



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
September 21, 2023
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- Reconsideration - Adoption of August 17, 2023 Minutes
- September 7, 2023

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmations
Library Board of Trustees
2. Nominations
Energy and Climate Committee

C. COMMUNICATIONS

1. Hilary Seifer/American House - Safety Concerns on the Eastside of Keene
2. Vicky Morton - Safety Concerns on the Eastside of Keene and the Need for Increased Police Presence
3. Robert Hamm - Safety Concerns on the Eastside of Keene and the Need for Increased Police Presence
4. Councilor Filiault - Homelessness in Keene

D. REPORTS - COUNCIL COMMITTEES

1. Peter Espieffs – Placement of Cell Tower in Residential Neighborhood – Nuisance and Safety Hazard Concerns
2. Attorney Michael Bentley – Monadnock T Hangar Corporation – Request to Renew Existing Lease
3. Ryan Grandmont – Hawker and Peddler – Request to Place Sandwich Board on City Sidewalk
4. 2024 Law Enforcement Substance Abuse Reduction Initiative Grant
5. Fleet Facility Assessment - Professional Services Contract

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Acceptance of Donations

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

1. Roger Weinreich – Request to Use City Property – Block Party
2. Jared Goodell - Place of Assembly Permits - Recent Charge by Fire Department - Bender's Bar & Grill

I. ORDINANCES FOR FIRST READING

J. ORDINANCES FOR SECOND READING

1. Relating to Performance Bonuses and Class Allocation
Ordinance O-2023-14

K. RESOLUTIONS

1. In Appreciation of Gail Zachariah Upon Her Retirement
Resolution R-2023-34
2. Relating to FY24 Fiscal Policies
Resolution R-2023-32

NON PUBLIC SESSION

ADJOURNMENT



CITY OF KEENE NEW HAMPSHIRE

ITEM #

Meeting Date: September 21, 2023
To: Mayor and Keene City Council
From: Patricia Little, City Clerk
Through:
Subject: Reconsideration - Adoption of August 17, 2023 Minutes

Recommendation:

Move that the City Council reconsider its motion to adopt the minutes of August 17, 2023, and adopt corrected minutes that would contain the motions regarding a non-public session that was held that evening.

Attachments:

1. 2023_08_17_City_Council_Minutes_Final_corrected

Background:

It was noted that the August 17, 2023, minutes were missing the motions to go into a non-public session and to keep the minutes of that non-public session non-public.

08/17/2023

A site visit was held Thursday, August 17, 2023, at 5:45 PM relative to a petition from Whitcomb's Mill Estates to accept a warranty deed and return of layout for a public way known as Brookfield Lane. Mayor Hansel was in attendance. Councilors in attendance included: Bryan Lake, Michael Remy, Gladys Johnsen, Michael Giacomo, Randy L. Filiault, Robert Williams, Philip M. Jones, Andrew Madison, Raleigh Ormerod, Catherine Workman, Mitchell H. Greenwald, Kate Bosely, and Thomas F. Powers. Kris Roberts and Bettina A. Chadbourne were absent. Staff in attendance included the City Attorney, Asst. City Attorney, City Engineer, and the Public Works Director. Jim Phippard represented the Petitioner. The site visit was called to order by the Deputy City Clerk at 5:45 PM.

The City Engineer opened the site visit by stating that the petitioner is proposing a small conservation residential development in the LD1 zone consisting of 9 lots of mixed single-family and duplex residences. The project will contain approximately 6.87 acres of open space. With the aid of a drawing, the City Engineer described the layout of the proposed new road called Brookfield Lane, which included: dimensions, pavement, culverts, other stormwater drainage features and a holding pond to be located off adjacent Whitcomb Mill Rd. The City Engineer continued that the homeowner's association will be responsible for managing stormwater runoff. The City Engineer indicated that the petitioner had requested waivers of City Code Sec. 22:37 relating to sidewalks, streetlights, underground utilities, and street trees.

The City Engineer and Public Works Director answered several questions regarding the future of the White Brook bridge on Whitcomb Mill Rd., pedestrian access, and vehicle traffic concerns from the City Councilors who were in attendance.

As there were no further comments, the Mayor declared the visit closed at 5:59 PM.



A true record, attest:

Deputy City Clerk

A regular meeting of the Keene City Council was held on Thursday, August 17, 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, Andrew M. Madison, Kris E. Roberts, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Councilor Jones led the Pledge of Allegiance.

MINUTES OF THE PRECEDING MEETING

A motion by Councilor Powers to adopt the July 20, 2023 meeting minutes as presented was duly seconded by Councilor Bosley. The motion carried unanimously with 15 Councilors present and voting in favor.

ANNOUNCEMENTS

Mayor Hansel and the Council wished a Happy Birthday to Councilors Roberts (August 9), Powers (August 12), and Lake (August 19). Mayor Hansel and the Council also acknowledged Councilor Madison and Lieutenant of Fire Alarm, Ray Phillips, for the emergency life-saving moment with a recent Route 9 motor vehicle accident.

Mayor Hansel also reminded Councilors and the public that the filing period has begun for the fall Municipal Elections. Candidates may either pay a filing fee and complete a declaration of candidacy or they may also file by petition by collecting the signatures of 50 registered voters to get their name on the ballot. The filing period for declarations ends on September 5 at 5:00 PM. The filing period for petitions runs until September 8 at 5:00 PM. Anyone wishing to run for office must be a duly qualified registered voter in the ward or district they represent. Filings will be accepted at the City Clerk's Office for Mayor, Ward Councilor, Councilor-at-large, and the various Election Official positions. Mayor Hansel asked the Councilors to encourage members of the community to run for office.

Mayor Hansel announced 3 Council workshops: September 18 (goals), October 16 (goals, if needed), and Sept. 26 (fiscal policies). These workshops will be at Heberton Hall at 6:00 PM. The setup for these meetings will not accommodate remote access, so Councilors should make every effort to attend. Light refreshments will be served in advance of the workshops.

PROCLAMATION – INTERNATIONAL OVERDOSE AWARENESS DAY

Mayor Hansel welcomed Councilor Bobby Williams, Anita Hansen, and Jodie Newell forward to receive a proclamation declaring August 31, 2023, as International Overdose Awareness Day in Keene. The Mayor encouraged all residents to join in remembering those lost to overdose in the upcoming candlelight vigil at Central Square on August 31 from 7:00 PM–8:00 PM. Ms. Hansen said candles would be provided and there would be speakers. It is a time to remember those lost, those struggling now, and the families that love them. This is a huge issue personally and economically in Keene and NH.

PUBLIC HEARING – ACCEPTANCE OF DEED AND RETURN OF LAYOUT – BROOKFIELD LANE – RESOLUTIONS R-2023-28 AND R-2023-20

Mayor Hansel opened the public hearing at 7:08 PM and the Deputy City Clerk read the public hearing notice. The Mayor welcomed Jim Phippard of Brickstone Land Consulting on behalf of Whitcomb's Mill Estates for a description of the proposed layout. The City Engineer presented on behalf of the City.

The City Engineer said this petition was requesting that the City Council lay out a new public road in the City, for which the petitioner has suggested the name of Brookfield Lane. The new road would be located on the west side of Whitcomb's Mill Road, almost exactly opposite the entrance to Langdon Place. If the Council approves the petition, the City would take over public maintenance and operation of 850 linear feet (750 feet of roadway and 100 feet around the perimeter of the cul-de-sac) of new roadway from Whitcomb's Mill Road to the back of the cul-de-sac, in addition to the 1,350 feet of public sewers (and manholes, etc.) and 2 existing culverts. The petitioner proposes a stormwater management pond as a part of the development, which the City would not be responsible for. That pond will collect water from the roadway, filtering out the sediment before it enters the wetlands complex. The pond would be a part of the open space parcel that the homeowner's association would be responsible for.

The City Engineer said the petition also includes requests for 4 waivers. Chapter 22 of Keene's Land Development Code addresses how to grant waivers for public infrastructure (except for driveway street access permits). It is up to the City Council to approve these waivers. The petitioner requested waivers from 4 specific sections of the Land Development Code:

- Section 22.3.7 addresses sidewalks:
 - Sidewalks are required on at least one side of any proposed street in any residential Zoning District, which applies in this case.
 - There are provisions in the Code for developers that provide an alternative system of pedestrian accommodations that do not run parallel to the road.
 - In this case, the developer proposes constructing a gravel pathway from Brookfield Lane to the Cheshire Rail Trail to provide safe pedestrian access. The path would traverse the open space reserved for conservation.
 - While the City Engineer felt the petitioner met the requirements of open space for conservation, he said it would be very hard for the Public Works Department to maintain sidewalks or plow snow at this site because there is no sidewalk network anywhere in the vicinity of this development. Still, the City Engineer thought the petitioner proposed a reasonable compromise, and so he recommended granting this waiver request.

- Section 22.3.8.B addresses streetlights:
 - Streetlights are required at intersections in all Zoning districts and along the length of public streets in all residential Zoning districts. This section clearly applies to this proposed development.
 - The applicant has requested to provide no streetlights.
 - There are currently no streetlights on Whitcomb's Mill Road, so at the very least, the City Engineer thought that lighting that intersection would be a prudent safety measure for those turning. Still, he felt that this standard should apply in this case, with streetlights every 400 feet. This would mean 3 lights for this development: 1 at Whitcomb's Mill Road, 1 in the middle of the roadway, and 1 at the end of the cul-de-sac.

- Thus, the City Engineer recommended *against* granting this waiver.
- Section 23.3.8.D addresses underground utilities:
 - When underground streetlighting feed is required, then the telephone, electric, and cable TV utilities should also be placed underground. This is the case in many Zoning districts, including the Low Density Zone. This requirement applies to this proposed development.
 - The City Engineer found no basis for why the applicant should not put those utilities underground because it is a City Council standard.
 - Thus, the City Engineer recommended *against* granting this waiver.
- Section 22.3.16 addresses street trees:
 - There shall be at least 1 deciduous tree (2-inch caliper minimum at planting) of a species approved by the Public Works Director for every 50-foot interval of each side of any new street or extension of an existing street.
 - The applicant believes there are already a lot of trees on site, which the City Engineer said is essentially true because it is a wooded lot. However, once these properties are sold to individual homeowners, the City will have no control over whether those existing trees remain or are removed.
 - Street tree requirements allow the City to set an aesthetic standard for how streets should be developed and allow for environmental benefits like addressing heat islands and stormwater management.
 - The City Engineer said that City Staff saw no compelling reason to grant this waiver and recommended *against* granting it.

Mr. Phippard explained the petition. Last year, he said the City rezoned this property from Rural to Low Density 1, which made it possible to propose a small development like the one he showed on the plans. This would be a Conservation Residential Development (CRD) that would consist of 9 separate lots, 8 of which would be accessed by a proposed new City street that ends at the cul-de-sac. One of those 8 lots is a large, 6.8-acre tract, which is where part of the permanent open space required by the CRD would be located. There is also a lot with direct frontage on Whitcomb's Mill Road that would not have access from the proposed new road. This CRD is intended to be a mix of single-family homes on the smaller lots and duplexes on the 4 larger lots. However, buyers of those 4 lots could choose to not construct duplexes. He noted that costs were one reason he requested these waivers. He thought the sidewalk made sense because there are no sidewalks near the development, and it would be a burden for the Public Works Department to plow a sidewalk that is so far from the regular sidewalk network in the City. Mr. Phippard knew that concrete sidewalks built to the City's specifications would cost over \$100 per linear foot for a total of approximately \$75,000.

Mr. Phippard said that while this area was rezoned as Low Density 1, it is still a rural area, and he wants to respect that by not cutting all the trees on the lots; the owners' intent is to preserve as many trees as possible to maintain the character of that neighborhood. There are already many

interested buyers as the project has been in progress for 3 years, and the interested parties want to preserve the large open space. The applicant proposed to construct a gravel pathway within the open space land, all of which would be maintained by the homeowners' association.

Constructing that path will require a license from the Trails Bureau of NH Department of Transportation (DOT) so it can be connected to the Rail Trail; Mr. Phippard was assured this would be granted. The applicant is willing to preserve trees within 20 feet of the right-of-way and give the City an easement to maintain those trees; this site would have 100s of trees within 20 feet of the right-of-way. He thinks a requirement to plant street trees would be redundant and a wasted expense; 30 street trees in the City's right-of-way would cost an additional \$75,000.

Next, Mr. Phippard talked about the waiver request for underground utilities. He met with Eversource at the site to get their approval to locate the underground utilities. Eversource informed him that they could not promise the transformers within the next year. Because of this, the petitioner immediately switched from underground to overhead electricity on site. Mr. Phippard mentioned that there were 4 contractors bidding for this site with the hope of starting this fall, but 2 dropped out because of all the wash outs and damages that had occurred this summer; NH DOT has been hiring all available contractors to help them rebuild roadways. If the developer cannot get the necessary permits and approvals, then they cannot start this fall. Mr. Phippard said costs for everything had been skyrocketing, which would only increase costs for future homeowners. For example, if forced to have underground utilities, the 5-inch conduits cost \$90 per linear foot compared to \$15 two years ago. That is just one part of the cost of the underground utilities. Not receiving this waiver could add \$100,000 to the cost of developing these 12 units.

Mr. Phippard said the goal for this development is to keep the homes under \$500,000 but said that all of these extra construction costs would make that harder. He is currently in negotiations with 2 suppliers to try to bring down the cost of these stick-built homes. He asked the Council to respect the fact that these waivers were not requested on a whim, but because he feels they are absolutely necessary to retain the budget.

Next, Mr. Phippard addressed City sewer access at the site. The sewer would originate across from Whitcomb's Mill Road at Langdon Place of Keene. In the 1980s, the sewer was extended from Arch Street, under White Brook, and all the way to the last wing of the Langdon Place building. The easement was extended to Whitcomb's Mill Road.

In addition to these waivers helping to keep the project on budget, Mr. Phippard said this development would contribute to the critical need for housing in Keene; more housing could bring more businesses to Keene.

Mayor Hansel opened the hearing to public comments.

Walter Lacey of 230 Daniels Hill Road said that the intersection of NH Rt-9 and Whitcomb's Mill Road has become more perilous over the years, with frequent accidents. It has become a

shortcut to destinations in north and west Keene. He thinks this development will only make it more perilous. Langdon Place was built 25 years ago and recently a Rail Trail parking lot was added. Since this intersection was created, there have been 20 new homes built on Daniels Hill Road and Langley Road, which has increased traffic dramatically. Mr. W. Lacey said that residents who use this intersection have been appealing to NH DOT for 25 years. He said his requests to the City Council had also been overlooked. He thought that this development would subject 12 households, their visitors, and vendors to unnecessary hazards; this would also be the case for long-time residents using the intersection. He shared examples of how scary the intersection can be, including near misses. Mr. W. Lacey thought it was sad that a fatal car accident was needed to affect change. He urged the City Council to not approve this development without a commitment from NH DOT for safety improvements to this intersection. He quoted from the 1994 mission statement of the Keene City government: *"The mission of the Keene City government is to provide the best possible public order, safety, justice, infrastructure and services expected by its citizenry; and to provide the forum for community planning and development."*

Thomas Lacey of 241 Daniels Hill Road agreed with Mr. W. Lacey about this intersection becoming less safe over time as the number of users has increased. Speeds are incredibly high, and he often sees signs of accidents (e.g., broken glass or guardrail damage). Drivers do not slow down when approaching this intersection. While it might appear as though nothing is wrong with this intersection, he said it suddenly becomes really complicated. When he cannot avoid using the intersection, he mentioned that he had to develop a strategy of stopping short to avoid other vehicles. Mr. T. Lacey said the City Council had fair warning about this. Otherwise, he supported this development. Still, he thought that any acceptance of this new right-of-way should be suspended until there is a solution for safety at the intersection of Rt-9 and Whitcomb's Mill Road; he did not think the developer should be responsible for paying for this solution.

Mayor Hansel shared that he sent a letter to the NH DOT Commissioner requesting a response about this but had not received one yet. He encouraged City Staff to bring this up with DOT as well.

Hearing nothing further, Mayor Hansel closed the public hearing at 7:43 PM, except for written comments, which would be accepted until 1:00 PM on Tuesday, August 22. Written comments must be signed and submitted to the City Clerk by that date and time to be included in the record. Mayor Hansel referred Resolutions R-2023-28 and R-2023-29 to the Municipal Services, Facilities, & Infrastructure Committee for their August 24 meeting.



A true record, attest:

Deputy City Clerk

PRESENTATION – SLUDGE DRYER FEASIBILITY STUDY – BROWN AND CALDWELL AN ENGINEERING CONSULTING FIRM

Mayor Hansel welcomed Aaron Costa, Assistant Public Works Director, and Wastewater Treatment Plant (WWTP) Manager to introduce the sludge dryer feasibility study. He introduced consultants from Brown & Caldwell: Colin O'Brien and Bill Browder. Mr. Costa thanked the partners on this project, which was funded by a \$100,000 grant through the American Rescue Plan Act administered by the NH Department of Environmental Services (DES). The City owns and operates the WWTP, which treats approximately 3 million gallons of wastewater daily (24/7/365). A discharge permit allows the City to discharge that treated wastewater into the Ashuelot River. Less commonly discussed are the biosolids—or sludge—disposed of at the WWTP. There are 3 ways to get rid of biosolids: 1) incineration (only 1 in NH), 2) landfilling at the Turnkey Landfill in Rochester, NH (current method; limited landfill capacity in New England and not a desirable landfill material because of high water content), and 3) reuse and land application (a company turns it into a compostable product that can be used as fertilizer and more). However, recent PFAS regulations have changed the ability for land application and beneficial reuse. The City of Keene has sludge dewatering equipment that produces a product that is approximately 30% solids and 70% water. The WWTP produces 4,500 tons of that material every year; if more water could be removed, it would reduce the tonnage that must be hauled and disposed of. The current rate for hauling is \$125 per ton in the City of Keene and there is an annual operating budget for this of \$600,000. This study assessed the feasibility of adding a sludge dryer to the City's current dewatering process to reduce the overall water content. The study also created a roadmap of how to best manage biosolids in the 21st century and what that could look like in Keene over the next 30 years. This study considered the City Council's goals regarding fossil fuels. This drying process could generate some energy that could be used at the WWTP. Mr. O'Brien said his team is working with many towns in NH facing this challenge. This study created a roadmap for the City to follow as sludge crises arise.

Mr. Browder said the consultants' task for this project was to assess the feasibility of a sludge dryer at the WWTP. He echoed that Keene has laudable energy goals: 100% renewable electricity by 2023 and 100% renewable thermal by 2050. Those goals gave this study a unique context. Like for other products, the costs of addressing biosolids are increasing, with pressures on landfills, driver shortages, higher costs, and other regulatory challenges. Since the City first opened a biosolids management contract, the unit costs have gone up 47% from \$85 per wet ton to \$125 per wet ton; that contract is through the end of 2025. So, the next time the City rebids for this, prices could be as high as \$1 million per year for the wastewater treatment plant. If the prices reached \$250 per wet ton—which is reasonable to expect—it would become over 50% of the overall WWTP budget for biosolids management. To avoid that, there are some things the City can do.

Mr. Browder explained the context of biosolids in NH, much of which are placed in landfills or burned. However, there are opportunities to beneficially reuse that material (e.g., inorganic fertilizer), which could be a cost-effective alternative. There is limited landfill capacity,

especially for this wet waste, which can cause stability issues in landfills. As Mr. Costa mentioned, there has been a lot of regulatory action across the country on PFAS (forever chemicals), particularly in NH. So, there are strict drinking and groundwater standards. NH DES is obligated to have soil screening standards by November 2023 that will push for a biosolid limit in NH. Most of the biosolid management companies the consultants contacted said they wanted dry material. The dewatered material (70% water) produced currently by the WWTP could be improved with a sludge dryer, which would leave a product that is only 10% water and much easier to handle in a landfill or as fertilizer. Keene's current method of dewatering and transporting to a landfill is not sustainable.

The recommendations that came from this feasibility study are to improve this situation in phases, with the first phase being the purchase of a thermal sludge dryer, which would significantly reduce the tonnage. Further, anaerobic digestion could be used to generate renewable energy (electricity or heat) for the dryer, resulting in fewer solids to manage. There is also an opportunity for thermal PFAS treatment technology. The consultants' primary recommendation at this time is to move forward with the thermal dryer. He showed an animation of how this dryer would work. This dryer would cost approximately \$11.3 million and would help the City reach its energy and climate goals. He showed another graphic depicting the carbon associated with all the power used at the WWTP and hauling the dewatered sludge to the landfill. He also noted that putting biosolids and any organic matter in a landfill generates significant amounts of methane, which is a potent greenhouse gas. With a dried product, Keene could continue sending its biosolids to the landfill or reuse the product more easily.

In consideration of running a thermal dryer with renewable energy, there are 4 options: 1) the solar array next to the WWTP, 2) Froling Energy in Keene has biomass boilers to heat the product and provide energy for the thermal dryer, 3) biogas from anaerobic digesters, and 4) syngas from a pyrolysis unit. A thin film dryer would have the best life cycle cost; he demonstrated how this works. Reusing biosolids beneficially is a common practice nationally. Mr. Browder said there could be additional phases to bring in new technologies, like anaerobic digesters, which are a common technology in use for over 100 years. An anaerobic digester puts organic matter in large tanks to generate biogas, which is essentially a renewable energy gas that can power boilers to create electricity. Federal incentives could help with funding some of these phases, such as accepting food waste in digesters or solids from other treatment plants, and thus generating revenue. There is still more research needed on PFAS treatment, which is why the consultants recommend the dryer as the first phase.

Councilor Johnsen asked if any wastewater is reusable. Mr. Browder said some evaporates as vapor, but most would be condensed and recycled back into the WWTP.

Councilor Madison asked if the thin film dryer was essentially a glorified centrifuge for biosolids. Mr. Browder said it is similar. A centrifuge is widely used for the dewatering step at WWTPs. This involves a heated jacket that is a similar concept and results in a much drier product.

Councilor Jones asked how the throughput of the dryer would be measured. Gallons per hour? Mr. Browder said yes, it is typically measured in wet pounds evaporated per hour. It is related to the amount of water in the material, which fluctuates. The consultants looked at the sludge generated at the WWTP currently (the 2020 standard) and extrapolated out 20 years after purchasing the equipment. Wastewater flow at the WWTP will change with new development and additional flows. Councilor Jones asked if the digester tanks are an old technology and if the organisms in that process are just small bugs. Mr. Browder said a digester is just like the human stomach. There are microorganisms in the digester that break down solids into carbon dioxide and methane, which is captured as biogas and cleaned to use for electricity. Councilor Jones said it is essential to manage the pH and anything else in that system to keep the microorganisms alive. Mr. Browder agreed that it is important to watch the equipment closely, but digesters run successfully across the country. So, while it is older technology, it is proven to work.

Councilor Williams asked about how much methane could be generated using the biodigesters. Mr. Browder replied that digestion at Keene's WWTP could produce enough biogas to meet most of the needs of the thermal dryer. The amount of methane generated is what would be needed to dewater the product to 90% solid for municipal sludge. More digester gas production could better fulfill the obligation of running the thermal dryer full-time.

Councilor Ormerod asked if PFAS would still be in the solid waste going to the landfill after drying? Mr. Browder said some of the PFAS would come out during drying as condensate, some potentially as exhaust, and most would still remain in the solids. Councilor Ormerod asked about the \$11 million capital investment for the dryer. The Councilor wanted to know why not invest in the digester as the first phase, which is a lower capital expense of \$5 million. Mr. Browder thought that investing in the digester first would not leave the WWTP with a material that other companies want to manage. While digestion is a great technology, a dried product is needed for biosolids management in New England. Mr. O'Brien added that Keene's biosolid hauling contract is through 2024, and by that time, a digester would not have the same mass reduction as a dryer would. The hauling costs could go up when that contract is renegotiated.

Councilor Greenwald asked what the dryer would cost and what the payback to the City would be. Mr. Browder said the estimated preliminary capital cost would be \$11 million and the break-even point would be over the lifecycle of the dryer. It is less about return on investment and more so about the City not risking having a material and nowhere to go with it. There would be more management options and the WWTP could continue running. Mr. Browder also recalled that the City is currently paying \$600,000 annually for wet biosolid disposal.

Councilor Remy also asked about the payback period, which Mr. Browder said was listed in the report. Councilor Remy also asked if an anaerobic digester would process the dewatered sludge. Mr. Browder said that sludge would go through the digester, then through screw presses to make the somewhat dewatered product, which would then be put in the dryer.

Councilor Madison asked if the dryer is mainly to reduce volume and thus get past the current contract with Turnkey Landfill. He also asked if the anaerobic digester would eliminate the need for landfilling the biosolids. Mr. Browder said yes, there would be fewer solids going into the dryer and there would be resulting renewable energy. Biogas provides an opportunity to accept food waste, other organic residuals, and solids from other communities. Councilor Madison asked Mr. Costa how long the current contract is with Turnkey. The contract is through 2025 with an option for 1-year renewals.

Councilor Giacomo asked if the City's current dewatering technology is a filter press that removes water. Mr. Costa said in 2016, the WWTP upgraded from belt filter presses to screw presses, which improved the solid output. Councilor Giacomo asked if the limitation on the amount of water that can be removed with the WWTP's current technology is the mechanical and technological restriction versus the cost. Mr. Costa said that was correct. While there have been improvements, there are limits to that technology.

Councilor Roberts cited challenges in New England with toxic materials leaching into the ground. Right now, the landfill contract is through 2025, but there is no guarantee that a company will take a new contract because of the risk. The City could be in 2025 with nowhere to put this waste material. Mr. Costa said that was why this study was needed; to know the future options with the understanding that high water content biosolids are not welcome at landfills. Mr. O'Brien thought this was a very accurate assessment of potential risks based on trends and potential crises in NH and New England.

The presentation concluded. Councilor Greenwald asked the next steps. The City Manager said that this potential purchase would be a part of the Capital Improvement Program conversation when that process begins in January 2024.

NOMINATIONS – HERITAGE COMMISSION

Mayor Hansel nominated the following individuals to serve on the Heritage Commission: Julie Emineth as a regular member with a term to expire December 31, 2026, Susan DeGidio to change from a regular to an alternate member with a term to expire December 31, 2026, and Rose Carey to change from a regular to an alternate member with a term to expire December 31, 2026. Mayor Hansel tabled the nominations until the next regular meeting.

COMMUNICATION – ATTORNEY MICHAEL BENTLEY – MONADNOCK T HANGAR CORPORATION – REQUEST TO RENEW EXISTING LEASE

A communication was received from Attorney Michael Bentley, on behalf of all unit owners of the Monadnock T Hangar Corporation. Mr. Bentley is requesting that the City of Keene grant Monadnock T Hangar Corporation an option to renew their existing lease for an additional 20-year term at the expiration of the current lease. They request terms consistent with the current lease or terms that may be in effect in 5 years for land at the Airport that is being leased to other

tenants. By granting the option to renew the lease agreement for an additional 20 years, any concern over how long a new unit owner can stay and any maintenance issues would be resolved. They are also interested in discussing the possibility that the new lease could also contain an option to extend the lease for a further 20-year term, consistent with the initial July 22, 1988 Lease Agreement. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

CITY MANAGER COMMENTS

First, the City Manager discussed body-worn cameras. The Police Department went through installation and training during the week of July 10 and went live with implementation on Friday, July 14. So far, there had been no major issues and everything was going well. The cameras had already proven useful in resolving what would have been citizen complaints in a couple of instances; the supervisor was able to easily review the video and see that what was being alleged simply did not happen. In addition to being activated manually, cameras include several safety features that automatically activate cameras, including: if an officer draws their handgun from its holster, begins to run, engages in jostled movement (i.e., during a fight), activates lights and/or sirens in the car, or lies flat for 10 seconds—this feature, known as Officer Down, notifies all cars in the district that an officer is in need of immediate assistance.

Next, the City Manager provided an update on the Martell Court pump station emergency repair. The wastewater treatment plant treats 6 million gallons of wastewater per day and operates 24 hours per day, 7 days a week. All wastewater from Keene and the Town of Marlborough is pumped to the treatment facility via the Martell Court pump station. There is no bypass of this pumping system that allows the station to be taken offline for repairs. On July 10, the station experienced a seal failure on a gate valve on the discharge side of the pumps. Raw sewage began to fill the pump room. Fortunately, this room is equipped with sump pumps that Staff quickly brought in. The City Manager declared this event as an emergency and notified the Council that it would be necessary to make emergency repairs outside of the normal process. With the assistance of a contractor, Staff were able to make some temporary repairs. To make a more permanent repair, the station will need to be offline, and a bypass pumping system will need to be in place prior to shutting down the flow. This will be done in 2 phases. Phase 1 will be a temporary bypass that will allow Staff to make necessary repairs. Phase 2 will be a permanent bypass pumping system that will remain in place and will allow staff to isolate the station for repairs. Phase 2 will be incorporated into the upcoming Capital Improvement Plan.

The City Manager shared that on August 23, she discussed with the Municipal Services, Facilities, and Infrastructure Committee an opportunity to partner with Keene State College (KSC) to invest in the infrastructure/building at the Keene Ice facility to support a KSC varsity program. This program would be built around the ice team that is currently not being used and no existing programs will be displaced.

Next, the City Manager explained that at the last legislative session, Senator Donovan Fenton put forward SB 110 on Keene's behalf. This bill was recently signed into law and was the first substantial change in welfare legislation in approximately 20 years. Staff met with Senator Fenton last week and began discussing potential legislation for the upcoming session. They brainstormed a few ideas but will be working on drafting something to pass on to him in the upcoming weeks. The City Manager will keep the City Council apprised. Keene became one of the first municipalities in the state to use the state's homeless management information system. We have now requested access to the state's coordinated entry system—a module in this program that will allow us to enter homeless individuals who have been homeless for at least 14 days. These individuals are prioritized for rehousing and joint case conferencing with agencies in our region. The City Manager attended the first session on establishing joint case conferencing for our region a couple of weeks ago.

The City Manager also recently executed a memorandum of understanding with the state to install multi-use trail signs identifying the Ashuelot Rail Trail that crosses over NH Rt-101 on the South Bridge owned by the State, and the Cheshire Trail that crosses Rt-9/10/12 on the City-owned North Bridge. These signs will be within the state right-of-way. This was originally a request brought forward by Chuck Redfern.

Next, the City Manager provided an update on the 21 in 21 Program. Six properties representing 11 homes have or will soon receive weatherization measures as well as HUD housing quality housing standards upgrades or repairs. Staff had a meeting a couple of weeks ago regarding a P.R. effort around this progress to date. The City Council will be seeing some social media in the upcoming months highlighting specific projects and all of our partners. Southwestern Community Services has been vital to success to date.

The City Manager shared that in response to some Planning, Licenses, and Development Committee conversations on small cell wireless facilities, the City purchased an electromagnetic (EMF) reader that residents can loan from the Library. The City Manager split the cost with the Library. Councilor Jones expressed gratitude for the City Manager responding to this request.

Lastly, the City Manager discussed the CIP and Council goals. The capital planning process has begun. The document will go to the Council in January. Since this document plans out the next 7 years of capital expenses, it is important that investments are tied with to Master Plan and more specifically the Council goals. As the Mayor stated, there will be 2 goals workshops at the Library. Staff are planning to organize in the same informal format used in the past, utilizing tables for topic areas and providing updates on progress. If there is a need to change the format, please let the City Manager know.

REPORT – AMBULANCE BACK UP AGREEMENT – FIRE DEPARTMENT – RESCUE INC.

A motion by Councilor Powers to suspend Section 26 of the Rules of Order to act upon the next three items, which were time-sensitive because of the programming and financing, was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

A memorandum read from the Fire Chief, Donald Farquhar, recommending the following motion. A motion by Councilor Powers to recommend the City Manager be authorized to negotiate and execute an agreement with Rescue Inc. for a period of 90 days and an amount not to exceed \$45,000 for EMS emergency backup services was duly seconded by Councilor Remy.

The Fire Chief, Don Farquhar, said that Rescue Inc. was the City's partner after Diluzio closed. An agreement is needed for important backup services. It is not just about call volume, but also having enough firefighters on site in an emergency. After exploring many options, Staff believes that the best option is to keep Rescue Inc., which is a non-profit company that is requesting 90 days of employee salary, and to keep an ambulance in Keene (has been at the Central Station since August 1). This has vastly improved staffing and resources. The fee structure is a maximum of \$15,000 per month for 90 days. That calculation was based on how many calls they were expected to take; how much money the ambulance would make weighed against the fixed costs, with a margin for safety. Staff were comfortable with the fee structure. This will provide incredibly important safety and redundancy in these 90 days as we continue to look at all the other options and see what else is going on in the County. The goal is a larger, more global system that will be supported Countywide by individual agencies helping each other out.

The City Manager said this agreement is also important because Keene has 1,000 calls annually from skilled nursing facilities and the City does not have the capacity to fulfill those. There is a regional conversation about ambulance services and establishing a County ambulance service would help partner communities. There needs to be a financial model for service calls that will sustain in the future. The City is subsidizing, and every call responded to costs money, which is why the City needs to pay Rescue Inc. for this partnership. A contract cannot move forward with the County until they decide on their number of contracts. Also, Rescue Inc. is dependable. The City Manager continues asking for meetings with the County about how many towns they want to serve, their capacity, and their estimated future costs.

Mayor Hansel said that, bluntly, what the County had done—justified or not—caused a disruption in ambulance service that is now costing Keene taxpayers. A backup ambulance service is essential.

Councilor Roberts spoke about how he felt what the County was doing was unethical and would cost people's lives because of power controls over money. He said this was not about money but about the welfare of Keene and Cheshire County residents.

Councilor Greenwald wanted to hear from the County directly and he did not think this was the forum for bashing the County.

Councilor Madison remarked—based on a recent experience with emergency services—that what Keene Fire and Rescue Inc. can do together is amazing and often saves lives. He agreed with Councilor Roberts that how the County had conducted itself, negotiated with the City, and used American Rescue Program funds was disappointing.

Councilor Jones recalled that this was only about a 90-day contract and not as long-term as some Councilors were discussing. He thought the long-term discussion was best left to the Council Committee. The City Manager said this was a 90-day contract and during that time, she hopes to have continued conversations with the County to have a plan for when this period ends and what the future of ambulance service will look like. She had great conversations with County Manager, Chris Coates, and they agreed that the City has reasonable questions to pursue.

Councilor Workman said that as someone who coordinates ambulance transportation and wheelchair transportation, she felt Rescue Inc. had been very reliable. She said they demonstrated that they can meet the City’s current needs and the capacity of calls. She thought the City should be grateful for Rescue Inc.

A motion to amend the motion to say “*execute a sole source agreement*” was duly seconded by Councilor Remy and the motion carried unanimously.

Councilor Ormerod asked if it is more worthwhile for Rescue Inc. to have a sole source agreement. The City Manager said that the language in the motion is to waive the process the City must go through for Requests for Proposals.

The amended motion carried unanimously.

REPORT – CONTRACT AWARD – FIRE DEPARTMENT – SPEC RESCUE INTERNATIONAL

A memorandum read from the Fire Chief, Don Farquhar, recommended the following motion. A motion by Councilor Powers to recommend that the City Council authorize the City Manager to execute a contract with SpecRescue International to provide specialty rope rescue training was duly seconded by Councilor Remy.

The Fire Chief said this was for the company that would hopefully be hired to lead rope technician training. This is for the instructional portion of that. This was put to bid and Spec Rescue International was the sole bidder. He said they are an excellent company that Keene has worked with in the past. These funds are from a federal grant that will allow the City to hire Spec Rescue International as a contractor.

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

REPORT – CONTRACT AWARD – FIRE DEPARTMENT – SITEMED

A memorandum read from the Fire Chief, Don Farquhar, recommending the following motion. A motion by Councilor Powers to authorize the City Manager to execute a contract with SiteMed to provide NFPA 1582 occupational medical physicals was duly seconded by Councilor Remy.

The Fire Chief said this was about firefighters' essential annual physicals. Every fire attended has an impact on health. Very few organizations will come to Keene and do this training for a reasonable fee and this company responded to the Request for Proposals; they are working with Cheshire Medical Center on some advanced health screenings, like for early cancer. Working with this contractor had brought the costs down.

Councilor Remy asked about the cost. The City Manager said it was captured as a budget line increase. She would follow-up and send the total cost to the City Council.

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

REPORT – ACCEPTANCE OF DONATION – FINANCE DIRECTOR

A memorandum read from the Finance Director, Merri Howe, recommending that the City Council accept the donations in the amount of \$5,075 listed below and the City Manager be authorized to use each donation in the manner specified by the donor.

- The New England Mountain Bike Association (NEMBA) – Keene/Brattleboro chapter donated the bike park in 2020 and it has been a great addition to the recreational offerings within the City. The vision was greater than just the park. It was to introduce children to how to ride in the park and provide an opportunity to those children who might not have a bike to ride. With the assistance of the Keene Kiwanis Foundation, this vision has become a reality. The \$5,000 donation from the Keene Kiwanis Foundation will purchase 10 bicycles and helmets for children to use when registered through the Parks and Recreation Department programming. Through the memorandum of understanding with NEMBA-KB, the City will work collaboratively to provide programs at the bike park and they (NEMBA-KB) will provide instructors and will also train City staff so more opportunities can be programmed.
- The Fire Department received a donation in the amount of \$75.00 from Lesley Peterson in appreciation for their assistance in a recent visit to the City of Keene.

A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor.

ADJOURNMENT

08/17/2023

This being Councilor Johnsen's last meeting, Mayor Hansel and the Council honored her diligence, hard work, and commitment, expressing their appreciation for her service. Everyone agreed that she had been an asset to the City and City Council, always striving to honor and fight for her constituents. Mayor Hansel presented Councilor Johnsen with a key to the City and Councilor Bosley presented her with a gift on behalf of the Planning, Licenses, and Development Committee. Councilor Johnsen said it had been her pleasure serving the City of Keene.

A motion by Councilor Powers to suspend Section 26 of the Rules of Order to act upon the resignation was duly seconded by Councilor Bosley and the motion carried unanimously. A motion by Councilor Powers to accept Councilor Johnsen's resignation with regret and tremendous appreciation for her service was duly seconded by Councilor Bosley. The motion carried unanimously with 15 Councilors present and voting in favor.

Because the resignation is within 120 days of the election, the seat will remain vacant until the start of the new term of office starting January 1, 2024.

ADJOURNMENT FOR COLLECTIVE BARGAINING

There being no further business, Mayor Hansel adjourned the meeting for collective bargaining at 9:02 PM.



A true record, attest:

Deputy City Clerk

KEENE POLICE OFFICERS ASSOCIATION, AFT-NH, AFT LOCAL #6246 AND KEENE POLICE SUPERVISORS, TEAMSTERS LOCAL 603 - TWO MEMORANDUMS OF UNDERSTANDING – MODIFYING EXECUTED COLLECTIVE BARGAINING AGREEMENTS

Voted unanimously that the City Manager be authorized to do all things necessary to execute a Memorandum of Understanding modifying the executed collective bargaining agreement with Keene Police Officers Association, AFT-NH, AFT Local #6246 to be effective October 1, 2023, through June 30, 2025, as well as a Memorandum of Understanding modifying the executed collective bargaining agreement with the Keene Police Supervisors, Teamsters Local 603 to be effective October 1, 2023 through June 30, 2026.



A true record, attest:

Deputy City Clerk

08/17/2023

At 9:30 p.m., there was a motion made by Councilor Powers, seconded by Councilor Bosley, to enter a non-public session in accordance with the exemption provided under RSA 91-A:3, II (c). A roll call vote was taken, which was unanimous.

At 9:43 p.m., there was a motion made by Councilor Powers, seconded by Councilor Bosley, to keep the minutes of non-public session non-public A roll call vote was taken, which was unanimous.

A true record, attest:

A handwritten signature in cursive script, appearing to read "William S. Dow".

Deputy City Clerk

A regular meeting of the Keene City Council was held on Thursday, September 7, 2023. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Bryan J. Lake, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Andrew M. Madison, Raleigh C. Ormerod, Bettina A. Chadbourne, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Catherine I. Workman arrived at 7:05 PM. Kris E. Roberts was absent. Having declared that a quorum was physically present, Mayor Hansel recognized that Councilor Michael J. Remy requested to participate remotely due to work travel; he was calling from the public area of an airport. Hearing no objections from the Council, Mayor Hansel granted remote participation. Councilor Madison led the Pledge of Allegiance.

MINUTES OF THE PREVIOUS MEETING

A motion by Councilor Powers to adopt the August 17, 2023, meeting minutes as presented was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Roberts was absent from the meeting and Workman was absent for this vote. Ward Four Council seat vacant.

ANNOUNCEMENTS

There will be 2 workshops on Council Goals. The first is on September 18 and the second is on October 16. These workshops will be at Heberton Hall at 6:00 PM. The setup for these meetings will not accommodate remote access, so Councilors should make every effort to attend. Light refreshments will be served in advance of the workshops.

PUBLIC HEARING – ZONING MAP CHANGE – OLD WALPOLE ROAD – RURAL TO LOW DENSITY

Mayor Hansel opened the public hearing at 7:03 PM and the City Clerk read the hearing notice. Mayor Hansel welcomed Matthew Keenan, President of Monadnock Habitat for Humanity, a local affiliate of Habitat for Humanity International.

Mr. Keenan described the Monadnock Habitat for Humanity's mission. Habitat for Humanity is an all-volunteer, 501(c)3 non-profit with a mission to build and renovate houses in the Monadnock Region to provide decent, safe, and affordable workforce home ownership for neighbors currently residing in inadequate housing. The traditional Habitat for Humanity model is to build modest homes (roughly 1,100 square feet) using local volunteers and in-kind contributions from area contractors and suppliers to ensure affordability. The families served would otherwise not be able to afford a home. Habitat for Humanity fundraises the required cost to build a home significantly under market value, with an interest free mortgage that the family can afford. This is not a handout, but what Habitat for Humanity calls a "hand up." Habitat also works with partner families to educate on household finances and create budgets to help the families achieve financial stability and proper upkeep to protect their investment.

Mr. Keenan explained that Monadnock Habitat for Humanity owns a 7.1-acre parcel in the Rural District on Old Walpole Road. When this development process began, the Rural District required a minimum of 5 acres for building lots, which has now been reduced to a 2-acre minimum. The

lot would also require City water and sewer service. Mr. Keenan said that in researching the Zoning options, he determined that the best way to maximize the impact, with as many low-income working families as possible, would be to spread the significant cost of extending City water and sewer across multiple homes. This effort required the request for a Zoning Map change from Rural to Low Density, reducing the minimum lot size requirement to 10,000 square feet. The plan was for up to 8 homes with frontage on Old Walpole Road, which would leave most of the lot—especially the back, which abuts Butternut Drive—untouched.

Mr. Keenan said Monadnock Habitat for Humanity's goal was never to build 30 homes, and he sincerely apologized for scaring the neighbors. While this assertion of 30 homes was stated at the first public workshop, the lot could not be developed to that extent due to the terrain, groundwater, ledges, etc. Mr. Keenan said Monadnock Habitat for Humanity was unaware of the existing water drainage issues in the Butternut Drive neighborhood until it was repeatedly expressed at the July public workshop. Due to concern about contributing to this drainage issue, Mr. Keenan met with City officials, who are aware of the issues but have no set plans to address the challenges at this time.

With all of this said, Mr. Keenan apologized to everyone who was concerned. He stated that Monadnock Habitat for Humanity was hereby withdrawing its application to amend the Zoning Map. They will revisit the options currently available under the Rural Zoning designation and decide based on everything they learned during this process.

With the application withdrawn, Councilor Greenwald asked what would happen next. The Assistant City Attorney, Amanda Palmeira, said the Council could ask Mr. Keenan questions. Otherwise, this hearing was over, and Mr. Keenan could submit a new application in the future.

Hearing no further comments, Mayor Hansel closed the public hearing at 7:09 PM.

A true record, attest: 
City Clerk

PRESENTATION – LOWER WINCHESTER STREET RECONSTRUCTION PROJECT – MCFARLAND JOHNSON

Mayor Hansel welcomed the City Engineer, Don Lussier, who introduced Gene McCarthy from the consulting engineering firm for this project, McFarland Johnson. Mr. Lussier began the presentation, noting that the Lower Winchester Street Reconstruction Project has been in the Capital Improvement Plan (CIP) for some time. He said work really began in earnest in the summer 2022, when the City selected a consultant, and the Mayor appointed the Steering Committee that had been working to develop and refine design alternatives for the last year.

Mr. Lussier explained that this project will extend from the existing roundabout on Rt-101 to past the Swanzey town line. This will occur through a sort of third-party agreement with the Town of Swanzey, the NH Department of Transportation (DOT), and the City of Keene. The Town of Swanzey and NH DOT will pay for everything past the Swanzey town line, and the City

of Keene will pay for 20% of the improvements within the City limits, and the other 80% would be funded by the Federal Highway Administration. While the project is Federally funded, it is being managed through a Local Public Agency (LPA) process, a formula by which local agencies—versus State agencies—can administer these Federal funds. Essentially, Keene is acting as a sub-recipient of this grant to the NH DOT. The City must follow this very specific formula when using money from that program. While the Steering Committee was not required, there was a requirement for public engagement. There was a public listening session to meet that requirement.

Mr. Lussier shared the Steering Committee’s purpose and needs statements:

The purpose of the project is to provide a Complete Street that addresses daily congestion and side street queueing that occurs along the Lower Winchester Street corridor from the Route 101 Roundabout in Keene to the Market Basket driveway in Swanzey. Improving aesthetics, access and safety for all users are essential goals of the project. The project will address deficiencies on the bridge that carries Winchester Street over Ash Swamp Brook.

The high volume of turning traffic at the intersections and driveways along Winchester Street causes excessive queues and delay. Delays accessing Winchester Street lead to unsafe behavior with near miss collisions. Pedestrian and Bicycle facilities do not exist along the corridor. Poor Aesthetics with no green space along the corridor. Excessive speed for those travelling to and from West Swanzey Road. The trail/snowmobile crossing is unsafe for its users due to poor signage. The Ash Swamp Brook Bridge is on the State’s “Red-list,” is too narrow, and has sub-standard bridge and approach railings.

Mr. Lussier said the next step in this process is for the City Council to sponsor the project. The recipient of the funds must select a proposed action that must be approved by the Federal Highway Administration, which occurs through the engineering study that would be finalized after this meeting. Ultimately, the Steering Committee’s recommendations would be presented to the Municipal Services, Facilities, and Infrastructure (MSFI) Committee for a recommendation to the City Council.

Next, Mr. McCarthy walked the Council through the Steering Committee’s proposed design alternatives. He said this process was based on the foundation of the community’s goals for this project. He recalled that there were two public listening sessions—one in Keene and one in Swanzey—to hear what community members experience in this corridor and the opportunities they envisioned for this project. From this feedback, he recalled that part of the purpose and needs statements focused on the City’s complete streets policies. Residents were also concerned about congestion in the corridor, including the queueing and delays getting onto Winchester Street from the side streets and driveways, which also poses a safety factor when trying to maneuver through this corridor. The Steering Committee also considered things like aesthetics. Mr. McCarthy said that a primary focus of the Steering Committee was the Ash Swamp Brook Bridge, which currently has some temporary barriers. This project will replace the bridge with a configuration that will be approve by the Council.

Next, Mr. McCarthy talked about the volume of traffic in this corridor, which was a continuous focus of the Steering Committee. Particularly, the challenges of making left turns from side streets onto Winchester Street due to the volume of traffic were stated repeatedly. Along the same lines, there was a focus on speed in the corridor. Thus, from an engineering perspective, one of the first efforts was an extensive traffic study in October 2022. Traffic was counted at all 12 intersections in the corridor at peak hours. There were full 24-hour collections on portions of Winchester Street and on Matthews Road, which is a key point of entry to the corridor. The consultants used these traffic counts to establish a base year for 2023 that accurately reflects the current traffic on Winchester Street; the design year (2045) is typically 20 years past the construction year and the project should serve that 20-year traffic. Establishing future growth is critical. The Steering Committee assessed the traffic study and expected growth/demand and talked to the Town of Swanzey and City of Keene to understand their expectations of future growth in the corridor. The study anticipated 20%–30% traffic increases on Winchester Street by 2045, with higher volumes closer to Rt-101. Mr. McCarthy called this a pretty significant increase considering there is already congestion on lower Winchester Street today.

Next, Mr. McCarthy described the design alternatives that the Steering Committee considered. The designs are broken into three segments of the corridor: north, middle, and south.

North Segment:

- From the existing Rt-101 roundabout to—and including—the Krif Road intersection.
- Currently: a single lane in each direction and a center dual use turn lane.
- The most traffic growth is expected in this segment.
- **Design alternatives presented to the Steering Committee** (same footprint, different layouts):
 - Five-lane section with center turn lane north of Krif Road.
 - An additional lane in each direction.
 - Retains center turn lane.
 - Five-foot bike lanes adjacent to the travel lane in each direction to achieve a complete street.
 - A curb in both directions.
 - A sidewalk on the west side.
 - Median divided 4-lane section north of Krif Road.
 - An additional lane in each direction.
 - A raised median separating the two directions of traffic.
 - Five-foot bike lanes adjacent to the travel lane in each direction to achieve a complete street.
 - A curb in both directions.
 - A sidewalk on the west side.
- **Design alternative chosen by the Steering Committee:**
 - Divided 4-lane section with a median, no left turns, and a hybrid roundabout at Krif Road.

Middle Segment:

- Just south of Krif Road to just past the Bradco Street and Matthews Road intersections.
- Currently: a single lane in each direction and a center dual use turn lane.

- Left turns remain an issue in this segment.
 - Because not as much traffic growth is anticipated in this segment, the consultants recommended maintaining one lane in each direction.
- **Design alternatives presented to the Steering Committee** (same footprint, different layouts):
 1. Three-lane section, including center turn lane, from Krif Road to Matthews Road.
 2. Median-divided 2-lane section from Krif Road to Matthews Road.
- **Design alternative chosen by the Steering Committee:**
 - Median-divided 2-lane section, with no left turns, and a hybrid roundabout at Matthews Road.
 - This includes no left turns from Bradco Street. Those users would turn right onto Winchester Street and use the roundabout at Matthews Road to reverse direction. This will serve to alleviate the delays and safety concerns at the Bradco Street intersection. An additional lane of traffic is intended to ease issues during peak times.

South Segment:

- From just past the Matthews Road intersection into Swanzey.
- The lanes here are narrow and the corridor is confined.
- This segment starts as mostly residential and changes context past the Swanzey town line.
- **Design alternatives presented to the Steering Committee** (same footprint, different layouts):
 1. Two-lane section south of Matthews Road.
 - Provides a more standard shoulder that can accommodate bike lanes and a sidewalk.
 2. Three-lane section with center turn lane south of Matthews Road.
 - The third lane would allow residents in the area to turn left to access their driveways.
- **Design alternative chosen by the Steering Committee:**
 - Three-lane section with center turn lane and a single-lane roundabout at Market Basket (remove the traffic signal).
 - The sidewalk already extends the full length of this segment to the Market Basket entrance. This design would connect that sidewalk to Lucinda Terrace, so those residents can walk to Market Basket.
 - The roundabout at Market Basket was a later consideration of the Steering Committee and it was approved by NH DOT.

Mr. Lussier reiterated that these were the recommended design alternatives of the Steering Committee, not just things the design engineers suggested. However, Mr. Lussier wanted to importantly note that the Steering Committee did not reach a unanimous consensus on these recommendations. He thought the Steering Committee represented a good cross-section of interested stakeholders, largely comprised of business owners and those who work in the corridor who had individual concerns, which Mr. Lussier said led to very productive discussions. Mr. Lussier displayed the votes (in parentheses) on each project aspect from the Steering Committee:

- Two travel lanes in each direction between Rt-101 and Krif Road (3–2)
- Raised median between Rt-101 and Krif Road (4–1)

- Raised median between Krif Road and Matthews Road (3–2)
- Roundabouts at the intersections of Krif Road, Matthews Road, and the Market Basket entrance (4–1)
- A “Shared-use center turn lane” between Matthews Road and the Market Basket entrance (5–0)

Mr. Lussier said he encouraged members of the Steering Committee to attend the upcoming MSFI meeting on the project to speak more about their interests and opinions. The vote for the shared use center turn lane between Matthews Road and Market Basket was unanimous. The vote was 4–1 on adding the three roundabouts. There was the least consensus about the northern segment, with some Steering Committee members uncomfortable with the additional capacity. Mr. McCarthy thought there was a perception that the inability to turn left into businesses would have negative impacts.

Mr. Lussier explained the next steps. There will be an MSFI Committee meeting on this project on September 27 at 6:00 PM, when more details on the proposed alternatives would be shared. Then, the MSFI Committee will make a recommendation to City Council, which will vote on the project in October or November, depending on how long the MSFI Committee needs to deliberate. Once the City Council decides, the consultants would finalize the engineering study report and submit that to NH DOT and the Federal Highway Administration (anticipated late December 2023 or early January 2024). This process could take up to 1.5 years. Currently, the project was scheduled to begin construction in spring 2025, but challenges with right-of-way acquisition could delay it until 2026. Also, on September 13, Mr. McCarthy’s team will be making this presentation to the Town of Swanzey’s Board of Selectmen. Swanzey will have to go through their own process to vote on the proposed actions, including the roundabout in front of Market Basket, and where they want to put their sidewalks. Mr. Lussier and Mr. McCarthy welcomed questions.

Councilor Ormerod was very happy to hear these plans because there is such a big problem with traffic and turns in this corridor. He asked whether the proposed bike lanes would be raised/protected and on both sides of the road. Mr. McCarthy replied that the goal is to be consistent with other portions of Winchester Street, including the new construction on the “upper” northern portion of Winchester Street, with a median and bike lanes in each direction. The bike lanes would be at pavement level, adjacent to vehicular traffic. At roundabouts, there would be a ramp onto a shared, dual-use path, which is essentially a wider raised sidewalk that temporarily accommodates pedestrians and cyclists through the roundabout; past the roundabout, the cyclists would use the ramp to exit the dual-use path back to the street-level bike lanes. The Steering Committee was comfortable with this plan. This lower Winchester Street corridor is narrow, so having separate facilities would take up more space, but achieving a complete street was the goal, while being mindful of impacts along the corridor. Mr. Lussier added that throughout most of this narrow corridor, the consultants were able to fit everything proposed within the existing right-of-way. Still, there will be property impacts, particularly at the intersections and a few other properties.

Councilor Giacomo continued the topic of right-of-ways expansions. He noticed an approximately 25-foot increase in the middle and south segments, and he asked whether those 25

feet would be taken from the east or west side of the roadway. Mr. McCarthy replied that there is a particular section of property on the east side owned by the City that is wider, but is not considered a part of the right-of-way. Regarding the Magnolia Way/Matthews Road intersection roundabout, Councilor Giacomo commented on the odd angle and asked if that was to avoid Magnolia Way. Mr. McCarthy said the graphic displayed was difficult to see, but the roundabout would be positioned to avoid some future development at that intersection while maintaining the geometry needed for things like trucks. The acute angle at the corner of Winchester Street and Matthews Road is difficult. Mr. Lussier said there is a similar situation with the current project for trucks coming off Pearl Street and heading south on Winchester Street, where the sharp angle means trucks have to maneuver through the whole roundabout to make that turn. Councilor Giacomo asked if the proposed medians would be big enough to accommodate street trees. Mr. Lussier and Mr. McCarthy agreed that the intent is for the medians to include trees.

Councilor Jones said he liked this plan. He noted that when guests check out of the Best Western, the front desk advises them to make a right turn onto Winchester Street and then make a left turn into one of the car dealerships to turn around; he thought those car dealerships would be pleased with this plan. Before Market Basket was constructed, Councilor Jones recalled that when the developer was before the Swanzy Planning Board, City of Keene agents asked for some of the improvements that this proposed design would entail, but Swanzy was opposed. He wondered if those in Swanzy would see things differently now. Mr. Lussier of course could not speak for the Swanzy Planning Board or Selectmen, but said he had been working with the Swanzy Town Administrator on this project and they had representatives on the Steering Committee. Mr. Lussier thought they agreed that the proposed design would be an improvement, but it was ultimately up to the Swanzy Board of Selectmen.

Councilor Madison expressed concern about the Rt-10 bridge. If anticipating a 2025 or later construction start, he wondered how much sooner the Rt-10 bridge could be prioritized. Mr. Lussier shared the Councilor's concern, and said he continues monitoring the situation. The bridge is inspected annually by NH DOT and City crews check it twice per year. If something happened between now and construction, there would have to be temporary repairs and stabilization until reconstruction.

Councilor Greenwald expressed concern about no left turns through most of the corridor. Since this would be sent to the MSFI Committee, which he Chairs, he asked to hear thoughts from the property owners throughout the corridor, so that no one would feel they heard about this project at the last minute. He also wanted to know more about all the options the Steering Committee considered before the MSFI Committee hearing, so the Councilors can discuss key issues. Mr. Lussier said the consultants have a much more detailed version of this presentation prepared to share those details with the MSFI Committee.

Councilor Ormerod wondered why both bike lanes could not be on the same side of the road, but then remembered that bikes have to pass through the roundabouts, so it is better to have them on each side. He asked if there would be lines in the roadway to distinguish the bike lanes. Mr. McCarthy replied that soon everyone would experience the results of construction on upper Winchester Street, where there would be no bike lane markings in the roundabouts. Confident cyclists can bike within the roundabout like cars because vehicular speed would be 18–20 mph.

Less confident cyclists can use the sidewalk ramp to enter the wider dual-use path alongside pedestrians.

Mayor Hansel asked about the size of the roundabouts proposed. Are they intended to be the same size as the new one on upper Winchester Street? Mr. McCarthy said they would be very similar. These roundabouts are called “hybrid” because they have some elements that are 2-lane and others 1-lane. Truck drivers would find the proposed roundabouts to be similar to the new one being constructed on upper Winchester Street. The consultants must prove that the roundabouts can be maneuvered by large trucks.

There being no further questions or comments, the presentation ended, and the Council thanked the presenters. Mayor Hansel echoed Councilor Greenwald that all Councilors should be spreading the word about the MSFI meeting so no one is caught off guard by the project.

CONFIRMATIONS – HERITAGE COMMISSION

Mayor Hansel nominated the following individuals to serve on the Heritage Commission: Julie Emineth as a regular member with a term to expire December 31, 2026, Susan DeGidio to change from a regular to an alternate member with a term to expire December 31, 2026, and Rose Carey to change from a regular to an alternate member with a term to expire December 31, 2026. A motion by Councilor Powers to confirm the nominations was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilor Roberts was absent. Ward Four Council seat vacant.

NOMINATIONS – LIBRARY BOARD OF TRUSTEES

Mayor Hansel nominated the following individuals to serve on the Library Board of Trustees: Yves Gakunde with a corrected term to expire June 30, 2024, Ritu Budakoti with a corrected term to expire June 30, 2024, Dr. Donald Caruso with a term to expire June 30, 2026, and Katherine Baer with a term to expire June 30, 2026. Mayor Hansel tabled the nominations until the next regular meeting. The Clerk noted an error had occurred in the initial terms of Yves Gakunde and Ritu Budakoti. These one-year terms would provide for a balance in the term expiration dates of the membership.

COMMUNICATION – ELIZABETH CAMPBELL – RESIGNATION – ENERGY & CLIMATE COMMITTEE

A communication was received from Elizabeth Campbell, submitting her resignation from the Energy and Climate Committee, on which she had served since February 2022. A motion by Councilor Powers to accept the resignation with regret and appreciation of service was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Roberts and Workman were absent. Ward Four Council seat vacant.

COMMUNICATION – RYAN GRANDMONT – HAWKER AND PEDDLER – REQUEST TO PLACE SANDWICH BOARD ON CITY SIDEWALK

A communication was received from Ryan Grandmont, requesting to place a sandwich board on a City sidewalk. The original location for this vending operation was the vendor spot #6 on the sidewalk immediately in front of Railroad Square. Due to the size of their fixtures and an expansion of an adjacent sidewalk café, it was realized that there was not sufficient space in that location. Mr. Grandmont was relocated to the indented vendor space on Railroad Street. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION – ROGER WEINREICH – REQUEST TO USE CITY PROPERTY – BLOCK PARTY

A communication was received from Roger Weinreich, owner of Good Fortune, requesting permission to host a block party on Saturday, October 21, 2023, in front of the Good Fortune Block on Main Street. This would be a family-oriented event that would take place in conjunction with The Keene Pumpkin Festival and would feature live music, local food vendors, participatory games, and art activities. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION – JARED GOODELL – PLACE OF ASSEMBLY PERMITS – RECENT CHARGE BY FIRE DEPARTMENT

A communication was received from Jared Goodell, who recently opened a business and received a \$70.00 charge from the Fire Department that he believes is the charge for an assembly permit, and as such, is in violation of RSA 155:19. Mr. Goodell is requesting that City Staff immediately stop the practice of billing any Keene business for a Place of Assembly permit and that the City Code be amended to repeal any fees for inspection that are necessary before a permit is issued; and that City Staff perform an audit covering the past two years to identify and refund any Place of Assembly permit fees that were collected. Mayor Hansel referred the communication to the Finance, Organization, and Personnel Committee.

COMMUNICATION – PETITION – REQUEST FOR URGENT APPEAL FOR THE INSTALLATION OF A SIDEWALK ON ARCH STREET BETWEEN HURRICANE ROAD AND FELT ROAD

A communication was received from Rebecca Lancaster, submitting a petition from the community requesting the installation of a sidewalk on Arch Street between Hurricane Road and Felt Road. They believe the community shares the concerns of safety at risk, traffic hazards, proximity to high school, elderly population, inclusive accessibility, and improved neighborhood mobility. Mayor Hansel referred the communication to the Municipal Services, Facilities, and Infrastructure Committee.

**COMMUNICATION – COUNCILOR LAKE – REQUESTING AN UPDATE ON THE
SIDEWALK ASSET MANAGEMENT PROGRAM**

A communication was received from Councilor Bryan Lake, requesting an update on the Sidewalk Asset Management Program and, in particular, whether the City is on schedule for the scheduled sidewalks for 2023, and whether any changes will be necessary for the 2023–2029 CIP. In addition, the Councilor believes it would be beneficial to have the Council update their understanding of how sidewalks are determined to be replaced and why some sidewalks are prioritized over others. Mayor Hansel referred the communication to the Municipal Services, Facilities, and Infrastructure Committee.

**COMMUNICATIONS – JESSICA WRIGHT; DEBORAH CRAIG; DAVE & KIM
BERGERON; BILL & ANNE MEDDAUGH; RICHARD & CAROLYN CAMPBELL; THAIS
FROST; AND CORBET COOK – IN OPPOSITION TO ORDINANCE O-2023-12 –
AMENDMENT TO THE ZONING MAP – RURAL TO LOW DENSITY – 0 OLD WALPOLE
RD**

Communications were received from Jessica Wright, Deborah Craig, Dave & Kim Bergeron, Bill & Anne Meddaugh, Richard & Carolyn Campbell, Thais Frost, and Corbet Cook. All are abutters to the proposed Zone change for 0 Old Walpole Road and all oppose Ordinance O-2023-12, which would amend the Zoning Map from Rural to Low Density. Mayor Hansel accepted the communications as informational.

MSFI REPORT – UNCOLLECTABLE SEWER/WATER BILL – 64 VALLEY STREET

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending that the City Council forgive the Sewer/Water Bill for 64 Valley St., Account 0899-09, in the amount of \$787.86 as being uncollectable. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault. Councilor Ormerod asked—if the motion passed—whether the property owner would be sent a notice of forgiveness. Mayor Hansel did not think so, he thought it would just be cleared off the books.

The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor and 1 voting in opposition. Councilor Madison voted in opposition. Councilor Roberts was absent. Ward Four Council seat vacant.

**MSFI REPORT – KEENE ICE EXPANSION – EXPANDED LOCKER ROOMS – KEENE
STATE COLLEGE**

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to negotiate an agreement with Keene ICE and Keene State College relative to the creation of expanded locker rooms at Keene ICE and report back to the MSFI Committee. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault.

Councilor Filiault pointed out that Keene State College (KSC) was making a significant \$1 million investment in Keene ICE. Councilor Jones commented on this being an economic

development tool that would help local hotels, shops, restaurants, and more. Teams will be coming from all over New England to play at Keene ICE.

Councilor Giacomo noted that KSC would be adding a women's varsity program next year, and asked if that would be included with the renovations so that both teams are invested in. Councilor Greenwald was unsure about the equal opportunity laws, but he imagined that KSC would comply. Still, he agreed that would be something to keep an eye on. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilor Roberts was absent. Ward Four Council seat vacant.

FOP REPORT – ACCEPTANCE OF 2023 HIGHWAY SAFETY AGENCY GRANT

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept and expend the grant from the New Hampshire Highway Safety Agency to fund Highway Safety Grant – Keene. 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 13 Councilors present and voting in favor. Councilor Roberts was absent. Ward Four Council seat vacant.

FOP REPORT – ACCEPTANCE OF GRANT FUNDS – NH DIVISION OF HISTORICAL RESOURCES CERTIFIED LOCAL GOVERNMENT GRANT

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to execute a \$12,000 grant award from the NH Division of Historical Resources Certified Local Government Grant Program for the Historic District Commission to work with a qualified consultant in the historical and architectural inventory of the properties located within the extension of the Downtown Historic District that occurred in 2012. 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 13 Councilors present and voting in favor. Councilor Roberts was absent. Ward Four Council seat vacant.

FOP REPORT – ACCEPTANCE OF NEW HAMPSHIRE JUVENILE COURT DIVERSION NETWORK FUNDING FOR YOUTH SERVICES

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to accept and expend funds provided by New Hampshire Juvenile Court Diversion Network for Youth Services programs. 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 13 Councilors present and voting in favor. Councilor Roberts was absent. Ward Four Council seat vacant.

FOP REPORT – PAMELA RUSSELL SLACK – REQUESTING AN AMENDMENT TO THE CITY COUNCIL RULES OF ORDER – WORKSHOPS

A Finance, Organization, and Personnel Committee report read, recommending that the communication be accepted as informational. Mayor Hansel filed the report as informational.

FOP REPORT – RED KNIGHTS INTERNATIONAL MOTORCYCLE CLUB – MOTORCYCLE RALLY – PARKING VOUCHER SYSTEM FOR ATTENDEES

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to work with Parking Services to explore potential options for a voucher system. 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 13 Councilors present and voting in favor. Councilor Roberts was absent. Ward Four Council seat vacant.

FOP REPORT – REQUEST TO WAIVE PURCHASING REQUIREMENTS – SOLE SOURCE – FLOWBIRD PAYSTATIONS

A Finance, Organization, and Personnel Committee report read, recommending that the City Council waive the purchasing requirements of the City of Keene Code of Ordinances section 2-1332 for the sole source purchase of 15 pay stations for \$115,725.00, which includes the stations, hardware, installation, communication, and warranty fees from the pay station supplier, Flowbird. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. Councilor Ormerod asked if this software is compatible with Park Mobile and Mayor Hansel said it is. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilor Roberts was absent. Ward Four Council seat vacant.

FOP REPORT – CHANGE ORDER FOR SKATE PARK CONSTRUCTION

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute a change order with Spohn Ranch, Inc. for design-build services required for the creation of a new skate park for an amount not to exceed \$300,000.00 with funding to come from Project Cost Center (65J0008A-300-0544010). 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 13 Councilors present and voting in favor. Councilor Roberts was absent. Ward Four Council seat vacant.

FOP REPORT – TRANSPORTATION HERITAGE TRAIL PROJECT, PHASE 1 – CONSULTATION SELECTION

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to negotiate and execute an Engineering and Technical Services Agreement with Stantec Consulting Services, Inc. for the

Transportation Heritage Trail Project, Phase 1, for an amount not to exceed \$385,000.00. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilor Remy's vote was inaudible. Councilor Roberts was absent. Ward Four Council seat vacant.

FOP REPORT – SEWER FORCE MAIN INSPECTION PROJECT – CONSULTATION SELECTION

A Finance, Organization, and Personnel Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to negotiate and execute a project agreement with the US Environmental Protection Agency (EPA) for the Sewer Force Main Evaluation Project. The Committee report also unanimously recommended that the City Manager be authorized to do all things necessary to negotiate and execute a professional services agreement with Wright-Pierce for the Sewer Force Main Pipe Evaluation Project in an amount not to exceed \$450,000. A motion by Councilor Powers to carry out the intent of the Committee reports was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilor Remy's vote was inaudible. Councilor Roberts was absent. Ward Four Council seat vacant.

CITY MANAGER COMMENTS

The Assistant City Manager/HR Director, Elizabeth Fox, was pleased to share that the Patricia Russell Park Ribbon Cutting would occur on Friday, September 22, at 11:00 AM. She invited City Councilors and the community to attend and celebrate the opening of this transformed space. This ceremony culminates a 10-year effort that included visioning, planning and engagement, and coordination of a number of funding sources to support redevelopment of this recreation area. In addition to the ribbon cutting that morning, the Department of Parks & Recreation would also hold a celebration scavenger hunt at the Patricia Russell Park that afternoon, from 4:30–6:00 PM, providing a first opportunity for the City's youth to participate in an event in the new space.

The Assistant City Manager was also pleased to report on the promotion of Jason Martin to the position of Deputy Fire Chief effective September 11, 2023. Jason is a long-time employee of the Fire Department, with 25 years of service to our community. He was initially hired as a Firefighter/EMT in January of 1998—assigned to B shift—and during his tenure has held progressively responsible positions in the Department. He was promoted to Lieutenant in 2006, attained his paramedic credentialing, and has served as an Operations Captain since 2014. The Assistant City Manager led the Council in congratulating Jason on this promotion.

REPORT – CHARTER AMENDMENT – MUNICIPAL PRIMARIES – CITY CLERK

A memorandum read from the City Clerk, Patty Little, recommending the following motion. A motion by Councilor Powers was duly seconded by Councilor Bosley to direct the City Clerk to include a ballot question on the November 7, 2023, Municipal General ballot that would amend Section 11 of the Keene City Charter to provide for a biennial Primary for only the offices of

Mayor, Ward Councilor, and At-Large Councilor with all other offices to be elected at the Municipal General Election and to amend Section 14 to conform with the proposed revision to Section 11.

If this passes the ballot in 2023, Councilor Jones asked if it would apply to the 2025 election. The City Clerk replied in the affirmative. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilor Remy's vote was inaudible. Councilor Roberts was absent. Ward Four Council seat vacant.

REPORT ON THE COMPLETION OF THE AD-HOC LOWER WINCHESTER STREET PROJECT STEERING COMMITTEE – CITY ENGINEER

A memorandum read from the City Engineer, Don Lussier, recommending that the Mayor refer the recommendations of the Ad Hoc Lower Winchester Street Project Steering Committee to the Municipal Services, Facilities, and Infrastructure Committee for further consideration and a recommendation to the City Council. Mayor Hansel referred the report to the Municipal Services, Facilities, and Infrastructure Committee.

PB-PLD REPORT – RELATING TO AN AMENDMENT TO THE ZONING MAP – 0 ASHUELOT STREET – HIGH DENSITY TO COMMERCE – O-2023-13

A report read from the Joint Planning Board-Planning, Licenses, and Development Committee, with the Planning Board unanimously finding Ordinance O-2023-13 consistent with the City's Comprehensive Master Plan, and the Planning, Licenses, and Development Committee recommending that the Mayor set a public hearing on the Ordinance. Mayor Hansel filed the memorandum as informational and set a public hearing on Thursday, October 5, at 7:00 PM.

ORDINANCE FOR FIRST READING – RELATING TO PERFORMANCE BOUSES AND CLASS ALLOCATION ORDINANCE O-2023-14

A memorandum read from the Human Resources Director/Assistant City Manager, Elizabeth Fox, recommending that Ordinance O-2023-14 be referred to the Finance, Organization, and Personnel Committee for their review and recommendation. Mayor Hansel referred Ordinance O-2023-14 to the Finance, Organization, and Personnel Committee.

RESOLUTIONS – RELATING TO THE ACCEPTANCE OF DEED AND RETURN OF LAYOUT – BROOKFIELD LANE – RESOLUTIONS R-2023-28 & R-2023-29-A

Before beginning, Mayor Hansel noted that Councilors Roberts, who was absent this evening, and Councilor Chadbourne did not attend the site visit and therefore they could not participate in the following discussions or votes.

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending accepting the communications from Tad Lacey and Ross Conklin as informational, as well as accepting the memorandum from the Community Development Director as informational. Mayor Hansel filed the reports as informational.

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending approval of the requested waiver of Section 22.3.7.A., “Sidewalks shall be required on at least one side of any proposed street in any residential zoning districts.” A motion by Councilor Greenwald to approve the requested waiver of Section 22.3.7.A “Sidewalks shall be required on at least one side of any proposed street in any residential zoning districts” was duly seconded by Councilor Filiault. Councilor Williams clarified the sidewalk replacement would be a gravel path from the street to the Rail Trail. Councilor Greenwald agreed. The motion to approve the requested waiver of Section 22.3.7.A carried unanimously on a roll call vote with 11 Councilors present and voting in favor. Councilor Remy’s vote was inaudible, Councilor Roberts was absent, and Councilor Chadbourne abstained. Ward Four Council seat vacant.

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending the approval of the requested waiver of Section 22.3.8.B, except for the placement of a streetlight at the intersection. A motion by Councilor Greenwald to approve the requested waiver to Section 22.3.7.B, except for the placement of a streetlight at the intersection, was duly seconded by Councilor Filiault. The motion carried unanimously on a roll call vote with 11 Councilors present and voting in favor. Councilor Remy’s vote was inaudible, Councilor Roberts was absent, and Councilor Chadbourne abstained. Ward Four Council seat vacant.

A Municipal Services, Facilities, and Infrastructure Committee report read on a vote of 3–1, recommending the approval of the requested waiver to Section 22.3.7.D, “When underground street lighting feed is required, telephone, electric, and cable TV shall be located underground also.” A motion by Councilor Greenwald to approve the requested waiver to Section 22.3.7.D “When underground street lighting feed is required, telephone, electric, and cable TV shall be located underground also” was duly seconded by Councilor Filiault.

Councilor Williams said that this is a situation in which the Code is broken because it requires underground utilities. Because the City recently shifted to solar powered streetlights, he thought this requirement would be very difficult to enforce in the future. He thought it was a good requirement because if utilities are not underground from the beginning, they ultimately never would be. It would be an expense passed on to the whole taxpaying community. He thought this neighborhood would be nicer with the underground utilities, so he wanted to maintain the option to require them underground. Still, he asked City Staff to look at the Code and return with recommendations.

Councilor Jones called the Ordinance somewhat antiquated. He noted that Summit Ridge Road, Newbury Lane, Summit Road, and Stonehouse Lane all have underground utilities. He said Stonehouse Lane got streetlights approximately 16 years ago, when someone requested the underground wiring. He said aboveground utilities are not attractive in a neighborhood. He also thought it would be cheaper to place the wiring underground. Mayor Hansel through the petitioner stated the opposite, because without the waiver the costs to place the utilities underground would be more than double. Councilor Jones thought that was inaccurate since there would be trenching anyway for water and sewer lines. He added that the utility companies would pay for that installation, not the developer.

Councilor Greenwald disagreed with Councilor Jones. Councilor Greenwald said that Eversource and other utilities charge the homeowner—and in this case the developer—to place the utilities underground, as stated at the MSFI hearing. It is not about the cable TV or telephone, it is the electrical utilities.

Councilor Ormerod agreed with Councilor Jones' intent. When considering the vision of a new building, Councilor Ormerod said one thing that helps with beautification and lack of disruption is underground utilities. He heard that the reason for this waiver request was the lack of a transformer that would be on back order. Councilor Ormerod said he could not support this Ordinance because he thought everything should be placed underground for the ambiance, despite the cost.

Councilor Filiault wished everyone had been at the MSFI Committee meeting because a lot of the comments he was hearing from fellow Councilors were inaccurate. He said the developer indicated that the costs of conduits and supplies underground would be more expensive. Councilor Filiault recalled this Council regularly discussing the need for affordable housing, and denying this waiver would make this development more expensive and ultimately cost the homeowner more. He said the developer confirmed that the underground utilities would be significantly more expensive, which helped Councilor Filiault make his decision to support this waiver.

Councilor Bosley said she was torn about this. She wants to see new developments like this, and she was excited to see some changes from the Land Development Code paying off. Still, she said these would not be affordable houses, but \$500,000 homes. She noted that living in a rural area of Keene, when there is a snowstorm, her kids stay at someone else's house who has underground utilities, because her home could be without electricity for days. For the development in question, she thought that unless the utilities are underground, the homeowners would have to think about generators and such issues long-term. Thus, she would not support this waiver.

Councilor Giacomo said his initial research showed a range from two to five times more expensive for underground utilities. While he appreciated Councilor Bosley's point, he did not think this 700 feet of roadway in question would impact the scenario suggested by Councilor Bosley. Thus, with the cost being significantly more expensive, he supported this waiver. His estimates showed 500 feet of underground conduit costing approximately \$12,500, versus the \$7,500 he had seen. He said that even if it was 1,000 feet, it would still be reasonable to split between 11 houses. Mayor Hansel said his recent research showed up to \$100 per linear foot to put conduit underground.

Councilor Powers agreed that while it was not up to the Council to debate the cost, the reality is that this is only 700 feet of roadway when Keene is working hard to find any housing. By costing the developer more, he did not think there would be additional housing. He said it is not like digging one trench for water, sewer, power, etc. but more like four or five trenches in different locations and at different rates. He thought the City should reconsider some ordinances and whether this makes sense. Because streetlights are needed in the woods, he would support this

waiver. Councilor Powers did not think that this or any other developer could afford to put everything underground within a reasonable timeframe.

Councilor Lake recalled that the FOP Committee recently learned about a previous Council not investing the resources to build redundancy into part of the sewer system. There had been multiple issues at Martell Court because of that decision and the taxpayers are paying that bill. He thought that was a clear lesson why we should do things correctly the first time and put these things underground. Councilor Lake opposed this waiver.

Councilor Madison said he had been debating this issue but ultimately thought he would support this waiver. Even if the utilities are buried, if a line came down on Whitcombs Mill Road, this development would lose power anyway. So, it would offer a pretty negligible level of protectiveness or utilities on that street.

The motion to approve the requested waiver to Section 22.3.7.D failed on a roll call vote with 5 Councilors present and voting in favor and 7 opposed. Councilors Lake, Remy, Giacomo, Williams, Jones, Ormerod, and Bosley voted in opposition. Councilor Roberts was absent. Councilor Chadbourne abstained. Ward Four Council seat vacant.

A Municipal Services, Facilities, and Infrastructure Committee report read on a vote of 2–2, failing to make a recommendation relative to the denial of the requested waiver of Section 22.3.16.A, “There shall be at least one deciduous tree of a minimum 2-inch caliper at planting and of a species approved by the Public Works Director for every 50 feet interval of each side of any new street or extension of any existing street.” A motion by Councilor Greenwald to approve the requested waiver of Section 22.3.16.A “There shall be at least one deciduous tree of a minimum 2-inch caliper at planting and of a species approved by the Public Works Director for every 50 feet interval on each side of any new street or extension of any existing street” was duly seconded by Councilor Filiault.

Councilor Jones also disagreed with this waiver. He said the Council agreed to change the Zone from Rural, which could change the area to more of a desert because there was nothing saying those trees have to stay there. He thought the Council made a mistake when it changed this Zone and allowed the builder to be project specific, which he said the Council should not be doing. He thought the inability to make the developer keep those trees was on a lot of people’s minds at the site visit. Trees are important, and as a Tree City USA, Councilor Jones thought there should be trees on this road.

Councilor Workman reiterated what she said about this issue at the MSFI meeting, when she voted against this waiver. She said she had faith in the developer, who seemed to want to keep as many trees as possible and only clear land needed for the development. She said she had less faith in the homebuyers, who might not be aware of or care about the ordinances, beautification of Keene, or that it is a Tree City. She thought this would place a safeguard and so she would not support granting this waiver.

Councilor Giacomo asked if it was possible to have a conditional waiver. The Assistant City Attorney noted that these waivers would go in the Resolution. Councilor Giacomo clarified that

he was asking—to Councilor Workman’s point—if there is a way to ensure there is actual enforcement. He thought this was an important Ordinance, especially with how wooded this area is. Councilor Giacomo was interested to see if developer could guarantee natural growth at the same interval or closer than what is required in this Ordinance, which would be every 50 feet. If the developer confirmed that natural growth trees will remain there, then he was comfortable with that. Still, he was curious to know if it was possible to have a *conditional* waiver. The Assistant City Attorney thought it was possible, but not in this forum, because this is about the narrow question of the precise Land Development Code provision being waived. Councilor Giacomo also asked whether the City has a standard right-of-way on roadways and if there are specific requirements for managing trees on those rights-of-way; he thought that even homeowners have to appeal for that, recalling a case before the MSFI Committee several years ago. Is there a way for the Council to ensure the trees are maintained there and that homeowners cannot cut them down at their will? Mayor Hansel noted that if trees are on a homeowner’s property, they can cut down any trees they want. Councilor Giacomo recalled that with this being a Conservation Residential Development (CRD), some of the development would be communal property. The Councilor thought that 2-inch caliper trees would be ridiculous, and he would rather have faith that the developer would leave some trees because it is a wooded area. Mayor Hansel said it was important to keep in mind that these houses would be on a dead-end street, not on a throughway that most of the public would be traversing.

Councilor Filiault said he was in favor of granting this waiver because this is a rural area in the middle of the woods. He would have faith in the developer and homeowners. He thought this was a case in which the government overregulates. He thought that anyone buying one of these homes would likely be doing so because they want to live in a wooded area, so he did not envision anyone clear cutting trees. Councilor Filiault thought the Council—as elected officials—should have more confidence in the potential homebuyers. Based on the last vote, he was concerned that this development would not move forward. He recalled the developer’s presentation at the last meeting about how expensive this development would be, in addition to delays and equipment costs. By being any more strict, Councilor Filiault thought the Council would assure that this development would not progress, despite continuous conversations amongst the Council about the need for housing in Keene.

Councilor Bosley agreed with Councilors Greenwald and Filiault. Councilor Bosley recalled that because this would be a CRD, there would be a large portion of the development left as protected natural area, abutting the Rail Trail system. She felt confident that anyone buying a home in this development would be doing so because of the rural nature.

Councilor Ormerod understood that this is a rural area, with a lot of trees. Still, he reminded his fellow Councilors that where trees are placed is also important. He said that 2-inch caliper trees next to the road would grow to provide shade. Before feeling confident that enough trees would be left there, he asked the Council to consider the exact placement of these trees too. He thought that a boulevard shaded by trees would be better, more attractive, and well worth the cost of small trees now.

Councilor Williams said one of his favorite things about street trees is that they cause drivers to slow down, which he thought was a huge advantage. He thought that having this roadway lined

with trees would create visual blocks that would slow drivers down through the development. Given that the Council just approved a waiver to not require sidewalks in this development, he thought that anything that could improve pedestrian safety would be a good thing.

The motion to approve the requested waiver of Section 22.3.16.A carried on a roll call vote with 8 Councilors present and voting in favor, and 4 opposed. Councilors Williams, Jones, Ormerod, and Workman voted in opposition. Councilor Roberts was absent. Councilor Chadbourne abstained. Ward Four Council seat vacant.

A motion by Councilor Greenwald to adopt Resolution R-2023-28—a Resolution for the acceptance of a warranty deed for Brookfield Lane—was duly seconded by Councilor Filiault. Councilor Jones reminded the Council that it could decide on a different street name than what the developer proposed. The motion to adopt Resolution R-2023-28 carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilor Roberts was absent. Councilor Chadbourne abstained. Ward Four Council seat vacant.

A motion by Councilor Greenwald to adopt Resolution R-2023-29-A—a Resolution for the layout of Brookfield Lane, its utilities, and public improvements—was duly seconded by Councilor Filiault. A motion by Councilor Greenwald to amend Resolution R-2023-29-A to remove the language in Section 2022.3.7.D—Underground Street Lighting and Utilities—was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilor Roberts was absent. Councilor Chadbourne abstained. Ward Four Council seat vacant. A motion by Councilor Greenwald to adopt Resolution R-2023-29-B was duly seconded by Councilor Filiault.

Councilor Jones recalled that citizens brought up a lot of important questions about this Resolution. There was some concern about the intersection of Rt-9 and Whitcombs Mill Road. He noted that the Public Works Director, Kürt Blomquist, is on a committee that works with the State of NH on these issues. The City was responsible for providing data to the State, and he thought that these new dwellings would be sufficient data to show the number of car movements per day per dwelling; he thought there was more disruption today because of home deliveries. He thought the City might need to address that delivery trucks and residents should avoid the bridge because of the weight limit, which will cause them to cut through Langdon Place; he thought that was something City Staff could work out with Langdon Place. At the end of Langdon Place, he said there is no stop sign or lines on the road indicating that the driver is on Whitcombs Mill Road, so he thought something needed to be done there. Councilor Jones spoke with one of the Transportation Commissioners, who agreed with Mr. Blomquist that the more data shown the better for this failed intersection where people have been hurt badly. The Councilor wanted the public to know this issue is being worked on, especially regarding left turns at this intersection. Mayor Hansel said that the day of this meeting, he got a letter back from a NH DOT Commissioner, who apologized for responding so late. The intersection is due for reevaluation in October, and the City will share some information with them to contribute to that reevaluation. Councilor Filiault noted that this was a topic of discussion at the MSFI meeting, when the Committee asked City Staff to communicate with the State on this effort and report back to the Council.

09/07/2023

Referring to the motion to adopt, Resolution R-2023-29-B carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilor Roberts was absent. Councilor Chadbourne abstained. Ward Four Council seat vacant.

RESOLUTION – IN APPRECIATION OF CHRISTOPHER C. STAPLES UPON HIS RETIREMENT – RESOLUTION R-2023-30

A memorandum read from the Human Resources Director/Assistant City Manager, Elizabeth Fox, recommending that Resolution R-2023-30 be adopted by the City Council. A motion by Councilor Powers to adopt Resolution R-2023-30 was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilor Roberts was absent. Ward Four Council seat vacant.

RESOLUTION – RELATING TO THE APPROPRIATION OF FUNDS – SEWER FUND UNASSIGNED FUND BALANCE FOR THE MARTELL COURT PUMP STATION BYPASS – RESOLUTION R-2023-31

A Finance, Organization, and Personnel Committee report read, unanimously recommending the adoption of Resolution R-2023-31. A motion by Councilor Powers to adopt Resolution R-2023-31 was duly seconded by Councilor Remy.

Councilor Madison mentioned that he brought this up during the FOP meeting, noting that a lot of this stemmed from the major flooding this past summer. When the Pump Station suffered a failure, a City employee came back from vacation to work in the Pump Station—in raw sewage—for 36 straight hours. The FOP Committee took time to recognize these efforts and he thought it was appropriate at the Council level as well.

The motion carried unanimously on a roll call vote with 13 Councilors present and voting in favor. Councilor Roberts was absent. Ward Four Council seat vacant.

RESOLUTION – RELATING TO FY24 FISCAL POLICIES – RESOLUTION R-2023-32

A memorandum read from the Finance Director/Treasurer, Merri Howe, recommending that the City Council refer Resolution R-2023-32 to the Finance, Organization, and Personnel Committee. Mayor Hansel referred Resolution R-2023-32 to the Finance, Organization, and Personnel Committee.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 9:16 PM.

A true record, attest:


City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: September 21, 2023
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Confirmations**
Library Board of Trustees

Council Action:
In City Council September 7, 2023.
Nominations tabled until the next regular meeting.

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

Library Board of Trustees
Yves Gakunde, slot 1

Corrected term to expire June 30,
2024

Ritu Budakoti, slot 2

Corrected term to expire June 30,
2024

Dr. Donald Caruso
94 Hurricane Road

Term to expire June 30, 2026

Katherine Baer
147 Roxbury Street

Term to expire June 30, 2026

Attachments:
1. Caruso, Don_Redacted
2. Baer, Katherine_Redacted

Background:

From: [Heather Fitz-Simon](#)
To: [Heather Fitz-Simon](#)
Subject: FW: Interested in serving on a City Board or Commission (Don Caruso)
Date: Wednesday, August 9, 2023 3:48:09 PM

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Wednesday, July 26, 2023 11:35 AM
To: Helen Mattson <hmattson@keenenh.gov>
Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Wed, 07/26/2023 - 11:35</p>

<p>Submitted values are:</p>

First Name:

Don

Last Name:

Caruso

Address

94 Hurricane Rd
Keene, NH03431

How long have you resided in Keene?

4 years

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Retired

Occupation:

Physician

Retired

Yes

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

Recently retired as CEO at Cheshire Medical Center

Have you ever served on a public body before?

No

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

Library Board of Trustees

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

Library Board of Trustees

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

Health care

; Finance

Business

Please provide 2 personal references:

Judy Putnam

[REDACTED]

References #2:

Greg Tewksbury

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: Fwd: Interested in serving on a City Board or Commission
Date: Sunday, July 10, 2022 9:22:54 AM

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: Friday, July 8, 2022 8:22:13 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

<p>Submitted on Fri, 07/08/2022 - 20:22</p>
<p>Submitted values are:</p>

First Name:
Katherine

Last Name:
Baer

Address
147 Roxbury St
Keene, NH 03431

How long have you resided in Keene?
1 year 7 months

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:
Holland & Knight

Occupation:
Research Librarian

Retired
No

Please list any organizations, groups, or other committees you are involved in
American Association of Law Librarians

Seasonal Ashuelot River Monitoring for the Harris Center

Have you ever served on a public body before?

No

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

Library Board of Trustees

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

Librarian for over 30 years, working in a variety of libraries. Up to date with current technologies and

Why are you interested in serving on this committee

I believe libraries are crucial to a strong and thriving community. I would like to use my experience as a Librarian to support Keene and it's wonderful library.

Please provide 2 personal references:

Carrie King

[REDACTED]

References #2:

Cecelia Petro

[REDACTED]



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.2.

Meeting Date: September 21, 2023
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Nominations**
Energy and Climate Committee

Recommendation:

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

Energy and Climate Committee

Lisa Maxfield, slot 11

Moving from alternate to regular membership Term to expire Dec. 31, 2024

Michael Winograd, slot 15 - alternate
23 Pleasant Street

Term to expire Dec. 31, 2026

Attachments:

1. Winograd, Michael_Redacted

Background:

From: [Patty Little](#)
To: [Heather Fitz-Simon](#)
Subject: Fw: Interested in serving on a City Board or Commission
Date: Saturday, January 28, 2023 8:48:33 AM

please save and redact

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us> on behalf of City of Keene
<helpdesk@ci.keene.nh.us>
Sent: Friday, January 27, 2023 3:08 PM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Fri, 01/27/2023 - 15:08</p>

<p>Submitted values are:</p>

First Name:

Michael

Last Name:

Winograd

Address

23 pleasant st
Keene, NH 03431

How long have you resided in Keene?

7 months

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Michael K Winograd and Associates LLC

Occupation:

Intelligence and Security Consultant

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.

College City Commission, Energy and Climate Committee, Historic District Commission

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

Energy and climate

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

College city

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

As considered most useful

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

Climate change and renewable energy. Corruption. Security. 3 years intelligence work US Army, 26 years intelligence, counterintelligence, counterintelligence operations in Eastern Europe, Asia , Africa and Central Europe. 17 years due diligence operations in private sector. Adjunct professor University of North Texas. Licensed private investigator in New Hampshire and Texas

Suggest other public bodies of interest

Any police citizen board.

Please provide 2 personal references:

John Karshner

[REDACTED]
[REDACTED]

References #2:

John Moriarty

[REDACTED]
[REDACTED]



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: September 21, 2023
To: Mayor and Keene City Council
From: Hilary Seifer/American House Keene
Through: Patricia Little, City Clerk
Subject: Hilary Seifer/American House - Safety Concerns on the Eastside of Keene

Recommendation:

Attachments:

1. Communication_Seifer

Background:

Hilary Seifer, on behalf of the American House Keene, is expressing their concern for the safety of residents in East Keene. She notes that the staff at the American House have recently had to call the Keene Police Department numerous times for suspicious activity near their property.

American House Keene

197 Water St Keene NH 03431 603 352 1282 keene@americanhouse.com

September 12, 2023

3 Washington St
Keene NH 03431

Dear Keene City Council and Mayor Hansel:

I am submitting this letter to have my concerns regarding the safety of East Keene on record. I am a homeowner on Beech St as well as the Executive Director at American House Keene on Water St. In the last 3 weeks I have had to call Keene Police numerous times for suspicious activity on and directly near the Water St property. There was an incident that occurred on Sunday morning September 3rd where the neighborhood was sealed off with crime tape, and a stabbing victim was in the street directly in front of American House. On September 6th someone came to American House looking for help, he was distraught and was at the front door pacing and holding up large objects for protection. When he did not get anyone at the front door, he proceeded to bang on a resident's patio door. The police were called, and he was escorted off the property.

As a homeowner on Beech St, I recently had my vehicles rummaged through and a checkbook was stolen, the alleged perpetrator attempted to cash a check. In this incident we were lucky that the bank recognized the fraudulent signature. I am aware of several neighbors in the Beech St area have also had their vehicles rummaged through and items taken.

I am concerned about the changes we are seeing in the East Keene area, and would like the City Council to be aware, and provide input on how we can keep our neighborhood safe. I would be interested to see public interest in a

neighborhood group, as well as what data already exists on how the City monitors the safety of city neighborhoods.

Sincerely,

A handwritten signature in dark ink, appearing to read "Hilary Seifer", with a long horizontal flourish extending to the right.

Hilary Seifer



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: September 21, 2023
To: Mayor and Keene City Council
From: Vicky Morton
Through: Patricia Little, City Clerk
Subject: **Vicky Morton - Safety Concerns on the Eastside of Keene and the Need for Increased Police Presence**

Recommendation:

Attachments:

1. Communication_Morton_Redacted

Background:

Ms. Morton, a resident of east Keene, has concerns regarding the increase in criminal activity in her neighborhood, as well as other parts of the City. She requests the City Council discuss these issues and that the City consider options for additional Police presence and enforcement of laws and ordinances.

To the Honorable Mayor and City Council:

I am writing with concerns for what is happening in the eastside Keene neighborhood. There is a general lawlessness that threatens public safety. I would like this discussed at one of the Council's formal committees.

We have an increase in automobile break-ins, automobile thefts, assaults, stabbings and overdoses. Other residents have complained about finding human feces on the bike path, used needles on the sidewalks and streets, and aggressive individuals on the bike path. Residents on Victoria Street have a go cart, golf cart and dirt bike, none of which display registration plates, that they ride around the neighborhood and for trips to Cumberland Farms. Earlier this week, two cars aligned at the stop sign on Valley Street and drag raced across Water Street and down Victoria Street. A cable installation company parks their bucket trucks towing cable spool dollies in the north bound lane, effectively hindering the flow of traffic. Floral displays have been stolen from our front porch along with garden statutes, and a rock display. I found one of our granite posts partially out of the garden as if someone was coming back later to steal that as well.

Some would like to say that this is due to the relocation of the homeless shelter and the increased number of homeless individuals. It is easy to blame them, but I don't think that is entirely the case. Likely a huge part of it, but not entirely. While this is happening in our eastside Keene neighborhood, it is not just an eastside issue, it is of city-wide concern. As news spreads of the deaths, break-ins, assaults and general lawlessness, businesses and potential new residents will make decisions about whether Keene is the best place for them to be. This could easily have an economic impact on all of Keene.

I ask for an increased police presence and enforcement of our laws and ordinances. I ask that police personnel get out of their vehicles and do walk-about. I ask that they approach vehicles parked at our various parks with "Good afternoon. How are you today?" Those with something to hide will move along and those without may have a delightful conversation. I encourage them to walk the bike paths, not just on the eastside, to have a presence. If the police force would like community liaisons, then let's get started. We need to get this under control for the sake of the law abiding, tax paying residents and the city in general.

I understand that we have 9 open, unfilled police positions. I have spoken with a couple of City Councilors about utilizing those payroll funds to create a supplementary/auxiliary force to support our existing force. This auxiliary could answer lesser priority calls leaving officers available for more serious, higher priority calls. I am thankful that we have only 9 unfilled positions and not the complete force. I hope we can find ways to support our fire and police personnel. I have had many positive interactions and appreciate how difficult their daily shifts must be.

This is a leadership issue. Residents should feel safe in the City and I admit I do not. We lock our doors, and our vehicles. We are considering security systems and high fences. There are informal conversations about forming neighborhood watch groups. You are part of the answer. You sit in a position to redirect resources. You sit in a position to create solutions and there are many residents willing to work with you to make it safe again to live in Keene.

I request this be sent directly to a City Council committee.

Respectfully submitted,

Vicky Morton
275 Water Street
Keene, New Hampshire

A handwritten signature in cursive script, appearing to read "Vicky Morton".



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: September 21, 2023
To: Mayor and Keene City Council
From: Robert Hamm
Through: Patricia Little, City Clerk
Subject: **Robert Hamm - Safety Concerns on the Eastside of Keene and the Need for Increased Police Presence**

Recommendation:

Attachments:

1. Communication_Hamm

Background:

Robert Hamm is concerned for safety in his Eastside Community. He lists incidents that have been observed on Carpenter Street and some on the Bike Path. He is requesting the City focus attention and police resources on this area. He further requests that the City address other issues, such as the deteriorating condition of buildings, streets, and sidewalks.



Robert Hamm <robert.hamm33@gmail.com>

East-side Concerns

3 messages

Dear City Leader,

I'm sending this email to all of you collectively, acting upon the suggestion of Ward 2 Councilor Mitch Greenwald and Councilor at Large Randy Filiault. They, along with Ms. Chadbourne, advised that it would be most helpful for any and all communication with them about neighborhood concerns to be directed to the whole of the Council.

You may, perhaps, already have received communication from a number of us who met yesterday to lift up mounting concerns for the safety of our neighborhood. We lifted up a number of concerns, which follow:

These are the events that many of our number have witnessed and would like to report.

On Carpenter Street, the following incidents were observed:

- Used hypodermic needles have been picked up near Carpenter Field (the new Patricia Russell Park)
- Dead body on Carpenter Field
- Drug dealing happening at Carpenter Field area

The Bike Path has become a matter of intensifying concern due to the following observations:

- Stabbing on Church Street and one of the victims ending up on Water Street
- People having sex on the bike path at 11 am
- People with needles sticking out of their arms up and down the bike path
- A drugged up bloody person banging on American house trying to get in
- Vagrant groups hanging around on the corner of 93rd Street and on the bike paths

Our neighborhood (Valley, Kingsbury Streets) has also been reporting a number of automobiles being broken into and ransacked. Cars and motorcycles frequently speed down our streets, even when children are playing on the sidewalks.

We met out of concern for behaviors that are troubling; but we have a vision for a neighborhood that is safe, and clean, that is walkable, a place of which we can be proud, where our children can walk safely to and from the parks and area schools. We have a vision of a worry-free neighborhood that fosters a culture of caring.

I believe that it's necessary for the City to focus its attention on Church Street and the deterioration of buildings, and frankly, the street and sidewalks themselves. The sidewalks - particularly on Church, Roxbury and South Lincoln Streets. are trip hazards for elderly walkers and runners.

We are given to understand that the Police Department is currently short-staffed by nine officers. I, along with most people, believe that our Police Department is doing a very good job. However, I believe that our neighborhood needs more policing, and am curious about other models for seeing to the safety of our homes and streets.

Something must be done, and we look to you to begin to work with us in order to address the issues we face.

Robert Hamm
Aja Davis
Mpholuhle



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.4.

Meeting Date: September 21, 2023
To: Mayor and Keene City Council
From: Councilor Randy L. Filiault
Through: Patricia Little, City Clerk
Subject: **Councilor Filiault - Homelessness in Keene**

Recommendation:

Attachments:

1. Communication_Councilor Filiault

Background:

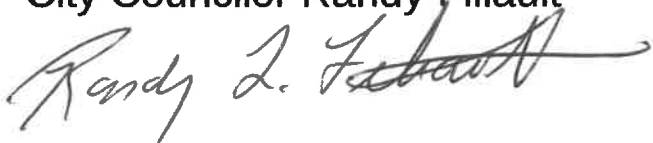
Councilor Filiault is concerned with homelessness in Keene. He toured homeless encampments within Keene with a homeless outreach coordinator to see the conditions that the homeless are living in. Councilor Filiault is asking that the City schedule a workshop to discuss the situation and possible solutions.

September 16 2023

To: Mayor Hansel and Keene City Council
From: Keene City Councilor Randy Filiault
Subject: Homelessness in Keene

On Friday September 15th I had the opportunity to walk with a homeless outreach coordinator thru multiple homeless encampments within Keene. What I saw was breathtaking, but not in a positive way. What looked basically like a subdivision of squalor condition tent encampments, each with unbelievable huge areas of trash, discarded alcohol bottles, filthy sleeping bags and tents, and discarded and used hypodermic needles everywhere. I was told to wear heavy boots in the event I stepped on one of the many discarded needles that littered the landscape. I photographed these encampments as words don't come close to describing the scenerio. This is not acceptable on any level. Not even close. I realize we've formed committees to discuss the homeless situation in Keene, but clearly, after what I observed, we're failing. Badly. I hereby respectfully request we schedule a workshop in the not to distant future, to include, but not limited to, the Keene City Council, the County Commissioners and administrator, local State Representatives, local homeless advocates, property owners these encampments sit on, and the general public. Time is of the essence as we're about to head into the winter season. I realize there is no easy answer, or answers, but we must try much harder. We're better than this.

Respectfully submitted,
City Councilor Randy Filiault

A handwritten signature in black ink, reading "Randy L. Filiault". The signature is written in a cursive, flowing style with a large, sweeping flourish at the end.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: September 21, 2023

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Peter Espieffs – Placement of Cell Tower in Residential Neighborhood – Nuisance and Safety Hazard Concerns**

Recommendation:

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends accepting this communication as informational.

Attachments:

None

Background:

Chair Bosley welcomed the petitioner, Peter Espieffs. Mr. Espieffs wanted to talk to the Committee about what he considers a nuisance: the Tilson Company and US Cellular 5G tower in the Middle and Summer Streets area, where the City created some curb cuts. He said it is 25 feet from someone's home on the corner of Middle and Summer Streets. He asked the Committee to consider whether this is a nuisance. Over the years, Mr. Espieffs had observed many car accidents at this corner, which he thought was a threat to this tower. He added that there are warning signs on these 5G towers, indicating that hazardous voltage could cause death, injury, or substantial property damage. The warnings also indicate that the power supply must be turned off during incidents like collisions, and he wondered who would turn that off. He wondered—if the power was not turned off in time after a collision—what the intensity of the catastrophe would be. From snowplows to vehicles from the courthouse, to City trucks, he thought there were many opportunities for collision. He said people use these streets to cut through the neighborhood. For these reasons, Mr. Espieffs considered this 5G tower to be a nuisance. He was unsure what steps the City took in this process, but it seemed to him like Tilson Company and US Cellular were given the power to do anything they wanted to put the tower in this location. He thought the tower would be safer elsewhere and he did not think there was due diligence in finding a better location.

Mr. Espieffs continued explaining what he called “the general law of nuisance, which refers to something that annoys and disturbs one in possession of [their] property rendering its ordinary use or acceptance [as] physically uncomfortable.” He said this includes “everything that endangers life or health, gives offensive to the senses, the loss of decency, or obstructs reasonable and comfortable use of property.” He referred to Chapter 17 of the City's Land Development Code, which he said delineated several situations that the City considers nuisances.

Councilor Jones asked where Mr. Espief's definition of a nuisance came from. Mr. Espiefs said he was referring to NH case law, which is similar to laws across the country. Chair Bosley asked the City Attorney if there are any definitions of a nuisance in the City Code. The City Attorney, Tom Mullins, said that Mr. Espiefs was quoting the basic common law definition of nuisance, which arises in the case law. NH RSA-544 deals with nuisances, which arise in a specific context, including things like lewdness, prostitution, or illegal manufacturing of drugs. There is a definition of nuisance related to dogs. There is also a nuisance definition under the Health Code, dealing with things like public conduct. The City Attorney said the common law definition of nuisance usually arises in the context of property owners with competing interests. An example of a nuisance is in the City's Noise Ordinance. The City Attorney understood Mr. Espief's argument to be about the connection between the 5G tower and the common law definition of nuisance on someone's private property.

Mr. Espiefs thought there were nuisance provisions in Chapter 17 of the City's Land Development Code regarding things like drainage, glare, noise and vibration, and noxious gases. He thought that voltage was closely related to noxious gases. The City Attorney could not find those definitions in the Land Development Code. Mr. Espiefs thought the nuisance provisions in the City Code were about protecting the population. He wanted the City to determine whether there was another, safer place for this tower. Otherwise, he thought there would be collisions that would impact the homeowners in the neighborhood. Mr. Espiefs spoke with the Fire Chief, who does not have the power to shut off the tower in an emergency, so he wondered who did. He thought this was common sense.

Chair Bosley asked for comments from Kürt Blomquist, Public Works Director/Emergency Management Director/Assistant City Manager, who displayed a photo of this tower. Mr. Blomquist explained that this small wireless facility is a new addition to items in the right-of-way that are regulated through the Federal Communications Commission (FCC). The FCC issued many regulations that restricted what communities could do about these structures. The City adopted an Ordinance dealing with the placement of these facilities in the right-of-way, which falls under the jurisdiction of the Public Works Department. The City's Ordinance deals with these facilities like any other utility structure in the right-of-way. When Tilson requested to locate the tower in this area, Public Works Staff looked to see where the tower could fit. Mr. Blomquist noted that along Summer Street, there are other electric utility and telecommunications installations, including a pole with a transformer 50 feet across the street from the tower in question. This particular area was reconfigured in 2008 when there was a large infrastructure project; one of the goals at that time was to find additional on-street parking in this neighborhood. Prior to 2008, Summer Street was two-way traffic, and the added parking changed it to one-way, which was appropriate for safety.

Mr. Blomquist continued, explaining that when looking for a location for this small wireless facility, the current location was the most appropriate because it is far enough from the telephone pole and is behind the curbing, which would ideally protect it from collision. Mr. Blomquist spoke about the signage on the pole. When there are electrical components, there are OSHA requirements about placing stickers to let technicians know there is an electrical current in the pole. This small wireless facility's electricity is fed from the street pole. If a vehicle hit this facility, it would probably go offline if the electrical feed fails. There is no transformer attached to this structure, and it is like other electrical facilities in the right-of-way. It was Mr. Blomquist's opinion that this was the best location for this tower to be as safe as possible. Unfortunately, drivers do not always follow the right routes and hit things they should not. Still, he felt this location best minimized that possibility. If one of his snowplow drivers hit this tower, for example, Mr. Blomquist would have reason to be deeply concerned about that employee and would likely require a drug/alcohol screening; City plow drivers have successfully navigated that corner without incident for a long time.

Vice Chair Giacomo asked if there is any accident data for this intersection. Mr. Blomquist said he did not pull that data from the Police Department, which would only have a record of reported accidents.

Councilor Jones asked what this tower includes. He assumed the small wireless facility was taking voltage from the pole across the street and transforming it into what was needed for the facility. Mr. Blomquist's understanding was that the facility included some small, step-down, transformers that would be 110–120 voltage; similar to other electrical equipment in homes and businesses. Mr. Blomquist did not think the utility company would allow that. He compared this tower to a home laundry dryer, with a circuit panel that drops the voltage. They typically do not allow attachments to these facilities, so he thought all the equipment was inside the base.

Vice Chair Giacomo agreed that the small wireless facility does have a step-down function, reducing it from whatever the line voltage is. This is usually a single phase that transforms the electricity into 48 DC voltage, which the small cells usually use. This aspect could not occur on the regular utility pole across the street, even if the step-down could take place.

Councilor Ormerod asked if the electricity occurs overhead. Mr. Blomquist said that all installations like this one require electricity underground. Councilor Ormerod asked if the transformer in the 5G tower has to be at ground level. While he is not an electrical engineer, Mr. Blomquist said most poles like this have equipment at the base primarily to make maintenance easier. The actual "tower," or antenna equipment, is at the top of the pole; the electricity at the bottom is captured by fiber-optic wiring in the antenna. He could not say whether all of the technology could be moved to the top of the pole. Mr. Blomquist did note that hitting this pole would be no more dangerous than hitting the pole across the street with the transformer on top. Councilor Ormerod asked if the pole across the street with the transformer required the same warning signs. Mr. Blomquist said there are different safety requirements for different industries. Utility companies have varying standards for the equipment they require to be located above a certain height, which do not require the same warning signs.

Chair Bosley asked about the ramifications if a vehicle hit this tower. Mr. Blomquist said the tower could fall down or break partially. There is a risk of explosion. Still, Mr. Blomquist's opinion was that this is not a large transformer and is unlikely to create a large explosion; there would probably be a greater incident if the pole across the street was hit. Chair Bosley asked who would shut off this tower if it was hit. Mr. Blomquist said that if this tower fell, he would notify Eversource, and they would likely come and cut the feed. Vice Chair Giacomo said that with the electronics at the base of this pole, it is actually safer because the line voltage would not be exposed like it would be if a telephone pole fell, and high-voltage materials were in the street.

Chair Bosley said it had been a while since the Committee worked on this Ordinance. She thought there was language included about placing accessory units underground. Mr. Blomquist said there were some recommendations to put things underground and there is a restriction on the sizes of boxes that can be placed on the sides of poles. Mr. Blomquist said this design met all of the criteria and this configuration gives it a better appearance than what some other companies might have installed. Chair Bosley recalled some conversations about updating this Ordinance and she asked Staff to consider where utilities can be placed underground, if possible. She did not see why that could not be a common request of utility companies.

Vice Chair Giacomo noted that the problem with placing all utilities underground is maintenance. He said the box is above ground level so it can be easily maintained. Placing utilities underground requires a confined space permit and many other things. He cautioned against updating the Ordinance every time the Council does not like some small facet of it; he thought this would undermine what the Ordinance is trying to do, which is to help the overall aesthetics, because there are many other unsightly options. Vice Chair Giacomo thought this tower was fairly benign in terms of the streetscape. He thought the Ordinance was crafted carefully for both safety and accessibility.

Councilor Jones asked—with Mr. Blomquist as the point person on these towers—if there is anything the Committee could do to improve the Ordinance. Mr. Blomquist thought the Ordinance did provide guidance on the variety of equipment and where they can be placed. He had seen other proposals involving more equipment and different boxes. He thought there was interest in, and some opportunity for, placing some equipment underground. However, there is a much larger construction impact when placing things underground. Since some of these decisions were Mr. Blomquist's, Councilor Jones wondered whether Mr. Blomquist needed better guidance within the Ordinance. Mr. Blomquist said he tries to apply the existing guidance in the Ordinance in the best way he can.

Chair Bosley opened the floor to public comments.

Bradford Hutchinson of 305 Marlboro Street had spoken with Mr. Espieffs about this tower. Mr. Hutchinson saw this tower being installed, and thought it was well constructed and well designed. Mr. Hutchinson heard some people talking about this small wireless facility as if it were just another telephone pole. However, he said this is a 5G tower, which is very controversial because of perceived public health effects. He spoke about the dual threats of technocracy and transhumanism. He said there was a lot of misinformation spreading about 5G. He spoke about medical devices that use 5G, which he claimed are designed to activate microscopic holes in human tissues. He said that no one could confidently state the damage this 5G technology could cause. Mr. Hutchinson said it was important to look at the FCC regulations.

There were no further public comments.

Vice Chair Giacomo believed that City Staff thought about this installation carefully and that the warning sign was very standard. Thus, he did not see any reason for specific action.

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

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends accepting this communication as informational.

Councilor Jones said this continues to be an educational process for the Council. He appreciated that Vice Chair Giacomo explained that this is DC voltage, which is not as dangerous as people might think because DC automatically grounds itself. He thought Mr. Espieffs brought up some good points for the Council to consider when it next reviews this Ordinance.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: September 21, 2023

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Attorney Michael Bentley – Monadnock T Hangar Corporation – Request to Renew Existing Lease**

Recommendation:

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends the City Manager be authorized to do all things necessary to negotiate these leases and bring them back when ready to execute.

Attachments:

None

Background:

Chair Bosley welcomed the applicant, Michael Bentley, who is one of the hangar owners from the Monadnock T Hangar Corporation at the Dillant Hopkins Airport. His lease arrangement began on July 22, 1988, when the City of Keene granted the Monadnock T Hangar Corporation a 20-year lease, with an option to renew for an additional 20 years. Mr. Bentley is one of the original hangar owners. Thus, he was in the 35th year of the total 40-year lease arrangement. His current lease did not contain an option to renew for any further period. The lease is due to expire in 5 years, so Mr. Bentley was making this request to negotiate with the City Manager to grant an option to renew it for an additional 20 years. Some of his fellow hangar owners were seeking another 20 years with an option to renew for a total of 40 years. If Mr. Bentley's lease is not renewed, he would have to remove the hangar, restore the land, and give it back to the City. With a renewed lease, if Mr. Bentley decided to sell his hangar, the new owner would have the extended lease terms. Not renewing the lease would limit the marketability to sell the hangar if wanted. As is his responsibility, Mr. Bentley maintains the hangar roof and the rest of the structure is in good shape. Thus, he thought he had been a good tenant, and he said the City had been good to him, such as always plowing snow. He has paid his quarterly rent on time for the last 35 years. Because the current lease contains a CPI adjustment, he was paying more quarterly for rent than what the City is advertising to lease other hangar space. He was not asking for a reduced rate, but to renew the lease.

Chair Bosley asked for comments from the City Manager, Elizabeth Dragon. The City Manager said the Monadnock T Hangar Corporation had been a very good tenant and she wanted that relationship to continue. Because she had not yet had an opportunity to work on this with Mr. Bentley, she was asking for more time to negotiate and then bring a recommendation back to this Committee when ready to execute. One reason this lease expires at the end of 40 years is because the Federal

Aviation Administration does not allow leases to extend past 40 years, because it is considered past the useful life of a property. Thus, sometimes there is a reversion clause in leases. The City Manager thought it was better to work on new terms with the Monadnock T Hangar Corporation. The City does not typically offer early renewals and there is difficulty in knowing what the requirements at the airport would be in 5 years. Still, she thought she could draft creative lease language to deal with this.

Councilor Ormerod wondered if this could be like real estate, in which sometimes a lease can be terminated early and a new one signed immediately. He asked if it was premature to discuss these options. The City Manager did think it was premature.

Councilor Jones thought that renewal would be a win-win situation for both parties. Discussion ensued about the recommended motion, which did not give the City Manager permission to execute a new lease before presenting the new terms to this Committee. The City Manager noted that the petitioner's letter included a request to reduce the rent, but she heard from Mr. Bentley's comments that he was not seeking a reduction, just renewal. There are more details she must explore before crafting a new lease.

Chair Bosley opened the floor to public comments.

Bradford Hutchinson of 305 Marlboro Street has known Mr. Bentley for a long time. Mr. Bentley's request seemed reasonable to Mr. Hutchinson. Mr. Hutchinson thought keeping the Monadnock T Hangar Corporation would be best for the City long-term. He supported renewing this lease.

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

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends the City Manager be authorized to do all things necessary to negotiate these leases and bring them back when ready to execute.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: September 21, 2023

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Ryan Grandmont – Hawker and Peddler – Request to Place Sandwich Board on City Sidewalk**

Recommendation:

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the current license issued to Ryan Grandmont for use of the vendor cut-out adjacent to Railroad Square be amended to allow placement of a sandwich board sign on City property, which may be erected prior to the start of sales each day, subject to review and approval by City staff with respect to the specific location. The sign must be removed immediately after sales have concluded.

Attachments:

None

Background:

Chair Bosley noted that the applicant, Mr. Grandmont, was unable to attend this meeting. Still, the Chair wanted to move this forward because the season for outdoor sales is short. She asked for comments from City Staff.

Kürt Blomquist, Public Works Director/Emergency Management Director/Assistant City Manager, also recommended moving this forward. He said the recommended motion aligned with how the Farmers' Market had been treated.

Chair Bosley opened the floor to public comment.

Bradford Hutchinson of 305 Marlboro Street had spoken with Mr. Grandmont about this issue. Mr. Hutchinson spends a lot of time on Main Street and keeps an eye on things. He said that much like Central Square, Railroad Square poses some concerns because of the number of people who congregate there, some of whom might be homeless or using illegal drugs, which could be public nuisances. He said the last 3 years had been hard on the downtown and the economy. He sees too many empty parking spaces and too few pedestrians on Main Street. Mr. Hutchinson did not think any downtown businesses were doing great. He thought it was in the City's best interest to support food trucks like this one, which help to attract customers to the downtown. However, on Railroad Square, he said it was harder to access this business because the area is often occupied by non-customers. He had noticed that the truck moved into a loading zone near Cherry Garden because he was asked by City Staff to move there, in part by the Director of Parks, Recreation, and Facilities.

Chair Bosley explained that Railroad Square is unique because it has characteristics that preclude it from being a town square, but it is not necessarily a park either; still, it is Parks and Recreation Director's purview. The City Attorney agreed. Chair Bosley added that the challenge with Railroad Square is that the brick paver area was gifted to the City with stipulations that delineate what can occur in that area—no commerce—which is why Mr. Grandmont was asked to relocate. This is also why the Farmer's Market cannot be located there. There are festival permits that allow commerce on Railroad Square during certain events. Chair Bosley thought the City Staff supported whatever could be done for Mr. Grandmont's business.

Mr. Hutchinson was concerned that Mr. Grandmont was not satisfied with the City. Mr. Hutchinson said that he likes to see the City working cooperatively with people, but he did not think he or Mr. Grandmont fully understood the complexities of Railroad Square. Mr. Hutchinson hoped this could be worked out.

Chair Bosley agreed that the outdoor selling season is short, which is why she wanted to move this forward in Mr. Grandmont's absence. She also noted that Mr. Grandmont could contact any City Councilors with questions, not just those representing his Ward.

The City Manager, Elizabeth Dragon, clarified some things. She said Chair Bosley did well explaining the complicated issue with the Railroad Square pavers. She explained that Mr. Grandmont applied for a vending permit for a space his trailer could not fit in, which he and the City Staff did not realize initially. This limited space pushed Mr. Grandmont onto the pavers, which is restricted. Instead of revoking the vending permit, City Staff worked on a compromise, which is the loading zone location. Because this is not as ideal of a spot for business, City Staff supported the request for the sandwich board sign.

Councilor Jones recalled when he chaired the Municipal Services, Facilities, and Infrastructure Committee in 2000, eight spaces were created downtown for vendors to use. Due to minimal usage, the number was reduced to five spaces a few years later. Instead of asking for one of these vendor spaces, Mr. Grandmont was only asking for a sandwich board, which Councilor Jones thought should be granted.

Councilor Ormerod made the following motion, which was duly seconded by Vice Chair Giacomo.

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the current license issued to Ryan Grandmont for use of the vendor cut-out adjacent to Railroad Square be amended to allow placement of a sandwich board sign on City property, which may be erected prior to the start of sales each day, subject to review and approval by City staff with respect to the specific location. The sign must be removed immediately after sales have concluded.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: September 21, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **2024 Law Enforcement Substance Abuse Reduction Initiative Grant**

Recommendation:

On a 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the NH Department of Safety 2024 Law Enforcement Substance Abuse Reduction Initiative Grant in the amount of \$21,989.00.

Attachments:

None

Background:

Police Captain Steve Tenney addressed the Committee regarding a reoccurring annual grant – the 2024 Law Enforcement Substance Abuse Reduction. These funds will be used for overtime reimbursement. This year's award is in the amount of \$21,989.

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

On a 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the NH Department of Safety 2024 Law Enforcement Substance Abuse Reduction Initiative Grant in the amount of \$21,989.00.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.5.

Meeting Date: September 21, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Fleet Facility Assessment - Professional Services Contract

Recommendation:

On a 3-0 vote, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a professional services agreement with RTA Fleet Consulting Group for technical services for a Fleet Facility Assessment for an amount not to exceed \$49,300.

Attachments:

None

Background:

Assistant Public Works Director Duncan Watson addressed the committee and stated about two years ago, when the CIP was introduced, there was a project brought forward by staff for fleet facility assessment to assess whether this facility is appropriate for what is coming in the future.

An RFP was sent out, and five responses were received, and two of the applicants were selected for an interview conducted by Public Works staff. The committee selected RTA Fleet Consulting Group to complete the fleet assessment.

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

On a 3-0 vote, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a professional services agreement with RTA Fleet Consulting Group for technical services for a Fleet Facility Assessment for an amount not to exceed \$49,300.



CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

Meeting Date: September 21, 2023
To: Mayor and Keene City Council
From: Merri Howe, Finance Director/Treasurer
Through: Elizabeth Dragon, City Manager
Subject: **Acceptance of Donations**

Recommendation:

Move that the City Council accept the donations in the amount of \$6,600 listed below and the City Manager be authorized to use each donation in the manner specified by the donor.

Attachments:

None

Background:

The Keene International Festival is currently planning their 2023 event for Saturday, September 23. The committee is actively seeking corporate funding sources to help showcase and celebrate the rich cultural diversity of Keene to the community through activities that engage and connect people to each other. The Keene International Festival is the recipient of donations totaling \$6,500 from the following donors.

- \$5,000 from Gallup and Hall
- \$1,000 from NH CDFA
- \$500 from Schwab Charitable Fund/ Hamblet Electric

The Keene Fire Department has received a donation in the amount of \$100.00 from Carol Jeffrey as a token of her appreciation for assistance received from two Keene Firefighters.

Total donations this evening: \$6,600.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: September 21, 2023
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Roger Weinreich – Request to Use City Property – Block Party

Recommendation:

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the request to use City property for the block party be put on more time to allow for protocols to be scheduled.

Attachments:

None

Background:

Chair Bosley welcomed the petitioner, Roger Weinrich of 110 Main Street, who recalled that there were several downtown block parties before the pandemic. This event will be on Saturday, October 22, beginning at 2:00 PM. This would involve closing the section of Main Street directly in front of the Good Fortune block, routing traffic around Eagle Court to Cypress Street, and another closure near Modest Man Brewing. There would be games and activities, mostly for children, but some for adults as well. The goal is to have the block party coincide with the Pumpkin Festival and the road closure was intended to help some of the businesses on the southern end of Main Street. He would coordinate with the Pumpkin Festival organizers and would attend all the necessary protocol meetings with City Staff. He mentioned concern about the cost of the road closure, which 2 years ago involved jersey barriers, and required two Police Officers because it did not coincide with another community event. Someone also had to direct traffic. This cost had varied for past events, from \$3,000 to \$5,000. Mr. Weinrich wants to ensure everything works well for the cost before making the investment.

Chair Bosley asked for comments from Kürt Blomquist, Public Works Director/Emergency Management Director/Assistant City Manager. Mr. Blomquist reiterated that there had been other block parties in past years. He requested more time to hold the necessary protocol meetings with the petitioner to determine what would be needed for this event and how it would interact with detours for the Pumpkin Festival if they coincide. He could provide the financial information to Mr. Weinrich for the normal protocol. Considering that this Committee would not meet again until October, which would push the final Council vote to 2 days before this event. Thus, Mr. Blomquist would request that Mayor Hansel call this item forward for a Council vote on September 21 or October 5.

Vice Chair Giacomo hoped the protocol meetings would address the 150-foot section of Main Street that would be open northbound, and whether it would be more cost-effective to close that section too.

Mr. Blomquist agreed that this came up in his conversations with Police Lieutenant, Shane Maxfield. Keeping this section open—in conjunction with the Pumpkin Festival—could accommodate drivers going north to east, or vice versa. This was the arrangement for the 2022 Pumpkin Festival. By pushing traffic over to Cypress Street, drivers might be more restricted. Mr. Blomquist said they could possibly do as they have for other events, which is the full detour at Main and Emerald Streets that would require drivers to use Eagle Court versus going down Cypress Street.

Vice Chair Giacomo thought there was interest from businesses on southern Main Street for an event like this. He would likely attend the protocol meetings because of his position on the Pumpkin Festival Board. Chair Bosley thought it sounded like the two events could be complementary.

Mr. Weinrich understood that this was a late request, and if it does not work out this year, he hoped it could lead to a discussion about how to do future event closures.

Chair Bosley opened the floor to public comments.

Bradford Hutchinson of 305 Marlboro Street remembered the two previous block parties. He noted that those previous events were set up differently, and he talked with Lieutenant Maxfield about security and road closures. Mr. Hutchinson thought the past events worked well and he supported another one.

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

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the request to use City property for the block party be put on more time to allow for protocols to be scheduled.



CITY OF KEENE NEW HAMPSHIRE

ITEM #H.2.

Meeting Date: September 21, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Jared Goodell - Place of Assembly Permits - Recent Charge by Fire Department - Bender's Bar & Grill**

Recommendation:

On a 3-0 vote, the Finance, Organization, and Personnel Committee recommends this item be placed on more time.

Attachments:

None

Background:

Jared Goodell addressed the committee and stated he had received a bill from the Keene Fire Department for \$70 for the "Assembly Permit." He referred to RSA 155:17-39 which governs Public Assembly Permits. He noted the Fire Chief had indicated the fee was for the inspection, not the permit, and referred to "Appendix B - Fee Schedule" of the City Code. Mr. Goodell noted the heading in this section refers to "Life safety permit fees" not inspection fees, and what his business was charged was for a Place of Assembly Permit valid for one year, \$70. He indicated the Assembly Permit he was charged for was against NH RSA 155:19. He continued that he is requesting Council direct staff to cease issuing bills to Keene businesses, churches, and community gathering places where the city requires an assembly permit and to repeal the code that charges the \$70. Mr. Goodell felt that anyone charged the assembly permit fee in the last two years should be refunded.

Mr. Goodell also referred to a bulletin issued by the Fire Marshall in 2013 which is a restatement of RSA 155:19, and there is a frequently asked question portion where it asks whether an applicant could be charged for an assembly permit – the Fire Marshall's answer is no and that this is expressly prohibited under state statute under RSA 155:19.

Chair Powers stated ultimately, this item will be placed on more time as there is more research that needs to be completed. The Chair asked for the Attorney's comments. The Assistant City Attorney stated the attorney's office received this communication last week but has not had the opportunity to review this matter further. The attorney's office has also contacted other municipalities and will have more information when this item comes back before the committee.

The Chair indicated the City will reach out to Mr. Goodell in a few weeks.

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

On a 3-0 vote, the Finance, Organization, and Personnel Committee recommends this item be placed on more time.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: September 21, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Relating to Performance Bonuses and Class Allocation
Ordinance O-2023-14**

Recommendation:

On a 3-0 vote, the Finance, Organization, and Personnel Committee recommends the adoption of Ordinance O-2023-14.

Attachments:

1. O-2023-14 Performance Bonuses and Class Allocation

Background:

City Manager Elizabeth Dragon stated the City has been struggling with recruitment in the recent past, and over the last few months, the Council made adjustments to the Police Supervisors and Police Officers contracts. The item before the committee is the last adjustment for non-union members of the Police Department and will address compression and equality across the department.

Ordinance O-2023-14 adjusts performance bonuses in Section 62-195. At the present time, the Fire Chief and the Deputy Fire Chief, Police Chief, and Police Captain annually receive a \$2,000.00 performance bonus. The police supervisor's performance bonus was increased by \$2,025, and this ordinance would increase the Fire Chief and the Deputy Fire Chief, Police Chief, and Police Captain bonuses by \$2,000 effective January 8, 2023.

The second part of the ordinance would move the Police Chief and Police Captain by one grade. The Manager explained this is necessary because of the changes to the police supervisor's contract, two additional step grades were added, and COLA was increased from 3 to 3.5% and they were also given an early step.

Councilor Remy noted the changes in 2017 and asked why the change went from \$4,000 to \$2,000. Ms. Dragon stated this might have happened before her employment with the City and added in her budget memo she does address salary grades and the need for an overhaul making these changes one at a time creates issues between departments and makes it challenging to keep equality between departments. The Councilor noted this change goes back to how it was in 2015 and asked if it was sufficient to go back to that date based on the changes in the market since 2020. Ms. Dragon

stated the reason for going with \$2,000 is to keep parity between police supervisors and non-union employees of the department. Councilor Chadbourne felt this is a good starting point and is going in the right direction.

Chair Powers stated the last time the bonuses were reduced, it was because of a change to pay grades. He said he had no objection to this proposal but hoped there could be a more equitable pay plan.

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

On a 3-0 vote, the Finance, Organization, and Personnel Committee recommends the adoption of Ordinance O-2023-14.



CITY OF KEENE

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

AN ORDINANCE Relating to Performance Bonuses and Class Allocation

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

That the ordinances of the City of Keene, as amended, hereby are further amended by deleting the stricken text and inserting the bolded text in Section 62-195, "Performance Bonuses" of Chapter 62 entitled "Personnel" effective January 8, 2023, as follows:

Sec. 62-195. Performance bonus.

Employees holding the following positions with the City of Keene and who receive a satisfactory performance evaluation **in the positions listed below** shall be entitled to an annual performance bonus in the amounts specified. Such payment shall be made within the month of the anniversary date of hire ~~or rehire~~, or at any other time as authorized by the city manager.

- (1) Fire chief and
deputy fire chief: annually ~~\$2,000.00~~ **\$4,000.00**
- (2) Police chief and
police captain: annually ~~\$2,000.00~~ **\$4,000.00**

That the ordinances of the City of Keene, as amended, hereby are further amended by deleting the stricken text and inserting the bolded text in Section 62-194, "Administrative, Office, Technical and Management Personnel" of Chapter 62 entitled "Personnel" effective October 1, 2023, as follows:

Sec. 62-194. Administrative, office, technical and management personnel

<u>GRADE</u>	<u>CLASS ALLOCATION</u>
S 4	Library Aide
S 5	Minute Taker
S 6	Administrative Assistant; Records Clerk
S 7	Administrative Assistant I
S 8	NO POSITIONS ASSIGNED
S 9	NO POSITIONS ASSIGNED
S 10	Audio Video Production Specialist

S 11 Office Manager; Parking Services Technician

S 12 Librarian I; Planning Technician; Executive Secretary; Staff Accountant;
Fire Department Administrator; Purchasing Specialist; Human Resource Specialist

S 13 NO POSITIONS ASSIGNED

S 14 NO POSITIONS ASSIGNED

S 15 Executive Assistant; Librarian II; Payroll Administrator; Human Resources Assistant;
Youth Services Manager; Mapping Technician; Engineering Technician; Assistant City Clerk;
Senior Paralegal; Police Dispatch Supervisor; Social Worker

S 16 Planner; Laboratory Supervisor

S 17 Appraiser; Recreation Programmer; Librarian III; Parks & Cemetery Maintenance Superintendent;
Airport Maintenance & Operations Manager; IT Systems Specialist; Parking Operations Manager

S 18 Water/Sewer Operations Manager; Purchasing Agent; Civil Engineer; Solid Waste Manager;
Maintenance Manager; Revenue Collector; Records Manager/Deputy City Clerk;
Laboratory Manager; Human Services Manager; Treatment Plant Manager

S 19 Transportation/Stormwater Operations Manager; Utilities Treatment Operations/Plant Manager;
Senior Planner; Recreation Manager; Fleet Services Manager, Accounting & Fund Manager;
Infrastructure Project Manager

S 20 Systems Administrator; Purchasing & Contract Services Manager; Assistant City Attorney

S 21 NO POSITIONS ASSIGNED

S 22 NO POSITIONS ASSIGNED

S 23 NO POSITIONS ASSIGNED

S 24 City Engineer; Assistant Public Works Director/Division Head; Database Administrator;
Airport Director; Building/Health Official

S 25 Human Resources Director; Library Director; Assistant Finance Director/Assistant Treasurer;
~~Police Captain~~; Deputy Fire Chief

S 26 Community Development Director; City Assessor; Parks, Recreation & Facilities Director
Police Captain

S 27 Finance Director/Treasurer; IT Director; Communications & Marketing Director

S 28 ~~Police Chief~~; Fire Chief; Public Works Director

S 29 **Police Chief**

S 30 Deputy City Manager

George S. Hansel, Mayor

In City Council September 7, 2023.
Referred to the Finance, Organization
and Personnel Committee.


City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: September 21, 2023
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Dragon, City Manager
Subject: **In Appreciation of Gail Zachariah Upon Her Retirement
Resolution R-2023-34**

Recommendation:

That Resolution R-2023-34 be adopted by the City Council.

Attachments:

1. Resolution R-2023-34

Background:

Ms. Zachariah retired from the Keene Public Library effective August 31, 2023, with almost 23 years of service.



CITY OF KEENE

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

A RESOLUTION In Appreciation of Gail Zachariah Upon Her Retirement

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

WHEREAS: Gail Zachariah began her City of Keene career on September 29, 2000, as a Librarian II, the Head of Youth and Community Services, and was promoted July 1, 2017, to Librarian III, Head of Youth and Community Engagement; and

WHEREAS: Knowledgeable in every aspect of librarianship, Gail has led the Library's youth services, as well as programming and community engagement activities for all ages, for over two decades, meeting both current and emerging needs of the community as the way people want to use libraries has changed and as our library facility has expanded; and

WHEREAS: Zealous in her pursuit of quality materials and programs, she developed the parenting, youth, and teen collections of exceptional and unique materials—growing it by almost seven times its size—establishing new ways to reach more youth, generating ways for parents to create learning environments for their children, and personally donating hundreds of volumes; and

WHEREAS: With a surfeit of energy, innovation, and commitment, programming has flourished under her leadership on an average of at least 1000 programs per year enjoyed by the youngest patrons to the oldest—from baby/toddler storytelling to family contradancing, from Makerspace workshops to roleplaying games, from knitting to film nights, from T-Rex tea parties and well beyond—she excels at getting people together for dialogue and creating art; and

WHEREAS: Gail served as a resource to other library staff in the application of community outreach, engagement, marketing and public relations, always keeping her focus on the needs of the library patrons, applying the latest initiatives and service improvements to what Keene can offer, seeking grants and partnering with community organizations and other youth-oriented groups to introduce and support various programs and services, and improvising to develop at-home programs to reach the public more recently; and

WHEREAS: With a great staff of youth librarians—mostly part-time—she has supplemented them with summer youth, student interns, and volunteers to foster a team that brings forth more ideas and supports the implementation of programs that give library users the best possible experiences; and

WHEREAS: With ethical standards aligning with the Library Bill of Rights, Gail models caring about each and every visitor to the library, making them feel welcome, safe, and included; defending all viewpoints; ensuring equitable access; and dropping everything to help with one-on-one service; and

WHEREAS: Recognized in the national community, she served on several committees of the American Library Association—including being selected as a Newbery Award Committee member—as well as on committees for the New Hampshire Library Association; and earned the 2011 *Librarian of the Year* from Children's Librarians of New Hampshire section; and her other contributions to the City include assisting with Citizens' Appreciation Nights, a 2006 Employee Achievement Award, and membership on the Martin Luther King/Jonathan Daniels Day Committee and its associated events; and

WHEREAS: Gail retired August 31, 2023, with just shy of 23 years of honorable service to the City;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Keene hereby extends its sincere thanks to Gail Zachariah for her dedication to the City of Keene and the Monadnock Region and wishes her the very best for her retirement years; and

BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Gail in appreciation of her years of service to the City of Keene.

George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: September 21, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Relating to FY24 Fiscal Policies
Resolution R-2023-32

Recommendation:

On a 3-0 vote, the Finance, Organization, and Personnel Committee recommends the adoption of Resolution R-2023-32.

Attachments:

1. R-2023-32 Relating to Fiscal Policies_Final
2. R-2023-32 Relating to Fiscal Policies_RedLined Changes

Background:

Finance Director Merri Howe addressed the Committee next. Ms. Howe stated each year the fiscal policies start the cycle for the budget process. She indicated the document before the committee set the boundaries for the CIP and the budget. This year, there are four modifications for the fiscal policy.

Referring to page 1 right above the “now therefore be it resolved” clause. Ms. Howe stated the City ran into an issue with having documents signed when the City Manager was away and the Acting City Manager signed the document. However, Bond Counsel requested a copy of the authority, giving the Acting Manager to sign these documents. It was realized the City did not have any formal authorization for the Acting City Manager to sign these documents. These new items create a “designee” authority for anyone filling in for the City Manager, temporarily.

Councilor Remy stated he does not like this change but does understand the need for it. He indicated the authority for an appointed individual to appoint a designee for themselves and giving that individual full rights to sign whatever they wanted to; makes him feel uncomfortable. Ms. Howe stated unless the documents were signed the City would not have been able to make the deadline for getting the bond documents signed. She added the change indicates that the City Manager would advise the Council in writing who the appointee is.

The Manager stated at the present time, in her absence one of the three Assistant City Managers fills in for her, and that typically has not been an issue because the documents that need to be signed are internal documents. Concerning the bond documents, those had been reviewed, but not all documents were ready for signature, and she was okay with Ms. Landry signing them. When they

were sent back by bond counsel, she re-signed them. She indicated she did discuss with the three Assistant City Managers that she would like not to have bond documents signed in her absence and that typically they should wait for her return. The Manager noted it would be a rare occasion when they cannot wait, and when that happens, they contact her, and there is a process for that type of event. She indicated she, too is nervous about leaving a blanket statement, but because the formal documents can wait, it has not been an issue. Councilor Remy stated the bond documents are one of those items he would not want to delegate in such a manner and felt there should be another solution.

Chair Powers stated he takes the opposite view; if someone is next in line, you have the rank, then you have the authority to sign, and staff has been trained in what they can and cannot do. He did not feel there would be too many documents that should show up as a surprise that needed immediate attention.

The Chair noted there is language being proposed that seems to be in conflict: The City Manager is hereby granted the authority to appoint a designee – He indicated this authority is already in the City Code and he felt the fix would be to delete the term “hereby” which will make it a statement of what currently exists.

The next change is with the sentence “The Acting City Manager filling the position designated in the city budget.” The Councilor stated the reference should be to the “city code” and not the “city budget.” Councilor Powers noted the Resolution should be revised to include these two Scribner corrections.

Ms. Howe continued her presentation: Page 2 – Section G has been added. Ms. Howe stated it is the policy of the City to fund payments for vested employees for vested leave time at separation of city employment. Monies in the past have been set aside like a capital reserve to pay for vested time. Section G formalizes the process that is in place at the request of the auditors to have something in writing. Councilor Remy asked whether a cap can be codified as well. Ms. Howe stated there is one already in place, and each year, the number is adjusted for these compensated absences during the audit.

Chair Powers asked whether the City is trying to reserve the total amount that is needed. Ms. Howe stated they are trying to get to that number in case of a large staff turnover.

Chair Powers noted to item H. which he indicated is not part of the change A periodic budget status report for each fund will be provided to the City Council. He asked if it would not be more appropriate to say a periodic financial status report, which would be all-inclusive not just the budget. Ms. Howe stated the periodic budget report would be revenues and expenditures (budget availability). When you refer to financial statements, then you are also referring to the balance sheet.

Ms. Howe referred to the third update – page 5, part 2 B. c) Capital Funds: Ms. Howe reminded the committee last year, because of the transition to the new system, there was a fund created for water sewer operations and a capital fund was created for water sewer projects. The auditors are strongly recommending the same be done for the equipment fund. This item directs staff to be able to put in place an equipment capital project fund. This is more of a housekeeping item.

The last time – Page 10, Stabilization Funds – Sections 1 and 3 have been updated to reflect the current recommended unassigned fund balance range. The NH Department of Revenue Administration recommends a 5% to 17% range. The city’s old numbers were between 7% to 10%. This item aligns it more with what the State of New Hampshire recommends. The Government Financial Officers Association recommends 5% to 15%. The State of New Hampshire is higher

because they depend primarily on property taxes to raise money to fund all activities. Schools and counties can demand their money upfront; the higher range gives the City more flexibility and cash flow to accommodate this. Councilor Remy asked about the financial impact of this change on the city. Ms. Howe stated there is no impact; it is just driving for a goal.

Councilor Chadbourne stated both the Chair and Councilor Remy make good points. Still, it felt the second in charge is in direct communication with the Manager and can fulfill her expectations and hence is comfortable with the change.

Councilor Remy stated he might bring this item up at full Council.

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

On a 3-0 vote, the Finance, Organization, and Personnel Committee recommends the adoption of Resolution R-2023-32.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION Relating to FISCAL POLICIES

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

WHEREAS: the National Advisory Council on State and Local Budgeting (NACSLB) has developed a comprehensive set of recommended practices on budgeting; and

WHEREAS: one key component of those recommended practices calls for the adoption of fiscal policies by the local legislative body to help frame resource allocation decisions; and

WHEREAS: the Government Finance Officers' Association (GFOA) has endorsed the recommended practice developed by the NACSLB; and

WHEREAS: it is the intent of the City Council, by this resolution, to articulate this financial blueprint as clearly and completely as possible; and

WHEREAS: The City Manager is granted the authority to appoint a designee to temporarily perform the duties and responsibilities of the City Manager in his or her absence; and

WHEREAS: The City Manager will in writing inform the City Council of the temporary appointment including name and dates of appointment; and

WHEREAS: The Acting City Manager filling the position designated in the city code as "City Manager" shall be vested with all the powers, rights, duties and responsibilities imposed upon the City Manager by the Charter, state statute, or by any city ordinance, resolution, agreement, document or other authority. Whenever the term "City Manager" is utilized in the Charter, state statute, or any such ordinance, resolution, agreement, document, or authority, it shall mean the "City Manager" as so designated; and

NOW, THEREFORE, BE IT RESOLVED that the fiscal policy should be reviewed and adopted by the City Council on an annual basis effective July 1, superseding any prior fiscal policies and

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Keene that its fiscal policies are as follows:

PART 1 – Budgetary Policies

Strategic Governance links both operational and capital budgets to long term goals established by the City's Master Plan and prioritized through the City Council goal's process. Departments prepare budgets with proposed strategies to advance the goals of the Master Plan along with three to five Council priorities which have been stated as outcome focused goals. Budget strategies may involve multiple years of investment above and beyond the City's base budget. This budget strategy is a hybrid of the priority based and the more traditional base budgeting approach. Priority based budgeting helps the city work towards its high-level goals and ensures

budget dollars are tied to community and council priorities and desired outcomes. The base budgeting approach separates budget items which are supplemental requests from those that are included in the base budget. The base budget is the amount required to maintain the current level of services.

I. Budget

- A. The City shall annually adopt and appropriate budgets for the following funds
 - 1) General Fund
 - 2) Parking Fund
 - 3) PC Replacement Fund
 - 4) Solid Waste Fund
 - 5) Sewer Fund
 - 6) Water Fund
 - 7) Equipment Fund
- B. All appropriated budgets shall be balanced.
- C. All appropriations for annual operating budgets (exclusive of capital projects) shall lapse at fiscal year-end unless encumbered by a City of Keene purchase order that is recorded in the financial system on or before June 30th of any year, or as authorized by the City Manager in writing, on a case-by-case basis. Those encumbrances shall be reported to the City Council in an informational memorandum by the first week of October each year.
- D. All departments are authorized to vary actual departmental spending from line item estimates provided the total departmental budget is not exceeded within each fund; provided, however, that any item specifically eliminated by the City Council during budget approval cannot be purchased from another line item without City Council approval.
- E. Outside Agencies seeking funding from the City shall complete an application substantiating their request, the necessity of the services provided, and financial impact on the City if services were not provided. All applicants shall meet eligibility criteria set by the City and eligible applications shall be reviewed by a committee consisting of at least 2 City Councilors, and representation from Human Services, Finance, Community Development, and Police Departments. The committee shall put forth a list of Outside Agencies to the City Manager with recommended funding to be included in the budget.
- F. Any unexpended funds in a personnel line related to a vacancy cannot be expended without prior approval from the City Manager and the City Council unless funds are being expended to fill a vacancy, recruiting, or to employ temporary help including professional and contract services.
- G. It is the City's policy to permit employees to accumulate earned and unused leave. The City shall maintain an amount equivalent to the total of the earned and unused leave at the close of each fiscal year in a special revenue project. All vested earned leave is accrued when incurred and paid to the employee upon separation of employment as specified in the City's then current Employee Handbook and/or current Collective Bargaining Agreements, from the special revenue project. Should the project balance fall below the accumulated total, the city shall budget and transfer funds accordingly.

- H. A periodic budget status report for each fund will be provided to the City Council.
- I. The budget document shall provide multi-year projections of revenues and expenditures/expenses including property taxes and utility (water and sewer) rates.
- J. The budget will take into consideration the City's Policies on unassigned Fund Balance projected at the end of June.
- K. The City of Keene will contain its General Fund debt service, on a five (5) year average, at or less than twelve percent (12%) of the General Fund operating budget.
- L. Upon completion of any project, any residual funds shall be returned to the fund that provided the original appropriation.
- M. Property Taxes.
 - 1) The City shall limit its property tax revenue increases to a rolling three (3) year average of the Boston-Cambridge-Newton, (MA-NH) CPI net of expenditures required by law, and excluding debt service payments and capital leases. The City chooses to utilize the CPI, not because it reflects inflation in the City's costs, but because it reflects the overall inflation in what citizens purchase. This manages City spending such that increases in a citizen's tax bill are in line with increases in all of their other expenses. The goal is to have the cost of City services as a percentage of a taxpayer's total expenses remain constant.
 - 2) Property Tax Credits and Exemptions.
All exemptions and credits will be reviewed with the City Council at least every five (5) years in conjunction with the City revaluation unless there are legislative changes that cause a review to occur on a more frequent basis.
 - 3) The State has chosen to solve its revenue problem by downshifting expenses to the local communities and tapping into the broad based property tax at the local level. Downshifting is an effective strategy for the State; however, it is unsustainable at the local level and would quickly lead to a significant reduction in City services. The City is sensitive to these added expenses to the taxpayers and will attempt to limit the impact; however, as a State expense, the City will pass through the State downshifting to the taxpayers.

II. Capital Improvement Program

- A. The City of Keene shall prepare a capital improvement program (CIP) with a span of seven (7) years.
- B. The CIP shall be prepared biannually with a review each year during the operating budget cycle.
- C. All capital projects or equipment purchases that have an estimated cost of at least \$35,000 and an estimated useful life of at least five years will be included in the capital improvement program (CIP) planning process. These projects may include capital asset preservation projects (designed to preserve the functionality and condition of major infrastructure systems and City facilities) with an estimated cost of at least \$35,000 and which increases the useful life of the asset by at least five years.
- D. The CIP shall include all expenditure and funding activity anticipated from any capital reserve fund, including those activities less than \$35,000.

- E. The CIP shall contain revenue projections and rate impacts that support estimated operating costs as well as the proposed capital program. Expenditures included in each year of the CIP (operations, debt service and capital) will be equal to estimated revenue available to finance proposed activity in each year of the CIP. Cost and revenue estimates in projected years will be presented for planning purposes, and are based upon the then current best available information.
- F. City departments will prepare project funding-requests for capital projects as instructed by the City Manager.
- G. CIP Funding Methodology
 - 1) Whenever possible, CIP projects will be funded with available resources, examples of which are current revenues, grants, donations, and reserves, but not debt.
 - 2) Appropriate uses of debt include projects such as:
 - a) One-time nonrecurring investments (e.g. the construction of a new asset, or the expansion or adaptation of an existing asset) to provide added service delivery capacity or to meet changing community needs.
 - b) Projects necessary due to regulatory requirements (e.g. water treatment plant expansion due to EPA permit changes) when resources other than debt are not available.
 - c) Projects necessary due to asset or system operational failure or obsolescence when resources other than debt are not available.
- H. The CIP shall be reviewed by the Finance, Organization and Personnel Committee and the Planning Board.
- I. The CIP will be the subject of a public hearing before adoption.
- J. The funding requests in the first year of the adopted CIP will be included in the next annual budget document. The City Manager after review will include the second year funding request in the subsequent budget document.
- K. Upon project completion, any residual funds shall be returned to the fund that provided the original appropriation unless otherwise directed by the City Council.
- L. Project transfer requests:
 - 1) Memorandums shall be presented to City Council for transfer request approval by majority vote for projects:
 - a) Within the same fund and
 - b) Not funded with bond proceeds/debt and/or
 - c) Have prior authorization to expend capital reserve funds and is within the purpose of the capital reserve.
 - 2) Resolutions shall be presented to City Council for transfer request adoption by 2/3 majority vote for projects:
 - a) Within the same fund and
 - b) Funded with bond/debt proceeds and/or
 - c) Funded with a new capital reserve appropriation.

PART 2 - Financial Policies

I. Fund Structure

- A. All funds are intended to be self-supporting, with no subsidies from one fund to another required for operations or capital outlay.
- B. The City will continue to conduct its financial activities through the use of the following funds:
 - 1) Governmental Funds.
 - a) General Fund – shall be used to account for those governmental activities that are not recorded in one of the other City Funds.
 - b) Special Revenue Funds.
 - i. Special Revenue Fund – shall be used for those activities that are funded in part or in whole by contributions from other entities.
 - ii. Parking Fund – shall be used to account for the operations, maintenance and capital outlay needs of the municipal parking areas.
 - iii. Solid Waste Fund – shall be used to account for the activities of the transfer and recycling operations and for post-closure costs associated with the landfill.
 - c) Capital Funds.
 - i. Capital Project Fund – shall be used to account for the capital projects funded by any of the governmental funds excluding the Sewer Fund and the Water Fund.
 - ii. Sewer Capital Project Fund – shall be used to account for the capital projects funded by the Sewer Fund.
 - iii. Water Capital Project Fund – shall be used to account for the capital projects funded by the Water Fund.
 - iv. Equipment Capital Project Fund – shall be used to account for the capital projects/assets funded by the Equipment Fund.
 - 2) Proprietary Funds.
 - a) Enterprise Funds.
 - i. Sewer Fund – shall be used to account for the operations, maintenance, and capital outlay needs of the sewer collection and treatment systems.
 - ii. Water Fund – shall be used to account for the operations, maintenance, and capital outlay needs of the water treatment and distribution systems.
 - 3) Internal Service Funds.
 - a) PC Replacement Fund – shall be used to account for the on-going replacement of PC's, peripherals, and related software utilized by all City departments.
 - b) Equipment Fund - shall be used to account for the operations, maintenance, and capital outlay needs of fleet services.

II. Revenues

A. One-Time Revenues.

One-time revenues will only be applied toward one-time expenditures; they will not be used to finance on-going programs or services. On-going revenues should be equal to, or greater than, on-going expenditures.

B. Diversity.

The City will diversify its revenues by maximizing the use of non- property tax revenues such as payments in lieu of taxes, and user fees and charges.

C. Designation of Revenues.

- 1) Each year, the City shall designate and set aside \$25,000 for conservation purposes, funded through the allocation of the Land Use Change Tax (LUCT). If the prior years' LUCT revenues are less than \$25,000, the General Fund will provide the difference from general revenues to ensure an annual contribution of \$25,000. Additionally, in the years when the LUCT revenues exceed \$25,000, fifty percent (50%) of the amount over \$25,000 will be designated for conservation purposes, with the total annual designation not to exceed \$100,000. Expenditure of funds to be made upon approval of the City Council. Balance of said sum not to exceed \$500,000.
- 2) Direct reimbursements from other entities shall be used to offset the appropriate City expense.
- 3) Except for the provisions stated above, or as provided otherwise by Federal, State law, or by local Code of Ordinances, no unanticipated revenues shall be designated for a specific purpose(s) unless directed by the City Council.

III. Fees and Charges

A. Certain services provided by the City of Keene will be assigned a fee or charge for the users of the service, dependent upon how the community benefits from the provision of those services.

- 1) In the case of general governmental services (such as fire protection, law enforcement, or general street maintenance) there will be no user fee or charge assessed.
- 2) In the event that the service benefits a finite and definable sector of the community then that group will be assessed a fee or charge for provision of the service.

B. Cost Recovery Standard for Fees and Charges.

Cost recovery should be based on the total cost of delivering the service, including direct costs, departmental administration costs, and when permitted organization-wide support costs (e.g. accounting, human resources, data processing, insurance, vehicle maintenance, and regulatory and enforcement costs).

C. Exceptions to Cost Recovery Standard for Fees and Charges:

- 1) Fees and Charges may be set at something less than full cost recovery when:
 - a) A high level of cost recovery will negatively impact the delivery of service to low-income groups.
 - b) Collecting the fees and charges is not cost effective.

- c) There is no intended relationship between the amount paid and the benefit received (e.g. social service programs).
 - d) There is no intent to limit the use of the service (e.g. access to parks and playgrounds).
 - e) Collecting the fees would discourage compliance with regulatory requirements and adherence to said requirements is self-identified, and as such, failure to comply would not be readily detected by the City of Keene.
- 2) Fees and Charges will be set at, or above, full cost recovery when:
 - a) The service is also provided, or could be provided, by the private sector.
 - b) The use of the service is discouraged (e.g. fire or police responses to false alarms).
 - c) The service is regulatory in nature and voluntary compliance is not expected (e.g. building permits, plans review, subdivisions).
 - d) When the fee or charge for the use of City property or resources is incurred by a commercial entity.
- 3) Ambulance:
 - a) Service fees shall be set at two hundred fifty percent (250%) above the Medicare-determined usual and customary charge.
 - b) A fee will be implemented for those instances when responses that involve the use of drugs or specialized services are provided but there is no transport.
 - c) There will be no charge for responses determined by the Fire Department to be “public assists.”
- D. The method of assessing and collecting fees should be made as simple as possible in order to reduce the administrative and support costs of collection.
- E. The City will periodically utilize the services of a collection agency when all other reasonable efforts to collect fees and fines have been exhausted; fees for such services to be paid from amounts collected.
- F. Rate structures should be sensitive to the market price for comparable services in the private sector or other public sector entities.
- G. Fees and charges shall be adopted by the City Council when required.
- H. Fees and charges shall be reviewed in accordance with a schedule developed by the City Manager that has each fee reviewed biannually. Recommended changes will be reviewed and approved by the City Council when required.

IV. Bonded Debt

- A. The City of Keene will periodically incur debt to finance capital projects. All issuances of debt are subject to State of New Hampshire Statutes, RSA 34 and 162-K.
- B. Debt may be issued to fund projects with a public purpose of a lasting nature or as otherwise allowed by State law.
- C. Debt will not be issued to provide for the payment of expenses for current maintenance and operation except as otherwise provided by law.
- D. The City of Keene shall not incur debt that exceeds any limits set by State law.

- E. All bonds shall be authorized by resolution of the City Council and require a two-thirds (2/3) vote.
- F. The City of Keene may use the services of bond counsel and a financial advisor, if required, to assist in preparing for and executing the sale of bonds.
- G. The City of Keene issues bonds including but not limited to:
 - 1) General Obligation Bonds – repayment is backed by the full taxing power of the City of Keene.
 - 2) Tax Increment Financing Bonds – repayment is first backed by the revenue stream generated by increased revenues created within an established Tax Increment Financing District. To the extent that the increased revenues created within the district are not adequate, the repayment of the bonds would then be backed by the full taxing power of the City of Keene.
 - 3) Refunding Bonds – these bonds are issued to refinance outstanding bonds before their term in order to either remove restrictions on the original bonds and/or to take advantage of lower interest rates. Repayment is backed by the full taxing power of the City of Keene.
- H. Competitive sale is the preferred method of sale; however, negotiated sales may occur for a current or advance refunding, or for other appropriate reasons.
- I. Term.
 - 1) Debt will be incurred only for projects with a useful life of at least seven (7) years.
 - 2) The term of any debt incurred by the City shall be limited to no greater than the expected useful life of the improvement.

V. Other Sources

- A. To the extent they are available, the City of Keene will consider on a case-by-case basis, the use of other financing mechanisms including but not limited to:
 - 1) Capital leases.
 - 2) State programs (e.g. State Revolving Fund Loan programs).
- B. To the extent they are available, the City of Keene will actively pursue other funding sources including but not limited to:
 - 1) Grants that reduce the City's initial investment in project/improvement.
 - 2) Grants that contribute to the on-going debt service for city project(s).
 - 3) Other financing tools such as tax credits that leverage the City's initial investment in a project.
 - 4) Public-private partnerships.
 - 5) Unanticipated revenues. These sources will be evaluated for placement and designated as committed fund balance for advancing budgetary policies related to bonded debt, capital outlay or property taxes.

VI. Asset-Management Programs

- A. The City may develop, implement, and refine asset management programs (defined as an integrated business approach involving planning, engineering, finance, facilities management, utilities, technology and operations to effectively manage existing and new facilities and infrastructure to maximize benefits, manage cost, reduce risk, and provide satisfactory levels of service to community

users in a socially, environmentally, and economically sustainable manner). The asset management should contain at least the following elements:

- 1) Periodic inventories and assessment of the physical condition of City capital assets and infrastructure.
- 2) Establishment of condition and functional standards for various types of asset.
- 3) Criteria to evaluate infrastructure and facility assets and set priorities.
- 4) Financing policies to maintain a condition assessment system(s) and promote sufficient funding for capital asset preservation, repair, and maintenance.
- 5) Monitoring and development of periodic plain language status reports on the various components of the City's capital assets and infrastructure.

VII. Fund Balance Classification Policies and Procedures

A. Fund Balance.

Fund balance represents the difference between current assets and liabilities and shall be comprised of non-spendable, restricted, committed, assigned, and unassigned amounts defined as follows:

- 1) Non-spendable fund balance - includes amounts that are not in spendable form such as inventory or prepaid expenses or are required to be maintained intact such as perpetual care or the principal of an endowment fund.
- 2) Restricted fund balance - includes amounts that can only be spent for specific purposes stipulated by external resource providers such as grantors or, as in the case of special revenue funds, as established through enabling legislation.
- 3) Committed fund balance - includes amounts that can be reported and expended as a result of motions passed by the highest decision making authority - the City Council.
- 4) Assigned fund balance - includes amounts to be used for specific purposes including encumbrances and authorized carry forwards or fund balance to be used in the subsequent fiscal year.
- 5) Unassigned fund balance - includes amounts that are not obligated or specifically designated, and is available in future periods.

B. Spending Prioritization.

When an expenditure is incurred that would qualify for payment from multiple fund balance types, the City uses the following order to liquidate liabilities: restricted, committed, assigned, and unassigned.

C. Net Assets.

Net assets represent the difference between assets and liabilities. Net assets invested in capital assets, net of related debt, consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowing used for the acquisition, construction, or improvement of those assets. Net assets are reported as restricted when there are limitations imposed on their use either through enabling legislation adopted by the City or through external restrictions imposed by creditors, grantors, laws or regulations, or other governments. All other net assets are reported as unrestricted.

VIII. Stabilization Funds

A. Unassigned Fund Balance.

That portion of available funds within each fund that can be used to offset emergency expenditures, a downturn in collection of significant revenues, or other unforeseen events.

- 1) Unassigned fund balance for the General Fund will be maintained at an amount between seven percent (7%) and seventeen percent (17%) of the sum of the total of the General Fund annual operating budget and the property tax commitment for the school (both local and State) and the county.
- 2) Unrestricted fund balance, excluding capital reserves, for the enterprise funds should be maintained at an amount between the equivalent of 180 days to 365 days of the annual operating budget for that fund.
- 3) Unassigned/unrestricted fund balance for all remaining budgeted funds should be maintained at an amount between seven percent (7%) and seventeen percent (17%) of the annual operating budget for that fund.

B. Self-Funded Health Insurance.

The City shall retain funds for its self-funded health insurance program. The intended purposes for these funds are to provide a measure to smooth rate fluctuations, to accommodate an unforeseen increase in claims, and to provide financial protection from run-out costs in the event the City moves toward a fully insured plan. The amount retained shall not exceed three (3) months of estimated claim costs.

C. Capital Reserves.

The City utilizes capital reserves, classified as committed funds, established under State of New Hampshire law, and invested by the Trustees of Trust Funds, for several purposes that include the construction, reconstruction, or acquisition of a specific capital improvement, or the acquisition of a specific item or of specific items of equipment, or other purposes identified in NH RSA 34, relating to Capital Reserve Funds for Cities.

D. Expendable Trust Funds.

The City Council may create and fund through annual operating budget appropriations, various expendable trust funds as it deems necessary for the maintenance and operation of the City; and any other public purpose that is not foreign to the City's institution or incompatible with the objects of its organization. The trust funds will be administered by the Trustees of the Trust Funds.

E. Revolving Funds.

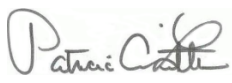
The City Council may authorize the establishment and use of revolving funds as it deems necessary. The purpose of the funds and source of revenues will be determined at the time of creation. Monies in the revolving fund shall be allowed to accumulate from year to year, and shall not be considered a part of the City's general surplus.

IX. Deposits of Funds in Custody of City Treasurer

- A. Objectives (in priority order):
 - 1) Safety – the safety of principal is the foremost objective.
 - 2) Liquidity – investments shall remain sufficiently liquid to meet the operational cash needs of the City of Keene.
 - 3) Yield – taking into account the priority objectives of safety of principal and liquidity, a market rate of return.
- B. Authorized Investments:
 - 1) US Treasury obligations.
 - 2) US government agency and instrumentality obligations.
 - 3) Repurchase agreements with New Hampshire Banks acting as principal or agent, collateralized by US Treasury/Agency obligations.
 - 4) Certificates of Deposits in New Hampshire Banks (collateralized).
 - 5) New Hampshire Public Deposit Investment Pool.
 - 6) Certificate of Deposit Account Registry Service (CDARS).

George S. Hansel, Mayor

In City Council September 7, 2023.
Referred to the Finance, Organization
and Personnel Committee.


City Clerk



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION Relating to FISCAL POLICIES

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

WHEREAS: the National Advisory Council on State and Local Budgeting (NACSLB) has developed a comprehensive set of recommended practices on budgeting; and

WHEREAS: one key component of those recommended practices calls for the adoption of fiscal policies by the local legislative body to help frame resource allocation decisions; and

WHEREAS: the Government Finance Officers' Association (GFOA) has endorsed the recommended practice developed by the NACSLB; and

WHEREAS: it is the intent of the City Council, by this resolution, to articulate this financial blueprint as clearly and completely as possible; and

WHEREAS: The City Manager is **hereby** granted the authority to appoint a designee to temporarily perform the duties and responsibilities of the City Manager in his or her absence; and

WHEREAS: The City Manager will in writing inform the City Council of the temporary appointment including name and dates of appointment; and

WHEREAS: The Acting City Manager filling the position designated in the city **budget code** as "City Manager" shall be vested with all the powers, rights, duties and responsibilities imposed upon the City Manager by the Charter, state statute, or by any city ordinance, resolution, agreement, document or other authority. Whenever the term "City Manager" is utilized in the Charter, state statute, or any such ordinance, resolution, agreement, document, or authority, it shall mean the "City Manager" as so designated; and

NOW, THEREFORE, BE IT RESOLVED that the fiscal policy should be reviewed and adopted by the City Council on an annual basis effective July 1, superseding any prior fiscal policies and

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Keene that its fiscal policies are as follows:

PART 1 – Budgetary Policies

Strategic Governance links both operational and capital budgets to long term goals established by the City's Master Plan and prioritized through the City Council goal's process. Departments prepare budgets with proposed strategies to advance the goals of the Master Plan along with three to five Council priorities which have been stated as outcome focused goals. Budget strategies may involve multiple years of investment above and beyond the City's base budget.

This budget strategy is a hybrid of the priority based and the more traditional base budgeting approach. Priority based budgeting helps the city work towards its high-level goals and ensures budget dollars are tied to community and council priorities and desired outcomes. The base budgeting approach separates budget items which are supplemental requests from those that are included in the base budget. The base budget is the amount required to maintain the current level of services.

I. Budget

- A. The City shall annually adopt and appropriate budgets for the following funds
 - 1) General Fund
 - 2) Parking Fund
 - 3) PC Replacement Fund
 - 4) Solid Waste Fund
 - 5) Sewer Fund
 - 6) Water Fund
 - 7) Equipment Fund
- B. All appropriated budgets shall be balanced.
- C. All appropriations for annual operating budgets (exclusive of capital projects) shall lapse at fiscal year-end unless encumbered by a City of Keene purchase order that is recorded in the financial system on or before June 30th of any year, or as authorized by the City Manager in writing, on a case-by-case basis. Those encumbrances shall be reported to the City Council in an informational memorandum by the first week of October each year.
- D. All departments are authorized to vary actual departmental spending from line item estimates provided the total departmental budget is not exceeded within each fund; provided, however, that any item specifically eliminated by the City Council during budget approval cannot be purchased from another line item without City Council approval.
- E. Outside Agencies seeking funding from the City shall complete an application substantiating their request, the necessity of the services provided, and financial impact on the City if services were not provided. All applicants shall meet eligibility criteria set by the City and eligible applications shall be reviewed by a committee consisting of at least 2 City Councilors, and representation from Human Services, Finance, Community Development, and Police Departments. The committee shall put forth a list of Outside Agencies to the City Manager with recommended funding to be included in the budget.
- F. Any unexpended funds in a personnel line related to a vacancy cannot be expended without prior approval from the City Manager and the City Council unless funds are being expended to fill a vacancy, recruiting, or to employ temporary help including professional and contract services.
- G. It is the City's policy to permit employees to accumulate earned and unused leave. The City shall maintain an amount equivalent to the total of the earned and unused leave at the close of each fiscal year in a special revenue project. All vested earned leave is accrued when incurred and paid to the employee upon separation of employment as specified in the City's then current Employee Handbook and/or current Collective Bargaining Agreements, from the special revenue project. Should the project balance fall below the accumulated total, the city shall budget and transfer funds accordingly.

- H. A periodic budget status report for each fund will be provided to the City Council.
- I. The budget document shall provide multi-year projections of revenues and expenditures/expenses including property taxes and utility (water and sewer) rates.
- J. The budget will take into consideration the City's Policies on unassigned Fund Balance projected at the end of June.
- K. The City of Keene will contain its General Fund debt service, on a five (5) year average, at or less than twelve percent (12%) of the General Fund operating budget.
- L. Upon completion of any project, any residual funds shall be returned to the fund that provided the original appropriation.
- M. Property Taxes.
 - 1) The City shall limit its property tax revenue increases to a rolling three (3) year average of the Boston-Cambridge-Newton, (MA-NH) CPI net of expenditures required by law, and excluding debt service payments and capital leases. The City chooses to utilize the CPI, not because it reflects inflation in the City's costs, but because it reflects the overall inflation in what citizens purchase. This manages City spending such that increases in a citizen's tax bill are in line with increases in all of their other expenses. The goal is to have the cost of City services as a percentage of a taxpayer's total expenses remain constant.
 - 2) Property Tax Credits and Exemptions.

All exemptions and credits will be reviewed with the City Council at least every five (5) years in conjunction with the City revaluation unless there are legislative changes that cause a review to occur on a more frequent basis.
 - 3) The State has chosen to solve its revenue problem by downshifting expenses to the local communities and tapping into the broad based property tax at the local level. Downshifting is an effective strategy for the State; however, it is unsustainable at the local level and would quickly lead to a significant reduction in City services. The City is sensitive to these added expenses to the taxpayers and will attempt to limit the impact; however, as a State expense, the City will pass through the State downshifting to the taxpayers.

II. Capital Improvement Program

- A. The City of Keene shall prepare a capital improvement program (CIP) with a span of seven (7) years.
- B. The CIP shall be prepared biannually with a review each year during the operating budget cycle.
- C. All capital projects or equipment purchases that have an estimated cost of at least \$35,000 and an estimated useful life of at least five years will be included in the capital improvement program (CIP) planning process. These projects may include capital asset preservation projects (designed to preserve the functionality and condition of major infrastructure systems and City facilities) with an estimated cost of at least \$35,000 and which increases the useful life of the asset by at least five years.
- D. The CIP shall include all expenditure and funding activity anticipated from any capital reserve fund, including those activities less than \$35,000.

- E. The CIP shall contain revenue projections and rate impacts that support estimated operating costs as well as the proposed capital program. Expenditures included in each year of the CIP (operations, debt service and capital) will be equal to estimated revenue available to finance proposed activity in each year of the CIP. Cost and revenue estimates in projected years will be presented for planning purposes, and are based upon the then current best available information.
- F. City departments will prepare project funding-requests for capital projects as instructed by the City Manager.
- G. CIP Funding Methodology
 - 1) Whenever possible, CIP projects will be funded with available resources, examples of which are current revenues, grants, donations, and reserves, but not debt.
 - 2) Appropriate uses of debt include projects such as:
 - a) One-time nonrecurring investments (e.g. the construction of a new asset, or the expansion or adaptation of an existing asset) to provide added service delivery capacity or to meet changing community needs.
 - b) Projects necessary due to regulatory requirements (e.g. water treatment plant expansion due to EPA permit changes) when resources other than debt are not available.
 - c) Projects necessary due to asset or system operational failure or obsolescence when resources other than debt are not available.
- H. The CIP shall be reviewed by the Finance, Organization and Personnel Committee and the Planning Board.
- I. The CIP will be the subject of a public hearing before adoption.
- J. The funding requests in the first year of the adopted CIP will be included in the next annual budget document. The City Manager after review will include the second year funding request in the subsequent budget document.
- K. Upon project completion, any residual funds shall be returned to the fund that provided the original appropriation unless otherwise directed by the City Council.
- L. Project transfer requests:
 - 1) Memorandums shall be presented to City Council for transfer request approval by majority vote for projects:
 - a) Within the same fund and
 - b) Not funded with bond proceeds/debt and/or
 - c) Have prior authorization to expend capital reserve funds and is within the purpose of the capital reserve.
 - 2) Resolutions shall be presented to City Council for transfer request adoption by 2/3 majority vote for projects:
 - a) Within the same fund and
 - b) Funded with bond/debt proceeds and/or
 - c) Funded with a new capital reserve appropriation.

PART 2 - Financial Policies

I. Fund Structure

- A. All funds are intended to be self-supporting, with no subsidies from one fund to another required for operations or capital outlay.
- B. The City will continue to conduct its financial activities through the use of the following funds:
 - 1) Governmental Funds.
 - a) General Fund – shall be used to account for those governmental activities that are not recorded in one of the other City Funds.
 - b) Special Revenue Funds.
 - i. Special Revenue Fund – shall be used for those activities that are funded in part or in whole by contributions from other entities.
 - ii. Parking Fund – shall be used to account for the operations, maintenance and capital outlay needs of the municipal parking areas.
 - iii. Solid Waste Fund – shall be used to account for the activities of the transfer and recycling operations and for post-closure costs associated with the landfill.
 - c) Capital Funds.
 - i. Capital Project Fund – shall be used to account for the capital projects funded by any of the governmental funds excluding the Sewer Fund and the Water Fund.
 - ii. Sewer Capital Project Fund – shall be used to account for the capital projects funded by the Sewer Fund.
 - iii. Water Capital Project Fund – shall be used to account for the capital projects funded by the Water Fund.
 - iv. Equipment Capital Project Fund – shall be used to account for the capital projects/assets funded by the Equipment Fund.
 - 2) Proprietary Funds.
 - a) Enterprise Funds.
 - i. Sewer Fund – shall be used to account for the operations, maintenance, and capital outlay needs of the sewer collection and treatment systems.
 - ii. Water Fund – shall be used to account for the operations, maintenance, and capital outlay needs of the water treatment and distribution systems.
 - 3) Internal Service Funds.
 - a) PC Replacement Fund – shall be used to account for the on-going replacement of PC's, peripherals, and related software utilized by all City departments.
 - b) Equipment Fund - shall be used to account for the operations, maintenance, and capital outlay needs of fleet services.

II. Revenues

A. One-Time Revenues.

One-time revenues will only be applied toward one-time expenditures; they will not be used to finance on-going programs or services. On-going revenues should be equal to, or greater than, on-going expenditures.

B. Diversity.

The City will diversify its revenues by maximizing the use of non- property tax revenues such as payments in lieu of taxes, and user fees and charges.

C. Designation of Revenues.

- 1) Each year, the City shall designate and set aside \$25,000 for conservation purposes, funded through the allocation of the Land Use Change Tax (LUCT). If the prior years' LUCT revenues are less than \$25,000, the General Fund will provide the difference from general revenues to ensure an annual contribution of \$25,000. Additionally, in the years when the LUCT revenues exceed \$25,000, fifty percent (50%) of the amount over \$25,000 will be designated for conservation purposes, with the total annual designation not to exceed \$100,000. Expenditure of funds to be made upon approval of the City Council. Balance of said sum not to exceed \$500,000.
- 2) Direct reimbursements from other entities shall be used to offset the appropriate City expense.
- 3) Except for the provisions stated above, or as provided otherwise by Federal, State law, or by local Code of Ordinances, no unanticipated revenues shall be designated for a specific purpose(s) unless directed by the City Council.

III. Fees and Charges

A. Certain services provided by the City of Keene will be assigned a fee or charge for the users of the service, dependent upon how the community benefits from the provision of those services.

- 1) In the case of general governmental services (such as fire protection, law enforcement, or general street maintenance) there will be no user fee or charge assessed.
- 2) In the event that the service benefits a finite and definable sector of the community then that group will be assessed a fee or charge for provision of the service.

B. Cost Recovery Standard for Fees and Charges.

Cost recovery should be based on the total cost of delivering the service, including direct costs, departmental administration costs, and when permitted organization-wide support costs (e.g. accounting, human resources, data processing, insurance, vehicle maintenance, and regulatory and enforcement costs).

C. Exceptions to Cost Recovery Standard for Fees and Charges:

- 1) Fees and Charges may be set at something less than full cost recovery when:
 - a) A high level of cost recovery will negatively impact the delivery of service to low-income groups.
 - b) Collecting the fees and charges is not cost effective.

- c) There is no intended relationship between the amount paid and the benefit received (e.g. social service programs).
 - d) There is no intent to limit the use of the service (e.g. access to parks and playgrounds).
 - e) Collecting the fees would discourage compliance with regulatory requirements and adherence to said requirements is self-identified, and as such, failure to comply would not be readily detected by the City of Keene.
- 2) Fees and Charges will be set at, or above, full cost recovery when:
 - a) The service is also provided, or could be provided, by the private sector.
 - b) The use of the service is discouraged (e.g. fire or police responses to false alarms).
 - c) The service is regulatory in nature and voluntary compliance is not expected (e.g. building permits, plans review, subdivisions).
 - d) When the fee or charge for the use of City property or resources is incurred by a commercial entity.
- 3) Ambulance:
 - a) Service fees shall be set at two hundred fifty percent (250%) above the Medicare-determined usual and customary charge.
 - b) A fee will be implemented for those instances when responses that involve the use of drugs or specialized services are provided but there is no transport.
 - c) There will be no charge for responses determined by the Fire Department to be “public assists.”
- D. The method of assessing and collecting fees should be made as simple as possible in order to reduce the administrative and support costs of collection.
- E. The City will periodically utilize the services of a collection agency when all other reasonable efforts to collect fees and fines have been exhausted; fees for such services to be paid from amounts collected.
- F. Rate structures should be sensitive to the market price for comparable services in the private sector or other public sector entities.
- G. Fees and charges shall be adopted by the City Council when required.
- H. Fees and charges shall be reviewed in accordance with a schedule developed by the City Manager that has each fee reviewed biannually. Recommended changes will be reviewed and approved by the City Council when required.

IV. Bonded Debt

- A. The City of Keene will periodically incur debt to finance capital projects. All issuances of debt are subject to State of New Hampshire Statutes, RSA 34 and 162-K.
- B. Debt may be issued to fund projects with a public purpose of a lasting nature or as otherwise allowed by State law.
- C. Debt will not be issued to provide for the payment of expenses for current maintenance and operation except as otherwise provided by law.
- D. The City of Keene shall not incur debt that exceeds any limits set by State law.

- E. All bonds shall be authorized by resolution of the City Council and require a two-thirds (2/3) vote.
- F. The City of Keene may use the services of bond counsel and a financial advisor, if required, to assist in preparing for and executing the sale of bonds.
- G. The City of Keene issues bonds including but not limited to:
 - 1) General Obligation Bonds – repayment is backed by the full taxing power of the City of Keene.
 - 2) Tax Increment Financing Bonds – repayment is first backed by the revenue stream generated by increased revenues created within an established Tax Increment Financing District. To the extent that the increased revenues created within the district are not adequate, the repayment of the bonds would then be backed by the full taxing power of the City of Keene.
 - 3) Refunding Bonds – these bonds are issued to refinance outstanding bonds before their term in order to either remove restrictions on the original bonds and/or to take advantage of lower interest rates. Repayment is backed by the full taxing power of the City of Keene.
- H. Competitive sale is the preferred method of sale; however, negotiated sales may occur for a current or advance refunding, or for other appropriate reasons.
- I. Term.
 - 1) Debt will be incurred only for projects with a useful life of at least seven (7) years.
 - 2) The term of any debt incurred by the City shall be limited to no greater than the expected useful life of the improvement.

V. Other Sources

- A. To the extent they are available, the City of Keene will consider on a case-by-case basis, the use of other financing mechanisms including but not limited to:
 - 1) Capital leases.
 - 2) State programs (e.g. State Revolving Fund Loan programs).
- B. To the extent they are available, the City of Keene will actively pursue other funding sources including but not limited to:
 - 1) Grants that reduce the City's initial investment in project/improvement.
 - 2) Grants that contribute to the on-going debt service for city project(s).
 - 3) Other financing tools such as tax credits that leverage the City's initial investment in a project.
 - 4) Public-private partnerships.
 - 5) Unanticipated revenues. These sources will be evaluated for placement and designated as committed fund balance for advancing budgetary policies related to bonded debt, capital outlay or property taxes.

VI. Asset-Management Programs

- A. The City may develop, implement, and refine asset management programs (defined as an integrated business approach involving planning, engineering, finance, facilities management, utilities, technology and operations to effectively manage existing and new facilities and infrastructure to maximize benefits, manage cost, reduce risk, and provide satisfactory levels of service to community

users in a socially, environmentally, and economically sustainable manner). The asset management should contain at least the following elements:

- 1) Periodic inventories and assessment of the physical condition of City capital assets and infrastructure.
- 2) Establishment of condition and functional standards for various types of asset.
- 3) Criteria to evaluate infrastructure and facility assets and set priorities.
- 4) Financing policies to maintain a condition assessment system(s) and promote sufficient funding for capital asset preservation, repair, and maintenance.
- 5) Monitoring and development of periodic plain language status reports on the various components of the City's capital assets and infrastructure.

VII. Fund Balance Classification Policies and Procedures

A. Fund Balance.

Fund balance represents the difference between current assets and liabilities and shall be comprised of non-spendable, restricted, committed, assigned, and unassigned amounts defined as follows:

- 1) Non-spendable fund balance - includes amounts that are not in spendable form such as inventory or prepaid expenses or are required to be maintained intact such as perpetual care or the principal of an endowment fund.
- 2) Restricted fund balance - includes amounts that can only be spent for specific purposes stipulated by external resource providers such as grantors or, as in the case of special revenue funds, as established through enabling legislation.
- 3) Committed fund balance - includes amounts that can be reported and expended as a result of motions passed by the highest decision making authority - the City Council.
- 4) Assigned fund balance - includes amounts to be used for specific purposes including encumbrances and authorized carry forwards or fund balance to be used in the subsequent fiscal year.
- 5) Unassigned fund balance - includes amounts that are not obligated or specifically designated, and is available in future periods.

B. Spending Prioritization.

When an expenditure is incurred that would qualify for payment from multiple fund balance types, the City uses the following order to liquidate liabilities: restricted, committed, assigned, and unassigned.

C. Net Assets.

Net assets represent the difference between assets and liabilities. Net assets invested in capital assets, net of related debt, consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowing used for the acquisition, construction, or improvement of those assets. Net assets are reported as restricted when there are limitations imposed on their use either through enabling legislation adopted by the City or through external restrictions imposed by creditors, grantors, laws or regulations, or other governments. All other net assets are reported as unrestricted.

VIII. Stabilization Funds

A. Unassigned Fund Balance.

That portion of available funds within each fund that can be used to offset emergency expenditures, a downturn in collection of significant revenues, or other unforeseen events.

- 1) Unassigned fund balance for the General Fund will be maintained at an amount between seven percent (7%) and seventeen percent (17%) of the sum of the total of the General Fund annual operating budget and the property tax commitment for the school (both local and State) and the county.
- 2) Unrestricted fund balance, excluding capital reserves, for the enterprise funds should be maintained at an amount between the equivalent of 180 days to 365 days of the annual operating budget for that fund.
- 3) Unassigned/unrestricted fund balance for all remaining budgeted funds should be maintained at an amount between seven percent (7%) and seventeen percent (17%) of the annual operating budget for that fund.

B. Self-Funded Health Insurance.

The City shall retain funds for its self-funded health insurance program. The intended purposes for these funds are to provide a measure to smooth rate fluctuations, to accommodate an unforeseen increase in claims, and to provide financial protection from run-out costs in the event the City moves toward a fully insured plan. The amount retained shall not exceed three (3) months of estimated claim costs.

C. Capital Reserves.

The City utilizes capital reserves, classified as committed funds, established under State of New Hampshire law, and invested by the Trustees of Trust Funds, for several purposes that include the construction, reconstruction, or acquisition of a specific capital improvement, or the acquisition of a specific item or of specific items of equipment, or other purposes identified in NH RSA 34, relating to Capital Reserve Funds for Cities.

D. Expendable Trust Funds.

The City Council may create and fund through annual operating budget appropriations, various expendable trust funds as it deems necessary for the maintenance and operation of the City; and any other public purpose that is not foreign to the City's institution or incompatible with the objects of its organization. The trust funds will be administered by the Trustees of the Trust Funds.

E. Revolving Funds.

The City Council may authorize the establishment and use of revolving funds as it deems necessary. The purpose of the funds and source of revenues will be determined at the time of creation. Monies in the revolving fund shall be allowed to accumulate from year to year, and shall not be considered a part of the City's general surplus.

IX. Deposits of Funds in Custody of City Treasurer

- A. Objectives (in priority order):
 - 1) Safety – the safety of principal is the foremost objective.
 - 2) Liquidity – investments shall remain sufficiently liquid to meet the operational cash needs of the City of Keene.
 - 3) Yield – taking into account the priority objectives of safety of principal and liquidity, a market rate of return.
- B. Authorized Investments:
 - 1) US Treasury obligations.
 - 2) US government agency and instrumentality obligations.
 - 3) Repurchase agreements with New Hampshire Banks acting as principal or agent, collateralized by US Treasury/Agency obligations.
 - 4) Certificates of Deposits in New Hampshire Banks (collateralized).
 - 5) New Hampshire Public Deposit Investment Pool.
 - 6) Certificate of Deposit Account Registry Service (CDARS).

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