type: none">Human Rights Committee
Please let us know the Board or Commission that you are most interested in serving on.
Human Rights Committee.
Please share what your interests are and your background or any skill sets that may apply.
I have served as a teacher at Keene High School (16 years) and the original Coordinator for Educational

Outreach at the Cohen Center for Holocaust and Genocide Studies at Keene State College. I have been engaged with community activities including a city leadership coffee group and an annual Kristallnacht Remembrance. I am a facilitator committed to human rights.

Suggest other public bodies of interest

Community Kitchen

Please provide two personal references:

Name

Paul Vincent

Email

pvincent@keene.edu

Phone

[REDACTED]

Name

Jay Kahn

Email

[REDACTED]

Phone

[REDACTED]



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: February 5, 2026
To: Mayor and Keene City Council
From: Jon Loveland
Through: Terri Hood, City Clerk
Subject: Jon Loveland - Concerns Relating to the Downtown Infrastructure Project

Recommendation:

Attachments:

1. Loveland_Communication_redacted

Background:

Mr. Loveland has submitted a letter with continued concerns related to the proposed Downtown infrastructure Project, including liabilities related to aspects of the planning and approved design.

Monday, January 26, 2026

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

cc: Full City Council
Mitchell H. Greenwald, Chair, Municipal Services, Facilities & Infrastructure Committee
Randy Filiault, Chair, Planning, Licenses and Development Committee
Thomas F. Powers, Chair, Finance, Organization and Personnel Committee
Amanda Palmeira, City Attorney
Elizabeth A. Ferland, City Manager
Terri M. Hood, CMC, City Clerk
George Downing, Project Ombudsman

via Electronic Mail

RE: Downtown Infrastructure Project – Legal Liability and Concise Summary for New Council Members

Dear Mayor, City Clerk, Members of the Keene City Council, City Attorney, and Ombudsman:

The purpose of this most recent letter to Mayor, City Council, and Staff regarding the Downtown Infrastructure Project is to review:

- 1) The liability to the City this project has created as result of flawed processes, communications, means and methods, and the known defects in design of the bicycle lanes included in the City's approved design, and
- 2) To review the long and demonstrable deficiencies in management, technical design and cost estimating, and consulting advice for this project emanating from the conduct and adopted outcomes of the "Mayors Ad-Hoc Steering Committee" beginning in 2022 and then continuing in other areas.

For the newest members of the City Council and City Staff, and in the service of transmittal economy, my relevant biography and background was described in my first letter to Mayor and Council, dated January 3, 2023 (see attached or access this link: <https://www.dropbox.com/t/e464EUh2vbGY9nTC>). The substance of my original letter has aged quite well. For convenience, this folder contains a compendium of my prior letters to the City that underpin the scientific basis of my risk analysis and the surplus risk inherent in the City's design (<https://www.dropbox.com/t/ZtRn4IpdiambzCOI>)

Legal Liability Created

Given the sheer numbers of known prospective parties and users involved and the density of Downtown Keene, it is only a matter of **IF**, not **WHEN**, a cyclist, pedestrian, or the occupants of a motor vehicle are injured as result of the design features of the bicycle lanes in your current design for Downtown Keene. When a suit is brought against the city, one of the legal principles that will be considered in the case is the “Hand Rule” or “BPL Formula” for assessing negligence and breach of standard of care. This framework was described by Judge Learned Hand in a case before the 2nd Circuit Court of Appeals titled ***United States v. Carroll Towing Co.*** (159 F.2d 169 (2d. Cir. 1947)).

This framework and test conditions have been distilled into a formula:

$$PL > B, \text{ where}$$

P = Probability of Loss,

L = Gravity of Loss,

B = Burden (Cost) of taking precautions (including design features).

Based on this easily understood formula, a jury will find that the City has failed to meet its standard of care:

- 1) The Probability of Loss due to a collision is dramatically (exponentially in fact) increased based on your known infrequency of collisions with the current design (the “sharrows” in the street where a cyclist is visible and there are exponentially fewer pedestrians) versus the known or predicable increase in probability based on the number of vehicle parking spots, pedestrians, uncontrolled street crossings, vehicles, density of businesses and residences, obstructed views, and reduction in reaction times for all of the crossings in your current design.
- 2) The Gravity of Loss includes a range of unstudied injuries but is known or should be known to include ***human fatalities*** in other situations that are substantively similar to the City's design.
- 3) The Burden includes a set of unstudied and/or unimplemented bicycle lane design features and includes a set of remedies that the City has knowingly (or could be known) not implemented to meet this standard, including signals and barriers for all parties (vehicles included) and to protect all parties. ***The City has clearly stopped short of what could be done, likely in large part because the proper remedies that would render this particular bicycle lane design safe would neuter their utility to the point of insignificance while significantly exacerbating every other known priority for the Downtown Project that has been clearly communicated to the City by the citizens of Keene (in short the very definition of a knowingly infeasible design).***

As I have suggested to the City numerous times, an independently reviewed bicycle lane design and safety study and an independently reviewed Downtown Keene traffic study should have been

conducted for this project given the truly unprecedented bicycle lane design features of the City's Downtown Infrastructure Project design. If the City wants to invoke the safety benefits of protected bicycle lanes, then they need to include the design features of protected bicycles lanes, and the City has not.

I would like to thank Councilor Haas for his public acknowledgement of these facts. In multiple statements before the September 3, 2025 MSFI Committee Meeting (see attached or access this link: <https://www.dropbox.com/t/yS7AsD7385qgkd5j>), Councilor Hass stated that he and other members of City's BPPAC were aware that the City's design is: 1) not truly a set of protected bicycle lanes and that they are a "special situation", 2) that the unique and I believe singular design features of the City's design defy categorization and analysis based on any other professional and industry categorization, and 3) the City's bicycle lanes are "unique and special." ***Indeed, Councilor Hass stated that the City's bicycle lanes are in fact "more like sidewalks dedicated to bicycles."*** (page 19). In this regard, I agree with Councilor Hass that the City's bicycle lane design is tantamount to placing bicycle lanes in city sidewalks and have stated this previously to the Mayor in person and in writing to the City. Unfortunately, this acknowledgement should lead to the decision previously made by this City and so many other cities in this type of setting that the safe thing to do is to require that cyclist's dismount and walk like every other adjacent pedestrian.

I would point out that there are numerous statements in these minutes that prove that Mr. Lussier is aware he is placing a vehicular roadway in a sidewalk. In fact, the sidewalks do NOT exist separately from the bicycle lanes and the City's design allows and encourages pedestrians to cross the bicycles lanes from their parking spots.

Brief History and Summary of this Project

For the new members of the City Council, here are some of the most egregious issues associated with the Downtown Infrastructure Project. All of these issues are presented and analyzed in detail in the numerous letters I have submitted to the City as the Project progressed and can be found in the City's Agendas and other documents and communications to the City.

- 1) The "Ad-Hoc" committee suffered from what I believe is clear political and managerial interference. It considered and studied over a significantly extended period of time a number of design options that should have been considered and dismissed as infeasible in very short order (for instance, the "mini-roundabout" option). Moreover, it selected an option, that according to the evaluation framework established by the City's consultant, was not even the top ranked option (Slide 25, 9/28/2022 Consultant Presentation, see attached or access this link: <https://www.dropbox.com/t/BB9A1GD8XkBYxsRw>). Finally, with respect to the issue of bicycle utilization in Downtown Keene, the City's consultant made very obvious and extreme exaggerations of bicycle utilization to justify the inclusion of this design feature. Finally, and most notably, this initial planning evaluation, but ***nonetheless the process from which a final design was selected, did not consider safety.***

- 2) The City did not timely, widely, or easily disseminate the bicycle use information it collected in 2022 and therefore this information was not a deservedly prominent feature of its public engagement process prior to final design adoption. I highlighted this bicycle use data, in conjunction with the pedestrian and vehicle use data and the current design features to highlight the safety and cost/benefit deficiencies to the USDOT, and the City should consider all elements (cost and safety) of the USDOT grant decision(s).
- 3) Where traffic studies were once a priority to justify Ad-Hoc Committee design options, no such traffic study has been conducted on the final design that was adopted. This design will have a ***significant and material adverse effect*** on traffic congestion and wait-times for all manner of traffic movement in Downtown Keene. You cannot remove motor vehicle travel lanes, reduce the widths of the remaining travel lanes, and reduce the width of all parking spaces and not produce a negative impact to traffic circulation. The City should have studied, over time, the turning movement count (TMC), speed, and line-of-sight for every turning movement indicated in their design.
- 4) The extraordinary step the City took to gain approval of this project by circumventing the traditional MSFI committee review and approval process.
- 5) The schedule delays and budget expended for this project in the planning and design studies speak for themselves. This project should have been a simple buried infrastructure project with very simple surface modifications related to new technologies, as clearly indicated in the documented preferences of the citizens of Keene. The delays associated with the planning for this project highlight how controversial it is due to its design features, whether these issues have been considered explicitly by the citizens of Keene or not.
- 6) The construction elements of this project do not adequately consider the impact to Downtown Keene businesses, nor does the project take the widely practiced and prudent steps possible to minimize and mitigate these impacts. The sum total of the direct and indirect costs of this project as currently designed and implemented is extraordinary and avoidable. In addition, the recent and very large construction cost estimate/bid disparity (over 47%) is prima facie evidence of design, construction cost estimating and procurement mismanagement.
- 7) The budget increases and budget manipulation for this project indicate clear mismanagement and lack of experience. As I noted on the record in early 2023 (for instance on the Keene radio interview I gave), it has been obvious from the beginning that the City's budget evaluations were inadequate and severely underestimated at every stage, and I won't speculate as to the reasons for this fact. I also noted the obvious budget manipulations to USDOT. This will continue into the future, as I am certain given the City's current design (including traffic control, staging, and the limited number of headings) and procurement methods, ***that the City will experience schedule extensions, numerous change orders, and significant cost overruns that, like what has been previously presented to the city, dwarf whatever metrics and costs are being presented to the City now.***

In summary, the citizens of Keene deserve better. This project should look very different were it to serve and reflect the citizens of Keene documented priorities while keeping all users of Downtown Keene safe. In addition, had this project focused on these priorities and utilized industry standard techniques without politicization, then this project would only take a year to construct, and this project would have been studied, undergone public outreach, and been designed, constructed, and, after almost 4 years (with associated expenditures) having passed, in operation now.

I sincerely hope that the City modifies the design of the Downtown Infrastructure Project and avoids their liability and modifies their management techniques at all levels from the Mayor and Council through the City Manager and down to the most junior planner and engineer to expedite this needed buried infrastructure project.

Sincerely,



Jonathan P. Loveland, PE
Irvine, CA

[REDACTED]
[REDACTED]

Cc: jfavolise@keenenh.gov
kroberts@keenenh.gov
rwilliams@keenenh.gov
ehaas@keenenh.gov
blake@keenenh.gov
mellis@keenenh.gov
ltobin@keenenh.gov
cworkman@keenenh.gov
tpowers@keenenh.gov
pjones@keenenh.gov
bchadbourn@keenenh.gov
rfiliault@keenenh.gov
mgreenwald@keenenh.gov
mchalice@keenenh.gov
lruttle-miller@keenenh.gov
Eferland@keenenh.gov
Edragon@keenenh.gov
thood@keenenh.gov
downing@keenenh.gov



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: February 5, 2026

To: Mayor and Keene City Council

From: Councilor Catherine Workman

Through: Terri Hood, City Clerk

Subject: **Councilor Workman - Request for Review and Update of 2019 Inter-Agency Memorandum of Understanding Involving Local Law Enforcement Partners**

Recommendation:

Attachments:

1. Workman_Communication

Background:

Councilor Workman is requesting that the 2019 inter-agency Memorandum of Understanding (MOU) involving local law enforcement partners be reviewed and updated to include clearer operational language, defined roles and authorities, and a formal schedule for periodic review and renewal.

February 3, 2026

Dear Mayor and Members of the Keene City Council,

We are writing to respectfully request that the 2019 inter-agency Memorandum of Understanding (MOU) involving local law enforcement partners be reviewed and updated to include clearer operational language, defined roles and authorities, and a formal schedule for periodic review and renewal. This request is time sensitive and germane to city business as it governs daily activities related to public safety. The MOU has not been updated since 2019. Even before Covid, which we believe is too long for such an important agreement. We request this matter be referred to the Finance, Operations, and Personnel (FOP) committee for updating, and an opportunity for public input.

Recent police activity supposedly executed under this MOU have called it into question as to operations beyond jurisdictions. For both transparency and community trust, we believe the current 2019 MOU would benefit from additional language that addresses:

- **Reporting requirements** for activities conducted under the agreement.
- **Defined frequency of review**
- **Public transparency provisions**

If state statute limits the ability of the City Council to direct modifications to police policy or compel the Chief of Police to renegotiate such agreements directly, we respectfully suggest that the Council consider alternative measures, such as:

- Requesting **formal periodic briefings** regarding deployments and interagency agreements.
- Establishing a **Council resolution** that outlines expectations for MOU review and transparency.

Thank you for your thoughtful consideration of this request.

Respectfully,



Councilor Catherine Workman



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: February 5, 2026
To: Mayor and Keene City Council
From: Mark Rebillard
Through: Terri Hood, City Clerk
Subject: **Mark Rebillard/Keene Downtown Group - Request for Community Funded Event Status - Series of Small Scale Festivals During Downtown Construction**

Recommendation:

Attachments:

1. Rebillard_Communication_Mini-Festivals
2. Community Funded Event Application

Background:

Mark Rebillard of the Keene Downtown Group has submitted a request that the City Council suspend its Policy relating to Community Event Funding, to provide funding towards City services needed for the proposed series of mini-festivals slated for summer 2026 during phase I of the Downtown Infrastructure Project.

Mark Rebillard

Chairperson
PO Box 80
Keene, NH 03431
(603) 439-0321
Mark@DeepRootsMB.com



February 2, 2026

Keene City Council

Mayor Jay Kahn & Keene City Council
3 Washington Street
Keene, NH 03431

Dear Mayor Kahn and City Council,

On behalf of a partnership between the Keene Downtown Group (KDG) and the Colonial Theatre, I ask the City of Keene to grant licenses and allocate the city resources required for two to six small, limited-size festivals to be held in Downtown Keene throughout 2026. Each one-day festival will feature live stage performances, sidewalk sales, buskers, vendors, and craft areas. We are seeking an in-kind donation of reserved parking spaces, limited street closures, and the necessary police, fire, and public works resources, so that they may be conducted effectively, economically, and safely.

These festivals are part of a Colonial KDG collaborative project called "Dig Into Keene", a three-part plan to keep downtown vibrant and active during the planned construction phases. Suggested dates for these festivals in 2026 include the following Saturdays: April 4, June 13, July 25, September 12, October 1, and November 27. These dates would be subject to change depending on artist availability, construction concerns, weather delays, and other considerations that may arise as our group works closely with the city protocol team.

Thank you for your consideration.

Sincerely,

Mark Rebillard



City of Keene
New Hampshire

COMMUNITY FUNDED EVENT APPLICATION

Applicant Information

Date completed:

Sponsoring Organization:

KEENE DOWNTOWN GROUP

1. Is your organization incorporated as a non-profit?

501(c)3



YES



NO

Please provide date of incorporation/founding date:

10/21/2025

2. Has your organization received community funding in the past for this or other events? Please indicate other events.



YES



NO

KISE

3. Please provide copies of the following financial statements for your organization:

- Profit & loss statement for previous fiscal year
- A current balance sheet

Proposed Event Information

(Funding Request for events in fiscal year 2027 – July 1, 2026 to June 30, 2027)

Name of Event:

MINI FESTIVALS

Anticipated Event Date(s):

4/4, 6/13, 7/25, 9/12, 10/10, 11/27

1. Does your event take place on public property? (Please indicate location(s) below)

FOCUS ON RR SQUARE

2. Is your event a leisure time activity that is open to the public free of charge?



YES



NO

If NO, provide information regarding anticipated admission charges as part of event budget documentation.

3. Has your group successfully run this event two consecutive times or more prior to this request?



YES



NO

When did this event receive community funded event status?

4. Choose one of the available event footprints for FY 26-27 that are described on the separate footprints in 2026 Downtown Events Planning document

- ☐ Option 1: Large Event with Road Closures
☐ Option 2: Medium Event with Road Closures
☒ Option 3: Small Event with Road Closures

Please note: Alternative event footprints will not be available. Event layouts cannot extend north of Gilbo Avenue and Railroad Street.

5. Confirm whether anticipated event scope (activities planned) as described on this application and associated submittals will be the same as the prior year or most recent event. Describe anticipated support to be provided for set up, break down and event security by event sponsor.

Event scope has changed? ☐ YES

☐ NO

N/A

KAG & SPONSORS PLAN TO HANDLE ALL
EVENT LOGISTICS.

ROAD CLOSURE OF RAILROAD ST.

AND USE OF RR SQUARE ANTICIPATED.

PARTIAL CLOSURE OF MAIN ST. NEEDED
FOR TUMANTI STYLE ANIMAL RACE

6. Does your event appeal to a cross-section of the community? (Please explain briefly)

EVENTS ARE NON-PARTISAN, NON-GROUP SPECIFIC
WHATSOEVER

7. What is the anticipated total budget (exclusive of in-kind services) that will be required for the upcoming event?

-0-

8. List anticipated funding sources, their level of funding and the percentage of the total event budget. *Demonstration of progress toward fundraising may be required.*

KDG revenues and sponsors by event

9. How much financial assistance is requested from the City?

\$ -0-

10. Please explain why financial assistance is needed from the City.

in-kind only

Required Submittals

Your application for Community Funded Event status must include the following documents:

1. The following documents for your organization:
 - a. List of current board members.
 - b. Profit & loss statement for previous fiscal year.
 - c. A current balance sheet.
2. Documentation detailing the costs incurred and revenue generated by this event last year or when last conducted (excluding community funding received from the city).
3. Documentation demonstrating your organization's efforts to raise monies through other sources for last year's event. Please include all donations received and the names of major sponsors.
4. Use of City Property 2026 Application
5. A signed letter addressed to the Mayor and City Council requesting an event license.

I hereby certify that it is our organization's intent to conduct similar fund-raising activities to support our upcoming event, and that all information included on this application is true and accurate.

]
Signature of Officer

(For office use only)

Date Received: 02/03/2026 By: Terri Hood

Date Forwarded to Finance Department for Review: To City Council 02/05/2026

Final Disposition of Request: _____

Finance Department Signature



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.4.

Meeting Date: February 5, 2026
To: Mayor and Keene City Council
From: Mark Rebillard
Through: Terri Hood, City Clerk
Subject: **Mark Rebillard/Keene Downtown Group - Request for Community Funded Event Status - Keene 250th Independence Day Celebration - July 4, 2026**

Recommendation:

Attachments:

1. Rebillard_Communication_250th Celebration
2. Community Funded Event Application-Monadnock 250

Background:

Mark Rebillard of the Keene Downtown Group has submitted a request that the City Council suspend its Policy relating to Community Event Funding, to provide funding towards City services needed for the proposed Keene 250th Independence Day Celebration on July 4, 2026.

Mark Rebillard

Chairperson
PO Box 80
Keene, NH 03431
(603) 439-0321
Mark@DeepRootsMB.com



February 2, 2026

Keene City Council

Mayor Jay Kahn & Keene City Council
3 Washington Street
Keene, NH 03431

To the Honorable Chair and Members of the Council:

As the licensee for the Monadnock 250 Independence Day Celebration, I am writing to ask you to suspend City policy to provide funding for this event. Many of you on the Council may recall the festivities of our nation's Bicentennial, and our hope is that this event will create the same kind of memories. As the county seat of Cheshire County and the jewel of the Monadnock Region, it behooves Keene to put on a celebration that will be remembered for many years.

That said, we have carefully planned to keep the event low-cost. We anticipate mostly rolling road closures for the parade (with a temporary closure on Baker Street). We have made every effort to avoid peak construction areas. We have worked with Public Works, Keene Fire, and Keene Police to ensure that the event does not overwhelm strained resources on a holiday.

You will find supporting documents in your packet. I urge you to support us in making the 250th anniversary of America one that will be remembered in Keene for the next 50 years and more.

Sincerely,

Mark Rebillard



City of Keene
New Hampshire

COMMUNITY FUNDED EVENT APPLICATION

Applicant Information

Date completed: 01.24.25

Sponsoring Organization: Keene Downtown Group

1. Is your organization incorporated as a non-profit?



YES



NO

Please provide date of incorporation/founding date: 2010

2. Has your organization received community funding in the past for this or other events? Please indicate other events.



YES



NO

3. Please provide copies of the following financial statements for your organization:

- Profit & loss statement for previous fiscal year
- A current balance sheet

Proposed Event Information

(Funding Request for events in fiscal year 2027 – July 1, 2026 to June 30, 2027)

Name of Event:

Monadnock 250

Anticipated Event Date(s):

July 4, 2026

1. Does your event take place on public property? (Please indicate location(s) below)

Main Street - Approximately Railroad Street to Bruder Street

2. Is your event a leisure time activity that is open to the public free of charge?



YES



NO

If NO, provide information regarding anticipated admission charges as part of event budget documentation.

3. Has your group successfully run this event two consecutive times or more prior to this request?



YES



NO

When did this event receive community funded event status?

4. Choose one of the available event footprints for FY 26-27 that are described on the separate footprints in 2026 Downtown Events Planning document

- ☐ Option 1: Large Event with Road Closures
☒ Option 2: Medium Event with Road Closures
☐ Option 3: Small Event with Road Closures

Please note: Alternative event footprints will not be available. Event layouts cannot extend north of Gilbo Avenue and Railroad Street.

5. Confirm whether anticipated event scope (activities planned) as described on this application and associated submittals will be the same as the prior year or most recent event. Describe anticipated support to be provided for set up, break down and event security by event sponsor.

Event scope has changed? ☐ YES ☒ NO

We will organize volunteers for set-up and breakdown. We will rely on city police, fire and public works for safety.

6. Does your event appeal to a cross-section of the community? (Please explain briefly)

Yes - we are celebrating the founding of America, which ultimately brought us all here together in the Monadnock Region. We plan for this to be a multi-cultural, inclusive event.

7. What is the anticipated total budget (exclusive of in-kind services) that will be required for the upcoming event?

\$50,000

8. List anticipated funding sources, their level of funding and the percentage of the total event budget. *Demonstration of progress toward fundraising may be required.*

While early in our fundraising, we have many connections to local organizations and philanthropists who have expressed interest in giving. SBW and Fenton Family Dealerships have pledged funding.

9. How much financial assistance is requested from the City?

\$ 0 Cost of needed City services

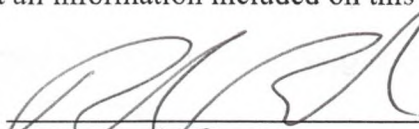
10. Please explain why financial assistance is needed from the City.

Required Submittals

Your application for Community Funded Event status must include the following documents:

1. The following documents for your organization:
 - a. List of current board members.
 - b. Profit & loss statement for previous fiscal year.
 - c. A current balance sheet.
2. Documentation detailing the costs incurred and revenue generated by this event last year or when last conducted (excluding community funding received from the city).
3. Documentation demonstrating your organization's efforts to raise monies through other sources for last year's event. Please include all donations received and the names of major sponsors.
4. Use of City Property 2026 Application
5. A signed letter addressed to the Mayor and City Council requesting an event license.

I hereby certify that it is our organization's intent to conduct similar fund-raising activities to support our upcoming event, and that all information included on this application is true and accurate.



Signature of Officer
MARK REBIWARD - CHAIR

(For office use only)

Date Received: 02/03/2026 By: Terri Hood

Date Forwarded to Finance Department for Review: To Council 02/05/2026

Final Disposition of Request: _____

Finance Department Signature



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: February 5, 2026
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **Monadnock View Cemetery Expansion Project**

Recommendation:

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends accepting the Monadnock View Cemetery Master Plan Design, as provided by Grever & Ward, as informational.

Attachments:

None

Background:

Chair Greenwald asked to hear from staff. Carrah Fisk-Hennessey, Parks & Recreation Director, introduced Frank “Pepper” Anderson, Parks & Recreation Superintendent, and consultant David Ward of Grever & Ward. She asked Mr. Ward to present.

David Ward, participating remotely, stated that Grever & Ward has specialized in cemetery design and planning work for the past 50 years. He continued that they work mainly in the northeast and eastern US but have worked all over the country. In February, they were invited to submit a proposal for the City of Keene. In June, they were authorized to move forward with a master plan and site visit. What was unique about this project, for Grever & Ward, was that Keene had a large area, over nine acres, in the frontage of the cemetery. It is not unusual to have unused space in the front of a cemetery, but usually it is not such a large space. This is a nice, visible site from the outside of the property. There is good quality land, which is also unique. Many times, the last part of cemetery land is some of the toughest land, whereas this is flat ground that is good for operations, with very good, highly drained soils, which is good for cemetery use. The only issue will probably be turf maintenance with irrigation, but it is a good situation overall.

Mr. Ward showed an image of the design, part of the Master General Plan, and stated that on a site this large, they try to break it down into more usable sections. The sections are road loops that are self-contained and can be individually developed as needed. The team developed phases, based on proximity to the current cemetery and some other factors as far as ease of development. For each phase, they projected a number of graves, as a benchmark so Keene knows what their future availability will be. He showed an aerial rendering of the design. He continued that something the

team thought was particularly important on this “blank canvas” is to have a strong focal point or nucleus for the design. They did that by including a circular feature that is almost a roundabout road system, with the other sections radiating out. They felt that a good feature, also practical, would be what they refer to as a “committal shelter,” in this case, an open-sided gazebo. Many cemeteries are starting to have committal services for burials in a central location rather than at the graveside, due to liability reasons or poor weather conditions, for example. Such a committal shelter has a practical purpose as well as visual appeal. They looked at enhancing it with some radial columbarium's, which are niche cabinets. People purchase one niche at a time. They are granite-covered, with sort of a honeycomb interior. The names are either engraved or put on the outside of the niche as a possibility for memorializing. He continued that the photo shows a typical unit, premanufactured units which are dropped into place with a crane. The advantage with this type is that they are more economical because they come preassembled, and relatively easy to install. Another option, which he has an example photo of, is customized niche walls. They are built on site, designed from scratch and meant to fit particular sites, maybe using materials common to the area, to give a “home” feeling to the development. They are similar to the premanufactured ones, one-foot niches with memorialization on the surface.

Mr. Ward continued that there are many options with this. The reason he is talking about cremation is because it is a big part of cemetery development nowadays. It is the biggest change in cemeteries that has happened during his lifetime. Another photo shows the option of a niche wall/memorial wall, and the internments are made in the ground in front of it. In New England, Grever & Ward has been designing cremation gardens for about 30-40 years, before they became popular. They have done several developments where they have tried to blend the cremation area into the regular cemetery. A photo shows individual cremation plots with monuments that are meant to blend in. There are many options, once the cemetery is under construction, for planning the individual burial space.

Mr. Ward continued that the team did a Master Grading and Drainage Plan, and they should note that this is schematic drainage only; it is not designed in detail at this point. With the grading, they are trying to make sure that water runs off to the roads where it is collected by the drainage system, and it always looks nicer to lot owners to have these elevated panels of space, one or two feet above the road, so the lawn areas are not just an extensive flat area. When people buy lots, they seem to really appreciate it having kind of an elevated appearance. The road system has high and low points, and at the approximately six low points, the team hopes the City can get involved with infiltration of storm water, dry walls or leach chambers that put storm water directly back into the subsoil. They have the soils for it, if they are correctly identified. The engineers will have to take these locations and go into the more detailed design of those systems. This is a framework they can work from, either as a whole or in phases. Showing another image of the high and low points, he continued that the challenge with any flat site is making water run in any direction, so the team has very gentle high and low points planned for the development.

Mr. Ward continued that they calculated earthwork needs based on the plan and determined that about 8,000 cubic yards of fill would be needed. It sounds like a lot, but it is only about six inches of soil over the entire site. What is unique about cemeteries is that they gradually generate fill over time, about a yard and a half of surplus soil from every burial made with a full-sized vault. Grever & Ward always tries to plan for that to be used within the site rather than being trucked out of the cemetery or to a mound somewhere in the back, which happens often. This particular plan is meant to somewhat balance, avoids the cost of purchasing fill, hauling fill in, and wear and tear on the roads. Plus, they have control over the quality of the fill because they are using the soil already on

site. It is a better system, in terms of quality and drainage.

Mr. Ward continued that one of the things the team was asked to include, and which they probably would have suggested anyway, was an alternate entrance/exit, a controlled exit. These are good for many reasons. They can be used for exiting funeral traffic, to keep the flow going through the cemetery after funerals. Someone brought up the fact that many people go for walks in the cemetery, and it might be a good gateway for them to enter, rather than competing with traffic. It would be good to also consider using it as the primary entrance in the future. It is better to just have one primary entrance, and the day may come when the City is fully using this area and this becomes the primary entrance, and the current entrance would be the controlled one. By "controlled," he means there is a gate that is usually closed, which the cemetery could open as needed for an event. To be a permanent entrance, it should have a widened road and would typically have decorative gates and wing walls with mounted, backlit signage. There are many possibilities with that, but by keeping the options open in this area for the future, they could use it for a temporary, controlled exit/entry now, and in the future, it could possibly become the main entrance.

Mr. Ward continued that regarding projections, one advantage of the Master Plan is they can project numbers of internments over the years, and they came up with about 5,700 graves. If it were to be done like this, he thinks the total internments would be much more because of the growth of cremation. Cremation includes probably five or six times the number of internments in the same given area that full-size burial lots do. If Keene is at 50% cremation right now, which he thinks is what he heard during the original meeting, that will probably grow, so some of this space will undoubtedly be converted to cremation-type uses. Approximately 73% of the land is purely interment space; that is a high conversation rate by most standards because they are not necessarily having to get into things like detention ponds, hopefully, because of the existing soil conditions.

Mr. Ward continued that Grever & Ward was asked to provide an overall cost estimate for the whole 9.4 acres, which they did. Contractors do the bulk of the work, site preparation, earthwork, and drainage. Drainage will probably be the biggest variable, and this figure might be undershot at this point, until the drainage is engineered. Drainage typically goes up in cost, not down. The cost estimate also includes other items, foundations for structures, pavements for the roadways and walks, lawn preparation, general landscaping, major trees, and other improvements such as the gazebo. At the end of the cost opinion, they have a City cost index, showing that Keene is about 6% lower in cost than the country's average, which is good. They applied that, which deducted a portion of the total cost. Then, they have a fairly large contingency, because it is a low-detail planning effort right now, of about 20%, just for unknowns. Their estimate is about \$1.5 million for the whole 9 acres of infrastructure. There are many finishing costs involved with developing and laying out the burial sections and things like that, but for getting the basic infrastructure there, that is the projected cost. It is about \$164,000 per acre, which gives them an idea of what it would be to cut this in half, roughly. Then, they look at the site development cost per grave, which comes out to about \$270 per grave. That is useful in comparing what the pricing is on graves in the future. Many cemeteries do not allow for site development when they set their grave prices; it is common to just match prices in the area, but it is good to know what portion of the cost of the grave should be going to future site development. The only other exclusions, and one other large one, is irrigation, because this is a very well-drained soil type and they know the City has already been talking about irrigation. That level of detail is beyond the Master Plan other than just the main supply lines.

Carrah Fisk-Hennessey, Parks & Recreation Director, stated that staff wanted to bring this to the MSFI Committee because they need to identify the different infrastructure changes that will be

happening within the city limits, and the Monadnock View Cemetery is an area they need to focus on because it is running out of space very quickly. She continued that they currently have two cremation spaces left in the burial area, and 39 full-body burial spaces left. That excludes the Jewish section, which has about 160 spaces and is thus in good shape. When they talk about future planning, this plan as currently depicted would last about 60-65 years. As Mr. Ward mentioned, knowing that many of these burial lots will be converted to cremation spaces and that would triple the amount of space available. They presented to the Trustees this morning. This will be a Trustee-funded project, and part of the CIP, as they are moving forward. When a cemetery spot is sold, the money goes to the Trustees for perpetual care, so the Trustees have this pocket of money for instances like this.

Chair Greenwald asked if the Committee had questions or comments. Hearing none, he asked if members of the public had any questions.

Chair Greenwald stated that the cemetery is very attractive, and it is run very nicely. Mr. Anderson replied that the team works very hard at it, so he appreciates the feedback and will relay that to the team.

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

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends accepting the Monadnock View Cemetery Master Plan Design, as provided by Grever & Ward, as informational.

Chair Greenwald stated that at the next City Council meeting, he will be away, so Councilor Workman will be giving the MSFI Committee's reports.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: February 5, 2026
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: Presentation - Public Storm Response Maps

Recommendation:

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends accepting the presentation from Public Works on Public Storm Response as informational.

Attachments:

None

Background:

Public Works Director Don Lussier introduced himself and Mitchell Smith, Highway Operations Manager. He continued that he and Mr. Smith have a slide presentation for the Committee tonight. The first thing they wanted to talk about is something that Harry McKelvey started before Mr. Smith took over when Mr. McKelvey retired. The Council expressed a desire and goal to do more with public communications and being more transparent about City operations, so one of the things the Public Works Department wanted to test drive – which is very much a work in progress, and which other communities have done – is showing the public where the snow plows are operating and where they have been over the past 4 to 12 hours. The Department deployed this at the very end of last winter season but did not yet have the kinks worked out. Now, they are ready to show it to the Committee. If you go to the Public Works Department's webpage from the City's website, you will see "Snowplow Tracking." Clicking that brings you to two links, a coverage map and a current plow location map. Clicking "Current Plow Locations" brings you to a map that shows where the snowplows are. At the moment, they are not plowing, but salting. The map shows the snowplows' names, which were chosen by youth from the Community Night event in the fall. About 12 of the main plows have been named, such as "The Snowtorious B-I-G" and the "Blizzard of Oz," which are active in the city right now. You can zoom in on the map and see where the plows are. There is about a five-minute delay in the time it takes for the plow to report to the database and for the database to refresh. The Snowtorious B-I-G is currently salting on Elm St., and the Blizzard of Oz is about to turn onto Davis St. The other link shows where the plows have covered over the last period of time. The default is the last 24 hours, but you can choose the last four hours or eight hours. You will see, in the past eight hours, there have been about 1,000 trips to the snow dump. The crew was picking up the piles today, so they were going back and forth from downtown to the snow dump. During a snowstorm, you would see that as the snowstorm continued, all these lines would get filled in as the

plows hit all of the streets.

Councilor Favolise stated that he has a question related to downtown storms, but not necessarily to the plow map. He continued that one of the changes the Council made, starting last year, was the downtown winter parking ban being lifted. Regarding communication with the public, that was one of the Council's priorities, more than enforcement in the first year. He asked if the Public Works Department has seen good compliance this year. He has seen a few parking bans issued. Mr. Lussier asked how many vehicles they have had to tow. Mr. Smith replied "a lot". He continued that he would say more than when they had the regular winter parking ban. Mr. Lussier added that to that end, they have added a couple of tools to the toolbox. He continued that the City has deployed the system where they can now participate with the State's emergency notification system, so they are using that and pushing out messages. They are experimenting with the formatting to make it clearer and easier to read and understand. The other tool is one they may have seen on Gilbo Ave., where the Department put up a couple of signposts. It labels the names of the lots, routinely. During the snow parking bans, they hang a little banner there. The website has photos showing what those signs look like for the Gilbo East lot and the Commercial St. lot on the south side of Gilbo Ave. There are two signs the Department can post. One says, "PARKING BAN TONIGHT, No Overnight Parking," and the other says that a parking ban is in effect and it is okay to park overnight there. That way, people have that real-time visual cue reminding them of where they are supposed to park that night. When there is a parking ban in effect, those banners go up. It is still incumbent on the people that are parking on the street to take advantage of one of the several ways the City has to let them know. The Department sends out the information using the Constant Contact email notifications, social media, the State's emergency notification system, and the City's website. So, there are many ways they are trying to get the word out, but they are definitely seeing more issues than when everyone knew they could not park on the street overnight.

Chair Greenwald stated that the signs are excellent. He continued that he thinks they will be very helpful when it is not snowing. He could never figure out which lot to tell his tenants to park in; it was confusing. But they could read those signs. Mr. Lussier replied that last year, the Highway Division had tried to do this and got quotes for fabricated signs. Originally, they had talked about doing changeable message boards so they could use those for events, too, but the price was absolutely absurd. Having the signs fabricated would still be very expensive, so he did some sketching and gave it to Mr. Smith and his team, and Public Works staff built those signs. The total cost was just under \$1,000 for the two signs. It was very cost effective, and they look nice. Come spring when the wood dries out, they will put on a coat of stain to seal them so they will stay looking good.

Councilor Tobin stated that when she saw the plow coverage map and the current plow locations, it was not what she expected. She continued that she expected to be able to see where the plow is coming from and where it is going to - that is, a little bit of the route. For the coverage map, she expected it to be more about the priority locations, not just lines going back and forth, so she could get a sense of where the plow would be going next and when she could expect it to get to her. Mr. Lussier replied that the system is not everything he wishes it was, and he and Mr. Smith have talked about looking at alternatives. He continued that this is a service the Council wants to be able to provide to the public, and he and Mr. Smith think it is worth continuing, and would like to look at other vendors to see what else is available. The coverage map, in particular, is one he does not think is as helpful as some of the other versions he has seen. Some of the other versions offer what is like a "color-coded bread crumb trail" that shows where the plow went over the last period of time. It will fade over time, so if your street has not been plowed for eight hours, say, that colored line will

be very light, but if it was just plowed, it will be a dark/bright line. That gives you a better sense of how recently your road was plowed and when you could expect to see a plow again.

Chair Greenwald asked if there were any further questions. Hearing none, he asked for a motion.

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 accepting the presentation from Public Works on Public Storm Response as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: February 5, 2026
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 that the City Manager be authorized to do all things necessary to incorporate the scope of the work and the contract restriction changes into the Downtown Infrastructure Project bid documents, as presented, and to re-bid the project for construction beginning in the spring of 2026.

Attachments:

None

Background:

Chair Greenwald stated that as he thinks everyone is aware, the Downtown Infrastructure Project was put out for bids. He continued that the Public Works Director will explain the results of the bids, but basically, the bids were not in a realm anyone wanted to hear, and they have been rejected. The Public Works Department did an incredible analysis of every line item, comparing all the bids and what was high, what was low, and came up with some suggestions on how to trim the project without harming it. He asked to hear from Mr. Lussier.

Mr. Lussier stated that as they know, the bids were opened on December 18, and the bids were well above what they expected to see. Staff have spent the past few weeks evaluating the bids, understanding where the costs went up, talking with contractors, and trying to come up with some answers for the Council. Bid tabulation is a document staff prepares for all of their publicly bid projects, a detailed comparison, line by line, of the costs. It compares the actual quotes they get from contractors with the engineers' estimates for the work. Staff uses it as a tool to identify red flags. Things they are looking for include whether there are wild differences from one contractor to another that might indicate that one of the contractors did not understand what the bid was asking them for. Something else they see sometimes is that contractors might play games a little bit with their bid, for example, by bidding very low on a line item they think the City might not use or that they might not do very many of, and they will bump up the number much higher if they think the City has underestimated the quantity they think will be needed. If the contractor thinks they will hit a lot of rock, they throw a very big number at "rock excavation," with the hopes of hitting a giant payday, for example. Something else that is common is that they will bid high on the work done early in the

project, so they get more money earlier in the contract, and then all of the work at the tail end they are kind of doing at a loss. All contractors do those sorts of strategic games with their bids. If it gets to the point where the City does not trust the contractors' numbers and thinks the contractors are trying to pull a fast one on them, which is called "unbalanced bidding," that would be a basis for the City to consider dismissing the low bidder because they were not bidding fairly and accurately.

Mr. Lussier continued that in this particular project, staff is looking for where those big differences are between the engineers' estimate and the bids. They saw that it was not just one or two items that were wildly off. Many items, across the board, were just much higher unit prices. That led them down a train of questioning with the contractors when they spoke with them. City Engineer Bryan Ruoff and his staff had several conference calls with the contractors that bid on the project, as well as contractors that had been looking at the project, had downloaded the plans, had been asking questions and attending the pre-bid conferences, but had decided not to bid. They wanted to understand not only why the bidders were bidding high, but also why some of the contractors they expected to put in a bid ended up not doing so. They learned some insights from these contractors that did not bid. The number one thing they heard from several contractors was that they were concerned about their ability to have adequate production rates. All of the City's construction contracts are "unit price contracts." The City pays by the linear foot of water main, the linear foot of sewer main, the ton of asphalt, and all of these different line items, finished, installed, and provided to the City. That means that to get good pricing on that, the contractor has to be productive. A crew that installs a length of water main will consist of an excavator, a dump truck, a compactor, and some other equipment, along with a few laborers, equipment operators, truck drivers, and a foreman – that is a crew. That crew on a project like Island St. last summer, for example, where it is wide open and they can just keep going, might be able to put in 300 feet of water main on any given day. Here, the contractors are saying they assume they could do about 100 feet a day, maximum, of water main. Due to the number of competing utilities crammed into a confined space, the distance between intersections where they have to change traffic control patterns, coordination with adjacent property owners, and all of those restrictions and difficulties of working in a condensed, downtown environment, the crews' production rates would be much lower than they would otherwise be. That drives up the unit prices for everything. That echoes what they saw in the bid tabulation, where it is not one or two items that Stantec just blew the estimate on. All the pay items were higher because they are assuming the amount of work that they get done on any one day is less. That was the biggest thing staff heard. Regarding the other concerns they expressed, the contractors that chose not to bid did not believe they could get this contract done in two years. The size of the contractors that are in the region that the City is accustomed to working with are not equipped to get that much work done, that size of a project, in two years. So, that made them shy away from it. Although they did not say this, he suspects that the bidders that did put in bids probably had concerns about completing the work within the time constraints, too, but they priced that into their bids, so that if they go over the time, they will pay for the fine with elevated unit pricing. They will make enough profit during the construction season that it gives them some cushion to absorb those fines.

Mr. Lussier continued that the third thing they heard from several contractors was the amount of subcontract work that is required. Most of the contractors who put in a bid or considered it were utility companies. Their bread and butter is putting utilities in the ground. Everything above that – asphalt, roadway, concrete, landscaping – is work they subcontract out to others. They are the prime contractors, and they are used to managing subcontractors as part of their project. They add on their management fee, typically, about 10% markup on the cost of the subcontractors, and their management staff in the office will manage the subcontractors' schedules and everything else. For this project, the portion of work that will be done by subcontractors versus the portion that will be

done by their own crews and their own foremen was higher than they would have preferred.

Mr. Lussier continued that some of those concerns are ones the City can address, while other concerns are just the nature of the project. Before he gets into recommendations, he wants to recap where that all puts them, in terms of the project budget and what the funding gap is. Up to today, through FY26, the City Council appropriations plus the grants the City has already received for the project total a little over \$15 million. That includes a couple million dollars of principal forgiveness for the drinking water, about \$66,000 in principal forgiveness for sewer, and \$71,000 for the stormwater portion. They also received a grant to help offset the cost of design for stormwater. In the CIP that has already been approved by the City Council, FY25 through FY31, they had planned for \$4.7 million to be appropriated into the project in FY27. They have spent some of that on the design fees. Dating back to 2017 or 2018 when they first started the conceptual designs phase, and public meetings and all of that, all of those costs add up to about \$2.7 million. Right now, they have about \$17 planned for the project. In August, the City got an update from Stantec that said the estimate had increased. They told the City the project would be closer to \$20 million. In response, staff planned some updates to the CIP. These are not approved, but in the draft CIP that is being reviewed and being worked on by Finance right now, and which the Council starts reviewing next month, staff had put in to bump that \$4.7 million planned up to \$8.5 million. Minus the cost to date, that gave them \$21 million all in for construction and engineering. They thought they were in good shape. Then, actual bids came in a little over \$28 million. That gives a funding gap of \$7 million.

Mr. Lussier continued that the question is how to close that gap. There are times when you get bid results that do not work, or no bids, and the best answer is to just put the project back out to bid. That makes sense if contractors did not have enough time to see the bid or they did not get their bids in on time. That was not the case here. The contractors that the City was trying to attract knew about the bid, came to the pre-bid meetings, and had all their questions answered. The bid was out for six weeks. There is no reason to suspect that if the City put it back out to bid as it is currently structured that they would get any different result, so that is not a recommendation for the Committee tonight. Instead, staff recommends a combination of some changes to the scope, some value engineering, and some cost-saving measures, plus some adjustments to the structure of the contract to ease those work restrictions and alleviate those concerns about the timeline.

Mr. Lussier continued that the first bucket of items is scope staff thinks they can eliminate. The first two line items, common excavation and crushed stone, relate to the way they plan to reconstruct the roadway. The slide shows a cross section of the road from the design plans. In ideal circumstances when rebuilding a road, at the end of the utility work, they excavate out the top two feet of soil below the roadway, remove that material, then bring in new gravel material as a base. The advantage is that those "new, imported" gravels have known engineering qualities, so they know what the compacted density of that soil will be, and they know it will bear the future traffic loads. Once you dig through it and stir it up with the underlying soil, the quality of that gravel, the ability to resist rutting and settlement over time, is a little bit diminished. They had originally planned this as a "full box reconstruction," which means removing two feet of soil and bringing two feet of new gravel in. What they are recommending instead is to replace some, but not all of the gravel. They would essentially rototill the asphalt surface into the underlying gravel, about eight inches of that, which is a process called "reclamation." They reclaim the surface, add it to the gravel, use that as future road base, and import another eight or so inches of new gravel above that. They would still have everything finely graded and compacted and have good quality gravel below the asphalt. It just would not be as much new gravel. For those two line items, just by reducing the quantities, they can save over a million dollars.

Mr. Lussier continued that the next one is temporary pavement. They talked about this in August when they got the cost estimate update, and he argued that they should not eliminate the temporary pavement. As a matter of business suitability and making it easy for people to get around downtown, managing dust, ruts, and inconvenience to public, he thinks they should keep some of it, but the contract as they previously bid it assumed that all of the surface would get temporary pavement four inches thick. He thinks they can cut that approximately in half and use it a little more judiciously where they really need it to maintain a reasonable traffic pattern, not have a lot of ruts, and manage dust as best as possible. They could save a couple hundred thousand by reducing the quantities they include in the contract and managing it a little more judiciously. The next one, uniformed officers, is similar. Traffic control is done by either police officers with their cruisers, or traffic control staff, known as flaggers. Generally, flaggers do a better job of directing traffic than the officers do, as their focus is on moving traffic more than the police officer's is. The advantage of police officers is that they come with a cruiser and the blue lights command more attention and respect from the traveling public. At times, they absolutely will need the officers, particularly in Central Square when they are doing the signal system, but they can reduce that. They had budgeted 2,000 hours of police officers for the project. Cutting that about in half means saving about \$100,000, which he thinks is reasonable. They could still manage traffic safely.

Mr. Lussier continued that the next item is lighted bollards. They planned to use these at some of the higher-volume crosswalks, at the head of the Square and at Railroad Square, crossing to Gilbo Ave. They throw light, making the crosswalk more visible, but they are predominantly aesthetic features. A photo shows the locations of regular-sized streetlights, which there will be plenty of to illuminate the area. The lighted bollards were more for aesthetics. The cost in the bid was about \$131,000. They can save about \$80,000 by reducing that and just putting in standard bollards for traffic control. They still need something there to keep traffic away from those places. The bollards serve to stop vehicles from driving into Railroad Square, for example.

Mr. Lussier continued that with the next one, it breaks his heart to recommend removing it, because it would have been a really nice feature. The plan called for granite seating walls around the landscape beds, which he has a graphic to show. On each side of the landscaped bed in Railroad Square are large granite blocks for seating. They would be beautiful. However, throughout the project there were about \$175,000 worth of those granite blocks. They go in the column of something that would be really nice to have, but are not absolutely necessary, so staff recommends putting that in the contract as a bid alternate. If this next round of bids come in with attractive pricing, they can consider adding it back in.

Mr. Lussier continued that the last thing on illuminations is bid alternates. As they may remember, when they were going through this whole process, there were several items the Council wanted to include in the contract as bid alternates so they could get pricing and know whether they were in the budget. They are at the point now where they can safely say that compacting trash receptacles are no longer an option. They will take that out and not let the bidders worry about it. Similarly, the shade structure proposed for Railroad Square would be lovely to have at some point in the future, but it is something they could easily add later and have it at a lower cost if it was done as a separate contract. For the next round of bids, staff wants to not include those.

Mr. Lussier asked if there were any questions so far. Chair Greenwald stated that he has a communication from the Mayor. He continued that they were talking about removing conduit, and removal of pipes. He asked if that is not one of the recommendations. Mr. Lussier replied that it is not

one of staff's recommendations, although it is something they looked at. Regarding the spare conduit, the City has a Dig Once Policy. The goal is that when they are doing an infrastructure project like this, they put in everything they will need so they do not need to come back in the foreseeable future. As part of this project, they included two empty conduits, basically wrapped around the project perimeter, up one side of Main St., across the Square, and down the other. It is two empty PVC pipes in the ground, along with a hand hole that you could access those conduits from at every intersection around the perimeter. They would be empty until they are needed for some City purpose, such as leasing the conduit to a telecommunications provider that wanted to come in and provide service through the downtown or access a particular business that needed fiber, or that sort of thing. Staff looked at that spare conduit, and he thinks the cost was \$90,000 for all of that infrastructure. Staff talked about the removal of pipes as well, in August when the price update came up. It is fairly common to abandon pipes in place. For instance, if a water main will not be used in the future, they would cut it where they do not need to dig it up, put a cap on it, and just leave it there. For this project, he is hoping that they do not need to touch these utilities again for 100 years. He does not love the idea of leaving empty conduit in the ground for some future Public Works Director to have to deal with the consequences of that decision. They talked about it, and there is a savings of not chasing those pipes, but it is not a recommendation at this point.

Chair Greenwald stated that the Mayor's final question is about contingency, what the percentages are. Mr. Lussier replied that there is no contingency, per se, in the bid. He continued that there are items in the contract for allowances. For example, there is an allowance that protects the contractor if there is a significant change in the price of liquid asphalt. If the price of oil spikes up after the bids get opened, the contractor has a little bit of protection knowing that he will be able to adjust his cost for asphalt and diesel fuel based on that delta between where the price of oil was on the day he submitted his bid versus where it is when he is doing the work. Those allowances work out to the City's benefit, because the contractor has to price that risk in. If he does not have that protection he has to think about what could happen, and assuming that prices could go up 20%, he has to assume that he is not buying asphalt at the price he could buy it at today, he is buying it at some future price. Having that allowance gives him a little bit of protection, and therefore he is not passing on that risk to the City. That allowance goes both ways. If the price drops after the bids are opened, the City gets that benefit.

Councilor Favolise stated that if the pipes in place were to be a recommendation, Mr. Lussier mentioned an unspecified cost savings. He asked for more information. Mr. Lussier replied that he thinks that price was about \$99,000. Councilor Favolise stated that the second part of his question is, other than concern for the future Public Works Director in 100 years, whether there is any other infrastructure or engineering reason why they could not leave the pipes in place. Mr. Lussier replied no, it is not an engineering concern. He continued that the concern is that as that pipe eventually fails, the soil around the pipe starts to migrate into it, which creates a sinkhole. The risk is they would eventually have settlement, sinkholes, and that sort of thing in the downtown. It is repair work in the future. It is not engineering from the perspective of life safety; it is more about premature pavement failure and convenience to the public.

Mr. Lussier continued that the next bucket of items he wants to talk about is scope that they can defer. Some of these items are ones he thinks Public Works staff can handle more cost effectively outside of the contract, and other items can be handled by a second contract down the road and be more cost effective that way. For bike racks, trash receptacles, and benches, Public Works staff are already doing that. Every fall, they take the benches in, and every spring, they put them back out. Potential savings there are a little overstated, because they would still have to buy benches, but they

can buy them more cost effectively than the bid price for the contractor to supply them installed. That is an easy change to make with no real change in the final product. The bid item for the fountain was \$90,000. As much as he wants to see the fountain change, that could easily be postponed and be done under a separate contract at a later date. The same is true of the catenary lighting, which is the overhead lighting planned for Railroad plaza and the bike path between the transportation center and Margaritas. It will look beautiful, and he wants to be able to do it, but the bid price came in at about 10 times what they estimated the cost would be. He thinks the bidders just did not want to be bothered with it, and he thinks they could get a much better price if they put in the poles under this contract so that the foundations are there to do it, but put out a separate contract for a local electrician to string the lights at a later time.

Mr. Lussier continued that the price for relocating the pay stations was much higher than they expected. They could save a lot of money by having Public Works staff do that, and Public Works staff have already relocated the pay stations and know exactly how to do it. Regarding the gazebo stair modifications, today there are stairs on one side, and the proposed plan was to put stairs on three sides to open it up and make it easier for the viewing public to see the performers in it. He spoke with the Highway Superintendent, and his team is eager to take on this project. This can be done in-house for a much more reasonable cost. The last item in this bucket is the Christmas tree base. Currently, an 18-inch diameter drainage pipe is planted in the ground, and every November, staff sucks all the dirt out of it and puts the tree in it. In February, they pull the tree out and put the dirt back in. As part of this project, they plan to make the Christmas tree base less maintenance-intensive and put a structure over it, so it is just a matter of removing a manhole cover. It is not a big item; it is \$8,000. That can be done in-house at a fraction of the cost, for the same result.

Councilor Favolise stated that he wants to make sure the math in his mind matches what Mr. Lussier is saying. He continued that he understood that the lighting piece was a bid alternate. Mr. Lussier replied that the Council was split on whether they wanted cages around the bulbs, so the bid alternate was to add the cages. He continued that the price given was for the base bid. The cages would have added another \$42,000 to it.

Mr. Lussier stated that the last bucket of items is things he thinks they can change without really changing the substance of the project, or things that people probably will never notice, except for him and Mr. Smith. First is the replacement of drainage structures with drop inlets. The bid assumed that every one of the catch basins, the drainage basins that take the storm water from the street run-off, would be a standard, four-foot diameter manhole, concrete structure. Those structures were much higher in price than they typically see. From talking with the contractors, staff got the sense that contractors are concerned about being able to fit all of the stuff into a small space. A four-foot diameter structure is actually five feet on the outside diameter, and cramming that in between the curbing, water main, telecommunications duct bank, and all of the other things that they need to get in, was a concern. Instead, they can use a small structure, still concrete. The standard structure has a sump on the bottom. Any sediment that gets washed off the road is trapped there in the catch basin, and that is where they go to clean it out. It makes maintenance a lot easier. The smaller drop inlets do not have that sump, so as sediment gets washed off the roadway into the drainage system, it will migrate into the pipes, and they have to chase it downstream. The downside of this change is that it will make future maintenance a little more time-consuming, tedious, and difficult, but they think they could save about \$150,000, so that is a recommendation.

Mr. Lussier continued that they suggest reducing the quantity of textured concrete. They cannot eliminate it everywhere. They need that textured concrete to differentiate the different

purposes, and to break up the higher impact zones. For example, if they just did Railroad Square as a flat slab of grey concrete, he does not think anyone would be happy with that final product. He thinks they can be more judicious about where they use the textured concrete, by eliminating some of the buffers as textured and just using it where it is really purposeful for delineating different spaces. That could save about \$400,000. As they talk about textured concrete, he will swallow his pride and give some props to Chair Greenwald, who suggested during the design process that they look at exposed, aggregate concrete. Through the bid process, they found that that treatment is much more cost effective than the stamped patterns. It is more a process of washing off the concrete from the aggregate that is in the mix, versus an extra step in the process. It was a relatively small premium to do that treatment. He knows the public will ask, why not just eliminate the bike lanes? The difference between the exposed, aggregate concrete for the bike lanes versus just standard grey sidewalk, for the whole project, amounted to \$42,000. That is an option for the Council to consider, but the savings is just \$42,000, and for the amount of time they all spent debating bike lanes, he really does not want to revisit the question.

Mr. Lussier continued that the next item is an easy change to make, which is replacing the beveled curb. For all of the landscaped beds, Stantec proposed a little bit different curb than the one the City uses on the street. A photo shows the difference, which is mainly an aesthetic treatment, giving a polished, finished look to the curbing. But for \$159,000, when they are in a mode of having to save money, he thinks it is a reasonable sacrifice. Next, the cost in the bid for a field office, which is an office where the contractor keeps his plans and records, the inspector has space to keep their files and daily reports and do their computer work and stay out of inclement weather. The \$75,000 was right in line with what the City expected for a bid price, and it is a reasonable price. But if a downtown property owner offered a space to provide that office, there would be a savings to enjoy. Next is electrical value engineering, which was a bit nebulous. One of the local electrical contractors that does a lot of work in the downtown is very familiar with the City's system and contacted the Engineering Division to say he had ideas for how to change some of the proposed design, to still give the City everything they want for the system. He has ideas for how they could have all the lighting the way they want it, have all the electrical pedestals, the accessory outlets for events and whatnot, by redoing it a little differently and saving some money. He is putting a placeholder there because they do not know exactly what those savings might be. It is true value engineering, working with the contractor cooperatively to come up with more cost-effective ways to do things. He thinks they could save as much as \$100,000, by seeing what this electrician has to offer and getting his ideas. Staff will follow up with him as they go forward.

Mr. Lussier continued that the last item is most difficult to quantify. They heard very clearly from contractors that they were uneasy with the two-year contract. In particular, the contractors that are smaller and more local, ones the City works with on a routine basis, were concerned about being able to complete the project in that amount of time. Staff recommends the Council allow them to go back to a three-year phasing plan. He knows the downtown business community was really pushing for a shorter period of time, but unfortunately, with our geographical isolation and the contractors they are working with, the reality is that this is a three-year project. He recommends the Council allow this change. At the same time, it is difficult to say exactly what that means in terms of how much more competitive the bid prices will be. He is convinced that bidders that did not bid this time will be able to compete with the project if it is a three-year project.

Mr. Lussier continued that altogether, this bucket comes to almost \$2.4 million. He asked if anyone had questions about this bucket. Chair Greenwald replied that the document the MSFI Committee members have says \$2.8 million. Mr. Lussier replied that he is correct, the summary sheet does not

include the reversion to a three-year contract, so the total for the three buckets will not match what is on the Committee members' sheets. It is \$1.6 million from eliminating scope, \$370,000 for deferred work, and \$2.4 million for those changes to the design contract, material changes and whatnot. He apologizes for not updating the summary sheet he gave the Committee. He thinks they found about \$4.3 million in savings.

Councilor Favolise stated that this started as a three-year project then went to a two-year project, so to now return to three years means going back to where they were. He continued that regarding the part about easing work restrictions, they made some commitments in terms of parking spaces and access to businesses. He asked if there are details of what "easing some of the restrictions" looks like. Mr. Lussier replied that allowing Saturday work will probably be one option. He continued that it is not necessarily that the contractor will do that, but it would be allowable. Regarding the amount of work, they had already talked about making it 50 spaces instead of 25, and they would definitely do that.

Mr. Lussier stated that this is \$4.3 million in savings, but they have a \$7 million funding gap, so they are not quite there yet. He continued that staff have some recommendations for additional funding. It pains him to recommend this, but he thinks it is where they are. The City Council, through the CIP process, appropriates between \$1.3 to \$1.4 million on average every year for road paving and preservation projects. Staff suggests that the FY26 project be deferred and that that money be reallocated to the Downtown Infrastructure Project, and as part of the FY27 CIP update, they would push off the FY27 work and that amount of money would be pushed over to the downtown project as well. That would add another \$2.7 million in funding to the project, without any change to how the taxes would be calculated. It is the same amount of spending that the City was planning on; it is just a matter of pushing it all into the downtown project.

Mr. Lussier stated that with the cost savings and the road rehab, if everything comes in at the same bid prices, they are at a funding surplus, theoretically. Of course, this is purely an academic exercise until they go out to bid again and get bid prices, but he thinks they are in the realm of being on target.

Councilor Tobin stated that she is looking at the rendering for Railroad Square and notices that most of what she sees will not actually be there. If the benches and lighting will be gone, it kind of feels like just paving it over. They have had discussions, in general, about activating unused spaces, and her concern is that they might be creating a space with no identity. Mr. Lussier replied that that is a valid concern. He continued that several granite seat benches were planned in Railroad Square, and staff would propose just using standard City benches, if that ends up being the way they go instead of the granite seat wall. That does not eliminate the concern, but that is how they would address it. Regarding the lighting, they would still install the poles for future lighting to be hung from. The lighting would go in under a separate contract, hopefully in the very near future afterwards.

Councilor Tobin replied that she understands that all of these decisions individually make sense, but just for this space in particular, all of the structure of this space as it was designed seems like it would be removed. Even with benches, because it is not just about a place to sit. The way that it is now creates a certain structure. She thinks the quantity of granite benches was something like 220. She asked if they were all intended for this space, and if there is any way that some could be incorporated here. Mr. Lussier replied that he thinks that "220" figure is linear feet of granite benches, which is how it is measured for payment. He continued that they could definitely

incorporate a portion of that. If they did it as a bid alternate, they could award the base contract and then say they want granite benches in certain spots. He would prefer bidding it as an alternate for the full quantity, because if the opportunity presents itself and the bids come in at good prices, he would like to keep them. He thinks they would be a really nice feature. He understands Councilor Tobin's point, but they are at a point where they need to consider what they can live without, and these are the things he thought they could live without and do at a future point. There is no easy solution. Chair Greenwald replied that the granite blocks could easily be put in later. Mr. Lussier agreed.

Mr. Lussier stated that he wants to talk about risks, regarding what it would be like if the Council chose to delay the project for whatever reason. They have already talked about cost escalation. If they do not go out to bid in the very near future with this revised package, they will not be able to get into construction in 2026. Costs will go up next year, but no one knows by how much. Last year, 4.1% was the regional average. Next year, it could be 3 or 3.5%. That is not insignificant. The other bigger one, which is more of a certainty, is the existing grant funding. He mentioned the \$2 million for the water fund, plus smaller amounts for the sewer and storm water work. Staff reached out to the NH Department of Environmental Services (NHDES) when the bids came in and they were talking about these different options, to ask if various options the Council might want to do would be allowable with the grant funding that they have in place. NHDES's response was essentially, yes, they would allow the City to extend the duration of the contract or bid it in multiple phases, but this project was supposed to be in construction in 2024 and they were supposed to have a draw already, so they wanted to know when the City would have its first reimbursement. It was a not-so-subtle nudge to say that NHDES wants the City to be spending the money. As he thinks he mentioned a year ago when the Council debated delaying the project for a year, if they would be okay to delay the project NHDES would work with them, no problem, but if it got delayed again and again, eventually NHDES would say they were going to cancel the funding and make the City reapply for when they really want to do the project. He thinks they are at that point. Maybe they would get funding again in the future, but staff does not recommend delaying the project unnecessarily.

Mr. Lussier continued that in summary, City staff's recommendation is to eliminate some work, defer some work or do it in-house, modify the scope as they have discussed tonight, and allow staff to re-bid this as a three-year project, but to turn it around expeditiously and put it back out for bid so they can be in construction in the spring of 2026. He would be glad to answer questions.

Councilor Workman stated that she commends him for taking the time to do such a thoughtful, planned out update/revision to the scope of the project for the Committee tonight. She continued that she is confident that she can speak for the Councilors who have been dealing with this project for years at this point and say that they have always been realistic with the knowledge that at the end of the day, they might have to reduce the scope of the project and really consider their wants versus needs. She thinks Mr. Lussier has done a great job giving them something to work with and a framework for doing that. She wants to remind the viewers at home that the Council has always expected that they might be here at some point further down the road. She commends Mr. Lussier and his team for their work.

Mr. Lussier stated that much of the credit goes to Project Manager Bryan Ruoff and his team, who put a lot of legwork into coming up with these options and figuring out where the pain points were for the contractors. He continued that they did a lot of homework on this.

Chair Greenwald asked if members of the public had any questions.

Pete Moran of Myrtle St. stated that he does not know why they would want to spend \$8,000 for a plug in the ground for the Christmas tree base. He continued that if it gets filled in every year, he wonders why they cannot just put a cap on it and leave it. Mr. Lussier replied that that is what they are doing.

Mr. Moran stated that they could use hardpack instead of temporary asphalt. That could be churned up. There will be dust and debris regardless. Hardpack is not dusty once it is wet, sets like cement, and is easily removed. That could save a lot. Those bollards would be totally irrelevant at certain crossings. There is lighting already. Just doing some attractive downlighting off of the poles in those spots would save a lot of money. He did not hear that there are still plans to put in new lampposts or use the existing ones, because that number was a quarter million.

Mr. Lussier replied that the plan was always to reuse the vast majority of the poles that are already in the downtown, but not the light fixtures themselves, because most have been there for a while now and are getting towards the end of their life, so they plan to replace the actual lightbulbs. The new plan has more poles than are currently installed, so there will be additional lighting. Those are a separate price for purchasing versus just removing them and reinstalling them in a different location.

Mr. Moran asked, regarding the granite seating, what they will do with all the granite curbing they take out, and why that cannot be repurposed. Mr. Lussier replied that it is already included in the contract. He continued that there is a line item in the contract for removing and storing granite curbing. Not all of it will be suitable for reuse, as some of it is broken or of short length. Because the quantity will go up and some will be lost to the removal process, there is one price for reinstalling the curbing at a different location, and a separate price for providing new granite curbing. Mr. Moran replied that his point was that reusing granite, which could all be sandblasted, could be used for seating. Mr. Lussier replied that the granite seat benches they are talking about were envisioned as a large, solid block of concrete, not just curbing. Mr. Moran replied that there is nothing wrong with sitting on curbing. He continued that that can be chinked out and smoothed out, and there could be a huge savings there by repurposing all the granite the City takes out that gets dumped and stored. People could get creative using blocks. A block does not have to be that big; you could just put a chunk here or there as a place for somebody to sit. There would be zero maintenance.

Mr. Moran continued that he does not know why there is even a discussion about replacing the fountain. It has been there for a long time. He does not understand why "someone wants a Victorian look." It is finite, and we have a lot of expenses here. He wishes them luck. Chair Greenwald replied that personally, he has given up on the fountain. He continued that he wanted to get rid of the pile of rocks, but at this stage of finances, and facing the public, he thinks the rocks are just fine. Mr. Moran replied that he agrees. He continued that they could ask a class of high school students to look at the pile and the granite the City has accumulated and see what they can do with it. That would be free.

Mr. Moran stated that they talked about having the Highway Department staff do some of this work. He wants to know how much the savings would be if they did that, versus if it were contracted out. Those numbers are not in the graph. Mr. Lussier replied that that is a fair observation. He continued that the cost savings listed in the presentation are a little bit overstated, because if Mr. Smith and his team are going to be installing the trash receptacles, they still have to buy the trash receptacles, and the park benches, and the materials for the gazebo stairs. The prices listed in the presentation are the bid price for the low bidder, and obviously, they would have some costs associated with that. They have not yet priced out all these different materials for the purchase

costs.

Mr. Moran stated that he has one last question and wants to know the purpose of all the conduit going around the downtown perimeter. He continued that if someone wants some kind of technology, it should be on them. For satellite, they could put a dish on the roof. He does not see why the City should have to put dummy lines in. For compaction, he wants to know if Mr. Lussier has any thoughts about geofabrics to help reduce settling in some areas.

Councilor Favolise stated that this is a lot to take in, and then make a decision on, especially given the amount of time that the Committee and Council have spent in the past on all the finer details of this. He stated that he would continue to think about this, as he imagines they all will, between now and when Council meets. He has two questions. One is about a question Mr. Moran had about the bollards. He thinks he heard that there is a pedestrian safety aspect to that. He wonders how concerned they are about cars driving into The Stage Restaurant, for example.

Mr. Lussier replied that the Railroad Square/Gilbo Ave. intersection area is designed as a raised intersection. He continued that the whole intersection is at the sidewalk elevation. They need to have something to prevent traffic from turning into pedestrian spaces and keep vehicles out of those areas. The cost he listed in the presentation is the delta between a lighted bollard versus a regular bollard. They would still have that vehicle barrier; it just would not be lighted.

Councilor Favolise replied that he is still wondering if they have to have that. He continued that he is thinking more about the one at the top of the Square. He asked if drivers are trying to turn onto the sidewalk there. Mr. Lussier replied that it is probably less of a concern there than at the Railroad Square intersection. Railroad Square is adjacent to Railroad St., and he could definitely see someone trying to cut that corner and cut across the square or something like that, so there, he would definitely recommend having some vehicle barrier. At the head of the Square, it is a good point; if they do not want to have any bollards there, it is probably very low risk.

Andy Bohannon, Deputy City Manager, stated that he managed that space for quite a while, and people who rent do not really think about it, they just pull their truck right up to unload their gear so they do not have to carry it from the curb to the stage. He continued that Mr. Smith has probably repaired those ruts more times than he cares to, or repaired sprinkler heads. It happens more frequently than you would think, during off hours, because that is when the bands would be preparing. If you think about all of the pedestrians for the events that happen in that space, public safety would certainly be the number one priority on that front.

Councilor Favolise stated that there is something else he imagines was talked about, but he did not hear talked about tonight. He continued that he is not saying it is the answer or appropriate, but he wants to be clear that they have explored some different options, so his question is about using a portion of unallocated fund balance to offset some of this. He is not saying they should draw down the whole thing, but to think about what the impact here would be. Even if they are saving financially by pushing off some of the roadway projects or road rehabilitation, the cost does not go away, per se. There is an opportunity cost there. It still has to get done at some point. He wonders if there was any conversation about that, even if it is one road that they get done. Doing no roads for two years is hard.

The City Manager replied that that is a great point, and that is what they will be discussing when they do the CIP. She continued that right now, they have several projects that are slated to use fund

balance, and there is a potential for adding some more to that.

Councilor Filiault stated that as someone who was part of the Committee for the first 85 meetings about the Downtown Infrastructure Project, he wants to commend everyone, especially Public Works staff, for working so hard to try to get this to a reasonable budget they can move forward with. He continued that everyone has things they would like to see added or deleted, but that said, he thinks it is imperative that this Committee vote in the affirmative tonight, to get this project rolling. That is not to say that down the road there could be additions and deletions as they go, but it is imperative to get this project on track. They can deal with the smaller details later.

Councilor Tobin stated that Councilor Workman said something about needs versus wants, which was helpful for her to hear. She continued that she echoes the gratitude. She knows Public Works has worked hard to nail down the best options for reducing the cost, eliminating pieces, and it is sad to see some of them go, but she knows Public Works makes beautiful benches.

Councilor Ellis stated that she is sad about some of the items that need to be taken away, but she agrees with what Councilor Filiault and Councilor Tobin said. She continued that it makes sense at this point to just get started, and hopefully at a future date, they can add back in some of the dream items.

Councilor Workman stated that to add to that point, she wants to be optimistic that they are deferring some of the scope of these projects. She continued that they have a great and resilient community that will rally around some of these items that stand out as being important to certain groups and whatnot. She is optimistic that they will rally together as a community to include some of these deferred items at a later date.

Chair Greenwald asked if there were any further questions or comments. Hearing none, he asked for a motion.

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

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to incorporate the scope of the work and the contract restriction changes into the Downtown Infrastructure Project bid documents, as presented, and to re-bid the project for construction beginning in the spring of 2026.

Chair Greenwald stated that he is an optimist, and he hopes that when this is finally on the edge of being awarded, the contractor will work with City staff and come up with other cost savings. He continued that they will end up with a good project. Mr. Lussier replied that that is not atypical for contracts. He continued that once the contract is awarded, the contractors often have ideas about how they can do the project a little more cost effectively and how to save some funds. Staff will negotiate those with the contractor if they think they have a better way of doing it. They are open to those suggestions.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: February 5, 2026

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Thomas Burton - Request for Increase to Disabled Veteran Property Tax Credit**

Recommendation:

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends the amended motion of to direct the City Manager to draft a resolution related to the Tax Credit for Service-Connected Total Disability, increasing the amount from \$4,000 to \$4,300 and that this item would be reviewed during the revaluation. Councilor Roberts abstained.

Attachments:

None

Background:

Councilor Roberts stated that if this item passed, he would stand to benefit from it. The committee recused the Councilor from voting on this item.

Mr. Thomas Burton read the following statement for the record. Mr. Burton is a permanently and totally disabled veteran.

I want to again begin by sincerely thanking the City and the taxpayers you represent for the \$4,000 disabled veteran property tax credit that Keene already provides me and other veterans in my position. That credit reflects a thoughtful and deliberate policy choice and it is not something I take for granted. I understand that every dollar in the city's budget represents a balance of competing priorities and I am generally grateful that disabled veterans are included among them. I also appreciate the committee's willingness to review and consider increasing the credit to the \$5,000 is now authorized under the state law. Even bringing this forward for discussion shows careful stewardship and respect for both fiscal responsibility and community values. For disabled veteran homeowners like myself this increase would be meaningful.

I live on a fixed income and manage my finances carefully, so I could remain stable, independent and rooted here in Keene. An additional \$1,000 per year would provide modest but real support in maintaining my home and continuing to contribute as a long-term resident.

I want to be clear that I view this assistance with humility. I do not see it as an entitlement, but as a measured and intentional decision made by the City and its residents. I am mindful of that support

and deeply appreciate all of it. From a financial perspective, disabled veterans tend to be stable long-term homeowners, whose income is federally funded and consistent. While our primary medical and support services are provided through federal systems, that dynamic allows the City to benefit from our continued presence and economic participation without a corresponding increase in local service costs.

Thank you for the credit Keene already provides and thank you for the careful consideration of the proposed increase. I appreciate your time, your diligence and responsibility and the responsibility you carry in reviewing matters such as this.

Councilor Chalice asked how long Mr. Burton has been a resident. Mr. Burton stated it has been since 2018.

City Assessor Dan Langille addressed the committee next. Mr. Langille stated currently there are 68 veterans that receive this credit, which equals \$272,000. This money needs to be raised as part of the budget and is distributed by the taxpayers. Increasing the amount from \$4,000 to \$5,000 would have a \$68,000 impact. Mr. Langille stated the minimum amount that is required is \$700 but the City can offer up to \$5,000. He stated this change in part, by the legislation this past year is because disabled veterans can also receive the standard veteran credit, which is \$300.00. In total the veterans' credit is \$4,300. This is referred to as stacking. The legislation removed that option, so City no longer can offer both credits to a veteran. If the City takes no action, the veterans will actually lose \$300.00 and only be receiving this credit.

Mr. Langille stated his recommendation tonight is to at least initially, increase this credit to \$4,300, which would for the first billing have no impact on the tax base or tax dollars and no impact to the veteran. The City would then review all exemptions and credits in the coming months and take another look at this. The committee at that time can determine how they want to move forward.

Councilor Lake clarified the last time this RSA was changed was in 2019. Mr. Langille stated he wasn't sure of the exact year but it was fairly recent.

Councilor Powers clarified the reduction is a dollar amount on the tax bill. Mr. Langille agreed and went on to say some veterans don't receive a tax bill at all. Other receive a reduction on whatever their amount is.

Councilor Chalice clarified this credit is only for those who own a piece of property. Mr. Langille agreed and added the veterans are required to apply for it and stated the City does not determine whether an individual is disabled or not. The City receives a letter from the Veterans Affairs indicating someone is 100% totally and permanently disabled. The City only determines they were honorably discharged and live at the property.

Councilor Lake asked should the committee approve this request when it would take effect. Mr. Langille stated timing would have certain issues this year because of the revaluation. However, if the \$ 4300 is approved, those who are eligible would receive one-half of that credit on their first tax bill and the remainder on the second bill. Even if there are additional changes made to the tax rate they would still receive that for the final tax bill.

Chair Powers stated he would like to move forward with the full credit for the 68 veterans.

Councilor Chadbourne noted the Assessor is suggesting a \$300.00 increase now and when there is more information revisit the issue. She stated if the City approved \$5,000 credit for 68 veterans that amount would equal \$340,000.

Councilor Lake asked if the City was to go with the \$5,000 now whether that would create a shortfall in the FY26. The City Manager stated this is something she would like to review for further clarification before the next Council meeting regardless of the vote this evening, because it is mid-year, it will be a little bit different. She added it is not part of the budget in terms of the budgeted amount, but it does impact the revenue; the taxes that is being collected. She stated she would be happy to look into that before the next meeting.

Councilor Chalice stated she would like to have seen a breakdown of all aid provided to veterans in the City. She agreed the 68 veterans in the City deserve to be compensated but stated the City is going into a difficult tax year and wanted to know that one group of people are not over benefiting when there is another group that is struggling financially. She asked whether this would be part of Mr. Langille's analysis. Mr. Langille stated he would bring forward all exemptions and all credits offered by the City so the committee could see the entire impact.

Councilor Chadbourne stated she came to the meeting after reading the letter from the petitioner with the idea of approving the \$5,000 request. However, the Assessor is suggesting a \$300 increase which is what she would like to approve tonight and then consider the difference at a later time. Councilor Chalice agreed with Councilor Chadbourne.

The following motion by Councilor Chalice was duly seconded by Councilor Lake.

That the Finance, Organization and Personnel Committee directed the City Manager to draft a resolution related to the tax credit for service connected total disability increasing the amount from \$4,000 to \$4300.

Councilor Lake asked the City Attorney whether taking an action on this item now jeopardizes the Council from discussing this item as part of the budget because the value amount has been changed. Attorney Palmeira stated if the City Council does change the credit amount and then in the same calendar year wants to change the credit amount again, that would implicate the rule that prevents that same item coming up twice in one calendar year. However, the City Council could vote to suspend that rules if they do want to pick it up again, which requires a 2/3 vote. The City Manager added the motion could also say that this item would be reviewed after the revaluation.

The motion was amended by Councilor Lake to add the language "this item would be reviewed after the revaluation". The amendment was seconded by Councilor Chalice. The motion to amend passed unanimously, 4 to 0. Councilor Roberts abstained.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends the amended motion of to direct the City Manager to draft a resolution related to the Tax Credit for Service-Connected Total Disability, increasing the amount from \$4,000 to \$4,300 and that this item would be reviewed during the revaluation. Councilor Roberts abstained.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.5.

Meeting Date: February 5, 2026
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Execution of Lease - 11 Central Square

Recommendation:

On a vote of 5 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a lease with Nicola's LLC for the use of space at 11 Central Square.

Attachments:

None

Background:

Deputy City Manager Andy Bohannon addressed the committee. Mr. Bohannon stated Culinary Journey Management Company, which was the Town Square Tavern approached the City in December and indicated they are not able to keep their business open anymore due to financial reasons and have surrendered their lease. Cheryl and Nicola Bencivenga have showed interest in leasing this space at 11 Central Square. Mr. Bohannon stated before the committee tonight is a request for a recommendation to have the City Manager do all things necessary to negotiate and execute a lease with Nicola's LLC for the space at 11 Central Square.

Councilor Chadbourne stated there is a lot of excitement about this restaurant coming into this space.

Councilor Chalice asked for an update on 10 Central Square. Mr. Bohannon stated that this space needs some renovations, and once that is completed, it will be rented in the future.

The following motion by Councilor Lake was duly seconded by Councilor Chadbourne.

On a vote of 5 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a lease with Nicola's LLC for the use of space at 11 Central Square.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.6.

Meeting Date: February 5, 2026

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: Execution of an Agreement for Engineering Services With NXTGen for the Design of the Gilbo Avenue Solar Pavilion Project

Recommendation:

On a vote of 5 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute an agreement with NXTGen for engineering services for the design of the Gilbo Avenue Solar Pavilion Project, for an amount not to exceed \$300,000.

Attachments:

None

Background:

City Engineer Bryan Ruoff addressed the committee and stated the next item before the committee is an execution of an agreement for engineering services with NXTGen for the design of the Gilbo Avenue Solar Pavilion project. He stated staff was before the committee six weeks ago to request this contract be awarded to Stantec at the December 18, which was voted against by City Council.

He went on to say the engineering division 15 minutes after that decision by Council reached out to the second submitting qualified engineer and requested a scope and fee proposal. He stated this project is part of the scope of the City's downtown infrastructure improvements project and is being funded by a federal grant from the Northern Borders Regional Commission Timber for Transit Grant; 80% federally funded and 20% City match. Mr. Ruoff stated NXTGen's scope is more than what Stantec had included because the City is having NXTGen review some of the preliminary work Stantec completed to make sure we are getting the best value for this project. He noted the proposed price has also decreased from Stantec's price of \$340,000 to NXTGen's price of \$300,000.

Mr. Ruoff stated at this point staff is ready to execute a contract and are requesting approval.

Councilor Lake stated he was excited about this project. He indicated he however, has some hesitancy partially because of the cost decrease. He noted the cost has come down more than 10% below from an organization that the City chose not to go with leads him to think that there are other scoring areas that are much lower than what Stantec had come back with.

He went on to say he tried to find information on NXTGen to see what other projects they had worked but had a hard time finding a lot of information on them. He asked whether the City Engineer had examples of other projects that NXTGen had worked on that might have a similar scope.

Mr. Ruoff stated NXTGen is a very different company from Stantec and they are using sub consultants to do the design related work whereas Stantec was doing a lot of the work in house. NXTGen is the umbrella of the renewable energy's platform of the work and they work as the general contractor/general engineer on facilitating the design of the timber structure of the site design and everything there on through. Where they are seeing cost savings is that they are proposing to use more senior level staff and their hours are considerably less than what Stantec had proposed. Stantec had a lot more staff and junior level staff doing a lot of the legwork and more hours associated with that.

The areas that are necessary as far as federal funding for the project are the NEPA review and approval. The proposed scope is pretty much right in line with what Stantec was proposing. Staff feel NXTGen's consultants are capable of delivering a great product for the City. Councilor Lake asked whether the cost savings was realized when the review was performed or was it when NXTGen went into the detail of the project to provide a full scope of work. Mr. Ruoff stated the City needs to do an IGE for all federally funded projects to do a comparative estimate. For this scope of work, the two estimates the City completed for both consultants were relatively the same. Cost savings was realized when Stantec's staffing and allocated hours was reviewed.

City Manager clarified from the Engineer that the City won't be aware of cost until later in the process because this is an RFQ; the review of the proposals was only based on qualifications, not on price. Once the contractor has been selected, the City negotiates the price. Mr. Ruoff agreed.

Public Works Director Don Lussier addressed the committee and stated the City has to follow what is referred to as the Federal Acquisition Regulations (FAR). For professional services they require qualifications based selection – which means you select a contractor that is most qualified without consideration for their price. The City is not allowed to ask for a price as part of that submission of qualifications. Once the City has ranked them and selected the most qualified firm, you would negotiate a scope first, then they prepare their fee and the City at that point prepares what its estimated fee is. He added the City can't know what one firm's price is versus the other firm before a selection is made.

Mr. Ruoff added NXTGen has a bigger presence in Canada might have been the reason the Councilor could not find more information on them.

The following motion by Councilor Chadbourne was duly seconded by Councilor Lake.

On a vote of 5 to 0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to execute an agreement with NXTGen for engineering services for the design of the Gilbo Avenue Solar Pavilion Project, for an amount not to exceed \$300,000.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

Meeting Date: February 5, 2026
To: Mayor and Keene City Council
From: Kari Chamberlain, Finance Director/Treasurer
Through: Elizabeth Ferland, City Manager
Subject: **Acceptance of Donations**

Recommendation:

Recommend that the City Council accept donations totaling \$8,481.17, as noted below, and the City Manager be authorized to use each donation in the manner specified by the donor.

Attachments:

None

Background:

- The Keene Fire Department received the following donations in memory of retiree Henry "Hank" Memmesheimer who passed away December 8, 2025:
 - \$200 from Rose & Christine Li
 - \$100 from Kay Alderman & James Mountford
 - \$100 from Seven Rivers Law Office, PLLC
- The Keene Fire Department received a \$200 donation from Harrison & Marlene Baldwin in appreciation of services provided by department members.
- Brattleboro Heat Fastpitch Club account donated \$2,731.17 through Parks & Recreation to support girls' sports programming.
- The Gallup Fund donated \$5,000 through the Human Rights Committee to benefit the 2026 Keene International Festival.
- A \$100 donation from Deborah Hill and a \$50 from the Edmund & Roberta Gianferrari Revocable Trust for our "Branch Out For Parks" project.



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.1.

Meeting Date: February 5, 2026

To: Mayor and Keene City Council

From: Megan Fortson, Planner

Through: Paul Andrus, Community Development Director
Mari Brunner, Senior Planner

Subject: **O-2025-40: Relating to Setback Exceptions, Accessory Dwelling Units, and Parking Regulations**

Recommendation:

A motion was made by Vice Chair Roberta Mastrogiovanni that the Planning Board find Ordinance, O-2025-40, consistent with the 2025 Comprehensive Master Plan. The motion was seconded by Michael Hoefer and was unanimously approved.

A motion was made by Councilor Jones to request the Mayor set a public hearing on Ordinance, O-2025-40. The motion was seconded by Councilor Haas and was unanimously approved.

Attachments:

1. O-2025-40 Relating to Setback Exceptions, ADUs, and Parking Regulations
2. LDC Mockup
3. O-2025-40_Staff Report_Final

Background:

This ordinance proposes to streamline processes within the code and bring the city's standards for Accessory Dwelling Units (ADUs) into compliance with state law. Specifically, this ordinance would exempt retaining walls from building setbacks, remove the requirement for an interior door between an attached ADU and the main house, clarify that parallel parking spaces are an allowed parking configuration, and provide for greater flexibility when meeting on-site parking requirements using either remote parking or an administrative reduction.

This ordinance was introduced on December 18, 2025, and a public workshop was held on January 12, 2026 at a joint meeting of the Planning Board and PLD Committee. Included below is a section of the draft minutes from the January 12th public workshop.

1. **Ordinance - O-2025-40 – Relating to Setback Exceptions, Accessory Dwelling Units, & Parking Regulations.** Petitioner, the City of Keene Community Development

Department, proposes to amend Sec. 1.3.3.4.a of the LDC to clarify that retaining walls are exempt from setback requirements; modify Sec. 8.4.2.A by removing the requirement for an interior door and access to City utilities for Accessory Dwelling Units; amend Sec. 9.2 to increase the percentage of parking spaces that can be reduced administratively from 10% to 25% and prohibit the creation of remote parking spaces on parcels with a residential primary use; and update Table 9-3 to include parallel parking.

Planner, Megan Fortson, addressed the Committee. Ms. Fortson stated this Ordinance proposes a few changes to the Land Development Code related to structure setbacks, accessory dwelling unit requirements, as well as parking regulations.

The first slide Ms. Fortson referred to was in reference to retaining walls. She explained that retaining walls are considered structures under the Land Development Code. She indicated one of the issues the City has had is some property owners are not able to comply with setback requirements when it comes to things like retaining walls due to the size of their property, the topography of the site, or the layout of the parcel. Under the current building code, a building permit is only required for a retaining wall if it is going to be greater than four feet tall (from the footing to the top of the retaining wall), or if it is going to be subject to any horizontal or vertical forces.

The second proposed change is related to accessory dwelling unit (ADU) standards. One of the proposed changes is to remove the requirement for an interior door to be provided between the accessory dwelling unit and the main house if they are attached. The second proposed change is to remove the requirement for ADU's to have access to city water and sewer utilities. She noted that the intent behind these proposed changes is to bring the current regulations into compliance with updated state law, which was passed during the 2025 legislative session.

The next proposed change is to increase the percentage of parking spaces that can be reduced administratively by Zoning Staff. Under current regulations, if a property owner is unable to provide all required parking on their site, they can go to the Zoning Administrator and request a 10% reduction. Staff has realized that offering a 10% reduction is not really enough to meet the needs of applicants. Ms. Brunner noted that this is especially true for projects where the total number of parking spaces required is fewer than 25.

The next step above a 10% administrative parking reduction would be to request a 50% reduction from the Zoning Board through a Special Exception application, which Ms. Fortson noted has proved to be cumbersome for some people. Applicants in situations like this sometimes decide not to move forward with the project or decide to seek a variance instead, which could grant them a parking reduction greater than 50%.

As part of the updated regulations, any requests for an administrative parking reduction greater than 10% for residential uses would require that applicants provide a "reserve area," which is an area of land that could be used for future parking spaces. The City would also include a requirement that applicants for all administrative parking reduction requests greater than 10% submit a traffic and parking analysis. Ms. Fortson explained that this would not be a full traffic study, but rather, a memo from a traffic engineer explaining how the proposed use does not require as many parking spaces as required under Article 9 of the Land Development Code.

Ms. Fortson went on to state that the next proposed change is related to remote parking. Specifically, the proposed change would be to allow the creation of remote parking spaces on any non-residential

2026-27

parcel, regardless of the underlying zoning designation. She explained that current regulations for remote parking spaces specify that they must be within 1,000-ft of the boundaries of the subject parcel. Additionally, remote parking cannot currently be created on a property located in a residential district. For example, in the High Density District, buildings can have up to between four and six units. In this instance, an applicant might not be able to provide all necessary parking on their site. If the subject parcel is located within 1,000-ft of a commercial use located in a residential district, they would not be able to obtain parking from that lot under the existing regulations.

Ms. Fortson explained that under the proposed regulations, applicants would be able to obtain remote parking spaces from any commercial parcel, even if it is located in a residential zoning district, which would provide applicants with more flexibility.

She went on to state that the last proposed change is related to travel lane dimensions. She explained that Table 9-3 in the LDC outlines the requirements for travel lane width for four types of parking spaces. Parallel parking is not currently included in the table, so this update is proposed.

This concluded Ms. Fortson's presentation.

Mr. Kost asked for clarification on the width for a parallel parking space. Ms. Fortson stated regardless of the angle of a parking space, it has to be 8-feet wide by 18-feet long. Mr. Kost referred to remote parking and asked if a City parking lots or City garages could be used as remote parking. Ms. Fortson stated it could be used, but noted that those spaces would have to be rented from the City.

Councilor Ruttle-Miller asked how the parking requirements are formulated. Ms. Fortson stated Article 9 of the LDC outlines all parking regulations, including calculations for minimum parking requirements based on the proposed use of a site.

Councilor Haas asked City Staff to clarify how retaining walls are measured: When it says four feet tall, is the height measured from the bottom of the footing or from the finished grade to the top of the wall? Ms. Fortson stated the height would be measured from the bottom of the footing. Councilor Haas went on to say a building permit is required if the retaining wall is over four feet or if it is subject to any vertical or lateral forces. He felt any retaining wall would be subject to lateral forces, so any retaining wall would require a building permit. Ms. Fortson stated retaining walls in the traditional sense are for stopping erosion or for drainage or storm water purposes. In this definition, they are also trying to capture stonewalls or other aesthetic retaining walls. In the case of a decorative retaining wall, a building permit would not be required unless it was over four feet tall.

Councilor Haas stated he would like to see the traffic analysis requirement for 10% administrative parking reductions removed. He felt a parking analysis should be good enough. Ms. Fortson stated the City would not be looking for a full traffic study, but rather a letter prepared by a local traffic engineer stating that the proposed use is not going to generate as much traffic or require as many parking spaces as outlined in under the LDC parking requirements or ITE Trip Generation Estimates.

Councilor Jones, for the benefit of the new members, explained that the petitioner for this Ordinance is the City. When the petitioner is the City, the Ordinance can be amended at this Joint Committee level to create an "A" version of the document,

With reference to parking studies, Mayor Kahn stated that the Planning Board recently had an

application where the applicant submitted a letter prepared and stamped by a licensed traffic engineer indicating there would not be more than 100 trips per day to and from the site for a proposed development. He felt obtaining a letter is not a very high standard to meet.

With reference to the retaining wall setbacks, Mayor Kahn felt that the Ordinance language should be updated to state that the height of walls is measured starting at the finished grade. He did not feel this was too much of an issue to consider. Ms. Brunner explained that the proposed change in the Ordinance does not have anything to do with the height of the retaining wall. It is just saying that the City would allow retaining walls to be constructed with the typical building structure setback requirements. She noted that the height requirement is from the building code, which the Joint PB-PLD committee does not have purview over.

Mr. Kost noted that at the last Planning Board meeting, there was discussion relative to the cumulative traffic impacts from multiple developments being constructed in the same area over time. He asked how this will be handled, given that each project's traffic impact is evaluated separately. Ms. Fortson stated staff is aware of this issue, but are not exactly sure what the solution is at this time. Ms. Brunner noted that while a full traffic study looks at the existing and proposed traffic impacts for a proposed use, it does not take into account other proposed developments that have yet to be constructed, unless City Staff is aware of it and asks the applicant to include this information in the analysis.

Ms. Brunner explained that the purpose of a traffic study is to evaluate the level of service of a road, which measured on a scale and assigned a letter grade. As development happens in an area, the final project proposed could be the one that decreases the level of service on a road from a C to D grade. She noted that in this instance, the developer of this project is the one who would end up having to pay for the necessary offsite improvements to address this issue. Other states have handled similar issues by implementing impact fees. New Hampshire allows municipalities to implement these types of fees in a very limited manner. In this state, the collected fees have to be spent within three years, which Ms. Brunner stated is not a realistic option.

Councilor Jones asked for clarification about the retaining wall process and setbacks. Ms. Fortson stated that under the current zoning regulations, any category of wall would be subject to the setback requirements of the underlying zoning district. He asked how potential issues with stormwater runoff and drainage from a retaining wall would be addressed. Ms. Fortson stated that any potential impacts of runoff would be reviewed by the Plans Examiner as part of the building permit process and would need to comply with the Anti-Nuisance Standards outlined under Article 18 of the LDC.

Chair Farrington asked about the proposed change removing the requirement for ADUs to be connected to City water and sewer utilities. Ms. Brunner explained there were two changes proposed to the ADU regulations. The first change is proposed in order to comply with State law and is related to requirement that there be an interior door between the primary residence and an attached ADU. Last year, updated legislation was passed stating that this is no longer a requirement.

Mr. Brunner went on to explain that the second change the Chair is referring to is a local requirement that all ADU's must be connected to City water and sewer. She noted that this requirement further states if a property doesn't have access City sewer, then the owner is required to provide a septic system. The requirement for City water and sewer access is already addressed under the base zoning district requirements. Staff is suggesting that this language be removed and updated to indicate that a property owner providing a septic system design approved by the New Hampshire

Department of Environmental Services is sufficient. The Chair asked for the number of ADU's someone can have on their property by right. Ms. Brunner stated property owners can have one ADU on any single-family property in the City.

Councilor Haas asked about the distance for remote parking spaces, which states that all spaces must be located within a 1,000-ft walking distance. He asked why it could not be 1,500 feet. Ms. Fortson stated the 1,000-ft radius is currently specified in the remote parking regulations, but stated she did not know what the thought process was for choosing that number. Ms. Brunner stated it used to be 300 feet, but with the adoption of the Land Development Code it was increased to 1,000-ft. City Staff had felt that a 300-ft radius was too restrictive, however, they also wanted remote parking to be located within a reasonable distance so that people would actually use the spaces.

Councilor Ruttle-Miller referred to the proposed changes to the administrative parking reduction regulations and asked whether the basis for a 25% was normal for other municipalities, or if it was based on other calculations. Ms. Brunner stated she came up with this percentage based on the inquiries that staff has received recently. She stated she could not think of an instance where City Staff have granted a 10% reduction because it has never been enough to actually help an applicant. She noted that applicants have had to go down other routes, such as finding remote parking or seeking a 50% reduction from the ZBA. She added that paying for a full traffic study can be very expensive, especially for smaller projects. This is a way to provide more flexibility to help applicants find parking solutions without requiring a full traffic study.

The Chair asked for public comment. With no comments from the public, he closed the public hearing.

A motion was made by Vice Chair Roberta Mastrogiovanni that the Planning Board find Ordinance, O-2025-40, consistent with the 2025 Comprehensive Master Plan. The motion was seconded by Michael Hoefer and was unanimously approved.

A motion was made by Councilor Jones to request the Mayor set a public hearing on Ordinance, O-2025-40. The motion was seconded by Councilor Haas and was unanimously approved.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Setback Exceptions, Accessory Dwelling Units, and Parking Regulations

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

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

1. That a new section be added after Section 1.3.3.4.a, sub-section vii to indicate that retaining walls are exempt from setback requirements, as follows.
 4. Structure Setback Exceptions.
 - a. The following may be excluded from required setbacks.
 - i. Steps and stairs necessary to provide access to a building or structure
 - ii. Access landings up to 25-sf
 - iii. Structures necessary to afford access for persons with physical disabilities
 - iv. Canopies and awnings
 - v. One detached utility accessory building of less than 125-sf (e.g. garden shed)
 - vi. Fences
 - vii. Signs as regulated by Article 10
 - viii. Retaining walls**
2. That Section 8.4.2, Subsection A be amended by removing sub-sections 2.e and 2.g, as follows. The intent of this proposed change is to come into compliance with recent changes to state law, specifically HB 577 which amended NH RSA 674:71 to :73.

A. Accessory Dwelling Unit (ADU)

1. Defined. An independent living unit ancillary to a single-family dwelling and under the same ownership as the principal dwelling unit. The unit may be an attached Accessory Dwelling Unit (ADU), located within or attached to the principal dwelling unit, or a detached ADU, located in or as a detached accessory building on the property.
2. Use Standards
 - a. Only 1 ADU shall be permitted per lot.
 - b. There shall be no more than 2 bedrooms in an ADU.
 - c. ADUs shall be permitted in any district and on any lot that contains a singlefamily dwelling. This shall include any legal non-conforming single-family dwelling.
 - d. ADUs shall not exceed a maximum gross floor area of 1000-sf.
 - ~~e. An interior door shall be provided between the principal single-family dwelling unit and an attached ADU. This interior door does not need to remain unlocked.~~
 - ~~f.e.~~ Only 1 parking space shall be required for an ADU.
 - ~~g.f.~~ An ADU shall have city water and sewer service, or, ~~i~~ In the absence of city sewer, a septic system plan approved by the state shall be required prior to the issuance of a building permit.
 - ~~h.g.~~ A scaled and dimensional plot plan of the property shall be submitted as part of the building permit application for an ADU. This plan shall show the location and number of required parking spaces, driveway and paved areas, buildings, building setbacks, utilities, fences, and any other relevant site features.
 - ~~i.h.~~ The record property owner shall occupy either the single-family dwelling or the ADU, and shall submit an affidavit in support of an ADU with their building permit application stating under oath that they satisfy the owner occupancy requirement.
 - ~~j.i.~~ Adequate notice in an acceptable legal form for recording at the County Registry of Deeds shall be duly executed by the owner of record identifying the property on which the ADU is located by source deed sufficient to notify successor owners that the ADU is subject to the City's Zoning Regulations.
 - i. This notice shall be reviewed by the Zoning Administrator for acceptable form and, upon signature, it shall be recorded at the Registry by the property owner.
 - ii. Evidence of recording shall be submitted to the Community Development Department prior to the issuance of a building permit.

k.j. An ADU is subject to the same overlying zoning district's dimensions & siting, buildout, and height requirements, as permitted by RSA 674:72, that would be required for a single-family dwelling without an ADU. In the case of zoning districts that do not allow a singlefamily dwelling, the zoning district's dimensions & siting, buildout, and height requirements shall apply.

i. An ADU may encroach up to 10-ft from the rear lot line of any lot where an ADU is permitted.

3. That Section 9.2.7.A “Administrative Reduction” of Article 9 be amended to increase the amount of parking that may be reduced through an administrative process, as follows. The intent of this proposed change is to reduce barriers to development where the proposed development can clearly demonstrate that the number of required parking spaces as detailed in Table 9-1 is too restrictive based on the characteristics of the specific use or site.

9.2.7 Reduction of Required Parking

A. Administrative Reduction. The Zoning Administrator may grant up to a ~~10%~~ **25%** reduction in the number of required on-site parking spaces for the principal use or mixture of principal uses on a lot when the following can be demonstrated.

1. A specific use or site has such characteristics that the number of required parking spaces is too restrictive.
2. The requested reduction will not cause long term parking problems for adjacent properties or anticipated future uses.
3. One or more of the following site conditions are applicable or present on the lot where the principal use(s) is located.
 - a. Reserve Area. An area of land suitable for the development of a parking facility and equal in size to the area of land needed to provide the parking spaces for which a reduction is granted will be reserved as undeveloped open space on the lot. **This criteria shall be required for residential uses seeking a reduction of more than 10%.**
 - b. Proximity to Alternative Modes of Transportation. The main entrance to the building of the proposed use is located within a 1,000-ft walking distance of an operating transit route or there is direct access from the lot to a multi-use bicycle pathway.
 - c. Shared Parking. The required parking is for a use that shares a parking lot with other uses that have different peak parking demands or operating hours (e.g. a movie theatre and a bank).
 - d. Proximity to On-Street Parking. Located contiguous to the lot there is on-street public parking that meets all the requirements for on-street parking in accordance with the City Code of Ordinances.

B. Administrative Reduction Request Procedure

1. A written request for an administrative parking reduction shall be filed with the Zoning Administrator and shall include, at a minimum, the following information. The Zoning Administrator may request additional information and/or technical studies at the applicant's expense.
 - a. The size and type of the proposed use(s).
 - b. The anticipated rate of parking turnover.
 - c. The anticipated peak parking and traffic loads for all uses.
 - d. A description of how the site and/or use meets the criteria in Section 9.2.7.A.
 - e. A traffic and parking analysis stamped by a NH licensed engineer shall be required for parking reduction requests greater than 10%.**
 - ~~f.e.~~ Additional information and/or technical studies deemed reasonably necessary by the Zoning Administrator, at the expense of the applicant.
 2. The Zoning Administrator shall issue a written decision on requests for administrative reduction of required parking in accordance with the procedures for a written interpretation in Section 26.9 of this LDC.
4. That Section 9.2.9.B "Remote Parking" of Article 9 be amended to allow remote parking to be located on lots located in residential districts with legally non-conforming uses and excess parking capacity, as follows. The intent of this proposed change is to allow for more flexibility for remote parking arrangements in areas that are located within a residential district.

9.2.9 Remote Parking

If the required number of on-site parking spaces for any land use cannot be reasonably provided on the same lot on which the principal use is located, the Zoning Administrator may permit all or part of the required parking to be located on a separate lot, provided it complies with the following standards.

- A. The remote parking spaces shall be within a 1,000-ft walking distance of the property on which the principal use is located. This distance is measured from the nearest point of the remote parking area to the primary entrance of the use served. The path of travel from the remote parking to the principal use shall have adequate pedestrian facilities (e.g. crosswalks and sidewalks) for pedestrians to safely travel between the two sites.
- B. Remote parking spaces shall not be allowed **on lots where the primary use is residential (single family, two family, or multifamily).** ~~in any residential zoning district.~~
- C. All required accessible parking spaces shall be provided on-site.
- D. Where remote parking spaces are under separate ownership from the principal lot, a written and duly executed parking agreement between the record owners, which guarantees the use and operation of remote parking areas for the life of the principal

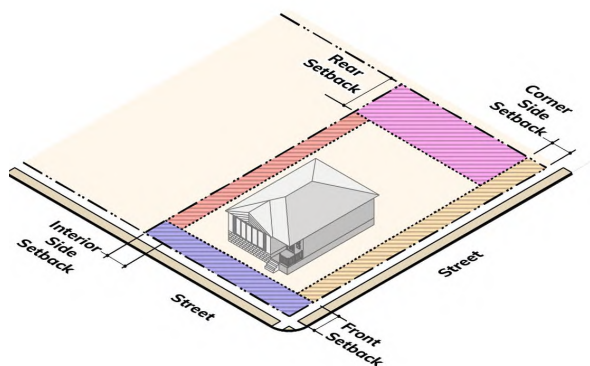
use, shall be submitted to and approved by the Zoning Administrator and recorded in the County Registry of Deeds. Change of ownership or use of either parcel shall require a renewal of the agreement.

E. The remote parking spaces shall not be counted toward the minimum parking requirements for the primary use(s) of the lot where the remote parking is located.

5. That Table 9-3 “Travel Lane Dimensions” be modified to include travel lane widths adjacent to parallel parking spaces, as follows. The intent of this proposed change is to clarify that parallel parking is allowed and to specify the required width of adjacent travel lanes.

Parking Space Angle	Travel Lane Width
90 degree	22 ft
60 degree	18 ft
45 degree	11 ft
30 degree	10 ft
<u>0 degree</u>	<u>10 ft (one-way)</u>
<u>(parallel parking)</u>	<u>20 ft (two-way)</u>

Jay V. Kahn, Mayor



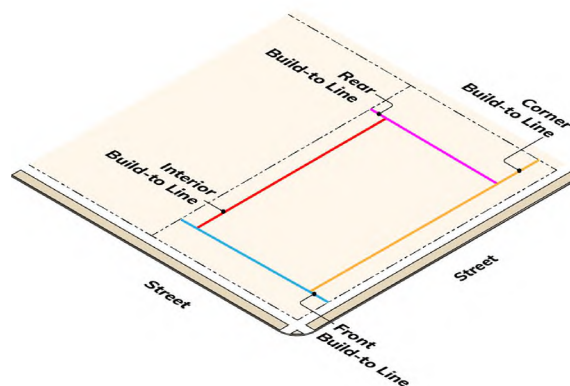
4. Structure Setback Exceptions.

- a. The following may be excluded from required setbacks.
 - i. Steps and stairs necessary to provide access to a building or structure
 - ii. Access landings up to 25-sf
 - iii. Structures necessary to afford access for persons with physical disabilities
 - iv. Canopies and awnings
 - v. One detached utility accessory building of less than 125-sf (e.g. garden shed)
 - vi. Fences
 - vii. Signs as regulated by Article 10
 - viii. **Retaining walls**
- b. Paved and unpaved parking lots and associated travel surfaces associated with all uses other than single- and two-family dwellings shall comply with the setback requirements in Section 9.4 of this LDC.
- c. Driveways and parking spaces associated with single- and two-family dwellings shall comply with the setback requirements in Section 9.3 of this LDC.
- d. If a front building setback extends beyond the front of a legally nonconforming building, an accessory use or structure may occupy the portion

of the front setback beyond the front of the building.

- e. The following structures may encroach up to 10-ft from the rear lot line of lots in residential zoning districts.
 - i. Pools, either above- or in-ground
 - ii. Decks, either detached or attached
 - iii. Garages, either detached or attached
 - iv. Accessory Dwelling Units, either detached or attached

- B. **Building Façade Line.** The vertical plane along a lot where the building's façade is located. Upper story building façade lines relate to that part of the façade that requires a setback.
- C. **Build-To Line (BTL).** A build-to line (BTL) is a set line on a lot, measured perpendicularly from the applicable lot line, where all principal buildings or principal structures must be located. The building façade line of all principal buildings or principal structures must be located on the build-to line. Façade articulation (e.g. window or wall recesses and projections) are not counted



as the building façade line, which begins at the applicable façade wall.

- D. **Build-To Percentage.** A build-to percentage specifies the percentage of the building façade that must be located within the build-to zone or at the build-to line. Façade articulation (e.g. window or wall recesses and projections) do not count against the required build-to percentage.

8.4.2 Specific Use Standards

A. Accessory Dwelling Unit (ADU)

1. **Defined.** An independent living unit ancillary to a single-family dwelling and under the same ownership as the principal dwelling unit. The unit may be an attached Accessory Dwelling Unit (ADU), located within or attached to the principal dwelling unit, or a detached ADU, located in or as a detached accessory building on the property.
2. **Use Standards**
 - a. Only 1 ADU shall be permitted per lot.
 - b. There shall be no more than 2 bedrooms in an ADU.
 - c. ADUs shall be permitted in any district and on any lot that contains a single-family dwelling. This shall include any legal non-conforming single-family dwelling.
 - d. ADUs shall not exceed a maximum gross floor area of 1000-sf.
 - e. ~~An interior door shall be provided between the principal single-family dwelling unit and an attached ADU. This interior door does not need to remain unlocked.~~
 - f. Only 1 parking space shall be required for an ADU.
 - g. ~~An ADU shall have city water and sewer service, or, in~~ the absence of city sewer, a septic system plan approved by the state shall be required prior to the issuance of a building permit.
 - h. A scaled and dimensional plot plan of the property shall be submitted as part of the building permit application for an ADU. This plan shall show the location and number of required parking spaces, driveway and paved areas, buildings, building setbacks, utilities, fences, and any other relevant site features.
 - i. The record property owner shall occupy either the single-family dwelling or the ADU, and shall submit an affidavit in support of an ADU with their building permit application stating under oath that they satisfy the owner occupancy requirement.
 - j. Adequate notice in an acceptable legal form for recording at the County Registry of Deeds shall be duly executed by the owner of record identifying the property on which the ADU is located by source deed sufficient to notify successor owners that the ADU is subject to the City's Zoning Regulations.
 - i. This notice shall be reviewed by the Zoning Administrator for acceptable form and, upon signature, it shall be recorded at the Registry by the property owner.
 - ii. Evidence of recording shall be submitted to the Community Development Department prior to the issuance of a building permit.
 - k. An ADU is subject to the same overlying zoning district's dimensions & siting, buildout, and height requirements, as permitted by RSA 674:72, that would be required for a single-family dwelling without an ADU. In the case of zoning districts that do not allow a single-family dwelling, the zoning district's dimensions & siting, buildout, and height requirements shall apply.
 - i. An ADU may encroach up to 10-ft from the rear lot line of any lot where an ADU is permitted.

TABLE 9-1: MINIMUM ON-SITE PARKING REQUIREMENTS

USE CATEGORY	MIN ON-SITE PARKING REQUIREMENT
OPEN SPACE USES	
Cemetery	0.5 spaces / 1 acre of grave space if no internal road is present
Community Garden	No minimum
Conservation Area	No minimum
Farming	No minimum
Golf Course	2 spaces / tee + 4 spaces / 1,000 sf GFA
Gravel Pit	4 spaces / 1,000 sf GFA of office space
INFRASTRUCTURE USES	
Public Utility Facilities	4 spaces / 1,000 sf GFA of office space
Telecommunications Facilities	1 space / standalone facility
TRANSPORTATION USES	
Parking Lot (Principal Use)	No minimum
Parking – Structured Facility (Principal Use)	No minimum

9.2.2 Use Determination

- A. Where the classification of use is not determinable from Table 9-1, the Zoning Administrator shall determine the minimum on-site parking requirements by considering all factors entering into the parking demand for the use, including the most current version of the ITE Parking Generation Manual. Such determination shall be documented in writing and kept on file with the Community Development Department.

9.2.3 Mixed Uses

Where multiple primary uses occupy the same structure or lot, the required minimum parking is the sum of the requirements for each use computed separately.

9.2.4 Accessible Parking

- A. The number of required accessible parking spaces shall be calculated based on the minimum number of parking spaces required in Table 9-1 not including any reduction, and shall comply with the requirements of the State Building Code.
- B. In no circumstance shall the number of required accessible parking spaces be reduced.

9.2.5 Zoning District Specific Requirements

- A. No on-site parking is required for uses in the Downtown Core, Downtown Growth, and Downtown Limited Districts, with the exception of residential uses in the Downtown Growth and Downtown Limited Districts as stated in Table 9-1.
- B. When parking is provided in zoning districts that do not require on-site parking, all design standards and specific limitations in this Article shall apply.

9.2.6 Alternate Parking Requirements

Recognizing that the parking requirements provided in Table 9-1 may not be appropriate for all uses or sites, the number of on-site parking spaces required may be reduced in accordance with Sections 9.2.7, 9.2.8 and 9.2.9.

9.2.7 Reduction of Required Parking

- A. **Administrative Reduction.** The Zoning Administrator may grant up to a **10% 25%** reduction in the number of required on-site parking spaces for the principal use or mixture of principal uses on a lot when the following can be demonstrated.
1. A specific use or site has such characteristics that the number of required

parking spaces is too restrictive.

2. The requested reduction will not cause long term parking problems for adjacent properties or anticipated future uses.
3. One or more of the following site conditions are applicable or present on the lot where the principal use(s) is located.
 - a. **Reserve Area.** An area of land suitable for the development of a parking facility and equal in size to the area of land needed to provide the parking spaces for which a reduction is granted will be reserved as undeveloped open space on the lot. **This criteria shall be required for residential uses seeking a reduction of more than 10%.**
 - b. **Proximity to Alternative Modes of Transportation.** The main entrance to the building of the proposed use is located within a 1,000-ft walking distance of an operating transit route or there is direct access from the lot to a multi-use bicycle pathway.
 - c. **Shared Parking.** The required parking is for a use that shares a parking lot with other uses that have different peak parking demands or operating hours (e.g. a movie theatre and a bank).
 - d. **Proximity to On-Street Parking.** Located contiguous to the lot there is on-street public parking that meets all the requirements for on-street parking in accordance with the City Code of Ordinances.

B. Administrative Reduction Request Procedure

1. A written request for an administrative parking reduction shall be filed with the Zoning Administrator and shall include, at a minimum, the following information. The Zoning Administrator may request additional information and/or technical studies at the applicant's expense.
 - a. The size and type of the proposed use(s).

- b. The anticipated rate of parking turnover.
- c. The anticipated peak parking and traffic loads for all uses.
- d. A description of how the site and/or use meets the criteria in Section 9.2.7.A.
- e. **A traffic and parking analysis stamped by a NH licensed engineer shall be required for parking reduction requests greater than 10%.**
- f. Additional information and/or technical studies deemed reasonably necessary by the Zoning Administrator, at the expense of the applicant.

2. The Zoning Administrator shall issue a written decision on requests for administrative reduction of required parking in accordance with the procedures for a written interpretation in Section 26.9 of this LDC.

C. Major Reduction Request

1. Requests for reductions in required parking that exceed 10% and are less than 50% shall be considered by the Zoning Board of Adjustment through the special exception process.
2. In determining whether to grant a special exception, the Zoning Board of Adjustment shall make the following findings.
 - a. The specific use or site has such characteristics that the number of required parking spaces is too restrictive.
 - b. The requested reduction will not cause long term parking problems for adjacent properties or anticipated future uses.
3. The applicant for a special exception shall submit a parking study conducted by a NH licensed engineer that clearly demonstrates the need for a reduction in required parking. The parking study shall address the following.

- a. A description of the proposed use(s).
- b. Days and hours of operation of the use(s).
- c. Anticipated number of employees and number of daily customers or clients.
- d. The anticipated rate of turnover for proposed spaces.
- e. The availability of nearby on-street parking or alternative modes of transportation (e.g. public transit, multi-use pathways).
- f. The anticipated peak parking and traffic loads for each of the uses on the site.
- g. Total vehicle movements for the parking facility as a whole.

9.2.8 Parking Credit

Any existing parking deficiencies of the required on-site parking spaces for the previous use may be credited to the new use at the discretion of the Zoning Administrator, provided that the previous use was legally established and the number of parking spaces has not decreased.

9.2.9 Remote Parking

If the required number of on-site parking spaces for any land use cannot be reasonably provided on the same lot on which the principal use is located, the Zoning Administrator may permit all or part of the required parking to be located on a separate lot, provided it complies with the following standards.

- A. The remote parking spaces shall be within a 1,000-ft walking distance of the property on which the principal use is located. This distance is measured from the nearest point of the remote parking area to the primary entrance of the use served. The path of travel from the remote parking to the principal use shall have adequate pedestrian facilities (e.g. crosswalks and sidewalks) for pedestrians to safely travel between the two sites.
- B. Remote parking spaces shall not be allowed **on lots where the primary use is residential**

(single family, two family, or multifamily). in any residential zoning district.

- C. All required accessible parking spaces shall be provided on-site.
- D. Where remote parking spaces are under separate ownership from the principal lot, a written and duly executed parking agreement between the record owners, which guarantees the use and operation of remote parking areas for the life of the principal use, shall be submitted to and approved by the Zoning Administrator and recorded in the County Registry of Deeds. Change of ownership or use of either parcel shall require a renewal of the agreement.
- E. The remote parking spaces shall not be counted toward the minimum parking requirements for the primary use(s) of the lot where the remote parking is located.

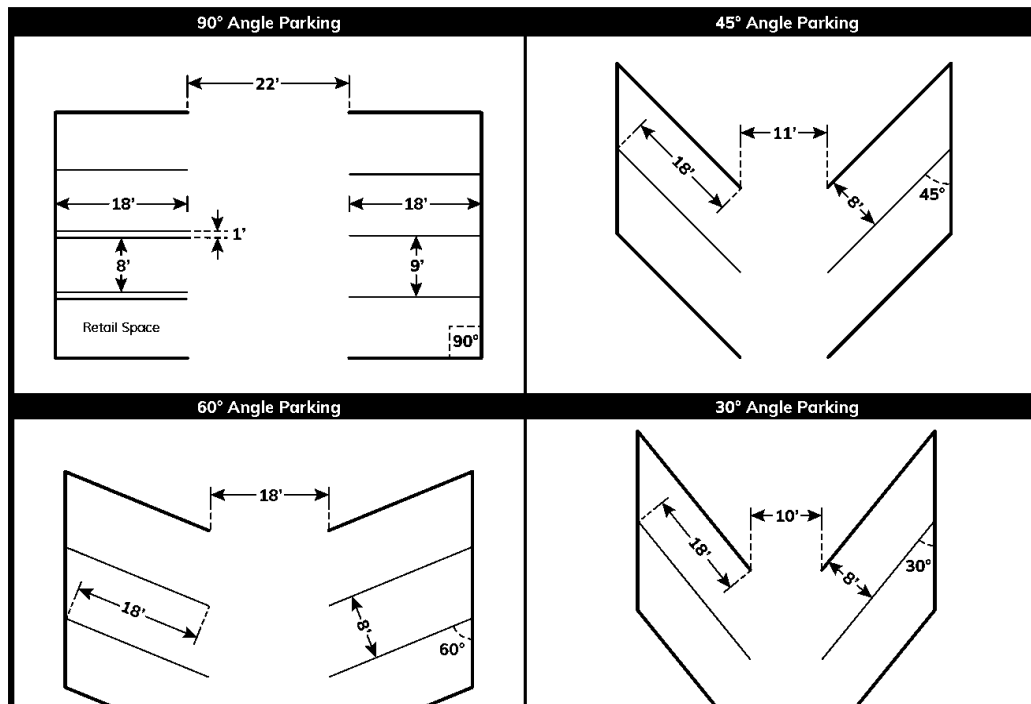
9.4.3 Surface Material and Grade

The surface of parking lots shall be designed as follows.

- A. The surface material shall be of either concrete; asphalt installed at a minimum thickness of 3-in on top of 4-in compacted subgrade base; crushed stone (installed at a minimum thickness of 4-in on top of a 4-in compacted subgrade); or, semi-pervious materials (e.g. permeable pavers, pervious asphalt or concrete, etc.) that are able to withstand vehicular traffic or other heavy-impact uses.
- B. Shall be striped to delineate parking spaces.
- C. Shall be graded to prevent drainage across sidewalks and curb cuts or onto adjacent property.
- D. Shall have a substantial curb or wheel stop of concrete, masonry, steel or heavy timber placed at or near the end of each parking space to prevent vehicles from damaging nearby buildings, lawns, trees or shrubs, or from creating a hazard to pedestrians on any sidewalk or walkway.

Table 9-3: Travel Lane Dimensions

Parking Space Angle	Travel Lane Width
90 degree	22 ft
60 degree	18 ft
45 degree	11 ft
30 degree	10 ft
0 degree	10 ft (one-way)
(parallel parking)	20 ft (two-way)



STAFF REPORT

Ordinance 0-2025-40 – Zoning Text Amendment – Relating to Setback Exceptions, Accessory Dwelling Units, & Parking Regulations

ORDINANCE OVERVIEW:

This Ordinance proposes several amendments to the zoning ordinance in Chapter 100 of City Code, the Keene Land Development Code (LDC). The proposed modifications are as follows:

- **Section 1.3.3.A.4.a** – Add a new subsection “viii” to indicate that retaining walls are exempt from structure setback requirements.
- **Section 8.4.2.A.2** – Remove subsection “e” to eliminate the need to install an interior door between a principal structure and an attached Accessory Dwelling Unit. Additionally, subsection “g” is proposed to be modified to eliminate the need for all ADUs to be connected to City water and sewer services.
- **Section 9.2.7.A** – Increase the percentage of required on-site parking spaces that can be reduced administratively by the Zoning Administrator from 10% to 25%.
- **Section 9.2.9.B** – Amend this section to prohibit the creation of remote parking spaces on parcels where the primary use is residential, rather than prohibiting them in any residential district.
- **Table 9-3** – Update this table to clarify that parallel parking is allowed and establish a width for drive aisles adjacent to these spaces.

The intent of these proposed changes is to reduce the number of variances or other zoning relief required due to on-site parking requirements and to allow retaining walls within setbacks. Additionally, this ordinance proposes to bring the City’s requirements for Accessory Dwelling Units (ADUs) into compliance with recent updates to state law.

BACKGROUND & DISCUSSION:

Section 1.3.3.A.4.a – Structure Setback Exceptions:

This Ordinance proposes to add a new list item “viii. Retaining Walls” to the list of structures that are exempt from setbacks in Section 1.3.3.A.4.a of the LDC. The list of exempt structures currently includes the following:

- i. Steps and stairs necessary to provide access to a building or structure
- ii. Access landings up to 25-sf
- iii. Structures necessary to afford access for persons with physical disabilities
- iv. Canopies and awnings
- v. One detached utility accessory building less than 125-sf in size (e.g. a garden shed)
- vi. Fences
- vii. Signs as regulated by Article 10 of the LDC

While retaining walls meet the LDC’s definition of “structure,” they are often used for aesthetic purposes, site grading, and managing stormwater runoff and are generally not considered to be a nuisance for neighboring properties. Under the current building code, a building permit is

STAFF REPORT

required for the installation of a retaining wall that is more than 4 feet tall or for a retaining wall of any height that may be subject to pressure from vertical loads or lateral forces. Exempting retaining walls from setback requirements will ease the site design process for residents and property owners while ensuring that all necessary building code standards are met.

Section 8.4.2.A.2 – Accessory Dwelling Units (ADU) Use Standards:

This ordinance proposes to amend the ADU use standards in Section 8.4.2.A.2 of the LDC by removing the requirement for an interior door between an attached ADU and the principal dwelling (use standard e) and clarify the wording of use standard “g” regarding utility requirements. These changes will bring the city’s ADU standards into compliance with changes to state law that were made during the 2025 legislative session with House Bill 577 and will help make the ADU use standards simpler and easier to understand.

Section 9.2.7.A – Administrative Reduction of Required Parking:

Article 9 of the LDC requires that a minimum amount of on-site parking be provided for each use. For example, offices are required to have 4 parking spaces per 1,000 square feet of gross floor area. In addition, this article provides three alternatives to providing the required parking: (1) a parking reduction, (2) a parking credit, or (3) provision of remote parking.

Under the “Reduction of Required Parking” section (9.2.7), an applicant may seek up to a 10% reduction in the number of required on-site parking spaces from the Zoning Administrator through an administrative process, or up to a 50% reduction from the Zoning Board of Adjustment through a Special Exception public hearing process. To receive the requested reduction, applicants must submit documentation regarding the characteristics of the use & site and a description of how the use & site meets the criteria listed below.

1. A specific use or site has such characteristics that the number of required parking spaces is too restrictive.
2. The requested reduction will not cause long term parking problems for adjacent properties or anticipated future uses.
3. One or more of the following site conditions are applicable or present on the lot where the principal use(s) is located: reserve area; proximity to alternative modes of transportation; shared parking; and/or proximity to on-street parking.

In practice, staff have found that a 10% reduction is often not enough to meet the needs of applicants, especially for smaller projects where the total amount of parking required is less than 25 spaces. In addition, the process of requesting a 50% reduction can be too expensive for some applicants due to the requirement to submit a full parking study. As a result, some applicants have opted to request a variance rather than using the “Alternate Parking” option or they have reduced the scope of their project.

This Ordinance proposes to increase the amount of parking that may be reduced administratively from 10% to 25% to provide applicants with a faster and less expensive option for seeking relief from the minimum parking requirements in Article 9. As part of this change, this ordinance would require any residential uses seeking an administrative reduction of greater than 10% to provide a reserve area (an area of land that could be used for future parking spaces), and it would add a

STAFF REPORT

requirement for all administrative parking reduction requests of more than 10% to provide a traffic and parking analysis (but not a full study).

The intent of this change is to remove a barrier to development by streamlining the process and reducing the number of variances or other zoning relief that is sought due to parking requirements. Table 1 below shows examples of the existing and proposed number of parking spaces that could be reviewed administratively by Zoning Staff.

Table 1 – Example Administrative Parking Reductions Under Current & Proposed Zoning

Base Parking Requirement	10% Reduction (Current)	25% Reduction (Proposed)
10 spaces	9 (-1 space)	8 (-2 spaces)
25 spaces	23 (-2 spaces)	19 (-6 spaces)
65 spaces	59 (-6 spaces)	49 (-16 spaces)

Section 9.2.9.B – Remote Parking:

Another alternative method for meeting the parking requirements in Article 9 is through the provision of remote parking, described in Section 9.2.9 of the LDC. The requirements for offsite (or “remote”) parking state that all spaces must be within 1,000-ft of the property on which the principal use is located and cannot be obtained from any parcel located within a residential zoning district. However, throughout the City there are existing commercial properties within residentially zoned areas (legal nonconforming uses) as well as residential uses within commercial areas.

This Ordinance proposes to amend this section to state that remote parking spaces cannot be obtained from a residential property (rather than district). The intent of this change is to make it possible for uses to lease remote parking spaces from non-residential uses that are legally located in a residential district. All required accessible spaces will still be required to be on site, and the remote parking spaces must be “excess” spaces – in other words, they cannot be double-counted for the property where they are located and the use that is leasing them.

This change would make it easier for uses located in/near residential districts to lease off-site parking spaces on non-residential properties within the required 1,000 sf distance.

Table 9-3 – Travel Lane Dimensions:

This Ordinance proposes to amend Table 9-3 of the LDC (Figure 1) to include parallel parking spaces as an option and to clarify that a 10'-wide travel aisle is required if a one-way flow of traffic is proposed and a 20'-wide travel aisle is required if a two-way flow of traffic is proposed. Currently, the table includes width requirements for parking spaces measuring 30, 45, 60, and 90 degrees, but does not address parallel (0 degree) parking spaces.

Table 9-3: Travel Lane Dimensions	
Parking Space Angle	Travel Lane Width
90 degree	22 ft
60 degree	18 ft
45 degree	11 ft
30 degree	10 ft

Figure 1. Table 9-3 from the Land Development Code.

The aim of this proposal is to clarify that parallel parking is allowed and reduce any potential confusion on the part of applicants or future code interpreters.

STAFF REPORT

POTENTIAL IMPACTS OF THE PROPOSED CHANGES:

This Ordinance proposes a series of changes that will simplify, clarify, and update existing City processes and requirements related to structure setbacks, alternate parking requirements, and ADU use standards. The potential impacts of these proposed changes include less regulation of certain structure types, including retaining walls and ADUs, and relaxed parking requirements. As they exist today, these regulations may unintentionally reduce a small-scale developer's interest in pursuing a project due to the perceived complexity of the processes. The impact of this ordinance would be to provide both applicants and City Staff with additional flexibility in navigating the design review process and remove roadblocks that could otherwise hinder a development project.

CONSISTENCY WITH THE MASTER PLAN:

The 2025 Comprehensive Master Plan is centered around six pillars, including Livable Housing, Thriving Economy, Connected Mobility, Vibrant Neighborhoods, Adaptable Workforce, and Flourishing Environment. Chapter 6.0 of the Master Plan includes an Implementation Matrix for each of these pillars and their associated goals. The matrix outlines the priority and role of the City in achieving each of the action items associated with a pillar's goals. Goal 2 of the Livable Housing Pillar is to, *"Remove barriers to housing development."* Action Item #2.6 under this goal is to *"Update zoning map and/or code to encourage desired development."* Additionally, Action Item #2.7 states that the community should *"Continually review and assess the city's permitting and approval processes."*

Each of these items is categorized as being a high priority action that should be led by the City. Modifying the zoning code in the ways described in this staff report would serve as a starting point for updating the zoning regulations to encourage development within the community. In addition, Goal 3 of the Livable Housing Pillar is to *"Promote sustainable and healthy housing standards that align with the community's character."* Action Item #3.2 under this goal is to *"Review zoning code and development regulations to ensure clarity."* Modifying the ADU regulations to remove unnecessary requirements; updating the process for obtaining off-site parking spaces and parking reductions; and accounting for additional types of parking spaces are all changes that will serve to offer more clarity to those individuals reviewing the LDC with the goal of developing a project within the City of Keene.

Recommended Motions:

The following language is recommended for the motion for each board:

Planning Board Motion: "To find Ordinance O-2025-40 to be consistent with the 2025 Comprehensive Master Plan."

Planning, License & Development Committee Motion: "To recommend that the Mayor set a public hearing date."



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: February 5, 2026

To: Mayor and Keene City Council

From: Mike Kopcha, Police Captain

Through: Steve Stewart, Police Chief
Elizabeth Ferland, City Manager

Subject: **Relating to Fines for Nuisance, Menace and Vicious Dog Offenses Ordinance O-2026-01**

Recommendation:

That Ordinance O-2026-01 Relating to Fines for Nuisance, Menace and Vicious Dog Offenses be referred to the appropriate Standing Committee for review and recommendation back to the full City Council.

Attachments:

1. O-2026-01 Ordinance Dog offenses

Background:

EXECUTIVE SUMMARY - Ordinance O-2026-01 seeks to update the fines associated with nuisance, menace and vicious dog offenses by reducing the fines for nuisance dog first offenses, and adding a fine for a second offense within 12 months, and increasing the fines for menacing or vicious dog offenses to align with current state law.

On July 22, 2025, the New Hampshire Legislature enacted HB 670-FN adjusting the minimum civil forfeitures for nuisance, menace, and vicious dog offenses under RSA 466:31-a, effective January 1, 2026. The proposed amendments would bring Keene's ordinance in line with the State's minimum fines for attacks by nuisance dogs.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Six

AN ORDINANCE Relating to Fines for Nuisance, Menace and Vicious Dog Offenses

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 Chapter 10, Article II, Section 10-36 of the City Code, entitled "**Forfeiture for nuisance, menace or vicious dogs.**", and deleting the stricken text as follows:

10-36. Forfeitures for nuisance, menace or vicious dogs.

(a) Whoever owns a dog that violates section 10-35 and whose dog is adjudged to be either a nuisance, a menace or vicious shall forfeit the following:

(1) Nuisance dog:

a. For the first offense.....~~\$25.00~~ **Warning**

b. For the second nuisance or subsequent offense committed within 12 months of the first offense.....~~\$100.00~~ **\$50.00**

c. Third or subsequent offense within 12 months of the first offense: \$100.00

(2) Menace dog:

For violations classified as menacing offenses under RSA 466:31, II(e)-(f):

a. For the first offense.....~~\$50.00~~ **\$200.00**

b. For the second menace or subsequent offense committed within 12 months of the first offense.....~~\$200.00~~ **\$400.00**

(3) Vicious dog:

For violations classified as vicious offenses under RSA 466:31, II(g):

a. For the first offense.....~~\$100.00~~ **\$400.00, plus liability for all medical expenses incurred by the injured person.**

b. For the second vicious or subsequent offense committed within 12 months of the first offense.....~~\$400.00~~ **\$1000.00, plus liability for all medical expenses incurred by the injured person.**

(b) These forfeitures shall be paid to the city clerk within 96 hours from the time notice is given by any law enforcement officer or animal control officer to the owner or keeper of the dog. Any person making this forfeiture shall have deemed to have waived the right to have the case heard in the circuit court, and shall not be prosecuted or found guilty of a violation of RSA 466:31. Any person who does not pay the civil forfeiture shall have the case disposed of in circuit court. Any person who pays a civil forfeiture, as specified in this section, two times within a 12-month period, according to the records of the police department, may not pay the civil forfeiture for subsequent violations of this section in that 12-month period, but shall have these cases disposed of in circuit court. For a vicious dog, where its behavior represents such a threat to public safety, immediate circuit court proceedings may be initiated in lieu of civil forfeiture.

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.2.

Meeting Date: February 5, 2026
To: Mayor and Keene City Council
From: Mari Brunner, Senior Planner
Through: Paul Andrus, Community Development Director
Subject: **Relating to the Definition of "Family"**
Ordinance O-2026-02

Recommendation:

To refer Ordinance O-2026-02 to the Joint Committee of the Planning Board and Planning, Licenses and Development Committee for a public workshop.

Attachments:

1. O-2026-02 Application
2. Narrative
3. Ordinance O-2026-02
4. LDC Mock Up Pages

Background:

During the 2025 legislative session, the New Hampshire State Legislature adopted [House Bill 457 "relative to zoning restrictions on dwelling units"](#) with an effective date of September 13, 2025. This change to state law (NH RSA 674:16) prohibits municipalities from adopting or enforcing an ordinance that restricts the number of occupants of any dwelling unit to less than 2 occupants per bedroom or that is "based on the familial or non-familial relationships or marital status, occupation, employment status, or the educational status, including but not limited to scholastic enrollment or academic achievement at any level among the occupants of the dwelling unit, including but not limited to college students."

This Ordinance proposes to amend the definition of the term "Family" in Article 29 of the Land Development Code (LDC) to bring the city's definition into compliance with state law. In addition, this ordinance proposes to amend the definition of the term "Dwelling Unit" in Article 29 to clarify that this term does not include transient occupancies such as hotels/motels or bed and breakfasts. Lastly, this ordinance proposes to add clarifying language to Article 1, Section 1.2.1 "Definitions" and Article 26, Section 26.4 "Land Development Code Amendments" to state that any modifications to the definitions in Article 29 that would have the effect of modifying the zoning ordinance shall follow the same application and review procedures that are required for an amendment to the zoning ordinance.



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: Community Development Department Date: February 2, 2026
Address: 3 Washington St. Keene NH
Telephone: (603) 352-5440 Email: communitydevelopment@keenenh.gov

Existing Section Reference in Chapter 100, Land Development Code: Article 29, Article 1, Ar

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

Does the amendment affect "Permitted Uses"? ☐ Yes ☒ No

Number of parcels in Zoning District*: N/A

Validation of Number of parcels by the
Community Development Department

Petitioner's Signature

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

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

Date Received by City Clerk: 02/02/2026 Ordinance Number: O-2026-02

On City Council agenda: 02/05/2026 Workshop to be held: _____

Public Hearing to be held _____

CITY OF KEENE
NEW HAMPSHIRE

O-2026-02 Relating to the Definition of Family

This Ordinance proposes to amend the definition of the term “Family” in Article 29 of the Land Development Code (LDC) to bring the city’s definition into compliance with New Hampshire State Statute 674:16, which prohibits a local municipality from adopting or enforcing an ordinance that is based on the familial or non-familial relationships or marital status, occupation, employment status, or educational status of the occupants of a dwelling unit. In addition, this ordinance proposes to amend the definition of the term “Dwelling Unit” in Article 29 to clarify that this term does not include transient occupancies such as hotels/motels or bed and breakfasts. Lastly, this ordinance proposes to add clarifying language to Article 1, Section 1.2.1 “Definitions” and Article 26, Section 26.4 “Land Development Code Amendments” to state that any modifications to the definitions in Article 29 that would have the effect of modifying the zoning ordinance shall follow the same application and review procedures that are required for an amendment to the zoning ordinance.

The attached materials include the full text of Ordinance O-2026-02 and excerpted sections of the City of Keene Land Development Code that are proposed to be amended with this ordinance. Text that is **bolded and underlined** is proposed to be added, and text that is ~~stricken through~~ is proposed to be deleted.



CITY OF KEENE

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

AN ORDINANCE _____ Relating to the Definition of "Family"

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

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

1. That Article 1, Section 1.2.1 "Definitions" be amended by adding a new sub-section "D," as follows. The intent of this proposed change is to ensure that any future changes to definitions in the Land Development Code that would modify the meaning of the zoning regulations are treated as a zoning amendment.

1.2.1 Definitions

Terms that are not specifically defined in this LDC shall be accorded their commonly accepted meanings, unless the context in which they are used clearly indicates to the contrary.

- A. For the purposes of determining the commonly accepted meaning of any term, reference may be made to the latest edition of Webster's Dictionary.
- B. Terms not otherwise defined in this LDC that are defined in NH Revised Statutes Annotated (RSAs) may take on the statutory definition.
- C. The definitions of this LDC shall take precedence over any conflicting definitions, if such conflict arises.
- D. **For the purpose of amendments to this LDC, any modifications to one or more definitions that would have the effect of modifying the Zoning Regulations shall be treated as a zoning text amendment. These terms shall include, but not be limited to, "Family," "Frontage," and "Public Right-of-Way."**

2. That Article 26, Section 26.4.3.A be amended to state that modifications to the definitions in Article 29 which would have the effect of modifying the zoning ordinance shall follow the same application and review procedures described in Section 26.3 of the LDC, as follows:

- A. Articles 1 through 19 **and Article 29**. For amendments proposed to Article 1 through 19 of this LDC **or for amendments to definitions in Article 29 that affect the Zoning Regulations**, the same application and review procedures shall be followed as those

described in Section 26.3 of this LDC, with respect to amendments to the Zoning Regulations and Zoning Map.

3. That the definition of the term “Dwelling Unit” in Article 29 be amended to clarify that this term does not include transient uses such as hotels or motels, as follows:

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. **This use shall not be deemed to include such transient occupancies as hotel/motel or bed and breakfast.**

4. That the definition of the term “Family” in Article 29 be deleted in its entirety and replaced, as follows. The intent of this proposed change is to bring the City of Keene’s definition into compliance with New Hampshire State Statute 674:16, which prohibits a local municipality from adopting or enforcing an ordinance that is based on the familial or non-familial relationships or marital status, occupation, employment status, or educational status of the occupants of a dwelling unit.

~~Family – Family shall mean one of the following: 1) two or more natural persons related by blood, marriage, civil union, adoption, or foster care, living together as a single housekeeping unit with or without customary household helpers in a dwelling unit; or 2) a group of four or fewer natural persons, who are not related by blood, marriage, civil union, adoption, or foster care, living together as a single housekeeping unit in a dwelling unit. This term shall not preclude one natural person from being the sole occupant of any dwelling unit.~~

Family – Family shall mean a natural person living alone or a group of natural persons living together as a single housekeeping unit that is primarily non-transient. For the purposes of this definition, “transient” shall mean occupancy of a room or dwelling unit for less than 30 consecutive days or rental of a room or dwelling unit for a term of less than one month.

Jay V. Kahn, Mayor

1.2 RULES OF INTERPRETATION

1.2.1 Definitions

Terms that are not specifically defined in this LDC shall be accorded their commonly accepted meanings, unless the context in which they are used clearly indicates to the contrary.

- A. For the purposes of determining the commonly accepted meaning of any term, reference may be made to the latest edition of Webster's Dictionary.
- B. Terms not otherwise defined in this LDC that are defined in NH Revised Statutes Annotated (RSAs) may take on the statutory definition.
- C. The definitions of this LDC shall take precedence over any conflicting definitions, if such conflict arises.
- D. **For the purpose of amendments to this LDC, any modifications to one or more definitions that would have the effect of modifying the Zoning Regulations shall be treated as a zoning text amendment. These terms shall include, but not be limited to, "Family," "Frontage," and "Public Right-of-Way."**

1.2.2 Lists & Examples

Unless otherwise expressly indicated, lists of items or examples that use "including," "such as," or similar terms are intended to provide examples only, and shall not be construed as being limited to the items or examples listed.

1.2.3 Time Computation

In computing any period of time prescribed or allowed by these rules, except as may be required by order of a court or by applicable law, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, legal holiday, or other day upon which the City is closed, in which event the period shall extend until the end of the next day that is not a Saturday, Sunday, legal holiday, or other day upon which the City is closed.

1.2.4 Conjunctions

- A. "And" indicates that all connected words or provisions apply.
- B. "Or" indicates that the connected words or provisions may apply singly or in any combination.
- C. "Either [...] or" indicates that the connected words or provisions apply singly, but not in combination.

1.2.5 Mandatory, Prohibitory, & Permissive Terms

- A. "Must," "will," and "shall" are mandatory terms that express a requirement.
- B. "Must not," "will not," "shall not," and "may not" are terms that express a prohibition.
- C. "Should" is a term that expresses a suggestion or recommendation.
- D. "May" is permissive term.

1.2.6 Current Versions & Citations

All references to other regulations or manuals in this LDC refer to the most current version and citation for those regulations or manuals, unless indicated otherwise. When the referenced regulations or manuals have been repealed and not replaced by other regulations or manuals, the requirements for compliance as specified in this LDC are no longer in effect.

1.2.7 Graphics, Illustrations, & Flowcharts

Graphics, illustrations, diagrams, and flowcharts are included in this LDC to visually explain the intent and requirements of the text. In the case of a conflict between the text and any graphic, illustration, diagram, or flowchart, the text controls.

1.2.8 Common Abbreviations

- A. "ft" is an abbreviation for "feet."
- B. "in" is an abbreviation for "inch."
- C. "Max" is an abbreviation for "maximum."
- D. "Min" is an abbreviation for "minimum."

26.4 LAND DEVELOPMENT CODE AMENDMENTS

26.4.1 Description

The standards and requirements set forth in the City of Keene Land Development Code (also referred to as "this LDC") may be amended from time to time. The process for amending this LDC varies depending upon which article or articles are proposed to change. The process for amending the Zoning Regulations, which are contained in Articles 2 through 19 of this LDC, shall be as described in Section 26.3.

26.4.2 Authority

The City Council, after receiving a recommendation from the Planning Licenses and Development Committee, and from the Planning Board with respect to Articles 20, 21 and Sections 26.10 through 26.14 of Article 26, and from the Historic District Commission with respect to amendments to Article 22 and Section 26.15 of Article 26, shall take action on proposed amendments to this LDC.

26.4.3 Procedure

In addition to the common application and review procedures of this Article, the following procedures shall apply with respect to proposed amendments to this LDC.

- A. **Articles 1 through 19 and Article 29.** For amendments proposed to Articles 1 through 19 of this LDC **or for amendments to definitions in Article 29 that affect the Zoning Regulations,** the same application and review procedures shall be followed as those described in Section 26.3 of this LDC, with respect to amendments to the Zoning Regulations and Zoning Map.
- B. **Articles 20, 21, 25 and Sections 26.10-26.14 and 26.19 of Article 26 - "Subdivision Regulations," "Site Development Standards," and "Earth Excavation Regulations"** and Planning Board Application Procedures. For amendments proposed to Articles 20, 21, 25, and Sections 26.10 through 26.14 and 26.19 of Article 26 of this LDC, the following procedures shall apply.

1. **Planning Board Public Hearing.** In accordance with NH RSA 675:6, the Planning Board shall hold a public hearing on the proposed amendments, and shall decide on whether they should be approved, approved with amendments, or denied. If the Planning Board denies the proposed amendments, the process shall come to an end.
 - a. Notice for this public hearing shall be provided pursuant to NH RSA 675:7.
 2. **Introduction to and Review by City Council.** Following either approval or approval with amendments by the Planning Board, the proposed amendments shall be submitted to City Council as a draft ordinance. Such ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation to City Council. Upon receipt of such recommendation, the City Council shall vote to approve or disapprove the ordinance.
 3. **Filing.** Following approval by City Council, the amended regulations shall be certified by a majority of the Planning Board, and shall be placed on file with the City Clerk in accordance with NH RSA 675:8. A copy of the amended regulations shall be sent to the NH Office of Planning and Development (OPD) for filing pursuant to NH RSA 675:9; provided, however, that failure to file the amended regulations with OPD shall not affect their validity.
- C. **Article 22 and Section 26.15 of Article 26 - "Historic District Regulations" and "Historic District Certificate of Appropriateness."** For amendments proposed to Article 22 of this LDC, the following procedures shall apply.
1. **Historic District Commission Public Hearing.** In accordance with NH RSA 675:6, the Historic District Commission shall hold a public hearing on the proposed amendments, and shall decide on whether they should be approved, approved with amendments, or denied. If the Historic District Commission denies the proposed

Driveway - The travel surface for vehicles that connects an off-street parking space(s), or a parking area of a parking lot to the street access.

Drug Treatment Clinic - A non-residential facility authorized by the state to provide treatment and licensed drugs to natural persons, including, but not limited to, methadone or suboxone, to manage and treat drug dependencies.

Dwelling - A structure, or portion thereof, designed or used exclusively for human habitation, including single-family dwellings, two-family dwellings, and multi-family dwellings. Dwellings may be either attached or detached.

Dwelling, Above Ground Floor - A dwelling unit that is located on the second story or higher of a building that is above ground.

Dwelling, Manufactured Housing - Any structure, transportable in one or more sections, which in the traveling mode is 8-body feet or more in width and 40-body feet or more in length or when erected on site is 320-sf or more, and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical systems contained therein. Manufactured housing is regulated by the U.S. Department of Housing and Urban Development via the National Manufactured Housing Construction and Safety Standards and is so labeled. Manufactured housing as defined in this section does not include campers or recreation vehicles as defined in NH RSA 216-I:1 or NH RSA 259:84-a; presite built housing as defined in NH RSA 674:31-a; or modular buildings as defined in NH RSA 205-C:1, XI.

Dwelling, Multi-family - A structure containing 3 or more dwelling units located on a single lot, with dwelling units either stacked or attached horizontally, which is designed, occupied, or intended for occupancy by 3 or more separate families.

Dwelling, Single-Family - A free-standing building containing only 1 dwelling unit on a single lot, which is designed, occupied, or intended for occupancy by 1 family.

Dwelling, Two-Family / Duplex - One building on a single lot containing 2 independent dwelling units, which is designed, occupied or intended for occupancy by 2 separate families.

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. **This use shall not be deemed to include such transient occupancies as hotel/motel or bed and breakfast.**

Earth - Sand, gravel, rock, soil, or construction aggregate produced by quarrying, crushing, or any other mining activity or such other naturally occurring unconsolidated materials that normally mask the bedrock.

Earth-Disturbing Activity / Earth-Disturbing Events - Actions taken to alter the existing vegetation and/or underlying soil of a site, such as timber harvesting, clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils.

Economic Hardship - Quantifiable or verifiable expenditures or fiscal loss that is unreasonable for the property owner to bear under the circumstances. Demonstration of economic hardship shall not be based on or include any of the following circumstances: willful or negligent acts by the owner; purchase of the property for substantially more than market value; failure to perform normal maintenance and repairs; failure to diligently solicit and retain tenants; or failure to provide normal tenant improvements.

Elevation (Building) - (1) A wall of a building; (2) An architectural drawing showing vertical elements, generally exterior, of a building.

Equipment Shelter - For the purposes of Article 13 "Telecommunications Overlay District", equipment shelter shall mean an enclosed structure, cabinet, shed, vault, or box near the base of the mount within which is housed equipment for telecommunication facilities such as batteries and electrical equipment. Equipment shelters are sometimes referred to as "base transceiver structures."

Erect - To construct, reconstruct, excavate, fill, drain or conduct physical operations of any kind in preparation for or in pursuance of construction or reconstruction, or to move a building or structure upon a lot.

Event Venue - A facility that provides hosting and rental services of a banquet hall or similar facility for private events (e.g. wedding receptions, holiday parties, fundraisers, etc.) with on-site or catered food service to invited guests during intermittent dates and hours of operation. Live entertainment may occur as part of an event. An event venue is not operated as a restaurant with regular hours of operation.

Excavation Activity/Excavation Operations/Processing Activities - For the purposes of Article 24 - "Earth Excavation Regulations," excavation activity/excavation operations/processing activities shall mean the act of moving or removing earth, including but not limited to, all activities associated with the commercial taking of earth, production and processing of construction aggregate, transportation of earth and site restoration. Associated excavation and processing activities also include, but are not limited to: digging, drilling, blasting, bulldozing, crushing, washing, screening, sorting, scaling, weighing, stockpiling, loading, and transporting earth.

Excavation Area - For the purposes of Article 24 - "Earth Excavation Regulations," excavation area shall mean the surface area within an excavation site where excavation has occurred or is eligible to occur under the provisions of this LDC, and NH RSA 155-E. This area may be also referred to as the "pit surface area."

Excavation Perimeter - For the purposes of Article 24 - "Earth Excavation Regulations," excavation perimeter shall mean the land within an excavation site, which includes the excavation area, areas where excavation operations and processing activities are performed, stockpiling areas, and any areas where earth materials are or will be loaded or unloaded for purposes of transport.

Excavation Project - For the purposes of Article 24 - "Earth Excavation Regulations," excavation project shall mean a timeframe that includes all excavation activities to be conducted on an excavation site, including all excavation phases.

Excavation Site - For the purposes of Article 24 - "Earth Excavation Regulations," excavation site shall mean any area of contiguous land in common ownership upon which excavation takes place.

Façade - The front of a building or structure or any of its sides that faces a public right-of-way.

Fall Zone - The area within which there is a potential hazard from falling debris, such as ice, which encompasses a circle with a diameter equal to twice the height of a telecommunication facility as measured on the ground from the base of the facility.

Family - **Family shall mean a natural person living alone or a group of natural persons living together as a single housekeeping unit that is primarily non-transient. For the purposes of this definition, "transient" shall mean occupancy of a room or dwelling unit for less than 30 consecutive days or rental of a room or dwelling unit for a term of less than one month.**

Farming - Any land, buildings or structures on or in which agriculture and farming operations or activities are carried out or conducted as defined by NH RSA 21:34-A. Such operations include, but are not limited to, animal husbandry, the cultivation, production, harvesting and sale of any agricultural, floricultural, viticultural, forestry, or horticultural crops as well as ancillary activities integral to the operation of a farm.

Feather Sign (also known as Blade Sail Sign) - A sign made of flexible material that is generally, but not always, rectangular in shape and attached to a pole on one side so the sign can move with the wind.

Fenestration - The arrangement of windows, exterior doors and other exterior openings on a building.

Fire Line - Any pipe, including appurtenant valves or fittings, conveying water from a water main to private fire apparatus, and conveying water at no



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: February 5, 2026
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Relating to the Reallocation of Unspent Bond Funds for the WWTP Service Water System Upgrade Project
Resolution R-2026-04

Recommendation:

On a vote of 5 to 0, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2026-04.

Attachments:

1. R-2026-04 bond funds for the WWTP Service Water System Upgrade Project_Referral

Background:

Asst. Public Works Director/Manager, Wastewater Treatment Plant addressed the committee and stated he was before the committee to talk about the reallocation of unspent funds from the aeration line replacement project and having those funds reallocated to the service water system upgrade project.

Mr. Costa explained that the wastewater plant is equipped with a non-potable water service system and that service water is wastewater that has received full treatment and is suitable for discharge into the river. To conserve resources, service water is used throughout the wastewater plant and applications where drinking water quality is not required.

The service water system is original to the plant. It is 40 years old and has reached the end of its useful life. The total project budget for this was \$327,400 dollars. \$41,800 was used for engineering services, which leaves \$285,600 for construction services. The City advertised for a bid and received five bids for construction. The lowest bid came in at \$389,000, which was more than the City had allocated for the project. Staff is before the committee to request additional funding. The aeration line replacement project is complete and there are some leftover funds in that project. If those funds were approved to be transferred, it would provide for \$434,000 for this project leaving around \$45,000 for any change orders that may arise.

The following motion by Councilor Roberts was duly seconded by Councilor Chalice.

On a vote of 5 to 0, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2026-04.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Six

A RESOLUTION Relating to the Reallocation of Unspent Bond Funds for the WWTP Service Water System Upgrade Project

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

That the sum of \$148,695.97 in unspent bond proceeds from the WWTP Aeration Line Replacement Project (32JW002A) be reallocated to the WWTP Service Water System Upgrade Project (32JW024A).

Jay V. Kahn, Mayor

In City Council January 15, 2026.
Referred to the Finance,
Organization and Personnel Committee.

City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: February 5, 2026

To: Mayor and Keene City Council

From: Bryan Ruoff, City Engineer
Carrah Fisk-Hennessey, Parks and Recreation Director

Through: Elizabeth Ferland, City Manager

Subject: **Relating to the Appropriation of Planned Funds for Engineering Services for the Robin Hood Park Improvements Project**
Resolution R-2026-05

Recommendation:

Move to recommend that City Council refer the draft Resolution to the Finance, Organization and Personnel Committee for review and recommendation to the City Council.

Attachments:

1. R-2026-05 Appropriation of Planned Funds for Engineering Services for the Robin Hood Park Improvements Project

Background:

The City of Keene completed a preliminary conceptual study for improvements to Robin Hood Park and successfully applied for and received a Land and Water Conservation Fund (LWCF) grant in the amount of \$500,000 to support these improvements. The grant will be matched with City funds, with additional funding allocated in FY27 for the design and construction of the project.

As scoped, the project includes two phases of construction. Phase 1 focuses on the rehabilitation and renovation of the existing pool, and Phase 2 includes improvements to recreation equipment and circulation within the park. City staff have identified the pool rehabilitation as the higher priority. Anticipated improvements include installation of a new pool liner, upgrades to modern, energy-efficient systems, and architectural and ADA compliance enhancements.

Due to seasonal constraints associated with pool rehabilitation and to avoid the facility being out of service for multiple seasons, the proposed resolution authorizes engineering services to be performed in FY26. This will allow for the completion of engineering design and the development of contract documents (plans and specifications) so the project can be bid and constructed at the start of FY27, enabling timely rehabilitation of the pool.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Six

A RESOLUTION Appropriation of Planned Funds for Engineering Services for the Robin Hood Park Improvements Project

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

WHEREAS, The City has been awarded a \$500,000 Land and Water Conservation Fund (LWCF) Grant, for the site work and construction scope included in the Robin Hood Park Improvements Project (65J0018); and

WHEREAS, The City desires to maximize the benefits of this funding for our residents and the community; and

WHEREAS, it is necessary to begin the required engineering services and contract document preparation prior to the start of FY27 in order to complete the necessary repairs to the Robin Hood Park pool during the 2027 construction season;

NOW THEREFORE BE IT RESOLVED That the sum of Three-hundred thousand dollars (\$300,000), planned in the 2025-2031 Capital Improvements Plan for fiscal year 2027, is hereby appropriated in fiscal year 2026 for the purpose of funding the engineering services for the design of the Robin Hood Park Improvements Project (65J0018).

Jay V. Kahn, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.3.

Meeting Date: February 5, 2026

To: Mayor and Keene City Council

From: Ben Hoy, Solid Waste Manager

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

Subject: **Relating to the Appropriation of Funds for Recycling Equipment Replacement**
Resolution R-2026-06

Recommendation:

That Resolution No. R-2026-06 be referred to the Finance, Organization and Personnel Committee for consideration and a recommendation to the City Council.

Attachments:

1. R-2026-06 Appropriation of Funds for Recycling Equipment Replacement

Background:

The City of Keene Transfer Station's recycling equipment is over 30 years old, and in need of replacement. Staff has successfully extended the service life of this equipment through regular maintenance, manufacturer re-build and similar measures. However, we've reached the point where continued repairs are no longer cost effective.

The City advertised a Request for Proposals for the replacement of the two items in most urgent need of replacement; the Infeed conveyor and the Sort Line conveyor. Machinex Technologies Inc. submitted the lowest bid of \$243,860.00. The bid excludes the electrical connection of the new recycling equipment. Our Recycling Equipment Replacement Program (21M0002) has a previously appropriated balance of \$200,000.00, falling short of the \$243,860.00 bid from Machinex and the additional electrical costs to install. If approved the City Council, Resolution R-2026-06 will appropriate an additional \$65,000.00 from the unassigned fund balance to project 21M0002A (Recycling Equipment Replacement) to cover the expenses of the bid and the electrical costs associated with installing the new recycling equipment.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Six

A RESOLUTION Relating to the Appropriation of Funds for Recycling Equipment Replacement

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

That the sum of sixty-five thousand dollars (\$65,000.00) be and hereby is appropriated from the Solid Waste Unallocated Fund Balance to the Recycling Equipment Replacement Program (21M0002A).

Jay V. Kahn, Mayor