



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
February 2, 2023
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- January 19, 2023

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Joint Public Hearing with the Conservation Commission - Tree Trimming on Scenic Roads
2. Powerpoint Presentation - A Celebration of Keene Dams - City Engineer

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmations - Bicycle Pedestrian Path Advisory Committee; Historic District Commission
2. Nominations - Energy and Climate Committee; Human Rights Committee

C. COMMUNICATIONS

1. Ice and Snow Festival - Request to Postpone Event Due to Extreme Weather Conditions - Mark Rebillard

D. REPORTS - COUNCIL COMMITTEES

1. Staff Response to No Parking Request – 191 Washington St. – Delineation of Parallel Parking Stalls on Public Streets
2. Councilor Robert Williams – Concerns with Littering – East Keene
3. Transfer Station - Informational Update – Assistant Public Works Director/Solid Waste Coordinator

4. Chapter 58 – Parks, Recreation, and City Unimproved Land - Parks, Recreation, and Facilities Director

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Expenditure of Solid Waste Funds - Public Works Director

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

1. Relating to Amendments to the City of Keene Land Development Code, Rural District Minimum Lot Size
Ordinance O-2023-02
2. Relating to Personnel Systems & Procedures
Ordinance O-2023-03
3. Relating to Chapter 58 - Parks, Recreation and City Unimproved Land
Ordinance O-2023-04

J. ORDINANCES FOR SECOND READING

1. Relating to Removal of Stop Signs on Summit Road Near Wyman Road
Ordinance O-2023-01

K. RESOLUTIONS

1. Relating to the Acceptance and Appropriation of Unanticipated Revenue
Resolution R-2023-07
2. Relating to the Optional Veterans' Tax Credit and Relating to the All Veterans' Tax Credit
Resolution R-2023-08
Resolution R-2023-09

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, January 19, 2023. 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, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Having declared a quorum was physically present, Mayor Hansel recognized that Councilor Ormerod requested to participate remotely due to health reasons. Hearing no objections from the Council, Mayor Hansel granted the remote participation. Councilor Ormerod stated that no one was present in the room with him. Councilor Workman led the Pledge of Allegiance.

MINUTES OF THE PRECEDING MEETING

A motion by Councilor Powers to adopt the minutes of the January 5, 2023 meeting as printed was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

ANNOUNCEMENTS

First, Mayor Hansel announced that on Monday, January 30, there will be a Public Information Meeting at Heberton Hall on the Downtown Infrastructure Improvement and Reconstruction Project. There will be an open house between 5:00 PM and 6:00 PM, when the public can come and speak with City Staff and the City's consultants one-on-one. At 6:00 PM, the informational meeting will start with a brief presentation on the project's scope. Following this brief presentation, there will be smaller group discussions on four topic areas, allowing any members of the public who want to learn more to stay and interact with City Staff and members of the City's consultant team. The four topic areas will represent each area of the project: infrastructure, Main Street, Central Square, and the Gilbo Avenue/Railroad Street area. After 30 minutes, participants will be asked to move on to the next topic area. This will allow a participants to be able to learn about each of the pieces of the project. For Councilors who wish to volunteer to assist at this meeting, please arrive by 5:45 PM and let the Public Works, Kürt Blomquist, know of your desire to assist.

Next, on February 21, there will be a second informational meeting, which will be held at the Keene High School auditorium. This session will start at 6:00 PM and conclude at 9:00 PM. At this meeting, City Staff and the City's consultants will lead a presentation on the project. Following the presentation, the public will be invited to approach microphones and provide their thoughts and comments. Mayor Hansel looks forward to seeing all Councilors at these important public meetings. Both of these workshops will be live streamed so the public can watch. If any Councilors have questions concerning either of these events, please direct them to the City Manager.

Finally, on Tuesday, January 31, there will be a special City Council meeting for the purpose of continuing the evaluation process for the City Charter employees. This meeting will start at 6:00 PM in the Council Chambers. Councilor Powers announced Mayor Hansel's 37th birthday and the Council wished him well.

PRESENTATION OF RETIREMENT RESOLUTIONS – TODD LAWRENCE, TIM BALLANTINE, AND MICHAEL GOODCHILD

Mayor Hansel welcomed former Police Captain, Todd Lawrence (24 years of service), and presented him with a Resolution honoring his retirement. Mr. Goodchild and Mr. Ballantine were not present.

PRESENTATION – COUNTY OF CHESHIRE – UPDATE ON COUNTY EMS SERVICE

Mayor Hansel welcomed County Administrator, Chris Coates, County Commissioner Jack Wozmak and Commissioner Terry Clark, Cheshire EMS Chief, Michael Spain, and Cheshire EMS Deputy Chief, Chad Butler.

Mr. Coates began the presentation by recalling that in 2020, Cheshire County approached the DiLuzio family to see if the County could help them with IV pumps and ventilators using the CARES money that the County received. Ultimately, the County gave DiLuzio approximately \$70,000 for their ambulances. In January 2021, the County asked DiLuzio if they needed more help, which was when DiLuzio asked the County to purchase their company. This was not what the County expected and Mr. Coates said that was never the County's intention. Mr. Coates continued recalling struggles with EMS services outside the City of Keene due to low employment. He said that members of Cheshire County talked about the possibility with Cheshire Medical Center, which asked the County to consider the option. He said that the County also had opportunities with the American Rescue Plan funds of \$14.7 million. He said the County gave \$1 million of those funds back to the cities and towns, \$1 million to non-profits and small businesses. The County worked with the City's Director of Parks and Recreation, Andy Bohannon, and Dan Smith of the Keene YMCA, to give \$10,000 to fund lifeguard certifications so the City's pools, lakes, and ponds could open. Mr. Coates said that Cheshire County felt that was important for local families. He is willing to share the lists that breaks down what the County used the American Rescue Plan funds for.

Mr. Coates continued saying that shortly thereafter, the County decided to move forward negotiating with DiLuzio, which included a non-disclosure agreement that limited what Mr. Coates could say about the matter. The County had multiple attorneys look at different angles of this process because it is labor intensive. As reported in the Sentinel and on the radio, Cheshire County was able to finalize a memorandum of understanding and price, and they worked toward a purchase and sales agreement. Unfortunately, Mr. Coates said the parties were unable to come to agreeable terms.

Thus, Mr. Coates said the County moved forward with creating their own ambulance service because of the need they saw in communities. The facility is completed now and includes a six-bay garage with six ambulances and an office, training area, lounge, showers, bathrooms, and other necessary items. There is also an administrative building with an office, a kitchenette, private two-person bedrooms, a lounge, lockers, showers, bathrooms, and everything else needed to run the program. There is also an existing residence on site that will be used separately from the EMS service and could house traveling EMTs, but it would be used more for traveling nurses at the nursing home or the many traveling licensed nursing assistants. Cheshire County is already renting two properties—one in Keene and one in Westmoreland—for the current nine traveling nurses.

Next, Cheshire EMS Chief Spain, talked about the ambulances and staffing. Chief Spain said that Cheshire EMS currently had three ambulances staffed 24 hours per day at the paramedic level. There is also a fly car, which Chief Spain said is an Explorer equipped with all the paramedic equipment that can arrive on site sometimes before ambulances to hold the scene; Mr. Coates called the fly car a paramedic intercept. Chief Spain said the goal is to have two fly cars operating 24 hours per day. There are currently seven people working 24 hours per day. Chief Spain said there are also two more ambulances that were just certified the day of this meeting. By the time that preparations conclude, they expect to have eight ambulances, with six ambulances working 24 hours per day. Chief Spain continued saying that by March or April 2023, Cheshire EMS would have more than 50 personnel. The idea is to respond to 911 calls quickly with the fly car and then an ambulance. Cheshire EMS would service inter-facility transfers with two ambulances, respond to 911 calls with four ambulances, and keep two ambulances in reserve. The last ambulance arranged would have a bariatric unit and a ramp, which he said is needed to handle portly people without harming the EMTs' backs; this is easier for the patients as well.

Chief Spain continued explaining that prior to his arrival, Cheshire EMS secured a \$200,000 grant, which allowed for hiring more personnel. Chief Spain said the ultimate goal is to set-up an education component; this could include professional education on a monthly basis for Cheshire EMS personnel and anyone else in Cheshire County. Cheshire EMS is applying to the State of NH to allow basic EMTs, "A" EMTs, and paramedics to come to Cheshire EMS or wherever a class is held for State recertification at all three levels; this is the first of its kind in New England, but it is common elsewhere. During the first two months and three days of operation, Chief Spain said there have been 279 calls that were mostly inter-facility transfers to Rikers Island (NY), Boston (MA), Lebanon (NH), and Albany (NY). Cheshire EMS is equipped for anything from these transfers to advanced level calls.

Mayor Hansel noted that Keene already has an ambulance service and he asked how Cheshire EMS was set-up financially so that the costs do not fall on taxpayers. Mr. Coates said that Cheshire EMS is an enterprise fund, which means it is a user fee a lot like for the Regional Prosecutor; he said if you are participating, you pay a certain wage. He said the budget is also developed based on inter-facility transfers. Cheshire EMS has a contract with Cheshire Medical

Center to be their primary provider for inter-facility transfers, which allows the hospital to take in new patients. He agreed with Chief Spain that transfers to Boston and Albany were the most common, and that Cheshire EMS received the \$200,000 grant that is helping with staffing. One thing Mr. Coates hears from people outside of the City of Keene is that individuals must travel for certifications and trainings. Therefore, Cheshire County would like the State of NH to realize that this corner of the State should have some type of educational center so that local EMTs and paramedics do not have to travel two hours for regular trainings/classes to maintain their licenses. Mr. Coates said that more importantly, Cheshire EMS is able to go into communities for events like CPR trainings and stated that such opportunities were largely lost when the Red Cross left the area.

Mr. Coates concluded reminding everyone that he and the other representatives of Cheshire County were only presenting this to the City Council as a courtesy and with the understanding that Keene already has a great EMT program that is taxed to the limit daily. He said they wanted to share how they are moving forward, with is largely based on the 22 towns in the County.

Mayor Hansel thanked the guests for their presentation and for keeping the City Council apprised of this new service. The Mayor knew the guests were working closely with the City Manager, and the Mayor hoped the important collaboration would continue. Mr. Coates said he did not see why it would not continue, calling it a wonderful collaboration right now.

NOMINATIONS – BICYCLE/PEDESTRIAN PATH ADVISORY COMMITTEE; HISTORIC DISTRICT COMMISSION

Mayor Hansel nominated Councilor Andrew Madison to be a regular member of the Bicycle/Pedestrian Path Advisory Committee, with a term to expire December 31, 2025. Mayor Hansel also nominated Gregory Kleiner and Anthony Ferrantello to be regular members of the Historic District Commission, both with terms to expire December 31, 2025. Mayor Hansel tabled the nominations until the next regular meeting.

CONFIRMATIONS – BICYCLE/PEDESTRIAN PATH ADVISORY COMMITTEE; HERITAGE COMMISSION; BUILDING BOARD OF APPEALS; HOUSING STANDARDS BOARD OF APPEALS; CONSERVATION COMMISSION; TRUSTEES OF TRUST FUNDS AND CEMETERY TRUSTEES

Mayor Hansel renominated the following individuals to continue serving on the Bicycle/Pedestrian Path Advisory Committee: Rowland Russell, Michael Davern, and Chris Brehme (Alternate), all with terms to expire December 31, 2025, as well as Jan Manwaring, with a term to expire December 31, 2024. Mayor Hansel renominated the following individuals to continue serving on the Heritage Commission: Marilyn Huston and Louise Zerba (Alternate), both with terms to expire December 31, 2025. Mayor Hansel renominated the following individuals to continue serving on the Building Board of Appeals: Malcolm Katz and Steven Walsh, both with terms to expire December 31, 2025. Mayor Hansel also nominated Corrine Parks for her first term on the Building Board of Appeals and the Housing Standards Board of Appeals, with a term to expire December 31, 2025. Mayor Hansel also renominated Steven Bill

to continue serving on the Conservation Commission, with a term to expire December 31, 2025. Finally, Mayor Hansel nominated Michelle Howard to serve her first term as a regular member of the Trustees of Trust Funds and Cemetery Trustees, with a term to expire December 31, 2025.

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.

COMMUNICATION – COUNCILOR ROBERT WILLIAMS – CONCERNS WITH LITTERING – EAST KEENE

A communication was received from Councilor Williams, expressing concern regarding an increasing issue with littering in Woodland Cemetery and certain back roads in East Keene. Of particular concern is the potential impact on wetlands along Beaver Brook. Mayor Hansel referred the communication to the Municipal Services, Facilities, and Infrastructure Committee.

PLD REPORT – RULES OF ORDER AMENDMENT – REMOTE PARTICIPATION

A Planning, License, and Development Committee report read on a vote of 3–1, recommending the adoption of the proposed amendments to the Rules of Order relating to remote access. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Giacomo.

Councilor Jones said he voted against this amendment to the Rules of Order because he had been against remote participation since the beginning. He stated that, “If it ain’t broke, don’t fix it.”

Councilor Greenwald wondered if there should have been a different procedure at the beginning of this meeting to allow Councilor Ormerod’s participation. Councilor Greenwald also recalled the City Council previously approving long-term remote participation for Councilor Ormerod. Both the Mayor and City Attorney thought that long-term participation had reached its expiration date and that Councilor Ormerod’s health concern for this meeting was separate. Councilor Ormerod agreed that he was previously granted remote participation for an extended period when he was unable to leave his home due to a medical condition, which was separate from his current illness. He said his health condition had nothing to do with the current Ordinance amendments under consideration. Councilor Greenwald wondered if—at the beginning of this meeting—Mayor Hansel should have given the City Council a chance to object to Councilor Ormerod’s remote participation. Mayor Hansel said concurred that he should have included that opportunity in his comments. The City Attorney said that the reality going forward would be that once the Chair announces the request for remote participation, that anyone with objection would stand and express that; generally, the Council operates by consensus, so if someone wants to object, they should state that. Mayor Hansel agreed and said that with the rules at present, he should have asked for any objections.

Councilor Filiault agreed with Councilor Jones about voting against this in the past. Councilor Filiault was against changing the Rules of Order for anything other than extenuating health circumstances. Councilor Filiault's opinion was that City Councilors should be present at meetings and therefore he would vote in opposition.

On a roll call vote of 12–3, the motion carried. Councilors Jones, Roberts, and Filiault voted in the minority.

PLD REPORT – AD HOC HOUSING STABILITY COMMITTEE – FINAL REPORT

A Planning, Licenses, and Development Committee report read on a vote of 5–0, recommending acceptance of the final report from the Ad Hoc Housing Stability Committee. Councilor Bosley summarized the report that was in the agenda packet, particularly the topics of accessory dwelling units and housing vouchers, and said that the City Manager was already implementing some of the recommendations.

Mayor Hansel thanked all who participated in the work and public participation that went into the Ad Hoc Committee, stating that the report was a good plan to start implementing.

Councilor Jones noted for the public that this report would not be adopted formally by the City Council, they were simply accepting it as informational. Councilor Jones said it was a very good report, but that it included some things people disagree with. Mayor Hansel said that was a good point and explained that this report would give City Staff some direction so they can bring future efforts to the City Council.

Councilor Williams thanked all involved in this long Ad Hoc Committee process. He said there was still a long way to go on ideas that need a lot more support. He added that this was an important issue for many stakeholders who were in the audience and showed up throughout this process. Councilor Williams was proud of his City for showing so much support for the homeless population in Keene. He said Keene has a housing shortage the must be addressed. He agreed that there were good ideas in this report about accessory dwelling units, which he called a very important strategy to bring down the cost of housing. While it would take a lot more work to enact the various pieces of the report, Councilor Williams was confident it could be done.

Councilor Jones recalled that Councilors Workman, Williams, and Lake had initially submitted a joint communication that agendized this topic before the City Council, which resulted in the creation of the ad hoc Committee process. Councilor Jones thought the effort had come a long way since.

Mayor Hansel filed the Ad Hoc Housing Stability Committee report as informational.

FOP REPORT – SPECTRUM SERVICE ISSUES UPDATE

A Finance, Organization, and Personnel Committee report read, recommending accepting the Spectrum service update as informational. Mayor Hansel accepted the report as informational.

FOP REPORT – MISSION STATEMENT, COALITION PRIORITIES AND FUNDING SOURCES – MONADNOCK DIVERSITY, EQUITY, INCLUSION, AND BELONGING COALITION

A Finance, Organization, and Personnel Committee report read, recommending the release of \$10,000 included in the budget for the Monadnock Diversity, Equity, Inclusion & Belonging Coalition. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne.

Councilor Workman stated before the Council acted upon the recommendation, she wanted to advise them that she is the Chair of the Monadnock Diversity, Equity, Inclusion, and Belonging Coalition. In response to an inquiry from the Mayor as to whether she was making any money from the position, Councilor Workman responded she was not making any money. She continued that although she does not believe she has a conflict; she wanted the Council to be aware.

Councilor Greenwald made a motion to find that there is no direct financial compensation implied and therefore no conflict of interest existed for the Councilor. Councilor Lake seconded the motion, which carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Workman did not vote. The City Council found no conflict of interest.

The motion to carry out the intent of the Committee report carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT – BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM – 2022

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept and expend \$6,750 from the Bulletproof Vest Partnership Grant Program funds of the US Department of Justice, Bureau of Justice Programs. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 15 Councilor present and voting in favor.

FOP REPORT – GRANT ACCEPTANCE – CLG GRANT AWARD 2022 – RECOVERING BLACK HISTORY

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to apply for, accept and expend the grant from the NH Division of Historical Resources (NHDHR) Certified Local Government Grant in the amount of \$16,000 for the Heritage Commission to work with the Historical Society of Cheshire

County (HSCC,) as a part of the existing "Recovering Black History" project underway in partnership with the Monadnock Center for History and Culture and the Black Heritage Trail of New Hampshire. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT – ACCEPTANCE OF LEAD SERVICE LINE INVENTORY, SAMPLING PLAN, AND REPLACEMENT PLAN GRANT

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to apply for, accept and execute a grant from the New Hampshire Department of Environmental Services (NHDES) in the amount of \$50,000 for the Lead Service Line Inventory, Sampling Plan and Replacement Plan Grant. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. Councilor Williams expressed his gratitude to City Staff for going after lead, which he said is very dangerous to children's health. He said that lead is a particular issue on the east side of Keene, where there are a lot of older homes and pipes. The Councilor thought that carrying out the intent of this Committee report would make an important difference. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT – REALLOCATION OF FUNDS – WASTEWATER TREATMENT PLANT ROOF PROJECT

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to reallocate \$18,000 of remaining fund balance from the Wastewater Treatment Plant Aeration Line Project (32JW002A) to the Wastewater Treatment Plant Roof Project (32JW010A). A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT – CHANGE ORDER #1 – ENGINEERING SERVICES FOR WASTEWATER TREATMENT PLANT ROOF PROJECT

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute Change Order #1 with Brown and Caldwell Engineers to perform additional engineering services for an amount not to exceed \$4,880 for Contract 04-22-05. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Chadbourne. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

CITY MANAGER COMMENTS

The City Manager began by reporting that the legislative meeting with the NH Municipal Association is tentatively scheduled for March 1 at 6:00 PM. Once she receives confirmation from NHMA on the date/time, staff would send out the new invites. The City Manager said March 1 is actually a great time for this meeting because it is close to crossover (between the House and Senate) and we can focus on the bills that are still active.

Next, the City Manager talked about lead abatement with the US Department of Housing and Urban Development. The City Manager said she met with the Cheshire County Commissioners this week. They had a lot of questions and concerns about taking on a project of this magnitude. There is another meeting next week between the City Manager, County Administrators for both Sullivan and Cheshire Counties, and Cheshire County's grant writer to see if they can work out some of the details. There is a short turnaround time to decide and complete the grant application, which is due in early March.

In addition, the City Manager said that while she was at the County Commissioners meeting, she took the opportunity to discuss her meetings with the jail about the concern related to dropping homeless individuals being released from the jail (regardless of the jurisdiction that brought them in) on Gilbo Avenue. She said Cheshire County was very receptive to developing a plan to better serve these individuals and they were sensitive to the impacts on the City of Keene. The City Manager has another meeting in the spring to review data, but she was hopeful that they would find a better solution. She would keep the City Council updated.

The City Manager mentioned that as a part of the Capital Improvement Program and City's budget process, she and the City departments began reviewing project numbers this week.

Next, the City Manager provided an update on community power. She met with the project consultants the day of this meeting about possibly launching our community power program in May (depending on pricing). Swanzey, Wilton, and Marlborough would be included in our bid process if they would like to join; they are using the same community power consultants and it would be relatively easy for them to join our bidding process. The mild winter has dramatically dropped the price of natural gas compared to a few months ago, creating a more favorable bidding climate. The process takes several months to complete, including notice to property owners, an opt-out time period, and a public meeting. Therefore, the City Manager said that May would be the soonest we could accomplish the launch. She would report back to the City Council when there is more information.

The City Manager continued explaining a new digital service with the Keene Library offering Hoopla, which is a streaming service that offers audiobooks, eBooks, comics, movies, TV, magazines, or music on computers, tablets, smartphone, and smart TVs. All you need to do is register your email and library card. Hoopla syncs across all your devices, so you can stream titles immediately without holds. Cardholders are allowed five checkouts per month.

The City Manager concluded her report by noting that Amy Kraemer and Gail Zachariah will be presenting at the national American Library Association Conference in New Orleans (January 27–30). Their presentation, “Starting Young: How to Launch Family Making Experiences at the Library,” will share Keene Library’s experiences learned from the Little Makers grant. They will discuss the initial stages of our project and show how programming shifted due to the Covid-19 pandemic. Participants will get a taste of the kinds of activities, prompts, and messaging that we found effective in reaching our littlest makers and their caregivers. The City Manager said one goal is to have participants learn prompts to guide parents and children in early makers programs at their own libraries and to evaluate their programs’ successes.

RESIGNATION – ENERGY AND CLIMATE COMMITTEE

A memorandum read from Senior Planner, Mari Brunner, recommending that the City Council accept the resignation of Linsey Edmunds from the Energy and Climate Committee. A motion by Councilor Powers to accept the resignation with regret and appreciation of Ms. Edmund’s service was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

PB-PLD REPORT – ORDINANCE O-2022-19-A: RELATING TO AMENDMENTS TO THE LAND DEVELOPMENT CODE

A recommendation on behalf of the Joint Planning Board/Planning, Licenses and Development Committee was received. The Planning Board had found Ordinance O-2022-19-A consistent with the Comprehensive Master Plan. The report continued that the Planning, Licenses and Development Committee was requesting that the Mayor set the Public Hearing. Mayor Hansel accepted the report as informational. The Mayor scheduled a public hearing for February 16, 2023, at 7:10 PM.

MORE TIME – REQUESTS TO USE CITY PROPERTY – GATHERING OF THE GOURDS AND TASTE OF KEENE FOOD FESTIVAL

A Planning, Licenses, and Development Committee report read, recommending that the requests for use of City property for the Gathering of the Gourds and the Taste of Keene Food Festival be placed on more time to allow for protocol meetings to be scheduled. Mayor Hansel granted more time.

FOP REPORT – RELATING TO AN APPROPRIATION OF FUNDS FOR THE SOLID WASTE FUND – RESOLUTION R-2023-06

A Finance, Organization, and Personnel Committee report read, recommending the adoption of Resolution R-2023-06. A motion by Councilor Powers to adopt Resolution R-2023-06 was duly

1-19-2023

seconded by Councilor Chadbourne. The motion carried on a unanimous roll call vote with 15 Councilors present and voting in favor.

ADJOURNMENT FOR LEGAL ADVICE

Mayor Hansel adjourned the meeting for legal advice at 8:05 PM.

A handwritten signature in cursive script, reading "William L. Dow".

A true record, attest:

Deputy City Clerk



PUBLIC HEARING

Notice is hereby given that a joint Public Hearing will be held before the Keene City Council and the Keene Conservation Commission relative to a petition from Eversource Energy for the trimming and removal of hazardous trees beneath its power lines along the following designated scenic roads: Peg Shop Road, Chapman Road, Whitcomb's Mill Road, Daniel's Hill Road, Hurricane Road, Langley Road, Felt Road and Stearns Road pursuant to RSA 231:157.

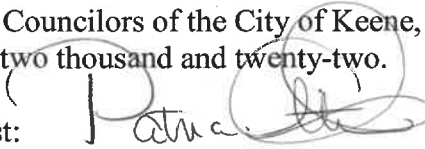
HEARING DATE: February 2, 2023

HEARING TIME: 7:00 PM

HEARING PLACE: Council Chambers, Keene City Hall

Per order of the Mayor and Councilors of the City of Keene, New Hampshire, this fifteenth day of December, two thousand and twenty-two.

Attest:


City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: February 2, 2023
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Confirmations - Bicycle Pedestrian Path Advisory Committee; Historic District Commission**

Council Action:

**In City Council January 19, 2023.
Tabled until the next regular meeting.**

Recommendation:

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

Bicycle Pedestrian Path Advisory Committee

Andrew Madison, slot 2	Term to expire Dec. 31, 2025
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Historic District Committee

Gregory Kleiner, slot 1	Term to expire Dec. 31, 2025
Anthony Ferrantello, slot 2	Term to expire Dec. 41, 2025

Attachments:

1. Ferrantello, Anthony_Redacted

Background:

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: Fw: Interested in serving on a City Board or Commission
Date: Saturday, January 7, 2023 5:38:40 AM

redaction and save to directory. thanks.

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us> on behalf of City of Keene
<helpdesk@ci.keene.nh.us>
Sent: Friday, January 6, 2023 5:56 PM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Fri, 01/06/2023 - 17:56</p>

<p>Submitted values are:</p>

First Name:

Anthony

Last Name:

Ferrantello

Address

84 Woodland Avenue
Keene, NH 03431

How long have you resided in Keene?

1.5 years

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Retired

Occupation:

Architect

Retired

Yes

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

Organizations to which i have belonged: American Institute of Architects, National Council of Architectural Registration Boards, Society of American Military Engineers, Construction Specification Institute.

Current organizations: Keene City Republican Committee, Cheshire County Republican Committee

Have you ever served on a public body before?

Yes

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

Airport Development & Marketing Committee, Building Board of Appeals/Housing Standards Board of Appeals, College City Commission, Conservation Commission, Energy and Climate Committee, Historic District Commission, Keene Housing Authority, Planning Board, Zoning Board Adjustment

Please let us know the Board or Commission that you are most interested in serving on.

Historic District Commission

Optional - Please select your second choice of which Board or Commission you would like to serve on.

Keene Housing Authority

Optional - Please select your third choice of which Board or Commission you would like to serve on.

College City Commission

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

Interests: Application of steward leadership in managing resources toward a desired quality of life for Keene residents.

Background: 40 years of experience in architecture, planning, budgeting, and construction administration for projects with various departments of the U.S. Military, municipal, collegiate, public schools and private educational facilities that span from NY, NJ, CT, PA, GA, AL, SC, KY & FL.

Skill sets: Experience in historic renovation translates into utilizing best practices in careful

architectural and structural restoration of building envelopes in compliance with the Secretary of the Interior's Standards for Rehabilitation for Historic Buildings, ADA and Life-Safety Codes. Experience with public housing projects under CIAP, CDBG, HED, HOPE VI, and other programs.

Education: CUNY School of Architecture and Environmental Studies. Doctoral Candidate in the College of Business and Professional Studies, Columbia International University.

Suggest other public bodies of interest

Anywhere there might be a need where I may provide advice commensurate with my experiences and skill sets, should be appropriate.

Please provide 2 personal references:

Sylvester Karasinski

[REDACTED]
[REDACTED]

References #2:

Jim Qualey

[REDACTED]
[REDACTED]



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.2.

Meeting Date: February 2, 2023
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Nominations - Energy and Climate Committee; Human Rights Committee**

Recommendation:

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

Energy & Climate Committee

Kenneth Swymer, slot 9

Term to expire Dec. 31, 2023

Human Rights Committee

Ted Benson (alternate) - slot 11

Term to expire Dec. 31, 2024

Attachments:

1. Benson, Tedd_Redacted

Background:

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: FW: Interested in serving on a City Board or Commission
Date: Tuesday, January 31, 2023 10:41:46 AM

[Save and redact](#)

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Tuesday, January 31, 2023 10:40 AM
To: Helen Mattson <hmattson@keenenh.gov>
Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Tue, 01/31/2023 - 10:39</p>
<p>Submitted values are:</p>

First Name:

Tedd

Last Name:

Benson

Address

317 Pratt Rd, Alstead

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Bensonwood

Occupation:

CEO

Retired

No

Have you ever served on a public body before?

No

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

Human Rights Committee

Please let us know the Board or Commission that you are most interested in serving on.

Human Rights Committee

Please provide 2 personal references:

Sylvia McBeth

[REDACTED]

References #2:

Allen Mendelson

[REDACTED]



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: February 2, 2023

To: Mayor and Keene City Council

From: Mark Rebillard
Keene Downtown Group Chair

Through: Patricia Little, City Clerk

Subject: **Ice and Snow Festival - Request to Postpone Event Due to Extreme Weather Conditions - Mark Rebillard**

Recommendation:

Attachments:

1. Communication_Rebillard

Background:

Mr. Rebillard is requesting to postpone the 2023 Ice and Snow Festival from Saturday February 4th to Sunday February 5th due to the extreme cold anticipated on Saturday.

January 31, 2023
Mayor George Hansel
Keene City Council
3 Washington Street
Keene, NH 03431

Dear Mayor Hansel and City Council,

On behalf of the Keene Downtown Group, I'm asking the City of Keene to change the date of the event license for the Keene Ice & Snow Festival from Saturday, February 4th to Sunday February 5th, 2023.

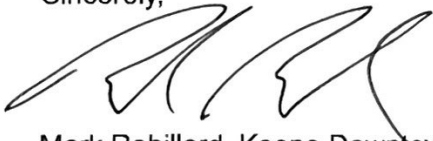
With the very cold temperatures forecasted for Saturday, our committee has decided to move the festival out of concern for safety. The temperature for Sunday is expected to be 30 degrees warmer.

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

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

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Rebillard', with a stylized, flowing script.

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



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: February 2, 2023

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: **Staff Response to No Parking Request – 191 Washington St. – Delineation of Parallel Parking Stalls on Public Streets**

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the presented guide from the Public Works Department for the delineation of parallel parking stalls on public streets be accepted.

Attachments:

None

Background:

Chair Greenwald asked to hear from staff and asked if the petitioner is here tonight.

Kürt Blomquist, Public Works Director, stated that the petitioner was notified about tonight's meeting. He continued that this is a follow-up from the meeting the petitioner came to, when the Committee had a good discussion with the petitioner and other members of the public. The concern is visibility issues, as the petitioner feels that sometimes people park too close to certain areas. One suggestion that came from that discussion was whether staff can better organize the parking. The area of Washington St. in question has parallel parking, but no lines delineating where someone should park. It was felt that doing that could help move cars away from the driveway entrance, which would help with visibility. Staff was asked to determine whether the idea of delineating parallel parking would work, which would probably not be appropriate to do everywhere, and to try to develop standards.

Mr. Blomquist continued that the Public Works Department met with staff from the Community Development and the Parking Services Departments to look at where parallel parking is and in which locations it would make sense to delineate the parallel parking spaces. They determined that delineating parallel parking under certain conditions would work and created guidelines for that. For example, they looked at streets with a high volume of traffic (4,000+ vehicle trips per day), such as Washington St., West St., Court St., and Winchester St. They also looked at what kinds of uses or activities are creating this conflict. The Committee heard from some businesses, but this area [of Washington St.] also has residential units and service-oriented types of businesses, such as doctors, psychologists, lawyers, and so on and so forth. There is a mixed use. They looked at areas where there is predominantly a mixture of commercial, office, institutional, and residential. Those uses all

have different needs and demands. Businesses look for having parking available during the daytime hours, residents are looking for parking after work hours, and institutions may have uses that vary in time. Thus, staff determined that when looking at areas [in which to delineate parallel parking spaces], they should be looking at areas that have these mixed uses. They also identified that the area should already have parallel parking, with paved shoulders of approximately eight feet, where parallel parking is already permitted. Lastly, they looked at whether there was documentation of issues related to unorganized parking, such as what exists here [in this portion of Washington St.], with complaints about cars parking too close or too far over certain points. Staff felt that in order for them to consider delineating parallel parking spaces in an area, it is not enough that the area meet those three criteria he just mentioned; there should also be some other driver like that that compels them to look at the area.

Mr. Blomquist summarized that those are the criteria staff developed to determine when to consider an area for delineating the parking. He continued that regarding the guidelines for, say, how big the parking stalls should be, staff refers to the Manual on Uniform Traffic Control Devices (MUTC). Those are the guidelines the State adopted. In general, the guidelines say stalls should not be less than eight feet wide but no wider than ten feet. That makes sense, given the types of vehicles and mixed uses. Length should be no less than 20 feet and no longer than 22 feet; that is the standard so that people have sufficient room pulling in and out and maneuvering back and forth. Staff recommends allowing the City Engineer, on a case-by-case basis, to do an exception to that 20 feet. The city has some areas, such as between driveways, where they might be able to fit a space but it might not be 20 feet. It might have enough space to have 18 feet and then sufficient space on either end to provide the setback from the driveway. They did not want to eliminate spaces unnecessarily, because as everyone knows, parking is always a concern in the community. For any of these streets, it would be a layout by the City Engineer's Office. Staff would go to the location and lay it out to make sure and then mark the streets for future marking.

Mr. Blomquist continued that regarding how they propose memorializing these guidelines, the Land Development Code (LDC)'s infrastructure section has the PWD issuing "technical guidelines." The PWD has to publicly publish standards – for example, water/sewer connections, road base thicknesses, and other items that are more detailed than what is published in the LDC. The PWD would issue a technical guideline [for delineating parallel parking], so that if a developer was proposing a new street and it met certain criteria, they would have to look at this. It also provides the guidelines for staff as they are doing reconstructions.

Mr. Blomquist asked if anyone has questions about staff's proposed guidelines.

Chair Greenwald stated that he compliments Mr. Blomquist and other staff members for going way beyond solving the initial request. He continued that he did not realize they were setting a City standard, but he understands there is reason for it.

Mr. Blomquist stated that after staff created the standards, the question then was what to do about the particular area the petitioner came to the Committee about. Staff applied the criteria to Washington St. and Court St., because the Parking Services Department, PWD, and the Keene Police Department (KPD) have received complaints of conditions similar to those discussed about 191 Washington St., where parking was blocking things and decreasing visibility. Applying the criteria to Washington St., there would be delineated parallel parking on the east side from Tyler St. to Greenwood St., excluding the 'no parking' zone in front of Franklin School. Thus, there would be delineated parallel parking spaces in front of 191. On the west side, delineated parallel parking would start at 118 Washington St., which is roughly across from Beaver St., and go to High St. That area has a large number of mixed uses. Staff have received some complaints from residents there, regarding the sort of issues [that the petitioner brought forth about 191 Washington St.]. Applying the

criteria to Court St., delineated parallel parking would go from Mechanic St. to Union St. on the east side, and from Summer St. to 9 Court St. on the west side. Beyond 9 Court St. it is mainly residential, although the properties are large. Those are the types of properties that, if changed out, tend to move to office/residential mixed use, and then [delineated parallel parking] might be warranted in the future.

Mr. Blomquist continued that what all that means is there would be a delineation of about 110 parallel parking spaces between Washington St. and Court St. Based on the PWD's current contract with the line-painting [company], it would cost about \$2,000 per year to do 110 spaces. That concludes his presentation and he is happy to take questions.

Councilor Williams stated that the one parking space that especially concerns him is along Washington St. where Beaver St. comes in. If there is a big van there, people driving small cars cannot see the oncoming traffic. He continued that there is also vegetation in that area during certain months. He asked if it would be possible to move the beginning of parking spaces in that area a bit farther up.

Mr. Blomquist replied that staff will look at that. He continued that all City streets have a 30-foot setback from the intersection. That will hopefully help. Maybe in this particular situation people are not parking that far away from the intersection, and that is something staff can look at. If vegetation is on private property, staff can notify the property owner(s) that they need to do some trimming to increase visibility. Councilor Williams replied that he believes it is a City-owned rain garden. Mr. Blomquist replied that staff will look at that situation and see if it needs to be cut down a bit.

Chair Greenwald stated that Mr. Blomquist said this would cost \$2,000 per year. He continued that he (Chair Greenwald) needs to find \$2,000 somewhere else in the budget, because he will not be responsible for a budget increase, which is not Mr. Blomquist's problem. This is a good priority.

Chair Greenwald asked if the Committee or members of the public had further questions or comments. Hearing none, he asked for a motion.

Councilor Williams made the following motion, which was seconded by Councilor Filiault.

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the presented guide from the Public Works Department for the delineation of parallel parking stalls on public streets be accepted.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: February 2, 2023

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: **Councilor Robert Williams – Concerns with Littering – East Keene**

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the communication from Councilor Williams relative to littering be forwarded to the City Manager for further action.

Attachments:

None

Background:

Chair Greenwald asked to hear from Councilor Williams.

Councilor Williams stated that he received a communication from a local citizen, present at the meeting, and heard from other citizens via Facebook and conversations. He continued that he noticed that the litter was getting out of hand and that there was more litter than usual, and found that other people had been noticing it, too. He thinks there has been some kind of change, causing many beer cans to be dumped on North Lincoln St., and additionally, there is a lot of trash in Woodland Cemetery. North Lincoln St. is an example, but it is a problem on other streets in the neighborhood, too. That is the area of salamander crossings, which is now a tourist attraction. He would hate for families to be out there at night, having a great time moving salamanders and learning about nature, and then see all the beer cans.

Councilor Williams continued that he wants to figure out what to do about this problem. There are a few things to do, and one is enforcement. He is not always huge on enforcement and not always sure it works, as it is difficult to pull off, but the word “enforcement” has some power. Current signs say “littering is unlawful,” and he does not think they prevent any littering. In fact, it is almost a “you can litter here” sign. He wants to see wording such as “litter enforcement zone” so people know they will get some additional penalty or something will happen in this zone. He does not want to ratchet up penalties, but having a \$10 or \$20 fine in this zone in addition to whatever the existing littering fine is might be the way to go. If they set up littering enforcement zones, he thinks it is important to combine that with ways to remove the trash, by having trash barrels in the area so that people who are picking up litter have a place to put it. A lot of trash is put in Woodland Cemetery and winds up in wetlands. Trash barrels placed at the entrances to the cemetery would make a significant difference. The third important thing is community, and setting a community standard against litter and about

doing something about it when you see it. Neighbors are encouraged to pick up the litter and throw it in a trashcan.

Councilor Williams continued that he brought this issue before the Committee so they can discuss what they can do. He would like to hear people's ideas. Litter has been a problem forever, but specifically within the last six months in his neighborhood, it has been a big problem. He and his neighbors have been hauling out a lot of trash, many beer cans, and are getting sick of it and looking to see what else they can do.

Councilor Workman thanked Councilor Williams for bringing this forward. She continued that no one likes litter anywhere. The City has some great initiatives like Green Up Keene. She sees on social media that many folks in Keene take a bag with them when they are out walking and try to do their part and pick up litter. Clearly, it is not enough. She is open to discussion.

Councilor Roberts stated that he likes to walk in cemeteries, because they are safe places to walk, but more and more people are partying in cemeteries. He continued that he has never seen a Police Officer go through the cemetery. It seems like people think the cemetery is a nice place to party, drink, and hang out, without being seen from the street. That is where many of the beer cans are coming from. People, many of them underage, throw beer cans out of their cars as well.

Councilor Filiault stated that this seems to be cyclical. He continued that Mr. Blomquist will remember that a little over a decade ago, North Lincoln St. - especially going around the corner from Beaver St. – was a dumping zone. There were years when the City had to go there and clean up bags full of trash. People were dumping old Christmas trees, bags of (household) trash, and more. As Councilor Williams said, the cemetery also seems to be a dumping ground. When he has done overnights with the KPD, they have driven through the cemetery, but it is an easy place for people to hide in. People in the cemetery can see a Police car's approaching headlights from a half mile away, so they duck and wait for the Police car to go by. This [littering] is a cyclical problem and he does not think there is an easy answer. Telling someone not to litter is like telling a bad driver not to speed – they ignore it. However, whatever City staff recommends might improve the situation. It is tough to do. Councilor Williams is correct, because before he even moved into his current house, that area has always been a problem and used as a dumping zone. North Lincoln St. and the cemetery historically have been a bad area for littering.

Chair Greenwald stated that he has participated in Green Up Keene with the realtors, and their zone typically is Concord Rd. and Jordan Rd. He continued that they have picked up all kinds of trash, such as auto parts, mattresses, and other ridiculous items. If someone is chucking beer cans out the window while they are driving, that is a problem – they are obviously driving while they are drinking. Perhaps a tune-up on enforcement in those areas might help. It is frustrating to be picking up the trash every year, and frustrating that the people littering do not care. He would be glad to hear staff's ideas.

Chair Greenwald asked if the writer of the letter would like to speak.

Carrie Venezia of George St. stated that one day she stepped outside of her house, which is surrounded by Ring cameras, and saw a person in a minivan throw an alcohol container out their window. Her Ring cameras captured it. She got a partial license plate number, which she gave to the KPD along with the Ring camera footage. They told her that unfortunately, since it was not directly witnessed by a Police Officer, there was nothing they could do, which she finds absurd. Trash is all over their neighborhood and it is disgusting. The woman she saw was driving a minivan full of children. She does not believe that with Ring camera footage, a partial license plate number, and a witness statement, nothing can be done about this. She has spoken with Harry from

the PWD, multiple Police Officers, and City Councilors. Her neighbors have been wonderful. She had provided trashcans at the foot of her driveway, but staff told her she needed to remove them because they were in the right-of-way. She asked if (the City) could provide a trashcan there, and they told her no, because it would be too much liability. She and her neighbors have tried everything, and nothing seems to be able to be done. Councilor Williams says he does not like adding more punitive damages, but she would be all for that. The trash is mainly caused by two serial litterers. What more can citizens do, if the partial license plate number, Ring footage, and witness statement were not enough?

Chair Greenwald asked staff to respond. Mr. Blomquist replied that Andy Bohannon, Parks, Recreation, and Facilities Director, can speak about what his department does regarding cemeteries. He continued that he and other staff members feel Ms. Venezia's frustration. Staff has been frustrated about these issues for years. That is why, as Councilor Williams noted, they have put up signs reminding people to not litter because it is a violation of the law. As Councilor Workman mentioned, the City has the Green Up Keene initiative. Staff does other clean-ups as well. When reports come in, staff spends a good portion of their time dealing with items left on the sides of roads. It is frustrating. The PWD staff, in the Solid Waste side, have talked about the possibility of a bottle and can law. People might think a little more before throwing out five cents or ten cents, and then not [litter]. Yes, there are serial litterers. For example, an area on Jordan Rd. seems to always have the same McDonald's wrappings, because probably someone who works the night shift on Optical Ave. drives home in the morning and throws the wrapping out of their vehicle as they finish the product. It is difficult. Duncan Watson, Solid Waste Coordinator, is here to talk to the Committee tonight about solid waste issues. They have been talking about having Rebecca Landry, Communications and Marketing Director, help with a PR campaign for Green Up Keene, reminding the community about littering and people's responsibility to take their trash home or use a disposal area.

Mr. Blomquist continued that over the years, staff have tried placing trashcans in various places, but many of the locations do not have a lot of visibility, which means the trashcans end up being dumped/spilled all over, or disappearing. That is what staff was referring to regarding additional liability and problems. Those are the experiences staff have had when trying to tackle this, because these issues are not new. Councilor Williams is right that "something is in the water" and there seems to be more litter currently.

Mr. Bohannon stated that the PRF Department does place trashcans in the cemeteries. He continued that they are seasonal, however, going in in the spring and out in the fall, in relation to the water spigots. Woodland Cemetery had 11 trash receptacles last year. One was stolen and two were damaged. There are five trash receptacles in the Greenland area. For every one [beverage] can found by a citizen, staff finds about 50. It is definitely a problem in the cemeteries. Crews from his department are constantly picking [cans] up. This is how it has been for at least as long as he has been working here. A convenience store is within walking distance of the cemetery, and the cemetery provides a place of refuge. Unfortunately, if staff put trashcans near the entrances, they would get filled with household trash, microwaves, sofas, chairs, televisions, and more. It is frustrating. This area has been notorious over the years, as Mr. Blomquist mentioned, and staff are constantly picking up trash by the cemetery.

Councilor Workman stated that she knows there is some legal aspect to the Ring camera footage, and she will wait to hear about that, but one thing that keeps coming back to her is that they as the City really need to use technology to their advantage in situations like this. She continued that they tell people, "See something, say something." She can imagine how frustrating it is for a citizen to do just that and be told, "Sorry, nothing can be done." Every time they discuss enforcement, they talk about how the shortage of Police Officers makes it difficult. They need to start thinking about using

technology to their advantage. People have Ring cameras. There are programs where municipalities ask citizens to release their footage to the police for other crime-solving tactics. The City could use it even for traffic enforcement. Maryland has done that, tracking speeding drivers via video.

Mr. Blomquist replied that New Hampshire does not allow that. He continued that the City Council had a discussion about red light cameras, but in NH, unless you can identify the driver, [that is not allowed]. In Maryland, it is an administrative fee, not a criminal one. This is part of NH's "Live Free or Die" issue. Councilor Workman replied that they should be having discussions like this, in this setting. Mr. Blomquist agreed. Councilor Workman stated that the Council can petition the State legislature to look at that, because it is a problem, and other communities have the same staffing shortages as Keene. She is asking that when they are looking at a problem, they use all the tools in their toolbox.

Chair Greenwald stated that he has a question for City Attorney Tom Mullins – what if a camera captured footage of a beer can flying out the window of a vehicle and the license plate was identifiable? The City Attorney replied that littering appears in a number of places in State law, and not always consistently. He continued that the general Litter Control law, RSA 163-B, makes littering a misdemeanor level offense. It is a criminal offense, so it is the "beyond a reasonable doubt" standard; you have to be able to establish it. On the other hand, both this and the statutes dealing with rights-of-way have language saying that evidence that litter is being thrown from a motor vehicle is prima facie evidence that the operator of the vehicle violated the law. Thus, this is a conversation staff needs to have internally, with the City Manager and the KPD. It seems to him that depending upon what the evidence is that is being presented, you may have a cause of action, especially under RSA 163-B. The other statute, RSA 265, which deals with roads and streets and such, says littering is only a violation level offense. There is some conflict. The other possible suggestion, with respect to signage, is to just state that: "Littering is a criminal offense. Don't do it." That is up to the City Manager and everyone else to figure out.

Chair Greenwald asked [what happens] if a full license plate was identified. The City Attorney replied that he thinks they would need more than that, in order to be able to tie the two together, because anybody could say, "Oh, here's the license plate number. I saw this person litter." They would need to have more in order to establish enough probable cause to go forward. However, depending on what the evidence is, they may be able to.

Chair Greenwald stated that he thinks they just need public cooperation. He continued that he does not think this will rise to the task force level. Certainly, he does not want to see more signs. He asked if Councilor Williams had anything further, or if there were members of the public who wished to speak. Councilor Williams stated that he does not have anything else to add, other than he thinks trashcans would be helpful specifically along North Lincoln St.

Councilor Filiault asked about putting up City-owned cameras in the area of North Lincoln St. and the cemetery near the chapel. He continued that if someone dumping trash on North Lincoln St. or around the corner sees a sign saying, "This area is monitored by cameras," it might have a positive effect. He does not know how much they would use it for evidence down the road, based on law, but if the signs were there [it might help]. Businesses use them all the time, whether the cameras are real or not. Customers who see a sign saying they are being monitored by camera are deterred from shoplifting whether the cameras are real or not. This could be a deterrent for littering.

The City Attorney replied that there was a request from the KPD in connection with some criminal activity to adjust a City-owned camera to try to capture that activity. He continued that there is a specific statute with respect to the use of video cameras for that purpose. From what he recalls,

there were significant restrictions on using that camera to capture motor vehicles, motor vehicle license plates, and operators, under the privacy issue. He would have to look at it again, but as he recalls, that was a bit of a stumbling block.

Mr. Blomquist stated that staff had been talking about [cameras] as a way of managing traffic, and there is a question of whether you can just have video going on in the public way. He continued that most Ring cameras are on private property, even if they capture activity happening in the public way. To specifically put cameras in the public way [is different]. Again, this all falls back to why they cannot put up the red light cameras. There are some conflicts and challenges regarding, specifically, governmental use of cameras in the public way. The City Attorney replied that NH RSA 236-130 addresses this.

Councilor Filiault stated that he has a good connection with a State Representative right now who could get a bill submitted. He continued that if he can get those RSAs that need changing, he will contact this individual at the statehouse and inquire about getting those RSAs changed.

Chair Greenwald asked if there was anything else. Hearing none, he asked for a motion.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the communication be forwarded to the City Manager for further action.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: February 2, 2023

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: **Transfer Station - Informational Update – Assistant Public Works Director/Solid Waste Coordinator**

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends accepting the Transfer Station Update presentation as informational.

Attachments:

None

Background:

Chair Greenwald stated that he was approached with some questions regarding some of the operations at the Transfer Station, and he briefly corresponded with the City Manager about whether those questions should go to the FOP Committee or the MSFI Committee. Duncan Watson is here to speak.

Duncan Watson, Assistant Public Works Director/Solid Waste Manager stated that he will give a “10,000 foot overview” and if that does not answer Chair Greenwald’s questions, he is happy to answer whatever questions he has. He continued that the Solid Waste Program operates a Transfer Station and a Recycling Center, along with monitoring a closed landfill, operating a biofuel energy system, conducting household hazardous waste collections, and other services related to waste diversion and waste disposal. They take in approximately 26,000 tons of refuse at the Transfer Station in addition to 8,700 tons of construction and demolition debris. They process about 5,000 tons of recycling per year. That number of recycling has stayed fairly static over the years, even though they are actually, physically processing more containers, because the trend over the past decade or so has been a lot more light-weighting of containers, particularly shipping containers and plastic containers moving from glass to plastic. Even within the plastic containers, they are considerably thinner and lighter than they used to be. Thus, staff physically handles a lot more product than they used to, but the tonnage is not necessarily growing. That is just one of the trends they are seeing.

Mr. Watson continued that Keene’s population is 23,000, which increases dramatically during the daytime. The Solid Waste Fund is structured as a special revenue fund, which means there is no impact to the tax rate. It is completely funded by revenue received at the Transfer Station and the sale of their recycling commodities, which covers the cost of the solid waste operation. Revenues

and expenses are approximately equal, in the range of \$5 million per year. Cost centers include the administration of the facility and the operations, the recycling center, the transfer station, the hazardous waste facility, the demolition recycling, landfill monitoring, and landfill gas monitoring and energy system. They employ eight people full time and five people part time. The transportation and disposal of the material from Keene's Transfer Station as well as the shipping of commodities is all done by the private sector. Anyone who wants to offer a waste collection service in Keene must be permitted. There are currently 14 permitted haulers in Keene, from the size of a national corporation like Waste Management to a person operating a pick-up truck with just a few customers. The terms of the permit require the haulers to make sure that people can access recycling. The solid waste generated in the city of Keene must stay in the city of Keene, using a Flow Control Ordinance that the City Council passed many years ago. This ensures the Solid Waste Division's ability to have the material help fund their operations and pay for the expenses that the City has invested in over the years.

Mr. Watson continued that currently, all waste received at the Transfer Station is transported to Turnkey Landfill in Rochester, NH. The City just began its second year of the three-year contract with Waste Management. There are no renewal clauses left. Before the contract ends on December 31, 2024, the City will assemble an RFP and go out to bid to locate a transportation and disposal source for Keene's solid waste. The current tip fee is \$164 per ton. The transportation and disposal of that same waste, when brought to Rochester, is subject to the gate rate (fee paid upon arrival at the facility) of \$82 per ton. The differential between the \$164 and \$82 is money that funds part of the operations at the solid waste facility that do not generate revenue, including hazardous waste collections, the biofuel energy system, and administrative fees paid toward the general fund to help oversee the solid waste operation. Regarding the current gate rates for surrounding transfer stations, Triple T in Brattleboro, VT charges \$200 per ton. Monadnock Disposal in Jaffrey, NH charges \$160 per ton.

Mr. Watson stated that without getting too deep into it tonight, a crisis looms in NH. Existing capacity is expected to last through the early 2030s. Massachusetts has effectively shut down all of their disposal facilities other than their waste energy facilities. It is quite difficult to cite a new landfill. Casella Waste is trying to cite a new landfill in the Bethlehem/Dalton area, running into a host of problems. The state will cross the threshold of not having adequate capacity in approximately 2034. Right now, one thing that exacerbates the disposal capacity in NH is that about 50% of waste received in NH disposal facilities comes from out of state. Due to the interstate commerce clause, no regulations through the legislature or NH Department of Environmental Services prevent that, and people are free to use the marketplace to dispose of waste at their most convenient and most economical location. Even some of NH's surrounding states, like MA, have facilities that transport huge volumes of waste via truck or rail, as far as Louisiana, Indiana, and Ohio. This trend will continue if NH does not cite new facilities.

Mr. Watson continued that as mentioned before, the Solid Waste Division's model of keeping its business off the tax rate, so they do not add to the tax rate burden, is questionable as to whether it is sustainable after this existing contract ends. Staff is aware of this and talks about it frequently. They will be prepared to promote a good program when that time comes. The Council should at least be aware that this is something of concern and there is no magic solution, but staff will do their best to keep this business model working. Keene is unique as the only municipality in the state that does not have its solid waste program on the tax rate in part or in full. This is a feature of Keene's program, and he thinks people appreciate it, and staff wants to continue it.

Mr. Watson continued that regarding roadside littering, one of the features of the City's contract is a provision that requires the contractor – Waste Management, which subcontracts it to another company – to patrol monthly from March to November, from the intersections of Routes 9/10/12 up to

the transfer station and pick up litter along that entire corridor. He has been here 31 years and it has always been a giant problem. People transport material to the Transfer Station via the back of a pick-up truck and often, some of that material/litter ends up on the side of the road. For the past decade or so, the City has managed that through this contract with Waste Management to provide litter control along that corridor. It has made a tremendous difference. Increasing the awareness of roadside littering is aside from what is the empirically evidence-based undoubtedly best program you could possibly do to prevent roadside litter, the bottle bill that Mr. Blomquist mentioned earlier. That has been proposed in the NH legislature many, many times; he hopes it comes to fruition during his lifetime.

Mr. Watson summarized that that is a high level overview of Solid Waste. If people have specific questions, he is happy to answer them.

Chair Greenwald thanked Mr. Watson for his presentation. He continued that his question is about the recent rate increase. They recently voted on changing the budget for the money in and money out so it stays neutral. The quantity has increased, which is what sparked that. He asked why there was a rate increase. Mr. Watson replied that the rate increase has happened every year for the entirety of the City's contract with Waste Management. He continued that the contract has a built-in rate increase for Waste Management, and the City mirrors that rate increase in its proposed tipping fees, so they keep their fund whole. The City is not raising its fees any more than Waste Management raises its tipping fee.

Chair Greenwald stated that there was comment about how the notification timeframe was very short. Mr. Watson replied yes, that clearly was an oversight. He continued that usually that notification goes out around November, and unfortunately, it came out a bit later than they wanted it to [this year]. He owns that. He has multiple reminders for himself for [this coming] November 1, to remind himself to put the notification out, because there is a built-in cost/fee increase beginning January 1, 2024.

Chair Greenwald stated that he does not remember the last RFP, so he wonders if it was just an auto renewal clause within the previous contract. Mr. Watson replied yes, they have some renewal clauses. He continued that Chair Greenwald has been on the City Council for a while, so he probably remembers back in the day when Waste Management operated the Transfer Station for a while. That did not work out for Waste Management for various reasons, so the City took over operation of the Transfer Station, but the City has always had private sector transporting and disposing of Keene's solid waste because the infrastructure to transport using tractor-trailers is not within the City's wheelhouse.

Chair Greenwald asked for confirmation that Mr. Watson said that the City is in the second year of a three-year contract, so there will be a real RFP coming out. Mr. Watson replied yes, they have no provision to renew their existing contract, so they will have to go out for an RFP. Chair Greenwald replied that if another party is interested, that gives them an opportunity. Mr. Watson replied yes.

Chair Greenwald stated that Mr. Watson mentioned that all of the small haulers are licensed. He asked if all of those small haulers are paying, and if their accounts are reasonably current. Mr. Watson replied that one hauler is currently in arrears and in violation of their permit, and has been notified via certified mail. He continued that he is working with Revenue Collection staff and Finance staff and the City Attorney to keep abreast of that. There is a good network of people who are abiding by the regulations and rules, and when someone runs afoul of them, they do not hesitate to pick up the phone and call him to let him know. He knows of one hauler who has gotten into arrears; staff has been monitoring that very carefully and set up a program for them to get themselves whole. That process is ongoing. Sometimes it gets resolved and then starts all over again. This is a

fairly small hauler, but anyone who is a permitted hauler needs to abide by the regulations.

Chair Greenwald stated that Mr. Watson has answered all the questions that had been asked of him. He continued that he invites anyone and everyone to go see the Solid Waste operation. The staff are polite, helpful, and hardworking. Mr. Blomquist replied that he appreciates that. He continued that it is one of the most difficult places for Public Works employees to work, not just environmentally, as it is very cold in the winter, but also in the sense that many people's attitude is 'Why should I pay for something I don't want anymore?' That goes back to the littering issue, too – when people have something that no longer has value to them, they do not understand why they need to spend a resource to get rid of it. Staff does a very good job of working with folks who have that view of life. At the end of the day, as the Committee knows and hopefully the public recognizes, there is a cost, whether someone [brings their trash to the Transfer Station or] throws it out the window. When the Public Works crew has to pick up the litter, the General Fund has to pay for that. He appreciates the opportunity to talk about these issues, and it is an education for people who are watching this meeting on TV and on the internet, so they understand there is a cost to get rid of items they no longer want.

Chair Greenwald asked if there were any more questions. Councilor Williams asked if Mr. Watson could elaborate on the biofuels program. Mr. Watson replied that the biofuel generator replaced the landfill gas energy generator. When they were shifting from the landfill gas generator to needing a new power source, they conducted an evaluation, which determined that the biofuel generator would be the best option, versus running three phased power lines up, which currently terminate at Black Brook north. He continued that they also looked at solar with energy storage. Of those three options, they determined that the most economical and efficient way to continue to be able to provide the necessary power was to install a generator that runs on biofuel instead of on petroleum diesel. Councilor Williams replied that Mr. Watson is talking about a generator that runs on biofuel, not something that generates biofuel. Mr. Watson replied that is correct. He continued that the recycling center collects cooking oil, which is a little known fact, and a vendor comes to get it and refines it, but those are very small amounts.

Chair Greenwald asked for public input.

State Representative Nick Germana, of Baker St., stated that he is on the Environment and Agriculture Committee. He continued that they heard a couple of bills this week with promising testimony, particularly around food waste disposal. Nationally, the statistics are that about a quarter of the waste that goes into landfills is food waste. Some communities in the state, such as Lebanon and Hopkinton, have specific programs dealing with food waste. One bill in the NH legislature right now would be similar to what MA and VT do –people who are producing food waste of about one ton or more per week or month require a specific kind of disposal of that, so it is not going into landfills. The idea would be to get, say, Hannaford, KSC, or other places in the community that produce significant amounts of food waste, to first find ways to minimize the food waste, and also require them up to a certain amount (like a ton) to find ways to dispose of it so that it does not end up in landfills. A fund was created last year regarding trying to minimize waste, but it was a fund that was not given any money. The hope is to get a \$2 million appropriation. A million of that would be used to provide grants to localities to help them develop various programs.

Mr. Germana continued that he does not remember which, but one community was talking about something connected to their schools' food waste. The schools did food tracking to see what they were throwing away the most, such as leftover food from student lunches. That information helps the school make buying decisions (such as buying less of whatever food students throw away the most) and could inform the schools in ways to help build lessons about minimizing food waste into the curriculum.

He continued that there are a couple bills designed to help relieve the burden on communities and lower some of the rates, but he is also thinking about the diminishing capacity. If we could find ways to divert larger amounts of that quarter of that waste which is food waste, it can be used for many other productive things. For example, Hannaford and other stores and places have relationships with community kitchens sometimes. Composting is another method. If Keene could find a way to get food waste away from landfills as much as possible, it would at least help mitigate some of the stresses on capacity.

Councilor Williams stated that the Elm City Compost Initiative is great. He continued that he would love to see everyone compost. Mr. Watson replied that Elm City Compost does a great job. He continued that he has had at least a dozen people come to him looking to start a food waste collection business, and he has been very encouraging. He continued that the City of Keene is currently permitted through the NHDES to accept food waste at its compost pile in the Recycling Center, but the permit is limited currently to “pre-plate food waste,” which means anything done in food preparation. There are different requirements for composting when meat, dairy, and oils are included. You need a much hotter compost pile in order to break those items down, and to prevent bad odor. A while back, the Solid Waste Division gave subterranean compost bins to various Keene residents. The results of that pilot study were very encouraging, because for many years staff have been promoting the opportunity for backyard compost. It is potentially problematic to throw, say, salami into your backyard compost bin – you are likely to attract things you do not want at your house. However, if you bury a compost bin in the ground and put those items in, insects love it and break the material down. That showed some promise. To the Representative’s point, there is a huge potential with food waste and diversion of food waste to a higher and better use than bringing it to the Transfer Station or just throwing it in the regular trash. He sees potential for tremendous growth for the City of Keene in this area.

Chair Greenwald asked if there was anything further from the Committee or public. Hearing none, he thanked Mr. Watson for his presentation. He asked for a motion.

Councilor Filiault made the following motion, which was seconded by Councilor Williams.

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends accepting the Transfer Station Update presentation as informational.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: February 2, 2023

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: Chapter 58 – Parks, Recreation, and City Unimproved Land - Parks, Recreation, and Facilities Director

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the City Attorney be instructed to introduce an Ordinance for first reading that would amend Chapter 58, as discussed by the Committee.

Attachments:

None

Background:

Mr. Bohannon stated that before this Committee about 1.5 years ago was a conversation regarding “no smoking.” He continued that that was the impetus behind moving forward with Chapter 58 and looking at the revision. It was last revised in 2003. That was semi-specific to specific parks, yet not all the parks were listed within the Ordinance. Staff took time to come forward and review that, and take the opportunity to change much of the outdated language. They wanted to make sure that when they do this, they had the opportunity to delineate City parks and the “unimproved lands,” because they were somewhat melded together last time and clarity was needed. They believe they did it. The MSFI Committee members have a copy and it will go through a first reading at the next Council cycle, and staff will be back before the Committee at the next MSFI Committee cycle.

Mr. Bohannon continued that they made sure to list all of the parks. While Keene Forestry Park is listed as a park, they still have to abide by all the FAA guidelines related to that area if they were to do anything within that space. They updated the list of prohibited uses within City parks. Included is the work of the Housing Stability Committee, including changes they made to the language of “no camping.” The previous Ordinance had different times for different parks, in certain cases, so with this update, staff made that consistent. Now that they have listed all of the parks, the signage can be consistent. That was the premise of many of these changes – the need to be consistent across the board, so they did not have one set of rules at one park and another set at another park. Staff included language that reflects the conversations they have had over the past year related to third parties working at park lands, such as Eversource working on transmission lines and getting into Goose Pond. There are quite a few changes. He is happy to answer questions. Staff also had to do work related to Chapter 6. A reference in Chapter 58 references Chapter 6, related to consumption of alcoholic beverages. They updated that. Again, the previous Ordinance had many

inconsistencies they needed to address. He thinks the Committee will find this to be a better Ordinance.

The City Attorney stated that Mr. Bohannon did a great job as the Director of the public parks and facilities. He continued that he wants to point out that the other big change in this was to clarify not only what are “parks” but also what are not parks. That is where the “City unimproved lands” comes into play. Chapter 58 just threw all of this stuff into one spot, and it was disorganized, hard to understand, and not well delineated. Staff has now made a specific determination as to “City unimproved lands,” the lands which do not fall under the “parks” designation. They are open space lands, some of which are under conversation easements, some of which are not. The use of those areas now fall under the purview of the Public Works Director. The prohibitions that have been included in the parks generally also apply in the unimproved lands.

The City Attorney continued that the other thing he wants to point out to the Committee, from his office’s perspective, is that this chapter does not specifically include Railroad Square or Central Square. They spent a fair amount of time discussing that. Those two locations are unique in the city and do not really lend themselves to the same issues as the parks do, with respect to use and regulation. The next step in this process is to reword the Resolutions that apply to Railroad Square and Central Square and return to the Council with an update.

Chair Greenwald stated that in the beginning, this started out with [the topic of] not smoking and not doing drugs in the park. He asked where in the Ordinance the language is about those topics. Mr. Bohannon replied that they put specific language in regarding “no tobacco.” Councilor Workman stated that it is on page 9. Chair Greenwald stated that by the City Attorney’s words, that would not include Railroad Square. The City Attorney replied that this language does not incorporate Railroad Square or Central Square, which is why staff will be returning to the Council. Those two need their own look. Chair Greenwald asked about the new Pat Russell Park. The City Attorney replied that that is in this ordinance.

Mr. Blomquist stated that Railroad Square is also in flux as the City is looking at the downtown. He continued that what they think of as Railroad Square today might not be the Railroad Square of tomorrow. That is why it was important, particularly for that space, to hold that out for now. The concepts and design work for that area that come together, with Mr. Bohannon’s input, will direct how that area can be used and what uses they do not want.

Mr. Bohannon stated that he recalls from their conversations related to no drugs and no tobacco, the language specifically is “use of tobacco products are prohibited in all parks.” Drugs are already illegal, so they did not need to put that language in. Chair Greenwald stated that it would be within Mr. Bohannon’s purview to create a sign that said “no tobacco or drugs.” Mr. Bohannon replied yes, they can put signage up like that. Chair Greenwald added, and “no littering.” Mr. Bohannon replied that those are already up.

Mr. Blomquist stated that the other thing is that as the City Attorney identified, the bringing together of unimproved lands is an additional workload for the PWD. He continued that previously, they had properties that the City accepted that really did not go anywhere. Between the PRFD and the PWD, they sort of were trying to manage them, but clearly, this is now placing the management underneath one area. Certainly, from his perspective, this is another item that the PWD will now be working.

Mr. Bohannon stated that he would not mind seeing some of that City-owned unimproved land sold off to the private sector so that housing could be built. Mr. Blomquist replied that unfortunately, most of it has restrictions – because, as he said, it has been accepted as a gift with certain conditions by the gift-giver, or at some point, the City placed conservation open space easements on it. He

continued that the other few remaining pieces mostly are not accessible. Typically, the City gets property that no one else wants because the property is not developable. Councilor Williams replied that one place in his neighborhood looks like it could fit a triplex. Mr. Blomquist replied probably not, if he looked at flood mapping.

Chair Greenwald asked if there was anything further. Hearing none, he asked for a motion.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the City Attorney be instructed to introduce an Ordinance for first reading that would amend Chapter 58, as discussed by the Committee.

The City Attorney stated that just to be clear, he will submit that Ordinance into the next City Council meeting, even though this is coming out as a recommendation. He will go forward with that, if there is no objection. Chair Greenwald agreed.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

Meeting Date: February 2, 2023
To: Mayor and Keene City Council
From: Kurt Blomquist, ACM/Public Works Director
Through: Elizabeth Dragon, City Manager
Subject: **Expenditure of Solid Waste Funds - Public Works Director**

Recommendation:

Move that the City Manager be authorized to do all things necessary to expend up to \$21,574.26 from the Solid Waste Fund for the disposal of solid waste materials at the City's Transfer Station.

Attachments:

None

Background:

The City has identified solid waste requiring disposal through the City's Transfer Station. The request is to authorize the City Manager to expend the funds from the Solid Waste Fund for this purpose.



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: February 2, 2023

To: Mayor and Keene City Council

From: Jesse Rounds, Community Development Director

Through: Elizabeth Dragon, City Manager

Subject: **Relating to Amendments to the City of Keene Land Development Code, Rural District Minimum Lot Size Ordinance O-2023-02**

Recommendation:

That Ordinance O-2023-02 Relating to Amendments to the City of Keene Land Development Code, Rural District Minimum Lot Size be referred to the Joint Planning Board and Planning Licenses and Development Committee for their review and recommendation.

Attachments:

1. Application_Signed
2. Narrative O-2023-02
3. Ordinance O-2023-02
4. Article 3_Rural Lot Area

Background:

The attached materials include the full text of Ordinance O-2023-02 relating to proposed amendments to the City of Keene Land Development Code (LDC), as well as excerpted sections of the adopted City of Keene Land Development Code that are proposed to be amended with Ordinance O-2023-02. Text that is highlighted in yellow and bolded is proposed to be added; and, text that is stricken through is proposed to be deleted.

This ordinance proposes to amend Article 3 – Residential Zoning Districts by reducing the minimum lot size in the Rural District from five acres to 2 acres. The intent of this proposed change is to expand opportunity for housing development and reduce the number of nonconforming lots in the Rural District.



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: City of Keene Community Development Dept. Date: January 27, 2023

Address: 3 Washington Street, Keene, NH

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

Existing Section Reference in Chapter 100, Land Development Code: Article 3, Section 3.1.2

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

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

Number of parcels in Zoning District*: 1,121

Validation of Number of parcels by the
Community Development Department


Petitioner's Signature

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

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

Date Received by City Clerk: 01/31/2023 Ordinance Number: O-2023-02

On City Council agenda: 02/02/2023 Workshop to be held: _____

Public Hearing to be held _____



APPLICATION TO AMEND THE ZONING ORDINANCE

APPLICABLE FEES:

Application Fee @ \$100.00 \$ _____

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

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

Total Fees submitted to City Clerk \$ N/A

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-2023-02 Relating to Amendments to the City of Keene Land Development Code, Rural
District Minimum Lot Size**

The attached materials include the full text of Ordinance O-2023-02 relating to proposed amendments to the City of Keene Land Development Code (LDC), as well as excerpted sections of the adopted City of Keene Land Development Code that are proposed to be amended with Ordinance O-2023-02. Text that is highlighted in yellow and bolded is proposed to be added; and, text that is stricken through is proposed to be deleted.

This ordinance proposes to amend Article 3 – Residential Zoning Districts by reducing the minimum lot size in the Rural District from five acres to 2 acres. The intent of this proposed change is to expand opportunity for housing development and reduce the number of nonconforming lots in the Rural District.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

AN ORDINANCE Relating to Amendments to the Rural District Minimum Lot Size

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

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

1. That Section 3.1.2 “Dimensions & Siting” of Article 3 be amended as follows:

Min Lot Area	5 acres <u>2 acres</u>
Min lot area per dwelling unit without city water & sewer	5 acres
Min lot area per dwelling unit with city water & sewer	2 acres
Min Lot Width at Building Line	200 ft
Min Road Frontage	50 ft
Min Front Setback	50 ft
Min Rear Setback	50 ft
Min Side Setback	50 ft

George S. Hansel, Mayor

3.1 RURAL (R)

3.1.1 Purpose

The Rural (R) District is intended to provide for areas of very low density development, predominantly of a residential or agricultural nature. These areas are generally outside of the valley floor, beyond where city water, sewer and other city services can be readily supplied.

3.1.2 Dimensions & Siting

Min Lot Area	52 acres
Min lot area per dwelling unit without city water & sewer	5 acres
Min lot area per dwelling unit with city water & sewer	2 acres
Min Lot Width at Building Line	200 ft
Min Road Frontage	50 ft
Min Front Setback	50 ft
Min Rear Setback	50 ft
Min Side Setback	50 ft

3.1.3 Buildout

Max Building Coverage	10%
Max Impervious Coverage	20%

3.1.4 Height

Max Stories Above Grade	2
Max Building Height	35 ft

3.1.5 Permitted Uses

RESIDENTIAL USES		SECTION
Dwelling, Manufactured Housing	P ¹	8.3.1.B
Dwelling, Single-Family	P	8.3.1.D
Dwelling, Two-Family	CRD	8.3.1.E
Dwelling, Multifamily	CRD	8.3.1.C
Manufactured Housing Park	P	8.3.1.F
COMMERCIAL USES		SECTION
Animal Care Facility	P	8.3.2.B
Bed and Breakfast	SE	8.3.2.G
Greenhouse / Nursery	P	8.3.2.L
Kennel	P	8.3.2.P
CONGREGATE LIVING / SOCIAL SERVICES USES		SECTION
Group Home, Small	CUP	8.3.4.F
OPEN SPACE USES		SECTION
Cemetery	P	8.3.6.A
Community Garden	P	8.3.6.B
Conservation Area	P	8.3.6.C
Farming	P	8.3.6.D
Golf Course	P ¹	8.3.6.E
Gravel Pit	SE	8.3.6.F
INFRASTRUCTURE USES		SECTION
Solar Energy System (Small-Scale)	P ¹	8.3.7.A
Solar Energy System (Medium-Scale)	CUP	8.3.7.B
Solar Energy System (Large-Scale)	CUP	8.3.7.C
Telecommunications Facilities	P ¹	8.3.7.E

P = Permitted

P¹ = Permitted with limitations per Article 8.

SE = Permitted by Special Exception

CUP = Permitted by Conditional Use Permit

CRD = Permitted by Conservation Residential Development



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.2.

Meeting Date: February 2, 2023
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Dragon, City Manager
Subject: **Relating to Personnel Systems & Procedures
Ordinance O-2023-03**

Recommendation:

That the City Council refer Ordinance O-2023-03 to the Finance, Organization, and Personnel Committee.

Attachments:

1. Ordinance O-2023-03

Background:

Current City Code only provides for Family and Medical Leave (FMLA) for the purposes of birth, adoption or bonding to be taken as a continuous period. An amendment to provide greater flexibility is proposed that will allow requests from employees to take FMLA for non-continuous periods or a reduced leave schedule to be considered.

In addition to modifying City Code regarding FMLA for birth, adoption or bonding, the ordinance advances two modifications related to health insurance. The first adjusts the payment made to a regular full-time non-bargaining unit employee who provides verification of health coverage by some other means and opts out of the offered health plan. The second modifies the premium cost sharing formula for qualified part-time employees required to be offered health coverage under the Affordable Health Care Act.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

AN ORDINANCE Personnel Systems & Procedures

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

That the ordinances of the City of Keene, as amended, are hereby further amended by removing the stricken text and inserting the bold text in various sections below of Subdivision VI. Family and medical leave and Division 4. – Benefits of Chapter 62, entitled “Personnel Systems and Procedures” as follows:

Sec. 62-501. Family and medical leave. Effective upon adoption

Insert new Section (e) and relabel letter designations for subsequent sections as required.

(e) Non-consecutive or reduce leave schedule for the purposes of birth, placement or bonding with a son(s), daughter(s), adopted or foster child. In the place of the consecutive twelve (12) week period of leave provided by federal law, the employer may agree to a FMLA leave request that includes a schedule of non-consecutive work weeks or a reduced leave schedule during the 18 weeks following birth of a newborn or placement of an adoptive or foster child. Documentation of medical necessity shall be required for sick leave to provide wage replacement for any FMLA period more than eighteen 18 weeks following the birth of a newborn or placement of an adoptive or foster child.

Add to Section (p) *Definitions* the following additional definitions in alphabetical order.

***Continuous leave* means one continuous period of leave extending up to the full leave period allowed.**

***Non-consecutive leave* means leave taken in separate blocks of time comprised of at least one full work week.**

***Workweek*, as defined by the United States Department of Labor’s Wage and Hour Division, means a period of 168 hours during 7 consecutive 24-hour periods. The City of Keene workweek is Sunday through Saturday.**

Sec. 62-611. Insurances. Effective 7/1/2023

(a) *Medical insurance for non-bargaining unit employees:*

(3) If a regular full-time employee so chooses, the employee may elect, upon receipt by the city of written verification that the benefit is received by some other means, to receive taxable income in the amount of ~~\$3,500.00~~ **1,500.00** in lieu of the city health insurance benefit. To qualify for such payment, the election must be such that it will not subject the city to penalty or assessment and is compliant under the Affordable Care Act, Tricare or any other legislative requirements. This amount shall be distributed in a lump sum payment in December for the prior year (December 1 to November 30), or a pro-rated amount shall be distributed to the employee if employment ends or insurance election changes at some point during that time period. If both spouses are employed by the city and covered by the city medical plan benefit, this shall not apply.

(e) *Insurances for qualified part-time employees:*

(1) In accordance with the Affordable Care Act, qualified part-time employees will be offered coverage under the city's group health insurance plan. The cost to each eligible part-time employee electing coverage will be ~~seven~~ **nine** percent of the employee’s ~~his~~ wages up to a maximum of 40 percent of the premium cost for individual coverage. If

the qualified part-time employee chooses to insure any legal dependents, he must pay 100 percent of the dependent coverage in addition to the share of the individual coverage. The premium amount calculated at enrollment will be in effect for the remainder of the plan year unless the employee's pay rate changes, in which case an adjustment may be made accordingly but not to exceed the maximum dollar contribution allowed by law or by applicable federal or state regulation.

George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: February 2, 2023
To: Mayor and Keene City Council
From: Thomas Mullins, City Attorney
Through:
Subject: Relating to Chapter 58 - Parks, Recreation and City Unimproved Land Ordinance O-2023-04

Recommendation:

That the attached Ordinance O-2023-04 - Relating to Chapter 58 - Parks, Recreation and City Unimproved Land, be referred to the Municipal Services, Facilities and Infrastructure Committee for a first reading and recommendation back to City Council.

Attachments:

1. Ordinance O-2023-04

Background:

The City Code Chapter 58 Parks, Recreation and Public Facilities was last revised in 2003 as it related to specific uses of individual parks. As a result of this review, staff created clarifying language regarding the roles and responsibilities outlined within the ordinance specifically for the Parks and City Unimproved Land. The new version of Chapter 58 provided staff the opportunity to revoke and replace specific outdated language.

Specifically, the highlighted changes will be reflected within the new ordinance:

- A clarifying list of City Parks.
- The creation of rules within the parks and the proper notification process.
- An updated list of Prohibited Uses within City Parks
- A consistent set of defined time for use in all City Parks
- New language to reflect maintenance or inspection type work by third parties.

Additionally, language specific to various watershed areas was changed for the purposes of the creation of Article IV – City Unimproved Land. This Article provides a clear delineation towards oversight of these areas by the Public Works Department and encompasses similar updates found in Article II – City Park Regulations.



CITY OF KEENE

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

AN ORDINANCE Relating to Chapter 58 - Parks, Recreation and City Unimproved Land

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

That Chapter 6, Alcoholic Beverages and Tobacco, Article II, Alcoholic Beverages, Sec. 6-28 – Same - Exceptions, be deleted in its entirety and replaced with a new Article II, Alcoholic Beverages, Sec. 6-28 – Same - Exceptions, AND that Chapter 58, Parks, Recreation and Public Facilities be deleted in its entirety and replaced with a new Chapter 58, entitled Parks, Recreation and City Unimproved Land, as follows:

Chapter 6 – ALCOHOLIC BEVERAGES AND TOBACCO

ARTICLE II. ALCOHOLIC BEVERAGES

Sec. 6-28. – Same—Exceptions.

- (a) Establishments holding a valid license from the state liquor commission to serve alcoholic beverages or liquor with food may also serve alcoholic beverages or liquor out-of-doors and on public ways when permitted to do so by the city council.
- (b) Consumption of any alcoholic beverage is permitted on city-owned property by special permission of the city council, and in City Parks in accordance with Chapter 58 of the City Code.

Chapter 58 - PARKS, RECREATION, AND CITY UNIMPROVED LAND

ARTICLE I. PARKS AND RECREATION.

DIVISION 1. GENERALLY.

Sec. 58-1. Responsibility.

City Parks, as defined below, and including City-owned bike paths, multi-use trails and any adjacent parking areas (collectively “City Parks”), and City-sponsored recreation, shall be the responsibility of the Parks, Recreation and Facilities Department, and under the supervision of the Parks, Recreation and Facilities Director (“Director”).

DIVISION 2. CITY PARKS.

Sec. 58-2. City Parks.

Articles I and II of this Chapter shall apply to the following, which are designated as City Parks, and inclusive of all improvements, structures, attachments, and adjacent parking areas, as such Parks are depicted on the Maps of City Parks prepared and maintained by the Director:

Ashuelot River Park
Beaver Brook Falls
Beech Hill
Church Street Park
Court Street Stone Arch Bridge
Dinsmoor Woods
Edgewood Common
Ellis-Harrison Park
Fuller Park
Greater Goose Pond Forest
Hickey-Desilets Park
Hospice Park and Memorial Garden
Keene Forestry Park
Ladies Wildwood Park
Patricia T. Russell Park
North Central Park
Robin Hood Park
Sesame Street Park
Shadow Lake Park
North Street Park
Stearns Hill
Water Street Courts
Wheelock Park
Wood Street Field

Secs. 58-3—58-30. Reserved.

ARTICLE II. CITY PARK REGULATIONS.

DIVISION 1. GENERALLY.

Sec. 58-31. Promulgation of rules and regulations.

To the extent not otherwise provided by Article II, the Director is hereby authorized to adopt, amend or revoke written rules and regulations relative to the control, care, maintenance and use of City Parks, and City-sponsored recreation, which shall take effect upon filing with the city clerk. The Director shall have the authority to post appropriate signs at the entrances of City Parks stating the Rules and Regulations that are applicable within the City Park. Rules and Regulations applicable to the use of Keene Forestry Park shall be in conformance with any rules and regulations for such use that may be required by the Federal Aviation Administration.

DIVISION 2. USES.

Sec. 58-32. Uses permitted.

City Parks may be used for recreational activities and community events, including City-sponsored programs and activities. Permission may be given by the Director for other uses, provided:

- (1) The use requested is similar to a City-sponsored use, or deemed by the Director to benefit the public generally or a significant segment thereof.
- (2) Liability insurance has been provided with coverage and limits satisfactory to the city attorney.
- (3) Adequate arrangements have been made satisfactory to the Director for post-event cleanup of the area used.
- (4) All applicable Rules, Regulations, Ordinances and laws are complied with.

Sec. 58-33. Uses prohibited.

- (a) The following are prohibited within City Parks.
 - (1) No person shall hunt, shoot, trap, catch or attempt to hunt, shoot, trap, catch or otherwise harm, molest, harry or worry any animal or bird in, on, or over a City Park. The City Manager may authorize the control of, or removal of animals, in City Parks when deemed necessary and appropriate.
 - (2) No person shall discharge a firearm, firework, sling shot, arrow, paintball gun, or other projectile in City Parks.
 - (3) No person shall use a metal detector in City Parks, except with the prior authorization of the Director.
 - (4) No person shall fly an Unmanned Aerial Vehicle in City Parks except with the prior authorization of the Director.
 - (5) No person shall camp in any City Park, except within Wheelock Park with the prior authorization of the Director for approved sporting events and in compliance with any requirements of the Director. Except for authorized camping in Wheelock Park, any person discovered to be camping within any City Park shall be instructed to vacate the property immediately, unless additional time to vacate the property is authorized at the discretion of the Director.
- (b) No person shall enter into, or be located in, any City Park between sunset and sunrise, except for the following locations, and except as may be authorized by the Director or required by authorized emergency personnel:
 - (1) Tennis courts, horseshoe courts, and ball fields when illuminated together with parking lots to accommodate that use.
 - (2) Bike paths as a means of traveling through a City Park to another location.
 - (3) By special permission of the Director.
- (c) The following restrictions apply to glass containers, alcohol use, and tobacco use in parks:
 - (1) No glass containers of any type shall be taken into or used in any City Park, except in connection with a catered event holding a valid liquor license and approved by the Director in an area designated by the Director.
 - (2) Alcohol is permitted in areas of Wheelock Park designated by the Director. Alcohol is otherwise prohibited in all parks unless special permission is obtained from the city council pursuant to Section 6-28(b).
 - (3) Use of tobacco products, as defined in Section 6-81, is prohibited in all parks.

Secs. 58-34—58-61. Reserved.

ARTICLE III. OPERATION OF MOTORIZED VEHICLES AND OFF-HIGHWAY RECREATIONAL VEHICLES.

Sec. 58-62. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed in this section, except where the context clearly indicates a different meaning:

(1) *Motorized vehicle* means any self-propelled vehicle, not operated exclusively on stationary tracks, which is registered for highway use, and inclusive of the following:

All terrain vehicle means any motor-driven vehicle which is designed or adapted for travel over surfaces other than maintained roads with one or more tires designed to hold not more than ten pounds per square inch of air pressure, having capacity for passengers or other payloads, not to exceed 1,000 pounds net vehicle weight, and no to exceed 50 inches in width. For purposes of this section, all vehicles within this definition shall be classified as off highway recreational vehicles.

Off highway recreational vehicle means any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, belts, cleats, tracks, skis or cushion of air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or snow or not, where the operator sits in or on the vehicle. All legally registered motor vehicles when used for off highway recreational purposes shall fall within the meaning of this definition; provided that, when said motor vehicle is being used for transportation purposes only, it shall be deemed that said motor vehicle is not being used for recreational purposes.

Trail bike means any motor-driven wheeled vehicle on which there is a saddle or seat for the operator or passenger or both and which is designed or adapted for travel over surfaces other than maintained roads, whether covered by ice or snow or not. For purposes of this section, all vehicles within this definition shall be classified as off highway recreational vehicles.

(2) *Operate, in all its modes and tenses* means to use a Motorized Vehicle in any manner for transportation.

(3) *Paved, graveled, or graded ways* means the entire width between the boundary lines of any public highway, street, avenue, alley, parkway, or other road designed for or intended for use by motorized vehicles that is covered with pavement, an unconsolidated mixture of rock fragments or pebbles, or leveled for such vehicular travel.

(4) *City Parks* means the City Parks identified in Section 58-2 and excludes any public highway, street, avenue, alley, or parkway, and any parking lot open for use by the public or vehicular traffic which is not otherwise adjacent to a City Park.

(5) *Snow traveling vehicle* means any vehicle propelled by mechanical power that is designed to travel over ice or snow supported in part by skis, belts, or cleats. For purposes of this section, all vehicles within this definition shall be classified as off highway recreational vehicles.

Sec. 58-63. General prohibition.

Except as otherwise provided in this Article, no person shall operate any motorized vehicle in or upon any City park, except as permitted in section 58-64, and City Code section 94-238.

Sec. 58-64. Exceptions to general prohibition.

The following exceptions apply to Section 58-63:

(1) *Paved, graveled, or graded ways.* The operation of motorized vehicles shall be permitted on paved, graveled, or graded ways in City Parks, provided that said paved, graveled, or graded ways are not gated, barred or signed to prevent such travel.

(2) *Designated bicycle paths for connection to permitted trails.* The operation of snow traveling vehicles may be permitted on designated portions of bike paths and trails located in City Parks for the purposes of connecting to other permitted trails, but only upon the issuance of written authorization by the Director.

(3) *Special events.* The operation of snow traveling vehicles in City Parks may be permitted for special events, but only upon the issuance of written authorization by the Director.

(4) *Maintenance, inspection, monitoring, repair, and other official work.* The operation of motorized vehicles and snow traveling vehicles in City Parks, including bicycle paths, by city employees and/or authorized agents of the city or authorized third parties shall be permitted for purposes of maintenance, inspection, monitoring, repair, and other official work.

ARTICLE IV. CITY UNIMPROVED LAND

Sec. 58-65. Definitions

The following words, terms and phrases, when used in this Article shall have the meanings ascribed in this section, except where the context clearly indicates a different meaning:

(1) *City Unimproved Land* means City owned real property, other than City Parks, , and public rights of way, and includes watershed areas and public bodies of water not located within a City Park, as such lands are depicted on Maps of City Unimproved Land prepared and maintained by the Public Works Department..

(2) *Public bodies of water means* all waters owned or controlled by the City, excluding waters located within City Parks.

(3) *Watershed means* an area bounded peripherally by a divide and draining to a water course or body of water.

Sec. 58-66. Responsibility.

City Unimproved Land shall be the responsibility of the Public Works Department and under the supervision and control of the Public Works Director. The Public Works Director is hereby authorized to adopt, amend or revoke written rules and regulations relative to the control, care, maintenance and use of City Unimproved Land, which shall take effect upon filing with the city clerk. The Public Works Director shall have the authority to post appropriate signs at the entrances of City Unimproved Land stating the Rules and Regulations that are applicable within the City Unimproved land.

Sec. 58-67. Uses Permitted.

City Unimproved Land may be used as permitted by the applicable terms and conditions, if any, stated in the original grant or gift of the land to the City, or as otherwise permitted by the Public Works Director.

Sec. 58-68. Uses Prohibited.

In addition to any use prohibitions included in the applicable terms and conditions of the original grant or gift of the unimproved land to the City, if any, and any limitations required by applicable state law or regulation, the following are also prohibited within City Unimproved Land:

(1) No person shall use any firearm, or hunt, shoot, trap, catch or attempt to hunt, shoot, trap, catch or otherwise harm, molest, harry or worry any animal or bird in, on, or over City Unimproved Land. The City Manager may authorize the control of, or removal of animals, in City Unimproved Land when deemed necessary and appropriate.

(2) No person shall camp in any City Unimproved Land.

(3) No alcohol shall be taken into or used in any City Unimproved Land.

(4) No person shall operate a Motorized Vehicle as defined in section 58-62 in City Unimproved Land , except as provide by City Code sec. 94-238, or as authorized by the Public Works Director.

Sec. 58-69 - 58-70. Reserved.

George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: February 2, 2023

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: Relating to Removal of Stop Signs on Summit Road Near Wyman Road
Ordinance O-2023-01

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Ordinance O-2023-01.

Attachments:

1. Ordinance O-2023-01

Background:

Mr. Lussier stated that years ago, Summit Rd. was the State highway, when it was Rt. 12. He showed a map of Rt. 12, Wyman Rd., Corporate Dr., where Wyman Rd. used to be, and Summit Rd. He continued that Summit Rd. was cut off right at the end when the bypass was built. Wyman Rd. was relocated to come out as a T intersection onto the new State highway. Recently, the Transportation and Storm water Manager, previously known as the Highway Superintendent, came to him and asked why they have the two stop signs located in the middle of nowhere. The reason is that they date back to when that was a much busier intersection, conveying traffic to Wyman Rd. and the State highway. Today, one property has a building on that stub of Wyman Rd. It is part of C&S's complex. He does not know if a lot of activity happens in that building. Summit Rd., from a certain point on, is essentially an extension of a driveway for two or three private residences. The bottom line is that there is very little traffic at this far end of Summit Rd. He showed a photo of the intersection as seen from Wyman Rd. and a photo looking at it from the northern end of Summit Rd. looking back toward the city. He continued that these stop signs are not warranted according to the MUTCD. It is an unnecessary expense to replace them and keep them looking proper and modern, so staff recommends that they be removed from the City Code and they will take them down.

Chair Greenwald asked for confirmation that there is nothing concerning C&S, nothing from the initial agreements. Mr. Lussier replied that he did not contact C&S to talk about this, but this is a public right-of-way issue more than a private property owner issue. He continued that the building is part of C&S's property, but there is no driveway connecting it to the main campus, so it is isolated from the rest of the campus, which is accessed through Corporate Dr. He does not know what it is currently used for.

Mr. Blomquist stated that he was here when they negotiated those things for that development, and the answer to Chair Greenwald's question is no, there was no specific item for this particular site. Chair Greenwald replied that he is fine with proceeding then.

Mr. Blomquist stated that what is more important now is how the stop condition now becomes the "rules of the road." He continued that that means the minor street traffic would stop for the main street, so in this case, the Wyman Rd. traffic, whatever that may be, would have to stop for whatever traffic is on Summit Rd. It is not like there is not any control. They are just falling back to what is known in the statutes as "rules of the road."

Chair Greenwald asked if the Committee or the public had anything to say. Hearing none, he asked for a motion.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Ordinance O-2023-01.



CITY OF KEENE

In the Year of Our Lord Two Thousand and _____ Twenty Three

AN ORDINANCE Relating to Removal of Stop Signs on Summit Road Near Wyman Road

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the following text from the provisions of Section 94-321, "Stop Signs" in Division 5, "Specific Street Regulations" in Article IV of Chapter 94, entitled "TRAFFIC, PARKING AND PUBLIC WAYS" as follows;

~~Summit Road for southbound traffic at Wyman Road.~~
~~Wyman Road for westbound traffic at Summit Road.~~

George S. Hansel, Mayor

In City Council January 5, 2023.
Referred to the Municipal Services,
Facilities and Infrastructure Committee.

City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: February 2, 2023

To: Mayor and Keene City Council

From: Donald Lussier, City Engineer

Through: Elizabeth Dragon, City Manager
Kurt Blomquist, ACM/Public Works Director

Subject: **Relating to the Acceptance and Appropriation of Unanticipated Revenue
Resolution R-2023-07**

Recommendation:

That Resolution R-2023-07 be referred to the Finance, Organization & Personnel Committee for deliberation and a recommendation back to the Council.

Attachments:

1. Resolution R-2023-07
2. SB401 Payment Notice

Background:

The City has received unanticipated revenue in the form of a one-time payment from the State of New Hampshire in accordance with Senate Bill 401. These funds are restricted to use "on the maintenance, construction, or reconstruction of municipally owned bridges." Staff recommends that a portion be appropriated for specifically identified needs and that the balance be added to the Bridge Capital Reserve for use on future bridge-related projects.

The first specific need is for the replacement of the George Street Bridge over Beaver Brook. This project is currently in the design phase, with construction scheduled for 2024. The original budget for this project was determined from a 2009 estimate prepared by the NHDOT, with some provision for inflation. Based on the actual cost of the recently completed Roxbury Street Bridge over Beaver Brook, the final cost is expected to be significantly above the current budget. An additional \$175,000 appropriation will provide us with the local matching funds for a total project cost of up to \$1.53 Million.

In July of 2021, the Sullivan Road Bridge over Ferry Brook was damaged as a result of extreme storm flows. This project is expected to qualify for FEMA disaster recovery reimbursement of 90% of the actual cost. Therefore, an appropriation of \$125,000 will allow us to match a total project cost of up to \$1.25 Million.

The remaining balance of \$424,612.47 will be available for future bridge maintenance needs.



CITY OF KEENE

In the Year of Our Lord Two Thousand and _____ Twenty Three

A RESOLUTION _____ Relating to the Acceptance and Appropriation of Unanticipated Revenue

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

WHEREAS, the New Hampshire State Legislature passed and the Governor signed Senate Bill 401 (SB 401) as part of the 2022 legislative session; and,

WHEREAS, SB 401 provides for a total of \$36 Million in payments to municipalities, to be distributed based upon the communities inventory of municipally-owned bridges and percentage of the State's population; and,

WHEREAS, SB 401 restricts the use of this one-time payment for "maintenance, construction, or reconstruction of municipally owned bridges."

NOW, THEREFORE, BE IT RESOLVED that the Sum of \$724,612.47 be accepted as a one-time payment from the State of New Hampshire pursuant to Senate Bill 401; and further,

That the Sum of \$175,000.00 be appropriated to the George Street Bridge Replacement Project (75J0032); and further,

That the Sum of \$125,000.00 be appropriated for the repair/replacement of the Sullivan Road Bridge over Ferry Brook (Proj. No. TBD); and further

That the remaining balance of said one-time payment be appropriated to the Bridge Capital Reserve (806K002).

George S. Hansel, Mayor

RECEIVED DEC 10 2022



William Cass, P.E.
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



Andre Briere
Deputy Commissioner

December 14, 2022

Elizabeth Dragon, City Manager
City of Keene
3 Washington Street
Keene, NH 03431

Re: Keene Special One Time Bridge Payment – in Accordance with Senate Bill 401
Payment for Maintenance, Construction and Reconstruction of Municipally Owned Bridges

Dear Ms. Dragon:

The following is notification of a one-time bridge payment being made available to your municipality in State Fiscal Year 2023 based on the passage of Senate Bill (SB) 401 effective July 2022. SB 401 directs the Department to divide and distribute a \$36 million one-time payment between all New Hampshire municipalities that have municipally owned bridges per state definitions. Fifty percent (50%) of the distribution is based on your municipality's percentage of statewide municipal bridge deck surface area and the remaining fifty percent (50%) of the distribution is based on your municipality's percentage of statewide population. This one-time bridge payment is not related at all to the quarterly block grant aid payments that a municipality receives. This payment can only be used on the maintenance, construction, or reconstruction of municipally owned bridges.

This one-time payment is anticipated to be available to the City of Keene during the month of December 2022 as follows:

December 2022 Actual Bridge Payment: \$724,612.47

Happy holidays and please contact me at 271-6472 if you have any questions.

Sincerely,

C. R. Willeke

C. R. Willeke, PE
Municipal Highways Engineer
Bureau of Planning and Community Assistance

CRW/dmp



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: February 2, 2023

To: Mayor and Keene City Council

From: Daniel Langille, City Assessor

Through: Elizabeth Dragon, City Manager

Subject: **Relating to the Optional Veterans' Tax Credit and Relating to the All Veterans' Tax Credit**
Resolution R-2023-08
Resolution R-2023-09

Recommendation:

To refer R-2023-08 and R-2023-09 to the Finance, Organization, and Personnel Committee for their review and recommendation.

Attachments:

1. R-2023-08 OPTIONAL VETERANS' CREDIT
2. R-2023-09 ALL VETERANS' TAX CREDIT
3. HB 1667 as adopted

Background:

The Keene City Council, per their adopted Fiscal Policies, reviewed the amounts of all the exemptions and credits in 2021 to coincide with the city-wide revaluation. The reason the Council is being asked to readopt the Optional Veterans Credit and the All-Veterans Credit at this time, outside of our ordinary review, is a result of changes made to the state law concerning them. HB1667, voted on in the 2022 Legislative Session, expanded the eligibility of credits to members of the armed services who may be continuing to serve and have not retired from service. Previously, the statute defined a veteran as someone who "has served" and now someone who "continues to serve" is eligible. In order for the City to continue to offer the same credits it is offering now, which is \$300 per veteran, the resolutions for these must be readopted. If they are not, then the City will only be able to offer the Standard Veteran credit of \$50 per veteran, which is the minimum amount required by State Law. The increase in eligibility will be expanded either way.

The result of the drafted resolutions does not increase the current amount of the credit, any veteran receiving a credit now will continue to receive one, and there is not expected to be any effect on taxes as a result of this change. The only change may result in any additional veterans applying for the credit.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION RELATING TO THE OPTIONAL VETERANS' TAX CREDIT

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

Whereas, RSA 72:28, was established for the purpose of allowing Veterans' Tax Credits and

Whereas, the City Council wishes to readopt the amount of the Optional Veterans' Tax Credit.

Now Therefore Be it Resolved by the Council of the City of Keene that Resolution R-2021-27, adopted June 3, 2021, is rescinded.

And Be It Further Resolved by the Council of the City of Keene that it hereby wishes to comply with the procedure for modification of the Optional Veterans' Tax Credit set forth in RSA 72:27-a, by responding in the affirmative to the following:

“Shall the Council of the City of Keene readopt the Optional Veterans' Tax Credit of **\$300**” in order to adopt the amended language of RSA 72:28 IV approved by the New Hampshire legislation on May 27, 2022, which now includes members of the armed services of the United States continuing to serve. This act shall take effect as of April 1, 2023.

George S. Hansel, Mayor



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION RELATING TO THE ALL VETERANS' TAX CREDIT

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

Whereas, RSA 72:28-b was established for the purpose of granting the All Veterans' Tax Credit to veterans who do not qualify for the Veteran Credit (RSA 72:28); and

Whereas, the City Council wishes to readopt the amount of the All Veterans' Tax Credit.

Now Therefore Be it Resolved by the Council of the City of Keene that Resolution R-2018-06, adopted April 1, 2018, is rescinded.

And Be It Further Resolved by the Council of the City of Keene that it hereby wishes to comply with the procedure for modification of the All Veterans' Tax Credit set forth in RSA 72:27-a, by responding in the affirmative to the following:

“Shall the Council of the City of Keene readopt the All Veterans' Tax Credit of **\$300**” in order to adopt the amended language of RSA 72:28-b IV approved by the New Hampshire legislation on May 27, 2022, which now includes members of the armed services of the United States continuing to serve. This act shall take effect as of April 1, 2023.

George S. Hansel, Mayor

CHAPTER 121
HB 1667 - FINAL VERSION

2022 SESSION

22-2612
05/08

HOUSE BILL

1667

AN ACT relative to the standard and optional veterans' tax credits and the all veterans' tax credit.

SPONSORS: Rep. Pauer, Hills. 26; Rep. Baxter, Rock. 20; Rep. Binford, Graf. 15; Rep. Homola, Hills. 27; Rep. Weyler, Rock. 13; Rep. Edwards, Rock. 4; Rep. Foster, Hills. 5; Sen. Avar, Dist 12

COMMITTEE: Municipal and County Government

ANALYSIS

This bill clarifies that veterans of the United States armed forces who served in any active duty status and who continue to serve qualify for the veterans' property tax credits.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 121
HB 1667 - FINAL VERSION

22-2612
05/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the standard and optional veterans' tax credits and the all veterans' tax credit.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 121:1 Standard and Optional Veterans' Tax Credit. Amend RSA 72:28, IV to read as follows:

2 IV. The following persons shall qualify for the standard veterans' tax credit or the optional
3 veterans' tax credit:

4 (a) Every resident of this state who ***is a veteran, as defined in RSA 21:50, and*** served not
5 less than 90 days on active service in the armed forces of the United States in any qualifying war or
6 armed conflict listed in this section, and ***continues to serve or*** was honorably discharged or an officer ***who***
7 ***continues to serve or was*** honorably separated from service; or the spouse or surviving spouse of such
8 resident, provided that ~~[Title 10]~~ training for active duty by a member of ~~[a]~~ ***the*** national guard or reserve
9 shall be included as service under this subparagraph;

10 (b) Every resident of this state who was terminated from the armed forces because of
11 service-connected disability; or the surviving spouse of such resident; and

12 (c) The surviving spouse of any resident who suffered a service-connected death.

13 121:2 All Veterans' Tax Credit. Amend RSA 72:28-b, IV to read as follows:

14 IV. A person shall qualify for the all veterans' tax credit if the person is a resident of this state who
15 ***is a veteran, as defined in RSA 21:50, and*** served not less than 90 days on active service in the armed
16 forces of the United States and ***continues to serve or*** was honorably discharged or an officer ***who***
17 ***continues to serve or was*** honorably separated from service; or the spouse or surviving spouse of such
18 resident, provided that ~~[Title 10]~~ training for active duty ***or state active duty*** by a member of ~~[a]~~ ***the*** national
19 guard or reserve shall be included as service under this paragraph; provided however that the person is
20 not eligible for and is not receiving a credit under RSA 72:28 or RSA 72:35.

121:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 27, 2022
Effective Date: July 26, 2022