KEENE CITY COUNCIL
Council Chambers, Keene City Hall
May 16, 2024
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- May 02, 2024 Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmations - Ashuelot River Park Advisory Board, Human Rights Committee

C. COMMUNICATIONS

1. Katie Carbonara - Request that the City Council Consider Drafting a Resolution - Calling for a Cease Fire in Gaza
2. The Elm City Rotary, the Keene Rotary, and the Monadnock Interfaith Project - Requesting Permission to Erect a Peace Pole in Central Square
3. Madam Sherri's Lounge - Request to Serve Alcohol on City ROW - Adjacent to Railroad Square
4. Councilor Williams - Accessible Curb Ramp at Bus Loading Area - Central Square Terrace on Roxbury Street

D. REPORTS - COUNCIL COMMITTEES

1. Updates Regarding Social Host Ordinance Activity
2. Keene Elm City Rotary Club – Request to Use City Property – Clarence DeMar Marathon – September 29, 2024

3. Keene Family YMCA – Request for Road Closure – Summit Road – June 2, 2024
4. Keene Music Festival – Request to Use City Property – August 31, 2024
5. The Keene Sentinel – Request to Use City Property/Fireworks Discharge – 225th Anniversary Celebration – September 7, 2024
6. The Colonial Theatre – Request to Use City Property – 100th Anniversary Celebration – August 18, 2024
7. Drinking Water State Revolving Fund – Authority to Borrow
8. 2023 Hazardous Materials Emergency Preparedness Grant Award
9. 2021 State Homeland Security Program Award – Hazardous Materials Training
10. Acceptance of Cheshire County Funding for Youth Services 2024
11. Reallocation of Personnel Funds – Airport Taxiway A Reconstruction Project
12. Reallocation of Capital Funds – West Keene HVAC

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Acceptance of Donations - Finance Director/Treasurer

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

1. City Council Rules of Order Amendments
2. Relating to Board Memberships - Ordinance O-2024-05

I. ORDINANCES FOR FIRST READING

1. Relating to Class Allocations and Salary Schedules
   Ordinance O-2024-08

J. ORDINANCES FOR SECOND READING

1. Relating to the Cottage Court Overlay District
   Ordinance O-2024-01
2. Relating to Sidewalk Cafe Enforcement Measures
   Ordinance O-2024-06-A
3. Relating to Nuisance, Menace and Vicious Dogs
   Ordinance O-2024-07

K. RESOLUTIONS

1. Relating to the Appropriation of Funds for the FY 2024-2025 Bond Issues
   Resolution R-2024-10: City Hall Structural Repairs - Bond FY 25
   Resolution R-2024-11: Lower Winchester Street - Bond FY 25
   Resolution R-2024-12: Stormwater Resiliency Program - Bond FY 25
   Resolution R-2024-13: Lower Winchester Street Sewer Utilities - Bond FY 25
   Resolution R-2024-14: Martell Court Bypass - Bond FY 25
   Resolution R-2024-15: WWTP HVAC Replacement - Bond FY25
   Resolution R-2024-16: WWTF Service Water System UpgradeR-2024-10 City Hall Structural Repair - Bond FY25
   Resolution R-2024-17: Lower Winchester St Water Utilities - Bond FY25
   Resolution R-2024-18: Water Distribution Improvements - Bond FY25

2. In Appreciation of Karen P. Gray Upon Her Retirement
   Resolution R-2024-21

3. Relating to the Community Development Block Grant Program - Citizen Participation and Grievance Procedure
   Resolution R-2024-24

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, May 2, 2024. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:00 PM. Roll called: Kate M. Bosley, Laura E. Tobin, Michael J. Remy, Randy L. Filiault, Robert C. Williams, Edward J. Haas, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Bryan J. Lake, Catherine I. Workman, Bettina A. Chadbourne, Thomas F. Powers, & Mitchell H. Greenwald were present. Ward One Council seat vacant. Councilor Roberts led the Pledge of Allegiance.

MINUTES OF THE PRECEDING MEETING

A motion by Councilor Greenwald to adopt April 18, 2024, minutes, as presented, was duly seconded by Councilor Bosley. The motion carried unanimously with 14 Councilors present and voting in favor. Ward One Council seat vacant.

ANNOUNCEMENTS

Mayor Kahn announced that there would be a special Municipal Services, Facilities, and Infrastructure Committee meeting on Wednesday, May 8 at 5:30 PM to continue their review of the downtown project. The Planning, Licenses, and Development Committee will adjust their start time to 7:00 PM that evening. Looking forward to other meetings on the downtown project, the Mayor announced that the MSFI Committee would hold its regular meeting on May 22. This will be followed by a full Council Workshop on June 11 at 6:00 PM in Council Chambers, after which a regular MSFI meeting will be held on June 26. The final Council action on the downtown project is anticipated for the July 18 regular meeting.

Next, the Mayor announced that the Operating Budget review by the Finance, Organization, and Personnel Committee would start with their first meeting on Thursday, May 9 at 5:30 PM. Additional meetings were scheduled for Tuesday, May 14 at 5:30 PM, and Tuesday, May 21 at 5:30PM. A light meal will be provided in advance of these meeting times.

Lastly, Mayor Kahn noted that on this meeting's agenda, several landmark organizations in Keene were recognizing milestones in their history. On May 5, 2024, the City of Keene will have been incorporated for 150 years.

COMMUNITY RECOGNITION – ANNE HENDERSON/ANNE HENDERSON INTERIORS – 2024 WINNER OF EXCELLENCE IN INTERIOR DESIGN: LIVING SPACE

Mayor Kahn welcomed Anne Henderson to honor her recognition as the 2024 winner of Excellence in Interior Design from Living Space magazine. The Mayor shared that for 33 of Ms. Henderson's 37 years in Keene, she had established an interior design business, initially operated out of her home on Grant Street, serving clients throughout New England. In 2009, she opened a showroom at 16 West Street. Currently, Anne Henderson Interiors employs several other full-time staff, Keene State College students, and a few part-time workers. Ms. Henderson graduated with a degree in art history and studio arts, with special interest studies in architecture and the

decorative arts from Hollins University in Roanoke, VA. After working briefly for National Geographic magazine, she continued her interior design studies at Mount Vernon College in Washington, DC. Ms. Henderson had received awards from New Hampshire Home magazine and New England Home magazine. She had also been published multiple times in these magazines, as well as in Down East magazine, Yankee magazine, House Beautiful, and recently in the Keene Sentinel.

Mayor Kahn continued, sharing that Ms. Henderson was recognized in the May/June 2024 New Hampshire Home magazine, with a 2024 Home Design award for her design at Monadnock Shadows in Dublin, NH. The article was titled 2024 Interior Design Living Space Winner, Let There Be Light. Mayor Kahn concluded, noting that Ms. Henderson had served on many boards promoting the arts and downtown through the Keene Downtown Group, the Chamber of Commerce, Friends of the Colonial, Monadnock Arts Council, MoCo Arts, Monadnock Food Co-Op, Friends of the Thorn, Cheshire County Recovery Court, St. James Church, Keene Elm City Rotary. He quoted Ms. Henderson as having said, "*We have a treasure here, one that I say a prayer of gratitude for each day, and I mean even the short, frigid winter ones*." On behalf of the City, Mayor Kahn congratulated Ms. Henderson, and presented her with a pin of the key to the City.

Ms. Henderson said she was humbled to receive the award from Living Space magazine, but said it was very moving and meaningful for her to be recognized by the community she respects and loves so much. She thanked the Council for its service, and said she hopes that the City Council will continue calling on her for her services and contributions. She said this was a celebration of the local businesses and the dreams behind each door on Main Street. Without Keene, she did not think she would have received this award.

PROCLAMATION – MAY 2024 BIKE MONTH

Mayor Kahn welcomed Sam Jackson, Chair of the Bicycle/Pedestrian Path Advisory Committee. The Mayor read a Proclamation declaring May 2024 as Bike Month in the City of Keene and encouraged all citizens to celebrate the City as a walkable and bikeable community by walking and cycling to work, to school, to the store, to parks, and around neighborhoods.

ELECTION – WARD ONE COUNCIL VACANCY

Mayor Kahn began by saying that the City Council was fortunate to have the opportunity to select the next Ward One Councilor from four Keene residents with such different backgrounds. The field of candidates for the Ward One Council vacancy included: Bradford Hutchison, Jacob Favolise, Janice Manwaring, Valarie Bradley-Walsh.

Mayor Kahn reviewed the election process. Each candidate would be given five minutes to address their candidacy, with the Clerk serving as the timekeeper. The Council would not be permitted to ask questions of the candidates during their remarks. Because there were four

candidates, there would be a Primary roll call vote to narrow the field of candidates down to two. The two candidates receiving the highest number of those votes would be declared the finalists. The final vote would also be by roll call; when the Clerk called each Councilor's name, the Councilor would indicate their choice of candidate. If a Councilor wished to not vote for either of the two candidates, they shall vote "NO." If no candidate received the required eight votes, a second round of voting would occur. If no candidate received eight votes in this second round of voting, an additional filing period would be set for candidates to file a notice of their intent to seek election to the Ward One Council seat. Mayor Kahn noted that if a tie vote were to occur, the language of Section 8 of the City Charter does *not* allow the Mayor to break the tie. The candidate receiving eight votes of the elected City Council would be declared the prevailing candidate and take the oath of office and be immediately seated.

The Mayor called forward each candidate for their five-minute remarks.

Mr. Hutchinson was not in attendance.

Mr. Favolise discussed his candidacy, thanking Mayor Kahn and members of the City Council for the opportunity to address them. He said that while he did not bring an extensive background in municipal policymaking or governance, he did bring a breadth and depth of leadership and civic experience, and a willingness to learn, ask tough questions, have tough conversations, and—above all else—work collaboratively with everybody to move our community forward. That was the approach he had taken at Keene State College (KSC), where he was studying political science. In April 2024, he was reelected to a fourth term on KSC Student Assembly, where he was a fierce advocate for his constituents, conducting extensive oversight of campus leadership. Most recently, he spearheaded efforts to revise the KSC Constitution and Bylaws to increase the transparency, responsiveness, and efficacy of the organization. Mr. Favolise said he was also privileged to be entering his third term on the Keene State College Senate, the institution's legislative body for matters concerning academic quality of life. There, he quickly earned a reputation among faculty, staff, and student colleagues as a highly engaged, prepared, and effective Senator with a strong grasp of the academic affairs and broader campus landscapes, a robust knowledge of parliamentary procedure and process, and a deep commitment to the mission, vision, and values of the institution. Last April, after serving a single term, he was the first student ever nominated to the Senate Executive Committee, and the week before this meeting, he became the first student ever elected. Also this year, a motion he authored establishing a President's List to recognize outstanding academic performance among KSC students passed the body on a unanimous voice vote. Mr. Favolise said he looked forward to applying this background and experience to tackling the issues that matter to our community, from housing to infrastructure to the cost of living. As one example, he looked forward to continuing to explore ways to better align Keene's Zoning and Land Use Codes—with the pressing demand for more affordable housing—and balance the need to develop sustainably and consistently with our City's character with the need to attract and retain the work force of today and tomorrow. He said that people want to live in Keene and developers want to build the housing for them to live in. He was encouraged by the City Council's recent actions loosening

restrictions on accessory dwelling units, and he was very excited about the possibilities related to the Cottage Court Overlay proposal that was working its way through the Council approval process. He said the City has work ahead of it related to providing the diverse housing stock needed to meet the demands of current and future residents. By continuing to engage all stakeholders and thinking with equal parts common sense and creativity, he was confident that the City would get there together, as a community. Mr. Favolise also emphasized his philosophy that the City of Keene has no money. He said the City's money is, in fact, the taxpayers' money. He said it is the City Council's responsibility, and would be his responsibility if elected, to continue to hold the line on property tax rates and ensure that we are not pricing folks out of the City. Overall, he was eager to bring a fresh perspective to the Council and leverage that specific perspective and skills to represent his entire Ward and to make decisions that benefit the entire community. His goal was to be the most effective and accessible Councilor he could be. To that end, Mr. Favolise said he looked forward to learning all the best ways to engage with residents, community leaders, small business owners, and other key stakeholders from other City Councilors. He thanked the Council for the opportunity to address them. Regardless of the results of this vote, he knew that he was better for having gone through this small part of the democratic process.

Ms. Manwaring discussed her candidacy, describing her work since she last served as a City Councilor. She was on the Bicycle/Pedestrian Path Advisory Committee (BPPAC), which had been very involved with the downtown project from the beginning. BPPAC focuses on the safety of pedestrians as well as cyclists, in addition to working hard to advise the City Council. Ms. Manwaring continued, explaining that she feels very strongly about housing. She was glad that the accessory dwelling units passed and was pleased with some of the things that happened in the Rural District as well. She congratulated the Planning, Licenses, and Development Committee for shepherding that. Ms. Manwaring also felt that some houses in the City were "going to Earth." She mentioned one home that had been empty for the three years since she moved into her home; during the last big windstorm, a tree came down and smashed the chimney. In that case, Ms. Manwaring and her neighbor called the Water Department twice to get the water turned off because there was visible flooding in the cellar. She felt there were other homes in the City "going to Earth" similarly. She hoped to work with people to bring these houses up to Code. Lastly, Ms. Manwaring said she was very excited about the Master Plan update and looked forward to the project's public meetings. She was involved with the 2010 Master Plan update, which was interesting, and she said the City staff involvement was wonderful. As a result of the 2010 process, Ms. Manwaring was inspired to run for City Council for the first time. With this new Master Plan process, she hoped more residents would be inspired to run for City Council or join other City committees. Ms. Manwaring stated that she was really excited about where Keene is going in the future. She thanked the Council for their consideration.

Ms. Bradley-Walsh discussed her candidacy and gratitude for this opportunity to address the Council. Ms. Bradley-Walsh said she is a member of the community and has children that attended the Keene school system, with a daughter about to graduate from Keene High School. She said she is very involved with the community, volunteering as much as possible with

different organizations; she wants to take the opportunity to help. She continued, highlighting the benefits she could bring to the City Council. Ms. Bradley-Walsh explained her experience as a Chamber of Commerce ambassador, helping to highlight our area, bring in talent, retain talent, and highlight that Keene is a wonderful place to have a family and really thrive in the community. She appreciated this opportunity as a sort of stepping stone to further committees or other ways she could potentially get involved. She said that with her current work, she knew how important housing was. She explained that recently, there was a dental office in town that closed because they could not find talent to stay within that business, which impacted both the business and a lot of patients as well (i.e., having to find other care or have their current treatment stopped in the middle). Ms. Bradley-Walsh also stressed the importance of finding affordable housing or finding resources available for people to come to Keene and really become a part of the community. She concluded, saying that she looked forward to helping to provide any kind of insight from her experiences. She thanked the Council for the opportunity.

For the purpose of narrowing the candidates to two, the Clerk requested each Councilors' choice. Councilor Workman voted for Jacob Favolise. Councilors Bosley, Jones, Lake, Chadbourne, Powers, & Greenwald voted for Jan Manwaring. Councilors Tobin, Remy, Filiault, Williams, Haas, Madison, & Roberts voted for Valie Bradley-Walsh. The primary results were 1 vote for Jacob Favolise, 6 votes for Janis Manwaring, 7 votes for Valerie Bradley-Walsh. Janis Manwaring and Valerie Bradley-Walsh were declared the finalist.

On a roll call vote of 7–7, the City Council failed to elect a candidate. On a second roll call vote of 7–7, the City Council failed to elect a candidate. Councilors Bosley, Jones, Lake, Workman, Chadbourne, Powers, and Greenwald voted for Ms. Manwaring. Councilors Tobin, Remy, Filiault, Williams, Haas, Madison, and Roberts voted for Ms. Bradley-Walsh.

Per the City Council's Rules of Order, Mayor Kahn called for a suspension of the Rules of Order so a third vote could ensue. A motion by Councilor Greenwald to suspend the Rules of Order for an additional round of voting was duly seconded by Councilor Filiault.

Councilor Roberts said he would not support suspending the Rules of Order because it was clear from the previous two votes that there was a deadlock, and he felt that suspending the Rules for another vote would be akin to forcing someone to change their vote to "get it over with." He did not feel that should be how the election should occur. Mayor Kahn clarified that if the Council remained deadlocked, he would reopen the filing period so the current candidates could refile, and other interested individuals could file.

On a roll call vote of 6–8, the motion to suspend the Rule of Order failed. Councilors Remy, Filiault, Haas, Madison, Powers, and Greenwald voted in the minority.

Having failed to elect a candidate, Mayor Kahn set an additional 14-day filing period to start on Friday, May 10, and to conclude at 4:00 PM on Friday, May 24. The election will occur during the June 6 regular Council meeting. Any candidates still wishing to run would need to re-file.

CONFIRMATIONS – ENERGY AND CLIMATE COMMITTEE, PLANNING BOARD

Mayor Kahn nominated Councilor Bryan Lake to serve as a regular member of the Energy and Climate Committee, with a term to expire December 31, 2025. The Mayor also nominated Stephon Mehu to serve as an alternate member of the Planning Board, with a term to expire December 31, 2026.

A motion by Councilor Greenwald to confirm the nominations was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Ward One Council seat vacant.

NOMINATIONS – ASHUELOT RIVER PARK ADVISORY BOARD, HUMAN RIGHTS COMMITTEE

Mayor Kahn nominated Kelly Cook to serve as an alternate member of the Ashuelot River Park Advisory Board, with a term to expire December 31, 2026. The Mayor also nominated Emma Charles to serve as an alternate member of the Human Rights Committee, with a term to expire December 31, 2026. Mayor Kahn tabled the nominations until the next regular meeting.

COMMUNICATION – PAM RUSSELL SLACK – RESIGNATION FROM THE MASTER PLAN COMMITTEE

A communication was received from Pam Russel Slack, resigning from the Master Plan Steering Committee. A motion by Councilor Greenwald to accept the resignation with regret and appreciation was duly seconded by Councilor Bosley. The motion carried unanimously with 14 Councilors present and voting in favor. Ward One Council seat vacant.

COMMUNICATION – CHARLES SMITH – REQUESTING AN OPPORTUNITY TO SPEAK BEFORE THE CITY COUNCIL ABOUT TOURISM AND HOMELESSNESS AS WELL AS POLICE BODY CAMERAS

A communication was received from Charles Smith, seeking an opportunity to speak before the City Council on several issues including homelessness, tourism, and Police body cameras. Mayor Kahn referred the issues of tourism and homelessness to the Municipal Services, Facilities, and Infrastructure Committee. The Mayor noted that he was not referring that portion of the communication regarding Police body cameras because Mr. Smith had submitted a right-to-know request for access to certain camera footage, which was denied. The City Council had no authority to consider any appeal of this denial.

COMMUNICATION – TOBY TOUSLEY – REQUESTING AN INVESTIGATION INTO THE DETAILS SURROUNDING THE SUDDEN RESIGNATION OF THE FIRE CHIEF

A communication was received from Toby Tousley, requesting an investigation regarding the recent resignation of the Fire Chief. Mayor Kahn accepted the communication as informational.

COMMUNICATION – THE KEENE SENTINEL – REQUEST TO USE CITY PROPERTY/FIREWORKS DISCHARGE – 225TH ANNIVERSARY CELEBRATION – SEPTEMBER 7, 2024

A communication was received from Sean Burke, President and COO of the Keene Sentinel, requesting permission to hold an event on Downtown City property on September 7, 2024, in celebration of their 225th Anniversary. In addition, they are requesting permission for the discharge of fireworks the same evening on Alumni Field. Mayor Kahn referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION – THE COLONIAL THEATRE – REQUEST TO USE CITY PROPERTY – 100TH ANNIVERSARY CELEBRATION – AUGUST 18, 2024

A communication was received from Vicki Pittman, Director of Education and Community Engagement for the Colonial Theater, requesting the use of parking spaces in front of the Colonial Theater and the closure of Commercial Street for their 100th-anniversary event scheduled for Sunday, August 18, 2024. Mayor Kahn referred the communication to the Planning, Licenses, and Development Committee.

MSFI REPORT – REQUEST FOR A LICENSE TO USE CITY RIGHT-OF-WAY: HURRICANE ROAD

A Municipal Services, Facilities, & Infrastructure Committee report read, unanimously recommending that the City Manager be authorized to do all things necessary to negotiate and execute a revocable license to install, maintain, and operate an irrigation water supply system across Hurricane Road in the vicinity of 140 and 149 Hurricane Rd. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault. The City Attorney confirmed that the applicant satisfied all of the City's concerns and conditions, so the project was ready. Councilor Williams noted that he heard great praise in the community for the City Engineer, Don Lussier, for making this happen. The motion to carry out the intent of the Committee report was carried unanimously, with 14 Councilors present and voting in favor. Ward One Council seat vacant.

CITY MANAGER COMMENTS – FY 2025 OPERATING BUDGET

The City Manager provided comments to introduce the proposed Fiscal Year (FY) 2025 Operating Budget, which is available on the City website for public access. First, the City Manager recognized all of the departments for putting forth budgets with minimal operational increases, making her job easier. She also acknowledged the work of the Finance Department; in addition to regular budget processes, they had the difficult task of setting up a new budget format

utilizing a report writing system tied to our new financial system. The City Manager also recognized Deputy City Manager, Rebecca Landry, for her great work on the cover of the budget book and everyone else who was a part of this year's budget process. The cover of the budget incorporated the City's branding colors and new logo. Not only did the new format look great, the City Manager said it would be easier and more efficient for department heads and finance staff to use moving forward. Information will feed directly from our financial software (Tyler Tech/Munis software package) instead of relying heavily on spreadsheets, as in the past.

The City Manager also specifically recognized Karen Grey, Senior Accountant, who is retiring at the end of May 2024. Ms. Grey made it her mission to work with Finance Director, Merri Howe, to get this budget program up and operational in time for this year's budget. Ms. Grey had been a dedicated and talented employee, so it is no surprise she was working to leave the City in the best position possible for next year. Ms. Grey had been an asset to the City and was beloved by all. She was the go-to person for all things finance and she was the master of all things grants. She works late at night and on the weekends to meet deadlines that seem quite impossible. Her work ethic was stellar, and she was extremely talented, carrying the load of at least two employees. The City Manager said there were no words to appropriately thank Ms. Grey for all she had done during her time with the City.

Returning to the budget, the City Manager said the City's overall tax rate dropped for two of the last three years. In FY 2024, the City's portion of the rate increased slightly (2.7% or $0.24). This year, the City's portion of the rate was expected to increase 7.57% ($0.95). The proposed budget is $423,366 below the City's fiscal policy limit. As the City Manager had done for the last several years, she adjusted the budget until it was well below the fiscal policy limits set by City Council. The chart on page 9 of the budget book illustrated that the primary budget driver is the increased cost of wages. Wage adjustments are tied to contracted bargaining union agreements and non-union wage adjustments, which include a 3% Cost of Living Adjustment (COLA). $1,463,730 of the $2,251,547 overall budget increase was related to wages. The remaining difference ($787,817) was primarily the increased cost of human services, specifically the $400,000 increase in rental assistance. These factors left only relatively small operational adjustments throughout the budget. The Council's Fiscal Policy limits property tax revenue increases to a rolling three-year average of the Boston Cambridge newton CPI net of expenditures required by law, and debt service payments and capital leases. This year, that average was 4.9%. The Fiscal Policy breakdown is on page 6 of the budget. The first year of the City's Capital Improvement Program (2025–2031) was updated in the FY 2025 budget. In order for the budget proposal to comply with the Fiscal Policy it was necessary to adjust the funding scenario for one project (the Keene Police Department crime scene van). The Capital appropriations start on page 47.

Next, the City Manager explained that in 2021, the City went through a City-wide property revaluation to bring its real estate assessments to market value. This was done at a time when values were significantly increasing compared to previous years. Shortly after, there was some speculation that the market was peaking and may even begin to decrease. However, in 2024, real

estate prices only continued to increase, particularly in residential properties. The assessment equalization ratio for the City has dropped this past year from 80.9% to 72.8%. This means that the median sale price in the City is 27.2% more than the assessed value. Per state law, the overall value of utility property in the City must be equalized by the ratio. While utility values are reviewed annually to account for changes—and the value may increase from the previous year—the equalization ratio of 72.8% will still need to be applied. When this is done, the result could be an overall loss in taxable value for utility property, shifting some tax burden over to other property owners and affecting the overall tax rate for the year. This budget includes the second year of an estimated $6 million reduction in utility values. This will be discussed in more detail during the opening night of budget reviews before the Finance, Organization, and Personnel Committee.

Overall, the City Manager said the tax rate estimates were based on a conservative projection, which included a net increase in value of $4 million. This is net of the above-mentioned decline in the City's utility value of $6 million. She said this budget conservatively estimated City revenues associated with state municipal aid, as we know them. Significant revenue increases included an increase in interest earnings of $325,000 (which helps to offset the increased bonding expenses), an increase in motor vehicle revenues of $165,000, and an increase in ambulance billing of $200,000. To bring the proposed budget into compliance with the City's Fiscal Policy, adjustments were made to account for vacancies in the Police Department, Community Development Department, and Fire Department. Two Police Officer positions were not included in the budgeted wage lines ($208,354). The addition of funds to support the Fire Marshal was included in both the Community Development Department (20%) and Fire Department (80%). This was mostly offset by reducing budgeted funds for one of the two Fire Department Deputy positions funded at 50% and the Building/Health Official also funded at 50%.

The City Manager concluded, saying that overall, it was a difficult balancing act with a lot of moving parts to construct a budget that meets the City Council Fiscal Policy limitations while continuing to provide services at the levels expected, which was accomplished with this budget proposal. Budget review would begin at the May 9 FOP meeting at the early start time of 5:30 PM.

The City Manager announced that the City received its 45th Tree City Award**.** Keene remains the second longest Tree City designation in NH. Keene would be celebrating Arbor Day on May 10 by planting trees in two locations—one on Appian Way and one on Main Street near the Alumni Center.

The City Manager reported that the 2024 Green Up Keene was another great success. The 400 volunteers removed more than 4,810 lbs of trash from City streets, parks, and trails. This year, 65 volunteer groups participated, compared to 55 groups last year.

The City Manager reported on the work of the new Fire Marshall/Building Official, Rick Wood, who had been quite busy during his first three weeks on the job. Mr. Wood had met one-on-one with all of his assigned staff in the Community Development Department and started meeting with the remaining Community Development staff to ensure a comprehensive perspective of how the functions of Building and Fire intertwine.

Next, the City Manager reported on Southwestern Community Services' town billing. In 2023, the adoption of SB110 clarified a community's ability to recoup the cost of services provided to residents from other communities as it relates to welfare services. This was a step in the right direction. Now, if Keene provides assistance to someone from another community, the City will bill that community for those services. The City also has a Memorandum of Understanding (MOU) with SCS to provide emergency shelter placement and housing stability. As discussed in the past, a fair number of individuals receiving shelter services in Keene are residents of other communities. The availability of shelter beds for Keene residents directly impacts the City's ability to temporarily house someone, which impacts the City's budget. In addition, there are often ancillary impacts to services, such as Police and Fire. Therefore, the City Manager amended the City's MOU with SCS to expand the partnership and create an arrangement that allows for the cost of shelter services provided by SCS to residents of other communities to also be billed back to that community in accordance with RSA 165:2-a. This arrangement will be in place for the last couple of months of FY 2024. Then, the City Manager will regroup with SCS to see if there are further adjustments needed to the language in the MOU for next year.

ORDINANCE FOR FIRST READING – RELATING TO BOARD MEMBERSHIPS
ORDINANCE O-2024-05

A memorandum read from Mayor Kahn, recommending that the City Council refer Ordinance O-2024-05 to the Finance, Organization, and Personnel Committee. Mayor Kahn referred Ordinance O-2024-05 to the Finance, Organization, and Personnel Committee.

ORDINANCE FOR FIRST READING – RELATING TO SIDEWALK CAFE ENFORCEMENT MEASURES – ORDINANCE O-2024-06

A memorandum read from the City Clerk, Patty Little, recommending that the City Council refer Ordinance O-2024-06 to the Planning, Licenses, and Development Committee. Mayor Kahn referred Ordinance O-2024-06 to the Planning, Licenses, and Development Committee.

ORDINANCE FOR SECOND READING – RELATING TO WATER AND SEWER ABATEMENTS – ORDINANCE O-2024-04

A Municipal Services, Facilities, and Infrastructure Committee report read, unanimously recommending the adoption of Ordinance O-2024-04. Mayor Kahn filed the report. A motion by Councilor Greenwald to adopt Ordinance O-2024-04 was duly seconded by Councilor Filiault.

The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Ward One Council seat vacant.

RELATING TO THE 2024/2025 FISCAL YEAR OPERATING BUDGET – RESOLUTION R-2024-20

A memorandum read from the City Manager, Elizabeth Dragon, recommending that Resolution R-2024-20 relating to the FY 2024–2025 budget be referred to the Finance, Organization, and Personnel Committee for their review and recommendation, and that a public hearing be scheduled for Thursday, June 6, 2024. Mayor Kahn referred the Resolution to the Finance, Organization, and Personnel Committee and set the public hearing for Thursday, June 6, 2024, at 7:00 PM.

NON-PUBLIC SESSION

A motion by Councilor Greenwald to go into non-public session for consultation with legal counsel under RSA 91-A:3 II (l) was duly seconded by Councilor Filiault. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Ward One Council seat vacant.

The non-public session began at 8:08 PM. Discussion was limited to the subject matter. The non-public session concluded at 8:39 PM.

A motion by Councilor Greenwald to keep the minutes of the non-public session, non-public, was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Ward One Council seat vacant.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 8:40 PM.

A true record, attest: Patricia Little
City Clerk

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Mayor Jay V. Kahn

Through: Patricia Little, City Clerk

Subject: **Confirmations - Ashuelot River Park Advisory Board, Human Rights Committee**

Council Action:

In City Council May 2, 2024.
Nominations tabled until the next regular meeting.

Recommendation:

I hereby nominate the following individuals to serve on the designated board or commission:

Ashuelot River Park Advisory Board

Kelly Cook, slot 9 alternate — Term to expire Dec. 31, 2026
10 Highland Avenue

Human Rights Committee

Emma Charles, slot 10 alternate — Term to expire Dec. 31, 2026
62 Roxbury Street

Attachments:

1. Charles, Emma_Redacted
2. Cook, Kelly_Redacted

Background:

From: Patty Little
To: Heather Fitz-Simon
Subject: FW: Interested in serving on a City Board or Commission
Date: Tuesday, April 30, 2024 9:47:53 AM
Attachments: image001.png

Please save and redact.

Patricia Little
CITY CLERK

(603) 352-0133, ext. 2
plittle@KeeneNH.gov
3 Washington Street, Keene, NH 03431
KeeneNH.gov

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Monday, March 4, 2024 9:51 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

Submitted on Mon, 03/04/2024 - 09:51
Submitted values are:
First Name:
Emma

Last Name:
Charles

Address
62 Roxbury St, Apt 313 Keene NH

How long have you resided in Keene?
24 years

Email:
[redacted]

Cell Phone:
[redacted]

Employer:
City of Keene

Occupation:
Administrative Assistant - Parks & Recreation

Retired
No

Please list any organizations, groups, or other committees you are involved in
Keene High Alumni Fund (member), 100+ Women Cheshire County (member), Greater Keene Rotaract (member), Keene City Employees Union (secretary)

Have you ever served on a public body before?
No

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

Please let us know the Board or Commission that you are most interested in serving on.
I am interested in serving on the Human Rights Committee.

Please share what your interests are and your background or any skill sets that may apply.
I recently graduated from Arizona State University with a degree in Community Advocacy and Social Policy. Building equitable communities is something that I am passionate about and have a strong interest in pursuing in the Keene area. Other experiences related to this board that I have had include an intensive summer study of the Civil Rights Movement and other Social Movements at St. Paul's school in Concord, NH, and a Civil Rights history and service trip to Atlanta, Georgia and Montgomery, Alabama with St. James Episcopal Church for the 50th anniversary of the death of Keene native, Jonathan Daniels.

Please provide 2 personal references:
Andy Bohannon
<a href="mailto:abohannon@keenenh.gov

From: Patty Little
To: Heather Fitz-Simon
Subject: Fw: Interested in serving on a City Board or Commission
Date: Friday, April 26, 2024 8:14:59 PM
Attachments: Outlook-zswa1rsu.png

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please save and redact

Patricia Little
CITY CLERK

(603) 352-0133, ext. 2
plittle@KeeneNH.gov
3 Washington Street, Keene, NH 03431
KeeneNH.gov

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us> on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Friday, April 26, 2024 7:59 PM
To: Helen Mattson <hmattson@keenenh.gov>
Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

Submitted on Fri, 04/26/2024 - 19:59
Submitted values are:
First Name:
Kelly

Last Name:
Cook

Address
10 Highland Ave
Keene, NH 03431

How long have you resided in Keene?
30 years

Email:
[redacted]

Cell Phone:
[redacted]

Employer:

Genoa Healthcare - working per diem, now.

Occupation:
Pharmacist

Retired
Yes

Please list any organizations, groups, or other committees you are involved in
I have done some volunteer work with the Serenity Center. I also have been Ward 2 Selectman, Clerk and Ballot inspector.

Have you ever served on a public body before?
No

Please select the Boards or Commissions you would be most interested in serving on.
Ashuelot River Park Advisory Board, Bicycle/Pedestrian Path Advisory Committee, Congregate living and social services licensing board, Conservation Commission

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

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

Optional - Please select your third choice of which Board or Commission you would like to serve on.
Congregate Housing and Social Services licensing board.

Please share what your interests are and your background or any skill sets that may apply.
I have been a pharmacist since 1985. I have experience in retail pharmacy, long-term care (nursing home) consulting and psychiatric pharmacy. I recently retired from Genoa Healthcare which has a clinic pharmacy associated with Monadnock Family Services. We also fill prescriptions for Live Free drug and alcohol Rehab facilities here in Keene.

Suggest other public bodies of interest
Since my retirement, I have become very interested in native and invasive

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Katie Carbonara

Through: Patricia Little, City Clerk

Subject: **Katie Carbonara - Request that the City Council Consider Drafting a Resolution - Calling for a Cease Fire in Gaza**

Recommendation:

Attachments:
1. Communication_Katie Carbonara_Redacted

Background:
Katie Carbonara is requesting that the City Council consider drafting a Resolution that would call upon the President of the United States and Keene's Congressional Delegation to demand an immediate ceasefire in Gaza by Israel, Hamas, and other Palestinian militant groups, the release of all hostages and political prisoners held by both sides, the provision of humanitarian aid to Gaza and end to all US military aid packages and arms distribution to Israel.

May 12, 2024

To the Honorable Mayor and City Council,

I am writing to request that the City Council draft a Ceasefire Resolution calling on the President of the United States of America, Joseph R. Biden, United States Senators Jeanne Shaheen and Maggie Hassan, and United States Representative Ann Kuster, to demand an immediate ceasefire in Gaza by Israel, Hamas, and other Palestinian militant groups, the release of all hostages and political prisoners held by both sides, the provision of humanitarian aid to Gaza, and an end to all U.S. Military aid packages and arms distribution to Israel.

For over 200 days, the world has witnessed the most well documented genocide in human history. At the time of this writing, it is estimated that over 40,000 Palestinians have been murdered. More than 14,000 of those murdered have been children. Despite the clear documentation of genocidal rhetoric on the part of Israeli officials and clear evidence of war crimes committed by the Israeli Occupation Forces, the U.S. Government has continued to send billions of dollars in military aid to Israel.

A Ceasefire Resolution is germane to this body and the people of this city as an estimated $334,000 from Keene taxpayers is sent to the Israeli military by the federal government every year. Since October, every member of New Hampshire's federal delegation has voted to send more money to Israel, while also voting to cut vital aid to UNWRA, every chance they have had. While many members of this community have made countless appeals to them via email, phone calls, and in person, our concerns have fallen on deaf ears. Since they have ignored our individual concerns, we believe it is time to send them a stronger message by working at the city level to pass this resolution.

This resolution would serve to make it clear to our federal delegation that the people of Keene do not condone our taxpayer dollars being used to fund a genocide. It would also show that the people in this community are on the right side of history. There is precedent for a Ceasefire Resolution passing in other cities in New Hampshire, as city councils in Durham, Lebanon and Dover have all adopted similar resolutions. I, along with many other residents of this city, urge you to proceed with the urgency and seriousness this matter deserves in

referring this resolution to the relevant committee as soon as possible. Thank you for your consideration of this matter.

Sincerely,

Katie Carbonara
8 Newbury Lane
Keene, NH 03431
[redacted]

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Carl Jacobs

Through: Patricia Little, City Clerk

Subject: **The Elm City Rotary, the Keene Rotary, and the Monadnock Interfaith Project - Requesting Permission to Erect a Peace Pole in Central Square**

Recommendation:

Attachments:
1. Communication_Carl Jacobs

Background:
This is a request from Carl Jacobs, on behalf of a grassroots committee comprised of the Elm City Rotary, the Keene Rotary, and the Monadnock Interfaith Project, for acceptance of a permanent public art installation of a Peace Pole on Central Square in accordance with the Public Arts Guidelines and Procedures policy.

Peace Pole Cover Letter

Honorable Mayor and City Council

3 Washington Street, Keene, NH

We propose to donate, install, and provide for the maintenance of a Peace Pole on Central Square in Keene.

The Elm City Rotary, The Keene Rotary, the Monadnock Interfaith Project are collaborating on this effort. Other organizations and individuals are also working in support of the effort. We want the Peace Pole to be a distinctive and inspirational monument representing "a symbol of the hopes and dreams of the entire human family."

Attached is a description of our proposal. We have tried to follow the *City of Keene Public* Arts *Guidelines and Procedures* in the attachment.

We understand we will be working with a Project Manager who will work with us to move the project forward.

Thank you for your service.

Peace

Cameron Tease

President, Keene Rotary Club

Phil Wyzik

President, Elm City Rotary Club

Tom Julius

Chair, Monadnock Interfaith Project

Carl Jacobs

Keene Citizen

Public Art Proposal to Mayor and Council

Partners

A grass roots committee proposes to donate and permanently install a Peace Pole on Central Square Keene. The Elm City Rotary, The Keene Rotary, and the Monadnock Interfaith Project are leading the effort. The committee vision is for the Peace Pole to be a distinctive and inspirational monument representing a "symbol of the hopes and dreams of the entire human family."

One of the central themes of Rotary International is creation of peace. Rotary clubs in communities all over the world have installed Peace Poles like the one we propose.

Description

We propose an eight-foot high, four-sided granite monument. It will be a pyramid topped six-foot obelisk on a two-foot granite base. A photo below shows what we propose for the granite.

One side will carry the message **May Peace Prevail On Earth** written vertically in English. The other three sides will have the word **Peace** written in many languages, including languages commonly spoken in Keene and languages that reflect the origins of the people of Keene.

Location

The installation will take up only the area covered by the base.

The committee suggests that the location of the monument be visually symmetrical to the Civil War monument, such as on the other (north) side of Central Square. This location will provide easy public access and promote close inspection of how Peace is said throughout the world.

Public Safety

There are no public safety concerns associated with the Peace Pole. As with other structures on Central Square, people may want to attempt to climb it.

Installation and Maintenance

The monument will be constructed and installed by Keene Monument Company. They have installed many similar monuments at sites around Keene.

The installation will be permanent. Granite has proven to be durable.

The monument will require minimal maintenance other than trimming the lawn around it. Occasional cleaning may be needed.

No utility hook ups are needed.

Reflection of City History and Culture

Keene has a long history of seeking to live peacefully in community with our neighbors, both here and abroad. Our veterans fought to bring peace. The fountain on Central Square is dedicated to the City's partnership with Einbeck, Germany.

It would be naïve to assume that an object like a Peace Pole, or the effort behind its creation, will be enough to settle the conflicts that are present in communities, regions or nations throughout our fragile planet. However, a symbol of peace is a proclamation, a call to unity, a matter for education and action.

The Peace Pole enhances the understanding that life is not only about armed conflict. It is a positive statement against nothing, but for peace.

Aesthetics

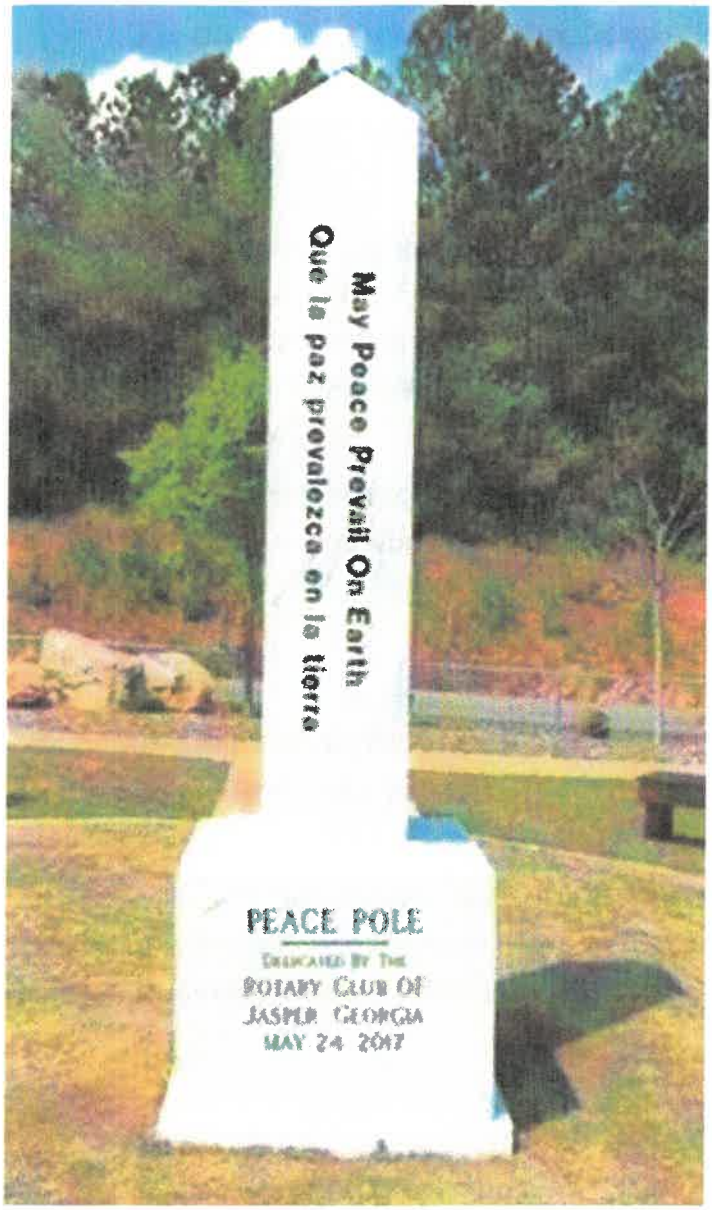
The Peace Pole will harmonize with other existing monuments on Central Square in its simplicity and materials.

Costs

All costs of installation will be met from fund raising efforts of the groups giving the monument to the City.

They will provide insurance coverage as required by the City during installation of the Peace Pole.

They will donate an agreed upon amount to a Capital Reserve Account for maintenance and upkeep of the monument.


May Peace Prevail On Earth
Que la paz prevalezca en la tierra
PEACE POLE
DEDICATED BY THE
ROTARY CLUB OF
JASPER GEORGIA
MAY 24 2017

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Adam Toepfer
Patrick Brown and Paul M. Mekdeci
Managing Members

Through: Patricia Little, City Clerk

Subject: **Madam Sherri's Lounge - Request to Serve Alcohol on City ROW - Adjacent to Railroad Square**

Recommendation:

Attachments:
1. Communication_Adam Toepfer

Background:
This is a request to serve alcohol beverages on City property adjacent to Railroad Square at 82 Main Street at Madam Sherri's Lounge and Cabaret, a new business that will be opening at this location.

MADAME SHERRI'S
LOUNGE & TABARET

To: Keene City Council
Re: Outdoor Patio

This is a formal request to allow our new restaurant the ability to serve alcohol on our outdoor patio in Railroad Square. We will be using the same footprint as previously approved for Hennessy's as well as the same fence and tables. There are 48 seats in the patio area to be contained inside the fenced area. Thank you for your consideration.

Sincerely,

Adam Toepfer, Managing Member

Patrick Brown, Managing Member

Paul M. Mekdeci, Managing Member

82 MAIN ST KEENE, NH 03431 WWW.MADAMESHERRIS.COM MANAGERS@MADAMESHERRIS.COM

CITY OF KEENE
NEW HAMPSHIRE

ITEM #C.4.

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Councilor Robert Williams

Through: Patricia Little, City Clerk

Subject: **Councilor Williams - Accessible Curb Ramp at Bus Loading Area - Central Square Terrace on Roxbury Street**

Recommendation:

Attachments:
1. Communication_Williams

Background:
Councilor Williams is requesting the installation of an accessible curb ramp at the bus loading area that serves Central Square Terrace on Roxbury Street.

May 14, 2024

City of Keene Clerk's Office
3 Washington Street
Keene, NH 03431

To the Honorable Mayor and City Council,

It has come to my attention that the loading area in front of Central Square Terrace on Roxbury Street lacks an accessible curb ramp, which is making it difficult for residents with disabilities to board the bus in that location. Here is a picture from Google Street View.

I ask that this issue be brought to the MSFI committee for discussion at its next meeting.

Sincerely,

Bobby Williams

City Councilor, Ward 2

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Updates Regarding Social Host Ordinance Activity**

Recommendation:
On a vote of 4–0, the Planning, Licenses, and Development Committee recommends accepting the updates regarding the Social Host Ordinance activity as informational.

Attachments:
None

Background:
Chair Bosley welcomed Police Chief, Steve Stewart, and Community Liaison Specialist, Amanda Trask, Ms. Trask explained that a part of her position with the Police Department (PD) is to monitor the Social Host Ordinance, but over time, she also incorporated activities with Keene State College (KSC) to address the off-campus student behavior. First, she talked about the data. She explained that calls reach the Police Department in a variety of different ways and there is no clear way to capture everything; for example, a noise complaint could come in as a parking complaint. She shared data on violations since 2021:

2021: A total of three violations, two in quarter one (both evening calls, 6:00 PM–10:00PM) and one in quarter four (late night).
2022: Only two violations throughout the entire year, one in quarter one and one in quarter three.
2023: An uptick with a total of three violations, one in quarter one, one in quarter two, and one in quarter three.
2024 to date: Three violations, one in quarter one and two in quarter two.

Ms. Trask explained that many of these calls were to properties that the PD was already aware of. Anytime there is a citation, she notifies the landlord in writing. In late 2022, she expanded that notification to include Noise Ordinance violations as well, which had remained steady since 2021. She added that there are challenges with tracking this data, including NH Liquor Law violations. To understand what other issues were occurring because of large gatherings, she also tracked disturbances, parking complaints, and open containers violations.

Chair Bosley referred to the spreadsheet Ms. Trask shared, noting that many violations were marked as “other,” and she asked why the Social Host Ordinance was not triggered in those instances. Chief Stewart said there were many reasons. To trigger the Social Host Ordinance, there needs to be a

combination of two of the following: noise, a minor in possession of alcohol, a parking issue, or public urination. Even if two of these factors occur concurrently, the calls could come to the PD separately or there could be human error. He added that open container violations had shifted in the past 10 years, with less violations for KSC students and more for individuals downtown or in the parking garages, which do not trigger the Social Host Ordinance. The Chief noted that the noise complaint data is City-wide, and complaints had decreased significantly over the past 20 years, which he said might be associated with KSC's drop in enrollment. In general, Chair Bosley asked whether most of the Social Host Ordinance violations were related to KSC or City residents in general. Ms. Trask said that all violations were related to KSC.

The City Manager explained how Ms. Trask's position as Community Liaison Specialist had evolved over time. Originally, a neighborhood group came to the City, and they were very interested in bringing forward this Social Host Ordinance. Staff looked at what worked/did not other campuses across the United States. At the time, there were some rather large disturbances in City neighborhoods. With Covid, things slowed down as more students moved on-campus, in addition to the drop in enrollment. Thus, Ms. Trask's position evolved to focus more on prevention than reaction: following-up on violations, tracking noise in general, and following up with property owners. A past complaint had been that the City did not collaborate enough with the KSC. Now, Ms. Trask attends monthly community coalition meetings that address off-campus behavior, including City (i.e., Fire and Code Enforcement) and KSC representatives, as well student representatives. When updating Ms. Trask's job responsibilities and looking for ways to expand the position to focus more on prevention and education, staff looked at off-campus housing conditions, Code Enforcement issues, and whether there was a way to strengthen that relationship. The City Manager was actively collaborating with KSC President, Melinda Treadwell, particularly about educating students on what to expect and how to handle issues in off-campus housing. To bolster education, Ms. Trask had instituted office hours, when she meets with students on campus. Ms. Trask added that she also has a table at various KSC events on campus to promote her role to the students. She also collaborates with the KSC Liaison Officer for a presentation during student orientation.

Councilor Haas was glad this data was being gathered, though he was unsure whether any conclusions could be drawn. He appreciated that Ms. Trask was building these relationships. He asked how her position had changed since the Social Host Ordinance was originally instituted, and how to improve it in the future. Ms. Trask replied that the City Manager was correct that the role had evolved from reaction to prevention. Councilor Haas wondered what behaviors were triggering the Social Host Ordinance, and whether students receive advice on how to interact with positive and negative roommate challenges. He did not want all roommates to receive citations if not all participate in the offense.

Councilor Jones said the City had come a long way in this regard. He recalled chairing the committee that started the Noise Ordinance in 2000 because of issues with a nightclub. He asked whether there was still a liaison officer who attends KSC orientation every year. Chief Stewart replied that Police Officer Jack LaPorte was in that role. Officer LaPorte tells students about Ms. Trask's position. Councilor Jones also wondered about educating roommates on how they can take action if one roommate is triggering this violation. For example, what if an offending roommate leaves and another is left accountable but did not cause the problem? Chief Stewart shared an example from the previous week when a student came into the Police Department and informed an Officer that his roommates were planning to have a party and he wanted the Police to break up the party so it would not get too big. Chief Stewart explained that with the Social Host Ordinance, only one roommate can be held accountable at a time, and the PD was exploring a mechanism to hold multiple roommates accountable at once. Unfortunately, this had led to issues with revolving accountability: one roommate accepts the citation one week and another accepts the citation the next week so that they all avoid subsequent offenses. However, that is not unique to the Social Host Ordinance, it applies to

the Noise Ordinance too.

Chair Bosley asked how many of the noise violations listed were related to KSC. Ms. Trask Replied that 2/3 of the violations were related to the college. Chair Bosley said it was good to have perspective on neighborhood issues even if they do not trigger the Social Host Ordinance.

Vice Chair Jones also appreciated this perspective. He thanked Ms. Trask for being proactive. He asked whether any potential changes could make Ms. Trask's job easier. Ms. Trask said there had been a challenge with the reporting software. She continued, stating that the biggest challenge with her position was getting clear data because of how many variables come into play when a call comes into PD dispatch. Otherwise, she said she had developed very positive relationships with the students, who had been very receptive to her office hours, which were being utilized more and more, especially as they have been advertised to the student body. Ultimately, she said it was about keeping momentum and finding other ways to branch into the college community.

Chair Bosley welcomed public comments.

Councilor Andrew Madison of Elm Street asked how the Social Host Ordinance would apply to short-term rentals. He had experienced issues with out-of-town landlords advertising properties in Keene as sort-term rentals for large parties. He wondered whether the Social Host Ordinance included a mechanism to hold those property owners accountable for running illegal hotels in residential neighborhoods. Chair Bosley did not think the Social Host Ordinance would hold the property owner responsible, but rather the person on site that is deemed responsible for the unit. The citation would be issued to the renter. Ms. Trask added that the Social Host Ordinance would only hold a landlord responsible if they knowingly allow a party to occur. Councilor Madison asked if a landlord was advertising their property on a website as a venue that hosts large events, would that constitute knowing about the prohibited behavior? Chair Bosley said it was a good point and that the PLD Committee had talked a lot about needing short-term rental ordinance and to revise other ordinances to reflect these other issues.

Citizens should call the PD non-emergency line (24/7) to report violations: 603-357-9815.

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

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends accepting the updates regarding the Social Host Ordinance activity as informational.

CITY OF KEENE
NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Keene Elm City Rotary Club – Request to Use City Property – Clarence DeMar Marathon – September 29, 2024**

Recommendation:

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that The Elm City Rotary Club be granted permission to sponsor the Clarence DeMar Marathon on September 29, 2024, subject to the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability insurance in the amount of $1,000,000 listing the City of Keene as an additional insured. This license is conditional upon the petitioner providing an adequate number of volunteer race marshals to ensure runner safety along the course, submittal of signed letters of permission from any private property owners for the use of their property, and is subject to any recommendations of City staff. The petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 25 community Events Budget. Said payment shall be made within 30 days of the date of invoicing.

Attachments:

None

Background:

Chair Bosley welcomed Alan Stroshine, Race Director, who said no changes were anticipated from prior events. He called this the premiere event in the community. The marathon and half marathon include the Kids DeMar and the Super Seniors events the same day. The protocol meetings with City staff had occurred successfully. Mr. Stroshine also reported that the race began in 1978, except for one year canceled during Covid, so this would be the 46th annual event.

Deputy City Manager, Rebecca Landry, thanked Mr. Stroshine for his long-term cooperation with the protocol meetings, which had all occurred, and everything was approved by staff. The Deputy City Manager also thanked Assistant City Clerk, Terri Hood, for her excellent work ensuring all bases were covered.

Vice Chair Jones noted that this is one of the top marathons in NH. He asked Mr. Stroshine to speak briefly about Clarence DeMar for those who were not familiar. Mr. Stroshine agreed that he is very proud that the marathon held the distinction as the best in NH for the last eight years by Race Raves, a nationwide organization that promotes races across the country. Another organization ranked DeMar as the best half marathon in NH. It is a source of pride that people come to Keene from all

over the country to participate in this event and go home to tell their friends what a great time they had in Keene, NH. Mr. Stroshine continued, talking about Clarence DeMar, who holds the record for the most Boston Marathons won (7). DeMar was also a three time Olympian and a bronze medal winner in the 1924 Paris Games. He taught at Keene Normal School for 10 years. He eventually moved to a farm in Swanzey. However, his living children would say it was not a great story because the City of Keene took their property by eminent domain for the Dillant Hopkins Airport.

There were no public comments.

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

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that The Elm City Rotary Club be granted permission to sponsor the Clarence DeMar Marathon on September 29, 2024, subject to the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability insurance in the amount of $1,000,000 listing the City of Keene as an additional insured. This license is conditional upon the petitioner providing an adequate number of volunteer race marshals to ensure runner safety along the course, submittal of signed letters of permission from any private property owners for the use of their property, and is subject to any recommendations of City staff. The petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 25 community Events Budget. Said payment shall be made within 30 days of the date of invoicing.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Keene Family YMCA – Request for Road Closure – Summit Road – June 2, 2024**

Recommendation:

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the City Council grant permission to the Keene Family YMCA to sponsor a youth triathlon on Sunday, June 2, 2024 from 8am to 1pm, including the closure of Summit Road just after the YMCA entrance and Summit Ridge Drive where it intersects with Summit Road subject to the following conditions: the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability insurance in the amount of $1,000,000 listing the City of Keene as an additional insured. This license is conditional upon the petitioners providing an adequate number of volunteer race marshals to ensure runner safety along the course, providing advance notice of the race to impacted residents, and subject to any recommendations of City staff. The petitioner agrees to absorb the cost of any City services provided and agrees to remit said payment within 30-days of the date of invoicing.

Attachments:

None

Background:

Chair Bosley welcomed the applicant, Kelly Fleuette of Schuler Way, Senior Program Director of Keene Family YMCA. This year is the third Youth Triathlon and it had grown each year from 50 participants in 2022 to more than 67 registered in 2024. She said the relationship with the neighborhood had been very successful, and the organizers work hard to communicate the closure to all the neighbors, including a letter to all effected one week in advance. During the event, volunteers will be located near driveways to ensure neighbors needing to leave can get out safely between bikers.

Vice Chair Jones thanked Ms. Fleuette for what had always been a great event. He is a neighbor, and he alerts the five homeowners' associations in the area about the event. He said that all the neighbors like to know so they can watch. Ms. Fleuette appreciated the support.

Councilor Haas wondered whether there would be a banner on the city of Keene sign stanchions advertising the event. Deputy City Manager, Rebecca Landry, said the sign posts are available to nonprofits for events by Ordinance via a licensing process. Ms. Fleuette had worked on this with the Clerk's office in the past and would again this year.

Deputy City Manager Landry also reported that protocol meetings occurred, and all requirements were met. Public safety is the priority of protocol meetings, and this is a relatively small event, so staff were in support.

There were no public comments.

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

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the City Council grant permission to the Keene Family YMCA to sponsor a youth triathlon on Sunday, June 2, 2024 from 8am to 1pm, including the closure of Summit Road just after the YMCA entrance and Summit Ridge Drive where it intersects with Summit Road subject to the following conditions: the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability insurance in the amount of $1,000,000 listing the City of Keene as an additional insured. This license is conditional upon the petitioners providing an adequate number of volunteer race marshals to ensure runner safety along the course, providing advance notice of the race to impacted residents, and subject to any recommendations of City staff. The petitioner agrees to absorb the cost of any City services provided and agrees to remit said payment within 30-days of the date of invoicing.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Keene Music Festival – Request to Use City Property – August 31, 2024**

Recommendation:

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the Keene Music Festival be granted a street fair license to use downtown City rights-of-way, as well as use of downtown City property on Central Square, Railroad Square, and designated parking spaces on Main Street to conduct the Keene Music Festival on Saturday, August 31, 2024 from 8:00 AM to 11:00 PM, with downtown merchant sidewalk sales permitted in locations where a minimum of six feet of clearance is maintained for pedestrian access. In addition, the applicant is permitted to close off a portion of Railroad Street, from Main Street to the westerly entrance of the Wells Street Parking Garage, a portion of Church Street from Main Street to the entrance of the former Vision Financial parking lot, and Lamson Street from Main Street to Federal Street. This permission is granted subject to the following conditions: the signing of a revocable license and indemnification agreement; that the petitioner provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of $1,000,000; submittal of a signed letter of permission from City Tire for use of their property, and compliance with any recommendations of City staff. In addition, the petitioner is granted use of the requested parking spaces free of charge under the provisions of the Free Parking Policy. The petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 25 Community Events Budget. Said payment shall be made within 30-days of the date of invoicing.

Attachments:

None

Background:

Chair Bosley welcomed the applicant, Pablo Fleischmann of Roxbury Street, the long-time Keene Music Festival Director. Mr. Fleischmann had been involved since the festival began in 2001, and little had changed. He said the City had been supportive and granted permissions, as well as providing staff on the day of the event. It is a 100% volunteer event with a minimal budget supplemented by hard work. The protocol meetings had occurred, and he was prepared for another prior to the event. Chair Bosley asked if there was a rain date. Mr. Fleischmann said no, they had never had to cancel for weather, and trying to reschedule the 60–70 bands of 1–8 members each would be very challenging. Chair Bosley said that if they ever want to try a rain date in the future, the City would be happy to work with him. Regarding a rain date, the Deputy City Manager, Rebecca Landry, noted that the City asks organizations to contact Emergency Services a few days before

events to discuss potential weather issues and a communication process for rescheduling an event.

Ms. Landry continued, noting that the City was happy to have the Music Festival back again with the impressive numbers of musicians this year. Mr. Fleischmann noted that in the past, there had been up to 90 bands, which was difficult to manage. Over time, he said they learned to keep the footprint along Main Street; festivalgoers struggled to find stages down Washington Street and near Keene State College in the past. Chair Bosley agreed that many events organizers had similar realizations about keeping activities largely centered on Main Street.

Vice Chair Jones said this was another great event that makes Keene an event City. Chair Bosley added that this Committee is proud to be a part of all the amazing things happening in the City.

There were no public comments.

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

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the Keene Music Festival be granted a street fair license to use downtown City rights-of-way, as well as use of downtown City property on Central Square, Railroad Square, and designated parking spaces on Main Street to conduct the Keene Music Festival on Saturday, August 31, 2024 from 8:00 AM to 11:00 PM, with downtown merchant sidewalk sales permitted in locations where a minimum of six feet of clearance is maintained for pedestrian access. In addition, the applicant is permitted to close off a portion of Railroad Street, from Main Street to the westerly entrance of the Wells Street Parking Garage, a portion of Church Street from Main Street to the entrance of the former Vision Financial parking lot, and Lamson Street from Main Street to Federal Street. This permission is granted subject to the following conditions: the signing of a revocable license and indemnification agreement; that the petitioner provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of $1,000,000; submittal of a signed letter of permission from City Tire for use of their property, and compliance with any recommendations of City staff. In addition, the petitioner is granted use of the requested parking spaces free of charge under the provisions of the Free Parking Policy. The petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 25 Community Events Budget. Said payment shall be made within 30-days of the date of invoicing.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **The Keene Sentinel – Request to Use City Property/Fireworks Discharge – 225th Anniversary Celebration – September 7, 2024**

Recommendation:

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that The Keene Sentinel be granted a street fair license to use downtown City rights-of-way, and the use of downtown City property on Central Square, Railroad Square, and designated parking spaces on Main Street on Saturday, September 7, 2024 from 10:00 AM to 5:00 PM to host a 225th Anniversary Celebration, as well as permission for the discharge of fireworks on Alumni Field at no later than 10:00 PM, conditional upon the following:

- The signing of a revocable license and indemnification agreement;
- That the petitioner provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of $1,000,000;
- That the fireworks vendor provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of $1,000,000;
- The obtainment of a Class B fireworks permit;
- That the Petitioner agrees to absorb the cost of any City services provided to the event, and agrees to remit said payment within 30-days of the date of invoicing;
- That the footprint and layout for the downtown portion of the event shall encumber the traveled portions of Central Square, the northbound lanes of Main Street from Central Square to Eagle Court, and a portion of Railroad Street. Road closures may include any portions of other streets needed to facilitate detour routes. The full extent of road closures and detour routes shall be agreed upon with City staff;
- That the Petitioner is permitted to place portapotties in City parking spaces with the specific locations to be determined in conjunction with City staff from Friday, September 6, 2024 to Monday September 9, 2024 which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That downtown merchant sidewalk sales are permitted in locations where a minimum of six feet of clearance is maintained for pedestrian access;
- That the downtown portion of the event will be held from 10:00 AM to 5:00 PM with the times for set up and clean up to be established with City staff;
- That free parking be granted under the provisions of the free parking policy for City parking spaces needed for storage of equipment and placement of porta-potties from Friday,

September 6, 2024 to Monday September 9, 2024; and spaces within the event footprint on the day of the event;
- The submittal of signed letters of permission from any private property owners for the use of their property; and
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.

Attachments:
None

Background:
Chair Bosley welcomed the applicants, Sean Burke and Jack Rooney, Chief Operating Officer and Managing Editor for Audience Development (respectively) of The Keene Sentinel. Chair Bosley noted that The Sentinel had not planned an event like this in the community in 25 years. Mr. Burke said this would be a community celebration of the 225th anniversary of The Sentinel. It is meant to be a multi-activity event from 11:00 AM to dusk, which is when they hope for the fireworks display. There will be an opening ceremony and other features include a downtown sidewalk sale and classic car show. They hope to have two music venues, an art show, and food trucks (with Liquor Commission permission for a beer and wine tasting from local breweries, which would occur on private property). At the end of the sidewalk sale, there will be a local "celebrity" softball game at Alumni Field before finishing the day with the fireworks demonstration there. This would be a free, fun, entertaining, and invigorating event for the community.

Chair Bosley thought it sounded like an ambitious and wonderful event. She noted that the Committee had talked a lot about developing a framework to help new event organizers to navigate the City process. She hoped that applicants' experiences working with the City had been great.

Deputy City Manager, Rebecca Landry, said the protocol meetings were great and all requirements had been met. In terms of a framework, she learned that Police/Fire/Public Works Departments have a framework that had worked well for similarly sized events in the past.

There were no public comments.

Councilor Williams recalled his position that there are too many fireworks displays in the City. This year, many fireworks displays were proposed at Alumni Field, which is adjacent to a wetland where bats and other wildlife would be disturbed by fireworks. He would have preferred that the Swamp Bats only have one fireworks display so the Sentinel could have this one. He supported this event despite the fireworks.

Councilor Haas agreed with Councilor Williams about fireworks but noted that if the Sentinel thought the fireworks were important to the celebration, he was in support. He also encouraged the organizers to promote the event well and thanked them for celebrating Keene.

The Deputy City Manager said she spoke with the Assistant City Clerk about fireworks, and they seek ideas about fireworks alternatives. Their intent is to mention to event license applicants that there is sensitivity to fireworks and that alternatives exist. Unfortunately, Chair Bosley did not think there was a safe location downtown for fireworks, so this neighborhood around Alumni Field was taking the brunt of these events. Otherwise, the Chair was excited to see the list of "celebrity" players.

Vice Chair Jones said he was honored to make the following motion as he made the same one 25 years ago.

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

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that The Keene Sentinel be granted a street fair license to use downtown City rights-of-way, and the use of downtown City property on Central Square, Railroad Square, and designated parking spaces on Main Street on Saturday, September 7, 2024 from 10:00 AM to 5:00 PM to host a 225th Anniversary Celebration, as well as permission for the discharge of fireworks on Alumni Field at no later than 10:00 PM, conditional upon the following:

- The signing of a revocable license and indemnification agreement;
- That the petitioner provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of $1,000,000;
- That the fireworks vendor provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of $1,000,000;
- The obtainment of a Class B fireworks permit;
- That the Petitioner agrees to absorb the cost of any City services provided to the event, and agrees to remit said payment within 30-days of the date of invoicing;
- That the footprint and layout for the downtown portion of the event shall encumber the traveled portions of Central Square, the northbound lanes of Main Street from Central Square to Eagle Court, and a portion of Railroad Street. Road closures may include any portions of other streets needed to facilitate detour routes. The full extent of road closures and detour routes shall be agreed upon with City staff;
- That the Petitioner is permitted to place portapotties in City parking spaces with the specific locations to be determined in conjunction with City staff from Friday, September 6, 2024 to Monday September 9, 2024 which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That downtown merchant sidewalk sales are permitted in locations where a minimum of six feet of clearance is maintained for pedestrian access;
- That the downtown portion of the event will be held from 10:00 AM to 5:00 PM with the times for set up and clean up to be established with City staff;
- That free parking be granted under the provisions of the free parking policy for City parking spaces needed for storage of equipment and placement of porta-potties from Friday, September 6, 2024 to Monday September 9, 2024; and spaces within the event footprint on the day of the event;
- The submittal of signed letters of permission from any private property owners for the use of their property; and
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.

CITY OF KEENE
NEW HAMPSHIRE

ITEM #D.6.

Meeting Date:	May 16, 2024
To:	Mayor and Keene City Council
From:	Planning, Licenses and Development Committee, Standing Committee
Through:	
Subject:	**The Colonial Theatre – Request to Use City Property – 100th Anniversary Celebration – August 18, 2024**

Recommendation:
On a vote of 4–0, the motion to accept as informational carried unanimously.

Attachments:
None

Background:
The Deputy City Manager, Rebecca Landry, said this application was withdrawn, but the Colonial might still be doing other things for their anniversary. Chair Bosley hoped so.

A motion by Councilor Haas to accept this item as informational as the petitioner had withdrawn their request was duly seconded by Vice Chair Jones.

Chair Bosley accepted comments from Mayor Jay Kahn, who said the Colonial had a great event in February celebrating the 100th anniversary. He agreed with Ms. Landry that there would likely be more free events later this year.

The Committee agreed that it was wonderful how many community entities were celebrating these milestones.

On a vote of 4–0, the motion to accept as informational carried unanimously.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Drinking Water State Revolving Fund – Authority to Borrow**

Recommendation:
On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to apply for, accept, execute, and expend the proceeds of a loan agreement with the New Hampshire Department of Environmental Services (NHDES) Drinking Water State Revolving Fund (DWSRF) for the Downtown Infrastructure Project for an amount up to $3,801,900.

Attachments:
None

Background:
Chair Powers welcomed the City Engineer, Don Lussier, who reported that this item was like something he spoke with the Committee about a few weeks prior. The previous request was specifically related to the NH Clean Water State Revolving Fund for stormwater and sewage. Conversely, this current agenda item was related to the Drinking Water State Revolving Fund, which is a different fund but with similar purpose. This process required authority granted by the City Council. The City Engineer explained that in the past, the City had argued that approval of the CIP showing a project as debt funded provided authority to borrow, but the NH Department of Environmental Services did not agree, and they wanted the City to go through this process, with a specific Council vote. Then, the City Clerk would sign certificate of vote and the City Manager would sign the required paperwork. The City Engineer also mentioned that of the 111 applications for State funding, Keene's application was ranked #10. Some significant principal forgiveness would be associated with this loan, up to 60%, though Keene's total was not yet known. The City will not know the final principal forgiveness until the complete loan package is prepared and the documents finalized.

There were no public comments.

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

On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to apply for, accept, execute, and expend the proceeds of a loan agreement with the New Hampshire Department of Environmental Services

(NHDES) Drinking Water State Revolving Fund (DWSRF) for the Downtown Infrastructure Project for an amount up to $3,801,900.

CITY OF KEENE
NEW HAMPSHIRE

ITEM #D.8.

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **2023 Hazardous Materials Emergency Preparedness Grant Award**

Recommendation:
On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the 2023 Hazardous Materials Emergency Preparedness (HMEP) Grant Award in the amount of $2,498.00.

Attachments:
None

Background:
Chair Powers welcomed Acting Fire Chief, Jason Martin, who explained that this request was in reference to the 2023 Hazardous Materials Emergency Preparedness grant. The Fire Department applied for the grant funding to purchase an asset management tracking system named Slate Pages, which will enhance the Department's ability to label and track equipment using QR codes. Users can use the QR codes to access information such as inventory benchmarks for testing and expiration dates. This will all supplement what the Department uses for ESO (emergency management software) in some asset tracking already. Acting Chief Martin concluded that there is a 20% City match of $624.50.

There were no public comments.

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

On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the 2023 Hazardous Materials Emergency Preparedness (HMEP) Grant Award in the amount of $2,498.00.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **2021 State Homeland Security Program Award – Hazardous Materials Training**

Recommendation:
On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the 2021 State Homeland Security Program Award – Hazardous Materials Training in the amount of up to $15,232.00.

Attachments:
None

Background:
Acting Fire Chief, Jason Martin explained that this request was in reference to another grant, the 2021 State Homeland Security grant, which is specifically to cover the overtime backfill and benefit load for members of the hazmat team to attend training.

In the past, the State had only required a reimbursement packet for these predetermined trainings. This time, Keene FD attended the training, after which the State notified the city that they also changed their system, and now they require a signed grant packet to get reimbursement. So, the Department's reimbursement request was to cover the overtime backfill and benefit load of the members who attended the training. The grant agreement has a limitation of $15,232. However, the Department only requested reimbursement of $5,293.61, which was the cost. All funds awarded by this grant are 100% covered by the State of NH and there is no City match. This had already been approved by the Governor and the Governor's Council.

There were no public comments.

Vice Chair Remy made the following motion, which was duly seconded by Councilor Roberts.

On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the 2021 State Homeland Security Program Award – Hazardous Materials Training in the amount of up to $15,232.00.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Acceptance of Cheshire County Funding for Youth Services 2024**

Recommendation:
On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and administer funds provided by Cheshire County for Youth Services programs.

Attachments:
None

Background:
Chair Powers welcomed Deputy City Manager, Andy Bohannon, who spoke on behalf of Alyssa Bender, Youth Services Manager/Juvenile Court Diversion (JCC) Coordinator. The Deputy City Manager reported that every year, the city applies for funding assistance from Cheshire County related to youth services the City provides to Keene and all the surrounding towns. This year, Keene added Jaffrey, Dublin, and Rindge because of Hillsboro closing its operation. So, the city requested more funding from the County than typical, and that request was successful. This year's total funded request was $51,180, split between the Youth Intervention Program ($15,600) and the JCC program ($35,580). This money supports the assistance of a part-time person and funds the overall operating budget for Youth Services. Deputy City Manager Bohannon complimented Ms. Bender's hard work on this effort securing the almost 50% higher contribution from the County.

The City Manager, Elizabeth Dragon, said it was great that the County stepped up to provide services to youth outside of Keene. The City of Keene funds the services provided to Keene residents, but there are several communities outside of the region that participate in this program and benefit, so the City Manager said it is very helpful that the County assists those communities in getting these services.

There were no public comments.

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

On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and administer funds provided by Cheshire County for Youth Services programs.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Reallocation of Personnel Funds – Airport Taxiway A Reconstruction Project**

Recommendation:
On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to reallocate $59,000 from unspent personnel funds (513030) to the Airport Taxiway A Reconstruction Project (05J0004B).

Attachments:
None

Background:
Chair Powers recognized the Airport Director, David Hickling, who described this reallocation of funds due to American Rescue Plan Act (ARPA) funds received due to Covid. The City accepted and executed this grant some time ago but had just received the funds. The grant reimbursed the city for personnel expenses. Thus, there was a surplus in the Airport's personnel line, concurrently with the Taxiway A project that needs to be rebid. Additionally, there were some changes with the engineering firm chosen. All of this caused the City to incur costs that were not reimbursable through the Airport Improvement Program (AIP). Staff sought permission to reallocate these personnel funds to the Taxiway A project.

There were no public comments.

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

On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to reallocate $59,000 from unspent personnel funds (513030) to the Airport Taxiway A Reconstruction Project (05J0004B).

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Reallocation of Capital Funds – West Keene HVAC**

Recommendation:
On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends that the City Council reallocate $88,988 from the City Hall Structural Repairs Project (65J0002) to the Municipal Building Capital Maintenance Projects (65M0004).

Attachments:
None

Background:
Chair Powers welcomed the Deputy City Manager, Andy Bohannon, who described this request for additional funding to support a Capital Improvement Plan (CIP) project for the West Keene Fire Station. He recalled that in 2023, $75,000 was allocated for some of these improvements to the West Keene Fire Station. To date, the City had not been successful in securing grant funds to rebuild the Station. So, in order to keep the Fire Station building and maintain a safe environment those employees, mini split units are required in their living quarters and their turnout gear room. The Deputy City Manager said it was worth the investment. So, the city worked with WV Engineering Associates related to the mechanical work. When put out to bid, several were received but they were much higher than what the City had originally funded. When work occurred on the rear wall of City Hall, the city borrowed $60,000 from the West Keene Fire Station. Thus, this request was to transfer $88,988 from the City Hall Structural Repairs Project (which still was not complete) to help with capital maintenance projects, including the Fire Station. Deputy City Manager Bohannon noted that if one visited the West Keene Fire Station, they would see that it is old, with poor air quality and the need for temporary air conditioning in the summer. Thus, this request would be essential for the health for the FD employees.

The City Manager, Elizabeth Dragon, noted that the city had been seeking grants for substantial renovation or rebuilding the West Keene Fire Station for some time, and so each year, it had been pushed further out in the CIP. The Station is an old Armory building that was donated to the City in the 1970s. Due to the needed renovations, staff felt it was important to at least address some of the issues now, specifically air quality in the living quarters. This will not only help to keep the air quality and circulation, but it will address the gases coming in from the apparatus bay. This transfer of funds will allow for finishing the air quality project.

There were no public comments.

Councilor Lake made the following motion, which was duly seconded by Vice Chair Remy.

On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends that the City Council reallocate $88,988 from the City Hall Structural Repairs Project (65J0002) to the Municipal Building Capital Maintenance Projects (65M0004).

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Merri Howe, Finance Director/Treasurer

Through: Elizabeth Dragon, City Manager

Subject: **Acceptance of Donations - Finance Director/Treasurer**

Recommendation:
Move that the City Council accept the donations below in the amount of $2,500 and the City Manager be authorized to use each donation in the manner specified by the donor.

Attachments:
None

Background:
Keene Parks and Recreation received a donation from the Savings Bank of Walpole in the amount of $1,000 and that the funds be used for the Human Rights Committee events for the International Festival on Saturday, September 28, 2024. 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. To learn more about the Keene International Festival and support their efforts, you can visit www.keeneinternationalfestival.org or if you have any questions about the Human Rights Committee, visit the City of Keene website.

The City of Keene also received a donation in the amount of $1,500 from Noah Clay in honor of Christopher S. Clay through the Adopt-A-Bench Program. The family wishes to share a resting spot in the place the family would often stop while on their journeys. The bench will be placed along the Cheshire Rail Trail near the Hurricane Road connection along with a plaque in memory of Christopher Clay.

Total donations amount to $2,500

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **City Council Rules of Order Amendments**

Recommendation:
On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the amendments to the Rules of Order be placed on more time.

Attachments:
None

Background:
The City Attorney, Tom Mullins, recalled Council workshops in February to discuss potential amendments to the City Council Rules of Order. He presented the Committee with possible revisions in response to the Council's requests. Any changes to the Rules of Order are the Council's decision. Chair Bosley reminded the Committee that the possible revisions the City Attorney presented were recommended by consensus at the February workshops. The City Attorney reviewed each potential revision and the Committee discussed each. Details listed in the meeting's agenda packet, beginning on page 10 of 24.

Section 15: Voting & Conflict of Interest
Potential revisions to include:

- Immediate family in the City Council conflict of interest statement filed by the Mayor and City Councilors each January.
- A definition of "immediate family" of Councilors as: the spouse, parent, child, or other member of the Councilor's immediate family living in the same household.

Chair Bosley noted that this would likely lead to a conversation at City Council as other Councilors might disagree with this Committee. She was weighing whether some of these changes should be made individually versus as a single Ordinance. Because this was the first time any Councilors were seeing these potential edits in writing, the City Attorney felt that he should review them at this meeting and then the Committee should place the matter on more time while he considers further revision stemming from this meeting. The City Attorney wanted to ensure the full Council would have an opportunity to consider changes before adopting. Chair Bosley was potentially interested in voting on each section individually to avoid a situation in which a Councilor could vote to reject all the

changes because they disagree with only one of the changes, which had happened in the past. The City Attorney said it was a point well taken and he felt the purpose of this meeting was simply to introduce possibilities. He clarified that it would be a rule change, not an ordinance change. While it would be cumbersome to have an individual 2/3-vote for each change, Chair Bosley felt it would be the most transparent, and the City Attorney agreed. Vice Chair Jones appreciated this draft format versus codifying an ordinance with multiple versions.

Councilor Williams was concerned that “immediate family members” seemed broad. Hypothetically, would he have to report on his underage-18 child that is president of a video game club at the high school? Councilor Williams did not think reporting on minors would be appropriate, but the City Attorney said that was for the Council to determine. Chair Bosley thought it was appropriate to exclude minor family members.

Discussion ensued about how the City Attorney should act on this discussion once placed on more time. Chair Bosley wanted the City Attorney to bring back any nuanced language changes that the Committee requested at this meeting for the Committee’s review before the City Attorney prepares something formal for the City Council. The City Attorney agreed, noting that because the whole Council had not seen these suggestions, he would show the modifications to the version under discussion at this meeting in the document he presents to the full Council. Chair Bosley agreed. Chair Bosley recalled many conversations about Councilors attending Standing Committee meetings so they can see early drafts like these in advance of Council meetings, and yet she only saw a few colleagues in the audience.

Councilor Williams recalled the workshop discussion being focused about reporting on spouses and these edits felt broader. The City Attorney noted other factors that were mentioned in the Council discussions, and this was his best attempt to discern from the Council’s discussion and the edits are up to the Council.

Discussion ensued briefly about the recommended motion and the City Attorney confirmed that his recommendation was to place the matter on more time so the City Attorney’s revisions could be presented to the Council as a draft. If on more time, the document would be in the Council’s packet for their review.

Overall, Vice Chair Jones noted that he was against this section from the beginning because there had never been an issue of a Councilor not properly recusing during his tenure. Chair Bosley disagreed, recalling an instance during her first few months as a Councilor, when a colleague changed the budget for an organization they sat on the board for. That instance prompted this concern and Council conversation. Chair Bosley thought the language should be clear that there is no issue if a Councilor is in a non-leadership position and is seeks no financial contribution from the City for an organization that they are a member of. Chair Bosley feelss that using a Councilor’s position to change a contribution to an organization is a violation of this authority.

Councilor Haas said the Council should continually strive for better ethics and codes of conduct, so the wording the Rules of Order should be the best possible to push the Council in that positive direction.

Councilor Williams thought that individual Councilors should be responsible for reporting, but he did not think that should apply to family members who did not sign-up to have their personal information made public. He did not think the original rule should be changed at all, but if it had to be, he supported eliminating minors and limiting reporting to spouses only.

The Committee agreed to the following: omit immediate family under age 18.

Section 2: Special Meetings [& Workshop Meetings]
Potential housekeeping revisions to include:

- Workshops specifically.
- Special meetings and workshops are called by the Mayor, or the City Clerk in their absence.
- Removal of “of more” in the following because more than 7 members triggers a quorum: “… by seven (7) or more members of the City Council.”
- Clarifications that a properly called special meeting is like any other meeting of the City Council but may be outside of the usual calendar process.
- Edits about meeting notice to include by cell phone, text message, or other electronic means.
- Delete the following, which seemed duplicitous based upon the prior language: “It shall also be the duty of the City Clerk, immediately upon receipt of a request to do so, to make diligent efforts to notify each member of the City Council by telephone or otherwise of such special session.”

  Potentially substantive additional paragraph on workshop meetings specifically:

- “Workshop Meetings are for the purpose of the City Council receiving and discussing information presented to it in an informal setting during which no formal action may be taken, except for a vote to refer the matter under consideration to the appropriate Committee for further recommendation; provided, however, that the City Council may, by consensus, recommend a course of action for the Committee to consider. Workshops shall be scheduled upon the request of the Mayor, the City Council or the City Manager, and shall also state the purpose of the Workshop. The workshop format is intended to encourage in-depth presentations by City Boards, Commissions, Committees and/or staff (including consultants engaged for purposes of advising the Council), and detailed questioning and brainstorming by Council Members. The Council may discuss the material freely without following formal rules of parliamentary procedure, subject to the direction of the presiding officer and the Rules of Order. Although formal action may not be taken during Workshop Meetings, except for referral to the appropriate Committee, the presiding officer may poll Council Members during the meeting to determine the general consensus of the Council.”

Chair Bosley asked if this added language was strictly for workshops and not special meetings and the City Attorney confirmed. Chair Bosley asked if votes in workshops could only refer business to a Standing Committee and the City Attorney confirmed. The Chair asked if the Mayor could poll for consensus and the City Attorney confirmed. As such, Chair Bosley was comfortable with the potential revisions to Section 2.

Discussion ensued about confusion over who calls for and announces a workshop versus a special meeting. The City Attorney explained that special meetings have their own place in the Rules of Order and can occur for many different purposes. Special meetings are not to be restricted as a workshop meeting would be. A special meeting is a full meeting of the City Council with the full authority of the City Council. The Mayor, a majority of the City Council (the historical language, but could state “quorum”), or City Manager can call for workshop. Workshops also require a quorum of the City Council to be present because it is still technically a meeting of the City Council.

Section 11: Right of Floor
Potential revisions to include:

- Changing the word “shall” to “should” in the following: “When recognized by the Chair, a member shall rise in his or her place, respectfully address the Mayor or Temporary Chair, confine himself or herself to the question under debate, avoid personal attacks, and refrain from impugning the motives of any other member's or participant's argument, stated position or vote.”

Councilor Williams thought this was a good compromise so that if someone has pain one day, they should not need to ask permission to remain seated. However, the Councilor did not think a Councilor “should” respectfully address the Mayor, but “shall.” The City Attorney felt the subsequent comma in that sentence accomplished Councilor Williams’ point, but the City Attorney could revise. Councilor Williams suggested: “… a member should rise … and shall respectfully address the Mayor.”

Chair Bosley disagreed with changing “shall” to “should” and would not vote to support it at City Council. She felt it opened Pandora’s box. She had seen Councilors growing to use things for protest, and she was concerned that this could create opportunities for a disrespectful culture in the Council Chamber. She was fine with the option being presented to the full Council if all the revisions are separated for individual votes. The City Attorney asked whether the following would suffice: “… in his or her place and shall respectfully address the Mayor…” Chair Bosley still felt it would be an assumption that one would respectfully address the Mayor, whether seated or standing.

Vice Chair Jones commented on the language to respectfully address the Mayor, recalling the historic practice for Councilors to stand when addressing the dais but with the option to remain seated if addressing City staff or presenters at the presenters’ table. He thought the custom changed due to issues with the Council meetings being televised. Chair Bosley read it differently, with her understanding that it would be a Councilor’s decision whether to stand when called upon by the Mayor. The City Attorney reiterated that the only potential revision at this point was to change “shall” to “should,” and it is the Council’s decision whether to codify the prior practice about sitting/standing; it might not require codification. Vice Chair Jones was comfortable with it practice not being codified.

Section 25: Communications
Potential housekeeping revisions:

- Move the following sentence from Section 32 to Section 25: “Communications shall be accepted by the City Clerk up until 4:00 p.m. on the Tuesday preceding the City Council meeting to be included on the agenda of the City Council.” It did not belong in Section 32, which deals with time limits for Committee reports, whereas Section 25 is about the deadline for communications to be submitted for inclusion on the City Council agenda.

The Committee had no comments.

Section 32: Report by Committee
Potential revisions to include:

- Clarification of parts of the public hearing process. Under the existing rule, it was unclear that—as a matter of pattern and practice—once a matter was heard during public hearing of the City Council and sent back to Standing Committee for recommendation, no further public comment would be allowed, except for written comments.

Councilor Haas posed some clarifying questions and the City Attorney confirmed that this section is specifically about reports from the Standing Committees before the City Council. The City Attorney quoted: “All matters referred to a Committee must be reported out of that Committee at the next regular meeting of the City Council except a matter which is the subject of a pending public hearing before the City Council, or unless otherwise ordered by a majority of the Council Committee members present.” This would allow for placing a matter on more time and delaying action, and if the Council does not agree, it can pull it from the Standing Committee. The City Attorney said he could edit to say: “… majority of Committee members present.” This language appears in some other parts of the Rules too and should be edited as well.

Section 33: Submission of Items Once Considered
Potential revisions to include:

- Clarity on what happens with the turnover of a calendar year. The City Attorney said that—hypothetically—the Council could make a decision, and even after reconsideration is over, might want to review the topic again during the calendar year. However, there needs to be an end point.
- Clarifying the language of “prior vote.” When something is accepted as informational, it is effectively “disposed of.”

Chair Bosley expressed concern about “… including accepting the matter as informational.” She felt there were times that the Council chose to accept things as informational—appropriately—when, for example, the Council anticipates reviewing an ordinance change, among other instances. She was concerned that the language in the rules implies that the Council would not take up business similar to other items accepted as informational during the same calendar year, which she said would not be the case at all times. She recalled the Committee hearing a recent complaint about procedure for sidewalk café licenses, and the Committee accepted the matter as informational. She noted that sidewalk cafés were opening for the year, and the Council could hear more complaints. She worried that under this rule, further complaints about sidewalk cafés would not be heard because similar complaints were heard during this calendar year. The City Attorney said it was a point well taken and he struggled to balance this language. He recalled that typically when the Council accepts something as informational, it is because it is either not within the Council’s purview or authority. Whereas if the Council accepts something as informational, but really needs to deal with it within the year, this rule will require that the petitioner come back and show evidence of material change, even if there is not a change. This could also create issues with two different petitioners with similar applications.

The City Attorney’s suggestion was that once a final vote occurs to approve/deny, the matter should not be heard again in the calendar year unless there is a material change. If the Council accepts an item as informational but the matter needs to be addressed in the same calendar year, there would need to be evidence of a material change. Discussion ensued about the potential for someone to use this revised rule against the Council. Hypothetically, a member of the public could continue bringing things to the Council that it had accepted as informational.

The City Manager thought it was a good point. She shared a recent example of a request to stripe parking differently. The City had recently gone through a process to define how to stripe parking and implemented the painting. A person was unhappy and wanted more space near their driveway and submitted a letter to the Council. That person came to the Committee multiple times and because the Council does not like to reject items, the Committee accepted as informational; in other cases, matters are sometimes referred to staff. Shortly thereafter, someone else on another road asked for similar striping changes, and the Council wanted to make changes in that scenario. In that case, the

original petitioner could have complained about the matters being handled differently.

The City Attorney thought this hinged on having final votes to approve/deny versus accepting as informational, which was his suggestion. Then, the matter cannot appear before the City Council again in the same calendar year unless there is a material change. The Council could still accept items as informational, but those would not trigger this rule.

The Committee debated whether it would be useful to add language indicating that “identical” subject matters shall not be taken up by the City Council during a calendar year. The City Attorney agreed with Councilor Williams that a strong word like “identical” could offer protection. They questioned whether the rule should refer to the petitioner rather than the subject matter. The City Attorney said he considered that, and it could help to clarify. Still, the City Attorney cautioned that this could become a bit arbitrary. Councilor Haas suggested that if something is accepted as informational, identical matters would not be heard during the same calendar year, whereas a matter could be placed on more time so it could be raised again during the year.

The City Attorney would work with the Assistant City Attorney, City Manager, and City Clerk to craft an unofficial response for when an item is placed on more time.

Chair Bosley welcomed public comments.

Councilor Michael Remy of Castle Street commented on “identical” language. Arguably, he said that if it was a different applicant, different location, etc., then it would not be identical, even if it was very similar. In the example about Sidewalk Café licenses, it would not be the exact same request. He questioned whether it would be Council’s discretion to determine whether something is identical. To the Councilor’s point, Chair Bosley asked how/who would determine whether something is identical. The City Attorney said that when a communication is submitted to the City Council, unless it is clearly not something the Charter Officers would put in front of the City Council, staff are reluctant to make unilateral decisions about what is identical. The City Attorney was clear that developing these potential revisions to Section 33 was a challenge.

Chair Bosley agreed with the challenges mentioned. She thought it was a matter of the Council deciding whether a change is “identical.” However, she did not want every matter that is accepted as informational to go back to the City Council for a 2/3 decision whether to refer to the proper committee. Rather, she suggested that if an identical communication is submitted, then the Mayor should alert everyone to it at the next Council meeting. The City Attorney thought that was a reasonable approach: staff will show anything that seems identical to the Council for a decision and if there is a challenge, a material change must be proven. The City Attorney agreed to work on this mechanism with the other Charter Officers and the Assistant City Attorney.

Vice Chair Jones said the Council accepted matters as informational much more during the past 5–6 years. Rather, there had been more motions to handle matters administratively. The City Attorney cautioned against sending something into the City structure for the purpose of doing something with it, which is not better. He agreed that on occasion matters are still referred to staff with specific, minor tasks. The City Manager said it is difficult if something is referred to staff without clear instructions; often, it is just a nice way to dispose of something.

Mayor Jay Kahn of Darling Road thanked staff for bringing this forward. This was the result of a Workshops called by the City Council. He appreciated this follow-through on the consensus of those discussions. On Section 33, the Mayor agreed about defining identical subject matter. After that clause in the revisions, he thought things were more challenging. He suggested that when a recommendation comes forward and the Council wishes to challenge the initial decision, it should

follow a certain process. He thought this could be accommodated with less complication than trying to define what “material information” is in a request.

Mayor Kahn also commented on Section 15. [*the City Attorney confirmed that the bold paragraph in Section 15 of the PLD meeting packet should not have been in bold, because it is not new material. The only potential new revisions to Section 15 were in red]. The Mayor thought that the clarification added to Section 15 indicating that immediate family must reside in the same household should be carried through. Otherwise he thought it could become a burdensome request. The City Attorney said that was why he added “immediate family” as a defined term. The Mayor said he understood, but was still concerned the term would get lost. The City Attorney thought that was because only the first paragraph was visible.

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

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends that the amendments to the Rules of Order be placed on more time.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Relating to Board Memberships - Ordinance O-2024-05**

Recommendation:
On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends placing Ordinance O-2024-05 on more time.

Attachments:
None

Background:
Chair Powers requested comments from the City Attorney, Tom Mullins, who worked with Mayor Kahn and the City Clerk, Patty Little, on these mostly housekeeping amendments. The City Attorney explained the changes: (1) to clarify that there should be an ex-officio City Councilor on the Bicycle/Pedestrian Path Advisory Committee, (2) to clarify that there should be an ex-officio City Councilor on the Human Rights Committee, as well as one regular member of the Library staff.

Vice Chair Remy mentioned another Scrivener's error. Delete "1" in the following: "DIVISION 14. HUMAN RIGHTS COMMITTEE1."

Mayor Kahn thanked the City Attorney for summarizing. The Mayor asked the Committee to consider placing this on more time as a few more changes might be added related to the size of the Heritage Commission and Historic District Commission, both of which had struggled to achieve quorum.

Vice Chair Remy made the following motion, which was duly seconded by Councilor Roberts.

On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends placing Ordinance O-2024-05 on more time.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Elizabeth Fox, ACM/Human Resources Director

Through: Elizabeth Dragon, City Manager

Subject: **Relating to Class Allocations and Salary Schedules**
Ordinance O-2024-08

Recommendation:

That the City Council refer Ordinance O-2024-08 to the Finance, Organization, and Personnel Committee.

Attachments:

1. O-2024-08 Class Allocation & Salary Schedules

Background:

The ordinance relating to salary and wage schedules for the 2024/2025 fiscal year generally reflects an across-the-board increase for non-bargaining unit wage schedules that is comparable to cost-of-living adjustments provided by the City's ratified collective bargaining agreements or that provided by the recommended budget for bargaining units. Probationary schedules include additional adjustments to support recruitment efforts. The effective date of the ordinance's increase would be July 1, 2024. The ordinance advanced also includes several adjustments to the class allocation schedule related to City Code Section 62-194.

ORDINANCE 2024-08

CITY OF KEENE

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

AN ORDINANCE Relating to Class Allocations and Salary Schedules

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 Section 2-231, "City Council Appointments' Salary Schedules;" of Chapter 2, entitled "Administration;" as well as Section 62-141 "Call Firefighter Hourly Wage Schedule;", Section 62-166, "Hourly Wage Schedule for Probationary Public Works;" Section 62-191, "Probationary Firefighter;" Section 62-192, "Probationary Police Officer;" and Section 62-194, "Administrative, Office, Technical and Management – Annual Salary Schedule;", of Chapter 62 entitled, "Personnel," and by substituting in lieu thereof the following attached new sections: Section 2-231, "City Council Appointments' Salary Schedule;" Section 62-141 "Call Firefighter Hourly Wage Schedule;" Section 62-166, "Probationary Public Works Hourly Wage Schedule;" Section 62-191, "Probationary Firefighter;" Section 62-192 "Probationary Police Officer;" and Section 62-194, "Administrative, Office, Technical and Management – Annual Salary Schedule;", effective July 1, 2024.

Jay V. Kahn, Mayor

City Code Section 2-231

COUNCIL APPOINTMENTS
ANNUAL SALARY SCHEDULE
(effective July 1, 2024)

SALARY	City Clerk	City Attorney	City Manager
L	99,595	123,288	148,000
E	104,077	128,836	154,660
V	108,760	134,634	161,620
E	113,654	140,693	168,893
L	118,768	147,024	176,493
	124,113	153,640	184,435

City Code Section 62-141

CALL FIREFIGHTER
HOURLY WAGE SCALE

Non-bargaining unit
(effective July 1, 2024)

GRADE		STEP 1
CF1	Non-certified Probationary Firefighter	$ 11.59
CF2	Probationary Firefighter (Level 1)	$ 15.07
CF3	Probationary Firefighter (Level 2)	$ 16.77
CF4	Firefighter (Level 1)	$ 17.39
CF5	Firefighter (Level 2)	$ 20.87
CF6	Special services (Chaplain, Photographer & Aide)	$ 16.22

City Code Section 62-166

The hourly wage schedule for probationary public works employees is as follows:

PROBATIONARY PUBLIC WORKS
HOURLY WAGE SCHEDULE
Non-bargaining unit
(effective July 1, 2024)

GRADE	STEP 1
PPW 2	$17.57
PPW 4	$19.20
PPW 5	$20.06
PPW 7	$21.49
PPW 8	$22.89
PPW 9	$23.92
PPW 10	$25.00
PPW 11	$26.11
PPW 12	$27.31

GRADE	
PPW 2	Maintenance Aide I; Recycler I; Recycler I/Attendant
PPW 4	Water & Sewer Service Aide I
PPW 5	Maintenance Aide II; Motor Equipment Operator I; Recycler II; Water & Sewer Service Aide II
PPW 7	Mechanic I
PPW 8	Motor Equipment Operator II
PPW 9	Mechanic II; Sign Maker; Maintenance Mechanic; Utility Operator
PPW 10	Highway Foreman; **Transfer Station** ~~Solid Waste~~ Foreman; Maintenance Technician I; Lead Mechanic
PPW 11	Water Meter Technician; Maintenance Electrician
PPW 12	Water & Sewer Foreman; Maintenance Technician II; Shop Manager; Solid Waste Operations Foreman; **Senior Utility Operator**

City Code Section 62-191

PROBATIONARY FIREFIGHTER
HOURLY WAGE SCHEDULE
Non-bargaining unit
(effective July 1, 2024)

GRADE		STEP 1
PF 1	Firefighter/EMT B	$22.44
PF 2	Firefighter/A-EMT	$24.13
PF 3	Firefighter/Medic	$26.25
PF 4	Paramedic Only	$25.00

City Code Section 62-192

PROBATIONARY POLICE OFFICER
HOURLY WAGE SCHEDULE
Non-bargaining unit
(effective July 1, 2024)

GRADE	STEP 1
PP 1	$30.28

City Code Section 62-194 Administrative, office, technical and management personnel.

The annual salary schedule for administrative, office, technical and management personnel is as follows:

ADMINISTRATIVE, OFFICE, TECHNICAL AND MANAGEMENT
ANNUAL SALARY SCHEDULE
Non-bargaining unit
(effective July 1, 2024)

	STEPS					
	1	2	3	4	5	6
GRADE						
S 4	39,525	41,304	43,163	45,105	47,135	49,256
S 5	41,304	43,163	45,105	47,135	49,256	51,473
S 6	43,163	45,105	47,135	49,256	51,473	53,789
S 7	45,105	47,135	49,256	51,473	53,789	56,210
S 8	47,135	49,256	51,473	53,789	56,210	58,739
S 9	49,256	51,473	53,789	56,210	58,739	61,382
S 10	51,473	53,789	56,210	58,739	61,382	64,144
S 11	53,789	56,210	58,739	61,382	64,144	67,030
S 12	56,210	58,739	61,382	64,144	67,030	70,046
S 13	58,739	61,382	64,144	67,030	70,046	73,198
S 14	61,382	64,144	67,030	70,046	73,198	76,492
S 15	64,144	67,030	70,046	73,198	76,492	79,934
S 16	67,030	70,046	73,198	76,492	79,934	83,531
S 17	70,046	73,198	76,492	79,934	83,531	87,290
S 18	73,198	76,492	79,934	83,531	87,290	91,218
S 19	76,492	79,934	83,531	87,290	91,218	95,323
S 20	79,934	83,531	87,290	91,218	95,323	99,613
S 21	83,531	87,290	91,218	95,323	99,613	104,096
S 22	87,290	91,218	95,323	99,613	104,096	108,780
S 23	91,218	95,323	99,613	104,096	108,780	113,675
S 24	95,323	99,613	104,096	108,780	113,675	118,790
S 25	99,613	104,096	108,780	113,675	118,790	124,136
S 26	104,096	108,780	113,675	118,790	124,136	129,722
S 27	108,780	113,675	118,790	124,136	129,722	135,559
S 28	113,675	118,790	124,136	129,722	135,559	141,659
S 29	118,790	124,136	129,722	135,559	141,659	148,034
S 30	124,136	129,722	135,559	141,659	148,034	154,696
S 31	129,722	135,559	141,659	148,034	154,696	161,657
S 32	135,559	141,659	148,034	154,696	161,657	168,932

City Code Section 62-194

ADMINISTRATIVE, OFFICE, TECHNICAL AND MANAGEMENT

(effective July 1, 2024)

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, **Recreation 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; **Fire Department Administrator**
S 16	Planner; Laboratory Supervisor; **GIS Coordinator**
S 17	**Property** Appraiser; Recreation Programmer; Librarian III; Airport Maintenance & Operations Manager; IT Systems Specialist; Parking Operations Manager; Recreation Facilities Manager
S 18	Purchasing Agent; Civil Engineer; Solid Waste Manager; Maintenance Manager; Revenue Collector; Records Manager/Deputy City Clerk; Laboratory Manager; Human Services Manager; Treatment Plant Manager; **Deputy City Clerk**
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; Water/Sewer Operations Manager
S 21	NO POSITIONS ASSIGNED
S 22	NO POSITIONS ASSIGNED
S 23	NO POSITIONS ASSIGNED
S 24	City Engineer; Database Administrator; Building/Health Official
S 25	Assistant Finance Director/Assistant Treasurer; Assistant Public Works Director/Division Head; Airport Director
S 26	City Assessor; Police Captain; Human Resources Director; Library Director; Deputy Fire Chief; Parks & Recreation Director
S 27	IT Director; Community Development Director
S 28	Finance Director/Treasurer
S 29	Police Chief; Fire Chief; Public Works Director
S 30	NO POSTIONS ASSIGNED
S 31	Deputy City Manager
S 32	NO POSITIONS ASSIGNED

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Relating to the Cottage Court Overlay District**
Ordinance O-2024-01

Recommendation:

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2024-01.

Attachments:

1. Ordinance O-2024-01 Cottage Court

Background:

Chair Bosley welcomed Community Development Department, Jesse Rounds, and Senior Planner, Mari Brunner. The project consultant, Bill Eubanks, attended the meeting remotely. Chair Bosley noted that no further public comment would be accepted because there had already been a public hearing before the City Council.

Ms. Brunner was excited to report on this project that was fun to work on as a Planner. This Ordinance was funded through the Invest NH grant program, which provided funding to hire a consultant. This project grew out of the City's recent Housing Needs Assessment report that identified both a very high a demand and a high need for more housing choices in our community, including more affordable housing, and specifically housing that is smaller. The community data showed that people are looking for smaller options but are struggling to find them, which was the impetus for this Ordinance. The aim was to meet the community's goal to have a compact and walkable community, with greater housing choices and efficient land use. This could also be called an "infill ordinance," focusing on areas of the City where infrastructure is already in place to support additional density, avoiding the need for large public expenditures to build new water and sewer lines. This should lead to more cost-effective delivery of community services for these developments.

Ms. Brunner reported that there was a public workshop before the Joint Planning Board-Planning, Licenses, & Development Committee on March 11, followed by a public hearing on April 18. Now, the Ordinance was back before the PLD Committee to make a recommendation to City Council. The Joint Committee had discussed specific parts of the Ordinance, particularly short-term rentals (e.g., Airbnb). The consensus of the Joint Committee was that short-term rentals should be handled

citywide and not through this specific Ordinance.

Ms. Brunner also touched on questions about these developments occurring on sites where there are already existing structures, noting that staff made some minor wording edits that addressed those concerns. Ms. Brunner also explained that the Ordinance has a cap on the overall unit size that would only apply to new units added to a site. There was also a discussion about whether this type of development should be allowed in rural areas of the City and where City water and sewer are not available. She explained that this Ordinance was designed for areas where City water and sewer are provided. This was all based on smart growth principles of densifying and making a more compact, walkable environment for residents as opposed to having more greenfield development. The Joint Committee came to a consensus that this Ordinance could move forward as is for now, with the opportunity to amend it in the future if deemed appropriate.

Chair Bosley hoped the Committee was comfortable with the language included. She recalled that this process was related to the grant, and she thought the Ordinance was within the scope. After the lengthy conversations, Chair Bosley was comfortable with the language and excited to see this move forward.

Mr. Rounds pointed out a Scrivener's error: in Section 2.1, "Article 2–19" of the official text (page 18/24 of the meeting packet), which showed "18" highlighted and "19" crossed out. Whereas it should be the opposite, with "18" crossed out and "19" highlighted. The City Attorney said that was fine to accept this as a Scrivener's error.

Councilor Haas referred to page 16 of the meeting packet, under Conditional Use Permits. He noted the requirement for a minimum of one on-site parking space per unit, with a maximum of one space per bedroom allowed on site. He wondered whether the Ordinance should be limited to one space per bedroom instead. Ms. Brunner replied that this Ordinance was intended to help use land more efficiently and increase housing. Somebody could go through all of these processes to get off-site parking above the maximum. Still, she said that on the actual site, there would be maximum parking of one space per bedroom to limit the amount of parking that is taking up land.

Vice Chair Jones thanked Ms. Brunner for mentioning smart growth principles, which he had been an advocate of for years. Vice Chair Jones would support adopting the Ordinance because it helps to meet goals for future use. Someday, he would like a discussion about removing denial of private roads from the Land Development Code, because he thought private roads would help this Ordinance.

There were no public comments.

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

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2024-01.

ORDINANCE O-2024-01

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to the Cottage Court Overlay District

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

That Chapter 100 of the Code of Ordinances of the City of Keene, the Land Development Code, as amended, is further amended as follows:

I. That a new article entitled "Cottage Court Overlay District" is added to the Zoning Regulations after Article 16, as follows:

17.1 PURPOSE

The purpose of the cottage court overlay district is to:

1. Promote infill development and redevelopment within established neighborhoods that is built at a scale and character consistent with existing development patterns.
2. Encourage efficient use of land and cost-effective delivery of community services.
3. Expand the range of housing choices available to meet the needs of the city's changing demographic trends, including smaller households, young professionals, older adults, and empty nesters.
4. Provide developers and property owners with flexibility to achieve high quality design and develop projects that strengthen existing neighborhoods.
5. Encourage compact development that is pedestrian-scaled, healthy, safe, and affordable.

This purpose shall be accomplished by allowing for innovative site design and clustering of smaller residential units at a higher density within the tract than would be allowed by the underlying zoning district.

17.2 APPLICABILITY

17.2.1 Generally

All land located within the Cottage Court Overlay (CCO) District, as defined in Section 17.3, is subject to this article.

17.2.2 Authority

All proposals for a Cottage Court development shall obtain a conditional use permit issued by the Planning Board in accordance with N.H. RSA 674:21, Innovative Land Use Controls. The conditional use permit shall set forth all conditions of approval and shall clearly list all plans, drawings and other submittals that are part of the approved development.

17.3 DISTRICT DEFINED

Cottage Court developments shall be permitted in all Residential Districts (R, RP, LD, LD-1, MD, HD, and HD-1), subject to the provisions of this section. Parcels may be aggregated. Parcel(s) must have both city water and sewer service.

17.4. PERMITTED USES

A. A cottage court conditional use permit issued by the Planning Board shall be required for the uses listed in Table 17-1 when proposed as part of a cottage court development.

Table 17-1: Cottage Court Development Permitted Uses

Residential Uses	**R**	**RP**	**LD-1**	**LD**	**MD**	**HD**	**HD-1**	**SECTION**
Dwelling, Single Family	P	P	P	P	P	P	P	8.3.1.D
Dwelling, Two Family / Duplex	P	P	P	P	P	P	P	8.3.1.E
Dwelling, Triplex*			P	P	P	P	P	8.3.1.C
Dwelling, Townhome**				P	P	P	P	8.3.1.C
Dwelling, Multi-Family						P	P	8.3.1.C
Dwelling, Above Ground Floor	P	P	P	P	P	P	P	8.3.1.A
Non-Residential Uses	**R**	**RP**	**LD-1**	**LD**	**MD**	**HD**	**HD-1**	**SECTION**
Neighborhood Grocery Store	P^1	P^1	P^1	P^1	P^1	P^1	P^1	8.3.2.U
Office	P^1	P^1	P^1	P^1	P^1	P^1	P^1	8.3.2.V
Restaurant	P^1	P^1	P^1	P^1	P^1	P^1	P^1	8.3.2.AB
Retail Establishment, Light	P^1	P^1	P^1	P^1	P^1	P^1	P^1	8.3.2.AD
Day Care Center	P^1	P^1	P^1	P^1	P^1	P^1	P^1	8.3.3.C
Community Garden	P	P	P	P	P	P	P	8.3.6.B

P = Permitted in the CCO *P^1= Permitted in the CCO with limitations per Section 17.4.B*

**Triplexes fall under the definition for multi-family but in the CCO, the units must be attached horizontally and may not exceed three (3) units in a building.*

***Townhomes fall under the definition for multi-family but in the CCO, the units must be attached horizontally and must be between four (4) and six (6) units in a building.*

B. Use Standards:

1. Commercial Uses (Neighborhood Grocery Store, Office, Restaurant, and Retail Establishment, Light) are allowed as follows:

- **a.** The commercial use must be on the corner of a public right-of-way.
- **b.** The commercial space shall be a maximum of 1,000 square feet.
- **c.** There must be residential uses above the commercial use.

2. Day Care Center (Institutional Use) is an allowed use as follows:

- **a.** The use must be on the ground floor.
- **b.** The use shall be a maximum of 2,000 square feet.
- **c.** There must be residential uses above the day care center.

C. Uses Accessory to Residential Use

- **a.** Laundry and/or Storage structures for the use of residents are allowed if shown on the site plan prior to approval.

b. Common Use Buildings with uses customary to support residential uses (kitchen area, meeting area, exercise areas, mail and package delivery, etc.) are allowed if shown on the site plan prior to approval.

c. Other structures for the use or enjoyment of the residents such as picnic pavilions, arbors, trellises, mail kiosks, etc. are allowed if shown on the site plan prior to approval.

d. Landscape elements for the use or enjoyment of the residents such as fire pits, bocce courts, play equipment, community garden beds, dog walks, picnic areas, sitting areas, and planting areas are allowed uses.

e. Attached or Detached Garages are allowed in any district. This use may have units above the structure.

17.5 CONDITIONAL USE PERMIT

17.5.1 Development Types Allowed

A. Projects may be developed on a single parcel of land with either a Property Management Entity, if rental units, or Homeowners Association (HOA) or Condominium Association, if for sale.

B. Projects may be developed as a subdivision with units on individual lots. The project shall utilize either a Property Management Entity, if rental units, or a Homeowners Association (HOA) or Condominium Association, if for sale.

1. **Buildout.** If lots are subdivided, the maximum building coverage, maximum impervious coverage, and stormwater runoff may be calculated for the overall tract, not individual lots, if open space is permanently protected through deed restrictions, conservation easements, or other means.

C. Any Cottage Court development that includes proposals for condominium ownership or an HOA shall comply with all applicable state statutes regulating the condominium form of ownership and HOAs.

17.5.2 Dimensional Standards

A. Minimum Dimensional Standards. All Cottage Court Developments shall meet the minimum dimensional standards specified in Table 17-2. If not specified in Table 17-2 or elsewhere in this Article, the dimensional requirements of the underlying zoning district shall apply.

Table 17-2. Dimensional Requirements for Cottage Court Developments

TRACT	**Min tract size**		None
	Min tract frontage		30 ft
	Perimeter Building Setback	**From external roads**	Setbacks from existing roads external to the development may be less than the underlying zoning district in order to match an established building line along the road.
		From other tract boundaries	Shall match that of the underlying zoning district.
LOT	**Min Lot Area**		None
	Min Road Frontage (internal roads)		26 ft
	Min Lot Width at Building Line		None
	Front, Rear, and Side Setbacks		None

B. Density. There are no minimum or maximum density requirements.

C. Height.

1. In R, RP, LD, LD-1, and MD the maximum height shall be 2.5 stories or 35' max.
2. In HD and HD-1 the maximum height shall be 3 stories or 50' max.
3. Parking under a structure, if not in a flood zone, counts as a story.
4. In a flood zone, the height of the first floor is measured from the Finished Floor Elevation (FFE) or Base Flood Elevation + 1 foot, whichever is less.

17.5.3 Conditional Use Permit Standards

A. Dwelling Unit Size: No minimum unit size is required. All new units within the development shall have a maximum average size of 1,250 square feet (sf) gross floor area, excluding garages. The maximum building footprint shall be 900 sf per unit, excluding porches and garages, except for age restricted (55+) as defined in RSA 354-A:15, which shall be a maximum of 1,000 sf.

B. Parking.

1. A minimum of 1 space per unit is required, or 0.75 per unit if units are designated for workforce housing as defined in Section 20.3.6.C of this LDC or age restricted (55+) occupancy. A maximum of 1 space per bedroom is allowed on site.
2. Parking may be surface spaces or in garages that are part of or separate from the units.
3. Required parking may be offsite if within 500 feet of the furthest unit unless the housing is designated for age restricted (55+).
4. Leases for offsite parking areas, if applicable, must meet the requirements of Article 9, Section 9.2.9, "Remote Parking."
5. Parking, if located between the street and units, shall not be visible from an external road. If the Planning Board approves a landscaped buffer to meet this requirement, the buffer shall, at a minimum, meet the "Parking Lot Screening" standards in Section 9.4.4 of this LDC.

C. Building separation. Separation between buildings shall be determined by applicable building and fire codes.

D. Driveways. Driveways providing access to three or more units and drive aisles internal to the site shall have a minimum width of 20' and a maximum width of 24' of paved width if two-way and a minimum of 10' and a maximum of 12' of paved width, with 18' clear width for fire access, if one-way. Where feasible, driveways should incorporate design features that give them the appearance of streets, including sidewalks, street trees, and lighting.

E. Internal Roads. New rights of way internal to the development shall meet the standards of Article 23.3, "Design & Construction Standards." However, some new streets may have factors such as limited access or low frequency use that may justify deviations from those standards, including lane widths, street trees, lighting, and sidewalks. Variation from those standards, if deemed appropriate, may be achieved through a waiver process as described in Article 23.

F. Screening. A 6'-0" tall semi- opaque or opaque fence shall be required if the proposed building type (not density) is more intense than the adjacent building type (e.g., existing single-family home next to proposed town homes). The Planning Board may approve a landscaped buffer that provides similar or greater screening in lieu of a fence.

17.5.4 Architectural Guidelines

Projects using this approach should endeavor to "fit in" or be respectful of the context of the surrounding neighborhood. Approval of overall design should be gauged by adherence to the following urban design and architectural principles:

EASIER TO APPROVE	MORE DIFFICULT TO APPROVE
Narrow to the Frontage	Wider to the Frontage
Parking Screened from Frontage	Parking Visible from Frontage Building
Base Differentiated	Building Monolithic
Taller Ceiling Heights	Shorter Ceiling Heights
Natural / Integral Materials	Composite and Cladding
Structural Expression	Surface Expression
Thicker Wall Depth	Thinner Wall Depth
Simple, Clear Massing	Complex Massing
Vertical Fenestration	Horizontal Fenestration
Repetitive Fenestration	Mixed Fenestration
Contextual Materials	Unrelated Materials
Landscaping Unifies	Landscaping is unorganized.

17.5.5 Conditional Use Permit Application Procedure

All applications for a cottage court conditional use permit under this Article shall be made to the Planning Board and submitted to the Community Development Department following the procedures set forth in Section 26.14 of this LDC for conditional use permits, as they may be amended, and those listed below.

A. Concurrent Review.

1. Site Plan Review. Applications for a cottage court development that include 5 or more dwelling units shall require Major Site Plan review. Where major site plan review is required, no conditional use permit application may be considered complete without a complete major site plan application. Site plan applications will be considered concurrently with the conditional use permit application.
2. Subdivision Review. Applications for a cottage court development that propose to subdivide land shall require subdivision review. Where subdivision review is required, no conditional use permit application may be considered complete without a complete

subdivision application. Subdivision applications will be considered concurrently with the conditional use permit application.

B. Submission Requirements

In addition to the materials required in Section 26.14 for a conditional use permit, an applicant for a cottage court conditional use permit shall submit the following items as part of their application.

1. A written narrative describing the following:

a. The existing and proposed use(s) and development type.
b. The proposed development or redevelopment including, but not limited to, the construction of new buildings or structures or additions to buildings or structures; interior renovations; installation of parking areas or paved surfaces; open space areas and accessory structures; screening; and landscaping.
c. The physical and architectural characteristics of the site and the surrounding neighborhood.
d. An explanation of how the proposed development complies with the Site Development Standards in Article 21. Where conflicts exist between the standards of this Article and the Site Development Standards, the standards of this Article shall apply.
e. The location of access points for the existing and proposed lots if new lots are proposed.

2. Projects that propose 10 or more new dwelling units shall provide an analysis of estimated traffic generation associated with the proposed use utilizing the most current edition of the Institute of Transportation Engineers (ITE) Traffic Generation Manual or data provided by a NH licensed traffic engineer.

II. That Section 2.1 of Article 2 be amended as follows: "Articles 2 through **19** ~~18~~ of this LDC shall constitute the official Zoning Ordinance for the City of Keene…"

III. That "Dwelling, Two-Family," "Neighborhood Grocery Store," "Office," "Restaurant," "Retail Establishment, Light," "Day Care Center," and "Community Garden" be allowed uses with a Cottage Court Overlay (CCO) conditional use permit in all residential districts in Article 3, and that Tables 3.1.5, 3.2.5, 3.3.5, 3.4.5, 3.5.5, 3.6.5, 3.7.5, and 8-1 be updated to reflect this change. These commercial uses shall comply with the use standards detailed in Article 17, "Cottage Court Overlay District."

IV. That "Dwelling, Two-Family" and "Dwelling, Above Ground Floor" be allowed uses with a CCO conditional use permit in the Rural, Residential Preservation, Low Density 1, and Low Density districts, and that Tables 3.1.5, 3.2.5, 3.3.5, 3.4.5, and 8-1 be updated to reflect this change.

V. That "Dwelling, Multi-Family" be an allowed use with a CCO conditional use permit in the Low Density 1 and Low Density districts, and that Tables 3.3.5, 3.4.5, and 8-1 be updated to reflect this change. This use shall comply with the use standards detailed in Article 17, "Cottage Court Overlay District."

VI. That Articles 17 through 28 of the Land Development Code, and all subsections and references thereto, be amended to reflect the addition of a new Article 17, as follows:

A. Article 17 shall become Article 18
B. Article 18 shall become Article 19
C. Article 19 shall become Article 20
D. Article 20 shall become Article 21
E. Article 21 shall become Article 22
F. Article 22 shall become Article 23
G. Article 23 shall become Article 24
H. Article 24 shall become Article 25
I. Article 25 shall become Article 26
J. Article 26 shall become Article 27
K. Article 27 shall become Article 28
L. Article 28 shall become Article 29

In City Council March 21, 2024.
Mayor set the Public Hearing for
April 18, 2024 at 7:00 PM.

Assistant City Clerk

_____
Jay Kahn, Mayor

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Relating to Sidewalk Cafe Enforcement Measures**
Ordinance O-2024-06-A

Recommendation:
On a vote of 4–0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2024-06-A.

Attachments:
1. O-2024-06-A Sidewalk Cafe Enforcement
2. O-2024-06-A Sidewalk Cafe Enforcement_redlined Version

Background:
Chair Bosley welcomed the City Clerk, Patty Little, and Assistant City Clerk, Terri Hood. The City Clerk recalled that 1.5 years ago, in a meeting with the City Manager and retired Public Works Director, it was clear that someone in the organization needed to step forward and take responsibility of enforcing Sidewalk Café Licenses. Because the Clerk's office administers the licenses, it seemed appropriate to also be the front door of the complaint process. If taking over the responsibility, the Clerk was clear that her office would also reassume its leadership role in the Café License; that leadership role had shifted to Public Works over the past few years. So, Ms. Hood developed guidelines for Sidewalk Cafés, modeled by looking at all the various conditions on the licenses issued over the years, and modeled after the Parklet Ordinance, which was helpful. At this time, there were approximately 20 Sidewalk Café Licenses.

The City Clerk continued, explaining that Sidewalk Café Licenses begin with the application process at the end of winter, and this year, the City asked for all the applicants to be ready with all their fixtures in place by April 1. Thus, there could be a site inspection by representatives from the Fire Department, Community Development Department, and Public Works Department. Staff were able to conduct the site visits using a checklist of guidelines created by Ms. Hood. This checklist allowed for more efficient inspections of the sidewalk cafés, ensuring things like ADA requirements are met. For those with violations to correct, staff agreed to go back and confirm, which had occurred. The City Clerk said that the final part of this relicensing process would be to go out and photograph the cafés with very defined lines of sight. Thus,
if there are any complaints throughout the year, staff can use the photographs to compare with the existing conditions. The Clerk's office had approached the Fire Marshal, Rick Wood, for help

communicating with licensees in the case of violations (e.g., notice to comply). The City Clerk thought these amendments would help to suit the City's needs much better.

Ms. Hood explained the changes she drafted with Assistant City Attorney, Amanda Palmeira. Ms. Hood researched other communities in NH (e.g., Concord, Portsmouth, Nashua, Manchester, and other bigger communities) and nationally to understand how they handle enforcement measures. She thought the resulting amendments fit Keene's situation. For Keene, this was prompted partially by a letter submitted to the City Council, raising issues with sidewalk cafés, such as extending beyond one's own storefront. At that time, it did not seem like a change related to permission to expand was something that the Committee wanted to pursue. Another point raised was about the operation of TVs in these spaces, which is something the City does not regulate. However, TVs cannot be operated using City power. So, if the establishment can run TVs safely—subject to the parameters of City Code—then it is allowed. One thing staff wanted to add to the guidelines was language about how TV's are orientated within sidewalk café spaces so that they do not cause a safety issue with traffic. Staff were considering adding this to the administrative guidelines.

Ms. Hood continued, explaining what was included in this new Ordinance: which included some housekeeping matters and some more substantive issues, like enforcement. One change was to the section about petitions from a party that feels they were aggrieved by the licensing process (i.e., if a license is denied, suspended or revoked for some reason). The new language would route these petitions to the City Manager, and she would be charged with hearing any evidence and determining whether the licensing authority made the right choice for that situation. One housekeeping item was an edit to change the renewal date for these licenses from March 1 to April 1 (largely due to winter weather and street maintenance) as the date of Sidewalk Café License renewals. The end date for sidewalk cafés would now be November 1 for the same reasons. Further, some language was added to give the City Manager the authority to extend licenses for an additional 10-day period in the case of nice weather; the City is contacted regularly with requests to continue operating beyond November 1. Licensees would be notified in writing if the request is permitted.

Lastly, Ms. Hood discussed other additions to the Sidewalk Café License ordinance. The edits would allow the Clerk's office to hear complaints, triage them appropriately depending on what the complaint relates to, and then apply what the office considers a reasonable timeframe for the license holder to comply with any adjustments required. For life safety, staff would immediately reach out to licensees in violation, asking them to correct the issues as soon as possible; ideally within 24 hours. For other things related to license conditions (e.g., ADA), staff would notify the licensee immediately, giving them a reasonable time frame to comply. She noted that the time frame is not identified in the Ordinance, but the Clerk's office would rely on the Fire Marshal, Richard Wood, for guidance on how to apply this fairly to all the license holders. Ms. Hood reported that there was also an addition for cases in which staff cannot gain compliance through talking to a license holder and asking them to adjust. In these situations, staff would issue a letter of corrective action and keep track of whether repeat letters must be issued in each license period, which would potentially affect their ability to get a license in the future. If a situation was serious enough to require removing things from the sidewalk, there was language in the Ordinance about removal of items from the sidewalk at the expense of the license holder. There is also one paragraph about unlicensed activities, which assumes that the operator is not aware of the license requirement, allowing the Clerks to notify them, provide them with the documents they need to complete, and give them a reasonable time frame within which to comply. If an operator still does not comply, those items could be removed from the sidewalk.

Chair Bosley said this was exactly what the Committee expected at this time, acknowledging that there would likely be more changes to the Ordinance after the downtown project. Ms. Hood agreed.

Vice Chair Jones asked about the definition of a licensing authority, mentioning his understanding

that the Council needed to approve all Sidewalk Café Licenses in the first year they apply. Ms. Hood explained that the Council only sees Sidewalk Café License applications in the first year if the operator seeks to serve alcohol in the sidewalk café, which must comply with the Liquor Commission. After that first year, those licenses would be issued administratively. The City Clerk is the licensing authority in all instances. Revocation would be administrative too, with the option to appeal to the City Manager, who agreed that this was clearer than the historic appeal options.

The City Manager explained that the way the Ordinance was written, appeal hearings were held before a panel of the City Manager, the Police Chief, and the City Clerk; it was unclear when/how that process was established. These edits would clarify that process. Chair Bosley thought the new wording made the point they wanted to accomplish, giving the Clerk enforcement authority.

Councilor Williams expressed concern that TVs were left out. He did not think TVs should be outside as they create noise for neighbors. Chair Bosley noted that the recommended motion could be amended to include TV guidelines. The City Clerk agreed that she welcomes recommendations for additional administrative guidelines from the Council as issues arise.

Councilor Haas also commented on TVs, questioning whether they would be regulated like backlit signs in the Sign Ordinance. Chair Bosley knew of a business with a TV in the window that was not in violation. Councilor Haas intended to inquire further and bring questions to staff. He also commented on the 14-day time limit listed, noting concern about whether the season could be over before the time limit expires. He also thought it was great that the City Manager would be empowered to control all these things as a last resort. It was clarified that any issue would stop with the City Manager; a licensee could not send an appeal to the City Council. The City Manager agreed to provide the Council with a report of denials/revocations. In her seven years with the City, there had only been one threat of revocation, but the issue was resolved in time. However, the City Manager added that when the City starts holding licensees to these timelines, it could lead to revocations the following year if licensees do not comply.

Chair Bosley welcomed public comments.

Councilor Michael Remy of Castle Street provided two questions/recommendations on behalf of his constituents. (1) Provide applicants of examples of what the City seeks for ADA compliance and encourage as much accessible seating as possible. The City Attorney thought it was listed in the guidelines. Ms. Hood explained that currently, the ADA requirements were mostly related to access to the City sidewalk, which requires 6’ of clearance for passage of pedestrians. The guidelines are not about access to seating at the café. (2) In Section F, a suggestion to list a timeframe for compliance when a business expands onto the sidewalk without permission; the guidelines stated “a reasonable timeframe,” and the constituent suggested defining the time limit. Staff indicated that 24–48 hours might not be reasonable for all Department heads to take action or for the applicant to prepare/submit drawings. Lastly, Councilor Remy posed his own question about the authority of the City Manager to extend operation for an additional 10 days past November 1 in the case of nice weather. He wondered if it would make more sense to allow the City Manager to continue extending multiple 10-day periods as long as the weather allows. He knew the Council was considering similar changes to other City regulations, like parking, due to extended warmer weather. He was comfortable with the City Manager having this administrative authority. He suggested the following language: “The City Manager will have the authority to extend all current licenses for additional 10-day timeframes, weather permitting. Notice of such extensions shall be provided to all licensees in writing prior to November 1st or the expiration of the prior extension.” The City Attorney was comfortable with that language, but the amendment would create an “A” version of the Ordinance. The Committee reviewed associated edits that would be needed throughout.

Councilor Laura Tobin of Center Street said that now that sidewalk cafés would be permitted seven months of the year, 24/7, it would create a challenge for people who live here. So, she thought that it would be important for them to be able to report problems easily. She recalled that when making a complaint, the complainant would have to report the license number, which is not clearly or easily accessible to pedestrians/neighbors. She thought that most issues with non-compliance would happen when the City is closed. In one instance, she was asked whether the licensee was following their site plan, and she questioned how residents would know that information. Thus, without these details, one could not call and report noncompliance. She hoped that information would be accessible and that methods to report violations would be clear and easy. Further, she hoped that the Clerk's office would collect data on these licenses, especially complaints. That way issues with things like TVs or smoking could be easily addressed. Chair Bosley asked whether smoking is prohibited in sidewalk cafés. Ms. Hood said no, it is at the business owner's discretion, but they must provide a receptacle if they allow smoking; many do not allow it. Councilor Tobin noted that when a sidewalk café has a lot of umbrellas, it causes cigarette smoke to waft into the sidewalk, impacting pedestrians. Chair Bosley noted that it is challenging for the City to regulate smoking, which had been a topic of conversation regarding City parks. The City Clerk agreed that she would be tracking this data.

The City Manager and Chair Bosley agreed that there also needs to be a way to ensure complaints are legitimate.

Councilor Haas added that regardless of violations, it would be nice for the City Council to have updates on challenges with the Ordinance as they arise. He agreed that the Clerk's office should track complaints for updating the Council and residents can submit complaints to the Clerk.

Discussion ensued about Section F and a timeframe by which someone must start the application process. Staff and the Committee agreed to provide up to seven days to apply (including sketches), some of which would depend on whether it is a new application or renewal. Councilor Haas was more concerned with the enforcement section's time limit, stating that a time limit should be applied to 1195. For some of these questions, the Fire Marshal would be helpful. The City Manager explained that the intention was not to set a timeframe for every scenario, so the Ordinance is written more fluidly. Chair Bosley recommended moving forward with "reasonable timeframe" and then track data for when this Ordinance is rewritten to accommodate the downtown project. Councilor Williams was comfortable with "reasonable timeframe;" he thought the City Clerk would specify whatever is appropriate. Councilor Haas agreed.

The Committee recommended: (1) allow City Manager to extend licenses for additional 10-day periods as the weather allows; (2) enforce up to a seven-day timeframe to apply if operating without a license; (4) add a timeframe to paragraphs where "reasonable time" is mentioned if needed, except for ADA if regulated elsewhere; (3) report denials and revocations to City Council.

Vice Chair Jones asked if there was a difference between someone not applying for a license to serve food on the sidewalk versus being licensed to serve alcohol. Regardless, the City Attorney said it would be a violation. Vice Chair Jones said that the owners potentially have a lot to lose.

A motion by Chair Bosley to adopt Ordinance O-2024-06 was duly seconded by Councilor Williams.

Chair Bosley made the following motion, which was duly seconded by Councilor Haas.

On a vote of 4–0, the Planning, Licenses, and Development Committee amended Ordinance O-2024-06 to allow the City Manager discretion to continue extending Sidewalk Café Licenses, weather permitting, and to add the deadline of up to seven days for an unlicensed business to apply in

Section F. Thus, Ordinance O-2024-06-A was created.

The City Attorney clarified for the record that staff would insert the specific language discussed at this meeting. The Committee agreed.

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2024-06-A.

ORDINANCE O-2024-06-A

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to Sidewalk Cafe Enforcement Measures

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

That Chapter 46 "LICENSES AND PERMITS" of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the stricken text and adding the bolded, underlined text in the following sections: Sec. 46-94. Fair hearing and review by city manager; Sec. 46-1193. Term of license; Sec. 46-1194. - Conditions of license; and adding a new section relating to enforcement identified as Sec. 46-1195. – Enforcement.

Sec. 46-94. - ~~Fair hearing and~~ Petition for review by city manager.

(a) **Unless otherwise specified in this chapter,** ~~A~~ any person who has been aggrieved by any decision of a designated city official to grant, deny, suspend, revoke or modify a license may petition the city manager for review of that decision. **Said petition must be submitted in writing to the City Manager's Office and shall include: licensee name, address, licensed premises, type of license issued, duration of license, and specific documentary evidence or arguments as to why the decision of the designated licensing official was unreasonable or unwarranted.**

(b) ~~Before a currently valid and lawfully issued license may be suspended, revoked, or modified, a fair hearing shall be afforded the license holder. Reasonable notice will be provided stating the reasons for such hearing and the action which may be taken. The hearing shall be before the city manager, the police chief, and the city clerk~~. The ~~majority of such panel~~ **city manager** shall decide what action shall be taken by the designated licensing official after hearing the evidence and arguments for and against the action.

(c) A license may be suspended~~, revoked or modified~~ by the designated licensing official~~, with the concurrence of the city manager,~~ without **prior notice or** a hearing in ~~cases of fraud or emergency~~ **the event of a lawfully declared emergency, or in the event of an immediate threat to public health and safety, as determined by the licensing official; provided,** however, ~~in such cases~~ **that in any such event,** the license holder may petition ~~that~~ **for** a hearing **under paragraph (a), to** be conducted as promptly ~~thereafter as may be~~ **as is** reasonable ~~and practicable~~ **given the circumstances of the suspension**.

Sec. 46-1193. - Term of license.

All licenses issued under this division shall expire on ~~March~~ **November** 1 next following their date of issuance. **The city manager shall have the authority to extend all current licenses for additional 10-**

day timeframes in November, weather permitting. Notice of such extensions shall be provided to all licensees in writing prior to November 1, or the expiration of the prior 10-day extension. There shall be no pro-rated license fees to reflect sidewalk café dining for a portion of the year.

Sec. 46-1194. - Conditions of license.

(a) A sidewalk café shall not obstruct snow removal equipment or impede winter maintenance operations in any way. **Unless a 10-day extension has been permitted by the city manager, a**ll obstructions shall be removed from the right-of-way on or before November 1 until the following ~~March~~ **April** 1. Any fence or other barrier to the public way shall be erected in a non-invasive and non-destructive manner. The method of affixing the same shall be reviewed and approved by the public works department prior to installation.

(b) Licensees holding a valid license from the state liquor commission may also serve alcoholic beverages or liquor at the sidewalk café when permitted to do so by the city clerk; provided however that if the application to serve alcohol is a first request by a licensee, then the initial license shall be granted by the city council. Any permission granted by the city clerk will be subject to any requirements of the state liquor commission.

(c) Licensees, whether providing table service or selling take-out items, shall not allow more patrons than can be seated to congregate at the sidewalk café. **Licensees shall not permit patrons to move tables and chairs within the café space in a way that would conflict with existing city code or license conditions.**

(d) Sidewalk cafés must be kept clear of litter, food scraps, and soiled dishes, and shall be cleaned on a daily basis. Licensees which do not provide outside table service shall provide at least one waste storage container approved by the solid waste director or his designee for use by sidewalk café patrons, and the location of any such container shall be noted on the plot plan submitted with the sidewalk café application.

(e) Plants shall be properly maintained and stressed or dying plants shall be promptly replaced.

(f) Outdoor furniture and equipment including chairs, tables, planters, fences or barriers shall be maintained and suitable for their intended purpose.

(g) At least 15 days prior to the expiration date of the insurance coverage, the licensee agrees to deliver to the city clerk a certificate of insurance naming the City of Keene as an additional insured.

(h) Licensees with alcohol service shall comply with all state liquor commission rules.

(i) Licensees shall not close for more than 45 consecutive days, unless the restaurant is seasonal in nature.

(j) Licensees shall comply with the approved plot plan and shall at all times allow for the unimpeded public use of the public way.

(k) Licensees shall comply with such other conditions as may be required by the city clerk**, including compliance with the City of Keene Sidewalk Cafe Guidelines issued jointly by the city clerk and the public works director.**

Sec. 46-1195. - Enforcement

A sidewalk café license may be suspended, modified, or revoked upon receipt by the city clerk of evidence of noncompliance of any sidewalk café license condition or upon receipt of police complaints related to the outdoor dining area, subject to the following:

(a) All complaints received will be reviewed by the appropriate city department or departments to determine the appropriate corrective action.

(b) For issues related to life-safety, the licensee will be notified by email or phone call and shall be afforded a 24-hour period within which to take corrective action. Life-safety related issues will be subject to the terms, conditions and enforcement measures set forth by the department or departments charged with handling the issue. Departments will notify the city clerk of the disposition of the complaint and/or next steps to resolve the issue, up to and including revocation of the license.

(c) For issues related to ADA accessibility, or any other conditions of license identified in section 46-1194, licensees will be notified by email or phone call and shall be afforded a reasonable timeframe within which to take corrective action. Failure to correct the issue within the prescribed timeframe may result in the issuance of a written Notice of Corrective Action that will be sent by first class mail to the licensee.

(d) Three or more written Notices of Corrective Action during the license period may be considered prima facie evidence of the failure to comply with section 46-1194 that will be taken into the consideration of a license application the following license year.

(e) If a noncompliance issue remains unresolved despite the city's attempts to work with the licensee, the city reserves the right to notify the licensee in writing to remove items from the city right-of-way within fourteen days of the issuance of such notice. If the licensee fails to remove items, the items will be removed by the public works department at the expense of the licensee, and licensee shall lose their ability to apply for a license the following license year.

(f) If the city clerk becomes aware of a restaurant expanding the service or seating of the restaurant onto the city right-of-way without a sidewalk café license, the entity will be immediately notified that a license is required and provided up to seven days to apply. Any restaurant that does not come into compliance within the afforded timeframe will be subject to a violation under Section 46-33 of this code, and items will be removed by the public works department at the expense of the business owner.

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Jay V. Kahn, Mayor

ORDINANCE O-2024-06-A

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to Sidewalk Cafe Enforcement Measures

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

That Chapter 46 "LICENSES AND PERMITS" of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the stricken text and adding the bolded, underlined text in the following sections: Sec. 46-94. Fair hearing and review by city manager; Sec. 46-1193. Term of license; Sec. 46-1194. - Conditions of license; and adding a new section relating to enforcement identified as Sec. 46-1195. – Enforcement.

Sec. 46-94. - ~~Fair hearing and~~ Petition for review by city manager.

(a) **Unless otherwise specified in this chapter,** ~~A~~ any person who has been aggrieved by any decision of a designated city official to grant, deny, suspend, revoke or modify a license may petition the city manager for review of that decision. **Said petition must be submitted in writing to the City Manager's Office and shall include: licensee name, address, licensed premises, type of license issued, duration of license, and specific documentary evidence or arguments as to why the decision of the designated licensing official was unreasonable or unwarranted.**

(b) ~~Before a currently valid and lawfully issued license may be suspended, revoked, or modified, a fair hearing shall be afforded the license holder. Reasonable notice will be provided stating the reasons for such hearing and the action which may be taken. The hearing shall be before the city manager, the police chief, and the city clerk~~. The ~~majority of such panel~~ **city manager** shall decide what action shall be taken by the designated licensing official after hearing the evidence and arguments for and against the action.

(c) A license may be suspended~~, revoked or modified~~ by the designated licensing official~~, with the concurrence of the city manager,~~ without **prior notice or** a hearing in ~~cases of fraud or emergency~~ **the event of a lawfully declared emergency, or in the event of an immediate threat to public health and safety, as determined by the licensing official; provided,** however, ~~in such cases~~ **that in any such event,** the license holder may petition ~~that~~ **for** a hearing **under paragraph (a), to** be conducted as promptly ~~thereafter as may be~~ **as is** reasonable ~~and practicable~~ **given the circumstances of the suspension**.

Sec. 46-1193. - Term of license.

All licenses issued under this division shall expire on ~~March~~ **November** 1 next following their date of issuance. **The city manager shall have the authority to extend all current licenses for ~~an~~ additional**

10-day timeframes in November, weather permitting. Notice of such ~~an~~ extensions shall be provided to all licensees in writing prior to November 1, or the expiration of the prior 10-day extension. There shall be no pro-rated license fees to reflect sidewalk café dining for a portion of the year.

Sec. 46-1194. - Conditions of license.

(a) A sidewalk café shall not obstruct snow removal equipment or impede winter maintenance operations in any way. **Unless a 10-day extension has been permitted by the city manager, a**ll obstructions shall be removed from the right-of-way on or before November 1 until the following ~~March~~ **April** 1. Any fence or other barrier to the public way shall be erected in a non-invasive and non-destructive manner. The method of affixing the same shall be reviewed and approved by the public works department prior to installation.

(b) Licensees holding a valid license from the state liquor commission may also serve alcoholic beverages or liquor at the sidewalk café when permitted to do so by the city clerk; provided however that if the application to serve alcohol is a first request by a licensee, then the initial license shall be granted by the city council. Any permission granted by the city clerk will be subject to any requirements of the state liquor commission.

(c) Licensees, whether providing table service or selling take-out items, shall not allow more patrons than can be seated to congregate at the sidewalk café. **Licensees shall not permit patrons to move tables and chairs within the café space in a way that would conflict with existing city code or license conditions.**

(d) Sidewalk cafés must be kept clear of litter, food scraps, and soiled dishes, and shall be cleaned on a daily basis. Licensees which do not provide outside table service shall provide at least one waste storage container approved by the solid waste director or his designee for use by sidewalk café patrons, and the location of any such container shall be noted on the plot plan submitted with the sidewalk café application.

(e) Plants shall be properly maintained and stressed or dying plants shall be promptly replaced.

(f) Outdoor furniture and equipment including chairs, tables, planters, fences or barriers shall be maintained and suitable for their intended purpose.

(g) At least 15 days prior to the expiration date of the insurance coverage, the licensee agrees to deliver to the city clerk a certificate of insurance naming the City of Keene as an additional insured.

(h) Licensees with alcohol service shall comply with all state liquor commission rules.

(i) Licensees shall not close for more than 45 consecutive days, unless the restaurant is seasonal in nature.

(j) Licensees shall comply with the approved plot plan and shall at all times allow for the unimpeded public use of the public way.

(k) Licensees shall comply with such other conditions as may be required by the city clerk**, including compliance with the City of Keene Sidewalk Cafe Guidelines issued jointly by the city clerk and the public works director.**

Sec. 46-1195. - Enforcement

A sidewalk café license may be suspended, modified, or revoked upon receipt by the city clerk of evidence of noncompliance of any sidewalk café license condition or upon receipt of police complaints related to the outdoor dining area, subject to the following:

(a) All complaints received will be reviewed by the appropriate city department or departments to determine the appropriate corrective action.

(b) For issues related to life-safety, the licensee will be notified by email or phone call and shall be afforded a 24-hour period within which to take corrective action. Life-safety related issues will be subject to the terms, conditions and enforcement measures set forth by the department or departments charged with handling the issue. Departments will notify the city clerk of the disposition of the complaint and/or next steps to resolve the issue, up to and including revocation of the license.

(c) For issues related to ADA accessibility, or any other conditions of license identified in section 46-1194, licensees will be notified by email or phone call and shall be afforded a reasonable timeframe within which to take corrective action. Failure to correct the issue within the prescribed timeframe may result in the issuance of a written Notice of Corrective Action that will be sent by first class mail to the licensee.

(d) Three or more written Notices of Corrective Action during the license period may be considered prima facie evidence of the failure to comply with section 46-1194 that will be taken into the consideration of a license application the following license year.

(e) If a noncompliance issue remains unresolved despite the city's attempts to work with the licensee, the city reserves the right to notify the licensee in writing to remove items from the city right-of-way within fourteen days of the issuance of such notice. If the licensee fails to remove items, the items will be removed by the public works department at the expense of the licensee, and licensee shall lose their ability to apply for a license the following license year.

(f) If the city clerk becomes aware of a restaurant expanding the service or seating of the restaurant onto the city right-of-way without a sidewalk café license, the entity will be immediately notified that a license is required and provided ~~a reasonable timeframe to comply~~ up to seven days to apply. Any restaurant that does not come into compliance within the afforded timeframe will be subject to a violation under Section 46-33 of this code, and items will be removed by the public works department at the expense of the business owner.

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Jay V. Kahn, Mayor

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Relating to Nuisance, Menace and Vicious Dogs**
Ordinance O-2024-07

Recommendation:
On a vote of 4–0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2024-08.

Attachments:
1. O-2024-07_Nuisance, Menace and Vicious Dogs_stewart_Referral

Background:
Chair Bosley welcomed Police Chief, Steve Stewart, who said the substantive changes were to increase the forfeiture amounts to what NH State allows. There were some other housekeeping edits.

Councilor Haas questioned whether $400 was the maximum for a second offense of a vicious dog. The City Attorney, Tom Mullins, confirmed.

Councilor Williams asked for the distinction between nuisance, menace, and vicious dogs. While the details were clearly outlined in the Ordinance, which the City Manager quoted, Chief Stewart provided a simple reply that dogs are nuisances for excessive barking, menaces for growling, and vicious for biting. Councilor Williams expressed concern that this punishment might be excessive for a barking dog. Chair Bosley countered that the nuanced language about barking reaching a nuisance was very useful to share with her tenants. Because these amendments were based on NH State recommendations, Councilor Williams was comfortable with the recommended amendments.

There were no public comments.

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

On a vote of 4–0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2024-08.

ORDINANCE O-2024-07

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to Nuisance, Menace or Vicious Dogs

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

Sec. 10-36. Forfeitures for nuisance, menace or vicious dogs.

(a) Whoever owns a dog that violates section 10-35 and whose dog is adjudged to be either a nuisance, a menace or vicious shall forfeit the following to the city clerk:

(1) Nuisance dog:

a. For the first offense …..$25.00
b. For the second nuisance **or subsequent** offense committed within 12 months of the first offense ~~…..$50.00~~ **$100.00**

(2) Menace dog:

a. For the first offense …..$50.00
b. For the second menace **or subsequent** offense committed within 12 months of the first offense ~~…..$100.00~~ **$200.00**

(3) Vicious dog:

a. For the first offense …..$100.00
b. For the second vicious **or subsequent** offense committed within 12 months of the first offense ~~…..$200.00~~ **$400.00**

(b) These forfeitures shall be **paid** ~~made~~ within 96 hours from the time of notice **is given by any law enforcement officer or animal control officer to the owner or keeper of the dog.** ~~to the city clerk.~~ Any person making this forfeiture shall have deemed to have waived the right to have the case heard in the ~~district~~ **circuit** court, and shall not be prosecuted or found guilty of a violation of RSA 466:31. Any person who does not pay the civil forfeiture shall have the case disposed of in ~~district~~ **circuit** court. Any person who pays a civil forfeiture, as specified in this section, two times within a **12-month period,** ~~a year~~,

according to the records of the **animal control officer** ~~of the city clerk~~, may not pay the civil forfeiture for subsequent violations of this section in that 12-month period, ~~year,~~ but shall have these cases disposed of in ~~district~~ **circuit** court. For a vicious dog, where its behavior represents such a threat to public safety, immediate ~~district~~ **circuit** court proceedings may be initiated in lieu of civil forfeiture.

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Jay V. Kahn, Mayor

In City Council April 18, 2024.
Referred to the Planning, Licenses and Development Committee.

City Clerk

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Merri Howe, Finance Director/Treasurer

Through: Elizabeth Dragon, City Manager

Subject: **Relating to the Appropriation of Funds for the FY 2024-2025 Bond Issues**
Resolution R-2024-10: City Hall Structural Repairs - Bond FY 25
Resolution R-2024-11: Lower Winchester Street - Bond FY 25
Resolution R-2024-12: Stormwater Resiliency Program - Bond FY 25
Resolution R-2024-13: Lower Winchester Street Sewer Utilities - Bond FY 25
Resolution R-2024-14: Martell Court Bypass - Bond FY 25
Resolution R-2024-15: WWTP HVAC Replacement - Bond FY25
Resolution R-2024-16: WWTF Service Water System UpgradeR-2024-10 City Hall Structural Repair - Bond FY25
Resolution R-2024-17: Lower Winchester St Water Utilities - Bond FY25
Resolution R-2024-18: Water Distribution Improvements - Bond FY25

Recommendation:

That resolutions R-2024-10, R-2024-11, R-2024-12, R-2024-13, R-2024-14, R-2024-15, R-2024-16, R-2024-17, and R-2024-18 relating to appropriation of funds for

- City Hall Structural Repairs
- Lower Winchester Street
- Stormwater Resiliency Program
- Lower Winchester Street Sewer Utilities
- Martell Court Bypass
- WWTP HVAC Replacement
- WWTF Service Water System Upgrade
- Lower Winchester Street Water Utilities
- Water Distribution Improvements

be referred to the Finance, Organization, and Personnel Committee for consideration, discussion, and a recommendation back to City Council.

Attachments:

1. R-2024-10 City Hall Structual Repair Bond FY25
2. R-2024-11 Lower Winchester Street Bond FY25
3. R-2024-12 Stormwater Resiliency Program Bond FY25
4. R-2024-13 Lower Winchester St Sewer Bond FY25
5. R-2024-14 Martell Court ByPass Bond FY25
6. R-2024-15 WWTP HVAC Replacement Bond FY25
7. R-2024-16 WWTP Service Water System Upgrade Bond FY25
8. R-2024-17 Lower Winchester St Water Utilities Bond FY25
9. R-2024-18 Water Distribution Improvements Bond FY25

Background:

Included in the proposed 2024-2025 operating budget are nine bond issues to fund projects advanced through the Capital Improvements Program (CIP) process, as follows:

FY2025 Budget - bond resolutions

Resolution	Fund	Description	Amount	Term
R-2024-10	General Fund	City Hall Structural Repairs	1,258,000	10
R-2024-11	General Fund	Lower Winchester Street	805,000	10
R-2024-12	General Fund	Stormwater Resiliency Program	3,550,000	15
		Subtotal - General Fund	**5,613,000**	
R-2024-13	Sewer Fund	Lower Winchester Street	418,000	10
R-2024-14	Sewer Fund	Martell Court Bypass	3,420,000	15
R-2024-15	Sewer Fund	WWTP HVAC Replacement	327,000	10
R-2024-16	Sewer Fund	WWTP Service Water System Upgrade	262,000	10
		Subtotal -Sewer Fund	**4,427,000**	
R-2024-17	Water Fund	Lower Winchester Street	1,004,000	10
R-2024-18	Water Fund	Water Distribution Improvements	1,307,000	10
		Subtotal - Water Fund	**2,311,000**	
		Total - All Funds	**12,351,000**	

These resolutions require two readings before the City Council.

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

A RESOLUTION Relating to the Appropriation of Funds for the City Hall Structural Repairs

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

That the sum of one million two hundred fifty-eight thousand dollars ($1,258,000) is hereby appropriated for City Hall Structural Repairs, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to one million two hundred fifty-eight thousand dollars ($1,258,000) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

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Jay V. Kahn, Mayor

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

A RESOLUTION Relating to the Appropriation of Funds for Lower Winchester Street

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

That the sum of eight hundred five thousand dollars ($805,000) is hereby appropriated for Lower Winchester Street, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to eight hundred five thousand dollars ($805,000) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

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Jay V. Kahn, Mayor

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

A RESOLUTION Relating to the Appropriation of Funds for the Stormwater Resiliency Program

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

That the sum of three million five hundred fifty thousand dollars ($3,550,000) is hereby appropriated for the Stormwater Resiliency Program, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to three million five hundred fifty thousand dollars ($3,550,000) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

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Jay V. Kahn, Mayor

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

A RESOLUTION Relating to the Appropriation of Funds for Lower Winchester Street Sewer Utilities

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

That the sum of four hundred eighteen thousand dollars ($418,000) is hereby appropriated for Lower Winchester Street Sewer Utilities, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to four hundred eighteen thousand dollars ($418,000) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

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Jay V. Kahn, Mayor

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

A RESOLUTION Relating to the Appropriation of Funds for the Martell Court Bypass

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

That the sum of three million four hundred twenty thousand dollars ($3,420,000) is hereby appropriated for the Martell Court Bypass, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to three million four hundred twenty thousand dollars ($3,420,000) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

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Jay V. Kahn, Mayor

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

A RESOLUTION Relating to the Appropriation of Funds for WWTP HVAC Replacement

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

That the sum of three hundred twenty-seven thousand dollars ($327,000) is hereby appropriated for WWTP HVAC Replacement, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to three hundred twenty-seven thousand dollars ($327,000) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

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Jay V. Kahn, Mayor

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

A RESOLUTION Relating to the Appropriation of Funds for WWTP Service Water System Upgrade

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

That the sum of two hundred sixty-two thousand dollars ($262,000) is hereby appropriated for WWTP Service Water System Upgrade, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to two hundred sixty-two thousand dollars ($262,000) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

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Jay V. Kahn, Mayor

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

A RESOLUTION Relating to the Appropriation of Funds for Lower Winchester Street Water Utilities

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

That the sum of one million four thousand dollars ($1,004,000) is hereby appropriated for Lower Winchester Street Water Utilities, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to one million four thousand dollars ($1,004,000) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

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Jay V. Kahn, Mayor

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

A RESOLUTION Relating to the Appropriation of Funds for Water Distribution Improvements

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

That the sum of one million three hundred seven thousand dollars ($1,307,000) is hereby appropriated for Lower Winchester Street Water Utilities, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to one million three hundred seven thousand dollars ($1,307,000) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

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Jay V. Kahn, Mayor

CITY OF KEENE
NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Elizabeth Fox, ACM/Human Resources Director

Through: Elizabeth Dragon, City Manager

Subject: **In Appreciation of Karen P. Gray Upon Her Retirement**
Resolution R-2024-21

Recommendation:

Recommend the adoption of Resolution R-2024-21 in Appreciation of Karen P. Gray Upon Her Retirement.

Attachments:

1. R-2024-21 Gray Retirement

Background:

Ms. Gray is qualified to retire from the Finance Department effective May 24, 2024, with 8 years of service.

CITY OF KEENE

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

A RESOLUTION In Appreciation of Karen P. Gray Upon Her Retirement

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

WHEREAS: Karen P. Gray continued her public service career, through the City of Keene as of May 20, 2016, as part-time Fund Manager, moving into the position full-time on June 1, 2016; transitioned to Senior Staff Accountant as of July 1, 2016; and was reallocated to the position of Accounting and Fund Manager effective April 23, 2023; and

WHEREAS: Exceeding her position's requirements for knowledge, skills, and duties performed and bringing with her an in-depth understand-ing of the requirements of a Finance Department, she both has worked closely with the Finance Director/Treasurer and department heads and has used all available tools to ensure that departmental goals were achieved and that the department has advanced in its services, with no task too small or beneath her level of work; and

WHEREAS: Mastering the arts of flexibility, process changes and deadline juggling during times of staff vacancies, the pandemic and its accompanying new grant projects, Karen has played a critical role in allowing the department to continue operations as she absorbed extra duties, she has played a critical role in allowing the department to continue operations learning other function details, and assuming a significantly-increased volume of work—such as managing a variety of increasingly complicated regulations for new grants with short deadlines simultaneously with a financial audit, a bond sale, and a Capital Improvement Program process; and

WHEREAS: Enjoying the position because it encompasses both independent numeric and people components, and epitomizing the meaning of teamwork and customer focus, she leads by example in being approachable and offers a warm rapport to everyone, never hesitating to offer assistance and guidance to those not her direct reports to increase their skills and value to the department—respecting different workstyles and personalities and being a good listener and communicator; and

WHEREAS: Karen has demonstrated her exceptional work ethic, impartiality, planning and organization abilities, ability to adapt quickly to new challenges, and adherence to accounting and governmental standards by taking initiative to start projects and following them through to completion—ensuring that all work is thorough, neat, accurate and meeting deadline and that financial transactions are well documented and above reproach—and taking pride in meeting deadlines and responding to customer questions accurately and as promptly as possible; and

WHEREAS: Karen has been a key player as the City transitioned to the new financial system—going above and beyond during long hours as co-team leader of the project to convert accounting, general ledger, accounts payable, accounts receivable, property tax billing, utility billing, and payroll modules—and other accomplishments include helping to simplify and increase the user-friendliness of narratives, charts and the overall financial format of both Operating Budget and Capital Improvement Program documents; updating the City's Uniform Grant Guidance provisions, ensuring that financial audits were successful; serving as staff support to the Trustees of Trust Funds and working with other committees; and serving as an Elections volunteer; and

WHEREAS: Karen's previous service in a New Hampshire Retirement System-participating entity qualifies her to retire May 24, 2024, with eight years of honorable service to the City;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Keene hereby extends its sincere thanks to Karen P. Gray for her dedication to the City of Keene 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 Karen in appreciation of her years of service to the City of Keene and the greater Monadnock community.

Jay V. Kahn, Mayor

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: May 16, 2024

To: Mayor and Keene City Council

From: Jack Ahern
Southwest Regional Planning Commission

Through: Patricia Little, City Clerk

Subject: **Relating to the Community Development Block Grant Program - Citizen Participation and Grievance Procedure**
Resolution R-2024-24

Recommendation:

Attachments:
1. Memorandum_ Citizen Participation Plan
2. Resolution R-2024-24

Background:
As a recipient of CDBG funds from the State, the City needs to adhere to the Citizen Participation Requirements outlined in the State's Citizen Participation Plan and adopt them as a component of the Housing and Community Development Plan.

Southwest Region Planning Commission
37 Ashuelot Street, Keene, NH 03431 603-357-0557 Voice 603-357-7440 Fax

DATE: **MAY 13, 2024**

TO: **ELIZABETH DRAGON, CITY MANAGER**

FROM: **JACK AHERN, CDBG ADMINISTRATOR** JA
SOUTHWEST REGION PLANNING COMMISSION

RE: **ADOPTION OF CITIZEN PARTICIPATION PLAN AND GRIEVANCE PROCEDURES**

Enclosed please find a Community Development Block Grant (CDBG) program Citizen Participation Plan and Grievance Procedures. The Citizen Participation Plan formalizes the required procedures for CDBG funded projects in regard to transparency and engagement with the public. The Grievance Procedures outline how the City of Keene will address complaints or disputes that arise regarding CDBG funded projects.

As a recipient of CDBG funds from the State of New Hampshire, the City of Keene is required to adhere to the Citizen Participation Requirements set forth in the State's Citizen Participation Plan and adopt it as a component of the Housing and Community Development Plan.

I recommend that the City of Keene adopt the Citizen Participation Plan and Grievance Procedures as components of the Housing and Community Development Plan.

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

A RESOLUTION Relating to the adoption of a Citizen Participation Plan and Grievance Procedures for Community Development Block Grant funded projects.

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

WHEREAS, the U.S. Department of Housing and Urban Development has established a Community Development Block Grant Program which is administered within the State of New Hampshire by the Community Development Finance Authority; and

WHEREAS, the City of Keene participates in the Community Development Block Grant Program as grantee and fiscal sponsor; and

WHEREAS, all municipalities receiving Community Development Block Grant funds from the State of New Hampshire must adhere to the Citizen Participation Requirements set forth in the State's Citizen Participation Plan and adopt it as a component of their Housing and Community Development Plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council adopt the Citizen Participation Plan as a component of the Housing and Community Development Plan; and that the Council adopt the Grievance Procedures as a component of the Housing and Community Development Plan, as each may be amended from time to time.

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Jay V. Kahn, Mayor

CITIZEN PARTICIPATION PLAN

The City of Keene will seek to engage its citizens in implementing housing and community activities funded by the Community Development Block Grant. Its citizen participation efforts will be consistent with the State of New Hampshire's citizen participation plan. Specifically, the City of Keene will adhere to the following steps to engage its citizens:

1) Publishing a statement of proposed activities for any application proposed to be submitted by the City of Keene so that affected citizens have an opportunity to submit comments on the proposed activities.

2) Provide adequate notices, specifically to persons of low- and moderate-income as well as the general public, for all public hearings to discuss proposed or approved CDBG applications. Such notices will include a statement of proposed activities or how to obtain such a statement. At least ten days prior to any hearing, the notices will be published in a daily newspaper of general circulation in the municipality; AND posted as a printed legal notice in at least three other public places.

3) Hold two or more public hearings on the proposed application at times and locations convenient to potential beneficiaries, accessible to persons with physical disabilities, and that meet the needs of non-English speaking residents, if appropriate, to obtain citizens' views before adoption of a resolution or similar action by the local governing body authorizing the submission of the application. At least one public hearing will be held prior to submitting any CDBG application and another during the course of all approved projects.

4) Provide at public hearings information concerning the amount of funds available for proposed community development activities and the range of activities within the project.

5) Provide at public hearings information concerning the amount of funds that will benefit persons of low- and moderate-income.

6) Provide at public hearings information about potential program income and the Program Income Reuse plan, if program income is anticipated.

7) Furnish citizens with the plans made to minimize the displacement of persons and to assist persons actually displaced as a result of grant activities, if displacement is anticipated.

8) Provide technical assistance to groups representing persons of low- and moderate-income requesting such assistance in developing proposals.

9) Provide citizens with reasonable notice of substantial changes proposed in the use of grant funds and providing opportunity for public comment.

10) Any modifications or amendments to the project will be made in accordance with the same procedures required in points (1) through (3) above for the preparation and submission of a statement of proposed activities.

Any complaints or grievances received by the City of Keene will be addressed through the City's CDBG complaint and grievance procedures. These procedures require that citizens receive a response to any complaint within 15 working days of its receipt.

Signature: _____

Printed Name of Municipal Official: _____

Title: _____

Date Adopted: _____

CDBG Grievance Procedures

Applicability

The City of Keene has adopted an administrative grievance procedure providing for prompt and equitable resolution of complaints alleging actions prohibited by the Department of Housing and Urban Development's (HUD) Community Development Block Grant and related federal requirements. Complaints addressed through this Grievance Procedure may consist of any of the following:

- discrimination prohibited by civil rights, fair housing, or disability related concerns (other than employment);
- failure to adhere to the citizen participation plan (public process) in developing an application/project or modifying activities funded by CDBG;
- violation of contract and procurement laws and regulations related to the use of CDBG funds;
- failure to adhere to any program requirements such as the Uniform Relocation Assistance Act and related laws or Davis-Bacon and related acts;
- any program decision impacting the eligibility or nature of assistance provided by or rejected for CDBG funding.

Procedures

Complaints should be addressed to: Andrew Bohannon, City of Keene, Deputy City Manager at 3 Washington Street, Keene, NH 03431, abohannon@keenenh.gov or 603-357-9804, who has been designated to coordinate grievance and program compliance efforts. This person serves as the Grievance Officer, who should notify the City Manager who serves as Authorized Official (AO) of the City of Keene.

1. A complaint should be filed in writing, or verbally if the complainant is unable to prepare the complaint in writing, and should contain the name and address of the person filing it, and briefly describe the complaint and/or any alleged violations.

2. A complaint should be filed within 60 calendar days after the complainant becomes aware of the alleged violation or aggrieved action. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)

3. An investigation, as may be appropriate, shall follow the filing of a complaint. The investigation is to be conducted impartially and confidentially by the Grievance Officer. These procedures allow for informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

4. Any complaint should be addressed within 15 working days after receiving the complaint and should be resolved within 30 working days. The Grievance Officer should issue a written determination as to the validity of the complaint and description of resolution, if any, shall be

issued by the Grievance Officer and a copy forwarded to the complainant no later than the 15 working days after its filing.

5. The Grievance Officer shall maintain the files and records of the City of Keene relating to any complaints filed.

6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within 60 calendar days to the Grievance Officer, seeking reconsideration by the Authorized Official (AO) of the City of Keene. The AO shall issue a written determination to either reconfirm the original decision or issue a new determination and resolution within 15 working days of receiving the request for reconsideration.

7. The complainant, if not satisfied with the reconsideration, can seek a final appeal by notifying the Grievance Officer. Final appeals should be addressed, in writing, to the New Hampshire Community Development Finance Authority (CDFA). The appeal should include a copy of all correspondence that has taken place to date. The appeal should identify the problem and the desired solution. CDFA will investigate the complaint and respond, in writing, in a timely manner. All involved parties will be copied.

8. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with other state or federal agencies. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

9. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that the City of Keene complies with all CDFA and HUD requirements.

Duly adopted at the regular meeting of the Keene City Council on _____, 2024.

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Authorized Official: Elizabeth Dragon, City Manager