



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
April 21, 2022
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- April 7, 2022

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Public Hearing - Complete Discontinuance of a Portion of Commercial Street Parking Area

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmation
 - Historic District Commission
2. Appointment - Ad Hoc Committee on Housing Stability

C. COMMUNICATIONS

1. Pathways for Keene - Request to Use City Property - 4 on the 4th Road Race
2. Keene Swamp Bats - Request to Discharge Fireworks
3. Councilor Thomas Powers - Renaming the Keene Recreation Center to the Brian A. Mattson Keene Recreation Center

D. REPORTS - COUNCIL COMMITTEES

1. Farmer's Market of Keene – Request to Use City Property

2. Cabana Falls Winery – Request Permission to Sell Alcohol at the Farmers’ Market of Keene
3. Keene State College – Request to Discharge Fireworks
4. Keene Family YMCA – Request to Use City Property – Youth Triathlon
5. Keene Pride – Request to Use City Property – September 11–18, 2022
6. Let it Shine – Request to Use City Property – 2022 Pumpkin Festival
7. New England Aerobatic Club – Request to Use City Property
8. Ash Swamp Brook ERZ – Economic Development Director/Special Projects
9. Redesign Wheelock Park Campground for Disc Golf and Dog Park - Parks, Recreation and Facilities Director
10. Sole Source Imprinted Crosswalks Downtown - Transportation and Storm Water Operations Manager

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Acceptance of Donations - Finance Director/Treasurer

G. REPORTS - BOARDS AND COMMISSIONS

1. Delay in Mowing for the Month of May - "No Mow May" - Conservation Commission

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

1. Relating to Amendments to the Land Development Code
Ordinance O-2022-04

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

1. Relating to the Appropriation of Funds for the City Hall Parking Structure Maintenance Project
Resolution R-2022-08

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, April 7, 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, Kris E. Roberts, Raleigh C. Ormerod, Bettina A. Chadbourne, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Catherine I. Workman arrived at 7:14 PM. Councilor Madison led the Pledge of Allegiance.

ANNOUNCEMENTS

Mayor Hansel announced an upcoming Council workshop on the City's branding project. The project's consultants will be present for the Council workshop on April 20 at the Airport terminal building. The workshop will start at 6:00 PM.

Next, Mayor Hansel encouraged all Councilors to participate in the annual Green Up Keene effort on Saturday, April 23. There will be a drive-through supply pick-up on Railroad Square. There is a map on the City website, where you can sign-up for a specific area. Pre-registration is encouraged.

MINUTES

A motion by Councilor Powers to adopt the March 17, 2022 meeting minutes was duly seconded by Councilor Bosley. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Workman arrived after this vote.

NEW STAFF RECOGNITION

The City Manager was excited to introduce the new Fire Chief, Donald Farquhar, who began his position on April 1. Chief Farquhar was a Deputy hired in Keene in October 2021, after which he began managing the operational division of the Fire Department, overseeing day-to-day operations and administration. He also shared senior management duties with the former Fire Chief. The City Manager said he certainly proved his capabilities in those five months and she congratulated Chief Farquhar on his new role.

The City Attorney said it was a great pleasure to introduce the new Assistant City Attorney, Amanda Palmeria, who previously worked as an Attorney for the Department of Justice and a Clerk for the Superior Court. The City Attorney congratulated Attorney Palmeira on her new role.

PUBLIC HEARING – EVERSOURCE ENERGY – TREE TRIMMING ON SCENIC ROADS

Mayor Hansel noted that this was a joint public hearing before the Conservation Commission and the City Council. A quorum of the Conservation Commission members were present. Mayor Hansel called the public hearing to order at 7:05 PM and the City Clerk read the hearing notice. Mayor Hansel welcomed the applicant, Dane D'Arcangelo, from Eversource Energy.

Mr. D'Arcangelo, the Arborist for Eversource Energy, explained the request to perform maintenance trimming of trees along scenic roads that were listed for the Council. He said that this consists of trimming around the primary power wire, which is the wire located on the top of

poles. The trimming will be 15 feet above that pole, eight feet to the left and right of that wire, and 10 feet below that wire. In addition to this trimming, he said there was a short list of 12 trees along the scenic roads in Keene that are either diseased, dying, or otherwise defective, which Eversource wants to remove. Eversource not only required permission from the City to do this work, but also from the property owners, to ensure that all parties are in agreement.

In the interest of transparency, Mr. D'Arcangelo stated that a few weeks before this meeting, he discovered that a tree on Nims Road was trimmed prematurely during the first week of March. He said he relayed that information to the City Clerk, Patty Little, when it was discovered, and she informed the Department of Public Works and the City Attorney. Mr. D'Arcangelo said there were no major impacts, but this did violate the State Statute. He invited Paul Arno, Supervisor of the Asplundh Tree Expert Company, to speak about why this violation occurred.

Mr. Arno stated that he supervises the tree crews in western and northern NH. He was made aware of this incident on Nims Road the week before this meeting. Mr. Arno stated that he was present to apologize to the City Council and people of Keene because he said this was "100% on us." He said Eversource did their part and provided all the required information, but there was a clerical error on the part of Asplundh. He apologized again and then described some positive things that came from this incident. First, they realized that the individual in charge of Nims Road was working with a scenic roads list from 2016. To prevent this in the future, they have implemented a safe step for the work planners when they receive circuit maps from Eversource. Additionally, they will reach out to each town for an up-to-date list of scenic roads. The resulting work plan will be sent to towns and general foremen, as well as Mr. Arno, who hopes this will prevent anything like this from happening again.

Mayor Hansel thanked Mr. D'Arcangelo and Mr. Arno for disclosing this information. The Mayor welcomed comments questions from the Council and Conservation Commission.

Eloise Clark of the Conservation Commission requested that, if possible, they only take off the tree crowns and to leave as much remaining trunk as possible for standing habitat for wildlife, such as birds and insects.

Mayor Hansel welcomed comments questions from the public.

Bradford Hutchinson of 305 Marlboro Street stated that he matriculated at Keene State College in 1998 with a major in Environmental Studies. Thus, he was very interested in this issue. This topic is important to him as he studies what beaver do with trees. First, Mr. Hutchinson said he has had the opportunity to observe Eversource conducting various tasks in different locations throughout the City—such as laying wooden roadbeds in swamps to protect the environment while replacing old wooden poles with metal poles—and said the crews do an excellent job. He said that Eversource representatives are always friendly, very professional, helpful, and personable. Second, Mr. Hutchinson appreciated and complimented this example of corporate responsibility and transparency regarding Nims Road from both Eversource and Asplundh. Third, Mr. Hutchinson spoke specifically about the trees, referring to the Eversource comments on lengths of branches and limbs that would be trimmed. He said that often, the tree is left in a strange topiary shape from being cut around the power lines, citing an example in the Davis

Street neighborhood behind St. Joseph's School. He said it would be better to do additional cutting within the rules and regulations in an effort toward aesthetics; sometimes that is better for forest management. He said they must take into account not just the power lines but the trees themselves. He agreed that some trees need to be taken out, citing problems with dead limbs dropping into the roadway, for example. As an environmental studies major, Mr. Hutchinson encouraged Eversource and Asplundh to continue their good work, but to keep aesthetics in mind. He said this is important work for Keene winters and not wanting powerlines brought down by limbs. He said that evidence of these trimmings, like saw dust, clears within a few weeks. Mr. Hutchinson stated that this was an example of working as a team to correct a mistake in a responsible matter, which he commended. He concluded stating that Ms. Clark's idea was an interesting one, but he did not suggest drawing wildlife toward roadways. He said the arborists and tree experts have it well under control.

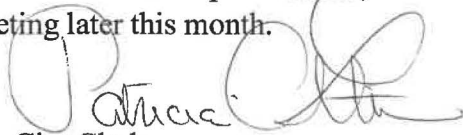
Steve Bill of the Conservation Commission asked whether the remaining stumps would be cut flush to the ground, or whether a property owners has some say in that. Mr. Arno replied that these stumps would be cut as low to the ground as possible. Some of them are close to stone walls and can be dangerous if you get too close to the ground. Nothing would remain taller than one foot. Mr. Arno said they do not offer stump grinding. He continued that these trees in question are dead, dying, or diseased; they are not asking to take down healthy trees. These are trees that would fall down on their own in the coming years and Mr. Arno is willing to absorb the cost he mentioned to help improve reliability on these scenic roads.

Councilor Jones responded to Mr. Bill, stating his understanding that all of these trees are on public property. Mayor Hansel replied that they are scenic roads, so they require Council permission, but some of the trees are on private property, which also require permission from the property owners. Councilor Jones addressed Ms. Clark's comments, stating that her advice should be the norm for all tree cutting in the City; he recalled a City tree cutting policy in the past.

Mayor Hansel thanked Mr. D'Arcangelo and Mr. Arno for bringing this forward.

Hearing no further questions, Mayor Hansel closed the public hearing at 7:21 PM. Written public comments would be accepted until 1:00 PM on Tuesday, April 26. Written comments must be signed and submitted to the City Clerk by that date and time to be included in the record. The Conservation Commission will be making a recommendation to the Municipal Services, Facilities, and Infrastructure Committee, which will be meeting later this month.

A true record, attest:


City Clerk

CONFRIMATIONS

Mayor Hansel nominated Gail Somers to move from regular to alternate and Armando Rangel to move from alternate to regular positions on the Planning Board, with terms to expire December 31, 2022. The Mayor also nominated Kristopher Radder to the Airport Development and Marketing Committee, with a term to expire December 31, 2024.

A motion by Councilor Powers to confirm the nominations was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

NOMINATION

Mayor Hansel nominated Gregg Kleiner as an alternate to the Historic District Commission, with a term to expire December 31, 2024. The Mayor tabled the nominations until the next regular meeting.

COMMUNICATION – FARMER’S MARKET OF KEENE – REQUEST TO USE CITY PROPERTY

A communication was received from Bruce Brickford, seeking the annual license to operate the Farmer's Market of Keene on Gilbo Avenue on Saturdays commencing April 23rd and ending October 31st. The request includes consideration for free use of City parking spaces. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION – CABANA FALLS WINERY – REQUEST PERMISSION TO SELL ALCOHOL AT THE FARMER'S MARKET OF KEENE

A communication was received from Aly and Carroll Lefebvre of Cabana Falls Winery, requesting permission to sell alcohol at the Farmer’s Market of Keene for the 2022 season. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION – KEENE STATE COLLEGE – REQUEST TO DISCHARGE FIREWORKS

A communication was received from the Keene State College Student Government Class of 2022, seeking permission for the discharge of fireworks on April 30th at the Joyce Athletic Practice Field. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION – KEENE FAMILY YMCA – REQUEST TO USE CITY PROPERTY – YOUTH TRIATHLON

A communication was received from the Keene Family YMCA, requesting a license for the Use of Public Ways on June 12, 2022 to host a youth triathlon. The applicant has requested full closure of a section of Summit Road for the cycling portion of the event, which requires City

Council authorization. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION – MONICA MARSHALL – REQUEST THAT RAILROAD SQUARE BE DESIGNATED A SMOKE FREE ZONE

A communication was received from Monica Marshall, with an amended request that Railroad Square be designated as a smoke-free zone and that the City place picnic tables, benches and plant flowers in the raised beds to encourage more people and young families to use the area. The communication also suggests a public/private partnership between downtown business owners and the City to construct some sort of play structure in the grassy area that leads to the Monadnock Food Co-op. Mayor Hansel referred the communication to the Municipal Services, Facilities, and Infrastructure Committee.

COMMUNICATION – ROGER WEINREICH – REQUEST CONSIDERATION OF THE CONSTRUCTION OF A ROUNDABOUT IMMEDIATELY SOUTH OF CENTRAL SQUARE AS A PART OF THE DOWNTOWN INFRASTRUCTURE IMPROVEMENTS

A communication was received from Roger Weinreich, recommending that as part of the downtown infrastructure improvements, that the City Council build a roundabout immediately south of Central Square. The function of this roundabout would be to enhance the safety and walkability of the downtown community while also creating an expanded Central Square Park. Mayor Hansel referred the communication to the newly created ad hoc Downtown Revitalization Committee

COMMUNICATION – COUNCILOR MITCHELL GREENWALD – CONFLICT OF INTEREST – DOWNTOWN BUSINESSES

A communication was received from Councilor Mitch Greenwald, updating an outstanding conflict of interest statement that he has for several downtown businesses. The City Clerk explained that Councilor Greenwald was updating his outstanding list of conflicts of interests for downtown businesses for which he is either the building owner, property manager, or has a business relationship that would cause him to request consideration of a conflict of interest. Most were outstanding and had been on the record for many years but many were new. A motion by Councilor Powers to suspend Section 26 of the Rules of Order to allow action upon this request was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Greenwald abstained. A motion by Councilor Powers to grant the request to abstain was duly seconded by Councilor Bosley.

Councilor Greenwald noted that the Council would be discussing the conflict of interest policy and said this was a part of what they would be enacting. He said these are important issues and he wanted to disclose. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Greenwald abstained.

COMMUNICATION – COUNCILOR RALEIGH ORMEROD – REQUEST FOR REMOTE ACCESS TO MEETINGS AND EXEMPTION FROM 24 HOUR NOTICE REQUIREMENT

A communication was received from Councilor Raleigh Ormerod, requesting to attend Council and Standing Committee meetings remotely from the time period of April 26, 2022 through the end of July 2022 for medical reasons, without having to provide 24 hours' notice prior to each meeting.

A motion by Councilor Powers to suspend Section 4 of the Rules of Order with reference to the 24 hours' notice prior to each meeting for remote access for Councilor Ormerod was duly seconded by Councilor Bosley.

Councilor Ormerod stated that he would be out for a medical conditions for the subsequent three weeks, after which he expects to be recovered fully but because of the condition, he would be unable to participate in any public meetings in person through the end of July. He did not want to leave the Ward One constituents unrepresented. Thus, he asked for an exception to having to provide 24-hours' notice in each instance.

Councilor Remy queried why this permission was needed as Councilor Ormerod was providing three weeks' notice. The City Attorney clarified that Councilor Ormerod would be required to provide 24-hours' notice in advance of each of these meetings through the end of July. This motion would allow him to simply attend remotely without asking permission and a vote of the whole body each time. The motion carried unanimously on a roll call with 15 Councilors present and voting in favor.

MSFI REPORT – THE LICENSING OF CATS TO PROTECT BIRDS AND SMALL ANIMALS

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending that the communications from Edward Coppola and Vicky Morton regarding the licensing of cats be accepted as informational.

Mayor Hansel filed the reports as informational. Discussion ensued. Councilor Greenwald noted that this was more than just about the licensing cats, but also about the dangers and damages of feral cats. He said it was a significant issue and that the people who brought it forward were very serious about the damage occurring.

MSFI REPORT – REQUEST TO REMOVE A NEARBY CITY TREE – 79 WOODBURN STREET

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending that the request from Loretta Simonds for removal of City tree be accepted as informational. Mayor Hansel filed the report as informational.

**FOP REPORT – ACCEPTANCE OF HAZARDOUS MATERIALS EMERGENCY
PREPAREDNESS GRANT – FIRE DEPARTMENT**

A Finance, Organization, and Personnel Committee report read, recommending that the City Council authorize the City Manager to do all things necessary to apply for, execute, expend and accept the terms of the grant agreement for the Hazardous Materials Preparedness (HMEP) Grant application as presented in the amount of \$26,934 for the purchase and installation of conferencing equipment and hazmat plan updates. 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 15 Councilors present and voting in favor.

**FOP REPORT – ACCEPTANCE OF LOCAL SOURCE WATER PROTECTION GRANT –
PUBLIC WORKS DEPARTMENT**

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept and execute a Local Source Water Protection grant from the New Hampshire Department of Environmental Services (NHDES) in the amount of \$12,000 for the installation of security fencing at Babbidge Reservoir. 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 15 Councilors present and voting in favor.

**FOP REPORT – LEASE OF CITY PROPERTY FOR RENEWABLE ENERGY PROJECTS
AT MONADNOCK VIEW CEMETERY AND ROSE LANE – ASSISTANT PUBLIC WORKS
DIRECTOR**

A Finance, Organization, and Personnel Committee report read, recommending that the City Council authorize the City Manager to do all things necessary to negotiate and execute a lease agreement with ReVision Energy for a solar array installation at Monadnock View Cemetery and Rose Lane. 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 15 Councilors present and voting in favor.

**FOP REPORT – NEGOTIATE LEASE OF AIRPORT PROPERTY – MONADNOCK
AVIATION – AIRPORT 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 agreement with Monadnock Aviation for land to develop a new hangar.

A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. Discussion ensued. Councilor Chadbourne commended City Staff for their hard work for bringing this vision for the Airport to fruition. The motion carried unanimously with 15 Councilors present and voting in favor.

FOP REPORT – ENCOURAGING THE CITY TO DEVELOP A HOMELESSNESS STRATEGY THROUGH PROGRAMS THAT FOCUS ON REDUCING HARMS ASSOCIATED WITH HOMELESSNESS

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to continue work with a Greater Keene Homelessness Coalition to complete the community mapping process on homelessness, prevention, and a coordinated local response to homelessness. This report will be submitted to the Governor's Council on housing stability; and, further, that she work with the State and Service providers in our region on implementation of recommendations contained within that final report and that the letter brought forward by Councilors Williams, Workman and Lake be directed to a committee at the City Manager's discretion. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

The City Manager said this motion had two parts. The first part talks about the work the City is engaged with already with the Greater Area Homeless Committee and partners in the City. She said that work would continue. The motion also mentioned work the City is doing with partners in the region, and the leadership role our Human Services Department will take working with regional partners. The final part of the motion talks about the Committee to address the letter submitted by the three Councilors. The City Manager continued that she had a brief meeting with those three Councilors to discuss stakeholders. One challenge is that no existing City committee has the appropriate stakeholders involved. Thus, it was clear that a new Committee was needed. They considered a City Manager's Committee that an internal committee did not feel open enough to engage the community and region the same way. Thus, the Mayor graciously approved an ad hoc committee for this purpose.

Councilor Johnsen said it was wonderful to watch Councilor Powers lead this discussion at Committee because the three Councilors brought forward great ideas. She recalled one young man stating that he was not homeless, he lives in a tent. She heard a strong statement from people wanting to live outside.

Councilor Williams thanked everyone who came to the Committee meeting, stating it was amazing to see all those voices in the room. He encouraged those voices to continue taking part.

The motion carried unanimously with 15 Councilors present and voting in favor.

PLD REPORT – MACHINA KITCHEN AND ARTBAR – REQUEST TO USE CITY PUBLIC PARKING SPACES – PARKLETS

A Planning, Licenses, and Development Committee report read, directing the City Attorney to prepare an Ordinance based upon the Committee discussion to authorize the placement of "Parklets" in designated areas on public street(s) to allow for expanded outdoor dining.

A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Giacomo. Discussion ensued.

Councilor Greenwald made clear that he was not speaking about the specific parklet proposed, for which he had a conflict of interest, but rather as a Councilor speaking on a proposed ordinance. He would be voting in favor of preparing the ordinance, and once it was prepared, he would have a list of issues that he wants to see addressed because he has a lot of concerns. Councilor Greenwald said that if it could work out, fine, but if not they just need to make a decision.

Councilor Jones thought that this motion should be to prepare a draft ordinance, because it was clear that there would be a lot of comments on it. The City Attorney clarified that was exactly his plan. He would not be returning with an ordinance number, but rather a draft that would go to Committee and Council for discussion.

Councilor Filiault suggested taking this process slowly because by the time the new Downtown Committee was done with its work, we could be looking at a whole different downtown.

The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Greenwald abstained. Discussion ensued.

PLD REPORT – RULES OF ORDER – SECTION 15 – CONFLICTS OF INTEREST – CITY ATTORNEY

A Planning, Licenses, and Development Committee report read, recommending the adoption of Section 15, Voting and Conflict of Interest, as amended by the Committee. Councilor Jones voted in opposition.

The City Clerk noted a Scribner's error in the third line of the fourth paragraph, where the word "Councilor" was missing and it should have said, "Shall identify for the Mayor and each Councilor, the person's employer..." She assured that the change was appropriately documented in the City Attorney's corrected version. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Giacomo. Discussion ensued. The motion carried on a roll call vote with 14 Councilors present and voting in favor. Councilor Jones opposed.

CITY MANAGER COMMENTS

The City Manager began with an update from the Community Development Department. The City Manager had selected the next Community Development Director. He is currently going through background checks and therefore she was not ready to announce his name. He is coming from Colorado and right now we are tentatively looking at his arrival around the end of June or beginning of July. John Rogers has been doing a great job filling-in as the Interim Community Development Director. He and his team have been extremely busy, but they are successfully moving projects forward.

The Community Development Department is reviewing Chapter 18 of the City Code, which covers building codes as well as housing and property standards to ensure compliance and alignment with State RSAs. One of the possible recommended changes will be to the housing standards section of Chapter 18 to reflect the housing standards covered under the State

minimum housing standards for rental/leased dwelling units. We are also anticipating that the State will be adopting the 2018 Building Codes from the currently adopted 2015 Codes, and Chapter 18 will need to reflect that change.

The City Manager reported that we are likely see some demolition activity on the Cobblestone building in the next few weeks, once Liberty Utilities has dealt with their utility connections, which is tentatively set for next week.

The City Manager shared some encouraging news that we have a total of about 20 single-family house permits with the Elm Street and Old Walpole area as the site for several proposed new single-family homes.

The City Manager provided the notes from the Fire Staffing Committee's March 22 and April 1 meetings. There would be group meetings the subsequent two Fridays and hopefully they were coming close to recommendations they would bring forward.

Next, the City Manager provided a fire inspections update. The Fire Department will be hosting a municipal gas inspector class being taught by the New Hampshire Office of Professional Licensure & Certification and Liberty Gas. The class is scheduled for Wednesday, April 27. The class will provide instruction on inspection and acceptance testing of gas piping, connections, and appliances. This will result in Community Development and Fire Department Inspectors being able to approve initial permits and final inspections for gas piping and gas burning appliances. This has been an issue for the Department since Captain Bates retired, and it will be great to have multiple people in both departments trained to perform this function. We continue to be well supported by the State Fire Marshal's office, which has been a productive and positive relationship in the inspections process.

The City Manager said the Fire Department is evaluating the IworQ software program currently in use with the Community Development Department. The software is very promising. We are working through some technical questions with the software vendor and expect to make a final determination within the next week. Transition to this program will create better synergy between the two departments and provide a higher level of customer service. Staff are striving for one place to go for all permit needs and better coordination between the two Departments.

The City Manager reported that business and building owners have been very responsive and timely with remediation of code violations. We have started the practice of personally revisiting every business/building owner that have active code violations. We are using these interactions to provide technical assistance and advocacy in support of their corrective actions.

She said Staff completed a full review of all occupancies that had been designated as assemblies and/or have active liquor licenses. Assembly permits are required for any building with an occupancy of 100 or greater. Any occupancy with a liquor license, regardless of occupancy load requires an annual life safety inspection to maintain their liquor license. The FD had been working to address confusion between assembly permits and annual life safety inspections. We identified 24 occupancies that had an occupancy load lower than 100 and did not have a liquor

license. These occupancies do not require an assembly permit and so we will instead continue to offer them an annual life safety inspection.

Next, the City Manager reported that Representative Kuster is visiting April 19, tentatively 1:00 PM. In addition to the \$415,000 Congressionally directed funding from Shaheen's office for the body worn camera program and \$325,000 for our Sewer Force Main Inspection and Rehabilitation project to do an engineering assessment of the sewer force main, we were also successful, through Kuster's office, getting a Congressionally directed funding project in the amount of \$394,800 for the design and construction of Phase I of the Transportation Heritage Trail. This phase will entail repairing the rail bed from Eastern Ave to Rt. 101 and preparing the embankment on the north side of Rt. 101 for the Prowse Bridge. This work is expected to happen in 2023. In addition, the City Manager said we are in the process of submitting new applications for Capital improvement projects already identified by the City for the next round of funding. It seems these Congressionally directed funding opportunities would continue. This week was the deadline for Kuster's office and next week is the deadline for Shaheen's office. Requests will include funds to assist with projects such as the downtown project, renaming the Heritage Trail work, a parking garage, and Fire Station 2. The Director of Parks and Recreation is also submitting for the Recreation Center as well.

The City Manager reported a Zoom meeting with the Legislative Delegation on Monday, April 4. We typically hold this meeting around crossover time. Many of the bills we had previously been tracking have not made it to crossover, so this allows us to focus on only the remaining ones. The City Manager provided Councilors a copy of the memo that went out to the entire Delegation as a follow-up to the meeting. The memo highlights some of the bills of concern that we are either supporting or opposing.

The City Manager continued noting that this week, the Governor has appointed her to the New Hampshire Opioid Abatement Advisory Commission, This Commission shall consult with and advise the Commissioner of the Department of Health and Human Services relative to the proper administration and management of the Opioid Abatement Trust Fund and shall approve all qualifying grants, loans, and matching funds coming from that fund. The Commission has been meeting for a while, but the City Manager's first meeting will be Monday, April 11 and so she will have some catching up to do. The City is one of the 23 towns/cities/counties that joined the opioid lawsuit. We had been supporting a bill in the Legislature to increase the percentage of funds coming directly to participating entities from the court settlements, changing the distribution from 15% to 40%. Unfortunately, the bill was sent to interim study, and we made no progress. At least participating on this Commission will give us a voice on how the remaining funds are spent. Therefore, the City Manager was grateful that she was asked and happy to serve.

The City Manager reported that the Keene Rotary held a fundraiser to help our sister city Einbeck, Germany to provide aid to Ukraine citizens. The Rotary raised \$10,000 and donated those funds.

Next, the City Manager said the NH Managers Conference is going to be held here in Keene this year (June 15–17). Typically, about 40–50 city/town managers from across the state attend this conference. The City Manager was thrilled to be able to host them here in Keene.

The City Manager continued noting that Staff were getting close to finalizing the budget. The goal is to hopefully get it off to the printer late next week so that it will be back in time for the May 1 deadline. The City Manager said it had been a tough budget to balance with fiscal policy. She had to commend the work of our Finance Director, Merri Howe, and our Senior Accountant, Karen Gray; in addition to their regular duties, and the time consuming Financial software conversion, they have also been spending an enormous amount of time working with the City Manager on funding scenarios (sending spreadsheets and info back and forth after hours including this past Sunday), helping her brainstorm ideas to bring us in compliance with fiscal policies, and then putting it all together for a final product. The City Manager said she is very lucky to have them on her team.

The City Manager concluded her report with the Eminent Domain court decision for the Winchester Street project. The Superior Court has ruled in the City's favor on all issues in connection with the challenge by Sandri to the eminent domain action and to the property taking necessary to accomplish the Winchester Street construction project. Sandri now has 10 days from April 5 to file a Motion for Reconsideration with the Court. Sandri would then have 30 days from the date of the decision on the Motion for Reconsideration to file an appeal to the NH Supreme Court. In the absence of filing a Motion for Reconsideration, an appeal must be filed within 30 days from the date of the decision, April 5. The City Manager said this was good news. Both our City Engineer, Donald Lussier and the City's Attorney on the matter, Attorney Tom Clausen, were favorably mentioned in the decision as being more credible and persuasive than Sandri's technical team. The Judge wrote that "the City ... has presented substantial evidence displaying a pressing need for the Roundabout and its significant benefits. Sandri, on the other hand, has shown only speculative harm." The City Manager wanted to recognize Don Lussier specifically for his work on this case. She said he represented the City in an extremely professional and knowledgeable manner and is a big part of the reason for our success. The City Attorney said that Gene McCarthy, who is with our engineering services, was also instrumental; he and Mr. Lussier handled the trial together.

JOINT PB-PLD REPORT – ORDINANCE O-2022-02 – RELATING TO ZONE CHANGE – 19 WHITCOMB'S MILL ROAD – RURAL AND AGRICULTURE TO LOW DENSITY 1

A memorandum read from Senior Planner, Mari Brunner, with a Joint Planning Board–Planning, Licenses, and Development Committee report that read with the following actions:

A motion was made by Mayor George Hansel that the Planning Board find the proposed Ordinance O-2022-02 consistent with the Community Goals and Master Plan. The motion was seconded by Councilor Michael Remy and was unanimously approved.

A motion was made by PLD Chair Kate Bosley that the Planning Licenses and Development Committee request that the Mayor set a public hearing on this item. The motion was seconded by Councilor Phil Jones and was unanimously approved.

Mayor Hansel set a public hearing for May 5 at 7:00 PM. This matter is a zoning amendment and is currently before the Planning, Licenses, and Development Committee.

MSFI REPORT – RELATING TO STOP SIGNS – WASHINGTON AVENUE – ORDINANCE O-2022-03

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending the adoption of Ordinance O-2022-03. Mayor Hansel filed the report as informational.

A motion by Councilor Greenwald to adopt Ordinance O-2022-03 was duly seconded by Councilor Filiault. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

RESOLUTION – IN APPRECIATION OF MARK F. HOWARD UPON HIS RETIREMENT RESOLUTION R-2022-07

A memorandum read from the Human Resources Director/Assistant City Manager, Elizabeth Fox, recommending the adoption of Resolution R-2022-07. A motion by Councilor Powers to adopt Resolution R-2022-07 was duly seconded by Councilor Bosley. Mayor Hansel thanked Councilor Powers for being instrumental in the retirement celebration for Chief Howard and to all those who attended. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

RESOLUTION – RELATING TO THE APPROPRIATION OF FUNDS FOR THE CITY HALL PARKING STRUCTURE MAINTENANCE PROJECT – RESOLUTION R-2022-08

A memorandum read from the City Engineer, Don Lussier, recommending that Resolution R-2022-08 be referred to the Finance, Organization and Personnel Committee for their consideration and recommendation.

Mayor Hansel referred Resolution R-2022-08 to the Finance, Organization, and Personnel Committee.

RESOLUTION – RELATING TO THE ABSOLUTE DISCONTINUANCE OF A PORTION OF THE COMMERCIAL STREET PARKING AREA - RESOLUTION R-2022-13

A memorandum read from the City Engineer, Don Lussier, recommending that the City Council accept a Petition for the Absolute Discontinuance of a Portion of the Commercial Street Parking Area submitted by the Public Works Director and refer said Petition to the Municipal Services, Facilities and Infrastructure Committee.

Mayor Hansel referred Resolution R-2022-13 to the Municipal Services, Facilities, and Infrastructure Committee. A site visit is set for April 21, 2022 at 5:45 PM and the public hearing is scheduled for April 21, 2022 at 7:00 PM. Sandwiches will be available in the adjoining conference room prior to the Council meeting.

TABLED ITEM – COUNCIL POLICY: RELATING TO THE LEGISLATIVE PROCESS RESOLUTION R-2022-06

At the City Council meeting on March 17, 2022, the Council voted with 12 in favor and 3 opposed to table the following item until the next regular City Council meeting.

A Finance, Organization, and Personnel Committee report read, recommending the adoption of Resolution R-2022-06 and the rescission of the previous Council policy on Legislative process, Resolution R-2015-10, Relating to the Legislative Process.

A motion by Councilor Powers to adopt Resolution R-2022-06 was duly seconded by Councilor Remy. Discussion ensued.

Councilor Chadbourne spoke in opposition. She stated that under this Resolution, if a member of the public wants to address the Council and it is not deemed a local matter, then it would go to Councilors' mailboxes, and if a Councilor wants to pursue, it would require a 2/3 vote in order to be heard. She spoke with members of the City staff and learned that there were only 7 Resolutions during her 10-year tenure and several letters requested of the Mayor. She read those Resolution titles by year, some of which she said fit into the Master Plan and vision for the City. Councilor Chadbourne considered supporting this initially, but she believes anything brought to the Council should be considered because government is set-up for the people. She cited a trickle-up effect and supported keeping the process open to the public.

Councilor Remy spoke in favor in the Resolution. He thinks there is a stronger voice when it is small and measured. While Councilor Chadbourne only cited those seven issues, he imagined that most passed by more than 2/3 and would have been eligible to move forward under this Resolution. He does not think the City should be taking positions on issues that might be outside its purview unless 2/3 of the Council supports it.

Councilor Workman spoke in opposition and thanked Councilor Chadbourne for her argument. Councilor Workman thinks we are creating legislation for something that is not a problem. She did not understand the point of this conversation. She agreed that there is a process that works right now and which gives people an opportunity to weigh-in. She said the Council's job is to act on the people's behalf and they should do that.

Councilor Filiault spoke in opposition, agreeing with Councilors Chadbourne and Workman. He said there were words in the Resolution that were concerning, such as not wanting to deal with partisan resolutions; he asked who decides what is partisan. He has a problem with elected officials leaving that determination to Staff. He noted that there are not many of these annually. The Council should never get to the point of allowing Staff to determine what elected officials should see; the Council determines what is relevant. He said the Council is elected to deal with these matters whether they are partisan or not. Mayor Hansel noted respectfully that partisanship was not part of the resolution, and so Staff would be determining what is of local relevance. Councilor Filiault countered that partisanship was in the background minutes. He cited examples that were partisan that might not have come to the Council in the past if determined by Staff. He said he elected officials should do the job.

Councilor Greenwald said there were a lot of issues that the Council does not need to weigh-in on but said this was not a problem; he called it a solution in search of a problem. The Council

should be able to discuss anything and can decide if it is not appropriate. The existing procedure has worked well over time and if the Council wants to talk about something they will find a way. He did not find this to be meaningful.

Mayor Hansel noted that he does not usually weigh-in on policy issues, but said that at the beginning of his term, he and Staff were spending significant time writing letters on behalf of the City Council to what he called no effect. He questioned the effectiveness of letters the Council has him send to the Legislative Delegation about nuclear war. Mayor Hansel said he and Staff have plenty to do. He said local relevance could be argued for almost anything and for an issue to not qualify would have to be pretty disconnected locally.

Councilor Bosley spoke in opposition. She sat as the Chair of PLD through Covid-19 and she had to mediate conversations during Zoom when special interest groups were bringing out-of-state people into meetings to give testimony. Now that element is gone, and she did not think this would be a problem anymore. She thought about Councilor Madison's effort into the Ukrainian issue and said that sometimes coming before Council for a letter or resolution is not effective, but putting effort into a vigil was more meaningful. She suggested that the public remember just coming to Council might not be the best way to handle something important to them. She would not quiet any citizen coming before a Committee.

Councilor Williams spoke in opposition. He heard from his constituents that they appreciate the ability to do this and so he would support their ability to continue to do so.

Councilor Giacomo said from what he read this was not preventing or inhibiting anyone from bringing issues before Council, but rather it was trying to cut down on statements sent off to the state and "put into the circular filing bin." He thought we could discuss important topics as a Council and if someone is being silenced on a significant enough issue, a Councilor could raise it and 2/3 of the Council could support it. He said that the Resolutions Councilor Chadbourne listed were undoubtedly local. He thought this was trying to get rid of people coming in trying to get Keene to make a statement on their behalf, which he said was not the Council's function. He said it can be partisan and if it is, it is problematic because the Council Creed says the Council will not hear anything partisan.

Councilor Madison said he was conflicted, but he spoke in opposition. He was originally a proponent and then he broke his own rule by emailing members of the Council to attend a vigil and dress at Council in support of Ukraine. He agreed it had not been an issue in the last 10 years and probably less since 1884. But he has been seeing in the last five years more letters coming into the Council that are not from Keene constituents and who do not want to take the matters to their state representatives or their own town councils. He agreed that this matter would be less of an issue now that Zoom meetings were not occurring.

Councilor Filiault commented "If it ain't broke, don't fix it. It ain't broke."

Councilor Chadbourne said sometimes it is really effective when people come to the Council and not their State officials. She cited an instance that was a NH organization and the State body kept tabling it, leaving transgendered people open to discrimination in the state. So, they began at the

04/07/2022

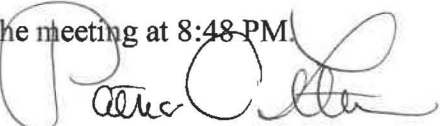
local level and got 12 towns to sign-on, which got the State passing anti-discrimination laws. To the Mayor, Councilor Chadbourne said she also asked the Mayor's secretary for how many letters he wrote, and during her 10-year tenure, Mayor Lane wrote one letter and Mayor Hansel had written at least 7. However, she felt they were mostly important at the State level, and she liked to think they did not end up in the "circular file."

On a vote of 5 in favor vs. 10 opposed the motion failed. Resolution R-2022-06 was defeated.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 8:48 PM.

A true record, attest:



City Clerk



PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing will be held before the Keene City Council pursuant to a Petition from the City of Keene to consider **Resolution R-2022-13, relative to the absolute discontinuance of a portion of the Commercial Street Parking Area** in accordance with the procedures set forth in RSA 231. The City Council will hear all parties interested who may attend and any evidence they may offer. The discontinuance plan is available for viewing at the City Clerk's Office and online at www.keenenh.gov.

SITE VISIT: April 21, 2022 at 5:45 p.m.

PUBLIC HEARING: April 21, 2022 at 7:00 pm.

PUBLIC HEARING LOCATION: Council Chambers, Keene City Hall

Per order of the Mayor and Councilors of the City of Keene, this 7th day of April, 2022.

Attest:

City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: April 21, 2022
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Confirmation**

- **Historic District Commission**

Council Action:
In City Council April 7, 2022.
Nomination tabled until the next regular meeting.

Recommendation:

Attachments:

1. Kleiner_Gregory_Redacted

Background:

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

Historic District Commission
Gregg Kleiner, alternate slot 8
119 Carroll Street, Apt 1

Term to expire Dec. 31, 2024

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

Sent: Friday, March 25, 2022 2:15 PM

To: Helen Mattson

Cc: Patty Little; Terri Hood

Subject: Interested in serving on a City Board or Commission

<p>Submitted on Fri, 03/25/2022 - 14:15</p>

<p>Submitted values are:</p>

First Name:

Gregory

Last Name:

Kleiner

Address

119 Carroll Street #1

Keene NH 03431

How long have you resided in Keene?

4 years

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Fenton Family Dealerships

Occupation:

Assistant Office Manager

Retired

No

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

Member, Partner City Committee, City of Keene
Treasurer, Keene Young Professionals Network
Board Member, Keene Housing Kids Collaborative
Member, Keene Lions Club

Have you ever served on a public body before?

Yes

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

Historic District Commission

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

Historic Preservation. Very organized, critical thinker, dedicated and thorough.

Why are you interested in serving on this committee

Downtown Keene has a fascinating history which I would like to preserve

Please provide 2 personal references:

Kaitlin Fenton

KFenton@fentonautosales.com

[REDACTED]

References #2:

Donovan Fenton

DFenton@fentonautosales.com

[REDACTED]



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.2.

Meeting Date: April 21, 2022
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Appointment - Ad Hoc Committee on Housing Stability**

Recommendation:

That the following individuals be appointed to the ad hoc Committee on Housing Stability, which would be charged with evaluating strategies and making recommendations to address housing stability in the City of Keene.

Committee Membership:

Mayor George Hansel, Chair
Councilor Bryan Lake
Joshua Meehan
Jennifer Alexander
Doug Iosu
Craig Henderson
Natalie Darcy
Steven Bragdon
Jennifer Seher
Stacie Pickford

Rebecca Landry, Staff Support

Attachments:

None

Background:



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: April 21, 2022

To: Mayor and Keene City Council

From: Jan Manwaring - Secretary/Pathways for Keene

Through: Patricia Little, City Clerk

Subject: Pathways for Keene - Request to Use City Property - 4 on the 4th Road Race

Recommendation:

Attachments:

1. Communication_Manwaring_4 on the 4th

Background:

Pathways for Keene is making their request to host the 20th annual 4 on the 4th Road Race on July 4, 2022 in downtown Keene.

Pathways for Keene, Inc
P. O. Box 226
Keene, New Hampshire 03431

January 14, 2022

City Hall
3 Washington Street
Keene, New Hampshire 03431

To the Mayor and City Council,

Pathways for Keene requests a license to hold the

20th Annual 4 on the 4th Road Race

on Monday, July 4, 2022 in Railroad Square. The Race

will have its usual route through the Cheshire Rail Trail out to

Eastern Avenue, Marlboro Street and Optical Avenue Extension and

back to Railroad Square on the same route. We will be raising funds for

the Prowse Bridge reconstruction over Route #101.

Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jan Manwaring", with a stylized flourish at the end.

Jan Manwaring
Secretary, Board of Directors
50 Belmont Avenue
Keene, New Hampshire 03431



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: April 21, 2022
To: Mayor and Keene City Council
From: Kevin Watterson - President/Keene Swamp Bats
Through: Patricia Little, City Clerk
Subject: **Keene Swamp Bats - Request to Discharge Fireworks**

Recommendation:

Attachments:

1. Communication_Watterson_Swamp Bats

Background:

Mr. Watterson is requesting permission to discharge fireworks at Alumni Field on two separate dates, one after their regular game on July 3, 2022 in conjunction with Independence Eve, and the other after their regular game on July 16, 2022.



www.swampbats.com
303 Park Ave. • Keene, NH 03431 • (603) 357-5464

April 2, 2022

City Of Keene
Keene City Council
3 Washington St.
Keene, NH 03431

City Council Members:

Per this letter, the Keene SwampBats request your approval to host a Class B Fireworks Display on two separate dates:

Sunday, July 3rd

Saturday, July 16th

These events would take place at Keene's Alumni Field on Arch Street, immediately following the regularly scheduled SwampBats' game on those nights, at approximately 9:45 pm. We will supply a Letter of Approval from the SAU 29 and an Insurance Rider naming the City of Keene as a co-insured.

Thank you in advance for your consideration.

Sincerely,

Kevin D. Watterson, President
Keene SwampBats



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: April 21, 2022

To: Mayor and Keene City Council

From: Thomas F. Powers

Through: Patricia Little, City Clerk

Subject: **Councilor Thomas Powers - Renaming the Keene Recreation Center to the Brian A. Mattson Keene Recreation Center**

Recommendation:

Attachments:

1. Communication_Powers

Background:

On behalf of many citizens and local organizations in the City, Councilor Powers is recommending that the City Council rename the Keene Recreation Center to the Brian A. Mattson Keene Recreation Center.

April 15, 2022

The Honorable Mayor and Keene City Council
3 Washington Street
Keene, NH 03431

RE: Naming the Parks and Recreation Center in
Honor of Brian A. Mattson

This letter is an official request that the Keene City Council rename the City Recreation Center in honor of Brian A. Mattson. The process and criteria that the City Council considers in naming a public facility after a specific individual was established by Ordinance O-1996-20. The criteria includes that the qualifying facility be under the ownership and funded through the City; and that the individual being considered must meet at least one of the following criteria:

- An individual who has had a major involvement in the acquisition or development of the facility.
- A well-known community leader, either elected, appointed or a volunteer
- An individual who has positively influenced a large populace of the city through a significant contribution of money, time, material or land.
- An individual whose civic leadership or volunteerism clearly has contributed to the betterment of the city.
- An individual who is deceased and whose personal attributes symbolized the principles and standards of a community organization.

As it relates to the above criteria, the Keene Recreation Center is a public facility and is owned by the City of Keene. In his capacity as the Director of Parks and Recreation, Brian Mattson played a major role in the development of the facility and he was the guiding force in the planning, building and the successful opening of the Keene Recreation Center as we know it today.

Brian was an employee of the City of Keene for almost 40 years. During that time he was a key contributor and played a significant role in the success of youth programs, senior citizens programs, city pathways, basketball programming and the downtown skate park.

During his tenure, his efforts benefitted a large segment of the community whether the program involved the Keene Senior Center, the Special Olympics or the Keene Kiwanis Club. All of the programs that Brian spearheaded made the Keene community a better place for all who live, work and play here.

Brian A. Mattson was an individual whose outstanding leadership, dedication and volunteer efforts have contributed to the betterment of the community and the lives of many of Keene's residents.

He meets not just one, but all five criteria outlined in the Ordinance.

Therefore the renaming of the Keene Recreation Center to the *Brian A. Mattson Keene Recreation Center* is a fitting and permanent testament to the contributions of the man who gave so much to the Keene community.

This request is being made by the undersigned on behalf of many citizens and local organizations.



Thomas F. Powers



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: April 21, 2022

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: Farmer's Market of Keene – Request to Use City Property

Recommendation:

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the Farmers' Market of Keene be granted permission to use 22 spaces along Gilbo Avenue and 18 spaces on the other side of the median strip in the Commercial Street parking lot on each Saturday commencing April 23, 2022 to Saturday, October 29, 2022. Said permission is subject to the following conditions:

- o the furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- o the signing of a standard revocable license and indemnification agreement;
- o the receipt of a total rental fee of \$932.00 (payable on the first day of every month at \$155.00 per month);
- o access to City electrical shall also be provided at a fee of \$60.00 for the season;
- o obtainment of all necessary permits and licenses and compliance with all laws, and compliance with any recommendations of City staff.
- o In addition, the Petitioner agrees to comply with any recommendations of the Federal Center for Disease Control, the State of New Hampshire and the City of Keene; including compliance with any general guidelines, laws or ordinances enacted to ensure the health and safety of the general public that may be in effect as a result of the Novel Coronavirus (COVID-19).
- o It is further recommended that the Farmer's Market of Keene be allowed to erect sandwich board signs on City property prior to the start of sales, subject to review and approval by City staff with respect to the number and location. The signs must be removed immediately after the sales have concluded.

Attachments:

None

Background:

Chair Bosley welcomed the applicant, Bruce Brickford of Walpole. Mr. Brickford was present requesting permission for the Keene Farmers' Market to set-up in the same place as last year if still available. Importantly, for the foreseeable future, the Market would not be operating any longer on Tuesdays; only Saturdays from 9:00 AM–1:00 PM from April 23 through the end of October.

Chair Bosley heard Staff comments from the Director of Public Works/EMD, Kürt Blomquist, who said Staff had reviewed the license application without concern. They requested the same number of parking spaces and amenities as previous years. However, there would be adjustment to the signage to indicate that the Market is only on Saturdays, for now.

With no questions from the Committee or public, Chair Bosley entertained a motion from Councilor Johnsen, which Councilor Jones duly seconded.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the Farmers' Market of Keene be granted permission to use 22 spaces along Gilbo Avenue and 18 spaces on the other side of the median strip in the Commercial Street parking lot on each Saturday commencing April 23, 2022 to Saturday, October 29, 2022. Said permission is subject to the following conditions:

- o the furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- o the signing of a standard revocable license and indemnification agreement;
- o the receipt of a total rental fee of \$932.00 (payable on the first day of every month at \$155.00 per month);
- o access to City electrical shall also be provided at a fee of \$60.00 for the season;
- o obtainment of all necessary permits and licenses and compliance with all laws, and compliance with any recommendations of City staff.
- o In addition, the Petitioner agrees to comply with any recommendations of the Federal Center for Disease Control, the State of New Hampshire and the City of Keene; including compliance with any general guidelines, laws or ordinances enacted to ensure the health and safety of the general public that may be in effect as a result of the Novel Coronavirus (COVID-19).
- o It is further recommended that the Farmer's Market of Keene be allowed to erect sandwich board signs on City property prior to the start of sales, subject to review and approval by City staff with respect to the number and location. The signs must be removed immediately after the sales have concluded.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: April 21, 2022

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Cabana Falls Winery – Request Permission to Sell Alcohol at the Farmers’ Market of Keene**

Recommendation:

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that Cabana Falls Winery be granted permission to sell alcohol and provide individual product samples to patrons at the 2022 Keene Farmers’ Market on City property licensed to the Farmers’ Market of Keene in accordance with the requirements of the State Liquor Commission. Said permission is contingent on the following: compliance with any recommendations of the Federal Center for Disease Control, the State of New Hampshire and the City of Keene, including compliance with any general guidelines, laws or ordinances enacted to ensure the health and safety of the general public that may be in effect as a result of the Novel Coronavirus (COVID-19); submittal of a signed letter of permission from the Farmers’ Market of Keene; obtainment of all necessary permits and licenses and compliance with all laws.

Attachments:

None

Background:

Chair Bosley welcomed the applicants, Aly and Carroll Lefebvre of 11 Cabana Drive, Peterborough, owners of the Cabana Falls Winery. Ms. Lefebvre explained that the winery opened last year in Peterborough in June 2021 and then they moved to Jaffrey in October, where they have been doing really good business. Last year they sold at the Farmers’ Market in Jaffrey, then they expanded to the Markets in Peterborough, Bedford, and Rindge. Now, they seek to expand to Keene. She added that their products are carried at the Hannah Grimes Marketplace here in Keene. The Chair noted that the applicants had been quite busy, which was good to see.

Chair Bosley requested Staff comments from Kürt Blomquist, Public Works Director/EMD, who recalled that several years ago the State statute changed to allow the sampling and sale of wines and beers at Farmers’ Markets. The Liquor Commission has issued guidance, which the applicants intend to comply with. Staff recommended approving the request.

The Vice Chair and City Attorney mentioned recently tasting the applicants’ wine at an event and gave their compliments. The Chair noted that there had been similar requests in previous years for

beer sales at the Farmers' Market and she said it was exciting to see this addition.

With no Committee or public comments, Chair Bosley entertained a motion from Vice Chair Giacomo, which was duly seconded by Councilor Jones.

Councilor Jones clarified for all petitioners present that these motions are only recommendations to the full City Council, which still needed to approve these matters at their meeting on April 21.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that Cabana Falls Winery be granted permission to sell alcohol and provide individual product samples to patrons at the 2022 Keene Farmers' Market on City property licensed to the Farmers' Market of Keene in accordance with the requirements of the State Liquor Commission. Said permission is contingent on the following: compliance with any recommendations of the Federal Center for Disease Control, the State of New Hampshire and the City of Keene, including compliance with any general guidelines, laws or ordinances enacted to ensure the health and safety of the general public that may be in effect as a result of the Novel Coronavirus (COVID-19); submittal of a signed letter of permission from the Farmers' Market of Keene; obtainment of all necessary permits and licenses and compliance with all laws.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: April 21, 2022

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Keene State College – Request to Discharge Fireworks**

Recommendation:

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that Keene State College be granted permission for the discharge of fireworks on Saturday April 30, 2022 at no later than 10:00 pm subject to the following conditions: the signing of a revocable license and indemnification agreement; that Keene State College provide a certificate of liability insurance with the City of Keene listed as an additional insured in the amount of \$1,000,000; that the fireworks vendor provide a certificate of liability insurance with the City of Keene listed as an additional insured in the amount of \$1,000,000; that a Class B fireworks permit be obtained; and that Keene State College provide Campus Security to control the fireworks drop-zone. In addition, the petitioner agrees to comply with any recommendations of the Keene Fire Department and the Keene Police Department and agrees to absorb the charges for any City services provided.

Attachments:

None

Background:

Chair Bosley welcomed the applicant, Jennifer Ferrell, Associate Vice President of Student Engagement at Keene State College (KSC), 229 Main Street. Ms. Ferrell said that the past two years had been fairly challenging for KSC students missing some of their traditional events. Last year, the senior class of 2021 initiated this idea for fireworks as a distanced outdoor event. After a successful event last year, the graduates of 2022 are interested in hosting it again on campus this year. The event is proposed on Saturday, April 30, beginning slightly after dark around 8:30 PM–9:00 PM. The fireworks will be discharged from the Joyce practice field on campus, adjacent to the Spaulding Gymnasium. Ms. Ferrell said they had completed all aspects of the permit, campus safety was prepared for the event, she received the signed permit package from Fire Chief Farquhar, she acquired the appropriate level of insurance certification, and she had a signed agreement. She believed everything was prepared for this to be successful and that the students are very excited.

Chair Bosley requested Staff comments from Don Farquhar, Fire Chief, who said he received the application, signed-off on it, and sent it to the State Fire Marshal's office, who reviewed it and approved it as well. Thus, all of the applicant's paperwork was in order and awaiting Council decision for final execution.

Chair Bosley could not recall any negative feedback about this in the past, so she hoped for another successful event.

With comments or questions from the Committee or public, Chair Bosley entertained a motion from Councilor Jones, which was duly seconded by Councilor Ormerod.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that Keene State College be granted permission for the discharge of fireworks on Saturday April 30, 2022 at no later than 10:00 pm subject to the following conditions: the signing of a revocable license and indemnification agreement; that Keene State College provide a certificate of liability insurance with the City of Keene listed as an additional insured in the amount of \$1,000,000; that the fireworks vendor provide a certificate of liability insurance with the City of Keene listed as an additional insured in the amount of \$1,000,000; that a Class B fireworks permit be obtained; and that Keene State College provide Campus Security to control the fireworks drop-zone. In addition, the petitioner agrees to comply with any recommendations of the Keene Fire Department and the Keene Police Department and agrees to absorb the charges for any City services provided.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: April 21, 2022

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: Keene Family YMCA – Request to Use City Property – Youth Triathlon

Recommendation:

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Council grant permission to the Keene Family YMCA to sponsor a youth triathlon on Sunday, June 12, 2022 from 8am to 1pm, including the closure of Summit Road just after the YMCA entrance and Summit Ridge Drive where it intersects with Summit Road subject to the following conditions: the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene as an additional insured. This license is conditional upon the petitioners providing an adequate number of volunteer race marshals to ensure runner safety along the course, and subject to any recommendations of City staff. Petitioner agrees to absorb the cost of any City services provided, and agrees to remit said payment within 30-days of the date of invoicing.

Attachments:

None

Background:

Chair Bosley welcomed the applicant, Kelly Fleurette, Senior Program Director at Keene YMCA, 200 Summit Road. Ms. Fleurette said this was a request to hold their first youth triathlon. To do so, they requested to completely close Summit Road, just past the YMCA entrance to the end of the road, for the bike component on June 12.

Chair Bosley welcomed Staff comments from the Director of Public Works/EMD, Kurt Blomquist. Mr. Blomquist said that Staff had a protocol meeting with the applicants to review their event. He noted this event is similar to past events hosted by the YMCA, but this one requires full by closing a portion of Summit Road. Typically, Staff will administratively manage that between the Police and Public Works Departments. However, because the race is for youth this year, they must close the whole road for the period indicated. The only other road that would be impacted is Summit Ridge Drive, which exits onto Summit Road. However, those residents can exit off Skyline Drive, which is not a significant impact to the neighborhood. Thus, Staff recommended granting this permission to close Summit Road.

Councilor Bosley referred to the background notes, which said Keene Family YMCA would have

volunteers ready to assist cars to and from their homes as needed. She asked why that would be needed. Mr. Blomquist replied that there are two houses at the end of Summit Road, so if those residents need to leave their properties, race marshals will help them safely leave the neighborhood. He said Ms. Fleurette had been asked by Staff to communicate with those residents, and Chair Bosley suggested further communication with the neighbors about the potential impacts.

Councilor Jones said he lives in the area under question and said that Stonehouse Lane would be the way to reach Skyline Drive, Summit Ridge Road, and Summit Road. Mr. Blomquist said yes, about half the neighborhood uses Stonehouse Lane and the others at the end of Skyline Drive toward Summit Ridge might use it. Yes, everyone will need to use Stonehouse Lane for the period of the event.

Chair Bosley said she had seen the marketing materials at the YMCA and reiterated that communication with the neighborhood is key to let them know.

With no further Committee or public comments, Chair Bosley entertained a motion by Councilor Johnsen, which was duly seconded by Vice Chair Giacomo.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Council grant permission to the Keene Family YMCA to sponsor a youth triathlon on Sunday, June 12, 2022 from 8am to 1pm, including the closure of Summit Road just after the YMCA entrance and Summit Ridge Drive where it intersects with Summit Road subject to the following conditions: the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene as an additional insured. This license is conditional upon the petitioners providing an adequate number of volunteer race marshals to ensure runner safety along the course, and subject to any recommendations of City staff. Petitioner agrees to absorb the cost of any City services provided, and agrees to remit said payment within 30-days of the date of invoicing.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.5.

Meeting Date: April 21, 2022

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Keene Pride – Request to Use City Property – September 11–18, 2022**

Recommendation:

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the Keene Pride Group be granted permission to use downtown City rights-of-way on Sunday, September 18, 2022 to conduct a Keene Pride Celebration, including participating downtown businesses decorating their storefronts for the week leading up to the event date, conditional upon the following:

- o This license is granted based upon the event scope presented to City staff during protocol meetings held to date, changes or additions to the license may require that an amended license be issued by the City Council and no changes to this license or the associated protocol documents will be accepted after August 1, 2022;
- o The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- o The signing of a standard revocable license and indemnification agreement;
- o That the agreed upon footprint and layout for the event shall encumber Central Square, including the traveled portion of the road requiring the following road closures: Central Square, West Street at Central Square (with a slip lane for eastbound West Street traffic to go south on Main Street), Roxbury Street from the easterly side of the Hannah Grimes Parking Lot to Central Square, Washington Street from Vernon Street to Central Square, Court Street from Winter Street to Central Square, and Railroad Street from Main Street to the westerly entrance to Wells Street.
- o That the Petitioner is permitted to place porta-potties and a dumpster in City parking spaces located at the base of Washington Street, and additional porta-potties on Railroad Street from Friday, September 16, 2022 to Monday September 19, 2022, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- o That the actual event will be held from 10:00 AM to 6:00 PM with the times for set up and clean up to be established with City staff;
- o That free parking be granted under the provisions of the free parking policy for City parking spaces on Washington Street and Railroad Street needed for storage of equipment from Friday, September 16, 2022 to Monday September 19, 2022, and spaces within the event footprint on the day of the event;
- o The submittal of signed letters of permission from any private property owners for the use of their property; and
- o That the Petitioner comply with any recommendations of the Federal Center for Disease Control, the State of New Hampshire and the City of Keene; including compliance with any general guidelines, laws or ordinances enacted to ensure the health and safety of the general public that may

be in effect as a result of the Novel Coronavirus (COVID-19);

- o Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.
- o And further, if the petitioners believe they will have insufficient funds to conduct this event, that they submit the application for Community Funded Event status and request a waiver of the City Council policy.
- o 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, if any, and agrees to remit said payment within 30-days of the date of invoicing.

Attachments:

None

Background:

Chair Bosley welcomed the applicant, Adam Toepfer of 411 Winchester Street, President of Keene Pride, which was requesting to use City property for the first ever Keene Pride Festival. The event is proposed on September 18, when Central Square would be closed to traffic. That date is a part of Pride Week from September 11–September 18. Chair Bosley recalled Mr. Toepfer presenting this event to the Committee before and asked whether the protocol meetings occurred, and Mr. Toepfer replied in the affirmative.

Chair Bosley welcomed Kürt Blomquist, Public Works Director/EMD who said Staff recommended approving this request. He said an important aspect of approving this now is to allow the organizers to work with their sponsors on fundraising and marketing. The organizers would continue meeting with Staff to work out some things. Several protocol meetings had occurred already, and Staff were comfortable with the recommended motion, including the closure of Central Square, which is similar to other festival closures and the holiday tree lighting.

Chair Bosley asked and Mr. Toepfer confirmed that Pride Week would be September 11–18, with events at private businesses throughout the week, including the Colonial showroom. The week culminates with the Pride Festival on the 18th.

Vice Chair Giacomo said he noticed the detached closure of Railroad Street on the plans and asked if Main Street would remain open in front of Railroad Street. Mr. Blomquist said that was correct, that many events will have activities on Railroad Square, and this closure will protect activities in the area. It is a common closure.

Councilor Jones said he looked forward to this event. He recalled Councilor Chadbourne asking, at the last meeting with the applicants, why the event would not be held in June, which is Pride Month globally; the applicants had replied that they chose September because it is a high tourist time in Keene. Councilor Jones thought it should be the opposite; holding the event in June would draw visitors to town during a time without many events. Mr. Toepfer understood. He continued replying to Councilor Jones, stating that the organizers would take the input into consideration for next year. He said there were multiple reasons that September was selected: (1) there are hundreds of Pride events globally and in the surrounding major cities in June and many people travel to those; (2) many cities hold Pride events outside of June, it is not exclusive to one month of the year; (3) schools in session in September and there would be less opportunities to collaborate with schools in June. Councilor Jones appreciated that answer

Councilor Jones recalled asking the applicants to meet with the City's Human Rights Committee because this event fits within their six goals. Mr. Toepfer confirmed that his group met happily with

the Human Rights Committee on multiple occasions, and they are helping with the educational events and planning for the week. Councilor Jones also recalled advising Mr. Toepfer to meet with the Monadnock Coalition of Diversity, Inclusion, Equity, and Belonging. Mr. Toepfer said that meeting was upcoming and that they would be helpful with fundraising.

Councilor Jones stated that he wanted to make sure this is a celebration of Keene being a welcoming and inclusive City. Mr. Toepfer replied that this is a celebration of the LGBTQ community. Mr. Toepfer went on to remind the Committee that being LGBTQ is not a choice, it is how one is born. The event is to promote Keene as an inclusive place to live. If something like this were available when Mr. Toepfer was a child, it would have been essential in his understanding himself and not feeling alone. He wants to show children in similar positions, who might be feeling afraid and alone, that they are loved and cared for because of who they are. Councilor Jones said it was an excellent answer.

Chair Bosley suggested a smaller accompanying event in June. Mr. Toepfer replied that they were planning something to tie into the movements across the country that month, perhaps with the Colonial. Chair Bosley continued recommending the middle and high school LGBTQ and inclusivity groups be contacted. Mr. Toepfer was scheduled to meet with the high school the day after this meeting, and they were reaching out to the middle school and church youth groups. Chair Bosley asked that the event be well advertised to the schools so the children can come experience the positivity that would surround the event. Mr. Toepfer agreed.

Chair Bosley opened the floor to public comments.

Councilor Randy Filiault highly recommended this event and group, stating that both were great for Keene and added needed diversity to the City, which needs to expand. The Councilor shifted subjects to discuss requests like these for other festivals and events downtown, like the Pumpkin Festival. The Councilor recommended that the Committee develop a set blueprint for outdoor activities downtown so that when new events are proposed, the organizers are not left completely unaware of what they must do to accomplish their goals. He wants to make it easier. He suggested different tiers of the blueprint for smaller events to expand in future years. The Councilor wants to encourage more frequent downtown events and thinks such a protocol would better facilitate that. Councilor Filiault concluded thanking the Keene Pride group, offering his vote and help. Mr. Toepfer was grateful for Councilor Filiault's comments. Vice Chair Giacomo said that was something they had been working toward from different scopes.

In response to Councilor Filiault, Mr. Blomquist said that over the years, Staff had developed basic protocols for various sections of the downtown area. He does talk with groups about areas like Gilbo Avenue to determine if something other than Central Square could meet their goals. He agreed with the Vice Chair that there had been initial discussions, such as working out the Let It Shine ideas. Mr. Blomquist said the Council needed to remember that everybody wants to be downtown, which is where most community event ideas begin. However, there are other spaces, like Railroad Street and Square. Staff tries to guide organizers to the most appropriate areas around Main Street. Moving forward working on the downtown they will be looking at how to make these areas feel more like a part of the downtown. While Staff does not yet have a formal blueprint, Staff has developed a way to work with new event sponsors to minimize impacts to Main Street and other businesses. Staff does not tell applicants what they cannot do, but tries to guide them toward their goals and objectives.

The City Manager said this was definitely something that would be discussed with the new Downtown Infrastructure Project Steering Committee; how to design the downtown to better make connections to areas like Gilbo Avenue and Railroad Square. She thinks it will be a great opportunity to have this wonderful conversation.

Chair Bosley said she had spoken about this at many meetings over the last year as approving these festivals. She would love to see something happening every month in the downtown, and a simple template would facilitate that. She recognized that this is a daunting process with a lot of work to learn the moving parts. Therefore, she agreed that something like a festival starter template to help get groups moving through this process at the lowest cost possible would be useful. She said that the Council does consider Gilbo Avenue, Emerald Street, and Railroad Street as a part of the downtown because the whole area is thriving.

With no further Committee or public questions, Chair Bosley entertained a motion from Councilor Ormerod, which was duly seconded by Councilor Jones.

The Vice Chair confirmed that the FY23 year listed in the motion was correct and the City Attorney confirmed this was accurate.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the Keene Pride Group be granted permission to use downtown City rights-of-way on Sunday, September 18, 2022 to conduct a Keene Pride Celebration, including participating downtown businesses decorating their storefronts for the week leading up to the event date, conditional upon the following:

- o This license is granted based upon the event scope presented to City staff during protocol meetings held to date, changes or additions to the license may require that an amended license be issued by the City Council and no changes to this license or the associated protocol documents will be accepted after August 1, 2022;
- o The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- o The signing of a standard revocable license and indemnification agreement;
- o That the agreed upon footprint and layout for the event shall encumber Central Square, including the traveled portion of the road requiring the following road closures: Central Square, West Street at Central Square (with a slip lane for eastbound West Street traffic to go south on Main Street), Roxbury Street from the easterly side of the Hannah Grimes Parking Lot to Central Square, Washington Street from Vernon Street to Central Square, Court Street from Winter Street to Central Square, and Railroad Street from Main Street to the westerly entrance to Wells Street.
- o That the Petitioner is permitted to place porta-potties and a dumpster in City parking spaces located at the base of Washington Street, and additional porta-potties on Railroad Street from Friday, September 16, 2022 to Monday September 19, 2022, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- o That the actual event will be held from 10:00 AM to 6:00 PM with the times for set up and clean up to be established with City staff;
- o That free parking be granted under the provisions of the free parking policy for City parking spaces on Washington Street and Railroad Street needed for storage of equipment from Friday, September 16, 2022 to Monday September 19, 2022, and spaces within the event footprint on the day of the event;
- o The submittal of signed letters of permission from any private property owners for the use of their property; and
- o That the Petitioner comply with any recommendations of the Federal Center for Disease Control, the State of New Hampshire and the City of Keene; including compliance with any general guidelines, laws or ordinances enacted to ensure the health and safety of the general public that may be in effect as a result of the Novel Coronavirus (COVID-19);
- o Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.
- o And further, if the petitioners believe they will have insufficient funds to conduct this event, that they submit the application for Community Funded Event status and request a waiver of the City

Council 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, if any, and agrees to remit said payment within 30-days of the date of invoicing.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.6.

Meeting Date: April 21, 2022
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Let it Shine – Request to Use City Property – 2022 Pumpkin Festival

Recommendation:

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that a license be granted to Let It Shine, Inc. to use Downtown City rights-of-way on Saturday, October 22, 2022 to hold the Keene Pumpkin Festival subject to the following provisions:

- o This license is granted based upon the event scope presented to City staff during protocol meetings held to date, changes or additions to the license may require that an amended license be issued by the City Council and no changes to this license or the associated protocol documents will be accepted after September 1, 2022;
- o 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, and agrees to remit said payment within 30-days of the date of invoicing;
- o The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- o The signing of a standard revocable license and indemnification agreement and associated protocol documents;
- o That the agreed upon footprint and layout for the event shall encumber Central Square, including the traveled portion of the road requiring the following road closures: Central Square, West Street from Federal Street to Central Square, Roxbury Street from Roxbury Plaza to Central Square, Washington Street from Vernon Street to Central Square, Court Street from Winter Street to Central Square; and Gilbo Avenue from Main Street to Saint James Street;
- o That the Petitioner is permitted to place 10 porta-potties in City parking spaces located at the base of Washington Street from Friday, October 21, 2022 to Monday October 24, 2022, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- o That the actual event will be held from 12:00 PM to 8:00 PM with the times for set up and clean up to be established with City staff;
- o The submittal of signed letters of permission from any private property owners for the use of their property;
- o That the Petitioner comply with any recommendations of the Federal Center for Disease Control, the State of New Hampshire and the City of Keene; including compliance with any general guidelines, laws or ordinances enacted to ensure the health and safety of the general public that may be in effect as a result of the Novel Coronavirus (COVID-19);
- o That free parking be granted under the provisions of the free parking policy for City parking spaces on Washington Street needed for storage of equipment from Friday, October 21, 2022 to

Monday October 24, 2022, and spaces within the event footprint on the day of the event; and

- o That the Petitioner complies with any other recommendations of City staff.

Attachments:

None

Background:

Chair Bosley noted that Lisa Scoville of Let It Shine could not attend and that Vice Chair Giacomo would be presenting this matter in her place. The Chair confirmed that although she and the Vice Chair sit on the Board of Let It Shine, there was no conflict of interest per the Council's recently adopted addition to the Rules of Procedure.

Vice Chair Giacomo said that this is a fully new Board of Let It Shine putting on this small Pumpkin Festival in the downtown. He said that this new Board had decided to take the festival in a slightly different direction to be a little more lively than the festival previous to Covid-19, while still keeping the festival substantially smaller than anything before the festival closure. The festival would be limited to Central Square and an extension down into the Gilbo Avenue Parking Lot. There would be vendors throughout the area, which would be different than the children's festival that was happening before Covid-19. The goal is to keep it as a small community event; they are not seeking world records for 80,000 pumpkins. He hoped to dissuade hesitations about the history. Let It Shine had met with Staff for the required protocol meetings and they looked forward to obtaining the permitting and licensing.

Chair Bosley welcomed Staff comments from the Director of Public Works/EMD, Kürt Blomquist, who said the new Let It Shine Board is a prime example of how Staff has worked through these processes with applicants. He said Let It Shine came to Staff with "very, very large" and thoughtful ideas. Staff met with the applicants several times and walked the proposed area with them. Through that iterative process, they arrived at the proposal before the Committee, which focuses on closing Central Square; Main Street will remain open, like during the holiday tree lighting. Part of the license is also for sidewalk sales so that any merchants along Main Street can participate. The event would also utilize Gilbo Avenue, between Main Street and St. James Street, to stage rotating entertainment and potentially for additional vendors. The Commercial Street parking lot would remain open for participants; Staff works to ensure there is always enough parking for event visitors to avoid past issues of people parking in neighborhoods. Like the Pride Festival, this would allow the applicants to solicit sponsorship and continue planning. Staff has the authority to continue working with the applicants.

Councilor Jones said one of the great things about past Pumpkin Festivals was the ability for non-profits to have stands and make money. He wondered if that would happen again. Vice Chair Giacomo said absolutely, they hope many of their vendors will be non-profits; he believes those organizations were hurt worst when the old Pumpkin Festival was shut down. The Vice Chair said Let It Shine will focus on non-profits as vendors first and foremost. Chair Bosley agreed, stating that in a former role at the Montessori schoolhouse, she used to work glitter tattooing thousands of children at the old Pumpkin Festival, and it was one of their biggest fundraising events that they lost. She agreed that they really wanted to see non-profit vendors. Councilor Jones welcomed the event back, saying it was good to see its resurrection. Vice Chair Giacomo agreed with Mr. Blomquist that issuing the license now allows the organizers to move forward engaging those sponsors and vendors, like the schools.

Chair Bosley opened the floor to public comments.

Tim Zinn of Brattleboro, board member of Let It Shine, said he used to be on the crew of the old Pumpkin Festival, which had been passed to a capable new team that he appreciated. He thinks the new team will find a happy place for this festival in Keene again. He said it had been a process, which they were still working through, but he had confidence. Mr. Zinn spoke personally, saying he put blood, sweat, and tears into the old Pumpkin Festival, but that he also helped to fix some of the root causes of what happened in 2014 so that Keene is never the face of such a situation again. He said that since the 2014 event, there had been three successful smaller festivals, which took a lot of hard work by many different groups and people in the community to build a toolbox for such events. He said the College had worked hard, with an off-campus code of conduct policy and orientation program, in conjunction with the Police Department Liaison Officers. Additionally, the City now has the Social Host Ordinance, which he thinks would have addressed the root cause in 2014 had it been in place then, as it does for larger gatherings with alcohol now. Now, he said there needed to be communication like there had been that this is a cherished festival in the community, not a drunk festival that puts all at risk. Mr. Zinn felt 98% confident that this year's festival would be that cherished community event. He gave a lot of credit to the group of people who wrote the Social Host Ordinance. He said the college deserved credit. However, he said Let It Shine learned about response costs, which he said would be a valuable conversation to have, which could relieve anxiety looking into the future. The concept is that if a host allows a gathering to get so out of control that it requires emergency response services, like the 2014 incident, then the host could be held accountable for reimbursing those expenses; there is already precedent in the State of NH for people who hike in the winter and must be rescued. Based on multiple instances in Keene's history, he encouraged investigating that option. He hoped the Council would be open-minded and willing to look at the things needed, with the end goal of having confidence and security in the tools they have before them. He said it would be nice to not artificially hold things back for lack of tools. He wished the City, College, and Festival much success to continue the history of amazing events.

Chair Bosley thanked Mr. Zinn for that reflection on the Social Host Ordinance, stating she could see how it was a tool that might have helped the City handle the people responsible in past disturbances to the event. She hoped Mr. Zinn had seen the City investing in bringing people and life back to downtown. The Chair said not all roads lead to Pumpkin Fest anymore and she cited all the various respectful ways for people to experience downtown. There does not need to be one main event of the year where people get out-of-hand.

The Chair continued asking whether the reimbursement of response costs came up during the Social Host Ordinance and the City Attorney said it did. He said the City must act within the authority provided to it by the State, and the State had not chosen to give municipalities, or Keene, responsibility for those sorts of costs. He cited Mr. Zinn's example of Fishing, Game, and Emergency Response, which is provided for in the Statute. The Chair asked the City Attorney to keep it on his radar in case it comes up in review and he agreed.

Councilor Jones spoke to Mr. Zinn, stating that they go way back regarding the Pumpkin Festival and this Committee. He thanked Mr. Zinn for sticking with it and for all his efforts. Councilor Jones said Keene could be the pumpkin capital without counting pumpkins.

Councilor Ormerod thanked Mr. Zinn for persisting and recognizing the potential for helping our City. Councilor Ormerod spoke on behalf of Ward One and his neighborhood. When this event was approved in the past, he was not on this Committee, he was a part of the neighborhood group that initiated the Social Host Ordinance. He said that the City was putting systems in place, including technology, monitoring, and other type of things that could help us respond and educate people. So, he encouraged taking advantage and inquiring about what other resources might be available in the City that could sustain this for us. Mr. Zinn clarified that he lived on Grove Street in Keene for 30 years before moving to Brattleboro and he misses Keene. Chair Bosley thanked Mr. Zinn for his

dedication and energy.

With no further Committee or public questions, Chair Bosley entertained a motion from Councilor Jones, which was duly seconded by Councilor Ormerod.

Vice Chair Giacomo thought the intention was to close Federal Street for pedestrian flow to the Gilbo Avenue parking lot. Mr. Blomquist said that was discussed but they are keeping a segment of Gilbo Avenue open, which requires Federal Street to access that lot with Central Square closed.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that a license be granted to Let It Shine, Inc. to use Downtown City rights-of-way on Saturday, October 22, 2022 to hold the Keene Pumpkin Festival subject to the following provisions:

- o This license is granted based upon the event scope presented to City staff during protocol meetings held to date, changes or additions to the license may require that an amended license be issued by the City Council and no changes to this license or the associated protocol documents will be accepted after September 1, 2022;
- o 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, and agrees to remit said payment within 30-days of the date of invoicing;
- o The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- o The signing of a standard revocable license and indemnification agreement and associated protocol documents;
- o That the agreed upon footprint and layout for the event shall encumber Central Square, including the traveled portion of the road requiring the following road closures: Central Square, West Street from Federal Street to Central Square, Roxbury Street from Roxbury Plaza to Central Square, Washington Street from Vernon Street to Central Square, Court Street from Winter Street to Central Square; and Gilbo Avenue from Main Street to Saint James Street;
- o That the Petitioner is permitted to place 10 porta-potties in City parking spaces located at the base of Washington Street from Friday, October 21, 2022 to Monday October 24, 2022, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- o That the actual event will be held from 12:00 PM to 8:00 PM with the times for set up and clean up to be established with City staff;
- o The submittal of signed letters of permission from any private property owners for the use of their property;
- o That the Petitioner comply with any recommendations of the Federal Center for Disease Control, the State of New Hampshire and the City of Keene; including compliance with any general guidelines, laws or ordinances enacted to ensure the health and safety of the general public that may be in effect as a result of the Novel Coronavirus (COVID-19);
- o That free parking be granted under the provisions of the free parking policy for City parking spaces on Washington Street needed for storage of equipment from Friday, October 21, 2022 to Monday October 24, 2022, and spaces within the event footprint on the day of the event; and
- o That the Petitioner complies with any other recommendations of City staff.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: April 21, 2022

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **New England Aerobatic Club – Request to Use City Property**

Recommendation:

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends that the City Council authorize the use of the Dillant-Hopkins Airport by Chapter 35 of the International Aerobatic Club from the date of issuance through December 31, 2022, subject to the execution of a Revocable License and Indemnification Agreement, the receipt of an insurance certificate in the amount of at least \$1 million naming the City as an additional insured and all other requirements of City staff including but not limited to the following restrictions: compliance with any requirements of the FAA, limit practice sessions to not more than 5 for the year, there will be no Sunday or Holiday practice sessions, aerobatic activity shall not occur below 1,500 MSL, limit aerobatic activity to the southern portion of the aerobatic box established by the FAA, restrict use of the aerobatics box until after 10:00 AM, and invite neighbors to the mandatory safety briefings held on practice days and further that future requests be handled administratively by the Airport Director and/or City Manager.

Attachments:

None

Background:

Chair Bosley welcomed the Airport Director, David Hickling, to speak to this matter. Mr. Hickling said he was speaking on behalf of the petitioner, the New England Aerobatic Club, for the use of the Airport for up to five aerobatic practice sessions throughout the summer (May–September, approximately once per month). The Club has a long history of being very accommodating of everything the City asks of them. They are very professional, focused on safety, and it has always been a popular event for people to observe from the restaurant and for planes to buy fuel from the fixed base operator. Mr. Hickling said it is a positive event for the Airport that Staff hopes the City Council will support.

Chair Bosley said she had seen this event come before this Committee several times and her only request was to spread the word about these dates, because she never knows they are occurring so she can attend. She thinks it is a great plan to watch from the restaurant. The Chair had never heard anyone come forward opposing these successful events.

The City Attorney asked the Airport Director to clarify the Attorney's understanding that the Federal

Aviation Administration does not allow advertisement of practices. Mr. Hickling replied in the affirmative, stating that if they advertise it is considered an air show, which is not allowed. The dates of the practices are announced on the Keene Airport Facebook page.

Vice Chair Giacomo asked if it would be legal for the restaurant to promote the practices. The City Attorney said yes, they could announce the practices as long as they were not advertised as air shows. Chair Bosley said that getting the word out in the community could be a boost to the Airport facilities and Councilor Ormerod agreed.

Councilor Ormerod also wanted to commend Director Hickling for the wonderful work he was doing at the Airport, despite challenges and pushback on occasion from some community members. The Councilor was interested in illustrating this as a positive thing for the Airport. He said surprisingly, he still receives calls from constituents surprised by these events, and he wants them to know it is a good thing that the Airport is developing.

Chair Bosley opened the floor to public comment.

John Hulslander of 28 Lucinda Terrace has lived there for 50 years. He thought they changed the flight plan because two very loud small planes from the school are constantly flying over his house now. They use leaded fuel and thus, the planes are air and noise pollutants to the residential district. Chair Bosley thanked him for bringing that information forward. She said that the issue before the Committee pertained to up to five specific dates that the Airport is planning activity. Mr. Hickling offered to speak further with Mr. Hulslander and help mitigate his concerns. Mr. Hickling confirmed that this is for up to five dates, which would not be on Sundays or Holidays—only Saturdays. Mr. Hickling stated he tries to post the dates at least one week ahead of time, as the events are weather dependent. Mr. Hulslander commented on the noise from these practices, stating that advanced notices would allow them to leave town for the day. Mr. Hickling agreed to exchange contact information with Mr. Hulslander.

The City Manager asked a clarifying question of Mr. Hickling, noting that the recommended motion did not mention holidays. Mr. Hickling recalled that language in the past and said it was fine to add.

With no further Committee or public comments, Chair Bosley entertained a motion by Vice Chair Giacomo, which was duly seconded by Councilor Jones.

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends that the City Council authorize the use of the Dillant-Hopkins Airport by Chapter 35 of the International Aerobatic Club from the date of issuance through December 31, 2022, subject to the execution of a Revocable License and Indemnification Agreement, the receipt of an insurance certificate in the amount of at least \$1 million naming the City as an additional insured and all other requirements of City staff including but not limited to the following restrictions: compliance with any requirements of the FAA, limit practice sessions to not more than 5 for the year, there will be no Sunday or Holiday practice sessions, aerobatic activity shall not occur below 1,500 MSL, limit aerobatic activity to the southern portion of the aerobatic box established by the FAA, restrict use of the aerobatics box until after 10:00 AM, and invite neighbors to the mandatory safety briefings held on practice days and further that future requests be handled administratively by the Airport Director and/or City Manager.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: April 21, 2022
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Ash Swamp Brook ERZ – Economic Development Director/Special Projects**

Recommendation:

On a vote of 5–0. The Planning, Licenses, and Development Committee recommends to the City Council the addition of the “Ash Swamp Brook ERZ” to the Economic Revitalization Zone (ERZ) tax credit program.

Attachments:

None

Background:

Chair Bosley welcomed the Director of Economic Development/Special Projects, Medard Kopczynski. Mr. Kopczynski recalled for the Committee that there are four economic revitalization zones (ERZ) in Keene. The City re-designated Black Brook Corporate Park and Black Brook North Park in March of this year; the Marlboro Street corridor was designated in 2017 and needs to be reinstated through the state in November; in December 2020, the Ashuelot Mills ERZ was added. The origin of this request through the State is based on the businesses in the Krif Court area that wanted to take advantage of this tax relief. The ERZ is a tax credit for projects that improve infrastructure and create jobs in designated areas, which in this case is the additional zone. This past year, the State set aside \$825,000 for that purpose this past year, which Mr. Kopczynski said did not seem like much for the size of the State and all the potential. To claim part of those funds, you must begin with the designation. The community really benefits from ERZs through job growth with businesses located in the community and the potential growth of the local tax base by job growth, additional equipment, building additions, and more. For a business to qualify for the tax credit, they must invest in plant or equipment and create at least one full time job in the State. The credit is based on a percent of a salary for each new full-time job created and the lesser of either 1% of the actual cost incurred for the project or a maximum credit for each new job created in the fiscal year. The area chosen in this instance was requested by the State and Staff looked at the industrial area and the commerce limited area, the latter of which because a significant amount of it is actually industrial in its allowed uses. Mr. Kopczynski requested that the Committee refer this to City Council for approval.

Councilor Jones recalled a conversation with the City Attorney about Keene’s Ordinance not changing with the State Statute. The City Attorney replied that this is a little different, stating that their previous conversation was about 79-E.

Vice Chair Giacomo asked whether there were benefits from ERZs for existing businesses or only new businesses. Mr. Kopczynski said it is for both. The criteria is older industrial areas that may or may not need updating, revision, additions, or reclassifications as well as vacant industrial property. The Vice Chair asked, if one of these properties were to become vacant, then would it basically start providing a benefit to a business that wanted to move into that location? Mr. Kopczynski said yes, or even if an existing business that wanted to rehabilitate their building or redo their plant manufacturing capacity, etc.

With no further questions from the Committee or public, Chair Bosley entertained a motion by Councilor Ormerod, which was duly seconded by Councilor Jones.

On a vote of 5–0. The Planning, Licenses, and Development Committee recommends to the City Council the addition of the “Ash Swamp Brook ERZ” to the Economic Revitalization Zone (ERZ) tax credit program.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.9.

Meeting Date: April 21, 2022

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Redesign Wheelock Park Campground for Disc Golf and Dog Park - Parks, Recreation and Facilities Director**

Recommendation:

On a 3-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute a professional service contract with Dubois & King for design services required for the redesign of Wheelock Park Campground into a Disc Golf course and Dog Park, for an amount not to exceed \$29,888 and with funding to come from Project Cost Center (90291).

Attachments:

None

Background:

Councilor Lake stated for sake of transparency he wanted to remind the Committee that he had helped originally to bring the Disc Golf portion forward for the renovation of the Wheelock Park campground and had been recused when they separated the competing pieces. However, since they have been working jointly he did not believe he needed to be recused. The Committee agreed that the Councilor did not have a conflict.

Parks Recreation Facilities Director Andrew Bohannon addressed the Committee and stated he was before the Committee regarding the City entering into an agreement with Dubois and King for a design of a concept plan for Wheelock Park camp ground. He indicated in October 2021, two groups; the Dog Park and the Disc Golf group came forward looking to utilize the campground for their purposes. Staff came back and suggested that through a former Capital Improvement Program for repurposing of the campground, the City had some funding available which would allow for a conceptual design to be completed. This will give both groups the opportunity to have a public input process of the design and enable both groups to go out and fundraise and then bring back to the City for their amenity.

Mr. Bohannon added this will also give the City an opportunity to see if the both groups can coexist safely or whether it needs to be one or the other moving forward.

City Manager, Elizabeth Dragon stated she would like the Committee to support this request and

move this process forward. She felt this will provide an opportunity to meet two needs in our community. The Manager stated she would like to alert the Council and remind them that there was a letter submitted by Councilors Lake, Workman, and Williams considering a homeless campground or a campground for the unhoused. If the Councilor was to consider that, this is one of the locations the Council would look at and that before the Committee recommending expending money on what it thinks is the direction for this campground she wanted to remind the Council of the a possible third use for the camp ground.

Councilor Chadbourne asked where a request for qualification is usually posted and how are people notified of the opportunity to submit a proposal. Mr. Bohannon stated staff works with the Purchasing Department which uses a software application, referred to as Public Purchase. All firms large and small register through the City website and anytime there is an RFP or RFQ, they get notified to review and submit an application. With respect to this proposal, Mr. Bohannon stated there is a lot of work out there for firms to bid on with the different types of funding coming in.

Councilor Lake stated with a good location such as this, there is going to be competing desires. He felt while there are a few competing ideas it is good for the City to explore further what the City campground should be used for and as the item moves forward the letter the City Manager had referred regarding a homeless camp can be taken into consideration.

Councilor Chadbourne referred to what the Manager had stated and indicated by voting on this item the Committee is giving its seal of approval and the Council would as well - and therefore the campground would not be considered for anything else. She added listening to Councilor Lake it sounded like the location of the homeless issue was still a consideration for him, which is a concern to her. The Councilor added a large amount of money is being expended and she hoped everyone was on the same page.

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

On a 3-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute a professional service contract with Dubois & King for design services required for the redesign of Wheelock Park Campground into a Disc Golf course and Dog Park, for an amount not to exceed \$29,888 and with funding to come from Project Cost Center (90291).



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.10.

Meeting Date: April 21, 2022

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Sole Source Imprinted Crosswalks Downtown - Transportation and Storm Water Operations Manager**

Recommendation:

On a 3-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to waive bidding requirement under Section 2-1336 (Waiver of Requirements) for the repair of the downtown imprinted crosswalks.

Attachments:

None

Background:

Transportation and Stormwater Operations Manager for the Highway Division Harry McKelvey and Public Works Director Kurt Blomquist addressed the Committee next. Mr. McKelvey stated he was before the Committee to request the City sole source a vendor who has done work on the City's imprinted crosswalks in the downtown. This vendor is the authorized dealer for this application.

Councilor Lake noted keeping the downtown reconstruction in mind, what happens if this work is not complete at this time. Mr. McKelvey stated it will remain as is until a different downtown phase takes place.

Councilor Chadbourne asked for the timeframe for the reconstruction. She asked if this work is done now whether it would wear down by the time the reconstruction happens. Mr. Blomquist stated downtown construction right now is slated for FY24 and normally the wear pattern is usually between 3 to 5 years and perhaps this work will not need to be redone because by the time that 3 to 5 years comes into play downtown will be in a different condition

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

On a 3-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to waive bidding requirement under Section 2-1336 (Waiver of Requirements) for the repair of the downtown imprinted crosswalks.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

Meeting Date: April 21, 2022
To: Mayor and Keene City Council
From: Merri Howe, Finance Director/Treasurer
Through: Elizabeth Dragon, City Manager
Subject: **Acceptance of Donations - Finance Director/Treasurer**

Recommendation:

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

Attachments:

None

Background:

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

- The Keene Parks, Recreation and Facilities Department received a donations totaling \$1,350 from Papagallos Restaurant and Jason Riddle to purchase a bench through the Adopt-A-Bench program in honor of their friend and coworker Svjetlana "Llana" Harrell. The bench will be placed in Robin Hood Park.
- The Keene Police Department received a \$100 check from Edward and Krishni Pahl. Their check is a donation made in honor of Brian Costa's invaluable service to the community and is to be used for the Department's K-9 program

The total of these donations is \$1,450.



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.1.

Meeting Date: April 21, 2022

To: Mayor and Keene City Council

From: Corinne Marcou, Administrative Assistant

Through: John Rogers, Interim Community Development Director

Subject: **Delay in Mowing for the Month of May - "No Mow May" - Conservation Commission**

Recommendation:

At the April 18, 2022 Conservation Commission meeting, the Commission voted unanimously to make the recommendation to City Council that the City encourage citizens to participate in "No Mow May" and to encourage City Staff to identify areas where mowing may be delayed in order for the City to participate in "No Mow May" to the extent possible.

Attachments:

1. No Mow May letter - Signed

Background:

Please see the attached letter dated April 19, 2022 by the Conservation Commission Chair, Alexander Von Plinsky.



City of Keene

New Hampshire

April 19, 2022

City of Keene
City Council
3 Washington St.
Keene, NH 03431

RE: No Mow May

On behalf of the City of Keene Conservation Commission, the Commission voted unanimously to make the recommendation to City Council that the City encourage citizens to participate in No Mow May and to encourage City Staff to identify areas where mowing may be delayed in order for the City to participate in No Mow May to the extent possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Von Plinsky".

Alexander Von Plinsky, IV, Chair
Conservation Commission
City of Keene



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: April 21, 2022

To: Mayor and Keene City Council

From: John Rogers, Interim Community Development Director

Through: Patricia Little, City Clerk

Subject: Relating to Amendments to the Land Development Code
Ordinance O-2022-04

Recommendation:

Attachments:

1. Application for Zoning Ordinance Amendment
2. Ordinance O-2022-04
3. Application for Zoning Ordinance_redlined

Background:

The Community Development Department is submitting an ordinance that would amend several provisions of the Land Development Code. The intent of the proposed changes is to provide an opportunity for housing development in commercial and downtown areas of the City that fits with the prevailing scale and built form of the surrounding area. Those amendments include adding "Dwelling, Multi-family" as a permitted use with limitations in the Commerce Zone; amending the height requirements in the Commerce District to allow for additional stores or height - up to four stories or 56 feet; and amending the use standards for "Dwelling Unit, Multi-family" to require multifamily dwelling units in the Downtown Core, the Downtown Growth and the Commerce Districts to be located above the ground floor.



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: City of Keene Community Development Date: April 11, 2022

Address: 3 Washington Street, Keene, NH 03431

Telephone: (603) 352-5440

Email: communitydevelopment@
KeeneNH.gov

Existing Section Reference in Chapter 100, Land Development Code: 5.1.4; 5.1.5;

Does the amendment affect "Minimum Lot Size"?

☐ Yes ☒ No

Does the amendment affect "Permitted Uses"?

☒ Yes ☐ No

Number of parcels in Zoning District*: 220

CS
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: 4/12/22 Ordinance Number: 0-2022-04

On City Council agenda: 4/21/22 Workshop to be held: _____

Public Hearing to be held _____



APPLICATION TO AMEND THE ZONING ORDINANCE

APPLICABLE FEES:

Application Fee @ \$100.00

\$ 100

Publication of Notice in The Keene Sentinel @ \$90.00

\$ 90

Postage Fees for property owners/agents and abutters at
current USPS 1st Class Mailing rate

(Only needed if amendment impacts 100 or fewer properties)

\$ 0

Total Fees submitted to City Clerk

\$ ~~190.00~~ - N/A per
Patty Little

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
NEW HAMPSHIRE

O-2022-04 Relating to Amendments to the City of Keene Land Development Code

The attached materials include the full text of Ordinance O-2022-04 relating to proposed amendments to the City of Keene Land Development Code, as well as excerpted sections of the adopted City of Keene Land Development Code that are proposed to be amended with Ordinance O-2022-04. Text that is highlighted in yellow and bolded is proposed to be added; and, text that is highlighted in yellow, bolded, and stricken through is proposed to be deleted.

The proposed changes include adding “Dwelling, Multi-family” as a permitted principal use with limitations to the Commerce District; amending the height requirements in the Commerce District to allow for additional stories or height – up to four stories or 56 ft. – provided that additional building setback or building height stepback requirements are met; and, amending the use standards for “Dwelling Unit, Multi-family” in Section 8.3.1.C of Article 8 to require multi-family dwelling units in the Downtown Core, Downtown Growth, and Commerce Districts to be located above the ground floor. The intent of these proposed changes is to provide opportunity for housing development in commercial and downtown areas of the City that fits with the prevailing scale and built form of the surrounding area.



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

1. That "Dwelling, Multi-family" be added as a permitted principal use with limitations to the Commerce District.
2. Update Table 8-1 "Permitted Principal Uses by Zoning District" in Article 8 and Section 5.1.5 "Permitted Uses" in Article 5 to display "Dwelling, Multi-family" as a permitted use with limitations in the Commerce District under the category of Residential Uses.
3. That Section 8.3.1.C "Dwelling, Multi-family," use standard "b" in Article 8 be amended as follows:

"b. In the Downtown Core District, Downtown Growth District, and Commerce District, ~~a minimum of 4 or more dwelling units is~~ shall be located above the ground floor."

4. That Section 5.1.4 "Height" of Article 5 be amended as follows:

Max Stories Above Grade ^{a,b}	2
*With Special Exception <u>*With an additional 10-foot front and side building setback, or a building height Stepback of at least 10 feet. Stepback must occur above the ground story.</u>	3.5 <u>3</u>
^bWith an additional 20-foot front and side building setback, or a building height Stepback of at least 20-feet. Stepback must occur above the ground story and no higher than the 3rd story.	4
Max Building Height ^{a,b}	35 ft
*With Special Exception <u>*With an additional 10-foot front and side building setback, or a building height Stepback of at least 10 feet. Stepback must occur above the ground story.</u>	50 <u>42</u> ft
^bWith an additional 20-foot front and side building setback, or a building height Stepback of at least 20-feet. Stepback must occur above the ground story and no higher than the 3rd story.	56 <u>ft</u>

PASSED

George S. Hansel, Mayor

5.1 COMMERCE (COM)

5.1.1 Purpose

The Commerce (COM) District is intended to provide an area for intense commercial development that is accessed predominantly by vehicles. Shopping plazas and multiple businesses in one building would be typical in this district. All uses in this district shall have city water and sewer service.

5.1.2 Dimensions & Siting

Min Lot Area	15,000 sf
Min Road Frontage	50 ft
Min Front Setback	20 ft
Min Rear Setback	20 ft
Min rear setback if abutting residential district	50 ft
Min Side Setback	20 ft

5.1.3 Buildout

Max Building Coverage	80%
Max Impervious Coverage	80%
Min Green / Open Space	20%

5.1.4 Height

Max Stories Above Grade^{a,b}	2
^a With Special-Exception ^a With an additional 10-foot front and side building setback, or a building height stepback of at least 10 feet. Stepback must occur above the ground floor.	3-5 3
^b With an additional 20-foot front and side building setback, or a building height stepback of at least 20 feet. Stepback must occur above the ground story and no higher than the third story.	4
Max Building Height^{a,b}	35 ft
^a With Special-Exception ^a With an additional 10-foot front and side building setback, or a building height stepback of at least 10 feet. Stepback must occur above the ground floor.	50 ft 42 ft
^b With an additional 20-foot front and side building setback, or a building height stepback of at least 20 feet. Stepback must occur above the ground story and no higher than the third story.	56 ft

5.1.5 Permitted Uses

RESIDENTIAL USES		
Dwelling, Multi-family	P ¹	8.3.1.C
COMMERCIAL USES		SECTION
Animal Care Facility	P	8.3.2.B
Art Gallery	P	8.3.2.C
Art or Fitness Studio	P	8.3.2.D
Banking or Lending Institution	P	8.3.2.E
Bar	P	8.3.2.F
Car Wash	P	8.3.2.H
Clinic	P	8.3.2.I
Event Venue	P	8.3.2.J
Funeral Home	P	8.3.2.K
Greenhouse / Nursery	P	8.3.2.L
Health Center / Gym	P	8.3.2.M
Hotel/Motel	P	8.3.2.O
Micro-Brewery/Micro-Distillery/ Micro-Winery	P	8.3.2.Q-S
Motor Vehicle Dealership	P	8.3.2.T
Neighborhood Grocery Store	P	8.3.2.U
Office	P	8.3.2.V
Personal Service Establishment	P	8.3.2.W
Private Club / Lodge	P	8.3.2.X
Recreation/Entertainment Facility - Indoor	P	8.3.2.Y
Recreation/Entertainment Facility - Outdoor	P	8.3.2.Z
Research and Development	P	8.3.2.AA
Restaurant	P	8.3.2.AB
Retail Establishment, Heavy	P	8.3.2.AC
Retail Establishment, Light	P	8.3.2.AD
Self Storage Facility - Exterior Access	P	8.3.2.AE
Self Storage Facility - Interior Access	P	8.3.2.AF
Sexually Oriented Business	P ¹	8.3.2.AG
Specialty Food Service	P	8.3.2.AH
Vehicle Fueling Station	P ¹	8.3.2.AI
Vehicle Rental Service	P	8.3.2.AJ
Vehicle Repair Facility – Major	P ¹	8.3.2.AK
Vehicle Repair Facility – Minor	P ¹	8.3.2.AL
INSTITUTIONAL USES		SECTION
Community Center	P ¹	8.3.3.A
Cultural Facility	P ¹	8.3.3.B
Day Care Center	P	8.3.3.C
Place of Worship	P ¹	8.3.3.E

8.3 PRINCIPAL USES

This section provides a definition for each of the uses identified in Table 8-1. Some uses may have limitations or conditions that are associated with them, which will be listed as use standards underneath the definition.

8.3.1 Residential Uses

A. Dwelling, Above Ground Floor

1. **Defined.** A dwelling unit that is located on the second story or higher of a building that is above ground.

B. Dwelling, Manufactured Housing

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

C. Dwelling, Multi-family

1. **Defined.** A structure containing 3 or more dwelling units located on a single lot, with dwelling units either stacked or attached horizontally, which is designed, occupied, or intended for occupancy by 3 or more separate families.
2. **Use Standards**
 - a. In the Medium Density District, no more than 3 dwelling units are allowed per lot.
 - b. In the Downtown Core District, **Downtown Growth District, and Commerce District, a minimum of 4 or more** dwelling units **is required if the units are not shall be** located above the ground floor.

D. Dwelling, Single-Family

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

E. Dwelling, Two-Family / Duplex

1. **Defined.** One building on a single lot containing 2 independent dwelling units, which is designed, occupied or intended for occupancy by 2 separate families.

F. Manufactured Housing Park

1. **Defined.** Any parcel of land under single or common ownership or control which contains or is designed, laid out, or adapted to accommodate 2 or more manufactured houses to be occupied as dwelling units, and includes all buildings, services and facilities for use as part of the park and its residents. Manufactured housing parks are subject to NH RSA 205-A.



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: April 21, 2022

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Relating to the Appropriation of Funds for the City Hall Parking Structure Maintenance Project
Resolution R-2022-08**

Recommendation:

On a 3-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2022-08.

Attachments:

1. Resolution R-2022-08

Background:

City Engineer Don Lussier was the next speaker and was before the Committee to address the City Hall Garage project specifically, a Resolution that would appropriate additional funds for the project.

Mr. Lussier explained this project had a total appropriation of \$52,300 included in the CIP. That number was derived from a report that was prepared in 2018 by a consultant who evaluated the garage and came up with a list of periodic maintenance items that needed to be addressed.

Being aware that pricing has changed since 2018, staff paired that list to what it felt was really the minimum work that needed to be done to prevent deterioration. Unfortunately, the project still ended up being over budget by \$16,200.

Mr. Lussier talked about the challenging bidding environment the City is currently experiencing. Pricing seems to have an effect in this season's construction. He referred to the Winchester Street project and gate valve project as examples of some of the projects that have come in over budget in the recent past. He also noted the challenge of getting materials as well as workforce challenges everyone is experiencing which is also contributing to price escalation

He further stated local talent pool is being pulled in a lot of different directions and the housing market at the present time is on fire. At least for this year, 16 new single family residential homes are being built in Keene. The other piece is the increase in governmental spending with a lot of money starting to flow out of Washington. Hence, Keene is having to compete against every other

municipality that wants to spend those funds. Mr. Lussier stated they are seeing projects come in with single bids and at time with no bids. He added this might not be the last time he would be before the Committee asking for additional funds to cover cost of projects previously planned.

With respect to this Resolution R-2022-08 it would approach an additional \$20,000 out of the parking funds unallocated fund balance to cover the actual bid price and also leave a small contingency to cover about a 5.6% change order for the City Manager to approve.

Mr. Lussier noted the two specific items that were cut from the scope which were originally planned are lighting for the rear stairwell which was going to be replaced with the new LED fixture. The other item was small repair on the deck surface. This work was completed a few years ago by in house staff who did a fantastic job with it and if there are areas that really need to be addressed, it can be completed by staff. He added this contractor was the same contractor that did some repair work on the garage about 10 years ago

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

On a 3-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2022-08.



CITY OF KEENE

R-2022-08

In the Year of Our Lord Two Thousand and Twenty-Two
Relating to the Appropriation of Funds for the City Hall Parking
A RESOLUTION Structure Maintenance Project.....

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

That the sum of twenty thousand dollars (\$20,000.00) is hereby appropriated from the unallocated Parking Fund balance to the City Hall Parking Structure Maintenance Project.

George S. Hansel, Mayor

In City Council April 7, 2022.
Referred to the Finance, Organization
and Personnel Committee.

City Clerk

PASSED