



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
October 21, 2021
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- October 7, 2021 Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Public, Education & Government Community Access Television Presentation

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Nomination - Airport Development and Marketing Committee

C. COMMUNICATIONS

1. Monica Marshall - Request that Main Street be Designated as a Smoke-Free Zone
2. Robert Johnson - Proposal to Build a 9 Hole Disc Golf Course at Former Wheelock Park Campground
3. Councilor Jones - Proposal to Collaborate with the Chamber of Commerce on the Installation of Memorial Pavers for Fallen Police and Fire Personnel

D. REPORTS - COUNCIL COMMITTEES

1. Keene Snoriders – Request to Use City Property – 2021/2022 Snowmobile Season

2. Keene Kiwanis Club – Request to Use City Property – Tree Lighting Ceremony
3. Attorney James Callahan – Assignment of License – 43-45 Roxbury St. – Access to City Property
4. Solicitation and Acceptance of Donations - Holiday Family Sponsorship Program - Human Services
5. Land and Water Conservation Grant - Acceptance of Award - Russell Park Renovation Project - Parks, Recreation and Facilities Director
6. Acceptance of Energy Incentive Payments - Public Works Department
7. Strategic Parking Plan - Economic Development and Special Projects

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Proposed Amendments to the Rules of Order - City Clerk and City Attorney
2. Acceptance of Donations

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

1. Councilor Filiault - Charter Amendment Related to Municipal Primary
2. Councilor Filiault - Rooms and Meals Tax Decrease

I. ORDINANCES FOR FIRST READING

1. Relating to Amendments to the Business, Growth and Reuse District Ordinance O-2021-14

J. ORDINANCES FOR SECOND READING

1. Relating to the Land Development Code Ordinance O-2021-12-A
2. Relating to Authority to Use Electronic Signatures For Official City Documents Ordinance O-2021-13

K. RESOLUTIONS

1. Relating to the Appropriation of funds from the Wastewater Treatment Plant (WWTP) Capital Reserve Fund Balance for the WWTP Laboratory Renovation Project
Resolution R-2021-40
2. Relating to the Appropriation of funds from the Sewer Fund Unassigned Fund Balance for the Wastewater Treatment Plant's National Pollution Discharge Elimination System (NPDES) permit project
Resolution R-2021-41

NON PUBLIC SESSION

ADJOURNMENT

10/07/2021

A regular meeting of the Keene City Council was held on Thursday, October 7, 2021. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Michael J. Remy, Janis O. Manwaring, Bryan J. Lake, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Gladys Johnsen, Andrew M. Madison, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Declaring a quorum physically present in the Chambers, Mayor Hansel recognized Councilor Hooper who was joining the meeting via Zoom. Stephen L. Hooper stated he was recuperating from recent surgery. Raleigh C. Ormerod was absent. Councilor Madison led the Pledge of Allegiance.

ANNOUNCEMENTS

There will be a Council workshop on Tuesday, October 19 at 6:00 PM to continue the discussion on Council goals.

PROCLAMATIONS

Mayor Hansel presented three proclamations.

First he welcomed Luann Beauregard of the Friends of the Keene Public Library. Mayor Hansel recognized all of the Friends' support for the library over the years. In particular, the Friends hold the annual book sale, which this year is Friday, October 15 from 9:00 AM—6:00 PM, Saturday, October 16 from 9:00 AM—5:00 PM, and Sunday, October 17 from 9:00 AM—3:00 PM. Therefore, Mayor Hansel proclaimed October 15—17, 2021 as the Friends of Keene Public Library days and he encouraged all citizens to visit the sale and support the excellent library and facilities.

Second, Mayor Hansel welcomed Councilor Bryan Lake of the Energy and Climate Committee. The Mayor cited great strides that Keene residents and businesses had been making on energy uses and transitions to renewable energy. Mayor Hansel announced a week-long celebration of that work and increasing awareness and education. He noted that October is national energy awareness month. Therefore, the Mayor proclaimed October 18—24, 2021 as Keene Energy Week and he encouraged everyone to celebrate and take part in the educational activities. Councilor Lake extended thanks to the Keene Clean Energy Team and the Keene Energy and Climate Committee for their work.

Third, Mayor Hansel welcomed Jen Risley of the Monadnock Food Co-op. The Mayor said that co-op month had been celebrated nationally in October since 1964 and he cited the benefits of food co-ops, particularly the recent assistance to communities in building back from the pandemic. Therefore, Mayor Hansel proclaimed October 2021 as Co-op Month in Keene and he saluted the member owners of the Monadnock Food Co-op for the role they play in the community. Ms. Risley said that the Co-op's grand reopening is October 14—16 to celebrate the expansion and reentering into more community gatherings; there would be free bar-b-que tastings and music on Saturday, October 16.

MINUTES

A motion by Councilor Powers to adopt the minutes of September 16, 2021 was duly seconded by Councilor Bosley and the motion passed on a roll call vote with 14 Councilors present and voting. Councilor Ormerod was absent.

PUBLIC HEARING – AMENDMENTS TO THE LAND DEVELOPMENT CODE – ORDINANCE O-2021-12-A

Upon the Mayor's request, the City Clerk read the public hearing notice. Mayor Hansel called the public hearing to order at 7:13 PM and welcomed Senior Planner, Tara Kessler, and Community Development Director, Rhett Lamb.

The Community Development Director began by stating that this was about changes to the Land Development Code since it was adopted by the City Council in May. Staff built in a period from May—September 1, 2021, the effective date, for the staff to get used to the Code and field any remaining issues that arose. During that period, the old and new codes were applied to every project that came through the Community Development Department as a training exercise and for Staff to identify any necessary amendments in time for the effective date. So, the list of corrections before the Council were based on Staff's lived experiences with the new Land Development Code. Ms. Kessler provided additional details on the changes proposed.

Ms. Kessler noted a correction to list a day cares as an "institutional" use. They were inadvertently classified as "commercial", which would have limited the number of possible locations in the City.

She continued that changes to exempt all parking in the Downtown Core District, was the most significant change. What was formerly the Central Business District is now the Downtown Core, Downtown Limited, and Downtown Growth Districts. In the Land Development Code, the exemption for onsite parking was expanded for all three new downtown districts; though residential uses still had the required parking at one space per dwelling unit in those three districts. Ms. Kessler said there originally there was not enough thought about how this change would impact the conversion of an office to a residential use along Main Street, for example. Staff proposed an amendment specifically to the Downtown Core to remove all onsite parking requirements. She used a map to demonstrate. Mr. Lamb said that this just takes things back to the way they were in the old zoning where no onsite parking was required.

Ms. Kessler continued the Ordinance also includes a change in regards to self-storage facilities that were zoned in the Land Development Code with a new onsite parking requirement of one space for every 10 units. Staff had to rethink interior storage facilities with hundreds of units. Staff proposed returning the parking requirement for self-storage facilities back to what it was in the old code, which was one space per every 3,000 square feet of gross floor area.

Regarding residential driveway standards, the new Code tried to consolidate all those driveway standards in one location, but the standards were duplicated inadvertently elsewhere in the Code. The City Engineer thought the most important place to consolidate the standards would be in Article 22, which are the Public Improvement Standards related to the issuance of curb cut permits.

Regarding non-conforming lots, language was added in the Land Development Code that did not exist in the old Code to clarify how the lots could be developed. However, this inadvertently conflicted with other standards in the Code and therefore Staff is proposing the removal of the section for clarity and consistency with City policies prior to September 1.

Staff proposed adding definitions for two terms: awning and non-confirming lot. In addition, Staff proposed an amendment to the fee schedule for the Land Development Code for service connections because the new Code addresses greater specificity with service connections, and so the fee scheduled was updated to reflect that.


Finally, Staff proposed reinstating Chapter 18. There was an Ordinance earlier this year to remove language in Chapter 18, which are the Building Regulations related to the application of proposed changes to zoning ordinances to building permits submitted. The language was removed to allow more flexibility for the development community. Staff noticed that the language could delay development projects and earlier this year proposed removing the language, stating that it would be reinstated later, which this amendment would do.

Mayor Hansel requested comments from the Council, but there none. He continued for the viewing public they should not equate a lack of questions from Councilors to be disinterest. Rather, this Council had been working on the Land Development Code update for more than three years and so Councilors are very familiar. The Mayor expressed thanks to the Community Development Department for all their hard work and to the Joint Committee for their public workshop process. The final version of the Land Development Code would come before the PLD Committee hopefully next week.

As there were no public comments. Mayor Hansel thanked Mr. Lamb and Ms. Kessler for their presentation.

There being no further comments, Mayor Hansel closed the public hearing at 7:24 PM.

A true record, attest:


City Clerk

COMMUNICATION – REBECCA LANCASTER – DESIGNATION OF A SITE FOR A COMMUNITY DOG PARK

A communication was received from Rebecca Lancaster, representing a collective group of Keene citizens who wish to advocate for the City of Keene to designate the former Wheelock Park campground as the site for a community dog park. Mayor Hansel referred the communication to the Municipal Services, Facilities, & Infrastructure Committee.

COMMUNICATION – COUNCILOR FILIAULT – ROOMS AND MEALS TAX DECREASE

A communication was received from Councilor Filiault, requesting that the City Council discuss the recent reduction in the Rooms and Meals tax from 9% to 8.5%. Mayor Hansel referred the communication to the Finance, Organization, & Personnel Committee.

Councilor Filiault encouraged those able to attend the FOP meeting this was referred to. County Administrator, Chris Coates, would attend because the County is also working on this issue. He said that in the last 10 years the State has owed the City \$8.8 million in revenue from this tax and the issue actually dated back to 1967. This results in higher property taxes and cut services. He said the City and County must be involved in getting this rectified. Councilor Madison agreed with Councilor Filiault and wondered if this should first be forwarded to the City Attorney. Mayor Hansel responded that he was inclined to send the communication to FOP and the City Attorney would be there as needed to comment if needed.

COMMUNICATION – CHELSEA KASPER – REQUESTING PERMISSION FOR THE DISCHARGE OF FIREWORKS

A communication was received from Chelsea Kasper, requesting permission for the discharge of a fireworks display for her parents' 40th wedding anniversary on Friday, October 8, 2021. Katherine Potts of Atlas Fireworks will serve as the licensed pyrotechnician. Fire Lieutenant, John Bates, has signed off on the State Display of Permissible Fireworks application.

As this was a time sensitive request, Mayor Hansel requested a suspension of the Rules of Order. A motion by Councilor Bosley to suspend Section 26 of the Rules of Order to hear the application for discharge of permissible fireworks was duly seconded by Councilor Greenwald. On roll call vote, 14 Councilors were present and voting in favor. Councilor Ormerod was absent.

A motion by Councilor Bosley was duly seconded by Councilor Greenwald, recommending that Chelsea Casper be granted permission for the discharge of Class C fireworks at a private function at her home on 678 West Street on Friday October 8, 2021, and reserving a rain date of Saturday, October 9, 2021, subject to the following conditions:

1. The signing of a revocable license and indemnification agreement.
2. That the location is deemed compliant with all applicable New Hampshire fire safety codes and approved by the Fire Department.
3. That the petitioner obtains a Class C fireworks permit, that the fireworks vendor furnish a certificate of liability insurance in the amount of \$1 million naming the City of Keene and the petitioner as an additional insured and compliance with any recommendations of City Staff.
4. In addition, the petitioner agrees to absorb the cost of any City services provided.

Councilor Bosley pointed out that all conditions had been met despite the short timeframe and she was comfortable moving forward.

Councilor Greenwald said this was an example of one Committee meeting monthly creating more time sensitive issues at Council. He commended City Staff for working with the petitioner to get all approvals in time for this vote. He thought this was a good way to run government, without dragging people into unnecessary Committee meetings.

On a roll call vote, 14 Councilors were present and voting in favor. Councilor Ormerod was absent.

COMMUNICATION – KEENE SNORIDERS – REQUEST TO USE CITY PROPERTY – 2021/2022 SNOWMOBILE SEASON

A communication was received from the Keene Snoriders, submitting their annual request for use of City rights-of-way to the 2021/2022 snowmobiling season. Mayor Hansel referred the communication to the Planning, Licenses, & Development Committee.

COMMUNICATION – ATTORNEY JAMES CALLAHAN – ASSIGNMENT OF LICENSE – 43—45 ROXBURY STREET – ACCESS TO CITY PROPERTY

A communication was received from Attorney James Callahan, representing Fieldstone Land Consultants, LLC, which is purchasing land and buildings located at 43—45 Roxbury Street, currently owned by Roxbury Realty Partnership. In 2001, the City gave Roxbury Realty Partnership a license to access a 2 foot by 185-foot strip of land along the property line. Attorney Callahan is requesting confirmation from the City that the 2001 license is assignable and that the City will recognize the new owner as the Licensee. Mayor Hansel referred the communication to the Planning, Licenses, & Development Committee.

MSFI REPORT – PETITION – CONCERNS REGARDING DRAINAGE – BARRETT AVE./INGALLS ST.

A Municipal Services, Facilities, & Infrastructure Committee report read, recommending acceptance of the communication as informational. Mayor Hansel filed the report as informational.

FOP REPORT – ACCEPTANCE OF STATE OF NH GRANT FUNDING FOR YOUTH SERVICES' JUVENILE COURT DIVERSION PROGRAMMING – YOUTH SERVICES

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept and administer funds provided by the State of New Hampshire for Juvenile Court Diversion programming. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. On a roll call vote, with 14 Councilors present and voting in favor. Councilor Ormerod was absent.

FOP REPORT – TAX DEEDS FOR UNPAID 2018 PROPERTY TAXES – REVENUE COLLECTION

A Finance, Organization, & Personnel Committee report read, recommending a waiver to tax deeding for the following properties with staff returning after March 31, 2022, with additional recommendations after a review of the status of their accounts: 26 Oriole Avenue, 71 Oriole Avenue, 42 Starling Street, 55 Starling Street, 27 Minerva Lane, 14 Schult Street, and 493 Elm Street.

10/07/2021

A Finance, Organization, & Personnel Committee report read, recommending a waiver to tax deeding for the following properties with staff returning after November 1, 2021 with additional recommendations after review of the status of the accounts: 18 Algonquin Drive, 792 Court Street, 888 Marlboro Road, 50 Hilltop Drive, 399 Elm Street, 25 Charles Street, 139 Carroll Street, 35 Forest Street, 23 Park Avenue, 163 Island Street, and 30 Dartmouth Street.

A Finance, Organization, & Personnel Committee report read, recommending issuance of a tax deed for the following properties: 329 Park Avenue and 92 Beaver Street.

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

A motion by Councilor Powers was duly seconded by Councilor Remy to amend the Committee report to remove the issuance of a tax deed for 329 Park Avenue and 92 Beaver Street as arrangements had since been made for those properties. The motion to amend passed on a roll call vote with 14 Councilors present and voting in favor. Councilor Ormerod was absent.

Councilor Williams commented on the derelict condition of the property at 92 Beaver Street and wanted to know whether the City could take any other action. He hoped some Keene property owners would look after their properties better. Mayor Hansel addressed the City Manager, stating that if the property were in that bad of condition, there should be other actions the City could take.

The motion to carry out the intent of the Committee report as amended passed unanimously with 14 Councilors present and voting. Councilor Ormerod was absent.

CITY MANAGER COMMENTS

The City Manager said that October 3—9 was Fire Prevention Week. The City of Keene Fire Department teamed up with the National Fire Protection Association to promote this year's Fire Prevention Week campaign to help educate everyone about the simple but important actions they can take to keep themselves and those around them safe. Smoke alarms must be replaced every 10 years. This year's theme is all about understanding the sounds of fire safety: a continuous set of three loud beeps means smoke or fire, whereas a single chirp every 30 or 60 seconds means the battery is low, and chirping that continues after the battery is replaced means the alarm has reached the end of its life and must be replaced.

The City Manager reported that there was hearing held here in Keene on Tuesday, October 5. The State's ten-year plan for transportation improvements is updated every two years. The plan allows NH to participate fully in Federally supported transportation improvement projects as well as to outline projects and programs funded with state transportation dollars. Projects are submitted by communities and reviewed by a committee through a process facilitated by Southwest Regional Planning Commission (the Transportation Advisory Committee). This year we were fortunate to gain the support and additional dollars \$525,000 to the project to reconstruct NH-101 from the Stone Arch Bridge to Branch Road, and for the first time, include a project for corridor improvements to West Street, which is estimated to cost more than \$7 million as 80/20 starting in 2032. This is just the draft plan, and it will be several more months

before we know whether there will be any changes in the final plan that is ultimately approved by the Governor.

The City Manager noted that WMUR was doing segments in their business section about downtowns and this week contacted Staff about doing one on Keene's downtown. Staff would be conducting the interview the next day via Zoom. They are short five-minute segments, which will air twice that Sunday morning in NH, VT, ME, and MA, and be posted on the www.wmur.com website all the following week.

In conclusion, the City Manager provided her Covid-19 updated. Covid numbers continue to be on a slow decline for our area (Cheshire Medical reported a drop in positivity rates from 8.3% to 7.3% in this week's report). We will need to wait to see where the numbers level off. In the meantime, we have changed our Emergency Management Team meetings to every other week instead of every week.

REPORT – PROPOSED CHARTER AMENDMENT ON GENERAL ELECTION BALLOT – CITY CLERK

A report from the City Clerk read requesting that the City Council move to direct the placement of the charter amendment in question on the November 2, 2021 General Election Ballot, with an effective date of January 1, 2022.

Mayor Hansel recognized the City Clerk, Patty Little, to address her memorandum and the timeline that requires action by the City Council this evening. Since the last time the City Clerk presented on this matter, the state of New Hampshire and specifically three State agencies – the Department of Revenue Administration, the Attorney General's Office, and the Secretary of State's office – were provided with the City's actual wording of our ballot question. Those State agencies did review the ballot question and they provided the City a letter indicating no objection. This leaves one final step before November 2 and that is for the City Council to direct the City Clerk to actually place this ballot question on the November ballot. Time was growing short, and she requested a suspension the rules so the Council could give her that direction.

A motion by Councilor Powers to suspend the Rules of Order to act upon the proposed charter amendment to be on the on the November 2, 2021 General Election Ballot from the City Clerk was duly seconded by Councilor Remy. On a roll call vote 14 Councilors were present and voting. Councilor Ormerod was absent.

Councilor Powers made the following motion, which was duly seconded by Councilor Remy, recommending that the Keene City Council directed the City Clerk to place the following question on the November 2, 2021, Municipal General Election ballot: "SECTION 2. WARDS. The City of Keene is hereby divided into five wards. If necessary to comply with any Constitutional requirement to equalize populations, the City Council shall review the ward boundaries and, shall, by ordinance, re-divide the City into five wards. A public hearing on the proposed ward boundaries shall be held not more than 30 days before its adoption by the City Council, at such time and place as the City Council shall direct, and notice of such public hearing shall be published at least 7 days in advance of the hearing by the city clerk. All wards shall be

composed of contiguous and compact territory, as nearly equal in population as possible, and bounded by natural boundaries, street lines, railroad tracks or other easily identifiable physical features. Notwithstanding any changes in the ward boundaries, the elected ward officers in office at the time of the redistricting of city wards shall continue in said offices until the end of the term for which they were elected” the purpose of which is to amend the City Charter by removing the ward line descriptions from Section 2, and inserting language that would authorize the City Council to redistrict the City's wards as required by the Constitution and the decennial US Census.

Councilor Johnsen asked if there was a prior time when there were five wards. The City Clerk said there were currently five wards, and this was just a modification of the ward lines.

Councilor Greenwald asked the plan for explaining these changes to the public and that fast tracking this to the ballot did not feel good. The City Clerk replied that there is a statutory requirement to post a “warrant” by October 18 that will have this full ballot question, along with the offices that will be electing. For more public notice, Staff discussed a letter to the Sentinel editor from her office or the Mayor’s. The City Clerk said that this went before the FOP Committee for the last several months and this was the fourth time the Council spoke about this issue. Mayor Hansel thought it was a good reminder that Councilors would likely get calls from constituents about this change.

Councilor Jones said all Wards start at Central Square and move outward. He asked if that was tradition or by law. The City Clerk replied that it was more than tradition but rather the criteria the redistricting committee chooses each year (as they were appointed this year) and this year they adopted that guideline. Referring to Councilor Powers previous motion, the motion passed on a roll call vote 14 Councilors were present and voting in favor. Councilor Ormerod was absent.

REPORT – STRATEGIC PARKING PLAN – ECONOMIC DEVELOPMENT AND SPECIAL PROJECTS

A memorandum from Economic Development Director/Special Projects, Med Kopczynski, was received requesting that the Strategic Parking Plan be referred to the Finance, Organization, & Personnel Committee for their review and recommendation. Mayor Hansel referred the Strategic Parking Plan to the Finance, Organization, & Personnel Committee.

FIRST READING – AN ORDINANCE RELATING TO AUTHORITY TO USE ELECTRONIC SIGNATURES FOR OFFICIAL CITY DOCUMENTS – ORDINANCE O-2021-13

A memorandum from the Assistant City Manager/IT Director, Rebecca Landry, was received requesting that Ordinance O-2021-13 be referred to the Finance, Organization, & Personnel Committee for their review and recommendation. Mayor Hansel referred Ordinance O-2021-13 to the Finance, Organization, & Personnel Committee.

NON PUBLIC

10/07/2021

At 7:52 PM a motion by Councilor Powers to go into non-public session to discuss a land matter under RSA 91-A (II) d was duly seconded by Councilor Bosley. On a roll call vote, 14 Councilors were present and voting in favor. Councilor Ormerod was absent. A brief recess was called to allow the Chambers to clear and to end the Zoom meeting. Councilor Hooper joined the meeting via telephone. Parks, Recreation and Facilities Director, Andy Bohannon was invited to remain. Discussion was limited to the subject matter. At 8:29 PM the session concluded. A motion by Councilor Powers to keep the minutes in non-public session was duly seconded. On a roll call vote, 14 Councilors were present and voting in favor. Councilor Ormoerod was absent.

A true record, attest:

A handwritten signature in cursive script, appearing to read "Patricia Little".

City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: October 21, 2021
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Nomination - Airport Development and Marketing Committee**

Recommendation:

Attachments:

1. background_Temple_Redacted

Background:

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

Airport Development and Marketing Committee
Peter Temple, slot 4
Harrisville, New Hampshire

Term to expire December 31, 2021

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Thursday, October 14, 2021 11:15 AM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Thu, 10/14/2021 - 11:14</p>

<p>Submitted values are:</p>

First Name:

Peter

Last Name:

Temple

Address

PO Box 65
Harrisville NH 03450

Email:

Cell Phone:

603 757 9320

Home Phone:

603 827 3610

Please select the Boards or Commissions you would be interested in serving on:

Airport Development & Marketing Committee

Employer:

Retired

Occupation:

Engineer, Professor

Education:

Dartmouth College, University of Massachusetts. A.B., M.S.

Have you ever served on a public body before?

Yes

If you answered yes above, please provide what public body you served on and where.

Town of Harrisville: ZBA, Conservation Commission, Historic District Commission, Master Planning Committee

Other Information/Relevant Experience:

Commercial Pilot, Flight Instructor

Please provide some references:

David Hickling

dhickling@ci.keene.nh.us

603 357 9835

References #2:

Rhett Lamb

Planning, City of Keene



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: October 21, 2021
To: Mayor and Keene City Council
From: Monica Marshall
Through: Patricia Little, City Clerk
Subject: **Monica Marshall - Request that Main Street be Designated as a Smoke-Free Zone**

Recommendation:

Attachments:

1. Marshall Communication

Background:

Ms. Marshall is requesting the City Council consider prohibiting smoking on Main Street by designating it as a Smoke-Free Zone.

Dear Mayor Hansel and the Members of the City Council,

I have been meaning to write you for a while, but I received feedback from some summer guests that pushed me to finally write a letter. Three sets of visitors noticed how many smokers we have downtown, and how many cigarette butts litter our streets. One evening we were having dinner outside at Lucca's with some of our guests, and a man came out of his apartment building three times during our meal to smoke, and while it was great he wasn't smoking inside his apartment, his smoke was blowing our way and affected our experience of dining outside.

I am writing to ask you to consider making Main St. a smoke-free zone. Other towns, in other states, have done it quite successfully, with no economic repercussions. There are three reasons I am asking you to look seriously at this proposition. The first is cosmetic. There are an enormous number of butts on our streets. Before you think my adjective is over-the-top, let me say that a few years ago one of my school groups decided to pick up butts on Main St. as a community service project. For two years they came through once a month in the autumn and spring and never picked up fewer than a few thousand butts. They started at Bagel Works and cleaned Main St., Railroad Square, around the traffic circle, down the other side of Main, and then also cleaned the alleys off of the main street on the west side. They did not have any idea how many there would be when they came up with their plan, but they persevered for two years. That was a few years ago, and I can't say the streets are any cleaner now.

The second reason to consider this plan has to do with health and providing a good model for young people. We know the health risks associated with breathing secondhand smoke, and it is impossible for a non-smoker to sit in railroad square at most times of the day and not breathe cigarette smoke. It is impossible to enjoy a meal outside in Keene without having smokers pass by. As a teacher I had to move my class on numerous occasions from places on Main St. because smokers were sharing the space. When my daughter was young, I often felt uncomfortable sitting on benches downtown with her and her friends because of all the smokers. In school we teach our children about the dangers of smoking, all the illnesses that are caused by smoking, and about the dangers of secondhand smoke, yet we allow our children to be around the many people smoking on our streets.

The third reason is economic. Keene was a leader in our state, the first city to make inside spaces smoke-free. At that time there was an outcry from business owners, saying they would lose their businesses, that the town would shrivel and die. We saw that didn't happen; in fact the opposite occurred. I think if Keene became known as a town with a healthy, family friendly downtown it would actually make us more of a destination than we already are.

The last point I want to make has to do with NH's creed in relation to living free, because I can hear people being concerned that this change would take away people's freedom. I would like you to look at that another way. The majority of people in our town are non-smokers, so basically a minority of people have been given the freedom to continue their habits in the public sphere, to the detriment of the majority of people. It is time for non-smokers to have their rights recognized. Adding in the health risks, the littering, and the poor modeling for our children, it seems like the right time to take up the idea of making our main streets smoke-free.

I look forward to hearing back from the Council, and hopefully, hearing what next steps I should take to move this idea forward.

Sincerely,
Monica Marshall
81 Terrace St.
Keene, NH
603 762 7423

A handwritten signature in black ink that reads "Monica Marshall". The signature is written in a cursive, slightly slanted style.



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: October 21, 2021

To: Mayor and Keene City Council

From: Robert Johnson
Keene Disc Golf Club

Through: Patricia Little, City Clerk

Subject: **Robert Johnson - Proposal to Build a 9 Hole Disc Golf Course at Former Wheelock Park Campground**

Recommendation:

Attachments:

1. Johnson Communication

Background:

The Keene Disc Golf Club would like to propose the building of a 9-hole disc golf course at the former Wheelock Park Campground location.

Dear Mayor & Members of the City Council,

The Keene Disc Golf Club (KDGC) would like to propose the building of a 9 hole disc golf course at Wheelock Park. This course would align with the current uses at Wheelock and support the Keene Rec Departments stated mission to “ ... inspire and support active lifestyles for all ages.” This course would utilize the currently unused former Wheelock Campground Location.

Why?

Disc Golf is an increasingly popular recreational activity both locally and nationally. Its low cost of equipment and fast learning curve makes this a very accessible sport for anyone to play. Our club currently has members ranging from 17 to 65 years of age and skill levels that range from casual “for fun” players to regional pros.

Also KDGC in conjunction with The US Army Corp of Engineers (ACoE) has built one of NH’s nicest free to play 18 hole courses, located at Otter Brook. This means that players that learn at Wheelock have a course to “graduate to” as their skills improve. KDGC also has a weekly league, and sponsors multiple tournaments over the year, so again new players can play more competitively if they so choose. Wheelock will be an ideal introductory course to any new player while still providing a fun challenge to veteran players. Having a 9 hole course also ensures there is a short enough course for those who may not be physically able to play a full 18 hole round, but still want to enjoy the sport.

Experienced players will use it as a practice course or just for fun when you may not have the time to go to Otter Brook for 18 holes.

Disc golf is a great way to stay active while exploring the outdoors. It is a low intensity sport, combining the relaxing nature of golf and the thrill of watching a disc fly, all while enjoying a hike through the woods.

And lastly, If you build it, they will come! People travel to play new courses and they *will* come. Morning round at Otter Brook, get some lunch in town and play a quick round at Wheelock before you head home.

How?

While building a new course can be quite an undertaking, luckily the former Wheelock Campground is the perfect spot and 90% ready to go as is. Its flat topography, compact layout and easy road access not only makes this very accessible to all ages and fitness levels, but it also makes this a very easy build out. Further, the equipment and related items needed to make this happen are very inexpensive in comparison to other forms of recreation at approx \$8000.00. And KDGC is ready to help!

The Keene Disc Golf Club is uniquely qualified to work with the City of Keene to make this happen. While ACoE made the property we currently lease available to us, KDGC raised all the funds needed, designed, built, and now maintains Otter Brook. We have a very engaged local membership and a strong balance sheet. KDGC has been a club for almost 10 years and a NH non profit corporation for 6 years. We are prepared to provide both the funds and labor required to make this happen.

When?

KDGC is ready to roll. We already have a preliminary layout in mind and a very excited group of members. If you were to decide to give us the green light on this project, we could start installing baskets as soon as the ground thaws in Spring 2022.

In summary

We believe Wheelock Disc Golf Course would be a low cost, high use addition to Keene's recreation mix. It fits in perfectly with what is already available at Wheelock Park. We envision kids at Symonds using it as part of their gym class. Summer day campers could walk over to play. Older citizens can also utilize the course due to its flat, easy terrain, and central location. Plus, its proximity to the bike path makes this course accessible for many people throughout the area. It really will be a recreational offering that just about anyone can enjoy.

Please feel free to contact me with any additional questions and thank you for your consideration.



Robert Johnson
Keene Disc Golf Club
Otter Brook DGC
47 Sesame St
Keene, NH 03431

603-499-1999
knhdgc@gmail.com
www.keenediscgolf.club

Wheelock Disc Golf Course preliminary budget.

Tees	quantity	cost	shipping	
MVP AM Launchpads Turf		9	\$900.00	\$200.00
2x4x10 PT		27	\$200.00	
Hardware		9	\$100.00	
Surpak	truck		\$250.00	
Sand	sm truck		\$125.00	
Sub Total			\$1,575.00	
Baskets				
Innova DISCatcher Pro28		9	\$2,925.00	\$450.00
Concrete		9	\$50.00	
Locks (#M115KALF)		10	\$120.00	
Sub Total			\$3,095.00	
Singage				
Tee Signs		9	\$900.00	
Directional		9	\$225.00	
Rules		1	\$125.00	
Kiosk		1	\$500.00	
Sub Total			\$1,750.00	
Misc		1	\$750.00	
Sub Total			\$750.00	
Total			\$7,170.00	\$650.00
Grand Total			\$7,820.00	



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: October 21, 2021
To: Mayor and Keene City Council
From: Councilor Philip M. Jones
Through: Patricia Little, City Clerk
Subject: **Councilor Jones - Proposal to Collaborate with the Chamber of Commerce on the Installation of Memorial Pavers for Fallen Police and Fire Personnel**

Recommendation:

Attachments:

1. Councilor Jones Communication

Background:

Councilor Jones is proposing a collaboration with the Chamber of Commerce for the installation of memorial pavers for fallen Police and Fire personnel.

October 19, 2021

FROM: Councilor Philip M. Jones



TO: The Honorable Mayor and City Council

SUBJECT: New England Walkway of Heroes

Recommendation:

Recommend that the Keene City Council authorize staff to negotiate a plan with the Keene Peterborough Area Chamber of Commerce to create the New England Walkway of Heroes. This program would be a placement of memorial stones along the sidewalks of downtown Main Street and Central Square. These markers will be embedded into the sidewalks and will be honoring all New England police and firefighters who have died in line of duty.

BACKGROUND:

This is a great way for Keene to honor the many fallen heroes of first responder agencies from all of New England.

All those being memorialized must be officially listed by their local agency as died as a result of active duty.

All markers would be 18" x 24" granite blocks placed landscape style. These dimensions are a standard size for that industry.

All markers can list the name and rank as well as the home agency of the deceased. There can also be an engraved outline of the badge shape of the deceased. The date of death should also be listed.

All markers should be engraved, etched or imaged in to flat contoured stone. There should be no three dimensional markers such as bronze plaques.

There will be no cost to the City of Keene. The home agency and the family and friends of the deceased will cover all expenses including installation.

The Chamber of Commerce is willing to be the fiscal agent for this project. This would help keep the city from being in direct involvement to help avoid continually going through the city

process of accepting donations. The Chamber can two or three times a year submit all applications to the city.

This program will be a great boost for the already wonderful reputation that Keene has. Keene would welcome the families, friends, and comrades who would frequently visit the downtown location where their fallen hero is permanently memorialized.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: October 21, 2021
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Keene Snoriders – Request to Use City Property – 2021/2022 Snowmobile Season**

Recommendation:

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends the Keene SnoRiders be granted permission to use the following locations on City property for a snowmobile trail: the right-of-way along the north side of Krif Road from Krif Court to Winchester Street; City property identified by tax map numbers 911-26-015, 909-05-012 and 707-02-009; the crossing of Winchester Street at Krif Road; and, The crossing of Production Avenue approximately 200 +/- feet south of NH Route 9. As well as access to the Class VI Portion of the Old Gilsum Road starting approximately one mile from the Gilsum Town Line and going north, (“Premises”) for the following purpose: for a snowmobile trail, and under the following conditions:

Said use shall commence on December 15, 2021, and expire on March 30, 2022, and is subject to the following conditions: the signing of a revocable license and indemnification agreement; and the submittal of a certificate of liability insurance in the amount of \$1,000,000, naming the City of Keene as an additional insured.

In addition, the Keene SnoRiders, Inc. will be responsible (including cost) for the installation and maintenance of all signage/markings, which will be in accordance with Snowmobile Trail Standards published by NH Department of Business and Economic Affairs; that all signage/markings installed shall be removed from the City right-of-way and City property when there is no longer any snow cover, no structures, including buildings, shelters, lights, displays, walls, etc. shall be permitted with the City right-of-way or on City property; no parking of motor vehicles or trailers and no catering servicing activities of any kind shall be permitted within the City right-of-way or on City property; grooming shall not extend outside the right-of-way of Krif Road, snow windows shall be groomed to provide adequate sight distances and a gentle sloping approach at all road and driveway intersections; no part of the City Street (paved surfaces) may be used by off-highway recreational vehicles (OHRV) or their operators for any purpose, other than direct crossing; and that Keene SnoRiders, Inc. shall be responsible for the repair of any damage (including costs) and the City right-of-way and property shall only be used when there is snow cover.

Attachments:

None

Background:

Vice Chair Greenwald stated that this is the Keene Snoriders' request to use City property, which is an annual request. He asked to hear from City staff.

Kürt Blomquist, Public Works Director, stated that the Keene Snoriders maintain the snowmobile trails in Keene and the Monadnock area. He continued that Ron Robbins, the Snoriders' Trail Administrator, was not able to be here tonight, but he has been working with the Snoriders for a couple years and can speak to this topic. The Snoriders are asking for access to several City parcels and to the Old Gilsum Rd. They have a number of areas that they cross in order to access the multi-use trail system. They go across a piece of City property located by the Old Gilsum Rd. and travel on the Old Gilsum Rd. up to the town line with Gilsum. It is approximately one mile of the Old Gilsum Rd. No vehicles are permitted without permission. In addition, there are a number of properties in south Keene; including Winchester St. at Krif Rd. and crossing of Production Ave. approximately 200 ft. south of the Rt. 9 interchange. There is also a parcel off Wetmore St. and a parcel in the Three Mile Reservoir. Per his discussion with Mr. Robbins, there will be no changes to what they plan on doing. Everyone hopes for some snow this year so the Snoriders can get out there. Over the years, the Snoriders have been a good partner. They make sure members properly operate their machines and they make sure they take care of the property that they seek permission to use. They also get permission from the State of NH, and three private property owners, to complete their connection.

Councilor Jones stated that also, the Snoriders help groom those trails. He continued that that is a benefit to everyone.

Vice Chair Greenwald stated that he should note that he is a member of the Snoriders. He continued that he is not on the Board of Directors and receives no compensation.

Mr. Blomquist stated that there is a scrivener's error (in the suggested motion): they mention the old Tax Map #. He continued that before this comes before the full City Council he and Dan Langille will make sure they have the right Tax Map #. It is the correct parcel, just with the old number, which was changed about two years ago.

Vice Chair Greenwald asked if there were any further questions. He asked if members of the public had any questions.

City Attorney Tom Mullins stated that in the background, he sees the old Tax Map #s and the new Tax Map #s. He asked if Mr. Blomquist is saying those are incorrect. Mr. Blomquist replied that he has to confer with Mr. Langille and make sure the old and new numbers match up.

Councilor Johnsen made the following motion, which was seconded by Councilor Jones.

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends the Keene SnoRiders be granted permission to use the following locations on City property for a snowmobile trail: the right-of-way along the north side of Krif Road from Krif Court to Winchester Street; City property identified by tax map numbers 911-26-015, 909-05-012 and 707-02-009; the crossing of Winchester Street at Krif Road; and, The crossing of Production Avenue approximately 200 +/- feet south of NH Route 9. As well as access to the Class VI Portion of the Old Gilsum Road starting approximately one mile from the Gilsum Town Line and going north, ("Premises") for the following purpose: for a snowmobile trail, and under the following conditions:

Said use shall commence on December 15, 2021, and expire on March 30, 2022, and is subject to

the following conditions: the signing of a revocable license and indemnification agreement; and the submittal of a certificate of liability insurance in the amount of \$1,000,000, naming the City of Keene as an additional insured.

In addition, the Keene SnoRiders, Inc. will be responsible (including cost) for the installation and maintenance of all signage/markings, which will be in accordance with Snowmobile Trail Standards published by NH Department of Business and Economic Affairs; that all signage/markings installed shall be removed from the City right-of-way and City property when there is no longer any snow cover, no structures, including buildings, shelters, lights, displays, walls, etc. shall be permitted with the City right-of-way or on City property; no parking of motor vehicles or trailers and no catering servicing activities of any kind shall be permitted within the City right-of-way or on City property; grooming shall not extend outside the right-of-way of Krif Road, snow windows shall be groomed to provide adequate sight distances and a gentle sloping approach at all road and driveway intersections; no part of the City Street (paved surfaces) may be used by off-highway recreational vehicles (OHRV) or their operators for any purpose, other than direct crossing; and that Keene SnoRiders, Inc. shall be responsible for the repair of any damage (including costs) and the City right-of-way and property shall only be used when there is snow cover.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: October 21, 2021
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Keene Kiwanis Club – Request to Use City Property – Tree Lighting Ceremony**

Recommendation:

On a vote of 4 – 0, the Planning, Licenses, and Development Committee recommends that the Keene Kiwanis Club be granted permission to use downtown City rights-of-way on November 26, 2021 for the Tree Lighting Festival from 5pm to 8pm conditional upon the signing of a revocable license and indemnification agreement, submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene and an additional insured, and that the Petitioner complies with any recommendations of City staff. In addition, the Petitioner is granted permission to erect a holiday tree on the Main/Marlboro/Winchester Street roundabout. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 22 Community Events Budget. Said payment shall be made within 30-days of the date of invoicing.

Attachments:

None

Background:

Vice Chair Greenwald asked to hear from the Keene Kiwanis Club.

Elizabeth Sayre of 290 Main St. stated that she is representing the Keene Kiwanis Club. She continued that they are grateful to be able to put on their annual Tree Lighting Ceremony live and in person on November 26. They have already had protocol meetings with City staff in various departments and they are ready to move forward. They appreciate the City keeping the lights on the poles up and down Main St. Six extra sets of lights were delivered to the electric company to put on, in case any of them need to be repaired. The Kiwanis Club will be decorating the gazebo the week before. On the Saturday before Thanksgiving, they will be putting the lights on the tree downtown, which the City graciously provides. The event will not include the chorale groups this year due to COVID-19 concerns. They will make every attempt to have social distancing and be in as much compliance with the CDC's and City's requirements as is physically possible. Santa will be there, wearing a mask and a shield. There may be bands performing on the gazebo, which is quite a distance away from the audience. They expect St. Joseph's Kiwanis Youth Group to provide cookies and hot chocolate. The Keene High School's and Monadnock High School's Kiwanis groups will be distributing bells for children to ring when Santa arrives.

Ms. Sayre continued that they intend to have people start to arrive at 4:00 PM. The organizers will probably go in at 1:00 on Friday for the final setup. Hopefully everything will be done by 8:00 PM. Her understanding is that the event is rain or shine, unless the PLD Committee tells them no. The Kiwanis Club is really looking forward to this and hopes it is a happy event for everyone.

Vice Chair Greenwald stated that in the past there was a tree talked about, maybe installed at Marlboro St. Ms. Sayre replied that if Dave Ganio and his landscape management crew have the ability to do that they will put it up. She continued that it is in the request, but she knows that the last time, Mr. Ganio's work schedule was so busy he never got to it. Vice Chair Greenwald replied that he just wanted to make sure it was in the request.

Vice Chair Greenwald asked if there was any comment from City staff. Mr. Blomquist replied no; as Ms. Sayre indicated, she met with staff. He continued that as the Public Works Director, with the material and supply issues that are going on, he really encourages the children and adults to get out there and tell Santa what they want. Santa is even having some problems with supply issues. This is a great opportunity to kick off the season.

Vice Chair Greenwald asked if there were any further questions or comments from the committee. Councilor Jones thanked Ms. Sayre for coming and for her thoroughness and attention to detail. He continued that they look forward to this event.

Councilor Workman thanked Ms. Sayre for coming and for putting together this wonderful event. She continued that her birthday is close to this event, on November 23, so it is like a personal birthday present and she is thankful. This is a great event that kicks off the holiday season and the spirit of Keene.

Councilor Johnsen stated that she is very happy to see this event happening again. She continued that it is a shame they cannot have any chorale groups, but she understands. She thanks Ms. Sayre and her committee for the work they do.

Vice Chair Greenwald asked if members of the public had any questions. Hearing none, he asked for a motion.

Councilor Jones made the following motion, which was seconded by Councilor Workman:

On a vote of 4 – 0, the Planning, Licenses, and Development Committee recommends that the Keene Kiwanis Club be granted permission to use downtown City rights-of-way on November 26, 2021 for the Tree Lighting Festival from 5pm to 8pm conditional upon the signing of a revocable license and indemnification agreement, submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene and an additional insured, and that the Petitioner complies with any recommendations of City staff. In addition, the Petitioner is granted permission to erect a holiday tree on the Main/Marlboro/Winchester Street roundabout. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 22 Community Events Budget. Said payment shall be made within 30-days of the date of invoicing.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: October 21, 2021
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Attorney James Callahan – Assignment of License – 43-45 Roxbury St. – Access to City Property**

Recommendation:

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends the prior existing license with Roxbury Realty Partnership be terminated and to issue a new, revocable license in a form acceptable to the City Attorney and containing the standard City license terms and conditions to FLC Elm St. Realty Trust, Inc., for the use of City property located adjacent to 43-45 Roxbury St. to provide pedestrian access to the property.

Attachments:

None

Background:

Vice Chair Greenwald asked to hear from the petitioner.

James Callahan stated that he is here today for Chad Branon, who is a principal of the applicant, a real estate company affiliated with Fieldstone Land Development, an engineering/survey firm based in Milford, NH. He continued that they are opening an office here and the closing was last week. The property is on Roxbury Street. He continued that there is a strip of City property approximately two feet wide that goes down Roxbury Ct. The former property owners received a license to utilize that City property 20 years ago. The license was recorded in the Registry of Deeds. Because the license does not run with the land like an easement, it is revocable by its nature, he is here on behalf of Mr. Branon to ask if they can get a new license so they can access the property the way it has been previously. They sent a letter to the City a week or two ago, and a copy of the old license. They are asking for the issuance of a new license running to the new owner.

The City Attorney stated that there was something he wanted to include in the motion: it would be more appropriate to terminate the recorded license and then issue this new license.

Mr. Callahan asked if the City Attorney wants him to send the address for the license of the holder, the real estate company. The City Attorney replied that that would be a good idea. Mr. Callahan replied that he thinks the letter came in under Fieldstone Land Development, and they created an LLC, so he will send that information.

Vice Chair Greenwald stated that he is very happy to see a new business coming. He asked if there were any further questions. Hearing none, he asked for a motion.

Councilor Workman made the following motion, which was seconded by Councilor Jones.

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends the prior existing license with Roxbury Realty Partnership be terminated and to issue a new, revocable license in a form acceptable to the City Attorney and containing the standard City license terms and conditions to FLC Elm St. Realty Trust, Inc., for the use of City property located adjacent to 43-45 Roxbury St. to provide pedestrian access to the property.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: October 21, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Solicitation and Acceptance of Donations - Holiday Family Sponsorship Program - Human Services**

Recommendation:

On 3-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to solicit and accept donations associated with the City's 2021 Holiday Sponsorship Program.

Attachments:

None

Background:

Human Services Manager Natalie Darcy addressed the Committee and stated annually the Human Services Department contacts sponsors who will provide gifts and holiday items for families and older adults. The sponsored families and older adults are clients who have received assistance from Human Services within the past year. She stated families who have children with special needs and persons who have been struggling to make ends meet, are considered for sponsorship. This is so they can pay their household bills while still being able to provide a holiday for their children.

Ms. Darcy stated they usually begin this program in early September/October timeframe and it runs through the end of the year. Because of concerns with Covid 19, a revised version of the program is being recommended to allow for safety of clients, staff and sponsors. Staff is planning on drop off and pick up of gift items and gift cards, curbside to allow for social distancing; everyone will be required to wear a mask during drop off and pick up.

Ms. Darcy extended her appreciation to the Council and noted the families are humbled by the generosity of the community. Last year the City was able to supply gifts for 244 individuals, despite the pandemic.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to solicit and accept donations associated with the City's 2021 Holiday Sponsorship Program.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: October 21, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Land and Water Conservation Grant - Acceptance of Award - Russell Park Renovation Project - Parks, Recreation and Facilities Director**

Recommendation:

On 3-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to accept and execute a Land and Water Conservation Fund Grant Round 31 award for \$400,000.00 for the Russell Park Renovation Project.

Attachments:

None

Background:

Parks, Recreation and Facilities Director Andy Bohannon was the next to address the Committee. Mr. Bohannon stated this item is in reference to the Land Water Conservation Fund Grant round # 31, for an award of \$400,000. He noted the City applied for this grant last year and were awarded full funding of the project. These funds will be used for the Russell Park project for the previously approved capital project in the amount of \$1,225,000. Construction for this project will start in 2022. Mr. Bohannon added this project will help revitalize the east side of the community.

The Manager complimented Mr. Bohannon for his efforts in procuring the funds.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to accept and execute a Land and Water Conservation Fund Grant Round 31 award for \$400,000.00 for the Russell Park Renovation Project.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: October 21, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of Energy Incentive Payments - Public Works Department**

Recommendation:

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept Energy Savings incentives of \$3,860 for LED lighting upgrades in the Downtown and \$10,485 for interior and exterior lighting upgrades at the Wastewater Treatment Plant and expend these funds for energy work in the downtown area and at wastewater facilities.

Attachments:

None

Background:

Public Works Director Kurt Blomquist was the next speaker and noted this item is the incentive program Eversource runs. This program provides funds to businesses and communities for implementing and accomplishing projects that reduce kilowatt and kilowatt hour demands at their facilities. He indicated over this past year, the Public Works Department accomplished several projects; the highway division accomplished some LED work in the downtown area, and the utilities division and the wastewater (water side) redid lighting work within the wastewater treatment plant area. Mr. Blomquist noted the two grants are for \$3,860 for LED work in the downtown the other grant is 10,485 for the wastewater plan. He indicated what the department is requesting is to utilize these funds for other work or seed money for other projects, since they are not program funds. He added staff is always looking to reduce energy and use the best efficiency in the work they perform.

The Manager recognized the Public Works Department for their efforts.

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

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept Energy Savings incentives of \$3,860 for LED lighting upgrades in the Downtown and \$10,485 for interior and exterior lighting upgrades at the Wastewater Treatment Plant and expend these funds for energy work in the downtown area and at wastewater facilities.

Councilor Remy commended staff for being able to obtain these grants.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: October 21, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Strategic Parking Plan - Economic Development and Special Projects**

Recommendation:

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends accepting this item as informational.

Attachments:

None

Background:

Economic Development Director Med Kopczynski and Program Manager for Parking Services Chelsea North were the next two presenters.

Mr. Kopczynski stated he was before the committee regarding the main elements of the proposed strategic plan for Parking Services. He indicated this plan is the result of a great deal of review and research conducted by Parking Services staff. He indicated the plan before the committee has evolved and changed repeatedly over the past two years. This is a constantly evolving document and noted parking services needs to evolve as the market changes.

There are six adopted City Council goals that decide the direction. He noted the yellow box on the document, stating these are the department's goals as part of the budget and in the blue diamond are the City Council goals that have both guided the services budget as well as guided this plan as it is put together.

The balance parking tries to achieve is to create as much parking opportunity as they can with available resources. Funds in the Parking Fund goes toward a lot of different items. Parking's customer base is evolving over time and includes diversity of Keene State students, shoppers near Main Street and tourists, as well as those seeking a night life, whether it be for drinks or dinner or a night at the Colonial Theater.

Mr. Kopczynski stated absent in the prior discussion is workforce parking, as well as those who call downtown home, which is a growing population. A new focus down the road will be adding spaces for residents and this becomes more important as we look at the neighborhoods that have joined Main Street where additional units could be added and where parking is a restraint. He noted the city just

adopted a new land use code which changed the focus of downtown zoning and changed the parameters of the downtown zoning, as well as creating a transition job zone adjacent to our downtown which have increased the density.

Mr. Kopczynski noted to Best Practices as outlined in the document. Some of those items are as follows:

Efficient utilization of facility - manage those spaces that are frequently occupied; the secret to this business is to move cars and provide opportunity for people to park.

A flexibility of parking plan should accommodate uncertainty and change. This is what is being discussed in the strategic plan and prioritize the most desirable spaces should be managed to favor high priority users.

Pricing - In a majority of circumstances, parking facility users should pay directly for Parking Services. In other words what that is saying is they shouldn't be subsidized by the taxpayer.

Special effort should be made to deal with peak demand.

Quality - Parking facility quality, aesthetics, convenience, and safety is as important as quantity. If a parking facility is not attractive to use, people will not use it; if it doesn't look safe to use people won't use it.

Comprehensive analysis - All significant costs and benefits should be considered in party planning.

One aspect of the report that should be paid attention to is the need to adapt and be able to adapt to changing conditions. This has to be accomplished by short term changes as longer term strategies.

Mr. Kopczynski stated as they conduct interviews, collect and refine data, we need to continue to educate the public, staff, downtown businesses, and the City Council on parking management, costs. Support of the parking program is effectively a support for Main Street and our economy.

What type of parking is being planned? The City has a diverse and changing population of users for the parking system. The system was not designed to accommodate the needs of visitors, patrons, workers and residents nor to facilitate growth. The revised land use code may make the demand for parking supplied by the city more important for growth in this district. In that code those parking demands will increase based on utilization provided by the City. The City needs to provide space on upper Main Street so there is a turnover of spaces. This is more critical late in the day when restaurants are full. These spaces are competed for by workers, residents and people seeking to use businesses. Most businesses do not open until after 10 am and some are open until midnight.

At some point, the City needs to provide overflow spaces for Main Street, as well as spaces that can accommodate events, including those that will take place at the Colonial Theater. This will likely take place at the Gilbo Lot and the Commercial Lot. Gilbo, Emerald and Main Streets are becoming more connected and there will be more reuse on Gilbo as what happened on Emerald Street.

The City also needs to take into consideration workforce parking for employees working downtown and 24/7 parking of residences. It is estimated at this time, there are over 1,000 housing units in the downtown.

To meet these parking services goals, the City would create a rental permit program, which staff has been working on. This would be an expansion of the present program and expansion depending on

space availability.

Wells Garage which was just converted into all rental, is 100% leased with some spaces now utilized 24/7 with a waiting list. There is a bulk purchase program outlined in the ordinance that has never been utilized but this is something staff will look at to see if it makes sense for employers. There might also be a recommendation to shift hours of operation from 10 am to 6 pm, but that is a conversation that will happen further down the road.

In addition, staff will explore expanded overnight parking rental programs for on street parking outside of the core and growth districts for possible overnight and permit parking opportunities. Looking at the need and visibility of a new parking garage, including a FY23 feasibility study and economic analysis with potential construction to happen in FY29.

Loading Zones and Curbside seem to be a core requirement now of businesses and it is not going to go away. It is something that will need to be integrated into services.

Charging Stations - Consistent with the adopted sustainable energy plan, parking management has begun a review of location and funding to add charging stations at parking facilities.

In the provision of parking spaces and the management of parking systems, the City is seeing revolutions with the installations of technology. Technology is changing how these businesses are run. Ideally, the City would not purchase any additional hardware for parking. What they would prefer to do is to convert the entire system over to payment applications by phone. This would save on all costs related to equipment and would free up space taken by meters, as well as improve the look of streets, while providing easier maintenance. However, Mr. Kopczynski noted this is not a change that would happen anytime in the near future.

At this time, there are 11 pay stations used to control 293 spaces compared to 514 meters on poles. Pay stations are used on Roxbury Street, Elm Street, and all city lots. There have not been any significant problems with pay stations. Since the touchscreens have been installed they have been programmed correctly. They proved to be very easy to use and very reliable, and staff is recommending an immediate trial of pay stations on Main Street in front of City Hall. Pay stations will open up space in the right-of-way for business use but they can't go everywhere.

Ticket Fees - They are intended to create parking opportunity by moving vehicles. This is why tickets are written, it is not to punish people. If fees are not raised and kept current then there could be a cost to the general taxpayer. Two thirds of the money that is taken in goes towards maintenance and repairs. In time, staff feels on-street parking fees should be raised to \$1 and fees in lots to 50 cents with time limitations. It is also recommended that the length of time on Main Street be increased to three hours. Finally, there also needs to be one system to deal with workforce parking and another for resident parking.

The ordinances that control parking services are extremely outdated, cumbersome and difficult for staff and the public to understand. To that end, economic development staff will work with the City Attorney, Police Chief and Community Development Director to update the code to simplify the text. The role of Parking Services should be confined to the area where fees are collected to manage the downtown parking system. The fee schedule should be simplified as needed to address new classes of parking requirements and pricing. Night parking in the system should be simplified, so that it is easier to administer and for the public to utilize.

Councilor Remy asked about the decision for the parking garage being turned into reserved only. Mr. Kopczynski stated it was an item that came before the Council on July 15. Mr. Kopczynski went on

to say the parking garage itself when it was originally constructed had a lease with the hotel which was part of the bonding fund. Hence, a significant portion of that building had been leased. Another significant portion of that space was leased by Dartmouth Hitchcock Keene. The other big user of that space has been city staff. The rest of the conversion came through City Council. None of those steps were done without City Council approval and knowledge.

Councilor Chadbourne asked about the downtown spaces and the proposal to increasing it to a three hour limit – she asked what they were at the present time. Mr. Kopczynski stated in the lots they are 9 hour days - six days a week. The downtown section near Keene State has a three hour window. The parking spaces that are downtown, other than by Keene State have a two hour limit. The Councilor noted we are talking about turnover in the downtown area but if we increase it to three hours we might be defeating that goal. Mr. Kopczynski stated this is the reason for having the conversation - downtown businesses have made the suggestion of expanding the time.

Councilor Chadbourne noted to the various expansions with the Fire Station and Court House which have caused loss of parking spaces, which in turn is requiring the construction of a parking garage. Even though Keene would like to encourage walkability people still need their cars, and every decision being made is pushing the City towards that idea of a parking structure. Councilor Chadbourne asked whether the parking fund has recuperated from the deficit caused by Robin Hooders putting money in meters. The Manager felt Covid is when there was a financial issue with the parking fund when no one was coming out of their homes. At that time, the City was anticipating an overall loss in the parking fund of about \$108,000. However, it did not end that way, it actually rebound very well and ended in the positive.

Mr. Kopczynski stated he was not aware of the Robin Hooders having a financial impact on the fund.

Chair Powers stated some history on the garage, this area and the Co-Op used to be a dirt lot and it was free parking and most city employees used this area as the deck behind City Hall was reserved for the public because of the Court. As times changed, city employees were parking in the Wells Street lot. When the Court vacated, city employees were moved to this location.

Councilor Ormerod thanked staff for the presentation and stated he was looking for a quicker conversion to the pay stations. He stated if the pay stations could be done via phone, it can be developed to work with those different segments of the market and asked for added explanation.

Mr. Kopczynski stated there is more that can be done with the technology and staff has only begun to look at it. He noted at the present time, of the nearly 6,500 spaces most of the core and transition area spaces are empty through parts of the day. With an electronic system, you can have overflow parking going on to private property, with an arrangement with the property owner paying through the application and the property owner getting some of funds and the city getting some of those funds.

In the parking garage, with the right applications, you can pay for your parking ahead of time, plus buy the tickets you need for instance at the Colonial. There is a lot that can be done with technology. In the first instance, with pay stations there would be the necessity to maintain a coin option, as there are still people who want to pay with coins. Mr. Kopczynski noted pay applications however, continues to grow and a second pay application to give consumers choices would be necessary.

Councilor Ormerod asked instead of accepting this item as informational why the pay stations cannot be moved forward.

The Manager stated the plan is to have some ideas to move forward during the Capital Planning conversation and start working some of these purchases into the budgets for the future. She felt

having a pay station, downtown in front of City Hall as a potential location, is a good next step. She stated she wanted to move forward with pay stations thoughtfully. Councilor Ormerod referred to his experience with pay stations and stated he is willing to be a champion of them.

Councilor Remy stated 2029 is a long way away and this problem is now and wasn't sure if there was a private business that would be interested in building a parking garage and operating it to accelerate the process. The Manager stated she would like to look at options like that and is talking with different organizations about potential location and leasing out space to provide the revenue to pay for a potential bond.

The Manager stated staff is looking at better utilizing spaces that are underutilized. The changes that are being brought forward have been to better utilize these spaces, get people off the Main Street so there is more Main Street parking available, at the same time as the city is planning for this future garage and trying to come up with a way to finance it. The City is moving the management of the system in a way that hopefully will free up the spaces that are needed.

Councilor Chadbourne recalled the divided conversation from the public about kiosks. Mr. Kopczynski stated the City has 11 of them in operation and are not having any issues with them. The problems that existed, don't exist anymore.

Councilor Lake stated as a member of the Energy and Climate committee, stated they are doing a lot of work to get an understanding of recommendations to the city for how charging stations should be installed and are also working with organizations like the Monadnock Sustainability Hub to get some state funding to get these installed. He felt it would help if the two groups collaborate so they are not doubling up on work or working against each other.

Councilor Chadbourne asked for added clarification on charging stations, she has heard some of them are free. Mr. Kopczynski stated they are not free and it is his understanding the city gets some of that money. He added the City is looking at quicker stations to limit parking.

Mr. Kopczynski asked Ms. North to comment on this item. Ms. North stated it has been an interesting journey since she started in May trying to figure out the dynamics of the downtown area and how things have shifted since she has come on board. She stated she appreciates the committee's patience with her learning process.

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

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends accepting this item as informational.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: October 21, 2021

To: Mayor and Keene City Council

From: Patricia Little, City Clerk
Thomas Mullins, City Attorney

Through:

Subject: **Proposed Amendments to the Rules of Order - City Clerk and City Attorney**

Recommendation:

Refer the attached Rules of Order to the Planning, Licenses and Development Committee for their review and recommendation.

Attachments:

1. Rules of Order

Background:

These proposed amendments to the Rules of Order reflect a review that was initially started by former Mayor Kendall Lane as he was nearing the end of his term as Mayor. Over several meetings with the City Clerk, City Attorney and City Manager, every section of the Rules was reviewed with the idea that the amendments would be proposed to the City Council in the fall of 2019. That did not occur. In the spring of 2020, when Mayor Hansel took office, the Charter Officers reviewed the various amendments that had been previously identified. It was decided to only take the more significant amendments through the Council for their consideration and to hold off on those amendments that were more housekeeping in nature.

In June of 2020, the City Council adopted the 1st set of revisions with the understanding that a 2nd set of revisions would be forthcoming. This was about the same time that the City Council and its Standing Committees were holding remote meetings and it was decided to hold off on further revisions until the Standing Committees were meeting face-to-face.

The changes being submitted for the City Council's consideration reflect the initial effort of the 2019 review with former Mayor Lane and a more recent review with Mayor Hansel and the Charter Officers. Throughout the document there was a focus on the consistency of terms, and correcting any awkward or unclear phrasing.

In addition to these housekeeping changes, the following Sections contain the more significant amendments:

Section 4. Quorum and Remote Participation.
Section 10. Decorum and Order
Section 21. Tie Vote
Section 23. Standing Committees
Section 25. Communications
Section 33. Resubmission of Items Once Considered
Section 37. Procedure to Fill Vacancy

APPENDIX A - RULES OF ORDER OF THE CITY COUNCIL^[1]

EFFECTIVE ~~JUNE 18, 2020~~ _____

COUNCIL MEETINGS

SECTION 1. REGULAR COUNCIL MEETING. Regular meetings shall be held on the first and third Thursdays of each month (holidays, and summer City Council vacation excepted). The meetings shall take place in the City Council Chambers, City Hall, unless otherwise authorized by vote of the Council. ~~Except in the event of an emergency declared by appropriate authority, the~~ City Council shall meet at least once per month.

(Amended 3-20-1986, 1-18-2018)

SECTION 2. SPECIAL MEETINGS. Special meetings may be called by the Mayor, or at his or her refusal, ~~incapacity~~ or absence from the City, by ~~five~~ ~~seven~~ (5) or more members of the Council, subject to Section 4, "Quorum," of these Rules of Order. The City Clerk shall prepare a Notice of the special session stating the time, place, and ~~object~~ ~~subject matter~~, and this Notice shall either be mailed or ~~sent~~ ~~delivered~~ by cell phone text message at least forty-eight (48) hours before the time of the meeting to the Mayor and to each member of the Council. ~~or~~ In the event of an emergency as determined by the Mayor in accordance with applicable law, ~~the~~ Notice shall be served personally upon each member of the Council, or left at their usual place of residence at least two (2) hours before the time of the meeting. It shall also be the duty of the City Clerk, immediately upon receipt of a request to do so, to make diligent efforts to notify each member of the Council by telephone or otherwise of such special session.

(Amended 2-7-1980, 8-2-1984, 1-18-2018)

SECTION 3. ADJOURNED SESSIONS. Any session of the Council may be continued or recessed from day to day, or for more than one (1) day, but no recess shall be for a longer period than until the next regular meeting thereafter.

SECTION 4. QUORUM AND REMOTE PARTICIPATION. The majority of the Councilors elected shall constitute a quorum. Roll call attendance will be taken before the start of all meetings of the City Council. In the event that a quorum is not achieved, ~~case that a less number than a quorum shall convene at a regular or special meeting,~~ the meeting shall be rescheduled by the Mayor or the ~~Temporary~~ ~~e~~Chairman. ~~Unless otherwise permitted by law, a quorum shall be present at the physical location of the meeting. One or more members, but less than a quorum, may participate in the meeting electronically or telephonically when permitted to do so by the Mayor or the City Council, and when their physical attendance is not reasonably practical, provided that all members of the public body, and the public, can hear and/or be permitted to speak to each other. Remote participation by members is discouraged. A member wishing to participate remotely must notify the City Clerk at least 24 hours prior to the~~

meeting or remote participation shall not be permitted. Any member participating remotely shall state for the minutes the reason for their non-attendance, and identify any other person(s) present in the location from which the member is participating. All votes shall be by roll call. Physical attendance shall be deemed to not be "reasonably practical" in the event of serious health issues, disability, or out of town employment responsibilities. The foregoing Rule with respect to a quorum and remote participation shall also apply to participation in Committee meetings of the City Council.

(Amended 8-2-1984, 1-18-2018)

OFFICERS

SECTION 5. PRESIDING OFFICER. The Mayor shall take the chair at the hour appointed for the City Council to meet, and shall immediately call the members to order. The roll shall then be called by the Clerk, who shall enter in the minutes of the meeting the names of the members present and absent. The name of any member entering after roll call shall be entered in the minutes.

SECTION 6. TEMPORARY CHAIRMAN. In case of the absence of the Mayor, the Clerk shall call the City Council to order and call the roll of the members. If a quorum is found to be present, the Council shall proceed to elect a Councilor, by a majority vote of those present, as eTemporary Chairman of the meeting to act until the Mayor appears. The €Temporary eChairman shall have the obligation to vote in accordance with Section 145, "Voting and Conflict of Interest," of these Rules of Order.

SECTION 7. CITY CLERK. The City Clerk shall be the Clerk of the City Council and shall perform such other duties as the Mayor and a majority of the Council may prescribe.

(Amended 2-7-1980)

SECTION 8. CITY ATTORNEY. The City Attorney shall attend all meetings of the City Council unless excused by the Council or Mayor. Any member of the Council or the Mayor may at any time call upon the City Attorney for an opinion as to law, ordinances, or parliamentary procedure, but the final decision as to any matter of parliamentary procedure shall be the responsibility of the presiding officer Mayor or Temporary Chairman, subject to the provisions of Section 123, "Right of Appeal," of these Rules of Order.

(Amended 4-20-1972)

SECTION 9. CITY MANAGER. The City Manager shall attend all meetings of the City Council unless excused by the City Council or Mayor. The City Manager shall have all of the rights and restrictions for participation in City Council meetings as defined by the City Charter, applicable state law, and the Rules of Order.

(Amended 1-18-2018)

SECTION 10. DECORUM AND ORDER. The ~~presiding officer~~ Mayor or Temporary Chairman shall preserve decorum and if a member transgresses the ~~rules~~ of the Council, ~~the presiding officer~~ the Mayor or Temporary Chairman shall, or any member may, call him or her to order, in which case he or she shall be seated, subject to the member's right to appeal under Section 123, "Right of Appeal," of these Rules of Order. Appropriate dress during regular meetings of the City Council shall consist of professional business attire. Cell phones are to be silenced while the City Council is in session. The Mayor and Council members are expected to devote their attention to the business of the City Council, and to refrain from the use of electronic devices during City Council meetings not germane to the business before the Council. Any electronic communication by and among members of the City Council during any Council or Committee meeting which is not capable of being heard or observed by members of the public or other Councilors is prohibited.

(Amended 2-20-1975, 1-18-2018)

DUTIES AND PRIVILEGES OF MEMBERS

SECTION 11. RIGHT OF FLOOR. When recognized by the Chair, a member shall rise in his or her place, respectfully address the ~~presiding officer~~ Mayor or Temporary Chairman, shall confine himself or herself to the question under debate, avoid ~~personalities~~ personal attacks, and refrain from impugning the motives of any other member's or participant's argument, stated position or vote. No member of the Council may speak for or against a petition at a public hearing thereon, but he or she may ask questions concerning the petition or answer questions if he or she has special knowledge concerning the petition.

(Amended 6-5-1975, 1-18-2018)

SECTION 12. EXCUSAL DURING MEETING. No member may leave the Council Chamber after the call for a vote without first obtaining permission from the ~~presiding officer~~ Mayor or Temporary Chairman. There shall be, at a convenient point to be selected by the Mayor or ~~presiding officer~~ Temporary Chairman ~~in the absence of the Mayor~~, a recess of approximately (5) minutes, after the Council has been in session for two (2) hours, ~~including hearings.~~

(Amended 1-18-2018)

SECTION 13. RIGHT OF APPEAL. Any member may appeal to the Council a ruling of the ~~presiding officer~~ Mayor or Temporary Chairman. If the appeal is seconded, the member making the appeal may briefly state his or her reason for the same, and the ~~presiding officer~~ Mayor or Temporary Chairman may briefly explain his or her ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The ~~presiding officer~~ Mayor or Temporary Chairman shall then put the question to the Council: "Shall the decision of the Chair be sustained?" If a majority of the members present vote in the negative, the ruling of the ~~Mayor or Temporary Chairman~~ Chair is overruled; otherwise, it is sustained. Such a vote shall be by roll call. The ~~Chair~~ Mayor or Temporary Chairman shall not have a vote.

(Amended 1-18-2018)

SECTION 14. LIMITATION OF DEBATE. No member shall be allowed to speak more than once upon any ~~one question~~ item of business before the Council until every other member choosing to speak thereon shall have spoken, and no member shall speak more than three times on any ~~one question~~ item of business, nor for a longer time than ten (10) minutes in all, without leave of the ~~Council~~ Mayor or Temporary Chairman.

(Amended 2-7-1980, 1-18-2018)

SECTION 15. VOTING AND CONFLICT OF INTEREST. Every Councilor present when ~~a question is put a vote is required~~ shall state their vote ~~thereon~~, except when the Councilor has a conflict of interest in the matter as defined by Section 25, "Conflicts of Interest," of the Charter of the City of Keene; provided, however, that ~~that~~ A conflict of interest shall also include a fiduciary duty. A fiduciary duty shall be defined as an obligation to act on behalf of a third party in a capacity of trust or confidence, any breach of which could subject the Fiduciary to potential liability. A conflict may exist when a Councilor's spouse, parent, child, or other member of the Councilor's immediate family has a conflict. A conflict shall also exist when a business or individual has a matter before the Council and a Councilor is employed by the business, or is otherwise a party in interest. If the conflict becomes known prior to a Council meeting, the Councilor shall file with the City Clerk the written particulars of the conflict of interest for inclusion on the Council agenda. If the conflict becomes known to a Councilor during a meeting, the Councilor should immediately disclose the particulars of the conflict of interest. The question of whether or not a conflict exists will then be decided by a majority vote of the Councilors present. The Councilor who may have a conflict of interest shall not vote on the question of the existence of the conflict of interest. When such a conflict is determined by the City Council to exist, the member having the conflict shall be prohibited from participating in the discussion and voting on the matter. Except at a duly noticed public hearing, or a public meeting, in which the public is allowed to speak, no Councilor having a conflict of interest may discuss the issue in which he or she has a conflict with any other Councilor in any other place or any other time. If a Councilor with a conflict of interest wishes to speak at a public hearing, or in a public meeting, the Councilor shall do so from the audience section of the meeting.

Any Councilor having reasonable grounds to believe that another Councilor has a conflict of interest may raise the issue on his or her own motion. The Mayor shall also be subject to the Rule on conflict of interest notwithstanding whether or not the Mayor is entitled to vote on a matter. The question of whether or not a conflict of interest exists is subject to debate. The question will then be decided by the Council as set forth above.

(Amended 6-5-1975, 4-15-1976, 4-20-1978, 4-17-1980, 6-18-1981, 8-2-1984, 4-18-1991, 2-17-2005, 6-5-2008, 1-18-2018, 6-18-2020)

SECTION 16. DEMAND FOR ROLL CALL. Upon the demand of any member, made before the vote has been called for, the roll shall be called for yeas and nays upon any question before the Council. It shall not be in order for members to explain their vote during the roll call.

(Amended 1-18-2018)

SECTION 17. MOTIONS. A long or complex motion shall be reduced to writing if the [Mayor or Temporary Chairman](#) so directs; or if any member of the Council requests it. When a main motion is under debate, the Mayor [or Temporary Chairman](#) may receive the following subsidiary motions, which have their proper position in the order, taking precedence over the motions that rank below it and yielding to motions that rank above it.

Lay on the table	2nd required	Simple majority	Not debatable	Not amendable
Previous question	2nd required	2/3 majority	Not debatable	Not amendable
Limit or extend debate	2nd required	2/3 majority	Not debatable	Amendable
Postpone definitely	2nd required	Simple majority	Debatable	Amendable
Refer	2nd required	Simple majority	Debatable	Amendable
Amend	2nd required	Simple majority	Debatable	Not amendable
Postpone indefinitely	2nd required	Simple majority	Debatable	Not amendable
Main motion	2nd required	Simple majority	Debatable	Amendable

In addition to subsidiary motions, the Mayor [or Temporary Chairman](#) may receive the following incidental ~~and restoratory~~ motions, which have no rank:

Recess	2nd required	Simple majority	Not debatable	Not amendable
Division of the question	2nd required	Simple majority	Not debatable	Amendable

Suspend Rules of Order	2nd required	2/3 majority	Not debatable	Not amendable
Take from the table	2nd required	Simple majority	Not debatable	Not amendable
Reconsider	2nd required	Simple majority	Debatable	Not amendable
Appeal from a decision of the Chair	2nd required	Simple majority	Debatable only between Mayor and the member making the appeal	Not amendable
Call from Committee	2nd required	Simple majority	Debatable	Not amendable
Point of Order	None	Ruling by the Chair	Not debatable	Not amendable

(Amended 6-5-2008, 11-21-2013 , 11-19-2015 , 1-18-2018, 6-18-2020)

SECTION 18. PERMISSION REQUIRED TO ADDRESS COUNCIL. Persons other than the Mayor, members of the Council, ~~or~~ the City Manager, City Clerk and City Attorney, shall not be permitted to address the Council except upon introduction by, and permission of the Mayor and only after the person's name and address has been clearly stated.

(Amended 1-18-2018)

SECTION 19. ADJOURNMENT. Adjournment shall be in order at any time, except as follows:

1. ~~When repeated without intervening business or discussion~~
2. When made as an interruption of a member while speaking
3. When the previous question has been ordered moved
4. While a vote is being taken.

A motion to fix the time to which to adjourn is debatable only as to the time to which the meeting is adjourned.

(Amended 11-21-2013 , 1-18-2018)

SECTION 20. RECONSIDERATION. After the decision of any question, any member who voted with the prevailing side may move for reconsideration ~~for of~~ that action at the next regular meeting of the Council. For the purposes of this Rule, the next regular meeting of the Council shall be the next regularly scheduled meeting of the City Council which is at least ten (10) days after the meeting of the Council at which the decision to be reconsidered occurred. The Councilor shall submit a written notice to the City Clerk and the question shall be placed on the agenda in accordance with these ~~R~~Rules. A motion to reconsider shall require a majority vote of the Councilors present.

After a motion for reconsideration has ~~once~~ been acted on, no other motion for a reconsideration ~~thereof of the question~~ shall be made. If the original vote is sustained ~~at the next regular meeting~~ as defined herein, the Council shall have no further right of reconsideration on the question.

(Amended 4-20-1972, 8-19-1993, 1-5-1995, 1-18-2018)

SECTION 21. TIE VOTE. In case of a tie vote on any proposal question, the presiding officer Mayor shall cast his or her vote to dissolve the tie vote. In the absence of the Mayor, a tie vote on any question which includes the vote of a Temporary Chairman shall be deemed to be a nay vote of the question.

(Amended 1-18-2018)

SECTION 22. SPECIAL COMMITTEES. All Special Committees of the Council such as the Council may establish, other than Standing Committees under section 23, shall be appointed and announced by the Mayor. The vote on each member appointed by the Mayor to such Committees shall be by roll call. The appointment by the Mayor shall also include an indication of any funds or staff time to be utilized by such Special Committees and, if any, such funds and staff time to be approved by the City Council. Special Committees shall continue to exist until their charge has been completed or one year from the date of establishment, whichever comes first.

(Amended 4-20-1972, 7-17-1974, 12-16-1976, 2-7-1980, 3-26-1980, 2-15-1990, 4-18-1991, 11-20-1997, 6-5-2008, 11-19-2015 , 1-18-2018)

SECTION 23. STANDING COMMITTEES. On or about January 1st. At the commencement of each municipal year, the following Standing Committees of the Council shall be appointed by the Mayor. All Standing Committees of the Council shall consist of five (5) members. No member shall serve on more than one Standing Committee of the Council at the same time. The first member named on each Committee to be Chairman; the second member named on each Committee to be Vice-Chairman. Items of business referred to Committee ~~shall may~~ be in accordance with the ~~the~~ areas of concern as set forth below, including any proposed legislation appropriate to the business of the Committee; provided, however, that any item of business

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coming before the Council may be referred to other committees as may be necessary for efficiency or to accommodate time constraints:

Finance, Organization, and Personnel Committee

Assessment, budget, cable franchise, claims, purchase and sale of real property and its disposition, elections, finances, information technology, insurance, leases and lease management, organization, personnel, purchasing, and taxes, Rules of Order.

Municipal Services, Facilities and Infrastructure Committee

Cemeteries, intermodal transportation facilities, infrastructure management and planning, fire, public health, human services, library, parks, police, recreation, public safety, trail system, traffic control, and youth services.

Planning, Licenses and Development Committee

Airport, Airport leases, Airport land use planning, broadband, college/city relations, enforcement of codes, easements, economic development, floodplain, development, housing, intergovernmental relations, land use, permits, legislative review, licensing, management of open space, conservation, planning, Rules of Order, wetlands, and zoning.

A Councilor who is not a member of the Committee may ask questions and participate in the public discussion, but may not participate in the Committee deliberations after a motion and 2nd has been made concerning an item on a Committee agenda. If the Committee votes to remove a matter from more time, it shall be placed on the agenda for the next scheduled Committee meeting and prior notice shall be provided to all interested parties. If the Committee votes to go into non-public session, or if an adjournment permitted by law is necessary, only the members of the Committee, and required City Staff, shall attend the session. Non-public sessions and adjournments by a Committee are discouraged, and shall only occur in extraordinary circumstances.

Except for a special meeting of the Committee called by the Mayor or by the Committee Chair, All Standing Committees, except Finance, Organization and Personnel, shall normally meet on the an alternating Wednesday following a regularly scheduled Council meetings. The Finance, Organization and Personnel Committee shall normally meet on the first Thursday following the regularly scheduled Council meeting. Items to be submitted for the agenda packet must be filed with the City Clerk by 1:00 PM on the Tuesday before the Committees hold their regular meetings. A majority of each Committee shall constitute a quorum. The City Manager and those department heads requested by the City Manager shall normally attend the regularly scheduled Standing Committee meetings. The City Manager may designate a department head or other suitable person to represent him or her unless he or she is requested by the Committee to attend a particular meeting, but the Committee Chairmen will make arrangements confer as necessary to avoid conflicting demands on the City Manager's time.

(Amended 8-3-1972, 2-1-1979, 3-15-1979, 10-1-1981, 5-17-1990, 6-7-1990, 11-20-1997, 11-18-1999, 6-5-2008; 11-1-2012, 2-18-2016 , 1-18-2018)

SECTION 24. ORDER OF BUSINESS. The business of all regular meetings of the Council shall be transacted in the following order, unless directed by the Mayor or presiding officer.

1. Call to order
2. Roll call of attendance
3. Pledge of allegiance
4. Acceptance of minutes of the preceding meeting
5. Public Hearings, proclamations and presentations
6. Nominations/confirmations/appointments
7. Communications
8. Reports of Committees/Boards/Staff
9. City Manager Comments
10. [Acceptance of Donations](#)
- 11~~0~~. Legislation (Ordinances/Resolutions)
- 12~~1~~. Non-Public Session
- 13~~2~~. Adjournment

(Amended 8-2-1984, 6-5-2008, 11-19-2015 , 1-18-2018)

SECTION 25. COMMUNICATIONS. Communications to be introduced to the City Council must be [addressed to the Mayor and City Council through the office of the City Clerk, be signed by the person\(s\) introducing the same, submitting the communication, and must give his or her and contain a residential address or, mailing address, if different, and email address, at which he or she can be reached to be notified of committee meetings, etc.](#) Communications containing a scanned image of the person's actual signature, [or a digital signature created in accordance with applicable law or City Ordinance,](#) may be submitted electronically. Communications not containing all of the above will not be accepted by the City Clerk, ~~and will not be placed on the agenda of the City Council.~~ Communications ~~addressed to a Councilor of a personal, defamatory, or argumentative nature,~~ shall not be ~~introduced in Council~~ [accepted by the City Clerk.](#)

(Amended 10-2-1980, 9-7-1981, 8-2-1984, 4-18-1991, 11-19-2015)

SECTION 26. REVIEW OF ITEMS OF BUSINESS. Every Ordinance, Resolution, Committee Report, and any other document to come before the [City Council](#) for consideration must be filed with the City Clerk by 4:00 PM on the Tuesday before the Thursday on which the Council holds its regular meeting.

As soon as practicable after receipt of items of business by the City Clerk, the City Clerk shall review the items of business with the Mayor and City Manager. Items of business determined

by the Mayor ~~or and~~ City Manager to be routine City business, or ~~easily resolved within the purview of the~~ by the City ~~staff~~ Manager, or of a nature that investigation by the City would be ~~desirable appropriate in order to better determine how to proceed with that item of business,~~ or of a nature that the matter ~~should~~ be dealt with confidentially ~~under applicable law,~~ shall be referred, as appropriate, to the City ~~officer, department~~ Manager, the City Council, ~~Council Committee,~~ or other ~~appropriate governmental~~ agency for disposition. In such cases, the sponsor of the item of business shall be given written notification of the referral of the matter and such other pertinent information as the Mayor ~~or and~~ City Manager shall determine to be appropriate. The Council shall be provided with a summary of these items of business ~~not placed on the Council agenda~~ and their disposition ~~of the items~~. The City Manager shall take reasonable measures to insure that these referrals are ~~followed up dealt with appropriately.~~ ~~Except as otherwise provided by these Rules,~~ items of business not resolved to the satisfaction of their sponsor, ~~shall~~ may be placed upon the Council agenda by the Mayor, any member, or the City Manager.

All items ~~appearing to be placed~~ on the Council agenda for the first time shall be referred by the Mayor ~~as appropriate to a Committee or Committees, in accordance with its or their areas of concern as set forth in Section 22, "Standing Committees", hereof for its or their consideration and report~~ by the ~~Committee for~~ the next meeting of the Council, unless more time is granted by the ~~Council Committee~~. Any item appearing on the Council agenda for the first time shall not be debated, and shall have no final action without suspension of the rules. Once more time has been granted on a matter, it shall remain on more time until placed on the ~~e~~Committee agenda for action or a motion to call it out of ~~e~~Committee passes. Notwithstanding any other provisions of these ~~r~~Rules, Resolutions of a congratulatory, aspirational or ceremonial nature and items referred directly to a ~~e~~Committee under this Section and then reported out may be debated and acted upon when they first appear on the Council agenda without suspension of the rules.

(Amended 6-5-2008, 11-1-2012, 11-21-2013 , 2-18-2016 , 1-18-2018)

SECTION 27. READINGS OF ORDINANCES AND RESOLUTIONS. Resolutions calling for the appropriation of unbudgeted funds, and all Ordinances, shall be read twice. The first and second readings to be by title only. ~~On the announcement of a second reading, the question shall be voted on by a roll call vote.~~ Such documents are to be posted on the public bulletin board in the City Hall entry way for one (1) week following each reading in Council. No item which has been the subject of a public hearing may be considered by Council on the same day as the hearing.

(Amended 6-21-1973, 2-7-1980, 1-18-2018)

SECTION 28. AMENDED ORDINANCES. If an Ordinance is amended in Committee, it shall be reported as an amended Ordinance. The Committee report shall explain the recommended amendments.

(Amended 2-15-1990, 1-18-2018)

SECTION 29. VOTES ON ORDINANCES OR RESOLUTIONS. On passage of a Resolution calling for ~~the~~any appropriation of funds, or on the passage of any Ordinance, the vote shall be taken by roll call, majority vote, and entered in full upon the record. A Resolution calling for the appropriation of funds through the issuance of a Bond or a Resolution calling for the repurposing of an issued Bond, shall require a 2/3 roll call vote of all elected members. Every member shall be required to vote unless excused for conflict of interest by vote of the Council. The vote shall be for or against a pending Ordinance or Resolution and not on the report of the committee thereon.

(Amended 2-20-1975, 1-18-2018, 6-18-2020)

SECTION 30. ANNUAL APPROPRIATION. If a Councilor wishes to make an amendment to the proposed capital improvement budget or the annual operating budget during the respective budget adoption process, the Councilor shall submit the text of the proposed amendment, including the line item(s) to be amended, to the City Clerk for inclusion on the Council agenda no later than 4:00 p.m. on the Tuesday prior to the Council meeting scheduled for the adoption of the capital improvement budget or the annual budget. After the annual appropriation has been ~~passed~~adopted, subsequent unbudgeted expenditures shall not be authorized for any purpose without special appropriation therefore by affirmative vote of a majority of City Council. ~~In such case said if subsequent the unbudgeted~~ expenditure creates a City debt the affirmative vote of two-thirds of City Council shall be required. All such votes shall be taken by roll call.

(Amended 6-5-2008, 11-19-2015 , 1-18-2018, 6-18-2020)

SECTION 31. APPROPRIATION OF UNBUDGETED FUNDS. After adoption of the annual budget, Resolutions calling for the appropriation of unbudgeted funds shall not be accepted by the City Clerk, unless accompanied by an explanation of the purpose of the appropriation and the fund(s) to which it is to be charged. ~~A Resolution calling for the repurposing of previously appropriated Bond funds shall require a 2/3 roll call vote of all members.~~

(Amended 4-20-1972, 3-15-1979, 2-7-1980, 1-18-2018, 6-18-2020)

SECTION 32. REPORT BY COMMITTEE. All matters referred to a eCommittee must be reported out of that eCommittee at the next regular meeting of the City Council except a matter which is the subject of a pending public hearing or unless otherwise ordered by a majority of the Council Committee members present. Written testimony ~~with regard to submitted after~~ a public hearing held before the City Council shall be accepted by the City Clerk up until 1:00 p.m. on the Tuesday immediately preceding the eCommittee meeting. Written testimony with regard to any other business before the eCommittee shall be accepted by the City Clerk up until 4:00 p.m. on the Tuesday immediately following the eCommittee meeting ~~in order~~ to be included ~~in on~~ the agenda of the City Council meeting. A matter which is the subject of a public hearing must be reported out of a eCommittee at the next regular meeting after the hearing unless otherwise ordered retained by a majority of the Council Committee members present. If not reported out

as [provided](#) above, or if immediate action is required, a motion by the City Council to call the matter out of [eCommittee](#) will then be in order. Passage of that motion will place the matter before the Council for consideration. When the Chair of the Committee or the designee offers a motion to carry out the intent of the Committee report, a brief explanation of the [eCommittee's](#) recommendation shall be ~~verbally shared with the Council stated~~. Moving to carry out the intent of the [eCommittee](#) report does not restrict the [maker proponent](#) of the motion from speaking against the recommendation of the Committee.

(Amended 12-16-1976, 11-15-2012; 11-21-2013 , 2-18-2016 , 1-18-2018)

SECTION 33. RESUBMISSION OF ITEMS ONCE CONSIDERED. Once a final vote has been taken by the [City](#) Council regarding the disposition of an item of business submitted to it, [or on any question properly before it](#), except for a reconsideration vote under these ~~f~~[Rules](#) or the City Charter, the identical subject matter to that ~~in the~~ item of business [or question so decided](#) shall not be taken up again by the Council ~~as an item of business~~ during that calendar year., ~~unless the circumstances pertinent to the item of business have changed substantially and a likelihood exists that a different disposition from that previously determined by the Council will result. During the course of review of items of business submitted to the City Clerk for presentation to the City Council, the Mayor shall, with the assistance of the City Manager, determine whether any of the items have previously been disposed of by the Council as set forth in this section and whether or not changed circumstances are present. In the event that the Mayor determines that an item of business has been previously disposed of by the City and circumstances are substantially unchanged, he or she shall refer the matter to the City Clerk for filing. The Council shall be so notified as in the case of other referrals under Section 26, "Review of Items of Business," of these Rules. Unless the Council shall cause additional action to be taken regarding the items of business so referred, the City Clerk shall notify the sponsor of the item of its disposition.~~

(Amended 2-20-1975, 1-18-2018)

SECTION 34. NON-PUBLIC SESSION. As provided for in RSA 91-A:3, the vote on any motion to enter non-public session shall be by roll call, and shall require the affirmative vote of the majority of members present. All persons present, except the Mayor, City Council, the City Manager, City Attorney and City Clerk, ~~unless any are excused~~, shall leave the meeting, unless specifically requested to remain. A motion to seal the minutes of a non-public session shall be by roll call vote and shall require a two-thirds majority vote in favor.

(Amended 6-5-2008, 1-18-2018)

SECTION 35. SUSPENSION OF THE RULES. Any provision of these ~~f~~[Rules](#) not governed by the Charter, Statute, or Ordinance, may be temporarily suspended at any meeting of the [City](#) Council, by a two-thirds vote of all members present. The vote on any such suspension shall be taken by roll call and entered upon the records.

(Amended 6-5-2008, 1-18-2018)

SECTION 36. TO AMEND RULES. These ~~R~~ules of Order may be amended or new ~~R~~ules adopted by a two-thirds vote of all members elected. Any such alterations or amendments shall be submitted in writing at the preceding regular meeting of the City Council and shall be referred to the ~~Planning Licenses and Development Committee~~ Finance, Organization and Personnel Committee. ~~This requirement shall be waived only by unanimous consent, with a recorded vote of all members elected.~~ Changes to the Rules shall become effective upon ~~passage~~ adoption.

(Amended 11-20-1997, 1-18-2018)

SECTION 37. PROCEDURE TO FILL VACANCY. In the event that a vacancy occurs in the City Council or Office of the Mayor from any cause, the following procedure shall be followed to fill the vacancy.

- A. When a vacancy occurs, the Mayor or ~~T~~emporary ~~C~~hairman (in the case of a vacancy in the office of the Mayor), in accordance with Sections 8, "Vacancies," and 19, "Mayor," of the City Charter, shall declare the office vacant at the City Council meeting immediately following the discovery of the vacancy. The following procedure will be followed to fill the declared vacancy; provided, however, that if the vacancy is declared to exist within One Hundred and Twenty (120) days of the next regularly scheduled City election for the City Council, the vacancy will be filled through that election process, and in accordance with the requirements of Section 8 of the City Charter.
- B. When a vacancy is declared to exist, the Mayor or ~~T~~emporary ~~C~~hairman (in the case of a vacancy in the office of the Mayor) shall set a filing period no earlier than eight (8) days after the declaration. The Mayor shall cause publication notice of the vacancy in a newspaper of general circulation in the City and establish a fourteen (14) day period exclusive of the date of publication within which time candidates may file notice of their intent to seek election to the vacant office. The filing period shall end at the close of business of the City Clerk's office on the fourteenth day.
- C. The City Council shall choose a qualified person at the next regular meeting of the City Council after the close of the filing period, at which time an election shall be held.

The following procedure shall be followed on the date of the election:

1. The Mayor, or ~~T~~emporary ~~C~~hairman in the case of a vacancy in the office of the Mayor (see Section 6, "Temporary Chairman," of the Rules of Order), shall declare the field of candidates for the vacancy.
2. Each candidate will be given five (5) minutes to address the City Council relative to his or her candidacy. No questions will be asked of the candidates by the City Council and immediately upon completion of the last candidate's presentation, the City Council will proceed with the process of filling the vacancy.

3. In the event that there are more than two candidates, there shall be a primary vote of the City Council to narrow the field of candidates to two (2). The two candidates receiving the highest number of votes following an initial vote will be declared the finalists for election.
4. The final vote will be conducted and the candidate receiving the votes of a majority of the elected City Council, will be declared the winner.
5. Voting shall be by roll call vote, each City Councilor stating the name of his or her choice. In the event that a City Councilor does not wish to vote for any candidate, he or she shall vote "No". In the event that no candidate for the vacancy receives a majority vote of the elected City Council then the Mayor or Temporary Chairman may call for a second round of voting. In the event that no candidate receives a majority vote after the second round of voting, the Mayor or Temporary Chairman shall establish an additional fourteen (14) day period within which candidates may file notice of their intent to seek election to the vacant office, and an election shall be held as provided above, including publication notice.
6. Following the successful result of an election, the prevailing candidate shall take the oath of office and be immediately seated.

(Amended 4-17-1997, 11-1-2012, 1-18-2018)

SECTION 38. RULES OF ORDER. "Robert's Rules of Order," as amended, shall govern points of order not covered herein.

(Amended 2-20-1975, 1-18-2018)

SECTION 39. COUNCIL POLICIES. Policies to be introduced to the City Council governing the operations of the City Council shall be in the form of a Resolution and, upon its adoption, ~~they~~ shall be indexed and appended to the Rules of Order for ease of reference. A Council policy shall remain effective until ~~superceded~~superseded by a vote of the City Council. When an issue comes before the City Council, which it believes has merit, but which is inconsistent with an adopted policy, the City Council shall first consider an amendment to the policy before considering the issue at hand. The City Council may, from time to time on its own initiative, or when so requested by City Staff, review adopted policies and determine whether to keep the policy, to revise the policy, or to rescind the policy.

(Amend. of 2-2-2006, 1-18-2018)

Footnotes:

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Editor's note— Printed herein are the rules of order as adopted by the City Council as amended. The amendments are indicated in the history note following the section.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: October 21, 2021
To: Mayor and Keene City Council
From: Merri Howe, Finance Director/Treasurer
Through: Elizabeth Dragon, City Manager
Subject: **Acceptance of Donations**

Recommendation:

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

Attachments:

None

Background:

The City of Keene receives donations from many sources throughout the year that are brought forward to the City Council for acceptance with gratitude. Below is a listing of recent donations received by the City of Keene.

Keene Parks, Recreation and Facilities Department for Monadnock View Cemetery.

Bradley and Angie Moore \$50

Bradley and Angie Moore recently sent a thank you note with a donation of \$50 toward the upkeep of Monadnock View Cemetery. Since the couple lives in California and was unable to attend a family funeral, they sent a donation as a small token of appreciation regarding the level of customer service provided to the family.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: October 21, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Councilor Filiault - Charter Amendment Related to Municipal Primary**

Recommendation:

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends placing the Charter Amendment Related to Municipal Primary on more time to allow staff to return with additional information regarding the proposal to eliminate the municipal primary.

Attachments:

None

Background:

Councilor Randy Filiault addressed the Committee next. Councilor Filiault stated he wanted to bring this item forward two years ago because voter attendance at the primaries had become so anemic. Recently, volunteers who work at these polls have asked if the City could do away with the primaries with such low voter participation. He noted he waited two years and the numbers are actually lower this year.

The Councilor stated he has been in contact with the City Clerk and other officials about this issue and felt it was time for a formal discussion. He however, noted such a change would need to be done through a charter amendment and the voters are the ones who have to decide. With that the Councilor turned the presentation over to the Clerk.

City Clerk Patty Little addressed the Committee and recognized City Attorney Tom Mullins. Attorney Mullins stated Councilor Filiault has approached city staff in reference to this issue and agreed elimination of the primary would require an amendment to the city charter. He noted that often time, the City does not have multiple candidates. However, if the city decided not to conduct a primary, there are choices that would need to be made going forward. The first choice would be if there is no other mechanism in place, at the general election there is more than two candidates, there would be the need to elect an individual that has less than the majority of the vote. The other possibility is doing a runoff election for the top two vote getters. The problem with that option is timing, as the city would need to have enough time after the election to allow the runoff to occur, and then certify those votes in order to go forward with the January 1 swearing in date. The other issue with that option is if there is a recount requirement.

Attorney Mullins noted if the Council wanted to move forward with this item it cannot happen for this election cycle and would need to happen in two years in connection with a city election.

Councilor Remy asked if there could be an option that a primary would be conducted only if over “x” number of candidates would be eliminated from the ballot in total; have a fixed number. For example if the City is not eliminating more than five people, the primary is not run.

He went on to explain, this year the only race where a candidate was eliminated from the primary was in the Mayor race. In 2019, the City eliminated six people.

Attorney Mullins indicated the City would need to get the Secretary of State involved in this discussion, keeping in mind any question on the ballot to amend the charter, has to be reviewed and approved by several state agencies including the Secretary of State's office and the Attorney General's office. Attorney Mullins explained one of the pitfalls associated with that is the City cannot limit the opportunity for people to make an attempt at the ballot. Councilor Remy noted at the last two primaries, there were write-in candidates that came on during the primary and one of them ended up winning the race. He asked if the primary was eliminated there would not be the opportunity for a write-in candidate to get on the ballot— Attorney Mullins agreed, there would not be that opportunity. Ms. Little noted in the general election there is the opportunity write in positions, but whether that write in candidate would receive those sufficient votes to beat out the candidate on the ballot is uncertain.

Councilor Chadbourne stated the more complicated the City makes it for the public by changing the existing rules of the Charter, the more difficult it will be on the ballot for the public. She wasn't sure if the public could be educated first before the item is placed on the ballot. She indicated she came in tonight in support of the idea but after listening to the concerns raised by the City Attorney, she is unsure whether this is a good idea or not.

Councilor Ormerod stated in the spirit of improving the workflow for the election process with respect to what Councilor Filiault has come forward with. By not conducting the primary the City would save nearly \$10,000 and end up with a runoff election, he asked whether a runoff election would be less expensive than a primary. Ms. Little stated, in terms of cost for a primary versus a general election or a runoff is essentially the same. There might be a slight reduction in staffing but other costs for facilities, coding, memory card, printing of the ballots etc. will essentially be the same. She indicated what would be different is if there wasn't a need for a primary or a run off, the City wouldn't expend the funds and those funds would drop to the bottom line.

The City Clerk addressed the committee next and stated there are only three cities in New Hampshire that continue to have primaries: Keene, Manchester, Nashua and Lebanon. She stated she had reviewed some of the Charters and went over some of the options for this issue.

In the City of Nashua a primary would be held only if three or more candidates file for Mayor. The primary is just for the Mayor's race with the candidates with the two highest votes going forward to the General Election. In Keene, if there is a primary the whole slate of offices - even election officials - go forward on the ballot.

In Somersworth, there is no primary and there is no runoff for the Office of Mayor, even if the candidate receives the plurality of the votes and not the majority of the vote.

In Concord, if no candidate for Mayor receives a majority of the votes cast, the results are determined between the two candidates receiving the highest number of votes by a special runoff election to be held on the second Saturday following the regular election.

Ms. Little went on to say as the City Attorney alluded to, there are only so many days between that General Election and January 1 and there are many mechanics to this process; they take time and there is a statutory timeline associated with many of those. She indicated staff has already started having some general discussions about this item and are pleased to continue their research and look at other City Charters. Except for a couple of cities in New Hampshire, the rest are on the November General Election timeline and are faced with the November, January 1 timeline.

In Keene, January 1 is our Inauguration Day but that date is not the same for some other cities. Some cities have the first Tuesday after the first Monday in January. If the City wanted to think about changing that date, this would give the City an extra week to shoehorn all these steps. Ms. Little stated regardless of which one the City chooses, statutory process and charter amendment takes a good seven to nine months to pull together.

It is a very time consuming process and needs to start at the beginning of 2023, to feel like the City has given it due process.

Councilor Lake addressed the Committee next and stated one of the concerns that was raised was the fact the City might be going to a General Election with three or more candidates for one single position and end up electing someone without a majority of votes. He felt one of the things the City could probably explore is making an adjustment to how we actually vote. One of the things that is currently done in our voting system is we restrict the number of candidates we can actually vote for. For instance, for the mayoral race you can only vote for one candidate. The Councilor felt one thing to explore is to remove that limiting factor. For example, if there are three candidates, allow people to say, they would approve of candidates one and two, and perhaps not approve candidate three. Similar to how at large councilors are elected at the present time; not voting for those councilors one might not like.

He felt this would empower voters to better voice their opinion on a list of candidates, it would help ensure that in these races with more than three candidates that we actually get towards a majority vote for one of the candidates. He felt this would be a simple change; same voting process just removing that restriction that you can only vote for one candidate at a time.

Councilor Chadbourne recommended placing this item on more time and felt it warrants further research.

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

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends placing the Charter Amendment Related to Municipal Primary on more time to allow staff to return with additional information regarding the proposal to eliminate the municipal primary.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: October 21, 2021
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Councilor Filiault - Rooms and Meals Tax Decrease**

Recommendation:

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends placing the rooms and meals tax decrease on more time with the understanding the issue will be discussed with the County Delegation in 2022 and add it to the agenda for discussion with State Representatives and Senators.

Attachments:

None

Background:

Councilor Filiault addressed the Committee again and stated this is not a new item for the Council. He indicated this is something that faces every community in New Hampshire and explained for years the State of New Hampshire has ignored the RSA which was written in 1967 requiring the State return .40 cents of every dollar to local municipalities for rooms and meals taxes. In this past NH budget the state amended that amount to 30%.

Based on research done by staff it has been learned for the past 10 years, since 2011, the State has short changed Keene tax payers nearly \$8.8 million dollars. This means for the last ten years the City has started its budget on an \$880,000 deficit.

Councilor Filiault indicated silence at this point is not an option. He called the committee's attention to his letter and the recommendations outlined in the letter; file suit against the State for violation of the RSA. The Councilor pointed out if the City owed any money to the State the rules would not be this relaxed.

Councilor Filiault noted people in this community cannot afford the taxes. Our population has stayed the same for a decade because people can't afford to live here. He felt focusing on rooms and sales tax is the best option at this time. He indicated this money is owed to the City. Councilor Filiault stated he has had conversations with the County Administrator, Chris Coates. He indicated the county administrator and commissioners have been working hard at this item as well. He noted Keene cannot handle this on its own and trying to get every town and city on board would be a

difficult task and hence working with our county administrator and county commissioners seems like the best option; get every county to come on board to go after Concord. With that he turned the presentation over to County Commissioner, Chris Coates.

County Commissioner, Chris Coates addressed the committee next. Mr. Coates began by indicating that he is on the Executive Committee of the New Hampshire Association of the County and Trustee of the New Hampshire Retirement System. He added that he was also a City Councilor for 10 years, and a member of the Keene Board of Education for 10 years. He stated he has witnessed the impact the state balanced budget could have on municipalities. The formula to balance the budget changes from year to year and cut revenue can increase community budgets as much as 752 million dollars with no warning. He noted cost shifting is not new for the state. Mr. Coates stated we have witnessed property taxes that have tripled in the past 20 years and felt this has nothing to do with city and school spending but has everything to do with state costs shifting. He indicated the state has been systematically breaking nearly every promise made to municipalities. He indicated this path is not sustainable to communities and the taxpayer.

Mr. Coates stated what is being proposed tonight is not going to be an easy task.

The state aid programs were developed to help enhance communities with needed services and tax relief. However, this has evolved into only increases to property taxes. He felt it is critical for everyone to understand the effect the state budget decisions have on local property taxes. It is critical for all of us to understand what the reductions in a state aid program has on any governing body or schools.

Mr. Coates outlined some of the broken promises by the State of New Hampshire: Rooms and Meals Tax – he noted the 30% increase started with Cheshire County because of Senator McCarthy who sponsored the bill.

The State would split the revenue 60/40 with municipalities but this promise was not kept and millions of dollars was taken from local communities over the past few decades and property taxes have been increased to fill this void.

Another item is the business profit tax enacted in 1969. Here again, the State promised that if municipalities collected the tax locally it will return to the local municipalities, that revenue sharing has decreased over time to little if any revenue.

Highway Block Grants - the State promised to help communities maintain and improve Class IV and V local roads, their promise lead to the legislature establishing a sustainable plan to maintain and improve local roads and highways by use of gas tax on fuel. However, only once in 23 years has the gas tax been increased to account for inflation as a result approximately 30% of all local roads and highways are in poor condition. There is no state funding plan to correct the condition of the roads. Property taxes are being increased to fill this void for communities where necessary roadwork is needed.

State Bridge Aid Tax - Due to the lack of realistic funding through gas tax and tolls there will be many red listed bridges 10 years from now as there were 10 years ago. Local communities that make their own repairs do so with 100% of their own local funding and with limited success of reimbursement from the state. There is no realistic State plan to honor the promise of providing adequate bridge aid to communities - property taxes have to be increased to fill this void or bridges are closed, weight limits are put in place on the bridges, or they are not addressed at all.

Mr. Coates stated these last two items place lives at risk.

Mr. Coates referred to another item with respect to education funding. Catastrophic Educational Aid is when a student who is at risk requires out of district placement, the state is required to pay 100% of the difference in cost, this 100% is down to about 65%. This means schools have to pick up the difference in costs.

NH Retirement System – In 1967, the State required all communities to consolidate local pensions into one retirement system for public employees. In return, the State enacted statute and promised to make funding contributions to mitigate the cost of local communities and recognize these costs are integral to the overall need of the government in New Hampshire and to enable the employees to retire after years of dedicated service. In the past few years, the State has broken that promise and have shifted millions of dollars of funding burden onto the local tax payers. The state failed to meet the 35% contribution as promised and local property taxes have been increased as a result.

Medicaid Funding for long term care - Over the decades the state has gradually but significantly shifted the cost of nursing home care to the local property taxpayer. In 1998, none of the local property taxes went to pay for Medicaid long term care. However, at the present time 50% of property taxes pay for these costs. Although the State has promised to cap the liability for Medicaid costs for counties, that cap is always in question; the Governor's budget this year had an 18% increase to that cap.

Locally, there are senators and state representatives who understand this cost shifting and have done their best to ease the burden of property tax payers. However, their voices aren't enough to accomplish real change and that is why Councilor Filiault has brought this item forward. He noted the City Manager is a strong voice for the City of Keene and across the state. Mr. Coates felt it was time to start this conversation regarding the down shifting of costs by the State to local tax payers.

He stressed the need to start working with our Representatives, and with our State Senators, so we can develop legislation that addresses these concerns when it comes to the City to Keene. New Hampshire is at a crossroad especially in the more rural areas of the State. The State Government needs to be made to recognize the shifting costs on to local projects is not sustainable.

Councilor Gladys Johnson addressed the committee next. She began by referring to her time in Concord. In 2010 when the Speaker was Bill O'Brien and the Chairman of the Finance Committee was the Chairman who recently resigned. The Councilor recalled when Mr. O'Brien was the Speaker - they threatened their committee members that they had to vote as was being recommended by the Chair. If they didn't they lost their positions. Councilor Johnson thanked Councilor Filiault and Mr. Coates for their efforts.

Mr. Coates noted the County has a great relationship with the City and the schools and are willing to come together and see how they can work together on these issues.

Councilor Chadbourne thanked Mr. Coates and Councilor Filiault for engaging Senators and State Reps. She asked about other communities and other counties and suggested flooding the State House with all these communities so we can be stronger in numbers. She asked whether Mr. Coates has had a conversation with other county administrators or county commissioners.

Mr. Coates stated he and Margaret Burns will be presenting at the New Hampshire Association of Counties before hundreds of Senators and State Reps. and this a conversation that has been going on for many years. He indicated Keene is different in a lot of ways compared to the rest of the State. Keene is progressive and in this context it means looking forward. He added there might be no new taxes but there are new fees and less money coming in because they are cutting aid and this is what

needs to be addressed. He indicated they are going to continue that battle and continue to do whatever they can to make people aware.

Councilor Chadbourne noted to the many ways in which money has been cut from municipalities and asked what the State is doing with those funds. The Manager stated they are balancing their budget with our dollars. The Manager added this has been an issue staff has been talking about for several years and the City of Keene is a member of the New Hampshire Municipal Association which annually updates communities as to what is happening with municipal aid. It graphically shows all those different categories and how it has declined.

In terms of other towns and cities getting behind an effort to push for return of full municipal aid – they are behind us she stated and have been for many years but have not been able to make a lot of progress. New Hampshire Municipal Association has a process every other year where they vote on the policies they will support. This is a standing policy where they will fight for return of full municipal aid to communities. Ms. Dragon noted Beth Fox is a member of this Board and she represents the City on this Board. Ms. Dragon stated this is the first year any significant progress was made on the meals and rooms tax, even though it is not fully funded and it is because a lot of people are talking about this now and are getting behind the effort. She added NHMA wants to keep pushing forward not just meals in rooms, but in all the ways the State has downshifted expenses to local taxpayers.

Mr. Coates encouraged people to read HB 2. He indicated those are the things the City has to fight for and be aware of and push back.

Councilor Remy asked the City Attorney whether it was legal for the State to make these changes. Attorney Mullins stated those Bodies have a lot of legislative control with respect to how they act, and we live in a system of government where we have separation of powers and institutional respect for each of those power centers. He stated he would like to have a discussion with City Council about their options as a matter of law.

Councilor Remy asked whether the Council could request a meeting with the State Reps and Senators. Attorney Mullins stated they could.

The Committee suggested placing this item on more time so the item will remain on the agenda and will send a message to staff to keep moving forward with it.

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

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends placing the rooms and meals tax decrease on more time with the understanding the issue will be discussed with the County Delegation in 2022 and add it to the agenda for discussion with State Representatives and Senators.

Councilor Filiault stressed he will keep bringing this item to the surface and bringing forward the issue that the State owes the City close to 8 million dollars over the past ten years.



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: October 21, 2021

To: Mayor and Keene City Council

From: Randall Walter
310 Marlboro Street LLC

Through: Patricia Little, City Clerk

Subject: **Relating to Amendments to the Business, Growth and Reuse District Ordinance O-2021-14**

Recommendation:

Refer to the joint Planning Board and Planning, Licenses and Development Committee for their review and recommendation.

Attachments:

1. Ordinance O-2021-14
2. Communication_Application_350 Marlboro Street, LLC

Background:

Randall Walter, as a member of 310 Marlboro Street, LLC is submitting a Zoning Ordinance amendment that would allow for "Personal Services" in the Business, Growth and Reuse Zone.



CITY OF KEENE

Ordinance O-2021-14

In the Year of Our Lord Two Thousand and ~~Twenty~~ **One**.....

Relating to Amendments to the Business, Growth & Reuse District

AN ORDINANCE

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

That the Chapter 100 of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended as follows.

1. That "Personal Service Establishment" be added as a permitted primary use to the Business Growth and Reuse District.
2. Update Table 8-1 "Permitted Principal Uses by Zoning District" and Section 5.4.5 "Permitted Uses" in Article 8 to display Personal Service Establishment as a permitted use in the Business Growth and Reuse District under the category of Commercial Uses.

George Hansel, Mayor

PASSED

17OCT2021

To the Keene City Council and staff:

310 Marlboro Street has great potential based on the location, the building and the intentions of the City to see growth and business in the updated zoning of Marlboro Street. However the BGR zone does not allow Personal Services.

From a traffic standpoint, Personal Services are consistent with other allowed uses, in fact less intense than the allowed Restaurant for up to 50 people and the activity of a Neighborhood Grocery Store. The visit duration and volume of patrons is likely to be very similar to the allowed fitness or Gym, which are present in the area. Further, there are two hair salons within eyesight of 310 Marlboro Street without any issues on this arterial street.

The interest of 310 Marlboro St., LLC is to develop a community of businesses @310 that are social responsible, environmentally sustainable and vibrant contributors to the culture of Keene. The list of business types included in Personal Service Establishments is broad. Laundromats, and dry cleaners are not anticipated at 310 Marlboro St due to water demands and other hazards. Further if desired by the City leadership, exclusion of tattoo and body piercing is acceptable.

Thank you for your commitment and effort to overseeing the development and prosperity of Marlboro Street and the greater Keene community.

With sincere respect and appreciation,


Randall Walter, Member
310 Marlboro St., LLC



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner 310 Marlboro St., LLC Date

Address 310 Marlboro St, Keene NH 03431

Telephone (603) 721.1227 Email: 310marlborostreetllc@gmail.com

Existing Section Reference in Chapter 102, Zoning Ordinance 5.4.5/Table 8.1

Does the amendment affect "Minimum Lot Size" Yes [] No [X]

Does the amendment affect "Permitted Uses" Yes [X] No []

Brief Description of Proposed Change Allow Personal Service Establishment in BGR

R Walter Digitally signed by R Walter DN: cn=R Walter, o=310 Marlboro St., LLC, ou=Manager, email=310marlborostllc@gmail.com, c=US Date: 2021.10.17 17:14:29 -04'00'

Submittal Requirements which must be complete at the time of submission to the City Clerk.

- A properly drafted Ordinance containing the amendment in a form meeting the requirements of the City Clerk.
A typed or neatly printed narrative explaining the purpose of, effect of, and justification for the proposed change(s).
\$100.00 application fee.
As provided for in RSA 675:7, if the proposed amendment would change the minimum lot sizes or the permitted uses in a zoning district that includes 100 or fewer properties, the petitioner shall submit a notarized list of property owners/agents impacted by the zoning amendment.

Date Received by City Clerk 10/18/2021 Fee Received \$

Ordinance # 0-2021-14 On City Council agenda 10/19/2021

Workshop to be held _____ Public Hearing to be held _____

The petitioner is also responsible for the publication costs for the workshop and hearing notice. The Keene Sentinel will bill for the publication cost if the petitioner has an account with them. If the petitioner does not have an account, \$90.00 will be collected to cover the cost of the public hearing notice. Additional costs will be collected by the Planning Department for the publication of the public workshop notice.

To the Keene City Council and staff:

17OCT2021

I opened The Hair Company of Keene, LLC in February of 2016 in The Center at Colony Mill. After working as an independent hair stylist for only 8 months, I decided it was my time to create a salon for independent stylist who still wanted a team based dynamic. I found a location that could accommodate 6 stylists and I put the systems in place to ensure everyone knew what to expect when renting a booth at The Hair Company. It has been a great success!

After being opened for almost 6 years and more recently enduring the changes that Covid has had on the beauty industry, it is time for a bigger salon space. It has been a challenge finding a space that is the ideal square footage, with the location requirements I'm looking for. I need a space that is 1800-2000 square feet. I do not want to lease from a company that is not local. I do not want to be in a shopping plaza because that does not work for my business model.

I learned that Randall Walter purchased 310 Marlboro Street and there was space available there. I was happy to have come across a space that was finally the right size, with a local owner who is going to revive and repurpose a building that was once a big deal in our city. Unfortunately, I learned that 310 Marlborough Street was not zoned for my business.

The Hair Company is a unique salon business model, hosting 6 well established, independent hair stylists. This location would be great for us because it is just off the beaten path for attracting walk in traffic, whom we can not accommodate. We have many guests who come into Keene via Route 101 making it a convenient location for them, as well as many others who live and work near by. We would be a great addition to 310 Marlborough Street because we are a quiet business, rarely bringing in a maximum of 12 vehicles at a time, and contributing a classy business to the building and neighborhood.

I hope the board will consider amending the zoning to allow The Hair Company of Keene to be a part of the revival of the 310 Marlborough Street building. It would be an honor to contribute in a positive way to this part of the community.

Thank you for your time,

Becky Ezequelle, Owner

The Hair Company, LLC



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: October 21, 2021
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Relating to the Land Development Code
Ordinance O-2021-12-A**

Recommendation:

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2021-12-A relating to the Land Development Code.

Attachments:

1. Ordinance O-2021-12-A

Background:

Vice Chair Greenwald stated that they have discussed and voted on the Land Development Code. He continued that there were some changes recommended by City staff, discussed, and brought through the process. He asked to hear from Rhett Lamb, Community Development Director.

Mr. Lamb stated that the PLD Committee is at the last step in the process of amending the Zoning Ordinance through the new Land Development Code process. It includes the same steps that they traditionally would have used prior to the adoption of the Land Development Code. He continued that this set of amendments came out of a test run of the Ordinance that they did over the summer before it became effective on September 1. They have had an explanation of those, both at the Joint Planning, Licenses, and Development Committee/Planning Board and at the public hearing, so he will not go into detail about what those are, but he will remind them that as the last step before the City Council votes on this, they will not be taking any public comment on this. The public comment period ended with the public hearing at the City Council.

Vice Chair Greenwald asked if there were any questions or comments from the Committee. Councilor Jones stated that this is a big book, and probably they all have amendments they want to make somewhere along the line. He knows he does, but he does not think it is time to do that now, because if they make any changes to this motion it has to go back through the Joint Committee process and he does not want to do that. Anyone who wants to make an amendment should do it as a new amendment. Vice Chair Greenwald thanked Mr. Lamb for his hard work.

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

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2021-12A relating to the Land Development Code.



CITY OF KEENE

Ordinance O-2021-12A

Twenty-One

In the Year of Our Lord Two Thousand and
Relating to City of Keene Land Development Code

AN ORDINANCE

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

That the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended as follows.

1. That the City of Keene Land Development Code, which was adopted by the City Council on May 20, 2021, and will become effective on September 1, 2021 as Chapter 100 of the City Code of Ordinances, is hereby amended as follows.

A. Remove Section 1.3.1.A.1 of Article 1 - Introductory Provisions, which states “Where a minimum lot area is specified in this LDC, no principal building or use shall be erected or established on any lot of lesser size, except for nonconformances allowed pursuant to Article 18.”

B. Relocate “Day Care Center” and its associated definition from Section 8.3.2.J “Commercial Uses” to Section 8.3.3.C “Institutional Uses” in Article 8 - Permitted Uses, and renumber sections accordingly. Update Table 8-1, Table 9-1, and the Permitted Use Tables (see section references below) in the following zoning districts to reflect this change.

- Downtown Zoning Districts (Table 4-1)
- Commerce District (Section 5.1.5)
- Commerce Limited District (Section 5.2.5)
- Neighborhood Business District (Section 5.3.5)
- Business Growth & Reuse District (Section 5.4.5)
- Office District (Section 5.5.5)
- Corporate Park District (Section 6.1.6)
- Industrial District (Section 6.2.5)
- Industrial Park District (Section 6.3.5)
- Regional Health Care District (Section 7.1.5)

C. Delete the stricken text in Section 9.2.5.A.1 in Article 9 - Parking & Driveways as follows, and update Table 9-1 to reflect this change: “One parking space per dwelling unit shall be the minimum parking required for residential uses in the ~~Downtown Core~~, Downtown Growth and Downtown Limited Districts.”

D. Amend the minimum onsite parking requirements for “Self-Storage Facility Exterior Access” and “Self-Storage Facility Interior Access” in Table 9-1 in Article 9 - Parking & Driveways to be 1 space / 3,000 sf GFA, where it is currently 1 space / 10 units.

E. Delete the stricken text and add the bolded underlined text in the following sections of Section 9.3 “Driveway Design Standards” as follows. The text that is proposed to be removed below is currently present in Section 22.5.4 of the Land Development Code. This proposed change is to eliminate redundancy.

PASSED

“9.3.1. Street Access Permit

Prior to installing a new or modifying an existing curb cut or driveway, a street access permit shall be obtained according to the standards and processes outlined in ~~Article 22.~~ **Section 22.5 of this LDC.**

9.3.2. Driveway Placement

~~A. For single and two-family dwellings, there shall be no more than 1 driveway for each lot, unless an exception has been approved by the City Engineer per Article 22.~~

~~B. No more than 2 single family dwelling can share a common driveway.~~

~~C. New driveways shall be placed so as not to conflict with existing driveways.~~

~~D. Driveways on opposite sides of the street shall be aligned or offset sufficiently, so as to avoid turning conflicts.~~

9.3.2~~3~~ Driveway Dimensions

~~A. Residential Driveways. Dimensional requirements for driveways are included in Section 22.5.4 of this LDC. In addition to these requirements,~~ **The following standards shall apply to driveways for single- and two-family dwellings.**

~~1. Driveways shall be a maximum of 20 ft wide at the property line and 30 ft wide at the curbline.~~

~~A2. Each vehicle parking space shall be a minimum dimension of 8-ft by 18-ft and shall be located to the rear of either the front setback or front building line.~~

~~B3. The driveway and associated parking space(s) shall be a minimum of 3-ft from the side property line.~~

~~B. Commercial Driveways. The following standards shall apply to driveways for non-residential lots, multi-family dwellings, and temporary driveways.~~

~~The driveway shall be a minimum of 12 ft wide and a maximum of 25 ft wide at the property line and 50 ft wide at the curbline, unless additional width or lanes are required as the result of a traffic study and/or geometric analysis prepared by a NH licensed engineer.~~

9.3.8 Removal of Trees or Stone Walls

~~When the installation of a driveway requires the cutting of trees or the disturbance of stone walls that are within the public right of way, separate permission for such cutting or disturbance shall be obtained in accordance with Chapter 82 of the City Code of Ordinances, NH RSA 472:6, or other applicable laws.~~

9.3.9 Temporary Driveways

~~Temporary driveways used for earth-disturbing activities or events or forestry activities shall be constructed with a temporary construction exit complying with the requirements of the NH Stormwater Manual Volume 3, as may be amended, and shall be restored to original condition at the conclusion of the activity or event for which they are installed.”~~

- F. Remove Section 18.4 “Nonconforming Lots,” which is displayed below as stricken text, from Article 18 - Nonconformities.

~~“18.4 Nonconforming Lots~~

~~18.4.1 Description~~

~~A nonconforming lot is an existing lot of record that at one time conformed to the lot dimension requirements (e.g. lot area, lot width) of the zoning district in which it is located but because of subsequent amendments to the Zoning Regulations is made nonconforming.”~~

~~18.4.2 Alteration~~

~~No nonconforming lot may be subdivided in such a way that increases the nonconformity.~~

~~18.4.3 Permitted Development~~

~~Development of a nonconforming lot shall meet all applicable dimensional requirements of the zoning district it is located with the exception of any lot dimensional requirement that renders it nonconforming.”~~

- G. Add the following definitions to Article 28. Defined Terms.

“Awning – An architectural projection that is partially or wholly supported by the building to which it is attached, and is comprised of a light-weight frame structure over which a covering is attached. This covering may consist of vinyl, canvas or similar material.”

“Nonconforming Lot - An existing lot of record that at one time conformed to the lot dimension requirements (e.g. lot area, lot width) of the zoning district in which it is located but because of subsequent amendments to the Zoning Regulations is made nonconforming.”

2. Delete the stricken text from and add the bolded text/table to the following section of Appendix B of the City Code of Ordinances, Chapter 100. Land Development Code (LDC) Fee Schedule.

~~“§22.4 Service Connection Permit~~

Engineering Inspection Fees.....	\$55.00 per hour
Residential, Institutional or Commercial Building Service Connection Permit.....	\$15.00
Industrial Building Service Connection Permit.....	\$30.00

Connection Type	Fee	Basis
<u>Water, < 2”</u>	<u>\$100</u>	<ul style="list-style-type: none"> <u>15 minutes of review/approval by the City Engineer</u> <u>2 one-hour visits by an engineering technician to inspect the tap and service line/curb stop prior to backfill</u>
<u>Water, > 2”</u>	<u>\$200</u>	<ul style="list-style-type: none"> <u>30 minutes of review / approval by the City Engineer</u> <u>2 one-hour visits by an engineering technician to inspect the tap and service line/curb stop or gate valve prior to backfill</u> <u>2 visits to observe disinfection testing procedure and review lab results</u>

<u>Sewer, design flow < 5000 GPD</u>	<u>\$100</u>	<ul style="list-style-type: none"> • <u>15 minutes of review/approval by the City Engineer</u> • <u>2 one-hour visits by an engineering technician to inspect the connection to the main and the service pipe prior to backfill</u>
<u>Sewer, design flow > 5000 GPD</u>	<u>\$200</u>	<ul style="list-style-type: none"> • <u>1 hour of review/approval by the City Engineer</u> • <u>2 one-hour visits by an engineering technician to inspect the connection to the main and the service pipe prior to backfill</u>
<u>Storm Drain, <6"</u>	<u>\$100</u>	<ul style="list-style-type: none"> • <u>15 minutes of review/approval by the City Engineer</u> • <u>2 one-hour visits by an engineering technician to inspect the tap and service line/curb stop prior to backfill</u>
<u>Storm Drain >6"</u>	<u>As determined by the Public Works Director</u>	<ul style="list-style-type: none"> • <u>Storm drain connections to the City's system over 6" in diameter will require hydraulic analysis and a review of the available system capacity. Fees for connection will be determined based on the specific circumstances.</u>

3. Add the bolded and underlined text below to Chapter 18. Article II. "Technical Codes." Section 18-27(a). "Permits Required."

"Any person, who intends to erect a building, structure, or sign; alter an existing building, structure, or sign; or construct or demolish any building, structure, or sign; or change the occupancy of a building or structure, shall obtain permits from the code enforcement department and if applicable, the fire department, before the work has begun. This requirement includes any type of work, which is regulated by the building and fire codes enforced by the city. The code enforcement and fire departments may approve minor repair work without the requirement of a permit provided such approval is not in violation of the codes and all permit applications for the code enforcement department and the fire department shall be distributed by the code enforcement department. Incomplete applications shall be rejected. **Building permits shall not be issued for applications made after the first legal notice of proposed changes in the building code or zoning ordinance has been posted pursuant to the provisions of RSA 675:7; and the proposed changes in the building code or the zoning ordinance would, if adopted, justify refusal of such permit.**"

George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: October 21, 2021

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Relating to Authority to Use Electronic Signatures For Official City Documents**
Ordinance O-2021-13

Recommendation:

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends adoption of Ordinance O-2021-13.

Attachments:

1. Ordinance O-2021-13 _Referral

Background:

Asst. City Manager/IT Director Rebecca Landry stated staff is recommending language be added to the city code that formally authorizes the use of electronic signatures. This would allow the City to both provide electronic signatures and accept electronic signatures. This will certainly provide the opportunity to streamline City processes that require signatures and the City does have a software application that provides the functionality to incorporate electronic signatures. In some cases, in the most basic interactions and then, in other cases the application allows for multi-party hierarchical conditional signatures. She indicated the City is in a good position to move forward.

Chair Powers clarified this process is authorized by state law. Ms. Landry stated State RSA 294-E, has been in place for a number of years – it is called the Uniform Electronic Transactions Act. Attorney Mullins stated the City has pushed the State vigorously to complete this process, but they had an issue, to the point where even state agencies finally gave up on the State and have enacted, their own processes for accepting those signatures. State law does provide for it. State agencies in question were supposed to do a report which they never did. He indicated the City is primarily relying not only on the implied right under the state law but there is federal law that deals with the question of transmitting and accepting electronic signatures. Hence, the City decided it was going to rely on federal authority that provided the City to do so and rely on the fact that the State's own agencies are doing so. The Attorney recommends the adoption of this Ordinance. He added the State has also approved Notary signatures remotely.

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

On 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends adoption of Ordinance O-2021-13.



CITY OF KEENE

Ordinance O-2021-13

Twenty-one

In the Year of Our Lord Two Thousand and
Relating to Authority to Use Electronic Signatures For Official City Documents

AN ORDINANCE

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

That the Ordinances of the City of Keene, as amended, are hereby further amended by adding a new Section 2-4 in Article I "In General" of Chapter 2 entitled "Administration" as follows:

ARTICLE 1. – IN GENERAL

Sec. 2-4. – Signatures

In any written communication or contract by or with the City, in which a signature is required or used, the City may authorize the use of an electronic signature by any party. The use of an electronic signature shall have the same force and effect as the use of a manual signature using ink applied to paper.

George S. Hansel, Mayor

In City Council October 7, 2021.
Referred to the Finance, Organization
and Personnel Committee.


City Clerk



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: October 21, 2021

To: Mayor and Keene City Council

From: Aaron Costa, Operations Manager

Through: Kurt Blomquist, Public Works Director
Merri Howe, Finance Director/Treasurer
Elizabeth Dragon, City Manager

Subject: **Relating to the Appropriation of funds from the Wastewater Treatment Plant (WWTP) Capital Reserve Fund Balance for the WWTP Laboratory Renovation Project
Resolution R-2021-40**

Recommendation:

First reading of Resolution R-2021-40 Relating to the Appropriation of funds from the Wastewater Treatment Plant Capital Reserve Fund Balance for the WWTP Laboratory Renovation Project and referring to the Finance, Organization and Personnel Committee.

Attachments:

1. Resolution R-2021-40

Background:

The Wastewater Treatment Plant (WWTP) came online in 1985 and treats approximately 3 million gallons of wastewater every day. The Laboratory Division of Public Works is located at the WWTP and is responsible for analyzing both wastewater and drinking water compliance and process control samples.

The Laboratory itself is vintage, early 1980's, with minimal changes occurring to the interior since the plant was built. The Laboratory has continued to keep up with industry standards with regards to its analytical equipment, but the cabinets, benches, shelving and portions of the HVAC are original to the plant and have reached the end of their useful life.

As part of the Capital Improvement Program (CIP) the City has a project to renovate the existing Laboratory. The design is complete and bids for construction services were received on September 27, 2021. The City received one bid for \$202,450. The City's total project budget was \$143,000 which included both engineering and construction services. To date \$37,700 has been expended on engineering services, leaving a project balance of \$105,300.

Increased engineering costs associated with building code required upgrades to the HVAC system,

as well as increased steel and labor costs account for the majority of the overages. Staff is requesting \$117,150, which includes a \$20,000 contingency, from the WWTP Capital Reserve Fund Balance be allocated to the WWTP Laboratory Renovation Project 08106.



CITY OF KEENE

R-2021-40

Twenty-one

In the Year of Our Lord Two Thousand and

Relating to the Appropriation of funds from the Wastewater Treatment Plant (WWTP)

A RESOLUTION ~~Capital Reserve Fund Balance for the WWTP Laboratory Renovation Project~~

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

That up to the sum of one hundred seventeen thousand, one hundred and fifty dollars (\$117,150) be appropriated from the WWTP Capital Reserve Fund Balance to the WWTP Laboratory Renovation Project 08106.

George S. Hansel, Mayor

PASSED



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: October 21, 2021

To: Mayor and Keene City Council

From: Aaron Costa, Operations Manager

Through: Kurt Blomquist, Public Works Director
Merri Howe, Finance Director/Treasurer
Elizabeth Dragon, City Manager

Subject: **Relating to the Appropriation of funds from the Sewer Fund Unassigned Fund Balance for the Wastewater Treatment Plant's National Pollution Discharge Elimination System (NPDES) permit project Resolution R-2021-41**

Recommendation:

First reading of Resolution R-2021-41 Relating to the Appropriation of funds from the Sewer Fund Unassigned Fund Balance for the Wastewater Treatment Plant's NPDES Permitting Assistance project and referring to the Finance, Organization and Personnel Committee.

Attachments:

1. Resolution R-2021-41

Background:

The City's Wastewater Treatment Plant is permitted by the Environmental Protection Agency (EPA) to discharge treated wastewater into the Ashuelot River. The City's current NPDES permit expired in 2012.

The City, through the CIP process, funded a project for legal and permitting assistance. The City executed a contract with Weston and Sampson Engineers in 2016 to assist with the permitting process and Drummond & Woodsum Attorneys at Law have been providing legal services.

On May 20, 2020, the City received its draft NPDES permit and responded to EPA with comments. In September 2021, the City received its final permit and determined that there is a need to appeal and negotiate various requirements.

Due to ongoing negotiations, extra funds are needed for technical support, engineering studies and legal assistance. Previous funding through the CIP process and operating budget carryover requests are no longer available.

Weston and Sampson have provided a scope of work to perform technical evaluations for aluminum and pH, as well as continued technical support and engineering services for approximately \$115K. The remaining \$25K will be used for any legal services needed to negotiate and complete the permitting process.

Staff is recommending that \$140,000 for this work come from the Sewer Fund Unassigned Fund Balance and be appropriated to the Wastewater Treatment Plant's NPDES Permitting Assistance Project (08012).



CITY OF KEENE

R-2021-41

Twenty-one

In the Year of Our Lord Two Thousand and

A RESOLUTION Relating to the Appropriation of funds from the Sewer Fund Unassigned Fund Balance
~~.....for the Wastewater Treatment Plant's National Pollution Discharge Elimination System.....~~
(NPDES) permit project.

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

That up to the sum of one hundred forty thousand dollars (\$140,000) be appropriated from the Sewer Fund Unassigned Fund Balance to Wastewater Treatment Plant's National Pollution Discharge Elimination System (NPDES) permit project 08012.

George S. Hansel, Mayor

PASSED