



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
December 15, 2022
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- November 17, 2022

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Nominations - Airport Development and Marketing Committee, Ashuelot River Park Advisory Board, Assessors Board, Bicycle/Pedestrian Path Advisory Board, Conservation Commission, Energy and Climate Committee, Historic District Commission, Human Rights Committee, Keene Housing Authority, Partner City Committee, Planning Board and Trustees of Trust Funds and Cemetery Committee
2. Confirmations - Alternates
Energy and Climate Committee
Conservation Commission

C. COMMUNICATIONS

1. Request to Use City Property - Ice and Snow Festival - February 4 - Keene Downtown Group
2. Downtown Main Street Improvements - Councilor Greenwald
3. Eversource - Tree Trimming on Scenic Roads: Peg Shop Road, Chapman Road, Whitcomb's Hill Road, Daniel's Hill Road, Hurricane Road, Langley Road, Felt Road and Sterns Road

D. REPORTS - COUNCIL COMMITTEES

1. Spectrum Service Issues Update
2. Efforts to Reduce the Risk of Lead Paint Poisoning – Councilor Williams
3. Lieutenant Joseph DiBernardo Memorial Grant - Fire Department
4. Law Enforcement Substance Abuse Reduction Initiative Grant - Police Department
5. 2021 Homeland Security Grant Program - Search and Rescue Equipment - Police Department
6. 2020 Homeland Security Grant Program - CBRNE Response Equipment - Police Department
7. Control and Use Agreement - American Legion - Parks, Recreation and Facilities Department
8. EnviroTrac Environmental Services Water Monitoring at Closed Municipal Landfill Change Order #1 - Public Works Department
9. Design Change Order #2, Marlboro Street Corridor Improvements Project - Public Works Department

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

1. Relating to Amendments to the City of Keene Land Development Code, Zoning Regulations and Application Procedures for Amendments to the Land Development Code
Ordinance O-2022-19

J. ORDINANCES FOR SECOND READING

1. Relating to Personal Leave
Ordinance O-2022-17

K. RESOLUTIONS

NON PUBLIC SESSION

ADJOURNMENT

11/17/2022

A regular meeting of the Keene City Council was held on Thursday, November 17, 2022. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Bryan J. Lake, Michael J. Remy, Gladys Johnsen, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Andrew M. Madison, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Kris E. Roberts was absent. Councilor Ormerod led the Pledge of Allegiance.

ANNOUNCEMENTS

Mayor Hansel and the Council wished a Happy Birthday to Councilors Robert Williams (November 19) and Catherine Workman (November 23).

Mayor Hansel announced the following important calendar dates:

- The MSFI and FOP meetings are canceled on November 23 and 24
- The holiday party would be immediately following the City Council meeting on December 15 at Fireworks Restaurant
- The Annual Legislative Delegation meeting is January 4 at 6:30 PM – Mayor Hansel said this as an important annual tradition with the NHMA representatives

MINUTES OF THE PRECEDING MEETING

A motion by Councilor Powers to adopt the November 3, 2022 meeting minutes as printed was duly seconded by Councilor Bosley. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Roberts was absent.

PRESENTATION – PROMOTING THE MONADNOCK REGION INITIATIVE – GREATER KEENE AND PETERBOROUGH CHAMBER

The presentation was postponed until the December 1 regular meeting.

NOMINATIONS

Mayor Hansel nominated the following individuals to serve as alternate members on City committees: Lisa Maxfield to serve as an alternate on the Energy and Climate Committee, with a term to expire December 31, 2023; Kenneth Swymer to serve as an alternate on the Energy and Climate Committee, with a term to expire December 31, 2025; and Lee Stanish to serve as an alternate on the Conservation Commission with a term to expire December 31, 2025. Mayor Hansel tabled the nominations until the next regular meeting.

Mayor Hansel mentioned that this is the time of year when he reviews the volunteer positions on advisory boards and commissions. He said it was a great opportunity for Councilors to get people they know involved with the City and government. The Mayor added if any Councilors knew of

anyone interested in volunteering in our community, they should be directed to fill out the form on the City's Boards and Commissions webpage.

COMMUNICATION – DOWNTOWN INFRASTRUCTURE PROJECT – INCLUSION OF PROTECTED BICYCLE FACILITIES – MONADNOCK ALLIANCE FOR SUSTAINABLE TRANSPORTATION

A communication was received from the Monadnock Alliance for Sustainable Transportation which strongly urged the inclusion of protected bicycle facilities in the Downtown Infrastructure Project as it represented an immense move towards achieving the vision for a more sustainable and multimodal transportation system in the region. Mayor Hansel referred the communication to the Ad Hoc Downtown Infrastructure Improvement and Reconstruction Committee.

COMMUNICATION – EFFORTS TO REDUCE THE RISK OF LEAD POISONING FROM LEAD PAINT – COUNCILOR ROBERT WILLIAMS

A communication was received from Councilor Robert Williams, requesting that the City investigate steps that could be taken that would be appropriate and effective at reducing lead poisoning risks in the community. Mayor Hansel referred the communication to the Finance, Organization, and Personnel Committee.

PLD REPORT – RULES OF ORDER AMENDMENT – QUORUM AND REMOTE PARTICIPATION – CITY ATTORNEY *AND* MORE TIME ITEM – COMMUNICATION FROM COUNCILOR GREENWALD REGARDING REMOTE ACCESS

A Planning, Licenses, and Development Committee report read, recommending that the City Attorney introduce amendments to Section 4 of the Rules of Order, Quorum and Remote Participation, as discussed by the Committee. The Committee further recommended that the communication from Councilor Greenwald relative to an amendment to the Rules of Order dealing with remote access be reported out of Committee. The Clerk noted that further on the agenda is the introduction of a Rules of Order change that would amend Section 4 as discussed by the PLD Committee. Mayor Hansel filed the report as informational.

FOP REPORT – TREES AT PATRICIA T. RUSSELL PARK – PARKS, RECREATION, AND FACILITIES DIRECTOR

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept donations of money for the purchase of trees for the Patricia T. Russell Park project. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Roberts was absent.

FOP REPORT – DONATION – TO BUILD THE KEENE SKATE PARK – PARKS, RECREATION, AND FACILITIES DIRECTOR

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept a donation of \$17,566.16 for the purpose of building a new skate park. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. Councilor Jones said credit goes to all the skate park people, stating that Pathways for Keene was only the agent and now that they closed the account and notified the state that they are no longer serving as the agent for the skate park project, all further donations would come directly to the City. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Roberts was absent.

FOP REPORT – 12 GILBO AVE – LEASE – KEENE BARBER – PARKS, RECREATION AND FACILITIES DIRECTOR

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute a lease with John Brown and John Destromp for the space located at 12 Gilbo Avenue. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Roberts was absent.

FOP REPORT – ENGINEERING SERVICES FOR SLUDGE PUMP REPLACEMENT PROJECT – CHANGE ORDER 1 – ASSISTANT PUBLIC WORKS DIRECTOR/OPERATIONS MANAGER

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute Change Order 1 with Underwood Engineers to perform additional services for an amount not to exceed \$7,500 for Contract 02-21-11. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Roberts was absent.

CITY MANAGER COMMENTS

The City Manager began by wishing everyone a Happy Thanksgiving. There are holiday meals being offered to the less fortunate in our community on Thanksgiving at: The First Baptist Church at 105 Maple Avenue is serving the full holiday meal between noon and 2:00 PM, and The Independent Order of Odd Fellows at 181 Marlboro Street is serving dinner from 4:00 PM–6:00 PM.

Next, the City Manager announced that the City again has a part-time Animal Control Officer. Brenna Lougee who is a Keene High graduate and attended the VT Technical School and earned

an associate's degree in applied science and veterinary technology in May 2018. Ms. Lougee currently works for the Brattleboro Vet Clinic. The City Manager was excited to welcome her and her wealth of knowledge and experience working with animals.

The City Manager continued by announcing that tax bills went into the mail on this day and would likely arrive the next day. The overall tax rate dropped by \$0.25 largely due to the school and county rates, along with an increase in property valuations, which really drove this \$16.9 million valuation change. She said some bills were accidentally stuffed into envelopes with return labels for Motor Vehicles. She said this was no problem as it was the same return address as the tax office.

The City Manager concluded sharing the Parks and Recreation Light Up the City Tour, which was very popular last year. Anyone wishing to participate can go to the website and enter by December 4 to be listed on the tour map.

MEMORANDUM – FINANCE DIRECTOR – ACCEPTANCE OF DONATION

A memorandum was received from the Finance Director, recommending that the City Council accept the following donation and that she be authorized to use the donation in the manner specified by the donor. The memorandum continued that on October 19, the City hosted Spohn Ranch for the first design meeting on the skatepark with the public. Thirty-seven (37) interested park users attended and brought forward their ideas to the consultant. As a result of the meeting, a donation was made from Samuel Faller for \$50 toward the construction of the skate park.

A motion by Councilor Powers to accept the donation of \$50 was duly seconded by Councilor Remy. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Roberts was absent.

MEMORANDUM – CITY ATTORNEY – RULES OF ORDER AMENDMENT – REMOTE PARTICIPATION

A memorandum was received from the City Attorney, recommending that the City Council consider the attached proposed amendments to Section 4. Quorum and Remote Participation to the City Council Rules of Order. The Clerk noted that the Council's Rules of Order require that any amendments have two readings before the Council. Tonight was considered the first reading. Mayor Hansel referred the amendments to the Rules of Order to the Planning, Licenses, and Development Committee.

BPPAC REPORT – EMPHASIS ON WALKING AND CYCLING IN THE FINAL DESIGN OF DOWNTOWN INFRASTRUCTURE PROJECT

A Bicycle and Pedestrian Path Advisory Committee report was received recommending that the downtown infrastructure project emphasize walking and cycling in the final project design. The

Committee has identified several features, such as protected bike lanes at sidewalk grade, and increased sidewalk widths. Mayor Hansel referred the report to the Ad Hoc Downtown Infrastructure Improvement and Reconstruction Committee.

ECC REPORT – INCORPORATION OF BICYCLIST INFRASTRUCTURE IN REDESIGN OF MAIN STREET

An Energy and Climate Committee report was received, recommending that bicyclist infrastructure, such as separated bicycle lanes, be incorporated into the redesign of Main Street. Mayor Hansel referred the report to the Ad Hoc Downtown Infrastructure Improvement and Reconstruction Committee.

Councilor Greenwald stated he is on the Ad Hoc Downtown Infrastructure Improvement and Reconstruction Committee. He said there was a great need for public input, with only approximately 45 responses so far to the possible designs, some of which would be very major changes to Main Street. He warned the community that this is about the future of downtown and now was the time to speak-up, not one year from now when construction begins. He hoped everyone would respond to the survey request in an upcoming mailing to all residents. Mayor Hansel was grateful for the reminder.

ORDINANCE FOR FIRST READING – RELATING TO PERSONAL LEAVE – ORDINANCE O-2022-17

A memorandum was received from the Human Resources Director/ACM, recommending that the City Council refer Ordinance O-2022-17 to the Finance, Organization, and Personnel Committee for their review and recommendation. Mayor Hansel referred Ordinance O-2022-17 to the Finance, Organization, and Personnel Committee.

ORDINANCE FOR SECOND READING – RELATING TO AMENDMENTS TO THE CITY OF KEENE LAND DEVELOPMENT CODE – ZONING ORDINANCE – PROVIDING FOR AMENDMENTS TO THE CONSERVATION RESIDENTIAL DEVELOPMENT SUBDIVISIONS IN RURAL, LOW DENSITY, AND LOW DENSITY 1 ZONING DISTRICTS – ORDINANCE O-2022-09-B

A Planning, Licenses, and Development Committee report read, recommending the adoption of Ordinance O-2022-09-B, and the revision of Section 19.3.6.C.1.b regarding workforce housing resale value, as discussed by the Committee. The City Clerk noted that this revision is considered a Scrivener's change and does not reflect a "C" version of the Ordinance. Mayor Hansel filed the report. A motion by Councilor Bosley to adopt Ordinance O-2022-09-B was duly seconded by Councilor Giacomo. Discussion ensued.

Councilor Giacomo agreed with Councilor Bosley that removing the change from five-to-two acres was key to this version of the Ordinance. He said that this is something the Planning,

Licenses, and Development Committee had largely been in favor of since the Joint Committee. He liked the new phrasing established by the Committee the previous week. There are options to improve density and verticality for the high and medium density districts, and he said now was the time for the low density and rural districts to get some incentives and hopefully increase development there. He said we do not just want development, but the right kind of development, which is why CRDs are particularly valuable. He said it was a good Ordinance with incentives in place.

Councilor Jones said he had been against this from the beginning. He thought this went against the goal in the 2010 Comprehensive Master Plan—in which 2,000 people took part—for Keene to become a walkable City. He cited locations that were already available for increased residences, like changes through the Marlboro Street Master Plan. He asked what the accessory dwelling units were for? He cited the 79-E zone and asked what that was for. He said it was not like the City was not working toward these goals. The Councilor counted 27 people who spoke on this issue at the public hearing and only two were in favor because they misunderstood this as being for homelessness, which it is not. He called this the “Nashua-izing” of Keene, and he thought everyone should take a step back and do something better to achieve City goals.

Councilor Filiault noted that although he was opposed to this Ordinance originally, now he supported it as a compromise due to the removal of the minimum lot size change from five-to-two acres. He agreed that housing is a major issue in Keene and said this was a start and a compromise. He applauded the PLD Committee and Councilor Bosley for their work on this and for listening to so many members of the public.

Councilor Johnson said there was a lot of time spent getting this prepared and the PLD Committee had an excellent Chair in Councilor Bosley. Councilor Johnson said it was important to listen to some of the voices that spoke, even though they might have misunderstood. She was in support of the Ordinance.

Councilor Ormerod applauded the City Staff and Committee members who worked through the CRD regulations. He said these regulations allow the City to have greater density, protect the environment, and incentivize solar, which is a goal in the Master Plan. There are also good long-term provisions for workforce housing. He said these represent the best practices from across NH and the nation. He continued that there were several vocal people in support of the Ordinance and perhaps more that were not in support. Still, he said 27–2 is not a scientific poll. He said that often people who need the most help are the working families, nurses, small business owners, and more who are not able to come speak before the Council. Councilor Ormerod would support the Ordinance and urged his fellow Councilors to do the same.

Councilor Madison repeated that there is a housing crisis in Keene. He cited his personal situation of trying to find a house in Keene since 2020, noting that every time he had found a single-family home in his price range, it is usually bought quickly by someone from out of state. Additionally, houses are double what they were two years ago, and the interest rate is 7%. He

said it was next to impossible for working class families in this town to find a place to live, even for someone like him, who earns above the median income and has a good State job. Councilor Madison concluded that we need more housing in Keene and that is why we need this Ordinance.

Councilor Greenwald spoke in opposition to the Ordinance. He said all Councilors are faced with a conflict when voting—whether to vote based on what they think or what the constituents tell them. He thought he had been around long enough to know this Ordinance would be adopted, and he was not upset about that. However, he wanted to speak on behalf of all the people who showed up to public hearings to speak against this. He said Councilors should listen to their constituents, which was how he would vote on this matter.

On a roll call vote of 12–2, Ordinance O-2022-09-B was declared adopted. Councilors Jones and Greenwald voted in opposition. Councilor Roberts was absent.

ORDINANCE FOR SECOND READING – RELATING TO AMENDMENTS TO THE LAND DEVELOPMENT CODE – ZONING ORDINANCE – BUSINESS, GROWTH, AND REUSE DISTRICT – RECREATIONAL/ENTERTAINMENT FACILITY – INDOOR ORDINANCE O-2022-11

A Planning, Licenses, and Development Committee report read, recommending the adoption of Ordinance O-2022-11. Mayor Hansel filed the report. A motion by Councilor Bosley to adopt Ordinance O-2022-11, was duly seconded by Councilor Giacomo.

Councilor Jones said that when creating the Land Development Code and the specific provisions for each district, this provision was missed, and so the Council should support this.

On a roll call vote of 14–0, Ordinance O-2022-09-B was declared adopted. Councilor Roberts was absent.

ORDINANCE FOR SECOND READING – RELATING TO THE USE OF CENTRAL SQUARE COMMON AND RAILROAD SQUARE ORDINANCE O-2022-14-A

A Planning, Licenses, and Development Committee report, recommending the adoption of Ordinance O-2022-14 that would incorporate the proposed amendments as discussed by the Committee. Mayor Hansel filed the report.

A motion by Councilor Bosley to adopt Ordinance O-2022-14 was duly seconded by Councilor Giacomo. On a roll call vote of 14–0, Ordinance O-2022-14 was declared adopted. Councilor Roberts was absent.

ORDINANCE FOR SECOND READING – RELATING TO NOTICE REQUIREMENTS FOR SMALL CELL WIRELESS FACILITY DEPLOYMENTS AND MORE TIME ITEM –

11/17/2022

COMMUNICATIONS RELATIVE TO PUBLIC HEALTH CONCERNS OF SMALL CELL WIRELESS FACILITIES ORDINANCE – O-2022-16-A

A Planning, Licenses, and Development Committee report read, recommending the adoption of O-2022-16-A to include the 750-foot notification radius in Section 82-208.5 and specifically that the applicant must pay the cost of the notice in Chapter 82-208.5. The Planning, Licenses, and Development Committee further recommended that communications from Councilor Filiault and Terry Clark that had been on more time relative to public health concerns of small cell wireless facilities be reported out.

Mayor Hansel filed the report. A motion by Councilor Bosley to adopt Ordinance O-2022-16-A was duly seconded by Councilor Giacomo.

Councilor Filiault thanked the PLD Committee for bringing this to the full Council. He said this was the very minimum the Council could do with the 5G controversy. He cited both sides of this issue and reiterated that this was the least the City Council could do. He would be bringing forward another communication about this matter at a future date.

Councilor Jones said there was some confusion amongst the public, many of whom thought the Committee was trying to pass an Ordinance. He said that when those members of the public did not understand was that if the Council had not passed this Ordinance when they did, the City would currently be subject to the Federal law and would have no control of the notification process or distances the public wanted.

Councilor Johnsen said she values and appreciates the letters from community members. Still, she thought that sometimes there was miscommunication in the public's thinking. She cited one letter suggesting that this was a Democrat vs. Republican issue. The Councilor wanted to be clear that this was not the case and that this is a Council who really listen to their constituents.

Mayor Hansel said he heard very passionate people about this from both sides of the political spectrum. He did not think politics had anything to do with this Ordinance.

On a roll call vote of 14–0, Ordinance O-2022-16-A was declared adopted. Councilor Roberts was absent.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 7:39 PM.

A true record, attest:



City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: December 15, 2022
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Nominations - Airport Development and Marketing Committee, Ashuelot River Park Advisory Board, Assessors Board, Bicycle/Pedestrian Path Advisory Board, Conservation Commission, Energy and Climate Committee, Historic District Commission, Human Rights Committee, Keene Housing Authority, Partner City Committee, Planning Board and Trustees of Trust Funds and Cemetery Committee**

Council Action:
In City Council December 15, 2022.
Tabled until the next regular meeting.

Recommendation:

I hereby nominate the following incumbents to serve a second term on the designated board or commission:

Airport Development and Marketing Committee

Peter Temple, slot 4, re-nomination	Term to expire Dec. 31, 2025
Luca Paris, slot 6, re-nomination	Term to expire Dec. 31, 2025
Nathan Jacobs, re-balance term	Extended term to expire Dec. 31, 2024

Ashuelot River Park Advisory Board

Ruzzel Zullo, slot 2, re-nomination	Term to expire Dec. 31, 2025
Suzanne Krautmann, slot 7, re-nomination	Term to expire Dec. 31, 2025
Thomas Haynes, slot 8, alternate, re-nomination	Term to expire Dec. 31, 2025

Assessors Board

John Newcombe, slot 1, re-nomination	Term to expire Dec. 31, 2025
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Bicycle/Pedestrian Path Advisory Board

Charles Redfern, slot 8 alternate, re-nomination Term to expire Dec. 31, 2025

Conservation Commission

Arthur Walker, slot 2, re-nomination Term to expire Dec. 31, 2025

Andrew Madison, slot 7, re-nomination Term to expire Dec. 31, 2025

Energy and Climate Committee

Claire Oursler, slot 8, re-nomination Term to expire Dec. 31, 2025

Historic District Commission

Sophia Cunha-Vasconcelos, slot 5, re-nomination Term to expire Dec. 31, 2025

Peter Poanessa, slot 12, alternate, re-nomination Term to expire Dec. 31, 2025

Human Rights Committee

Councilor Catherine Workman, slot 4, re-nomination Term to expire Dec. 31, 2025

Sofia Cunha-Vasconcelos, slot 9, re-nomination Term to expire Dec. 31, 2025

Keene Housing Authority

Christopher Coates, slot 2, re-nomination Term to expire Dec. 31, 2025

Steve Bianco, slot 1, corrected term Term to expire Dec. 31, 2026

Partner City Committee

Councilor Michael Giacomo, slot 2, re-nomination Term to expire Dec. 31, 2023

John Mitchell, slot 5, re-nomination Term to expire Dec. 31, 2025

Gregg Kleiner, slot 8, re-nomination Term to expire Dec. 31, 2025

Will Schoefmann, slot 9, re-nomination Term to expire Dec. 31, 2025

Planning Board

David Orgaz, slot 5, re-nomination Term to expire Dec. 31, 2025

Armando Rangel, slot 6, re-nomination Term to expire Dec. 31, 2025

Trustees of Trust Funds and Cemetery

Trustees

Marilyn Gemmell, slot 3, re-nomination Term to expire Dec. 31, 2025

Attachments:

None

Background:



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.2.

Meeting Date: December 15, 2022
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through:
Subject: **Confirmations - Alternates
Energy and Climate Committee
Conservation Commission**

Council Action:
In City Council December 15, 2022.
Voted unanimously to confirm the nominations.

In City Council November 17, 2022.
Tabled until the next regular meeting.

Recommendation:

Attachments:

1. Maxfield, Lisa_Redacted
2. Swymer, Kenneth_Redacted
3. Stanish, Lee_Redacted

Background:

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

Energy and Climate Committee

Lisa Maxfield, slot 12
534 Marlboro Street

Term to expire Dec. 31, 2023

Kenneth Swymer, slot 14
122 Court Street

Term to expire Dec. 31, 2025

Conservation Commission

Lee Stanish, alternate slot 12
16 Starlight Drive

Term to expire Dec. 31, 2025

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: FW: FW:Interested in serving on a City Board or Commission
Date: Tuesday, November 15, 2022 11:13:16 AM

From: messagesolution.ew2@messagesolution.com <messagesolution.ew2@messagesolution.com>
Sent: Tuesday, November 15, 2022 11:13 AM
To: Patty Little <plittle@keenenh.gov>
Subject: FW:Interested in serving on a City Board or Commission

<p>Submitted on Mon, 11/07/2022 - 15:55</p>

<p>Submitted values are:</p>

First Name:

Lisa

Last Name:

Maxfield

Address

534 Marlboro Street, Keene

How long have you resided in Keene?

Almost three years

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

West Hill Energy and Computing

Occupation:

Administrative Assistant

Retired

No

Please list any organizations, groups, or other committees you are involved in

Currently N/A; however, I attended a Keene Clean Energy Team (CET) meeting, but did not feel like it was a great fit.

Have you ever served on a public body before?

No

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

Energy and Climate Committee

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

I work for an energy auditing company (we audit entities, such as Efficiency VT and help inform other projects etc). Administrative tasks are my bailiwick.

Why are you interested in serving on this committee

Hoping to help affect real energy change in my community.

Please provide 2 personal references:

Carolyn Jones

[REDACTED]

References #2:

Kathryn Parlin

[REDACTED]

[REDACTED]

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: FW: Interested in serving on a City Board or Commission
Date: Thursday, November 3, 2022 2:25:55 PM

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Thursday, November 3, 2022 1:20 PM
To: Helen Mattson <hmattson@keenenh.gov>
Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Thu, 11/03/2022 - 13:19</p>
<p>Submitted values are:</p>

First Name:
Kenneth

Last Name:
Swymer

Address
122 Court Street

How long have you resided in Keene?
Just recently moved back in August of 2022, but I've lived in Keene a total of 16 years.

Email:

Cell Phone:

Employer:
Oregon Mutual

Occupation:
Underwriting Consultant

Retired
No

Have you ever served on a public body before?
No

Please select the Boards or Commissions you would be interested in serving on:
Energy and Climate Committee

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

apply.

I've been very interested and passionate about alternative clean energy options/solutions and helping to drive awareness within the community. I've done this mostly through word of mouth and participation with local groups, most recently with the North Texas Tesla Owners Group, which held local events to increase awareness and adoption of electric vehicles and helped with delivery of new electric vehicles to show new owners the features and capabilities of the cars.

Why are you interested in serving on this committee

Climate change and increased adoption of renewable sources of energy is, in my opinion, the greatest challenge that we face today. Local governments are best situated to help drive awareness and showcase these solutions within their local communities. Those solutions that we work together to implement will have lasting impacts not only in our economy, but in our environment as well. I want to continue to be a part of the education and driving awareness within my local community and help others see the benefits of renewable energy alternatives and the positive impacts they can have.

Please provide 2 personal references:

Zach Luse

zach@paragondigital.com

References #2:

Hans Porschitz



From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: Fw: Interested in serving on a City Board or Commission
Date: Wednesday, October 26, 2022 5:33:45 AM

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us> on behalf of City of Keene
<helpdesk@ci.keene.nh.us>

Sent: Tuesday, October 25, 2022 7:41 PM

To: Helen Mattson

Cc: Patty Little; Terri Hood

Subject: Interested in serving on a City Board or Commission

<p>Submitted on Tue, 10/25/2022 - 19:41</p>

<p>Submitted values are:</p>

First Name:

Lee

Last Name:

Stanish

Address

16 Starlight Drive

How long have you resided in Keene?

4 months

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

US geological survey

Occupation:

Product owner

Retired

No

Please list any organizations, groups, or other committees you are involved in

None currently

Have you ever served on a public body before?

No

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

Agricultural Commission, Bicycle/Pedestrian Path Advisory Committee, Energy and Climate Committee

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

I am interested in using science to understand the world around us and to help address real world problems. I hold a PhD in environmental studies and have conducted extensive research on how climate change affects biota living in streams. I have also carried out research in human-made environments such as drinking water distribution systems and bioreactors. I am interested in renewable energy in all sorts of forms, including algae for biofuels and microbiota for methane generation. Prior to moving to Keene, I was a volunteer for a county citizen science program that monitored soil health and really enjoyed helping local farmers learn more about their soil and becoming more aware of their needs. I am also an avid cyclist and would love to see more people riding bikes as part of their daily lives.

Why are you interested in serving on this committee

My top choice is the energy and climate committee because I believe I have relevant technical and life experiences to contribute to this committee. For the bicycle/pedestrian path advisory committee, I have a strong personal interest and belief in alternative modes of transportation and in making cities safe places to recreate.

Please provide 2 personal references:

Aneliya Sakaeva

[Redacted]
[Redacted]

References #2:

Emily Graham-Swenson

[Redacted]
[Redacted]



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: December 15, 2022
To: Mayor and Keene City Council
From: Mark Rebillard
Through: Patricia Little, City Clerk
Subject: Request to Use City Property - Ice and Snow Festival - February 4 - Keene Downtown Group

Council Action:

In City Council December 15, 2022.

Voted unanimously to suspend section 26 of the Rules of Order to introduce and act upon the request from the Keene Downtown Group. Voted unanimously that the Keene Downtown Group be granted a street fair license to use downtown City rights-of-way for purposes of conducting merchant sidewalk sales, as well as use of downtown City property on Central Square, Railroad Square, and designated parking spaces on Central Square and Main Street to conduct the Ice and Snow Festival on Saturday, February 4, 2023 from 10:00 AM to 4:00 PM. In addition, the applicant is permitted to close off a portion of Railroad Street from Main Street to the exit of the Wells Street Parking Garage. This permission is granted subject to the customary licensing requirements of the City Council, submittal of signed letters of permission from the owner for any use of private property, and compliance with any recommendations of City staff. In addition, the petitioner is granted use of the requested parking spaces free of charge under the provisions of the Free Parking Policy. The Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated in the FY 23 Community Events Budget.

Recommendation:

Attachments:

1. Ice and Snow Fest License Communication

Background:

Mark Rebillard, on behalf of the Keene Downtown Group is request use of City property for the February 4, 2023 ice and snow festival.

January 13, 2022
Mayor George Hansel
Keene City Council
3 Washington Street
Keene, NH 03431

Dear Mayor Hansel and City Council,

On behalf of the Keene Downtown Group I ask the City of Keene to grant a license for the 20th annual Keene Ice & Snow Festival to be held on Saturday, February 4th, 2023.

The Keene Downtown Group is a 501c6 all volunteer organization that has hosted the Keene Ice & Snow Festival as well as other community events such as the Keene Art Walk and The Keene Music Festival.

The Keene Ice & Snow Festival provides a free day of family fun in mid-winter. Scheduled activities include; a children's train ride, a snow slide, free hot chocolate at 12 participating downtown merchants, a scavenger hunt, campfire smores, character actors, face painting, a sugar on snow station and art from 12 ice carvers whose sculptures are illuminated to shine like christmas tree bulbs into the evening.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Rebillard', with a stylized flourish at the end.

Mark Rebillard, Keene Downtown Group Chair
PO Box 80
Keene, NH 03431
603-439-0321



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: December 15, 2022
To: Mayor and Keene City Council
From: Councilor Mitchell H. Greenwald
Through: Patricia Little, City Clerk
Subject: **Downtown Main Street Improvements - Councilor Greenwald**

Council Action:
In City Council December 15, 2022.
Accepted as informational.

Recommendation:

Attachments:

1. Communication_Greenwald

Background:

Councilor Greenwald is requesting opportunities for further public input be provided on the downtown Main Street infrastructure improvement project.



Mitchell Greenwald
Chairman, Finance Organization and Personnel Committee
Ward 2, City Councilor

November 29, 2022

To: Mayor and Council
Main Street Infrastructure Improvements Committee

I will be unable to attend the next meeting of the Main Street Committee, but I want to communicate my thoughts for consideration by the committee, and the City Council, to whom their report will be referred.

I have been very clear that there are aspects of the project, as proposed, that I am very concerned about.

- The public is not engaged in the process. This is not due to lack of trying by the consultant or Department of Public Works, but is a reality. I am very concerned that the public, downtown business owners and property owners are unaware of the magnitude and implications of this project. Most of the comments to date have come only from bicycle advocates.
- When the public and business owners become aware of the removal of parking from the middle of Main Street, eliminating many parking spaces, and the potential of parallel parking there will be an uprising of concern.
- When they become aware of the end of Central Square as it has been for 100+ years, they will be incensed.
- There have been no studies and reports from the Historic District Commission, Heritage Committee, Planning Board, or the City Parking Department. There have been no confirming reports concerning the impact to traffic, parking and business activities from independent sources.

This was originally proposed as an infrastructure improvement project. It drifted into a creative exercise several years ago, and stalled largely due to public opposition. When it was proposed this round, it was made clear that the primary purpose was infrastructure improvement, with minor tweaking to allow more sidewalk activity. In no way was it to facilitate bicycle activity at the expense of vehicular travel and parking!

I am very concerned that the sub-committee is focused on bicycle travel, and may not present all options to the public and Council. The Council must have the option that replaces the infrastructure required, and works with what is in place.

I was on the committee involved in the rebuilding of Main Street in the 70's and 80's. This project is a far more aggressive rebuild. It was a very difficult time for the downtown business owners, and will be the same this time.

I have spoken with many Main Street business owners, and members of the public, I am met with a tremendous amount of ignorance of what is proposed. Perhaps this is due to the current economy, Covid or just being concerned with personal financial survival. The overwhelming comment is "WHY do they want to do this?"

This project has the potential of doing significant harm to the businesses, property owners and the heritage of Keene. I am requesting that a Public Workshop and Public Hearing be conducted before additional money is wasted on consultants who may need to redesign the project after the public and Council becomes aware. Do not assume that there is approval of what has been proposed.

Mitchell Greenwald



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: December 15, 2022

To: Mayor and Keene City Council

From: Dane D’Arcangelo Arborist - Eversource Energy

Through: Patricia Little, City Clerk

Subject: **Eversource - Tree Trimming on Scenic Roads: Peg Shop Road, Chapman Road, Whitcomb's Hill Road, Daniel's Hill Road, Hurricane Road, Langley Road, Felt Road and Sterns Road**

Council Action:

In City Council December 15, 2022.

Referred to the Municipal Services, Facilities and Infrastructure Committee and the Conservation Commission. Joint public hearing before the City Council and Conservation Commission scheduled for February 2, 2023 at 7:00 PM.

Recommendation:

Attachments:

1. Communication_Eversource

Background:

Eversource Energy is seeking permission from the City Council for its tree trimming on the designated scenic roads in the City. There is a statutory process that must be followed whenever there is the cutting, or removal of trees on a scenic road. A joint public hearing with the Conservation Commission is one of the requirements of this statutory process.

December 12, 2022

City of Keene
3 Washington St
Keene, NH 03431

Dear City Council and Conservation Commission:

This letter is to inform the City of Keene that Eversource is planning to trim trees around its power lines within the city. This work is necessary to ensure the safe distribution of power and to improve reliability of electric service for our customers.

According to Eversource records Peg Shop Road, Chapman Road, Whitcombs Hill Road, Daniels Hill Road, Hurricane Road, Langley Road, Felt Road and Sterns Road have been designated as scenic roads by the city.

Eversource tree trimming specifications call for removal of brush and limbs less than four inches in diameter which are located within eight feet to the side of, ten feet below or fifteen feet above conductors. Eversource requires permission from the city and property owner to trim trees within the public right of way of a scenic road.

Eversource has contracted with Asplundh Tree Expert Company to perform the actual trimming of trees. Eversource requires that our trimming contractors contact each landowner where trees are to be trimmed prior to commencement of work on that property. Individual concerns will be addressed at this time. All work will be performed in accordance with accepted arboricultural standards. All brush and limbs cut on roadside locations will be chipped.

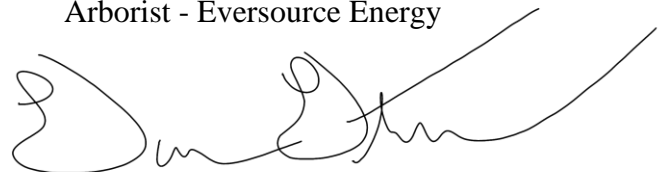
Please consider this letter to be a request from Eversource for a public hearing for the trimming of trees on these scenic roads within the proposed work area pursuant to RSA 231:158. Please inform this office of the time and place of said meeting so that we may have a representative present.

If you have any questions or comments, please feel free to contact me by e-mail at Dane.Darcangelo@eversource.com or telephone at 603-303-6199.

Thank you for your concern and assistance.

Respectfully,

Dane D'Arcangelo
Arborist - Eversource Energy





CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: December 15, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Spectrum Service Issues Update**

Council Action:
In City Council December 15, 2022.
Report filed as informational.

Recommendation:
On a vote of 4-0, the Finance, Organization and Personnel Committee recommends accepting this update on Spectrum Service issues as informational.

Attachments:
None

Background:
Councilor Filiault addressed the Committee first and stated there have been some progress with Spectrum and he is in contact with them and extended his appreciation for how Spectrum is handling this issue.

Mr. Michael Liccione, Area Vice-President for Charter Communications Field Operations and Engineering for Southern New England, addressed the Committee. Mr. Liccione stated as complaints come they are being addressed. He indicated there have been issues related to Charter that have have addressed. They are continuing to work with their customers and providing the necessary support on issues such as inside wiring in homes, weather related issues, animal chew incidents.

Mr. Liccione stated they now have a better presence of their engineering and field operations staff in place. They are also doing proactive outreach to customers (five to seven jobs a day) and noting problems customers were not aware they had. As a result, they have been providing early feedback and this represents a model that Charter plans to continue with.

Councilor Powers asked over the course of the next few months whether the City could have an update on some of the big equipment items. Mr. Liccione stated he will be happy to come back in January and report on what their upgrades look like.

City Manager Elizabeth Dragon addressed the Committee on behalf of Assistant City Manager Rebecca Landry who had previously indicated that Spectrum has been working with her to get to the bottom of broadcast issues and this issue needs a little more time.

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

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends accepting this update on Spectrum Service issues as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: December 15, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Efforts to Reduce the Risk of Lead Paint Poisoning – Councilor Williams

Council Action:

In City Council December 15, 2022.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 4-0, the Finance, Organization and Personnel Committee recommends referring the communication regarding efforts to reduce the risk of paint poisoning from lead paint to the City Manager for further discussions with Sullivan County and Cheshire County.

Attachments:

None

Background:

Councilor Williams addressed the Committee and stated he would like to start a conversation to look at the way it can reduce the risk of lead exposure to children. Lead is an environmental toxin that can have long-term neurological effects on people who are exposed to it. According to the Centers for Disease Control - exposure to lead can seriously harm a child's health, including damage to the brain and nervous system, slowed growth and development, learning and behavior problems, as well as hearing and speech problems.

In looking at data provided by the New Hampshire Division of Public Health Services, for recent years in Keene, every year, there have been from 10 to 14 cases of children under six years old diagnosed with elevated blood lead levels; that is, cases detected where there are more than five micrograms of lead per deciliter of blood. This is about half a classroom of kids every year.

He indicated this is the number of cases detected. There are certainly undetected cases out there, as well as cases where children are affected by lead levels lower than that five microgram threshold. There is no safe level of lead in children's blood.

Within Keene, the highest level of lead exposure can be found on the East Side, which has some of our oldest neighborhoods and also a higher portion of children living in rented housing. Older housing is a risk for lead exposure primarily due to the presence of dust from lead-based paint in older homes. Lead paint was outlawed in 1978, so any home built before that may have a lead hazard present.

The Councilor stated his house on the East Side is a relatively new one for the neighborhood. It was built in 1925. For the safety of his family and of those who visit his house, he wanted to know what their lead exposure risk was, so he purchased a lead testing kit over the internet – the cost was \$20 for 60 lead testing swabs, which was way more than he needed to find out that lead was indeed present in several locations.

This is a simple test – you run a wet swab over exposed paint, and if lead is present the swab changes color. While he found that most of the walls in his house have been covered in wallpaper in the past, hence, was free of lead paint, there was still some lead paint on one of the doorframes in the basement. Also in several cases, it was lurking beneath the wooden trim around doorways and windows, including in bedrooms.

While lead paint can be considered contained if it is encapsulated beneath newer paint, the problem is paint, especially trim paint tends to chip over time as it gets dinged and scuffed through the ordinary process of wear and tear. This is especially a problem with older windows and doors, where a door repeatedly opening and shutting, or a window sliding up and down in its casing tends to wear away that protective layer of paint, exposing the lead paint underneath, which in turn is ground into dust that can be further spread through the house. Hence, it is very important to keep up to date on maintaining the paint on the trim.

Councilor Williams went on to say in the 44 years since lead paint was outlawed, efforts to remediate this hazard have not been particularly pro-active. In real estate, there can be something of a “don’t ask don’t tell” policy surrounding lead paint, where homeowners and landlords stay deliberately ignorant of the lead paint risk in their house, because to recognize that there is a problem would be to accept liability for it. So, the liability gets pushed to the children who grow up in those homes.

If lead poisoning is detected in the blood of a child living in a home, that can trigger building inspections and remediation in a living space, but it’s a bit like closing the barn door after the horse has escaped. If a child has been detected with lead poisoning, that can create challenges that affect them for the rest of their lives, and can create additional costs in our education system, which is a cost passed on to everyone in the form of higher property taxes.

In some cases, lead paint remediation can be managed at relatively low cost, through a homeowner keeping up with painting the trim and being conscientious about any renovations that might disturb lead paint. But in other cases, it can be quite expensive costing tens of thousands of dollars that a building owner doesn’t necessarily have on hand to pay for.

There are federal and state programs that can help with the costs either through providing grants directly, or through zero interest loans that don’t have to be paid off until the building is sold. The Councilor felt one of the things the City can do is provide public information to building owners in Keene about how to access these grants and provide assistance in applying for them. We can distribute this information through the mail, as an insert that comes with people’s property tax bills.

Another thing, he felt the City can do is make lead testing kits available for free to any resident of the City who needs one. Knowing is half the battle, and helping people know if they have a lead paint problem is the first step in getting it addressed. For a cost in the low thousands of dollars, potentially funded by grant money, the City can provide testing supplies that will help families take the first step in protecting children from lead hazards. The Councilor stated he didn’t know how you would put a realistic value on a child not growing up with lead poisoning, but regardless of how you calculate it, the return on investment would be immense.

In closing, he encouraged the City to pursue grant funding directly through the Department of Housing and Urban Development. In 2021, Sullivan County received a \$1.7 million federal grant that is being used to fund lead abatement projects for 60 housing units. While there are communities in Sullivan County that have significantly greater lead hazard problems compared to Keene, there is routinely more federal money available for lead abatement than gets used, so this may be a pool of money that is relatively easy to tap into and bring into our community.

The City Manager stated she had spoken to the Sullivan County Manager. The program in Sullivan County was a result of an initiative started by the City of Claremont to access HUD funding. The 1.7 million went through Sullivan County and then became competitive. She added they were also required to put in quite a bit of administrative support for this program and the funds they received for remediation are capped; per unit \$15,000 for lead abatement, which they found was nearly not enough to complete the project. Hence, Sullivan County sought out other funding sources to supplement the grant.

The Manager stated she approached Chris Coates, the Cheshire County Administrator to see if he would be interested in teaming up with Sullivan County to put forward a HUD application. Both counties are interested in doing this. The Manager stated she is requesting the Council to refer this matter to her so the conversations can be continued and an application can be put forward. In the meantime, the Manager stated she can work with the Marketing and Communications Director to get information out to the community about lead poisoning and also look for smaller grants for testing.

Councilor Madison thanked Councilor Williams for bringing this item forward. He felt bringing information to the public would be a quick thing the City can do to help mitigate this situation. He cautioned staff that any funds that are available are not being used by those who are using their properties as short term rentals. The Manager stated one of the criteria for the HUD grant is income limitation (renter or property owner). She added for most of this work one would be required to obtain a zero interest loan and perhaps place a lien on the property. There are HUD guidelines that would need to be followed.

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

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends referring the communication regarding efforts to reduce the risk of paint poisoning from lead paint to the City Manager for further discussions with Sullivan County and Cheshire County.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: December 15, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Lieutenant Joseph DiBernardo Memorial Grant - Fire Department

Council Action:

In City Council December 15, 2022.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 4-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the Lieutenant Joseph DiBernardo Memorial Foundation Grant for the purpose of outfitting department members with emergency rope escape systems.

Attachments:

None

Background:

Fire Lieutenant Jeremy LaPlante stated the Fire Department applied and was successful in receiving through the Lieutenant Joseph DiBernardo Memorial Foundation this grant. He explained Lieutenant DiBernardo was a member of FDNY Rescue Company 3. In January 2005, Company 3 responded to a fire at an apartment building which fire is now referred to as Black Sunday. While looking for individuals, conditions rapidly deteriorated, and firefighters needed to exit the building fast. However, illegal partitions and blocked fire escapes made it necessary for firefighters to exit through windows. Three firefighters were forced to jump, which ultimately resulted in their death due to impact. Two other firefighters remained, one of whom had a personal rope which he used to try to lower themselves, however, Lieutenant DiBernardo also died due to injuries from his fall.

The memorial foundation was set up to help fund training and safety equipment for fire departments and the funding from this grant will be used to purchase personal escape ropes for fire fighters which will hopefully help save their life.

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

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the Lieutenant Joseph DiBernardo Memorial Foundation Grant for the purpose of outfitting department members with emergency rope escape systems.

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CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: December 15, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Law Enforcement Substance Abuse Reduction Initiative Grant - Police Department

Council Action:

In City Council December 15, 2022.

Voted 10 in favor and one opposed to carry out the intent of the report.

Recommendation:

On a vote of 4-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the NH Department of Safety 2023 Law Enforcement Substance Abuse Reduction Initiative Grant in the amount of \$30,000.

Attachments:

None

Background:

Police Captain Steve Tenney addressed the Committee and stated that this item is a reoccurring grant from Homeland Security used to reimburse overtime costs for a narcotics investigation. This grant is specifically from the 2023 Law Enforcement Substance Abuse Reduction Initiative Grant in the amount of \$30,000. Captain Tenney stated that the department has participated in this grant program for several years with the exception of last year when it came out late and hence was a shortened fund.

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

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the NH Department of Safety 2023 Law Enforcement Substance Abuse Reduction Initiative Grant in the amount of \$30,000.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.5.

Meeting Date: December 15, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: 2021 Homeland Security Grant Program - Search and Rescue Equipment - Police Department

Council Action:

In City Council December 15, 2022.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 4-0, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept and to expand a 2021 Homeland Security Grant Program Award for the purchase of Search and Rescue Equipment.

Attachments:

None

Background:

Captain Tenney stated each year Homeland Security provides each tactical team to Police Departments and on April 8, 2022 the Keene Police Department was awarded \$13,475.62 for the purchase of Search and Rescue Equipment. Captain Tenney stated they have identified two pieces of equipment that would be purchased with this grant; a breaching tool and a cut saw.

Councilor Madison made the following motion, which was seconded by Councilor Madison.

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 and to expand a 2021 Homeland Security Grant Program Award for the purchase of Search and Rescue Equipment.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.6.

Meeting Date: December 15, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: 2020 Homeland Security Grant Program - CBRNE Response Equipment - Police Department

Council Action:

In City Council December 15, 2022.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 4-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend a 2020 Homeland Security Program Award to be used for the purchase of CBRNE Training and Response Suits.

Attachments:

None

Background:

Captain Tenney this item is for the 2020 portion of the same grant as was previously discussed. The team was awarded up to \$25,000 for the purchase of CBRNE Training and Response Suits. Captain Tenney stated they have discussed with Homeland Security about just replacing their gas masks; 20 new gas masks will be purchased.

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

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend a 2020 Homeland Security Program Award to be used for the purchase of CBRNE Training and Response Suits.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.7.

Meeting Date: December 15, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Control and Use Agreement - American Legion - Parks, Recreation and Facilities Department**

Council Action:

In City Council December 15, 2022.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 4-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a control and use agreement between the American Legion Post #4 and the City of Keene for the recreational fields located at 797 Court Street.

Attachments:

None

Background:

Parks Recreation and Facilities Director Andy Bohannon explained that in the 1970's the City executed a Land and Water Conservation Fund, which provided an agreement with the American Legion for use of the softball fields. The agreement ended in 2010. Because it was built on private property the prior agreement did not apply. Since that time, the City has entered into one year, three year and five year agreements for the use of the fields. The City would like to sign another five year agreement.

Mr. Bohannon stated that staff has had conversations with American Legion regarding changing the purpose of their complex. In the 70's nearly 150 teams participated, but that number is down to just 50 teams (men's and women's). The two fields at Wheelock Park and the one in Swanzey meets the needs of the men's and women's teams and the youth teams and the City would like to change the use of the fields to multi-use facilities. This will enable the use of the fields for other sports as well.

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

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a control and use agreement between the American Legion Post #4 and the City of Keene for the recreational fields located at 797 Court Street.

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CITY OF KEENE NEW HAMPSHIRE

ITEM #D.8.

Meeting Date: December 15, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **EnviroTrac Environmental Services Water Monitoring at Closed Municipal Landfill Change Order #1 - Public Works Department**

Council Action:

In City Council December 15, 2022.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 4-0, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute change order #1 with Envirotrac Environmental Services for additional landfill monitoring services for an amount not to exceed \$29,200 for a revised contract total of \$100,700.

Attachments:

None

Background:

Asst. Public Works Director Duncan Watson addressed Committee and stated he was before the Committee with the same item on October 27 but realized during the Change Order process there was an administrative error; the incorrect contract was referenced that they were operating under. The City renewed its contract with EnviroTrac in July, and this is the contract he should have referred to. The amount of the change order is not changing, but the amount of the contract total for the three years is different from what he had referenced before. All the work related to pfas is the same. The funding for this work is coming out of their operating budget.

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

On a 4-0 roll call vote, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute change order #1 with Envirotrac Environmental Services for additional landfill monitoring services for an amount not to exceed \$29,200 for a revised contract total of \$100,700.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.9.

Meeting Date: December 15, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Design Change Order #2, Marlboro Street Corridor Improvements Project - Public Works Department**

Council Action:

In City Council December 15, 2022.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 4-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute an engineering services Change Order with DuBois & King for additional services required for the design of the Marlboro Street Corridor Improvements Project for an amount not to exceed \$39,000. Funding to come from cost center 75J0018A.

Attachments:

None

Background:

Civil Engineer Brett Rusnock addressed the Committee and stated this item is in reference to the complete streets project to repave the surface of Marlboro Street, provide traffic calming and dedicated bike lanes, add pedestrian crosswalks and lighting, and most importantly, establish a formal connection between Marlboro Street and the industrial heritage trail. In 2019, the City was awarded a grant for this project, a contract was executed with Dubois and King. Earlier this year, Dubois and King submitted a preliminary design submission to NHDOT and that design was approved in June 2022. As the final design was approached, additional efforts not included in the original contract were identified. This includes a detailed right-of-way survey to establish the easements necessary to build the trail connector and detailed features that were added during the preliminary design phase. Re-establishment of survey control, some of which were disturbed during the 2020 utility project and finally a presentation before the Estimate Review Committee of NHDOT.

This design contract is 100% funded by the City, but the construction and construction oversight is an 80/20 split between the City and federal funding.

Chair Powers asked when the paving work is being planned for. Mr. Rusnock stated that the City is hoping for 2023 based on how soon NHDOT approves the work otherwise it, will be in 2024.

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

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute an engineering services Change Order with DuBois & King for additional services required for the design of the Marlboro Street Corridor Improvements Project for an amount not to exceed \$39,000. Funding to come from cost center 75J0018A.



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: December 15, 2022
To: Mayor and Keene City Council
From: Jesse Rounds, Community Development Director
Through:
Subject: **Relating to Amendments to the City of Keene Land Development Code, Zoning Regulations and Application Procedures for Amendments to the Land Development Code Ordinance O-2022-19**

Council Action:
In City Council December 15, 2022.
Referred to the Joint Planning Board and Planning, Licenses and Development Committee.

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

Attachments:

1. Application Form_O-2022-19
2. Ordinance O-2022-19_Referral
3. O-2022-19_LDC Pages

Background:
O-2022-19 Relating to Amendments to the City of Keene Land Development Code, Zoning Regulations and Application Procedures for Amendments to the Land Development Code

The attached materials include the full text of Ordinance O-2022-19 relating to proposed amendments to the City of Keene Land Development Code (LDC), as well as excerpted sections of the adopted City of Keene Land Development Code that are proposed to be amended with Ordinance O-2022-19. Text that is highlighted in yellow and bolded is proposed to be added; and, text that is stricken through is proposed to be deleted.

Since the LDC went into effect in September 2021, City staff have identified several sections within the zoning regulations that could benefit from clarification. These include the following:

- Section 9.3.2.2 of Article 9 - Parking & Driveways to clarify that the three-foot setback from the side property line is not required for common driveways that serve more than one lot;
- Section 11.6.1.3 of Article 11 - Surface Water Protection, to eliminate redundant language;

- Section 13.1.3.C, “Exemptions” of Article 13 – Telecommunications Overlay District to clarify that collocation and modification applications, as defined in NH RSA 12-K, are exempt from the requirement to obtain a conditional use permit and major site plan review;
- Section 13.2.5 “Camouflaged Telecommunications Facilities” and Table 13-1 of Article 13 – Telecommunications Overlay District to clarify that the installation of a brand new telecommunications facility on a building or structure would require the issuance of a conditional use permit and major site plan review,

This ordinance also proposes to amend Article 15 - Congregate Living & Social Service Conditional Use Permit to add a new section entitled “Conditional Use Permit Waiver.” The intent of this change is to allow the Planning Board to grant a waiver from the review criteria in Section 15.2 on a case-by-case basis. Currently, an applicant would need to obtain a variance from the Zoning Board of Adjustment to get relief from the review criteria in this section.

In addition, this ordinance proposes to amend Section 25.4.3 of Article 25 – Application Procedures to modify the process for amending the LDC. The intent of this proposed amendment is to clarify that Articles 19-28 of the LDC do not need to be amended through the Zoning Ordinance amendment process. Specifically, Article 19, 20, and specific sections of article 25 shall follow the Planning Board regulation amendment process and Article 21 and specific sections of Article 25 shall follow the Historic District Commission regulation amendment process. Finally, Articles 22-28 shall follow the standard City Council ordinance amendment process.



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: Community Development Department Date: 12/13/2022

Address: 3 Washington St. Keene

Telephone: (603) 352-5440 Email: jgrounds@keenenh.gov

Existing Section Reference in Chapter 100, Land Development Code: Art. 9 Sec 9.3

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

Art. 13 Sec. 13.1+13.2+
Art. 15 Sec. 15.5 T6/13-1
Art. 20 Sec. 25.4
Art. 11 Sec. 11.6

Does the amendment affect "Permitted Uses"? Yes No

Number of parcels in Zoning District*: N/A

[Signature]
Validation of Number of parcels by the
Community Development Department

[Signature]
Petitioner's Signature

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

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

Date Received by City Clerk: 12/13/22 Ordinance Number: 0-2022-19

On City Council agenda: 12/15/22 Workshop to be held: _____

Public Hearing to be held _____



APPLICATION TO AMEND THE ZONING ORDINANCE

APPLICABLE FEES:

Application Fee @ \$100.00 \$ _____

Publication of Notice in The Keene Sentinel @ \$90.00 \$ _____

Postage Fees for property owners/agents and abutters at
current USPS 1st Class Mailing rate
(Only needed if amendment impacts 100 or fewer properties) \$ _____

Total Fees submitted to City Clerk \$ _____

The petitioner is also responsible for the publication costs for the public workshop before the joint Planning Board and Planning, Licenses and Development Committee. Additional fees will be collected by the Community Development Department for the mailing costs associated with the public workshop (If a mailing is required pursuant to RSA 675:7), as well as the publication of the public workshop notice.



CITY OF KEENE

Twenty-Two

In the Year of Our Lord Two Thousand and

Relating to Amendments to the 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, Chapter 100, as amended, is further amended by deleting the stricken text and adding the bolded and underlined text, as follows.

A. Amend Section 9.3.2.2 of Article 9 - Parking & Driveways to clarify that the three foot setback from the side property line is not required for common driveways that serve more than one lot, as follows.

The driveway and associated parking space(s) shall be a minimum of 3-ft from the side property line. **Common driveways approved by the Planning Board or its designee shall be exempt from the side property line setback required by this Article.**

B. Delete the stricken text in Section 11.6.1.3 of Article 11 - Surface Water Protection, as follows. This proposed change is to eliminate redundancy with Section 11.5.I.1 of Article 11.

Construction of new roads, driveways (~~excluding single and two family driveways~~), and parking lots.

C. Delete the stricken text and add the bolded underlined text to Section 13.1.3.C, "Exemptions" of Article 13 – Telecommunications Overlay District, as follows. The intent of this proposed change is to clarify that collocation and modification applications, as defined in NH RSA 12-K, are exempt from the requirement to obtain a conditional use permit and major site plan review.

~~Telecommunications facilities placed on existing mounts, building or structures, or~~ **Collocations** ~~or~~ **or** modifications to existing telecommunications facilities, provided that the proposed facility or facilities do not meet the definition of substantial modification per NH RSA 12-K.

D. Add the bolded underlined text to Section 13.2.5 "Camouflaged Telecommunications Facilities" of Article 13 – Telecommunications Overlay District as follows, and update Table 13-1 to reflect this change. The intent of this proposed change is to clarify that the installation of a brand new telecommunications facility on a building or structure would require the issuance of a conditional use permit and major site plan review.

The installation of new ground-mounted **or structure mounted** towers and antennas, if camouflaged, or a substantial modification to an existing tower or mount that would maintain its camouflage, may occur within Zone 2 or Zone 3 of the View Preservation Overlay (Figure 13-1). All camouflaged facilities shall require the issuance of a building permit, conditional use permit, and major site plan review.

Table 13-1: Permitted Telecommunications Facility Types

Facility Type		Zone 1*	Zone 2*	Zone 3*	Historic District
Structure Mounted (Mounted on an existing building or structure other than a tower)	Collocation/Modification	P	P	P	P
	Fully Concealed	P	P	P	P
	Substantial Modification	CUP + SPR	CUP + SPR	CUP + SPR	CUP + SPR
	Camouflaged/Non-Camouflaged (New)	CUP + SPR	CUP + SPR	CUP + SPR	CUP + SPR
Ground Mounted (Mounted to the ground or a tower constructed primarily for the purpose of supporting telecommunications facilities)	Collocation/Modification	P	P	P	P
	Camouflaged (New)	-	CUP + SPR	CUP + SPR	-
	Non-Camouflaged (New)	-	-	CUP + SPR	-

"P" = Permitted, subject to building permit

" - " = Facility Not Permitted

"CUP" = Requires Conditional Use Permit

"SPR" = Requires Site Plan Review

*Zone 1, Zone 2, and Zone 3 of the View Preservation Overlay (see Figure 13-1)

- E. Amend Article 15 - Congregate Living & Social Service Conditional Use Permit to add a new section entitled “Conditional Use Permit Waiver” after Section 15.4, as follows. The intent of this change is to allow the Planning Board to grant a waiver from the review criteria in Section 15.2 on a case-by-case basis.

15.5 Conditional Use Permit Waiver

Where the Planning Board finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with the criteria set forth in this Article, it may approve waivers from the requirements set forth in Section 15.2 of this Article.

A. Waiver Criteria

The Planning Board shall not approve any waiver unless a majority of those present and voting find that all of the following apply.

- 1. The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest.**
- 2. Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of this Article.**
- 3. Specific circumstances relative to the site, or the use, indicate that the waiver will properly carry out the spirit and intent of the regulations.**

In granting a waiver, the Planning Board may require any mitigation that is reasonable and necessary to ensure that the spirit and intent of the review criteria being waived will be preserved, and to ensure that no increase in adverse impacts associated with granting the waiver will occur.

- F. Amend the following sections of Section 25.4 “Land Development Code Amendments,” Sub-section 25.4.3 “Procedure,” and add a new section “D” for amendments to Articles 22-28.

25.4.3 Procedure

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

- A. ~~Articles 1 through 18, and Articles 22 through 28.~~** For amendments proposed to Articles 1 through 18 ~~and Articles 22 through 28~~ of this LDC, the same application and review procedures shall be followed as those described in Section 25.3 of this LDC, with respect to amendments to the Zoning Regulations and Zoning Map.
- B. Articles 19, and 20, and Sections 25.10-25.14 of Article 25 - "Subdivision Regulations," and "Site Development Standards," and Planning Board Application Procedures.** For amendments proposed to Articles 19, ~~and 20,~~ and Sections 25.10 through 25.14 of Article 25 of this LDC, the following procedures shall apply.
1. **Planning Board Public Hearing.** In accordance with NH RSA 675:6, the Planning Board shall hold a public hearing on the proposed amendments, and shall decide on whether they should be approved, approved with amendments, or denied. If the Planning Board denies the proposed amendments, the process shall come to an end.
 - a. Notice for this public hearing shall be provided pursuant to NH RSA 675:7.
 2. **Introduction to and Review by Council.** Following either approval or approval with amendments by the Planning Board, the proposed amendments shall be submitted to City Council as a draft ordinance. Such ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation to City Council. Upon receipt of such recommendation, the City Council shall vote to approve or disapprove the ordinance.
 3. **Filing.** Following approval by City Council, the amended regulations shall be certified by a majority of the Planning Board, and shall be placed on file with the City Clerk in accordance with NH RSA 675:8. A copy of the amended regulations shall be sent to the NH Office of Planning and Development (OPD) ~~Strategic Initiatives (OSI)~~ for filing pursuant to NH RSA 675:9; provided, however, that failure to file the amended regulations with ~~OSI~~ OPD shall not affect their validity.
- C. Article 21 and Section 25.15 of Article 25 – “Historic District Regulations” and “Historic District Certificate of Appropriateness.”** For amendments proposed to Article 21 and Section 25.15 of Article 25 of this LDC, the following procedures shall apply.
1. **Historic District Commission Public Hearing.** In accordance with NH RSA 675:6, the Historic District Commission shall hold a public hearing on the proposed amendments, and shall decide on whether they should be approved, approved with amendments, or denied. If the Historic District Commission denies the proposed amendments, the process shall come to an end.
 - a. Notice for this public hearing shall be provided pursuant to NH RSA 675:7.
 2. **Introduction to and Review by Council.** Following either approval or approval with amendments by the Historic District Commission, the proposed amendments shall be

submitted to City Council as a draft ordinance. Such ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation to City Council. Upon receipt of such recommendation, the City Council shall vote to approve or disapprove the ordinance.

- 3. Filing. . Following approval by City Council, the amended regulations shall be certified by a majority of the Historic District Commission, and shall be placed on file with the City Clerk in accordance with NH RSA 675:8. A copy of the amended regulations shall be sent to the NH Office of **Planning and Development (OPD) Strategic Initiatives** (~~OSI~~) for filing pursuant to NH RSA 675:9; provided, however, that failure to file the amended regulations with ~~OSI~~ **OPD** shall not affect their validity.

D. Articles 22-28. Unless otherwise specified in this Article, or required by state law or regulation, the following procedures shall apply for amendments proposed to Articles 22-28 of this LDC.

1. Introduction to and Review by City Council. The proposed amendments shall be submitted to City Council as a draft ordinance. Such ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation to City Council. Upon receipt of such recommendation, the City Council shall vote to approve or disapprove the ordinance.

2. Filing. Following approval by City Council, the amended regulations shall be placed on file with the City Clerk.

George S. Hansel, Mayor

In City Council December 15, 2022.
Referred to the Joint Planning Board
and Planning, Licenses and Development
Committee.


City Clerk

9.3 DRIVEWAY DESIGN STANDARDS

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 Section 22.5 of this LDC.

9.3.2 Driveway Dimensions

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. 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.
2. The driveway and associated parking space(s) shall be a minimum of 3-ft from the side property line. **Common driveways approved by the Planning Board or its designee shall be exempt from the side property line setback required by this Article.**

9.3.3 Surface Material

The surface of the driveway and associated parking space(s) shall be of either concrete; asphalt installed at a minimum thickness of 3-in on top of 4-in compacted subgrade base; crushed stone (installed at a minimum thickness of 4-in on top of a 4-in compacted subgrade); or, semi-pervious materials (e.g. permeable pavers, pervious asphalt or concrete, etc.) that are able to withstand vehicular traffic or other heavy-impact uses.

9.3.4 Grading & Drainage

- A. Driveway and associated parking space(s) shall be graded to prevent drainage across sidewalks, curb cuts, streets or onto adjacent property, except that the portion of a driveway within the public right-of-way may drain towards the street.
- B. Driveways and associated parking space(s) shall not block the flow of drainage in gutters or drainage ditches or pipes.

- C. Driveways and associated parking space(s) shall not have a slope greater than 15%.

9.3.5 Long Driveways

Driveways longer than 300-ft shall meet the following standards.

- A. Shall be limited in width to 10-ft, in order to minimize site disruptions.
- B. Every 300-ft there shall be an improved turnout, which is at least 8-ft wide and 15-ft long.
- C. Shall include at its terminus a vehicular turnaround as described for dead-end streets in Article 22.
- D. If the driveway slope is greater than 10%, the first 20-ft from the public road shall be at a slope of 5% or less.

9.4.6 Driveways Crossing Steep Slopes

For driveways located in or crossing prohibitive and precautionary slopes, as defined in Article 12 Hillside Protection Overlay District, the following standards shall apply.

- A. Driveway route shall follow the natural contours of the existing slope to minimize disturbance of vegetation and soils.
- B. Cutting and filling of slopes to construct a driveway shall comply with applicable grading standards of Article 12.
- C. Shared driveways shall be used to avoid entering into or crossing precautionary slope areas and to reduce grading, paving and site disturbance.

4. Any disturbance to the surrounding buffer area is repaired and restored upon completion of construction.
5. A minimum 30-ft buffer is maintained from surface waters in lots in the Rural, Conservation, and Agriculture Zoning Districts, and a 10-ft buffer is maintained from surface waters in all other zoning districts.
6. Any alteration to a surface water is made in accordance with all applicable state and federal laws, administrative rules, and regulations.

11.6 CONDITIONAL USE PERMIT

11.6.1 Activities Subject to Conditional Use Permit

- A. A surface water protection conditional use permit issued by the Planning Board shall be required for the following uses or structures when proposed to be located within the Surface Water Overlay Protection District.
 1. Construction of a new structure or expansion of an existing structure, with the exception of those structures specified in Section 11.5, which expands the footprint of such structure within the Surface Water Protection Overlay District
 2. Creation of new lots by subdivision that would require the disturbance or crossing of lands within the Surface Water Protection Overlay District.
 3. Construction of new roads, driveways ~~(excluding single and two-family driveways)~~, and parking lots.
 4. Construction of new stormwater management facilities and structures or improvements, including but not limited to, sedimentation/detention/retention ponds, drainage swales, and erosion control devices.
 5. Construction of compensatory flood storage excavation under Article 23 that requires the issuance of a wetland permit.

- B. A surface water protection conditional use permit shall not be required for impacts to areas within the Surface Water Protection Overlay District that are under the jurisdiction of the NH Department of Environmental Services and when the state has issued a wetlands permit or shoreland permit.

11.6.2 Conditional Use Permit Standards

The Planning Board shall issue a surface water protection conditional use permit for the activities described in Section 11.6.1, if it finds that all of the following criteria have been met.

- A. The proposed use and/or activity cannot be located in a manner to avoid encroachment into the Surface Water Protection Overlay District.
- B. Encroachment into the buffer area has been minimized to the maximum extent possible, including reasonable modification of the scale or design of the proposed use.
- C. The nature, design, siting, and scale of the proposed use and the characteristics of the site, including but not limited to topography, soils, vegetation, and habitat, are such that when taken as a whole, will avoid the potential for adverse impacts to the surface water resource.
- D. The surface water buffer area shall be left in a natural state to the maximum extent possible. The Planning Board may establish conditions of approval regarding the preservation of the buffer, including the extent to which trees, saplings and ground cover shall be preserved.
 1. Dead, diseased, unsafe, fallen or invasive trees, saplings, shrubs, or ground cover may be removed from the surface water buffer area.
 2. Tree stumps and their root systems shall be left intact in the ground, unless removal is specifically approved in conjunction with a surface water protection conditional use permit granted by the Planning Board. The stumps and root balls of exotic, invasive

13.1 GENERAL

13.1.1 Purpose

The purpose of the Telecommunications Overlay District is to establish general guidelines for the siting of telecommunications towers and antennas, and the removal or upgrade of abandoned or outdated facilities, in order to reduce adverse impacts such facilities may create, including impacts on aesthetics, environmentally sensitive areas, flight corridors, historically significant areas, health and safety of persons and property, and economic prosperity through protection of property values.

13.1.2 Applicability

- A. This Article shall apply to all telecommunications facilities within the City, with the exception of those facilities listed in Section 13.1.3.
- B. The Telecommunications Overlay District includes Zone 1, Zone 2, and Zone 3, which are displayed on the View Preservation Overlay Map dated March 2019 (see Figure 13-1). This map is adopted as an overlay to the official Zoning Map, as may be amended.
- C. Telecommunications facilities shall not be considered infrastructure, essential services, or public utilities as defined or used elsewhere in this LDC or the City's ordinances and regulations.

13.1.3 Exemptions

The following shall be exempt from the requirements of the Telecommunications Overlay District.

- A. Concealed or camouflaged facilities located on property owned, leased, or otherwise controlled by the City, not including the public right-of-way. This infrastructure shall only be permitted in locations of the City delineated in Figure 13-1 View Preservation Overlay Map. For this exemption to apply, a license or lease approved by City Council authorizing such antenna or tower shall be required.

- B. Private use residential satellite dishes, antennas for wireless internet access, private wireless ham communication antennas, or the installation of any tower or antenna less than 70-ft in height that is owned and operated by a federally licensed amateur radio station operator.
- C. ~~Telecommunications facilities placed on existing mounts, building or structures, or~~ **Collocations** ~~or~~ modifications to existing telecommunications facilities provided that the proposed facility or facilities do not meet the definition of substantial modification per NH RSA 12-K.
- D. Concealed Facilities that are located inside a building or structure and are concealed entirely from view.

13.1.4 Conformity

- A. All telecommunications facilities shall be constructed, installed, and maintained in compliance with local building codes, city ordinances, as well as all applicable state and federal regulations, including the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate towers and antennas.
- B. If federal standards or regulations applying to towers and antennas are amended, the owners of the towers and antennas governed by this Article shall bring such towers and antennas into compliance with the revised standards or regulations within 6-months of their effective date, unless a more stringent compliance schedule is mandated by the controlling federal agency.
 - 1. Failure to bring towers and antennas into compliance with revised federal standards or regulations shall constitute grounds for their removal at the owner's expense through execution of the posted security.

13.2.5 Camouflaged telecommunication facilities

The installation of new ground-mounted **or structure mounted** towers and antennas, if camouflaged, or a substantial modification to an existing tower or mount that would maintain its camouflage, may occur within Zone 2 or Zone 3 of the View Preservation Overlay (Figure 13-1). All camouflaged facilities shall require the issuance of a building permit, conditional use permit, and major site plan review.

13.2.6 Ground-Mounted Towers & Antennas

The installation of new ground-mounted towers and antennas which are not camouflaged, or a substantial modification to an existing tower or mount that is not camouflaged, is not allowed in Zone 1 or Zone 2 of the View Preservation Overlay (Figure 13-1), or in a designated historic district and shall require the issuance of a building permit, telecommunications conditional use permit, and major site plan review.

13.3 DIMENSIONAL REQUIREMENTS

The dimensional requirements for telecommunications facilities subject to this Article shall be as stated in Table 13-2.

13.4 DESIGN STANDARDS

13.4.1 Aesthetic Standards

With the exception of those that are concealed entirely from public view, telecommunication facilities shall not stand out in terms of color and materials, scale, height, mass or proportion against a contrasting background. Specifically, telecommunication facilities shall comply with the following.

- A. The relative height, mass or proportion of telecommunications facilities shall be compatible with the building or structure it is located on or the immediate surroundings.
- B. If installed on a historic structure, telecommunications facilities shall not alter character defining features, distinctive construction methods, or original historic materials of the structure and shall be fully reversible.

Table 13-1: Permitted Telecommunications Facility Types

Facility Type		Zone 1*	Zone 2*	Zone 3*	Historic District
Structure Mounted <i>(Mounted on an existing building or structure other than a tower)</i>	Collocation/Modification	P	P	P	P
	Fully Concealed	P	P	P	P
	Substantial Modification	CUP + SPR	CUP + SPR	CUP + SPR	CUP + SPR
	Camouflaged/Non-Camouflaged (New)	CUP + SPR	CUP + SPR	CUP + SPR	CUP + SPR
Ground Mounted <i>(Mounted to the ground or a tower constructed primarily for the purpose of supporting telecommunications facilities)</i>	Collocation/Modification	P	P	P	P
	Camouflaged (New)	-	CUP + SPR	CUP + SPR	-
	Non-Camouflaged (New)	-	-	CUP + SPR	-

"P" = Permitted, subject to building permit

" - " = Facility Not Permitted

"CUP" = Requires Conditional Use Permit

"SPR" = Requires Site Plan Review

*Zone 1, Zone 2, and Zone 3 of the View Preservation Overlay (see Figure 13-1)

indoor and/or outdoor waiting or intake areas, if applicable.

6. An analysis of estimated traffic generation associated with the proposed use utilizing the most current edition of the Institute of Transportation Engineers (ITE) Traffic Generation Manual or data provided by a NH licensed traffic engineer.
 7. The estimated parking demand for the proposed use and the number of parking spaces to be provided on-site.
 8. A description of the staffing of the facility, including the number of on-site managers, if any.
 9. The proximity of the facility to other known congregate living and social service uses within 750-ft (measured from the property line).
 10. For congregate living uses, the average length of stay for residents/occupants of the facility.
 11. A description of the services provided to the clients or residents of the facility, including any support or personal care services provided on- or off-site.
- B. Documentation of all required state or federal licenses, permits, and certifications.

15.5 CONDITIONAL USE PERMIT WAIVER

Where the Planning Board finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with the criteria set forth in this Article, it may approve waivers from the requirements set forth in Section 15.2 of this Article.

A. Waiver Criteria

The Planning Board shall not approve any waiver unless a majority of those present and voting find that all of the following apply.

1. The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest.

2. Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of this Article.

3. Specific circumstances relative to the site, or the use, indicate that the waiver will properly carry out the spirit and intent of the regulations.

In granting a waiver, the Planning Board may require any mitigation that is reasonable and necessary to ensure that the spirit and intent of the review criteria being waived will be preserved, and to ensure that no increase in adverse impacts associated with granting the waiver will occur.

25.4 LAND DEVELOPMENT CODE AMENDMENTS

25.4.1 Description

The standards and requirements set forth in the City of Keene Land Development Code (also referred to as "this LDC") may be amended from time to time. The process for amending this LDC varies depending upon which article or articles are proposed to change. The process for amending the Zoning Regulations, which are contained in Articles 2 through 18 of this LDC, shall be as described in Section 25.3.

25.4.2 Authority

The City Council, after receiving a recommendation from the Planning Licenses and Development Committee, and from the Planning Board with respect to Articles 19, 20 and Sections 25.10 through 25.14 of Article 25, and from the Historic District Commission with respect to amendments to Article 21 and Section 25.15 of Article 25, shall take action on proposed amendments to this LDC.

25.4.3 Procedure

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

- A. ~~Articles 1 through 18, and Articles 22 through 28.~~ For amendments proposed to Articles 1 through 18 ~~and Articles 22 through 28~~ of this LDC, the same application and review procedures shall be followed as those described in Section 25.3 of this LDC, with respect to amendments to the Zoning Regulations and Zoning Map.
- B. **Articles 19 and 20, and Sections 25.10-25.14 of Article 25 - "Subdivision Regulations" and "Site Development Standards," and Planning Board Application Procedures.** For amendments proposed to Articles 19, ~~and 20,~~ **and Sections 25.10 through 25.14 of Article 25** of this LDC, the following procedures shall apply.

1. **Planning Board Public Hearing.** In accordance with NH RSA 675:6, the Planning Board shall hold a public hearing on the proposed amendments, and shall decide on whether they should be approved, approved with amendments, or denied. If the Planning Board denies the proposed amendments, the process shall come to an end.

- a. Notice for this public hearing shall be provided pursuant to NH RSA 675:7.

2. **Introduction to and Review by City Council.** Following either approval or approval with amendments by the Planning Board, the proposed amendments shall be submitted to City Council as a draft ordinance. Such ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation to City Council. Upon receipt of such recommendation, the City Council shall vote to approve or disapprove the ordinance.

3. **Filing.** Following approval by City Council, the amended regulations shall be certified by a majority of the Planning Board, and shall be placed on file with the City Clerk in accordance with NH RSA 675:8. A copy of the amended regulations shall be sent to the NH Office of **Planning and Development (OPD) Strategic Initiatives (OSI)** for filing pursuant to NH RSA 675:9; provided, however, that failure to file the amended regulations with **OPD OSI** shall not affect their validity.

C. **Article 21 and Section 25.15 of Article 25 - "Historic District Regulations" and "Historic District Certificate of Appropriateness."** For amendments proposed to Article 21 of this LDC, the following procedures shall apply.

1. **Historic District Commission Public Hearing.** In accordance with NH RSA 675:6, the Historic District Commission shall hold a public hearing on the proposed amendments, and shall decide on whether they should be approved, approved with amendments, or denied. If the Historic

District Commission denies the proposed amendments, the process shall come to an end.

a. Notice for this public hearing shall be provided pursuant to NH RSA 675:7.

2. **Introduction to and Review by City Council.** Following either approval or approval with amendments by the Historic District Commission, the proposed amendments shall be submitted to City Council as a draft ordinance. Such ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation to City Council. Upon receipt of such recommendation, the City Council shall vote to approve or disapprove the ordinance.
3. **Filing.** Following approval by City Council, the amended regulations shall be certified by a majority of the Historic District Commission, and shall be placed on file with the City Clerk in accordance with NH RSA 675:8. A copy of the amended regulations shall be sent to the **Planning and Development (OPD)** ~~NH Office of Strategic Initiatives (OSI)~~ for filing pursuant to NH RSA 675:9; provided, however, that failure to file the amended regulations with **OPD** ~~OSI~~ shall not affect their validity.

D. **Articles 22-28. Unless otherwise specified in this Article, or required by state law or regulation, the following procedures shall apply for amendments proposed to Articles 22-28 of this LDC.**

1. **Introduction to and Review by City Council.** The proposed amendments shall be submitted to City Council as a draft ordinance. Such ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation to City Council. Upon receipt of such recommendation, the City Council shall vote to approve or disapprove the ordinance.
2. **Filing.** Following approval by City Council, the amended regulations shall be placed on file with the City Clerk.



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.1.

Meeting Date: December 15, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Relating to Personal Leave
Ordinance O-2022-17**

Council Action:

In City Council December 15, 2022.

Report filed as informational. Voted unanimously to adopt Ordinance O-2022-17, with an effective date of January 1, 2023 or following the processing of the first payroll in the MUNIS software system.

Recommendation:

On a vote of 3-1, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2022-17 with either an effective date of January 1, 2023, or following the processing of the first payroll in the Munis software system. Councilor Lake voted in opposition.

Attachments:

1. Ordinance O-2022-17_Adopted

Background:

Human Resources Director/ HR Director Beth Fox addressed the Committee and stated this item is in reference to an amendment to City Code that would impact non-bargaining unit employees; and the methodology used to calculate the personal leave benefit currently provided. What is being proposed is an adjustment to the methodology for personal time use calculation, which is awarded based on sick leave use. Right now, the methodology looks at a rolling period of leave usage (every employee has a different earn and lose date). This was a cumbersome method of calculation. Ms. Fox stated that the new software the City is going to be using will calculate perfect attendance on a quarterly basis that ties to the calendar year. The amendment date will be January 1, 2023.

Ms. Fox stated this language was added to the contract that was just executed and this concept is being discussed with all bargaining units the City is in negotiation with.

Councilor Lake stated he is opposed to the way this ordinance is drafted which he felt was a downgrade from how personal leave is currently offered. He felt employees who have to use sick time which they would get over the course of a year – would be out a personal day, which they would have otherwise received over the course of a year. With the current model you get four days and that would be reduced to three. The Councilor stated his suggestion was to de-couple the personal leave accrument from taking sick leave at all. Essentially to give employees those four personal

days without having to use sick days to get those personal days and having to go through a complicated process.

The City Manager stated what Councilor Lake is describing would be a drastic change to how sick leave is being managed right now. She indicated a personal day is a reward for not using sick days; it is not a guaranteed benefit, not everyone gets four personal days per year. The Manager stated to automatically give an employee four personal days to use any way they like would be a cost to the City. It also takes away the incentive. Personal days were put in place to incentivize perfect attendance. When people call in sick it costs the City money as that person needs to be replaced, other employees have to work overtime, there is lost productivity and it impacts morale. Rewarding someone for not using sick days is a good incentive and removing that will make the City go backwards.

Councilor Lake asked whether an employee could use vacation time instead of sick time. The Manager answered in the affirmative and added using vacation time instead of sick time will guarantee someone their personal days. For example, if someone has a doctor's appointment, they could use three hours of vacation time instead of sick time. Councilor Lake questioned why there is a cap on how those personal days are used. Ms. Dragon stated that because some employees use sick days as vacation days. The City looks for patterns and abuse of sick time such as someone who calls in sick every Friday. She indicated treating personal days as the same type of benefit as vacation days removes the purpose of the personal days – they were meant as an incentive to mitigate the use of sick time.

Councilor Powers clarified this is the second code that needed to be changed due to the new software. Ms. Fox stated the last code change she came before the Committee with did not relate to the new software. Ms. Dragon stated she is trying to standardize things. She continued the rolling tracking process for personal time is difficult both for humans and software to keep track of. They are looking for possibilities of human errors between departments. Councilor Powers asked about earned time. The Manager stated if the City was to consider earned time, the City would have to cut down on the number of days. At the present time the City offers 12 sick days (one a month), plus four potential personal days, and a very good vacation policy. The only way earned time would work is by reducing the overall number of days.

Councilor Powers agreed personal days were intended to be an incentive and it has worked well.

Councilor Madison stated this is the same model the State uses to earn bonus time and agreed with what was being proposed.

Councilor Chadbourne noted this is the same model FedEx uses and it really does reduce people calling in sick.

Councilor Lake stated he plans on opposing this motion and added the way it is written has the potential to reduce personal time for some employees as compared to the current policy. He added if this was something that was proposed by his leadership, he would be upset.

Councilor Chadbourne stated 12 days of sick days is generous, noting that often times it is between five to ten in many organizations.

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

On a 3-1 vote, the Finance, Organization and Personnel Committee recommends adoption of

Ordinance O-2022-17 with either an effective date of January 1, 2023, or following the processing of the first payroll in the Munis software system. Councilor Lake voted in opposition.



CITY OF KEENE

O-2022-17

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

AN ORDINANCE Relating to Personnel Systems and Procedures

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

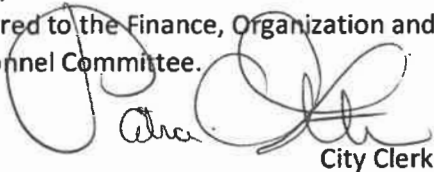
That the Ordinances of the City of Keene, as amended, are hereby further amended by removing the stricken text and inserting the bold text in Chapter 62 entitled "Personnel, Article V, "Policies, Procedures and Conditions of Employment" of Division 3, "Leaves" of Subdivision V "Personal Leave" as follows:

Sec. 62-476. Personal Leave Authorized.

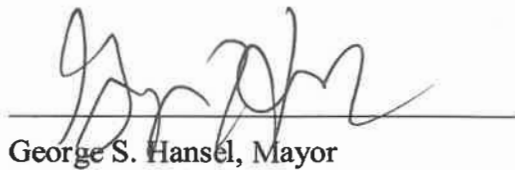
Regular full-time employees shall receive one personal leave day **for each quarterly period of a calendar year (January 1 to March 31, April 1 to June 30, July 1 to September 30, October 1 to December 31)** ~~three-month (non-overlapping) period~~ during which they have perfect attendance, beginning with their first day of employment. **New hires with perfect attendance shall receive a prorated award considering attendance from date of hire to the end of a quarter.** After the first six months of employment, the term "perfect attendance" shall mean no use of sick leave. **Balances of a**Any such earned personal leave ~~day~~ must be taken prior to **June 30 or December 31** ~~the expiration of the three calendar months subsequent to the three-month period in which the personal leave day was earned~~ or it will be lost. Such earned personal leave ~~day~~ may be taken when approved in advance by the department head. The use of such personal leave ~~days~~ will not be charged to accumulated sick leave, and such earned personal leave ~~days~~ will not count toward the maximum vacation accumulation of 30 days.

Effective Date: January 1, 2023 or following the processing of the first payroll in the MUNIS software system.

In City Council November 17, 2022.
Referred to the Finance, Organization and Personnel Committee.



City Clerk



George S. Hansel, Mayor

PASSED December 15, 2022

A true copy, attest:



City Clerk