KEENE CITY COUNCIL
Council Chambers, Keene City Hall
March 16, 2023
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- March 2, 2023

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Nominations - Bicycle Pedestrian Path Advisory Committee, Energy and Climate Committee, Planning Board
2. Confirmations - Conservation Commission, Bicycle Pedestrian Path Advisory Committee, Partner City Committee

C. COMMUNICATIONS

1. Jonathan Loveland, PE - Downtown Infrastructure and Renovation Project
2. Mary Arnott - Downtown Infrastructure and Reconstruction Project
3. Debra Bowie - Downtown Improvement and Reconstruction Project
4. Cabana Falls Winery - Permission to Sell Alcohol at Farmer's Market

D. REPORTS - COUNCIL COMMITTEES

1. Farmer’s Market of Keene – Request to Use City Property
2. Memorandum of Understanding with Civil Air Patrol
3. Use of City Property – New Hampshire Department of Environmental Services Installation of Bedrock Monitoring Well
4. Taste of Keene Food Festival – Request for License

5. George Street Bridge Replacement – Project Agreement and Easement Negotiation
6. Municipal Primary Charter Amendments

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

1. Relating to Amendments to the Land Development Code, Accessory Dwelling Units
   Ordinance O-2023-06
2. Relating to the Sale, Possession and Display of Fireworks
   Ordinance O-2023-07

J. ORDINANCES FOR SECOND READING

1. Relating to Amendments to the Land Development Code
   Ordinance O-2022-19-A
2. Relating to the Library Board of Trustees
   Ordinance O-2023-05

K. RESOLUTIONS

1. Relating to the Acceptance and Appropriation of Unanticipated Highway Revenue
   Resolution R-2023-10
2. In Appreciation of Christopher Batchelder Upon His Retirement; In Appreciation of Michael Joseph Amato Upon His Retirement, and In Appreciation of Albert O. Fiske Upon His Retirement
   Resolution R-2023-01
   Resolution R-2023-11
   Resolution R-2023-12

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, March 2, 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, Kate M. Bosley, and Thomas F. Powers were present. Having declared that a quorum was physically present, Mayor Hansel recognized that Councilor Mitchell H. Greenwald requested to participate remotely due to work travel; there was no one in the room with him. Hearing no objections from the Council, Mayor Hansel granted the remote participation. Councilor Raleigh C. Ormerod arrived at 8:13 PM. Councilor Powers led the Pledge of Allegiance.

ANNOUNCEMENTS

Mayor Hansel announced that there would be a special City Council meeting on Tuesday, April 4 to continue the evaluation process for the City's Charter employees. This meeting will start at 6:00 PM in the Council Chamber.

MINUTES FROM THE PRECEDING MEETING

A motion by Councilor Powers to adopt the February 16, 2023 meeting minutes as printed was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Ormerod was absent.

NOMINATIONS – CONSERVATION COMMISSION, BICYCLE/PEDESTRIAN PATH ADVISORY COMMITTEE; PARTNER CITY COMMITTEE

Mayor Hansel nominated Deborah LeBlanc to serve as an alternate member of the Conservation Commission, with a term to expire December 31, 2025. The Mayor also nominated Janelle Sartorio to serve as an alternate member of the Bicycle/Pedestrian Path Advisory Committee, with a term to expire December 31, 2025. Lastly, Mayor Hansel nominated Gerald Lens to serve as an alternate member of the Partner City Committee, with a term to expire December 31, 2025. Mayor Hansel tabled the nominations until the next regular meeting.

COMMUNICATION – REQUEST FOR A TREE REMOVAL – MARLBORO STREET – 310 MARLBORO STREET, LLC

A communication was received from Randall Walter, Manager of 310 Marlboro St. LLC, requesting permission to remove an ornamental tree per the site plan approved by the Planning Board. He plans to replant a pin oak tree. Mayor Hansel referred the communication to the Municipal Services, Facilities, and Infrastructure Committee.

COMMUNICATION – REQUEST TO USE CITY PROPERTY - 2023 KEENE PRIDE FESTIVAL

A communication was received from Adam Toepfer, President of Keene Pride, requesting a license to use City property to conduct the second annual Keene Pride Festival on Sunday, September 17, 2023. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee to appear on their more time agenda until the protocol meetings with the applicant have been held.

COMMUNICATION – PROPOSED PUBLIC ART PIECE – HISTORICAL SOCIETY OF CHESHIRE COUNTY

A communication was received from Judy Rogers, on behalf of the Historical Society of Cheshire County, submitting a proposal for a public art piece to be displayed in front of their headquarters at 246 Main Street. Mayor Hansel referred the communication to the Municipal Services, Facilities, and Infrastructure Committee.

COMMUNICATION – PROCESS TO CONSIDER THE DOWNTOWN INFRASTRUCTURE IMPROVEMENT AND RECONSTRUCTION PROJECT – COUNCILOR RALEIGH ORMEROD

A communication was received from Councilor Raleigh Ormerod, sharing his thoughts on the process to be used to consider the Main Street Improvement and Reconstruction project. Mayor Hansel accepted the communication as informational.

FOP REPORT – EVERSOURCE'S REQUEST TO CONDUCT TREE TRIMMING ON SCENIC ROADS

A Finance, Organization, and Personnel Committee report read, recommending the acceptance of the recommendation from the Conservation Commission as informational. The report continued with a recommendation that Eversource Energy be authorized to perform all tree trimming services on the requested and designated scenic roads in the City, subject to the following standard conditions: that Eversource Energy make landowners aware of the option for leaving topped dead or diseased trees for purposes of supporting wildlife habitat; and that the tree removal activity is coordinated with the Public Works Department. A motion by Councilor Powers to carry out the intent of the Committee reports was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Ormerod was absent.

FOP REPORT – SOLE SOURCE CONSTRUCTION ADMINISTRATION CONTRACT: WELLS STREET PARKING STRUCTURE

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized do all things necessary to sole source and execute a professional services contract with Desman Associates to perform construction administration/oversight for the Wells Street Parking Structure repair and maintenance project scheduled for spring 2023 for an amount not to exceed $32,800. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Ormerod was absent.

FOP REPORT – HUD GRANT APPLICATION

A Finance, Organization, and Personnel Committee report read, recommending that the update to the HUD Grant Application be accepted as informational. Mayor Hansel accepted the report as informational.

CITY MANAGER COMMENTS

First, the City Manager provided an update on the upper Winchester Street project. The general contractor will be mobilizing back to the site on March 20. Their first order of business will be to reconfigure the Key Road intersection as a roundabout. This will be done temporarily with barricades while they remove the temporary pavement and install the central island. The Island Street Bridge will not be taken out of service until mid-April. Staff will be placing message boards around the area two weeks prior to closing the bridge. Their schedule currently shows that the work at the Key Road/Riverside Plaza intersection will be completed on/around June 22. The City Manager concluded her report on the topic of community power, for which she said the launch is planned for June. There is a 30-day opt out period that needs to occur, likely between the end of April and mid-May. The pre-bid meeting was the same day as this meeting, and the bid meeting would occur the next week. The City Manager hoped there would be good news to share with the Council at the next meeting.

CITY OFFICER REPORTS – PROCESS TO CONSIDER THE DOWNTOWN INFRASTRUCTURE IMPROVEMENT AND RECONSTRUCTION PROJECT

A memorandum was received from the City Attorney on the proposed process to consider the downtown infrastructure improvement and reconstruction project.

Before recognizing the City Attorney to comment on his memorandum, Mayor Hansel thanked the public for their attendance at the two informational meetings on the downtown project. Now, he said it was time for the Council to decide what process they wanted to choose that would allow them an opportunity to educate themselves on the various aspects of the project and to develop a consensus on the recommendations of the Ad Hoc Committee. The Ad Hoc Committee's recommendations, initially furnished to the City Council in January, were included in this meeting's agenda packet. Mayor Hansel said he knew he spoke for all the Councilors in still wanting to provide opportunities for the public to engage with the Council directly. He said he knew the Council sought compromises on aspects of the project that had become controversial in the community. Any option chosen would require additional meetings. The Council Chamber had been reserved for six additional meetings over the next three months. The Mayor said it would hopefully not take three months, but that the Council would ultimately determine this time commitment. Councilors were provided a list of proposed motions, which represented the various options on the process. In all the options, the Council would have the opportunity to build in additional public interactions or, at any point, refer the ad hoc report to one of the Council Standing Committees.

Mayor Hansel requested comments from the City Attorney, Tom Mullins.

The City Attorney said that this was the second time the Council was presented with this memorandum, with some very minor edits to this copy, which was essentially a placeholder on the agenda. Additionally, this memorandum was in the agenda packet so that it was available to the public. Many members of the public were in attendance this evening or they had attended the public meetings, and had contacted the City Attorney with questions. The City Attorney continued briefly reviewed the proposed motions that he prepared to try to give the Council a sense of all of their options. Ultimately, any motions were at the Council's will.

The City Attorney explained one of the possible options, which was to convene a Quasi Committee of the Whole. This Quasi Committee is named as such because it is meant for smaller organizations. Normally, with a Quasi Committee of the Whole, the Mayor would act as the Chair. This type of Committee meeting would ensue just like the Council Standing Committees. The Council would have to vote to enter a Quasi Committee of the Whole. The City Attorney explained that the difference between the Quasi Committee and a Council workshop is that the Quasi Committee has more formality with respect to a committee process—with opportunities to make and amend motions—and all Councilors would have an equal opportunity to participate. Conversely, in the City Council's Standing Committee process, while all Councilors are encouraged to attend each meeting and participate in the discussions, once a motion is made by the five Councilors on the respective Standing Committee, the other Councilors attending in the audience can no longer participate. The City Attorney said that another interesting thing about the Quasi Committee of the Whole is that it would make a recommendation back to the full Council. Then, at another Council meeting or the same Council meeting the Council would consider the recommendation and adopt, amend, reject, or send the matter to a Standing Committee. The City Attorney hoped these details helped everyone to better understand all the possible options. He noted that while the Keene City Council had never entered a Quasi Committee of the Whole, it is a mechanism under Robert's Rules of Order and other cities use it.

Councilor Giacomo said he heard a question from constituents about the Quasi Committee of the Whole: when the City Attorney said the Quasi Committee of the Whole would be like a Standing Committee meeting, did he mean the public comment would be accepted unlike a regular Council meeting? The City Attorney said that decision would be up to the Quasi Committee of the Whole, which would take a vote to decide whether to allow public comment.

The City Attorney said Councilor Giacomo's question was a good segue to the topic of City Council workshops. Many Councilors had talked to the City Attorney about the possibility of conducting this process in a workshop setting. While there was typically minimal public interest in Council workshops, the Council could allow public comment. Typically, in a workshop the whole Council would learn about a given topic and take no action. The Council could choose to have as many workshops as needed. The City Attorney concluded explaining that the proposed motions before the Council were to initiate one or a series of the processes he described—a Quasi Committee of the Whole, the MSFI Committee, and/or Council workshops—all of which can allow for public comment. The City Attorney spoke frankly,

stating that his conversations with Councilors led him to believe there was little interest in the Quasi Committee of the Whole. The City Attorney welcomed further questions.

Councilor Remy clarified for the public that if this matter was referred directly to the Municipal Services, Facilities, and Infrastructure Committee (MSFI), the five Councilors on that committee could amend the recommendations contained in the final report of the Ad hoc Committee; and once any motion is made, the rest of the Councilors present would not be able to comment. He continued stating that the MSFI Committee's recommendation would go to the full Council in a meeting like this one, with no public input, and the remaining 10 Councilors would make their amendments. The City Attorney said that was exactly right. Councilor Remy said that would not necessarily be the case for the Quasi Committee of the Whole, where all Councilors could make and amend motions, and the recommendation would go to the full Council. The City Attorney said that was exactly right.

Councilor Workman recalled that the Mayor would be the Chair of a Quasi Committee of the Whole and asked if he would also have a vote. The City Attorney said the Mayor would only have a vote in the case of a tie.

A motion by Councilor Powers was duly seconded by Councilor Bosley: to have the final report from the Ad Hoc Downtown Infrastructure Improvement and Reconstruction Project Steering Committee be considered by the City Council in one or more Council workshops and then be referred to the Municipal Services, Facilities, and Infrastructure Committee for further discussion and recommendation back to the City Council.

Councilor Filiault recalled that the City Attorney said this was less about the project and more about the process. Councilor Filiault said this matter—with multiple possible motions and amendments—demonstrated why the City has its Standing Committee process. The Councilor said he looked back and found that in 149 years and 54 mayors, the Keene City Council had never used a Quasi Committee of the Whole. Every project and budget had gone through the Standing Committee process, which he said the founding fathers of Keene created for a reason. He said the process was created to prevent one person—the Mayor—from being able to fully control a matter. In the end, he said all matters would still be considered and voted on by the whole City Council. Because the Quasi Committee of the Whole had never been done before in Keene, Councilor Filiault said it could be like opening a can of worms. He addressed his fellow Councilors who were objecting to this important topic only being debated by the five MSFI Committee members. He noted that if the five members of the Finance, Organization, and Personnel Committee are trusted to vote on the City's $54 million budget, then the same should be true of the MSFI Committee voting on this infrastructure project. He questioned why Councilors did not object to the Planning, Licenses, and Development Committee debating the proposed five-to-two-acre zoning change in the Conservation Residential District. Councilor Filiault repeated that a Quasi Committee of the Whole had never happened and he asked why. He said it was because there had been a Standing Committee process that stood the test of time. He warned that this was the first step in destroying the Standing Committee process and that this would set a precedent for future mayors/councilors to eliminate that process. To the Councilors opposing this going to the MSFI Committee, Councilor Filiault said he expected the same Councilors to oppose the FOP Committee

acting on the next budget. Additionally, Councilor Filiault said that Councilors should attend Standing Committee meetings if they want a say in a matter. He urged trusting the Standing Committee chairs, who he said are not doing anything to prevent conversation by the whole Council. He concluded that the process is not broken and does not need to be fixed.

Councilor Greenwald said that this matter would hopefully go directly to the MSFI Committee. Once reaching MSFI, Councilor Greenwald said his first act as Chair would be to call for a Council workshop to discuss the process. He said there needs to be Council involvement and compromise. He said the purpose of the workshop he was proposing would be to involve all Councilors in the planning process for this project; not down to how many trees or bike lanes, but the process, which he said needs to be organized. He said there was no clear approval process, which is why he said things did not work out well for the Ad Hoc Committee. Now, he said there really was no approval process. He spoke against the Quasi Committee of the Whole, saying that the Council did not know what that process would be. He said it was important for this entire project to be Council driven—they are the elected officials—not staff or consultant driven. Councilor Greenwald said it is the Council's job to listen to the public and everyone knows what happens if they do not—they are not re-elected. Staff and consultants are only a part of the process to advise and provide technical support, not to promote a project. For the workshop Councilor Greenwald proposed, he suggested that he and the Mayor should co-Chair. Councilor Greenwald added that this project is not about egos or legacies. He said all Councilors should keep in mind that this project affects the lives of all property owners, businesses, and people who live and work downtown, who are all at the heart of the City. He urged not acting in haste and he was pleased to see the Sentinel article confirming that there would not be shovels in the ground next spring. He said the Council needs to listen and said it was clear at the public sessions that the community was not happy about how this was going. The elected officials are responsible for what their constituents want. He did not want his fellow Councilors to believe that they would be shut out of a MSFI process or that Councilor Greenwald had preconceived notions. He said his comments while on the Ad Hoc Committee did not preempt him from enabling a fair conversation at MSFI. He was convinced that compromises were possible.

Councilor Bosley spoke in support of the Council workshop process because it is a process that the whole Council is familiar with. She said that the Council workshop process works well for the Capital Improvement Plan and Council goals meetings. She said there were many unanswered questions amongst the Council and the public. She said a forum is needed where the Council can ask questions collectively and all receive the same answers. At a workshop, she said there would be the opportunity to get those answers and consider what revisions might have consensus. After this workshop, Councilor Bosley said the matter should be referred to the MSFI Committee for public input. Through this process, Councilor Bosley said that Council would at least have a version of the project that they are interested in hearing public comment on, without creating new committees. She said this would respect the original Standing Committee process and would still give all Councilors a chance to participate. She hoped her fellow Councilors would support this workshop phase.

Councilor Workman said she respected Councilor Bosley's comments and desire to eventually send this to MSFI. Still, Councilor Workman said the more time she had to think about this, the more she agreed

with Councilor Filiault and Greenwald about the Council having a Standing Committee process that works very well. She said that at this point, if the other 10 Councilors (not on the MSFI Committee) felt they would not have an equal say in the project, it was just not true. She reiterated that those other 10 Councilors can attend and comment at the MSFI meeting, and that the Chair always asks for further comments before concluding an agenda item. She added that the whole Council would then have another chance to comment at the Council meeting the following week. Councilor Workman said she also heard comments that the other 10 Councilors would not get the same chance to interact with the public at a MSFI meeting. She countered this notion, stating that those Councilors in the audience would hear the same public comments she does sitting on the MSFI Committee and if they cannot attend the MSFI meeting, the video is available for review. Councilor Workman said it was simply not true that those 10 Councilors would be less informed about the project. She said that if this were an issue with the FOP or PLD Committees, those Councilors would be equally upset. She recalled when this Council debated allowing remote participation and Councilors at the time said that this current Council was ethical and would never abuse that privilege. Thus, hearing her fellow Councilors questioning whether the MSFI Committee could act impartially, unbiasedly, or fairly was very upsetting to Councilor Workman; such questioning implied that those five Councilors are not upholding their oath of office. She said that if the Quasi Committee would work so well, then why would all projects not be addressed by a Quasi Committee of the Whole. Councilor Workman said she heard from other Councilors that this project was too important to go through the normal process. She countered that notion, stating that she loves her City and every project that comes before the Council is important.

Councilor Jones said this Council had been through a lot of contentious things over the years. He cited chairing the MSFI Committee when it dealt with the railroad property, for example, and said the Standing Committee process worked well then. He said the process also worked when he chaired the PLD Committee, which made the controversial decision to install roundabouts. Councilor Jones believed that the process worked, and he was confused hearing other Councilors questioning that process. He said he would let the motion on the floor play out but said he wanted this matter to go directly to the MSFI Committee.

Councilor Greenwald apologized for his confusion, noting that because he was remote he did not have the same motions in front of him as the rest of the Council did. Mayor Hansel restated the current motion on the floor for the Councilor. Councilor Greenwald agreed with others who said this matter should go directly to the MSFI Committee. The Councilor said that at the proposed MSFI Committee meeting, he would call for a Council workshop. With the motion on the floor, Mayor Hansel clarified that the first proposed Council workshop would be for the Council to reach a consensus on the process they want to proceed with, what information they want or need, and how many meetings they want to have to go over the various aspects of the project; the Council would not take any action at the workshop. Then, the Mayor said the whole report from the Ad Hoc Committee would go to the MSFI Committee, which would make a recommendation to the entire City Council. Councilor Greenwald apologized to the Council again and stated his disappointment with not having seen the proposed motions.

A motion by Councilor Greenwald to amend the motion on the floor to refer the Ad Hoc Committee's report directly to the MSFI Committee was duly seconded by Councilor Filiault.

Councilor Greenwald assured the Council that his first action when this matter is before the MSFI Committee would be to set a Council workshop to discuss the process moving forward. Mayor Hansel was not sure Councilor Greenwald could do that. The City Attorney confirmed that when this matter arrives at MSFI, Councilor Greenwald—as the Chair—could request that the Mayor convene a Council workshop to discuss the process. If that was the intent, Mayor Hansel asked why not keep the original motion and send the matter straight to the Council workshop; he did not see the difference. Councilor Greenwald said the original motion sounded to him like the possibility for an endless number of workshops. Mayor Hansel replied that it would not be endless. The Mayor said the intent for the first workshop—which was already scheduled for March 14 at 6:00 PM—was for the Council to determine how many workshops they need to comprehend the project and options. Councilor Greenwald said he wanted the MSFI Committee to meet before the first workshop.

Councilor Lake said that the original motion was straightforward and would still send the report to MSFI. He did not hear an argument against having the workshops first other than that there could be workshops for multiple weeks, and he did not see that as a problem. He did not support the amendment.

Councilor Bosley pointed out that all ordinances affecting the PLD Committee go through the Joint Committee process, which includes public workshops, so the necessary informal conversations can occur to reach consensus. She said a workshop process was not unusual for this Council. She said the project would still reach the MSFI Committee for continued public comment. She thought an initial workshop was an opportunity to review finer details of the project that might not be touched on during a public hearing. Councilor Bosley asked her fellow Councilors to give everyone a chance to get to know the project better.

Councilor Roberts stated that he thought this matter should be directed to the MSFI Committee. He continued saying that he heard individuals promising to do something if the Council votes a certain way. He said that normally politics includes obvious back door deals. He said this conversation was proceeding as if there were not people in the audience listening, which he said was like making back door deals in front of everyone and on the TV. He thought this would cause the public to lose faith in the Council's ability to be objective. He said that while he wanted this report to go to MSFI, he could not support this proposed amendment because it made him uncomfortable and it would feel like he is not doing the job people elected him to do. So, he said to let one or two Council workshops occur to ensure that this done the right way and show the public that personal deals are not being made amongst the Council.

Councilor Johnsen informed the public that they could listen to the Feb. 21st public meetings online. She said she listened because she was not there in-person and said she heard a lot of wonderful things. She continued stating that she supported the workshops. She wanted to hear what her fellow Councilors thought about the project before sending the matter to any Standing Committee. She would not support the amendment.

Councilor Workman referred to Councilor Lake's comment about not having heard arguments against doing workshops before sending the report to MSFI. Councilor Workman said one argument was that March 14 is a Tuesday, which is not a typical day of the week for the Council to meet and therefore many might not be able to attend. She noted that many Councilors did not attend the public sessions in January and February, which were also on atypical meeting days. She said it was possible that not all Councilors would be able to attend these proposed workshops too.

Councilor Chadbourne stated her opinion that the report should go to MSFI but she was not necessarily opposed to a Council workshop before that. She said that Councilor Roberts' words resonated with her. She agreed that the City Council has a Standing Committee process that works and that other Councilors can attend those meetings to participate. She said that if there were still some unanswered questions, the MSFI Committee could also recommend placing this issue on more time so Staff can return with answers. She said the MSFI meeting would be a lot like a workshop, and she said it might be more tasteful. Councilor Chadbourne cautioned against the argument for doing things the same way for 149 years, given that back then, she was not afforded the right to vote. She said that sometimes it is necessary to break ranks and try something different. She wondered if the Council wanted to set a precedent with this; she did not think so. She said the Council could essentially go through the workshop process at the MSFI meeting and that there could be more than one MSFI meeting if needed. Councilor Chadbourne concluded that her first preference was to send the report to MSFI and her second preference was to have workshops and then send the ad hoc Committee recommendations to MSFI.

Councilor Madison did not support the Quasi Committee of the Whole option. Like other Councilors stated, he said there is a Standing Committee process, and the Council does not create new processes for specific projects. He thought of other recent major actions of the City Council, like the Mask Ordinance, which went through the same Standing Committee process. Councilor Madison's first preference was to send this directly to MSFI and his second preference was to have a workshop first and then go to MSFI. He said the Council needed an opportunity to review what they learned from the public and to refine the proposals. Councilor Madison was not comfortable changing a process for a specific project.

Councilor Jones said he heard mentions of the advantages of workshops. He said he did not see any advantage. He said that by sending this to MSFI, the Council would hear the same information and get the same questions from the public, and that it would be less formal and more intimate. Councilor Jones thought it was great for this to go directly to MSFI to let them handle it just like many other projects throughout the City.

Councilor Remy said he was okay with the report going to MSFI but not without it going through a Council workshop first. He said he had a hard time with the idea of this project leaving MSFI without any kind of Council consensus and going to the full Council the next week to be significantly amended on the floor, where the public would not have an opportunity to comment. Councilor Remy believed that the report should go through a workshop process before sending it to MSFI and he would vote against the amendment.

Councilor Greenwald rephrased what he was trying to accomplish. He said his intent with this amendment was for this report to go to the MSFI Committee, whose first action would be a Council workshop to discuss the process the Council wants to move forward with. He said that would allow all Councilors, residents, and the MSFI Committee to feel comfortable moving forward to take action on different issues. He continued stating that a major difference between the Standing Committee and workshop processes is that the public is locked out of the workshops. Councilor Greenwald agreed with Councilor Remy that no issue coming out of any Standing Committee should go blindly to the Council with the hope of accomplishing something. He said that would be wrong and lock out the public. He said this is the public's property and the Council should be working in the public's best interests.

The City Attorney said that what Councilor Greenwald was suggesting would circumvent the Standing Committee process if the Councilor was building into his amendment a direction to the MSFI Committee to take a specific action. It would upend the Rules of Order the Council exists under. The City Attorney reiterated that if the report was referred to MSFI, that Committee would vote and send a recommendation to the full Council. As far as the City Attorney knew, it would be unprecedented for the City Council to direct one of its Standing Committees to act a certain way on a matter, and it would violate the City Council's existing rules.

Councilor Greenwald said he acknowledged the City Attorney's wisdom on the matter. Still, the Councilor said he pledged to his fellow Councilors that all of their input on the process to move forward with would be listened to and he would be surprised if the MSFI Committee's first action was not a Council workshop. He restated his concern with having an endless series of workshops with no public input and no Council actions. The City Attorney said that the Council workshops could contain public input if a majority (eight members) of the Council agreed. Councilor Greenwald said that was news to him. Mayor Hansel recognized that some of this was confusing.

Councilor Chadbourne addressed Councilor Remy's concerns and reiterated that all City Councilors can participate and ask questions during the MSFI Committee meeting. If Councilors do not receive all the information they need, she said they should trust that their fellow Councilors on the MSFI Committee would place it on more time until Staff can return with answers. She said that if needed, there could be a series of MSFI meetings that would work like a workshop in a sense.

Councilor Powers said it felt like things were getting off track. He restated the original motion. He said the underlying concern seemed to be about at what stage this report goes to the MSFI Committee. Still, Councilor Powers said that amendments were being made before there was even a chance to determine the will of the Council on the original motion. He said the Council needed to arrive at a point of voting on something even if everyone does not like it.

Councilor Workman said it was important for everyone to know that if this report was sent directly to MSFI, public input was absolutely guaranteed. Conversely, as a Quasi Committee of the Whole or at a Council workshop, eight members of the Council would have to vote to allow public comment, which was not guaranteed. Mayor Hansel interjected to say that someone could amend the original motion to ensure public comment is heard at the Council workshops. Councilor Workman said it still depended on

a vote and with a referral to MSFI, public comment was guaranteed. She added that the process occurring at this meeting, with amendments and disagreement amongst the Councilors, was exactly why the Quasi Committee of the Whole would not work.

Councilor Williams said that as a member of the MSFI Committee, he wanted a chance to feel prepared and to know what his fellow Councilors feel about this project before it arrives at MSFI. He said the Council had several opportunities to hear from the public but Councilors had not yet heard from each other on the facets of the project. Councilor Williams supported workshops before sending this report to MSFI.

Councilor Lake said that the MSFI Committee Chair, Councilor Greenwald, being in favor of Council workshops at some point reinforced that there should be workshops. However, Councilor Lake thought that Councilor Workman had a great point about scheduling workshops Tuesdays. He suggested looking for some additional dates.

Councilor Greenwald asked if the Mayor was open to the MSFI Committee having input on the workshop schedule. Mayor Hansel said that any Councilor could work with the City Clerk, Patty Little, on the workshop schedule. The Mayor agreed with wanting as much participation in the workshops as possible but noted that a lot depends on the availability of the Council Chamber, which is the ideal location so the meetings can be televised. Councilor Greenwald asked that the workshop schedule begin after the next MSFI Committee meeting on March 22 so the Committee has more time to digest what is going on before the workshops commence. Mayor Hansel said the dates could be reconsidered but that ultimately nothing about this issue would be put on the MSFI Committee's agenda unless the Council sent it there.

Councilor Johnsen called the question to which Councilor Chadbourne objected. On a roll call vote of 10–4, the City Council called the question and debated ended. Councilors Filiault, Chadbourne, Workman, and Greenwald voted in the minority.

On a roll call vote of 5–9, the amendment to send the report directly to the MSFI Committee failed. Councilors Filiault, Jones, Chadbourne, Workman, and Greenwald voted in the minority.

A motion by Councilor Remy to amend the motion on the floor to require that public comment be heard at the Council workshop level was duly seconded by Councilor Lake.

Councilor Greenwald said he supported the amendment.

Councilor Ormerod arrived at this point and the Mayor restated the motion on the floor.

On a roll call vote of 15–0, the City Council amended the motion on the floor to require public input at the Council workshop level.

Councilor Greenwald asked who would conduct the Council workshop(s) under discussion. Mayor Hansel said he would. Councilor Greenwald said that was what he wanted to hear.

Councilor Filiault said he supported the amendment because ultimately the matter would be sent to the MSFI Committee like he said it should have two months ago. He continued that while this was a divisive issue, he applauded this fellow Councilors because they were making compromises. Councilor Filiault added that as a lifelong resident of Keene and a 23-year City Councilor, he had never seen a project more mishandled than this one. He said the City Council was owed an apology. He said that on this same day, he read in the newspaper that the project was backed up two years and he said that occurred without a phone call to any City Councilors. He reiterated that the Council was owed an apology.

Councilor Chadbourne asked, if this motion failed, whether there could be another motion to send this directly to MSFI. Mayor Hansel said that was true.

On a roll call vote of 14–1, the City Council referred the report from the Ad Hoc Downtown Infrastructure Improvement and Reconstruction Project Steering Committee to be considered by the City Council in one or more Council workshops that include required public comment and then be referred to the Municipal Services, Facilities, and Infrastructure Committee for further discussion and for recommendation back to the City Council. Councilor Workman voted in the minority.

Mayor Hansel accepted the City Attorney's memorandum as informational. Mayor Hansel said he would start the Council workshop process with a meeting on Tuesday, March 14 at 6:00 PM. At the first workshop, the Mayor wanted to allow the Councilors to state where they stand on the project generally, identify what they need in terms of Staff support, and share any new ideas they want Staff to investigate. At this workshop, the Mayor said the Council would also review the various grant application timelines and develop a meeting schedule, so the workshops do not continue indefinitely. All meetings would include a light dinner for the Council in advance.

Councilor Chadbourne reiterated that the Mayor said the workshop would start with all Councilors stating where they stand on the project. She asked the City Attorney whether that was allowed since a workshop is not a Council meeting. The City Attorney said that workshops are fully noticed Council meetings that the public has the right to attend, watch, and in this case, to also comment. Mayor Hansel said the difference is that no recommendation would come out of the Council workshops; he said the Council just voted to decide the recommendations would come from the MSFI Committee.

Councilor Greenwald stated his disappointment about how much was pre-planned about this first workshop and said that it went way beyond what he anticipated. He hoped to work with the Mayor on scheduling the first workshop. Councilor Greenwald attempted to make a motion to reconsider his previous motion, which was already voted on. Mayor Hansel thought that was not possible until the next meeting. The City Attorney said that was correct, Councilor Greenwald's motion would have to wait until the next regular meeting, and he would have to submit a written request to the City Clerk for it to be placed on that agenda. Mayor Hansel encouraged any Councilors to speak with him about the

workshop details. The Mayor said he was happy to listen and that this is ultimately the Council's process. Discussion ensued with more than one person speaking at the same time.

Councilor Filiault said he agreed with Councilor Greenwald. He said the Council just voted to allow this to go to the MSFI Committee, which was not a predetermined decision. He said that now, the Council was hearing that the workshop was already organized, and he objected to that. He said this workshop should be a clean slate and he believed that before anything for a workshop is agendized, Mayor Hansel should consult the MSFI Committee Chair, Councilor Greenwald. Councilor Filiault continued stating that he objected to this project since the beginning because it was Staff-dictated, which he said he was tired of. Mayor Hansel disagreed. Councilor Filiault said this workshop should not have been a predetermined decision. He said it was wrong.

The City Clerk interjected to remind Councilor Filiault that she is always looking out for his and the Council's best interests. She said she is always looking out for the logistical process of everything the Council does. She noted that the Council Chamber is booked almost constantly and so she must forecast these dates—whether it is for Council workshop, additional MSFI meetings, or a Quasi Committee of the Whole. The City Clerk continued acknowledging that unfortunately, Tuesdays are some of the only days that the Council Chamber is available, with a few opportunities on Wednesdays, such as with a fifth week in March. When she booked the Council Chamber on this upcoming series of dates, it was because they had to be reserved for whichever of the multiple choices the Council made tonight.

Councilor Filiault said he was not contesting the workshop date but the fact that it sounded to him as if the Mayor already determined the content of the workshops, which Councilor Filiault objected. Mayor Hansel said that was not the case and that the workshops would be as open as possible. Councilor Filiault said he respectfully requested that the Mayor work with Councilor Greenwald to develop the agenda for the workshop. Mayor Hansel reiterated that he was happy to speak with any Councilors about the workshop.

CITY OFFICER REPORT – MUNICIPAL PRIMARY CHARTER AMENDMENTS – CITY CLERK

A memorandum read from this City Clerk with some housekeeping amendments to the Municipal Primary Charter. She recommended that her memorandum be referred to the Finance, Organization, and Personnel Committee for their review and recommendation. Mayor Hansel referred the memorandum to the FOP Committee.

ORDINANCE FOR FIRST READING – RELATIVE TO THE LIBRARY BOARD OF TRUSTEES – ORDINANCE O-2023-05

A memorandum was received from the City Attorney, recommending that Ordinance O-2023-05 be referred to the Finance, Organization, and Personnel Committee for consideration and recommendation back to the City Council. Mayor Hansel referred Ordinance O-2023-05 to the FOP Committee.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 8:24 PM.

A true record, attest:
City Clerk

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: March 16, 2023

To: Mayor and Keene City Council

From: Mayor George S. Hansel

Through:

Subject: **Nominations - Bicycle Pedestrian Path Advisory Committee, Energy and Climate Committee, Planning Board**

Recommendation:

Attachments:
1. Jackson, Samantha_Redacted
2. DelaCroix, Autumn_Redacted
3. Russell, Rowland_Redacted
4. Clancy, Ryan_Redacted

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

Bicycle Pedestrian Path Advisory Committee
Samantha Jackson, alternate - slot 11 — Term to expire Dec. 31, 2025
618 Court Street

Autumn DelaCroix, alternate - slot 12 — Term to expire Dec. 31, 2025
618 Court Street

Energy and Climate Committee
Rowland Russell, alternate - slot 14 — Term to expire Dec. 31, 2025
77 High Street

Planning Board
Ryan Clancy, slot 3 — Term to expire Dec. 31, 2025
51 Dover Street

From:	Patty Little
To:	Heather Fitz-Simon
Subject:	FW: Interested in serving on a City Board or Commission - Samantha Jackson
Date:	Thursday, March 9, 2023 11:03:40 AM

Save and redact

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Thursday, January 12, 2023 4:34 PM
To: Helen Mattson <hmattson@keenenh.gov>
Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

Submitted on Thu, 01/12/2023 - 16:34
Submitted values are:
First Name:
Samantha

Last Name:
Jackson

Address
618 Court Street

How long have you resided in Keene?
11 Years

Email:
[redacted]

[redacted]

Employer:
Fire Dog Breads

Occupation:
Baker

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.

Bicycle/Pedestrian Path Advisory Committee

Please let us know the Board or Commission that you are most interested in serving on.
The Bicycle/Pedestrian Path Advisory Committee

Please share what your interests are and your background or any s kill sets that may apply.
I am a commuting cyclist, and I rely on my bicycle to go just about anywhere in Keene. I use it to go to work, pick up groceries, visit friends and family, and I've even used the work bike to deliver bread to the Monadnock Food Co-op and Granita. To get my family more involved and more active, we started a small group on "Love to Ride," a website that tracks bike trips, CO2 reduction (very approximate as this is normally a fairly complicated equation), and miles traveled as well as offers online bicycle safety courses and articles. As a regular bicycle commuter, I have first-hand experience of the pros and cons of cycling across different regions of the city. I also have a strong interest in the ways we can use infrastructure to move people efficiently while also utilizing traffic calming and safety measures to great effect.

Suggest other public bodies of interest
The Agricultural Commission (though it looks like they haven' t seen activity in a while)
The Energy and Climate Committee
The Human Rights Committee

Please provide 2 personal references:
Sam Temple
firedogbreads@gmail.com

References #2:
Autumn DelaCroix
[redacted]

From:	Patty Little
To:	Heather Fitz-Simon
Subject:	FW: Interested in serving on a City Board or Commission
Date:	Thursday, March 9, 2023 9:36:33 AM

Save and redact, please.

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Tuesday, February 14, 2023 3:46 PM
To: Helen Mattson <hmattson@keenenh.gov>
Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

Submitted on Tue, 02/14/2023 - 15:46
Submitted values are:
First Name:
Autumn

Last Name:
DelaCroix

Address
618 Court St.

How long have you resided in Keene?
11 years

Email:
[redacted]

Cell Phone:
[redacted]

Employer:
United Natural Foods Inc.

Occupation:
Forecaster

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.
Bicycle/Pedestrian Path Advisory Committee

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

Please share what your interests are and your background or any skill sets that may apply.
I have served on other public outreach groups and organizations. I had worked previously extensively with mentors and violence prevention at Keene State college participating in programs that sought to improve the situation on campus as well as peer outreach to the athletic teams.
I also have experience with DeMolay which results in useful public interaction, recruitment, and fundraising.

Suggest other public bodies of interest
I have yet to sit in on a meeting with the Human Rights Committee, but would appreciate doing so. I think I could be a good fit for that in the future, but at this time I am laser focused on BPAC.

Please provide 2 personal references:
Katelin Sukhram
[redacted]

References #2:
Forrest Seymour
[redacted]

From:	Patty Little
To:	Heather Fitz-Simon
Subject:	FW: Interested in serving on a City Board or Commission
Date:	Wednesday, March 1, 2023 12:40:52 PM

Save and redact

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Wednesday, March 1, 2023 12:17 PM
To: Helen Mattson <hmattson@ci.keene.nh.us>
Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

Submitted on Wed, 03/01/2023 - 12:16
Submitted values are:
First Name:
Rowland

Last Name:
Russell

Address
77 High St., Apt. B

How long have you resided in Keene?
25 tyears

Email:
[redacted]

Cell Phone:
[redacted]

Employer:
Antioch University

Occupation:
IT Special Projects/Adjunct Faculty

Retired
No

Please list any organizations, groups, or other committees you are involved in
Historical Society of Cheshire County (board of trustees); Friends of Public Art (board); Monadnock View Community Garden (volunteer/coordination); City of Keene Bicycle & Pedestrian Path Advisory Committee (member)

Have you ever served on a public body before?
Yes

Please select the B oards or Commissions you would be most interested in serving on.
Energy and Climate Committee

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

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

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

Please share what your interests are and your background or any skill sets that may apply.
Vis-a-vis the Energy & Climate Committee: I have a PhD in Environmental Studies from Antioch, with part of my dissertation focusing on climate change. I've also taught as an adjunct and advised internship students in Antioch's Environmental Studies Department. My volunteer coordination at the Monadnock View Community Garden and our 'Giving Garden' (which grows produce we donate to The Community Kitchen) has given me a hands on connection to addressing local food security issues (one of the goals of the Climate Change Adaption Plan adopted by the City in 2007. I am well positioned in the environmental/food advocacy community to help bring together diverse perspective to help future planning in this area.

Suggest other public bodies of interest
I was on the Walldogs Executive Committee that helped plan and execute the mural festival in 2019. I continue to support and enhance this kind of work through my board roles with the Historical Society and Friends of Public Art.

Please provide 2 personal references:
Rachel Brice
[redacted]

References #2:
Carolyn Sweet
[redacted]

From:	Heather Fitz-Simon
To:	Heather Fitz-Simon
Subject:	FW: Interested in serving on a City Board or Commission
Date:	Tuesday, February 7, 2023 4:27:56 PM

From: Patty Little <plittle@keenenh.gov>
Sent: Monday, February 6, 2023 11:29 AM
To: Heather Fitz-Simon <hfitzsimon@keenenh.gov>
Subject: FW: Inteested in serving on a City Board or Commission

Save and redact

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Friday, February 3, 2023 9:52 PM
To: Helen Mattson <hmattson@keenenh.gov>
Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

Submitted on Fri, 02/03/2023 - 21:52
Submitted values are:
First Name:
Ryan

Last Name:
Clancy

Address
51 Dover Street

How long have you resided in Keene?
6 years

Email:
[redacted]

Cell Phone:
[redacted]

Employer:
Little Zoe's Pizza

Occupation:
Pizza Expert

Retired
No

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

Have you ever served on a public body before?
Yes

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

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

Pl ease share what your interests are and your background or any skill sets that may apply.
As someone who is starting a family, fixing up our house in East Keene, and working on starting up my own business I see the greatness Keene is and the potential the city has to boost its economic sector, housing sector, as well as our relationship with the environment around us. With the looming downtown infrastructure project upon us along with the other projects and opportunities we face as a city I bring an open mind wanting to hear every view and angle of the task/project at hand. With over a decade of working in the non-profit and hospitality sectors, to being a young homeowner starting a family, and on the journey to starting my own business in Keene I look to bring a perspective to the board that might not always be heard sometimes. Talking with peers my age there is a lack of interest or unknowingness of how our community functions. I hope my involvement on the board will hel p arbiter the next generation of Keene leaders to be involved in the development of it.

Please provide 2 personal references:
Katie Folts
[redacted]

References #2:
Melanie Foster
[redacted]

CITY OF KEENE
NEW HAMPSHIRE

ITEM #B.2.

Meeting Date: March 16, 2023

To: Mayor and Keene City Council

From: Mayor George S. Hansel

Through:

Subject: **Confirmations - Conservation Commission, Bicycle Pedestrian Path Advisory Committee, Partner City Committee**

Council Action:

In City Council March 2, 2023.
Nominations tabled until the next regular meeting.

Recommendation:

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

Conservation Commission
Deborah LeBlanc, slot 8 - alternate — Term to expire Dec. 31, 2025
68 Gilsum Street

Bicycle Pedestrian Path Advisory Committee
Janelle Sartorio, slot 10 - alternate — Term to expire Dec. 31, 2025
6 Kendall Road

Partner City Committee
Gerald Lins, slot 10 - alternate — Term to expire Dec. 31, 2025
11 Welcome Hill Road, Chesterfield

Attachments:

1. LeBlanc, Deborah_Redacted
2. Sartorio, Janelle_Redacted
3. Lins, Gerald_Redacted

Background:

From:	Patty Little
To:	Heather Fitz-Simon
Subject:	FW: Interested in serving on a City Board or Commission
Date:	Thursday, January 5, 2023 4:35:33 PM

For redaction and saving in the appropriate directory. thanks

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Thursday, January 5, 2023 4:25 PM
To: Helen Mattson <hmattson@keenenh.gov>
Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

Submitted on Thu, 01/05/2023 - 16:25
Submitted values are:
First Name:
Deborah

Last Name:
LeBlanc

Address
68 Gilsum Street #2

How long have you resided in Keene?
1.5 years

Email:
[redacted]

Cell Phone:
[redacted]

Employer:
Retired

Occupation:
RN

Retired
Yes

Please list any organizations, groups, or other committees you are involved in
None at present

Have you ever served on a public body before?
Yes

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

Congregate living and social services licensing board, Conservation Commission, Historic District Commission, Human Rights Committee, Keene Housing Authority, Library Board of Trustees, Partner City Committee

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

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

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

Please share what your interests are and your background or any skill sets that may apply.
I have been an RN for 30 years, I am an avid hiker and animal lover. I've been a CPR instructor I've worked in Manchester on the women's crisis service. I've been a big sister through if brother and big sister.

Suggest other public bodies of interest
Parks and trails in the city. Housing for seniors and elder care.

Please provide 2 personal references:
Diane Raynor
[redacted]

References #2:
Karen Elsasseur
[redacted]

From:	Patty Little
To:	Heather Fitz-Simon
Subject:	FW: Interested in serving on a City Board or Commission
Date:	Tuesday, February 28, 2023 9:29:49 AM

Save and redact

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Tuesday, February 28, 2023 9:08 AM
To: Helen Mattson <hmattson@ci.keene.nh.us>
Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

Submitted on Tue, 02/28/2023 - 09:08
Submitted values are:
First Name:
Janelle

Last Name:
Sartorio

Address
6 Kendall Road, Keene, NH

How long have you resided in Keene?
35

Email:
[redacted]

Cell Phone:
[redacted]

Employer:
NHTrust

Occupation:
Financial Advisor

Retired
No

Please list any organizations, groups, or other committees you are involved in
Board Member for Pathways for Keene, Inc
Treasurer for Keene Pride
DCI Committee Member for Keene Family YMCA

Have you ever served on a public body before?
No

Please select the Boards or Commissions you would be most interested in serving on.
Bicycle/Pedestrian Path Advisory Committee

Please let us know the Board or Commission that you are most interested in serving on.
Bicycle/Pedestrian Advisory Committee

Please share what your interests are and your background or any skill sets that may apply.
I am currently on the board for Pathways for Keene which has a mission of supporting the bike and pedestrian trails within Keene. I am a life long resident of the Keene area and spent a lot of mu time growing up on the trails around the Ashuelot River. I use the trails now for running and also bike to work in the summer. I believe having a network of alternative transportation routes an extensive network of trails is part of what makes Keene an attractive place to live.

Please provide 2 personal references:
Jan Manwaring
[redacted]

References #2:
Rowland Russell
[redacted]

From: Patty Little
To: Heather Fitz-Simon
Subject: Fwd: Interested in serving on a City Board or Commission
Date: Sunday, February 26, 2023 5:55:22 AM

Save and redact

Sent from my U.S.Cellular© Smartphone
Get Outlook for Android

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us> on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Saturday, February 25, 2023 9:04:41 PM
To: HMattson@ci.keene.nh.us <HMattson@ci.keene.nh.us>
Cc: PLittle@ci.keene.nh.us <PLittle@ci.keene.nh.us>; THood@ci.keene.nh.us <THood@ci.keene.nh.us>
Subject: Interested in serving on a City Board or Commission

Submitted on Sat, 02/25/2023 - 21:04
Submitted values are:
First Name:
Gerald

Last Name:
Lins

Address
11 Welcome Hill Road, #421
West Chesterfield, NH 03466

How long have you resided in Keene?
I have resided in Cheshire county for almost a year.

Email:
[redacted]

Cell Phone:
[redacted]

Employer:
N/A--I am retired.

Occupation:
I co-author books and work as a independent consultant/lawyer.

Retired
Yes

Please list any organizations, groups, or other committees you are involved in
I am looking to become involved with the Partner City Committee. I am also in the process of

becoming involved with the Monadnock Habitat for Humanity organization.

Have you ever served on a public body before?
Yes

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

Please l et us know the Board or Commission that you are most interested in serving on.
Partner City Committee

Please share what your interests are and your background or any skill sets that may apply.
I received an A.B. degree in Germanic Language and Literature from the University of Michigan (Ann Arbor) in 1981. I speak German relatively well and have continued my studies in the language (online classes, etc.)

In addition, I have spent time in Dusseldorf, Germany as an intern with the Stadt-Sparkasse Bank.

Please provide 2 personal references:
Kevin McMahon
[redacted]

References #2:
Jodi Erlandsen
[redacted]

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: March 16, 2023

To: Mayor and Keene City Council

From: Jonathan Loveland

Through: Patricia Little, City Clerk

Subject: **Jonathan Loveland, PE - Downtown Infrastructure and Renovation Project**

Recommendation:

Attachments:
1. Communication_Loveland_initial
2. Communication_Loveland
3. PowerPoint_Loveland

Background:
Jonathan Loveland has submitted two separate letters expressing his concerns regarding various aspects of the Downtown project while praising the City's focus on the infrastructure component of the project.

Tuesday, January 3, 2023

Hon. George S. Hansel
Mayor
3 Washington St.
Keene, NH 03431

cc: Mitchell H. Greenwald, Chair, Municipal Services, Facilities & Infrastructure Committee
Kate M. Bosley, Chair, Planning, Licenses and Development Committee
Thomas F. Powers, Chair, Finance, Organization and Personnel Committee
Andrew M. Madison, Member, Downtown Infrastructure Project Steering Committee
Randy L. Filiault, Member, Downtown Infrastructure Project Steering Committee
Elizabeth A. Dragon, City Manager

via Electronic Mail

Dear Mayor, Members of the Keene City Council/Committee Chairs, and City Manager:

My name is Jonathan Loveland, PE, and I am a former longtime resident of Keene, having grown up in the City, attended Symonds Elementary and the Middle School, graduated KHS, and lived there during the summers I attended university at Worcester Polytechnic Institute (WPI). I am a licensed Professional Engineer (Civil), now with over 30 years of experience. I have planned, designed, and/or constructed over a dozen major infrastructure projects and as a consulting engineer, participated in hundreds of planning efforts and conceptual designs. Recently, I was a key player (VP for the owner) in all phases of a $1.02 billion P3 project to provide a 50+ MGD water treatment facility, a project that also included approximately 10 miles of new, buried large diameter (54") pipe. Most recently, I was the Global Practice Leader for Alternative Water Supply with Black & Veatch.

Keene NH is not Concord NH, nor Norwood MA, nor Cambridge MA. The downtown Keene area is unique, historical, and is literally the beating heart of the City with its own "arteries" (roads) and "organs" (buildings, institutions, and businesses) that impose their own immutable consequences. Keene has long depended on, and until now, has succeeded in maintaining a thriving business community downtown, thus avoiding the economic decline and the "boarded up" nature of so many other small towns across the county. What appears to work elsewhere in complex, esoteric projects may be completely unapplicable to Keene NH.

Upon recently reading the Sentinel article (Hunter Oberst, Dec. 29, 2022, which I receive daily via e-mail) on your Downtown Infrastructure Project and reviewing all of the publicly available information on the City website, I can tell you that any activity other than the proposed buried infrastructure project and the minor surface improvements that typically accompany such a project is significantly premature and therefore possibly disastrously misguided. I see all the hallmarks of a politicized process and a rush to judgement that is completely unnecessary and unfair to the tax-paying citizens of Keene.

Your consulting engineer, Stantec, is a firm of the highest quality, representing the old "white-shoe" firm of Montgomery Watson, and their $570,000 proposal and scope of services (https://www.publicpurchase.com/con/keene.nh/pub/search) is very typical in terms of tasks to be performed and level of detail. On the basis of their proposal and their proposed staff, I can see why they were selected. For instance, the proposal budget for Task 7 – Public Outreach and Interaction of over $165,000 appears adequate as the single largest line item in the budget, and there are explicit tasks for Data Collection Inventory (Task 1 - $37,000) and Traffic Analysis (Task 4 - $40,000).

However, based on the outcomes represented by the materials on the project website, I wonder if Stantec and their staff, as relative strangers to Keene, have had adequate time and budget, adequate guidance from the City, and adequate input from all the relevant stakeholder groups in the City. My concerns after review are: 1) the data available and methods used to analyze the alternatives, 2) the processes employed to incorporate priorities and select outcomes, and 3) the risks and evaluation of risks in their totality for such dramatic changes in the aesthetic nature and function of Downtown Keene.

It appears that changes are being proposed for the sake of change and a political desire to appear "current" or "forward-thinking" compared to other ostensibly similar cities. There appears to be an assumption that more "green," "open," or "community" space is needed, even though the selected alternative would add only 14,000 square feet, an area that is smaller than existing spaces downtown and with no estimate of utilization of existing spaces or indeed the proposed space. There appears to be an assumption that dedicated bike lanes are needed, even though there is no data or study presented showing the volume and time-of-use of the existing, shared bike lanes. There appears to be an assumption that saving at most 10 or 20 seconds in traffic delays during the commuting rush hour (Mr. Oberst correctly described this would "shave" time) by adding a "mini" traffic circle and closing off the head of the square is worth the sacrifice and impact to the existing property owners on Central Square and perhaps the entire Downtown area.

Incidentally, I used to live in West Keene (Trowbridge Rd) and Downtown (Summer St) and biked everywhere in the City and I remain an avid cyclist with both road and mountain bikes. I used to work at the old Friendly's and the old Henry David's, my father's office was very close to Downtown on Washington Street, and I was an active member of the UCC Youth Group and am an Eagle Scout with the venerable Troop 302. Given all those activities and jobs, I do not remember once riding through Central Square and up or down Main Street to arrive at those locations. The simple fact is that bicycle traffic through Downtown is minimal because there are plenty of options to avoid Downtown if you are riding a bicycle, unless you want to reach a business Downtown, in which case a rider is willing to accept some delay for just 2-3 blocks. And I would welcome the cycling stakeholders to conduct a scientific study and provide the data if they believe their rightful prerogatives and interests are sufficient to justify wholesale changes to Downtown.

I say assumption above because the methods used to select alternatives consists of a simple and unexplained (is it weighted or prioritized or are all elements shown equal?) ranking system of 1, 2, or 3 little black circles (this is arbitrary, but a differentiation scale of 5 or 10 is also common), with little explanation to either the existing conditions or the "do-nothing" alternative. Do these

circles represent the consultant's opinion, the City's opinion, some joint opinion, or the public's opinion? I also ask because the selected alternative appears to be ranked #3 out of 4 of those limited options considered, which I expected to also consider a "technology-only" alternative and an alternative to convert the entire Central Square area to a signal-free traffic circle.

Regarding the traffic analysis, while I am not a subject matter expert in this particular area, I am skeptical for two qualitative reasons. One, the size of this "mini" traffic circle is at best ½ to ¼ the areal size of any other traffic circle in the City, is proposed to be a single lane, and is in a critical, high-traffic volume location. And all drivers, much less those who have been educated in road design, know that when you decrease lane or median width or any other roadside appurtenance encroaches on a driver, you slow down and become more conservative in your decision making. It would be helpful if the City released any technical report, including modeling assumptions, which addresses the bare figures available on the project website, because I doubt too many readers who are not trained scientists or engineers know what a "box-and-whisker" plot represents. All of these issues would benefit from a release of the Stantec authored reports containing these descriptions of means and methods and the details of their analysis.

Regarding public outreach and the "polling" presented, the only two sets of facts I see from a City of over 20,000 in population are a single set of questions where no question/response got more than 30 votes and a public hearing at the Colonial Theater where there was a total of 85 responses with only 41 persons in attendance voting. This level of public participation means the information the City is acting on cannot represent all the stakeholders impacted nor the general population in Keene. Furthermore, it is not clear the rationale behind who was appointed to the "ad-hoc" committee "steering" this project, but it appears this committee has no representatives directly impacted by these design choices. The Stantec contract/scope of work references a "PPP" or Public Participation Plan, and it would be useful to make this plan available to the public.

A well-designed poll that accurately captures public and stakeholder sentiment is very difficult to compile and requires both subject-matter experts as well as political and social scientists and professionals. For instance, the questions that appear to have been asked are singular, in that they don't ask what a preference is in conjunction with a consequence (a "closed-ended" question - https://www.pewresearch.org/our-methods/u-s-surveys/writing-survey-questions/). Of course a poll will reflect a lot of "nice things to have" if cost and impact are disregarded or in this case, apparently not even asked. For instance, a meaningful question to ask might have been "Are you in favor of dedicated bike lanes at the expense of traffic lanes (or parking spaces, or trees, or greenspace, or mobility-limited access).

The Stantec proposal speaks to methods of public outreach including focus groups and a stakeholder database, but the City website does not indicate how these methods were employed. In addition, even if employed, to what extent was advertising using direct mail, local print and TV venues, or even posted notices used to communicate and attract public participation? The numbers historically involved in the planning process and the level of public outrage post-recommendation of an alternative suggest not enough of these activities were performed.

Finally, the evaluation by Stantec seems to include issues that are best left to the Keene public at-large and their elected officials. Included in their ranking matrix are the issues of "Define/Expand Connection to Downtown District" and "Strengthen Image and Character, Including Arts and History" with choices/selections ostensibly coming from Stantec that significantly influence the outcome. These rankings give rise to the concern that not all issues should be equally weighted, as some issues may be significantly more important than imposing multimodal transportation changes or upgrading the walking environment absent implementing the RRFB's and other possible passive control technologies referenced in the Stantec proposal. Issues of sentiment are typically not the purview of consultants without significant public input, so apparently this outcome reflects those preferences of the steering committee managing Stantec or a lack of time and budget to conduct this critical task properly. This is also an area where a professional "facilitator" is typically used who has no other role or allegiance on the project.

The November 15th Steering Committee Minutes (https://keenenh.gov/sites/default/files/2022-12/2022_11_15_AHDIP_Minutes_Adopted.pdf) make clear that there has been a "rush to judgement", with the City Manager wanting to narrow the options simply because the Stantec budget is limited. In addition, the Mayor actually suggested a City Councilor go survey his constituency instead of the paid consultant hired for this purpose.

There is a simple solution to the deficiencies identified above. Conduct the subsurface infrastructure improvements required and obtain the benefits of any "low-hanging-fruit" in terms of the restoration (undergrounding utilities, new sidewalks, improve curb and gutter, drains, stormwater management, etc.) and continue to study the potential surface modifications to the existing streets. There is a marginal cost penalty in waiting to make any impactful surface modifications compared to the cost of the buried infrastructure work.

The City could conduct demonstrations of any of the proposed changes by blocking off any street or street section under evaluation for a period of time and actively monitoring the impacts, or by temporarily installing "K-Rail" or other temporary traffic control measures (https://dot.ca.gov/programs/construction/construction-manual/section-4-12-temporary-traffic-control#4-1202B) and testing and demonstrating the "mini" traffic circle on a real-world (not model) basis. Finally, a project of this magnitude would benefit from the appointment of an independent, 3rd-party, expert review panel composed of all needed competencies to ensure the integrity of the outcomes.

There is a great deal in the existing infrastructure project that the City and Stantec can trumpet and should obtain major credit for. Most cities across the USA defer their buried infrastructure replacement until the consequences cost far more than the remedy. Replacing the Downtown buried infrastructure will provide security and reliability for the next 100 years, and prevent water loss (leaks and ruptures, a resource issue), degradations in water quality (corrosion and residual loss, a public health issue), and the risk of contamination (sewage pipe leaks and rupture, an environmental protection issue). The elected officials and managers at the City should be satisfied with this accomplishment and continue to study any significant change to the character of the Downtown area.

Sincerely,

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Thursday, February 16, 2023

Hon. George S. Hansel
Mayor
3 Washington St.
Keene, NH 03431

cc: Mitchell H. Greenwald, Chair, Municipal Services, Facilities & Infrastructure Committee
Kate M. Bosley, Chair, Planning, Licenses and Development Committee
Thomas F. Powers, Chair, Finance, Organization and Personnel Committee
Andrew M. Madison, Member, Downtown Infrastructure Project Steering Committee
Randy L. Filiault, Member, Downtown Infrastructure Project Steering Committee
Elizabeth A. Dragon, City Manager

via Electronic Mail

Dear Mayor, Members of the Keene City Council, and City Manager:

I am writing to you again as I remain genuinely concerned about some elements of the Downtown Re-Design Study and fear several potentially disastrous outcomes to the overall Downtown aesthetic. My concerns include very real deleterious impacts to traffic, diverse access, and business viability may result if the Alternative recommended by the Ad-Hoc Committee is approved and implemented.

I am encouraged that about the same time as I submitted my last letter to you for your review that the project website was substantially updated and appears to have been continuously updated since that time with a great deal more project information. However, there are some rather conspicuous absences or gaps in the publicly available information in terms of study design, traffic study design, source(s) of data, model use and analysis, rationale in the context of study design for the recommended Alternative selection and reporting of the full results of any of these activities.

The first public release and presentation of the current consultant-obtained traffic data to the Ad Hoc Committee was on 8/16/22 (Slide 18). The same data was presented graphically to the Committee on 9/28/22 (Slide 7). Traffic analysis graphical results were presented to the Committee on 11/15/22 (Slide 21). If that selected data and analysis was ready to be presented in a public document for Committee analysis and decision-making as far back as 3-6 months ago, it is not clear why in Jan/Feb of 2022 the full balance of all traffic data, methods and analysis is not also publicly available.

An area of additional concern is the effort to obtain historical traffic data and analysis and incorporate into the current study. If this has been done, I can find no reference or use of any historical information or data, even though this element has a budget and was included in the consultant proposal and scope of services (Data Collection Inventory (Task 1 - $37,000) and Traffic Analysis (Task 4 - $40,000). It has been related to me by a former City Councilperson (and world-class engineer) that when the City previously evaluated and implemented the existing

traffic circles, that they also evaluated converting the current Central Square (which has a total area of approximately 50,000 square feet) to a signal-less traffic circle and found such a conversion infeasible. I am also told that despite the relatively large area when using Central Square in its entirety, such a traffic circle would have needed to be the dual, in-series, type of traffic circle to function properly. I do not have any other anecdotal or written evidence, but given what I have learned about traffic circles and their sizing, this representation and analysis strikes me as being correct. Of greater concern is why there is no reference or incorporation of all of the prior work the City has done regarding traffic circles in the current analysis.

Moreover, it appears that the current traffic analysis is based on a recent "snapshot" of limited traffic data that was collected on the heels of an economy that was still recovering from Covid-19. What is concerning is that there is a large volume of traffic data available from NHDOT regarding the traffic volumes and associated timing in and around Central Square (https://www.nh.gov/dot/org/operations/traffic/tvr/detailsheets/keene/index.htm).

I have attached to this letter examples of this data, and I find several elements of this attached data relevant:

- That average daily volumes are remarkably consistent over a 15-year period (1998-2013),
- NHDOT reports peak hour volumes, and I can find no reference or use of this metric in the information available from the City,
- Both the average daily and peak hour volumes appear significantly higher than those reported in the current study.

The reason I say that the information presented to the City and then by City to the citizens of Keene is likely incomplete in that there are some very typical and customary elements to a planning or feasibility study that are not found in the information on the City's website, in this case relating to the traffic study and analysis. These elements may include:

1. A basis of design,
2. Precedents of implementation and comparison of design criteria,
3. Model input parameters,
4. Sources of data and assumptions related to model input parameters,
5. Ranges of model input parameters,
6. Robustness or precision of model input parameters,
7. A weighting of importance of input parameters,
8. A sensitivity analysis of model outputs related to assessing these ranges of input parameters,
9. An explanation of the multi-variate permutations of sensitivity analyses,
10. A failure-mode analysis of the model,
11. Instances or examples of model validation and observed variations.

As a partial example of such an analysis I have attached a presentation of a traffic circle/mini roundabout analysis conducted by another large domestic US engineering consulting firm for a city in Texas (https://www.nctcog.org/getmedia/57bdd772-1d6b-4d1f-a344-94ab249ec392/2019PWR-MiniRAB-FINAL.pdf). In this presentation on Slide 8, you will find

criteria for a "mini" roundabout. Some of these design criteria or appropriate site selection criteria include:

- Daily entering volumes will not exceed 15,000 vehicles per day,
- Hourly entering volumes will not exceed 1,600 vehicles per day,
- Residential areas,
- Rural areas, traffic calming measure (slow speed),
- Low truck volume – 3% or less.

Additional information can be found in this National Cooperative Highway Research Program report - https://nacto.org/docs/usdg/nchrprpt672.pdf.

There is a real possibility that the traffic analysis that the City is relying on to justify the selection of the recommended Alternative is flawed. Several of the criteria listed above are simply not found in any of the publicly available information from the City. A review of these criteria and any set of data for the City of Keene, whether the current consultant data or any historical data, suggest that a 5-leg, mini-roundabout replacement for Central Square in the Downtown area ***is not feasible***, regardless of any model output. It is likely that the modeling effort simply has not considered some real-world scenarios that would reduce the capacity of the mini-roundabout to levels that render the concept ***not feasible***.

From a risk perspective, I believe it is more likely than not that any and all of the current redesign options presented ***will harm downtown businesses, degrade traffic conditions, reduce access, and negatively impact the aesthetic nature of Downtown Keene***.

Finally, it is simply erroneous to think that multi-modal transportation will increase at the expense of passenger vehicle traffic in a low-density rural town or even needs to increase as the USA and the World address climate change. What is needed and what is happening around the country is a transition to electric and hydrogen-powered vehicles powered by green energy. Witness the recent State Of The Union address by President Biden where he noted his administration is supporting the construction of 500,000 electric vehicle charging stations across the country (https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/02/07/remarks-of-president-joe-biden-state-of-the-union-address-as-prepared-for-delivery/). The proposed changes to Downtown Keene will produce negligible sustainability improvements. Attached to this letter is a report by the Brookings Institution that identifies some of the major contributions to carbon footprint. If the City wishes to make an investment and spend money to mitigate climate change and improve sustainability then I suggest they review this report for other initiatives (for instance subsidize the replacement of wood and oil-fired heating systems), install green energy charging/fueling stations and expand parking in the Downtown area.

Sincerely,

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MINI ROUNDABOUTS
AND
NEIGHBORHOOD TRAFFIC CIRCLES

NCTCOG Public Works Roundup

May 21, 2019

Laura Melton, PE

Dana Shumard, PE

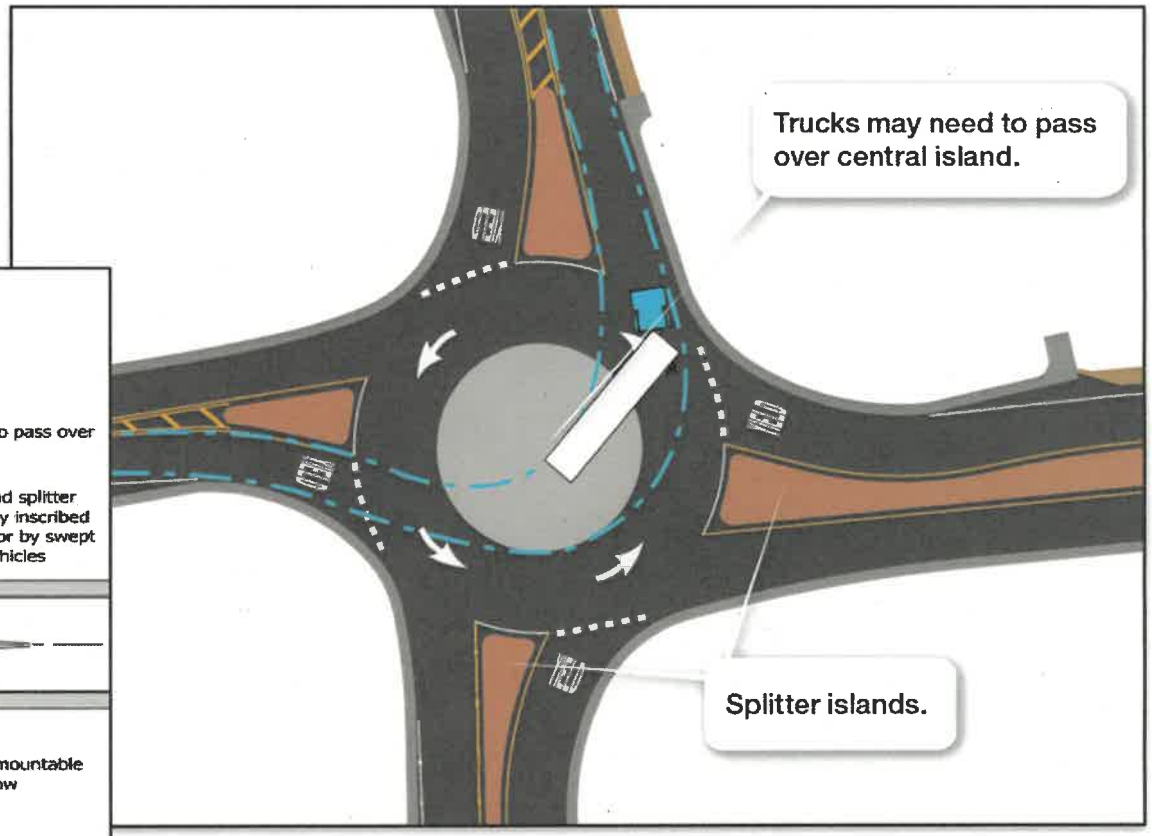
Agenda

- Definitions of Mini Roundabout and Neighborhood Traffic Circle
- Comparison of Mini Roundabout and Neighborhood Traffic Circle
- Benefits of Mini Roundabout and Neighborhood Traffic Circle
- Site Selection for Mini Roundabouts
- City of Burleson Case Studies
  - Summercrest Traffic Circle
  - McAlister Mini Roundabout
- FHWA Mini Roundabout Study Results
- Examples and Costs
- Temporary Mini Roundabouts
- Questions

Mini Roundabouts

- Small Roundabouts with fully transversable central island
- ICD: 50 FT – 90 FT
- Minimal increase to existing footprint
- Splitter islands to direct traffic
- Yield Entry
- Target Speeds between 15-20 MPH
- Pedestrian crossings

Mini Roundabouts



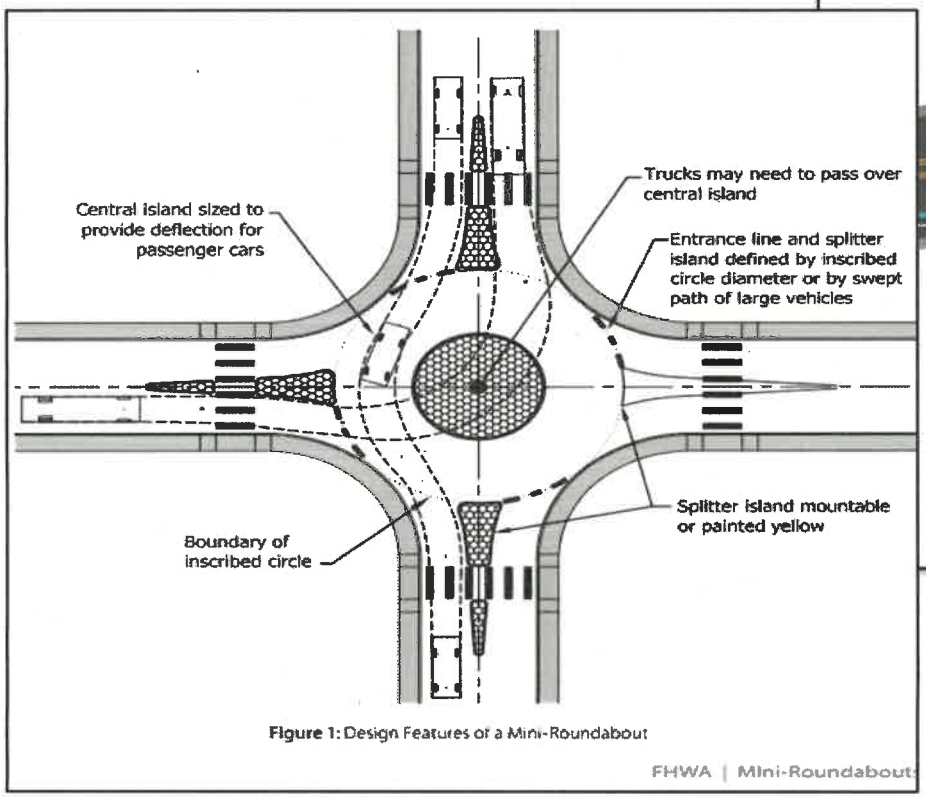


Figure 1: Design Features of a Mini-Roundabout

FHWA | Mini-Roundabout

Neighborhood Traffic Circle

- Intended as a traffic calming measure
- Built within existing intersection footprint
- Minimal to no deflection angle at approaches
- Operates as a “rolling stop”
- Largest vehicle bus or fire truck
- Central island has landscape

Neighborhood Traffic Circle vs Roundabout

Neighborhood Traffic Circle	Mini Roundabout
• Traffic calming measure • Can be built within existing intersection footprint • No Splitter islands/Minimal to no deflection angle at approaches • Operates as a "rolling stop" • Bus or Fire Truck largest vehicle • Central Island has landscape	• Traffic control measure • Larger than traditional intersection • Splitter islands to reduce speeds and channelize traffic entering • Low entry speeds • Larger radius on entry and exits for fire trucks and buses • Mountable truck aprons for large trucks • Increases Capacity

Benefits of Mini Roundabouts and Neighborhood Traffic Circles

- Reduced delay compared to stop control (AWSC)
- Traffic calming at intersection or along corridor
- Compact Size – fits within existing right-of-way
- Low cost
- Improve traffic safety
- Meet needs of pedestrians and bicyclists
- Aesthetics/Gateway Opportunities

Site Selection – Mini Roundabout

- Daily entering volumes will not exceed 15,000 vpd
- Hourly entering volumes will not exceed 1,600 vph
- Typical speeds are 35 MPH or less
- ROW/Space Constraints
- Residential areas
- Rural areas, traffic calming measure (slow speed)
- Collector/local or local/local
- Low truck volume – 3% or less
- **Replacement for AWSC – Can significantly reduce delay**

CITY OF BURLESON
CASE STUDIES

Summercrest Traffic Circle

Vicinity Map

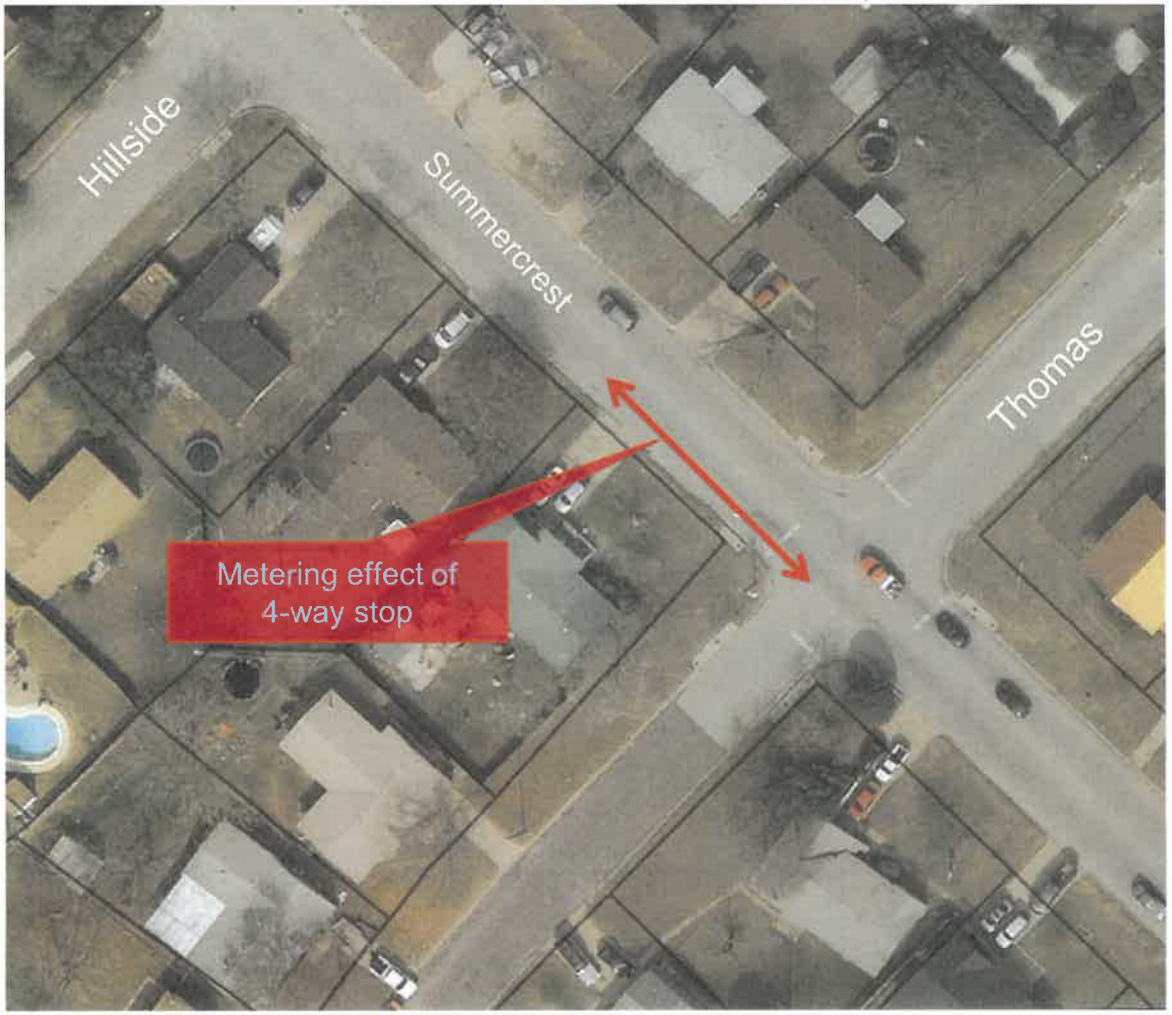
Summercrest Traffic Circle

- Summercrest is a Collector Street
- 9,000 vpd
- Complaints due to not being able to enter Summercrest from side streets
- Traffic Study performed by KH
- "Metering" effect of the 4-way stop added to the problem by preventing gaps in traffic

Summercrest Traffic Circle

- Existing 4 way stop causing metering effect - a steady stream of vehicles evenly spaced in the next few blocks – no gaps

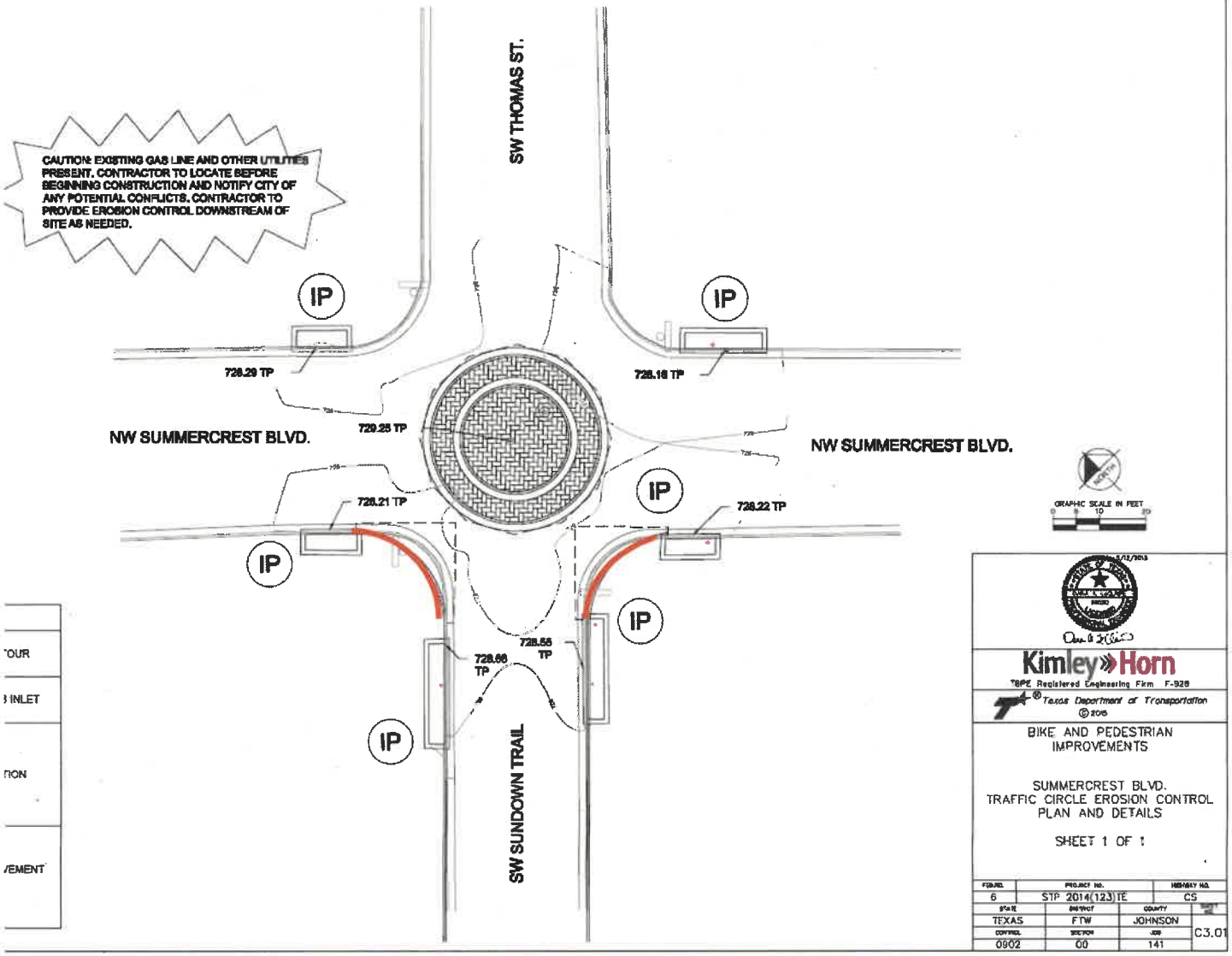
- K-H recommended Traffic Circle to:
  - allow continuous traffic flow, keeping groups of cars together and allowing gaps to be created
  - Improve intersection efficiency – solve long lines at the stop signs
  - Calm traffic – still keep speeds down



Summercrest Traffic Circle

Circle Construction

- Done within existing ROW
- Modified curb return on 2 sides
- Construction Cost: **$48,297.37**
- Bid August 2015
- Const. Complete July 2016



Summercrest Traffic Circle

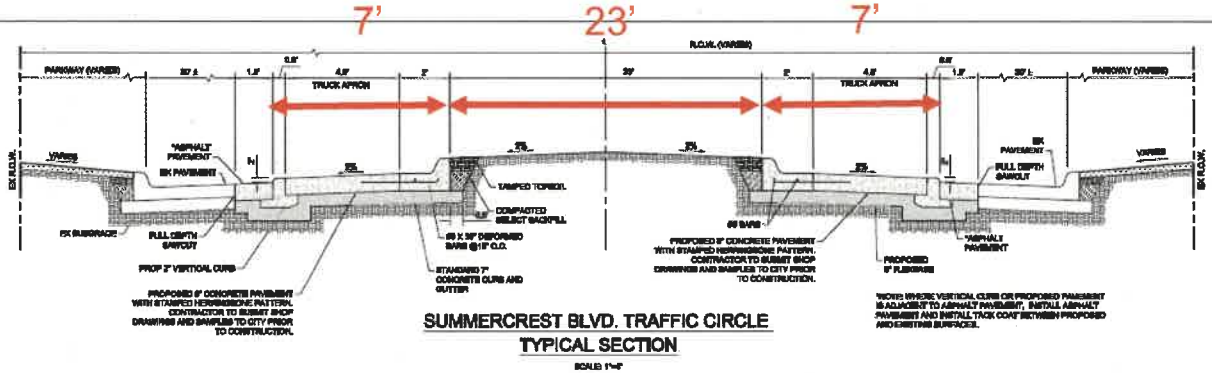
Summercrest Traffic Circle

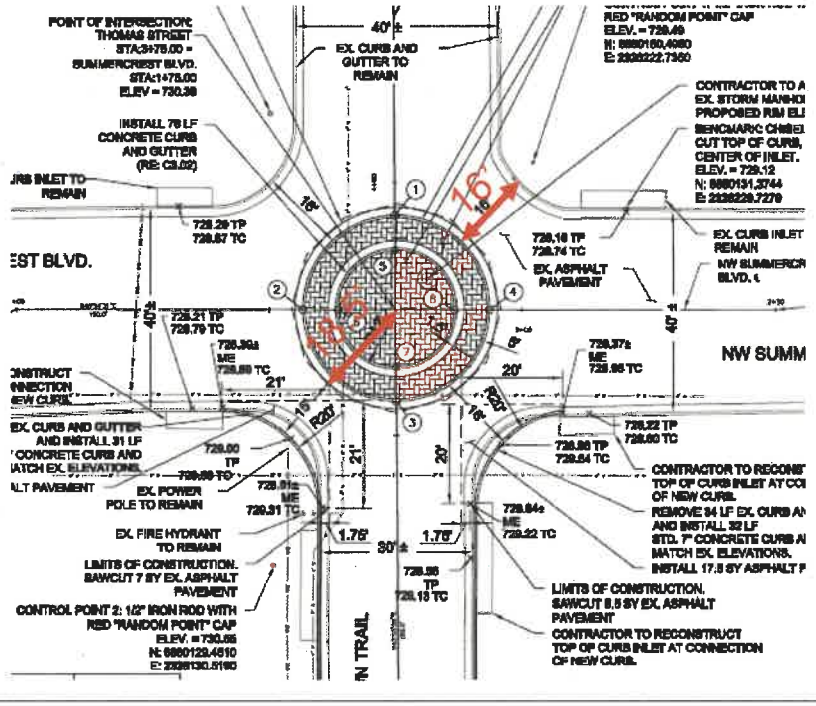
The Numbers

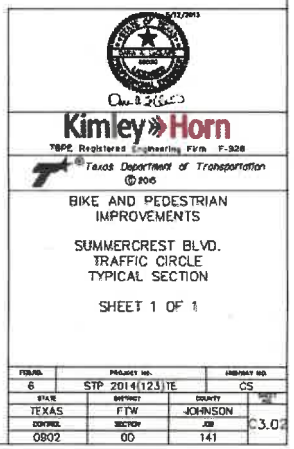
Traffic Volumes:
- Summercrest : 9,000 vpd
- Thomas : 6,000 vpd

Before Section:
- Exist. Pavement: 40' b-b
- No lane/pavement markings
- 2 lanes w/ on-street parking
- 4-way stop at intersection

Traffic Circle:
- 16' Lane widths
- Inner Raised Island: 23' Diameter (between curbs)
- Truck Apron: 7' wide (including curbs)
- Inside edge of Driving Lane: 18.5' Radius







Summercrest Traffic Circle

Main Complaints:

- Firetrucks can't use it (FALSE)
- School buses can't use it (HALF TRUE)
- Too small / difficult to maneuver
- Uncomfortable using it
- Don't like it – don't like change

Traffic Engineering Standpoint:

- Significant traffic flow efficiency improvement for 9000 vehicles per day
- Traffic flow efficiency = air quality benefit
- Peak times – school traffic – significantly less backup at the intersection (5-10 cars vs. almost to SH174)
- Improved ability to access Summercrest from side streets (no metering effect)

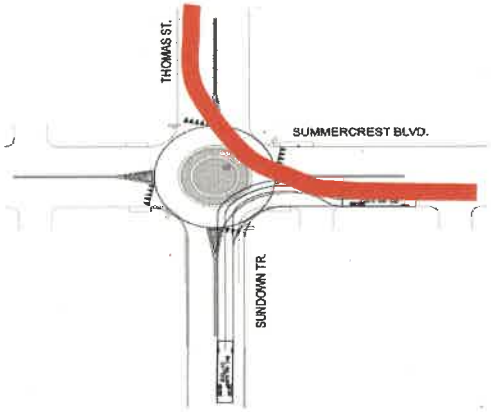
Public Acceptance Standpoint:

- Strong initial negative reaction from some (200-300 people)
  - (most common comment - don't like change)
- Some remain vocal about dislike of circle 3 years later
- Most People are getting used to it / Positive (rebuttal) comments have increased on social media
- Several people that live on Summercrest like the changes to traffic:
  - Ability to get out of their driveways (not blocked by backup at stop signs)
  - Significant noise reduction
  - Much less traffic backup

Summercrest Traffic Circle

Firetrucks and School Bus Facts:

- All Firetrucks and school buses can go straight thru the circle
- All Firetrucks and school buses can turn right
- All Emergency Vehicles except the Ladder Truck can make left turns in the circle
- The Ladder Truck and School Buses can not make left turns
    - School bus routes have been adjusted
    - Fire Department Ladder Truck can cut through the circle to go left



7 vehicles in 20 seconds

7 vehicles in 36 seconds

Traffic Circle is 44% more efficient in this example

00:00:00:00

12345678

1234567

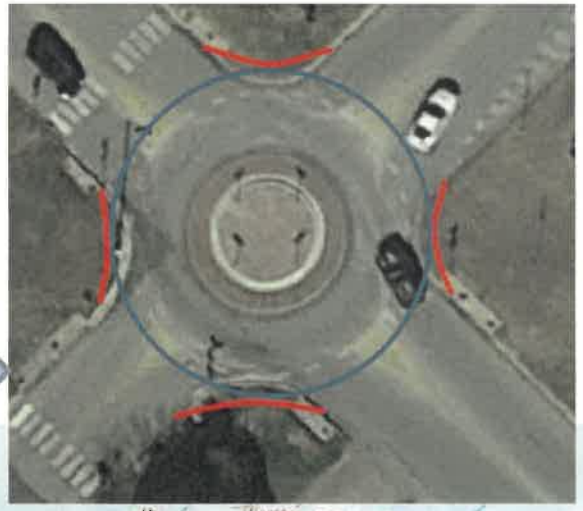
Summercrest Traffic Circle

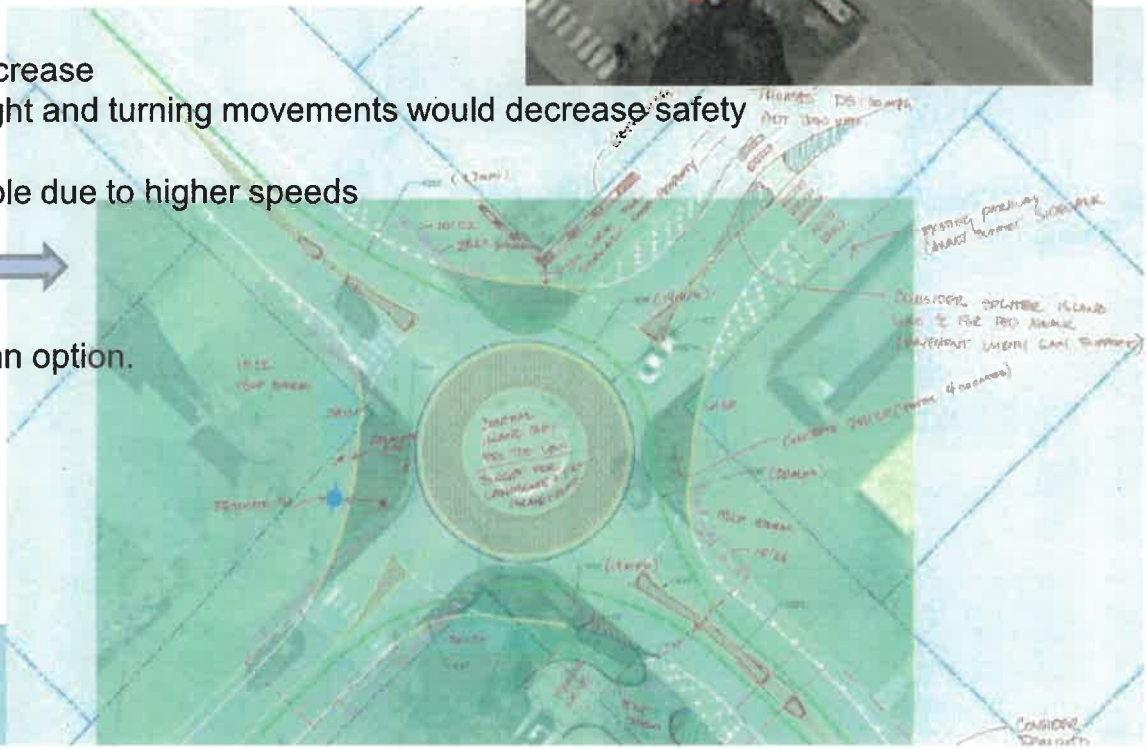
Addressing Complaints -- Options for Changing the Circle

Options to Change the Circle:

1. **Remove it – go back to 4-way Stop:**
   Cost: $36,000
   - Concern: Might be people that prefer the circle that would then complain

2. **Make the Circle Larger**
   - Can we make the existing circle larger?
     - Answer: NO, not recommended.
       - Speeds through the circle would increase
       - Differential between speed of straight and turning movements would decrease safety significantly
       - More people would be uncomfortable due to higher speeds
   - Can we make a larger circle?
     - Answer: YES. True mini-roundabout is an option.
     - Cost: Estimated at $400,000+





Kimley»Horn

Summercrest Traffic Circle

Lessons Learned

- Think twice before putting one in established neighborhoods with long-term residents
- Don't let public opinion sway you to an unsafe design
  - The circle has to be tight to keep speeds down
- Figure out pedestrian issues and how to solve them early on
  - Traffic does not stop anymore
  - Wait for circle to clear…
- They WORK!!
  - keep traffic moving
  - Prevent traffic from going too fast

McAlister Road - Mini Roundabout

McAlister Before – 3-way Stop

Existing Conditions:

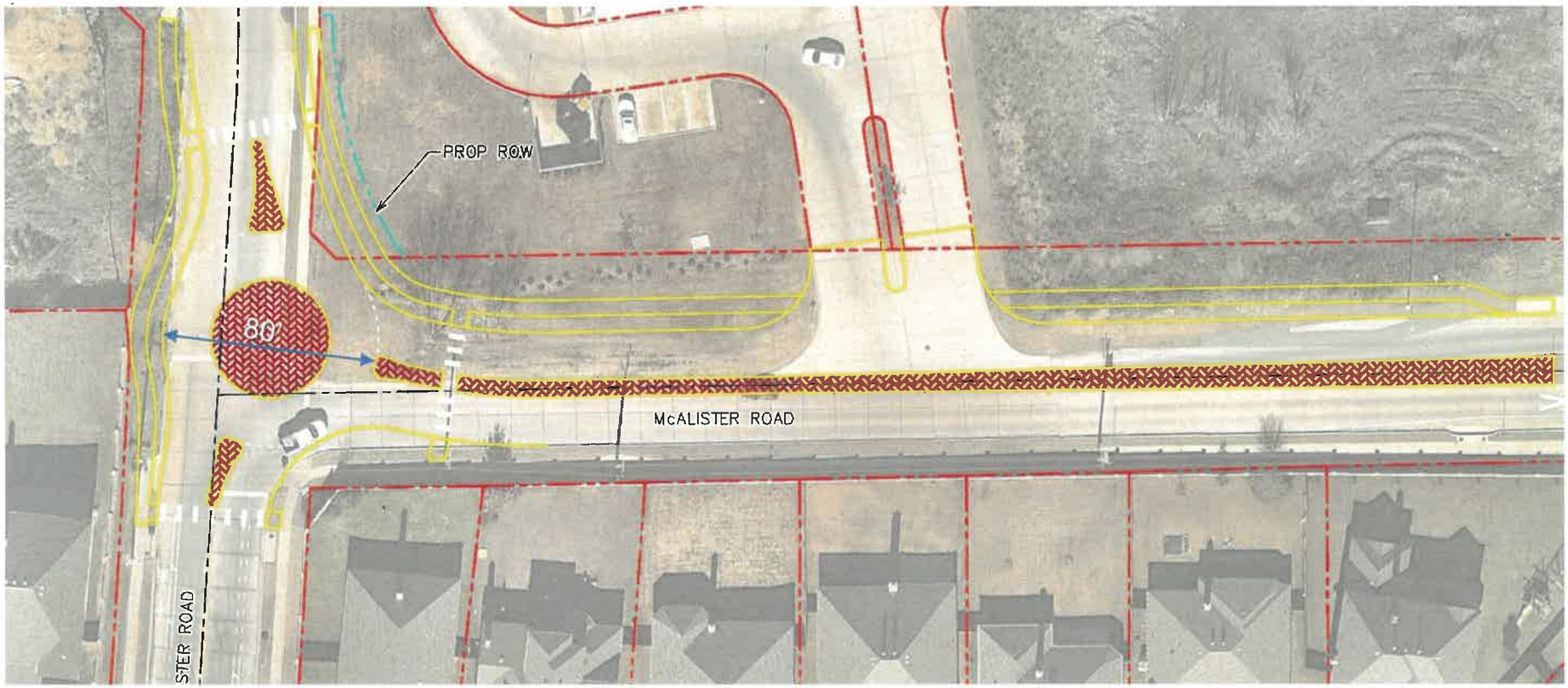
- 3-way stop condition
- All roads 1 lane each direction
- High Left Turn Volumes
- Peak hour backups 1000'+

Mini Roundabout Retrofit

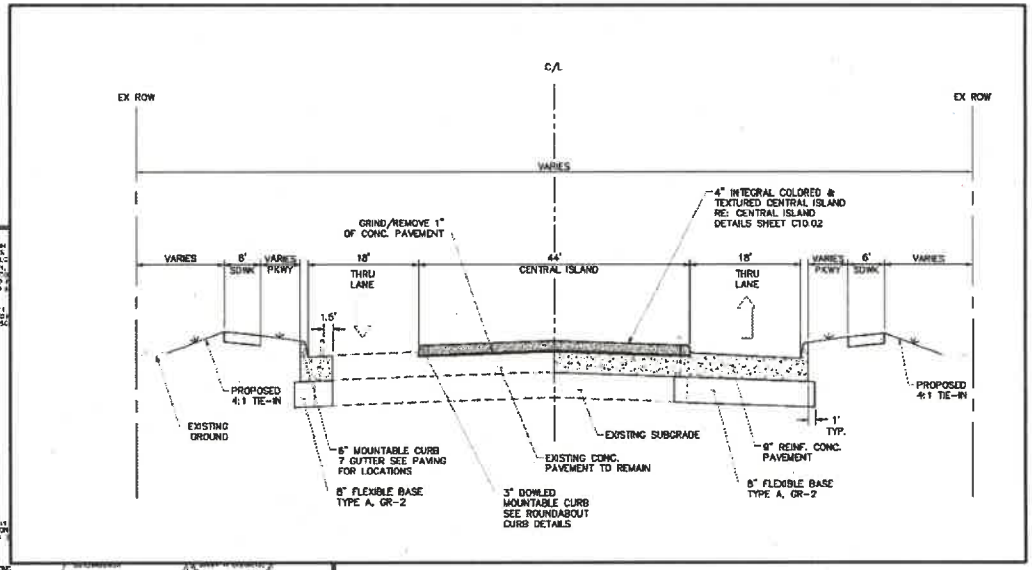
Project Elements:

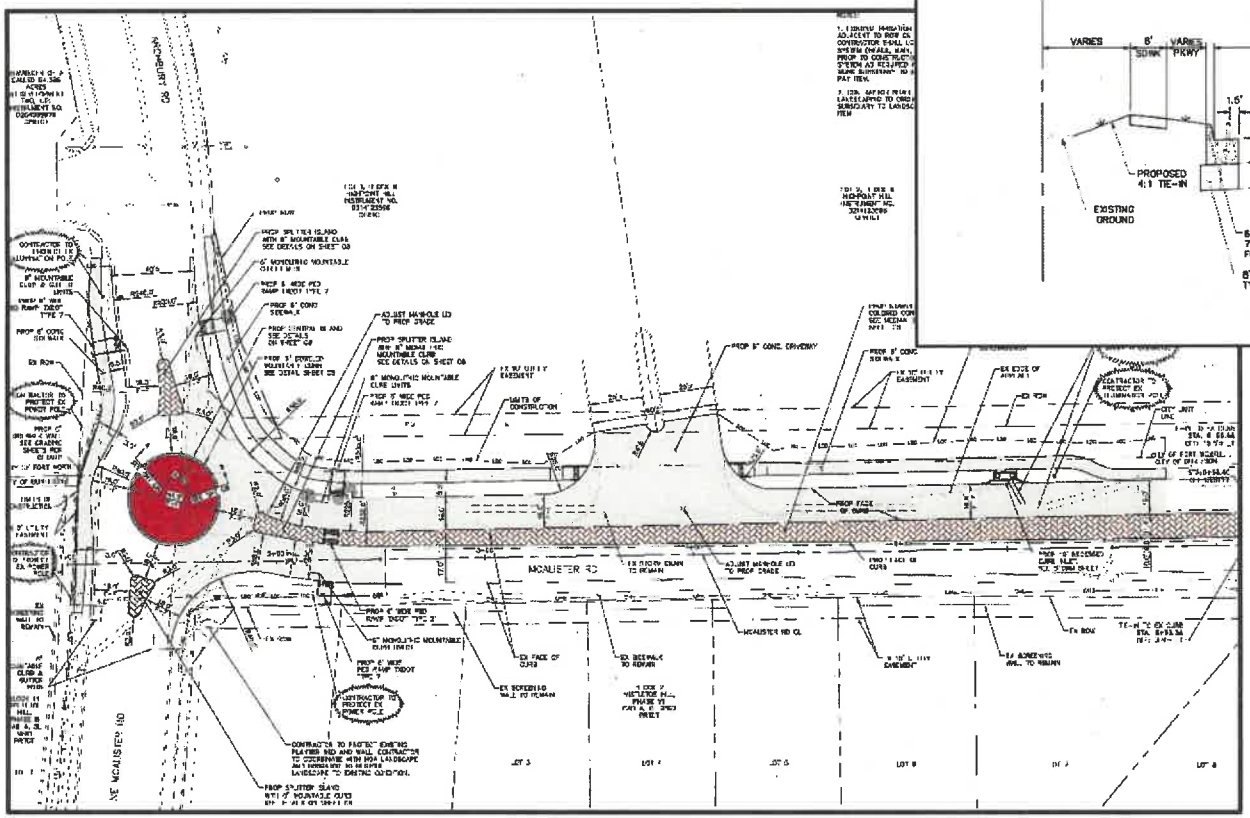
- Tie to existing City of Fort Worth section
- Pavement widening on the north side
- Narrow median
- Mini-roundabout at intersection

- Completed Construction Mid March 2019 (6 months)
- Project Construction Cost: $465,000
- Roundabout Only ~$325,000

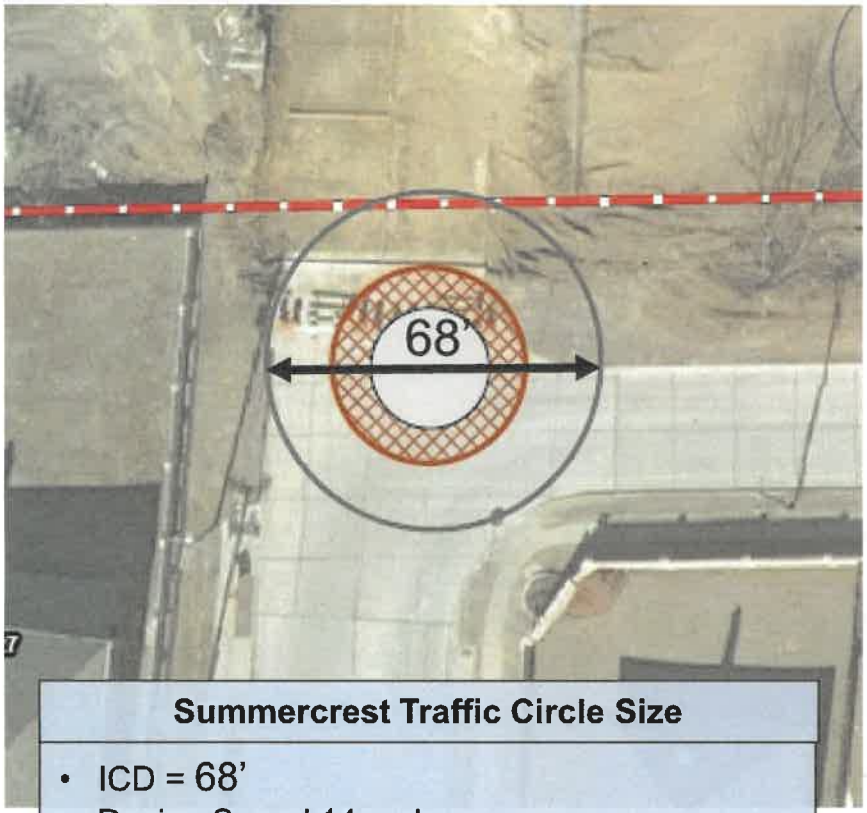


Mini Roundabout Retrofit



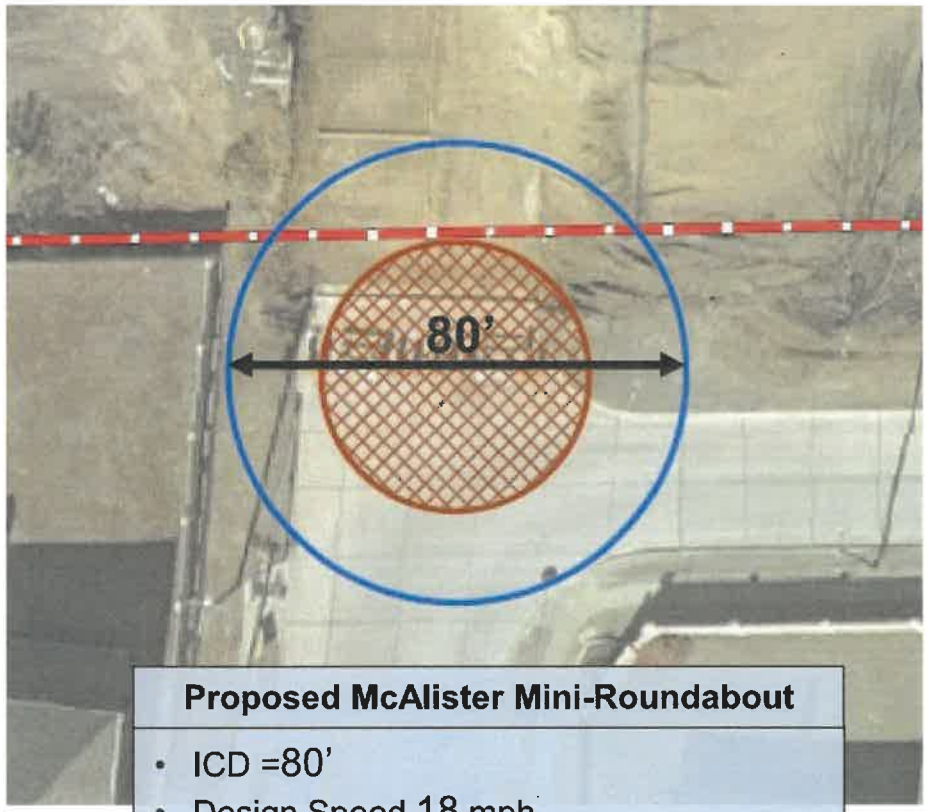


Summercrest vs. McAlister



Summercrest Traffic Circle Size

- ICD = 68'
- Design Speed 14 mph
- 16' lane width
- 3" mountable curb, 7' truck apron
- Raised Inner median & with signs
- Not traversable



Proposed McAlister Mini-Roundabout

- ICD =80'
- Design Speed 18 mph
- 18' lane width / 44' diam truck apron
- 1" to 3" over 12" mountable curb
- Flat Inner median & no signs
- Fully traversable

McAlister Mini Roundabout

McAlister Mini Roundabout

McAlister Mini Roundabout

How's It Working?

- Great!
- No traffic backups
- Accepted well by the Public
  - New Neighborhood
  - Larger size
  - 4-way stops nearby that back up significantly
- Pedestrian crossings work well

MCALISTER RD AND NE MCALISTER RD
BURLESON, TEXAS

FHWA Mini-Roundabout Study

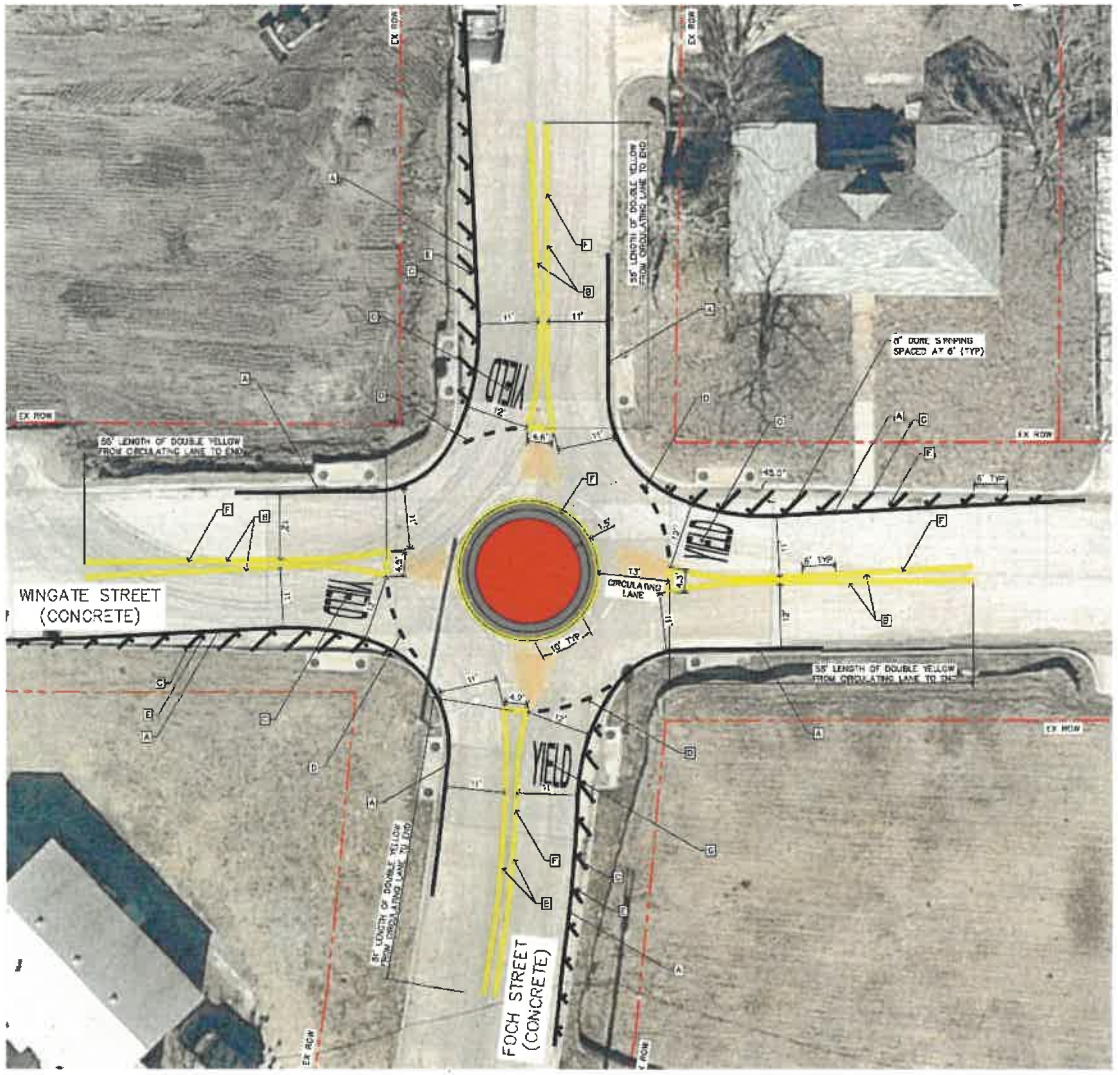
- Source: TRB Webinar March 21, 2017
  - Mini-Roundabout, Is the US Ready to Take Advantage of their Benefits?
- Study started in 2009 and concluded in 2016
- Evaluated a total of 15 mini-roundabouts in 7 states
  - 14 were converted from existing intersections
    - 8 previously AWSC
    - 6 previously TWSC
    - 1 new intersection
- ICD from 47' to 90'
- Peak Hour demand up to 1350 vph
- Major road speed up to 50 mph
- Costs: $25K to $400k per intersection, high capacity mini's tend to be around $300 K

FHWA Mini-Roundabout Study Results

- Prior AWSC Intersections
  - Very effective in eliminating congestion
- Prior TWSC Intersections
  - Effective in lowering major road speed, and providing more gaps to minor road traffic
- All Types of Intersections
  - Reduce pedestrian crossing distance by ½ to ¾ (better safety)

EXAMPLES

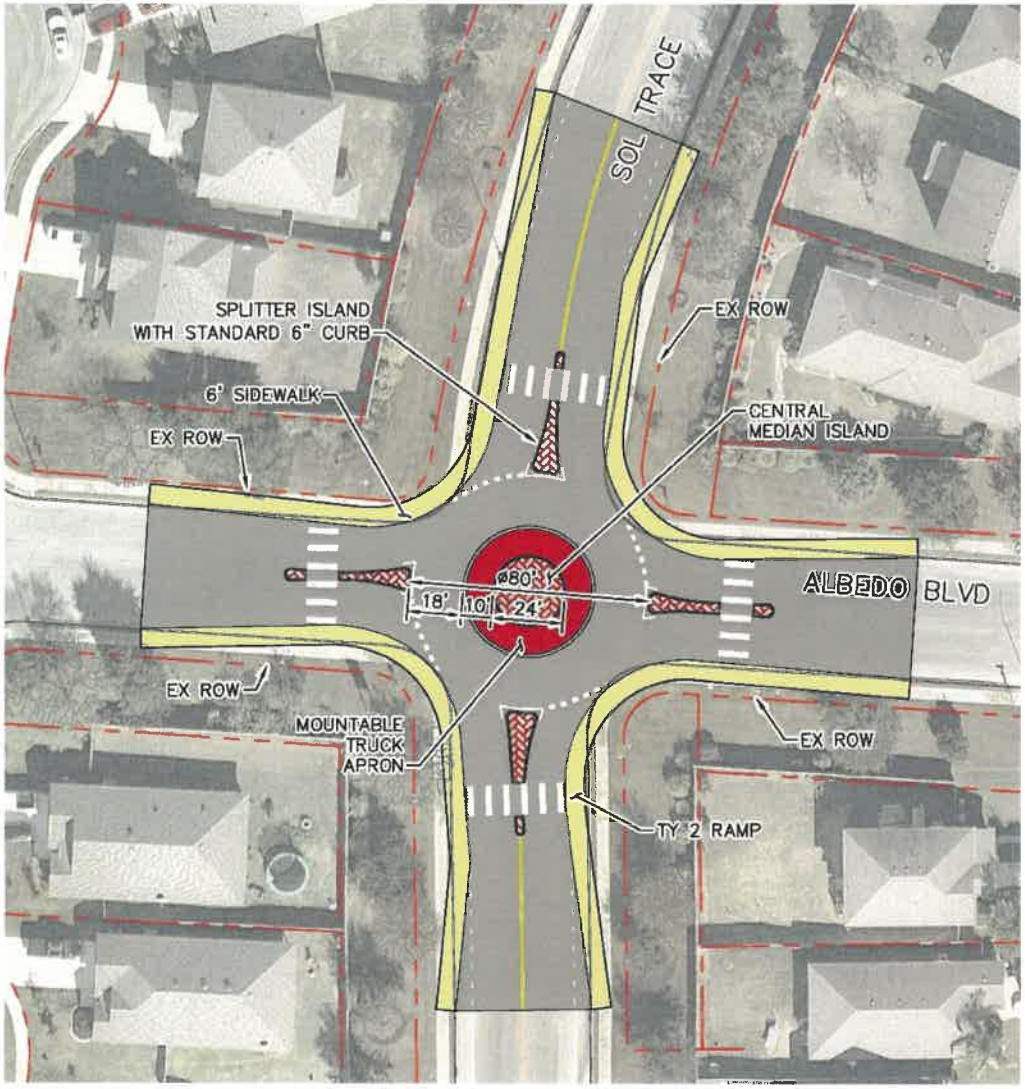
Fort Worth



- TWSC
- Temporary Traffic Circle w/ markings (30mph)
- Mini Roundabout - Retrofit - $30,000

Fort Worth

San Antonio



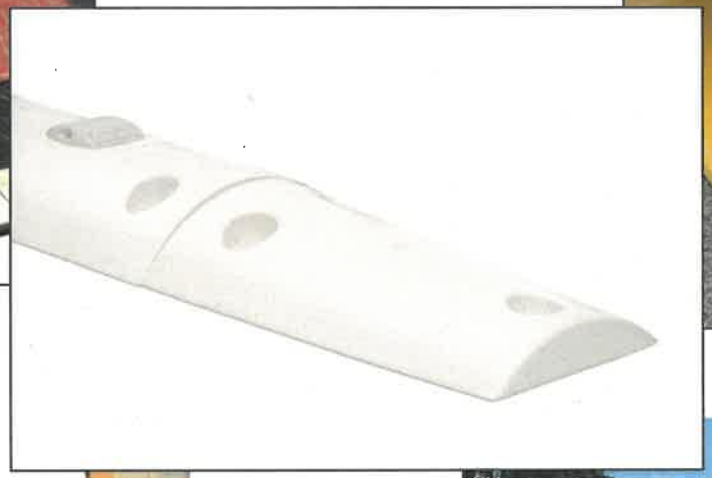
San Antonio – 2 Intersections

- AWSC (30mph)
- Traffic Calming Program
- No drives or parking along the street (40' wide)
- Full reconstruction due to pavement condition
- Construction Cost: $250,000 each (unit price contract)
- Begin Construction May 2019

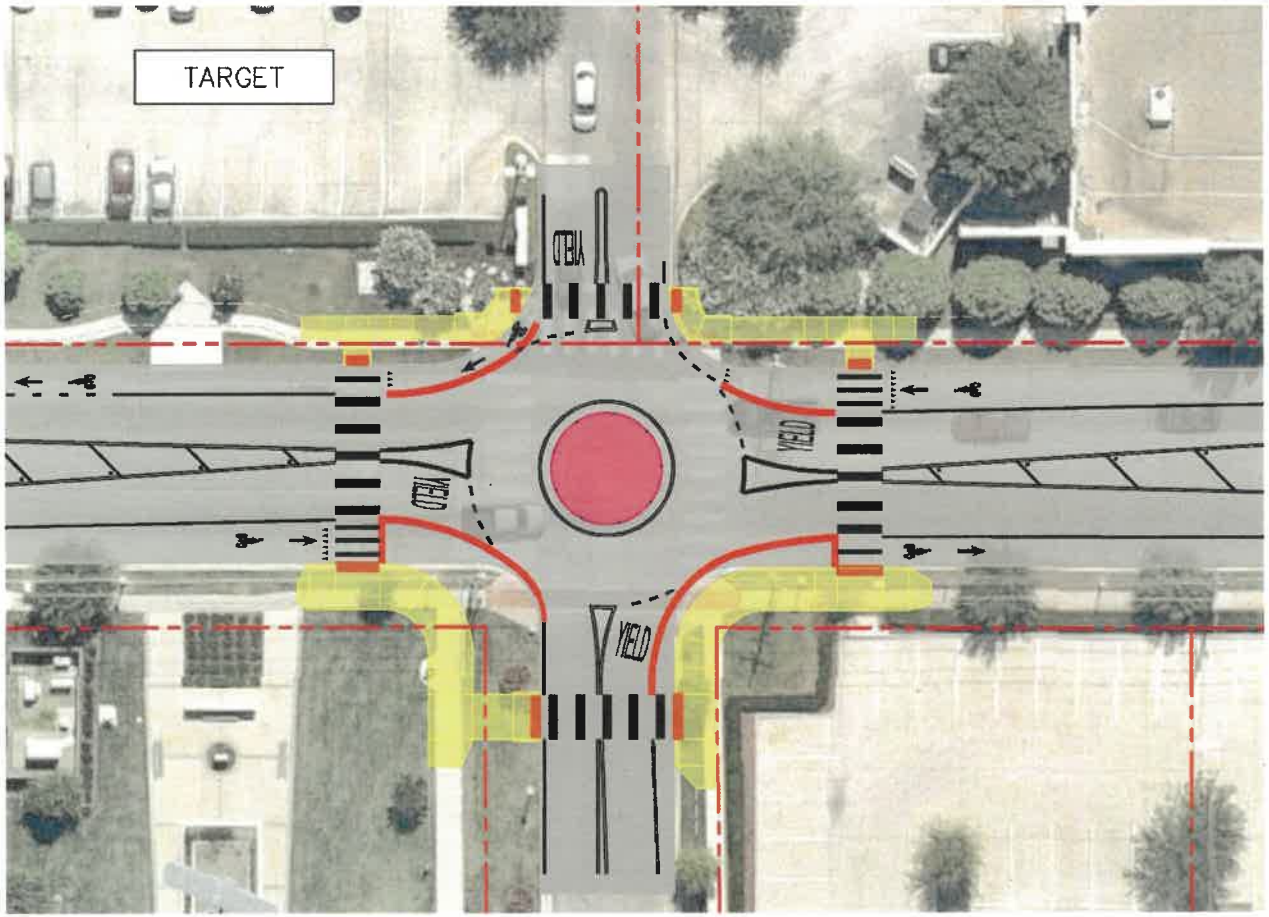
What is a Temporary Mini Roundabout?

- Maintains Existing Intersection Footprint
- Non-permanent roundabout
- Made with readily available materials
- Can be installed and removed without affecting the existing intersection
- Allows us to test how a roundabout will function

Temporary Roundabout Materials



Temporary Roundabout



Fort Worth

- AWSC (30mph)
- $60,000
- Truck Apron Purchase Cost: $20,000

References/Resources

- FHWA Mini Roundabout Technical Summary, 2009: https://safety.fhwa.dot.gov/intersection/innovative/roundabouts/fhwasa10007/fhwasa10007.pdf
- NCHRP 672, Section 6.6: https://www.fhwa.dot.gov/exit.cfm?link=http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_rpt_672.pdf
- ITE Mini Roundabouts in Minnesota Benefits of Roundabouts a Smaller Footprint and Lower Cost: https://www.ite.org/pub/?id=3CDB08B4-087D-EE22-4972-9E8731B3148C
- TRB Webinar March 21, 2017 - Mini-Roundabout, Is the US Ready to Take Advantage of their Benefits? http://onlinepubs.trb.org/onlinepubs/webinars/170321.pdf
- NACTO, Urban Street Design Guide: https://nacto.org/publication/urban-street-design-guide/intersections/minor-intersections/mini-roundabout/
- Traffic Products Australia Rubber Roundabouts: https://www.ctstraffic.com.au/roundabouts
- Traffic Systems West Rubber Roundabouts https://www.trafficsystemswest.com.au/products/traffic-calming/rubber-roundabouts/

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: March 16, 2023

To: Mayor and Keene City Council

From: Mary Arnott

Through: Patricia Little, City Clerk

Subject: **Mary Arnott - Downtown Infrastructure and Reconstruction Project**

Recommendation:

Attachments:
1. Communication_Arnott

Background:
Mary Arnott is writing to express what she would like to be included in the Downtown Improvement and Reconstruction Project and what aspects she does not support.

Mary Arnott
44 East Surry Rd
Keene, NH, 03431

March 4,2023

Keene Mayor and City Council
Central Square
Keene, NH. 03431

Greetings to the Mayor and the City Councilors,
It was pleasing to note that the city council has deferred the start of the needed infrastructure work to utilities; in the downtown area, and to review the extent of the project as this is likely to negatively impact local business owners when ever it occurs. Expert advice was sought but ultimately it is the people of Keene who will live with the results

I do think that greater attention to the results of these changes upon the less mobile of the town residents needs additional consideration. Requiring people going from a parked car to a credit card reader and back to then go shopping will likely deter many. The current way parking is addressed for users of city Hall is not good, It needs major improvement for all users.. Think of your neighbors with walkers and canes and ask their opinions. In winter the system is bad for all.

My preference for bike users would be remove the bike lanes from Main Street and encourage them on adjacent streets, Have plenty of bike racks so the bike users walk would be painless. The design available as planned allows for many car and bike unwanted touching. This would then allow a wider sidewalk where stores could hold outdoor sales or have outdoor dining.

Lastly two more items : the square would look more pleasing without the cars parked next to the square. If those places must be there then when events take place on the common have them for folks with handicapped plates. And assure this is strictly enforced.

My hope is that Court and Washington streets will remain two ways.

Sincerely, Mary Arnott

Mary Arnott

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: March 16, 2023

To: Mayor and Keene City Council

From: Deborah Bowie

Through: Patricia Little, City Clerk

Subject: **Debra Bowie - Downtown Improvement and Reconstruction Project**

Recommendation:

Attachments:
1. Communication_Bowie

Background:
Debra Bowie's communication is asking the City to prepare and publish a written response to questions she is raising in her communication regarding the project - such as pedestrian safety, fire route safety, impacts on area businesses, parking, bike lanes, historical considerations, costs, the approval process, pros and cons of the proposed changes, and areas where there can be a compromise.

Dear Honorable Mayor and Keene City Council Members:

I urge the Keene City Council to provide a comprehensible and straightforward report to residents and business owners regarding the proposed infrastructure plan currently under discussion. The report should address the following questions, which encompass a range of concerns that have been raised by fellow Keene residents. Our aim is to have the report published with the answers to the questions listed below.

Purpose:

- What factors influenced the recommendations to make modifications to the existing roundabout?

Pedestrian Safety:

- Will pedestrian crossings be equipped with flashing lights to stop traffic?
- Is there a possibility of traffic back-ups due to pedestrians crossing?
- Will there be enforced speed limits within the circle, and if so, what will the speed limit be?

Fire Route Safety:

- Will the Keene Fire Department continue to use the circle as a direct route?
- How will traffic be stopped for emergency vehicles in the circle?
- Has there been a study done comparing response time for the fire department with the current system vs the newly proposed system? Is it available to the public?
- Has the Keene Fire Department been consulted and issued a written opinion that is available to the public?

Police Department/Safety:

- Has the Police Department been consulted and issued a written opinion that is available to the public?

Area Businesses:

- What consideration is being given to the concerns of local businesses that oppose these changes?
- What are the pros and cons of the changes for businesses in Keene?
- How will this construction affect current business owners?
- How will this construction and potential conflict affect current storefront vacancies?

Parking:

- Is there enough downtown parking to meet the needs of the community?
- What additional provisions will be made to provide adequate parking?
- What are the ADA guidelines for public parking, and will these needs be met? Has appropriate consideration been made for accessible parking?

Bike Lanes:

- How will bicyclists enter and exit the traffic circle?
- Will there be enforcement measures for situations where bicycles need to be walked for safety reasons?
- What could be safety concerns for bicyclists, pedestrians, and motor vehicles?

Historical Considerations:

- What consideration should be given to the historical nature of the square?

- How will the proposed changes impact its history?

Cost:

- What is the exact cost to the city?
- Will a budget which includes past, current, and future costs be made available to the public. (This should include all consultant costs)
- What assurance does the public have that the city qualifies for the grants being considered?
- What grant applications have been made or identified for this project?
- Are the grants being funded by taxes (State and Federal) and if so, by Keene residents?
- What will the bidding process look like for this proposed work? Will Keene consider employing area businesses for this proposal or will it rely on outside companies for construction?

Approvals:

- What approvals are required for the project?
- Do we meet all the necessary requirements?

Pros and Cons:

- What are the pros and cons of the proposed changes?

Compromise:

- Are there any areas where compromise could be reached?

Information Release:

- When will a clear report containing all the relevant information be released to Keene residents?

Thank you for your consideration to address these matters.

Debra Bowie
Keene, NH

Debra A. Bowie 3-8-23

Signature Date

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: March 16, 2023

To: Mayor and Keene City Council

From: Cabana

Through: Patricia Little, City Clerk

Subject: **Cabana Falls Winery - Permission to Sell Alcohol at Farmer's Market**

Recommendation:

Attachments:
1. Communication_Cabana Falls Winery
2. Communication_Farmer's Market for permission Cabana Falls Winery

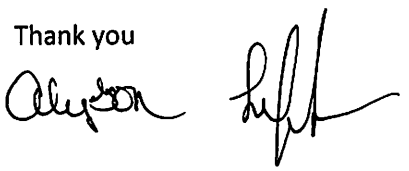
Background:
Cabana Falls Winery is submitting its annual request seeking permission to sell alcohol at the Keene Farmer's Market. The Farmer's Market has indicated their approval to have the winery join other vendors for the season.

3.7.23

Good Morning!

I and my husband are the owners of Cabana Falls winery in Jaffrey NH. We would again like to participate in the Keene Farmers Market for the 2023 season. We enjoyed our season at this market last year for 2022 and found it very successful. We are hopeful that the City of Keene also found us to be successful in representing them and ourselves respectfully and responsibly so that we can hold tastings and selling again this year. The one question we would like you to consider as last year we did 1 flavor for tasting a week but we would love to do 2 flavors 1-sweet & 1 more traditional as we found we had interest for both kinds.

Thank you



March 3, 2023

To the City of Keene,

The Farmers Market of Keene has granted permission to Cabana Falls to attend the market and sell wine for the 2023 season.

Signed,

Kirsten Anderson
Coordinator of the Farmers market of Keene

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: March 16, 2023

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

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

Recommendation:

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the Farmers' Market of Keene be granted permission to use 22 spaces along Gilbo Avenue and 18 spaces on the other side of the median strip in the Commercial Street parking lot from Saturday April 22, 2023 to Saturday, October 28, 2023. Said permission is subject to the following conditions:

- The furnishing of a certificate of liability insurance in the amount of $1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement;
- The receipt of a total rental fee of $932.00 (payable on the first day of every month at $155.00 per month);
- Access to City electrical shall also be provided at a fee of $60.00 for the season;
- Obtainment of all necessary permits and licenses and compliance with all laws, and compliance with any recommendations of City staff.

It is further recommended that the Farmer's Market of Keene be allowed to erect sandwich board signs on City property prior to the start of sales, subject to review and approval by City staff with respect to the number and location. The signs must be removed immediately after the sales have concluded.

Attachments:

None

Background:

Chair Bosley welcomed comments from the Assistant City Manager/Public Works Director/Emergency Management Director, Kürt Blomquist. Mr. Blomquist said this was the Keene Farmer's Market's annual request for a license to hold their weekly market, which would be only on Saturdays this year. The applicant requested the same fee for the spaces this year. Mr. Blomquist was unaware of any other changes to the request besides the elimination of Tuesdays.

Councilor Jones thought he recalled the Farmer's Market moving to Gilbo Avenue during Covid-19. Mr. Blomquist said the Farmer's Market moved to that location (from the center island in the

Commercial Street lot) before Covid-19 (approximately eight years ago) because they saw advantages with being adjacent to the bike path. So, Mr. Blomquist confirmed that the City had no issue with the Farmer's Market at this location.

Chair Bosley asked if the applicant, Bruce Bickford, had any comments to add. Mr. Bickford said there was nothing new other than eliminating the Tuesday Market.

With no further comments or questions from the Committee or the public, Chair Bosley entertained a motion by Councilor Johnsen that was duly seconded by Councilor Jones. Vice Chair Giacomo was absent.

Councilor Jones noted that the Farmer's Market's opening day this year is April 22, which is also the date of Green Up Keene and there could be more business for the Market. Mr. Bickford agreed, noting that five years ago the Market began opening two weeks earlier to align with Green Up Keene. Chair Bosley agreed that this is a great collaboration.

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the Farmers' Market of Keene be granted permission to use 22 spaces along Gilbo Avenue and 18 spaces on the other side of the median strip in the Commercial Street parking lot from Saturday April 22, 2023 to Saturday, October 28, 2023. Said permission is subject to the following conditions:

- The furnishing of a certificate of liability insurance in the amount of $1,000,000 naming the City of Keene as an additional insured;
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- Access to City electrical shall also be provided at a fee of $60.00 for the season;
- Obtainment of all necessary permits and licenses and compliance with all laws, and compliance with any recommendations of City staff.

It is further recommended that the Farmer's Market of Keene be allowed to erect sandwich board signs on City property prior to the start of sales, subject to review and approval by City staff with respect to the number and location. The signs must be removed immediately after the sales have concluded.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: March 16, 2023

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Memorandum of Understanding with Civil Air Patrol**

Recommendation:
On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a Memorandum of Understanding with the Civil Air Patrol to install communications equipment in the Airport Terminal Building.

Attachments:
None

Background:
Chair Bosley welcomed the NH Director of Communications for the Civil Air Patrol (CAP), Carey Heckman of Hanover. Mr. Heckman said CAP has five repeaters throughout the State, one of which is near Keene and provides 20–30 miles of communications that CAP uses to coordinate their ground teams and aircraft during search and rescue missions. Mr. Heckman said that CAP does approximately 80% of all search and rescue missions in the United States as a part of the US Air Force, which funds CAP's search and rescue, and disaster relief. For example, when the Connecticut River floods, the Air Force asks CAP to provide aerial reconnaissance. In such situations, CAP's communications network uses the repeaters to coordinate aircrafts safely. CAP also performs fire patrol for the State of NH and the repeaters help aircraft to communicate with the State fire officials. Mr. Heckman said that to use the repeater coordination, users must be within the range of the repeater. CAP's incident command post is in Concord, NH, not within the range of a repeater. Thus, CAP uses a radio connected to the internet near the repeater that can be accessed from anywhere in the world with an internet connection. If the Committee agreed, Mr. Heckman said that a radio would be installed in the existing squadron office at the Keene Dillant Hopkins Airport, which is conveniently within range of CAP's repeater. He said the memorandum of understanding was a simple document, 95% of which protects the City's ability to end the agreement if something goes wrong. The City can terminate the agreement at any time and with a reasonable amount of notice, CAP would remove all the equipment. Mr. Heckman said CAP pays for all the equipment and installation. He welcomed questions. Chair Bosley thanked Mr. Heckman and said this was good information to help understand the usefulness of this tool and how it connects to keep the community safe. She said it was a great resource.

Councilor Jones said this was good news for the City, Airport, and nation. He thanked Mr. Heckman.

Councilor Jones said he was lobbied on this by his neighbor, Ray Harvey, who Mr. Heckman said he had received an email from on this day.

Councilor Ormerod asked if a repeater was being installed at the Airport. Mr. Heckman said no, just a radio, which remains on one channel that communicates with the repeater; the radio allows CAP to connect the repeater to the internet. Councilor Ormerod said this matter was before the PLD Committee for a reason. As such, the Councilor asked Assistant City Manager/Communications Director, Rebecca Landry, if there were any regulations the Committee needed to consider. Ms. Landry referred to the Airport Director, David Hickling. Mr. Hickling said he the City Attorney reviewed the memorandum of understanding and found no issues with any regulations. Mr. Hickling said there was question of whether this radio would interfere with any other radio traffic, but the memorandum of understanding says CAP would remove the radio if that occurred. Mr. Heckman said CAP already had this technology installed at three locations and so far, there had been no problems.

Chair Bosley said that at this meeting, the Committee was recommending that the City Council authorize the City Manager negotiate on this matter. The City Attorney, Thomas Mullins, said that because this is a use of City property, this was somewhat like a license. However, because the City has a relationship with CAP, the memorandum of understanding sort of takes the place of the license, which is why this PLD Committee was reviewing this matter.

With no further questions or comments from the public or the Committee, Chair Bosley entertained a motion from Councilor Jones that was duly seconded by Councilor Ormerod. Vice Chair Giacomo was absent.

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a Memorandum of Understanding with the Civil Air Patrol to install communications equipment in the Airport Terminal Building.

CITY OF KEENE
NEW HAMPSHIRE

ITEM #D.3.

Meeting Date:	March 16, 2023
To:	Mayor and Keene City Council
From:	Planning, Licenses and Development Committee, Standing Committee
Through:	
Subject:	**Use of City Property – New Hampshire Department of Environmental Services Installation of Bedrock Monitoring Well**

Recommendation:

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Manager be authorized to negotiate and execute a license with the New Hampshire Department of Environmental Services (NHDES) for the installation and maintenance of a bedrock monitoring well on City-owned property (102/ 001/000 000/000) located in the Greater Goose Pond Forest for the purpose of groundwater level monitoring, subject to the City's standard licensing conditions and other conditions set by City staff. Further, Per Section 94-238 of the City Code of Ordinances, the New Hampshire Department of Environmental Services is authorized to use motorized vehicles on the Class VI portion of Old Gilsum Road for the installation, maintenance, and monitoring of the bedrock monitoring well. Access shall be coordinated with City Staff.

Attachments:

None

Background:

Chair Bosley welcomed Andy Bohannon, Director of Parks, Recreation, & Facilities. Mr. Bohannon said that he and the Assistant City Manager/Public Works Director/Emergency Management Director, Kürt Blomquist, had a conversation with Michael Howley, the geoscience program specialist from the geological survey, which is a division of NH Department of Environmental Services (DES). The discussion was about the possibility of having a water monitoring station in Keene off Old Gilsum Road. NH DES selected this location because of its proximity to trails and housing. Mr. Bohannon explained that the western part of NH is underserved for this monitoring, and it is critical for the State to monitor these water systems related to droughts. Mr. Bohannon and Mr. Blomquist felt the location was in an adequate place. The first part of the recommendation was to execute a license with NH DES and the second part was to allow NH DES permission to bring the necessary equipment through Old Gilsum Road.

Chair Bosley appreciated the report. She said this would benefit the City as a whole because there would be a nearby data point that indicates the real time availability of water in the area. Mr. Bohannon said that was correct, the nearest bedrock monitoring well was in Greenfield and it was overburdened. He said the next closest one that DES was looking to install was in Rindge. Mr. Bohannon said this new bedrock well in Keene would serve the greater community well.

Councilor Ormerod said it was exciting to be getting this bedrock monitoring well for the community. He asked how deep this well would be, what bedrock is, and why bedrock monitoring is important. Mr. Bohannon said the well is anticipated to be 400 feet deep, which Mr. Blomquist said is typical of a bedrock well in this region. Mr. Bohannon also noted that this well would be located in a conservation area. Mr. Blomquist explained that this well would be used for groundwater monitoring. In the state of NH, there are two types of groundwater aquifers. The aquifer in question is deep and moves toward the Connecticut River. He noted that surface water is not the best indication of what is happening in an aquifer. This bedrock well would allow for monitoring fluctuations in the aquifer over time and how quickly it rebounds from a period of drought, for example. With climate change, Mr. Blomquist said the City had two drought conditions in the last two years. There is a concern about how quickly the aquifer in question is recovering from drought since it had not been monitored until now.

Councilor Jones asked if this well would just be measuring for the height of the water or for other things like pH, PFAS, or potability. Mr. Blomquist replied that theoretically the well could measure for those factors, but the primary purpose of this bedrock well would be to monitor the quantity of water in the aquifer, which is measured by height. There is no intention to have the well monitor water quality.

Vice Chair Giacomo arrived at 6:23 PM. He recalled past deliberations over traffic on Old Gilsum Road and asked how much activity was expected for the drilling equipment. Mr. Blomquist replied that drilling equipment would access the site via Old Gilsum Road once to perform the drilling for 3–5 days and exit at the end of that period, a pick-up truck and workers would enter and exit the site each day, and he expected that NH DES would enter and exit the site each day in an SUV. Mr. Blomquist continued stating the once the well is installed, DES would likely enter/exit the site a few times per year and it is possible that they could just walk in instead of using a vehicle, but access with a SUV is also possible.

Hearing no further comments or questions from the public or the Committee, Chair Bosley entertained a motion by Councilor Ormerod that was duly seconded by Councilor Johnsen.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the City Manager be authorized to negotiate and execute a license with the New Hampshire Department of Environmental Services (NHDES) for the installation and maintenance of a bedrock monitoring well on City-owned property (102/ 001/000 000/000) located in the Greater Goose Pond Forest for the purpose of groundwater level monitoring, subject to the City’s standard licensing conditions and other conditions set by City staff. Further, Per Section 94-238 of the City Code of Ordinances, the New Hampshire Department of Environmental Services is authorized to use motorized vehicles on the Class VI portion of Old Gilsum Road for the installation, maintenance, and monitoring of the bedrock monitoring well. Access shall be coordinated with City Staff.

CITY OF KEENE
NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: March 16, 2023

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Taste of Keene Food Festival – Request for License**

Recommendation:

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the Keene Young Professionals Network be granted permission to use downtown City rights-of-way on Saturday, June 3, 2023, and reserving a "rain date" of Sunday, June 4, 2023 in the event of inclement weather, to conduct a Food Festival conditional upon the following:

- The furnishing of a certificate of liability insurance in the amount of $1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement;
- That the Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated to the event, and agrees to remit said payment within 30-days of the date of invoicing;
- That the footprint and layout for the event shall encumber the traveled portions of Central Square, Main Street both sides from Central Square to Railroad Street and Gilbo Avenue, and a portion of Railroad Street. Road closures may include any portions of other streets needed to facilitate detour routes. The full extent of road closures and detour routes shall be agreed upon with City staff;
- That the Petitioner is permitted to place porta-potties in City parking spaces located at the base of Washington Street from Friday, June 2, 2023 to Monday June 5, 2023, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That the actual event will be held from 11:30 AM to 4:00 PM with the times for set up and clean up to be established with City staff;
- That free parking be granted under the provisions of the free parking policy for City parking spaces on Washington Street needed for storage of equipment from Friday, June 2, 2023 to Monday June 5, 2023; and spaces within the event footprint on the day of the event;
- The submittal of signed letters of permission from any private property owners for the use of their property; and
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.

Attachments:

None

Background:
Chair Bosley heard no objection from the Committee to bringing this item forward from more time. Vice Chair Giacomo made the following motion, which Councilor Ormerod seconded. On a roll call vote of 5–0, the Planning, Licenses, and Development Committee suspended Section 26 of the Rules of Order to act on the request from the Keene Young Professionals Network to host the 2023 Taste of Keene Food Festival.

Chair Bosley welcomed the applicant, Alana Fiero, President of Keene Young Professionals. Ms. Fiero was excited about this third annual Taste of Keene Food Festival to be held on Saturday, June 3, from 11:30 AM–3:30 PM. The layout would be much like it was in 2022, with closures to Central Square, part of Main Street, and part of Roxbury Street, in addition to a beer garden in the Hannah Grimes Center for Entrepreneurship. Ms. Fiero said they hope for the same great turnout as last year. She welcomed questions.

Vice Chair Giacomo asked what if any changes were anticipated this year. Ms. Fiero said the restaurant and brewery participation would be much like in 2022. She said that the beer garden was crowded last year, so the plan this year is to move the live music to Central Square so there is more room for the beer garden at Hannah Grimes, where it was last year. Also, this year the chef demonstrations and hot pepper contest were eliminated. There were no other contests planned yet for 2023.

Councilor Jones recalled that this event developed originally from the Covid-19 Rebound Committee and the Keene Young Professionals stepped-up to sponsor it. Chair Bosley said there is a lot of support for this event that helped the City rebound that first year.

The ACM/Public Works Director/Emergency Management Director, Kürt Blomquist, said there had been several protocol meetings already and the motion before the Committee was the minimum to get permissions from the Council. There were several more protocol meetings scheduled to finalize the event.

Hearing no further comments or questions from the Committee or public, Chair Bosley entertained a motion by Councilor Jones that was duly seconded by Vice Chair Giacomo.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the Keene Young Professionals Network be granted permission to use downtown City rights-of-way on Saturday, June 3, 2023, and reserving a “rain date” of Sunday, June 4, 2023 in the event of inclement weather, to conduct a Food Festival conditional upon the following:

- The furnishing of a certificate of liability insurance in the amount of $1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement;
- That the Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated to the event, and agrees to remit said payment within 30-days of the date of invoicing;
- That the footprint and layout for the event shall encumber the traveled portions of Central Square, Main Street both sides from Central Square to Railroad Street and Gilbo Avenue, and a portion of Railroad Street. Road closures may include any portions of other streets needed to facilitate detour routes. The full extent of road closures and detour routes shall be agreed upon with City staff;

- That the Petitioner is permitted to place porta-potties in City parking spaces located at the base of Washington Street from Friday, June 2, 2023 to Monday June 5, 2023, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That the actual event will be held from 11:30 AM to 4:00 PM with the times for set up and clean up to be established with City staff;
- That free parking be granted under the provisions of the free parking policy for City parking spaces on Washington Street needed for storage of equipment from Friday, June 2, 2023 to Monday June 5, 2023; and spaces within the event footprint on the day of the event;
- The submittal of signed letters of permission from any private property owners for the use of their property; and
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: March 16, 2023

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **George Street Bridge Replacement – Project Agreement and Easement Negotiation**

Recommendation:

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a project agreement with the New Hampshire Department of Transportation (NHDOT), as well as temporary access agreements for construction, permanent drainage and maintenance easements from affected property owners, to implement the George Street Bridge Replacement Project.

Attachments:

None

Background:

City Engineer Don Lussier addressed the Committee and stated the George Street Bridge project is funded through the State Aid bridge program (80/20) split. Over the past few years the State has been working on making this a more formal process – a more rigorous process and are asking municipalities in the bridge program to sign project agreements. An agreement has been sent to the City for its signature. Mr. Lussier stated he is asking that the City Manager be provided the authority to sign this agreement with DOT. Mr. Lussier went on to say the other portion of this item is for the Manager to be given the authority to negotiate and execute both temporary and permanent easements and access rights with affected property owners. He noted the bridge location is sandwiched between four properties. During this process the City will also be discussing with some of these property owners permanent drainage and maintenance easements. The reason for this is that the City would like the drainage pipes that are located under George Street Bridge to come out downstream of the bridge for easier maintenance.

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

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a project agreement with the New Hampshire Department of Transportation (NHDOT), as well as temporary access agreements for construction, permanent drainage and maintenance easements from affected property owners, to implement the George Street Bridge Replacement Project.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: March 16, 2023

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Municipal Primary Charter Amendments**

Recommendation:
On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends the City Clerk be authorized to investigate the feasibility of amendments to the City Charter relative to the Primary election.

Attachments:
None

Background:
City Clerk Patty Little stated this item is a continuation of discussion brought forward by Councilor Filiault regarding charter language as it relates to primaries. She indicated when she compares the City's charter language to the other three cities that have a primary process, she found two items the City is out of sync with.

The first deals with a contest in a single ward council seat – without contests in the Mayor or At-Large offices. She stated the City Charter does not address this particular situation. However, when you look at the charters of the other cities it is very clear that when this happens, a primary election is only held in the specific ward which has a contest for the ward council seat. Under NH law every City ward is a town, hence a primary triggered in that one ward is only a primary for that one ward. Ms. Little stated this situation has not come up in Keene since 2011 when the charter was changed and stated she would prefer to have the City Charter directing the Clerk's office as to what should be done in such a scenario.

The next issue deals with what offices are on a primary ballot. If there is a primary for the Mayor's race and the At Large Council race – historically all of the other offices that are on the General Election ballot appear on the Primary ballot. This would include such positions such as Moderator, Selectmen etc. The other three cities specifically exclude these elected officials from being on a Primary ballot. Ms. Little added there are appointment procedures if there was ever a vacancy so not having the positions on a Primary ballot would not present a problem. Ms. Little continued that excluding these positions from the Primary ballot would save the City money and significantly reduce paperwork at the end of the night; Ms. Little stated voters tend to get creative when it comes to positions such as Selectmen and they write in friends or cartoon characters and the City has the obligation to count these write-ins as well.

Ms. Little went on to say there is a tight timeframe to consider a Charter amendment, but the City is well within the timeframe to develop the appropriate language. Tonight the request is for staff to start working with the City Attorney on appropriate language.

Councilor Lake clarified that Ms. Little's question is whether or not there should be a primary when one is not deemed necessary. Ms. Little concurred and stated the current Charter language states that a primary is triggered by the number of candidates that file for the offices of Mayor, Ward Councilor, and Councils-at-large offices.

Attorney Mullins added the suggested change would not stop a voter from doing a write-in on the General Election ballot.

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

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends the City Clerk be authorized to investigate the feasibility of amendments to the City Charter relative to the Primary election.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: March 16, 2023

To: Mayor and Keene City Council

From: Evan Clements, Planner

Through: Jesse Rounds, Community Development Director
Elizabeth Dragon, City Manager

Subject: **Relating to Amendments to the Land Development Code, Accessory Dwelling Units**
Ordinance O-2023-06

Recommendation:

That Ordinance O-2023-06 be referred to the Joint Committee of the Planning Board and the Planning, Licenses and Development Committee for a public workshop.

Attachments:

1. O-2023-06_Application_Signed
2. Narrative
3. Ordinance O-2023-06
4. Article 1_Introductory Provisions_03_08_23
5. Article 8_Zoning Use Chapter_03_08_23

Background:

This ordinance proposes to amend Article 1 – Introductory Provisions and Article 8 – Permitted Uses by removing the distinction between attached and detached Accessory Dwelling Units (ADUs), increasing the allowable gross floor area, removing the minimum required gross floor area, expanding the locations in which they are allowed, and reducing the amount of parking that is required. These proposed changes will allow for greater opportunity for property owners to construct ADUs and expand housing options throughout the City of Keene.

APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: City of Keene Community Development Dept. Date: 3/10/2023

Address: 3 Washington Street, Keene, NH

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

Existing Section Reference in Chapter 100, Land Development Code: Article 1, Section 1.1.3; Article 8, Section 8.4.2

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

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

Number of parcels in Zoning District*: N/A

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: 03/13/2023 Ordinance Number: O-2023-06

On City Council agenda: 03/16/2023 Workshop to be held: _____

Public Hearing to be held _____

K:Forms/Council/application_amend_zone ordinance_2021.doc

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-2023-06 Relating to Amendments to the City of Keene Land Development Code, Accessory Dwelling Units

The attached materials include the full text of Ordinance O-2023-06 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-2023-06. 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 1 – Introductory Provisions and Article 8 – Permitted Uses by removing the distinction between attached and detached Accessory Dwelling Units (ADUs), increasing the allowable gross floor area, removing the minimum required gross floor area, expanding the locations in which they are allowed, and reducing the amount of parking that is required. These proposed changes will allow for greater opportunity for property owners to construct ADUs and expand housing options throughout the City of Keene.

ORDINANCE O-2023-06

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

AN ORDINANCE Relating to Amendments to the Land Development Code, Accessory Dwelling Units

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 1.3.3 "Setbacks & Build-To Dimensions" of Article 1, subsection 4.e "The following structures may encroach up to 10-ft from the rear lot line of lots in residential zoning districts." be amended as follows:

    a. **iv. Accessory Dwelling Units, either detached or attached**

2. That Section 8.4.2.A "Accessory Dwelling Unit (ADU)" of Article 8, subsection 1 "Defined" be amended as follows:

    a. Defined. An independent living unit ancillary to a single-family dwelling ~~unit~~ and under the same ownership as the principal dwelling unit. The unit may be an attached Accessory Dwelling Unit (ADU), located within or attached to the principal dwelling unit, or a detached ADU, located in **or as** a detached accessory building on the property.

3. That Section 8.4.2.2 "Use Standards" of Article 8, subsection c be amended as follows:

    c. ~~Attached ADUs~~ **ADUs shall be permitted in any district and on any lot that contains a single-family dwelling. This shall include any legal non-conforming single-family dwelling.**

    ~~i. Attached ADUs shall only be permitted in the Agriculture, Rural, Low Density, Low Density-1, Medium Density, High Density, High Density-1, Neighborhood Business, Office, Residential Preservation, and Downtown-Transition Districts.~~

    ~~ii. Attached ADUs shall have a minimum gross floor area of 400-sf. In no case shall the gross floor area exceed 800-sf.~~

4. That Section 8.4.2.2 “Use Standards” of Article 8, subsection d be amended as follows:

   d. ~~Detached ADUs~~ **ADUs shall not exceed a maximum gross floor area of 1000-sf.**

   ~~i. Detached ADUs shall only be permitted in the Agriculture and Rural Districts.~~

   ~~ii. Detached ADUs shall have a minimum gross floor area of 400-sf, and, in no case, shall the floor area be greater than 50% of the gross floor area of the principal dwelling unit or greater than 1,000-sf, whichever is less.~~

5. That Section 8.4.2.2 “Use Standards” of Article 8, subsection f be amended as follows:

   f. ~~No more than 2 parking spaces shall be permitted for an ADU.~~ **Only 1 parking space shall be required for an ADU.**

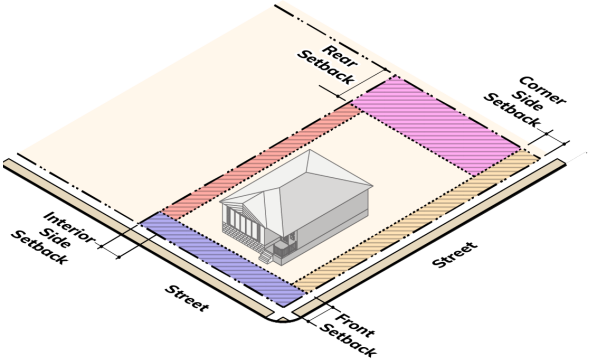
6. That Section 8.4.2.2 “Use Standards” of Article 8, subsection k be added as follows:

   k. An ADU is subject to the same overlying zoning district’s dimensions & siting, buildout, and height requirements, as permitted by RSA 674:72, that would be required for a single-family dwelling without an ADU. In the case of zoning districts that do not allow a single-family dwelling, the zoning district’s dimensions & siting, buildout, and height requirements shall apply.

      i. An ADU may encroach up to 10-ft from the rear lot line of any lot where an ADU is permitted.

_____

George S. Hansel, Mayor



4. **Structure Setback Exceptions.**

   a. The following may be excluded from required setbacks.

      i. Steps and stairs necessary to provide access to a building or structure

      ii. Access landings up to 25-sf

      iii. Structures necessary to afford access for persons with physical disabilities

      iv. Canopies and awnings

      v. One detached utility accessory building of less than 125-sf (e.g. garden shed)

      vi. Fences

      vii. Signs as regulated by Article 10

   b. Paved and unpaved parking lots and associated travel surfaces associated with all uses other than single- and two-family dwellings shall comply with the setback requirements in Section 9.4 of this LDC.

   c. Driveways and parking spaces associated with single- and two-family dwellings shall comply with the setback requirements in Section 9.3 of this LDC.

   d. If a front building setback extends beyond the front of a legally nonconforming building, an accessory use or structure may occupy the portion of the front setback beyond the front of the building.

   e. The following structures may encroach up to 10-ft from the rear lot line of lots in residential zoning districts.

      i. Pools, either above- or in-ground

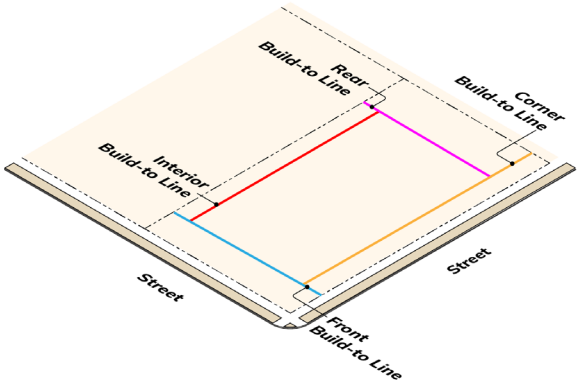
      ii. Decks, either detached or attached

      iii. Garages, either detached or attached

      iv. **Accessory Dwelling Units, either detached or attached**

B. **Building Façade Line.** The vertical plane along a lot where the building's façade is located. Upper story building façade lines relate to that part of the façade that requires a stepback.

C. **Build-To Line (BTL).** A build-to line (BTL) is a set line on a lot, measured perpendicularly from the applicable lot line, where a structure must be located. The building façade line of a structure must be located on the build-to line. Façade articulation (e.g. window or wall recesses and projections) are not counted as the building façade line, which begins at the applicable façade wall.



D. **Build-To Percentage.** A build-to percentage specifies the percentage of the building façade that must be located within the build-to zone or at the build-to line. Façade articulation (e.g. window or wall recesses and projections) do not count against the required build-to percentage. Plazas, outdoor dining, and other public open space features that are also bounded by a building façade parallel to the frontage are

8.4 ACCESSORY USES & STRUCTURES

8.4.1 General

A. All accessory uses shall comply with the standards in Section 8.4.1.

B. Accessory uses and structures may be permitted in conjunction with permitted principal uses. Permitted accessory uses and structures include those listed in Section 8.4.2 and additional accessory uses and structures that, as interpreted by the Zoning Administrator, meet the following criteria.

1. Are clearly incidental and customarily found in connection with an allowed principal building or use.

2. Are subordinate in area, extent, and purpose to the principal building or use served.

3. Are located on the same site as the principal building or use served.

4. Were not established on a lot prior to the establishment of a permitted principal use.

5. Do not create a public or private nuisance.

C. Accessory uses and structures shall comply with the dimensional requirements (e.g. setbacks, lot coverage, height) of the zoning district in which they are located, unless an exception is expressly granted below or elsewhere in this LDC.

1. No accessory use or structure may occupy any part of a front setback unless the front setback extends beyond the front of a legally nonconforming building; in such case, the portion beyond the front of the building may be used.

8.4.2 Specific Use Standards

A. Accessory Dwelling Unit (ADU)

1. Defined. An independent living unit ancillary to a single-family dwelling ~~**unit**~~ and under the same ownership as the principal dwelling unit. The unit may be an attached Accessory Dwelling Unit (ADU), located within or attached to the principal dwelling unit, or a detached ADU, located in **or as** a detached accessory building on the property.

2. Use Standards

a. Only 1 ADU shall be permitted per lot.

b. There shall be no more than 2 bedrooms in an ADU.

c. ~~**Attached ADUs**~~ **ADUs shall be permitted in any district and on any lot that contains a single-family dwelling. This shall include any legal non-conforming single-family dwelling.**

i. ~~**Attached ADUs shall only be permitted in the Agriculture, Rural, Low Density, Low Density-1, Medium Density, High Density, High Density-1, Neighborhood Business, Office, Residential Preservation, and Downtown-Transition Districts.**~~

ii. ~~**Attached ADUs shall have a minimum gross floor area of 400-sf. In no case shall the gross floor area exceed 800-sf.**~~

d. ~~**Detached ADUs**~~ **ADUs shall not exceed a maximum gross floor area of 1000-sf.**

i. ~~**Detached ADUs shall only be permitted in the Agriculture and Rural Districts.**~~

ii. ~~**Detached ADUs shall have a minimum gross floor area of 400-sf, and, in no case, shall the floor area be greater than 50% of the**~~

~~**gross floor area of the principal dwelling unit or greater than 1,000-sf, whichever is less.**~~

e. An interior door shall be provided between the principal single-family dwelling unit and an attached ADU. This interior door does not need to remain unlocked.

f. ~~**No more than 2 parking spaces shall be permitted for an ADU.**~~ **Only 1 parking space shall be required for an ADU.**

g. An ADU shall have city water and sewer service, or, in the absence of city sewer, a septic system plan approved by the state shall be required prior to the issuance of a building permit.

h. A scaled and dimensional plot plan of the property shall be submitted as part of the building permit application for an ADU. This plan shall show the location and number of required parking spaces, driveway and paved areas, buildings, building setbacks, utilities, fences, and any other relevant site features.

i. The record property owner shall occupy either the single-family dwelling or the ADU, and shall submit an affidavit in support of an ADU with their building permit application stating under oath that they satisfy the owner occupancy requirement.

j. Adequate notice in an acceptable legal form for recording at the County Registry of Deeds shall be duly executed by the owner of record identifying the property on which the ADU is located by source deed sufficient to notify successor owners that the ADU is subject to the City's Zoning Regulations.

i. This notice shall be reviewed by the Zoning Administrator for acceptable form and, upon signature, it shall be recorded at the Registry by the property owner.

ii. Evidence of recording shall be submitted to the Community Development Department prior to the issuance of a building permit.

k. **An ADU is subject to the same overlying zoning district's dimensions & siting, buildout, and height requirements, as permitted by RSA 674:72, that would be required for a single-family dwelling without an ADU. In the case of zoning districts that do not allow a single-family dwelling, the zoning district's dimensions & siting, buildout, and height requirements shall apply.**

i. **An ADU may encroach up to 10-ft from the rear lot line of any lot where an ADU is permitted.**

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: March 16, 2023

To: Mayor and Keene City Council

From: Donald Farquhar, Fire Chief

Through: Elizabeth Dragon, City Manager

Subject: **Relating to the Sale, Possession and Display of Fireworks Ordinance O-2023-07**

Recommendation:

That Ordinance O-2023-07 Relating to the Sale, Possession and Display of Fireworks be referred to the Planning, Licenses and Development Committee for their consideration and recommendation back to the full City Council.

Attachments:

1. Ordinance O-2023-07

Background:

The City of Keene has historically regulated the possession, sale and display of all categories of fireworks, with the exception of novelties, such as sparklers. The City Code requires anyone wishing to discharge fireworks to obtain City Council permission in the form of a license through the City Clerk, in addition to compliance with applicable Fire Department and State permitting requirements. We are currently classified at the State level as a **"PERMISSIBLE - Permit required"** community. Permissible (consumer) fireworks are generally available to the public to purchase, while non-permissible fireworks are only available to entities licensed at the State level and possessing a permit from the State Fire Marshall to discharge.

This Ordinance contemplates changing our restriction category to **"PERMISSIBLE – Restrictions"**. This would mean that permissible (consumer) fireworks would be exempt from permitting but safety requirements would be in place for those in possession of or discharging this category of fireworks. Functionally, the public would follow the rules and restrictions and the City would be relieved from the administrative overhead of managing permits.

The restrictions apply a setback of 50 feet from any structure or public way, which will limit the locations where fireworks can be safely discharged, mitigating concerns with displays happening in the compact areas of the City. In addition, the Ordinance specifies that displays can only be discharged on days when the Fire Danger is considered low, and only between the hours of 10am to 10pm. The ordinance also identifies how the regulations will be enforced and by whom.

This amendment to City Code will not eliminate the State mandated requirements regarding

possession and display of non-permissible fireworks. This category would still be routed to the City Council for approval of a license to discharge and a State permit would be necessary along with Fire Department inspection/presence at the display site from the point that the fireworks arrive at the location, until the display has concluded.

ORDINANCE O-2023-07

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

AN ORDINANCE Relating to the Sale, Possession and Display of Fireworks

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 underlined text in Chapter 42. "Fire Prevention and Protection", Article III. "Fireworks and Explosives" as follows:

Sec. 42-61. Sale, possession and display of fireworks.

No person within the city shall offer for sale, expose for sale, give or transfer to another, with or without consideration, display or have in his possession or custody, any ~~class B special~~ non-permissible fireworks, packaged or unpackaged, ~~or class C permissible and non-permissible consumer fireworks, packaged or unpackaged, or both,~~ without first obtaining a permit for sale, possession and display of fireworks from the city council and in accordance with the guidelines set forth under state and federal regulations.

A. Consumer Fireworks Conditions and Restrictions:

Any person wishing to discharge New Hampshire Permissible (Consumer) Fireworks shall comply with the following specific conditions and restrictions regarding their use. This is in addition to any applicable state law requirements.

1. The person discharging fireworks must possess proof that he is the landowner of the location where the fireworks discharge will occur or has written permission from the landowner.
2. Fireworks shall not be ignited or possessed by minors (anyone under the age of 21).
3. The person discharging fireworks must be at least 21 years of age or older (Pursuant to state statute).
4. The person discharging fireworks must possess and make available upon request a valid photo identification listing their name, address and date of birth.

5. Fireworks shall be purchased from licensed Permissible Fireworks retailers in New Hampshire only. A Copy of the receipt of purchase must be kept and made available upon request.

6. The person discharging fireworks shall only purchase the quantity of fireworks needed for the planned display. Storage of Permissible fireworks is prohibited.

7. Fireworks shall be ignited a minimum of 50 feet from any public way, overhead utilities, structures, woodlands, property lines or boundaries.

8. The person discharging the fireworks is required to have a means of fire extinguishment readily accessible.

9. Anyone discharging or igniting fireworks shall not be under the influence of any drugs or alcohol.

10. Notwithstanding any other provision of City Code to the contrary, Permissible Fireworks shall only be discharged or used between the hours of 10:00 AM and 10:00 PM.

11. Fireworks can only be discharged on days when the Fire Danger Day is Class One, Two, or Three as determined by the New Hampshire Division of Forest and Lands – Bureau of Forest Protection.

B. Enforcement.

1. Any sworn law enforcement officer of the city, county or state, as well as the fire chief or their designee shall be empowered to enforce this ordinance.

2. Persons found in possession of, or discharging Non-Permissible Fireworks shall be subject to the penalties outlined in NH RSA 160 – B. This section shall not apply to those individuals that hold valid Certificates of Competency issued by the NH Department of Safety and hold a valid Display Fireworks Permit issued in accordance with RSA 160-B and Saf-C 5000, or any other ordinance. Nothing in this ordinance shall preclude any sworn police officer from enforcing any section of NH RSA 160 – B, or NH RSA 160 – C.

_____

George S. Hansel, Mayor

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: March 16, 2023

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Relating to Amendments to the Land Development Code**
Ordinance O-2022-19-A

Recommendation:

On a vote of 5–0, the Planning, Licenses, and Development Committee recommended that the City Council refer Ordinance O-2022-19-A back to the Joint Committee for further review and recommendation to City Council.

Attachments:

1. Ordinance O-2022-19-A

Background:

Chair Bosley welcomed the Community Development Director, Jesse Rounds, who explained that the Community Development Department compiled Ordinance O-2022-19-A to address multiple issues that Staff had identified during the first 1.5 years that the Land Development Code was in use. Mr. Rounds briefly listed the amendments:

- Article 9 – A change to the driveway standards for shared driveways.
- Article 11 – A change to the driveway standards to clarify language about an exemption for access across surface waters for one- and two-family homes if they are the lot of record.
- Article 13 – Two changes governing when entities must submit for a conditional use permit (CUP).
- Article 15 – Proposed change to add the possibility of a waiver for congregate living and social services CUPs.
- Article 25 – Multiple changes that explained the paths that various changes within the Land Development Code needed to take through the City Council, Planning Board, and Joint Planning Board-Planning, Licenses, and Development Committee for approval.
- Article 9 – Currently, there is a process by which an applicant can request a major reduction in parking requirements on their property. This requires an applicant to meet all of the special exception criteria plus two parking-related special exception criteria. The general special exception criteria are more esoteric and have nothing to do with parking. In the case of this parking exception, Staff proposed focusing only on the two parking special exception criteria.

Chair Bosley explained that this was not the first time this PLD Committee had heard about these proposed amendments, which had been reviewed by the Joint Committee and City Council, and there had been a public hearing. She said that at the Joint Committee meeting, concern was expressed about the section on CUP waivers and the impact that section might have on the rest of the proposed “housekeeping” items Mr. Rounds listed; she called these more benign, clerical issues discovered in the Land Development Code. She continued saying that this CUP waiver issue created a change in what the spirit of the Ordinance was when it was written. At the Joint Committee meeting, Chair Bosley suggested separating that issue from the rest of the amendments. She said that the Planning Board and the Planning, Licenses, and Development Committee—not equal in membership—were discussing this item that effects the Planning Board and there was no agreement between the two committees to separate the CUP waiver amendment. Chair Bosley hoped that discussion would continue to see if her fellow Councilors still supported separating the amendment.

The City Attorney, Thomas Mullins, explained that the Committee could either move this Ordinance forward to the full Council or send it back to the Joint Committee. His recommendation was that if the Committee wanted to send that amendment back to the Joint Committee, that they send the whole Ordinance back instead of separating the amendment. He said it was too difficult to sever the Joint Committee discussion from what was happening at this hearing. Chair Bosley asked if Staff supported sending the whole Ordinance back to the Joint Committee if that was the case and Mr. Rounds replied in the affirmative.

Discussion ensued between Councilor Jones and the City Attorney about what sending the Ordinance back to the Joint Committee would accomplish and what direction would be given to Staff. The City Attorney said the motion would be for the PLD Committee to recommend to the City Council that the Ordinance be returned to the Joint Committee for further review and action. Councilor Jones said that if the City Council returned the Ordinance to the Joint Committee, that Committee would not know what this PLD Committee wants. The City Attorney said that was correct and that this was much like the March 2, 2023 City Council discussion. The City Attorney explained that the Joint Committee is appointed by the City Council and while the Joint Committee can review the background notes from this PLD Committee, it would be improper for the PLD Committee or City Council to direct the Joint Committee to do anything. The PLD Committee could discuss their preference now and then raise the issue again at the Joint Committee.

Vice Chair Giacomo said this Committee would be sending the same thing back to the Joint Committee that the Planning Board unanimously voted against separating at the last meeting. Thus, the Vice Chair said that sending this Ordinance back would just be going in circles unless the Planning Board changes their mind or has different attendance this month. The City Attorney said that the problem from his perspective was that severing this one amendment from the Ordinance is a material change to the Ordinance. Sending an Ordinance back to the Joint Committee isn’t typical. He agreed that the Joint Committee might arrive at the same result but then it would be up to the City Council to decide what to do with it.

Chair Bosley thought it was fair to say that at the Joint Committee meeting, she explained to the Planning Board what was at risk by letting the Ordinance leave the Joint Committee in its entirety and sending it to full Council. She listed the options: (1) send the Ordinance back to Joint Committee and reiterate that the PLD Committee was not ready to accept this Ordinance as a whole and ask the Planning Board to rethink it, or (2) send the Ordinance on to the full City Council, which could vote the whole Ordinance down because of this one issue, and Staff would lose the ability to make all the other housekeeping changes until calendar year 2024 without suspension of the Rules of Order. The City Attorney confirmed the Chair’s understanding. Thus, Chair Bosley hoped the Planning Board would have some interest in the fact that the PLD Committee was serious about this and that the

other amendments should not be at risk because of one controversial topic. The City Attorney said it would be important for Councilors to communicate that nuance to the Planning Board and he thought the Community Development Department would be present to explain that to the Joint Committee as well. The City Attorney did add that this would be a recommendation to the City Council to send the Ordinance back to the Joint Committee and it was possible the City Council could say no and adopt the Ordinance as it stands.

Councilor Jones stated for the record that he liked most of Ordinance O-2022-19-A except for the CUP waiver for congregate living and social service conditional uses. Councilor Ormerod was also concerned about the CUP waiver because it would be bypassing a system that was set-up with a legislative group—the Planning Board—with the Zoning Board of Adjustment as the judicial interpreter. He said that as written, this Ordinance would eliminate the intention to have that judicial review, and he would have to vote down the whole Ordinance for that reason. Councilor Jones asked whether there was a special committee for those uses. Chair Bosley said there is the Congregate Living and Social Services Licensing Board and this would not bypass that Board.

The Chair explained that this waiver would allow the Planning Board to waive items in the Land Development Code that were instituted during the process of creating the Social Services and Congregate Living Ordinance that protected the public from things like screening. In essence, she said that if a person wanted an item from the Land Development Code waived, they would have to go to the Zoning Board to get that waiver. The Planning Board does not have the same expectation for review as the Zoning Board; she said the Planning Board is much more liberally willing to waive those criteria, which Chair Bosley said was circumventing the system. It was the Chair's opinion that those items should be removed from the Land Development Code if they are unwanted versus giving a liberal body a way to waive them when they see fit. She said that if someone wants something waived, they should go through the proper channels.

The City Attorney clarified that new congregate living applications must go to the Planning Board first for a CUP, then the Congregate Living and Social Services Licensing Board would receive the Planning Board's recommendation. Mr. Rounds agreed with Councilor Jones that it could be a three step process; if a new use applicant was seeking relief from one of the criteria, they would go to the Zoning Board for a variance, to the Planning Board for the CUP, and then to the Licensing Board. Mr. Rounds said that the CUP waiver would remove that third step.

Hearing no further questions or comments from the public or the Committee, Chair Bosley entertained a motion by Vice Chair Giacomo that was duly seconded by Councilor Jones.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommended that the City Council refer Ordinance O-2022-19-A back to the Joint Committee for further review and further recommendation to City Council.

ORDINANCE

O-2022-19-A

CITY OF KEENE

Twenty-Two

In the Year of Our Lord Two Thousand and .....

Relating to Amendments to the Land Development Code

AN ORDINANCE .....

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

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

1. That the City of Keene Land Development Code, Chapter 100, as amended, is further amended by deleting the stricken text and adding the bolded and underlined text, as follows.

   A. Delete the stricken text in Section 9.2.7.C.2 "Major Reduction Request" of Article 9 – Parking and Driveways, as follows.

      2. In determining whether to grant a special exception, the Zoning Board of Adjustment shall make the following findings ~~in addition to those required for a special exception~~.
         a. The specific use or site has such characteristics that the number of required parking spaces is too restrictive.
         b. The requested reduction will not cause long term parking problems for adjacent properties or anticipated future uses.

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

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

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

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

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

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

   E. Add the bolded underlined text to Section 13.2.5 "Camouflaged Telecommunications Facilities" of

PASSED

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

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

Table 13-1: Permitted Telecommunications Facility Types

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

"P" = Permitted, subject to building permit " - " = Facility Not Permitted
"CUP" = Requires Conditional Use Permit "SPR" = Requires Site Plan Review
*Zone 1, Zone 2, and Zone 3 of the View Preservation Overlay (see Figure 13-1)

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

15.5 Conditional Use Permit Waiver

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

A. Waiver Criteria

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

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

2. **Strict conformity would pose an unnecessary hardship to the applicant and the waiver**

would not be contrary to the spirit and intent of this Article.

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

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

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

25.4.3 Procedure

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

A. Articles 1 through 18~~, and Articles 22 through 28~~. For amendments proposed to Articles 1 through 18 ~~and Articles 22 through 28~~ of this LDC, the same application and review procedures shall be followed as those described in Section 25.3 of this LDC, with respect to amendments to the Zoning Regulations and Zoning Map.

B. Articles 19, ~~and~~ 20, and Sections 25.10-25.14 of Article 25 - "Subdivision Regulations," ~~and~~ "Site Development Standards," and Planning Board Application Procedures. For amendments proposed to Articles 19, ~~and~~ 20, **and Sections 25.10 through 25.14 of Article 25** of this LDC, the following procedures shall apply.

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

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

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

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

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

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

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

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

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

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

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

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

George S. Hansel, Mayor

In City Council January 19, 2023.
Public Hearing set on Ordinance O-2022-19-A
for Thursday, February 4, 2023 at 7:00 PM.

William S. Dow

Deputy City Clerk

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: March 16, 2023

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Relating to the Library Board of Trustees**
Ordinance O-2023-05

Recommendation:
On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2023-05.

Attachments:
1. Ordinance O-2023-05

Background:
City Attorney Tom Mullins was the first to address the Committee. Attorney Mullins stated this is a housekeeping matter which required a fair amount of conversation between the City and the Library Trustees. Attorney Mullins went on to say in 1898 Edwin Thayer graciously gifted the Thayer Mansion to the City, which then created the Library as we now know it. As part of the Thayer Trust certain things were established under the trust, such as the Board of Trustees (12) with six members appointed by the Thayer Group and six appointed by the City.

In 1970 the Library Board of Trustees was incorporated into the City Code and their powers and duties were stated at that point. In 1963, the State adopted RSA Chapter 202-A which deals with public libraries and the powers and authority of Library Trustees. The Statute was changed in 1991 with respect to the authority to accept and expend gifts and in 1996 there was legislation giving the library the authority to accept personal gifts. These two statutes indicate that the governing body (City Council) has to provide specific authority to the Trustees to carry out these two items; to accept and expend unanticipated funds and accept personal property during the budget year.

Attorney Mullins stated the unanticipated funds under the Statute is $5,000 or more (unrestricted funds and restricted funds). The reason for this is, some of the funds that come in are unanticipated through grants over $5,000 requires the City's management in terms of tracking. The unrestricted funds will be handled by the Trustees and even those if they are over $5,000 will require a public hearing. The second portion is gifts of personal property and that too is broken into two categories; personal property that does not have an impact on the Trustees or
The City financially or property that does have an impact. If there is an impact the personal property has to be accepted through the City.

Library Director Marty Fiske and William Stroup Chair of Library Board of Trustees addressed the Committee next. Mr. Stroup stated based on the changes to the RSA the Trustees have been able to come up with language that clarifies the relationship of the Board to the City processes.

Councilor Lake referred to language "…prepares and submits to the City a report…" and asked if that report would be submitted to the City Manager's office or to the Council. Attorney Mullins stated it would be submitted to the City Manager's office.

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

On a 4-0 roll call vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2023-05.

ORDINANCE O-2023-05

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

AN ORDINANCE Relating to the Library Board of Trustees

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

That the Ordinances of the City of Keene, New Hampshire, as amended, are hereby further amended by deleting the stricken text and inserting the bolded text from the provisions of Chapter 2, ADMINISTRATION; Article V, BOARDS AND COMMISSIONS; Division 13, LIBRARY BOARD OF TRUSTEES, as follows:

DIVISION 13. LIBRARY BOARD OF TRUSTEES

Sec. 2-956. Established, Thayer Agreement.

The library board of trustees was established pursuant to an agreement between Edward C. Thayer and the city. The library board operates under that agreement and is therefore not a board or department of the city in the traditional sense. The agreement between Mr. Thayer and the city consisted of a proposal by Mr. Thayer and an acceptance by the city. Copies of the Edward C. Thayer proposal and the city vote of acceptance follow:

"May 31, 1898

"To the Mayor and City Councils of the City of Keene:

"Having long felt that our growing City required much better accommodations for their public library than they now possess, and knowing how essential to every community are the advantages of possessing a building with pleasant surroundings and ample room, I submit to your honorable body the following proposition.

"Having secured lot and buildings on West Street, number 79, for the purpose, I will make such additions and alterations to the same as will make it convenient for a free public library, reading rooms, an art room, a museum, a lecture room for literary subjects and literary entertainments, and I desire it to be devoted to no other purpose whatever, and I will convey said lot and buildings thereon so completed to said City of Keene on the following conditions, to wit:

"That the City accept this offer and my donation of said lot and building when completed, with the provision that the use thereof shall be limited to the purposes aforesaid, and will move into and establish in said building the present City library, and will thereafter assume and pay the expenses of repairing, maintaining and keeping in good condition the said real estate.

"That the City will provide by vote or by law, or both, however it may be necessary so to do, that the control and government of the library and the real estate shall be permanently vested in a Board of Trustees, 12 in number, six of whom shall be permanent Trustees appointed by me at the time of conveyance, from among the resident taxpayers of the City of Keene, and the other six shall be elected by the City for the term of three years, two to be elected each year. Any vacancy in the number of permanent Trustees shall be filled by the remaining permanent trustees. Vacancies shall only be occasioned by death, removal from the City, or resignation. There shall in no case be a number of Trustees elected by the City in excess of the permanent Trustees.

"Upon legal acceptance of this offer by the City of Keene, I will at once proceed to carry it into effect.

"Very truly yours

"Edward C. Thayer"

At a regular meeting of the city council held June 6, 1898, a resolution was unanimously passed as follows:

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

"That said City accepts the proposition of Edward C. Thayer, made in writing and dated May 31, 1898, to convey to said City, lot and buildings Number 79 West Street, when altered and fitted by him for the purpose named in said proposition, and hereby binds itself to observe and perform the conditions named in said proposition.

"State Law (NHRSA, Chapter 202-A) requires cities and towns having a public library to raise and appropriate sufficient funds to maintain adequate library service. The applicable statute is RSA 202-A:4 which provides that any city or town having a public library shall annually raise and appropriate a sum of money sufficient to provide and maintain adequate library service therein or to supplement funds otherwise provided."

Sec. 2-957. Membership.

The library board of trustees consists of 12 members.

Sec. 2-958. Terms.

Six members of the library board of trustees are permanent trustees as provided in the Thayer Agreement, and six members shall be appointed by the mayor and city council for three-year terms. Terms of the six city trustees shall be staggered so that two board members shall be appointed in July of each year.

Sec. 2-959. Duties.

The library board of trustees:

(1) Hires the library director and establishes the policy under which the library director operates.

(2) Hears citizen comments on the quality of service provided by the library.

(3) Determines methods of improving the impact of the library on the educational and cultural resources of the city and the surrounding area.

(4) Has the responsibility for the control and general management of the library facilities, property and employees.

(5) Controls, manages, invests and expends trust funds donated or bequeathed to the library, or to the library trustees, for use of the library.

(6) Has no authority to pledge the credit of the city beyond the amount of the city's budgetary appropriation for the library.

(7) Determines when it is appropriate to do so and appears before state and federal agencies to request financial assistance for the library and library programs as such funds become available.

(8) Prepares and requests budgetary appropriations from the city council annually.

(9) Furnishes annual reports of library operation to the city as required by state law.

(10) Prepares and submits to the City a report on the acceptance of unanticipated and Non-Restricted Funds as defined in section 2-960 (5) of $5,000.00 or more within a reasonable time after the acceptance of the funds.

Sec. 2-960. Sources of financial support.

The sources of financial support of the library are as follows:

(1) An annual appropriation by the city.

(2) Trust funds donated or bequeathed to the city and controlled, managed, and invested by the city trustees of trust funds.

(3) Trust funds donated or bequeathed to the library or the library trustees and controlled, managed and invested by the library board of trustees.

(4) Fines and payments.

(5) ~~Miscellaneous gifts and donations.~~ **Unanticipated Funds: The Library Trustee shall have the authority to apply for, accept, and expend, unanticipated money from public or private sources in accordance with any public hearing requirements of RSA 202-A:4-c ("Non-Restricted Funds"). Any funds available through direct federal grants, or federal pass through grants, all grants of $5,000.00 or more from any source, and all grants or donations of money intended to support library payroll related expenses (collectively "Restricted Funds") shall be accepted by, and managed by, the City.**

(6) Gifts of Personal Property: The Library Trustees shall have the authority to accept gifts of personal property, other than money, in accordance with RSA 202-A:4-d. No acceptance of any personal property under the authority of this section shall bind the City or the Library Trustees to raise, appropriate, or expend any public funds for the operation, maintenance, repair, replacement or scheduled insurance of such personal property. Personal property gifts that would require the City or the Library Trustees to raise, appropriate, or expend any public funds for the operation, maintenance, repair, replacement or scheduled insurance of such personal property, shall be submitted to the City for consideration and action, and a report of any gifts of personal property that was accepted under section 2-960(6) which does not require the expenditure of public funds for the operation, maintenance, repair, replacement or scheduled insurance of such

personal property, and which report shall also state how the Library Board of Trustees will fund such personal property.

Sec. 2-961. Relationship to city.

Because the city furnishes the major financial support of the library, and because the library is a public trust primarily serving the city, the library board of trustees shall:

(1) Furnish the city manager and/or the city council, from time to time during the year and when requested, such detailed financial information as the council or the manager may require either for budgetary purposes or for the purpose of ensuring the utilization of city funds in accordance with the terms of city appropriations.

(2) Cooperate with the city in the adoption of employee pay scales, fringe benefits, and auditing and accounting procedures.

(3) Urge members of the city council or committees thereof to attend their meetings.

Secs. 2-962—2-990. Reserved.

_____

George S. Hansel, Mayor

In City Council March 2, 2023.
Referred to the Finance, Organization,
Personnel Committee.

City Clerk

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: March 16, 2023

To: Mayor and Keene City Council

From: Donald Lussier, City Engineer

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

Subject: **Relating to the Acceptance and Appropriation of Unanticipated Highway Revenue**
Resolution R-2023-10

Recommendation:
That Resolution R-2023-10 be referred to the Finance, Organization & Personnel Committee for deliberation and a recommendation back to the Council.

Attachments:
1. R-2023-10 Acceptance and Appropriation of Unanticipated Highway Revenue
2. Keene SB 401

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 in use such that "No funds appropriated under this section shall be used to supplant locally budgeted and approved funds for road maintenance or construction." Staff recommends that the full amount of this unanticipated revenue, $414,152.19, be appropriated for the Thompson Road Repair and Stabilization Project.

This project currently has no construction funds appropriated and therefore satisfies the bill's prohibition against "supplant(ing) locally budgeted and approved funds". Additional funds are required for construction and will be requested through the FY24 Operating Budget adoption process.

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION Relating to the Acceptance and Appropriation of Unanticipated Highway 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 $30 Million in payments to municipalities, to be distributed based upon the NHDOT's "Apportionment A" distribution formula; and,

WHEREAS, SB 401 restricts the use of these funds such that "No funds appropriated under this section shall be used to supplant locally budgeted and approved funds for road maintenance or construction."

NOW, THEREFORE, BE IT RESOLVED that the Sum of $414,152.19 be accepted as a one-time payment from the State of New Hampshire pursuant to Senate Bill 401; and further,

That said Sum of $414,152.19 be appropriated to the Thompson Road Repair & Stabilization Project (75J0036) as partial funding for this un-budgeted project.

_____

George S. Hansel, Mayor

New Hampshire DOT
Department of Transportation

William Cass, P.E.
Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

David Rodrigue, P.E.
Assistant Commissioner
Andre Briere
Deputy Commissioner

August 10, 2022

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

Re: Keene Special One Time Highway Payment – in Accordance with Senate Bill 401
Payment for Maintenance, Construction and Reconstruction of Class IV and V Highways

Dear Ms. Dragon:

The following is notification of a one time highway payment being made available to your city in State Fiscal Year 2023 based on the passage of Senate Bill 401 effective in July 2022. SB 401 directs the department to divide and distribute a $30 million one time payment between all New Hampshire municipalities based on the distribution methods of Block Grant Aid Apportionment A. This one time payment is separate from your regular quarterly payments.

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

August 2022 Actual Payment: $414,152.19

In generalized terms and in accordance with statutory provisions for distribution of Block Grant Aid "Apportionment A" funds, this one time highway payment is based on the municipalities' mileage of Class IV and Class V highways, as well as the municipalities' population.

Please contact us at 271-3344 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

Meeting Date: March 16, 2023

To: Mayor and Keene City Council

From: Elizabeth Fox, ACM/Human Resources Director

Through: Elizabeth Dragon, City Manager

Subject: **In Appreciation of Christopher Batchelder Upon His Retirement; In Appreciation of Michael Joseph Amato Upon His Retirement, and In Appreciation of Albert O. Fiske Upon His Retirement**
Resolution R-2023-01
Resolution R-2023-11
Resolution R-2023-12

Recommendation:
That Resolutions R-2023-01, R-2023-11, and R-2023-12 be adopted by the City Council.

Attachments:
1. R-2023-01 Batchelder Retirement
2. R-2023-11 Amato Retirement
3. R-2023-12 Fisk Retirement

Background:
Mr. Batchelder retired from the Fire Department effective July 1, 2022, with almost 28 years of service. Lieutenant Amato retired from the Fire Department as of February 28, 2023, almost 22½ years of service. Mr. Fisk retired from the Public Works Department on March 10, 2023, with almost 32 years of service.

Resolution Number R-2023-01

CITY OF KEENE

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

A RESOLUTION In Appreciation of Christopher P. Batchelder

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

WHEREAS: Christopher P. Batchelder began his career with the Keene Fire Department October 13, 1994, when he was elected to the Deluge Hose Company, where he served that Call Company as Clerk and as an Executive Committee member, as well as participated on fire company ride-alongs; and

WHEREAS: Chris brought with him knowledge and experience gained through both another area fire department and an area ambulance squad and took advantage of industry education trainings offered to earn certifications in multiple areas, such as hazardous materials, arson, incident command, and safety; and

WHEREAS: He was promoted to Call Lieutenant effective December 10, 1999; and, when the Call service was reorganized, his firefighting certification and emergency medical technician experience gained him the Call Firefighter Level II title effective July 1, 2018; and

WHEREAS: Not only did Chris cherish the friendships, acquaintances, training, and experiences of being a member of the Keene Fire Department, he considered it an honor to protect the residents and businesses in the City of Keene while making positive impacts on people's lives during a variety of crises; and

WHEREAS: He retired from the City of Keene July 1, 2022, with almost 28 years of dignified and honorable service to the City;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Keene hereby extends its sincere thanks to Christopher P. Batchelder for his dedication to the City of Keene and wishes him the very best for his retirement years; and

BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Chris in appreciation of his many years of service to the residents of Keene and the Monadnock Region.

_____

George S. Hansel, Mayor

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION In Appreciation of Joseph Michael Amato Upon His Retirement

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

WHEREAS: Joseph M. Amato joined Keene Fire Department as a Call Firefighter with the Deluge Hose Company September 21, 2000; became a career Firefighter/Emergency Medical Technician June 4, 2001; was promoted to Fire Lieutenant of the Alarms Division September 13, 2015; and returned to Operations July 24, 2016; and

WHEREAS: Espousing that he had the best job in the world, Joe demonstrated his genuine interest in his profession and his strong work ethic through consistent involvement—always jumping into daily assignments, performing extra services around the station, heading up a project, or volunteering for a committee; and

WHEREAS: Taking his role as supervisor very seriously, seeking and accepting feedback, and making his Captain's goals his own, Joe grew into a leader that shift personnel described as fair and honest, having their best interests at heart, turning negative experiences into something positive, leading by example, and keeping everything fun while moving forward when mentoring a new Firefighter; and

WHEREAS: Early on, Joe organized the service hoses, testing and repairing as needed, developing both a *Standard Operating Guideline* and a test database, and obtaining free service for the testing pump; and became the Lead Equipment Technician, revamping the program to involve more staff in the ever-growing repairs needed weekly to ensure a variety of equipment was not out of service for extended periods; and

WHEREAS: As Lead Technician for the self-contained breathing apparatus, Joe handled maintenance and service of SCBAs and facepieces and, when a grant was awarded, led the committee with research and recommendation, placed the units in service after fitting all masks with voice boxes, trained all users, implemented annual in-house testing for substantial savings—and took the lead to deliver the best system to fill both trucks and breathing apparatus with compressed breathing air; and

WHEREAS: A hands-on participant at trainings, Joe spearheaded the effort to have regularly scheduled company training drills to ensure the basics are perfect, trained to be an Ice Rescue Technician, developed the department's Swift Water Training Program, and went on to chair the Training Committee; and

WHEREAS: As a member of multiple Engine Committees, Joe helped put together specs to replace trucks while remaining within budget; served on the Hazardous Materials Team, was a long-standing participant of the Fire Investigation Team, and readied the rescue boat each year to save outsourcing its spring tune-up; and

WHEREAS: Joe was recognized in 2004 with an award by the New Hampshire Fire and EMS Committee of Merit that honors the first responders of the state; and

WHEREAS: Joe retired February 28, 2023, as the senior Lieutenant, with almost 22½ years of honorable service to the City;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Keene hereby extends its sincere thanks to Joseph M. Amato for his dedication to the City of Keene and the Monadnock Region and wishes him the very best for his retirement years; and

BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Joe in appreciation of his years of service to the City of Keene and the greater community.

George S. Hansel, Mayor

Resolution Number R-2023-12

CITY OF KEENE

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

A RESOLUTION In Appreciation of Albert O. Fisk III Upon His Retirement

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

WHEREAS: Albert O. Fisk III joined the Solid Waste Division of the Public Works Department as a temporary Recycler I on April 15, 1991; accepted a regular position as the same for July 1, 1993; advanced to Recycler II effective July 1, 1998; and was promoted to Solid Waste Foreman as of May 1, 1999; and

WHEREAS: Competent, capable, strong in the areas of process flow, and with top-notch operating skills using a variety of heavy equipment, Al developed a comprehensive knowledge of all aspects of transfer station operations that allowed him to meet contract timelines and restraints, ensure segregation of solid waste and construction debris in compliance with state law, divert recyclable material from the waste stream regularly to save money, and turn the Transfer Station into a highly efficient, economical production process; and

WHEREAS: Overseeing a customer-centric operation, Al worked primarily with the haulers who bring the bulk of material to the transfer station and the contractor who hauls away the trailers, and his interactions with these customers were effective and addressed their needs in an efficient and friendly manner; and

WHEREAS: Al worked in a challenging area that requires constant focus and awareness, attention to detail, resourcefulness, tenacity, emphases on both safety and environmental compliance, balancing the various inputs of people and equipment to ensure a productive operation, careful decision consideration, and maintenance of a Level III Solid Waste Facility Operator Certification from the New Hampshire Department of Environmental Services to ensure smooth delivery of services, of which he took pride; and

WHEREAS: As the volume of material recovered at the transfer station varies with each operational day, as well as from hour to hour and from season to season, Al effortlessly managed the ebbs and flows of the work, adjusting his schedule according to need; and

WHEREAS: Al dealt successfully with all varieties of challenges, such as turmoil involving the new recycling facility and attempts to privatize operations, transitioning to a new waste hauling firm with a dramatic change in operations because of new contract requirements, providing a seamless transition to a temporary transfer station after the facility's fire, record years of processing following record years of processing, implementing the flow control ordinance adopted in 2010, and reducing transport and disposal costs as tens of thousands of tons of material are processed annually; and

WHEREAS: Al retired March 10, 2023, with just shy of 32 years of honorable service to the City;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Keene hereby extends its sincere thanks to Albert O. Fisk III for his dedication to the City of Keene and the Monadnock Region and wishes him the very best for his retirement years; and

BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Al in appreciation of his years of service to the City of Keene and the greater community.

George S. Hansel, Mayor