KEENE CITY COUNCIL
Council Chambers, Keene City Hall
December 19, 2024
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- December 5, 2024

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmations - Airport Development and Marketing Committee, Ashuelot River Park Advisory Committee, Building Board of Appeals/Housing Standards Board of Appeal, Congregate Living and Social Services Licensing Board, Conservation Commission, Energy and Climate Committee, Human Rights Committee, Keene Housing, Partner City Committee, Planning Board,Trustees of Trust Funds/Cemetery Trustees
2. Confirmations - Bicycle Pedestrian Path Advisory Committee, Zoning Board of Adjustment, Energy and Climate Committee, Conservation Commission, Partner City Committee
3. Nominations - Ashuelot River Park Advisory Board, Conservation Commission, Energy and Climate Committee, Heritage Commission, and Trustees of Trust Funds/Cemetery Trustees

C. COMMUNICATIONS

1. Councilor Ed Haas - Annual Reports of Boards and Commissions

D. REPORTS - COUNCIL COMMITTEES

1. Petition - Reduction of Speed Limit - Upper Roxbury Street

2. Route 9 – Old Sullivan Road Intersection
3. Red Pine Scale
4. Proposed Changes to Winchester Street, between Wilson and Main Streets
5. Acceptance of InvestNH Planning & Zoning Grant to Expand the 79-E Tax Incentive Program
6. 2022 Homeland Security Grant Program Reallocation of Funds
7. Adoption of a New Vote Tabulation System for Elections
8. Transportation Heritage Trail - Authority to accept Drainage Easements
9. Reallocation of Capital Funds - Findings Building Demolition
10. Professional Services Contract - Engineering Services for the Key Road Drainage Replacement Project
11. Professional Services Contract - Engineering Services for the Stormwater Lining Program

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Acceptance of Donation
2. Accept Funding through the 2024 AFG Grant

G. REPORTS - BOARDS AND COMMISSIONS

1. Relative to Residential Parking Requirements
   Ordinance O-2024-20-A
2. Relating to Side and Rear Setbacks in the Downtown Edge Zone
   Ordinance O-2024-24-A

H. REPORTS - MORE TIME

1. Relating to Designated Loading Zones and Bus Loading Zones
   Ordinance O-2024-16
2. Councilor Robert Williams - Policy on the Discharge of Fireworks
3. Sign Code Modifications Requested by Mayor Kahn
4. Rules of Order - Section 15. - Voting and Conflict of Interest
5. Councilor Filiault - Proposing that the City Council Consider a Delay in the Downtown Infrastructure Project

I. ORDINANCES FOR FIRST READING

J. ORDINANCES FOR SECOND READING

1. Relating to Amendments to the City of Keene Land Development Code, Definition of Charitable Gaming Facility
   Ordinance O-2023-16-C
2. Relating to Amendments to the Land Development Code, Definition of Gaming Facilities
   Ordinance O-2023-17-B
3. Relating to Maintenance Parking Restrictions
   Ordinance O-2024-21
4. Relating to Gilbo Avenue Parking Restrictions
   Ordinance O-2024-22
5. Relating to Juneteenth Exception To Parking Regulations
   Ordinance O-2024-23
6. Relating to Personnel
   Ordinance O-2024-25

K. RESOLUTIONS

1. Relating to Development on Class VI Highways and Private Roads
   Resolution R-2024-43

L. TABLED ITEMS

1. Rules of Order Amendment - Section 26. "Review of Items of Business"

NON PUBLIC SESSION

ADJOURNMENT

A regular meeting of the Keene City Council was held on Thursday, December 5, 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, Jacob R. Favolise, Bryan J. Lake, Catherine I. Workman, Bettina A. Chadbourne, Mitchell H. Greenwald, & Thomas F. Powers were present. Councilor Haas led the Pledge of Allegiance.

MINUTES FROM PRECEDING MEETING

A motion by Councilor Greenwald to accept the minutes of the November 21, 2024, regular meeting as presented was duly seconded by Councilor Bosley. The motion carried unanimously with 15 Councilors present and voting in favor.

ANNOUNCEMENTS

Mayor Kahn reminded the Council that the United Way campaign was still underway, and more progress could still be made. Mayor Kahn also announced that a Council Workshop on the Rules of Order would be held Tuesday, January 28, 2025, at 6:00 PM; the Mayor intended to use this as an educational opportunity on the Rules of Order and asked Councilors for any specific topics of interest they would like to focus on. The Mayor also reminded the Council that its holiday party would be hosted at the official campus residence of Keene State College President, Melinda Treadwell, with the Keene State College Cabinet present. Lastly, the Mayor notified the public that there were various open alternate positions on many City boards and committees. Anyone interested could submit applications on the City's website.

PUBLIC HEARING – ORDINANCE O-2023-16-C: RELATING TO PERMITTED USES IN THE DOWNTOWN CORE AND COMMERCE DISTRICTS – CHARITABLE GAMING

Mayor Kahn opened the public hearing at 7:05 PM and asked the City Clerk to read the public hearing notice. The Mayor welcomed Senior Planner, Mari Brunner, for an introduction on behalf of the Community Development Department.

Ms. Brunner explained that this Ordinance was before the Council for its third public hearing. She reviewed what had happened with this Ordinance since it was last before the City Council, which referred it back to the Joint Committee of the Planning Board and Planning, Licenses and Development Committee for another public workshop that occurred on October 15. During that workshop, the Planning Board made two changes to the Ordinance: (1) removed the requirement to provide electric vehicle parking spaces as a part of the use standards, and (2) amended the 250-foot distance requirement to include multi-family residential uses in addition to single-family. She added that at a very high level, this Ordinance would establish a use definition for Charitable Gaming Facilities specifically. The Ordinance also indicated where the use would be allowed within the City, in the Commerce District on parcels that are greater than 1.25 acres in size: land with frontage on West Street west of Island Street; Winchester Street south of Island Street and north of Cornwall Drive; Main Street south of NH Rt-101 and north of Silent Way; as well as Key Road, Ashbrook Road, and Kit Street. So, these properties are mostly along main corridors through the City or in plaza settings. She also listed the proposed distance

requirements: only one charitable gaming facility would be allowed per lot, and they could not be within 500 feet of each other; 250 feet from a place of worship, daycare center, or private or public school; 250 feet from a single family, two family, or multifamily property; and 250 feet from a residential zoning district. Also, the minimum size for the game area would be 10,000 square feet. Ms. Brunner said that the parking and traffic standards would require that the commercial loading zones or bus and truck loading and parking comply with other standards within the Zoning Ordinance for noise and screening. Lastly, she said the off-site parking requirement would be 0.75 parking spaces per gaming position, defined as one seat at an electronic gaming machine or gaming table.

Councilor Bosley pointed out that the Ordinance also contained a Main Street drive through component as well. Ms. Brunner agreed and said that portion of the Ordinance had not changed since it was originally introduced in October 2023. In Keene, drive throughs are treated as accessory uses. At this time, they were allowed in the Downtown Core—Main Street and Central Square—with a Special Exception. Ms. Brunner said this Ordinance would eliminate the ability for that accessory use in the Downtown Core.

Mayor Kahn opened the floor to public comments, and hearing none, the Mayor closed the Public Hearing at 7:11 PM except that written comments would be accepted up until 1:00 PM on Tuesday, December 10. This matter would be before the Planning, Licenses and Development Committee at their regular meeting on December 11. No further public comments would be accepted at that meeting.

A true record, attest: Patricia Little

City Clerk

PUBLIC HEARING – RESOLUTION R-2024-45: RELATING TO APPROVING A CDBG APPLICATION FOR KEENE'S HOUSING'S ROOSEVELT WEST APARTMENTS

The City Clerk read the Public Hearing notice. Mayor Kahn reviewed the hearing process because the Community Development Finance Authority (CDFA) has very specific protocols on how these public hearings are handled. The hearing notice identified three separate components: (1) the actual Community Development Block Grant (CDBG) application, (2) the Residential Anti-Displacement and Relocation Assistance Plan, and (3) the Housing and Community Development Plan. The Mayor would open and close each segment separately and upon closing the final hearing, would call forward Resolution R-2024-45 and ask for a Suspension of the Rules of Order to allow action upon the Resolution because it was time sensitive.

Mayor Kahn opened public hearing to address a proposed CDBG application at 7:15 PM and to recognize Jack Ahern, Associate Planner with Southwest Regional Planning Commission.

Mr. Ahern provided a brief overview of the CDBG program per Federal requirements before describing the specific application. CDBG funds are available to municipalities for economic development, public facilities, and housing rehabilitation projects that primarily benefit low- and moderate-income persons. The City of Keene is eligible to receive up to $500,000 per year for public facility and housing rehabilitation, up to $500,000 per year for economic development, up to $750,000 for microenterprise technical assistance, and up to $500,000 in emergency funds. Feasibility studies are available for up to $25,000. Housing grant proposals may request an additional $250,000 if they are providing permanent supportive housing and services totaling $750,000. Mr. Ahern provided a handout describing the New Hampshire CDBG program eligible activities that included the area Housing & Urban Development (HUD) income limits to meet low- and moderate-income.

Mr. Ahern continued, describing the proposed application to the CDFA for the maximum $750,000 to allow Keene Housing—on behalf of their affiliate Monadnock Affordable Housing Corporation—to construct new affordable housing on the former Roosevelt School property at 438 Washington Street. The Roosevelt School property had been recently acquired by Keene Housing for the purpose of developing 60 affordable housing units through a two-phase project. The former school building was undergoing renovations to be converted into 30 units as phase one of the development. This application was for funding to support phase two, the new construction of an additional 30 units on the property, which would total 60 when the project is complete. Keene Housing—in cooperation with its affiliate Monadnock Affordable Housing Corporation—sought to develop 30 units, consisting of 22 one-bedroom apartments and eight two-bedroom apartments. Additionally, three of the units would meet uniform federal accessibility standards. The apartments would be leased to low- and moderate-income households, and all residents would have rental subsidies.

Mayor Kahn welcomed Joshua Meehan from Keene Housing to address the project. Mr. Meehan said phase two would be similar to phase one in terms of the distribution of units. The primary difference between Roosevelt School East and West would be that West would be all new construction. They were seeking the same amount of CDBG funding, but the overall funding would be slightly different as phase one was 9% low-income tax credits and phase two would be 4% low-income tax credits. However, compared to phase one, Mr. Meehan said they had many other income sources. He added that Senator Shaheen had included $2,000,000 in Community Development funds for Roosevelt School West if there is a Federal FY-25 budget and if not, he said Keene Housing had other ways to cover it. Mayor Kahn asked the status of the appropriation before Congress. Mr. Meehan replied that the challenge was that it was unknown whether there would be a FY-25 Federal budget or if the Congress would do something called a Continuing Resolution for the entire year. If that were to happen, the FY-24 funding levels would continue through FY-25 and the Federal government would operate without a FY-25 budget. It was unclear at this time.

Councilor Jones thought this was a great project and perfect timing. He asked if both phases would be in one request for proposals. Mr. Meehan said no, Keene Housing had come to the City previously for a CDBG for phase one for Roosevelt School East, which was underway at this

time, while Keene Housing was gathering these new funds for phase two for Roosevelt School West. The majority of the funds for the project would be equity generated through the Low-Income Housing Tax Credit program; in this case a 4% tax credit, which was bond financing approved by the NH Housing Finance Authority. They had also applied for funds through the Federal Home Loan Bank of Boston Affordable Housing Program.

Councilor Roberts asked what he called a tough question that he thought might make him a villain. He said the City went out of its way to help support the Hundred Nights shelter, but with the NH 211 program, the shelter was often filled with non-Keene residents. As a result, in 2023, the City had to expend an additional $500,000 to house Keene residents in hotels. So, he asked if anyone could apply for the Roosevelt School residences just based on income. Mr. Meehan replied that Keene Housing had an existing waitlist of approximately 2,500 households. He said that when Roosevelt East opens, the whole waitlist would be notified, and families could choose to add it to the properties they had applied for. Mr. Meehan said that most on the waitlist are tied to Keene or an adjacent community, so the vast majority of people housed by Keene Housing have local roots. Councilor Roberts said he wanted to have something that would be supporting the local community. Mr. Meehan agreed that there is local preference on the Keene Housing waitlist, which he went on to say was defined by "Granite Staters."

Councilor Favolise asked if Mr. Meehan would agree with the following statement: housing is the number one issue facing our City and similarly situated communities right now. Mr. Meehan said yes, but asking him that question was like asking the CEO of Ford if more people should have cars; he said the answer would be yes, absolutely. He noted that the majority of the 2,500 households on the waitlist could be tied to the Monadnock Region. He said it was quite clear nationally that housing was a crisis and it was impacting the people Keene Housing served as well as those that they unfortunately could not serve. He said most income groups needed more housing and this was the small part Keene Housing could do.

Councilor Haas asked how many units would be added in this phase and Mr. Meehan said 30. Councilor Haas asked the completion date and how the schedule was going. Mr. Meehan said the schedule was going well so far and the units must be filled by August 2026.

Councilor Williams asked the typical amount of time a family spends on the waitlist. Mr. Meehan said it depends on various factors such as whether they want to take the first available property or they need senior living. He noted they had the most demand for Stone Arch Senior Housing, with waits up to 7–9 years. A larger family, for example, might not wait as long. He said the vacancy rate was always under 2%. The wait for the mobile voucher program was always at least one year and could vary based on characteristics of the household, but people had a hard time finding places to rent.

Mayor Kahn asked what would happen without the Federal appropriation. Mr. Meehan said it would not impact this project, but it would affect Keene Housing's ability to move on to the next projects and bring new units online, noting that they were trying to do so as aggressively and as reasonably as they could. So, Mayor Kahn said that this application remained relevant to this development's start up and Mr. Meehan said yes.

Mayor Kahn open the floor to public comments and questions about the proposed CDBG project, and hearing none, the Mayor closed the public hearing for the proposed Community Development Block Grant application at 7:30 PM.

A true record, attest: Patricia Castle

City Clerk

PUBLIC HEARING – RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

Mayor Kahn opened the public hearing for discussion of the Residential Anti-Displacement and Relocation Assistance Plan at 7:30 PM and welcomed Jack Ahern, Associate Planner with Southwest Regional Planning Commission, to address the Residential Anti-Displacement and Relocation Assistance Plan.

Mr. Ahern explained that if any displacement takes place as a result of the proposed CDBG project, the Uniform Relocation Act must be followed, which requires that any displaced household or business in a project using funds must be found comparable housing or commercial space in a comparable neighborhood at a comparable price. Under the Certification section for the application, the City would certify that the Residential Anti-Displacement and Relocation Assistance Plan is in place and in the event that it is discovered that this specific project does displace persons or households, a Displacement Implementation Plan must be submitted to the Community Development Finance Authority (CDFA) prior to obligating or expending funds. Because of the nature of this project, Mr. Ahern said it was highly unlikely that any sort of relocation would be necessary. However, the CDFA requirements still mandate that the City of Keene certify that it would require the subrecipient to comply with the Uniform Relocation Act and Section 104(d) of the Housing and Community Development Act of 1974, as amended.

Mayor Kahn opened the floor to public comments and questions about the Residential Anti-Displacement and Relocation Assistance Plan, and hearing none, the Mayor closed the public hearing for the Anti-Displacement and Relocation Assistance Plan at 7:31 PM.

A true record, attest: Patricia Castle

City Clerk

PUBLIC HEARING – HOUSING AND COMMUNITY DEVELOPMENT PLAN

Mayor Kahn opened the public hearing for discussion of the City's Housing and Community Development Plan (HCDP) at 7:31 PM and recognized Jack Ahern, Associate Planner with Southwest Regional Planning Commission.

Mr. Ahern explained that the HCDP is a document specific to the CDBG program and is composed of several key areas: downtown housing, economic development, and health and human services. Each section details the current conditions and proposed actions that would help alleviate need in the area. In relation to CDBG funds, the minimum adoption schedule is once every three years. This document was last adopted in November 2024. The HCDP has had substantial updates and Mr. Ahern requested that the Council re-adopt it. Most critically, it designated Monadnock Affordable Housing Corporation as a Community Based Development Organization (CBDO), which would enable them to use CDBG funds for new housing construction as opposed to only renovations of existing structures. Additionally, the CDBG Impact Area section of the HCDP had been removed; this section was specific to a scoring metric that was no longer used by the Community Development Finance Authority. Other updates had been made to ensure that the HCDP referenced the most recent and relevant plans, reports, and supplemental documents. Mr. Ahern said that the proposed Keene Housing project met the listed HCDP goal to have a variety of housing options available that are affordable, accessible, eco-efficient, and support a variety of lifestyles. He said the HCDP was updated because it had not been since the 1980s, it referenced older versions of the City's Master Plan, and did not include references to the newest Housing Needs Assessment. Those additions brought the new version up-to-date and provided the CBDO designation for using CBDG funds for new construction as opposed to rehab only.

Mayor Kahn opened the floor to public comment and questions about the Housing and Community Development Plan, and hearing none, the Mayor closed the public hearing at 7:34 PM.

A true record, attest:

City Clerk

RESOLUTION – RELATING TO APPROVING A CDBG APPLICATION FOR KEENE HOUSING'S ROOSEVELT WEST APARTMENTS

A motion by Councilor Greenwald to suspend Section 27 of the Rules of Order to act on Resolution R-2024-45 the same evening as the public hearing was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor. A motion by Councilor Greenwald to adopt Resolution R-2024-45 was duly seconded by Councilor Bosley. The motion carried unanimously with 15 Councilors present and voting in favor.

NOMINATIONS – AIRPORT DEVELOPMENT AND MARKETING COMMITTEE, ASHUELOT RIVER PARK ADVISORY COMMITTEE, BUILDING BOARD OF APPEALS/HOUSING STANDARDS BOARD OF APPEAL, CONGREGATE LIVING AND SOCIAL SERVICES LICENSING BOARD, CONSERVATION COMMISSION, ENERGY AND CLIMATE COMMITTEE, HUMAN RIGHTS COMMITTEE, KEENE HOUSING,

PARTNER CITY COMMITTEE, PLANNING BOARD, TRUSTEES OF TRUST FUNDS/CEMETERY TRUSTEES

Mayor Kahn re-nominated the following individuals to serve on the respective City boards and committees:

To the Airport Development and Marketing Committee: Elizabeth Bendel, as a regular member, with a term to expire Dec. 31, 2027; Kristopher Radder, as an alternate member, with a term to expire Dec. 31, 2027; Nathan Jacobs, changing from a regular to an alternate member, with a term to expire Dec. 31, 2027. To the Ashuelot River Park Advisory Board: Arthur Winsor, changing from a regular to an alternate member, with a term to expire Dec. 31, 2027. To the Building Board of Appeals/Housing Standards Board of Appeal: Doug Brown, as a regular member, with a term to expire Dec. 31, 2027. To the Congregate Living and Social Services Licensing Board: Andrew Oram, as a regular member, with a term to expire to expire Dec. 31, 2027; Allison Welsh, as a regular member, with a term to expire to expire Dec. 31, 2027. To the Conservation Commission: Kenneth Bergman, changing from a regular to an alternate, with a term to expire Dec. 31, 2025; Thomas Haynes, as an alternate member, with a term to expire Dec. 31, 2027. To the Historic District Commission: David Bergeron, as an alternate member, with a term to expire Dec. 31, 2027. To the Human Rights Committee: Gina Burke, as a regular member, with a term to expire Dec. 31, 2027. To Keene Housing: Susan Shaw, as a regular member, with a term to expire Dec. 31, 2029. To the Partner City Committee: Eric Weisenberger, as a regular member, with a term to expire Dec. 31, 2027. To the Planning Board: Harold Farrington, as a regular member, with a term to expire Dec. 31, 2027. Trustees of Trust Funds: Martha Curtis, as a regular member, with a term to expire Dec. 31, 2027.

Mayor Kahn tabled the nominations until next regular meeting.

NOMINATIONS – BICYCLE PEDESTRIAN PATH ADVISORY COMMITTEE, ZONING BOARD OF ADJUSTMENT, ENERGY AND CLIMATE COMMITTEE, CONSERVATION COMMISSION, PARTNER CITY COMMITTEE

Mayor Kahn nominated the following individuals to serve on City boards and committees:

To the Bicycle Pedestrian Path Advisory Committee: Dwight Fisher, as a regular member, with term to expire Dec. 31, 2027. To the Building Board of Appeals/Housing Standards Board of Appeal: Stephen Tarbox, as an alternate member, with a term to expire Dec. 31, 2027. To the Conservation Commission: Robert Milliken, as a regular member, with term to expire Dec. 31, 2027; Gary Flaherty, as a regular member, with term to expire Dec. 31, 2027. To the Energy and Climate Committee: Maureen Nebensahl, as a regular member, with term to expire Dec. 31, 2027. To the Partner City Committee: Gerald Kuhn, as a regular member, with term to expire Dec. 31, 2027. To the Zoning Board of Adjustment: Tad Schrantz, as a regular member, with term to expire Dec. 31, 2027; Adam Burke, as an alternate member, with term to expire Dec. 31, 2027; Stephen Tarbox, as an alternate member, with term to expire Dec. 31, 2027.

Mayor Kahn tabled the nominations until next regular meeting.

COMMUNICATION – MAURA MCQUEENEY/HOME HEALTHCARE, HOSPICE AND COMMUNITY SERVICES – REQUEST FOR NO PARKING ON EITHER SIDE OF THE ENTRANCE AT 312 MARLBORO STREET

A communication was received from Maura McQueeney on behalf of Home Healthcare, Hospice, and Community Services (HCS), requesting the designation of parking spaces on either side of its entrance at 312 Marlboro Street as "no parking" zones. Use of these spaces for parking creates an obstruction to the line of sight for vehicles coming and going from HCS. Due to their lengthy agenda on December 18, Mayor Kahn referred this to the Municipal Service, Facilities & Infrastructure Committee meeting of January 22, 2025.

COMMUNICATION – TIM PIPP/BEEZE TEES SCREEN PRINTING – PROPOSAL TO ADD THE NECESSARY INFRASTRUCTURE TO ACCOMMODATE BANNERS ACROSS MAIN STREET

A communication was received from Tim Pipp on behalf of Beeze Tees Screen Printing, requesting, that the Council consider the installation of tall poles that would accommodate an 18-foot banner that would stretch across Main Street, and which would support locally owned businesses and community events. Due to their lengthy agenda on December 18, Mayor Kahn referred this to the Municipal Service, Facilities & Infrastructure Committee meeting of January 22, 2025.

COMMUNICATION – COUNCILOR FILIAULT – PROPOSING THAT THE CITY COUNCIL CONSIDER A DELAY IN THE DOWNTOWN INFRASTRUCTURE PROJECT

A communication was received from Councilor Randy Filiault, requesting that the City Council consider delaying the downtown infrastructure project for at least one calendar year due to anticipated increases in property taxes combined with the potential for downshifting of costs from the State to local government. Mayor Kahn referred the communication to the Finance, Organization & Personnel Committee.

Councilor Filiault challenged the decision of the Mayor, seeking to have the communication referred to the Municipal Services, Facilities & Infrastructure Committee instead. Councilor Jones seconded.

Councilor Filiault explained that he understood the intent to send to FOP because of the financial implications but said that for the two years that this project had been discussed, it had been before the MSFI Committee, which had considered the finances. He said the MSFI Committee had not taken votes on every dollar value, but the whole project had been before it, and the Committee had asked many questions about grants. He said that the night before this Council meeting, the MSFI Committee heard the Rt-9/Sullivan Road project, which he said was being handled in-house, so he called it a financial decision and a road decision. So, he said that referring his communication to MSFI would not be breaking precedent, noting that there had been other times that financial matters had gone through Standing Committees other than FOP.

In the end, he said that it would be up to the FOP Committee to appropriate the funds or not, and the ultimate financial decisions would come back to the full Council. Councilor Filiault added that in two weeks, this whole project would be before the MSFI Committee, and many constituents—including many of the small, downtown business owners who asked him to write a communication like this—would be attending that meeting already to speak about the project. So, the Councilor felt it was an undue burden to expect those constituents to come to two separate meetings to voice their concerns. He said the Council should be making this as transparent and simple as possible for the constituents. He felt the MSFI Committee could discuss these financial issues without making that final vote while the constituents are already present.

Mayor Kahn stated that MSFI had done great work as the design review Committee, which was its purview. The Mayor noted that the City had faced delays on this project every time the consultants had described the financial impacts of year-over-year delays. He recalled that the City has applied for grants and loans to satisfy the funding for the project based on the existing timeline. The Mayor thought those were the real implications of Councilor Filiault's questions. The Mayor welcomed comments from staff.

Councilor Filiault raised a Point of Order as he did not believe staff could speak during this exchange but the City Attorney, Tom Mullins, reminded him that those Rules only applied to the Mayor and Council and the City Manager had the right to speak during a Council meeting.

The Deputy City Manager, Rebecca Landry, said that staff were looking forward to this going to the FOP meeting because the Public Works Director, Don Lussier, was preparing all the details on the potential grant implications for that meeting. Phone calls still had to be made, such as to the NH Revolving Loan Fund, for which the City had received word that it qualified for a significant percentage of the project to be forgiven—great news—but the City had to confirm if that would be true with a project delay. So, the Deputy City Manager said there was not sufficient time between the submission of the communication and the MSFI meeting to complete all of this. The Public Works Director was also looking into construction standards and construction indices to present to the FOP Committee when it gets to that point.

Councilor Filiault said he was not arguing the reasoning that the Deputy City Manager presented, noting that all of that would still be ultimately discussed by the FOP Committee even if his communication was referred to the MSFI Committee. He felt the project should remain discussed as a whole by the MSFI Committee as it had been for the previous two years.

Mayor Kahn thought the questions about the Revolving Loan Fund had been before the FOP Committee before.

On a roll call vote of 11–4, the ruling of the Mayor was sustained, and the communication was referred to the Finance, Organization and Personnel Committee. Councilors Filiault, Jones, Chadbourne, and Greenwald voted in the minority.

CITY MANAGER COMMENTS

The Deputy City Manager, Rebecca Landry, welcomed the new AV Assistant, Logan Hood, who would be helping with these meetings. Ms. Landry also invited the Council and Mayor to the employee holiday luncheon and annual employee recognition (years of service and other awards) on December 12 from 11:30 AM–1:30 PM in the Michael J. Blastos Community Room.

The Deputy City Manager also provided an update on parking bans. She recalled that this year, the City shifted to winter weather parking bans instead of having the on-street parking ban in place overnight from November–May. Ms. Landry provided a memo recapping how the City handled the first two storms of the season, which she summarized. On Thanksgiving Day, Public Works imposed the first winter weather parking ban, which was announced shortly before noon the Wednesday prior, and it became effective at 6:00 AM on Thursday. The first test of the new rules went reasonably well, and the notification process worked as anticipated. Ms. Landry said the City did everything it could possibly think of to get the word out about this ban: there was a mailing to thousands of residents (including renters, not just property owners), signage, a podcast, social media, a website banner, and e-mail. When the parking ban was lifted at 8:00 PM Thursday evening, the City identified an unexpected issue: if that text message had been sent at 7:59 PM, everything would have been great. However, the marketing platform the City used to send out text messages was very subscriber friendly and did not allow text messages between 8:00 PM and 8:00 AM—a regulatory issue. So, she said that would be an easy adjustment going forward and staff were already looking at alternative SMS messaging systems. This event only required salt, so she said it was not a big problem. The Deputy City Manager reported that there were 64 vehicles parked illegally in that first storm, mostly on Court Street and Washington Street. Keene Police distributed flyers to each car instead of tickets to remind the owners of the new rules and tell them how to receive notifications. The City would be requesting that the Police Department consider ticketing as a means to encourage cooperation going forward.

The Deputy City Manager reported on the second parking ban that was imposed just after 6:00 PM on December 4. She said compliance was a little better, with 39 vehicles parked illegally; she said the Police were helpful again, and thanked them for contacting owners, having vehicles moved, or ticketing if necessary. Ms. Landry said that Chelsea North, Parking Operations Manager, did a lot of research on other communities and found that this level of non-compliance with this type of parking ban is not uncommon. Ms. Landry said the illegally parked vehicles did not prevent Public Works from plowing any streets but said that unfortunately many areas were left with snow piles and slush in the parking stalls, which could freeze. So, the Deputy City Manager said that until residents are accustomed to the new rules, the City would not be able to achieve the same level of services as in the past, but that was the goal through slight adjustments over time.

The Deputy City Manager explained that there was a staff discussion about confusion around parking in paid/metered spots vs. unpaid/non-metered spots during these first two winter parking bans, which had not been considered before the rules changed. So, she said that during parking bans that extend beyond the former 1:00 AM–6:00 AM time frame in previous years, staff wanted to try setting an all-street parking ban for those hours for the upcoming storms to alleviate confusion and expand reasonable daytime parking options, while still allowing for snow

removal. While there had been confusion these first two times, Ms. Landry said staff were working internally to answer the other questions that arose, noting that this system allowed for more flexibility on a storm-by-storm basis. She said this was a common approach in other communities that used these storm related parking bans as opposed to seasonal bans that do not require any change to the City Code.

Councilor Haas asked how many cars were typically ticketed overnight during the previous on-street parking bans. Ms. Landry replied that it was not storm dependent, but she could follow-up with the Councilor, likely with an average report over a period of months. Councilor Haas said that that was not necessary. He said he intuitively wondered how 39 tickets overnight compared—as a success or failure to measure. The Deputy City Manager said the City was receiving about $22,000 in ticket revenue per year from the on-street parking bans that were in place November–May.

Councilor Favolise stated that City Staff had done a really good job of doing everything they could in terms of messaging this. He noted that this was a pretty significant change and he recalled that all along, there was acknowledgement that there would be some hiccups. Councilor Favolise acknowledged both the Public Works Director's and Ms. Landry's recent efforts, and stated that he thought that City staff were doing the best they possibly could in this effort.

PB-PLD REPORT – ORDINANCE O-2024-19-A – RELATING TO BUILDING HEIGHT IN THE COMMERCE DISTRICT

A Joint Planning Board and Planning, Licenses & Development Committee report read, with the Planning Board finding that Ordinance O-2024-19-A is consistent with the Comprehensive Master Plan; and the Planning, Licenses & Development Committee recommending that the Mayor set a public hearing on Ordinance O-2024-19-A. Mayor Kahn filed the memorandum and set the public hearing for Thursday, January 2, 2025, at 7:00 PM.

PB-PLD REPORT – ORDINANCE O-2024-17-A – RELATING TO MINIMUM LOT SIZES IN THE HIGH DENSITY, MEDIUM DENSITY, AND DOWNTOWN TRANSITION DISTRICTS

A Joint Planning Board and Planning, Licenses & Development Committee report read, with the Planning Board finding that Ordinance O-2024-17-A is consistent with the Comprehensive Master Plan; and the Planning, Licenses & Development Committee recommending that the Mayor set a public hearing on Ordinance O-2024-17-A. Mayor Kahn filed the memorandum and set the public hearing for Thursday, January 16, 2025, at 7:00 PM.

ORDINANCE FOR FIRST READING – RELATING TO PERSONNEL – ORDINANCE O-2024-25

A memorandum was received from the HR Director/ACM, Elizabeth Fox, recommending that Ordinance O-2024-25 be referred to the Finance, Organization & Personnel Committee. Mayor Kahn referred Ordinance O-2024-25 to the Finance, Organization & Personnel Committee.

RESOLUTION – IN APPRECIATION OF MICHAEL T. COX UPON HIS RETIREMENT – RESOLUTION R-2024-40

A memorandum was received from the HR Director/ACM, Beth Fox, recommending that the City Council adopt Resolution R-2024-40. Mayor Kahn filed the memorandum. A motion by Councilor Powers to adopt Resolution R-2024-40 with gratitude for Mr. Cox's 27.5 years of service to the City was duly seconded by Councilor Bosley. The motion carried unanimously with 15 Councilors present and voting in favor.

RESOLUTION – IN APPRECIATION OF HARRY S. MCKELVEY UPON HIS RETIREMENT – RESOLUTION R-2024-41

A memorandum was received from the HR Director/ACM, Beth Fox, recommending that the City Council adopt Resolution R-2024-41. Mayor Kahn filed the memorandum. A motion by Councilor Powers to adopt Resolution R-2024-41 with gratitude for Mr. McKelvey's 37 years of service to the City was duly seconded by Councilor Bosley. The motion carried unanimously with 15 Councilors present and voting in favor.

NON-PUBLIC SESSION

At 8:08 a.m., Councilor Greenwald moved to go into a non-public session to discuss the hiring of a person as a public employee under RSA 91-A:3 II (b). Councilor Bosley duly seconded the motion. The motion carried unanimously on a roll call vote, with 15 Councilors present and voting in favor. A brief recess was called. Discussion was limited to the subject matter.

Councilor Greenwald moved to keep this evening's personnel discussion non-public, as disclosure could adversely affect any person's reputation. Councilor Bosley duly seconded the motion. The motion carried unanimously on a roll call vote, with 15 Councilors present and voting in favor.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 8:36 PM.

A true record, attest:

City Clerk

CITY OF KEENE
NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

From: Mayor Jay V. Kahn

Through:

Subject: **Confirmations - Airport Development and Marketing Committee, Ashuelot River Park Advisory Committee, Building Board of Appeals/Housing Standards Board of Appeal, Congregate Living and Social Services Licensing Board, Conservation Commission, Energy and Climate Committee, Human Rights Committee, Keene Housing, Partner City Committee, Planning Board,Trustees of Trust Funds/Cemetery Trustees**

Council Action:
In City Council December 5, 2024.
Nominations tabled until the next regular meeting.

Recommendation:
I hereby nominate the following individuals, who are currently serving on the designated board or commission, and who wish to serve a second term:

Airport Development and Marketing Committee

Elizabeth Bendel, regular - re-nomination (slot 6)	Term to expire Dec. 31, 2027
Kristopher Radder, alternate - re-nomination (slot 10)	Term to expire Dec. 31, 2027
Nathan Jacobs, alternate - re-nomination (slot 11)	Term to expire Dec. 31, 2027

Ashuelot River Park Advisory Committee

Arthur Winsor, alternate - re-nomination (slot 10)	Term to expire Dec. 31, 2027

Building Board of Appeals/Housing Standards Board of Appeal

Doug Brown, regular - re-nomination (slot 3)	Term to expire Dec. 31, 2027

Congregate Living and Social Services Licensing Board

Andrew Oram, regular - re-nomination (slot 1)	Term to expire Dec. 31, 2027
Allison Welsh, regular - re-nomination (slot 2)	Term to expire Dec. 31, 2027

Conservation Commission

Kenneth Bergman, alternate - re-nomination (slot 12)	Term to expire Dec. 31, 2025
Thomas Haynes, alternate - re-nomination (slot 9)	Term to expire Dec. 31, 2027

Historic District Committee

David Bergeron, alternate - re-nomination (slot 9)	Term to expire Dec. 31, 2027

Human Rights Committee

Gina Burke, regular - re-nomination (slot 7)	Term to expire Dec. 31, 2027

Keene Housing

Susan Shaw, regular - re-nomination (slot 4)	Term to expire Dec. 31, 2029

Partner City Committee

Eric Weisenberger, regular - re-nomination (slot 4)	Term to expire Dec. 31, 2027

Planning Board

Harold Farrington, regular - re-nomination (slot 2)	Term to expire Dec. 31, 2027

Trustees of Trust Funds

Martha Curtis, regular - re-nomination (slot 2)	Term to expire Dec. 31, 2027

Attachments:

None

Background:

CITY OF KEENE
NEW HAMPSHIRE

ITEM #B.2.

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

From: Mayor Jay V. Kahn

Through:

Subject: **Confirmations - Bicycle Pedestrian Path Advisory Committee, Zoning Board of Adjustment, Energy and Climate Committee, Conservation Commission, Partner City Committee**

Council Action:
In City Council December 5, 2024.
Nominations tabled until the next regular meeting.

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

Bicycle Pedestrian Path Advisory Committee
Dwight Fisher, regular (slot 7) — Term to expire Dec. 31, 2027
110 Arch Street

Building Board of Appeals/Housing Standards Board of Appeal
Stephen Tarbox, alternate (slot 6) — Term to expire Dec. 31, 2027
189 Jordan Road

Conservation Commission
Robert Milliken, alternate (slot 8) — Term to expire Dec. 31, 2026
30 Allen Court

Gary Flaherty, regular (slot 6) — Term to expire Dec. 31, 2027
11 Surry Hill Drive

Energy and Climate Committee
Maureen Nebenzahl, regular (slot 1) — Term to expire Dec. 31, 2027
137 Court Street

Partner City Committee
Gerald Kuhn, regular (slot 6) — Term to expire Dec. 31, 2027

137 Court Street

Zoning Board of Adjustment

Tad Schrantz, regular (slot 3) 23 Warren Street	Term to expire Dec. 31, 2027
Adam Burke, alternate (Slot 7) 249 Pako Avenue	Term to expire Dec. 31, 2027
Stephen Tarbox, alternate (slot 8) 189 Jordan Road	Term to expire Dec. 31, 2027

Attachments:

None

Background:

ITEM #B.3.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

From: Mayor Jay V. Kahn

Through:

Subject: **Nominations - Ashuelot River Park Advisory Board, Conservation Commission, Energy and Climate Committee, Heritage Commission, and Trustees of Trust Funds/Cemetery Trustees**

Recommendation:

Attachments:
1. Larmon, Steven_Redacted
2. Katz, Malcolm_Redacted
3. Casey, Leslie_Redacted
4. Murphy, Tim_Redacted

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

Ashuelot River Park Advisory Board

Leslie Casey, regular (slot 4) Sullivan New Hampshire	Term to expire Dec. 31, 2027

Conservation Commission

Deborah LeBlanc, regular (slot 1) - re-nomination	Term to expire Dec. 31, 2027
Sparky Von Plinsky, alternate (slot 11) - re-nomination	Term to expire Dec. 31, 2025

Energy & Climate Committee

Lisa Maxfield, regular (slot 11) - re-nomination	Term to expire Dec. 31, 2027
Timothy Murphy, regular (slot 10) 40 Green Acres Road	Term to expire Dec. 31, 2027

Steve Larmon, regular (slot 7) Term to expire Dec. 31, 2027
201 Chesterfield Road

Heritage Commission
Cauley Powell, alternate (slot 11) re-nomination Term to expire Dec. 31, 2027

Trustees of Trust Funds and Cemetery Trustees
Malcolm Katz, regular (slot 5) Term to expire Dec. 31, 2027
55 Wilder Street

From: Patty Little
To: Heather Fitz-Simon
Subject: FW: Interested in serving on a City Board or Commission
Date: Friday, December 6, 2024 1:09:48 PM

Patricia A. Little
City Clerk
City of Keene
3 Washington Street
Keene, NH 03431
(603) 352-0133 x2 | KeeneNH.gov
Report Issues: SeeClickFix/Keene

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Friday, December 6, 2024 11:11 AM
To: Nicole Howe <nhowe@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, 12/06/2024 - 11:10
Submitted values are:

First Name:
Steven

Last Name:
Larmon

Address
201 Chesterfield Road,
Keene, NH 03431

How long have you resided in Keene?
34 years

Email:
[redacted]

Cell Phone:
[redacted]

Employer:
Retired

Occupation:
Former medical doctor/ cancer center director

Retired
Yes

Please list any organizations, groups, or other committees you are involved in
Monadnock Conservancy
Ashuelot Concerts
Chamber Singers of Keene

Have you ever served on a public body before?
No

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

Please let us know the Board or Commission that you are most interested in serving on.
The Energy Committee as Mayor Kahn asked me to serve

Please share what your interests are and your background or any skill sets that may apply.
I was with the Monadnock Conservancy for 6 years and served as board President. I am still on the lands committee and campaign committee. As my father was involved with conservation organizations I have wanted to follow his footsteps in retirement

Suggest other public bodies of interest
Music, Downhill and cross country skiing Hiking

Please provide 2 personal references:
Jane Larmon
[redacted]

References #2:
Ryan Owens
[redacted]

From:	Patty Little
To:	Heather Fitz-Simon
Subject:	FW: Interested in serving on a City Board or Commission
Date:	Friday, December 6, 2024 2:04:19 PM

Patricia A. Little
City Clerk
City of Keene
3 Washington Street
Keene, NH 03431
(603) 352-0133 x2 | KeeneNH.gov
Report Issues: SeeClickFix/Keene

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Friday, December 6, 2024 11:52 AM
To: Nicole Howe <nhowe@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, 12/06/2024 - 11:52
Submitted values are:

First Name:
Malcolm

Last Name:
Katz

Address
55 Wilder Street
Keene, New Hampshire

Email:
[redacted]

Cell Phone:
[redacted]

Occupation:
architect

Retired
Yes

Please list any organizations, groups, or other committees you are involved in
building code board of appeals

Have you ever served on a public body before?
Yes

Please select the Boards or Commissions you would be most interested in serving on.
Trustees Of Trust Funds And Cemetery Trustees

Please let us know the Board or Commission that you are most interested in serving on.
trustees of Trust funds and CemeteryTrustees

Please provide 2 personal references:
Dan Aronson
[redacted]

References #2:
Jay Kahn
[redacted]

From:	Patty Little
To:	Heather Fitz-Simon
Subject:	FW: Interested in serving on a City Board or Commission
Date:	Thursday, December 5, 2024 1:58:04 PM

Please save and redact

Patricia A. Little
City Clerk
City of Keene
3 Washington Street
Keene, NH 03431
(603) 352-0133 x2 | KeeneNH.gov
Report Issues: SeeClickFix/Keene

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Thursday, December 5, 2024 1:30 PM
To: Nicole Howe <nhowe@keenenh.gov>
Cc: Patty Little <plittle@keenenh.gov>; Terri Hood <thood@keenenh.gov>
Subject: Interested in serving on a City Board or Commission

Submitted on Thu, 12/05/2024 - 13:30
Submitted values are:
First Name:
Leslie

Last Name:
Casey

Address
PO Box 176
Sullivan, NH 03445-0176

How long have you resided in Keene?
I have lived in Sullivan, just outside of Keene, for just over 10 years.

Email:
[redacted]

Cell Phone:
[redacted]

Occupation:
Research scientist

Retired
Yes

Please list any organizations, groups, or other committees you are involved in
UNH Master Gardener Alumni Association (member)
Friends of the Arboretum at Ashuelot River Park (director)
Southwest Region Planning Commission (commissioner and director)
Past involvement: SWRPC Transportation Advisory Committee (member), Sullivan Planning Board (chair), Sullivan Housing Task Force (chair)

Have you ever served on a public body before?
Yes

Please select the Boards or Commissions you would be most interested in serving on.
Ashuelot River Park Advisory Board

Please let us know the Board or Commission that you are most interested in serving on.
Ashuelot River Park Advisory Committee

Please share what your interests are and your background or any skill sets that may apply.
I am interested in improving Ashuelot River Park by helping to implement the 2020 Master Plan. I am a UNH Master Gardener, and for the past 3 years the park has been my project area.
The park is an important cultural and natural resource for the City of Keene, visitors, and residents of surrounding towns who come to downtown Keene. I would like to see the park become more sustainable in terms of budget and person-power going forward.
I would bring my Master Gardener training, as well as experience with public committees, project team leadership, and an educational background in biology.

Please provide 2 personal references:
Dian Mathews
[redacted]

References #2:
Arthur "Bud" Winsor
[redacted]

From:	Patty Little
To:	Heather Fitz-Simon
Subject:	FW: Interested in serving on a City Board or Commission
Date:	Tuesday, December 17, 2024 3:22:08 PM

Please save and redact

Patricia A. Little
City Clerk
City of Keene
3 Washington Street
Keene, NH 03431
(603) 352-0133 x2 | KeeneNH.gov
Report Issues: SeeClickFix/Keene

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us>
Sent: Wednesday, December 4, 2024 4:55 PM
To: Nicole Howe <nhowe@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 Wed, 12/04/2024 - 16:54
Submitted values are:
First Name:
Tim

Last Name:
Murphy

Address
40 Green Acres Road, Keene, NH 03431

How long have you resided in Keene?
29 years

Email:
[redacted]

Cell Phone:
[redacted]

Retired
Yes

Please list any organizations, groups, or other committees you are involved in
NH Endowment for Health - Board of Directors
Monadnock United Way - Board of Directors
Monadnock Collaborative's Promoting the Monadnock Region Advisory Committee -

member
Southwest Region Planning Commission - advisor, part-time professional services

Have you ever served on a public body before?
Yes

Please select the Boards or Commissions you would be most interested in serving on.
Energy and Climate Committee, Keene Housing Authority

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

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

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

General: Overall community well-being.

More specific (including but not limited to): environment, public health, economic development, climate resilience/adaptation, changing demographics, socioeconomic equity, infrastructure, housing, emergency preparedness.

Background

Professional: 40-year career in regional planning (recently retired).

Volunteer: Service to several state, regional and local boards and committees in both government and not-for-profit sectors.

Skills: Varied.

Please provide 2 personal references:
Christopher Coates
ccoates@co.cheshire.nh.us
[redacted]

References #2:
Jamie Trowbridge
jamiet@yankeepub.com
[redacted]

ITEM #C.1.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

From: Councilor Edward Haas

Through: Patricia Little, City Clerk

Subject: **Councilor Ed Haas - Annual Reports of Boards and Commissions**

Recommendation:

Attachments:
1. Communication_Haas

Background:
Councilor Haas is requesting that the City Council initiate a process for all boards and commissions of the City to submit annual reports of their activities, accomplishments, challenges, goals, and ideas for the coming year. This reporting would improve the visibility of the work done by these public bodies and keep all Councilors aware of their accomplishments and goals.

114 Jordan Road
Keene, NH 03431

December 17, 2024

Keene City Council
City Clerk Office
Keene, NH 03431

Council Agenda Item:
Request for Annual Reports

Honorable Mayor and City Council:

A strength of our local government and community capabilities are the twenty-six Committees, Commissions, and Boards that make up the advisory service to the City staff and Council.

Unfortunately, many of these groups labor in quiet, without worthwhile public acknowledgement. Likewise, after a time some may have been concluded or no longer have relevance.

I ask the City Council to initiate a routine of each Commission, Board, or Committee presenting a brief annual report of their activities, accomplishments, challenges, and goals and ideas for the coming year. These reports could be as brief as desired by the submitters, and should be presented at a Council meeting, spaced out over the year for time efficiency.

The same annual reporting could at some time soon be extended to the Standing Committees as well as City departments.

I believe having this public forum will improve the visibility of the work done by these groups and will keep all Councilors aware of their accomplishments and goals.

Sincerely,

Ed Haas
Councilor-at-Large
603 633 8832

CITY OF KEENE
NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

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

Through:

Subject: **Petition - Reduction of Speed Limit - Upper Roxbury Street**

Recommendation:
On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends placing the reduction of speed limits on more time and that the City Manager be directed to evaluate potential solutions to reduce speed and improve safety on Roxbury St.

Attachments:
None

Background:
Chair Greenwald asked to hear from the Petitioner.

Alan Huston of 362 Roxbury St. stated that he put a petition in to lower the speed from Water St. to Lincoln St. He continued that he interviewed all of the people on the list he gave the MSFI Committee, and they all agreed to petition the Council. The speed is unbelievable on that street. People come down the hill at 40 mph, no matter the season. Many pedestrians are on the street, including students from the school on South Lincoln St. Children might run into the road. It is lucky that nothing has happened to them yet. The sidewalk goes about halfway up the hill, and then pedestrians must walk on the road to continue up to Water St.

Mr. Huston continued that many of the people he talked to have had near misses when backing out of their driveways, because there is limited vision in some places. He had an incident himself last January. A snowplow was going down the hill at about 40 mph and missed hitting him by about a foot. The vision for backing out is insufficient for many people.

Chair Greenwald asked what the speed limit is in this area. Bryan Ruoff, City Engineer, replied 30 mph.

Chair Greenwald asked for public comment.

Bobby Williams of 66 North Lincoln St. stated that he lives around the corner, and agrees that cars speed here. He continued that when they come around the corner, what should be a four-way stop is a two-way stop, and cars go right through. Lowering the speed limit is an option, but he does not think it would slow people down without a lot of enforcement. He thinks there needs to be some

engineering of the road to encourage drivers to go slower.

Mr. Ruoff stated that the request was to change the speed limit from 30 mph to 20 mph. He continued that the current State RSA 265:62, Establishment of Speed Zones, allows alterations in speed zones, but not less than 25 mph. From an engineering standpoint, they only have one example of comparing (conditions) before and after reducing speed, on North Lincoln St. The City has data of cars' speeds from before and after the speed limit was reduced on North Lincoln St. In this instance, the reduction did not slow down cars, like what Councilor Williams indicated. In fact, the speeds increased after the signs and speed limit were changed. That was part of the east side traffic-calming project.

Chair Greenwald stated that Councilor Filiault used to live in that area, and he himself drives it every day. He asked if it would fit the State standards to make it a four-way stop. Mr. Ruoff replied that he has not reviewed that, but he can. He continued that they could also get traffic data from that location to see what speeds people are going. They did that on Sullivan Rd. as part of a project.

Don Lussier, Public Works Director, stated that shortly before Mr. Ruoff started with the City, staff did the east side traffic study as a result of a neighborhood petition. He continued that as part of that, staff looked at various locations in the neighborhood, including assessing three locations for potential locations for all-way stop conditions. They ended up recommending an all-way stop at Grove/Community/Water St. The intersection of North Lincoln/South Lincoln/Roxbury St. was one of the locations staff evaluated, and at that point, they found that it did not meet the criteria or threshold for a multi-way stop sign. He does not have the numbers off the top of his head, but staff looks at criteria based on the volumes of traffic between the major and minor streets, the accident history for that intersection in the past year and five years, and speed data.

Chair Greenwald stated that he has heard you cannot use a stop sign as a traffic-calming device. Mr. Lussier replied that is correct.

Vicky Morton of 275 Water St. stated that while the traffic study for the intersection of South Lincoln St. and Roxbury St. might not meet the criteria for a four-way stop, she wishes the Council would honor the residents' request, considering they are afraid to back out (of their driveways) due to their experiences. She continued that that should play a major role in the decision of whether to add stop signs. The traffic study showed 85% of the traffic was going at speed. That remaining 15% is a critical number, to the people who are in the way of the people speeding. The four-way stop at Water St. has mitigated some of the speed on Water St., but in some ways, it has also increased it because people hit that stop sign and then take off (fast). She travels regularly in the 25 mph speed zone on Eastern Ave and tries to stay at 25 mph but is always passed by drivers going the other direction at higher speeds, and a driver is always at her bumper, trying to make her drive faster. If a group of residents approach the City with a request, even if it does not meet the criteria, it is important to listen.

Chair Greenwald stated that he thinks the other issue is enforcement. He continued that the conversation, through the minutes, has been heard by the City Manager and he suspects the Police Department will be requested to pay more attention.

Councilor Filiault stated that he can certainly vouch for the speeds that come through there. He continued that he thinks staff's studies will find that this street has speeds more excessive than the ones found on the side streets, mainly due to the steep hill which people gain a lot of speed on. Sometimes that is intentional, sometimes not. A family member of his on Eastern Ave. says that he thinks the speed limit reduction has slowed traffic a little bit. He thinks they should reduce the speed to 25 mph. At Robin Hood Park on any given day, there are many students from the charter

school. It would only take a second for a child not paying attention to be in the road. He thinks that for many reasons, they should expedite looking at this area. Regarding the four-way stop, it is almost a secondary situation, because it is down a little way around the corner. Years ago, the Council tried to have a four-way stop there, but the idea was shot down because of State restrictions. He thinks 25 mph would be a compromise here, but obviously, they must go through the proper procedures. He is in favor of trying to slow down traffic in this part of the city.

Councilor Favolise stated that in the past, they talked about the engineering design of the intersection at Water and Grove St., and staff explained why that area was not an engineering concern. Thinking about the hill and the intersection after it from a Public Works/Engineering perspective, he wonders if there is a problematic road design here.

Mr. Lussier replied that off the top of his head, he does not think so. He continued that he heard the Petitioner's comments about sight distance, which he himself has not looked at or measured. If the Committee recommends sending this back to staff with a request to evaluate and return with a recommendation, staff will look at that carefully. That factor would be considered as a reason for lowering the speed from the prima facie speed in the statute of 30 mph.

Councilor Workman stated that she will support having the staff take a closer look. She continued that she wants to see more detailed data on this specific area. She wants to remind folks that speeding is an issue throughout the city. It is incredibly difficult to burden the understaffed Keene Police Department with maintaining enforcement on all the roads. She has brought this up before, and unfortunately, the City has minimal tools at its disposal to change driver behavior. She would like to see them have the ability to do camera enforcement. She encourages folks to reach out to their State representatives to encourage the ability to use camera speed checks and enforcement. That would help the City's ability to actually enforce the speed limits throughout the city. She hopes they can figure out something in the meantime, but that is really the avenue she can see. Their hands are tied with the tools they can use, but the technology is there. She has been to other states in which (speeding drivers) just get a ticket in the mail, because of cameras. She would like to see the City of Keene have that ability.

Councilor Tobin stated that she is interested in having staff look at what the visibility is and how that can be improved, because it sounds like part of the issue is backing out of private driveways. She continued that if students are going to and from the school from other areas, she is interested to know whether there are peak hours and if a crossing guard would be an option. Maybe this could involve looking at the crosswalk locations in this area, too, because it is a little treacherous.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends placing the reduction of speed limits on more time and that the City Manager be directed to evaluate potential solutions to reduce speed and improve safety on Roxbury St.

ITEM #D.2.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

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

Through:

Subject: **Route 9 – Old Sullivan Road Intersection**

Recommendation:
On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the City Manager be directed to carry out the recommendations identified by the City Engineer.

Attachments:
None

Background:
Chair Greenwald asked to hear from staff.

Mr. Ruoff stated that the agenda packet has a revised plan, shown on the screen as well. He continued that staff conducted an on-site investigation, looking at sight distances and gathering traffic numbers for either side of Sullivan Rd. The objective was to see what they were looking at for each hour and what the peak traffic was. They coordinated what they thought was a good solution, in turning the passing lane into a dedicated turning lane. The NHDOT did not like that idea and thought a hatched lane would be better, discouraging motorists from trying to pass while motorists are also trying to turn left onto Sullivan Rd. NHDOT agreed to the solution and said they did not have resources to implement that, so City staff found a vendor to do this work. They had everything lined up and ready to go, and were planning to do it before this meeting and tell the Committee how great it came out, but there was freezing rain the day it was scheduled for. The issue now is weather, which is not appropriate for this type of modifications to the road. It is not safe for someone to do the striping right now.

Mr. Ruoff continued that they have a solution that creates a safer intersection for the short term, and the long-term plan is to put this on NHDOT's Ten Year Plan to get the intersection reconstructed, incorporating all the feedback they received from the public. If the weather was still sunny and nice, they would be out there doing the work.

Chair Greenwald stated that he is thrilled that the solution came about. He continued that he does not think he has ever seen government move this quickly. They heard, they designed, and they were ready to do the work. The City Manager moved it along, as did Engineering, and even NHDOT. He understands they cannot paint when the weather is cold, but he wonders if they can do it if there is a warm spell. Mr. Ruoff replied yes, they have everything lined up to do it, if there are a couple of

warm days. Chair Greenwald asked how warm it has to be. Mr. Ruoff replied that ideally, the asphalt should be 45 degrees and rising, which is considerably warmer than the current temperature.

Chair Greenwald stated that the recommended motion is for the Committee to accept this as informational. He asked the City Manager if she would be more comfortable with the Committee saying something more positive about the plan. Thomas Mullins, City Attorney, replied that it sounds to him like the motion would be to direct the City Manager to carry out the recommendations of the City Engineer as discussed at the meeting.

Ed Haas asked Mr. Ruoff what the costs are. Mr. Ruoff replied that off the top of his head, he thinks the striping and flagging costs were about the same, about $5,000 total.

Vicky Morton of 275 Water St. asked what Plan B is. She asked if striping this would be the solution to the issues the intersection had, or if there is a next step.

Mr. Ruoff replied that striping is more of an immediate action; there are definitely next steps. He continued that all the accidents occurred when there were left turns across the highway. This eliminates cars passing and trying to slow down and turn at the same time. In conjunction, staff is coordinating with NHDOT to put this on the Ten-Year Plan and reconstruct this intersection so it is safer, has better sight distances, and essentially addresses all of the concerns people have brought forward so far. They cannot do that quickly; it is a long process with NHDOT. However, the Ten-Year Plan does not necessarily mean ten years. If it was prioritized with NHDOT, it could be bumped up and potentially the intersection could be reconstructed in five years.

Ms. Morton stated that at the last MSFI Committee meeting when this was presented and discussed, there was the issue of people crossing a lane of traffic, which caused many of the accidents. However, a number of people who use the intersection also complained that when they come from the Keene side and go to turn onto Rt. 9, the visibility is severely impaired. Part of it is due to the deep valley prior to getting up to Rt. 9. She asked if there is any consideration for filling that and raising Sullivan Rd. to come up to the height of Rt. 9. It comes up on both sides, but it is a more severe incline from the Keene side than the Sullivan side.

Mr. Ruoff replied yes, that is something they are looking at now. He continued that he thinks there are two parts to that low visibility. One, the guardrail obstructs people's vision; it is right in your line of sight as you are looking out that way on Sullivan Rd. Two, it does drop off rather substantially. This conversation is not over with NHDOT; it has just started. Staff is putting forth what they can do immediately and then working on what they can do following that.

Councilor Filiault stated that he applauds City staff for their work on this. He continued that he has been around long enough to know what "Ten Year Plan" really means. It would be nice if it were five years, but typically, it ends up being longer, especially for projects in this part of the state. He will not hold his breath for the State coming up with anything for this. Come January 1, he thinks the Ten-Year Plan will back up quite a bit, based on what he hears coming out of Concord. He does not think much money will come Keene's way for anything. However, kudos to City staff for working on the situation. It might not be a perfect fix, but it is much better than it is now.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the City Manager be directed to carry out the recommendations identified by the City Engineer.

ITEM #D.3.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

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

Through:

Subject: **Red Pine Scale**

Recommendation:
On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends accepting the Red Pine Scale presentation as informational.

Attachments:
None

Background:
Carrah Fisk-Hennessey, Parks and Recreation Director, stated that they are here tonight to talk about the invasive pest impacting red pines in NH, the red pine scale. She continued that it has been evidenced as close as Swanzey. She indicated the photo on the screen, and continued that the pest lives under the white, wax-like substance. It pierces through the bark, into the trees, and sucks the life out. It starts at the bottom of the crown and goes to the top, moving very quickly.

The Chair represented other speakers who would be presenting. They identified themselves as Bill Davidson, a forest health specialist with the NH Forest Health program and Jo Russavage with the UNH Cooperative Extension, Urban Forestry and Ecology.

Ms. Fisk-Hennessey stated that they met about a month ago to talk about red pine scale's potential impact on community parks. She continued that the photo on the screen is of the devastation after the hurricane of 1938. Red pines were planted in 1939 and 1940 to reforest the area. It was a nationwide program to build back after significant damage. These are non-native species of red pine, nearing the end of their natural life of 85 to 95 years. This year is year 85. There is a red pine monoculture in some of Keene's parks. The dangers of that include root rot and invasive pests like the red pine scale, which decimates the monoculture. Forests that have been infected with invasive pests have never survived the infection.

Ms. Fisk-Hennessey continued that red pine scale has been evidenced throughout many parts of the State, most recently in the Yale Forest in Swanzey. Ms. Fisk-Hennessey shared a summer photo of this location, noting that the red pine scale has already infected this forest, which is very close to Keene. From 2012 through 2014, Bear Brook State Forest in Allenstown, NH went through a giant red pine harvesting because of the red pine scale infection. The invasive pest has moved westward. Mr. Davidson has brought a live example so people can see, feel, and look at it. It does

not look damaging in the picture, but the pest gets underneath, creates that flocculent to insulate itself, pierces the tree, and kills it.

Ms. Fisk-Hennessey continued that there are park watch lists to be aware of: Wheelock Park, Dinsmore Woods on both sides of Maple Ave., Ladies Wildwood Park, and Robin Hood Park. Wheelock Park and Dinsmore Woods are the most heavily populated with red pine. In addition to their meeting in November, she and the forestry experts toured all the parks to see if they should be concerned right now and to get a feel for what was in the area. The forestry experts were impressed by the significant undergrowth in Dinsmore Woods. Other tree species are already growing there, which is a definite benefit. They noticed concerning branches, which they will revisit as soon as they can. The trees are nearing the end of their natural life span. They are as tall as they are going to get. They also need to pay attention to Wheelock Park, and they are proactively going after this, to make sure the community is informed. They can provide the education people need to understand that this danger of red pine scale will not go away, and while it might not be here right this minute, it is imminent. The idea for Wheelock Park is to harvest one tract of red pine, between the drive out to the ball fields and the backside of O'Neal Field next to Wheelock Pool, as an educational pilot. They could engage the community in making sure they remove that tract of red pine. Ms. Russavage brought forward the idea of a demonstration of a forest mulcher machine, which she can talk about further. It gets through the roots and prepares the soil for what comes next. They can also incorporate and engage local artists to make sure they can create something beautiful and functional.

Ms. Fisk-Hennessey continued that she has talked with the UNH Cooperative Extension and the NH Division of Forests and Lands about workshop opportunities in January and March, so they can get as much information to the public as possible. Wonderful news is that $35,000 is already in the Capital Improvement Plan (CIP) for a forestry assessment for FY 26. Knowing the real negative impact monoculture can have on our parks, the plan is to create a sustainable forestry program.

Ms. Fisk-Hennessey noted that a couple of different methods can be used while they harvest the red pine. Ms. Russavage brought up the idea of Hügelkultur. She asked Ms. Russavage to speak about it. Ms. Russavage stated that Hügelkultur is a way of making use of waste wood product. She continued that for example, the City could decide to timber the trees prior to them becoming fully infected and dying so they could recapture the economic value of the trees in place versus paying for them once they are deceased. They will only take a certain portion, generally the tops. That leaves a lot of material. You layer that material and create planting areas, and berms and swales to capture water to help with stormwater management. A portable mill, through the Department of Forests and Lands, will timber the wood and create benches or tables. There are many uses for that material, using it in place to improve soil and help with biodiversity in the park areas where they will be doing most of this work.

Ms. Fisk-Hennessey stated that Ms. Russavage also brought forward the idea of creating a pocket forest. She asked her to speak to that.

Ms. Russavage stated that pocket forests have become common, almost trendy, in intensive urban areas where they all recognize that green infrastructure helps tremendously in managing hot spots. It helps with health and wellbeing in urban areas. Pocket forests take advantage of smaller spaces, with dense plantings of mixed varieties, mostly native to the region. They essentially push each other to come up more quickly than if you did a standard forested process. Ultimately, there would be a more diverse, more natural habitat like what was here prior to the hurricane damage and all the red pine becoming so prominent in Keene's landscape.

Ms. Fisk-Hennessey stated that the intention of tonight's presentation is informational. She continued that they have presented to the Conservation Commission very loosely, just identifying this as

something they will have to deal with eventually. They do not know when it will happen, but they know that it will happen, and that no forest has survived it. The forestry specialists they worked with in the middle of November are all on board to help Keene as they move through this process, with the workshops in January and March and over the next foreseeable future.

Chair Greenwald asked if there were any questions from the Committee. Hearing none, he asked if there were questions from the public.

In response to a question from an unidentified member of the public, Mr. Davidson stated the red pine scale is native to Japan and other countries in eastern Asia, and thus can live on some of the pine trees that are native to that area, but in NH, it cannot attack any trees other than red pine.

Councilor Favolise asked what the disease progression timeline is once red pine scale gets into a tree. He continued that in thinking of the timeline for removing these, he does not want to leave any possibility that a partial infection very quickly becomes a full infection.

Mr. Davidson replied that that is a tough question to answer, but they positively identified red pine scale in the Yale Forest, which is about two miles from Wheelock Park. He continued that it can easily spread here, dispersed by animals and wind. It can move two miles in about a year. From the time you start noticing the first symptoms to the time when you have widespread tree mortality could be as little as two or three years.

Andy Bohannon, Deputy City Manager, stated that he would like to congratulate Ms. Fisk-Hennessey on her first presentation to the MSFI Committee. He continued that in 2014, he and then-Director of Public Works, Kürt Blomquist, talked about how this red pine scale would come to Keene eventually and they would have to do something. They were fortunate to put the funding forward in the CIP, thinking that they still had time to do an assessment of what they had, and put that back in the CIP for a project in six or seven years. About two years ago when they had a meeting with Steve Robarge, who is (one of the Forest Specialists Ms. Fisk-Hennessey spoke of), they visited Wheelock Park and talked about how they still had a little bit of time. Now, with help from Mr. Davidson and Ms. Russavage, they have discovered that it is moving faster than they had anticipated. That gives them great concern. He knows some of the things they are planning, and he thinks they will do a great job educating the public about what is coming. He knows that Wheelock Park has been forested in the past, in the 1990s. They removed many trees related to the bike park and removed many trees as a result of walking through with the foresters, trying to thin things out as they go. Ladies Wildwood Park has a section they have already almost removed, but the undergrowth is now coming in, which is very positive. He gives kudos to Ms. Fisk-Hennessey and the team she has brought on to address this in a more immediate fashion, which is what they need to do.

Councilor Tobin stated that she appreciates them taking the time to investigate this and be proactive. She continued that recently, she recorded what she thought was elm city ash borer, and the response she received was basically, “Just don’t plant ash anymore.” It is unfortunate to think that with less biodiversity it means there are fewer options for things that they can plant. Without that, as the monoculture develops, there is less biodiversity, and it can be very isolating. When you have a disease that only impacts one species it sounds like it is not a big deal, but when that species is all that you were able to plant at that point, it wipes out a forest. She is not looking forward to seeing the loss of the trees, as is true for many people.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the Red Pine Scale presentation as informational.

ITEM #D.4.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

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

Through:

Subject: **Proposed Changes to Winchester Street, between Wilson and Main Streets**

Recommendation:
On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the report on the proposed changes on Winchester St. be accepted as informational with the expectation that Public Works will provide updates on the progress in the proposal.

Attachments:
None

Background:
Mr. Lussier stated that in 2007, the City did the reconstruction of the Main St., Marlboro St., and Winchester St. intersection. He continued that as part of that, they extended the work down Winchester St. and did crosswalk improvements in conjunction with the college. Today there are two raised crosswalks with pedestrian-activated signals. The intention was to make safer crosswalks for the high volume of pedestrian traffic going from the dormitories on the north side to the south side of campus. In 2023, those two dormitories were demolished, and the traffic that had justified those more intensive crosswalks does not exist anymore. In 2024, that section of Winchester St. was programmed to be repaved. Staff elected to postpone that for a year due to discussion of potential redevelopment of the former dormitories. Based on recent conversations with Keene State College (KSC), it does not look like that is moving forward, at least not in the near term. Thus, staff plans to repave Winchester St. as part of the 2025 paving program.

Mr. Lussier continued that he started a conversation with KSC about how they had done these crosswalks for a specific purpose that seems to no longer exist, and asked how KSC would feel about removing one of the mid-block crosswalks and making the crosswalk that remains just a standard crosswalk. KSC had no objection, because the traffic that had been justifying those more intensive crosswalks no longer exists. The agenda packet includes a sketch of what staff proposes. On the left/western side is the intersection with Wilson St. Staff proposes that crosswalk stay in place, but as a standard, at-street-grade crosswalk. They would build curb ramps on both sides to assist people with mobility impairments. They propose removing the crosswalk to the right/east. The distance between the two is a little over 200 feet, which is not a significant enough distance to warrant having a mid-block crossing there.

Mr. Lussier continued that staff suggests keeping the decorative lighting in the median islands on

Winchester St. There are three of those, one at the roundabout, one where the crosswalk will be removed, and another where the crosswalk will remain. The graphic shows three overhead lights to remove. KSC installed and pays for those and has no need or desire to continue their existence, so those are already scheduled to be removed by Eversource. Once that happens, the poles can come down, as the lights are the only reason those three poles are there. That will make the area look a little nicer.

Mr. Lussier stated that there is a cobra head streetlight at Wilson St. City Code says to have streetlights at intersections. For some reason, the cobra head at that intersection was on KSC's ledger. Streetlights do not have a meter associated with them. The utility figures out how many hours that light will be on, based on the number of hours of daylight, and charges the City for that number of hours of electrical consumption for each light. That streetlight, for some reason, was on KSC's ledger but really should be on the City's. The City asked Eversource to replace that with an LED light, and that will become part of the City's regular streetlight program.

Mr. Lussier stated that staff is not asking the Committee for any particular recommendation, motion, or authorization. He continued that everything he has described is within staff's authority. There is nowhere in the City Code where these crosswalks are indicated to be placed. If the Committee has any objection to the plan he has talked about, he wants to hear that, but if not, they can accept his report as informational and staff will move forward.

Chair Greenwald stated that he does not object, but he does not think there is any harm in keeping the crosswalk there, and if anything, it calms the traffic on Winchester St.

Mr. Lussier replied that the ongoing maintenance is an undue cost to the City. He continued that there was in-street lighting, which are the little lights in the roadway, but those have not functioned for many years. Those systems work well when you do not have to plow or salt, but do not hold up in Keene's environment. The electrician was out there several times a year trying to fix them. Staff gave up on the in-street lighting some years ago. The beacons themselves, the signs with the lights, are pedestrian-activated. Posts on either side of the crosswalk and an optical sensor cause the lights start flashing when if a pedestrian walks through. Those systems have been unreliable and were damaged several times. The City spends a fair amount of money every year either fixing or replacing those systems.

Chair Greenwald asked why not just get rid of those systems but still leave the speed humps. He continued that he is thinking of the expense of removing them. He wonders if there is another reason why staff wants to remove them.

Mr. Lussier replied that the other reason is the drawbacks of speed tables in general. He continued that they cause wear and tear on the snowplows and firetrucks. Yes, they are a great traffic calming measure. While a stop sign is not used to control speed, a speed table is effective at controlling speed.

Councilor Filiault stated that he has a couple concerns. He continued that Mr. Lussier mentioned the three lights to be eliminated, owned by KSC. That concerns him, because even if there are no buildings there, there will still be a heavily used parking lot. He does not recommend less lighting. He does not think eliminating the crosswalk makes sense, because given the parking lot's location, college students will not walk down Winchester St. to cross a crosswalk and come back up Winchester St. They will cross Winchester St. right where they get out of their vehicles in the parking lot, which is where City staff wants to eliminate a crosswalk. Right now, at least motorists know there is a crosswalk there. Whether they are raised or at street level, it makes sense to leave both crosswalks there. Leaving them there for safety does not cost anything. Staff can refer his comment

about lighting to the college if they want. If there were no parking lot there and it was just green space it would be fine, but they could potentially have about a hundred students and faculty members parking in that parking lot and crossing the street, so he thinks they should leave the crosswalk.

Councilor Tobin stated that Councilor Filiault answered one of her questions, which was what that area was going to be. She continued that if it will be a parking lot, it does not seem like the need has changed, in terms of students crossing back and forth. She asked if that is correct.

Mr. Lussier replied that he does not know what the plan is for that parking lot. He continued that originally, that area was turned into a grass field. Just this summer, the turf was removed, gravel was brought in, and now it is a parking area. He does not know if it is planned for commuter use or something else.

The City Manager stated that when that parking went in, it was planned for temporary only. She continued that she does not know if temporary will turn into permanent, but the City has expressed concern about creating a parking lot in that area.

Councilor Tobin stated that regarding the lighting, she heard a number of people talk about college students crossing in that area, crossing everywhere, and people being unable to see them. It suggests a need for lighting. She is not sure whether it is frequent crosswalks or something else, but there needs to be visibility there, especially since there will be college students downtown at night. That would be a concern.

Councilor Favolise stated that this is in his ward and close to where he lives. He continued that he has received more emails about this issue than he has about anything recently, from constituents who are students living off campus. He understands that the Facilities staff at KSC were in support of this. He received an email from a constituent who is a Student Affairs Administrator who raised some concerns about this and was surprised that this conversation had taken place. He would have liked to see additional consultation with students. He recognizes that it is more of an internal conversation with the college, and Public Works went through the right channels. However, he echoes many of the concerns his constituents raised around speeding on Winchester St. and those crosswalks as traffic-calming measures. If they eliminate the eastern-most raised crosswalk and bring the other one down to street grade, to him that not only has a safety impact on those crosswalks but is potentially a speed concern for some of the street-level crosswalks further down Winchester St. as people are speeding out of the roundabout. They have talked at length tonight about speeding challenges across the city.

Councilor Favolise continued that he does not think the parking lot is planned to be exclusive commuter use, so he thinks there would be some residential use of that for students crossing back and forth. He is trying to find a balance here between the Public Works cost needs, thinking of the damage to firetrucks and plows, with the need for pedestrian safety. That part of Winchester St. is a high-traffic pedestrian area. Because they have been without fully functional crossing lights beacons for a while, he does not think that getting rid of those would be a major change. He really does not want to see the first crosswalk eliminated, and he does not want to see these become street-grade. He recognizes that the Committee does not necessarily have authority over this, but he thinks they are united in their concern for pedestrian safety. He appreciates Mr. Lussier bringing this conversation to them.

Mr. Lussier stated that to clarify, when he said that staff did not need the Council's authority, he did not mean to suggest the Council cannot tell staff not to do this. He continued that he meant that the Council does not need to take an action for staff to do this. If the Committee and Council tell staff this is not what they want, staff will not do it.

Chair Greenwald stated that to take it one step further, the college does not need to come to the City for approval to do anything. He continued that however, going back to the days of the Vice President for Finance and Planning, who is now our Mayor, the college did come, submitted their plans to the Planning Board, and informed the City what was going on. Maybe the College listened to what the City suggested. The Committee does not know anything about this parking lot, such as whether it is dirt or paved, has lighting or greenery, or is temporary or not. It is expensive to pave a parking lot, and spending half a million to do so would not be "temporary." He would request that the college come to the Planning Board or some other body to tell the City what is going on there.

The City Manager replied that she would need to confirm, but she thinks they did. She continued that they the college attempted to go to the Planning Board most recently for their master plan update, which talked about all these parcels, but that is scheduled for another night. She remembers a conversation at the Planning Board level about this parking lot and their concern about it becoming permanent. That is where they the City got the information about how it was going to be temporary. She will have to confirm if that was at the Planning Board level, but she knows they the college have been attempting to come and get feedback.

Chair Greenwald stated that he knows the college's president would rather see buildings there than a parking lot, but among the other questions and possibilities is a fence to try to direct people where to cross and crosswalks. This needs a bit more discussion.

Chair Greenwald asked Mr. Lussier if it is correct that staff would not be doing this work this season. Mr. Lussier replied that it would be part of the 2025 paving program.

Chair Greenwald asked about a recommended motion. The City Manager replied that the Committee could accept it as informational, and they could continue to have conversations about this, and staff would come back with an additional update.

Ken Stewart of 11 Algonquin Dr. stated that he objects to this plan almost in its entirety. He continued that this road was redesigned years ago to slow the traffic down and make the crossings safer, and he thinks the direction being proposed is counter to making the streets safer for pedestrians. He thinks it makes it more dangerous. From a broader policy standpoint, he is surprised, given that investments have been made to make the crossings around the corner on Main St. in front of the college safer. Investments have been made further south on Winchester St. to make those crosswalks and the flashing signs you can activate more visible. This seems to be going in the opposite direction. From a policy standpoint, it does not make sense to him. Looking at what generates pedestrians crossing, and strictly limiting it to that parcel, which is had empty dorms for years, there still seem to be people crossing back and forth. Now there will be a parking lot there. It will have a more active use than what he has seen on that side of the street and on that parcel for several years, to say nothing about other buildings around there that would cause people to be moving back and forth across the street. The volume of pedestrians is not solely related to that parcel, and he thinks the parcel will see higher use with the parking lot, whether it is there for two or three years or for the rest of our lifetimes. He thinks this should be re-thought and done in a different way.

Mr. Stewart continued that they heard tonight about rampant speeding around town. He thinks the raised crosswalks help prevent that. There is nothing better to slow someone down than having them hit their head on the roof of their vehicle the one time they decide to speed through a raised crosswalk. He has observed that drivers accelerate on Winchester St. on the way to the rail trail crosswalk, and by the time they get there, they are driving 35 to 50 mph. (The City) could preserve what is there. He understands not trying to keep lights buried in the pavement in this climate, but

they could have some kind of activated lighting system. If the current one does not work, replace it with something that does work. From what he could tell today, the one they propose keeping does not work, at the corner of Wilson St. The mid-block one, which he walked through today, does work.

Mr. Stewart stated that his final comment is that there is a newly paved walkway from the unpaved area of that parking lot right to this point in the street where Public Works proposes removing a crosswalk. It seems to him that there is a disconnect. That would be an unsafe move, not coordinated with whatever it is Keene State is doing. They should get that clarified.

Councilor Favolise asked the Public Works Director if St. Joe's has an opinion on this. They were talking about the charter school on Lincoln St. and the traffic. Mr. Lussier replied that he did not reach out to St. Joe's. Chair Greenwald replied that he does not think many of their students walk. He continued that regardless, this obviously needs a lot more discussion.

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

On a vote of 5 to 0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the report on the proposed changes on Winchester St. be accepted as informational with the expectation that Public Works will provide updates on the progress in the proposal.

Councilor Favolise thanked the Public Works Director for coming and allowing them to have this conversation, getting closer to a resolution. Mr. Lussier replied that the feedback was helpful.

ITEM #D.5.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Acceptance of InvestNH Planning & Zoning Grant to Expand the 79-E Tax Incentive Program**

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 grant funds in the amount of $34,860 from the Invest NH Municipal Planning & Zoning Grant Program for the purpose of hiring a consultant to expand the City's 79-E program.

Attachments:
None

Background:
Planner Evan Clements addressed the committee first and stated this item is in reference to grant funds in the amount of $34,860 from the Invest NH Municipal Planning and Zoning grant program for the purpose of hiring a consultant to expand the City's79 E program through the creation of a housing opportunity zone. He stated qualifying projects in the zone would be eligible for up to 10 years of tax assessment relief for their project.

He stated the Invest NH Municipal Planning and Zoning Grant program is funded by the New Hampshire Department of Business and Economic Affairs as part of the $100 million investment NH Initiative with ARPA State fiscal recovery funds. The goal of the project is to create a tax incentive program that builds on existing tax incentives and tax increment financing options within the City to create an understandable and reliable menu of incentive options of incentive options. Mr. Clements added that the program would be used as a component of a marketing push to expand the City's development potential for new real estate.

Councilor Remy stated he likes the expansion of 79 E and asked whether this was intended for larger multifamily projects or is this something where a single-family home could be potentially eligible if this was expanded in this way. Mr. Clements stated it is more focused towards larger qualifying projects. There are some qualifying requirements; 1/3 of the units have to be at a price point for either 80% of AMI. There is another option that would be 50% of the units would be affordable to either very low income, low income or moderate income. 40% of the units would be very low or low income or 20% of the units would be low income.

Councilor Remy stated he would love to see it be able to be targeted towards investment in single-family properties at some point to allow people to reinvest in some of the properties that need it.

The Manager commended Mr. Clements and other planning staff. Due to their efforts the City has been awarded the Housing Champion Award. She stated this was a substantial application to put together.

Councilor Chadbourne made the following motion, which was 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 accept and expend grant funds in the amount of $34,860 from the Invest NH Municipal Planning & Zoning Grant Program for the purpose of hiring a consultant to expand the City's 79-E program.

ITEM #D.6.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **2022 Homeland Security Grant Program Reallocation of Funds**

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 and expend the 2022 Homeland Security Grant Program reallocation of funds in the amount of $18,902.

Attachments:
None

Background:
Fire Chief Jason Martin stated the item before the Committee tonight is in regards to a Homeland Security grant. He indicated last month the Fire Department was notified that the State Hazmat Collaborative would be utilizing additional 2022 Homeland Security funds, awarding each Hazmat team in the state $18,902 dollars. These funds will be specifically for training dealing with lithium-ion emergencies.

Councilor Lake made the following motion, which was 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 apply for, accept and expend the 2022 Homeland Security Grant Program reallocation of funds in the amount of $18,902.

ITEM #D.7.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Adoption of a New Vote Tabulation System for Elections**

Recommendation:
On a vote of 5-0, the Finance, Organization and Personnel Committee recommends that the Voting Works electronic ballot counting device be approved as the vote tabulation system for Keene's elections and that the Secretary of State be notified as required by RSA 656:40.

Attachments:
None

Background:
City Clerk Patty Little and Deputy City Clerk Terri Hood were the next two speakers. Ms. Little stated she was before the Committee this evening regarding a recommendation to adopt a new vote tabulation system. She continued State Law requires that the governing body vote to adopt this new voting technology.

In 1994 when staff came before the City Council and requested the Council to adopt what has been used for the last 30 some years, which is the Accu Vote Tabulation system. This system stopped being in production over 15 years ago. As of last year, Microsoft no longer supports the operating system within it. Hence, the State is requiring all municipalities move to a new voting tabulation system before 2026. Ms. Little stated there are only two voters in the State whose tabulation system has been approved. Ms. Little turned the presentation over to Ms. Hood.
Ms. Hood stated there are two options that are available one is called Dominion Voting Systems which is from the current manufacturer of the Accuvote system. This system provides the same tabulator tape output as the current model.

The second option is Voting Works; They are very similar in cost with the Dominion product, but the features vary quite a bit. The efficiency that the City would gain from this new voting system is what is really attractive, with all things being equal in price. Ms. Hood noted Voting Works doesn't rely on a diverter within the ballot box, because of the technology that Voting Works incorporates into their device. This system provides for a scanned image of each ballot which allows for adjudication of write-ins in a very transparent way. The office is currently considering whether to utilize a large tv screen at the polls so that the public can see what decisions are being made to adjudicate each write-in vote to a particular candidate. It would be an enclosed system, there is no access to the internet on this device. Everything is dual authentication that no one can access it without a specific

code.

Ms. Hood went on to say, in terms of reconciling votes at the end, it will eliminate a lot of manual work election officials are currently doing to hand count and record the write in votes. Several of the documents officials are completing at the end of the night will be eliminated. The output from the device is also acceptable to the Sate as the official Return of Votes. It will provide a full print out of election results for that election which can be certified and provided to the State, along with a full list of anyone that received a write in vote.

In terms of the funding, Ms. Little noted the acquisition of a new tabulation system was included in the CIP in anticipation of acquisition for the 2026 elections. The State would like see all communities find a solution before they decertify what communities have been using. Hence, the State has offered to provide the City with $17,500 toward the acquisition of a replacement. In addition, the City had received a grant from the Center for Technical and Civic Life. Although they had originally intended to use the grant funds for other purposes, they approached the grantor and inquired whether they could repurpose the funds towards the cost of the new tabulators. The grantors agreed to the change. The City will be using $20,000 of that grant for this acquisition. In addition, the City will take advantage of the funding of $17,500 from the State with the balance coming from operating surplus. Ms. Little stated the City will be able to acquire six of these devices, one for every ward and one spare. The plan is to use the new tabulators for the 2025 primary and general elections.

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

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends that the Voting Works electronic ballot counting device be approved as the vote tabulation system for Keene's elections and that the Secretary of State be notified as required by RSA 656:40.

CITY OF KEENE
NEW HAMPSHIRE

ITEM #D.8.

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Transportation Heritage Trail - Authority to accept Drainage Easements**

Recommendation:
On a vote of 5-0, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate, accept, and record Drainage Easements across private properties as required for the construction of the Transportation Heritage Trail - Phase I.

Attachments:
None

Background:
Mr. Lussier stated the next item is requesting authority for the City Manager to negotiate, accept and record drainage easements across private properties. These parcels are in front Marlborough Street to the east of Eastern Avenue. He stated this is part of the Transportation Heritage Trail phase one. He stated a preliminary design was approved and they are now in the final design. Construction is expected to start next year.

Mr. Lussier went on to say when staff first came forward with the project, the plan was always to replace the existing drainage which was built as part of the railroad system. He stated it was staff's assumption that DOT and the Railroad had the necessary easements for drainage that ran under private properties. The surveyor has not been able to locate any easements. DOT is looking for the City to properly record the easements.

He further stated because the City is using Federal funds, a federal acquisition process needs to be used - 5th amendment offering (compensation) before the City acquires any property rights. He stated the property needs to be appraised, the City needs to come up with a value and offer the landowner a fair value for the land. The property owner is allowed to donate it if they wish. They can accept the appraised value, or they can request their own appraiser and they will be reimbursed up to a certain amount for that appraisal work, and then negotiate for a fair price for those rights.

Councilor Remy asked what happens if the property owner declines the easement. Mr. Lussier stated at that point the city would reach out to DOT to see if they would like to exercise eminent domain as part of acquiring rights for these existing features. He added they may be able to vacuum out and clean the existing pipe to see if that gets the water flowing again. Mr. Lussier further stated if eminent

domain became the process, the City would have to follow a separate set of statutes and the authority being requested tonight would not be sufficient.

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

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate, accept, and record Drainage Easements across private properties as required for the construction of the Transportation Heritage Trail - Phase I.

CITY OF KEENE
NEW HAMPSHIRE

ITEM #D.9.

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Reallocation of Capital Funds - Findings Building Demolition**

Recommendation:
On a vote of 5-0, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to reallocate the unencumbered funds in the amount of approximately $162,490 from the recently completed Skate Park Improvement Project to the Findings Building Demo Project (65J0008B).

Attachments:
None

Background:
City Engineer Bryan Ruoff addressed the committee. The Chair asked Mr. Ruoff to introduce himself to the committee and go over his background. Mr. Ruoff stated he has been in the engineering field for 20 years and has been a consultant during those 20 years. He stated he had applied for the City Engineer's job when Mr. Lussier's was offered the job, they were the final two candidates. Mr. Ruoff stated for the past eight years he has worked with Stantec as a consultant and was site civil lead for North America which assisted him in understanding all things engineering for this position. When he saw that this position was available again, he applied and is glad he is able to serve the community.

Mr. Ruoff stated this item is in reference to the Findings Building. He stated the City purchased the property in September 2022. The plan was always to demolish the building, create a skate park and connect it to Pat Russell Park. In addition to that, there was also a plan to install a parking area where the building is located now. However, this is potentially on hold due to funding. Funding was allocated from a number of different sources, one of which was a Federal grant in the amount of $130,000. When these funds were received a separate project was created for this grant amount of which there is still $117,000 left. The Engineer noted these funds are 100% reimbursable to the City.

What staff is looking to do is take those funds and put the funds into the project for the skate park, which is completed at this point. The City did some of the paving with their own crews to save money, to be able to facilitate this. The City is looking to take this money to pay the contractor which was the low bidder for this project. The City sent out for competitive bids for the demolition of the Findings building. Six bids were received and the low bid is within the available funds to do this work.

The Manager added this started with an Investment NH Demolition grant that the City had applied for

to complete the demolition project. The City was awarded that grant. The City went out to bid and bids came back for twice the amount. As a result, the City attempted to get more Invest NH dollars, but we were not successful. The Parks and Recreation Director at that time, Andy Bohannon went forward with some L chip money and submitted additional grant applications to fund some work done as part of the skate park. There are funds now available to be able to move over to this demo project.

Councilor Haas asked about an update to the fence and what other work needs to be done at the park. Mr. Ruoff stated the fence will remain until demolition is complete. The remainder of the work anticipated for the skate park will be done in early spring of next year. After the building is demolished there will be a walkway constructed that connects the Pat Russell Park to the skate park. All this work has been budgeted for. The Councilor asked for some additional maintenance on the fence so it will last through the winter.

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

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to reallocate the unencumbered funds in the amount of approximately $162,490 from the recently completed Skate Park Improvement Project to the Findings Building Demo Project (65J0008B).

CITY OF KEENE
NEW HAMPSHIRE

ITEM #D.10.

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Professional Services Contract - Engineering Services for the Key Road Drainage Replacement Project**

Recommendation:
On a vote of 5-0, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute a professional services agreement with SLR International Corporation (SLR) in the amount of $91,100, as bid, for the design and permitting of the Key Road Drainage Improvements Project (75M00625).

Attachments:
None

Background:
Mr. Ruoff stated this project was included in the FY25 CIP. This has been an item that keeps coming up with sinkholes in the Key Road area. The city is anxious to address these drainage issues in the interest of public safety. The item was sent out for a request for proposal for consultant engineers. Three responses were received; all of them qualified professional consultants. The City has worked with the low bidder SLR International Corporation. They are roughly $30,000 less than the next lowest bidder. Based on review from other staff who have work with SLR, staff would like to negotiate a contract with them.

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

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute a professional services agreement with SLR International Corporation (SLR) in the amount of $91,100, as bid, for the design and permitting of the Key Road Drainage Improvements Project (75M00625).

CITY OF KEENE
NEW HAMPSHIRE

ITEM #D.11.

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Professional Services Contract - Engineering Services for the Stormwater Lining Program**

Recommendation:
On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute a professional services agreement with NHDES and Kleinfelder in the amount of $180,400 to expend the awarded NHDES ARPA grant for the engineering services, design and permitting of the Stormwater Lining Program.

Attachments:
None

Background:
Mr. Ruoff addressed this item as well and stated in June of 2022 the Council approved execution of ARPA Grant Agreement with NHDS in the amount of $276,240.00 with a contract execution date of January 31, 2023. The corresponding funding spend deadline is coming up. The City has selected the correct consultant engineer to do this work. The project was advertised for consultant selection using DES funding requirements. Two responses were received qualifications. A committee of Public Works selected Kleinfelder as the most suitable for this project. The City has submitted to DES a justification for selection and they have agreed with the city's selection. This is federal funding and is 100% reimbursable.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute a professional services agreement with NHDES and Kleinfelder in the amount of $180,400 to expend the awarded NHDES ARPA grant for the engineering services, design and permitting of the Stormwater Lining Program.

ITEM #F.1.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

From: Merri Howe, Finance Director/Treasurer

Through: Elizabeth Dragon, City Manager

Subject: **Acceptance of Donation**

Recommendation:
Move that the City Council accept the donation in the amount of $351.29 from the Keene Kiwanis for the purchase of 8 balance bikes to support Keene Parks & Recreation Toddler "Movement Monday" programming and that the City Manager be authorized to use the donation as specified by the donor.

Attachments:
None

Background:
Keene Kiwanis has been generous with donations for our community youth programs for years, and they are proud to have the opportunity to reach even younger children in our community with a cause that is near and dear to their hearts: bicycles. Keene Kiwanis hosts the "Kool Wheels" event each year at the Keene Recreation Center and, upon hearing of the new toddler programming offered weekly, were honored to be part of the offerings through this earmarked donation for balance bikes. The new "Movement Mondays" or "Toddler Open Gym" has grown tremendously in the two short weeks the program has been offered; having a new option for motor pattern building (balance bikes) will help vary the offerings each Monday morning.

ITEM #F.2.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

From: Jason Martin, Fire Chief

Through: Elizabeth Dragon, City Manager

Subject: **Accept Funding through the 2024 AFG Grant**

Recommendation:
Move to recommend the City Manager be authorized to do all things necessary to apply, accept, execute and expend the 2024 AFG grant in the amount of $569,126.

Attachments:
None

Background:
The 2024 AFG grant in the amount of $569,126 will require a 10% grant match and does not cover fringe benefits for employees participating in the training being requested. If awarded, the Fire Department will request a supplemental of $80,387 for the FY 2026 budget.

ITEM #G.1.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

From: Mari Brunner, Senior Planner

Through: Elizabeth Dragon, City Manager

Subject: **Relative to Residential Parking Requirements**
Ordinance O-2024-20-A

Recommendation:
A motion was made by Councilor Bosley to amend Ordinance O-2024-20 to an A version reducing the parking requirement across the board to a maximum of one space and leaving the lower allotment for spaces where the staff has already indicated. The motion was seconded by Councilor Madison. The amendment carried on a 9-1 vote with Kenneth Kost voting in opposition.

A motion was made by Chair Farrington that the Planning Board find O-2024-20-A consistent with the Master Plan. The motion was seconded by Armando Rangel and was unanimously approved.

A motion was made by Councilor Bosley that the Planning, Licenses and Development request the Mayor set a public hearing for Ordinance O-2024-20A. The motion was seconded by Councilor Jones and was unanimously approved.

Attachments:
1. O-2024-20-A_Residential Parking Ordinance_clean
2. O-2024-20-A_Residential Parking Ordinance_redline
3. Staff Report O-2024-20

Background:
The Joint Planning Board and Planning, Licenses and Development Committee discussed this ordinance at their meeting on December 9, 2024. Included below is an excerpt from the draft minutes of that meeting.

"**b. Ordinance – O-2024-20 – Relative to Residential Parking Requirements**. Petitioner, City of Keene Community Development Department, proposes to amend Table 9-2 and Section 9.2.5.A.1 of the Land Development Code to modify the required number of parking spaces for residential uses and specify parking requirements for elderly and workforce housing in all zoning districts.

Ms. Brunner stated this item is in reference to residential parking requirement and the reason it is being brought forward is due to a change to State Law. HB 1400 was adopted which have multiple provisions and one of those was a limit to parking requirements that municipalities might require.

Ms. Brunner stated the city recently received a couple of Invest NH Planning and Zoning Grants to develop regulations to increase housing supply. The city uses that funding for two projects, one of which was the Cottage Court Ordinance and the other was to develop a neighborhood parking study. In addition to this there was a request from a City Councilor to eliminate the winter parking ban. The parking study consultants also provided recommendations related to on-site parking requirements for housing for the city to consider. Staff took the recent change in state law and the recommendations from the consultant to craft this ordinance.

Ms. Brunner stated what this change does it that it changes the calculation from a per unit to a per bedroom requirement. At the present time, with a few exceptions, the city's requirement is every dwelling unit requires two parking spaces. However, there are some exceptions, in the Downtown Core District, there is no parking required across the board. Only one parking space per dwelling unit is required in the Downtown Growth and Downtown Limited, only one parking space is required for an accessory dwelling unit. The recently adopted Cottage Court has its own parking requirements that differ slightly.

What HB 1400 say that in said in certain situations *when you have 10 units or more in a multifamily development, you cannot require more than 1.5 parking spaces per unit. It also says that you can't require more than 1.5 parking spaces per unit per studio, and one bedroom workforce units that are less than 1,000 square fee*t. They use the definition from state statute for workforce, which is *100% of the area median income for a family of four for owner occupied units and 60% of AMI for a family of three for rental units*. It also requires municipalities to consider alternative parking solutions and approve them if the applicant can demonstrate that the alternative parking solution will meet the parking demand created by the proposed residential use.

Ms. Brunner stated what staff is proposing is for residential uses dwelling above ground floor dwelling, manufactured housing dwelling, multifamily and dwelling 2 family or duplex. The city would require one space per studio and one bedroom, and then 1.5 spaces per two-bedroom or more in all zoning districts, with the exception of Downtown Growth and Downtown Limited, which would be a slightly less – they would be .9 for a studio one bedroom or one space per two bedroom or more.

Ms. Brunner stated they we also are including a housing for older persons category which is defined in state statute. This would be the one instance where it would done by unit rather than number of bedrooms – the proposal is .9 spaces per unit in general, or .75 spaces per unit in Downtown Growth and Downtown Limited. For workforce housing, the proposal .9 spaces per studio or .75 spaces per studio in Downtown Growth or Downtown Limited. One space per bedroom or .9 if in Downtown Growth or Downtown. Limited. 1.25 spaces per two-bedroom, one space if in Downtown Growth or Downtown Limited. 1.5 space per 3 bedroom or more.
Ms. Brunner noted staff felt it would be simpler to have the same standard citywide, no matter what type of use it is, with the exception of the downtown area where the city requires less parking across the board. Staff tried to craft this so that it would comply with the State Statute, no matter how many units it has in the development.

The overall impact that this would have is it would require less parking throughout the city for new housing projects. She added what is being proposed are minimum requirements and there is nothing that will prevent someone from providing more parking than the requirement.

As far as consistency with the master plan; in the master plan there is a goal to rewrite the city's land use and zoning code to align with the intent of the future land use map. The plan states *as the community moves forward with this revision, other types of land use regulations should be considered that will incorporate walkability, green infrastructure, sustainable building a smart growth*

principal and other features outlined in this plan. Ms. Brunner stated reduced parking requirements are generally considered to be one of the smart growth tools. They are generally considered to be a way to improve or increase walkability and promote alternative forms of transportation.

Councilor Bosley stated this proposal makes sense if you are building a new home, but asked what the plan is for someone who is renovating an older home. She asked whether the city has a definition for bedroom. Ms. Brunner stated the city nor the state has a definition for bedroom. With reference to an existing home - in the current parking regulations there is something called a parking credit. If it is a legally existing use, such as legally nonconforming, or it is legal today and this change goes through any deficit and parking that creates will be credited moving forward. This is something that was added in the land development code and has been helpful for those trying to redevelop properties.

Councilor Bosley stated her question is really more about someone who would interpret their three bedroom unit to be a one bedroom unit with an office and a dining room because they only want to offer one parking space versus the additional parking that would be required for a three bedroom unit. She felt at some point it would make sense to add some sort of definition. Ms. Brunner stated this is something staff could discuss with building code staff because there are additional requirements for bedrooms, with respect to egress.

Councilor Madison stated his understanding is fire code does offers a definition of what a bedroom is of what constitutes a bedroom.

Mr. Kost noted in certain areas in Keene that have streets that could perhaps accommodate parking for certain developments. He asked why the city is requiring this minimum. He felt it should be up to a developer to decide what they need. He asked whether state law requires a minimum. Ms. Brunner stated it is up to each individual municipality. What the state law did is it put a cap on what can be required. She agreed Mr. Kost does bring up some good points and this is why the city does not require any parking in the downtown core district because that is a very historic area where there is plenty of public parking to accommodate all of those needs. However, outside the downtown area, there isn't much public parking. Neighborhood areas do have neighborhood parking, but in the commerce areas outside of the downtown, there is no public parking. She agreed it is up to a developer but the city also needs to make sure they are not offloading the parking burden onto other uses or on to adjacent neighborhood streets.
Councilor Jones went back to the definition regarding bedrooms and noted one of the requirements for an area to be considered a bedroom is that it has to have a window big enough for a fireman wearing a safety pack to get through and the area also needs to have a closet to be defined as a bedroom. He noted this however, does not answer the question raised by Councilor Bosley - you could have three of those units that qualify as a bedroom and using two of them as an office and felt the definition needs to be clarified; is it the use or is it the structure?

Ms. Brunner stated in her opinion it should be the structure. She added the city is proposing to move to the bedroom model because it helps figure out parking for the type of development proposed.

Councilor Haas referred to the senior housing building at the corner of 93rd Street and Railroad Street and asked whether this development is in compliance with parking and questioned what the parking would look like under these new rules.

Mr. Hoefer felt simplifying and requiring less parking is good; he questioned the requirement of .9 versus one spaces. Ms. Brunner in response stated when there is a project that is proposing 50 units or 90 units, the number does add up. This is meant mostly for larger projects

Mr. Kost stated having this requirement is a concern for him as he feels a developer would know how much parking they would need to make their development marketable. He noted there is also the process through which a developer could ask for reduced parking and move forward through that process. Ms. Brunner agreed and added to obtain the 50% reduction in parking, it is done through a special exception and at that point the applicant would be required to complete a parking study to show that they are able to meet demand on their site for the use being proposed. Mr. Kost asked whether street parking could not be considered as part of the requirement. Ms. Brunner stated there isn't because the city doesn't have an on street parking program but added that the council recently eliminated the six month winter parking ban which opens up the possibility for year round on street parking.

Ms. Brunner further stated another set of recommendations the city received from the consultants is a suggestion to create a residential parking program
The Chair asked for public comments next.
Mr. George Hansel of 84 Elm Street Keene addressed the committee. Mr. Hansel felt overall this was a good proposal and felt anything the city can do to reduce the parking requirements is helpful. He noted he has never met a developer who constructed a development they could not rent or sell.

Mr. Hansel questioned how the workforce housing requirement and elderly housing requirement would be enforced. Mr. Clements stated it would be by deed restriction. Mr. Hansel stated he is against this strategy; this would be something beneficial to Housing Authority and or maybe a non-profit housing developer, mostly because they are foreseeing that property being in this use forever. However, for a for profit developer it would not be a good option. He stated he is integrating workforce units into some of his projects, but there is a timeline associated with it. He suggested focusing more on maybe size of the unit themselves to be attractive to workforce.

Mr. Andy Holt of Forest Street Keene addressed the committee next. Mr. Holt thanked the city for improving the code to make housing easier to add. He felt this ordinance is a step in the right direction, but it does not go far enough. He stated he suggests amending the ordinance to remove the parking space minimums entirely and in the future, consider expanding that to all zones and building types in the city. He felt removing the mandates reduces complexity in the code

Mr. Holt noted to the consultant's report which focuses on reducing the requirements from where it is now. He added as staff pointed out, this isn't saying you can't have parking spots, it talks about removing the mandate that says you have to have an arbitrary number of spaces to build housing. Mr. Holt stated this is not a new or extreme idea. There are many cities that have removed parking minimums entirely. Cities such as Minneapolis, Austin, Buffalo St. Louis and in New England, Cambridge, Burlington, Somerville and Boston. He indicated benefits of removing parking minimums, benefits the individual projects and the city overall. Developments will be less expensive and faster to complete. It will allow for more spaces per lot per living space.

Mr. Holt went on to say not having to obtain variances reduces cost to the developer. For the city this will reduce administrative costs. He felt if the city did not have these minimums, adding them right now would be difficult.

Mr. Chris Freeman of 390 Court Street stated he does share the perspective that we should consider going all the way and removing parking minimums entirely. Mr. Freeman stated he has a business in Keene for rentals and he rents out by the bedroom, which is one adult per bedroom which often translates to one car per bedroom, which makes parking needs more intensive. He encouraged the city to look at the on street parking program.

He stated when they look at properties that have higher bedroom count - those are great candidates for conversion into the co-living model and indicated one of the things that holds him back currently is the need to be able to provide a parking spot for each person in the building because that is what is marketable. He stated the removal of the winter parking ban potentially opens us up more options where we can let tenants know that this option exists for off street parking.

Mr. Freeman stated they have increased the number of bedrooms in order to maximize the co-living potential. But when the requirement might be based on the number of bedrooms does this mean the next time he would need to draw up a site plan to install a partition wall to close up a dining room. Now a project where they could add an entire new residential unit to Keene's housing market, free up one bedroom for somebody else is now potentially going to cost thousands of dollars in surveying and site plan development fees.
With no further public comment the Chair closed the public hearing.

Councilor Haas suggested opening this up to a market based process and let the market decide how many parking spaces are required. He felt any reduction in parking would help with the housing needs.

Mr. Hoefer reiterated his comments about simplification overall but stated he was not ready to vote for zero requirements. Also getting rid of differentiating between workforce and 55 plus feels like there might be some ways to simplify and also perhaps move more aggressively towards no requirements.

Councilor Williams felt parking is something the city subsidizes heavily and wished it would pay for itself. He felt market based parking is a better way to go in the long run but did not want to be too radical. He stated he would be interested in looking at what the experience is removing parking requirement in a city similar to Keene's size.

Councilor Jones stated he like the idea of reducing parking requirements but would not want to use the overnight parking ban as the city could potentially have a parking ban for two weeks in a row. These individuals would still need a place to park.

Councilor Bosley stated for 20 years she has been investing in real estate in this community and the only properties she looks at are those that have a certain amount of parking. She felt there could be a further reduction in parking in this ordinance but perhaps not go to 0 just yet which could create quite a bit of confusion with street parking. She felt the city needs to figure out what needs to be included in neighborhood parking programs but would be comfortable reducing some of the parking requirements to one space per unit. If it is one space per unit as a minimum, the developer is going to make decisions based on the market. She stated she has some comfort in letting the market decide.

Mr. Kost stated perhaps not going to zero. He asked whether there is an understanding of what the capacity is for on street parking in the city. If investors are made aware of this, they can make better decisions. Ms. Brunner stated the neighborhood parking study that was done earlier this year looked at specific areas of the city. It looked at areas that are zoned for multifamily within walking distance of downtown. For this project area they calculated the number of spaces that they think the city could get on streets. Based on the number of units the city had today and the amount of off street parking that is available today, there really isn't that big of a need for on street parking. If the City Council was inclined, in certain areas of the city, maybe in areas where there is residential permit district in place - you get rid of the onsite parking requirements. There might be the ability to meet some of that parking need with on street parking. She added staff however, is not ready today to make that recommendation because they were not looking at it from that angle. Staff was looking at coming into compliance with the state law which goes into effect on January 1st.

Councilor Madison stated he is happy with the market settling this issue. He talked about living in Concord in a 5 unit building which had three parking spaces. He stated he parked on the street most of the time, snow emergencies were sometimes a bit difficult but they figured it out and made it work. He felt the city can reduce the amount of parking and it won't cause a catastrophe. People who are renting are going to know what they are getting into.

He felt the city could do away with parking requirements but didn't feel this was the right time to do that. He added the good thing about ordinances is that you can amend them as is being done now. The Councilor felt what is before the committee could be further reduced.

Ms. Brunner referred back to what she had previously stated the number that was calculated the the city could get with on street parking is 133 spaces on the low end and 165 on the high end. This would require some redesign of streets and is not something that is available today.
A motion was made by Councilor Bosley to amend Ordinance O-2024-20 to an A version reducing the parking requirement across the board to a maximum of one space and leaving the lower allotment for spaces where the staff has already indicated. The motion was seconded by Councilor Madison.

Ms. Brunner clarified that the Councilor was not proposing a parking maximum but proposing a parking minimum of one space per unit, unless it is lower. Councilor Bosley agreed and added unless it is indicated an instance where it would be lower as relating to workforce or older persons etc. Mr. Clements noted this will keep it under what the state is trying to force municipalities to do.

The amendment carried on a 9-1 vote with Kenneth Kost voting in opposition.
A motion was made by Chair Farrington that the Planning Board find O-2024-20-A consistent with the Master Plan. The motion was seconded by Armando Rangel and was unanimously approved."

A motion was made by Councilor Bosley that the Planning, Licenses and Development request the Mayor set a public hearing for Ordinance O-2024-20A. The motion was seconded by Councilor Jones and was unanimously approved.

ORDINANCE O-2024-20-A

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to Residential Parking Requirements

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:

1. That Table 9-1 "Minimum On-Site Parking Requirements" of Article 9 "Residential Uses" be amended as follows:
   - **a.** Dwelling, Above Ground Floor ~~2 spaces / unit (1 space / unit in DT-G, DT-L)~~
   - **b.** Dwelling, Manufactured Housing ~~2 spaces / unit (1 space / unit in DT-G, DT-L)~~
   - **c.** Dwelling, Multifamily ~~2 spaces / unit (1 space / unit in DT-G, DT-L)~~
   - **d.** Dwelling, Single-Family ~~2 spaces / unit (1 space / unit in DT-G, DT-L)~~
   - **e.** Dwelling, Two-Family/Duplex ~~2 spaces / unit (1 space / unit in DT-G, DT-L)~~

f. Residential Uses

Dwelling, Above Ground Floor	**1 space per unit (0.9 spaces per studio in DT-G, DT-L)**
Dwelling, Manufactured Housing	
Dwelling, Multifamily	
Dwelling, Two-Family/Duplex	
Housing for Older Persons (as defined by RSA 354-A:15)	**0.9 spaces/unit (0.75 spaces/unit in DT-G, DT-L)**
Workforce Housing (as defined by RSA 674:58, IV)	**0.9 spaces per studio (0.75 spaces per studio in DT-G, DT-L)** **1 space per one-bedroom or more (0.9 spaces per one-bedroom or more in DT-G, DT-L)**

2. That section 9.2.5 "Zoning District Specific Requirements" of Article 9, subsection A.1 be deleted as follows:
   a. ~~One parking space per dwelling unit shall be the minimum on-site parking required for residential uses in the Downtown Growth and Downtown Limited Districts~~.

Jay Kahn, Mayor

ORDINANCE O-2024-20-A

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to Residential Parking Requirements

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:

1. That Table 9-1 "Minimum On-Site Parking Requirements" of Article 9 "Residential Uses" be amended as follows:
   - **a.** Dwelling, Above Ground Floor ~~2 spaces / unit (1 space / unit in DT-G, DT-L)~~
   - **b.** Dwelling, Manufactured Housing ~~2 spaces / unit (1 space / unit in DT-G, DT-L)~~
   - **c.** Dwelling, Multifamily ~~2 spaces / unit (1 space / unit in DT-G, DT-L)~~
   - **d.** Dwelling, Single-Family ~~2 spaces / unit (1 space / unit in DT-G, DT-L)~~
   - **e.** Dwelling, Two-Family/Duplex ~~2 spaces / unit (1 space / unit in DT-G, DT-L)~~

f. Residential Uses

Dwelling, Above Ground Floor Dwelling, Manufactured Housing Dwelling, Multifamily Dwelling, Two-Family/Duplex	**1 space per unit ~~studio and one-bedroom~~ (0.9 spaces per studio in DT-G, DT-L)** **~~1.5 spaces per three-bedroom or more (1 space per one-bedroom or more in DT-G, DT-L)~~**
Housing for Older Persons (as defined by RSA 354-A:15)	**0.9 spaces/unit (0.75 spaces/unit in DT-G, DT-L)**
Workforce Housing (as defined by RSA 674:58, IV)	**0.9 spaces per studio (0.75 spaces per studio in DT-G, DT-L)** **1 space per one-bedroom or more (0.9 spaces per one-bedroom or more in DT-G, DT-L)** **~~1.25 spaces per two-bedroom (1 space per two-bedroom or more in DT-G, DT-L)~~** **~~1.5 space per three-bedroom or more~~**

2. That section 9.2.5 "Zoning District Specific Requirements" of Article 9, subsection A.1 be deleted as follows:
   a. ~~One parking space per dwelling unit shall be the minimum on-site parking required for residential uses in the Downtown Growth and Downtown Limited Districts~~.

_____

Jay Kahn, Mayor

MEMORANDUM

To: Joint Committee of the Planning Board and PLD Committee

From: Mari Brunner, Senior Planner

Date: December 2, 2024

Subject: O-2024-20 Relating to Residential Parking Requirements

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Overview

This Ordinance proposes to modify the on-site parking requirements for residential uses in the Zoning Ordinance by changing from a "per unit" to a "per bedroom" calculation, with one exception. The change also includes separate parking space requirements for dwellings that qualify as Workforce Housing or Housing for Older Persons. For the Housing for Older Persons category, the calculation is based on a per unit instead of per bedroom calculation. The intent of these proposed changes is to bring the City of Keene's Zoning Ordinance into compliance with recent changes to state law and reduce the cost of new housing development in the City. The proposed changes are aligned with the zoning recommendations in the City of Keene Neighborhood Parking Report that was prepared by Walker Consultants as part of an InvestNH HOP Grant to increase the supply of housing.

Background

During the 2024 legislative season, House Bill 1400 was passed which, among other things, limits restrictions that municipalities may place on required residential parking spaces. Specifically, this new law states that municipalities cannot require more than 1.5 parking spaces per unit for multifamily development of 10 units or more, and cannot require more than 1.5 parking spaces per unit for studio and 1-bedroom workforce units that are less than 1,000 sf. Workforce means units that cost 100% of the area median income (AMI) for a family of four for owner-occupied units, and 60% of AMI for a family of three for rental units. The new law also requires municipalities to consider alternative parking solutions and approve them if the applicant can demonstrate that the alternative parking solution will meet the parking demand created by the proposed residential use.

Currently, the City of Keene Zoning Regulations require two parking spaces per residential dwelling unit, with a few exceptions:

- No parking is required in the DT-C District.
- Only 1 parking space per unit is required in the DT-G and DT-L Districts.
- Only 1 parking space per unit is required for Accessory Dwelling Units (ADUs).
- A minimum of 1 parking space per unit and a maximum of 1 parking space per bedroom is required for Cottage Court developments.

The code is silent with respect to housing for older persons and workforce housing. However, the code does already allow for "Alternate Parking Requirements" (See Section 9.2.6 of the Land Development Code). The alternative parking options include an administrative parking reduction

of up to 10%, a major parking reduction request of up to 50%, a parking credit that allows existing parking deficiencies to be credited to the new use, and remote parking.

Earlier this year, Walker Consultants worked with the City to develop recommendations for neighborhood parking. The goal of this project, which was funded by a grant from the InvestNH Housing Opportunity Program, was to improve parking and sustainable transportation (i.e. biking, walking, public transit) for the community while facilitating needed housing development in neighborhoods near the downtown. The report recommended creating parking requirements specific to housing for older persons and affordable housing, as well as changing from a "per unit" to a "per bedroom" calculation for multifamily housing.

This following table summarizes the existing and proposed parking requirements for each residential use category:

Residential Use	Existing Parking Requirement	Proposed Parking Requirement
Dwelling, Above Ground Floor	2 spaces (1 space in DT-G and DT-L)	1 space per studio and one-bedroom (0.9 spaces per studio in DT-G, DT-L) 1.5 spaces per ***two**-bedroom or more (1 space per one-bedroom or more in DT-G, DT-L)
Dwelling, Manufactured Housing		
Dwelling, Multifamily		
Dwelling, Two-Family/Duplex		
Housing for Older Persons (as defined by RSA 354-A:15)	2 spaces (1 space in DT-G and DT-L)	0.9 spaces/unit (0.75 spaces/unit in DT-G, DT-L)
Workforce Housing (as defined by RSA 674:58, IV)	2 spaces (1 space in DT-G and DT-L)	0.9 spaces per studio (0.75 spaces per studio in DT-G, DT-L) 1 space per one-bedroom (0.9 spaces per one-bedroom in DT-G, DT-L) 1.25 spaces per two-bedroom (1 space per two-bedroom or more in DT-G, DT-L) 1.5 space per three-bedroom or more

**Note: In the draft ordinance, this was shown as "three-bedroom" but should have said "two-bedroom."*

Discussion

This ordinance proposes to switch from a "per unit" calculation to a "per bedroom" calculation (with one exception) and reduce the parking required for residential uses in order to comply with recent changes to state law and reduce barriers to housing development. Keene has a significantly higher percentage of people living alone that the state (40% vs. 27%), with an average household size of just 2.2 people. Switching to a "per bedroom" calculation will help "right-size" the amount of parking required for proposed developments that include smaller size units, such as studio apartments and 1-bedroom units that are more likely to be occupied by smaller households.

This ordinance also proposes reduced parking requirements for Housing for Older Persons and Workforce Housing. The Neighborhood Parking Report states the following with respect to the recommendation to create separate, reduced parking requirements for these two categories:

"According to the 2023 Housing Needs and Assessment Strategy Report, 29% of Keene's total population is over the age of 55. ***Additionally, 60% of those 65 and older in Keene live alone****. As the city's residents age, smaller and more affordable housing options will be needed.*

The report also found that a notable portion of households in the city (27% of owners and 42% of renters) are cost-burdened, meaning they pay more than 30% of their income towards housing costs. As parking can be a significant cost burden when developing housing, adding separate requirements specifically for these at-risk housing categories could support growth in the types of housing most needed by Keene residents."

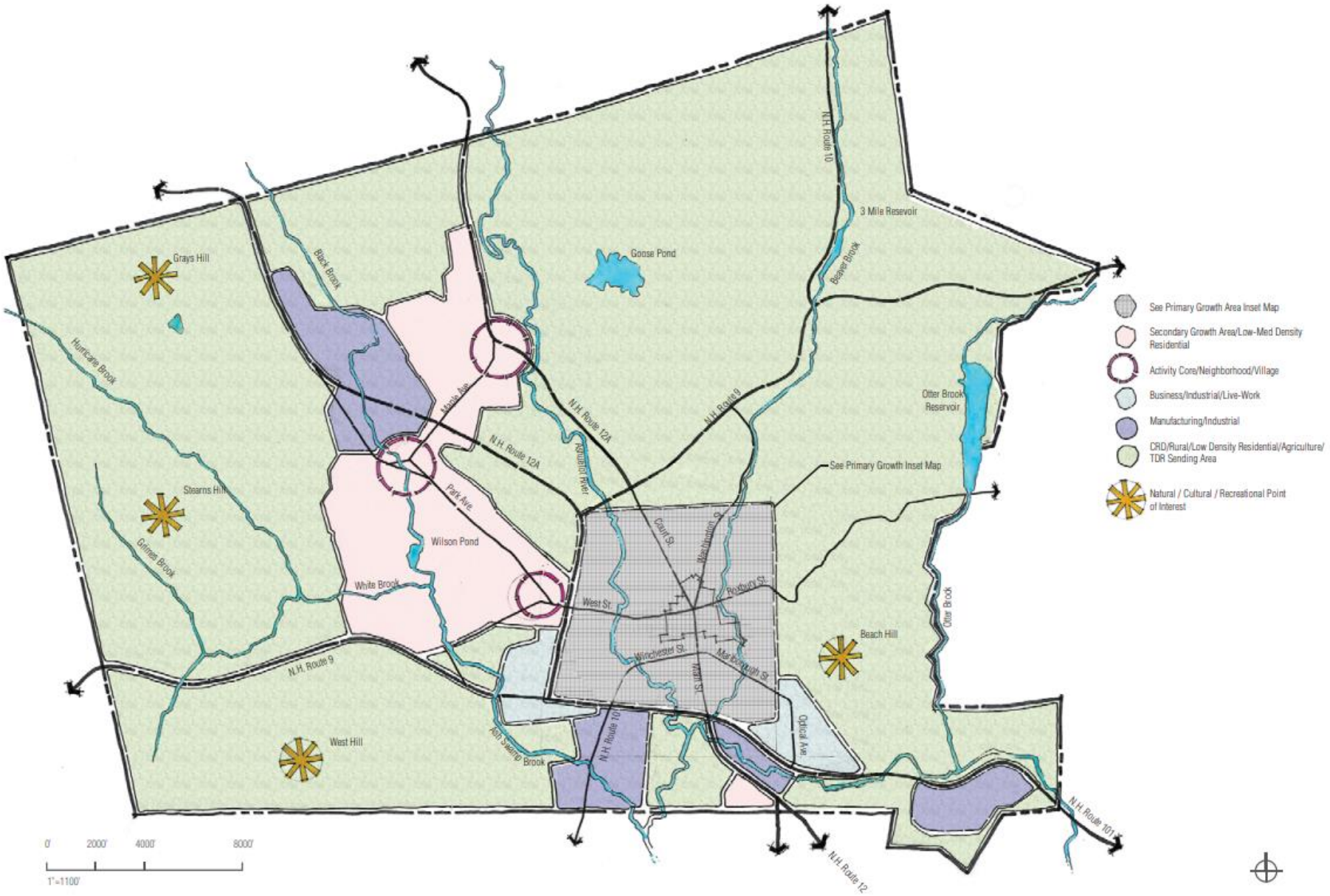
It is important to note that the on-site parking requirements state the minimum amount of parking that is required. They do not prevent developers from providing more parking if they feel it would be beneficial for their project.

Consistency with the 2010 Comprehensive Master Plan

The highest priority implementation recommendation from the 2010 Comprehensive Master Plan is to rewrite the land use and zoning code to align with the intent of the Future Land Use Map. The plan states, *"As the community moves forward with this revision, other types of land-use regulations should be considered that will incorporate walkability, green infrastructure, sustainable building, a smart-growth principle and other features outlined in this plan."*

The Future Land Use map depicts a primary growth area, secondary growth areas, activity core/Neighborhood/Village nodes, business areas, industrial areas, and rural/low density residential/agricultural areas (Figure 1). The plan recommends concentrating growth in the primary growth area and allowing for carefully planned growth and density in secondary growth areas, while prioritizing conservation of land in rural and agricultural areas. This proposal will reduce barriers to multifamily, senior, and workforce housing development and allow for more efficient use of land in the primary and secondary growth areas of the Future Land Use Map, where multifamily dwellings are typically allowed. It also reduced the parking requirement for single-family dwellings which are allowed outside the primary and secondary growth areas; however, density in these areas of the City are controlled by other factors such as lot size and maximum impervious coverage.

FIGURE 1. City of Keene Future Land Use Map.



FUTURE LAND USE MAP

City of Keene, NH

ITEM #G.2.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

From: Mari Brunner, Senior Planner

Through: Elizabeth Dragon, City Manager

Subject: **Relating to Side and Rear Setbacks in the Downtown Edge Zone Ordinance O-2024-24-A**

Recommendation:
A motion was made by Councilor Madison to create an A version of the ordinance to remove the rear setback requirement where Downtown Edge abuts Downtown Transition. The motion was seconded by Councilor Williams and was unanimously approved.

A motion was made by Chair Farrington that the Planning Board find that this proposed change to Ordinance O-2024-24-A is consistent with the 2010 Master Plan. The motion was seconded by Armando Rangel and carried on a 4-1 vote with Roberta Mastrogiovanni voting in opposition.

A motion was made by Councilor Bosley that the Mayor be requested to set a public hearing for Ordinance O-2024-24-A. The motion was seconded by Councilor Madison and was unanimously approved.

Attachments:
1. Staff Report O-2024-24
2. O-2024-24_A_Clean Copy
3. O-2024-24_A_redlined

Background:
At the Joint Planning Board and Planning, Licenses and Development Committee meeting on December 9, 2024, a public workshop was held to discuss Ordinance O-2024-24. Included below is an excerpt from the draft minutes of that meeting.

" III. **Public Workshop:**
a. Ordinance – O-2024-24 – Relative to Interior Side Setback Requirements in the Downtown Edge District. Petitioner, Jared Goodell, proposes to amend Section 4.4.1 of the Land Development Code to remove the 20' minimum interior side setback requirement for parcels in the Downtown Edge District that directly abut a parcel located in the Downtown Transition District.

Mr. George Hansel addressed the Committee on behalf of Jared Goodell. He indicated they are working on a property on Marlboro Street which is one of four parcels in the Downtown Edge District

which would have this issue because the Downtown Edge District when it is up against the Residential District requires a 20-foot setback.

Mr. Hansel noted a couple years ago when the city put in place the land use code update it was with the understanding that these types of adjustments would need to be made going forward. He stated he sees this as making a change to make it fair for everybody and putting in place a code that will work for everybody going forward.

What is being done in this instance which really doesn't impact the public very much at all because it is not on a street. The only parcels that are affected by this change are right up against Keene State's parking lot where two zoning districts come together - rear of the lots that are facing Marlborough Street. What is being requested is to take that 20-foot setback and make it 0.
Mr. Hansel noted with the downtown edge zoning district, one of the things the city wanted to do was to encourage development along Marlborough Street. One of the techniques was put in place with the land use code was actually not a setback on the frontage, but a built-to on the frontage. Encouraging people to build to the street but on the back of their lots require really large setbacks. This concluded Mr. Hansel's statement.

Councilor Haas noted to the lot on the corner which is not owned by Mr. Goodell which borders up against the circle which he felt could have some issues if it is constructed according to what is permitted on the side. Mr. Hansel stated he knows of four lots that would be affected by this standard, two of which are owned by Mr. Goodell the other two are currently non-conforming. Councilor Haas stated he would like to hear staff's comments on this issue.

Staff comments were next.

Ms. Brunner addressed the Board and stated this ordinance proposes to modify the minimum interior side setback for the Downtown Edge District to be 0 feet when abutting the Downtown Transition District, instead of 20 feet. In rezoning decisions, the Board should consider existing and proposed zoning requirements; Surrounding land use and zoning patterns; Possible resulting impacts; and the consistency of the proposed rezoning request with the Master Plan.

She noted as the petitioner explained both the Downtown Edge, Downtown Transition and Downtown Limited are intended to be buffer districts or transition districts from the high intensity downtown districts of Downtown Growth and Downtown Core to the surrounding areas.

Ms. Brunner went on to say the Downtown Edge, those zones are areas that transition from Downtown Core or Downtown Growth to more commercial areas or commercial corridors. Downtown Limited is to the north of Central Square, a unique area with only one spot that is Downtown Limited - where the fire station and other institutional buildings are located.
Downtown Transition is largely what used to be the office district which goes to surrounding residential areas. Ms. Brunner noted this petition would affect Downtown Edge and Downtown Transition.

She noted the intent statement Downtown Edge District states as follows: *is to provide for a heterogeneous mix of commercial and residential uses and varied development forms, including areas of both walkable development as well as more auto oriented development at the edges of downtown Keene, this district accommodates this rich mixture while providing for a transition into lower intensity commercial or residential development outside of the delineated downtown area.*

The Downtown Transition District is intended to accommodate a variety of residential open spaces and other low intensity uses and a mixed-use environment of attached and detached structures.

Development within the Downtown Transition District is intended to complement and transition into existing residential neighborhoods adjacent to Downtown Keene. The Downtown Edge District allows for a wider variety of uses, 38 in total, most of which are allowed by right. There are three that require a conditional use permit and one that requires a special exception. This district allows for more of a mix of uses.

Ms. Brunner went on to say that the Downtown Transition District allows for a total of 15 uses over a third of which require a special exception or a conditional use permit. With respect to the dimensional requirements. The minimum lot area for downtown edge is 10,000 square feet, whereas for Downtown Transition it is 8,000 square feet. Ms. Brunner noted where they really differ is that as the petitioner mentioned, the Downtown Transition or the Downtown Edge District has more form based code elements to it than the Downtown Transition District does. Downtown Edge has the built two zone. It is a 0 to 20 feet built to zone for the front set back and corner side setbacks. The interior side set back and the minimum rear set back are 0 feet unless you are abutting a residential district or Downtown Transition. Whereas with Downtown Transition you have your more traditional setbacks.

She added it is pretty common to have instances where increased setbacks are required for specific uses that are adjacent to a residential zoning district and then in some instances the Downtown Transition is mixed in with other residential zoning districts. She added as the Petitioner noted, there are only four parcels of land in the city where the Downtown Transition and Downtown Edge actually touch each other. Every other instance where those zoning districts are adjacent to each other, there is a road that separates them.

Ms. Brunner stated the master plan is a pretty high level document. It does not get into the granular detail for instance of what set back should be in specific areas. However, in looking at the future land use map, this area of the city which would be impacted where these four parcels are that directly touch each other is called out in the future land use map as a traditional neighborhood mixed-use areas and TDR receding zone. It states *these areas of the community are the most developed and the best able to accommodate carefully planned growth and density. These areas can be the target of the vast majority of new smart growth, residential and mixed-use development, but only with design standards to ensure that it. Maintains the quality of existing neighborhoods, blends seamlessly and transitions into the existing downtown. Mitigates traffic and parking issues and provides for a healthy diversity of the built form that respects Keene's aesthetic appeal. More focus on design details, compatibility with historic areas. Provision of green space and quality of life within these areas are key elements for encouraging a population density consistent with the principles of smart growth. Opportunities exist to transfer development rights from residential conservation development regions into these areas.*

Ms. Brunner noted to the area Councilor Haas was referring to and noted there is an existing building on that parcel which goes up to the property line and it is already non-conforming. Councilor Haas asked what would govern filling in this area. Ms. Brunner felt if something that was built, it would probably be an addition to the existing building and it could potentially go right up to the property line. She added another thing to note is that there is also an increased setback for the rear when adjacent to a Downtown Transition parcel, and the Petitioner did not request to change that and this would just affect the side set back, not the rear set back.

Ms. Mastrogiovanni asked if the rendering Ms. Brunner was referring to outlined the new buildings on that property now. Ms. Brunner answered in the negative and indicated this is a base map from 2020.

Councilor Bosley referred to the group of properties that is zoned Downtown Transition on Main Street which are Keene State College institutional buildings – which are not residential or mixed-use residential buildings and felt the Downtown Institution should have encompassed all of the Keene

State properties. If that was the case, this would have been a non-issue. Ms. Brunner agreed and added the downtown form based districts focus less on the use and more on the built form of the property. She indicated the reason this cluster of buildings are downtown transition is because even though the use is not residential, the structures when they were originally built were residential. The character of the buildings fits more with the built form of the transition district. She agreed the uses in this this little pocket of downtown transition are very different from the other pockets of downtown transition.

Councilor Bosley felt Downtown Limited, Downtown Growth and Downtown Transition don't have consistency with reference to setbacks in the code when they abut Downtown Transition and asked why that decision was made. Ms. Brunner stated in many instances when there is a proposal to have an increased setback when adjacent to a residential district, it is because it was transitioning to more residential areas. The Councilor noted to Downtown Limited, which is to the north of the square and has a 15 foot rear setback requirement and it abuts high density neighborhoods. It also has a 10 foot side set back when it abuts Downtown Transition. She stated she does not understand why the City would require Downtown Edge, which is similar to Downtown Core to have such an extended set back when it abuts Downtown Transition. Ms. Brunner agreed this is a good point. The Councilor stated she was open to creating more consistency.

Chair Farrington referred to page 16 and noted this change would be to Downtown Edge minimum interior side set back. You would just strike the Downtown Transition district from this sentence.

Ms. Brunner agreed and stated it would read *0 feet unless a budding residential district, then 20 feet*. The Chair asked why the City would have this set back requirement for the minimum rear set back. Ms. Brunner stated if the committee was interested in having more consistency, it would make sense to remove the Downtown Transition from the rear set back as well. Ms. Brunner also added if the committee wanted to make any changes, suggested it be done at the workshop phase, that way, members of the public will have an opportunity at the public hearing to weigh in on the version of the ordinance that City Council ultimately votes on.

Mr. Hoefer clarified the project in question, sounds like variances have been granted and is moving ahead. What is before the committee would solve hypothetical issues in the future if other property owners of these four parcels wanted to do similar changes. He asked whether it was worth making a change here or can it be handled through the variance process in the future.
Councilor Haas felt the changed would increase the value of the lots and create opportunity for the corner lot.

Councilor Williams felt Mr. Hoefer makes a good point with the variance, but felt one of the ways this provides value is giving people certainty about what they get with their land. Hence, including it in the code is probably the better way to go.

Mr. Kost stated it also adds to the idea that the city is trying to encourage infill development and will make it easier for people to develop properties.

The Chair asked for public comment next.

Mr. Pete Moran of Myrtle Street addressed the committee. Mr. Moran felt this was a good project that was done and fits in nicely with the neighborhood and adds housing.
Mr. Moran stated some of the descriptions uses were curious *obstructed view from the TPI building* – he noted the landscaping from Marlboro Street looking down at the property there is sort of an obstructed view.

Quite a bit of vegetation - behind the Historic Society, which Mr. Moran stated was debatable – it was mostly weeds.

Heavily vegetated - between the Historic Society and these new buildings.

Blocks the view from Main Street - is questionable again.

He stated this was a good project but did not feel these descriptions quite explain the project.
Mr. Moran noted privacy was an issue that was raised and felt when you increase density it reduces privacy.

No border to regulate – Mr. Moran felt there has to be border so it can be taxed as some sort of a lot and felt that phrase did not make sense.

Substantial justice to the neighborhood – it adds value because it is new property but felt this too was subjective.

Mr. Moran noted after the foundation was placed the Petitioner realized the setbacks were not met – an official survey was not done until after the fact. He felt the Petitioner is asking for forgiveness instead of permission.

He indicated the Petitioner has been granted the variances and questioned why this item is being presented to the Joint Committee. He felt it should be left to the Planning Department to present to the City Council.

Mr. Moran asked if the Committee voted in favor of zero setbacks. However, later on if the City decided, we can't do 0 setbacks in these zones. Does that mean this Petitioner would be grandfathered for any other projects they may bring forward.

Mr. Moran went on to say this item is being presented as workforce housing but nowhere in the information did it say anything about rents.

3000 square feet of lawn – he questioned where cars are going to park. He asked whether the lawn is going to be fenced. The reason parking on lawn is prohibited is because eventually all the dirt will wash into the storm drains.

He questioned where the dumpster is going to be located – will the dumpster be enclosed.
He stressed again as to why the insured was asking for another variance. This concluded Mr. Moran's presentation.

Councilor Bosley provided some clarification regarding the questions Mr. Moran raised. She indicated this committee is not the Zoning Board and the variances that were requested were granted to a different applicant. What is discussed at the Joint Committee is never project specific; it is about underlying conditions of zoning areas. She stated her understanding is the Petitioner raised this issue because they found inconsistencies in the land development code.
She noted when she read through the Land Development Code and as she had mentioned earlier to staff, she also found additional inconsistencies in the Code. She felt it was appropriate at times for individuals in the Community to realize certain things and bring them to the City's attention.

Chair Farrington stated this is a workshop for an ordinance and from this Body it gets moved up to Council for approval and if necessary sent back to this venue to restart the process.

Ms. Brunner thanked Mr. Moran's for his comments and stated what Mr. Moran raised today would be comments that would be appropriate for a ZBA public hearing on the variances. She added no final decisions are being made tonight. This item is being forwarded to City Council for them to decide. With respect to city staff involvement; in New Hampshire there is the ability for a resident to petition changes to the zoning code, and then that goes through a specific process depending on whether you are a city or a town. In the City of Keene, we have staff that will review the request and provide a staff report, which is what has been done tonight.
With respect to whether the Petitioner will be able to do more projects similar to this. Ms. Brunner stated the variance gave them relief for that one property. This request tonight would change the whole zoning district. If this ordinance gets approved, any parcels in Downtown Edge would be able to go up to a 0 foot side set back when they abut the Downtown Transition. She added this is a Downtown District so there is 0 foot setbacks throughout the downtown. She noted this is a little bit tricky because again, it is a transition district, so it is transitioning from the downtown to the neighboring areas. In general, there is a 0 foot setback unless it is abutting a residential or downtown transition.

With no further comments, the Chair closed the public hearing.

Councilor Bosley stated she has seen these parcels and doesn't see a reason why the setbacks could not be reduced to be consistent the other setbacks in the land development code. She stated she sees other inconsistencies this issue has brought up for her. She felt at the bare minimum if the Committee did not wish to go to 0 foot setback, the side setbacks should be reduced. She stated she was in favor of what the Petitioner is asking for.

Chair Farrington noted staff had indicated in some of the other instances where these zones meet they are separated by a road and asked whether that is considered abutting. Ms. Brunner stated it is but the need for setback is mitigated by being located across the road.

Ms. Mastrogiovanni stated in the Edge District there could be cases where there are mixed used buildings, would 0 setback be appropriate and felt as Councilor Bosley said, perhaps reducing the setback might be a better solution.

Mr. Kost noted by having the side setbacks be zero it is possible this could be one big building at some point or someone could perhaps expand and houses could at that point be right next to each other. Planner Evan Clements pointed out to all buildings on Main Street which are 0 lot line and are right next to each other. Mr. Kost felt this change could create some development potential in this area. Ms. Brunner added there is already a 0 foot setback between Downtown Edge and Downtown Edge. What is likely going to be seen with these parcels because they have that 0 to 20 foot build-to zone, any new buildings are supposed to be placed up against Marlboro Street, so you are more likely to have them be immediately adjacent to each other along Marlborough Street.

Councilor Bosley clarified buildings shown as 47 and 53 could be torn down and constructed as one building right next to Marlboro Street and touching each other on each side right now and this change would not have an impact on that.

Mr. Kost clarified the Petitioner is referring to interior which is side setback not the rear. Ms. Brunner agreed, as proposed the petition only talks about the side setback, not the rear setback.

Chair Farrington asked what the appetite is for amending this proposed ordinance to include 0 setback for the rear.

Councilor Haas felt this was pretty straightforward and felt the rear setback should be included as

well.

Councilor Madison stated he too agrees with the 0 rear setback which would address the housing crisis the city has. There is buildable land in the center of town and this is where people want to develop housing. He felt loosening restrictive zoning or inconsistent zoning such as this is the way to do it and the committee should move forward with it.

A motion was made by Councilor Madison that the Planning Licenses and Development Committee recommends staff to develop am A version to remove the rear setback requirement where Downtown Edge abuts Downtown Transition. The motion was seconded by Councilor Williams and was unanimously approved.

A motion was made by Chair Farrington that the Planning Board finds that this proposed change to Ordinance – O-2024-24A is consistent with the 2010 Master Plan. The motion was seconded by Armando Rangel and carried on a 4-1 vote with Roberta Mastrogiovanni voting in opposition.

A motion was made by Councilor Bosley that the Mayor be requested to set a public hearing for Ordinance – O-2024-24A. The motion was seconded by Councilor Madison and was unanimously approved."

Staff Report - Ordinance – O-2024-24

Ordinance Overview

This Ordinance proposes to modify the minimum interior side setback for the Downtown Edge District to be 0 feet when abutting the Downtown Transition District, instead of 20 feet.

In rezoning decisions, the Board should consider and review the following:

- Existing and proposed zoning requirements;
- Surrounding land use and zoning patterns;
- Possible resulting impacts; and
- The consistency of the proposed rezoning request with the Master Plan.

Background

The Downtown Edge (DT-E) and Downtown Transition (DT-T) Districts both fall within the category of "downtown zoning districts," which are detailed in Article 4 of the Land Development Code. There are a total of six downtown zoning districts, including Downtown Core and Downtown Growth (the highest density areas where the most intense development can occur), the Downtown Institutional District, which encompasses the portion of the Keene State College campus that interfaces with Main Street, and three "buffer" districts that are intended to transition from the downtown to the surrounding districts: Downtown Transition, Downtown Edge, and Downtown Limited. In general, the Downtown Transition District tends to be more residential in nature, the Downtown Edge District is more oriented towards commercial uses, and the Downtown Limited District includes a variety of civic and cultural uses mixed with commercial and high density residential development. Figure 1 depicts the downtown zoning districts in relation to the surrounding zoning districts.

The intent of the Downtown Edge District is to provide for a *"heterogeneous mix of commercial and residential uses and varied development forms including areas of both walkable development as well as more auto-oriented development at the edges of downtown Keene. This district accommodates this rich mixture, while providing for a transition into lower intensity commercial or residential development outside of the delineated downtown area."*

The Downtown Transition District is intended to *"accommodate a variety of residential, open space, and other low intensity uses in a mixed-use environment of attached and detached structures. Development within the DT-T District is intended to complement and transition into existing residential neighborhoods adjacent to downtown Keene."*

The Downtown Edge District allows for a wide mix of uses (38 total), which are shown in Table 4-1 of the LDC. Most of these uses are allowed by right, with only one use requiring a special exception (SE) and three that require a conditional use permit (CUP):

- Dwelling, Above Ground Floor
- Dwelling, Multifamily
- Dwelling, Two-Family/Duplex
- Animal Care Facility
- Art Gallery
- Art or Fitness Studio
- Banking or Lending Institution
- Car Wash (by SE)
- Clinic
- Funeral Home
- Health Center/Gym
- Motor Vehicle Dealership
- Neighborhood Grocery Store
- Office

- Personal Service Establishment
- Private Club / Lodge
- Restaurant
- Retail Establishment, Light
- Self-Storage Facility – Interior Access
- Specialty Food Service
- Vehicle Repair Facility – Minor
- Community Center
- Cultural Facility
- Day Care Center
- Place of Worship
- Private School
- Senior Center
- Domestic Violence Shelter
- Food Pantry
- Group Resource Center (by CUP)
- Lodginghouse (by CUP)
- Residential Care Facility (by CUP)
- Artisanal Production
- Data Center
- Community Garden
- Solar Energy System (Small-Scale)
- Telecommunications Facilities
- Parking – Structured Facility

The Downtown Transition District allows for a total of 15 uses, over a third of which require a special exception or a conditional use permit:

- Dwelling, Above Ground Floor
- Dwelling, Multifamily
- Dwelling, Single-Family
- Dwelling, Two-Family/Duplex
- Bed and Breakfast
- Funeral Home
- Office
- Private Club / Lodge (by SE)
- Community Center (by SE)
- Cultural Facility (by SE)
- Day Care Center (by SE)
- Senior Center (by SE)
- Group Home, Small (by CUP)
- Community Garden
- Telecommunications Facilities

The table below compares the Dimensions and Siting standards for the DT-E and DT-T Districts. The Downtown Edge District is a form-based district with a build-to zone instead of a minimum front setback and corner side setback, and a 0 ft side and rear setback (except when adjacent to DT-T or residential zone). The DT-T District has conventional setbacks and also includes a density factor for residential development.

	Downtown Edge (DT-E)	**Downtown Transition (DT-T)**
Min Lot Area	10,000 sf	8,000 sf (8,000 sf for single dwelling unit, 5,400 sf for each additional dwelling unit)
Min Lot Width	50 ft	60 ft
Front Setback	0-20 ft Build-to-Zone	15 ft
Corner Side Setback	0-20 ft Build-to-Zone	10 ft
Min Interior Side Setback	0 ft, unless abutting residential district or DT-T District, then 20 ft	10 ft
Min Rear Setback	0 ft, unless abutting residential district or DT-T District, then 20 ft	15 ft

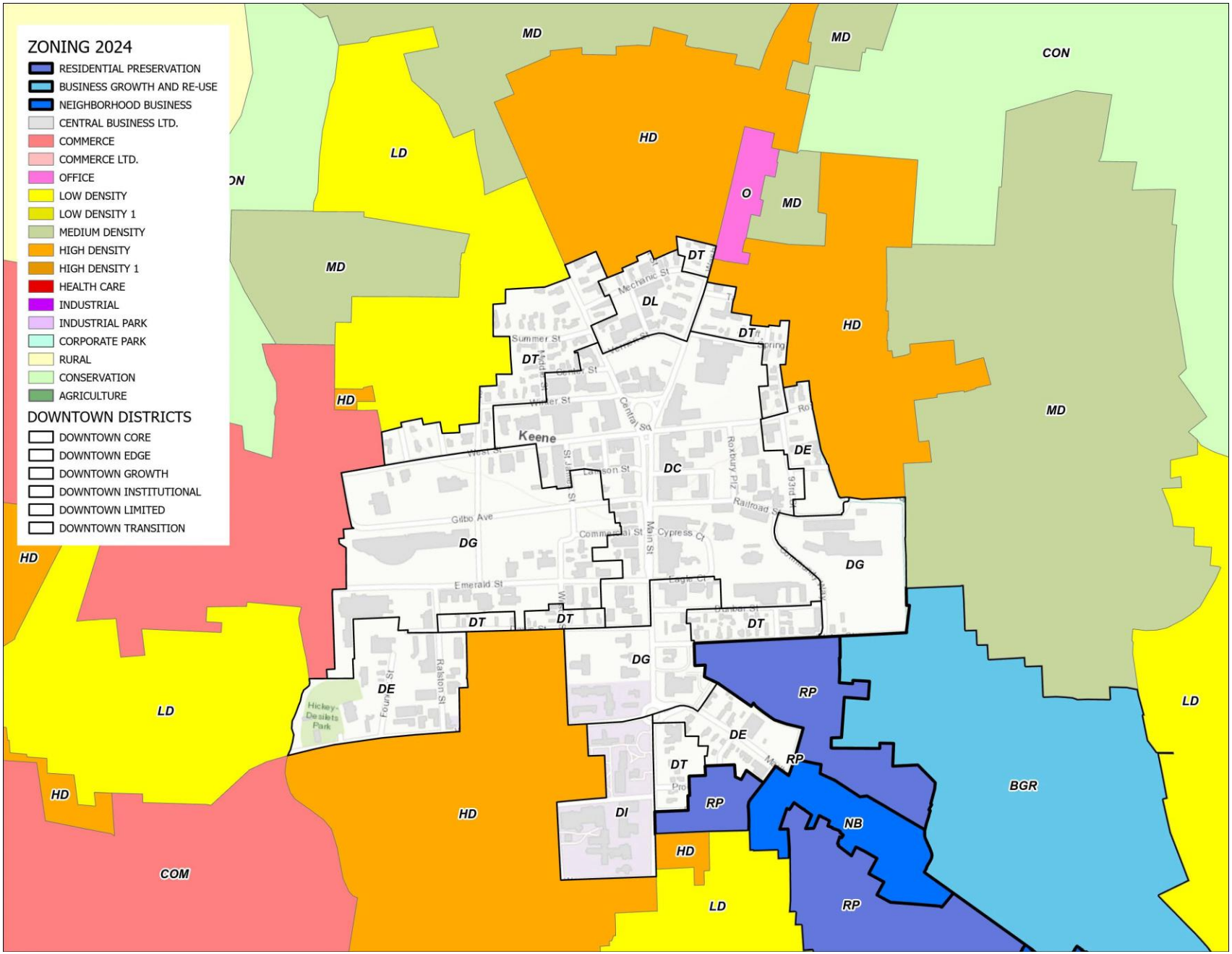


Figure 1. Zoning map of downtown Keene and surrounding zoning districts.

Discussion

Throughout the zoning code, there are instances where increased setbacks are required for uses that are adjacent to a residential zoning district. In some instances, the Downtown Transition District is also called out along with residential zoning districts as requiring an increased setback. This is due to the residential nature of the Downtown Transition District, which includes a mix of residential, office, and other low intensity commercial and open space uses. The intent of these increased setbacks is to protect residential areas from being overwhelmed by higher intensity development. For example, in the Downtown Growth District, buildings can be 85 feet and 7 stories tall. An increase in the side and rear setback when abutting a residential district or the Downtown Transition District helps reduce the massing and towering effect of buildings in these higher intensity districts relative to adjacent structures.

While the Downtown Edge District does allow commercial uses, the built form of this district encourages buildings that are close to the street with a maximum height of 40 feet and 3 stories (there is no minimum height). The side and rear setbacks are both 0 feet, unless abutting a residential district or the DT-T district, in which case there is a 20-foot side setback and a 25-foot rear setback.

As discussed previously, both this district and the Downtown Transition District are intended to serve as buffers between the heart of the downtown and the surrounding districts. There are a few areas within the City where the Downtown Edge District abuts Downtown Transition; however, there is only one location where these two districts abut each other directly with no street separating them. This area, which is shown in Figure 2, encompasses four parcels of land.

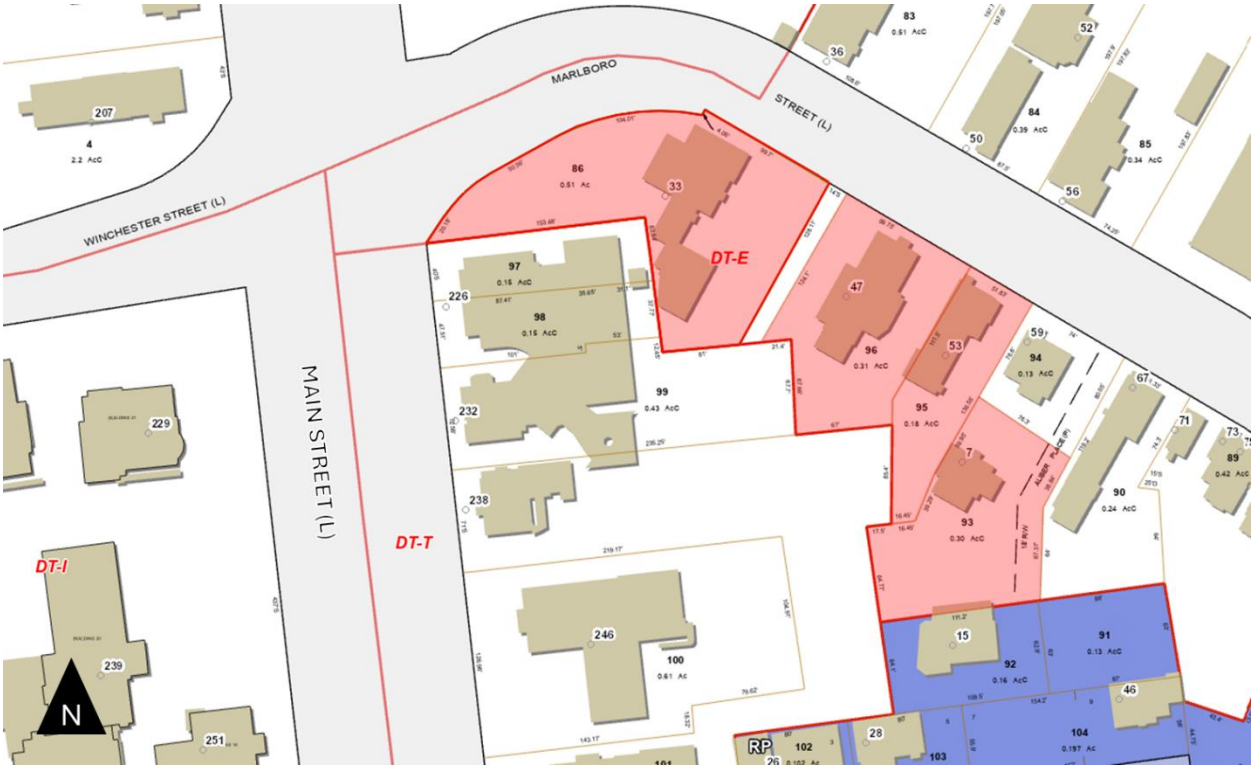


Figure 2. Image of Downtown Edge parcels, shown in red, which directly abut the Downtown Transition District.

Potential Impacts of the Proposed Change

Both the DT-E and DT-T Districts are intended to transition from the downtown to lower intensity districts. The built form between these two districts differs slightly, with the DT-E District more compatible with a mix of pedestrian and automobile-oriented uses and a wider range of commercial uses than the DT-T District, which is more residential in nature with a built form that prioritizes pedestrian-scale development. The four parcels that are directly adjacent to the DT-T district abut either the side or rear of the DT-T parcels. If a building or structure is built on the property line, life safety codes (building and fire) would ensure that these buildings or structures are built so that they could safely be located immediately adjacent to another structure.

Consistency with the Master Plan

The 2010 Comprehensive Master Plan identifies the area that would be impacted by this request as a primary growth area, specifically a "Traditional Neighborhood / Mixed-Use" area (Figure 3). The description of this area type is included below.

> ***"Traditional Neighborhood, Mixed-Use Areas and TDR Receiving Zone*** *– These areas of the community are the most developed and the best able to accommodate carefully planned growth and density. These areas can be the target of the vast majority of new smart-growth residential and mixed-use development, but only with design standards to ensure that it maintains the quality of existing neighborhoods, blends seamlessly and transitions into the existing downtown, mitigates traffic and parking issues, and provides for a healthy diversity of the built form that respects Keene's aesthetic appeal.*
>
> *More focus on design details, compatibility with historic areas, provision of green space and quality of life within these areas are key elements for encouraging a population density consistent with the principles of smart growth. Opportunities exist to transfer development rights from Residential Conservation Development regions into these areas."*

The Future Land Use section of the Master Plan indicates that this area is well-suited for increased growth and density, as long as attention is given to compatibility with existing neighborhoods. Reducing setbacks would encourage more density and allow developers / property owners more flexibility with placing structures on their lot.

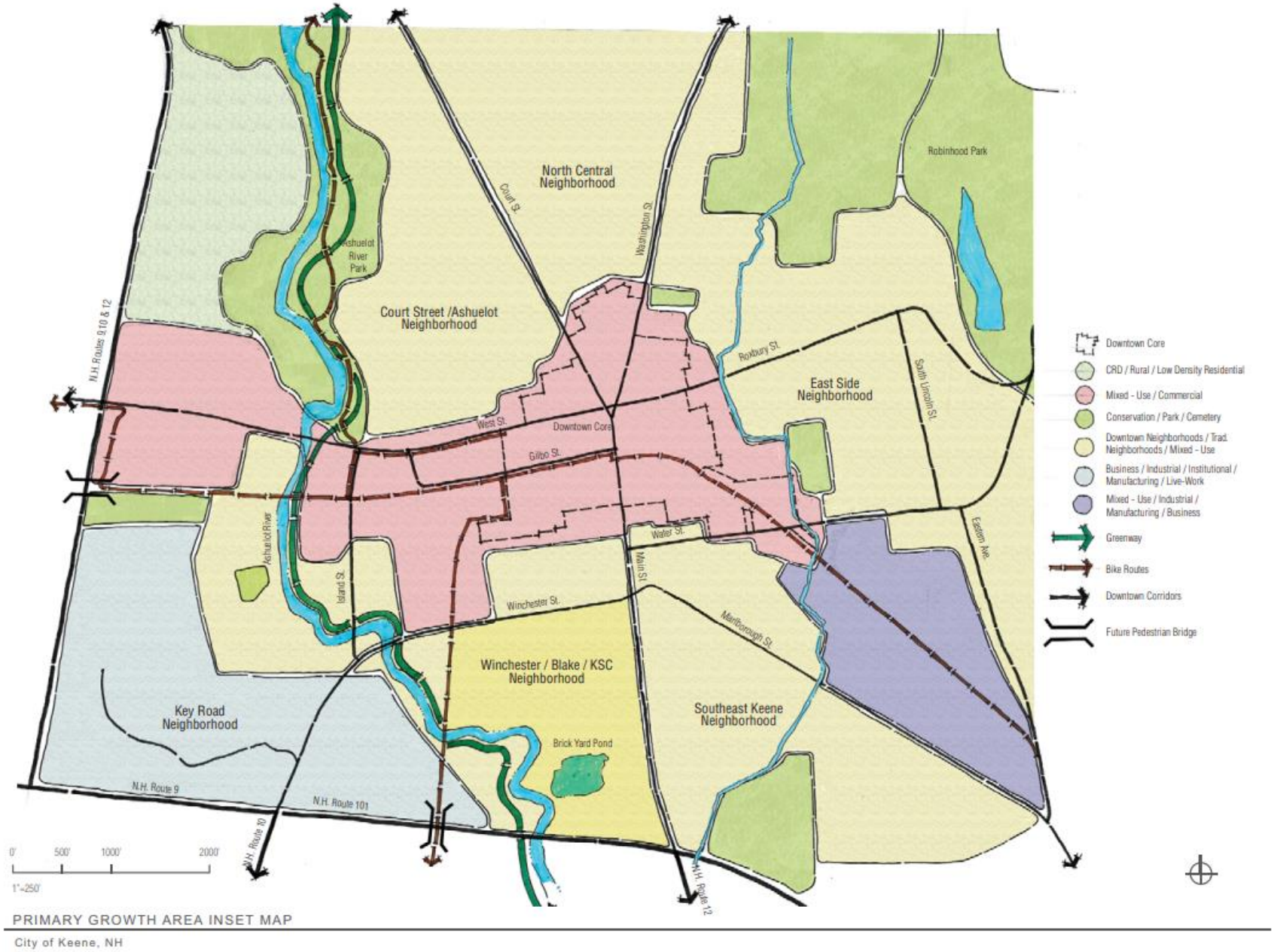


Figure 3. Primary Growth Area Inset Map for the City of Keene Future Land Use Map.

ORDINANCE O-2024-24-A

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to Amendments to the Zoning Ordinance – Interior Side and Rear Setback Requirements in the Downtown Edge Zone

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

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

1. That Section 4.4.1 "Dimensions & Siting" of Article 4 be amended to remove the minimum interior side setback when the boundary line abuts the Downtown Transition District, as follows:

Dimensions and Siting

A	Min Lot Area	10,000 sf
B	Min Lot Width	50 ft
C	Front Setback[1]	0-20 Build-to Zone
D	Corner Side Setback[1]	0-20 Build-to Zone
E	Min Interior Side Setback	0 ft, unless abutting residential district ~~or DT-T District~~, then 20 ft
F	Min Rear Setback	0 ft, unless abutting residential district ~~or DT-T District~~, then 25 ft

[1] When the front or corner side lot line intersects or overlaps with the right-of way line, the required build-to zone is measured from a line representing the average location of front lot lines along the same block. In no case shall a building be placed forward of this line.

Jay V. Kahn, Mayor

ORDINANCE O-2024-24-A

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to Amendments to the Zoning Ordinance – Interior Side and Rear Setback Requirements in the Downtown Edge Zone

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[1] When the front or corner side lot line intersects or overlaps with the right-of way line, the required build-to zone is measured from a line representing the average location of front lot lines along the same block. In no case shall a building be placed forward of this line.

Jay V. Kahn, Mayor

ITEM #H.1.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

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

Through:

Subject: **Relating to Designated Loading Zones and Bus Loading Zones Ordinance O-2024-16**

Recommendation:
On a vote of 5–0, the Municipal Services, Facilities and Infrastructure Committee recommends that Ordinance O-2024-16 be placed on more time.

Attachments:
None

Background:
Chair Greenwald asked to hear from the Public Works Director.

Mr. Lussier stated that this effort started with a request a couple years ago from residents at the Central Square Terrace housing development. He continued that several years ago, a crosswalk started directly in front of the Central Square Terrace breezeway and went diagonally across the street into the Hannah Grimes parking lot entrance. The residents requested improvements to that to make it safer. Staff looked, agreed that it was a problem, and recommended upgrading the crosswalk at one location and eliminating the crosswalk at another location. The Council approved. The ramp on the north side was removed and at the location to the east where the MoCo Arts driveway exits, staff installed pedestrian-activated beacons and made that a more prominent crosswalk.

Mr. Lussier continued that more recently, residents at the housing complex asked for some sort of ramp that would allow them to get into the spaces to access vehicles, for folks who have mobility impairment. Staff spoke with Keene Housing management and with folks at HCS, the bus company, and Keene first responders who pick people up at Central Square Terrace. The bus company said no, they do not need that, because the bus pulls right up to the curb, and if someone with a wheelchair needs help loading, the ramp goes down to the sidewalk surface. They do not need to get down to the roadway surface. Keene Fire said no, they do not need a ramp; their gurney can negotiate over the curb. Keene Housing said they have a designated, accessible parking space in the garage they want residents to use, if someone comes to pick them up.

Mr. Lussier continued that after continuing this conversation and hearing more from different folks, staff determined the underlying cause of this (request). Many times, people park their vehicles in the

loading zone for longer than the allowed 15 minutes, leaving no place for the bus to pull up to the curb or for the ambulance to pull off to the side of the road. Staff suggests the creation of something new within the City Ordinance – a designated bus loading zone. The entire space today is in the Code as a loading zone and you are allowed to park anywhere in that zone for 15 minutes. They would designate the eastern, right half of that area as the 15-minute loading zone, and the left half would be "bus only" parking. The Code allows for public transit as well as emergency vehicles, so ambulances and fire trucks could still park there if needed.

Mr. Lussier continued that during the City Attorney's review, he asked where else this is an issue in the city, which was a good question. Staff pulled back and decided to look at it holistically. They referenced the HCS routes they are using now and found that a similar condition exists in two other locations. One is the area in front of the Transportation Center on Gilbo Ave. Folks at HCS said that occasionally there is an issue with (the bus) pulling up and finding someone (else) there. It is designated as a loading zone, but it is not exclusively for buses. Staff recommends, for the sake of consistency, that this also be designated as "bus only." This (zone) is a little bit longer, because it is used for the Greyhound bus as well as the HCS bus. Thus, it is a bigger area, but it is the same concept. It would be designated just for buses or emergency vehicles. On West St. is a bus stop for the public library. In the current City Code, all of West St. in this section is "no parking." Thus, it is not technically needed, but for the sake of consistency and clarity, they would designate it as a bus loading zone and put up signs to that effect.

Chair Greenwald stated that it is not a problem on Gilbo Ave., and it is needed as a loading zone for trucks. He continued that he is fine with what staff wants to do with the other two locations, but not (Gilbo Ave.) where it is not a problem, because it would create a problem. He suggests removing Gilbo Ave. from the discussion. Mr. Lussier replied that then they would be looking at an A version (of the Ordinance), which strikes subparagraph 2.

Councilor Tobin stated that she is concerned about limiting the modes of transportation, by saying it needs to be a bus. She continued that having lived near that area and having talked with the residents, she does not know what the limitations are with the loading zone, but knows there is a steady stream of cars picking people up at certain times. She would be concerned if that was not allowed to happen there. Yes, they could do that at the other end of the sidewalk, but given the residents' mobility challenges, that is a long way to walk.

Mr. Lussier replied that they discussed this with Keene Housing management and they prefer residents' loved ones pick them up inside the garage at the designated handicapped space. He continued that it is actually closer to the building. Councilor Tobin asked why that is not happening already. She asked what the barrier is. Mr. Lussier replied that he does not know.

Councilor Workman stated that she thinks keeping the proposed changes as they are now, with all three spots designated, would make the most sense. She continued that if people are not parking there now, then reserving it just for buses should not be a problem. She supports keeping all three as bus loading zones.

Chair Greenwald made a motion to amend the Ordinance by deleting the reference to Gilbo Avenue. Councilor Filiault seconded the motion.

Chair Greenwald stated that as he said before, bus stops are not a problem on Gilbo Ave., but absolutely, there are big trucks that need to come and go for deliveries, and there is no other place for them to stop. He wonders if this is really a problem on Roxbury St., because again, a loading zone is for deliveries, and not for parking.

Councilor Filiault stated that he would think that since this is not urgent, they could put it on more time while some of these issues are resolved behind the scenes. Whenever something comes out of committee in a confusing way, it gets more confusing at the Council level. They both (Mr. Lussier and Chair Greenwald) have legitimate concerns, and he thinks the issue needs to be looked at a little more in depth.

The City Manager stated she thinks it truly comes down to knowing where the Committee wants to see bus stops, and where they want the loading zones to be. Currently, people park in loading zones all over downtown, for 15 minutes while they run into a store to pick something up, get a cup of coffee, or pick up a loved one at Central Square Terrace. This conversation started when a resident at Central Square Terrace reached out to a Keene Housing board member, who then reached out to a Councilor who asked the City to address it. The reason for that is, when the bus comes to pick people up on Roxbury Street, there are cars parked there. If the bus cannot get close enough to the curb it is difficult to pick up residents with mobility issues. Staff have had many conversations with Keene Housing and the bus companies. She thinks with Roxbury St., this would solve a problem that currently exists. There is no problem in front of the Library, and they do not necessarily have a problem at Gilbo Ave. right now because it is such a long spot. However, when they brought just the Roxbury St. location forward, the City Attorney suggested they look at all the locations and treat them all the same. That is how they came here tonight. She hopes they can get clear direction from the Committee about, for example, whether they want one bus stop, a loading zone, or nothing.

Chair Greenwald stated that there are also loading zones on Cypress St. and Railroad St. He asked if they are not in the discussion because they are not bus stops. Mr. Lussier replied right, this started with the HCS transit routes. He continued that they looked for places where the HCS bus stopped in parking areas, whether designated as loading zones or just parking spaces. They found that condition in these three locations, and a couple locations just north of here, like the Community Kitchen, where (the bus) parks in actual parking spaces. If those spaces are filled, the bus stops in the road and loads there. Staff and HCS discussed whether that was a problem and decided that they do not think it is a big enough issue or causing enough problems that they would recommend the loss of two or three parking spaces at those locations, which is why they are not included in tonight's list.

Councilor Favolise stated that he has a question for the City Attorney. He continued that given the discussions here around the specific conditions at the Roxbury St. loading zone, he wants to know what the legal guidance is if they have to do all three of these. The City Attorney replied that he suggested doing all three for reasons of enforcement. He continued that it gets confusing otherwise, especially if the Police Department needs to ticket or remove people. People could question why enforcement is happening in one location but not another. It was a question of consistency. Councilor Favolise asked if there is any legal liability to the City if they take Gilbo Ave. out. The City Attorney replied no, there is no legal liability with any of these. It is in the public right-of-way and the City has some protections in the right-of-way. It is a policy decision at this point. The Council can do what they want.

Councilor Workman stated that she wants to argue the point again, a little more articulately, that they are encouraging folks to use public transportation, and the folks who use public transportation do so because they do not usually have many other means for transportation. She continued that she does not see why they would limit it, and make it more difficult for folks who already have such limited means. It defeats their purpose of being a multimodal transportation hub. Having more bus stops/loading zones would promote that overall goal for the city.

Chair Greenwald asked if there was anything further. He continued that they are discussing his amendment to drop out Gilbo Ave. from the Ordinance, which would create an A version.

Hearing no further comment, Chair Greenwald called for a vote. The amendment failed with a vote of 2-3. Chair Greenwald and Councilor Filiault were in favor.

Chair Greenwald asked if there was further discussion on the Ordinance in total.

Councilor Tobin stated that after she heard that there was a problem in this area, she talked with the residents for about an hour. She continued that the proposed Ordinance is not addressing what they described to her. They said there are two different busses stopping in two different places, which is one issue. The other issue is that they are not crossing in the crosswalk, because they are crossing where they come out of their homes. It would be difficult to walk the stretch of the building, cross the street, then turn around and go back. She has watched people try to get into vehicles in that area before, and while she thinks public transit is great, until it is more frequent, it cannot get everyone to every doctor's appointment, so these residents need that access. The problem they described to her is that what used to be a loading zone was being used as parking for people who were going into the stores there, and they were in there longer than 15 minutes.

Chair Greenwald stated that he has another idea. Maybe they could mark about 20 feet of the large loading zone at Gilbo Ave. as designated for buses only. Mr. Lussier replied that he thinks it would have to be more than 20 feet, for the transit bus to be able to swerve in and out. He continued that it would have to be about 30 or 35 feet, which is about half of the length. It would not address the need of the Greyhound that parks there. Chair Greenwald replied that he still maintains that this is not a problem. Mr. Lussier replied that when they talked with HCS about this, they said they rarely had a problem parking here.

The City Attorney stated that having driven a bus over 40 feet long, he thinks that if they designate part of this as a loading zone for that purpose, Public Works needs to look at the space and make sure there is enough space to do what they need to do, instead of trying to guess 20 feet, 30 feet, 35 feet. He continued that that is his suggestion, especially for enforcement purposes.

Councilor Filiault made a motion to place the item on more time. Councilor Tobin seconded the motion.

The City Manager stated that she gets the City Attorney's point, but it does not do much good to send the Public Works Director and the City Engineer out there to measure a bus zone for X number of feet if the Committee is not interested in having one there or elsewhere. She asks that the Committee please just tell staff, tonight, if they are even interested in having a bus zone in any of these locations. It takes a lot of effort for staff to do these things and then come back, thinking they have done it right. She asked if the Committee could come to an informal consensus.

Councilor Filiault stated that his motion is to place the item on more time. He continued that personally, he is neutral about all of it. This conversation is not going anywhere tonight. He continued that he moves the question.

On a vote of 5–0, the Municipal Services, Facilities and Infrastructure Committee recommended that Ordinance O-2024-16 be placed on more time.

CITY OF KEENE
NEW HAMPSHIRE

ITEM #H.2.

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Councilor Robert Williams - Policy on the Discharge of Fireworks**

Council Action:

Recommendation:
On a vote of 4–0, the Planning, Licenses & Development Committee recommends placing any consideration of fireworks regulations on more time to allow staff to develop alternatives.

Attachments:
None

Background:
Councilor Williams explained that this was a continuation of the discussion on fireworks that the Committee had been having over the past several years. He said this was precipitated by what he thought were four commercial fireworks displays at Alumni Field in 2024, which seemed like too many to the Councilor. He said that while everybody likes the color and celebration of fireworks, they could have a negative effect, such as noise/air pollution, when they are frequent. They also could pose a hazard to local habitat/water/animals and be upsetting to people with autism or PTSD or sensitive pets. He suggested that there was a burden from having all of these fireworks displays in in a single neighborhood rather than spreading them around the City, or from having fireworks alternatives such as drone shows. Councilor Williams hoped this conversation would lead to some alternatives.

Vice Chair Jones admitted concerns about fireworks because most displays occurred in Ward 5—his Ward—so he would get phone calls from upset constituents with children on the autism spectrum, or someone with PTSD or a sensitive pet. So, he agreed that this was an issue for the Council to discuss.

Vice Chair Jones welcomed comments from the City's Fire Marshal, Rick Wood, who explained that most of the public do not know that what are referred to as "commercial" fireworks displays are actually permissible—or "consumer"—fireworks. Two of the four shows at Alumni Field in 2024 were consumer fireworks shows that were put on by a commercial vendor; those are the same fireworks that any citizen could purchase and use at their home under Chapter 42 of the City Code. He said that sometimes those shows are based on costs and sponsorship. Two (the July 4 & First Responder events) of the four 2024 shows used commercial fireworks and the other two used consumer fireworks.

Vice Chair Jones recalled that historically, the Council had also approved fireworks applications for other locations like Keene Country Club, including three weddings in one year, as well as a corporate event at Stonewall Farm. So, he said that these events could move to other places around the City. Mr. Wood said that was worth exploring. He said that sometimes, when people think they are seeing a commercial show, they are actually *consumer* fireworks. He wanted to make sure the Committee understood that Section 42-61 of the City Code—which the Council made changes to in March 2023—restricts the sale, possession, and display of *consumer* fireworks. So, if those displays at the Country Club used consumer fireworks purchased at a local venue that any other resident could purchase, and they followed this Ordinance post-March 2023, there would have been no other requirements.

Councilor Williams asked the distinction between commercial and consumer fireworks. Mr. Wood explained the two different regulations in New Hampshire. NHRSA 160-B covers commercial fireworks and NHRSA 160-C is the consumer side. The definition is based on the amount of explosive material in the firework. He added there was also different quantities of black powder between the two.

Councilor Haas asked if anyone at the meeting attended the 2024 events and could comment on the distinctions between the consumer and commercial shows; was there a significant difference? Mr. Wood did not attend the shows, but he said the main difference is the height of the fireworks. Consumer fireworks are designed to be mostly pre-packaged, although New Hampshire does offer "reloadable shells," as long as they meet specific requirements. For example, a one-inch shell has a 70-foot clearance, and larger shells have higher clearance requirements. From a regulatory perspective, a commercial show requires a license and many other requirements.

Councilor Madison asked what actions the City could take to regulate how many fireworks shows there could be in the City and where they could be. Mr. Wood replied that it would depend on the type of show. Under NHRSA 160-C, the City has the authority—as it had already done via Ordinance—to decide whether or not consumer fireworks are permissible and regulate them up to not permitting them in the City.

Vice Chair Jones said he asked the City Clerk's office for a copy of the Fireworks Permit application and said he did not realize it was only a State of NH application, and that to go through the City, an applicant only had to write a letter and ask for permission. Mr. Wood said the State application covered the commercial display of fireworks for a licensed fireworks vendor; the Fire Department signs off on that. Then, per Chapter 42 of the City Code of Ordinances, the commercial applicant is required to get permission from this Committee before their final State approval. So, he said there were a few processes in the NH Fire Code that the City could consider. For example, if the display is before a proximate audience—meaning inside a venue or much closer than normal—there is a different level of scrutiny. He also explained a pre-show inspection procedure for devices displayed in front of audiences.

Councilor Williams asked if Mr. Wood or the Fire Chief were aware of any safety incidents, especially since the City had legalized fireworks, and how things had been going in general since the Ordinance was adopted in March 2023. Mr. Wood had only been on staff since April 2024, but he was not aware of any fires related to fireworks discharge. The Fire Chief, Jason Martin, said that to the best of his knowledge, there had not been any accidents or any injuries with consumer fireworks since March 2023.

Vice Chair Jones noted that when the Committee approves a fireworks display, they are told how many firefighters have to be on location, and he asked how many that is typically. Chief Martin said it

would usually be the same for any consumer show: a brush truck with three personnel. For a commercial show, the Fire Marshal would also be there for set-up and the three personnel would check the area for fallout from any shells afterward. Vice Chair Jones asked if the applicants are charged for employee time and equipment, and Chief Martin said yes.

Councilor Haas asked the difference between Class 1 and Class 2 fire danger days, what 4–6 are, and what happened in November 2024. Mr. Wood referred the Committee to the State of NH Daily Fire Danger website for details and provided an overview. He said the State's Daily Fire Danger rating is based on a variety of factors including relative humidity, wind speeds, turf conditions, and more. The ratings are from Low (Green)–Extreme (Red) Hazard. In November 2024, Keene experienced an extremely dry period combined with low humidity and high wind. So, the City authorized a period of no open burning under RSA 227-17, the NH Forestry Statute.

Councilor Williams suggested that—when the City announces that open burning is prohibited because of Fire Danger—that it should also announce warnings to avoid launching consumer fireworks. Vice Chair Jones said it was a good point. Mr. Wood was unsure that there was anything in the regulation or the statute that would allow that, while the City could contact those with Fire Burn Permits. In the recent instance Councilor Haas referenced, the City emailed Fire Burn Permit holders, so they knew they were not allowed to burn during that period. The City has no way to know when consumers legally purchase fireworks, so it would be difficult. However, there could be a web announcement. Vice Chair Jones said that when he had a Fire Burn Permit in the past, he had to call the Fire Department every time he wanted to burn, and he asked if that was still the procedure. Chief Martin said no, Permit holders check the State website to see if burning is allowed that day, and if someone calls the Fire Department to express concern about burning at a specific address, the Department can look up the address and contact the Permit holder, instructing them to put out the fire because it is a High Hazard day.

Councilor Haas said it seemed that the Committee wanted to move in the direction of eventually limiting the number of fireworks events that happen in a neighborhood over the course of a year, so the same neighborhood is not excessively burdened. He asked how to do that in light of consumer fireworks being unregulated. He said it would take a lot more imagination to craft a proper ordinance but that it was worth trying, so he challenged City staff to develop good ideas in addition to the Committee's suggestions. He supported the idea of warning against displaying consumer fireworks when no open burning is allowed.

There were no public comments.

Vice Chair Jones welcomed comments from the City Manager, Elizabeth Dragon, who wondered if the Committee was interested in placing this communication on more time based on this discussion vs. the recommended motion to direct the matter to the City Manager to investigate alternate locations for fireworks displays. She heard various interests mentioned from the Committee during this conversation, and she hoped for a clear understanding of what the Committee wanted to accomplish. Vice Chair Jones liked the idea of putting this on more time for the reasons mentioned, but also because he hoped to meet with staff to discuss educating the public about alternatives to fireworks that could be even better like drone shows, light shows, and fountain shows. The City Manager said she was happy to meet with Vice Chair Jones, but she noted that one challenge could be the higher cost of some of the alternative he mentioned. Still, she said the City could mention alternatives to the fireworks display applicants. Vice Chair Jones wondered if the costs could go down because the applicants would not need to pay for the Fire Department personnel on site.

Mr. Wood noted that drone shows would be commercial ventures, likely not on residential properties, and additional regulatory oversight would be needed, as drones in certain crowded locations could be

problematic from a security perspective. So, he said those would also be things to keep in mind when looking at alternate locations. For example, typically a fireworks vendor assesses the size of a location before accepting a contract. Mr. Wood agreed that having a variety of approved locations would be helpful, but trying to dictate certain shows in certain locations would be more problematic. His greatest concern was that there would need to be a practicality to the enforcement, because it would be challenging.

Vice Chair Jones asked if the City Manager was open to this being on more time. The City Manager said that was fine, but it would be helpful for the Committee to indicate what they hoped for staff to accomplish during that time or asked if the Committee members just wanted more time for themselves to consider what they learned during this meeting. Vice Chair Jones wanted to discuss some things more with staff and he thought Mr. Wood brought up some things that staff should consider. Councilor Williams said he needed more time to consider the information he learned during this meeting and regarding permissible and non-permissible fireworks. He was interested in capping the number of fireworks shows at any one location, but he needed to consider what would happen if only capping consumer or commercial fireworks. For example, if only capping commercial shows, there could be a lot of consumer shows in turn. Vice Chair Jones agreed and added that this was a good time of year because this was not time sensitive.

The City Manager suggested putting this on more time so that she could meet with Vice Chair Jones, Councilor Williams, Mr. Wood, Chief Martin, Deputy City Manager Landry, and Assistant City Attorney Palmeira to workshop the options in advance of the next PLD meeting.

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

On a vote of 4–0, the Planning, Licenses & Development Committee recommends placing any consideration of fireworks regulations on more time to allow staff to develop alternatives.

CITY OF KEENE
NEW HAMPSHIRE

ITEM #H.3.

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Sign Code Modifications Requested by Mayor Kahn**

Council Action:

Recommendation:
On a vote of 4–0, the Planning, Licenses & Development Committee recommends placing Sign Code modifications requested by Mayor Kahn on more time.

Attachments:
None

Background:
Vice Chair Jones stated that because the Mayor could not be present to address this issue, the Committee intended to postpone this.

There were no public comments.

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

On a vote of 4–0, the Planning, Licenses & Development Committee recommends placing Sign Code modifications requested by Mayor Kahn on more time.

CITY OF KEENE
NEW HAMPSHIRE

ITEM #H.4.

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Rules of Order - Section 15. - Voting and Conflict of Interest**

Recommendation:
On a vote of 4–0, the Planning, Licenses and Development Committee recommends placing Section 15 of the Rules of Order "Voting and Conflict of Interest" on more time.

Attachments:
None

Background:
The Assistant City Attorney, Amanda Palmeira, said there was nothing new to present from the City Attorney's office, noting that this was largely an effort from the Mayor. The latest draft in the meeting packet from the City Attorney was revised at the Mayor's request.

Councilor Madison asked if the recommended motion language was from the Mayor. The Assistant City Attorney said that was correct and it was her understanding that what was presented was modeled after the State statute, which was not the direction the Committee had before.

Vice Chair Jones recalled that the Mayor was planning a Council workshop for January 28, 2025, on the Rules of Order and asked if this language would be a part of that discussion. The Assistant City Attorney said a Councilor could mention this at the workshop. She added that the details of that workshop were yet to be decided. This was on the Committee's agenda, so the next action was the Committee's prerogative.

Councilor Williams felt that the language had changed quite a bit. He said he discussed a potential comma change with Councilors Haas and Lake. It seemed to Councilor Williams that the whole thing needed to be discussed more and if the Mayor was the advocate for the changes, then he should be present for the discussion. So, Councilor Williams supported more time. Councilor Madison agreed with Councilor Williams that it was the Mayor's prerogative to bring it to the Council so he should be the one to address it before the Committee. So, Councilor Madison supported more time. Vice Chair Jones agreed.

Councilor Haas pointed out a concern with the last paragraph, in which the third and fourth lines began read, "… the person's employer, and any board, commission, organization, association..." He said the Council would need to clarify what type of logical operator the "and" would be and if it could

mean that both parts of the sentence could be true given the comma following it, which could actually suggest an “or” statement, so it was confusing. So, he asked the City Attorney to consider it while it was on more time because it could make a big change in the last paragraph. Councilor Williams suggested that the City Attorney should consult Councilor Lake about these details.

There were no public comments.

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

On a vote of 4–0, the Planning, Licenses and Development Committee recommends placing the item Rules of Order Section 15. Voting and Conflict of Interest on more time.

ITEM #H.5.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Councilor Filiault - Proposing that the City Council Consider a Delay in the Downtown Infrastructure Project**

Recommendation:
On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the request to delay the downtown project be placed on more time until the next FOP meeting.

Attachments:
1. 2024 0626 Project Funding Stack

Background:
Councilor Filiault stated he was before the Committee to address his letter dated December 2nd regarding the downtown infrastructure project. He stated this letter is requesting that the downtown infrastructure project be postponed because of the livelihood downtown merchants being in jeopardy and taxpayers who are overwhelmed with their property taxes.

He stated Keene is currently facing a perfect storm, but not in a positive sense. Locally taxes at all three levels have increased, water and sewer rates are also increasing. Taxpayers and businesses are hurting and for these reasons alone, a delay in construction is warranted.

Secondly, the downshifting of costs from New Hampshire State Government continues. Just this month, Keene schools were shorted of $350,000 which was owed. This now falls on to local taxpayers. The state legislature has said to expect more downshifting. Unfunded mandates are crushing the welfare department and Keene is forced to deal with the entire county's homeless problem. The Councilor stated until the City knows the extent of downshifting and cost from the State and their impact, this delay in construction is warranted.

At the Federal level, the incoming administration has promised significant tariffs, including tariffs on construction materials, which will have a significant impact on the final cost of this project. He felt until the City knows what tariffs will be implemented and their impact on the project, delay in construction is warranted.

He stated that this potentially perfect storm will be catastrophic to multiple downtown businesses and devastating to far too many of the taxpayers that are already finding their tax burden unsustainable.

Until all these multiple unknowns, especially at the state and federal level, become fiscally clearer to the city, a delay in construction is warranted.

The Councilor stated a one-year delay is a calculated risk, but a risk worth taking. He noted grants received might have to be reapplied for and there is a chance costs may go up. However, grants not previously approved may become available. Interest rates may come down over the next year, lowering the borrowing costs of money.

The Councilor stated the Council and staff need to keep in mind a business could fail due to this construction. He asked for a one-year delay in construction.

The Manager addressed the committee and stated the Public Works Director has prepared some information on the various funding sources for the project.

Public Works Director Don Lussier stated there has been some confusion about how the project is getting funded. He called the committee's attention to page 86 in the current version of the CIP. There is a line for the street sidewalk / other improvements - this was one program in the CIP. It had funding over a number of years dating back to 2021 through construction in 2027. There is a separate funding request in the CIP for traffic signal replacement in 2024 for $400,000. The stormwater resiliency is paying for a portion of this project - ongoing program and is bearing the cost of the underground infrastructure related to stormwater ($500,000). Sewer total about 3.5 million, funded over a number of years. Water is about 4 million.

Mr. Lussier noted some Council appropriations were missed previously and noted that page 2 in the committee's packet has the corrected version. $100,000 in appropriations was missed from 2021 and 2022 related to sidewalk $128,000 related to the stormwater design money, $94,000 for sewer work and $211,000 for water. Mr. Lussier noted when those corrections are made, what shows in total funding appropriated to date through FY25 and what is in the CIP projected for 2026 and 2027 totals $17.4 million appropriated for this project.

He next explained where those monies come from. 27% is capital reserves (tax revenue, water sewer rates that have been paid in years prior and set aside to pay for expensive projects in the future). This includes the downtown infrastructure capital reserve, the water infrastructure capital reserve and the sewer infrastructure capital reserve. The downtown infrastructure capital reserve is funded through the Wells Street TIF district.

The next is current revenue, which is current taxes and current water sewer rates, which is about 3%. $400,000 of that was the signal component funded out of that year's revenue in FY24 and FY25.

The City received an ARPA grant of $285,000 for the design of the drainage system.

SRF Principal Forgiveness is 12% total principal forgiveness between drinking water, storm water and sewer and wastewater. Most of that is in the water infrastructure. The principal forgiveness is about $2,000,000 from that program. A total of about $137,000 between storm water and wastewater.

The next section is debt - in the general fund, the City is funding about 32% of the project costs with debt. The sewer fund is 14% of the total cost funded through debt and water fund is about 10% of that total $17 million.

The question is how much is that debt going to cost? The loans through the State revolving fund qualify for below market interest rates. The drinking water loan is at 1.75% for 10 years. The storm

and sewer rates are 2% for five years. The majority of the general fund debt would be about 5.5% is the market rate right now. With those assumptions, the general fund debt will cost the City about two $739,000 a year for the next 10 years. Sewer fund will be $275,000 per year. Water fund will be $197,000 per year. The total project stands at 17.4 million dollars.

Mr. Lussier stated the next question he was asked is what the implications of a potential delay would be. The ARPA grant would be spent first, and the deadline is December 31st. $285,000 will be spent by that time. The SRF loan agreements that were signed have termination dates; for stormwater and sewer, which is January 2nd, 2027. The Water Fund has a termination date of November 1, 2027. Both of those agreements have clauses that say extensions for loan term can be approved. Mr. Lussier stated he did not see why these could not be extended if construction has started.

Mr. Lussier noted the risk with any delay would be the principal forgiveness that he had referred to totaling a little over 2.2 million dollars and the favorable rates the City would get with those loans.

The final question is what the cost increase would be if the project is delayed by a year. Mr. Lussier stated he did a little research on industry expectations. The engineering news records predict for the construction industry an increase in non-residential construction activity of 5.9%. In terms of inflation predictions – according to the Federal Reserve Bank of St. Louis, they are showing one-year expectation of 2.3% over the next year – which Mr. Lussier stated is typical. At the low end, the project cost would be expected to go up around $400,000 over a one-year period, if the city went with DOT's prediction it would be around a $600,000 increase in project costs. This concluded Mr. Lussier's comments.

Councilor Lake asked for clarification regarding loan forgiveness. Mr. Lussier stated the agreement says that the City has to disperse funds and begin repaying for sewer and stormwater by January 2, 2027. He stated right now the construction schedule is set to go through the end of 2027. He stated if the City is in construction asking for an extension would not be an issue. However, if the delay goes past a year and the City is not under contract and construction has not started – that could be an issue.

The Councilor asked Mr. Lussier to give a quick overview of the current status of the infrastructure downtown and any potential financial impacts to delaying this work could have on the infrastructure. Mr. Lussier stated this is a good question but a difficult one to answer. He stated what is expected is overtime, as the work is postponed, there could be more and more breakages, failures and disruptions. This is a cost to the customer and the City.

Councilor Remy asked for clarification; from the general fund $500,000 less is being planned to be expended next year and the year after that would be $260,000 less than this year. He noted a total of $3,000,000 in FY25 is being planned for sidewalk, traffic signal and stormwater resiliency. For next year those same three general fund items would only total up to 2.5 million. For FY27 it would be $2.4 million. Mr. Lussier agreed. Councilor Remy stated there was a concern that there was going to be a large spike next year but it is actually going to be relatively level.

The Chair asked for public comment.

Ms. Pam Slack addressed the committee. She asked Mr. Lussier what the risk would be with the loan agreement if the project was delayed. Mr. Lussier stated the interest on the water fund is 1.75%, wastewater and stormwater are at 2%. He added DES could approve a year extension on agreement, but he wasn't sure about anything longer and there could be a request for the City to reapply.

Ms. Slack asked the City to consider a group of businesses who could be impacted by water interruption – hair salons which there are many in the downtown.

Councilor Remy noted the 5.9% increase Mr. Lussier alluded to for a project at a cost of 17.4 million is a little over a million dollars. He stated he would like to know the public's opinion how they would react to an increase of a million dollars for this project.

Ms. Dorrie Masten addressed the committee and stated she owns several businesses in downtown Keene and operates an office in downtown Keene. Ms. Masten stated Councilor Filiault's comments should be considered as he was also once a business owner who has experienced the challenges downtown businesses could face; trouble making payroll; washing dishes, tenants not being able to take showers. She urged the City to put this project off a year. The Public Works Director has already indicated extending this project for a year should not have too much of burden.

She talked about new businesses that have just opened downtown: B Bakes, Spark Studios, Local Burger, Ramen Shop coming in, Charlie and Waldos.

With respect to an additional $1,000,000 – Ms. Masten noted the cost went from 7 million within just a couple of months to now 17,000,000 million dollars. She felt by the time this project gets done, it will be way more than that. She felt a year to save up to make sure they can pay their bills and plan better would be greatly appreciated.

Ms. Beth Doyle another business owner downtown stated she agrees with Ms. Masten. She stated for the first time as a business owner in downtown Keene, Councilor Filiault is making them feel important. She stated downtown will only survive if businesses downtown survive not bike lanes and new crosswalks. She indicated she had heard from past businesses, the last time such a project was undertaken downtown there was nearly a 20 to 25% loss of businesses downtown.

Keene was built back up not because new businesses came into downtown, but because the Colony Mill went out of business. She indicated downtown is thriving right now, but this project will place a lot of businesses in jeopardy. She felt one year could make the difference between whether there are two businesses that go out or whether ten go out. She stated they are being asked to take a 25% pay cut for the next three years.

Councilor Haas asked staff for a timeline. Mr. Lussier stated right now they are in final design. Staff goes before the MSFI Committee for a special meeting to review final design. The Heritage Commission is also going to be submitting comments to the MSFI related to their ideas on the project. Deputy City Manager Rebecca Landry has been helping staff with developing a solid plan of how the City is going to communicate to make sure that everybody knows that downtown is still open during construction. He indicated permitting is 97% complete and expected to have the project advertised for construction in late winter, early spring. Bids will be open early to mid-April and construction will be ready to start 1st of May.

Mr. Roger Weinreich business owner stated he has been downtown for 33 years. He stated if the street is torn up it will enable him to replace the water mains necessary for his tenants. He stated however, he would like to delay the project for a year and couple it with another, such as developing west of Main Street where there is a lot of land that could be developed. He felt this could bring more foot traffic downtown.

Ted McGreer downtown property owner and business owner stated he had two messages from two business owners who could not be here tonight. The first one is Adam Berube, owner of Muse, and Fireworks Restaurant. His statement says as follows:

As a downtown business owner with two locations, I strongly support delaying the downtown infrastructure revitalization project until the city presents a detailed plan for how it will support affected businesses during the construction. The success of our businesses hinge upon uninterrupted operations and any project that threatens that should be carefully considered, with proper safeguards in place. We deserve clarity on how the city intends to mitigate disruptions, protect foot traffic and address financial burdens before moving forward. The strain financially of increased taxes and potential losses during construction could jeopardize not just my business, but the vitality of our entire downtown. Delaying the project gives the City time to refine its plans, communicate effectively, collaborate with business community and develop realistic solutions. Without this transparency and partnership, I can't support a project that risks long term harm to our business and livelihoods. We need to make it clear that we understand the importance of infrastructure improvements that they cannot come at the expense of our downtown survival. Let's demand a plan that works for everybody.

The second message was from Beth Wood, who owns 21 Bar and Grill and now Birdies on Main. She feels very strongly that the work needs to be done, but so far feels unorganized and unplanned. Owning two downtown businesses she is not involved or communicated with very well with the City. We are still in a phase of rebuilding from the pandemic and this could be something that could kill the vitality of all downtown businesses and the downtown events, which are finally taking off again. There has been no talk of how the City will support the downtown businesses during this project. No guidance on how we will have support. There is a huge disconnect with the Council, the City and the business owners because of these issues. I hope the City continues to delay.

Mr. McGreer stated he knows a revitalization project is going to be great for downtown in the future. He indicated at the last MSFI meeting, he had indicated he has 30 parking spots behind his business and he will be able to get customers into his store without touching Main Street. However, he has concerns for other business owners who could take a nearly a 25% loss and asked the committee to listen to what is being asked by these business owners.

Owner of Charlie and Waldos stated she is new to the downtown. She indicated bad weather has an effect on her business. This construction would be like giant snow day, and no one will come down. She referred to the businesses who have been opened only for one year who would be directly hurt by this project. She felt the extra million that is going to cost is nothing compared to 25% of businesses surviving. She asked for a delay to the project.

Ms. Roberta Mastragiovanni owner of Corner News was the next speaker. Like others have stated she too has concerns about a project of this scale. She stated she has been downtown for nearly 30 years. At the present time there is a great group of merchants who are not yet established. She felt it would hurt these businesses as well as her business if the City were to block off access and her patrons. She stated her patrons will go elsewhere. Even an established company such as her business is at risk.

Ms. Mastragiovanni stated Keene has a lot of big box stores and customers really don't need to come into downtown especially if they feel inconvenienced. She felt the City should be approaching each business individually to explain what is going to happen.

Elizabeth Slack of B&B Styles addressed the committee and stated she has owned her business for 15 years and she is open seven days a week (7:00 AM to 10:00 PM). She stated she agreed with what was said about construction being a snow day every day. Ms. Slack stated she supports the reconstruction, as she knows it needs to happen. She stated as a business owner she would like to know precise details; how long water will be shut off. They have received one survey and the 12

emails she sent to the city were never addressed. She indicated she has about 3,000 clients and 60% don't want to come downtown if there isn't some type of plan. She noted recently one lane was closed off without notice and she had to close her business for the rest of the day. Two to three years ago a water main was fixed without notice and they had to shut off water in one day which cost her nearly $3000 in sales. Ms. Slack encouraged communication between the City and businesses if the City wants businesses to survive. She added there is a large homeless population, a lot of them live right on Central Square in the gazebo. The delay could give the City time to help the displaced and homeless population who would have nowhere to go.

Mr. Tim Pipp owner of Beez Tees stated he has been on Main Street for ten years. He stated he had a business in Manchester for five years but closed it down because of the lack of foot traffic. He stated he could run his business entirely online and run with just himself but he chooses not to do and wants to grow his business on Main Street.

He stated the extension they are asking for is to give them time to plan but the request is not because business owners want to keep pushing this work out. Mr. Pipp noted they have four months to plan for this work. He referred to the 30th Anniversary of Jumanji coming up in 2025; the event is being pushed up to April instead of June and July because of this construction project. He stated he recently talked to 25 to 30 business owners and employees who had no idea about this project. He stated there is a lack communication. No one from the City has approached him about this project. Mr. Pipp felt a year is reasonable. The businesses are just getting out of Covid and are staring to make a profit. He indicated he has already informed his landlord that he will not renew his lease if his business starts to go down and will have no choice but to leave Main Street.

Councilor Filiault stated the City should be considering the tax impact if businesses start going out of business. He felt the City is not considering both sides of the equation. He reiterated that there is a disconnect between the City Council and business owners and what they are asking for is a one-year delay which he did not feel was too dramatic

Ms. Pam Slack addressed the committee again and thanked the committee for taking the time to listen to the business owners tonight. She stated she comes from family that owned a business downtown for over 44 years. Her business went through two reconstruction project but felt this time it is different. She stressed the need for the Council to support downtown businesses.

She stated she has during the past several years the lack of communication between City Hall to include city councilors and businesses downtown. She stated she appreciates that there is information on Facebook, but not everybody has Facebook. She asked that the city not hand these businesses three negative issues: increased taxes, construction and the unknown issue with tariffs.

Councilor Haas asked based on recent experiences with the Findings Buildings and reconstruction of Marlboro Street, asked how confident staff is above hiring a contractor. Mr. Lussier agreed there is a limited talent pool for contractors in this area. However, there are contractors in the area who can take on this work but stated he will not be able to predict what responses the City will receive on its bid.

Councilor Chadbourne asked since discussion of this project how many incidents has the City experienced in terms of pipes breaking etc. and what sort of impact has this had on businesses. Mr. Lussier stated he does not have this information but does know Main Street has experienced valve failures and water main breaks. Mr. Lussier stated City crews are able to address issues fairy quickly. He talked about a valve break on Church Street and Main Street which ended up being a larger issue. A larger area needed to be shut down due to the fact that the valve attached to this break could not be fixed due to its age. The work could take 6 to 8 hours.

Mr. Alex Rodriguez, the manager of Corner News asked once bids are received, with the issues of hiring contractors, what the City would be looking for a start date. Mr. Lussier stated four to six weeks is the timeframe once the bid is open (if it is a contractor has worked with in the past). Mr. Rodriguez asked if any soil testing has been done downtown to address the dust and debris that would be caused from this project. Mr. Lussier stated test borings are going to be done to determine structural design. He added only 12-18 inches of material will be disturbed, they will be digging deeper but the material will go back where it came from.

Chair Powers stated there seems to be a lot of confusion regarding how the project would move forward. He clarified once the project starts in early summer – it is broken into 3 phases. Once the City is ready to start phase one there will be face to face information with business owners on those particular sections that are affected. Mr. Lussier agreed phase one is planned for 2025 which includes Central Square and the first block of Main Street from Roxbury Street down to Church Street and Lamson Street. Even within that footprint they will not be working everywhere all at once. The contract will have provisions on the maximum number for instance parking spaces that are going to be taken out at one time but anticipates all the asphalt to be taken out at that time. At the end of 2025 everything within that footprint will be restored. In 2026, work will start from Lamson Street and go south.

Mr. Rodriguez inquired if test borings have not been done and the design not completed how much of a delay could add to the project. Mr. Lussier stated much of the timeframe would have to be decided by the contractor and if the City gets into dictating timeframes to a contractor this could in the long run be an issue for the City. Mr. Rodriguez felt with so much uncertainty a one year delay would be prudent.

Ms. Jada Hyde another new business owner felt a delay would be helpful and stated she agreed with everything that has already been stated.

Ms. Masten addressed the committee again and clarified the permitting for this project has not been completed, bidding has not been sent out. If the bids come back in January, provide four weeks for bids to be returned, then conduct Council meetings to get the contractor approved – noted she doesn't know any construction company in the state that would start a project in six weeks. She felt a year would give everyone more time for better planning. She noted to what the Chair stated that not everyone is clear on details of this project. The extra time will give everyone time to digest this project.

The next speaker identified herself as the Manager at Shadow and Soul Emporium. She indicated employees of her store are concerned about the changes being proposed. She felt a delay would help downtown businesses with changes and help make Keene the great place that it is.

Councilor Remy stated he has spoken to most all business owners about this project. He stated the comments he is hearing mostly is about the businesses and the plan. The Councilor stated he was not ready to vote on this plan (either way) until he hears staff's commentary at the MSFI meeting as how the city was planning to help the businesses through this. He stated if it is going to be $1,000,000 more to do this project next year, but the city could spend that $1,000,000 put on events every weekend downtown – he stated he rather spend it on that. He stated his motion would be to table this item until after the City receives final design approval so that that the City can make a decision on delaying it.

Councilor Roberts stated there is going to be less money coming from the Federal government and State and more money being taken out of taxpayers. If that rationale is used to delay the project,

each year that goes by is going to cost more. He stated he hears the concerns of the business owners and also agrees with Councilor Remy that he is not ready to take a vote on it and felt next year at this same time there are going to be number of business owners indicating that they are not ready for the project to move forward. He felt the delay would only be a temporary fix.

Councilor Lake thanked the comments that were made today. He stated he is concerned about the state of the downtown infrastructure. He stated he likes Councilor Remy's idea of delaying this at least until the next MSFI meeting to see what the final plan is. He asked whether the final plan is going to be decided at the next MSFI meeting. Mr. Lussier stated a preliminary design has already been decided. What would be decided at the MSFI meeting are finishing touches – eg. what would the bike lanes look like, what would benches be made out of. After the next MSFI meeting the plan is to have bid documents ready to go out.

Councilor Roberts asked what happens if this item doesn't come out of the MSFI with a positive vote. The manager stated the vote is going to be about type of bench, color of pavement etc. They are not the substantial items that have already been voted on that are related to the design. She stated she cannot predict how the MSFI would vote and what types of questions they might have.

Councilor Chadbourne extended her appreciation to everyone who came out today which shows how much everyone cares about the City as well as their businesses. The Councilor stated Mr. Pipp made it very clear that business owners are not going to keep asking for additional extensions and Beth Doyle from Moe who indicated this extra time would enable them to save up. She noted even though this project is being done in phases it will impact some business. The Councilor stated she is concerned about the new administration coming in and how tariffs would eventually have an impact at the local level. She noted there is a large group of downtown business owners who are pleading for an extension of one year and she felt it should be granted.

Councilor Remy stated even if the extension is granted it doesn't necessarily mean the work that goes along with this project needs to stop; such as sending bids out. Mr. Lussier stated if the City was to ask a contractor to lock in a price for work that he is going to do 15 months later – the bid would need to have enough buffer so that the contractor's risk with price increases are mitigated. Based on that he felt sending out bids should wait until fall to see what types of effects are placed locally from the new administration coming in.

Councilor Remy asked the City Attorney if the motion says table until after final design approval is received is appropriate. Attorney Mullins stated the best course of action would be to table the item.

Councilor Chadbourne stated her recent experience even on a micro level is to get an estimate on any work, contractors used to be able hold prices for 30 days but now it is more like ten days. Chair Powers stated the entire community will be affected by this work and his biggest concern is delaying the project and what that could do to the cost.

Councilor Chadbourne asked what timeframe Councilor Remy was looking at with tabling this item. Councilor Remy stated his hope was for next week unless MSFI holds this item up for two or three meetings.

Chair Powers stated ultimately the decision comes down to eight members of the Council.

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

On a 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the request to delay the downtown project be placed on more time until the next FOP meeting.

Ms. Slack asked when the next FOP Committee meeting is scheduled for. The Chair stated the date is not finalized due to the holidays but it is tentatively scheduled for January 9, 2025 at 6pm but added the date will be posted. Ms. Slack asked that each business owner who was present today gets notified. The Manager was concerned that this would establish a precedent as this is not the typical practice. Councilor Remy indicated he has knowledge of which business owners are present, and that he would informally notify them when this comes back before the Committee.

DOWNTOWN INFRASTRUCTURE IMPROVEMENT AND RECONSTRUCTION PROJECT

CONSOLIDATED FUNDING OVERVIEW

As Published

The proposed Downtown Infrastructure Improvements and Reconstruction project will combine funding from a number of general gund programs as well as funds from the water and sewer funds. The table below summarizes the source of funds and the year that funding is requested. Since the project is planned to occur in three separate construction phases, the timing of expenditures may be different than the schedule shown below, based on the development of final phasing plans.

Description	Fund	Prior Yr.	FY25	FY26	FY27	Subtotal by Program
Street/Sidewalk/Other Improvements	General	$680,000	$1,204,000	$1,240,000	$1,277,000	***$4,401,000***
Traffic Signal Replacement	General	$196,800	$202,700			***$399,500***
Stormwater Resiliency Program	General		$1,669,000	$1,311,900	$1,537,700	***$4,518,600***
Sewer Improvements	Sewer	$339,035	$615,300	$1,267,600	$1,305,600	***$3,527,535***
Water Distribution Improvements	Water	$242,000	$1,299,300	$1,911,800	$590,800	***$4,043,900***
Subtotal by Annual Funding		***$1,457,835***	***$4,990,300***	***$5,731,300***	***$4,711,100***	
Project Grand Total						**$16,890,535**

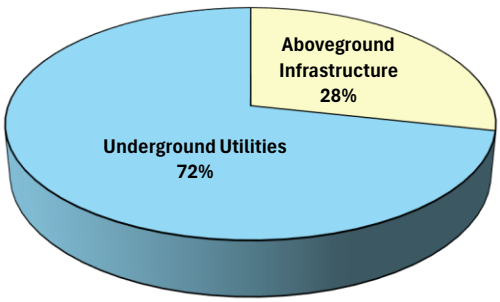
Subtotal by Location

Aboveground Infrastructure	***$4,800,500***
Underground Utilities	***$12,090,035***

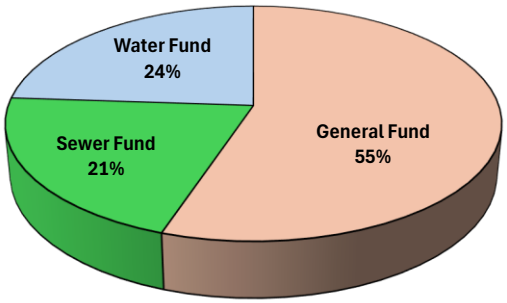
Subtotal by Fund

General Fund	***$9,319,100***
Sewer Fund	***$3,527,535***
Water Fund	***$4,043,900***

Subtotal by Location



Subtotal by Fund



DOWNTOWN INFRASTRUCTURE IMPROVEMENT AND RECONSTRUCTION PROJECT

CONSOLIDATED FUNDING OVERVIEW

Corrected

The proposed Downtown Infrastructure Improvements and Reconstruction project will combine funding from a number of general gund programs as well as funds from the water and sewer funds. The table below summarizes the source of funds and the year that funding is requested. Since the project is planned to occur in three separate construction phases, the timing of expenditures may be different than the schedule shown below, based on the development of final phasing plans.

Description	Fund	Prior Yr.	FY25	FY26	FY27	Subtotal by Program
Street/Sidewalk/Other Improvements	General	**$780,000**	$1,204,000	$1,240,000	$1,277,000	***$4,501,000***
Traffic Signal Replacement	General	$196,800	$202,700			***$399,500***
Stormwater Resiliency Program	General	**$128,970**	$1,669,000	$1,311,900	$1,537,700	***$4,647,570***
Sewer Improvements	Sewer	**$433,375**	$615,300	$1,267,600	$1,305,600	***$3,621,875***
Water Distribution Improvements	Water	$453,246	$1,299,300	$1,911,800	$590,800	***$4,255,146***
Subtotal by Annual Funding		***$1,992,391***	***$4,990,300***	***$5,731,300***	***$4,711,100***	
Project Grand Total						**$17,425,091**

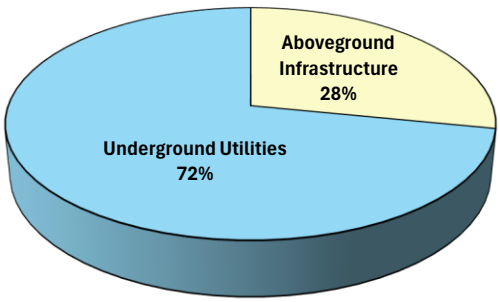
Subtotal by Location

Aboveground Infrastructure	***$4,900,500***
Underground Utilities	***$12,524,591***

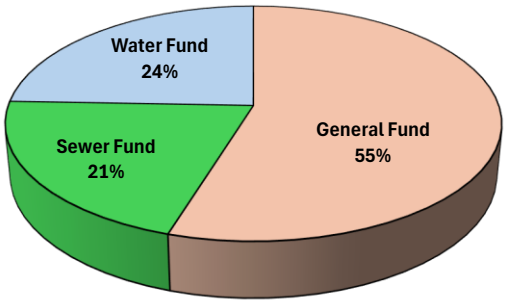
Subtotal by Fund

General Fund	***$9,548,070***
Sewer Fund	***$3,621,875***
Water Fund	***$4,255,146***

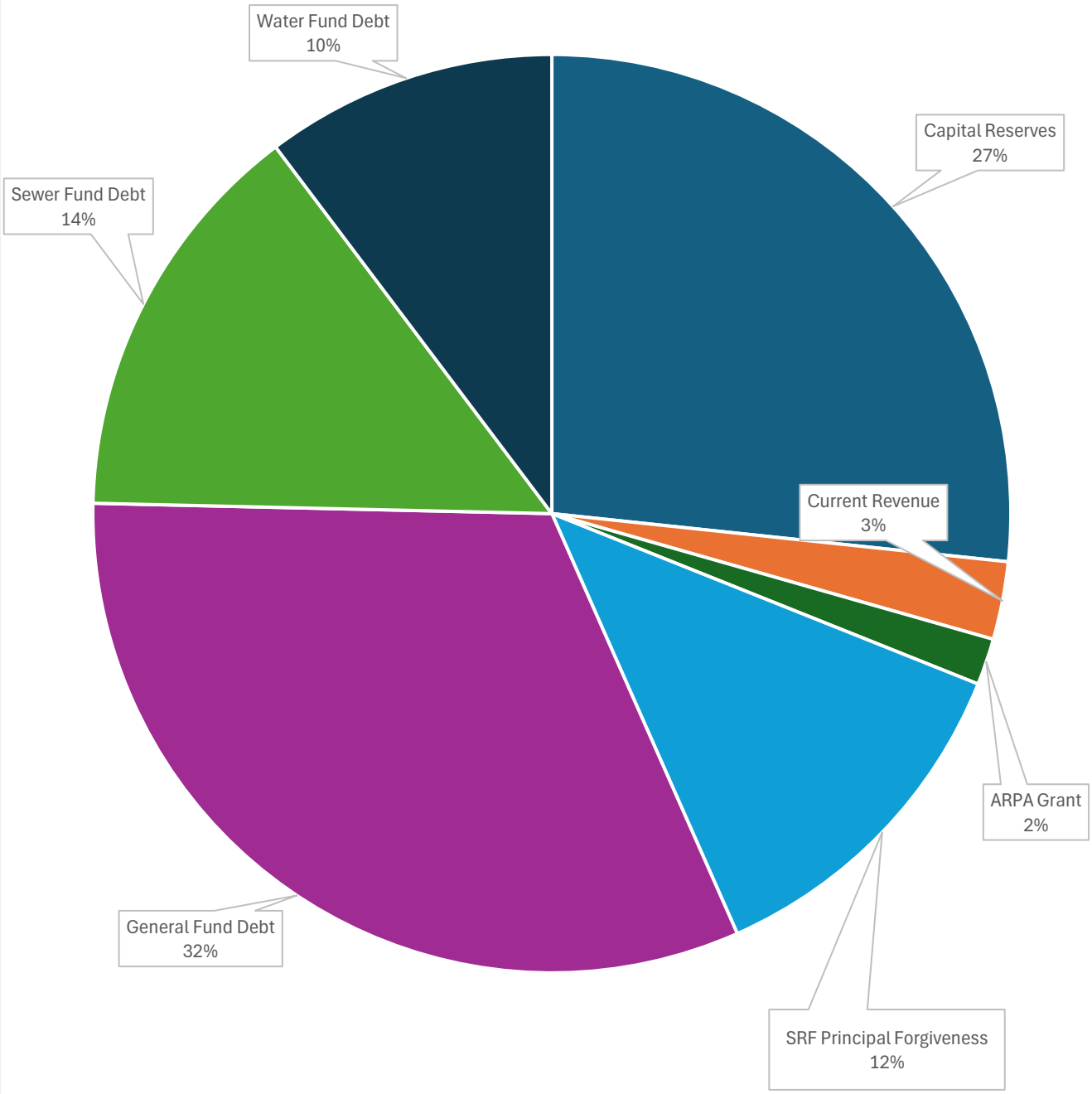
Subtotal by Location



Subtotal by Fund



Downtown Infrastructure Project
Source of Funds Summary



Downtown Infrastructure Project
Source of Funds Detail

Project Code	Project/Program	Fiscal Year	Prior Appropriations	Future Appropriations	Source of Funds
75J0034A (90315-20)	Downtown Revitalization	FY20 CIP	$180,000	$0	Downtown Infrastructure Capital Reserve
		FY21 CIP	$100,000	$0	Downtown Infrastructure Capital Reserve
		FY22 CIP	$500,000	$0	Downtown Infrastructure Capital Reserve
	Downtown Infrastructure Improve.	FY25 CIP	$1,204,000	$0	Downtown Infrastructure Capital Reserve
		FY26 CIP	$0	$1,240,000	Downtown Infrastructure Capital Reserve
		FY27 CIP	0	$1,277,000	Debt
		Subtotal - Street / Sidewalk / Other	***$1,984,000***	***$2,517,000***	
75M012	Traffic Signals	FY24 CIP	$196,800	$0	Current Revenues
		FY25 CIP	$202,700	$0	Current Revenues
		Subtotal - Traffic Signal Replacement	$399,500	$0	
75M00623	Stormwater Resiliency - Downtown	FY22 CIP	$128,970	$0	Debt
		FY25 CIP	$1,669,000	$0	Debt
		FY26 CIP	$0	$1,311,900	Debt
		FY27 CIP	$0	$1,537,700	Debt
		Subtotal - Traffic Signal Replacement	***$1,797,970***	***$2,849,600***	
Total General Fund Appropriations			**$4,181,470**	**$5,366,600**	
32M102CC (08055-C)	Sewer Downtown	FY22 CIP (Arts & Culture)	$235,535	$0	Sewer Infrastructure Capital Reserve
		FY22 CIP	$52,775	$0	Sewer Infrastructure Capital Reserve
		FY21/FY22 CIP (Arts & Culture)	$41,565	$0	Intrafund Appropriation
32MI0222	Sewer Improvements - Downtown	FY24 CIP	$103,500	$0	Sewer Infrastructure Capital Reserve
		FY25 CIP	$615,300	$0	Sewer Infrastructure Capital Reserve
		FY26 CIP	$0	$1,267,600	Debt
		FY27 CIP	$0	$1,305,600	Debt
Total Sewer Fund Appropriations			**$1,048,675**	**$2,573,200**	
34MI0221 (05009-22)	Water Downtown	FY22 CIP	$211,246	$0	Water Infrastructure Capital Reserve
		FY22 CIP (Arts & Culture)	$205,700	$0	Water Infrastructure Capital Reserve
		FY21/FY22 CIP (Arts & Culture)	$36,300	$0	Intrafund Appropriation
34MI0222	Water Dist Improve - Downtown	FY25 CIP	$1,299,300	$0	Debt
			$0	$1,911,800	Debt
			$0	$590,800	Debt
Total Water Fund Total Appropriations			**$1,752,546**	**$2,502,600**	
Project Grand Total Appropriations			**$17,425,091**		

Note: Amounts highlighted in yellow were omitted from pg. 86 of the FY25 CIP.

ITEM #J.1.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Relating to Amendments to the City of Keene Land Development Code, Definition of Charitable Gaming Facility**
Ordinance O-2023-16-C

Recommendation:
On a vote of 3–1, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2023-16-C. Vice Chair Jones voted in opposition.

Attachments:
1. O-2023-16-C Clean_referral

Background:
Vice Chair Jones welcomed Senior Planner, Mari Brunner, who reminded the Committee that it had reviewed this Ordinance several times, including through three iterations and public hearings to date. There had been a variety of changes to the Ordinance throughout that time. It began as a proposal to allow charitable gaming facilities in the Commerce and Downtown Growth Districts. Now, it had morphed into only allowing charitable gaming facilities in the Commerce District, with a number of limitations. In addition, this version of the Ordinance would remove the ability for drive through accessory uses in the Downtown Core District with a special exception.

Councilor Haas asked where this Ordinance was in the overall process. Ms. Brunner replied that another public hearing had just occurred, and now the PLD Committee was to review the Ordinance before making a recommendation to the Council regarding adoption. She added that the next agenda item was a companion Ordinance O-2023-17-B that proposed updating the definition section of the Land Development Code (that is not in Zoning) to add the definition of charitable gaming facility and gaming position (the parking requirement was based on the latter). She said one Ordinance O-2023-16-C had to go through the Zoning amendment process and Ordinance O-2023-17-B went through the standard City Council Ordinance adoption process. If the Committee was ready to make a recommendation at this meeting, the Ordinance would move forward to City Council and the Committee would be asked to also make a recommendation on Ordinance O-2023-17-B.

Vice Chair Jones recalled that no further public comment was allowed on this matter.

A motion by Councilor Williams to adopt Ordinance O-2023-16-C was duly seconded by Councilor

Madison.

Councilor Madison thanked City staff for their work on this Ordinance and apologized for how long it had taken to work toward adoption. He hoped that the Council would adopt it this time and there would be no last-minute changes by Councilors after all this discussion for two years.

Vice Chair Jones recalled that he had been opposed to this Ordinance since the beginning because he did not think the City should be singling out this one entity and that it should be treated like all other forms of entertainment, such as bowling or a movie theater. So, he would be voting against.

On a vote of 3–1, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2023-16-C. Vice Chair Jones voted in opposition.

ORDINANCE O-2023-16-C

CITY OF KEENE

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

AN ORDINANCE Relating to Amendments to the Land Development Code, Permitted Uses in the Downtown Core and Commerce Districts

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

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

1. Amend Section 8.3.2. of Article 8 to add a definition for "Charitable Gaming Facility" under the category of Commercial Uses, as follows:

I. Charitable Gaming Facility

1. Defined. Charitable Gaming Facility – A facility licensed in accordance with the requirements of RSA 287-D and operated by a Licensed Game Operator as defined by RSA 287-D:1, VII; or any facility operated by a person or entity licensed by the lottery commission under RSA 287-D:7 to operate games of chance on 5 or more dates per calendar year. Charitable Gaming Facilities may offer Lucky 7, as defined in RSA 287-E, as long as their use complies with all licensure and operation requirements under RSA 287-E and rules published by the New Hampshire Lottery Commission. This use includes facilities licensed to operate Bingo or bingo style games as Commercial Halls (287-E:1, V-a) or as Host Halls (RSA 287-E:1, X).

2. Use Standards

a. Only one Charitable Gaming Facility shall be permitted per lot.

b. Charitable Gaming Facilities, as defined, are permitted on parcels greater than 1.25 acres in the following areas of the Commerce District:

i. Land with frontage on West Street west of Island Street. The principal entrance of such businesses shall face West Street or be in a plaza where the storefront faces the parking areas that have a common boundary with West Street.

ii. Land with frontage on Winchester Street south of Island Street and north of Cornwell Drive. The storefront of such a business shall face Winchester Street or be in a plaza where the storefront faces the parking areas that have a common boundary with Winchester Street.

iii. Land with frontage on Main Street south of NH Route 101 and north of Silent Way. The storefront of such a business shall face Main Street.

iv. Land with frontage on Key Road.

v. Land with frontage on Ashbrook Road.

vi. Land with frontage on Kit Street.

c. All Charitable Gaming Facilities shall be subject to the following distance requirements, measured in a straight line, without regard to intervening structures from the property line of any site, to the closest exterior wall of the Charitable Gaming Facility.

i. No Charitable Gaming Facility shall be located within 500 feet of another Charitable Gaming Facility either existing or for which a building permit has been applied.

ii. No Charitable Gaming Facility shall be permitted within 250 feet of any place of worship, child daycare center, or public or private school.

iii. No Charitable Gaming Facility shall be permitted within 250 feet of any Single-Family, Two-Family, or Multifamily dwelling.

iv. No Charitable Gaming Facility shall be permitted within 250 feet of a residential zoning district.

d. Minimum Square Footage. The gaming floor of the facility, defined as the area within a gaming location authorized by the State of New Hampshire, shall have a minimum area of 10,000 square feet.

e. Parking and traffic.

i. Commercial loading zones shall be screened from public rights-of-way and abutting residential properties in accordance with Section 9.4.4 of this LDC.

ii. A traffic study shall be required which demonstrates that the project will not diminish the capacity or safety of existing city streets, bridges or intersections.

iii. Proposed uses or development shall comply with the City's Noise Ordinance in the City Code of Ordinances and the Noise Limits in Article 18 of this LDC.

iv. Bus and truck loading and parking is required to be screened from the public right-of-way and any abutting residential properties in accordance with Section 9.4.4 of this LDC.

v. Off-street parking shall be provided at a ratio of not less than .75 parking spaces for each gaming position.

2. Amend Section 8.4.2.C.2.a, "Specific Use Standards" of Article 8 to remove drive-through uses as a permitted use by Special Exception in the Downtown Core District, as follows:

a. Drive-through uses shall only be permitted by right in the Commerce and Commerce Limited Districts and by special exception from the Zoning Board of Adjustment in the Downtown-Growth Districts.

3. Update Table 8-1 "Permitted Principal Uses By Zoning District" in Article 8 and Table 5.1.5

"Permitted Uses" in Article 5 to display "Charitable Gaming Facility" under Commercial Uses as permitted with limitations.

4. Amend Table 9-1 "Minimum On-Site Parking Requirements" in Article 9 to display "Charitable Gaming Facility" under Commercial Uses with a minimum on-site parking requirement of 0.75 spaces per gaming position.

In City Council November 7, 2024.
Public Hearing set for Thursday,
December 5, 2024, at 7:00 PM.

City Clerk

_____
Jay Kahn, Mayor

ITEM #J.2.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Relating to Amendments to the Land Development Code, Definition of Gaming Facilities**
Ordinance O-2023-17-B

Recommendation:
On a vote of 3–1, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2023-17-B. Vice Chair Jones voted in opposition.

Attachments:
1. O-2023-17-B Clean

Background:
Vice Chair Jones welcomed Mari Brunner, Senior Planner, who explained that Ordinance O-2023-17-B would add the definition of charitable gaming facility to the definition section of the Land Development Code.

Councilor Haas pointed out that these definitions were all in accordance with State of NH regulations and legislation. Ms. Brunner said that was her understanding as well. She believed that the City's proposed definition would specifically exempt non-profit type bingo halls (e.g., churches) that raise money. This definition was meant more for commercial operations. Councilor Haas thought that was clear.

Vice Chair Jones recalled that no further public comment was allowed on this matter.

A motion by Councilor Madison to adopt Ordinance O-2023-17-B was duly seconded by Councilor Haas.

Vice Chair Jones stated that he would be voting in opposition to align with his long-term stance on charitable gaming facilities.

On a vote of 3–1, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2023-17-B. Vice Chair Jones voted in opposition.

ORDINANCE O-2023-17-B

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

AN ORDINANCE Relating to Amendments to the Land Development Code, Definition of Charitable Gaming Facility

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

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

1. That Article 28 "Defined Terms" be amended to include a definition for "Charitable Gaming Facility," as follows:

   Charitable Gaming Facility – A facility licensed in accordance with the requirements of RSA 287-D, and operated by a Licensed Game Operator as defined by RSA 287-D:1, VII; or any facility operated by a person or entity licensed by the lottery commission under RSA 287-D:7 to operate games of chance on 5 or more dates per calendar year. Charitable Gaming Facilities may offer Lucky 7, as defined in RSA 287-E, as long as their use complies with all licensure and operation requirements under RSA 287-E and rules published by the New Hampshire Lottery Commission. This use includes facilities licensed to operate Bingo or bingo style games as Commercial Halls (287-E:1, V-a) or as Host Halls (RSA 287-E:1, X).

2. That Article 28 "Defined Terms" be amended to include a definition for "Gaming Position," as follows:

   Gaming Position – One seat at an electronic gaming machine or a gaming table.

_____

Jay Kahn, Mayor

ITEM #J.3.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

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

Through:

Subject: **Relating to Maintenance Parking Restrictions**
Ordinance O-2024-21

Recommendation:
On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Ordinance O-2024-21.

Attachments:
1. ORDINANCE O-2024-21 Maintenance Parking Restrictions_referral

Background:
Rebecca Landry, Deputy City Manager, stated that she is here tonight with Chelsea North, Parking Operations Manager. She continued that this came before the Council on November 7. In October, the Council adopted Ordinance O-2024-14, which shifted parking restrictions from a continuous snow maintenance period that previously was November through April to a new winter weather parking ban approach to how the City makes sure they have the streets available and clear for when they need to do snow removal and winter options. With Council approval, the entire Section 94-95(a) language was removed at that time and replaced with new language.

She continued that the next step is to review and update the second section of Sec. 94-95, which is paragraph (b). They needed to do that for consistency and clarity in the language. Ordinance O-2024-14 updated half of that section, and the Ordinance before the Committee would finish updating that section. Thus, there is new wording for both sections. Sec. 94-95(a) and Sec. 94-95(b) were formally titled "Winter Maintenance Period," November to April, and "Summer Maintenance Period," May to October. The recommended scheduled maintenance wording they have before the Committee tonight will shift from the former nightly street closures from May through October to providing the Public Works Director the authority to declare a parking ban as needed for maintenance purposes. Before, they could do things like street sweeping between 2:00 AM and 6:00 AM, because the street parking was always closed then. Now this opens up overnight parking when there is no maintenance ban in place, if the Ordinance is passed. This includes a three-day advance public notice requirement, and the public parking lots will remain available for overnight parking when there is a maintenance ban.

Ms. Landry continued that she wants to make it clear that there are some consequences to be aware

of when they consider making these changes. Ms. North has done a great job looking at the parking fund balance and how it has trended over the past four or five years. Staff also looked at what other communities are doing, such as what they are charging and how they are notifying people. She has looked at the revenue that the City of Keene receives from issuing tickets and how these bans will impact that. In addition to making sure the Public Works team will have access to roads as necessary to perform street maintenance, both scheduled and emergency, the expanded access to public parking without nightly or overnight restrictions expands parking availability and convenience for Keene residents. That was the goal of the changes. However, it will likely create competition for downtown parking spaces between residents who use the spaces for overnight parking and downtown business customers who use the spaces between the hours of 3:00 PM and 10:00 AM. For example, a person can pay a meter at 3:00 PM, hit the two-hour limit and stay, since parking is no longer enforced after 5:00 PM, then pay the meter at 8:00 AM and stay until 10:00 AM, the end of the two-hour limit.

Ms. Landry continued that they expect a reduction in parking fund revenue, resulting from reduced demand for reserved parking. Now, people pay for permits to park in reserved spaces in the lots, and this is already reducing quite a bit, due to the opportunity to park on the street. There will also be reduced ticketing of vehicles in violation of former on-street parking rules overnight. They just heard from the Public Works Director that they may start ticketing vehicles that are not complying with the winter weather parking bans, but it will be a reduction because of the reduced frequency. They expect the reduction in revenue to be somewhere between $20,000 to $45,000 per year. That is using a conservative estimate for how many people will likely shift from reserved parking to on-street parking. The estimate is such a broad range because they do not know what the ticketing revenue impact will be.

Ms. Landry continued that as they can see on tonight's agenda items, there is already a business impacted by a lack of available parking early in the morning. For breakfast customers, they need an update to the ordinance to add overnight parking restrictions on the downtown street because their breakfast customers right now cannot find parking in front of the business. Residents using the spaces as overnight parking are occupying those spaces.

Ms. Landry stated that she and Ms. North can answer questions and provide information about streets they think are affected by this competition for parking. Opening streets for overnight parking year-round is consistent with the City's housing goals, particularly in residential neighborhoods all around Keene, not just downtown. For example, years ago she had out-of-state family members visit for the holidays, in west Keene. They had to park overnight, so they parked in the street until whatever the time limit was, and then before going to bed they would jam all of their cars into the tiny driveway so they would not get ticketed or towed. They no longer need to do that, which is great. If there is no snowstorm or freezing rain, they can stay parked on the cul-de-sac. That is an example of how this benefits housing goals and neighborhood parking goals. However, the consequences downtown are different. There are pros and cons to allowing overnight parking downtown, because of the business impacts.

Ms. Landry continued that to go over Ordinance O-2024-21, the title of Sec. 94-95 will change to "Maintenance Parking Restrictions." That allows for winter weather maintenance and any other scheduled maintenance. Sec. 95-95(a)(2) has an update, where it allows for ticketing and towing as provided for in Sec. 94-154. That is to be consistent between sections (a) and (b). They want to make sure they have the authority to do that as needed. She wants to emphasize that staff does not want to give tickets and does not want to tow vehicles. They would rather see people get the information they need in order to move their vehicles and have places to move them to. That is what they hope to see happen. Although, Ms. North's research shows that communities with similar winter weather parking bans all struggle with the same issue – there are a number of vehicles that just do

not get moved during winter storms, and staff has to issue tickets and tow vehicles. Section (b) is changing from “summer maintenance” to “scheduled maintenance.” It will change from closing the streets between 2:00 AM and 6:00 AM to only closing them during a scheduled maintenance period, and the window of notification will be at least three days. It removes the streets where it previously applied.

Chair Greenwald asked for questions or comment from the Committee. Hearing none, he stated that Ms. Landry and Ms. North did a very good job. He asked for public comment. Hearing none, he asked for a motion.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Ordinance O-2024-21.

ORDINANCE 0-2024-21

CITY OF KEENE
NEW HAMPSHIRE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Maintenance Parking Restrictions

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by adding the bolded text to and removing the stricken text from Sec. 94-95, "Snow and Street Maintenance Period" and Sec. 94-95 (a) and 94-95 (b) as follows:

Sec. 94-95. ~~Snow and street maintenance period.~~ **Maintenance Parking Restrictions.**

(a) ~~Winter Maintenance Period~~ ***Emergency Weather Parking Ban***

1) The Public Works Director or their designee ("Director") shall be empowered to declare a Winter Weather Parking Ban whenever the existing conditions warrant or weather forecasts predicting snowfall, sleet, freezing rain, or other inclement weather indicate that the execution of necessary highway maintenance activities will require the prohibition of parking on city streets or municipal lots. Once a Winter Weather Parking Ban is declared, it shall continue until such time as it is terminated pursuant to the provisions of this ordinance. The Director may declare a Winter Weather Parking Ban at any time and for any duration necessary to conduct highway maintenance activities.

2) No vehicle or trailer shall be left standing or unoccupied upon any of the public ways or bridges in the city and owners of all vehicles or trailers so standing during a declared Winter Weather Parking Ban shall be deemed in violation of RSA 262:31 et seq. **and may be ticketed or towed as provided for in section 94-154 pertaining to enforcement practices.**

3) The Police Chief or his/her designee is hereby authorized to enforce the provisions of this section as provided for in Sections 94-181 through 94- 184, pertaining to penalties, towing, immobilization and appeals.

4) The Director shall notify the public when a Winter Weather Parking Ban starts and ends by using available methods for communicating messages to the public, which may include but not be limited to an automated push notification system, the City's website, social media, texts, signage, and telephone notification.

    a. The declaration shall be made no less than six (6) hours prior to the starting time of the ban.

    b. The declaration of a Winter Weather Parking Ban may be made applicable to all City streets, certain streets, or streets within a defined perimeter

c. The declaration of a Winter Weather Parking Ban may be made applicable to all public surface parking lots or only certain lots.

(b) ~~*Summer*~~ ***Scheduled*** *maintenance* ~~*period*~~*.* To provide for maintenance **of** ~~in~~ the city's ~~downtown, business, and commercial~~ streets, no vehicle or trailer shall be left standing or unoccupied upon any of the public ways or bridges ~~in the areas specified~~ and owners of all vehicles or trailers so ~~standing between the hours of 2:00 a.m. and 6:00 a.m.~~ **during a scheduled maintenance period** as specified shall be deemed in violation of RSA 262:31 et seq., and ~~shall~~ **may** be **ticketed or** towed as provided for in section 94-154 pertaining to enforcement practices. The prohibition described in this subsection shall apply during ~~the period each year from May 1 to October 31:~~ **any scheduled maintenance period as described in this section.**

~~(1) The summer maintenance period shall apply to the following streets on Wednesday and Thursday of each week:~~

~~Center Street.~~

~~Church Street from Main Street to Wells Street.~~

~~Commercial Street.~~

~~Court Street from Mechanic Street to Central Square.~~

~~Cypress Street.~~

~~Eagle Court.~~

~~Elm Street from Vernon Street to Mechanic Street.~~

~~Emerald Street from Main Street to Ralston Street.~~

~~Federal Street.~~

~~Gilbo Avenue.~~

~~Lamson Street.~~

~~Main Street from Marlboro Street and Winchester Street Intersection to NH Route 101.~~

~~Marlboro Street from Main Street to Grove Street.~~

~~Mechanic Street.~~

~~Middle Street.~~

~~Norway Avenue.~~

~~Railroad Street.~~

~~Ralston Street.~~

~~Roxbury Plaza.~~

~~Roxbury Street from Central Square to Norway Avenue.~~

~~St. James Street.~~

~~School Street from West Street to Emerald Street.~~

~~Summer Street.~~

~~Vernon Street.~~

~~Washington Street from Central Square to Mechanic Street.~~

~~Water Street from Main Street to Grove Street.~~

~~Wells Street.~~

~~West Street from Central Square to NH Route 9/10/12.~~

~~Winchester Street from Main Street to NH Rt 101.~~

~~Winter Street.~~

~~93rd Street.~~

~~(2) The summer maintenance period shall apply to the following streets on Sunday through Saturday of each week:~~

~~Central Square.~~

~~Main Street from Central Square to Marlboro Street and Winchester Street Intersection.~~

~~(3) Nothing in this section will prohibit the public works department from closing all or parts of any listed streets at any other time periods then listed for maintenance, as long as the public is notified of the closing at least three calendar days prior to the closing.~~

(1) The Director shall declare the occurrence of a scheduled maintenance period and shall notify the public when a scheduled maintenance period starts and ends by using available methods for communicating messages to the public, which may include but not be limited to signage, the City website, social media, and an automated push notification system.

(a) The declaration shall be made no less than three (3) calendar days prior to the starting time of the maintenance period.

(b) The declaration may be made applicable to all City streets, certain streets, or streets within a defined perimeter.

(c) **The declaration may be made applicable to all public surface parking lots or only certain lots.**

In City Council November 7, 2024.
Referred to the Municipal Services,
Facilities and Infrastructure Committee.

City Clerk

Jay V. Kahn, Mayor

ITEM #J.4.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

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

Through:

Subject: **Relating to Gilbo Avenue Parking Restrictions**
Ordinance O-2024-22

Recommendation:
On a vote of 1-3, the Municipal Services, Facilities and Infrastructure Committee failed to recommend the adoption of Ordinance O-2024-22.

Attachments:
1. ORDINANCE O-2024-22 Gilbo Avenue Parking Restrictions_referral

Background:
Chair Greenwald stated that he is involved in this to some extent as an abutter, and the matter arises due to actions of residents in his apartment building, which he cannot control. He asked to be recused from the discussion due to conflict of interest. Hearing no objection, he turned the facilitation over to Vice Chair Filiault. Vice Chair Filiault asked to hear from staff.

Ms. Landry stated that what is before the Committee is adding a restriction to the Gilbo Ave. parking rules. She continued that in 1994-1995 there was a list of streets that did not apply to the parking restrictions. Another section of Code covers parking restrictions on specifically named streets. That is where this belongs, not in Sec. 94-95. Ordinance O-2024-22 is "Gilbo Ave. Parking Restrictions." The changes they made for winter weather parking bans removed the 2:00 to 6:00 AM parking restriction that was previously in place every night of the week. That opens up overnight parking on Gilbo Ave. as well as other streets downtown where the parking enforcement hours begin at 8:00 AM. Because of the two-hour parking limit, a vehicle owner could park overnight, pay for parking at 8:00 AM, and legally occupy a parking space until 10:00 AM. Recently, she coincidentally had to drive down Gilbo Ave. between 1:00 and 2:00 AM, and saw every parking space in front of Lindy's Diner occupied. This is problematic for businesses such as Lindy's that open before 10:00 AM and need parking spaces for their customers.

Ms. Landry continued that the fundamental purpose of downtown parking regulations, including enforcement, is to ensure availability and turnover of parking spaces for customers of downtown businesses during business hours. This supports economic activity and positive experiences for visitors. Residents obviously prefer to park as close to their domicile as possible and are using the on-street parking options available due to changes to the winter parking rules. This Ordinance

provides a parking restriction from 2:00 to 6:00 AM. Thus, people will still have the opportunity to park there to frequent businesses downtown but will not be likely to park overnight or to be there at 6:00 AM, on the north side of Gilbo Ave., in order to ensure parking spaces are available to support that business purpose. The nearby Gilbo East parking lot provides ample overnight parking options, which have been used for this purpose in the past and can be reserved for this purpose.

Councilor Filiault asked if it is correct that the restriction is because they are trying to save the few spaces in front of Lindy's Diner for Lindy's customers. Ms. Landry replied yes. Councilor Filiault replied that normally he would be fine with that, but they have a whole parking lot right next to their business. He continued that he could understand if there was no parking nearby and the only spaces were right there, but people can park in front and be 10 or 15 feet away from the door, or if the spaces are all occupied, people can be just around the corner and be 25 feet away from the door. There are more parking spaces directly across the street. He does not see the need for this restriction.

Ms. Landry replied that (Lindy's) was specifically concerned about not having parking directly in front of their business. She continued that many of their early-morning customers are elderly and not as likely or able to walk that distance. Lindy's feels that this has a direct impact on their business. Councilor Filiault replied that he disagrees. He continued that he does not see the distance being that different, whether someone is parking in front of or alongside the building.

Councilor Favolise stated that he does not feel strongly about the need for this change, but he would be more concerned about the change if there were no other parking available for downtown residents. He continued that his concern is that if they do this, there could be a knock-on effect from other places in Keene requesting parking spaces in other locations (be restricted). He is not saying they (the Council) should or should not approve a given proposal that comes to them, but for parts of the city there is not parking that can be reserved right across the street for residents. He thinks the Council has made a commitment to the residents by passing the change to the winter parking ban. They have sent the message that they are doing this. He is a little less concerned about this (specific request) than he is about what it might portend for the future.

Ms. Landry stated that staff talked about that, and there is a concern that they moved from having a general parking ban to support parking for downtown businesses to now having this first request for a special exception. The question is which is better. The question is whether it is better to have a downtown-wide restriction to prevent this competition for parking, or to just keep it standard and not make individual exceptions, saying, "Sorry, the rule is the rule and we will play it out and see how it goes."

Councilor Workman asked if it would be possible to make those parking spaces handicapped spaces. Ms. North replied that if a person has a walking disability pass, they can park for free in any space. She continued that she thinks there is one accessible space in that area. Councilor Workman replied that she was thinking more about reducing the likelihood of able-bodied people parking there overnight.

The City Manager stated that unfortunately, Lindy's owners are on vacation right now and could not be at this meeting. She continued that there is a concern about other businesses potentially coming with requests for similar restrictions. However, she thinks this one is a bit different, due to the parking lots available for residents in that area. Many of people's concerns about the downtown were about having available parking nearby and having to move their cars to those lots when it snowed. Here, the issue is that the people who live in the area are choosing to park (in front of Lindy's Diner) instead of in the parking lot, and the parking lot is very close. It seemed like this request was different, for that reason.

Councilor Tobin stated that her general preference would be to look at this as a whole, in terms of the downtown. She continued that she is thinking about how if the Council does this for one business, and then they move, there is the question of whether the parking restriction applies to the next business there, or whether parking always moves with businesses. She can imagine a number of options. She would be curious to hear how other communities handle it, if staff has researched that.

Ms. Landry stated that she thinks the scheduled maintenance parking bans are the consideration as a whole. She continued that these are the Ordinances put before the Council, per the Council's request. The opportunity to stop the overnight ban in general on all parking in the downtown and across the city. That is what this is doing.

Councilor Filiault stated that he thinks what they are doing is good, overall, and long overdue. He continued that the problem is they are getting a little too specific here. He is concerned, because it is hard to guess what will happen in the future, but he could see a new restaurant coming in and asking for parking spaces in front of their business, maybe not having a parking lot right next door. Again, the advantage here at Lindy's is there is parking all around, so he does not see the hindrance. Yes, it could be inconvenient if all the spaces are taken, but a couple are accessible. It is not as if a severely handicapped person would have to walk a quarter mile. It would be an extra 10-15 feet. In realistic terms, he does not see the issue here.

Councilor Workman stated that Councilor Filiault does not see a problem because he is able-bodied and walks often, so he does not see the extra few feet as a big deal. She continued that it is incredibly inconvenient for people with a walking disability. In her social services job, she has had to pick people up and drop people off for the last 20 years here in Keene. She has frequented many locations where she has had to either put her hazard lights on or pay to park, as a working person on the clock. The City is giving residents the option to park on Main St. overnight, and they have the option of the lot, and Gilbo Ave. parking spaces on the side. This is a perfect example of a special exception. They need to look at things on a case-by-case basis and make a determination. Most businesses open later in the morning and this is not an issue for them. Lindy's opens early. She thinks this is a simple ask, and she will support it.

Mr. Lussier stated that he looked up the information while this discussion was happening and can confirm that the spaces in front of Lindy's Diner are not currently accessible ones. He continued that two accessible spaces are just to the east, in the City parking lot. The closest two to Lindy's are accessible. The City cannot just mark them as accessible spaces. They would have to actually be accessible, with curb ramps, which would require some construction.

Councilor Filiault stated that they cannot be overly concerned about what could happen in the future, but in this particular case, he can see what could happen. Lindy's is not the only breakfast place in town. Other places open early for breakfast, and they pay attention to these things. He can see those owners saying they want the same favor, and asking why they legally cannot have the same benefit a competing restaurant has. If he were a competing restaurant owner and saw that his competitor was given designated parking in front of their restaurant, he would be coming to the City to ask for the same thing. That is the danger. He does not disagree that there are people who are not as able-bodied, but his point is, there are spaces right next door to Lindy's that allow those people to park.

Councilor Filiault asked if there was any further comment. Hearing none, he asked for a motion.

Councilor Workman made a motion to recommend adoption of Ordinance O-2024-22. Councilor Filiault seconded the motion, which failed with a vote of 1-3. Councilor Workman voted in favor.

ORDINANCE 0-2024-22

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Gilbo Avenue Parking Restriction

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

That the City Code of the City of Keene, New Hampshire, as amended, is hereby further amended by adding the bolded text to the provisions of Section 94-93, "No Parking" item (b), "Specific times" as follows;

Gilbo Avenue, north side, from Main Street to St. James Street, between 2:00 a.m. and 6:00 a.m.

In City Council November 7, 2024.
Referred to the Municipal Services,
Facilities and Infrastructure Committee.

City Clerk

Jay V. Kahn, Mayor

ITEM #J.5.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

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

Through:

Subject: **Relating to Juneteenth Exception To Parking Regulations**
Ordinance O-2024-23

Recommendation:
On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends adoption of Ordinance O-2024-23.

Attachments:
1. ORDINANCE O-2024-23 Juneteenth Exception To Parking Regulations_referral

Background:
Chair Greenwald rejoined the meeting and asked staff to speak to Ordinance O-2024-23.

Ms. Landry stated that people get very upset when they cannot park for free on Juneteenth. She continued that this Ordinance does two things. One, some housekeeping. Previously, the time limits did not apply on a section of Court St. where the Senior Center used to be, which was specifically for the Senior Center, so they have stricken that because the Senior Center has moved. Two, since Juneteenth has become a federal holiday, many people have assumed it is a free parking day. However, Juneteenth is not a City holiday. It has caused significant confusion. Over the years, parking staff have used more of an educational approach than an enforcement approach, with a few exceptions, and now, Ms. North and the team are installing new labels for clarity. They have a new telephone attendant so that when no one is available to answer the phone in Parking, people can learn about when there is and is not a free parking day. Still, the public continues to strongly press for Juneteenth to be a free parking day.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends adoption of Ordinance O-2024-23.

Chair Greenwald asked about free parking for the holiday season. Ms. North replied that it is the seven days preceding Christmas, December 18 to 25. She continued that she wants to add that free parking days have a slight revenue impact. The estimation she came up with for a holiday, including Juneteenth, is about $5,700 in meter revenue, and probably an additional $500 to $700 in ticket

revenue. Chair Greenwald asked if it is correct that the two-hour limit is still in effect. Ms. North replied yes. Ms. Landry stated that they will be doing a holistic review of the impacts to revenue when they do the next budget.

ORDINANCE 0-2024-23

CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Juneteenth Exception To Parking Regulations

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

That Chapter 94 "TRAFFIC, PARKING AND PUBLIC WAYS" of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by removing the stricken text and adding the bolded text to Sec. 94-153 "Exceptions to Parking Regulations" as follows:

Sec. 94-153. - Exceptions to parking regulations.

The following vehicles and time periods shall be exempt from parking regulations as specified herein;

(1) A privately owned vehicle under the direct control of the owner while being used on official government business as authorized by RSA 265:73 or a vehicle owned by federal, state, county or municipal government shall be exempt from meter fees and established time limits.

(2) In addition to the previous section, any police or fire vehicle in the performance of duty or other vehicle providing emergency services shall be exempt from the provisions of section 94-66.

(3) While their vehicle displays an identity card issued by the clerk of court, as provided in RSA 500-A:17, jurors in attendance at Superior Court shall be exempt from meter fees and established time limits. Jurors may not park in spaces marked as 15-minute loading zones.

~~(4) A vehicle owned by a member of the city's senior citizens association and displaying a valid membership card on the dashboard, when parked in the area of Court Street from Summer Street on the west and from Mechanic Street to Union Street on the east shall be exempt from the established time limits.~~

~~(5)~~ **(4)** Consistent with the provisions of RSA 265:73 and 265:74, any motor vehicle carrying the special plates or placard issued to a person with a walking disability, while under the control of or transporting the person who qualified for the special plates or placard, shall be exempt from meter fees. Such extended vehicles shall be subject to established time limits except for parking in a two-hour zone shall be permitted for three hours.

~~(6)~~ **(5)** During the period seven days immediately preceding the Christmas Day holiday each year meter fees will be suspended at every metered space in the city, however established time limits will remain in effect.

~~(7)~~ **(6)** During the period starting the day of Thanksgiving and extending through the entire Holiday Weekend each year meter fees will be suspended at every metered space in the city, however established time limits will remain in effect.

~~(8)~~ **(7)** On the following holidays and observed holidays: New Year's Day, Martin Luther King/Jonathan Daniels Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day and Christmas Day, each year meter fees will be suspended at every metered space in the city, however established time limits will remain in effect.

(8) On Juneteenth National Independence Day, a federal holiday, each year, meter fees will be suspended at every metered space in the city, however established time limits will remain in effect.

(9) During any defined period where suspended by a vote of the city council under such terms and conditions as it may require.

In City Council November 7, 2024.
Referred to the Municipal Services,
Facilities and Infrastructure Committee.

City Clerk

Jay V. Kahn, Mayor

ITEM #J.6.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Relating to Personnel**
Ordinance O-2024-25

Recommendation:
On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2024-25.

Attachments:
1. Ordinance O-2024-25 Chapter 62 Personnel_referral

Background:
Asst. City Manager/HR Director addressed the committee next. Ms. Fox stated the first adjustment proposed is for health insurance premium cost sharing for non-union employees. This will bring them more into alignment with union contracts.

The next change is for part time employees with respect to earned time to be earned on a monthly accrual basis in the same fashion provided to full time employees.

The third change is realignment of language around the definition of “retiree”. The proposed adjustment recognizes a retiree at age 60 with 10 years of service as being defined as a city retiree. This will make the city more attractive for more experienced talent who might be later in their careers and come to the City with great tools the City can leverage.

The next change relates to bereavement. The current policy does not provide bereavement until an employee has completed probation. For full time employees it is six months and for police and fire it is a year.

Ms. Fox went on to say staff is reviewing the city code it historically incorporated the language of either the state or the federal government. For example, crime victim leave, which is governed by state law. City Code wrote state law as it existed when it was created, into the City Code. The intent is to amend the City Code to identify state and federal guidelines by reference, so that as these laws change, the Code will remain relevant. If City Code does not comply with state law it might be ignored.

Councilor Remy referred to Section 62 – 216 – the Councilor stated it looks like that entire section is being deleted, with no contents except for the header that will remain. Ms. Fox stated there are other items in the section, just the last line is being deleted.

The next item the Councilor referred Step 3 of Section 62, 64 - Steps. The last piece of Step 3C, where language is being added to read: any employee may request to be heard before the City Council permission to be heard, may be granted at the discretion of City Council being heard by the City Council does not include the authority of the City Council to alter the final decision of the City Manager. The Councilor asked why an employee would come before Council if the Council cannot alter the decision of the Manager. The Attorney explained there is a provision in the Charter that allows this to happen. Just because they have that opportunity to go to the City Council, the attorney stated he wanted it to be clear that the City Council can't alter an employment decision of the City Manager. However, if the City Council felt for some reason that the city manager was inappropriate then the Council has a recourse through the City Manager.

It is an opportunity for an employee to be heard in a public format.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2024-25.

ORDINANCE O-2024-25

CITY OF KEENE

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

AN ORDINANCE Related to Personnel

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

That the Ordinances of the City of Keene, as amended, are hereby further amended by removing the stricken text and inserting the bold text in *Chapter 62 – Personnel* as follows:

ARTICLE I. - IN GENERAL

Sec. 62-1. - Responsibility for personnel management.

(a) The responsibility for developing and administering the elements of the personnel merit system shall be assigned to the city manager. ~~He~~ **The manager** shall draft policies, prepare amendments to the pay plan, prepare job descriptions and maintain accurate and confidential files of needed personnel information about each employee. All city departments shall supply the necessary requested information to maintain this personnel file.

Sec. 62-32. Membership of the board.

The personnel advisory board shall consist of eight elected eligible members plus one additional member appointed by a majority of the board, for a total of nine members, all of whom shall have completed the probationary period. The board appointee shall be an eligible department head if no department head has been elected through the voting process.

The board shall consist of two elected representatives from each of the three non-bargaining employee groups as follows:
Two member representatives from library,
Two member representatives from city hall,
Two member representatives from police, fire, public works, airport, parks and recreation, ~~and cemeteries~~,
Two member representatives at large, and
One board appointee, who shall be an eligible department head if no department head has been elected through the voting process.

All other employees, including the city manager, city attorney, city clerk, **deputy** ~~assistant~~ city managers, finance director, and human resources director shall not serve on the PAB.

Sec. 62-33. Selection and Term.

PAB representatives shall serve a maximum of two consecutive terms.

Every September, or at such other time determined by the PAB representatives, a general election will be held to fill vacancies for expired terms.

A system of voting shall be devised and administered by the human resources director for the purposes of conducting the general election.

Elected representatives shall be chosen by secret ballot of the eligible voters. Eligible voters include all regular, full-time or part-time, non-bargaining employees of the City of Keene who are identified on the city's classified pay scale, and have

completed the probationary period, with the exception of the city manager, city attorney, city clerk, **deputy** ~~assistant~~ city managers, finance director, and human resources director.

Vacancies in the board's membership occurring other than through the expiration of a term shall be filled for the remainder of the unexpired term by a majority vote of the remaining board members. The PAB shall act to fill vacancies of uncompleted terms within 30 calendar days from the occurrence of the vacancy, except that if any elected board position becomes vacant within 60 days of the general election, the vacancy shall be filled at the regular election.

The chair, vice chair and secretary of the PAB shall be elected by a majority vote of all board members at the first meeting of the PAB following the general election in September, or at such other time determined by the board.

Sec. 62-34. - Advisory meetings.
The personnel advisory board shall meet at least monthly or more often as circumstances permit. Each meeting shall be noticed **using** ~~on departmental bulletin boards or other~~ available electronic resources, **as well as other appropriate communication methods**. Minutes shall be kept and made available **using** ~~on departmental bulletin boards, distributed via e-mail or other or other~~ available electronic resources, **as well as other appropriate communication methods**. ~~available electronic resources~~. The minutes shall be available for inspection as requested.

The personnel advisory board shall meet at least twice per year with the city manager. At these meetings, any items relative to the personnel system can be discussed. At the discretion of the board, written statements advising the city manager on matters pertaining to the personnel system may also be issued.

ARTICLE III. - GRIEVANCE PROCEDURE
Sec. 62-62. - Applicability.
Any regular ~~exempt (~~non-bargaining unit~~)~~ employee eligible to be a member of the Personnel Advisory Board who has ~~having~~ a grievance, view, or opinion pertaining to employment conditions or relationships with ~~his~~ **the** immediate supervisor or other employees may initiate the grievance procedure. The city manager, city clerk, city attorney, city treasurer or any employee who holds a position which is included in any state-certified bargaining unit shall be excluded from access to the grievance procedure. However, grievances, views or opinions regarding policies established by ordinance of the city council shall be limited to questions on the application of these policies.

Sec. 62-64. - Steps.
The following steps shall be followed whenever an employee initiates a grievance or point of view regarding employment conditions. All hearings shall be informal, and every effort shall be made to schedule them during the regular working hours of the employee. Any grievance or question is considered settled at the completion of any step, if all parties are satisfied. If the grievant's immediate supervisor is a department head, the grievance process may begin at step II. If the grievant's immediate supervisor is the city manager, the grievance process may begin at step III. Nothing in this procedure is intended to discourage employees from discussing problems or concerns with their supervisors at any time. Steps of the grievance procedure are as follows:

(1) Step I. The aggrieved employee or the employee and ~~his~~ **the employee's** representative shall reduce the grievance to writing on a form provided by the city and signed by the employee involved and the employee's representative, if the employee has one, within five working days of the date of the grievance or ~~his~~ knowledge of its occurrence. The written grievance shall include a statement of the grievance and facts involved and also the remedy requested. The immediate supervisor shall write **the** ~~his~~ decision on the grievance form and shall sign it and give it to the grievant, with a copy to the grievant's representative if any, within two working days after the grievance has been submitted to **the employee's supervisor** ~~him~~ in written form.
(2) Step II.
   a. If the grievance has not been settled or no written decision is issued under step I, the employee and/or the employee's representative shall, within two working days after receiving the supervisor's written decision or the expiration of time given for the supervisor's written decision, whichever is earlier, submit the written grievance to the department head of the aggrieved employee.

b. The department head shall hold a hearing within five working days after the grievance is submitted ~~to him~~, and **the** ~~his~~ written and signed decision shall be given to the employee and **the employee's** ~~his~~ representative within five working days after the hearing.

(3) Step III.

a. If the grievance has not been settled, the employee and/or ~~his~~ **the employee's** representative shall submit the written grievance to the city manager, or **the Manager's** ~~his~~ designee, within five working days after receiving the department head's written decision or if no response from the department head is received after five working days.

b. The city manager or **the Manager's** ~~his~~ designee shall hold a hearing before the grievance advisory committee, with those involved in the grievance in attendance, within five working days after the committee chair is appointed. The signed written majority and minority (if any) recommendation of the grievance advisory committee shall be furnished to the city manager or **the Manager's** ~~his~~ designee by the chair of the grievance advisory committee within five working days after the hearing. The hearing shall be recorded, and a written copy of the minutes also shall be furnished to the city manager or **the manager's** ~~his~~ designee within five working days after the hearing.

c. The City Manager or **the Manager's** ~~his/her~~ designee will study the records of the case, will consider the recommendations of the Grievance Advisory Committee, and may discuss the matter further with ~~you~~ **the employee** and may hold any additional hearing deemed ~~he/she feels~~ necessary or desirable. The decision of the City Manager or **the Manager's** ~~his/her~~ designee will be final and will be given in writing to ~~you~~ **the employee** and to other involved parties within ten (10) working days after receiving the recommendation of the Grievance Advisory Committee. **Any employee may request permission to be heard by the City Council. Permission to be heard may be granted at the discretion of the City Council, but being heard by the City Council does not include the authority of the City Council to alter the final decision of the City Manager.**

If the grievance is with a charter employee (city manager, city attorney, city clerk, or city treasurer), it should be forwarded to the chair and vice-chair of the city council committee responsible for personnel through the human resources director.

ARTICLE IV. - CLASSIFICATION AND PAY SCHEDULES.
DIVISION 1. – GENERALLY.
Sec. 62-92. - Employment classification.

(d) *Wages and hourly rates*. Except when specific actions are taken during the course of the fiscal year in accordance with this chapter, wages and hourly rates for all positions, whether classified or not, shall be in accordance with the amounts designated in the adopted budget for that fiscal year. ~~Part-time employees hired before July 1, 1983, will continue to receive prorated benefits in accordance with the practice in effect up to that time.~~

DIVISION 2. - SCHEDULES
Subdivision V. - Annual Salary Schedules for Administrative and Clerical Personnel
Sec. 62-216. - General rules.

~~(i) Pay checks shall be issued at intervals as requested by the departments and approved by the finance director.~~

ARTICLE V. - POLICIES, PROCEDURES AND CONDITIONS OF EMPLOYMENT
DIVISION 2. - HOURS AND OVERTIME
Subdivision I. - In General
Sec. 62-276. - Hours of work.

(a) Average workweeks for various regular full-time city employees and departments are based on operations and needs of the public, and they normally are as follows:

• Administrative and office positions	37.5 hours
• All certified fire department positions (except those listed in chapter 62-194)	42 hours
• All non-administrative public works; certified fire department positions listed in ~~chapter~~ **section** 62-194; airport; facilities management; and parks~~,~~ **and** recreation~~, cemeteries~~ positions;	40 hours
• All Library positions ~~(except facilities management)~~	38 hours

- All non-administrative police department positions ~~(except clerical)~~ 40 hours

Subdivision II. - Overtime

Sec. 62-301. – Non-bargaining unit hourly employees.

(a) An employee whose position is classified as exempt, as defined in the federal Fair Labor Standards Act, is not eligible for overtime. If a position is classified as non-exempt and an employee is required to work in excess the normal workweek, the employee is entitled to straight time pay for hours worked up to 40 in a single **work**week (Sunday through Saturday). ~~He~~ **The employee, excluding probationary firefighters,** is entitled to pay at 1½ times the regular hourly rate for hours worked over 40 in a single workweek (Sunday through Saturday). Base pay rates will be in accordance with *Article IV, Classification and Pay Schedules; Division 2, Schedules*. Should the schedule include an annualized pay rate, the hourly rate will be computed by dividing the annualized base amount from the pay schedule by **the annualized work schedule for that position, as outlined in Sec. 62-276.** ~~2,080 hours~~. All overtime must be authorized in advance by the department head or department head's designee. From time to time, there may be exceptions to this policy; i.e., if the employee is eligible for and chooses compensatory time in lieu of overtime.

(b) When required to work on an observed holiday, a regular full-time non-exempt employee, excluding probationary police officers and probationary firefighters, will be paid for each hour worked at the rate of 1½ times the hourly rate, in addition to receiving pay for the observed holiday. When required to work on one of these actual holidays—January 1, ~~Easter Sunday~~ **Memorial Day**, July 4, the fourth Thursday of November, and December 25—a regular full-time non-exempt employee will be paid for each hour worked at the rate of double time, in addition to receiving pay for the observed holiday.

Sec. 62-303. - Probationary firefighters.

(a) Not withstanding any other provisions of City Code to the contrary related to overtime and holidays, probationary full-time firefighters/EMTs shall be governed by this Section 62-303. Full-time firefighters/EMTs, who have not yet successfully completed 12 months of employment, will be compensated for overtime when required to work in excess of the established work schedule. Whenever such fire department personnel work in excess of the established work schedule, such time shall be compensated in minimum increments of ¼ hour. On such occasions, when work is an off-duty call back, fire department personnel will receive a minimum of ~~one~~ **two** hour**s'** compensation for each response and, in addition, will be compensated in minimum increments of ¼ hour for time worked over the ~~first~~ **second** hour or portions of ¼ hour. Compensation for this overtime will be at a rate of 1½ times the regular pay rate.

Sec. 62-304. - On-call compensation for ~~IMS~~ IT department ~~exempt~~ positions.

~~IMS~~ Employees **of the Information Technology (IT)** department holding ~~exempt~~ positions who are required to wear a pager or carry a cell phone in order to respond to calls for immediate technical assistance during non-regular hours ~~be~~ are considered "on-call" and are to be compensated an amount equal to one day's normal rate of pay for each week of on-call duties. The on-call period is a continuous seven-day, prescheduled, rotating time period approved by the ~~IMS~~ **IT** director.

Sec. 62-305. - Advance approval.

All overtime must be authorized in advance by the department head **or department head's designee.**

DIVISION 3. – LEAVES

Subdivision II. - Vacation

Sec. 62-396. - Authorized.

Commencing with the first month of employment a regular full-time employee holding a position recognized in chapter 2, section 231 (city council appointments), chapter 62, section 166 (probationary public works) or chapter 62, section 194 (administrative, office, technical and management) will begin to accrue vacation leave at a rate of five-sixths regular working days or working shifts per month of continued employment. On the seventh anniversary date, the accrual rate for the basic workweek will increase to 1¼ days per month. On the fifteenth anniversary date, the rate will increase to 1⅔ days per month. Vacation leave may be accrued, based on the employee's average normal workweek, to a maximum of 30 workdays. With the exception of city council appointments under chapter 2 section 231, where the city manager determines it to be in the city's interest to do so, he may authorize other specific vacation leave provisions for a regular full-time employee at the time of employment of such employee. Any such other specific vacation leave provisions

authorized by the city manager shall be in writing and will not exceed 1⅔ days per month accrual. **A day is defined in Sec. 62-421. below.**

Subdivision III. - Sick Leave.
Sec. 62-421. - Authorized.

(a) Sick leave accrual. After completion of six months of continuous service **or twelve months for firefighters or police officers**, a regular full-time employee shall be eligible for sick leave pay. **As defined below,** sick leave shall be accrued at the rate of one day per month, commencing with the first month of employment **awarded initially lump sum after completion of the period of continuous service**. Sick leave may be accumulated ~~to a total maximum amount of 36 workweeks 180 days effective July 1, 2004,~~ based on the following schedule:

40.0-Hour Workweek = **8-hour day**

Years of Service	Accumulation
Up to 20	960 hours ~~120 days~~
21	1,056 hours ~~132 days~~
22	1,152 hours ~~144 days~~
23	1,248 hours ~~156 days~~
24	1,344 hours ~~168 days~~
25	1,440 hours ~~180 days~~

40.0-Hour Workweek = 10-hour day for sworn Police

Years of Service	**Accumulation**
Up to 20	**1,200 hours**
21	**1,320 hours**
22	**1,440 hours**
23	**1,560 hours**
24	**1,680 hours**
25	**1,800 hours**

37.5-Hour Workweek = **7.5 hour day**

Years of Service	Accumulation
Up to 20	900 hours ~~120 days~~
21	990 hours ~~132 days~~
22	1,080 hours ~~144 days~~
23	1,170 hours ~~156 days~~
24	1,260 hours ~~168 days~~
25	1,350 hours ~~180 days~~

38-Hour Workweek = **7.6 hour day**

Years of Service	Accumulation
Up to 20	912.0 hours ~~120 days~~
21	1,003.2 hours ~~132 days~~
22	1,094.4 hours ~~144 days~~
23	1,185.6 hours ~~156 days~~

24	1,276.8 hours ~~168 days~~
25	1,368.0 hours ~~180 days~~

42-Hour Workweek = **8.4 hour day**

Years of Service	Accumulation
Up to 20	1,008.0 hours ~~120 days~~
21	1,108.8 hours ~~132 days~~
22	1,209.6 hours ~~144 days~~
23	1,310.4 hours ~~156 days~~
24	1,411.2 hours ~~168 days~~
25	1,512.0 hours ~~180 days~~

Up to one workweek (37.5, 38, 40, or 42 hours, according to department or division) of sick leave may be transferred to vacation leave, provided the employee has an accumulation of not less than 24 days of sick leave after the transfer and, further, provided that any sick leave used for sickness in the previous 12 months will be deducted from the hours available for transfer. Fifty percent of the value of accumulated sick leave, in straight-time wages, will be paid to an employee upon retirement ~~under Chapter 62, Article V, Division 3, Subdivision III,~~ Sec. 62-421. ~~of the City Code~~. For the purposes of this section, "retirement" as used in the preceding sentence shall mean leaving the service of the city and being eligible to draw a retirement allowance under the New Hampshire Retirement System; **being at least age 60 and leaving the service of the City after completing at least 10 years of continuous service;** or leaving the service of the city after having completed **at least** 20 years of continuous service.

Sec. 62-422. - Use of sick leave.

On prior approval of the department head, **accrued** sick leave may be used by any regular full-time employee who successfully has completed six months of continuous employment. It may be used when the employee is ~~ill~~ **unable to perform work duties due to illness or disability, including pregnancy**; to ~~enable him~~ meet **medical**, dental **or other care provider** appointments ~~to take physical examinations, or for other sickness prevention needs~~ **for the employee or immediate family members, as defined below;** ~~It also may be used~~ **when the employee has been exposed to a contagious disease of such a nature that presence at work could endanger the health of others; to care for the employee's injured or ill minor child, including stepchildren or foster children, for such reasonable period as attendance with the child may be necessary;** or ~~when there is serious illness or death in your immediate family~~; **for the birth of a son or daughter, the placement of a son or daughter with the employee for adoption or foster care, and bonding with the newborn or newly placed child—so long as it occurs no later than eighteen (18) weeks following the birth or the placement.** Immediate family is defined as spouse, child, stepchild, parent, stepparent, brother, sister, father-in-law, mother-in-law, grandparent, or relative living in the employee's household.

The employee must notify ~~his~~ **the** department head or the department head's designee within one hour of the starting work time of any illness or injury which will prevent ~~him~~ **the employee** from reporting for work. The department head will decide whether or not to accept the absence as justified sick leave and to sign off on same to the payroll administrator. The department head or the human resources director may require a doctor's certificate or other proof of sickness, accident, or appointment(s) before payment of sick leave is authorized.

Sec. 62-424. - Injury leave.

(b) If an on-the-job injury occurs, the city will pay injury leave to eligible employees for such period of disability absence, the employee's regular pay. Payment will be made up to a maximum of seven calendar days for such period during which insurance payments are not made under worker's compensation insurance. Beyond the maximum seven-day period for which injury leave may be extended, the employee may be paid, after receipt by the city of satisfactory evidence of disability from a physician, from any accumulated sick leave the employee may have until worker's compensation payments begin. **Upon commencing worker's compensation payments, employees may request to supplement those payments through use of accrued Sick Leave to maintain their regular base pay. In**

accordance with NHRS requirements, such use of accrued sick leave may fund no more than forty (40%) percent of regular weekly base pay. If worker's compensation coverage is later denied on the grounds that the injury was not job related, the city shall be reimbursed by the employee for any injury leave payment made to the employee or the city may charge the injury leave time extended to the employee's accumulated sick leave to the extent it is available. If a worker's compensation coverage is awarded retroactively or if a settlement of a worker's compensation claim is made with the carrier that is intended to cover past salary or wages provided to the employee by the city from injury leave or sick leave, the employee shall reimburse the city for such injury leave or sick leave that later was covered and paid to the employee under worker's compensation insurance. On reimbursement, the city shall credit the employee's sick leave accrual account with the amount of sick leave reimbursed. In no event will an employee be eligible to receive a duplicate regular benefit such as full injury leave or sick leave and full worker's compensation benefits that would provide the employee with more than the employee's regular weekly pay. The city shall have the right during the period of absence to be provided with an initial medical opinion and any existing medical records indicating the condition of the employee at no cost to the city and also shall have the right to require additional medical opinions at its cost.

Sec. 62-426. - Donation of sick leave.

When a regular full-time employee, because of illness or injury, has used up or is about to use up all ~~of his~~ accumulated sick leave, the city manager may **authorize**, where ~~he~~ **it is** determine**d** that the employee has kept a good attendance record and a good work record, the donation by other interested city employees of sick leave to such employee. The following provisions and restrictions shall be incorporated into any such sick leave donation procedure set up by the city manager, in addition to any other restrictions or requirements ~~he~~ deem**ed** appropriate at the time:

To be eligible to receive sick leave donations,

(1) The employee must be a regular full-time employee of the City of Keene who successfully has completed 12 month of continuous employment for firefighters and police officers or six months of continuous employment for all other employees.
(2) ~~He~~ **The employee** must be subject to a medically certified illness, injury, impairment, or physical/mental condition.
(3) A certified healthcare provider must provide certification for need of the absence.
(4) ~~He~~ **The employee** must have exhausted all h~~is own~~ available leave balances (sick, vacation, personal, etc.).
(5) ~~He~~ C**e**annot be an employee:
    a. Who normally would not have worked the hours for which ~~he~~ **the employee** is soliciting sick leave donations.
    b. Who is on an approved leave of absence for other than personal illness or injury.
    c. Who is on administrative leave or who is suspended form assigned duties without pay.
    d. Whose employment with the City is terminated.

To be eligible to donate sick leave to another eligible employee,

(1) The employee must be a full-time regular employee of the City of Keene.
(2) The employee must have accrued at least **192 hours** ~~24 days~~ of accumulated sick time as of the donation.
(3) The employee's donation of sick leave is totally voluntary. No employee will be coerced~~, initiated,~~ or financially induced into donating leave.
(4) The donor cannot be an employee:
    a. Who is on a leave of absence.
    b. Who is on administrative leave or who is suspended from assigned duties without pay.
    c. Whose employment with the city is terminated.

Subdivision V. - Personal Leave.

Sec. 62-476. - Personal leave.

Regular full-time employees shall receive one personal leave day, **as defined by Sec. 62-421 above,** for each quarterly period of a calendar year (January 1 to March 31, April 1 to June 30, July 1 to September 30, October 1 to December 31) during which they have perfect attendance, beginning with their first day of employment. New hires with perfect attendance shall receive a prorated award considering attendance from date of hire to the end of a quarter. After the first six months of employment, the term "perfect attendance" shall mean no use of sick leave. Balances of any such earned personal leave must be taken prior to June 30 or December 31, or it will be lost. Such earned personal leave may be taken

when approved in advance by the department head. ~~The use of such personal leave will not be charged to accumulated sick leave, and such earned personal leave will not count toward the maximum vacation accumulation of 30 days~~.

Subdivision VIII. - Bereavement/Funeral Leave.
Sec. 62-541. - Funeral leave authorized.
~~After successful completion of either 12 months of continuous service for firefighters and police officers or six months of continuous employment for all other eligible employees~~, **R**~~r~~egular Full-time employees are authorized up to three days' funeral leave with pay for a death in the employee's immediate family. Immediate family is defined as spouse, child, stepchild, parent, stepparent, brother, sister, father-in-law, mother-in-law, grandparent, grandchild or relative living in the employee's household. Funeral leave for persons outside the immediate family may be approved by the department head, and such leave shall be charged to accumulated vacation, personal, or compensatory leave.

Subdivision IX. - Military Leave.
Sec. 62-561. - Military leave authorized.
(a) ~~If~~ A regular full-time employee receiv~~es~~**ing** orders to report for military duty~~, he~~ should let **the** ~~his~~ supervisor know at once. The employee will be afforded all privileges required by law.
(c) Reservists or National Guard members who are activated and remain on "active duty" by the military are covered by the following:
  (2) To a maximum of $12,000.00, per year, the city shall:
    a. Continue to pay the activated reservist or guard member any differential between ~~his~~ current city salary and ~~his~~ military pay, including the basic allowance for housing and basic allowance for subsistence.

Subdivision X. - Absence Without Leave
Sec. 62-581. - Prohibited.
No employee may be absent from duty without the permission of the ~~his~~ supervisor or department head. Any employee who is absent~~ing himself~~ without the permission of **the** ~~his~~ supervisor may be subject to disciplinary action for the first offense and may be discharged from the city for the second offense. After three consecutive days of absence without leave, the city manager may declare the position vacant, and the employee automatically waives all rights to **the** ~~his~~ position and all rights to applicable ~~his~~ benefits thereafter.

Subdivision XI. - Crime Victim Leave.
Sec. 62-582. - Authorized.
~~Employees who are victims of certain crimes will be permitted to leave work to attend court or other legal or investigative proceedings associated with the prosecution of the crime in accordance with the New Hampshire Crime Victim Employment Leave Act of 2005, RSA 275:61. The purpose of crime victim leave is to assist employees to balance their work and family lives by taking reasonable leave to meet outside personal and family obligations.~~
~~**Sec. 62-583. - Definitions.**~~
~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~
~~Crime means "an offense designated by law as a felony or a misdemeanor."~~
~~Employee means every full-time, part-time, or contract employee on the City of Keene's payroll.~~
~~Immediate family of any victim who is a minor, who is incompetent, or who is the victim of a homicide means the "father, mother, stepparent, child, stepchild, sibling, spouse, grandparent, or legal guardian of the victim; or any person involved in an intimate relationship and residing in the same household with the victim."~~
~~Victim means "any person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or the attempted commission of a crime. Victim also includes the immediate family of any victim who is a minor or who is incompetent, or the immediate family of a homicide victim."~~
~~**Sec. 62-583.1 - Right to leave work/limitations on *leave*.**~~
~~If you are a victim of a crime you may take leave to attend court or other legal or investigative proceedings associated with the prosecution of the crime. The city will not discharge you for exercising your right to leave work under this policy, and you will not lose seniority while absent from under this leave policy. The city may limit this leave, however, if it would create an undue hardship to the organization. Undue hardship means "a significant difficulty and expense," considering the size of the department, the employee's position and role within the organization, and the city's need for the employee.~~

~~**Sec. 62-584. - Notice.**~~

~~Before you may take leave under this policy, you must provide your department head with a copy of the notice of each scheduled hearing, conference, or meeting that is provided to you by the court or agency responsible for providing notice. You should provide as much notice as possible regarding the need for this leave. When the need for crime victim leave is not foreseeable, give verbal notice to your supervisor as soon as practicable under the facts and circumstances of the particular case. It is expected that you will give such notice within no more than one or two days of learning of the need for leave, except in extraordinary circumstances when such notice is not feasible.~~

~~**Sec. 62-585. - Paid and unpaid leave.**~~

~~The city requires the substitution of accrued paid leave for unpaid leave. Accordingly, all eligible employees who take crime victim leave will use all accrued paid vacation or personal leave or compensatory time before taking unpaid leave under this policy. Sick Leave may be used only in accordance with the city's sick leave policy. The city will limit the shortest leave period to one hour.~~

~~**Sec. 62-586. - Confidentiality.**~~

~~The city will maintain the confidentiality of any written documents or records you submit relative to your request to leave work under this leave policy.~~

~~**Sec. 62-587. - Discrimination prohibited.**~~

~~The city will not discharge, threaten, or otherwise discriminate against you regarding the compensation, terms, conditions, location, or privileges of your employment because you exercised your right to leave work as provided under this policy.~~

~~**Sec. 62-588. - Other employment and overtime.**~~

~~If a scheduling conflict occurs, priority must be given to the efficient operations of the city and to your department, wherever possible, as opposed to those of the second employer, when scheduling *Crime Victim Leave*.~~

The City will grant Crime Victim Leave in accordance with state law if an employee or applicable member of the employee's family becomes a victim of applicable crimes. Before taking leave, the employee must provide the department head with a copy of the notice of each scheduled hearing, conference, or meeting that is provided by the court or responsible agency. As much notice as possible regarding the need for this leave should be provided to the department head. The City may limit this leave if it would create an undue hardship to the organization.

The City requires the substitution of accrued paid leave for unpaid leave for this purpose. Sick Leave may be used only in accordance with the City's Sick Leave policy.

Subdivision XII. - State of Emergency Leave.

Sec. 62-592. - Authorized.

~~Eligible employees who are called into service after the State of New Hampshire has declared a state of emergency are permitted to take a leave of absence without pay from their employment with the City of Keene, unless certified as essential to the City of Keene's own emergency relief efforts. This state of emergency leave is in accordance with RSA 275:66, state of emergency leave.~~

~~**Sec. 62-593. - Definitions.**~~

~~The following definitions govern this policy:~~

~~A state of emergency exists "when the governor or the general court declares a state of emergency under RSA 4:45."~~

~~Eligible employee means a member of a fire department, rescue squad, or emergency medical services agency who is called into service of the state or a political subdivision.~~

~~**Sec. 62-594. - Right to leave work/limitations on leave.**~~

~~Eligible employees, as defined above, will have the right to take leave without pay from the City of Keene to respond to the emergency.~~

~~The city may limit this leave, however, if it certifies to the director of emergency services, communications, and management or to the head of the local emergency management agency that the employee is essential to the city's own emergency or disaster relief activities. Such certification would exempt eligible employees from this service to the state or to a political subdivision.~~

~~**Sec. 62-595. - Paid and unpaid leave.**~~

~~The city will not require an employee to use accrued paid leave for the period of emergency service. However, the employee may choose to take any paid leave other than sick for the period of emergency service.~~

~~**Sec. 62-596. - Notice.**~~

~~Before an employee may take state of emergency *leave*, he must ensure that the department head has been provided with a copy of the written notice from the director of emergency services, communications, and management or by the head of a local organization for emergency management (as established under RSA 21-P:39). If the employee belongs only to the Keene Fire Department, notice will have been provided to the Keene Fire Chief. If the employee is a member of another fire department, rescue squad, or emergency medical services agency, written notice will have been provided to the head of that agency. A copy must be provided to the department head with as much notice as possible regarding the need for this *leave*. When the need for state of emergency *leave* is not foreseeable, at least verbal notice must be given to the supervisor as soon as practicable under the facts and circumstances of the particular case.~~

~~**Sec. 62-597. - Discrimination prohibited.**~~

~~The city will not discharge, threaten, or otherwise discriminate against any employee regarding the compensation, terms, conditions, location, or privileges of employment because the employee exercised the right to leave work under this policy, and the employee will not lose seniority while absent from under this leave policy.~~

The City will grant leave without pay in accordance with state law to eligible employees called into service after the State of New Hampshire has declared a state of emergency unless those employees are certified as essential to the City of Keene's own emergency relief efforts. Before taking leave, the employee must provide the department head with a copy of the notice from the director of emergency services, communications, and management or by the head of a local organization for emergency management. As much notice as possible regarding the need for this leave should be provided to the department head.

Employees may elect to use eligible accrued paid leave for the period of emergency service.

Sec. 62-598. - Earned time.

~~Employees classified as having regular employment will receive leave defined as *earned time*. *Earned time* may be used for any purpose, including sickness, vacation, bereavement, holiday, or personal *time* as approved by the employee's supervisor.~~

~~(1) All eligible employees will receive *earned time* based on the following criteria:~~

~~a. The employee must have received a satisfactory performance evaluation.~~

~~b. The part-*time* position that the employee holds must be an authorized position listed on the non-union administrative, office, technical and management class allocation and pay schedule or other authorized pay schedule.~~

~~c. In calculating the *earned time*, hours worked in excess of those regularly scheduled are not included.~~

~~(2) Qualified part-*time* regular employees will receive *earned time* as follows:~~

~~a. *Earned time* may be accumulated from year to year to a maximum of 20 days and will be accumulated based on the employee's length of service as follows:~~

~~1. Between zero and 12 months of service~~	~~No *earned time*.~~
~~2. Between 12 and 59 months of continuous service~~	~~Ten days of pro-rated *time*.~~
~~3. After at least 60 months of continuous service~~	~~15 days of pro-rated *time*.~~
~~4. If declining health insurance and proving coverage elsewhere~~	~~One additional week of pro-rated *time*.~~

~~(3) Nonqualified part-*time* regular employees will receive *earned time* as follows:~~

~~a. *Earned time* may not be accumulated from year to year; *earned time* not used within the calendar year *earned* will be forfeited.~~

~~b. *Earned time* will be accumulated based on the employee's length of service as follows:~~

~~1. Between zero and 24 months of continuous service~~	~~No *earned time*.~~
~~2. After at least two months of continuous service~~	~~The number of hours equivalent to one standard workweek for, up to a maximum of 29 hours.~~

~~(4) Employees not classified as having regular employment are not eligible for *earned time*.~~

Employees classified as having regular employment will receive leave defined as earned time. Earned time may be used for any purpose, including sickness, vacation, bereavement, holiday, or personal time as approved by the employee's supervisor.

(a) All eligible employees will receive earned time based on the following criteria:

(1) The part-time position that the employee holds must be an authorized position listed on the *non-union administrative, office, technical and management class allocation schedule* that has approximately the same number of scheduled hours each week and is intended to continue into the foreseeable future.

(2) In calculating the earned time, if an employee has hours worked in another employment status such as seasonal or contract, those hours are not included.

a. Qualified regular part-time employees, subject to an authorized schedule of 30-34 hours, will receive earned time as follows:

1. Commencing with the first month of employment and through forty-eight (48) months of continuous service—accrued weekly at a rate equivalent to two average workweeks for the employee.

2. After forty-eight (48) months of qualified part-time continuous service — Accrued weekly at a rate equivalent to three average workweeks for the employee.

3. A regular qualified part-time employee or Affordable Care Act (ACA) eligible contract employee (as defined in Sec. 62-92(b)) who declines health insurance and proves qualifying coverage elsewhere, the equivalent of one additional average workweek of pro-rated time awarded lump sum considering special or open enrollment timelines.

4. Earned time may be accumulated from year to year to a maximum of 160 hours.

b. Regular part-time employees, subject to an authorized schedule of less than 30 hours weekly, will receive earned time as follows:

1. Between 0 and 12 months of continuous service — No earned time.

2. Commencing after the twelfth (12) month of continuous service — Accrued weekly at a rate equivalent to one average workweek for the employee, up to a maximum of 30 hours.

3. Earned time may be accumulated from year to year to a maximum of 60 hours.

c. Employees not classified as having regular employment, excluding ACA eligible contract employees, are not eligible for earned time.

DIVISION 4. – BENEFITS.

Sec. 62-611. - Insurances.

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

(1) The city will, for all non-bargaining unit regular full-time employees, pay ~~95~~ **92** percent of the cost of option I of the medical plan premium that the city makes available to employees as of July 1, ~~2020~~, **2022;** pay ~~94~~ **91** percent as of July 1, ~~2021~~, **2025;** ~~and~~ pay ~~92~~ **90** percent as of January 1, ~~2022~~ **2026; and pay 89 percent as of July 1, 2026**. In the event that the city's percentage of the cost of option I exceeds 100 percent of the cost of any other option offered by the city, no monies will be due the employee.

(2) If an employee's spouse is also a regular full-time employee of the city, the city will offer one two-person medical plan or one family medical plan, as appropriate, so that each employee and ~~his~~ family members, if any, receive~~s~~ the same coverage but not greater coverage than other employees receive.

(b) Dental insurance. The city shall make available for all regular full-time employees a dental insurance plan. The plan shall be contributory at $1.00 per year. Participants shall have the right to opt out of coverage. If an employee's spouse is also a regular full-time employee of the city, the city will offer one two-person dental plan or one family dental plan, as appropriate, so that each employee and ~~his~~ family members, if any, receives the same coverage but not greater coverage than other employees receive.

(c) Employee death and dismemberment benefit.

(1) The city shall provide a death and an accidental dismemberment benefit for each regular full-time employee once ~~his~~ eligibility is established. The benefit providing for a payment in a maximum amount of one times the employee's annual base pay (base pay to exclude overtime, bonus incentives, shift differential, or other compensation of this nature) for each loss, as prescribed in written guidelines for the eligibility and administration of the benefit, which may be amended from time to time. This benefit may be provided through term life insurance, or otherwise, at the election of the city.

(d) Employee long-term disability insurance benefit. The city shall provide a long-term disability benefit for each regular, full-time employee once ~~his~~ eligibility is established. The benefit provides for a payment of a portion of monthly earnings up to a specified maximum for each disability, as prescribed in written guidelines for the eligibility

and administration of the benefit, which may be amended from time to time. This benefit may be provided through a disability insurance policy, or otherwise, at the election of the city.

(e) Insurances for qualified part-time employees:

(1) In accordance with the Affordable Care Act, qualified part-time employees will be offered coverage under the city's group health insurance plan. The cost to each eligible part-time employee electing coverage will be seven percent of the employee's wages up to a maximum of 40 percent of the premium cost for individual coverage. If the qualified part-time employee chooses to insure any legal dependents, the employee must pay 100 percent of the dependent coverage in addition to the share of the individual coverage. The premium amount calculated at enrollment will be in effect for the remainder of the plan year unless the employee's pay rate changes, in which case an adjustment may be made accordingly but not to exceed the maximum dollar contribution allowed by law or by applicable federal or state regulation.

(2) Qualified part-time employees will be offered coverage under the city's group dental insurance plan. The cost to each eligible part-time employee electing coverage will be 50 percent of the premium cost for individual coverage. ~~If the~~ A qualified part-time employee choose~~s~~**ing** to insure any legal dependents~~, he~~ must pay 100 percent of the dependent coverage in addition to the share of the individual coverage.

Sec. 62-612. - Tuition assistance plan.

The ~~purpose of the~~ Tuition Assistance Program is **provided** ~~twofold~~ to ~~provide~~ support **financially** ~~for~~ the development of **the employee's knowledge and** skills ~~and knowledge that will be of direct benefit to the City's business results and service excellence~~, as well as ~~and~~ to **further** encourage ~~you to further your~~ self-development, **both of which will be of direct benefit to the City's effective business operations. This self-development,** ~~by means of financial assistance for education undertaken while carrying on your regular work~~, **can assist the employee in** ~~for your~~ current **role** ~~assignments~~ and **can** help ~~you~~ prepare for higher-level positions ~~by means of financial assistance for education undertaken while carrying on your regular work~~. Guidelines are as follows:

(1) ~~You~~ **The employee** may apply for tuition assistance after successful completion of twelve (12) months of continuous regular full-time ~~regular~~ employment. **"Successful completion" means earning a minimum grade equivalent to a "C" for an undergraduate course and a minimum grade equivalent to a "B" for graduate-level courses.**

(2) ~~(3)~~ To qualify for tuition assistance, the course(s) taken must:

- Relate to one of the following: to improve ~~your~~ **employee** skills or to update technical knowledge required for ~~you're~~ **the** current position~~,~~ **or for** ~~to~~ prepar**eation** ~~you~~ for changes in duty requirements. ~~Courses cannot be taken for recreational or miscellaneous reasons—They must be related to your job requirements.~~
- Be required for the completion of a high school diploma;
- Be required for the completion of an appropriate college degree;
- Be a continuing education class in ~~you're the~~ **employee's** career field; or
- Be a review course leading to qualifying examinations where, in the opinion of the department, your job requires the maintenance of the professional license~~s~~ **or certification** obtained by these examinations.

(3) ~~(2)~~ The school, college or university or the business, trade or **online** ~~correspondence~~ school offering the course(s) **or program** must be accredited by the state**,** ~~or by~~ a~~n~~ **city-recognized professional** accrediting organization, or ~~recognized~~ by the U.S. Secretary of Education as a "reliable authority as to the quality of postsecondary education" within the meaning of the Higher Education Act of 1965, as amended (HEA).

(4) All courses are subject to the prior approval of ~~you're~~ **the** department head, the human resources director, and the city manager. For degree programs, the major must be in a field of direct value to the city. Because a degree program represents a significant expenditure by the city and substantial effort on ~~you're~~ **the employee's** part, ~~you~~ **the employee** must complete and submit the pre-approval section of the tuition assistance request form prior to enrolling in a course before ~~you~~ start**ing** a degree program and submit it for approval.

(5) ~~Costs are charged to your department~~. For budgeting purposes, ~~you~~ **the employee** must inform ~~you're~~ **the** department head in writing by **each year's** ~~no later than February 1~~ **deadline** ~~each year~~ of any planned request for assistance under this ~~plan~~ **program**, along with an estimate of costs, so ~~you're~~ **the city** ~~department~~ reasonably can

plan for it in the ensuing budget year. If ~~you~~ **the employee** do**es** not comply with this requirement, ~~you~~ **the employee** may be denied assistance under the ~~plan~~ **program**. **Application may be made by completing a Tuition Assistance Request, available through the Human Resources Department.**

(6) The only costs covered under the tuition assistance program are tuition and books. Any other fees or expenses are not covered.

(7) ~~The City's~~ **A** portion of the tuition and books may be ~~either~~ reimbursed by the City after successful completion of the course~~ or paid in advance at the time of enrollment~~. **Successful completion is defined in guideline 1 above.**

~~(9)~~ (8) ~~Employees may enroll in a maximum of two courses in an academic term. The~~ **C**courses being taken ~~concurrently~~ by an employee must not interfere with effective job performance.

~~(8)~~ (9) The city **may** loan in advance, or ~~will~~ provide reimbursement **in the form of a loan** at successful completion of the course, **as defined in guideline 1,** (~~a portion of up to three quarters ($^3/_4$)~~) of the current tuition rate **and/or book costs** for courses at any accredited institution) **as authorized by the operating budget and** if approved in advance by the City Manager. Expenses must be validated by receipts or invoices. Once ~~you~~ ~~successfully have completed~~ the course **has been completed successfully**, ~~you~~ **the employee** must re-submit the tuition assistance ~~request~~ **loan/reimbursement** form **within 30 days of completion of the course** ~~must be resubmitted~~ to the human resources director, ~~and~~ attach**ing an original grade report as** evidence of **the** ~~your~~ passing grade. In no case may the combination of assistance under a federal, state, or other student **or veteran** aid program and the city's tuition assistance total more than 100 percent of ~~your~~ tuition **and/or book** costs.

~~(10) The City also will loan in advance, or provide reimbursement at successful completion, (a portion of up to three quarters ($^3/_4$) of book costs) (not including any shipping fees) for any approved course. Expenses must be validated by receipts or invoices. If book costs have been paid on your behalf up front and the course is not completed successfully, you must repay the book loan. Successful completion means earning a minimum grade of "C" for an under-graduate course and a minimum grade of "B" for graduate-level courses. If you do not meet these minimum grade requirements, you must repay the entire loan. To provide evidence of successful course completion, you must submit an original grade report. Failure to do so will require full refund to the city of all monies received for the semester in question. If book costs have been paid on your behalf up front and the course is not completed successfully (as defined above), you must repay the book loan. In no case may the combination of assistance under a federal, state, or other student aid program and the city's tuition assistance total more than 100 percent of your book costs.~~

(1**0**~~1~~) ~~Whether paid in advance or reimbursed after successful completion of the course~~, Reimbursement benefits under the tuition assistance program ~~further~~ are considered a loan in that, for each course supported in part by the city, ~~you~~ **the employee** must repay the city with time by agreeing to remain with the city for at least six (6) months after completion of each course, on a non-overlapping basis. Successful completion of the above-mentioned six-month period will constitute repayment of the city loan for one course.

(1**1**~~2~~) Courses must begin and end while ~~you are~~ in active employment status. If you leave city employment or are dismissed within six months after completing a course and your tuition assistance was paid in advance, you must repay the city's portion of the loan or the pro-rated portion of the loan that has not been repaid for the employment-time requirements mentioned above. If your tuition assistance was to be reimbursed at the end of successful completion of your course(s), you are not eligible for reimbursement. Employees who are laid off or who are terminated because of a reduction in force will receive refunds following successful completion of an approved course that commenced while ~~you were~~ in active status.

(1**2**~~3~~) ~~You~~ **Employees** should enroll in courses offered at times that will not hinder ~~you're~~ **their** ability to work ~~your~~ **their** regularly scheduled hours. If this is impossible, ~~you~~ **they** may wish to apply for education leave. To be eligible for the use of the tuition assistance program, ~~you're~~ **their** overall job performance must meet the expectations of ~~your~~ **the** supervisor and department management.

(13~~4~~) Refunds made under this plan may be considered taxable income **and employees are responsible to pay their share of the federal income tax**. Employees should retain adequate records to support the claim of a deduction they may make on their personal income tax returns for any unreimbursed or reimbursed portions. **Employees** ~~You~~ may wish to consult **their** ~~your~~ own tax accountant or attorney regarding this benefit.

(14~~5~~) While completion of courses may improve ~~you're~~ **the employee's** qualifications, it should not be construed as a guarantee of any future action on the part of the city.

(15~~6~~) Any certificate(s) and/or degree(s) forwarded to Human Resources for the employee's personnel file will document efforts to improve the quality of job performance.

Sec. 62-613. - Pension and retirement ~~for regular full-time employees~~.

The city hereby accepts the provisions of the state retirement system subject to the following restrictions:

(5) All employees are eligible, without city participation, to join **a** ~~one of the following Section 457~~ Deferred Compensation Plans~~,~~ **with which the City is affiliated**, ~~an eligible deferred compensation plan~~ **as** governed by Section 457(b) of the Internal Revenue Code. ~~I.C.M.A-RC, Nationwide Retirement Solutions, State of New Hampshire Public Employees Deferred Compensation Plan, and Valic Financial. All of the~~ **Any such** plans **is** ~~are~~ fully employee funded and are of no cost to the City of Keene.

Sec. 62-615. - Liability, insurance and indemnification of city officers and employees.

~~The city shall indemnify and save harmless from loss or damage occurring after the effective date of the ordinance from which this section derives each and every current or former city officer, official and employee, whether elected, appointed or retained, excluding independent contractors and any other parties determined by the city council not to be a city officer, official or employee of the city, in accordance with state statutes, provided that the city council shall have first determined that at the time of the accident resulting in the injury, damage or destruction at issue the officer, official or employee of the city was acting as such in good faith and within the scope of his employment or office. Further, any city officer, official or employee requesting indemnification and to be saved harmless for loss or damage pursuant to this section shall notify the city by filing with the city clerk his request and the reason or basis therefor within 14 days of the date upon which he knows or should have known of such claim, or the city may decline to indemnify or save him harmless therefor. Any legal fees, costs or other expenses incurred by the officer, official or employee prior to his request having been filed and granted by the city council shall be borne by the officer, official or employee, unless the city council shall agree to be responsible therefor. Nothing in this section shall be deemed or construed to limit, diminish or otherwise affect the benefits of a contract of insurance providing for the defense and payment of claims affecting a city officer, official or employee which may otherwise be recognized under this section, nor shall this section constitute a collateral source for the payment of any such claim or a covenant to reimburse, or a promise upon which reimbursement can be founded, to any insurance company defending, settling, or paying any such claim pursuant to a contract of insurance, but shall operate in the fashion of excess coverage thereto.~~

The City shall indemnify and save harmless all city officers, officials and employees through the purchase of comprehensive liability insurance coverage to protect from loss or damage to property, liability, and employment claims incurred while acting within the scope of official duties in accordance with New Hampshire state law.

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Jay V. Kahn, Mayor

In City Council December 5, 2024.
Referred to the Finance, Organization and Personnel Committee.

City Clerk

ITEM #K.1.

CITY OF KEENE
NEW HAMPSHIRE

Meeting Date: December 19, 2024

To: Mayor and Keene City Council

From: Planning, Licenses and Development Committee, Standing Committee

Through:

Subject: **Relating to Development on Class VI Highways and Private Roads Resolution R-2024-43**

Recommendation:
On a vote of 4–0, the Planning, Licenses and Development Committee recommends the adoption of Resolution R-2024-43.

Attachments:
1. Resolution R-2024-43_Referral

Background:
Vice Chair Jones welcomed Senior Planner, Mari Brunner, who described this Resolution that staff drafted in response to a request from the City Council. When the Council rescinded the previous resolution related to development on Class VI Highways, staff was directed to develop a new policy/resolution to provide guidance for when someone applies for a Building Permit under NH RSA 674:41. Ms. Brunner presented something to the Committee that she had brainstormed with the former the Community Development Director. She read the first recommended criterion:

1. The proposed development is consistent with either the existing development pattern or the desired development pattern.
   a. The desired development patterns would be based on the Future Land Use section of the adopted Master Plan.
   b. The established development pattern shall be based on abutting properties and properties within 200 feet of the boundaries of the lot upon which a building permit is proposed.

Ms. Brunner said the first criterion developed through talking about the different situations in which a private road or Class VI highway could exist in Keene, including the very remote and rural areas, but also in the downtown. So, staff though that it would be best to consider them on a case-by-case basis, which was what the statute would require, and it would give the Council the opportunity to ensure this type of development fits with what would surround it.

Ms. Brunner read the remaining recommended criteria:

2. The proposed development will be established, maintained, and operated so as to not endanger

public health, safety, or welfare.
3. The proposed development will not place an excessive burden on public improvements, facilities, services, or utilities.
4. All requirements of NH Revised Statute Annotated 674:41 shall be met.

This second criterion came from the City's Zoning regulations to align. She was unsure whether the fourth criterion was necessary. Per these criteria, the property owner would have to agree that the municipality is not liable for maintenance, and there would be various requirements trying to protect the municipality from having to take the road over and turn it back into a Class V road or into a Class V road if it was never one.

Vice Chair Jones asked if the private road would have to meet City standards. Ms. Brunner said no, it would have to meet the City's existing definition of a private road (vs. an easement). Many existing private roads in the City were not built to the current road standards, but if someone were to build a new private road, it would have to meet the City's current standards for building a road. Vice Chair Jones added that this Resolution includes only Class VI roads, but the Joint Committee had a more time item dealing with other private roads. Ms. Brunner said this Resolution deals with Class VI and private roads. When the Council adopted the original policy, the State statute only included Class VI roads and private roads were incorporated at a later date. So, this issue arose in the City recently due to private roads in built-up areas of the City where there could be development, and because it would require a 2/3 vote of the City Council to suspend this Resolution to consider Building Permits on those roads, it made that process difficult. Vice Chair Jones said there was a difference between this and what was on more time for the Joint Committee. Ms. Brunner said yes, the Joint Committee was considering whether or not to allow private roads to be constructed, which required a variance at this time. Vice Chair Jones thought this was a good thing and another tool to develop new housing in the City, so he thanked staff for bringing it forward.

Councilor Madison agreed with Vice Chair Jones, stating that this was a commonsense solution and another tool for the City in the housing crisis to resolve minor problems, so he also thanked Ms. Brunner for the good work.

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

On a vote of 4–0, the Planning, Licenses and Development Committee recommends the adoption of Resolution R-2024-43.

RESOLUTION R-2024-43

CITY OF KEENE

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

A RESOLUTION Relating to Development on Class VI Highways and Private Roads

In accordance with NH Revised Statute Annotated 674:41, I (c) and (d) et. seq., if the street giving access to the lot upon which a building permit is proposed is a Class VI highway or a private road, the City Council may, by majority vote, authorize the issuance of a building permit for the erection of buildings on said Class VI highway / private road or a portion thereof, provided that the City Council finds that the following criteria are met:

1. The proposed development is consistent with either the existing or desired development pattern.
    a. The desired development pattern shall be based on the Future Land Use section of the adopted Master Plan.
    b. The established development pattern shall be based on abutting properties and properties within 200 feet of the boundaries of the lot upon which a building permit is proposed.
2. The proposed development will be established, maintained, and operated so as to not endanger public health, safety, or welfare.
3. The proposed development will not place an excessive burden on public improvements, facilities, services, or utilities.
4. All requirements of NH Revised Statute Annotated 674:41 shall be met.

In City Council November 21, 2024.
Referred to the Planning, Licenses and Development Committee.

City Clerk

Jay V. Kahn, Mayor