



KEENE CITY COUNCIL  
Council Chambers, Keene City Hall  
February 19, 2026  
7:00 PM

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MINUTES FROM PRECEDING MEETING**

- February 5, 2026 Minutes

**A. HEARINGS / PRESENTATIONS / PROCLAMATIONS**

**B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS**

1. Confirmations — Assessors Board, Human Rights Committee

**C. COMMUNICATIONS**

1. Farmers' Market of Keene - Request for Use of City Property - 2026 Farmer's Market
2. Councilor Favolise - Request for Presentation Outlining the Role of Contractors and Consultants
3. Carolyn Ogren - Request for Review of Warehouse Zoning as It Relates to the Potential Housing of Detained Individuals

**D. REPORTS - COUNCIL COMMITTEES**

1. Energy & Climate Committee Recommendation Regarding the Commercial Property Assessed Clean Energy & Resiliency (C-PACER) Program
2. Mark Rebillard/Keene Downtown Group - Request for Community Funded Event Status - Series of Small Scale Festivals During Downtown Construction

3. Mark Rebillard/Keene Downtown Group - Request for Community Funded Event Status - Keene 250th Independence Day Celebration - July 4, 2026
4. Allocation of Casino Revenue Donation to FY27 CIP
5. Execution of a Change Order for Construction Engineering Services with Greenman Pederson Inc. for Island Street 2026 Reconstruction
6. Councilor Workman - Request for Review and Update of 2019 Inter-Agency Memorandum of Understanding Involving Local Law Enforcement Partners

**E. CITY MANAGER COMMENTS**

**F. REPORTS - CITY OFFICERS AND DEPARTMENTS**

1. Reallocation of Unspent Funds for the Grit Chamber Duct Insulation Repair Project

**G. REPORTS - BOARDS AND COMMISSIONS**

**H. REPORTS - MORE TIME**

**I. ORDINANCES FOR FIRST READING**

**J. ORDINANCES FOR SECOND READING**

1. Relating to Update of Chapter 18 Property and Housing Standards Code Ordinance O-2025-36-B
2. Relating to Application Procedures for Zoning Applications and the Definition of Primary Entrance Ordinance O-2025-39
3. Relating to Fines for Nuisance, Menace and Vicious Dog Offenses Ordinance O-2026-01

**K. RESOLUTIONS**

1. Relating to the Appropriation of Planned Funds for Engineering Services for the Robin Hood Park Improvements Project Resolution R-2026-05
2. Relating to the Appropriation of Funds for Recycling Equipment Replacement Resolution R-2026-06
3. Relating to Service Connected Total Disability Veteran Tax Credit Resolution R-2026-07

**NON PUBLIC SESSION**

**ADJOURNMENT**

A regular meeting of the Keene City Council was held on Thursday, February 5, 2026. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:00 PM. Roll called: Randy L. Filiault, Catherine I. Workman, Bryan J. Lake, Jacob R. Favolise, Laura E. Tobin, Robert C. Williams, Philip M. Jones, Kris E. Roberts, Bettina A. Chadbourne, Edward J. Haas, Laura E. Ruttler-Miller, Molly V. Ellis, and Thomas F. Powers were present. Mitchell H. Greenwald was absent. Having declared that a quorum was physically present in the Council Chambers, Mayor Kahn recognized that Councilor Michele A. Chalice requested to participate remotely for health reasons; she was calling alone from her home. Hearing no objections from the Council, Mayor Kahn granted the remote participation. Councilor Workman led the Pledge of Allegiance.

#### MINUTES FROM PRECEDING MEETING

Councilor Ellis requested for Barb Weisman's last name to be corrected throughout the January 15, 2026 Council minutes. The correction was accepted by consensus as a Scrivener's error. A motion by Councilor Filiault to adopt the January 15, 2026 meeting minutes, as amended, was duly seconded by Councilor Powers. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Greenwald was absent.

#### ANNOUNCEMENTS

Mayor Kahn began by honoring former City Councilor, Cynthia Georgina, who passed away on January 22, 2026. Ms. Georgina was a lifelong Keene resident, who attended Keene High School and Keene State College. She also worked in Keene and raised a family with her husband, who she affectionately referred to as "Smiley." Ms. Georgina became an At-Large Keene City Councilor in 1988 and served until 1999. She returned to serve as a Ward Five Councilor from 2004 until 2011. She was Chair of the Finance, Organization and Personnel Committee from January 2007 to December 2011, and retired from the Council the same year. Ms. Georgina provided the Keene community with a lifetime of dedicated service and Mayor Kahn said she would be sorely missed. The Mayor announced a visitation, and celebration of Ms. Georgina's life on Tuesday, February 10, 2026, from 5:00 PM to 7:00 PM, at the Foley Funeral Home on Court Street. He encouraged anyone who knew and appreciated her service to the City of Keene to attend. Mayor Kahn spoke personally about his opportunities to interact with Ms. Georgina through the City Council and her WKBK Radio broadcasts, stating that her dedication to the community and affection for its members was quite sincere. He said she may have called her husband "Smiley," but Ms. Georgina had a light in her face and a smile that covered it, and she was always a joy to be with. Mayor Kahn called her a real bellwether for the City Council that he trusted as a person, who frequently came to the City Council as a guest. Mayor Kahn expressed his regret and sympathies to Ms. Georgina's family.

Next, the Mayor shared upcoming dates of interest:

- The Annual Ice and Snow Festival in Downtown Keene: Saturday, February 7, 2026 from 11:00 AM to 5:00 PM. Featuring 14 ice carvers, along with many family activities. Everyone was encouraged to get out and join the fun.
- Screening of the documentary *Shadow Falls North*: February 17, 2026 at 6:00 PM at Heberton Hall. This film 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.

- A City Council Workshop on the Capital Improvements Plan (CIP) for 2027–2033: Tuesday, March 3, 2026 at 5:30 PM at Heberton Hall. Councilors should arrive by 5:00 PM for a meal prior to the meeting.
- A special Finance, Organization and Personnel Committee meeting: Tuesday, March 10, 2026 at 5:30 PM, to continue review of the proposed CIP. The regular FOP meeting on March 12 would also start early at 5:30 PM for CIP review. Meals will be served prior to both of these meetings.

Lastly, Mayor Kahn announced the City Council’s summer break in August 2026. The regular City Council meeting scheduled for August 6, 2026 will be held as planned; however, the August 20 and September 3, 2026 City Council meetings are canceled. In addition, all Standing Committee meetings in August 2026 are canceled: PLD on August 12, FOP on August 13 and August 27, and MSFI on August 26. Regular meetings will resume with the September 9 PLD and September 10 FOP Committee meetings.

CONFIRMATIONS – 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.

A motion by Councilor Powers to confirm the nominations was duly seconded by Councilor Filiault. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Greenwald was absent.

Mayor Kahn added that with the start of the new City Council term, there were many nominations for highly qualified individuals, so most of the regular positions on Committees had been filled and now the alternate positions were filling. He thanked anyone who had a role in encouraging community members to apply.

NOMINATIONS - ASSESSORS BOARD; *AND* HUMAN RIGHTS COMMITTEE

Mayor Kahn nominated Christine Houston to serve as a Regular Member of the Assessors Board, with a term to expire December 31, 2028. The Mayor also nominated Thomas M. White to serve as an Alternate Member of the Human Rights Committee, with a term to expire December 31, 2028. Mayor Kahn tabled the nominations until the next regular City Council meeting.

**COMMUNICATION - JON LOVELAND - CONCERNS RELATING TO THE DOWNTOWN INFRASTRUCTURE PROJECT**

A communication was received from Jon Loveland, submitting continued concerns related to the proposed Downtown Infrastructure Project, including liabilities related to aspects of the planning and approved design. Mayor Kahn filed the communication as informational.

Mayor Kahn noted for returning Councilors that the Council had received several communications from Mr. Loveland, and this letter particularly called new Councilors' attention to his concerns, so the Mayor hoped they had read it.

**COMMUNICATION - COUNCILOR WORKMAN - REQUEST FOR REVIEW AND UPDATE OF 2019 INTER-AGENCY MEMORANDUM OF UNDERSTANDING INVOLVING LOCAL LAW ENFORCEMENT PARTNERS**

A communication was received from Councilor Catherine Workman, 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. Mayor Kahn referred the communication to the Finance, Organization and Personnel Committee.

**COMMUNICATION - MARK REBILLARD / KEENE DOWNTOWN GROUP - REQUEST FOR COMMUNITY FUNDED EVENT STATUS - SERIES OF SMALL-SCALE FESTIVALS DURING DOWNTOWN CONSTRUCTION**

A communication was received from Mark Rebillard of the Keene Downtown Group, requesting that the City Council suspend its Policy related to Community Event Funding to provide funding toward City services needed for the proposed series of mini festivals slated for summer 2026 during Phase I of the Downtown Infrastructure Project. Mayor Kahn referred the communication to the Finance, Organization and Personnel Committee.

**COMMUNICATION - MARK REBILLARD / KEENE DOWNTOWN GROUP - REQUEST FOR COMMUNITY FUNDED EVENT STATUS - KEENE 250TH INDEPENDENCE DAY CELEBRATION - JULY 4, 2026**

A communication was received from Mark Rebillard of the Keene Downtown Group, requesting that the City Council suspend its Policy related to Community Event Funding to provide funding toward City services needed for the proposed Keene 250th Independence Day Celebration on July 4, 2026. Mayor Kahn referred the communication to the Finance, Organization and Personnel Committee.

MSFI REPORTS - MONADNOCK VIEW CEMETERY EXPANSION PROJECT; *AND*  
PRESENTATION - PUBLIC STORM RESPONSE MAPS

The first Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending accepting the Monadnock View Cemetery Master Plan Design, as provided by Grever & Ward, as informational. A second Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending accepting the presentation from Public Works on Public Storm Response as informational. Mayor Kahn filed both reports as informational.

MSFI REPORT - DOWNTOWN INFRASTRUCTURE PROJECT UPDATE

A Municipal Services, Facilities and Infrastructure Committee report was read, unanimously recommending 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. A motion by Councilor Workman to carry out the intent of the Committee report was duly seconded by Councilor Tobin.

Councilor Workman reported that unfortunately, the first round of bids on the Downtown Infrastructure Project came back higher than the City expected, which created a roughly \$7 million gap in what the City had earmarked for the Project at this time. The Public Works Department analyzed every bid line item and consulted contractors to understand why. Councilor Workman said the key factors were reduced productivity in the tight downtown environment, heavy subcontractor requirements, and the two-year schedule that many local contractors felt was unrealistic. Rather than rebidding the Project unchanged, staff proposed targeted, scoped reductions and contract changes to lower the cost, while still preserving the core infrastructure goals. Councilor Workman reported that the recommended changes included eliminating or scaling back higher cost, aesthetic, and non-essential features: granite seating walls, decorative lighting bollards, specialty curbing, some textured concrete areas, portions of temporary pavement, and a full depth road base replacement (going with a partial reclamation instead). Staff also suggested reducing Police traffic control hours where flaggers can be used safely. Councilor Workman said these eliminations would save roughly \$1.6 million.

Councilor Workman listed a second group of items that could be deferred or completed in-house for a better value: benches, trash receptacles, bike racks, changes to the gazebo stairs, pay station locations, the fountain upgrade, the catenary lighting, and the Christmas tree base. This second group would include additional net savings and contract costs, while still allowing those features to be added to the Project later. Councilor Workman described a third set of substitutions—smaller underground drainage structures, less decorative concrete treatment, standard curbs, possible donated field office space, and electrical design refinements—which could have added net savings, with the tradeoff of somewhat higher future maintenance in limited areas.

Lastly, Councilor Workman said staff recommended returning to the three-year construction schedule and easing certain work restrictions, which would allow for Saturday work and more

flexible parking impacts, with the intent to attract more bidders and improve pricing. To close the remaining gaps, staff proposed redirecting upcoming roadway paving funds (with the exact impacted roadways to be identified during the upcoming Capital Improvement Planning). Councilor Workman said the MSFI Committee voted unanimously, authorizing the City Manager to incorporate the presented scope and contracted changes into the bid documents, and rebid this project for the beginning of September 2026. Councilor Workman hoped the Council would do the same.

The Council was provided with a handout summarizing the cost saving measures discussed at the MSFI Committee meeting, the project budget summary, and the draft FY 2027–2031 planned funding. This document was also available to the public.

City Manager Elizabeth Ferland clarified that the City’s intent would be to put the Project back out to bid as soon as possible and keep it out for the usual period of approximately one month, so construction could start in the May 2026 timeframe.

Councilor Filiault said, having been personally involved in this Project for over five years, that there were other areas he would have preferred to see eliminated. However, he was sure all 15 Councilors probably thought the same thing. Councilor Filiault thought it was imperative, now, to “bite the bullet” and get this Project moving because he said, as the City had seen over the prior year (e.g., Water, Leverett, and Lower Main Streets), the pipes are not getting younger and emergency repairs are more costly. Although this Project would not be perfect and there were other areas that Councilor Filiault would independently like to see change, he suggested the Council should move on right now, get this Project finished, and move on to the next thing.

The motion to carry out the intent of the Committee report carried on a roll call vote with 13 Councilors voting in favor and 1 Councilor voting in opposition. Councilor Jones voted in the minority. Councilor Greenwald was absent.

#### FOP REPORT - THOMAS BURTON - REQUEST FOR INCREASE TO DISABLED VETERAN PROPERTY TAX CREDIT

A Finance, Organization and Personnel Committee report was read, unanimously recommending the amended motion 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.

Mayor Kahn recognized that Councilor Roberts recorded a Conflict of Interest for this item at the Finance, Organization and Personnel (FOP) Committee meeting. Councilor Roberts stated that he is one of the 68 individuals this Tax Credit would affect and asked to be recused. Hearing no objections from the Council, Mayor Kahn granted Councilor Roberts’ recusal.

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

Councilor Powers summarized the Committee report about the New Hampshire law that changed the amount of tax credit available to totally and permanently disabled Veterans. Until recently, it was \$4,000 and the legislature changed it to up to \$5,000. Previously, there was an additional \$300 exemption available to a certain number of Veterans, which the legislature eliminated on the premise that it would be covered by increasing the total up to \$5,000. So, he said unless the City made a specific change, those Veterans would start receiving \$300 less of an exemption. The law allows each New Hampshire community to make this adjustment for themselves and revisit the decision on a specific time schedule. Councilor Powers said the FOP Committee discussed the economic impact on the City (i.e., residents' tax bills, who may have this exemption, will be reduced by the like amount). The Committee first discussed increasing the exemption by \$1,000 (to \$5,000), which would cost around \$68,000 in revenue during the next Budget season. Councilor Powers noted it was hard to predict what the City's income would be. After discussion, he said the Committee amended its motion at least once and decided the best approach would be to add the \$300 back in by changing the City's totally disabled exemption to \$4,300 annually—with the same promise to those who were interested that the City will reevaluate it during the next season's Budget process and revaluation of all City properties. Councilor Powers said the FOP Committee agreed that these 68 totally and permanently disabled Veterans, whom this Tax Credit would affect, had earned and deserved this bit of economic impact on the City.

Mayor Kahn said this was essentially a harmless action, noting that the \$300 credit was otherwise already offered to Veterans who were disabled through their service. He did not think this was something the City wanted to backslide on.

Councilor Tobin said she would support this. She appreciated how intentional the FOP Committee was about ensuring this would be considered again during property revaluation.

Councilor Ellis hoped the City would revisit this exemption, stating that she, “does not feel it behooves the City of Keene to be nickel and diming totally disabled Veterans.” She hopes that the City will provide the full \$5,000 tax credit when it eventually does revisit this. However, she said she was glad about the \$4,300 for now.

Councilor Favolise noted this question came up at the FOP Committee meeting for Councilor Lake when the \$5,000 option was on the table. With this being mid-fiscal year, Councilor Favolise asked whether this could actually be implemented. The City Manager replied in the affirmative.

The motion to carry out the intent of the Committee report carried unanimously on a roll call vote with 13 Councilors voting in favor and one abstaining. Councilor Greenwald was absent. Councilor Roberts abstained.

#### FOP REPORT - EXECUTION OF LEASE - 11 CENTRAL SQUARE

A Finance, Organization and Personnel Committee report was read, unanimously recommending that the City Manager be authorized to do all things necessary to negotiate and execute a lease with Nicola's LLC for the use of space at 11 Central Square. A motion by Councilor Powers to

carry out the intent of the Committee report was duly seconded by Councilor Lake. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Greenwald was absent.

#### FOP REPORT - EXECUTION OF AN AGREEMENT FOR ENGINEERING SERVICES WITH NXTGEN FOR THE DESIGN OF THE GILBO AVENUE SOLAR PAVILION 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 NXTGen for engineering services for the design of the Gilbo Avenue Solar Pavilion Project, for an amount not to exceed \$300,000. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne.

At the FOP Committee's request, Councilors were provided with an informational handout about NXTGen.

Councilor Jones said he was glad this came along. He did not like that the Solar Pavilion Project was originally a part of the Downtown Infrastructure Project. Now that the Pavilion Project would be a part of the Transportation Heritage Trail, he called it a wonderful situation. He was glad about the change in direction.

The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Greenwald was absent.

#### CITY MANAGER COMMENTS

City Manager Elizabeth Ferland discussed her [City of Keene, In Focus](#) podcast, which is usually recorded within one or two days after each Council meeting. Episodes focus on meeting outcomes, upcoming committee agenda items, and they occasionally include special guests to explore related topics in greater depth. The City Manager shared upcoming 2026 podcast topics:

- Friday, February 6: Featuring City Engineer Bryan Ruoff, discussing the Solar Pavilion Project: project timeline, funding sources, and expected benefits.
- Friday, February 20: Featuring the new Airport Director, Ryan Cooley, who will share some of his prior experience and his early observations of the Keene Dillant-Hopkins Airport.
- Monday, February 23: A special podcast focused on the Capital Improvement Planning (CIP) and Operating Budget processes.
- Friday, March 6: The Parking Director will join the City Manager to discuss zone flexibility changes implemented several months ago, along with other upcoming parking initiatives.

Next, the City Manager reminded the Council that at the February 26, 2026 FOP meeting, the Committee would receive an overview of how Keene's tax rate is established, how the municipal Operating Budget and CIP processes work, and how the public can participate. This session,

presented by City Assessor Dan Langille and Finance Director Kari Chamberlain, is intended to offer background information in advance of the formal CIP review.

City Manager Ferland recognized the City Safety Committee, led by TJ O'Brien (Committee Chair) and Megan Young (Human Resources Department). This Committee did most of the work to coordinate with the Fire Department to schedule CPR/AED training classes for City staff. These classes were very successful and well received, leading the Committee to schedule two more four-hour classes during the prior month. Going forward, the Safety Committee plans to offer four classes annually that would be scheduled in clusters to maximize staff participation, allow for recertification, and expand CPR certification across the organization; the certification is valid for two years. These opportunities are also available to City Councilors, and Councilor Chalice participated in the most recent session. The City Manager encouraged interested Councilors to take part in future opportunities, noting that the Fire Department does a great job with that training.

The City Manager reported that this week at Keene Dillant-Hopkins Airport, the City hosted representatives from the New Hampshire Business and Economic Affairs Office, including Outdoor Recreation and Travel and Tourism staff. Discussions included statewide initiatives and the economic importance of the Keene Airport. She said the state officials shared several promising cross-promotional opportunities, toured the Airport, and learned more about it as an anchor in the community. City Manager Ferland appreciated the opportunity to host them, and that the guests stayed the night in Keene, taking advantage of everything the City has to offer. She looked forward to continuing collaboration, which could highlight the many assets and activities taking place in this corner of the state.

Lastly, City Manager Ferland updated the City Council on its September 2025 decision, authorizing her to enter into a host agreement with Revo Casino and take advantage of a possible donation to the City. She said she entered into that agreement. She recalled that as a host community for a charitable gaming organization, the City is eligible under state law to receive a portion of charitable gaming proceeds for one designated week each year. Revo Casino selected a week in December for this purpose. The total amount the City received was \$13,788.35. Later in February 2026, City staff would return to the Finance, Organization and Personnel Committee with a recommendation to allocate those funds to the Keene Police Department to offset a portion of planned expenditures included in the upcoming CIP. The system that records all telephone and radio traffic in and out of the Department is due to be replaced in the FY-27 Budget. The City Manager said she would execute the same Host Community Agreement for 2026.

Mayor Kahn said the City had some really good relationships in development with New Hampshire Business and Economic Affairs. Their staff had been readily available to the City for outreach and invitations, and they were excited about listing a 250th celebration on their website.

REPORT - ACCEPTANCE OF DONATIONS

A memorandum was read from Finance Director Kari Chamberlain, recommending 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:

- 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 \$50 from the Edmund & Roberta Gianferrari Revocable Trust for our “Branch Out For Parks” project.

A motion by Councilor Powers to accept the donations with gratitude, and that the City Manager be authorized to use these funds in the manner specified by the donor was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Greenwald was absent.

#### PB-PLD REPORT - O-2025-40: RELATING TO SETBACK EXCEPTIONS, ACCESSORY DWELLING UNITS, AND PARKING REGULATIONS

A Joint Planning Board-Planning, Licenses and Development Committee report was read, with the Planning Board unanimously finding Ordinance O-2025-40 consistent with the 2025 Comprehensive Master Plan, and the Planning, Licenses and Development Committee unanimously requesting that the Mayor set a Public Hearing for Ordinance O-2025-40. Mayor Kahn filed the memorandum and set a Public Hearing for Ordinance O-2025-40 on March 5, 2026 at 7:00 PM.

#### ORDINANCE FOR FIRST READING - RELATING TO FINES FOR NUISANCE, MENACE, AND VICIOUS DOG OFFENSES - ORDINANCE O-2026-01

A memorandum was read from Police Captain Mike Kopcha, recommending 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. Mayor Kahn referred Ordinance O-2026-01 to the Planning, Licenses and Development Committee.

#### ORDINANCE FOR FIRST READING - RELATING TO THE DEFINITION OF “FAMILY” - ORDINANCE O-2026-02

A memorandum was read from Senior Planner Mari Brunner, recommending that Ordinance O-2026-02 be referred to the Joint Committee of the Planning Board-Planning, Licenses and

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

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

A Finance, Organization and Personnel Committee report was read, unanimously recommending the adoption of Resolution R-2026-04. Mayor Kahn filed the report. A motion by Councilor Powers to adopt Resolution R-2026-04 was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Greenwald was absent.

RELATING TO THE APPROPRIATION OF PLANNED FUNDS FOR ENGINEERING SERVICES FOR THE ROBIN HOOD PARK IMPROVEMENTS PROJECT - RESOLUTION R-2026-05

A memorandum was read from City Engineer Bryan Ruoff, recommending the City Council refer the draft Resolution to the Finance, Organization and Personnel Committee for review and recommendation to the City Council. Mayor Kahn referred Resolution R-2026-05 to the Finance, Organization and Personnel Committee.

RELATING TO THE APPROPRIATION OF FUNDS FOR RECYCLING EQUIPMENT REPLACEMENT - RESOLUTION R-2026-06

A memorandum was read from Solid Waste Manager Ben Hoy, recommending that Resolution R-2026-06 be referred to the Finance, Organization and Personnel Committee for consideration and a recommendation to the City Council. Mayor Kahn referred Resolution R-2026-06 to the Finance, Organization and Personnel Committee.

NON-PUBLIC SESSION

A motion by Councilor Powers to go into non-public session for consideration of the release of non-public minutes pursuant to RSA 91-A:3, II(m) was duly seconded by Councilor Filiault. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Greenwald was absent. At 7:52 PM, Mayor Kahn called a short recess before the non-public session started. The session began at 7:57 PM. Deputy City Attorney Brandon Latham was invited to remain present.

The regular session was reconvened at 8:07 PM. A motion by Councilor Powers 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 Greenwald was absent.

A motion by Councilor Powers was duly seconded by Councilor Filiault to unseal the following non-public minutes because the reason the minutes were originally sealed no longer applies: the

02/05/2026

minutes of the sessions held January 21, 2016 and January 25, 2016; item 2 discussed February 4, 2016; item 1 discussed March 3, 2016; items 1 and 3 discussed April 7, 2016; item 2 discussed May, 5, 2016; the minutes of the session held September 15, 2016; and item 1 discussed October 20, 2016. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Greenwald was absent.

A motion by Councilor Powers was duly seconded by Councilor Filiault to retain the following non-public minutes because the reason the minutes were originally sealed still applies: item 1 discussed February 4, 2016; item 2 discussed March 3, 2016; item 2 discussed April 7, 2016; item 1 discussed May 5, 2016; and item 2 discussed October 20, 2016. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Greenwald was absent.

#### ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 8:10 PM, at which time the City Council entered a non-meeting to receive legal advice from the City Attorney.

A true record, attest:



City Clerk



# CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

**Meeting Date:** February 19, 2026  
**To:** Mayor and Keene City Council  
**From:** Mayor Jay V. Kahn  
**Through:** Terri Hood, City Clerk  
**Subject:** **Confirmations — Assessors Board, Human Rights Committee**

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**Council Action:**  
**In City Council February 5, 2026.**  
**Nominations tabled until the next regular meeting.**

A true record;

Attest: *Terri Hood*  
City Clerk

**Recommendation:**

**Attachments:**

None

**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



# CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

**Meeting Date:** February 19, 2026  
**To:** Mayor and Keene City Council  
**From:** Kati Woodard/Keene Farmers' Market  
**Through:** Terri Hood, City Clerk  
**Subject:** **Farmers' Market of Keene - Request for Use of City Property - 2026  
Farmer's Market**

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**Recommendation:**

**Attachments:**

1. Communication\_Farmer's Market\_redacted

**Background:**

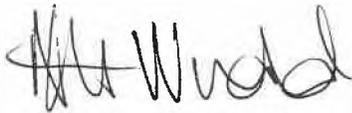
Ms. Woodard is requesting an annual license to operate the Keene Farmers' Market on Saturdays from April 25, 2026, through October 31, 2026, at their usual location in the Gilbo Avenue/Commercial Street Parking Lot.

February 12, 2026

Attn: Honorable Mayor and City Council of Keene, New Hampshire  
From: The Farmers' Market of Keene

The Farmers' Market of Keene would like to respectfully request a license to vend starting April 25<sup>th</sup>, 2026 through October 31st, 2026. We would like to continue to use our present location on Gilbo Ave and the Commercial St parking lot, which includes 40 parking spaces. Our hours of operation will continue to be the same, Saturdays from 9am-1pm, and we are requesting to use the space from 8am-2pm to accommodate set up and break down time. Given the challenges of the economy, we hope to keep the fees the same to be able to attract new farmers and retain current vendors without having to raise vendor dues. We appreciate all that the city and the parking services do to accommodate our market in our current location.

Sincerely,



Kati Woodard

██████████  
keenefarmersmarket@gmail.com  
Market Coordinator  
The Farmers' Market of Keene  
PO Box 425  
Keene, NH 03431



# CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

**Meeting Date:** February 19, 2026  
**To:** Mayor and Keene City Council  
**From:** Councilor Jacob Favolise  
**Through:** Terri Hood, City Clerk  
**Subject:** **Councilor Favolise - Request for Presentation Outlining the Role of Contractors and Consultants**

---

**Recommendation:**

**Attachments:**

1. Communication\_Councilor Favolise

**Background:**

Councilor Favolise is requesting that the City Manager prepare a presentation outlining the role of contractors and consultants in completing construction projects within the City.

February 12, 2025

City of Keene Clerk's Office

3 Washington Street

Keene, NH 03431

To the Honorable Mayor and City Council:

This communication serves as a formal request that the City Manager prepare a presentation outlining the role of contractors and consultants in completing construction projects within the City. I am submitting this request in response to questions that both myself and my constituents—and, I imagine, some of my colleagues—have identified throughout the Downtown Infrastructure Project process.

We will all benefit from a better understanding of the City's operations, and I intend for this discussion to increase Council and public understanding of City practices and the rationales for them, as well as provide a forum for discussion about whether and how those practices should be maintained or modified moving forward.

Respectfully,

Jacob Favolise



Ward 1 Councilor



## CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

**Meeting Date:** February 19, 2026  
**To:** Mayor and Keene City Council  
**From:** Carolyn Ogren  
**Through:** Terri Hood, City Clerk  
**Subject:** **Carolyn Ogren - Request for Review of Warehouse Zoning as It Relates to the Potential Housing of Detained Individuals**

---

**Recommendation:**

**Attachments:**

1. Communication\_Ogren\_redacted

**Background:**

Carolyn Ogren has submitted the attached letter to the City Council asking what protective measures the Planning Board may have in place regarding warehouse zoning being utilized for the purpose of "housing" detained individuals. She specifically mentions the issue in Merrimack with DHS seeking a location to set up operations.

Honorable Mayor and City Council  
City of Keene  
Keene, NH 03431

Carolyn A Ogren  
667 West St  
Keene, NH 03431

February 12, 2026

Dear Honorable Mayor and City Council,

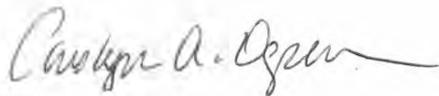
In a facebook post I read on February 11, 2026, the NH 50501 Community Discussion Page, posed this question to readers; " ICE is buying warehouses across the country *"which need zoning permits"* & they need City Council Zoning Boards to approve. Citizens were encouraged to ask their City Councils what permits an applicant would need if the Department of Homeland Security (DHS) was intending to purchase a warehouse in their community.

Given the fact that the city of Merrimack is now facing the distinct possibility of such a purchase of warehouse space by DHS, what permits might DHS need from their Planning Department/Board?

My question to the City Council is what protective measures does the City Planning Board have in place at this time and would there be the need for additional measures to be explored regarding warehouse zoning being utilized for the purpose of "housing" detained individuals.

Thank you for your attention to this matter.

Regards,



Carolyn A. Ogren

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# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

**Meeting Date:** February 19, 2026  
**To:** Mayor and Keene City Council  
**From:** Planning, Licenses and Development Committee, Standing Committee  
**Through:**  
**Subject:** **Energy & Climate Committee Recommendation Regarding the Commercial Property Assessed Clean Energy & Resiliency (C-PACER) Program**

---

**Recommendation:**

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends the City Manager be directed to submit an Ordinance for first reading relating to establishing a Commercial Property Assessed Clean Energy and Resiliency (C-PACER) District.

**Attachments:**

None

**Background:**

Chair Filiault welcomed Planner Megan Fortson, Staff Liaison for the City's Energy and Climate Committee (ECC). Ms. Fortson introduced ECC Vice Chair Maureen Nebenzahl and Committee Member, Councilor Bryan Lake. Ms. Fortson shared a presentation to explain the ECC's recommendation regarding the Commercial Property Assessed Clean Energy & Resiliency (C-PACER) Program.

Ms. Fortson began with an overview of the C-PACER Program, which was recently adopted under New Hampshire State law. She said the Program was previously "C-PACE" and could not be easily implemented in many communities. So, the New Hampshire Legislature reviewed it, added the "R" for "Resiliency," and was now bringing it to communities as a new voluntary funding mechanism for different projects. Ms. Fortson said C-PACER is administered by the New Hampshire Business Finance Authority (NHBFA), with the goal of providing private capital for development and energy improvements. Eligible properties include: any new and existing commercial building, and any residential buildings with five or more dwelling units. The loan and the capital are provided through special assessment of a property, typically by the third-party funder who is selected by that property owner for the project they pursue.

Next, Ms. Fortson shared examples of project types that would be eligible for the C-PACER Program, specifically in four main categories: clean energy, energy conservation and efficiency, resiliency improvements, and water conservation improvements. She said these projects could include installing rooftop solar panels on a building that has five or more units, or improvements to a

commercial building within the flood plain or floodway to mitigate flood risk.

The C-PACER Program has several benefits for local economic development: (1) helps to stimulate development of both commercial buildings and multi-family housing, (2) creates more efficient and comfortable buildings that are desirable for workforce and residents, and (3) increases property values and the tax base without any municipal cost or risk. Ms. Fortson also listed benefits of the program for project developers: (1) long term affordable debt (low interest), so energy improvements make financial sense; (2) the loan is associated with the property vs. the individual, so it transfers to the new owner upon sale, allowing for long-term investments without being a long-term owner (takes away the risks of some costly improvements); and (3) improve building cash flow while putting less money down, allowing investment in more projects and development.

Ms. Fortson continued, explaining the three different parties involved in the C-PACER team process: (1) the lender associated with the project, (2) NHBFA who secures the connection between the property owner and the lender, and (3) the City of Keene. Ms. Fortson described the three parts of the City's role. First, the City Council amends the City Code to adopt a C-PACER Ordinance that creates a voluntary funding mechanism, which could be used by developers who meet certain criteria. Second, the Council establishes whether C-PACER applies to only a specific district (e.g., Downtown) or throughout the entire City of Keene. Third, there would be some administrative tasks as a part of this process (e.g., recording documents at closing) but largely, Ms. Fortson said there should be little to no impact on municipal staff from this program.

Ms. Fortson invited Ms. Nebenzahl to speak about the ECC's role in this process and endorsement of the C-PACER Program. On behalf of the Energy and Climate Committee, Ms. Nebenzahl said the ECC endorsed C-PACER because it aligns with the goals in the City of Keene's 2025 Comprehensive Master Plan, as well as its energy plans. She stated that the ECC thought this program would really help in achieving those goals.

Ms. Fortson noted that this program aligns with quite a few of the Action Items outlined in the Implementation Plan of the 2025 Comprehensive Master Plan. Specifically, for the Flourishing Environment Pillar and the Livable Housing Pillar, there were two Goals: (1) promote smart growth, and (2) prioritize environmental protection and sustainability. These Goals have related Action Items that Ms. Fortson listed: (1) incentivizing the adaptive reuse of existing buildings, (2) working with partners to expand and support incentive programs for existing buildings, and (3) removing barriers through housing development by exploring opportunities with state and local representatives to incentivize vacant building redevelopment. She said C-PACER, in conjunction with the City's updated 79-E Tax Relief Program, would provide incentives for commercial developers.

Paul Andrus, Community Development Director, said that City staff had initial discussions about C-PACER, did some research, and received answers to their questions. After which, Mr. Andrus said those staff really thought the C-PACER Program could be another tool for economic development in the City that would require very little heavy lifting by the municipality. He reiterated that this is an optional program for businesses to pursue. Chair Filiault thought it seemed pretty clear and clean cut.

Councilor Williams asked if the City would be responsible for enforcing the tax lien and taking possession of the property in the event that a loan is not paid off. Ms. Fortson said the City would have no responsibility; that is all handled like a typical bankruptcy filing with the third-party lender.

Councilor Haas asked whether the New Hampshire Business Finance Authority (NHBFA) verifies the lender's financial stability. Ms. Fortson said yes, all lenders are vetted by the NHBFA. She knew they were working with a number of lenders and looking to expand.

Vice Chair Jones thanked Ms. Fortson for talking about something he had been requesting for years: implementation of the Master Plan. He said thanks to Ms. Fortson, there were boxes to check off in the Master Plan. Vice Chair Jones also thanked Ms. Nebenzahl and Councilor Lake, acknowledging all of the Energy and Climate Committee's hard work. Vice Chair Jones Chaired the ECC when it was first called Cities for Climate Protection.

There were no public comments.

The following motion by Councilor Williams was duly seconded by Vice Chair Jones.

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends the City Manager be directed to submit an Ordinance for first reading relating to establishing a Commercial Property Assessed Clean Energy and Resiliency (C-PACER) District.



## CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

**Meeting Date:** February 19, 2026  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Mark Rebillard/Keene Downtown Group - Request for Community Funded Event Status - Series of Small Scale Festivals During Downtown Construction**

---

**Recommendation:**

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that any available unspent funds from the City's FY26 community events budget be used to help offset the cost of City services for the Keene Downtown Group for two small-scale festivals as part of the "Dig Into Keene" project, with event dates tentatively scheduled for April 4 and June 13, 2026. Costs over the above available funds will be the responsibility of the Keene Downtown Group.

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Council suspend Resolution R-2012-19, the City Council Policy on Funding for Community Events to allow the City Manager to include funding in the proposed FY27 Community Events Budget for the Keene Downtown Group to conduct up to four small-scale festivals as part of the "Dig Into Keene" project, with event dates tentatively scheduled for July 25, September 12, October 1, and November 27, 2026, for consideration by the City Council during budget deliberations. Said funding not to exceed the \$10,000 threshold.

**Attachments:**

None

**Background:**

Mark Rebillard representing the Downtown Group addressed the Committee. He stated the Group is looking at a proposal for which they are requesting support for City resources in terms of fire, police and public works. He stated they are looking at organizing two to six festivals per year during the upcoming construction period, which is going to happen downtown. He felt this type of festivals would create a pulse of commerce needed by downtown merchants in an effort of bringing people downtown. Mr. Rebillard stated they are seeking two grants; one state and one federal where the in kind donation the City might make in terms of fire, police and public works might be matched.

He stated they are planning on a large marketing campaign to tell people why it is important to spend money downtown and also a community currency program which all downtown, merchants would be

enrolled in; an easy to redeem electronic funding - gift certificates and vouchers that could be used in a very short period of time (not once construction is over).

Mr. Rebillard stated this is a collaboration between all merchants downtown. He indicated the Colonial Theater has applied for and has received a grant from T-Mobile for a \$50,000 mobile stage which could be located anywhere downtown which they envision would be the center point of the festivals. This concluded Mr. Rebillard's presentation.

Councilor Chalice began by expressing her gratitude for the energy and coordination Mr. Rebillard has put into this effort to bring to the downtown. She hoped this is something the City could continue to do into the future.

Councilor Lake echoed Councilor Chalice's comments. He stated he was looking forward to all events.

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

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that any available unspent funds from the City's FY26 community events budget be used to help offset the cost of City services for the Keene Downtown Group for two small-scale festivals as part of the "Dig Into Keene" project, with event dates tentatively scheduled for April 4 and June 13, 2026. Costs over the above available funds will be the responsibility of the Keene Downtown Group.

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

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Council suspend Resolution R-2012-19, the City Council Policy on Funding for Community Events to allow the City Manager to include funding in the proposed FY27 Community Events Budget for the Keene Downtown Group to conduct up to four small-scale festivals as part of the "Dig Into Keene" project, with event dates tentatively scheduled for July 25, September 12, October 1, and November 27, 2026, for consideration by the City Council during budget deliberations. Said funding not to exceed the \$10,000 threshold.



## CITY OF KEENE NEW HAMPSHIRE

**Meeting Date:** February 19, 2026  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Mark Rebillard/Keene Downtown Group - Request for Community Funded Event Status - Keene 250th Independence Day Celebration - July 4, 2026**

---

**Recommendation:**

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Council suspend Resolution R-2012-19, the City Council Policy on Funding for Community Events to allow the City Manager to include funding in the proposed FY27 Community Events Budget for the Keene Downtown Group to conduct the Keene 250th Independence Celebration on July 4, 2026 for consideration by the City Council during budget deliberations. Said funding not to exceed the \$10,000 threshold.

**Attachments:**

None

**Background:**

Mr. Rebillard stated the Heritage Commission and Councilor Ellis, with other interested people in the community, have come forth with a plan for a 250th Independence celebration of our country. It is being referred to as "US 250". He stated the celebration would include a parade and events that are going on at the Historical Society on July 4th. It would also coincide with the 4 on the 4th Footrace that already occurs downtown. Groups and nonprofits would be encouraged to build floats etc. Here again they are looking for resources from police, fire and public works for that event.

Councilor Chalice stated she is excited about this celebration and sees that the proposed budget is \$50,000 which Mr. Rebillard has indicated would be from donations but asked if they had a contingency plan if the donations don't add up to what they are budgeting for. Mr. Rebillard stated these are plans that could always be scaled back.

City Clerk Terri Hood addressed the committee and stated staff has conducted a few protocol meetings and the Mayor has brought together a group of individuals in the community that are interested in helping support this event. They include individuals from the Swamp Bats who will also have activities during the same holiday dates. She stated this is going to be an amalgamation of different efforts coming together. The parade route would be minimal in terms of needing City staff support. The concept is a rolling closure starting on Lower Main Street near the Historical Society,

coming down Main Street and having walkers cleave off at Railroad Street. Floats and other motorized vehicles will be leaving the area via Washington Street. The Clerk felt there is a good plan coming together and is confident this would be a family-friendly fun event that brings people downtown on that day.

Mayor Kahn addressed the committee and stated this event sells itself. He stated the New Hampshire Tourism Department is promoting this event statewide. They will be promoting different festivals that happen throughout the State and the County. He indicated following the Swamp Bats and fireworks event on July 3 would be the traditional 4 on the 4th race followed by the parade down Main Street. The Mayor estimated a couple of thousand people to be part of the parade and tens of thousands observing the parade down Main Street. He felt this is what the community is looking for; this is something that would showcase the Monadnock region and Keene as a center of activity in the region.

Relative to fundraising, he felt the \$50,000 could be easily achieved. The other item is prize money; how do you get thousands of people to participate. One idea is a bike-decorating contest – would this be a community funded decorating contest? Prize money also for the best decorated float.

The Mayor went on to say antique vehicles and municipal vehicles are going to be invited to participate in the parade. Community groups will be invited to march. There is a vendor in town who is prepared to provide the City with 8' x 3' banners for groups that don't have one.

The Mayor explained the staging from Bruder Street is significant because of the Revolutionary War monument located on Baker Street for the mobilization of a Keene militia that marched down to Lexington and Concord in 1774 and 1775.

The Historical Society of Cheshire County is going to be very active as a partner to the Keene downtown group in administering the affairs of the parade. There will be various performance venues along the parade route on Main Street. There are performance groups that would not only be in the parade like the Keene High School Marching Band and the Nelson Town Band, but there will be other groups invited as well. There is also a plan for readings such as the Declaration of Independence by school-aged kids representing the different schools. He added The Keene Sentinel and the Monadnock Radio Group would also be participating in this event.

The Mayor noted this is not just a Keene event rather the entire Monadnock region coming together to represent the significance of this day in our country's history. The Mayor thanked Mr. Rebillard's assistance with this event.

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

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Council suspend Resolution R-2012-19, the City Council Policy on Funding for Community Events to allow the City Manager to include funding in the proposed FY27 Community Events Budget for the Keene Downtown Group to conduct the Keene 250th Independence Celebration on July 4, 2026 for consideration by the City Council during budget deliberations. Said funding not to exceed the \$10,000 threshold.



ITEM #D.4.

## CITY OF KEENE NEW HAMPSHIRE

**Meeting Date:** February 19, 2026  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** Allocation of Casino Revenue Donation to FY27 CIP

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**Recommendation:**

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Council approve the allocation of the Revo Casino donation in the amount of \$13,788.35 to the FY27 Police Department CIP for Exacom purchase.

**Attachments:**

None

**Background:**

Finance Director Kari Chamberlain addressed the next item and stated on September 18th, 2025, the Council voted to accept funding from Revo Casino. The funding was a percentage of their revenues generated during the week of December 17 through December 26, 2025, which was part of a host community partnership. This resulted in a donation of \$13,788.35. Ms. Chamberlain stated staff is requesting that this funding be utilized to offset the total expense related to the police department's exacom system replacement, which is included as part of the fiscal year 2027 Capital Improvement Program.

Ms. Chamberlain explain this equipment records all telephone and radio traffic in and out of the police department. It is slated for \$41,300 in the CIP, which would leave a \$27,512 balance to be funded.

Councilor Favolise asked for clarification as to how this project in particular was decided. The City Manager in response stated the host community agreements were created by the State of New Hampshire to help offset any impacts to municipal services which happened as a result of hosting a casino and the greatest impact would be to police services. Staff also looked at the upcoming CIP to determine where these funds could be applied and Exacom was an option for the City.

Councilor Lake stated he agrees with this expenditure but in future years if the City was to continue with this type of agreement, he would like to see those funds be distributed to offset other services as well. Public infrastructure might make sense if there is going to be increased foot traffic and car traffic going into certain areas of town such as Emerald Street where Revo Casino was located.

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

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends that the City Council approve the allocation of the Revo Casino donation in the amount of \$13,788.35 to the FY27 Police Department CIP for Exacom purchase.



ITEM #D.5.

## CITY OF KEENE NEW HAMPSHIRE

**Meeting Date:** February 19, 2026  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** Execution of a Change Order for Construction Engineering Services with Greenman Pederson Inc. for Island Street 2026 Reconstruction

---

**Recommendation:**

On a vote of 4 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 change order for Construction Engineering Services with Greenman Pederson Inc. for 2026 construction as part of the Island Street Corridor Improvements Project.

**Attachments:**

None

**Background:**

City Engineer Bryan Ruoff addressed the committee and stated this item is a request to execute a change order with Greenman Pederson Inc. for engineering services during construction for the 2026 Island Street Corridor Reconstruction Project.

Mr. Ruoff reminded the Committee that the City had to bid this project twice in order to select a contractor to perform the scope of work for the project. Based on staff's workload at the time, it made sense to hire a civil engineer consultant to manage the project, both from a construction administration and inspection standpoint and to have a full time inspector on site.

The initial notice to proceed was issued around July 4. It was a very tight schedule from the beginning but SUR Construction was projecting to finish the project in 2025, with everything working as planned. During the project, the City added about two weeks of scope based on added scope of items the City requested. The contractor was asked to hold off on installing the sidewalk until spring due to issues the City has experienced in the past due to cure time. Mr. Ruoff stated the City owes SUR Construction between 50 and 60 days' time extension.

Councilor Chalice clarified what the City is proposing is not a penalty, it is for additional work the City requested and a delay for completing the sidewalk until the next season. Mr. Ruoff answered in the affirmative. The Councilor asked for the downtown project, if there are aspects of this the City can learn from and having provisions in the contract to make sure that we are not paying anything more

than necessary. Mr. Ruoff stated the downtown project is a three-year project with an opportunity to complete final restoration in the spring of the fourth year. There are provisions being added into the contract requiring the contractor to restore all areas that are disturbed within a calendar year.

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

On a vote of 4 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 change order for Construction Engineering Services with Greenman Pederson Inc. for 2026 construction as part of the Island Street Corridor Improvements Project.



ITEM #D.6.

## CITY OF KEENE NEW HAMPSHIRE

**Meeting Date:** February 19, 2026  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Councilor Workman - Request for Review and Update of 2019 Inter-Agency Memorandum of Understanding Involving Local Law Enforcement Partners**

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**Recommendation:**

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends the request for review and update of the 2019 Inter-Agency Memorandum of Understanding Involving Local Law Enforcement Partners be accepted as informational.

**Attachments:**

None

**Background:**

Councilor Workman referred to her letter included in the committee packet and stated she wanted to stress that this is not about questioning the professionalism of our officers and any inter-agency cooperation. She added this is not about immigration either. She stated a clear and current MOU protects officer safety and improve response effectiveness for public safety. The question is not whether these partnerships should exist, it is whether the written agreement that governs them reflects today's legal environment, operational realities and accountability standards. The current MOU was developed under an earlier legal and operational landscape. Since 2019, there have been changes in state law, changes in federal and state incident command expectations, expanded multi agency operations and evolving data practices and updated risk management standards.

The Councilor went on to say recent New Hampshire legislation demonstrates how quickly the statutory framework work surrounding law enforcement cooperation can change. Whether or not a single law is central to daily operations, these shifts underscore a larger point. Agreements like this are living documents and cannot remain static. She felt current MOU's should specify how policy differences are resolved during joint operations. They should include regular review requirements so they can stay aligned with the law and best practices.

She stressed these are government safeguards, not tactical or operational directives. Requesting that an interagency MOU be reviewed and updated is not operational interference in policing. She noted RSA 106 only relates to anti sanctuary cities acts and Title 8 of the US code which relate federal laws governing immigration, naturalization and citizenship. She added that this is not what her

request is about.

Operational interference would mean directing officers how to conduct arrests, how to investigate crimes or how to make tactical decisions in the field, which authority rightfully belongs to law enforcement leadership and trained professionals. She added she was not trying to get in anyone's way. Reviewing and updating an MOU is a governance function. It is contract oversight. It is risk management. It is ensuring that inter-government agreements entered in the City's name are legally current, structurally sound and fiscally responsible. It does not direct police tactics. It ensures that the framework is clear, current and defensible. In fact, clarity protects officers. Documented command protocols prevent confusion. Updated agreements reduce legal ambiguity, which can otherwise fall back on the officers asked to act within them.

Councilor Workman stated in December, the City saw firsthand when there was confusion over operational jurisdiction and practices among local chiefs who have signed the MOU. Each had a different interpretation of it. A periodic review requirement is now standard best practice in most interagency agreements. Including such a requirement is not a criticism of leadership. It is recognition that our laws and society evolve. This request is about modernization, transparency and just good governance. It respects operational independence while fulfilling oversight responsibility. It strengthens interagency cooperation rather than weakening it, and it ensures that when our agencies work together, which they will and should, they do so under an agreement that reflects current laws, current standards and current realities. This concluded her comments.

City Attorney Palmeira stated she wanted to take the opportunity to give a little bit of research she had done on this issue. She stated as Councilor Workman explained, her letter concerns a MOU with the Police Department. She indicated that the City Council does work with the City Manager on authorizing her to enter into contracts, other MOU's or agreements. She stated however, statutorily this one is unique. There are state laws that describe specifically this exact item and who has the authority to enter into it and what the effect of it is.

She went on to say the scope of it is; these are set out in RSA concerning policing and police jurisdiction. Specifically, this type of agreement lives under RSA 40A:11(a) and is for police chiefs of any municipal department to enter into. This is not one that the City Manager has to enter into or has authority to look into. Neither does the City Council nor in other towns a select board etc.

She stated there was an article in the Keene Sentinel regarding the MOU the Police Department has, and how it relates to immigration law. The Attorney stressed as the Councilor stated this MOU has nothing to do with that authority. That was not an accurate depiction of what the MOU's effect is.

Councilor Chalice clarified what the Attorney is saying is that the City has no authority over this MOU, the Statute says that this is handled by the police chiefs because it is a memorandum of understanding between them. She asked in the circumstance where the public has concerns, was there a way the City can facilitate a public hearing in an organized manner, where the public can express those concerns within the context of it being a police chief endeavor.

Attorney Palmeira in response stated this setting provides some commentary for the public. Regardless of any conversations tonight, the Council has no authority to add anything into this MOU – this is something the police chief needs to facilitate.

Police Chief Stewart addressed the Committee next. With reference to review of this document, the

Chief stated it was reviewed at the January 20th Cheshire County Chiefs meeting, which the Chief attended. He stated the topic of the mutual aid agreement came up and all the chiefs in the room were satisfied with it. There was talk about the immigration portion of it and everyone that was present agreed that it had to do with motor vehicle offenses and criminal offenses, not civil immigration law enforcement. He stated there was no real desire to make any further changes to it, to the extent someone noted that most that offered signatories were no longer even the current chiefs, which he added doesn't have anything to do with the validness of the agreement. He indicated there wasn't any appetite to recirculate the document and resign it.

In terms of the review of this document, it has already been reviewed, but the Chief added it is also subject to legal scrutiny daily by Defense Attorneys – the County Attorney attended the Chiefs meeting and he had no issues with the way that it is constructed and there hasn't been any successful challenges to the legality of it.

Jodie Newell of Leverett Street addressed the Committee. Ms. Leverett noted this document is a decision for the Police Chiefs but felt there could be some influence here. She indicated she was here to speak in support of Councilor Workman's letter and felt the intention behind it is to clarify what jurisdiction is, if this is what the RSA says and that is what the community would be held to. Ms. Newell felt the community has some influence and a voice; what we would like to have in our community or not.

Jules Gibson of Central Square addressed the Committee next. They felt there is a lot of items in play here; the community has no say and this is in the hands of the Police Chiefs but hoped today's discussion could be sent to them for their consideration.

Jules Gibson added it is nice to hear from the City Attorney that some of the legal ambiguity has been cleared up so people have a good understanding of what that means and how it impacts their safety. They added it has been stated this is not about immigration but felt there is a substantial piece of this – where there was an incident involving arrests at the courthouse. People were confused as to what law enforcement were doing from another town arresting someone in their capacity.

Jules Gibson went on to say even if the jurisdictional ambiguity was cleared and everyone was on the same page, they suggested revisiting the MOU between law enforcement and Keene and law enforcement and surrounding towns. This should depend not only on what is legally permissible, but what is ethically viable as well; does the manner in which law enforcement in Keene think about their relationship with federal law and ICE align ethically and morally with the way other towns as part of this MOU are thinking about their own relationship with these agencies.

Jules Gibson stated they are sure there are lots of good reasons for this interagency cooperation across the county but if there are core pieces of our values that are not in alignment, that is something that should also be a point of consideration as to how this MOU is approached. They added if our core values as it relates to law enforcement don't align with that of federal law enforcement or other neighboring communities, then Keene should perhaps reconsider the MOU.

Councilor Chalice asked for clarification as to why law enforcement from Troy has the ability to come into Keene and arrest Keene citizens when they leave the Court House.

Chief Steward in response stated his understanding is that the Troy Police Department is a participant or a signatory in the Federal 287-G Program, which authorizes local police departments,

local sheriff departments, and county sheriff departments in the State to execute warrants for civil immigration issues. The Chief went on to say Manchester ICE had requested Troy to come to court when they knew that these individuals were going to be there and make arrests on warrants that they had.

The Troy Police Chief had stated in the newspaper that his view was that the county mutual aid agreement covered him under that. Chief Stewart stated the Troy Chief is aware that Chief Stewart does not agree with him. Chief Stewart noted it is not just the Troy Chief that is sworn or authorized to participate in these sort of 287-G activities. New Hampshire State Police also participates in the 287-G Program. There are at least three sheriff's departments that are part of the 287-G program and sheriff's departments in New Hampshire have a statewide jurisdiction.

Councilor Workman addressed the Committee again and how the public is made aware of this MOU. She stated she had a hard time locating this document even though it is supposed to be public. She also noted all the signatures on it were from 2019 and there is nothing about a review period. Councilor Powers stated the public is aware now, as many will be watching this meeting on social media. The Manager added this document would also be available on the City website.

Councilor Williams addressed the committee next and stated it is concerning to him that the 287-G program that Troy has, extends outside of Troy and felt this is something that should be subject to legal challenge. He also reiterated what Councilor Workman stated how the community could be advised of this MOU. The Councilor went on to say when the City has these Mutual Aid Agreements and the issue of immigration is included in it the City could be opening itself up to possible legal liability and noted there a a lot of illegal activities that are happening right now when it comes to immigration. He referred to possible lawsuits from the State of Minnesota against the federal government as well as individual lawsuits. He noted people are getting deported without having a proper hearing, people are being placed in warehouses with inhumane conditions and if our police officers are aware of that he questioned what liability are they exposing themselves and exposing the community to. He felt the MOU should consider this aspect.

Councilor Roberts asked the City Attorney, when the federal government creates a task force and involves the local police it falls under a different type of legal jurisdiction. The City Attorney responded by saying when a local law enforcement personnel has been deputized to enforce federal law, just like federal agents - they would have jurisdiction throughout the entire United States. Those agents working on behalf of the Federal Authority would have the same reach.

Ms. Lauren Hubelay of 180 Hurricane Road stated she wanted to follow up on what Councilor Chalice mentioned and asked for clarification; if Keene has decided not to engage in this type of cooperation yet surrounding areas have - what benefit does Keene have from not engaging in that cooperation if surrounding areas do and can enforce their actions within our community.

Councilor Chalice stated her understanding is that if our police have decided not to engage when things change in the future, it could benefit our entire community.

Councilor Powers stated he wants to make it clear that the mutual aid agreement Keene is a signatory to, has nothing to do with federal agencies, nor will it ever, because it is not provided for in the statute which allows this agreement to come together. If another town has decided to sign on to it, that doesn't affect this agreement. This is solely for State of New Hampshire law enforcement and state law. Officers in the agency that signed on to do the federal work are doing it as federal

agents, it does not affect their authority under state law – it is outside of that.

Councilor Lake thanked everyone for their comments on this item. Councilor Chalice stated these are difficult times and thanked everyone for their patience.

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

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends the request for review and update of the 2019 Inter-Agency Memorandum of Understanding Involving Local Law Enforcement Partners be accepted as informational.



## CITY OF KEENE NEW HAMPSHIRE

**Meeting Date:** February 19, 2026

**To:** Mayor and Keene City Council

**From:** Aaron Costa, Asst. Public Works Directors/ Operations Mgr.

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

**Subject:** **Reallocation of Unspent Funds for the Grit Chamber Duct Insulation Repair Project**

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**Recommendation:**

Move that the City Manager be authorized to do all things necessary to reallocate unspent funds from the Wastewater Treatment Plant Air Compressor Replacement Project (32JW026A) and Wastewater Treatment Plant Laboratory Renovation Project (32JW008A) to the Wastewater Treatment Plant Grit Chamber Duct Insulation Repair Project (32JW006A).

**Attachments:**

None

**Background:**

The City owns and operates a wastewater treatment plant (WWTP) that came online in 1985. The WWTP is designed to treat 6 million gallons of wastewater per day and operates 24 hours a day, 7 days a week.

Currently, work is underway on repairs to the duct work in the grit chamber. The grit chamber consists of two open channels of raw wastewater. In order to get to the duct work, beams, decking and scaffolding were installed. During the work, the contractor recommended that the duct work be cleaned. Because of the harsh environment, the duct work will need to be scraped and cleaned by hand instead of with a power brush.

Staff are requesting that \$3,621.06 in unspent funds from the WWTP Air Compressor Replacement Project and \$9,968.28 in unspent funds from the WWTP Laboratory Renovation Project be reallocated to the WWTP Grit Chamber Duct Insulation Project 32JW006A for this work.

It makes sense to do this work now while the staging is in place, as the cost to set up the staging for the work was approximately \$20,000. Our contractor is nearly finished with their work and their contract with the staging subcontractor ends on March 2, 2026. Therefore, Public Works is respectfully requesting the City Council suspend Rules of Order, Section 26, in order to act upon this recommendation during your regularly scheduled meeting on February 19, 2026.





# CITY OF KEENE NEW HAMPSHIRE

ITEM #J.1.

**Meeting Date:** February 19, 2026  
**To:** Mayor and Keene City Council  
**From:** Planning, Licenses and Development Committee, Standing Committee  
**Through:**  
**Subject:** **Relating to Update of Chapter 18 Property and Housing Standards Code Ordinance O-2025-36-B**

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**Recommendation:**

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-36-B.

**Attachments:**

1. O-2025-36-B Ordinance relative to Update of Chapter 18 Property and Housing Standards Code
2. O-2025-36-A Red-Lined

**Background:**

Chair Filiault welcomed Community Development Director Paul Andrus, who noted that the update to Chapter 18 of the City Code Regarding Code Enforcement Property Maintenance Standards was referred back to this Committee by the Council. When it initially left this Committee and arrived at the Council, there were concerns expressed about Section 18-16 as it was still written, which is about posting emergency contact information. Mr. Andrus said City staff looked at it and modified the new Section 18-16. B) shown in red in the meeting packet, indicating that, "Section 18-16. (A) shall not apply to the following rental properties: (1) Properties occupied by the owner as the owner's primary residence, (2) Properties without an accessible common area available to tenant(s) for any shared use purpose." Mr. Andrus said that was the focus based on the concern and everything else in the Ordinance remained intact.

Councilor Ruttie-Miller said she read the Ordinance from the perspective of someone who had rented a house from a landlord who lived over an hour away. She was the sole renter of that property, so there was technically no common area other than her home. Councilor Ruttie-Miller asked if this proposed Ordinance language would make it so that the property owner would not have to come up with someone closer than an hour away who would be available in the case of an emergency. Mr. Andrus said that was correct, as written; if there was no common area for the emergency contact information to be posted for any shared purpose, it would not be required. He asked if the City Attorney had anything to add. City Attorney Amanda Palmeira said

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she had not thought that over. She looked at the proposed language in Section 18-16. (B) 2) "Properties without an accessible common area available to tenant(s) for any shared use purpose," shall be exempt from Section 18-16. (A), which is the requirement for contact information. So, the City Attorney agreed with Mr. Andrus' reading.

Councilor Ruttle-Miller said in reading that, she immediately had flashbacks to having a flooding basement and a landlord who said they would be there on Saturday and was not there until Monday. So, the Councilor thought it would have been really nice for someone to be closer than one hour away when someone else cannot get there. She was trying to think of properties that are not necessarily multi-tenant buildings but still might need access to a landlord in situations when one is not closely available. Mr. Andrus said City staff certainly had a lot of discussion about this Section. He explained that from the standpoint of Code Enforcement and Fire safety, posting the emergency contact information is intended to provide additional public safety information if the City must be on the property for a particular reason and needs to find out who the landlord is. Councilor Ruttle-Miller appreciated the clarification.

Vice Chair Jones recalled a question about this topic from former Committee Chair, Kate Bosley, and asked if that issue was satisfied. Mr. Andrus said affirmatively that the issue was addressed. He thought this revision was a practical midway point between what was initially proposed and the former Councilor's concern, which Mr. Andrus summarized as: that Section 18-16. could have created an undue hardship on property owners who are responsive and are going to be there, but also the fact that there was not a sense that property owners have any particular way to know if renters will change things within the unit (i.e., remove the contact information) and concern that property owners could then be liable for what they cannot control real-time. City Manager Elizabeth Ferland added that another concern was about properties that do not necessarily have a common area where a notice like this could be posted, and whether the information would have to be posted on the interior of individuals' residential units. The City Manager said that it was addressed with the revised language.

Chair Filiault opened the floor to public comments.

Former Councilor Kate Bosley of Gunn Road recalled that she recommended referring this item back to the Committee in December 2025. She noted that during the November 2025 meeting, the PLD Committee discussed all of the different ordinances that were being altered and spoke with the Fire Marshal and Code Enforcement Officers about complications that could arise from the expectation to maintain these notices inside of a person's residential unit. Ms. Bosley fully agreed that it is reasonable to have common areas posted, but said it starts to get complicated in situations like townhouses. She recalled joking to the Fire Marshal that it is challenging for landlords to get tenants to leave smoke detectors up, let alone a framed picture of herself and her phone number in their unit. Ms. Bosley thought the proposed revisions were a great way to address that concern. As a landlord, she explained that she would also be happy to have a conversation at some point about having this information given to the tenant at the time of the lease signing, with a signed document, so the landlord would have an indication if the City were to ask whether the tenant would have access to the landlord's information and emergency procedure, if that was important for the City. However, Ms. Bosley thought that the Community Development Director explained the intention for when there are emergencies or ongoing violations at a site, so City staff are able to contact their landlord.

Ms. Bosley said she felt for the situation of Councilor Ruttle-Miller's flood. Ms. Bosley said it is really hard in an emergency situation sometimes. She was unsure whether many people were having

floods at that time, but said there is a component of time that it does take for people to get people on site. Ms. Bosley suggested that in cases when tenants can contact their landlords and are not satisfied, she definitely thinks Code Enforcement is the next step. However, she also thinks people need to be given reasonable expectations of what individuals can be expected to correct in a certain amount of time, especially in an emergency situation.

Ms. Bosley said she supported these final revisions to the Ordinance that were the only things overlooked when the Committee rewrote and had it back at Council in December 2025. Chair Filiault thanked Ms. Bosley for the amount of time she put into this Ordinance, noting that the former Councilor requested that the Ordinance be referred back to the Committee to ensure these final revisions would be addressed.

Vice Chair Jones added that he did not see Ms. Bosley in the audience, or he would not have asked her question. Ms. Bosley appreciated him asking. Discussion ensued briefly about all the moving parts of these Ordinances during the Committee and Council meetings at the end of 2025. Ms. Bosley mentioned these red-lined versions being so important for keeping track of all the changes to these living documents, which she thinks the City should revisit more regularly.

Councilor Haas asked how large of a waste container can be placed on the curb 24 hours before pickup and 24 hours after pickup (48 hours total). He did not see a differentiation between the size of the container. Mr. Andrus was unsure that it actually specified that detail in the Ordinance, so he could not speak to it, unfortunately. Councilor Haas said that it was fine and he would pursue the answer with staff at a later time.

Discussion ensued. Staff confirmed that they did not intend an effective date for this motion.

The following motion by Councilor Haas was duly seconded by Vice Chair Jones.

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-36-B.



# CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Update of Chapter 18 Property and Housing Standards Code

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

Repeal and replace the contents of Chapter 18 with the content below:

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## Article VII Reserved

### ARTICLE I. - IN GENERAL

#### Sec. 18-1. - Authority.

Articles I—VII of this chapter are adopted by the City of Keene ("city") in accordance with, and under the authority granted by City of Keene Land Development Code, RSA 47:17, RSA 48-A, and RSA 147.

#### Sec. 18-2. - Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Whenever the words *dwelling*, *dwelling unit*, or *premises*, are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

*Accessory structure* shall mean a structure that is subordinate and customarily incidental to a principal structure that is located on the same lot.

*Building* shall mean any structure used or intended for sheltering any use or occupancy

*Bulk container* shall mean any dumpster, roll-off container, or compactor dumpster, or more than two cans greater than 64 gallons. See also "waste storage container."

*Community Development department* shall mean the officials of the city, and/or their duly authorized representatives, charged with the administration and enforcement of this chapter.

*Dwelling* shall mean 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 unit* shall mean a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Exterminated* shall mean the control and elimination of insects, rodents, vermin, and other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

*Garbage* shall mean the animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food. See also "waste."

*Habitable space* shall mean space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage, or utility spaces are not considered habitable spaces.

*Handrails* shall mean a horizontal or sloping rail intended for grasping by the hand for guidance or support.

*Hazardous condition* shall mean any inadequate maintenance, repair or disrepair, modification, physical damage or other condition which constitutes a hazard to public safety or health.

*Infestation* shall mean the presence of insects, rodents, vermin, and other pests.

*Kitchen* shall mean an area used or designated to be used for the preparation of food.

*Litter* shall mean all rubbish, refuse, garbage, trash, debris, dead animals, and other discarded materials of every kind and description. See also "waste."

*Natural Person* shall mean a human being distinguished from a person (as a corporation) created by operation of law.

*Occupant* shall mean any person maintaining possession or control over a premise.

*Owner* shall mean any person, group of persons, or other legal entity having title to, or sufficient proprietary interest in, the use, structure, or lot in question.

*Person* shall mean an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization. See also, "natural person."

*Plumbing or plumbing fixture* shall mean a receptacle or device that is connected to a water supply system or discharges to a drainage system or both. Such receptacles or devices require a supply of water; or discharge liquid waste or liquid borne solid waste; or require a supply of water and discharge waste to a drainage system.

*Premises* shall mean a lot or parcel of land including any building or accessory structure thereon.

*Public agency* shall mean the Community Development Department or the department; designated by ordinance, code or bylaw to exercise the powers and perform the duties conferred upon it by this chapter.

*Public nuisance* includes the following:

- 1) Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures.
- 2) Any premises that have unsanitary sewage or unsanitary plumbing facilities.
- 3) Any premises designated as unfit for human habitation or use.
- 4) Any premises from which the plumbing, heating, and/or facilities required in this chapter have been removed, or from which utilities have been disconnected, destroyed, removed, or rendered ineffective, or the required precautions against trespassers have not been provided.
- 5) Any premises which are capable of being a fire hazard or are unsafe or unsecure as to endanger life, limb, or property.
- 6) Any premises which are unsanitary, unsafe, or which are littered with rubbish or garbage.
- 7) Any structure, building or appurtenance that is in a state of dilapidation, deterioration, or decay; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and is dangerous to anyone on or near the premises.

*Rental property* shall mean any dwelling unit not occupied by the owner thereof.

*Rubbish* shall mean all combustible and noncombustible waste materials, except garbage, and the term shall include but not be limited to the residue from burned wood, coal, coke and other combustible materials, papers, rags, cartons, boxes, wood excelsior, rubber, leather, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials, automobile parts and household furniture and appliances. See also "waste."

*Structure* shall mean anything constructed or erected which requires location on or in the ground or attached to something having location on or in the ground, including signs, billboards, fences, and swimming pools. See also "building."

*Unfit for human habitation* shall mean a dwelling or dwelling unit which, due to dilapidation, dangerous defect, lack of ventilation or sanitary facilities or other unhealthy or hazardous condition is unfit for human occupancy.

*Ventilation* shall mean the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

1) Mechanical: ventilation by power-driven devices.

2) Natural: ventilation by opening to outer air, through windows, skylights, doors, louvers, or stack wind driven devices.

*Waste* shall mean all garbage, litter, and rubbish.

*Waste storage container* shall mean any container or can include a bulk container that is used as a central collection point for the temporary storage of waste

### Sec. 18-3. - Administration and enforcement in general.

The Community Development Department and its delegated officers shall exercise the powers to carry out this chapter, including but not limited to the following:

A) To investigate buildings, premises, and dwellings or dwelling unit's conditions in the municipality to determine which buildings, premises, and dwellings or dwelling units therein are unfit for human habitation or otherwise in violation of this chapter.

B) To enter upon premises for the purpose of making examinations and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

C) To appoint and fix the duties of such officers, agents, and employees as are deemed necessary to carry out the purposes of this chapter.

D) To delegate any of its functions under this chapter to the officers that it may designate.

## **ARTICLE II. – Unfit Structures**

### **DIVISION 1. - GENERALLY**

#### Sec. 18-4. - Purpose.

The purpose of this article is to cause the repair, closing, or demolition or removal of unfit structures, as per RSA 48-A:2; to provide avenues to compliance with RSA chapter 48-A; and to direct how complaints of an unfit structure are addressed.

## **DIVISION 2. – ENFORCEMENT**

### **Sec. 18-5. – Complaint; Notice of Hearing**

Whenever a petition is filed with the Community Development Department by at least ten residents of the municipality charging that any dwelling is unfit for human habitation, or whenever it appears to the Community Development Department by inspection that any dwelling is unfit for human habitation, it shall, if preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgagee of record, and all occupants a complaint stating the charges in that respect. If the person to be served resides outside the state, service may be made upon him by registered mail; and if there are any unascertained persons having an interest in said dwelling, notice may be given to them by publication in a newspaper having general circulation in the municipality, such publication to be at least ten days before the date set for the hearing. Such complaint shall contain a notice that a hearing will be held before the Community Development Department at a place therein fixed not less than ten days nor more than 30 days after the serving of said complaint; that the owner, mortgagee, and occupants shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Community Development Department

### **Sec. 18-6. - Determination of the Community Development Department; issuance of orders, posting placards.**

- 1) If, after notice and hearing, the Community Development Department determines, according to the standards of this Chapter, that the premises are in violation of the requirements of this article, they shall state in writing their findings of fact in support of such determination and shall issue and cause to be served upon the owners and occupants an order or orders to correct the violation. If the repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost, the Community Development Department shall issue an order requiring the owner, within the time specified in the order, to remove or demolish the dwelling.
- 2) If the order issued in accordance with subsection (a) of this section states that the dwelling or dwelling unit is unfit for human habitation, the Community Development Department shall also notify by certified mail, return receipt requested, any mortgagee or lien holder of their findings and determinations, and post, in a conspicuous place or places upon the affected dwelling or dwelling unit, a placard or placards bearing the following words: "Condemned as Unfit for Human Habitation."
- 3) Any dwelling or dwelling unit that has been determined unfit for human habitation and that has been placarded as such by the Community Development department shall be vacated within a reasonable time as required by the Community Development Department. No owner shall rent to any person for human habitation, and no person shall occupy any dwelling or dwelling unit that has been determined unfit for human habitation and that has been

placarded by the Community Development Department after the date which the department has required the dwelling or dwelling unit to be vacated.

4) No dwelling or dwelling unit which has been determined unfit for human habitation and that has been placarded as such shall again be used for human habitation until written approval is secured from, and the placard is removed by, the Community Development Department. The Community Development Department shall remove the placard whenever the defect or defects upon which the determination of unfit for human habitation was based have been eliminated.

5) No person shall deface or remove the placard from any dwelling or dwelling unit that has been determined unfit for human habitation and placarded as such.

### Sec. 18-7. – Procedure for Enforcement

If the owner fails to comply with an order, made pursuant to the provisions of this article, to repair, alter, improve or to vacate and close the dwelling, or to remove or demolish the dwelling, the Community Development Department may file a petition in the superior court in which it shall set forth the charges issued pursuant to this article, as well as any other allegations bearing upon the unfitness of the dwelling for human habitation.

### Sec. 18-8. – Liens

Whenever the Community Development Department shall incur cost for the repair, alteration, improvement, vacating or closing, or for the removal or demolition of a dwelling, pursuant to an order of the superior court, the amount of such costs shall be a lien against the real property as to which such cost was incurred and such lien, including as part thereof upon allowance of his costs and necessary attorneys' fees, may be foreclosed upon order of the superior court made pursuant to a petition for that purpose filed in said court. Such lien shall be subordinate to mortgages of record made before the institution of proceedings under this chapter. Notice of said lien shall be filed with the register of deeds for the county in which the real estate is situated and shall be recorded by him. If the dwelling is demolished by the public agency, he shall sell the materials of such dwelling and pay the proceeds of such sale over to the superior court, for distribution to such persons as the court shall find entitled thereto.

## **DIVISION 3. - APPEALS**

### Sec. 18-9. – Appeal Process.

If any owner is aggrieved by a decision of the Community Development Department, they may appeal to the City Council. The City Council shall hold a public hearing, due notice of hearing having first been given to the Community Development Department and to the owner. The City Council may affirm or revoke the decision of the Community Development Department, or they may modify the same in accordance with their findings. If they shall affirm or modify the decision, the Community Development Department shall proceed to enforce the order as affirmed or so modified.

## **ARTICLE III. - PROPERTY STANDARDS**

### **DIVISION 1. - GENERALLY**

### Sec. 18-10. - Purpose.

The purpose of this article is to provide minimum standards for property maintenance not otherwise incorporated into the building code necessary to preserve neighborhoods, abate nuisances, and protect the public health, safety, and welfare of city residents.

## **DIVISION 2. - GENERAL REQUIREMENTS FOR PROPERTY MAINTENANCE**

### **Sec. 18-11. - Applicability.**

The following section shall be considered minimum standards for all property in the city.

### **Sec. 18-12. - Minimum standards for all property.**

- 1) No person shall cause or maintain a public nuisance on any property within the city.
- 2) All motor vehicles shall be parked on-site, on approved parking surfaces that comply with the parking standards of the land development code.
- 3) No person shall park, keep, store, or permit the parking, keeping, or storage of more than one unregistered motor vehicle on any premises unless stored within an entirely closed garage.
- 4) No person shall permit waste to accumulate upon any premises, or the interior of any structure. Every occupant and/or property owner shall dispose of waste in a clean and sanitary manner by placing such waste in a waste storage container. Except within 24 hours of scheduled curbside collection, no person shall place any containers of recyclable or non-recyclable waste storage containers on any sidewalk, street, alley, or other public place except as otherwise permitted under this chapter. Waste storage containers shall not remain at the curbside after being picked up by the hauler for more than 24 hours.
- 5) Waste storage containers and bulk containers must be located where they can be serviced, utilized by occupants, placed to reduce waste, and be maintained in a sanitary condition to prevent infestation. Bulk containers shall be accessible by motorized disposal equipment without going over impervious surfaces except as otherwise approved by the planning board as part of a site plan.
  - a) Waste storage containers shall be stored to the rear of the front setback or front line of the house or building, whichever is less.
  - b) Waste storage containers and bulk containers shall be of sufficient size and capacity, shall not be filled to overflowing, shall avoid noisome odors, and shall have lids with hinges that allow for the container to be closed anytime there is waste placed therein. If the container has side access panels, they shall be maintained in the closed position any time waste is placed within the container. The container will be of durable construction and not be allowed to deteriorate to the point that holes occur in the body of the container that will allow access by rodents or contribute to infestation. The waste storage containers bulk container owner must take appropriate action to immediately cause the waste storage containers or bulk container to be emptied of its contents when full. If the waste storage containers and bulk container owner is notified that the waste storage containers and bulk container upon their property is in violation of any of the foregoing offenses, the waste storage containers

and bulk container owner shall within 24 hours of notification cause the offense to be remedied or shall be in violation of this section.

c) Temporary bulk containers may be located on any premises for the purposes of providing a container for renovation, construction, or cleaning out for moving. A bulk container used for these purposes shall not be placed within the public right-of-way, and the owner of the premises shall comply with the provisions of subsection above. Temporary bulk containers shall not remain on the premises for longer than 90 days without the written approval of the community development department.

6) All premises shall be maintained free of overgrown, dead, diseased, decaying, or hazardous trees, shrubs, ground cover, or weeds that restrict or impede access to or public use of adjacent sidewalks and streets, obstruct traffic-control signs and devices and fire hydrants; and pose a risk of hazardous condition.

7) Vacant structures and premises thereof or vacant land shall be maintained in a secure and sanitary condition as provided herein so as not to adversely affect public health or safety.

8) Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

9) Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

10) Exterior surfaces, accessory structures, and structural members, including but not limited to, roofs, chimney, doors, windows, door and window frames, cornices, porches, trim, balconies, decks, and fences, shall be maintained structurally sound and good repair, and shall be capable of safely supporting the imposed dead and live loads.

11) Structures shall be kept free from wildlife, insect, and rodent infestation. Structures in which wildlife, insects, or rodents are found shall be promptly exterminated or removed by approved processes that will not be injurious to human health. After removal or elimination, proper precautions shall be taken to prevent reinfestation.

#### Sec. 18-13. - Recreational camping vehicle.

It shall be unlawful for any person to park any recreational camping vehicle on any public place or on any tract of land, occupied or unoccupied, within the city, except as provided in this article.

No person shall park, store, or occupy any recreational camping vehicle or major recreational equipment on the premises appurtenant to any occupied dwelling or in any vacant lot, except under the following conditions:

1) When permitted pursuant to an approved site-plan in conformance with all City of Keene ordinances and regulations.

2) Motorized recreational camping vehicles shall be stored on approved parking surfaces that comply with the parking standards of the land use code.

3) All recreational camping vehicles shall be located to the rear of the front setback or front line of the house, whichever is less.

4) Recreational camping vehicles or equipment shall not be occupied as a residential unit or prepared for residential occupation.

## ARTICLE IV. - HOUSING STANDARDS

### DIVISION 1. - GENERALLY

#### Sec. 18-14. - Purpose.

The purpose of this article is to provide minimum standards for housing use and maintenance necessary to preserve neighborhoods, abate nuisances and protect the public health, safety and welfare of city residents. Nothing herein is intended to preclude prosecution under any other statute, ordinance, or regulation which imposes a higher standard than those prescribed herein.

### DIVISION 2. - GENERAL REQUIREMENTS FOR HOUSING STANDARDS

#### Sec. 18-15. - Applicability.

The following sections constitute the minimum standards for use and occupancy of all rental property.

#### Sec. 18-16. - Posting of emergency contact information.

A) All rental properties, ~~except properties occupied by the property owner as their primary residence, shall have posted in a regularly accessible common area or where no common area exists, inside each dwelling unit, with~~ the following information:

1) The name, address and telephone number of the owner or his/her agent. If the owner or their agent does not reside within one (1) hour drive of the subject structure, the owner must post, in addition to their agent's name, the name, address and telephone number of a person to contact in the case of an emergency who resides within one (1) hour drive of the structure.

2) A statement noting ~~that~~ disputes regarding fire code, property standards and/or housing standards are the responsibilities of the property owner and, therefore, should be addressed to the property owner(s) when contacting, or before contacting, the Community Development Department, with such disputes.

3) The address, telephone number, and website address of the Community Development Department.

**B) Section 18-16 (A) shall not apply to the following rental properties:**

**1) Properties occupied by the owner as the owner's primary residence.**

**2) Properties without an accessible common area available to tenant(s) for any shared use purpose.**

**BC)** Transfer of ownership. Upon transfer of ownership, the new owner shall comply with the posting or filing of emergency and Community Development Department information within 5 businesses days of transfer.

€D) Unattended Emergency Contact. Whenever emergency contacts are left unattended for a period of 24 hours or longer, another name and emergency number shall be provided in accordance with this section.

#### Sec. 18-17. - Common hallways and stairways.

The means of egress from the building, including exterior means of egress stairways, and every common hall and stairway in any dwelling, other than in one- and two-family dwellings, shall be lit by capable means.

#### Sec. 18-18. - Ventilation.

Every bathroom and toilet room shall have a window with a minimum sash area of three-square feet unless the room is ventilated by capable mechanical means.

#### Sec. 18-19. - Outdoor and interior stairs and handrails.

Exterior and interior stairs shall be maintained structurally sound, and no part thereof shall show excessive wear, be broken, warped, cracked, or loose. Handrails shall be provided on not less than one side of each flight of stairs with four or more risers. Handrails shall be not less than 34 inches and not more than 38 inches in height. Guardrails shall be provided for those portions of open-sided walking surfaces, including floors, stairs, ramps, and landings that are located more than 30 inches measured vertically to the floor or grade below. Guardrails shall be firmly fastened and capable of supporting all imposed loads at all times and a minimum of 36 inches in height.

#### Sec. 18-20. - Interior surfaces.

Interior surfaces, including floors, walls, windows, doors, and ceilings shall be maintained in good, clean, compliant, and sanitary condition. Peeling paint, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, or other defective surface conditions shall be corrected.

#### Sec. 18-21. - Floor coverings.

Carpeting, linoleum, or other covering on stairs and floors shall be securely fastened, without tears or holes.

#### Sec. 18-22. - Plumbing.

All plumbing fixtures, vents, drains, and water supply lines shall be properly installed, connected, and maintained in working order, shall be kept free from obstructions, and leaks.

#### Sec. 18-23. - Sanitary facilities.

The following minimum sanitary facilities shall be supplied and maintained in sanitary, safe, and working condition:

- 1) Water closet and lavatory. Every dwelling or dwelling unit shall contain within its walls a room separate from habitable rooms that contains a water closet and lavatory, which affords privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. All water closets shall be supplied with cold running water. The lavatory shall be supplied with hot and cold running water and a functioning drain.

2) Bathtub or shower. Every dwelling or dwelling unit shall contain a room which affords privacy to a person in the room, and which is equipped with a bathtub or shower supplied with hot and cold running water and a functioning drain. The walls above the shower compartment shall be finished with a nonabsorbent surface. Such wall surfaces shall extend to a height of not less than six feet above the floor.

3) Kitchen area. Every dwelling unit shall contain a kitchen area, and every kitchen area shall have a sink, which shall be supplied with hot and cold running water and a functioning drain, and appliances to refrigerate and cook food.

#### Sec. 18-24. - Water and sewer system.

Every kitchen sink, lavatory, bathtub or shower, and water closet shall be connected to either a functioning public or private water and sewer system.

#### Sec. 18-25. - Water heating facilities.

Every dwelling or dwelling unit shall be supplied with water heating facilities, which are installed, maintained, and connected with hot water lines to the fixtures required in this division to be supplied with hot water.

#### Sec. 18-26. - Heating facilities.

Every dwelling or dwelling unit shall have heating equipment and appurtenances which are installed and maintained in safe condition and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments located therein to a temperature of at least 65 degrees Fahrenheit at 48 inches above floor level.

#### Sec. 18-27. - Electrical service and outlets.

Every dwelling or dwelling unit shall be supplied with electric service, outlets and fixtures maintained in accordance with the provisions of the National Electrical Code adopted by the State of New Hampshire. There shall be no broken or frayed wires, fixtures, or missing cover plates.

#### Secs. 18-28. – Windows, doors, and openings.

During the period from May 1 to November 1 windows in habitable spaces shall be supplied with tightly fitting screens capable of preventing bugs from entering. Every basement hatchway or entryway shall be maintained to prevent infestation or the entrance of rain, and surface drainage water.

## **ARTICLE V. – PROPERTY AND HOUSING STANDARDS ENFORCEMENT**

### **DIVISION 1. - GENERALLY**

#### Sec. 18-29. - Purpose.

The purpose of this article is to provide enforcement and appeals process for Article III Property Standards and Article IV Housing Standards

### **DIVISION 2. - ENFORCEMENT**

#### Sec. 18-30. – Service of Notice of Violation

A) Whenever the Community Development Department determines that there has been or is a violation of this chapter, they shall give notice of such violation to the person or persons responsible therefor. Such notice shall:

- 1) Be in writing.
- 2) Include a description of the real estate sufficient for identification.
- 3) Specify the violation that exists, and the remedial action required.
- 4) Allow a reasonable time for the performance of any act it requires.

B) Notices of violation, complaints, or orders shall be deemed to be properly served upon the person responsible for an alleged violation if a copy thereof is delivered to them personally, or left at their usual place of abode or business with a person of suitable age and discretion who shall be informed of the contents thereof, or sent by first-class mail to their last known address, or posted in a conspicuous place on or about the premises affected, or served, delivered, or published in any other way reasonably calculated to provide actual notice.

C) Notice of violation under this section includes citations issued pursuant to Section 18-31 of this chapter

#### Sec. 18-31. – Citations

A) Generally. A designee of the Community Development Department may issue citations to any person, natural or otherwise, including but not limited to any owner, landlord, agent, tenant, lessee or sublessee, who violates a provision of this chapter or permit, allows or suffers any violation of this chapter, or who fails to comply with an order or orders issued in accordance with the provisions of this chapter. Such citations may be issued either in addition to or in the place of other remedies available to the city. Such citations shall be in accordance with the procedures established by the Community Development Department and the City of Keene Code of Ordinances.

B) Action on citations. Citations shall be written upon standard forms authorized by the Community Development Department. Citations shall specify the reason for the citation and shall direct abatement of such conditions that cause the issuance of such citations within a reasonable and certain period of time. Where citations order compliance, the Community Development Department may cause such citations to be filed without further action after applicable fees, as provided by this chapter, have been paid.

#### Sec. 18-32. – Prosecution

If any order is not complied with in the time frame ordered, the Community Development Department may enforce the penalty provisions of this chapter through legal action against the person responsible for the violation, requesting a court to order them to:

- 1) Restrain, correct, or remove the violation or refrain from any further execution or work.
- 2) Restrain or correct the erection, installation, or alteration of such building.
- 3) Require the removal of work in violation.
- 4) Prevent the occupation or use of the building, structure, or part thereof erected, constructed, installed, or altered in violation of, or not in compliance with, the provisions of

this chapter, or in violation of a plan or specification under which an approval, permit or certificate was issued.

### Sec. 18-33. – Violations and Penalties

Any person who violates any provision of this chapter shall, upon conviction thereof, be penalized as provided in Sections 1-15 through 1-19 of the City Code. Each day a violation continues after written notice of violation shall constitute a separate offense.

### DIVISION 3. - APPEALS

### Sec. 18-34. - Appeal.

Any person aggrieved by an order, decision or requirement of the housing standards enforcement officer, under article III **and/** or article IV, may appeal to the housing standards board of appeals established by City Code section 2- 1098 to 2-1100 which may grant relief from the order for actions taken on properties for noncompliance with article III **or article IV**. Any such appeal shall be filed within 15 days of the date of the action aggrieved from.

The **housing standards** board of appeals may affirm, reverse or modify such order, decision or requirement when in the opinion of the board, the enforcement of the order, decision or requirement would do manifest injustice and would be contrary to the spirit and purpose of the ordinance and the public interest.

The **housing standards** board **of appeals** may waive the requirements of subsection 18-12 (5), when it has been shown that the requirements create a hardship due to the unique characteristics of the site.

**Article VI Reserved**  
**Article VII Reserved**  
**Article VII Reserved**

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Jay V. Kahn, Mayor



# CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Update of Chapter 18 Property and Housing Standards Code

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

Repeal and replace the contents of Chapter 18 with the content below:

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## Article VII Reserved

### ARTICLE I. - IN GENERAL

#### Sec. 18-1. - Authority.

Articles I—VII of this chapter are adopted by the City of Keene ("city") in accordance with, and under the authority granted by City of Keene Land Development Code, RSA 47:17, RSA 48-A, and RSA 147.

#### Sec. 18-2. - Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Whenever the words *dwelling*, *dwelling unit*, or *premises*, are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

*Accessory structure* shall mean a structure that is subordinate and customarily incidental to a principal structure that is located on the same lot.

*Building* shall mean any structure used or intended for sheltering any use or occupancy

*Bulk container* shall mean any dumpster, roll-off container, or compactor dumpster, or more than two cans greater than 64 gallons. See also "waste storage container."

*Community Development department* shall mean the officials of the city, and/or their duly authorized representatives, charged with the administration and enforcement of this chapter.

*Dwelling* shall mean 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 unit* shall mean a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Exterminated* shall mean the control and elimination of insects, rodents, vermin, and other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

*Garbage* shall mean the animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food. See also "waste."

*Habitable space* shall mean space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage, or utility spaces are not considered habitable spaces.

*Handrails* shall mean a horizontal or sloping rail intended for grasping by the hand for guidance or support.

*Hazardous condition* shall mean any inadequate maintenance, repair or disrepair, modification, physical damage or other condition which constitutes a hazard to public safety or health.

*Infestation* shall mean the presence of insects, rodents, vermin, and other pests.

*Kitchen* shall mean an area used or designated to be used for the preparation of food.

*Litter* shall mean all rubbish, refuse, garbage, trash, debris, dead animals, and other discarded materials of every kind and description. See also "waste."

*Natural Person* shall mean a human being distinguished from a person (as a corporation) created by operation of law.

*Occupant* shall mean any person maintaining possession or control over a premise.

*Owner* shall mean any person, group of persons, or other legal entity having title to, or sufficient proprietary interest in, the use, structure, or lot in question.

*Person* shall mean an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization. See also, "natural person."

*Plumbing or plumbing fixture* shall mean a receptacle or device that is connected to a water supply system or discharges to a drainage system or both. Such receptacles or devices require a supply of water; or discharge liquid waste or liquid borne solid waste; or require a supply of water and discharge waste to a drainage system.

*Premises* shall mean a lot or parcel of land including any building or accessory structure thereon.

*Public agency* shall mean the Community Development Department or the department; designated by ordinance, code or bylaw to exercise the powers and perform the duties conferred upon it by this chapter.

*Public nuisance* includes the following:

- 1) Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures.
- 2) Any premises that have unsanitary sewage or unsanitary plumbing facilities.
- 3) Any premises designated as unfit for human habitation or use.
- 4) Any premises from which the plumbing, heating, and/or facilities required in this chapter have been removed, or from which utilities have been disconnected, destroyed, removed, or rendered ineffective, or the required precautions against trespassers have not been provided.
- 5) Any premises which are capable of being a fire hazard or are unsafe or unsecure as to endanger life, limb, or property.
- 6) Any premises which are unsanitary, unsafe, or which are littered with rubbish or garbage.
- 7) Any structure, building or appurtenance that is in a state of dilapidation, deterioration, or decay; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and is dangerous to anyone on or near the premises.

*Rental property* shall mean any dwelling unit not occupied by the owner thereof.

*Rubbish* shall mean all combustible and noncombustible waste materials, except garbage, and the term shall include but not be limited to the residue from burned wood, coal, coke and other combustible materials, papers, rags, cartons, boxes, wood excelsior, rubber, leather, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials, automobile parts and household furniture and appliances. See also "waste."

*Structure* shall mean anything constructed or erected which requires location on or in the ground or attached to something having location on or in the ground, including signs, billboards, fences, and swimming pools. See also "building."

*Unfit for human habitation* shall mean a dwelling or dwelling unit which, due to dilapidation, dangerous defect, lack of ventilation or sanitary facilities or other unhealthy or hazardous condition is unfit for human occupancy.

*Ventilation* shall mean the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

1) Mechanical: ventilation by power-driven devices.

2) Natural: ventilation by opening to outer air, through windows, skylights, doors, louvers, or stack wind driven devices.

*Waste* shall mean all garbage, litter, and rubbish.

*Waste storage container* shall mean any container or can include a bulk container that is used as a central collection point for the temporary storage of waste

### Sec. 18-3. - Administration and enforcement in general.

The Community Development Department and its delegated officers shall exercise the powers to carry out this chapter, including but not limited to the following:

A) To investigate buildings, premises, and dwellings or dwelling unit's conditions in the municipality to determine which buildings, premises, and dwellings or dwelling units therein are unfit for human habitation or otherwise in violation of this chapter.

B) To enter upon premises for the purpose of making examinations and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

C) To appoint and fix the duties of such officers, agents, and employees as are deemed necessary to carry out the purposes of this chapter.

D) To delegate any of its functions under this chapter to the officers that it may designate.

## **ARTICLE II. – Unfit Structures**

### **DIVISION 1. - GENERALLY**

#### Sec. 18-4. - Purpose.

The purpose of this article is to cause the repair, closing, or demolition or removal of unfit structures, as per RSA 48-A:2; to provide avenues to compliance with RSA chapter 48-A; and to direct how complaints of an unfit structure are addressed.

## **DIVISION 2. – ENFORCEMENT**

### **Sec. 18-5. – Complaint; Notice of Hearing**

Whenever a petition is filed with the Community Development Department by at least ten residents of the municipality charging that any dwelling is unfit for human habitation, or whenever it appears to the Community Development Department by inspection that any dwelling is unfit for human habitation, it shall, if preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgagee of record, and all occupants a complaint stating the charges in that respect. If the person to be served resides outside the state, service may be made upon him by registered mail; and if there are any unascertained persons having an interest in said dwelling, notice may be given to them by publication in a newspaper having general circulation in the municipality, such publication to be at least ten days before the date set for the hearing. Such complaint shall contain a notice that a hearing will be held before the Community Development Department at a place therein fixed not less than ten days nor more than 30 days after the serving of said complaint; that the owner, mortgagee, and occupants shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Community Development Department

### **Sec. 18-6. - Determination of the Community Development Department; issuance of orders, posting placards.**

- 1) If, after notice and hearing, the Community Development Department determines, according to the standards of this Chapter, that the premises are in violation of the requirements of this article, they shall state in writing their findings of fact in support of such determination and shall issue and cause to be served upon the owners and occupants an order or orders to correct the violation. If the repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost, the Community Development Department shall issue an order requiring the owner, within the time specified in the order, to remove or demolish the dwelling.
- 2) If the order issued in accordance with subsection (a) of this section states that the dwelling or dwelling unit is unfit for human habitation, the Community Development Department shall also notify by certified mail, return receipt requested, any mortgagee or lien holder of their findings and determinations, and post, in a conspicuous place or places upon the affected dwelling or dwelling unit, a placard or placards bearing the following words: "Condemned as Unfit for Human Habitation."
- 3) Any dwelling or dwelling unit that has been determined unfit for human habitation and that has been placarded as such by the Community Development department shall be vacated within a reasonable time as required by the Community Development Department. No owner shall rent to any person for human habitation, and no person shall occupy any dwelling or dwelling unit that has been determined unfit for human habitation and that has been

placarded by the Community Development Department after the date which the department has required the dwelling or dwelling unit to be vacated.

4) No dwelling or dwelling unit which has been determined unfit for human habitation and that has been placarded as such shall again be used for human habitation until written approval is secured from, and the placard is removed by, the Community Development Department. The Community Development Department shall remove the placard whenever the defect or defects upon which the determination of unfit for human habitation was based have been eliminated.

5) No person shall deface or remove the placard from any dwelling or dwelling unit that has been determined unfit for human habitation and placarded as such.

### Sec. 18-7. – Procedure for Enforcement

If the owner fails to comply with an order, made pursuant to the provisions of this article, to repair, alter, improve or to vacate and close the dwelling, or to remove or demolish the dwelling, the Community Development Department may file a petition in the superior court in which it shall set forth the charges issued pursuant to this article, as well as any other allegations bearing upon the unfitness of the dwelling for human habitation.

### Sec. 18-8. – Liens

Whenever the Community Development Department shall incur cost for the repair, alteration, improvement, vacating or closing, or for the removal or demolition of a dwelling, pursuant to an order of the superior court, the amount of such costs shall be a lien against the real property as to which such cost was incurred and such lien, including as part thereof upon allowance of his costs and necessary attorneys' fees, may be foreclosed upon order of the superior court made pursuant to a petition for that purpose filed in said court. Such lien shall be subordinate to mortgages of record made before the institution of proceedings under this chapter. Notice of said lien shall be filed with the register of deeds for the county in which the real estate is situated and shall be recorded by him. If the dwelling is demolished by the public agency, he shall sell the materials of such dwelling and pay the proceeds of such sale over to the superior court, for distribution to such persons as the court shall find entitled thereto.

## **DIVISION 3. - APPEALS**

### Sec. 18-9. – Appeal Process.

If any owner is aggrieved by a decision of the Community Development Department, they may appeal to the City Council. The City Council shall hold a public hearing, due notice of hearing having first been given to the Community Development Department and to the owner. The City Council may affirm or revoke the decision of the Community Development Department, or they may modify the same in accordance with their findings. If they shall affirm or modify the decision, the Community Development Department shall proceed to enforce the order as affirmed or so modified.

## **ARTICLE III. - PROPERTY STANDARDS**

### **DIVISION 1. - GENERALLY**

### Sec. 18-10. - Purpose.

The purpose of this article is to provide minimum standards for property maintenance not otherwise incorporated into the building code necessary to preserve neighborhoods, abate nuisances, and protect the public health, safety, and welfare of city residents.

## **DIVISION 2. - GENERAL REQUIREMENTS FOR PROPERTY MAINTENANCE**

### **Sec. 18-11. - Applicability.**

The following section shall be considered minimum standards for all property in the city.

### **Sec. 18-12. - Minimum standards for all property.**

- 1) No person shall cause or maintain a public nuisance on any property within the city.
- 2) All motor vehicles shall be parked on-site, on approved parking surfaces that comply with the parking standards of the land development code.
- 3) No person shall park, keep, store, or permit the parking, keeping, or storage of more than one unregistered motor vehicle on any premises unless stored within an entirely closed garage.
- 4) No person shall permit waste to accumulate upon any premises, or the interior of any structure. Every occupant and/or property owner shall dispose of waste in a clean and sanitary manner by placing such waste in a waste storage container. Except within 24 hours of scheduled curbside collection, no person shall place any containers of recyclable or non-recyclable waste storage containers on any sidewalk, street, alley, or other public place except as otherwise permitted under this chapter. Waste storage containers shall not remain at the curbside after being picked up by the hauler for more than 24 hours.
- 5) Waste storage containers and bulk containers must be located where they can be serviced, utilized by occupants, placed to reduce waste, and be maintained in a sanitary condition to prevent infestation. Bulk containers shall be accessible by motorized disposal equipment without going over impervious surfaces except as otherwise approved by the planning board as part of a site plan.
  - a) Waste storage containers shall be stored to the rear of the front setback or front line of the house or building, whichever is less.
  - b) Waste storage containers and bulk containers shall be of sufficient size and capacity, shall not be filled to overflowing, shall avoid noisome odors, and shall have lids with hinges that allow for the container to be closed anytime there is waste placed therein. If the container has side access panels, they shall be maintained in the closed position any time waste is placed within the container. The container will be of durable construction and not be allowed to deteriorate to the point that holes occur in the body of the container that will allow access by rodents or contribute to infestation. The waste storage containers bulk container owner must take appropriate action to immediately cause the waste storage containers or bulk container to be emptied of its contents when full. If the waste storage containers and bulk container owner is notified that the waste storage containers and bulk container upon their property is in violation of any of the foregoing offenses, the waste storage containers

and bulk container owner shall within 24 hours of notification cause the offense to be remedied or shall be in violation of this section.

c) Temporary bulk containers may be located on any premises for the purposes of providing a container for renovation, construction, or cleaning out for moving. A bulk container used for these purposes shall not be placed within the public right-of-way, and the owner of the premises shall comply with the provisions of subsection above. Temporary bulk containers shall not remain on the premises for longer than 90 days without the written approval of the community development department.

6) All premises shall be maintained free of overgrown, dead, diseased, decaying, or hazardous trees, shrubs, ground cover, or weeds that restrict or impede access to or public use of adjacent sidewalks and streets, obstruct traffic-control signs and devices and fire hydrants; and pose a risk of hazardous condition.

7) Vacant structures and premises thereof or vacant land shall be maintained in a secure and sanitary condition as provided herein so as not to adversely affect public health or safety.

8) Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

9) Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

10) Exterior surfaces, accessory structures, and structural members, including but not limited to, roofs, chimney, doors, windows, door and window frames, cornices, porches, trim, balconies, decks, and fences, shall be maintained structurally sound and good repair, and shall be capable of safely supporting the imposed dead and live loads.

11) Structures shall be kept free from wildlife, insect, and rodent infestation. Structures in which wildlife, insects, or rodents are found shall be promptly exterminated or removed by approved processes that will not be injurious to human health. After removal or elimination, proper precautions shall be taken to prevent reinfestation.

#### Sec. 18-13. - Recreational camping vehicle.

It shall be unlawful for any person to park any recreational camping vehicle on any public place or on any tract of land, occupied or unoccupied, within the city, except as provided in this article.

No person shall park, store, or occupy any recreational camping vehicle or major recreational equipment on the premises appurtenant to any occupied dwelling or in any vacant lot, except under the following conditions:

1) When permitted pursuant to an approved site-plan in conformance with all City of Keene ordinances and regulations.

2) Motorized recreational camping vehicles shall be stored on approved parking surfaces that comply with the parking standards of the land use code.

3) All recreational camping vehicles shall be located to the rear of the front setback or front line of the house, whichever is less.

4) Recreational camping vehicles or equipment shall not be occupied as a residential unit or prepared for residential occupation.

## **ARTICLE IV. - HOUSING STANDARDS**

### **DIVISION 1. - GENERALLY**

#### **Sec. 18-14. - Purpose.**

The purpose of this article is to provide minimum standards for housing use and maintenance necessary to preserve neighborhoods, abate nuisances and protect the public health, safety and welfare of city residents. Nothing herein is intended to preclude prosecution under any other statute, ordinance, or regulation which imposes a higher standard than those prescribed herein.

### **DIVISION 2. - GENERAL REQUIREMENTS FOR HOUSING STANDARDS**

#### **Sec. 18-15. - Applicability.**

The following sections constitute the minimum standards for use and occupancy of all rental property.

#### **Sec. 18-16. - Posting of emergency contact information.**

A) All rental properties, except properties occupied by the property owner as their primary residence, shall have posted in a regularly accessible common area or where no common area exists, inside each dwelling unit, with written notification containing the following:

1) The name, address and telephone number of the owner or his/her agent. If the owner or their agent does not reside within one (1) hour drive of the subject structure, the owner must post, in addition to their agent's name, the name, address and telephone number of a person to contact in the case of an emergency who resides within one (1) hour drive of the structure.

2) A statement noting that disputes regarding fire code, property standards and/or housing standards are the responsibilities of the property owner and, therefore, should be addressed to the property owner(s) when contacting, or before contacting, the Community Development Department, with such disputes.

3) The address, telephone number, and website address of the Community Development Department.

B) Transfer of ownership. Upon transfer of ownership, the new owner shall comply with the posting or filing of emergency and Community Development Department information within 5 businesses days of transfer.

C) Unattended Emergency Contact. Whenever emergency contacts are left unattended for a period of 24 hours or longer, another name and emergency number shall be provided in accordance with this section.

#### **Sec. 18-17. - Common hallways and stairways.**

The means of egress from the building, including exterior means of egress stairways, and every common hall and stairway in any dwelling, other than in one- and two-family dwellings, shall be lit by capable means.

#### Sec. 18-18. - Ventilation.

Every bathroom and toilet room shall have a window with a minimum sash area of three-square feet unless the room is ventilated by capable mechanical means.

#### Sec. 18-19. - Outdoor and interior stairs and handrails.

Exterior and interior stairs shall be maintained structurally sound, and no part thereof shall show excessive wear, be broken, warped, cracked, or loose. Handrails shall be provided on not less than one side of each flight of stairs with four or more risers. Handrails shall be not less than 34 inches and not more than 38 inches in height. Guardrails shall be provided for those portions of open-sided walking surfaces, including floors, stairs, ramps, and landings that are located more than 30 inches measured vertically to the floor or grade below. Guardrails shall be firmly fastened and capable of supporting all imposed loads at all times and a minimum of 36 inches in height.

#### Sec. 18-20. - Interior surfaces.

Interior surfaces, including floors, walls, windows, doors, and ceilings shall be maintained in good, clean, compliant, and sanitary condition. Peeling paint, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, or other defective surface conditions shall be corrected.

#### Sec. 18-21. - Floor coverings.

Carpeting, linoleum, or other covering on stairs and floors shall be securely fastened, without tears or holes.

#### Sec. 18-22. - Plumbing.

All plumbing fixtures, vents, drains, and water supply lines shall be properly installed, connected, and maintained in working order, shall be kept free from obstructions, and leaks.

#### Sec. 18-23. - Sanitary facilities.

The following minimum sanitary facilities shall be supplied and maintained in sanitary, safe, and working condition:

- 1) Water closet and lavatory. Every dwelling or dwelling unit shall contain within its walls a room separate from habitable rooms that contains a water closet and lavatory, which affords privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. All water closets shall be supplied with cold running water. The lavatory shall be supplied with hot and cold running water and a functioning drain.
- 2) Bathtub or shower. Every dwelling or dwelling unit shall contain a room which affords privacy to a person in the room, and which is equipped with a bathtub or shower supplied with hot and cold running water and a functioning drain. The walls above the shower compartment shall be finished with a nonabsorbent surface. Such wall surfaces shall extend to a height of not less than six feet above the floor.

3) Kitchen area. Every dwelling unit shall contain a kitchen area, and every kitchen area shall have a sink, which shall be supplied with hot and cold running water and a functioning drain, and appliances to refrigerate and cook food.

#### Sec. 18-24. - Water and sewer system.

Every kitchen sink, lavatory, bathtub or shower, and water closet shall be connected to either a functioning public or private water and sewer system.

#### Sec. 18-25. - Water heating facilities.

Every dwelling or dwelling unit shall be supplied with water heating facilities, which are installed, maintained, and connected with hot water lines to the fixtures required in this division to be supplied with hot water.

#### Sec. 18-26. - Heating facilities.

Every dwelling or dwelling unit shall have heating equipment and appurtenances which are installed and maintained in safe condition and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments located therein to a temperature of at least 65 degrees Fahrenheit at 48 inches above floor level.

#### Sec. 18-27. - Electrical service and outlets.

Every dwelling or dwelling unit shall be supplied with electric service, outlets and fixtures maintained in accordance with the provisions of the National Electrical Code adopted by the State of New Hampshire. There shall be no broken or frayed wires, fixtures, or missing cover plates.

#### Secs. 18-28. – Windows, doors, and openings.

During the period from May 1 to November 1 windows in habitable spaces shall be supplied with tightly fitting screens capable of preventing bugs from entering. Every basement hatchway or entryway shall be maintained to prevent infestation or the entrance of rain, and surface drainage water.

## **ARTICLE V. – PROPERTY AND HOUSING STANDARDS ENFORCEMENT**

### **DIVISION 1. - GENERALLY**

#### Sec. 18-29. - Purpose.

The purpose of this article is to provide enforcement and appeals process for Article III Property Standards and Article IV Housing Standards

### **DIVISION 2. - ENFORCEMENT**

#### Sec. 18-30. – Service of Notice of Violation

A) Whenever the Community Development Department determines that there has been or is a violation of this chapter, they shall give notice of such violation to the person or persons responsible therefor. Such notice shall:

- 1) Be in writing.

- 2) Include a description of the real estate sufficient for identification.
- 3) Specify the violation that exists, and the remedial action required.
- 4) Allow a reasonable time for the performance of any act it requires.

B) Notices of violation, complaints, or orders shall be deemed to be properly served upon the person responsible for an alleged violation if a copy thereof is delivered to them personally, or left at their usual place of abode or business with a person of suitable age and discretion who shall be informed of the contents thereof, or sent by first-class mail to their last known address, or posted in a conspicuous place on or about the premises affected, or served, delivered, or published in any other way reasonably calculated to provide actual notice.

C) Notice of violation under this section includes citations issued pursuant to Section 18-31 of this chapter

### Sec. 18-31. – Citations

A) Generally. A designee of the Community Development Department may issue citations to any person, natural or otherwise, including but not limited to any owner, landlord, agent, tenant, lessee or sublessee, who violates a provision of this chapter or permit, allows or suffers any violation of this chapter, or who fails to comply with an order or orders issued in accordance with the provisions of this chapter. Such citations may be issued either in addition to or in the place of other remedies available to the city. Such citations shall be in accordance with the procedures established by the Community Development Department and the City of Keene Code of Ordinances.

B) Action on citations. Citations shall be written upon standard forms authorized by the Community Development Department. Citations shall specify the reason for the citation and shall direct abatement of such conditions that cause the issuance of such citations within a reasonable and certain period of time. Where citations order compliance, the Community Development Department may cause such citations to be filed without further action after applicable fees, as provided by this chapter, have been paid.

### Sec. 18-32. – Prosecution

If any order is not complied with in the time frame ordered, the Community Development Department may enforce the penalty provisions of this chapter through legal action against the person responsible for the violation, requesting a court to order them to:

- 1) Restrain, correct, or remove the violation or refrain from any further execution or work.
- 2) Restrain or correct the erection, installation, or alteration of such building.
- 3) Require the removal of work in violation.
- 4) Prevent the occupation or use of the building, structure, or part thereof erected, constructed, installed, or altered in violation of, or not in compliance with, the provisions of this chapter, or in violation of a plan or specification under which an approval, permit or certificate was issued.

### Sec. 18-33. – Violations and Penalties

Any person who violates any provision of this chapter shall, upon conviction thereof, be penalized as provided in Sections 1-15 through 1-19 of the City Code. Each day a violation continues after written notice of violation shall constitute a separate offense.

### **DIVISION 3. - APPEALS**

#### **Sec. 18-34. - Appeal.**

Any person aggrieved by an order, decision or requirement of the housing standards enforcement officer, under article III **and**/or article IV, may appeal to the housing standards board of appeals established by City Code section 2- 1098 to 2-1100 which may grant relief from the order for actions taken on properties for noncompliance with article III **or article IV**. Any such appeal shall be filed within 15 days of the date of the action aggrieved from.

The **housing standards** board of appeals may affirm, reverse or modify such order, decision or requirement when in the opinion of the board, the enforcement of the order, decision or requirement would do manifest injustice and would be contrary to the spirit and purpose of the ordinance and the public interest.

The **housing standards** board **of appeals** may waive the requirements of subsection 18-12 (5), when it has been shown that the requirements create a hardship due to the unique characteristics of the site.

**Article VI Reserved**  
**Article VII Reserved**  
**Article VIII Reserved**

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Jay V. Kahn, Mayor



# CITY OF KEENE NEW HAMPSHIRE

ITEM #J.2.

**Meeting Date:** February 19, 2026  
**To:** Mayor and Keene City Council  
**From:** Planning, Licenses and Development Committee, Standing Committee  
**Through:**  
**Subject:** **Relating to Application Procedures for Zoning Applications and the Definition of Primary Entrance Ordinance O-2025-39**

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**Recommendation:**

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-39, with an effective date of March 13, 2026.

**Attachments:**

1. O-2025-39\_Zoning and ZBA Application Procedures\_Referral

**Background:**

Chair Filiault welcomed City Planner Megan Fortson, who briefly reviewed the proposed changes to Ordinance O-2025-39. Ms. Fortson explained that all the changes proposed were under Article 26 of the Land Development Code (LDC), which outlines all the procedures for any type of application found in the LDC.

Ms. Fortson summarized the six proposed changes:

1. Amend Section 26.3.3. Etoclarifymailed notice requirements for zoning map amendment applications,adding a sectionstatingthat“if a proposed map amendmentwouldimpact 100 or fewer properties,”then all adjacent property ownersmust be noticed.Thiswasproposed toalign thenotice requirements forthezoning map and zoning text amendments withtheupdated state law.
2. Modify the submittal requirements for zoning variance and zoning special exception applications in Section 26.5.4.B and Section 26.6.4for the Zoning Board of Adjustment, byremovingthe requirement that adjacent lotsareshown on thesubmittedscaledplot plan.Ms. Fortson said that changewasproposed by theCity’sZoning Administratorbecause he foundtheinformationto beunneeded on plot plans duringthe application process.
3. Add a new section after Section 26.5.4 to require on-site posting of public hearings for zoning variance applications.

4. Add a new section after Section 26.6.4 to require on-site posting of public hearings for zoning special exception applications.
5. Add a new section after Section 26.7.4 to require on-site posting of public hearings for expansion or enlargement of nonconforming use applications.
6. Add a new definition for the term “primary entrance” to Article 29. This term is used in two sections of the LDC, once under the Remote Parking Regulations and again under the Screening Requirements. However, there was no definition for “primary entrance” in the LDC at this time. City staff proposed establishing this definition to clarify that location on a site for both applicants and staff, so they can follow all appropriate regulations.

For proposed Ordinance changes 3–5 described, Ms. Fortson noted that posting physical signs on-site for applications is not required at this time. Ms. Fortson explained the proposal for applicants to get a sign from the Community Development Department (listing its information) that states zoning relief is requested at the time of application. Although the mailing method had changed from Certified Notice to Certificate of Mailing, the Community Development Department unfortunately still saw people getting late notifications. With the quick turnaround on Zoning Board applications, Ms. Fortson said the City wanted to give people an increased opportunity to inquire with the Community Development Department if they have questions or concerns about a zoning proposal.

Councilor Haas liked the proposal to post signs on-site. He finds it very beneficial when driving around and a sign pops up that reminds him of something he would have missed elsewhere. Councilor Haas thought that it was a great move.

Vice Chair Jones looked it up and found that he asked City staff about on-site posting of public hearings on November 29, 2017; he still has the picture of the signs used in Enfield, Connecticut. He thanked Ms. Fortson for moving this along. Ms. Fortson credited Senior Planner Mari Brunner.

There were no public comments.

The following motion by Vice Chair Jones was duly seconded by Councilor Haas.

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2025-39, with an effective date of March 13, 2026.



# CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Application Procedures for Zoning Applications and the Definition of Primary Entrance

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

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

1. Amend Section 26.3.3.E to clarify when mailing labels should be submitted as part of an application to amend the zoning text or zoning map, as follows.
  - E. If a proposed zoning amendment would change the ~~zoning district boundary of or the~~ minimum lot sizes and ~~or~~ permitted uses in a zoning district containing 100 or fewer parcels, **or if a proposed map amendment would impact 100 or fewer properties, 4-sets 2-sets** of mailing labels and a list of property owners of each property subject to the proposed amendment shall be submitted, in addition to the requirements of the foregoing section. Such list and labels shall include the owner's name and mailing address and the tax map parcel number for each affected property.
  
2. Modify the submittal requirements for zoning variance and zoning special exception applications in Section 26.5.4.B and Section 26.6.4. by removing the requirement for the scaled plot plan to show all structures and open spaces on lots adjacent to the lot in question, as follows:
  - B. A scaled plot plan clearly displaying the location and dimensions of all structures and open spaces on the lot in question ~~and on the adjacent lots~~, as well as any proposed changes to the site, such as, but not limited to, additions to existing structures or the construction of new structures.
  
3. Add a new section after Section 26.5.4 to require on-site posting of public hearings for zoning variance applications, as follows. The intent of this proposed change is to improve awareness for abutting property owners and residents regarding requests for zoning relief.

#### 26.5.5 On-Site Posting of Public Hearing

- A. An applicant for a variance shall, not less than 5 calendar days prior to the date of the public hearing on the application, post a sign obtained from the Community Development Department providing notice that zoning relief is being sought for the property, in a location on the premises visible to the public.
- B. This sign shall be removed by the applicant no later than 10 calendar days after completion of the public hearing and returned to the Community Development Department.

4. Add a new section after Section 26.6.4 to require on-site posting of public hearings for zoning special exception applications, as follows. The intent of this proposed change is to improve awareness for abutting property owners and residents regarding requests for zoning relief.

#### 26.6.5 On-Site Posting of Public Hearing

- A. An applicant for a special exception shall, not less than 5 calendar days prior to the date of the public hearing on the application, post a sign obtained from the Community Development Department providing notice that zoning relief is being sought for the property, in a location on the premises visible to the public.
- B. This sign shall be removed by the applicant no later than 10 calendar days after completion of the public hearing and returned to the Community Development Department.

5. Add a new section after Section 26.7.4 to require on-site posting of public hearings for expansion or enlargement of nonconforming use applications, as follows. The intent of this proposed change is to improve awareness for abutting property owners and residents regarding requests for zoning relief.

#### 26.7.5 On-Site Posting of Public Hearing

- A. An applicant for an expansion or enlargement of a nonconforming use shall, not less than 5 calendar days prior to the date of the public hearing on the application, post a sign obtained from the Community Development Department providing notice that zoning relief is being sought for the property, in a location on the premises visible to the public.
- B. This sign shall be removed by the applicant no later than 10 calendar days after completion of the public hearing and returned to the Community Development Department.

6. Add a new definition for the term “primary entrance” to Article 29, as follows.

**Primary Entrance - The main or principal way people enter and exit a building or structure for day-to-day use. It is the entrance used by the majority of the public or residents. Entrances used primarily for service, freight, or emergencies shall not constitute a primary entrance.**

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Jay V. Kahn, Mayor

In City Council December 18, 2025.  
Referred to the Planning, Licenses and  
Development Committee.

  
Cindi Wood  
City Clerk



## CITY OF KEENE NEW HAMPSHIRE

ITEM #J.3.

**Meeting Date:** February 19, 2026  
**To:** Mayor and Keene City Council  
**From:** Planning, Licenses and Development Committee, Standing Committee  
**Through:**  
**Subject:** **Relating to Fines for Nuisance, Menace and Vicious Dog Offenses Ordinance O-2026-01**

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**Recommendation:**

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2026-01.

**Attachments:**

1. O-2026-01 Ordinance Dog offenses\_referral

**Background:**

Chair Filiault welcomed Keene Police Department (KPD) Captain, Mike Kopcha, who explained the motivation behind this proposed amendment to the Fine Schedule for the Dog Offenses Ordinance. Captain Kopcha noted that in 2025, the New Hampshire Legislature amended the fines in state law. Amending the fines in the Dog Offenses Ordinance would bring Keene in line with those changes. Captain Kopcha said the amendments to the Ordinance most significantly address the dollar values, and there was some added language to third and subsequent offenses for the different classifications of vicious dogs and menace dogs. Otherwise, he said the bulk of the Ordinance information remained the same.

Councilor Williams called Planning, Licenses and Development the Dog Ordinance Committee. He asked about Section 10-36. (3) Vicious Dog: "For violations classified as vicious offenses under RSA 466:31, II(g): a. For the first offense \$400.00, plus liability for all medical expenses incurred by the injured person." Councilor Williams wondered how the City would implement that liability, calling it a little strange, because he thinks of liability as something that somebody brings in a lawsuit. Instead, he said the City was somehow building liability into its fines and assessing what the medical expenses are. He asked the City Attorney to explain how that might work. City Attorney Amanda Palmiera said she thought it was strange as well. The Attorney said her analysis was that there is a statute for liability between civil parties for this exact issue, for a dog damaging another person or another animal which is 466:19. However, she said that it was unclear to her why the Legislature used language about liability and put it in the Fines and Penalties Section. This brand-new language had not been through a court process and because it was not borrowed from anywhere, the City

Attorney did not know the intent or how it would be applied. She said her guess, because there is language elsewhere in the Chapter about liability, was that this change would just explicitly explain that medical bills would be a part of that potential civil suit that could occur. The City Attorney did not anticipate that any of what the KPD does regarding this would change because the KPD is not involved with deciding whether one party is liable to another for civil damages.

Vice Chair Jones recalled six categories of biting in the Ordinance. The City Attorney said that it was a reference to the Animal Control Officer's training on how to categorize injuries but was not necessarily strictly in the language. Vice Chair Jones said that would not relate to this at all.

Councilor Ruttle-Miller expressed her concern regarding Section 10-36. (3) Vicious Dog: b. "... plus liability for all medical expenses incurred by the injured person," because so commonly, injuries occur to another dog (e.g., a dog runs out of its yard). She spoke to the City Attorney about this in advance and asked her reply for the record. City Attorney Palmeira appreciated the Councilor raising the question ahead of time, so she could think about it. Similar to what she said to Councilor Williams, the City Attorney stated that with this being new language that had not been adjudicated yet, it was hard to predict exactly how it would apply. The City Attorney also thought it was a little bit odd that it only talked about damage to a person when a pet is often injured. City Attorney Palmeira said she expected that pet damage would be pursued similar to the way medical bills are pursued through a civil suit; she thought a civil party would try to collect on both types of bills. Given that RSA 466:19 already enables that type of civil suit, the City Attorney thought the court would read that as not being precluded as a part of it as well. Again, she said she did not know exactly why the Legislature's new language was limited and added that she was speculating that she did not think it was going to be a barrier.

Chair Filiault opened the floor to public comments.

Kate Bosley of Gunn Road asked the City Attorney if the liability section was required language, because Ms. Bosley had a gut feeling that an injured party would read it as the City having some responsibility to determine the figure or collect it on their behalf. She said she fully supported the additional fines but suggested striking the liability language, stating that it is really something that needs to be handled in court, where a judge and competent people can decide the required bills to pay. City Attorney Palmeira appreciated the question and seeing the former Councilor. Unfortunately, the City Attorney reported that this language came exactly from the statute, so the City has no discretion to leave out some of the language. She agreed that the writing was odd. Ms. Bosley clarified that the City of Keene cannot increase its fine amount without adding this liability language. The City Attorney replied that if the City did, it would probably be more confusing because it would not align with the law of New Hampshire. She said that if the City created an Ordinance and left out parts of the RSA but incorporated some others, it would probably create an argument of the Ordinance not actually containing the law, so the law does not work in Keene; that would not be true because it is the New Hampshire law. The City Attorney recommended against creating that confusion. If the City Council repealed these fines from the City Code of Ordinances entirely, the City Attorney said KPD would still be doing this through State of NH Law.

Chair Filiault said the City combining anything with what comes from the State of New Hampshire can be confusing and complicated, as things from the state change frequently.

The following motion by Councilor Ruttle-Miller was duly seconded by Vice Chair Jones.

On a vote of 5 to 0, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2026-01.



# 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.

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Jay V. Kahn, Mayor

In City Council February 5, 2026.  
Referred to the Planning, Licenses and  
Development Committee.

  
City Clerk



# CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

**Meeting Date:** February 19, 2026  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Relating to the Appropriation of Planned Funds for Engineering Services for the Robin Hood Park Improvements Project  
Resolution R-2026-05**

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**Recommendation:**

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2026-05.

**Attachments:**

1. R-2026-05 \_Referral

**Background:**

Mr. Ruoff turned this presentation over to the Parks and Recreation Director. Ms. Fisk-Hennessey. Ms. Fisk-Hennessey stated that the City engaged the community in 2023 to discuss infrastructure rehabilitation improvement at Robin Hood Park. Through those conversations, the number one item of emphasis was the pool. She stated in order to allocate these funds properly as part of the CIP (grant funding has already been secured through the Land Water Conservation Fund) – this has been developed as a two-phase project. Phase one is the pool - to improve infrastructure, energy and water efficiency of the pool itself in FY27. Phase two slated for FY28 - encompasses all of the other action items that the community engagement process brought attention to.

Ms. Fisk-Hennessey stated staff is requesting advanced spending of these planned funds to develop contract documents, plans and specifications to be construction ready for phase one this fiscal year, which will still allow the City to go through the process for phase two, which will be everything but the pool; allowing for rehabilitation of the pool without any loss of use.

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

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2026-05.



# 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, in order to perform the necessary scope to rehabilitate the Robin Hood Park pool as part of the scope of the project, the preliminary engineering, engineering design and contract documents for bidding are necessary to be completed prior to the start of FY27 in order to perform the necessary rehabilitation of the pool in 2027;

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 the 2026 fiscal year for the purpose of providing funding for the scope of engineering services for the preliminary study and design of the Robin Hood Park Improvements Project (65J0018).

\_\_\_\_\_  
Jay V. Kahn, Mayor

In City Council February 5, 2026.  
Referred to the Finance, Organization and  
Personnel Committee.

  
Cassi Wood  
City Clerk



# CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

**Meeting Date:** February 19, 2026  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Relating to the Appropriation of Funds for Recycling Equipment Replacement  
Resolution R-2026-06**

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**Recommendation:**

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2026-06.

**Attachments:**

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

**Background:**

Public Works Director Don Lussier began by introducing the City's new Solid Waste Manager Ben Hoy. Mr. Hoy stated \$200,000 was appropriated in the CIP budget for recycling equipment replacement program. Machine X ended up coming in with the winning bid at \$247,800, which is \$47,000 over what was budgeted. Mr. Hoy stated what staff is asking for is to transfer money from the solid waste fund into the recycling project fund to cover the balance. He noted this equipment has served the City for 30 years. The additional funds would be to cover the electrical cost to install that equipment.

Mr. Lussier added this contract would replace the infeed conveyor as well as the sorting line conveyor. He added this contract does not cover all the recycling equipment, future CIP'S would have money budgeted to replace some of the other equipment in that line.

Councilor Chalice clarified the current processes of recycling at the recycling center will remain the same, staff is replacing equipment and are not expanding what is being recycled. Mr. Hoy answered in the affirmative.

Councilor Lake asked whether transferring these funds would have an impact on the unallocated fund balance. Mr. Lussier stated the solid waste unallocated fund balance currently has approximately two million dollars. He noted this is a self-funding account, they are not tax dollars.

Councilor Roberts asked based on age of items at the facility whether there were other items that could be coming forward for replacement. Mr. Lussier stated the magnetic belt separator (which helps sort out steel cans from other recycling items) and the Eddy Current Separator which pulls out aluminum cans would need to be replaced in the next few years.

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

On a vote of 4 to 0, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2026-06.



# CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Six

A RESOLUTION 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 Capital Reserve Project (21M0002A).

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Jay V. Kahn, Mayor

In City Council February 5, 2026.  
Referred to the Finance, Organization and  
Personnel Committee.

City Clerk



# CITY OF KEENE NEW HAMPSHIRE

ITEM #K.3.

**Meeting Date:** February 19, 2026  
**To:** Mayor and Keene City Council  
**From:** Daniel Langille, City Assessor  
**Through:** Elizabeth Ferland, City Manager  
**Subject:** **Relating to Service Connected Total Disability Veteran Tax Credit Resolution R-2026-07**

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**Recommendation:**

Refer Resolution R-2026-07 to the Finance Organization and Personnel Committee.

**Attachments:**

1. R-2026-07 Relating to Service Connected Total Disability Veteran Tax Credits

**Background:**

As directed, Resolution R-2026-07 increases the credit amount from \$4,000 to \$4,300 for Veterans qualifying for the Service Connected Total Disability Tax Credit. The new credit amount will go into effect on April 1, 2026.



# CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Six

A RESOLUTION Relating to Service Connected Total Disability Veteran Tax Credits

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

**Whereas**, RSA 72:35 was established for the purpose of allowing tax credits to qualifying disabled Veterans; and

**Whereas**, the City Council enacted Resolution R-2019-33 which amended the Tax Credit for Service Connected Total Disability in the amount of \$4,000; and

**Whereas**, the Legislature has amended RSA 72:35 to include the Standard Service Connected Total Disability Veteran Tax Credit to be in the amount of \$700 and the Optional Service Connected Total Disability Veteran Tax Credit to be in an amount of \$701 up to \$5,000.

**Now Therefore Be It Resolved** by the Council of the City of Keene that Resolution R-2019-33, adopted August 1, 2019, is rescinded.

**And Be It Further Resolved** by the Council of the City of Keene that it hereby wishes to comply with the procedure for modification of the Tax Credit for Service Connected Total Disability set forth in RSA 72:35, by responding in the affirmative to the following:

“Shall the Council of the City of Keene amend the Optional Service Connected Total Disability Veteran Tax Credit in the amount of \$4,300.” This act shall take effect as of April 1, 2026.

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Jay V. Kahn, Mayor