



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
April 7, 2022
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- March 17, 2022

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Public Hearing - Eversource Energy - Tree Trimming on Scenic Roads

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmations
 - Planning Board
 - Airport Development and Marketing Committee
2. Nominations
 - Historic District Commission

C. COMMUNICATIONS

1. Farmer's Market of Keene - Request to Use City Property
2. Cabana Falls Winery - Request Permission to Sell Alcohol at the Farmer's Market of Keene
3. Keene State College - Request to Discharge Fireworks
4. Keene Family YMCA - Request to Use City Property - Youth Triathlon

5. Monica Marshall - Request that Railroad Square be Designated a Smoke Free Zone
6. Roger Weinreich - Request Consideration of the Construction of a Roundabout Immediately South of Central Square as a Part of the Downtown Infrastructure Improvements
7. Councilor Mitchell Greenwald - Conflict of Interest - Downtown Businesses
8. Councilor Raleigh Ormerod - Request for Remote Access to Meetings and Exemption from 24 Hour Notice Requirement

D. REPORTS - COUNCIL COMMITTEES

1. The Licensing of Cats to Protect Birds and Small Animals
2. Request to Remove a Nearby City Tree – 79 Woodburn Street
3. Acceptance of Hazardous Materials Emergency Preparedness Grant - Fire Department
4. Acceptance of Local Source Water Protection Grant - Public Works Department
5. Lease of City Property for Renewable Energy Projects at Monadnock View Cemetery and Rose Lane - Assistant Public Works Director
6. Negotiate Lease of Airport Property – Monadnock Aviation - Airport Director
7. Encouraging the City to Develop a Homelessness Strategy through Programs that Focus on Reducing Harms Associated with Homelessness
8. Machina Kitchen and ArtBar – Request to Use City Public Parking Spaces – Parklets
9. Rules of Order – Section 15 – Conflicts of Interest – City Attorney

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

1. Ordinance O-2022-02 – Relating to Zone Change - 19 Whitcomb's Mill Road - Rural and Agriculture to Low Density 1

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

J. ORDINANCES FOR SECOND READING

1. Relating to Stop Signs - Washington Avenue
Ordinance O-2022-03

K. RESOLUTIONS

1. In Appreciation of Mark F. Howard Upon His Retirement
Resolution R-2022-07
2. Relating to the Appropriation of Funds for the City Hall Parking Structure
Maintenance Project
Resolution R-2022-08
3. Relating to the Absolute Discontinuance of a Portion of the Commercial
Street Parking Area
Resolution R-2022-13

NON PUBLIC SESSION

ADJOURNMENT

L. TABLED ITEMS

1. Council Policy: Relating to the Legislative Process
Resolution R-2022-06

A regular meeting of the Keene City Council was held on Thursday, March 17, 2022. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Bryan J. Lake, Michael J. Remy, Gladys Johnsen, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Councilor Roberts led the Pledge of Allegiance

ANNOUNCEMENTS

Mayor Hansel wished everyone a Happy St. Patrick's Day. He led the Council in celebrating the March birthdays of Councilors Randy Filiault and Bettina Chadbourne.

MINUTES

A motion by Councilor Powers to adopt the March 3, 2022 minutes as presented was duly seconded by Councilor Bosley. The motion carried unanimously with 15 Councilors present and voting in favor.

NOMINATIONS

Mayor Hansel nominated Gail Somers to move from a regular to an alternate membership and Armando Rangel to move from an alternate to a regular position on the Planning Board, with terms to expire December 31, 2022. The Mayor also nominated Kristopher Radder to the Airport Development and Marketing Committee, with a term to expire December 31, 2024. Mayor Hansel tabled the nominations until the next regular meeting.

APPOINTMENT OF AN AD HOC DOWNTOWN INFRASTRUCTURE PROJECT STEERING COMMITTEE

Mayor Hansel nominated the following individuals to serve on the ad hoc Downtown Infrastructure Project Steering Committee, with a charge to review the scope and design of utility replacements as well as improvements to the downtown area. The Ad Hoc Committee will serve as an advocate for the project and be the host for any public interaction events. Finally, the ad hoc Committee will make its recommendations to the City Council with regards to the project. The Mayor appointed the following: Mayor George S. Hansel (Chair), Councilor Randy Filiault, Councilor Mitchell Greenwald, Councilor Andrew Madison, Dillon Benik (Bicycle/Pedestrian Path Advisory Committee), Alex Faulkner (Amiccis), Alec Doyle (The Colonial Theatre), Mark Rebillard (Deep Roots Massage), Brandie Wells (Soul Emporium), Nathalie Houder (Keene State College), Cheryl Belair (downtown resident), and Robert Patton-Spruill (downtown property owner). A motion by Councilor Powers to confirm the appointment was duly seconded by Councilor Bosley.

Discussion ensued about missing representation on the Committee and the Mayor explained that the process for nominating people to these special committees is not an easy one. It is challenging to find qualified people who are available to fill those representations. Still, Mayor Hansel said there would be opportunities for plenty of public input on this project and he invited members of the public to attend any of the Committee meetings, stating the need for the public to

step-up and weigh-in on this project so it is successful. The motion to confirm the appointments carried unanimously with 15 Councilors present and voting in favor.

COMMUNICATION – DANYA LANDIS/MACHINA KITCHEN AND ARTBAR – REQUEST TO USE CITY PUBLIC PARKING SPACES – PARKLETS

A communication was received from Danya Landis, requesting use of public parking spaces in front of her establishment for the location of parklets that would be used to expand the outdoor dining spaces for the restaurant. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee. The concept of parklets would be discussed later in the agenda.

COMMUNICATION – COUNCILOR REMY – CONFLICT OF INTEREST – KYPN FOOD FESTIVAL

A communication was received from Councilor Remy, who serves as the Event Chair for the Keene Young Professionals Network, requesting that he be allowed to abstain from the vote on the license for this event. Councilor Remy stated that he was not confident that he had a conflict of interest and was seeking Council input. A motion by Councilor Powers to accept that the conflict of interest exists was duly seconded by Councilor Bosley. The Clerk clarified that a yes vote would accept the conflict and a no vote would indicate the Council sees no conflict. Discussion ensued.

Councilor Bosley noted a lengthy discussion at the PLD Committee with the City Attorney about conflicts of interest and how the matter applies appropriately to boards and commissions that Councilors sit on. However, there was clarification that this was not about organization members, but those who sit in executive roles for those organizations. Councilor Bosley also made the assumption that a board or commission seat should constitute a conflict when negotiating financial contracts with the City, not necessarily on the level at which Councilor Remy serves on KYPN.

The City Attorney noted that an amendment to the Rules of Order would be discussed later on the agenda. The existing and possibly amended Rule did not include fiduciary obligations, only pecuniary. Fiduciary responsibilities are those that imply a duty of loyalty to some entity and is not just financial. However, if the Council believed that Councilor Remy's work on this project put him in positions of duty of loyalty to that project, then the City Attorney said they might want to find a conflict. Having encountered this issue in many different capacities, Mayor Hansel said his opinion was that a conflict exists when the City is on one side of a negotiation and an organization is on the other side—when there is potential for opposing interests. He did not see a conflict for permits and licenses that involve no negotiations. On a vote of 1–14, the City Council found no conflict of interest to exist. Councilor Williams voted in the minority.

COMMUNICATION – COUNCILORS WILLIAMS, WORKMAN, AND LAKE – ENCOURAGING THE CITY TO DEVELOP A HOMELESSNESS STRATEGY THROUGH PROGRAMS THAT FOCUS ON REDUCING HARMS ASSOCIATED WITH HOMELESSNESS

A communication was received from Councilors Williams, Workman, and Lake, asking that the City take stock of its housing and homelessness strategy and consider instituting programs that focus on reducing harm associated with homelessness, which affects both people experiencing homelessness and the broader community. Mayor Hansel referred the communication to the Finance, Organization, and Personnel Committee.

PLD REPORT – DANYA LANDIS/MACHINA KITCHEN & ARTBAR – REQUEST TO SERVE ALCOHOL AT SIDEWALK CAFÉ

A Planning, Licenses, and Development Committee report read, recommending that Machina Kitchen & ArtBar be granted permission to serve alcoholic beverages in connection with their Sidewalk Café License, subject to the customary licensing requirements of the City Council, and compliance with the requirements of Sections 46-1191 through 46-1196 of the City Code. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Giacomo. The motion carried unanimously with 15 Councilors present and voting in favor.

PLD REPORT – GAIL SOMERS/YAHSO JAMAICAN GRILLE – REQUEST TO SERVE ALCOHOL AT SIDEWALK CAFÉ

A Planning, Licenses, and Development Committee report read, recommending that Yahso Jamaican Grille be granted permission to serve alcoholic beverages in connection with their Sidewalk Café License, subject to the customary licensing requirements of the City Council, and compliance with the requirements of Sections 46-1191 through 46-1196 of the City Code.

The City Clerk recognized that Councilor Greenwald had a standing conflict of interest as the property owner of 45 Main Street, the location of the Jamaican Grille. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Giacomo. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Greenwald abstained.

PLD REPORT – KEENE YOUNG PROFESSIONALS NETWORK – KEENE FOOD FESTIVAL – REQUEST TO USE CITY PROPERTY

A Planning, Licenses, and Development Committee report read, recommending that the Keene Young Professionals Network be granted permission to use downtown City rights-of-way on Saturday, June 4, 2022 with rain date of June 5, 2022 subject to the discretion of the applicant, to conduct a Food Festival conditional upon the following:

- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement;
- That the Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated to the event, and agrees to remit said payment within 30-days of the date of invoicing;
- That the footprint and layout for the event shall encumber the traveled portions of Central Square, Main Street both sides from Central Square to Railroad Street and Gilbo Avenue,

and a portion of Railroad Street. Road closures may include any portions of other streets needed to facilitate detour routes. The full extent of road closures and detour routes shall be agreed upon with City staff;

- That the Petitioner is permitted to place porta-potties in City parking spaces located at the base of Washington Street from Friday, June 3, 2022 to Monday June 6, 2022, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That the actual event will be held from 11:30 AM to 4:00 PM with the times for set up and clean up to be established with City staff;
- That free parking be granted under the provisions of the free parking policy for City parking spaces on Washington Street needed for storage of equipment from Friday, June 3, 2022 to Monday June 6, 2022; and spaces within the event footprint on the day of the event;
- The submittal of signed letters of permission from any private property owners for the use of their property; and
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.

A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Giacomo. Discussion ensued. Councilor Johnsen referred to the permission for the applicants to place porta-potties overnight in City parking spaces and she referred to the comment “to ensure they are not vandalized while unattended overnight,” and asked how they will assure that. Councilor Remy replied that they would be chained together, which makes it harder to tip them over. Councilor Remy continued commenting that the KYPN was excited to bring the event back this year, which is planned to be largely similar to the great event last year, while having learned some lessons. They are still seeking sponsors and volunteers, and he welcomed all the public to attend. Councilor Jones reminded the Council that this event was conceived from the Keene Rebound Committee and the KYPN stepped-up to make it happen. The motion carried unanimously with 15 Councilors present and voting in favor.

PLD REPORT – RULES OF ORDER – SECTION 4 – QUORUM AND REMOTE PARTICIPATION

A Planning, Licenses, and Development Committee report read, recommending that the City Attorney draft an amendment to Section 4 of the Rules of Order in accordance with the background notes of the Committee’s discussion. Mayor Hansel noted that this and the next agenda item were culminations of workshopping some controversial topics out of the previously adopted City Council Rules of Order. A motion by Councilor Bosley to suspend the Rules of Order to allow action on this proposed amendment was duly seconded by Councilor Giacomo.

Discussion ensued. Councilor Bosley recalled the ample time the PLD Committee put into revising this language this year and last. Second, Councilor Chadbourne commended the PLD Committee, saying they did a great job and that she was really happy with the amendments presented.

The motion to suspend the Rules of Order carried unanimously on a roll call vote with 15 Councilors present and voting in favor. A motion by Councilor Bosley to amend Section Four of the Rules of Order as recommended by the Planning, Licenses, and Development Committee was duly seconded by Councilor Giacomo. Councilor Bosley summarized the PLD Committee report. Mayor Hansel welcomed discussion.

Councilor Workman noted that she would likely vote in opposition. She wanted to highlight that if 24-hour notice is required, then most of the permitted reasons like health issues and road conditions would not be known that far in advance. She said that many parents are already members of the City Council and even single parents had found the time for Council duties. When she asks constituents why they do not run for office, their answers are not usually about lack of availability or remote participation, but because they do not want public scrutiny. Councilor Workman thought this was only happening because the current Council wanted it.

Councilor Jones was opposed and wanted to bring forward three issues. First, he asked the City Clerk, Patty Little, whether the Ordinance governing Councilors' pay was based on attendance. The City Clerk responded that the City Charter contains the compensation provision for City Councilors. Councilor Jones addressed the City Attorney, Thomas Mullins, stating that because of the Americans with Disabilities Act (ADA) the City must provide reasonable provisions to those with disabilities, but under this amendment, those participating remotely would not be counted as a part of the voting quorum. The City Attorney confirmed that those participating remotely cannot be counted as a part of the quorum because the current State Statute provides that a quorum must be present physically. Thus, Councilor Jones asked how a disabled person who needs remote participation would ever be counted as a part of the quorum. The City Attorney said they could not by State Statute. Councilor Jones questioned what would happen if technology "cut-out" for someone participating remotely. The City Attorney said that at that point they would be considered absent and the meeting would continue with the quorum present; just like if a Councilor walked out of the Council Chambers before a vote. Mayor Hansel agreed that Councilors could walk out on a vote in the Council Chambers if they choose. The City Attorney said the Rules were amended in the past so that Councilors do not need permission to exit the meeting.

Councilor Roberts said this was a tough one as he read the language and listened to his peers. He noted that he has some extremely serious disabilities, and it requires significant effort for him to be present at Council meetings, from which he is very exhausted after. Still, he said he was elected to represent the people and be present. He said Councilors are elected for up to four years and under this amendment, they could never have to show up. Councilor Roberts also suggested caution on the wording because he found the amendment a little insulting to those with disabilities, when he makes the effort to be present.

Councilor Workman echoed Councilor Roberts remarks. Councilor Workman asked the City Attorney, whether this amendment was adopted, if the City would still have to follow the ADA and provide reasonable accommodations if a person with a disability requested. The City Attorney stated that his understanding was that Councilor Workman's statement would be correct under the current State law.

The City Attorney continued, noting that there was a case presently pending before the First Circuit Court of Appeal that came out of the NH House of Representatives during Covid-19. There was an action file against the Speaker of the House because the House had adopted a rule that basically prohibited remote participation. The City Attorney said that some members of the House sued, claiming that it was a discriminatory matter under the ADA and Federal Rehabilitation Act. The Federal District Court in Concord avoided the question of disabilities and essentially said that the House of Representatives is a co-equal branch of government and has the right to make its own rules, and so they dismissed the request for injunctive relief. When the matter went to the First Circuit Court—a three-member panel—the District Court’s decision was reversed. The District Court and the Appeals Court reached different conclusions, after which the House of Representatives requested that the full Circuit Court of Appeal rule on the matter, which had not yet occurred. The City Attorney clarified that even if the House of Representatives rules that they do not have to provide remote accommodations that would not necessarily apply to this City Council. This was the City Attorney’s way of saying the risk was still there and he would not like to be in the position where the City Council disallows the remote opportunity to someone who meets ADA qualifications.

Councilor Ormerod looked at this matter from the world we live in now, in which many organizations are operating remotely and making decisions that impact life. He said the City proved they could do remote participation during Covid-19. Many of the boards he is a member of have successfully conducted business remotely. Councilor Ormerod knew the Council could be very effective operating this way. He clarified that the decision would still be left to the discretion of the public body to allow or disallow remote participation. The decision is usually by consensus but if that does not exist, the Chair can still use their discretion, which can be overruled if it is clear someone has abused the privilege. Thus, the PLD wrote this Rule to control for misbehavior. Councilor Ormerod supported this amendment.

Councilor Johnsen said it was an interesting conversation at PLD and she heard both sides, including Councilor Filiault’s comments that the current language in the Rules had been working since the 1800s and should still work now. Councilor Johnsen thought we had become much more sophisticated since then and are no longer just a group of very dedicated men getting together at these meetings. Now there is a mixture of people and the PLD Committee hoped for all kinds of inclusivity. She cited the Chair needing to give her a ride to PLD in poor weather conditions, when she could have been present by Zoom (which she was able to do for the Heritage Commission that same day). She said there are circumstances in human beings’ lives that come into play for those dedicated to this Council process. Councilor Johnsen still wants to contribute when she cannot be physically present.

Councilor Bosley spoke to Councilor Roberts’ points. Councilor Bosley thought one of the most important things were the following proposed words: “Remote participation by members is discouraged.” She said that no one wanted to see remote participation happening, but that all Councilors had moments of extenuating circumstances in their lives. She heard that this had worked since the 1800s, but said that today there are Councilors who travel for work or might not be able to find childcare. She believes that her opinion on the Council is valuable, and she

thinks creating an environment where all know that being in the room is the most effective way is important. She said it was clear during Covid-19 that Zoom meetings were laborious and there was probably less verbal participation than when present in the Council Chambers. Councilor Bosley said this provision would only be for extenuating circumstances and it was clearly stated that it was discouraged.

Councilor Filiault stated his opinion that, "If it ain't broke, don't fix it." He realized that new technologies were available, but said that did not mean it was better than what the Council had been doing. He said that Zoom was ineffective and it did not work well during the pandemic. He cited Councilor Johnsen's mention of road conditions, which he said someone would not know 24 hours in advance. He said more questions were arising during this discussion and he said it was "opening a can of worms." He was unsure how far this issue could go in trying to make Council convenient to everyone, which he said would never happen. He said there was a Council of 15 members so the body could still function when people are absent. He said the Rules were designed to work. He understood the need to return to Zoom if there were another emergency order. He said that if someone running for Council could not commit to being present just two nights monthly, then they should not run; the Council could not accommodate everyone in every situation. Councilor Filiault said the 24-hour aspect would not work. He stated kudos to Councilor Roberts because people should be making every effort to show-up. Councilor Filiault thinks constituents would agree that Councilors were elected to show-up. He added that the statement saying it is discouraged proved that the Council does not really like it. Councilor Filiault noted he continued to be adamantly opposed to this amendment.

Councilor Giacomo was unsure what Councilor was only attending two meetings monthly, stating that it is more like four to five meetings, which did not include other City Committees the Councilors sit on. Councilor Giacomo continued agreeing with Councilor Filiault's comments that remote participation does not work as well, but said that the Council had proven it does work. He said the suggestion was not to switch all of Council to Zoom permanently, but rather to give people every opportunity to participate and give elected officials every opportunity to do their jobs. He said that if two Councilors were absent from the same Ward, that Ward would have no representation. He said all Councilors were voted into this office to participate and because they believe they have something to say; their voices matter and should not just go away due to absence. Councilor Giacomo said this would not change things in a negative direction, but enable alternate solutions to allow participation for permissible reasons. He hoped the Council could agreed that this should never be the first option and that while it is inferior, it has proven effective.

Councilor Lake voiced his support for this amendment because it made sense to use available technology in circumstances out of people's control. As long as the set of circumstances allowed for was narrow enough, he thought it made sense to allow. He said it would not be used often and would not be less efficient. Rather, he thought it would increase participation, which he said the Council should support where possible.

Councilor Jones noted that this option could be abused. He cited how many times, for example, that people tried to run for Council with false addresses and stated that extremists would always

take advantage. He said this had become a very divisive society and people with extreme visions are trying to be more involved “just to get their plight out in front of people.” He said that with this option, a Councilor could never attend meetings in person. Councilor Jones wanted to avoid abuses and vulnerability to extremism.

Councilor Lake addressed this issue of potential abuses. He stated that his reading of the amendment found provisions included to combat someone openly abusing the privilege because the public body can use its discretion and vote to disallow the remote participation. He said abuses would be stopped unless the whole Council allowed it to happen.

Councilor Roberts also addressed potential abuses, stating that some could consider the repeated inability to find childcare as an abuse of the privilege, for example. He said there was no definition of abuse, and it could be different to each Councilor. He said they were present to do the business of the Council and not to decide who might be abusing remote participation.

On a roll call vote of 11–4, the motion carried to amend Section Four of the Rules of Order as recommended by the Planning, Licenses, and Development Committee. Councilors Filiault, Jones, Roberts, and Workman voted in the minority.

PLD REPORT – RULES OF ORDER – SECTION 15 – CONFLICTS OF INTEREST

A Planning, Licenses, and Development Committee report read, recommending that the City Attorney draft an amendment to Section 15 of the Rules of Order in accordance with the background notes of the Committee’s discussion. A motion by Councilor Bosley to suspend the Rules of Order to allow action on this proposed amendment at this meeting was duly seconded by Councilor Giacomo. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor. The Rules were suspended. A motion by Councilor Bosley to amend Section 15 of the Rules of Order as recommended by the Planning, Licenses, and Development Committee was duly seconded by Councilor Giacomo.

Councilor Bosley summarized the Committee report. She noted that language was changed in the beginning of the proposed amendment to only account for immediate family’s pecuniary interests—not personal—but that language did not carry through to the final paragraph of the amendment. There was an additional statement that, “The Mayor and Council shall file with the City Clerk each January a Statement of Interest form,” on which the intention is for the Councilors to identify their source of employment and any boards or organizations they sit on. This statement also reads that it should be done for the immediate family as well. Councilor Bosley proposed the following amendment, which she said was the original intent of the PLD Committee’s discussion and vote, as reflected in the meeting minutes.

A motion by Councilor Bosley to amend the proposed Section 15 of the Rules of Order to strike the second sentence of the final paragraph to instead read: “The Statement of Interest shall identify for each Councilor and for each person in the immediate family the person’s employer, and shall state for each Councilor any board, commission, organization, association, or other entity with which the person is a member of and whether the person holds a leadership position in that organization,” was duly seconded by Councilor Giacomo. Discussion ensued.

Councilor Roberts wanted to know why the word “household” was stricken and replaced with “immediate family.” He noted that more households in the US are unmarried and thus someone could have a closer interest with a partner who is not in their immediate family, but is a part of their household. He provided further examples. He said that calling this “immediate family” was limiting to an older demographic that is largely married. He thought caution was needed on changing these terms. The City Attorney said that this went back to the defined term of immediate family in the first paragraph, which is “the parent, a child, or other member of the Councilor's immediate family” as those in the household. The definition does not require biological relation. Councilor Roberts still thought that immediate family was clear, whereas the language earlier in the section could be a partner, which he said left a lot for the Council to make the determination versus the Ordinance doing so.

Councilor Giacomo said part of what Councilor Roberts was speaking to was what the PLD Committee discussed as only looking for pecuniary interests of immediate family members because there is usually a financial tie to those in one’s household.

Councilor Filiault had a problem with this amendment, but said it had nothing to do with the wording. He said there used to be strict standards on when to suspend the Rules of Order. He thinks the Rules were now being suspended often when he did not think it was needed. Then amendments are proposed on the floor while the Rules are suspended, like at this meeting, which he opposes. He realized that the PLD Committee had spent a long time on this issue, but he would rather have it go back to Committee than have amendments happening on the fly while the Rules are suspended. Councilor Filiault said he was opposed to the amendment not because of the wording but because the Rules were being suspended to amend something hastily.

Councilor Jones asked whether the Statements of Interest be public because they state Councilors’ and immediate families’ places of work and more. Mayor Hansel replied in the affirmative. Councilor Jones said that would open issues too. He was scared that there could be abuses, or people showing up to family members’ places of work, for example. He did not think it necessary to expose where spouses work. Councilor Jones said that for years, Councilors just stated when their spouses had pecuniary interests. He said it worked well for years without filing such documents.

Councilor Lake was sympathetic to the idea that the Council should not be amending things while the Rules are suspended. He thought this amendment would get that Statement of Interest to function as anticipated. He asked the City Attorney.

The City Attorney clarified that when he drafted this version of the amendment, it was based on the PLD meeting that was captured about the distinction between pecuniary and personal interests for Councilors and their immediate family. Unfortunately, the City Attorney said those details did not carry into the final paragraph. He said the final paragraph was intended to keep the same structure: for each Councilor and their immediate family, pecuniary interests should be disclosed, however, only the Councilor must disclose personal interests, such as the boards they sit on. He said the Council had discussed whether to have this Statement of Interest last year, but the amendment was not adopted.

Councilor Madison asked the City Attorney whether campaign contributions to a City Councilor—cash or in-kind services—would be considered pecuniary interests that the Councilor would have to disclose. The City Attorney replied, “Yes, probably” under the definition of pecuniary interest, because the language is for basically any financial interest that a Councilor receives that other members of the public do not enjoy, especially if it impacts one’s interests as a Councilor.

Councilor Greenwald said he understood parts of the amendment but in no way thought that Councilors should need to identify campaign contributors. He did not see it as the meaning of conflict of interest. The City Attorney replied that the question becomes whether it is a financial consideration or economic gain to the Councilor that is not otherwise available generally to the public. Thus, if the campaign contribution would affect the Councilor’s decisions as a Council member, which it is not supposed to, then the Councilor would potentially need to report that. Councilor Greenwald continued that there had been a good system that had worked for a very long time that was focused only on pecuniary interests. He said this seemed like an amazing amount of fine disclosure. He said it was a small town and it was no great secret what clubs Councilors belong to. He said the issue came down to personal integrity.

Councilor Madison responded to Councilor Greenwald, stating that historically it had not been an issue for Councilors, but Councilor Madison said that had changed in recent years. He wondered why a Councilor would want to hide where they are receiving campaign money from; if you feel it should be hidden from the public then Councilor Madison said perhaps you should not be accepting it. Working for the State of NH, he understood what it was like to have his personal information available to the public.

Councilor Filiault said there had already been several questions and a hasty amendment. He said this is why not to suspend the Rules.

A motion by Councilor Filiault to send this amendment back to the PLD Committee was duly seconded by Councilor Jones. On a vote of 12–3, the motion carried. Councilors Lake, Giacomo, and Ormerod voted in the minority.

Mayor Hansel recognized the Chair of the PLD Committee, Councilor Bosley, who noted that only one City Councilor showed up for this discussion at the last PLD meeting, which was why this was happening. Councilor Bosley challenged all Councilors to attend this discussion at the next PLD meeting because she did not want this to keep happening.

FOP REPORT – ACCEPTANCE OF 2022 WELLNESS GRANT – HUMAN RESOURCES DIRECTOR

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept the wellness grant from HealthTrust to be used for employee wellness activities in 2022. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor.

FOP REPORT – ACCEPTANCE OF THE LOCALITY EQUIPMENT MATCHING PROGRAM GRANT – FIRE DEPARTMENT

A Finance, Organization, and Personnel Committee report read, recommending that the City Council authorize the City Manager to do all things necessary to accept and expend the GOEFERR Locality Equipment Matching Program Grant. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor.

FOP REPORT – NEGOTIATE LEASE OF AIRPORT PROPERTY – AIRPORT DIRECTOR

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager or her designee be authorized to do all things necessary to negotiate and execute a lease agreement with Mr. Kevin Provost for land associated with a privately owned hangar. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor.

FOP REPORT – AIRPORT OPERATING RIGHTS AGREEMENT – MONADNOCK CHOPPERS – AIRPORT DIRECTOR

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager or her designee be authorized to do all things necessary to negotiate and execute an Operating Rights Agreement with Monadnock Choppers to provide aircraft maintenance services at the Keene Dillant-Hopkins Airport. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor.

FOP REPORT – AIRPORT ENGINEERING AND ARCHITECTURAL SERVICES – AIRPORT DIRECTOR

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to enter into an agreement with McFarland Johnson Inc. for Airport Engineering and Architectural Services for the Keene Dillant-Hopkins Airport. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor.

FOP REPORT – PROFESSIONAL SERVICES CONTRACT FOR MAPPING CITY CEMETERIES AND ASSOCIATED SOFTWARE – PARKS, RECREATION AND FACILITIES DIRECTOR

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to approve the expenditure of Cemetery Trust Fund B – Capital Reserve for \$8,000 (\$5,000 mapping + \$3,000 annual maintenance fee) to hire Bahar Mapping for a professional services contract to map the City cemeteries, which includes an interactive navigation station that allows the ability for cemetery guests to "find their love

one.” In addition, the authorization includes approval for up to 3 years of an annual maintenance fee of \$3,000, which may include a periodic increase. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. Discussion ensued.

Councilor Bosley asked whether this would include small private cemeteries and the City Manager said it would be all of the City cemeteries, but not ones on private property. Councilor Giacomo asked whether this was software based on the City website or if it was an application. The City Manager believed it was a web-based platform. Councilor Williams stated this was a cool project that would do well for tourism for those who tour historic family gravestones. Councilor Ormerod asked whether this \$8,000 expenditure would save staff time and increase efficiency so they can be doing other things. The City Manager replied that it would help but not a lot; there are not a lot of requests that impact staffing. She said this was more of a service to make the mapped cemetery plots available and interactive to the average citizen at all hours. Councilor Jones asked whether this is a one-time service that the City continues or if it needs to be renewed annually and the City Manager replied that it is both. There is an initial cost to get it up and running and then an annual maintenance fee. She reminded that this was not coming from the General Fund or taxation, but from the Cemetery Trust Fund. The motion carried unanimously with 15 Councilors present and voting in favor.

FOP REPORT – BODY WORN CAMERA AND IN-CAR VIDEO SYSTEM IMPLEMENTATION – POLICE DEPARTMENT

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to begin implementation of the Body Worn Camera and In-Car Video program; to apply for, accept and expend any available grant funding related to the Body Worn Camera program funding; and pursuant to Section 2-1336 of the City of Keene Code of Ordinances, waive bidding requirements in Section 2-1332 (1), and Section 2-1335 as recommended by the City Manager. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. Discussion ensued.

The City Manager shared good news that this week she was notified by Senator Shaheen’s office that the City received \$415,000 of Congressional Direct Spending, which will cover the majority of the camera purchase of \$445,000 for implementation over the next five years. However, this means that implementation cannot begin until the funds are received and that date was currently unknown. In addition to several other grants the City is applying to for this effort, she sought Council support on this now to have the ability to phase it in overtime with some initial purchases for modifications to uniforms and more. The City Manager also shared how excited the Police Department is about these changes, stating that they had done a great job looking at the different systems and choosing one of the most popular. She hoped the Council would approve.

In response to Councilor Jones, the City Manager could not say whether other communities that had done this saw an increase in Right to Know requests. She continued that for the one-month

Keene had the technology, there was an increase in Right to Know requests that required extra work and developing a new system on redacting. This was a part of the reason the Council approved the addition of an Assistant City Attorney, who will be stationed at the Police Department to deal with these requests and the body worn and in-car camera systems. Mayor Hansel said that in his Mayor's group, there were reports of increased Right to Know requests across the Board.

Councilor Giacomo noted that this all pertained to the first five years and asked what the anticipated life of the hardware was and what happens to this contract after five years if there is not funding available for another half million dollars. Councilor Powers said that a portion of those expenses would likely always remain no matter how long the equipment lasts and there is a portion of the operation dealing with the data gathered that must be managed. However, he said it is much easier with new automated equipment. If in fact this company is the primary vendor and they want to continue, there would likely be a fee for the future and the equipment would either continue past those five years or require updates. If there are equipment updates, that is software and not hardware, so most of what had been purchased could roll over. Much of the hardware associated with uniforms could roll over. He said it was hard to say but he thought any reserve money would be put aside each year for equipment maintenance.

The City Manager said the simple answer was that yes, the City was assuming an additional expense for the future because these pieces of equipment would need to be replaced (every 6-7 years), which would be rolled into the next Capital Planning process. She did not envision costs going down, noting that there had been a considerable price increase between the trial period and now; increased demand is contributing to higher prices. The City Manager had to do some negotiations and modifications to keep the price that was estimated originally. She said the simple answer to Councilor Giacomo's question was that yes, they would be assuming an additional half a million dollars, which would eventually roll into the City's budget.

Councilor Roberts said that technology would continue getting better and cheaper. He said it was important as City leadership to maintain a certain level of trust with the community and these cameras would improve that level of trust, especially with people of color and low-income people. He added that the cameras also protect the officers. Councilor Roberts said it would have been worth it even if these funds were coming from the City's pockets. The motion carried unanimously with 15 Councilors present and voting in favor.

CITY MANAGER COMMENTS

The City Manager, Elizabeth Dragon, began her report with Green Up Keene on April 23. The Public Works Department would again have drive-through supply pick-up on Saturday rather than the usual sign-up table at Railroad Square. Pre-registration was encouraged and there was a map on the City website so people could sign-up for specific areas.

Next, the City Manager provided an update on the Fire Station Staffing Committee. A smaller group of the Committee had met recently at the Fire Department to review available data and this conversation would continue. She added that they were currently reviewing options for the fire

prevention function with a vacancy in the fire prevention office due to Captain Bates' retirement. She anticipated initiating a recruitment process in the near future.

The City Manager said the City continued receiving assistance from two members of the State's Fire Marshall's office for the previous four weeks to address the backlog of open violations in the system related to assembly permits. They have also helped with life safety and building permit inspections. The City Manager continued reporting that the Community Development Department had also been assisting with plan reviews. She said they had been attempting to hire a temporary person through a contract for help while recruiting Captain Bates' replacement. She said the State Fire Marshalls Offices had been extremely helpful, but they obviously have other responsibilities and cannot substitute as a full-time inspector for Keene.

The City Manager said that with more inspections comes more violations. She said most property owners had been cooperative and willing to address violations, while others have been frustrated or even angered. However, unless there is an imminent life safety concern, the team is working with property owners to allow them time to come into compliance. Businesses with new permits that are anxious to open have also experienced delays that have caused them frustration. She said the community is accustomed to getting more immediate service, but because of necessary certifications, customers have had to wait until the next time the State Fire Marshall's office is here assisting us—usually the following week.

The City Manager said that a plan had been submitted by the Fire Chief for fire inspections and as Staff learn more they will continue modifying the plan as necessary. The Fire Inspection Program had been focused on utilizing limited Staff to conduct State required inspections, including assembly permits. The City Manager said she had already discussed with Council their concerns related to follow-up for those inspections and how the City is currently addressing open violations. Additionally, she said the Fire Marshall office work had also highlighted the need to address how life safety inspections in commercial and multifamily units are approached. Some of these properties have violations that will require property owners to make significant investments to come into compliance with Fire Codes. As she mentioned, as long as the violations do not present imminent life safety concerns then the team is working with property owners to allow them time to develop a plan to bring them into compliance. This will require additional follow-up and resources to monitor the goal of the inspection program, which is to gain compliance through support and education, not punitive measures. The City Manager will keep the Council updated on progress.

Next, the City Manager shared a flyer for an Arts Alive Community Workshop. Rural Design has been working with a team from Keene over the past several months to develop a design plan for the Keene Arts Core (previously the Arts Corridor). After a site visit and tour in November, virtual community workshops, and an afternoon of focus groups exploring ideas on Gilbo Avenue the City Manager said it was time for the design team (led by TBD Studios) to share their ideas and welcome feedback. Thus, on March 24 from 10:00 AM–12:00 PM there would be a community conversation hosted by Arts Alive. The designers would use feedback to create a clearer vision for the Keene Arts Core. The event is at the Colonial Theater and there are limited

seats available, so the City Manager suggested registering at artsalive.org. There is also a virtual attendance option.

Next, the City Manager said the City's branding project had begun. The branding consultants, Guide, would be in Keene on April 20–21 and there would be several opportunities for engagement, including a workshop with the Council on Wednesday April 20, tentatively at 6:00 PM at the Airport. The City Manager said this was a great opportunity to engage with the consultants and the project lead, Rebecca Landry, Assistance City Manager/IT Director.

The City Manager concluded her report by sharing a housing survey being conducted by the Southwest Regional Planning Commission. She said housing is a crucial topic for all of us and they launched an online survey to gather perspectives. The survey is intended to inform the preparation of an updated regional housing needs assessment. The City Manager encouraged everyone to take the survey available on the Southwest Regional Planning Commission's website.

CITY OFFICER REPORT – CITY COUNCIL GOALS – CITY MANAGER

A memorandum read from the City Manager, identifying the City Council's Goals that were established at several workshops of late, and requesting that the City Council adopt the goals for 2022–2023.

A motion by Councilor Powers to adopt the City Council goals was duly seconded by Councilor Bosley. The motion carried unanimously with 15 Councilors present and voting in favor.

CITY OFFICER REPORT – CREATION OF A PARKLET ORDINANCE – MAYOR HANSEL

With spring coming, the Mayor said this was timely, knowing that several businesses expressed interest in parklets throughout Covid-19 and some applications had been submitted. In order to expand the City's resources toward this and have the City Attorney take next steps in drafting an ordinance, the Mayor wanted Council consensus on if this was something they were interested in pursuing. He requested to hear opposition to considering parklets at this time.

Councilor Greenwald said there is not enough parking in town and advocating for parking is critical. He suggested talking about parklets once there was a parking deck. He cited the parking needs of second, third, and fourth floor occupants downtown. He said he knew where this was going but thought it was selfish.

Mayor Hansel said that if there was no consensus then Staff time would not be expended.

Councilor Filiault said that on paper, this seemed like a good idea coming out of the pandemic, when the goal was to help businesses. He said that Councilor Greenwald was correct that parking is limited downtown, and higher floor occupants need parking. Councilor Filiault's concern was that once it is allowed for one business, they all will want it and parking would really be depleted. He said it would be a legal nightmare and urged extreme caution.

Mayor Hansel said that if there was consensus, he requested that the PLD Committee consider an accelerated meeting schedule to accommodate a review and ultimate recommendation on the parklet ordinance on Wednesday, March 30 at 6:00 PM. Councilor Johnsen was thankful to see so many young people making requests and she did not want to shut that down before taking a good look at it.

The City Attorney said this helped him have some idea, but he wanted to ensure that they were not truncating the PLD discussion. He also wanted Councilors to understand that he would not be showing up to the next PLD meeting with a proposed ordinance because more time and discussion was needed to put this in place.

Councilor Filiault asked the City Attorney whether opening this up to one restaurant would lead to legal ramifications when another business is denied. The City Attorney replied that the challenge is in those details, which is why the ordinance would need to be as objective as possible. There have to be criteria built in to deal with questions of location and safety because the reality is there are some places in the City where this would not be appropriate. The Council must make those determinations so there is an objective basis on which to make a decision. Mayor Hansel said they would try to get through this as expeditiously as possible for the benefit of business owners, but it would not be rushed to the point that it is done incorrectly.

Councilor Bosley pointed out that Councilors would already be present at the next PLD meeting to help discuss this. Councilor Workman recalled the City doing work on this last year. The City Manager said that was correct, but that work was not related to an ordinance, but was about parameters around where a parklet could or could not work and other aspects to consider (sidewalk dimensions, parallel vs. straight parking, etc.). The Director of Public Works presented a framework for this last year and the City Manager said they would likely be guided by that same framework in this process. There are also challenges because this ordinance must interact with the parking ordinance. Thus, Council input was sought before the City Attorney did a lot of this work.

Mayor Hansel said he still argued that the previous work on this was under the emergency order and it is a different situation to reevaluate now. Mayor Hansel heard consensus and the City Attorney had enough information to begin work.

REPORT – ACCEPTANCE OF DONATIONS – PARTNER CITY COMMITTEE

A memorandum read from the Finance Director, recommending that the following donations be accepted. The City Manager recognized the donations from the Partner City Committee resulting from last year's Taste of Keene event, with a total of \$572.95.

A motion by Councilor Powers to authorize the City Manager to do all things necessary to accept donations in the amount \$120, proceeds from raffle tickets and "Taste of Keene" fundraiser beer sales in the amount of \$452.95, a total of \$572.95 raised by the Partner City Committee in 2021 was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor. Mayor Hansel, the City Manager, and the City Council expressed their gratitude for this generosity.

PB REPORT – PROPOSED CAPITAL IMPROVEMENT PLAN (CIP) FOR FY 2023–2029

A Planning Board report read indicating that the Capital Improvement Program for 2023-2029 is consistent with the Comprehensive Master Plan. The motion was seconded by David Orgaz and passed by unanimous vote. Mayor Hansel accepted the recommendation as informational.

FOP REPORT – CAPITAL IMPROVEMENT PROGRAM FY 2023–2029

A Finance, Organization, and Personnel Committee report read, recommending the adoption of the Capital Improvement Plan for FY 2023-2029. A motion by Councilor Powers to adopt the Capital Improvement Plan for FY 2023–2029 was duly seconded by Councilor Remy. Discussion ensued. Mayor Hansel expressed his gratitude to City Staff for their hard work on this CIP. Councilor Williams thanked Staff for their hard work on the Sidewalk Improvement Plan and what he called a good down payment. The motion carried unanimously with 15 Councilors present and voting in favor.

ORDINANCE FOR FIRST READING – RELATING TO STOP SIGNS – WASHINGTON AVENUE – ORDINANCE O-2022-03

A memorandum read from the City Engineer, recommending that Ordinance O-2022-03 be referred to the Municipal Services, Facilities, and Infrastructure Committee for consideration and a recommendation back to the Council. Mayor Hansel referred Ordinance O-2022-03 to the Municipal Services, Facilities, and Infrastructure Committee.

RESOLUTIONS – RELATING TO THE APPROPRIATION OF FUNDS FOR THE WINCHESTER STREET BY-PASS PROJECT – RESOLUTIONS R-2022-03 & R-2022-04

A Finance, Organization, and Personnel Committee report read, recommending the adoption of Resolution R-2022-03. Mayor Hansel filed the report. A motion by Councilor Powers to adopt Resolution R-2022-03 was duly seconded by Councilor Remy.

Councilor Roberts recalled 18–19 years ago, when there was a \$70-80 million project that was going to handle a lot of these things, but said there was a lot of disagreement on the City Council at the time and in the end the money went to a different project. He said it was important to not make the same mistake. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

A Finance, Organization, and Personnel Committee report read, recommending the adoption of Resolution R-2022-04. A motion by Councilor Powers to adopt Resolution R-2022-04 was duly seconded by Councilor Remy. Councilor Jones was happy to see the City following the Dig Once program established long ago. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT – WINCHESTER STREET RECONSTRUCTION– CONSULTANT SELECTION FOR CONSTRUCTION ENGINEERING SERVICES – CITY ENGINEER; AND WINCHESTER STREET RECONSTRUCTION – DESIGN CONSULTANT SERVICES FOR CONSTRUCTION SUPPORT SERVICES – CITY ENGINEER

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute a professional service contract with Greenman-Pedersen, Inc., (GPI) for an amount not to exceed \$670,000 for Construction Engineering Services required for the Winchester Street Reconstruction Project. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor.

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute a professional service contract with McFarland Johnson, Inc., for an amount not to exceed \$70,000 for Construction Support Services required for the Winchester Street Reconstruction Project. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor.

RESOLUTION – RELATING TO THE APPROPRIATION OF FUNDS FOR THE THOMPSON ROAD REPAIR AND STABILIZATION PROJECT – RESOLUTION R-2022-05

A Finance, Organization, and Personnel Committee report read, recommending the adoption of Resolution R-2022-05. Mayor Hansel filed the report. A motion by Councilor Powers to adopt Resolution R-2022-05 was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

RESOLUTION – COUNCIL POLICY: RELATING TO THE LEGISLATIVE PROCESS – RESOLUTION R-2022-06

A Finance, Organization, and Personnel Committee report read, recommending the adoption of Resolution R-2022-06 and the rescission of the previous Council policy on Legislative process, Resolution R-2015-10.

A motion by Councilor Powers to adopt Resolution R-2022-06 and the rescission of Resolution R-2015-10 was duly seconded by Councilor Remy.

Councilor Greenwald said this was an important topic and while this was not time sensitive, he was getting wary. He wanted to table this so the Council could have a more spirited discussion at the next meeting.

A motion by Councilor Greenwald to table this agenda item until the April 7, 2022 meeting was duly seconded by Councilor Powers and the motion carried on a 12–3 roll call vote. Councilors Remy, Jones, and Giacomo voted in the minority.

3-17-2022

NON-PUBLIC SESSION

A motion by Councilor Powers to enter a non-public session to discuss a land matter under RSA 91-A (II) d was duly seconded by Councilor Bosley. The motion carried unanimously on a toll call vote with 15 Councilors present and voting in favor. Mayor Hansel adjourned the meeting at 9:21 PM and called for a brief recess to clear the room. The City Engineer and Economic Development/Special Projects Director were in attendance. Discussion was limited to the subject matter. The session concluded at 10:00 PM. A motion by Councilor Powers to keep the minutes in non-public session was duly seconded by Councilor Bosley. On roll call vote, 15 Councilors were present and voting in favor.

A true record, attest.

A handwritten signature in cursive script, appearing to read "Patricia A. [unclear]".

City Clerk



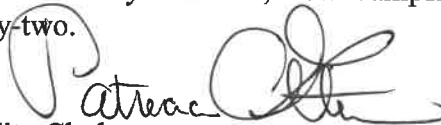
PUBLIC HEARING

Notice is hereby given that a joint Public Hearing will be held before the Keene City Council and the Keene Conservation Commission relative to a petition from Eversource Energy for the trimming and removal of hazardous trees beneath its power lines along the following designated scenic roads: Concord Road, Concord Hill Road, Moore Farm Road, and Nims Road pursuant to RSA 231:157.

HEARING DATE: April 7, 2022
HEARING TIME: 7:00 PM
HEARING PLACE: Council Chambers, Keene City Hall

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

Attest:


City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: April 7, 2022
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Confirmations**

- **Planning Board**
- **Airport Development and Marketing Committee**

Council Action:

In City Council April 7, 2022.

Voted unanimously to confirm the nominations.

In City Council March 17, 2022.

Nominations tabled until the next regular meeting.

Recommendation:

Attachments:

1. Radder, Kristopher_Redacted

Background:

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

Planning Board

Gail Somers, slot 10
moving from regular to alternate position

Term to expire Dec. 31, 2022

Armando Rangel, slot 6
moving from alternate to regular position

Term to expire Dec. 31, 2022

**Airport Development and Marketing
Committee**

Kristopher Radder, alternate - slot 13
27 Ridgewood Road

Term to expire Dec. 31, 2024

Heather Fitz-Simon

Subject: FW: Interested in serving on a City Board or Commission

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us> on behalf of City of Keene <helpdesk@ci.keene.nh.us>

Sent: Wednesday, March 9, 2022 12:50 PM

To: Helen Mattson

Cc: Patty Little; Terri Hood

Subject: Interested in serving on a City Board or Commission

<p>Submitted on Wed, 03/09/2022 - 12:50</p>

<p>Submitted values are:</p>

First Name:

Kristopher

Last Name:

Radder

Address

27 Woodridge Road

How long have you resided in Keene?

5

Email:

Cell Phone:

Employer:

Brattleboro Reformer

Occupation:

Journalist

Have you ever served on a public body before?

No

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

Airport Development & Marketing Committee

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

I have always enjoyed airports, my family has worked at several over the course of my life. I am a remote pilot right now. My daughter has a strong passion for airplanes and how they work, so we have been studying airplane/airport operations. I am very detailed orientated.

Why are you interested in serving on this committee

With my daughter's strong interest in aviation, I am interested in being part of this committee to help foster programs for young pilots and help the community grow.

Please provide 2 personal references:

Amy Radder



References #2:

Carol Searles





CITY OF KEENE NEW HAMPSHIRE

ITEM #B.2.

Meeting Date: April 7, 2022
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Nominations**

- **Historic District Commission**

Council Action:

In City Council April 7, 2022.

Nomination tabled until the next regular meeting.

Recommendation:

Attachments:

1. Kleiner_Gregory_Redacted

Background:

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

Historic District Commission
Gregg Kleiner, alternate slot 8
119 Carroll Street, Apt 1

Term to expire Dec. 31, 2024

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us> on behalf of City of Keene
<helpdesk@ci.keene.nh.us>

Sent: Friday, March 25, 2022 2:15 PM

To: Helen Mattson

Cc: Patty Little; Terri Hood

Subject: Interested in serving on a City Board or Commission

<p>Submitted on Fri, 03/25/2022 - 14:15</p>

<p>Submitted values are:</p>

First Name:

Gregory

Last Name:

Kleiner

Address

119 Carroll Street #1

Keene NH 03431

How long have you resided in Keene?

4 years

Email:

[REDACTED]

Cell Phone:

[REDACTED]

Employer:

Fenton Family Dealerships

Occupation:

Assistant Office Manager

Retired

No

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

Member, Partner City Committee, City of Keene
Treasurer, Keene Young Professionals Network
Board Member, Keene Housing Kids Collaborative
Member, Keene Lions Club

Have you ever served on a public body before?

Yes

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

Historic District Commission

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

Historic Preservation. Very organized, critical thinker, dedicated and thorough.

Why are you interested in serving on this committee

Downtown Keene has a fascinating history which I would like to preserve

Please provide 2 personal references:

Kaitlin Fenton

KFenton@fentonautosales.com



References #2:

Donovan Fenton

DFenton@fentonautosales.com





CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: April 7, 2022
To: Mayor and Keene City Council
From: Bruce Bickford/Farmer's Market of Keene
Through: Patricia Little, City Clerk
Subject: Farmer's Market of Keene - Request to Use City Property

Council Action:

In City Council April 7, 2022.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Communication_Farmer's Market of Keene_Redacted

Background:

Bruce Bickford is seeking the annual license to operate the Farmer's Market of Keene on Gilbo Avenue on Saturdays commencing April 23rd and ending October 31st. The request includes consideration for free use of City parking spaces.

3/25/2022

To: City of Keene, N.H.

From: Farmers Market of Keene

The Farmers Market of Keene respectfully requests a license to continue the farmers market operation for the 2022 season in the current location at the Merchant ~~parking~~ lot on Gilbo Ave. Starting April 23, 2022 until October 31, 2022.

A significant change from years past is discontinuing operation of the market on Tuesdays. (A renewed effort to strengthen Saturdays and revisiting a second day in the future.)

As this change will now not impact Tuesday parking revenue we would like to respectfully ask for a potential fee to be continued to be waived.

We are grateful for the continued support and cooperation from all the relevant departments of the city of Keene, N.H.

Walpole, N.H.

Sincerely

Bruce Richford



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: April 7, 2022
To: Mayor and Keene City Council
From: Aly & Carroll Lefebvre/Cabana Falls Winery
Through: Patricia Little, City Clerk
Subject: **Cabana Falls Winery - Request Permission to Sell Alcohol at the Farmer's Market of Keene**

Council Action:

In City Council April 7, 2022.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Communication_Cabana Falls Winery

Background:

Aly and Carroll Lefebvre, Cabana Falls Winery, are requesting permission to sell alcohol at the Farmer's Market of Keene for the 2022 season.

Good Morning!

To the City of Keene Board members:

We are Cabana Falls a winery in Jaffrey NH. We have applied to become a Vendor in the 2022 Farmers Market and have been approved. We are now asking for your approval to taste and sell or just sell our wine at your Farmers Market. We currently hold a manufacturers license that includes retail and wholesale. Our plan at the Farmers Market is to hold a tasting with 1 flavor per week (if allowed) and bring 6-10 of our 35 flavors available for customers to purchase. If you will not allow tastings we do ask that you will allow only the selling of the wine. I am also enclosing paperwork that needs to be filled out if you do approve and returned to us so we can submit it to NH Liquor Commission for approval as well.

Thank you,

Aly & Carroll Lefebvre

Cabana Falls

 4-5-22
3



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: April 7, 2022

To: Mayor and Keene City Council

From: Jennifer L. Ferrell - Associate V.P. of Student Engagement
Kaitlyn Wilson - Senior Class President 2022

Through: Patricia Little, City Clerk

Subject: Keene State College - Request to Discharge Fireworks

Council Action:

In City Council April 7, 2022.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Communication_Keene State College Fireworks

Background:

Keene State College Student Government Class of 2022 is seeking permission for the discharge of fireworks on April 30th at the Joyce Athletic Practice Field.



Wisdom to make a difference.

Lloyd P. Young Student Center
229 Main Street
Keene, NH 03435-3003
(603) 358-2662
(603) 358-2875 fax
keene.edu/young

March 25, 2022

Honorable Mayor and City Council,

I hope this letter finds you well. The 2022 Keene State College Senior Class Student Government Executive Board has been looking forward to the opportunities provided by the warmer spring weather to plan fun end-of-year COVID-safe activities for the members of their class and our soon-to-be graduates. In conjunction with other campus events for members of the class of 2022, and with respect to City Ordinance (KCO 42-61), we are requesting the ability to host a professional fireworks display on the Keene State College campus. We were able to host a similar display smoothly and successfully on May 15, 2021 to celebrate last year's graduates.

The details of the event are listed below:


- Date:** Saturday, April 30, 2022
- Time:** Begins shortly after full sunset, beginning sometime between 8:30-9:00 PM
- Duration:** Approximately 8-9 minutes
- Location:** Keene State College campus, Joyce Athletic Practice Fields (site diagram attached, 280' radius)
- Company Partner:** Atlas PyroVision Entertainment Group, Inc.
- Lead Licensed Technician:** Stephen Pelkey, Owner/CEO Atlas PyroVision Entertainment Group, Inc.
- Crew Arrival Time:** 4:00-4:30 PM
- Display Details:** The crew will be utilizing cakes, 3" shells and 4" shells. There is 300' of distance from any occupied building with 700' from the highway and the site of the display. The next morning, May 1, at first light/dawn, the technicians will recheck the site to reassure safety and good condition of the area.

Our partner Atlas PyroVision has also recently submitted the *Notification for Display of Permissible Fireworks* and we anticipate that they will receive an approved and fully executed permit for the display. We will also work directly with the new Keene Fire Department leadership team to ensure that the appropriate KFD crew are on-call or on-site as they direct. Students will be able to view the display throughout campus along Appian Way, in front of and alongside Spaulding Gym, Elliott parking lot, etc., allowing for physical distancing both from the staging site as well as each other.

Please let us know if there is any information that you would like in addition to what is provided in this letter and the permit package submitted to KFD by Atlas. Thank you for your consideration of this request and your continued support of Keene State College and our students. It is greatly appreciated, especially as we reach the end of another challenging academic year and look forward to the bright futures for our graduates.

Sincerely,


 Jennifer L. Ferrell
 Associate Vice President, Student Engagement


 Kaitlyn Wilson
 Senior Class President, 2022

Business Address:
229 Main St.
Keene, NH 03435-3003

Residential Address (Ferrell):
161 Marlboro St
Keene, NH 03431



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.4.

Meeting Date: April 7, 2022
To: Mayor and Keene City Council
From: Kelly Fleurette - YMCA Senior Program Director
Through: Patricia Little, City Clerk
Subject: Keene Family YMCA - Request to Use City Property - Youth Triathlon

Council Action:

In City Council April 7, 2022.

Referred to the Planning, Licenses and Development Committee.

Recommendation:

Attachments:

1. Communication_Keene Family YMCA

Background:

The Keene Family YMCA is requesting a license for the Use of Public Ways on June 12, 2022 to host a youth triathlon. The applicant has requested full closure of a section of Summit Road for the cycling portion of the event, which requires City Council authorization.



**FOR YOUTH DEVELOPMENT
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY**

April 5, 2022

Dear City Council Members,

The Keene Family YMCA is requesting a full road closure of Summit Road in Keene NH on June 12, 2022 from 8:00am-1:00pm for a Youth Triathlon Race. The closure will start just past the Y entrance to the end of the road. We will be using Summit Road as a loop (up and back) for the bike portion of the race and the remaining race will take place on YMCA property.

We met with the City Protocol Team on April 5, 2022, to review the closure. It was agreed that we could use city barriers to close off Summit Road just after the Y entrance and Summit Ridge off Summit Road. We will work with the police department regarding a police detail, and we will have about 40 volunteers to act as course marshals.

The YMCA will communicate with our neighbors regarding the road closure and will have volunteers ready to assist cars to and from their homes as needed.

If you have any further questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads 'Kelly Fleurette'. The signature is written in a cursive, flowing style.

Kelly Fleurette, Senior Program Director
Keene Family YMCA
200 Summit Rd, Keene NH 03431
Kfleurette@keene-ymca.org
603-283-5240



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.5.

Meeting Date: April 7, 2022
To: Mayor and Keene City Council
From: Monica Marshall
Through: Patricia Little, City Clerk
Subject: **Monica Marshall - Request that Railroad Square be Designated a Smoke Free Zone**

Council Action:

In City Council April 7, 2022.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

Recommendation:

Attachments:

1. Communication_Monica Marshall_Redacted

Background:

Monica Marshall is requesting that Railroad Square be designated as a smoke-free zone and that the City place picnic tables, benches and plant flowers in the raised beds to encourage more people and young families to use the area. The communication also suggests a public/private partnership between downtown business owners and the City to construct some sort of play structure in the grassy area that leads to the Monadnock Food Co-op.

March 30, 2022

Dear City Council Members,

You might remember the letter I wrote to you in the autumn, asking the Council to consider making Main Street a friendlier place for families and all citizens by posting it as a non-smoking area. There was a lot of lively discussion in the chamber when I came to present the idea, and after the meeting a few people joined me in researching the idea further. We reached out to local business owners, educators, health professionals, and a wide variety of people who use downtown, and they had all kinds of questions and feedback to share. Because the Council had so many important issues to deal with over the winter, I requested that this conversation be tabled until the spring.

After many conversations and much deliberation, I would like to make a new proposal to the city. I would like to propose a two-tier plan for making Main Street a healthier, more economically vibrant space. The first tier would begin this spring and would entail focusing energy on Railroad Square. That area used to be much more vibrant and used by a wider variety of people. Over the last few years it has seemed to become more neglected, and used by fewer and fewer people. People with young children avoid it because there are often smokers sitting in available seating, with many cigarette butts scattered on the ground. There are few places to sit and nothing for children to do.

Based on the conversations that have taken place with many city stakeholders, I am asking the city to make Railroad Square and the path up to the Co-op smoke free this spring. We are not expecting this change to be enforced by policemen; we expect that over time, declaring the area smoke-free will change behavior. Much as signs have done near other smoke-free places in town. At the same time, I am proposing that the city bring back some picnic tables and benches and add flowering plants to the raised beds, so people feel comfortable sitting and spending longer periods of time in the square. One of the businesspeople who is part of our group is offering to spearhead a public/private partnership between downtown business owners and, hopefully, the city to construct some sort of play structure for the grassy area near the pedestrian path that leads to the Co-op. That would go a long way toward inviting young families to enjoy the space.

I hope and expect that businesses in that area that are open in the evening will support their fellow businesses by cleaning up any trash and cigarette butts dropped by their patrons. In enlightened cities throughout the world, this type of late-night or early-morning cleaning restores commercial areas so as to attract the greatest number of locals and tourists.

By establishing Railroad Square as a small, smoke free area in downtown Keene, our citizens will be able to determine if they would like to extend this concept to other sections of Main Street in the future.

Thank you very much for your consideration.

Sincerely,
Monica Marshall



Monica Marshall



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.6.

Meeting Date: April 7, 2022
To: Mayor and Keene City Council
From: Roger Weinreich
Through: Patricia Little, City Clerk
Subject: **Roger Weinreich - Request Consideration of the Construction of a Roundabout Immediately South of Central Square as a Part of the Downtown Infrastructure Improvements**

Council Action:

In City Council April 7, 2022.

Referred to the ad hoc Downtown Infrastructure Steering Committee.

Recommendation:

Attachments:

1. Communication_Roger Weinreich_Downtown Improvements_Redacted

Background:

Roger Weinreich is recommending that as part of the downtown infrastructure improvements, that the City Council building a roundabout immediately south of Central Square. The function of this roundabout would be to enhance the safety and walkability of the downtown community while also creating an expanded Central Square Park.

Roger Weinreich

March 29, 2022

Dear Honorable Mayor Hansel and City Council Members:

As part of the upcoming downtown infrastructure improvements, I propose that we build a roundabout immediately south of Central Square. (See attached photo) Barry Crown, the eminent roundabout engineer from the UK was hired by the NHDOT to design our first two roundabouts in Keene. At that time, he also confirmed that Central Square would be an ideal location for a roundabout.

The function of this roundabout will serve to enhance the safety and walkability of our downtown community, while also creating an expanded "Central Square Park". The area will become more accessible to pedestrians and can better be utilized for a variety of recreational activities.

A roundabout that prioritizes people instead of vehicles, will help slow down the speed of cars as they pass through our downtown. This will make life safer for pedestrians of all ages. People will have the right of way and vehicles in Central Square will stop to accommodate pedestrians, as they presently do along the rest of Main Street.

Much of the vehicle flow on Main Street is transient in nature. By slowing the traffic in our downtown, we will likely reduce the number of vehicles that are using Main Street as a North/South thoroughfare. The time that it takes to drive around Keene on the Route 9/10 Bypass is similar to the amount of time that it takes to drive through the center of our downtown. With the addition of this new roundabout, drivers may increasingly elect to use the Bypass, which will now constitute a shorter travel route (time-wise) around the city. This will also serve to reduce the impact of traffic congestion, noise and pollution in our downtown.

Central Square was constructed in the days of horses and carriages, long before automobiles existed. Over the years, this once accessible square has grown harder to reach. Today, it has become an island in the center of a swirling sea of traffic. Visitors to our city, along with many residents often note that the Gazebo and surrounding area is usually a vacant and empty place.

By closing the street directly in front of the Church (while still allowing for emergency vehicle access) we will create a large, easily accessible green space in the center of our fair city. Our new "Central Square Park" will flourish with family and community activities. Events can be held there, without requiring the need to close or barricade additional sections of the street. The perimeter of the area can also be designed to incorporate additional parking spaces and pedestrian drop-off zones.

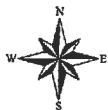
We have a wonderful opportunity to establish Keene as the most pedestrian friendly small city in the United States. Let's consult with a world-class roundabout design firm and discover what is possible.

Thank you for your consideration.

Sincerely,



Roger Weinreich



Central Square Park

Keene, NH

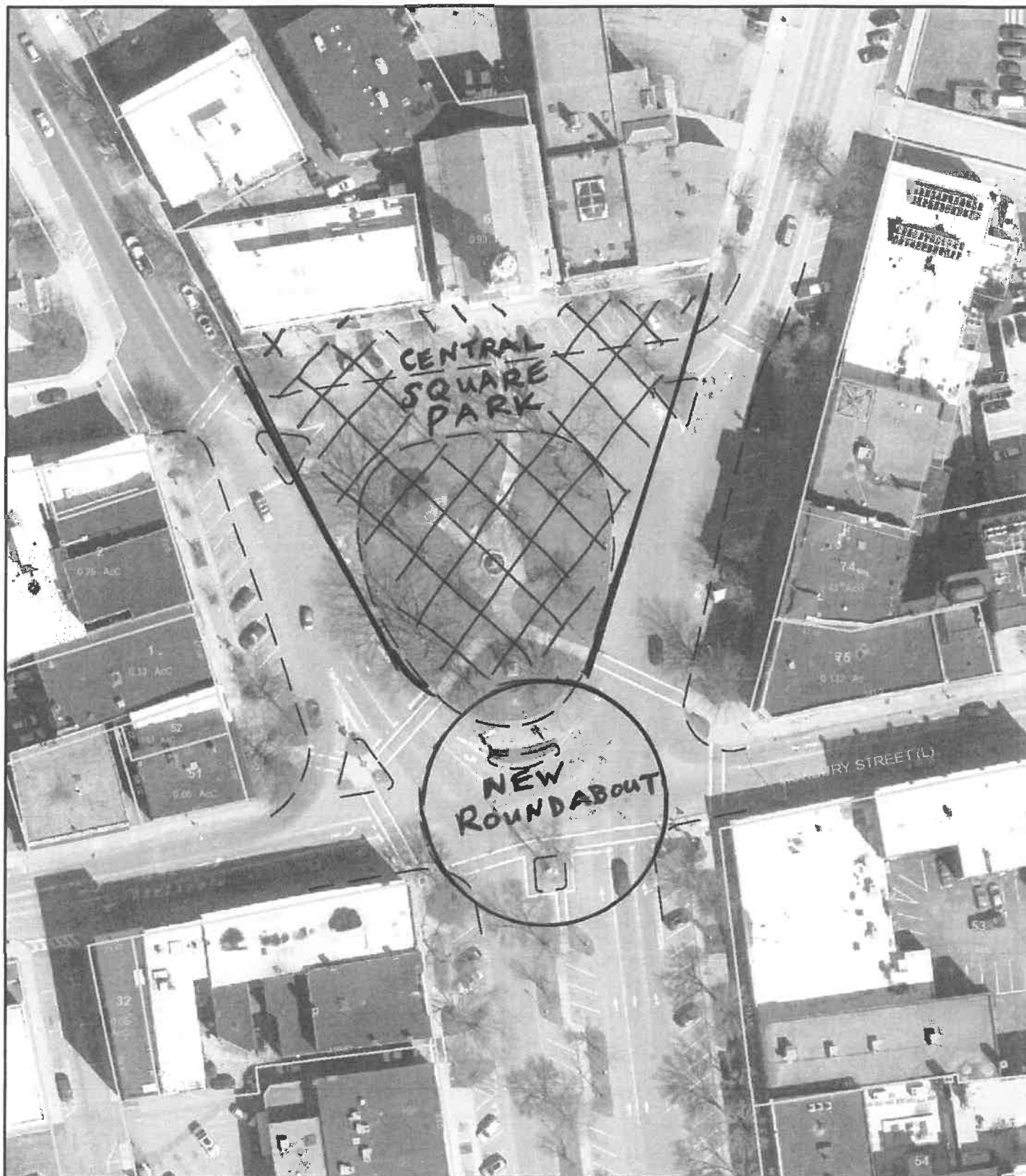


CAI Technologies
Planning Mapping Geospatial Solutions

March 25, 2022

1 inch = 75 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.7.

Meeting Date: April 7, 2022
To: Mayor and Keene City Council
From: Councilor Mitchell Greenwald
Through: Patricia Little, City Clerk
Subject: Councilor Mitchell Greenwald - Conflict of Interest - Downtown Businesses

Council Action:

In City Council April 7, 2022.

Voted with one abstention to suspend Section 26 of the Rules of Order to allow action on the request. Voted unanimously to grant the request abstain with one abstention.

Recommendation:

Attachments:

1. Communication_Councilor Greenwald_Conflicts

Background:

Councilor Greenwald is updating an outstanding conflict of interest statement that he has for several downtown businesses.

March 15, 2022

To: Mayor and Council

I request to be recused from discussion and votes regarding the following properties:

35 Main Street	Soul Emporium	Reason: Ownership of building
37 Main Street	Subway	Reason: Ownership of building
43 Main Street	Shadow Emporium	Reason: Ownership of building
45 Main Street	Yahso Jamaican Grille	Reason: Ownership of building
47 Main Street	Vicky Smith Artistry	Reason: Ownership of building
47 Main Street	Loft Forty Seven Salon	Reason: Ownership of building
47 Main Street	Twilight Tattoo	Reason: Ownership of building
49 Main Street	Ye Goodie Shoppe	Reason: Ownership of building
55 Main Street	Greenwald Realty	Reason: Ownership of building

32 Central Square	The Stage Restaurant	Reason: Property Manager of building
32 Central Square	Life is Sweet	Reason: Property Manager of building
32 Central Square	Vicky Smith Artistry	Reason: Property Manager of building
32 Central Square	Paquette Appraisal Service	Reason: Property Manager of building
32 Central Square	Snipper's Hair salon	Reason: Property Manager of building
32 Central Square	B&B Style Salon	Reason: Property Manager of building
32 Central Square	Steelman Production Services	Reason: Property Manager of building
32 Central Square	Hair by Whitney	Reason: Property Manager of building

22 Main Street	Fireworks Restaurant	Reason: Business relationship
22 Main Street	Fairfield Inn & Suites Hotel	Reason: Business relationship



Mitchell H. Greewald
 Keene City Councilor, Ward 2
 MSFI Committee, Chair



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.8.

Meeting Date: April 7, 2022
To: Mayor and Keene City Council
From: Councilor Raleigh Ormerod
Through: Patricia Little, City Clerk
Subject: Councilor Raleigh Ormerod - Request for Remote Access to Meetings and Exemption from 24 Hour Notice Requirement

Council Action:

In City Council April 7, 2022.

Voted unanimously to suspend Section 26 of the Rules of Order to allow action on the request. Voted unanimously to suspend Section 4 of the Rule of Order and grant the request to participate remotely.

Recommendation:

Attachments:

1. Communication_Ormerod Remote Access

Background:

Councilor Ormerod is requesting to attend Council and Standing Committee meetings remotely from the time period of April 26, 2022 through the end of July 2022 for medical reasons, without having to provide 24 hours notice prior to each meeting.

4 April 2022

Councilor Raleigh Ormerod
4 Monadnock Ct.
Keene, NH 03431

Keene City Council
3 Washington St.
Keene, NH 03431

To the Honorable Mayor and City Council,

I want to thank you and the City Staff for the well wishes and support during the time of my medical concerns the past few months. I am happy to report I am doing well and expect a full recovery.

In order to complete my full recovery, I need to be readmitted to Dartmouth-Hitchcock Medical Center in Lebanon, NH. This is planned for April 12, 2022 and expected to last until around May 3, 2022. Upon my expected discharge, my medical orders will require me to sequester at home and avoid all public contact until around July 27, 2022 at which time we hope my immune system will recover sufficiently.

The good news is that I fully expect to be able to participate remotely via Zoom starting April 26, 2022 until the time when it is safer for me to participate in person around the end of July. I'm asking for the accommodation remote participation via Zoom during this time and for exemption from the 24 hour notice for every meeting on all City Council and Committee meetings between April 26 and the end of July.

I'm happy to provide a letter of health necessity from my medical team if needed.

Sincerely,



Raleigh Ormerod
City Councilor, Ward 1



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: April 7, 2022
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **The Licensing of Cats to Protect Birds and Small Animals**

Council Action:
In City Council April 7, 2022.
Communications filed as informational.

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the communication from Edward Coppola recommending the licensing of cats be accepted as informational.

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the communication from Vicky Morton recommending the licensing of cats be accepted as informational.

Attachments:

None

Background:

Chair Greenwald stated that the first item is a communication from Edward Coppola. He invited him to speak. He continued that the second item is a letter from Vicky Morton, and he will recognize her to speak after the discussion of item 1).

Edward Coppola of 72 Ridgewood Ave. stated that he is an animal lover and a pet owner. He continued that he does not dislike cats, necessarily, but is concerned about the declining bird populations, globally, nationally, regionally, and locally, primarily due to cats, pesticides, habitat loss, and window collisions. Forty percent of bird species lost due to extinction can be attributed to cats. Pamela Hunt from the NH Audubon Society wrote "The State of Birds" in 2020. He sent that 60-page report to the City Clerk's Office, if the MSFI Committee members have an interest in the data.

Mr. Coppola stated that the following is an excerpt from an email Ms. Hunt sent him following the attention this issue received after the City Council meeting:

"We can generally assume that species declining in NH as a whole would also be declining in the

Monadnock region, since there are no significant changes to pervasive threats on that human-defined boundary. Never forget that most of our declining species are highly migratory, which serves to mix individuals from different regions together over the course of the year. For example, while adults tend to return to their nesting areas in successive years, this is far less common in young birds. Thus birds fledged in Keene last year, which survived migration in winter, are just as likely to return to breed in Concord, VT or even further afield, and vice versa. Even if we lack NH data, I see no reason to believe cats here would operate any differently than those anywhere else in North America or Europe. The data are out on cats: cats kill birds. The solution is out there: keep them inside. Will keeping cats inside in Keene make a measurable difference? It is possible. It depends on the scale, but it will, by definition, mean fewer birds are killed by cats.”

Mr. Coppola stated that he was happy to see Vicky Morton write a letter to the editor, and even happier to see that she is on the agenda. He thanks Ms. Morton for her perspective and for coming to the meeting to share her thoughts. Since the last meeting, he has been contacted by former City Councilors, a current State Senator, friends, and colleagues, and everyone seems interested in this cat issue. They said it is a hot issue and a “third rail issue” for local politics. A Facebook comment said something like “I bet is the same kind of person that helps amphibians,” and it is true. He spent Saturday night on Arch St., helping eight tree frogs cross. The City Council has closed down streets in the city because it is important to wildlife and to the community. The City is progressive, and he thought it would be appropriate to bring this issue forward for dialogue. The City Council bravely approved a mask mandate for the greater good. Even though enforcement was challenging to impossible, citizens just did the right thing, based on the leadership of the City.

Mr. Coppola continued that people say cat licensing might be impossible, and he is not sure if cat licensing is the solution, but he disagrees with the people who say that cat licensing would be a way for the City to get more revenue. His goal is to help create a system that provides a framework for responsible pet management, benefitting cats and the community. Someone told him to look at RSA 466. He is not an attorney. He read the RSA quickly, and it seems to address many of the issues he and Ms. Morton are bringing forward, such as cats as nuisances. How is a municipality financially responsible for damage? Can a cat or dog maim or pursue wildlife? When is it okay to kill a cat or dog on your property? What is the penalty for damage by your pets? There is quite a bit on this issue. The community or State just does not address it.

Mr. Coppola continued that towns that require cat licenses are far and few between. There are probably half a dozen in MA, and it is because they wanted to track rabies vaccinations. He could not find any towns in NH that require cat licenses. Across the country, there are probably hundreds of towns, so this does exist in some communities. His thoughts go in a couple different directions, requiring all cats to be indoor pets, or on leashes, or contained in escape-proof areas when they are outside. licenses or fees, but wants the City to make that the policy, regulation, mandate, or whatever it would be called. A study in 2021 by Nottingham Trent University interviewed 5,000 cat owners globally and learned that 40% of cat-owners who keep their cats indoors do it for the cats’ protection. He has heard it is dangerous for cats that go out.

Mr. Coppola continued that secondly, he thinks the City should require proof of rabies for all cats. Third, he thinks they should create a licensing program for cats, requiring proof of rabies’ vaccinations, but they could waive these requirements and fees for indoor cats. If someone plans to license their cat and allow it outdoors, the City should require a license collar, and possibly have the owner track the impact on bird wildlife, hold the cat owners liable for damage the cats create, and let people know what property owners’ rights are related to cats that do damage. He views cats and dogs as companion animals. It is incomprehensible to him why they are treated so differently when it comes to regulation.

Chair Greenwald asked if the Committee had any questions.

Councilor Roberts stated that he has four cats, and three are cats he captured as kittens from the woods in his backyard, and none of them have left the house since they have come in. He continued that regarding peer review, the Smithsonian Conservation Biology Institute and US Fish and Wild Game Service said about 3.7 billion birds are killed each year by outdoor cats in the US, and said that unowned, feral cats kill 2.6 billion of those birds. He would like Mr. Coppola's opinion on whether it would be in everyone's best interest to have the City work with the Monadnock Humane Society to address the feral cat populations that are responsible for about 70% of bird deaths.

Mr. Coppola replied that he spoke with Kathy Collinsworth from the Humane Society, and she has her own perspective. He continued that the Humane Society is a downstream beneficiary of feral cats. feral cats on a parallel path with pet cats is a great idea, but he does not think the City should necessarily pursue one versus the other, simply because one in three is killed by a domestic house cat versus a feral cat. He does not know much about feral cats in Keene. He knows where the cats in his neighborhood live, and they are not feral.

Councilor Workman stated that she wants to thank Mr. Coppola for highlighting this issue. She continued that she is a cat owner and did not realize how big of an issue this was until he brought this communication forward and she did some research on the issue.

Chair Greenwald stated that he was asked to read the following letter from the Monadnock Humane Society into the record:

"Dear Keene City Council,

I have read the statements provided by the two Keene residents related to stray cats, and I understand the concerns brought forward. I am not speaking in favor or against the statements, but I want to share that as with any law or mandate, it is only as good as the ability and the capacity to enforce it. Our current reality is that Keene no longer has an Animal Control Officer on staff, and any animal concerns or complaints would fall on the shoulders of our already short-staffed law enforcement. I believe that most of us would agree that they are extremely busy handling challenges related to people in our city. In addition to this, they do not have the training or expertise to be handling animal populations. Is there a plan to bring an Animal Control Officer back? In addition, I do understand the concerns related to unvaccinated feral cat colonies, and agree that the risk of rabies is a public health concern. There are two well-known colonies in Keene. Monadnock Humane Society recently took in 130 feral cats from one location in our region (not Keene). These cats are spayed/neutered and either adopted out to a home or through our barn cat program because they are too feral to be domesticated. We have at least ensured that these cats are not reproducing and are vaccinated. This is all at a cost to the Monadnock Humane Society for the staff time, medical care, microchip, feeding, and caring to help manage the city and towns' cat populations. For services, we do offer our low-cost spay/neuter clinics to the public and have recently added pet vaccine clinics for income eligible residents of Keene. Both services, again, help manage the cat populations and health in our region. Feel free to contact me with questions or for clarifications.

Kathy Collinsworth of the Monadnock Humane Society"

Chair Greenwald asked the City Manager to address the Animal Control Officer topic.

City Manager Elizabeth Dragon stated that the Animal Control Officer also had duties related to the city's street lighting system, and after a long time with the City, he recently retired. She continued that the job has been restructured. The streetlight responsibilities have moved to the Public Works

Department, and the Animal Control Officer position is downgraded to a 25-hour per week position, but the position does still remain and does a variety of things related to animal control and other miscellaneous duties at the Police Department.

Mr. Coppola stated that Ms. Collinsworth also shared that letter with him. He continued that he agrees; he does not necessarily see that the burden of pet management should lie on the shoulders of KPD and law enforcement. That is a recipe for failure. He cannot imagine anyone, Animal Control or KPD, trying to catch a cat that is out hunting birds. He thinks it should be a law that cats are kept indoors; then you do not need an Animal Control Officer.

Loretta Symonds of 179 Woodburn St. stated that she is a retired wildlife rehabilitator and her specialty was birds. She continued that she trained rehabilitators all over the country to do what she did, for many years. Cats, whether feral or domesticated, kill 80% of the birds and eggs in their hunting area/territory. That was proven in three studies in three different countries: America, Canada, and Great Britain. Cats are a huge detriment to the bird population. The ones that they go after the most, for the nests and chicks, are the warblers, which are insect eaters. Warblers are having the most difficult time in surviving and holding their numbers. Many are now endangered. For decades, she has been a proponent of a leash law for cats. Cats are perfectly happy inside. It takes three or four weeks for them to adjust, and they stop wanting to go out. A cat inside is safe from coyotes, fisher cats, cars, and mean people. She has had her cats killed all of those ways. A man bludgeoned one of her cats to death with a ladder rung. She had other cats eaten by coyotes and fisher cats. She learned a long time ago, especially after seeing firsthand the devastation cats cause to the bird population, to keep her cats as indoor pets. For two or three decades now, when she has had cats, they have been indoor cats, regardless of whether they were indoor cats before she got them.

Ms. Symonds continued that a bird caught by a cat has to be within six hours, and then it has to get IV Amikacin right away, or else you will lose that bird. It is a 100% chance of death after six hours of catching that, because of the bacterial load in cats' paws and teeth. Amikacin has to be given IV. She got very good at hitting the vein on a 30-gram animal, which is what has to be done. Not everyone can do that, not even experienced wildlife rehabilitators. She lost probably 60-70% of the birds she got, mainly because they did not get to her within the six-hour window, but even within the six-hour window, she still lost some. Cats are vicious and devastating to the wildlife population. Every single person in the studies swore that their cats did not kill birds, only mice. However, they in all those cats after they were outdoors, and bird guts, feathers, and beaks came out of the cats' stomachs. One hundred percent of the cats in the study were killing birds.

Councilor Williams asked what happens to an ecosystem when you take out the predators. If Keene did not have cats around outdoors anymore, would there potentially be a rat problem in a couple years? He asked if there are any studies of the ecological effects in places where cats have been taken out of the ecosystem, and what replaces them. If Keene gets rid of cats, are snakes and coyotes going to move in to take their place?

Mr. Coppola replied that cats are an invasive species, and he is not sure what the impact is on the environment, but he assumes that other predators, including coyotes, would continue to prey on rodents. That is another rabbit hole they could go down, but the State is eradicating coyotes through its "hunting practices." That is for another day. His opinion as a knowledgeable person who is not an ecologist is that there are predators in the ecosystem that are non-invasive that will take care of whatever it is that needs to be killed.

Vicky Morton, of 275 Water St., stated that there are numerous foxes and coyotes in her neighborhood, and both take mice and rats. She continued that she does not believe that cats take

rats, just mice. She sees bobcat tracks in her driveway, and her neighbor has chickens and frequently finds coyote tracks around the chicken pen. These predators are in Keene neighborhoods. Thus, she does not believe there will be an increased rat problem if outdoor cats are no longer wandering. Mr. Coppola added that there are also birds of prey, like hawks and eagles.

Chair Greenwald asked to hear from the City Clerk.

City Clerk Patricia Little stated that she wants to start with some history. She continued that State law allows a municipality to license cats, in much the same way that a municipality licenses dogs. Keene started licensing dogs in 1912. Over the course of 110 years, a comprehensive process has been enacted, with obligations for pet owners, veterinarians, local clerks, municipal governing bodies, animal control officers, and police officers. In 1994, legislation passed allowing a governing body to require the licensing of cats. Since that original authorization, no NH community has chosen to enact a local ordinance. If Keene City Council voted to do so, they would be the first community in the state.

The City Clerk continued that before getting into the differences in State laws on cats and dogs, she wanted to review a process that would be used to license a cat. If cat licensing were authorized, local veterinarians would be required to send the City Clerk's Office rabies certificates for cats the way they do for dogs. She spoke with local vets and other local organizations that deal with domesticated animals, and they revealed that regionally, 85% of cats do not receive veterinary care. This means that the rabies notices the vets would be sending the City Clerk's Office only identify a fraction of the cat population in the city. The Clerk's Office's obligation, under State law, is to contact these cat owners and advise them of their responsibility to license their cat. Once they know the identity of a cat owner, the City Clerk's Office staff are like a dog with a bone, consistently contacting the owners and seeking compliance. At some point, the lack of compliance leads to fines, police officers, and court. That is the way the program is set up. If the City Council decides to license cats, the City Clerk's Office would be charged with a very significant, new regulatory responsibility. Most dog owners assume when they move into a community or acquire a dog that they need to obtain a dog license. Most cat owners would not be familiar with this obligation and therefore, this program would require considerable effort and follow-through from her department.

The City Clerk continued that in terms of the actual cost to implement the program, the City Clerk's Office would need to have their software vendor modify their registration program to distinguish dogs from cats, at a one-time minimum cost of \$2,500. Operating a licensing program for cats would cost approximately \$5,000 per year. This would cover license tags, printing postcards, envelopes, postage, and so on and so forth. They would need additional support staff, at a minimum, during the months of March through July when the workload is heaviest, in terms of renewal processing and issuance of fines for noncompliance. How this would impact the Police Department operations would also need to be considered. They could license cats if they had all the necessary resources, but just because a cat is licensed does not mean the behavior of the cat is somehow changed, and in fact, there are certain laws dealing with the behavior of dogs, behavior that can be regulated, that she does not believe is applicable to cats. She is not the City Attorney, and is rather remiss for not asking the City Attorney his interpretation, but she reads many laws, and they are usually very clear about what they want and do not want. A few examples of behaviors they can regulate for dogs, that she does not think they can regulate for cats, are: a dog is a nuisance if it is at large, which means that it is off the premises of its owner and not under the control of its owner. That would not apply to cats. A dog is a nuisance if it digs, scratches, excretes, or causes waste or garbage to be scattered on property other than the owners'. That would not apply to cats. A dog is considered a menace if it, alone or in a pack, attacks or preys on game animals, domestic animals, fowl, or human beings. That would not apply to cats. State law allows the City Council to adopt additional ordinances regarding the licensing and restraining of dogs. That would not apply to cats.

The City Clerk continued that to recap, they are starting in a deficit, in terms of knowing the cat owners who need to comply. The licensing program would require a yearly expense to the City, and most importantly, a significant commitment of personnel resources. And at the end of it all, the concern that Mr. Coppola and Ms. Morton raised, regarding the number of small animals and birds that are killed by cats, would not be impacted by a new regulatory program that would license cats. She herself is a new lover of birds and has a suet feeder outside her kitchen window, and is amazed by the birds. However, licensing of cats is not the way to deal with this problem. She recommends that these communications be accepted as informational.

Chair Greenwald asked what it would cost a pet owner to license a cat. The City Clerk replied a mandatory \$7.50 for a neutered animal. She continued that much of the licensing of animals is statutory. There is very little discretion on the part of the City.

Councilor Roberts stated that the City Clerk listed a number of things that would not apply to cats, compared to dogs. He continued that if a person does not want to license their dog, they cannot just let the dog go, because chances are the vet or someone else will contact the City Clerk to know who that dog is. For example, many people in his neighborhood near the Keene State College (KSC) campus have cats. When the KSC students leave, his whole area fills up with cats. He asked what they do if they licensed these cats and people just leave the cats here and move out of town. Would the City have any recourse? The City Clerk replied that the City does have an obligation, under their contract with the Monadnock Humane Society, to take animals that they find with no identifiable owner to the Humane Society. She continued that she believes charged annually for that.

Mr. Coppola asked the City Clerk, through the Chair, if her comments about behaviors that the City can regulate in dogs but not in cats is speculation or that the City currently does not do that. The City Clerk replied that as she said, she neglected to speak to the City Attorney to see if he agreed with her interpretation of the statutes, but she has read the statutes and believes that she is correct that when you license cats you get to mirror the licensing of dogs, but it does not say that you get to mirror the various statutes about the behavior of dogs.

Thomas Mullins, City Attorney, stated that he will not disagree with the City Clerk. He continued that the reality is just that, that there is an extensive statutory scheme when it comes to regulating dogs, dog behavior, licensing, what owners can and cannot do, liabilities, and so on and so forth. There is virtually no statutory authority with respect to cats, outside of apparently two things: the City can require the licensing of cats, and the City can require rabies certificates for cats. The other requirement for cat owners, if licensing were adopted, would be to provide some kind of identification mechanism of the owner of the cat, through a tattoo, chip, or clamp, so the cat can be identified. Other than that, there is no statutory authority. And the City Council and the Committee know, because they have heard him say repeatedly, that unless the State gives a municipality specific statutory authority in an area, the municipality does not have any. This is not like other nearby states where if the State has not decided to regulate in a field, the municipalities are allowed to regulate in the field. That is not the case in New Hampshire.

The City Attorney continued that he looked at the general authority with respect to the City, RSA 47:17, Ordinances and Bylaws, which is probably the oldest authority in the State for activities by the City. There is no specific reference to cats in that authority. There is reference to dogs, to regulate the keeping of dogs, dogs running at large, and so on and so forth. The only possible, potential hook – although, he thinks that based upon statutory construction it would not work - is “Stocks at Large,” with a list of what the City could regulate, such as horses, cattle, sheep, swine, geese, other poultry, “and animals,” whatever that means. Generally, when the courts look at a statute that has a list of specific things, the general statement has to apply back to those types of specific things. Moreover,

those specific things do not include something like cats, domestic birds, domestic ferrets or mice, or any other pet animal. At this point, there is just no statutory authority, other than licensing the cats, to even assist in what they are requesting the City do. The City could require licensing and proof of rabies vaccination, but things like requiring owners to keep cats inside, or to leash the cats, are not within the statutes.

Chair Greenwald stated that a telling paragraph in Ms. Morton's letter is: "I am no illusion that enforcement will be any more successful than the enforcement of the mask mandate. I do not believe the City has the funds to devote to chasing cats, especially since the current Animal Control Officer has additional priorities. Therefore, I urge the Council to allow neighbors to address wandering, feline issues on their property."

Chair Greenwald stated that anything the City puts forth in terms of regulations or a program must have enforcement, and he thinks Ms. Morton is right on regarding the mask mandate and what the City went through in trying to get people to do it, that did not want to do it, and did not do it. He continued that if people do not want to do it they are not going to do it, and without the enforcement, he has some real concerns about it. He likes the last sentence of Ms. Morton's letter: "I urge the City Council to allow neighbors to address wandering, feline issues on their property." He thinks neighbors talking to neighbors, pointing out that it is bad to let their cats out and that it is not a natural, normal thing for a housecat to be let out. He thinks the petitioner's letter is right on in bringing attention to this issue. Prior to reading the letter, he had no idea, and he thinks that is true of most people. He thought most birds died from crashing into windows and that that was the main extent of the situation.

Councilor Filiault stated that you never know what someone is going to bring forth and how it is going to turn out. He continued that they found that out with the salamander issue. When citizens first came forth, he thought it would be kind of a nuisance thing, but it was not. When this letter came forward he was not sure where it would go, but Chair Greenwald has made some valid comments. His concern, as they talk about licensing, is that even if they did license a cat, if you let it outside, the problem is still there. Licensing does not solve the problem. What they are really talking about is whether the City Council is going to create an Ordinance saying they do not allow cats outdoors. A licensed cat can still be outdoors and hunt birds, unless there is an Ordinance saying a cat cannot go outdoors. Would the Committee endorse such an Ordinance? Enforcement is a completely different topic. The licensing conversation is for naught.

Chair Greenwald replied that they are having a discussion. He recognized Mr. Coppola to make final remarks, followed by Ms. Morton.

Mr. Coppola stated that they keep talking about how the mask mandate was a failure, but that is not true. He continued that plenty of people had their personal opinions and chose not to wear masks, but plenty of people wore masks because of the mandate. He believes, and heard from the City Attorney, that the discussion is moot in terms of being able to do the Ordinance, based on the RSA. He asked if that is still a path that could be pursued. He agrees with Councilor Filiault's remarks. He (Mr. Coppola) just does not want cats outside, licensed or unlicensed. If licensing cats is a fool's errand, can they focus on keeping cats indoors?

Chair Greenwald replied that that is a good point. He continued that he thinks the Monadnock Humane Society should be involved with this.

Elizabeth Dragon, City Manager, stated that if keeping cats indoors is the focus, she would recommend that a legislative effort be undertaken, and that people contact their Senator. She continued that it sounds like there is an issue with the way the statutes are set up right now, and the

statutes' focus on dogs and dog behaviors. If a Councilor or resident has an interest in pursuing this, the first step would be working with legislators to amend the State law.

Ms. Morton stated that she does not think the mask mandate was bad; she thinks the enforcement of it was lacking. She continued that she keeps her cats indoors for their protection and for the protection of wildlife. While they are talking about wandering, outdoor cats, she has additional information to share. If you believe in climate change, you are also likely to believe that we are in the sixth mass extinction, called the Holocene Extinction. Mass extinction is a short period of geological time in which a high percentage of biodiversity, or distinct species, in this case, bacteria, fungi, plants, animals, mammals, birds, reptiles, amphibians, fish, and invertebrates, die out, primarily caused by human activity. In applied ethics in the philosophy of animal rights, "speciesism" is the practice of treating members of one species as morally more important than members of another species. In this case, owners of outdoor cats consider their cats more important than anything that the cats kill.

Ms. Morton continued that wildlife in general is under threats of all kinds. New England cottontails are the only species of rabbit native to this area, and an important part of our natural heritage. Over the last 50 years, the range of this once common rabbit has shrunk and its population has dwindled. Today, biologists believe there are only around 13,000 cottontails in all of New England. Not only are they under threat from the loss of habitat and predation, including cats, but from a hemorrhagic disease called RHDV2, which is spreading across the US and killing both wild and domestic rabbits. It has an 80-100% fatality rate and could be in NH at any time. It is in NY. According to Peter Marra, Director of the Smithsonian Migratory Birds Center in Washington, DC, cats kill about one to four billion birds each year in the US and have caused a minimum extinction of 33 species. Additional threats to birds include the avian flu, which is in NH.

Ms. Morton continued that with this proposal to do something about outdoor cats, they have the opportunity to make a difference in the impact of cats on Keene's wildlife and to limit the damage wandering cats do to private property. The latter is one of her main issues. In her letter of March 8, she shared that the neighborhood cats kill anything and everything that moves in her yard, which is not uncommon. They kill snakes, rabbits, chipmunks, and birds. They use her gardens as litter boxes, spray her family's vehicles and porch furniture and doors, and dig up plantings. They are very destructive. It is more than wildlife issues; it is personal property issues. She believes placing a bell on outdoor cats will inform predators like bobcats, coyotes, and fishers exactly where the cat is hiding and that they then become . All three of those predators are in her neighborhood and she does not believe that bells or special collars are the solution. She is not against licensing cats. However, she cannot imagine the resources needed to identify the owners of wandering, unlicensed cats. She is not even sure she wants the City resources/her tax dollars to fund these efforts. She wants the City to allow property owners to address the issues of wandering cats on their own. She understands what some of that implies. This is also an opportunity for her to go on record about the damages caused by cats. At some point, some property owner is going to start asking for restitution, and she does not know how they would do that, if they do not know where the cats come from. Cats are a danger and cause damage to wildlife and personal property, and something has to be done.

Councilor Workman stated that earlier, the City Manager mentioned the City's contract or partnership with the Monadnock Humane Society. She asked for more information about that. The City Manager replied that the City does have a contract with the Humane Society and pays a fee for dogs that are brought to the Humane Society from residences in Keene. She continued that she is not sure what that looks like for cats. She will get this answer for the Committee.

Councilor Workman asked the City Manager if the City Council would have the resources to put together a public service announcement, if they wanted to do that. She asked if that would be

cheaper than doing an immediate licensing program. The City Manager replied that it would definitely be cheaper, and the resource is IT Director/Assistant City Manager Rebecca Landry. She continued that Ms. Landry is the only person who does that type of thing for the City, other than the departments doing some of their own internally. She could ask Ms. Landry to help put something together.

Chair Greenwald stated that the Committee has heard from the public, and he does not see any Councilors present to give input, so now the Committee can discuss the matter.

Councilor Roberts stated that if anyone studies history or anthropology, there is no question that cats are a very invasive species. He continued that you can look at Hawaii, Australia, or any small island where cats have been introduced, and what cats have done to the local populations. His concern is that they are only looking at a small part of the picture. They have to come up with a plan that addresses the whole picture. Many municipalities around the country have banned from putting cat food and milk outside to draw in the feral cats. Feral cats contribute 70%. The cities that have banned the feeding of feral cats say that they are a public nuisance. That is something they can put out information. The Humane Society says they use a trap, neuter, release program, but more and more scientific evidence says that it does not work, and it puts the neutered animals at a distinct disadvantage and they could end up suffering untimely and painful deaths. One group wants to license cats, and another group wants to keep cats in the house. All of those could be part of the solution. The City Council needs to decide how to handle this. They got together to decide how to handle the salamanders. If they decide that are a serious problem, and he thinks it is, they need to determine how to attack the whole problem to reduce the overall death rate of birds, instead of, for example, addressing the house cats that make up 30% of the problem while leaving the 70% of cats that are feral out of it. He cannot support the request that came to them, but he can support having everyone get together and figure out how they want to handle this problem going forward, with a global solution, not a piecemeal one.

Councilor Williams stated that he agrees that the 70% is a big problem, with the feral cats. He continued that if they looked at attacking that big chunk first, it would solve many problems. He would like to see proposals regarding feral cats.

The City Manager replied that she can look at the City's agreement with the Humane Society and see if there is a way to expand that to address some of the feral cat population.

Chair Greenwald stated that he does not want to be part of "open season" on feral cats. He continued that he thinks the business of dealing with this goes back to the Humane Society. He does not think it is directly the City Council's business.

Councilor Workman stated that she, too, likes the idea of partnering with the Humane Society. She continued that the Monadnock Kitty Rescue & Adoption, in Jaffrey, does a lot of great work with feral cats as well. She likes the idea of starting with a PSA, because like she said earlier, she was really naïve about this issue and thinks many cat owners probably do not realize the danger that their outdoor cats are in nor their outdoor cats' danger to the community. She would like to start small with a PSA. They could perhaps partner with the schools or KSC to have a group put together the PSA to save some dollars.

Councilor Filiault stated that he appreciates what people are saying, and he thinks this will be similar, in a way, to how they have handled salamanders. He continued that they did not even pass an Ordinance for that; they just got the community involved, and public relations. At first seemed like it would be frivolous information brought before the City Council, but now they have received nationwide attention for their , and they did it without an Ordinance, just volunteers, and it is

effective. As the City Attorney said, they would run into problems with the RSA, right from the get-go, if they . Thus, they can take the information they have received tonight and get it out to the Humane Society and the community and make a PSA statement. He thinks the Committee should accept this item as informational. They should let the community know that this is a problem and that the City needs their help. It will require people to self-enforce. No matter what law it is that the City has to enforce, it is really the people first who have to enforce it.

Ms. Morton stated that it seems like she has missed something, because when she talks about the wandering cats, she is talking about the ones that live just a few houses down from hers. She continued that she is not talking about feral cats. Feral cats are a different topic, and she understands the detriment they have to wildlife, but she is concerned with the owners of domestic cats who let their cats wander around and kill everything. She hears this conversation going down “the feral lane,” but really wants to hear something about her neighborhood cats and what she can do about them. She does not want the City wasting its resources doing an Ordinance. She wants the City to tell her it is okay for her to “get rid of those cats,” which includes trapping them and bringing them to the Humane Society.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the communication from Edward Coppola recommending the licensing of cats be accepted as informational.

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 that the communication from Vicky Morton recommending the licensing of cats be accepted as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: April 7, 2022
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: Request to Remove a Nearby City Tree – 79 Woodburn Street

Council Action:
In City Council April 7, 2022.
Communication filed as informational.

Recommendation:
On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the request from Loretta Simonds for removal of City tree be accepted as informational.

Attachments:
None

Background:
Mr. Blomquist stated that this is dealing with the request from the property owner at 79 Woodburn St. to remove a City tree. He continued that that house has exchanged hands. He received a communication from the new property owners. They are not interested in pursuing removal of the tree, and have requested that this item be reported out.

Chair Greenwald asked if the Committee had any questions.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the request from Loretta Simonds for removal of City tree be accepted as informational.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: April 7, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of Hazardous Materials Emergency Preparedness Grant - Fire Department**

Council Action:

In City Council April 7, 2022.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to do all things necessary to apply for, execute, expend and accept the terms of the grant agreement for the Hazardous Materials Preparedness (HMEP) Grant application as presented in the amount of \$26,934 for the purchase and installation of conferencing equipment and hazmat plan updates.

Attachments:

None

Background:

Deputy Fire Chief Chickering was the first to address the Committee. He stated this item was for the Manager to apply for, execute and accept the terms of a grant agreement for the Hazardous Materials Preparedness grant application as presented in the amount of \$26,934 for the purchase and insulation of conferencing equipment and hazmat plan updates.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to do all things necessary to apply for, execute, expend and accept the terms of the grant agreement for the Hazardous Materials Preparedness (HMEP) Grant application as presented in the amount of \$26,934 for the purchase and installation of conferencing equipment and hazmat plan updates.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

Meeting Date: April 7, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Acceptance of Local Source Water Protection Grant - Public Works Department**

Council Action:

In City Council April 7, 2022.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept and execute a Local Source Water Protection grant from the New Hampshire Department of Environmental Services (NHDES) in the amount of \$12,000 for the installation of security fencing at Babbidge Reservoir.

Attachments:

None

Background:

Public Works Director Kurt Blomquist addressed the Committee next and stated this item is in reference to the Water Resource Protection Grant. This grant is for work at Babbidge and Woodard Reservoirs located in the Town of Roxbury.

This project is to continue fencing around Babbidge Reservoir where the City has had issues in the past with unauthorized people having campfires, riding ATV's etc. This grant is for \$12,000, and will fund approximately 190 linear feet of fencing and a 16 foot wide gate.

There is some additional cost for in-house staff time to perform clearing in the area where the fencing will be installed; this work has a value of approximately \$3,000.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept and execute a Local Source Water Protection grant from the New Hampshire Department of Environmental Services (NHDES) in the amount of \$12,000 for the installation of security fencing at Babbidge Reservoir.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.5.

Meeting Date: April 7, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Lease of City Property for Renewable Energy Projects at Monadnock View Cemetery and Rose Lane - Assistant Public Works Director

Council Action:

In City Council April 7, 2022.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Council authorize the City Manager to do all things necessary to negotiate and execute a lease agreement with ReVision Energy for a solar array installation at Monadnock View Cemetery and Rose Lane.

Attachments:

None

Background:

Asst. Public Works Director Duncan Watson stated he was before the Committee tonight to talk about a couple of parcels that have been identified as potential locations for solar development. One of the parcels is located in the northwest corner of Monadnock View Cemetery and the other on Rose Lane.

The property at Monadnock View Cemetery is currently has as a conservation easement. So in order for an energy project to be developed, the developer would need to seek a variance. Whether or not they would decide to seek that variance, and whether or not it would be a variance they could achieve is unknown at this point.

The Rose Lane property however, is located in the commercial industrial zone. This is where the old wastewater treatment plant was located but it has been closed and capped according to New Hampshire Department Environmental Services specifications.

Mr. Watson stated a solar array could be located on this parcel, making it a productive use of an otherwise unproductive land. Each one of these solar arrays would be around a quarter of a megawatt in size, should they be fully developed. He indicated staff is requesting to seek permission for the City Manager to do all things necessary to negotiate and execute a lease agreement.

This is not a power purchase agreement but a straight land lease. The developer would be working either with a direct wheel of the power on the Monadnock View Cemetery property; there is some interest from Cedar Crest which is located adjacent to the parcel. On the Rose Lane property it would be put under the grid meant to benefit low and moderate income families with lower electricity cost thanks.

Councilor Chadbourne asked for clarification on providing this electricity assistance to low income families and whether this was going to be a separate company from Eversource. Mr. Watson stated the generated power would be metered in some fashion, and there would be a community service organization that would be aggregating the power and offering that power to some of their customers.

The Councilor noted the Memo refers to the City receiving a nominal fee to lease the land and asked how long this lease would be for and at what price. Mr. Watson stated this is something that would be negotiated by the City Manager but not something that would make a big difference to the City's budget. This is a project that would be beneficial from an energy generation standpoint and use of land that cannot be used for any other purpose. The lease term would probably be around 20 years that is how long it takes for an energy project to fully realize its full benefit. The Councilor asked whether the developer approached the City or is the City being proactive and seeking solar panel companies to lease land. Mr. Watson stated it is a combination of both; the City had originally put out these parcels when the 350 Marlboro Street project was being discussed. This is a slow process to use a parcel of land that makes economic sense.

Councilor Lake asked because this is going to be a ground-based array whether there is concern about glare on to any of the neighboring properties. Mr. Watson stated this is something that they had looked at with Revision Energy and there is currently a row of arborvitaes that shield the area.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Council authorize the City Manager to do all things necessary to negotiate and execute a lease agreement with ReVision Energy for a solar array installation at Monadnock View Cemetery and Rose Lane.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.6.

Meeting Date: April 7, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Negotiate Lease of Airport Property – Monadnock Aviation - Airport Director**

Council Action:

In City Council April 7, 2022.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a lease agreement with Monadnock Aviation for land to develop a new hangar.

Attachments:

None

Background:

Airport Director David Hickling addressed the Committee next and stated this item is a request to lease land at the airport for hangar development. Monadnock Aviation who is the fixed based operator at the airport provides a vital service. They provide the fueling and ground handling for all aircraft coming in. Their proposal is to construct a larger hangar approximately 90' x 90'.

This would be a heated hangar, capable of accommodating larger aircraft which the airport does not have the capacity for at this time. He indicated Monadnock Aviation has been providing a vital service at the airport and even though they struggled during the pandemic they seem to be coming back from that. This is something that would definitely benefit the community and the airport with additional revenue.

Councilor Chadbourne stated she was happy this is happening and noted 5 years ago the City created an economic development plan and it is nice to see that coming to fruition.

Chair Powers asked where this hangar is going to be located. Mr. Hickling stated two sites are being looked at; between the terminal and the maintenance building and the other is where all the other corporate hangars are located. The Chair asked about timing for construction. Mr. Hickling stated cost of construction is high, hence people are getting leases in place so that when the price comes down they will be ready to construct.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a lease agreement with Monadnock Aviation for land to develop a new hangar.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.7.

Meeting Date: April 7, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: Encouraging the City to Develop a Homelessness Strategy through Programs that Focus on Reducing Harms Associated with Homelessness

Council Action:

In City Council April 7, 2022.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to continue work with a Greater Keene Homelessness Coalition to complete the community mapping process on homelessness, prevention, and coordinated local response to homelessness. This report will be submitted to the Governor's Council on housing stability; and, further, that she work with the State and Service providers in our region on implementation of recommendations contained within that final report and the letter brought forward by Councilors Williams, Workman and Lake be directed to a committee at the City Manager's discretion.

Attachments:

None

Background:

Councilor Workman started the presentation and read the following for the record: "Housing is a basic human need as outlined in Maslow's Hierarchy of Needs. In fact, it falls into the first category of physiological needs. The basic requirements for human survival which include air, food, drink, shelter, clothing, warmth, and sleep. If these needs are not sufficiently met, it becomes increasingly difficult, if not impossible, to meet the other secondary needs. While the recent events involving issuance of no trespassing orders to the people living in the encampment area behind Hannaford's was the catalyst for drafting the letter. It certainly wasn't the only reason.

The intention of the letter was to spark a deeper community conversation on ways we can treat our most vulnerable residents with compassion, dignity, and respect while encouraging more out of the box brainstorming on short term and long-term sustainable solutions to better assist individuals struggling to obtain and maintain housing. It's important to know the listed action steps are recommendations or a starting point for the discussion and is not meant to be comprehensive. As the

City, Keene has always been a compassionate community with various nonprofit agencies providing an array of services to the community members who are in need. It is imperative that we recognize there are barriers associated with connecting these to these services. There are ways we can do better overall. Homelessness is a complex issue and requires a multifaceted approach to combat it. We need to be real realistic with our expectations. The fact of the matter is regardless of our efforts no matter how extraordinary, we will never completely eradicate homelessness.

However, what we can and should be doing is meeting people where they are to reduce the harms of homelessness as well as ensuring there is a clear path to services with as few barriers to assistance as possible.

When someone is in crisis doing the bare minimum of even making a phone call using an automated system can be over an overwhelming task. If you hit too many closed doors or obstacles it can be paralyzing and stop someone from continuing to ask for help. In the field social workers often state they will hold hope for individuals until they themselves can hold that hope. We, as a community, should strive to do the same.

In closing, Councilors Lake, Williams, and I acknowledge the hard work that the Greater Keene Homelessness Coalition, area nonprofit agencies, and the City has done and continues to do to bring attention to the issue of homelessness. Tonight we are asking that the focus be on both short-term and long-term actionable steps with measurable outcomes. Working on both is not mutually exclusive, and while it makes strategic sense to focus on the long-term solutions, it appears we have lost sight of the short-term solutions that could be implemented at least on a trial basis to determine effectiveness.”

Councilor Williams was the next to address the Committee he began by saying during the period of 1995 to 1996 he experienced homelessness at 19 years of age. Because of various factors he had a difficult time finding a place to live. Whenever there was an opportunity to have a roof over his head, he would take it. For the most part he was either sleeping in a tent, in his truck, someone's couch, and at one point on a mattress in a crawl space under a porch. He stated this was not a great way to live. Every night you have to figure out a way to get a good night's sleep. The choices are you can sleep in your truck and get woken up by a police officer or sleep in a tent hidden deep in the woods hoping you don't get discovered; in either case you put a lot of effort into hiding, which is extremely stressful, and it's hard to build a better life for yourself under those circumstances. This results in having a hard time being able to find better housing, get a job, take classes at the community college or to date.

The Councilor stated this was his situation and hence his concern when he heard about the people who had been asked to vacate their campsites behind the West Street shopping Plaza. He stated he is glad that some of these people have been able to work with City staff and local social services organizations to find shelter and appreciate the effort that has been done to make that happen. However, there are many who have chosen to go deeper into hiding. He felt this is a wake-up call which reminds us the system we have still isn't working for everyone and some are being left behind.

He stated today, the three Councilors present are asking the City to engage in a process to build a strategy on housing and homelessness and importantly to take action on that strategy. He added they are introducing several of their own ideas for potential inclusion in that strategy:

- (1) Establish locations around the City to be designated as appropriate for camping. These locations should be provided with a City-funded dumpster and latrine services to minimize the impact of campers on the local environment. The option also is to open a new campground on public land

where people could stay legally or maybe instead of a single campground that brings a lot of people to a single place there could be primitive camping sites available by permit at different locations in the City's parks and public lands, so that no single part of town is asked to host a very large number of campers. He noted Keene prides itself on being an outdoors town but he wasn't sure how much of that is true if there are no available camping areas. The City's current camping ordinance says the only place you can camp in Keene is at Wheelock Park campground and this campground closed a few years ago. The lack of legal camping facilities in Keene is the reason the City ends up with a lot of illegal camping in its parks.

The Councilor felt it would benefit everyone if we recognize the needs for things like trash removal and a decent place to go to the bathroom.

(2) The second item being proposed is to establish a safe parking program, entailing the designation of parking lots where people living in their vehicles would be allowed to park and sleep overnight in relative security. He noted safer parking programs are becoming a common practice in cities on the west coast. Safer parking programs offer a way to bring people into the fold. The Councilor stated the City can accomplish real harm reduction by bringing people who live in their cars to places where they can have access to a bathroom which is critically important, and where they can sleep overnight in their car knowing there is going to be a certain amount of police presence in the area that will help to prevent them from becoming victims of crime.

He felt this program would be relatively uncomplicated to implement and would like to see a pilot project happen this summer.

(3) The third proposal is that the City work with its social services partners to provide occupants of camping and parking areas with outreach support and pathways to more stable housing opportunities. The Councilor stated this is a straightforward recommendation. They are not asking for a free-for-all on camping and parking, but rather asking that the City use these needs as opportunities to get people out of hiding and bring them to a place where they can get the support they need to get themselves to a better situation.

(4) The next proposal is to review building code and zoning ordinances to make room for lower cost housing solutions, such as tiny homes, cottage communities, conversion of existing spaces into accessory dwelling units. The issue of housing and homelessness are deeply connected. There is a direct relationship between the cost of housing and the amount of homelessness in a community. He stated the City needs to find ways to bring down the cost of housing.

(5) Work to expedite projects that bring expanded housing capacity to the City with a balance focused on both subsidized and market rate. The Councilor stated housing is a supply and demand problem, and the problem in the City is that we have a lot of demand and limited supply. If we want to get the cost of housing under control we are going to have to figure out how to build more of it.

(6) The last suggestion - one that has been around for a while is to find a long-term solution for the lack of public bathrooms downtown. Providing public bathrooms is a difficult issue due to the need to provide supervision and cleaning services. He noted in the City of Portland Oregon has developed a special type of outdoor bathroom to support people who are experiencing homelessness. These facilities are mostly self-cleaning and very difficult to vandalize. He indicated they would like to see the City review and experiment with this idea. Perhaps placing one of these bathroom facilities along the Rail Trail where it can also be used by people who are biking through area.

With that Councilor Williams turned the presentation over to Councilor Lake.

Councilor Lake stated the City needs a path forward for how it is going to carry these things out. The best course of action would be to have these set of objectives be referred to one of the City Boards or Commissions, such as the Human Rights Committee to be further investigated and have that Board or Commission report back to the City Council with specific recommendations on how to carry them out. Provide that committee a chance to explore and come back with recommendations where they see fit. For example, on the recommendations for camping.

Where would it go? What is needed for resources such as trash removal?

How does this integrate with service outreach? For Building Code? What needs to change to allow for more affordable housing options etc.

The Councilor stated what they are attempting to accomplish with this list of suggestions, it is not to be in direct conflict with the existing objectives of the Greater Keene Homeless Coalition which has the aim of bringing together ideas focused on ending homelessness. Instead, these objectives are complementary by striving to reduce the harms associated with homelessness. These are two different goals, but of course could have overlapping strategies, such as trying to increase affordable housing options. He stated he wanted to be clear, this is not an attempt to indicate the City isn't providing services and seeking out additional solutions to the issue of homelessness, but rather that there are additional opportunities as has been outlined to reduce the impact the affected individuals in the community at large.

The Councilor stated it is their hope that a committee such as the Human Rights Committee could work alongside the Greater Keene Homeless Coalition to move their objectives forward. This concluded the Councilors' presentation.

The Chairman turned the presentation over to City staff. City Manager Elizabeth Dragon was the first to address the Committee. The Manager stated her opinion is that the welfare laws and the overall structure of welfare in the State of New Hampshire is broken. The shelter model and the proposed camping model does not get to the root of the problem. It forces people to leave their own community because their community lacks the support they need. Instead, they are forced to congregate in group living quarters in the few communities that have shelters and social services. Then because those communities have shelters and services, it becomes more cost-effective to grow those in towns and cities that have those services shifting a larger burden to a handful of communities, instead of finding solutions in every community across the State.

To address the issues we need to get upstream of the problem. How do we do that? Welfare reform at the State level. Each community in the State should be providing transitional housing in their own community and mobile support services. Welfare Directors should be focused on strategies to prevent homelessness and they should be working to keep people in their homes; through rental or mortgage assistance or even just helping residents access available state programs that will provide that assistance. Right now there is no incentive for communities to do any of this, because right now, if someone becomes homeless, the Welfare Director in the community picks up the phone and calls all of the shelters in the State until they find an open bed. At that point, that community pays to transport them to that shelter.

Other barriers include communities with very limited hours to apply for assistance and complicated applications. If you are in need of emergency assistance but your town's welfare office isn't open, chances are, you are going to a place like Keene that has office hours and is accessible. The Manager stated in the 4 ½ years she has been the Manager she has seen this happen. 100 Nights has transitioned from a shelter that was open 100 nights during the coldest time of the year to a year-round shelter starting in year 2017 and now they are building a new shelter on Water Street, which

almost doubles what their original capacity before their recently added bus and hotel rooms.

The Manager stated at today's Greater Keene Homeless Coalition meeting it was indicated that those self-reporting they are from Keene in our shelter system is 60%. 25% are not even from Cheshire County. This is good information to inform the conversation and it is likely that Keene residents are even less than 60%, because people often think they have to say they are from Keene to get services from Keene, which is not the case. Regardless of residency the way the State law is structured, if you are eligible to receive assistance from the City and the shelters, you receive it regardless of your residency status. The Manager stated we are a caring community who tries to do the right thing. No matter what Keene does as a community or how much additional capacity it creates unless the State's welfare structure is addressed it will never be enough. Communities around us without shelters and programs are large cities who struggle with these same issues will look to Keene if there is an open bed and Keene's numbers will continue to grow.

The Manager stated staff heard at the Coalition meeting that more towns in our county are in need of Southwest Community Service (SCS) Shelter Services as compared to last year. Another telling statistic - the estimated rate of homeless for New Hampshire is 12.3 people per 10,000 population, meaning on average Keene should have about 31 people experiencing homelessness. At the present time 100 Nights has 64 clients between the Shelter, their bus, and people they have put up in hotels using Covid funding. SCS has 45, 15 to 20 people are living on the streets or in the woods, and MCVP has seven, which is 136 homeless clients in total.

The Manager went on to say if someone is homeless and comes to the City regardless of availability in shelters, the City will house them. What was seen at the encampment behind Hannaford's, after weeks of outreach and a coordinated approach - this outreach began on January 31 and lasted through March 14. She indicated, what staff saw was only a couple of people actually agreeing to go into a shelter. A couple more went into rehab and the rest were not interested in the services that were provided, even though the barriers to entry to get into our shelters are very low.

The Manager went on to say people have different life stories and circumstances, and staff takes the time to learn about those stories and circumstances and provide services that are right for them. But the work that is done is focused on bringing people in from the streets or the woods not creating more opportunities for them to live in the woods.

The Manager then addressed what has been done in the City. Both the Manager and the Mayor have been involved in the Governor's Council on Housing Stability. The Mayor has served as a member of the Commission, and the last year the Manager co-chaired a group focused on regional coordination. There is a strategic plan that has come out with both short-term and long-term action steps that talks about housing as well as a comprehensive plan on homelessness. This plan mentions the uneven and inconsistent responses across all towns, and as a result the participating communities shouldering a disproportionate amount of financial responsibility. It includes recommendations which the Manager felt does not go far enough, probably because tackling welfare changes in New Hampshire would be tough, but it does include conducting a formal data-driven assessment of the current welfare model to propose solutions to both the financial and the administrative structure based on that assessment.

The plan also talks about equipping smaller towns for responses. So issues don't overwhelm the larger cities and providing resources for short and medium-term financial assistance for rent and utilities for people in economic crisis. This is a good preventative measure that all communities should be focused on in their welfare department.

This year the Greater Keene Homeless Coalition has been actively involved in participating in a

service mapping project. Mapping services for a variety of things to improve practices in promoting housing stability, homeless prevention and cross agency communication. Identifying program and policy overlaps and gaps to inform the next steps. Align resources to maximize the benefit to the community residents who are facing homelessness. The State hopes to create a model that can be duplicated in other parts of the State. Keene has already implemented some of those recommendations in the first draft. For instance, about a year ago Keene instituted client meetings with Human Services and the two homeless shelters to discuss individual Cases. This is a much better person-centered approach. Keene is now implementing the same type of meeting for street homeless. Keene is part of the state's coordinated entry system and would like to be part of the state's homeless management information system to better track assessments and referrals.

In addition, Natalie Darcy, Keene's Human Services Director is in the process of setting up a meeting with the Cheshire County Welfare Directors to discuss homelessness and city and town responsibilities. The Manager stated Craig Henderson of SCS is also going to be part of this meeting to speak on billing and town responsibilities. Ms. Darcy would like this group to eventually come up with a uniform application for area directors, as well as reminding them of their responsibilities.

The Manager noted, as she had mentioned earlier, some towns take appointments one day a week for a few hours. The State's Housing Stability Strategic Plan has a goal of increasing housing units in the State of New Hampshire by 13,500 by the year 2024 and there are action steps in the plan around that. Keene has taken this goal and applied it to Cheshire County and to Keene to understand what Keene's share of that goal might look like.

The Manager stated one thing she is excited about is the work being undertaken by all State Regional Planning Commissions to inventory housing types and affordability across the State. Many communities have very restrictive zoning regulations that prohibit certain housing developments. Keene has gone through an extensive update of its zoning regulations and has made changes to allow for more densification. There is more work to be done in that respect and the zoning code will continue to be reviewed.

With respect to Accessory Dwelling Units, the Manager stated they are a great way to add more housing and make home ownership more affordable. However, many people have not taken advantage of this in the State. The Manager stated Keene has taken stock of its housing and homeless strategies, made several improvements, and will continue to do so. Keene has implemented and participated in the Strategic Plan on Housing Stability and Comprehensive Statewide Plan on Homelessness, and have implemented many improvements as a result of these conversations.

The Manager further stated the Homeless Coalition has engaged partners who are leaders in this region and are extremely knowledgeable in this field.

The Manager stressed that Keene will provide housing options to anyone who is homeless and currently camping. Keene is in the process of streamlining its permit process but are not there yet.

With respect to public bathrooms. Public bathrooms are being discussed in the capital plan, and staff has looked at the Portland Lou as an interim option and it is easy enough to bring that forward again. The Manager stated what she would like to do is to continue to implement the strategic plans the City has in place, both at the State and the local level and continue the good work of our partners at the Homeless Coalition. She stated what she is really looking for is someone to take on welfare reform at the State level so we can get to the root of these problems. This concluded the Manager's comments.

Human Service Manager, Natalie Darcy was the next to address the Committee. She began by saying that her office is passionate in their efforts to assist the homeless community and committed to work to assure that everybody who wants to come in from the cold is able to do so. Sometimes it feels like a two-edged sword as staff must determine the town the person is from. This does not mean the individual will not be assisted, but assures the correct town can take accountability for the residents. She added she also has the responsibility to the taxpayers of Keene to assure the tax money is being spent appropriately. Ms. Darcy stated it is staff's hope that Human Services could be instrumental in keeping people in their homes.

Ms. Darcy stated her department is open Monday through Friday and there are also other programs in the area that will happily assist and help keep individuals housed. She added since the rental moratorium ended, the department is seeing many families evicted for reasons other than rent. Unfortunately, this along with .6% rental vacancy has posed the issue to a greater extent. Ms. Darcy felt it was imperative for the City to have a great working relationship with area resources to keep people in from the cold, which is why they are establishing this mapping program and working on the Homeless Coalition.

Human Services has not always had an abundance of homeless individuals. In the last 13 years for the first 10 individuals, there wasn't the need to put them up in hotel spaces. The last three years the City has seen an increase in requesting shelter hotel assistance. There is a 100% increase over the last few years and stated the issue is real. Ms. Darcy stated Human Services does not have staff to perform outreach work in the field and hence are happy to have partners such as SCS and 100 Nights.

With respect to these partners. This winter 100 Nights has helped over 70 individuals per night their regular capacity is 28 and today's number was 62. Ms. Darcy noted when April 30th arrives there is no plan to house these individuals. The department has received at least seven applications from hotels and are working with these individuals to try to get them case management and housing before that April 30th deadline. Ms. Darcy stressed Human Services will make sure no one is left out in the cold.

Ms. Darcy went on to say, if they are not receiving regular updates, such as bed lists, staff has no way of knowing who the individuals are, who need the assistance. This is why it is imperative that staff meets with these individuals to determine where they are from and contact the correct town to see if they have the resources within their own communities to take care of their homeless population.

Ms. Darcy stated the City has a great relationship with SCS as well. They have had open beds throughout the winter and the City has been able to house many individuals because of that relationship.

Ms. Darcy then addressed shelter guests from other towns. Jaffrey 3, Bedford 1, Hillsboro 6, Winchester 8, Brattleboro 2, Rindge 6, Claremont 6, Plymouth 1, Richmond 2, Florida 1, Swanzey 5, Manchester 2, New York City, Troy, Fitzwilliam, North Carolina, Georgia, Roxbury, Vermont, and Newport. Overall 55 individuals are from out of town and 48 individuals are from Keene. Keene is the hub with services and hence an individual wants to be identified as a Keene resident as the Manager has explained. Overall Keene is seeing 60 - 75% of all shelter guests from another community. Ms. Darcy noted towns are not taking their responsibility under RSA 165, for their homeless population. Many feel because they sleep in Keene they are from Keene. For Human Services purposes, however, shelter is transitory housing and is not counted as residency.

Ms. Darcy stressed they will not turn anyone away who comes to their office for assistance.

As indicated by the Manager, many welfare offices are not open during regular hours and unavailable to the homeless population. Ms. Darcy stated her staff is working with clients who are out of town to get applications to the appropriate town and have started that process already.

Regarding housing developments, Ms. Darcy stated obtaining subsidized housing is great for the community. However, housing developments are not always the answer when talking about the homeless population. Adding subsidized affordable housing will help a great deal of families. Homeless individuals often times face challenges to qualify for housing. Such as background checks, criminal records often leave families locked out of these development as well as poor landlord references and credit reporting. Ms. Darcy stated most individuals who come to their office do not have the resources to pay their rent in a timely manner. In addition, many housing developments have a policy if someone is late three times during the year on rent payments they will be evicted. This leaves the family homeless. In addition, clients are put on a wait list that can last three plus years before being housed. Purging of lists also deletes people who need housing the most.

What are the next steps? Continue the mapping process with the shelters, mental health and health care providers. Using the homeless management system would be a helpful tool for the office in identifying the individuals who need the assistance and work with the mapping team to get people housed. Renew and start new Memorandums of Understanding with SCS and 100 Nights, continue to meet with all individuals to assess, assist, and refer to appropriate agencies. Meet with Cheshire County Welfare Directors to discuss homeless strategies. Standardize area applications with area towns and add 100 Nights and SCS to the conversation with reference to RSA 165.

Ms. Darcy stated her goal is to meet with Welfare Directors from Cheshire County on a monthly basis. Staff has requested 100 Nights and SCS send their clients to the City so the City can assess each individual and their needs. Staff will assist in completing and sending applications to the appropriate towns for billing, so that Keene is not on the hook for everybody in Keene. Identify gaps in the process so no one falls through the cracks.

In conclusion, Ms. Darcy stated she feels her office has a strong relationship with area shelters and is committed to seeing that nobody is in a position to have to live outside. They look forward to continuing to build strong relationships in the community and areas services so that homeless will get the best possible care. For fiscal year to date the City has spent an additional \$34,000 on hotel rooms accommodations and this does not include the funding the shelters currently receive.

Beth Daniels CEO for SCS was the next speaker. Ms. Daniels explained the way in which SCS has approached the issues of homelessness and housing is that it is on a spectrum; where someone falls in their experience with homelessness. SCS tries to create resources across that spectrum, whether it be street outreach and in the past they have paid out close to 9.8 million to prevent homelessness, through the emergency rental assistance program. SCS has several family shelters, single men's shelters and also permanent housing for the chronically homeless (five buildings).

She felt the conversation needs to be where the services are not being met. Ms. Daniels stated if this proposal is sent to a Committee and the City thinks about creating these types of sites, it will be a challenge to figure out how much structure the City wants to bring in. She felt having certain controls may deter people from utilizing the space. She felt bringing it to a committee is a really great way to move it forward.

Ms. Daniels introduced Craig Henderson Director for the Housing Stabilization Program. Mr. Henderson stated SCS is both a leader and a follower. SCS is going to figure out what the community is asking for and then lead the way and make it happen.

Mr. Henderson stated they are however, seeing some pretty troubling trends. In 2020, 290 people were served through MCVP, SCS and 100 Nights. In 2021, that number increased to 371. He agreed with the Manager that the welfare system is broken. If you build capacity in Keene people will be sent to Keene – there is no getting around it. Other welfare departments just don't want to deal with it. If they know Keene is the easy button, they will send their people to Keene. Hence, work needs to be done throughout the state to make sure resources are available where people are having problems. He stated Keene should be cautiously moving towards adding any sort of capacity because it will be filled. Numbers consistently show 75% of the folks that we serve are from Cheshire County.

Keith Thibault from SCS addressed the committee next and noted homelessness is a complex subject. He indicated there is not enough regional work done together and part of that is because of NH's tax structure. Mr. Thibault stated from his personal experience of developing real estate it can be as much about a homeless problem as it is an affordability issue. If people who are in the business of providing housing get enough resources they will build it. We have extremely high housing costs partially because of our success. Housing costs don't match the wages that are being paid. He felt 100 Nights is a huge accomplishment which will help a lot.

Mr. Thibault felt this also has to be looked at as an individual's lifestyle choices; various forms of mental illness that also contribute to this and sometimes go untreated. We will find answers and they are going to come from a variety of places. Ms. Daniels added there are also some people who like to live the nomadic lifestyle, or be away from prying eyes. What that overall unsheltered population they make up, she stated she wasn't sure. This is a portion of the population they have served in the past.

Mindy Cambiar Director of 100 Nights was the next to address the Committee. Ms. Cambiar stated she does not disagree with anything the Manager, Southwestern, Ms. Darcy has said tonight. There does need to be a further conversation. She talked about how homelessness is addressed in Portland, Oregon and how well they are handling the homelessness with tents everywhere and broken down campers on side streets where people can live. She also suggested railroad cars and accessory dwelling units. How do we get people to believe that all of these people are human beings worthy of dignity and compassion? She felt we have to have more conversations going forward.

Councilor Johnsen stated what she is hearing is desperation, what's being done, and the disconnect. The three Councilors who are addressing the issue have seen this disconnect and are trying to fill in the gaps. She thanked everyone who is involved in trying to find answers to this problem.

Raleigh Ormerod City Councilor thanked everyone who spoke in great detail about what is being done and what could be done. There is a temporary crisis and there are some things that need to be addressed. He talked about his role on the school board where we are taking kids from surrounding towns but those children are not being separated – the difference there is tuition associated with them. The Councilor felt instead of setting barriers for people coming here there could be an approach for resources allocated to Keene. He felt Keene is a leader in energy, inclusiveness and maybe Keene could also be a leader in homelessness.

The Chairman invited members of the public to address the Committee next.

Mr. Kevin Morrow talked about the homeless population living behind Hannaford's and Walmart and felt a dumpster at this location will help. He suggested the drive-in next to the police station as a possible site.

A speaker who did not provide his name stated this past month his rent went up \$600 and felt that was unattainable. He noted this problem will get a lot worse before it gets any better.

Chris Cobeck of 229 Main Street stated it has always been the belief the responsibility of homelessness is one's own fault, and the responsibility of change lies therein. Partisan hand waving of this kind does not make the problem go away and merely thrust it upon the less prepared. Mr. Cobeck referred to his experience of having to administer Narcan with no medical training. He stated that he has mapped out locations of camps, shelters, and has taken on the task of handing out food, hygiene, products, and medical supplies. He stated we can pretend the fault is with the individual but burying the question does not answer it. He added if he and his friends don't take the liberty of trucking into the woods and providing aid where the State fails, it would then become the problem of police investigators and morticians. He voiced his support to the proposal being brought forward by the three councilors.

Stacey Pickford Biaz of Jaffrey, New Hampshire stated she has experienced homelessness and there was a time she was addicted and struggling internally in silence. At the present time she is a landlord providing housing, so she see both sides.

She questioned where people who are incarcerated in Cheshire County go when they are released – is there a re-entry program? Chair Powers stated there is a re-entry program. She noted her transitional housing takes in people from surrounding towns and also noted to the transportation issues this area faces. She added homelessness is an experience not an identity.

Joy Douglas Marshall Robertson of 36 Ellis Court, volunteer with Keene Mutual Aid stated we are excited to spend time getting upstream but there are people drowning now. He stated we have the opportunity to set an example for what a compassionate community can look like in New Hampshire. This is a real effort to reduce harm to those facing the realities of extreme poverty realities that we cannot simply ignore and hope they disappear. In fact, a failure to enact a creative solution now will only cause the problem to grow in the future.

Being homeless is not a crime and it is not something that we as a community can afford to turn a blind eye to. Every year the homeless population grows and shelters become more overburdened, resulting in them being more stringent in their regulations. People with children and pets struggle to access emergency resources and shelter beds which are exceeded by the sheer number of people who do make the decision to utilize them. During the warmer months shelters cut the amount of beds and people who prefer to camp or have to camp stay in whatever areas they can find sanctioned or not. This increases isolation from basic survival needs and services, as well as the safety risks from medical and substance use related emergencies that were referenced earlier.

There is currently nothing that can stop these things from being realities. But much like providing children a skate park and recreational activities, it combats those problems by creating spaces where people feel that they're actually part of the community where they can actually exist, where services can contact them in non-antagonistic ways. The City can make areas off limits, but that won't stop desperate people from making desperate decisions. We are witnessing a rise in evictions due to the economic crisis of Covid and inflation, more and more people will find themselves with no option but to find places to camp. The City can spend countless taxpayer dollars on policing off limits areas every day to keep people away or we can take the more humane, less expensive route of designating an area for camping and requiring that those people that use the space be caretakers. He suggested coordinating with Parks and Rec staff and outreach services in order to provide a safe environment for people to have the basic needs met.

He asked the City Council to accept the proposal as it will be a net positive for the whole community as well as positive example for the rest of the State. He felt everyone will benefit from more public bathrooms and more affordable housing options. He urged the Council to support this proposal

Mr. Dave Chandler stated he and his wife have been residents of Keene for over 13 years and now live in Langdon Place. He stated Keene has an immediate problem. He agreed this is a Statewide issue but we can't wait for the State to solve it. He stated he has a specific proposal to review with the Council: A set of criteria for adopting and establishing a specific program for helping the folks that are in immediate need and the City needs to deal with those people who want to live in the woods.

- An acceptable site for displaced tent people:
 1. It should be a location suitably apart from residential properties.
 2. It should be a site on property owned by the City of Keene,
 3. For safety and privacy a wooded site or open-level space near woods would be ideal.
 4. For safety and prevention of inappropriate behavior rules and regulations have to be put in place.
 5. Ability to gain access to critical services such as the Community Kitchen should be provided e.g. Express Bus service.

Mr. Chandler suggested the woods behind the pickle ball courts on Maple Avenue as a possible location

James Duffy of Winchester was next to address the committee. He stated he has served on the Board of Directors for 100 Nights, is a member of the Monadnock Interfaith Project and a tenant in Keene where he pays rent for a studio. He stated this is a critical issue and hoped that energy, compassion and insight will move it forward. Mr. Duffy noted in 2021, 14 towns in Cheshire County made significant financial contributions to 100 Nights to help cover the cost of their residents. Mr. Duffy referred to page 50 of the Keene Comprehensive Plan which refers to housing issues and affordable housing and how that contributes to homelessness. He noted there was a recommendation made for an affordable workforce housing fund to be explored and asked staff whether such an issue was ever discussed. Page 50 also talks about convening community stakeholders to devise a specific strategy to address these issues and asked whether a specific group was formed since 2010 to address those issues specifically by the City. If not, is it possible that such a group could be formed? The Chairman stated they will follow up on these questions.

Mr. Duffy stated he is a former City Councilor and worked on the comprehensive plan. There are three principles this plan is based on that was identified in the Keene community goals; environmental integrity, economic opportunity and social equity. He felt this items falls under social equity and asked that this be kept in mind as conversations move forward.

Mr. Roy Ginsburg Vice-Chair of the Monadnock Interfaith Project (MIP). He indicated MIP is very interested in long-term systemic change. He indicated he has worked with people that face many challenges, including significant mental health challenges. He felt all people deserve dignity, safe housing and support, and he applauds Keene leaders for taking a serious look at the alternatives ways that people could have a place to live that is legal and safe. He felt the letter written by the Councilors is well thought out for possible short-term and long term solutions. He indicated MIP is advocating for an affordable Housing Trust Fund for Cheshire County that would address longer-term solutions.

Mr. Ginsburg noted the first meeting of the Affordable Housing Trust Fund Work Group is next week. It will meet for six sessions and hopes to have concrete a proposal to bring to Cheshire County decision makers by early summer. He asked about properties that are vacant or underutilized that could be used in the short term for people to live. He encouraged the Council's support.

Ms. Susan Hay of 22 Middle Street stated she has watched this issue for the last decade and was part of starting the breakfast program at the Unitarian Church because she had seen people on the

library steps at 7 o'clock in the morning because they had to leave the shelter and it was cold - and that was the next building that was going to open up where they could go in. She felt to be a compassionate City, we need much more creative thinking. She felt for people who live in the woods, this is a more viable choice than living in a shelter. For some of those people it is what they can handle and the City needs to meet them at that level. She stated she loves the recommendation and added the City has been talking about bathrooms downtown for a decade and felt it was shameful this issue has not been settled yet.

If people are going to be outside, a dumpster is also required. She agreed there is risk attached with some of these recommendations, but the risk already exists. She felt there is income inequality, but this is our town and this issue needs to be addressed.

Jenny Dole of 32 Leverette Street began by expressing her gratitude to the Council members for bringing this proposal to the Council and her support for same. She noted she works at a homeless shelter and added her grandmother was a founder of a shelter.

She stated she works with people who don't fall neatly into the boxes we have designated to qualify for shelter housing. More and more people are struggling these days and our system must adjust. In the meantime we, as a community must gather whatever resources we can to meet the needs of all of our neighbors. In this proposal there are immediate and long-term suggestions. To the former we absolutely must do what we can to facilitate the safety and security of those unhoused individuals who cannot or will not enter a shelter. She felt the City needs to meet them where they are at and demonstrate compassion, respect and recognition of their innate dignity.

Ms. Dole stated the City should provide safe areas for those camping and sleeping in their cars. Public services, like bathrooms, trash receptacles, and access to showers, is the very baseline of that recognition of dignity. This is low-cost, immediately actionable, and will help mitigate, concerns and facilitate self-improvement. Beyond that we need to tackle the broader issue of affordable housing.

She noted there are many examples across the country of creative ways to provide housing for all. She stated she wholeheartedly supports the suggestions of accessory dwelling units and MIP's Housing Trust Initiative. She stated first and foremost use whatever resources we have to provide public space in the immediate for our unhoused neighbors. She hoped we can come together as a community to implement creative ways to create truly affordable housing.

Jeffrey Thompson was the next speaker. He stated he did not have an address as he lives in a tent and he is homeless. He stated trash is an issue and can be overwhelming because he does his best to pick it up. He indicated he has been a resident of Keene since he was four and recalls Gilbo Avenue having public bathrooms. People are now left with using 100 Nights Resource Center which is not always vacant, or at times using the bathroom at Cumberland Farms gas stations. He felt dumpster are a good suggestion.

Mr. Thompson stated he is too broken to work but not broken enough to be on social security or disability. He stated he has beginning progressive stages of Parkinson's disease which makes it difficult for him to secure employment as many employers feel he is a liability. He stated he longs for a hot shower and has been wearing the same clothes for months. He has been homeless since he was 16 years of age. He stated he agrees with the designated camping area.

Reverend Michael Hall of 9 Kennedy Drive, Minister to the Unitarian Universalist Church was the next to address the Committee. He stated for centuries as a congregation they have been willing and able to do good for those who struggle in their lives due to poverty and lack of shelter and food insecurity. He stated no one should be abandoned or cast off as a sinner because of his/her desperation. The

minister stated his church has always found willing partners from other area churches. He referred to all the charities his church has founded such as the breakfast program.

Rev. Hall applauded the three Councilors who have put forward a call for accommodation to those who elect to live outdoors. He stated he does not believe people are coming from other communities because Keene is a better place to tent. He added people end up in a shelter because they have a need that must be filled. He felt what is being proposed is a remarkably important emergency measure to deal with the issue right now.

In closing he referred to these words from Leslie Jamison "Empathy isn't just something that happens to us a meteor shower of synapses firing across the brain. It's also a choice we make to pay attention to extend ourselves sometimes we care for another, because we know we should, or because it's asked for. But that does not make our caring hollow." He added you don't need inspiration to help people out and hoped we can do this together.

Derek Scalia, of 16 Hillside Ave faith leader and member of the Monadnock Interfaith Project began by thanking the Councilors for this proposal. He stated he recognizes these measures will not solve the issue that is at hand and yet these measures are rooted in compassion and love, which is often not talked about in government. He felt this is the ultimate calling that builds strong and vibrant communities. Mr. Scalia stated those who are in need are often caught in a bureaucratic struggle that leave so many outside of the fold but the work that is before us will not be solved by one entity alone and work that needs to be addressed as a community.

Reverend Cindy Bagley Senior Minister at the United Church of Christ was the next speaker. The church has been involved with this issue for a long time and was the original overflow shelter for years. The Reverend taught her experience of being nearly homeless many years ago when her husband was diagnosed with a chronic illness. She indicated they lost everything and this experience changed her life. She stated she was one of the lucky ones because she had a wonderful church and very gracious friends and added this issue that is being discussed tonight is something anyone could fall into, no one is exempt from it. Rev. Bagley stated her experience is what led her to ministry. She noted we have an immediate problem and a systemic problem and felt they both need to be addressed.

Reverend Elsa Worth Priest at St. James Episcopal Church, stated she has experienced this community as an extremely compassionate forward thinking, and civic minded community and nothing she has heard tonight changes her mind. She stated she is grateful for this letter that has come out from the three councilors who have shown an out of the box vision.

She stated things often come down to budgets and it is true there are limits to budgets, but it's also true that there is unlimited compassion in our community. She stated hence all we need is leadership and that she is grateful for this letter, because it is showing that our leaders are willing to think outside the box. She stated she wants to live in a town that is known for its innovative and creative leadership and used the business leadership as an example during the pandemic.

Mr. David Kirkpatrick stated he sits on the Board of Rights and Democracy Institute for New Hampshire and Vermont. He also owns a business located on Marlboro Street. He stated his first job in Keene was working for a company called Access who helped people who were not fitting into the box find other ways to have success. He stated he worked with a number of kids from Keene High to find ways to get them credits for things they were not able to do. He worked with kids and adults of various abilities and disabilities, and some they were born with and some they acquired. One of the things that they absolutely would do is get people to move to cities. He felt moving people out of places is not really a thing that that should be done for a variety of reasons. Mr. Kirkpatrick stated

some people come to these cities because they need the resources being offered here.

He stated he agrees with the Manager that the problem starts at the State and there is a great global problem that needs fixing. He stated each community has its own challenges and people are going to keep coming here and we need to find a way to address this issue. They are our citizens and we need to find a way to help them.

Sparkle Woodward of Keene stated she has lived in Keene for 4 years witnessed a lot of changed especially during the pandemic, when the demand for housing has increased. With demand there needs to be a supply. She stated we are stuck in a slump where demand continues to increase, as does the cost of living. Meanwhile, in New Hampshire, minimum wage continues to stay at \$7.25 cents.

A single bedroom apartment in Keene can cost well over a \$1,000 per month, this is not factoring in food, laundry, travel, and other expenses. This is causing individuals to become homeless. She talked about her experience of possibly facing homelessness due to a fire in her apartment and felt services are necessary for the homeless. She talked about the need for public restrooms and trash disposal.

An individual who did not provide her name began by thanking the Councilors for bringing this item forward. She talked about her experience with homelessness and where she found housing at that time was at Cheshire Homes. She agreed the welfare system has been broken for a long time. She indicated she was embarrassed to ask for help then but now as a retired English teacher, on social security she lives in subsidized elderly housing and is not embarrassed to ask for help. She felt there has to be a solution to the issues facing the homeless population.

Councilor Remy asked for clarification as to what the Councilors were looking for. Councilor Lake stated there are issues that need to be fleshed out and were hoping for a city committee to work potentially in tandem with the Coalitions that already exist. He stated the idea would be to send this to Human Rights Committee and have them act on these items. Councilor Remy asked for the Manager's input on this suggestion. The Manager wasn't sure if this was the right Committee to send this item to. She stated she would like to address this issue with the Parks and Rec. Director who is a staff liaison for that committee; manages the work of that committee and understands the membership of that committee. Councilor Remy suggested perhaps assigning this item to a Committee. Councilor Madison asked whether this item might needs its own Ad Hoc Committee because some of the issues are complex.

Chair Powers felt this could take time and asked whether the Manager could be charged with addressing a number of things and come back to this committee while working on setting up an Ad Hoc Committee. The Manager stated she could certainly look at the charge of HRC as well as looking at other options. She stated she could create a committee as well for a specific purpose and the Mayor creates committees as well. She stated she would like to think about this a bit.

The City Manager stated if the Committee really wants to help expedite this giving it to the City manager to create what she thinks is necessary for this purpose would be the best option. Otherwise the issue with RSA 91-A factors in and it becomes a much more formalized process.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to continue work with a Greater Keene Homelessness Coalition to complete the community mapping process on homelessness, prevention, and coordinated local response to homelessness. This report will be submitted to the Governor's Council on housing stability; and,

further, that she work with the State and Service providers in our region on implementation of recommendations contained within that final report and the letter brought forward by Councilors Williams, Workman and Lake be directed to a committee at the City Managers' discretion.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.8.

Meeting Date: April 7, 2022
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Machina Kitchen and ArtBar – Request to Use City Public Parking Spaces – Parklets**

Council Action:

In City Council April 7, 2022.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 5-0, the Planning, Licenses, & Development Committee directed the City Attorney to prepare an Ordinance based upon the Committee discussion to authorize the placement of “Parklets” in designated areas on public street(s) to allow for expanded outdoor dining.

Attachments:

None

Background:

Chair Bosley recalled this has been an ongoing discussion and requested some background be provided for the benefit of the new Councilors on the Committee.

Chair Bosley welcomed the applicant, Ms. Danya Landis and her husband Mr. Walker Landis of 433 Elm Street, co-owners of the Machina Kitchen and ArtBar on Court Street. Ms. Landis stated she was requesting to build a parklet, which she said had been valuable across cities throughout the pandemic. Parklets are a platform built within a parallel parking space in front of a building that holds seating, a small park, or other gathering space. Ms. Landis was requesting a parklet for dining with food and alcohol. Ms. Landis requested a parklet comprised of three parallel parking spaces in front of the building at 9 Court Street, which would allow for an additional 46 outdoor seats, which is what they had for the past two years during the emergency order. She said this is a great solution to their current situation, with the narrowest sidewalk of any restaurant wanting outdoor seating. Another problem is that there are beautiful old trees and parking meters, which the applicant does not want to disturb and therefore they seek a more elegant solution. They have asked to put tables on their sidewalk as they did last year without use of the parking spaces, but she was informed the day of this meeting that there were additional problems with that option, which she is trying to work out and so she is unsure whether that was a viable option. Ms. Landis stressed that while a lot of things are opening and many at the meeting were not wearing masks, that the pandemic is still very real, especially for those who are immunocompromised and do not want to eat inside. She said their

customer base is incredibly careful and she knows they are incredibly careful, and she wants to maintain that outdoor option. She did not realize how imperative the outdoor seating would be to their business' health and revenue; the calculations shows that it was 50% of their revenue during that season, which includes providing jobs, feeding people, and allowing families an opportunity for more money. They would not be able to provide as many jobs without outdoor seating, which would reduce jobs in the City. She recalled this being a year-long ongoing process since she submitted this initial letter and began talking with Mr. Kopczynski and she urged the Committee to think of ways for forward momentum. Ms. Landis suggested to approve this today with the stipulation that the ordinance would be crafted before the next Council meeting. She wanted to give it a deadline to keep it moving forward, knowing the guidelines were not set in stone. Ms. Landis appreciated everyone's help and support through this process, which can often be challenging in government, but City Staff had been incredibly responsive in helping.

Chair Bosley appreciated the overview and while she did not know the timeline, she said there is a process to ordinances being approved in the City, which requires multiple readings in front of the full Council and this Committee. She also felt this would require a lot of crafting and she hoped to get a good start on that conversation tonight. She said the Committee needed to create something holistic for the downtown community, which would require several iterations and community input, and therefore this process would not be instantaneous. Still, she hoped to gain positive momentum at this meeting.

Chair Bosley welcomed comments from the City Attorney, Thomas Mullins, who introduced the new Assistant City Attorney, Amanda Palmeira. The City Attorney went on to discuss the timeline for this matter of a possible parklet ordinance. He recalled being before this Committee during summer 2021, when he told the City Council that they did not have the authority to do this, which he said was true then. Then the Legislature decided last year to amend a section of the Liquor Commission Statute 178:24, inserting the following phrase, "In licensing and authorization for outside alcohol consumption a licensee may expand into a shared space, such as a street or sidewalk, with the approval of local officials. The Petitioner shall include written plans and diagrams that shall provide detailed information on the proposed extension of alcohol service," which the City Attorney said implies from the State Legislature's perspective that local municipalities have the authority to authorize this type of activity in the street.

The Assistant City Attorney confirmed that the information provided to the Council last year by the City Attorney was accurate and confirmed that after the emergency orders expired, the State Legislature decided to try extending those orders throughout the state via this statutory change.

While the City Attorney felt this provision for activities in the street was provided in the statute, he said there were still restrictions for what is allowed in the right-of-way. The City Attorney noted that there is no true "bar" in NH, because all alcohol sales must be accompanied by some sort of food sale. Thus, this parklet idea would authorize the extension of a restaurant that serves alcohol into the street and would likely apply to a restaurant that does not serve alcohol as well. While there had been previous conversations about the use of the street for other merchandise sales, the City Attorney's previous analysis found that there are specific restrictions on such sales and the Legislature had not changed its stance on that matter. Therefore, this conversation and potential ordinance only applied to restaurants, whether they serve alcohol or not. He said that proceeding with drafting an ordinance would require significant Staff work and so the City Attorney wanted to leave this meeting with clarity on whether the Council wanted to move forward on this issue. Drafting this ordinance would also take time to research the various locations in the municipality, which Staff is prepared to do with Council direction.

Councilor Jones confirmed that this would only apply to restaurants and not any other merchandise

establishment and the City Attorney said that was the position he thought appropriate under the State Statute.

Chair Bosley welcomed Director of Public Works/Emergency Management Director Kürt Blomquist, and Interim Community Development Director, John Rogers. Mr. Blomquist recalled some of these discussions last year, when some work was done with Mr. Rogers and the Economic Development Director, Med Kopczynski. It was essential to look at what other communities across the country were doing with parklets, recognizing that different states have different rules and challenges. Of course, the west coast plans are more year-round, while the east coast is focused on portions of the year. There would need to be guidelines for Keene's winters. Keene's downtown also has various aspects such as medians, parking meters, and American Disabilities Act (ADA) ramps that are allowed in the right-of-way that can create restrictions. Also, within the downtown there are sidewalk widths ranging from 6–12 feet. Therefore, Mr. Rogers and Mr. Kopczynski, investigated the space needed in this downtown to provide passage for all mobility levels of the public, with ADA considerations.

Mr. Rogers commented that the current City Code for sidewalk cafés does have a required 6-foot clearance that must be maintained, which was part of what was considered in the analysis. The downtown sidewalks are sufficiently wide (up to 20 feet) south of the Railroad Street/Gilbo Avenue area, leaving plenty of space to configure cafés or merchandise on the sidewalk. North of that area, however, there are restrictions from handicap ramps and landing areas required to the grassy squares with trees and granite curbing. The sidewalks also vary on side streets like the narrow sidewalks on Roxbury Street and in front of Machina ArtBar, with steps coming from the building that extend onto the sidewalks and planted tree areas. He said the City was able to be flexible during the emergency order, now without it in place, a restaurant such as Machina that had so many outdoor tables during the order would be challenged to meet the 6-foot rule now.

Chair Bosley asked whether that 6-foot rule was reduced during the emergency order. Mr. Rogers replied that they were following ADA guidelines that allowed for a reduction to 3 feet for certain distances, with a 5-foot minimum bump-out. The Chair asked if there were any complaints based on the reduction in sidewalk space. Mr. Rogers said there were a lot fewer complaints than in the past and he thought everyone was more understanding during the pandemic. He anticipated that if the same situation were laid out today, the complaints would likely increase again.

Mr. Blomquist briefly discussed processing these requests and regulating this activity in the public way, which is through the City Clerk's office, the Public Works Department, and the Community Development Department. In addition to the sidewalk measurements, Staff also assessed parallel and angled parking, with all guidance on parklets focused on parallel parking, particularly from a safety standpoint—people must slow more to enter a parallel space, whereas there is a tendency to pull-in quicker to an angled space. Keene's parallel spaces are approximately 18 feet long and angled spaces are 12 feet long. Thus, you can fit more activity into parallel spaces. A parallel space parklet would likely only use one space, whereas an angled parklet would likely require one extra space on either side to make it a squarer space. Based on all of these criteria, he said there were four possible areas for this to occur on downtown side streets, where there is more parallel parking and the sidewalk restrictions: (1) east side of court street, from central square to Vernon Street, (2) south side of Roxbury Street (no parking on the north side), from Central Square to Hannah Grimes entrance, (3) north side of Railroad Street (no parallel parking on south side), from Main Street to the entrance to the 42 Main Street Parking Lot, and (4) south side of Winter Street (north side is courthouse and county administrative building, from Court Street to the Cheshire County entrance. The Chair asked and Mr. Blomquist confirmed that it was the south side of Winter Street.

Vice Chair Giacomo asked the scope of the Staff analysis (i.e., how many blocks off Main Street). He was thinking about the west side of Ralston Street, for example. Mr. Rogers said the scope was the

same as for sidewalk cafés, which is within the Downtown Core from a zoning perspective. They also considered that the four areas Mr. Blomquist mentioned currently have restaurant establishments and also considered how some sidewalks and the Code are today. With the exception of the applicant being restricted to very small tables, Mr. Rogers said the rest of the restaurants along that portion of Court Street would likely be limited to no tables on the sidewalk due to the sidewalk widths currently.

Chair Bosley asked what ruled out in front of Tokyo Express in this initial evaluation. Mr. Rogers said that in that situation, there was safety concern for how many trucks use that street regularly and narrowing the street further would eliminate turning radius on the already one-way Cypress Street.

Mr. Blomquist said he discussed with the PLD Committee last year the potential guidelines for parklets, including that they only be in areas with speed limits less than 25mph, which some of Keene's streets exceed. Safety concerns led to a discussion of jersey barriers that would minimize the potential risk of an errant vehicle and some more aesthetically pleasing products in the 700–1200lb range. They also discussed last year that the configuration would vary at each location, potentially with some locations requiring higher safety measures, such as Roxbury Street with right turning traffic and people accelerating to exit downtown, for example. This is where Staff ended their initial analysis. They did discuss a timeframe for parklets to correspond with outdoor cafés (April 1–October 15). They also discussed maintenance, ensuring cleanliness, and maintaining gutter flow downtown, while keeping platforms safe. They did not discuss design standards, which the Committee could turn over to Staff to develop in more detail. Mr. Rogers said that each parklet space could be unique in requirements and he did not think there was one uniform pattern of how they need to be built and placed with all those variables. If approved, Mr. Rogers said Staff would need to review all the variables mentioned, which could vary by location.

Mr. Blomquist said the last thing Staff discussed in advance of this meeting was how much the City should be involved in parklets; what is the City going to do (e.g., would the City acquire, set-up, and dismantle the heavier safety components or would everything be left to the petitioner)? Mr. Blomquist had communicated with counterparts in Nashua, Portsmouth, and Manchester, NH, about their plans. It looks like in most cases they are reducing the outdoor dining area that they had during Covid-19. Nashua plans to continue the outdoor dining on their Main Street this year. The Director in Manchester indicated that their Mayor was still considering how far to go, but the sense was that they would probably do some of these activities on their Elm Street. He said Portsmouth is unique because they have tiny streets and some are no longer for vehicles; he said they were looking at consolidating. These discussions were a few weeks prior to this meeting and thus he would follow-up to see if any final decisions were made by those municipalities' elected bodies. This concluded the Community Development Department/Public Works Department presentation.

Chair Bosley welcomed comments from the Economic Development Director, Medard Kopczynski. As the Economic Development Director, Mr. Kopczynski wanted to support as much activity as possible that would energize the downtown and City. He said there had been a lot of energy the past few years that Staff wants to continue coming out of Covid-19. Over time, he said that energy had manifested in different ways, such as when the downtown was a shopping destination. Today, the energy is more arts, entertainment, and restaurants. There are also an increasing number of people living in the downtown, so as someone who oversees parking, he recognized the need to provide the opportunity for parking for various classes of people at various times. This was the sort of evaluation conducted for the Strategic Plan. He said cost needed to be balanced against the activity. He added that there is not a real science for counting parking utilization at this time. Staff conducts random samples, but their system only operates from 8:00 AM–5:00 PM. He said the Central Square parking is full in the evenings, when the City is not collecting money. He noted that more workers come downtown during the day and night, in addition to people who live downtown. Mr. Kopczynski said the

system itself needs to adjust, which gets into how much parking the City has. He said the City has enough parking generally as evidenced by random zoning studies. However, as the City evolves, the parking will be less available, which is why Staff has discussed changing some of the system. There has been a discussion of on street parking and of a new parking structure because Staff recognizes that there will be impacts from City growth. He went on to provide data on the current utilization percentages in sample areas during the peak month of July:

- east side of Court Street show: 16% use at 9:00 AM and 53% at 5:00 PM.
- Central Square north: 32% use at 9:00 AM and 100% at 5:00 PM.
- Central Square east: 42% use at 9:00 AM and 63% at 5:00 PM.
- Central Square west: 54% use at 9:00 AM and 92% at 5:00 PM.

Conversely, from April–October, generally speaking:

- Court Street east: 35% at 5:00 PM.
- Central Square north: 31% use at 9:00 AM and 78% at 5:00 PM.
- Central Square east: 52% use at 9:00 AM and 64% at 5:00 PM.
- Central Square west: 45% use at 9:00 AM and 82% at 5:00 PM.

Thus, Mr. Kopczynski said that as the day picks-up, so too does parking, which is one reason he believes the City needs to change its enforcement hours. He has been looking for a mechanism in the City's Code of Ordinances to advise and make a way to take a parking space and capture it for a period under the Ordinance. He said going forward with the parklets would require some change to the Code in some manner to either change something there now or create something unique, and he said Staff was leaning toward the latter. There is no direct analog for this and there are different meter rates, reserved space locations, and this is would take spaces out of the system, which is only accounted for in the Wells Garage, where a mechanism was created for 24/7 parking in the bottom deck (which is the only place with that unique situation in the City). When pricing that situation, Mr. Kopczynski said Staff tried to do so based on a reasonable number but also a number that would compensate the system, recognizing the uniqueness of covered parking in downtown Keene. Mr. Kopczynski concluded stating that there is an anomaly in the Code of Ordinances where the City Council has authorized permit parking/street parking on certain streets from 7:30 AM–6:00 PM. Mr. Kopczynski said he has considered cost, which he was not yet ready to reveal.

Vice Chair Giacomo asked Mr. Kopczynski, without revealing the numbers, whether those numbers were based essentially off the rate it would cost to have those spaces paid during the entire time it would normally be metered multiplied by the average utilization rate for that space; he questioned the calculation. Mr. Kopczynski said roughly, yes. Mr. Kopczynski continued that one way to calculate it would be to pretend the spaces are occupied 9 hours daily, but he said that does not really occur, so they must look at utilization. He said to recognize the difference that those spaces would be taken out of the system, making them unavailable 24/7. He said it requires balance and that some extent of guesswork is justified to the extent that it would not damage the system. Mr. Kopczynski said it was essential to ensure the parking system is making the money it is supposed to; he said Parking Services has been trying to bring the system to operating capacity, while keeping it financially viable. He thought it was a good time to begin this conversation at Committee.

Following the Staff comments, Chair Bosley said she tended to agree that she did not want to see any changes that would negatively impact the Parking Fund. She thought it important to maintain that revenue and said the intention should be to find a number that works for the City to relinquish those spaces. She said the public could be asked to walk to some of the bigger lots in exchange for some direct frontage on Main Street and side streets, without giving up extensive parking downtown. Chair Bosley thought it would require quite a balance to arrive at the appropriate number and to determine whether there needed to be limitations moving forward.

Councilor Ormerod appreciated this initial analysis, which he called very thorough. The councilor

wondered if there might be some circumstances where if spaces were designated as parklets, that a driver would park someplace else with excess capacity and thus not lose the revenue; are there nearby overflow areas that traffic could be redirected to? He asked whether that was a part of the Staff analysis. Mr. Kopczynski said no, not directly. Mr. Kopczynski continued that one problem with parking in general (heard a lot regarding Arts Alive) is that everyone wants to park directly in front of their intended establishment on Main Street, despite their being better equity (longer and cheaper) parking off Main Street, and within two blocks there is free parking. Part of the challenge is getting people to realize that, which is a part of the education that Staff is working on. The strategy was not yet worked out, but Staff was looking at how some other communities do that. He said some communities do Demand Parking, which is a non-metered method where patrons pay a certain rate for one hour of parking, and the rates increase proportionately each hour, with limitations to prevent homesteading a parking space.

Councilor Jones discussed public perception, noting that during the Capital Planning process, the Council and Staff discussed the need for more parking and a parking garage, and now they were talking about taking away parking downtown. He understood the two reasons (i.e., parking garage for economic development) but asked how to get the public to perceive it the right way. Mr. Kopczynski said that also got into communication and education. Mr. Kopczynski said that during this conversation initially internally, it was clear there is a pretty even opportunity on Main Street with the width of sidewalks there; it becomes difficult on the narrow side streets. If taking parking out of the system, it would be fairly limited. The differential between parallel and angled spaces is tremendous. Mr. Kopczynski said that if taking parking out of the system it must be fairly limited. Taking angled spaces from Main Street could really start hurting the system, which cannot afford to give-up those spaces, whereas the side streets are less desirable, and the impact would be less. Mr. Kopczynski said one of the primary reasons for considering a parking facility is not just for those visiting Main Street but also those who live in the downtown and businesses that want to expand. Mr. Kopczynski said it was neither a monolithic question nor answer.

Councilor Jones asked whether having this option available on Ralston Street, Gilbo Avenue, Emerald Street, etc., would entice new restaurants opening there for economic development. Mr. Kopczynski said that when discussing reserving streets, one of the things that came up during the Strategic Plan was opening some of the side streets to people who want to add units to buildings with no place to park. He said that based on the initial evaluation, there is no reason why this same concept cannot be expanded if the City Council wanted, with parking utilization in mind.

Councilor Jones cited that Plattsburg, NY, had a fantastic example of parklets before Covid-19, with jersey barriers for safety that must be covered in approved public art. He said it looks beautiful as opposed to a town like Amherst, MA, where he said it is less than aesthetically pleasing, does not appear safe, and the barriers are covered in political signs. He agreed that looking at what other communities do would help in this process. Mr. Blomquist agreed and cited information from other cities where parklets can cost businesses in Seattle, for example, between \$15,000–\$50,000 because of the requirements, whereas other locations are more like \$1,500–\$5,000. The City must make decisions on how simple the barriers will be. Some people are comfortable with plain jersey barriers and others are not. Mr. Blomquist said it is a balance of the City's expectations and how far the City wants to go in supporting a private business. Ideally, Mr. Blomquist wants this to be as simple as possible, and it is not a year-round program.

Chair Bosley said she was open to the conversation about year-round overnight parking in Keene, but that was not the topic at hand. Still, she said the previous discussion was evidence of symptoms of a bigger problem, with residents in this town currently who do not have overnight parking. She understood that there were complications with snow removal but said it worked in other cities she lived in. She thought part of the reason for the discussion at hand was to strike a balance; to

determine the direction to go, which she thought the Committee needed to come to consensus on, and to determine the parameters to start so Staff could craft a draft ordinance.

Councilor Johnsen appreciated all the work brought forward. She understood that our City is only so big and therefore there are only so many opportunities. Still, she was looking at the fact that new young people are bringing a lot of life to this City and she hopes this conversation does not discourage that. She thought there must be a way to find a balance and change within the City as it grows.

Chair Bosley spoke to Mr. Blomquist's point, while this is a discussion about how the City might assist individual businesses, but she said that as a whole, it is the energy of the downtown that is of interest to this Council. She said that when empty, the Main Street is cold and barren, big and wide, and unwelcoming. Whereas when everyone is outside the downtown feels alive again. The Chair encouraged that ongoing feeling for our community.

Vice Chair Giacomo he said that like the Arts Core meeting the previous week, this would also be about drawing people onto side streets where the parklets would be, widening the scope of what is considered the downtown. This would draw patrons to businesses on side streets they might not know.

Chair Bosley opened the floor to public comment.

Mayor George Hansel said this was an important discussion but is one that can never make everyone happy. By looking at this, Mayor Hansel said he would likely not vote on this issue, but said the Committee would need to look at balancing needs and reducing conflicts. The Mayor strongly endorsed the Council taking the avenue that Staff had laid out by looking at the width of sidewalks to keep this as simple as possible and limited at first. The Mayor had heard from several constituents concerned about losing parking on Main Street. Mayor Hansel also asked the Committee to consider the upcoming Downtown Infrastructure Project, which is focused on Main Street. He said that project could not make everyone happy but would try to accommodate people over time; some areas have obstructions, while wider sidewalks could be reconfigured to accommodate more outdoor dining. The Mayor's advice for now was to make this an exception at first focused on the limited areas with exceptionally narrow sidewalks that inhibit business growth. He reiterated constituent concern for losing parking on Main Street in front of multi-floor buildings.

Councilor Mitch Greenwald said that the way this agenda item was being handled put him in an awkward position. Councilor Greenwald has a conflict of interest on file as the property manager for 32 Central Square, which was primarily why he was present to speak, yet he wanted to reserve his right to discuss the overall ordinance as a City Councilor. The City Attorney suggested that Councilor Greenwald stay for the next agenda item. The Councilor clarified that he was speaking as a property manager in our City, and as such was opposed to this specific request as an advocate for his building, which opposes this specific request. The Councilor said the second-floor offices of 32 Central Square do not have adequate parking. He said Central Square is a heavily used parking area, the businesses need parking for their clients, and the loss of three parking spaces is very detrimental to the businesses. As the owner of the building, he said this would only benefit the applicant and not any other downtown business. He agreed with the potential vibrancy and energy it could bring downtown and said he would want this too as the owner of the restaurant; he applauded their design. Still, he reminded the Committee of the second-floor offices and third floor apartments all over downtown that need this parking that is under attack, which Councilor Greenwald stated that he would fight on their behalf to preserve.

Councilor Andrew Madison viewed this as a way of leveling the playing field for some restaurants

down the side streets off Main Street. Many of the Main Street restaurants have very wide sidewalks and patios that have been maintained and upgraded by the City at taxpayer cost. He said those restaurants are able to use those resources for the benefit of their business. He saw allowing restaurants such as Machina ArtBar on the side streets the access to similar patio space, as leveling the playing field so they can compete with Main Street restaurants.

Councilor Williams stated that he loves this idea and thought it would make the downtown vibrant. He understood the concern for less parking but suggested investing in other ways of getting people downtown, such as on foot with quality sidewalks, with public transit, and on bikes with bike lanes available downtown. In the case of these specific parking spaces, Councilor Williams thought the highest and best use would be to have them help businesses make an income and prosper.

Jodie Newell of 32 Railroad Street loves the idea of parklets, she thinks it has worked out well. She echoed other comments about wanting the kind of community with people and neighbors in the streets.

With no further public comments at the time, Committee discussion ensued.

Councilor Johnsen said she was going to be personal. When she and her husband moved to Keene in 1993 for her to teach at Keene State College, one of the things they loved immediately was the people outside in the summer, which they never experienced before. They cherished it because they never felt old, and they liked to be around the energy of young people. Councilor Johnsen said there is a whole constituency who might be similar and want to be amongst the spirit of people downtown as she does, and as she knows her late husband does in spirit.

Councilor Bosley thought she heard consensus on wanting to move forward having the City Attorney draft an ordinance. Having confirmed a consensus, the Chair asked the Committee to provide direction and suggestions to Staff.

Councilor Giacomo presented to the Committee, City Manager, and City Attorney copies of research he had done into three other communities nationwide with parklet ordinances: Richmond, VA, Spokane, WA, and San Francisco, CA, which he called the original parklets. He presented this research to City Staff outlined as the numbers and guidelines for building parklets for all three cities on one sheet for comparison; there were 15–20 elements listed under these two areas, such as distance to corners, which all three cities agreed should be 20 feet. Vice Chair Giacomo said it was likely that more major cities in the U.S. have parklet ordinances than cities without them, a lot of which he said was due to Covid-19 but now many are finding that codifying to keep parklets was critical because of statistics on outdoor dining during Covid-19: NY City has 9,500 restaurants and 6,000 has on-street dining of some form, which became problematic. He noted that jersey barriers were not the norm for the three sample cities, noting that the barriers are a divisive issue in Keene. He said most of the cities has a soft-tip post at the corners with rubber wheel stops, essentially creating a rubber curb 3–4 feet from the edge of the parklet for protection. They also have guidelines restricting parklets to areas less than 25mph. Based on his research, Vice Chair Giacomo presented to Staff some initial conservative numbers that Keene might be able to begin with. The Committee thanked the Vice Chair for all of this work. The Chair added that this Committee puts their all into this work and it shows.

Chair Bosley continued noting that she has had many conversations with Staff about this and she thanked the Mayor for reminding her of the upcoming Downtown Infrastructure Project Steering Committee. The Chair said she would have lobbied initially for Main Street restaurants that she knows do not have adequate café areas to be able to have access to this ordinance; she hoped that would be addressed instead in the Downtown Infrastructure Project if not in this ordinance, looking at

accommodations for outdoor dining in places where restaurants have turned over throughout time. The Chair said her biggest concern was limiting the maximum number of parklets possible in the City. She thought a small test number was needed and that there needed to be a way to make the City whole financially, and to ensure that safety measures are met. She saw someone parked in an outdoor dining location while it was not in service in Keene and she read an article where an elderly person drove through planters into a parklet, killing individuals; she does not want Keene's parklets to be overshadowed by a tragedy. She was not a fan of jersey barriers and did not want Main Street to look like it is under construction, she wants it to be a beautiful place everyone wants to go.

Councilor Jones asked if the City Attorney wanted suggestions for an Ordinance. The City Attorney reiterated the Mayor's advice to follow all of the Staff suggestions regarding locations and sidewalk widths. The City Attorney asked if the determining factor of where these parklets could work was sidewalk width. Chair Bosley replied that personally, she would look at sidewalk width and availability of potential café licenses as well. She said there were many ways to approach this, and she does not want businesses with access to café licenses also being allowed parklet permits. She said the details would be important, as would the exact methodology Staff uses to determine the number of available parking spaces for parklets. The Chair wanted this limited to businesses that do not have access to current options.

Councilor Jones recalled that for café licenses, the Council approves the license the first year and then the license is approved administratively in the following years. Alternatively, if this ordinance were adopted, he wanted businesses to be reapproved each year by the City Council, not administratively because things change. The City Attorney said the Ordinance would not spell out specifically where parklets go, rather it would outline the parameters required for placement, so the ordinance does not have to change in future years. It was the license not the ordinance that Councilor Jones wanted to see before Council annually. The only pushback the City Attorney had for the Council approving these parklets annually was that the criteria for a parklet were meant to be objective and the City Council is a political body. Still, this choice is at the Council's discretion. Chair Bosley asked if there was a new licensing review board and the City Attorney replied in the affirmative, however, it is specific to congregate living facilities. The City Attorney confirmed that the board in question could not hear objections to licenses regarding sidewalk cafés or parklets the way it was constructed currently. The City Attorney pointed out a general licensing appeal process within the City Code of Ordinances, which goes to a Committee of three: the City Clerk, City Manager, and Police Chief. Councilor Jones said the process of revoking a license is the Council's. The City Attorney said it depends, the licenses is revokable but only should be for certain reasons and violations and thus putting revocability in the City Council's hands makes it a political question and no longer objective. He said that a license is essentially a property right, which is why an appeals process exists to ensure those rights are properly due processed in the case of revocation. Currently, if a license had been issued for the parklets and there was some dispute or need for revocation, the applicant would go to the appeal Board of City Staff, which would determine whether the action was appropriate. The City Attorney cautioned the City Council against changing that.

The Chair asked whether there could be a potential policy and permit application accompanying the draft ordinance. The City Manager replied in the affirmative. The City Attorney said an application would need to be drafted; first the ordinance would be drafted, second the description of required safety permissions would be drafted, and the third step would be working on all of them simultaneously.

Councilor Jones wondered if there could be a notification process to residents within a certain number of feet from a proposed parklet indicating that an application is coming before the Council. The City Attorney cautioned Councilor Jones against public notices that are not required by law. Doing so can set a precedent and then if someone were overlooked in the process and not provided

notification, the action could be overturned by the courts. Thus, the City has avoided such notifications. However, the City Attorney recalled that this is a public process and he returned to the Councilor's point about license renewal, which is something they struggled with on the congregate living licenses. He was hesitant for such notices but said the Council could consider some mechanism to notify the public about what is happening in these areas rather than sending specific notices.

Councilor Ormerod heard discussion about wanting to move quickly and decisively on what we can do now. He also heard interest in making this provisional or temporary, to then reevaluate what has worked or not. The Councilor requested clarification on what it meant to "limit," whether it was based on time or the number of spaces. The City Manager replied that she believed they were referring to restricting the ordinance language in a way that would limit the number of parklets possible in the City and therefore limit the number of parking spaces removed from the system. She said the way it was proposed currently was based on the sidewalk width and that issue is primarily on the side streets. So, the City Manager said it was more of a limiting factor of where these would be located and a potential maximum number of parklets that could be approved in a year. Councilor Ormerod said that would limit the physical space so that if something went wrong, the situation would be limited; the City Manager was not saying that there would be a sunset after one year and if it goes wrong, they do not have to live with it. He said it is a licensing issue and not a City Council issue. The Chair also thought some aspect of continuity was important for applicants potentially investing a lot of money into structures. The City Attorney said that hopefully the limitation—for lack of a better word—is based on the objective criteria put into place for the number, and if the number is greater than expected they would need to have that discussion. The City Attorney believed the criteria would become self-limiting.

Vice Chair Giacomo was grateful for the City Attorney's comments that the criteria would become self-limiting, which was obvious to the Vice Chair just with the abbreviated criteria he had researched in the four locations identified by Staff. He added other limiting factors like crosswalks, intersections, driveways, fire hydrants, and manholes. He agreed it would be self-limiting. He said that once all the safety decisions were made, the City's GIS Technician should apply them to a City map to visualize what areas actually fit the criteria. The Vice Chair was interested in the number of parking spots that could be lost if this were limited to only parallel parking.

Chair Bosley recognized Mayor Hansel, who wanted to emphasize the importance of specifying sidewalk distance, which he said becomes extremely objective when all other considerations are stripped away. He said the reason for specifying that distance is because these are mostly places where someone could apply for an outdoor dining license now, except doing so would narrow the sidewalk to prevent free wheelchair passage. He said specifying that as a requirement, it would drastically limit the number of places that parklets could go. He said it would also solve a problem if thinking about this from the perspective of harm/conflict reduction. Mayor Hansel continued that this was not about arbitrarily picking winners and losers, or picking one business to be more successful than another, but rather creating a safer environment for people of all abilities to move freely throughout the public right-of-way.

Councilor Jones recalled when the sidewalk café licenses were first initiated and noted problems during the second year, and the Liquor Commission informed the City that they could make certain restrictions for each license. Councilor Jones said the City Attorney was making it sound like it had to be generic. The City Attorney said to remember that the case Councilor Jones cited had its own parameters of needs, necessity, and authority for serving liquor in a public space. In that context, the City Attorney said the Liquor Commission has rules. The City Attorney thought the answer to the Councilor's question was two-part: (1) the license for the parklet must originally be based upon some objective criteria for placement, and (2) regarding a specific license, the characteristics of the

particular site must be considered (e.g., ADA compliance and barrier needs). The City Attorney said those are the criteria for consideration in issuance of the license and there may be situations where one specific license requires criteria that may be different than another license issued.

Councilor Johnsen noted how patient the applicants had been through this discussion and asked how they felt about what they heard.

Chair Bosley recognized Danya and Walker Landis. Ms. Landis thanked everyone for the work involved and the consideration. She was grateful to say they were flexible and urged the Committee to read their plans and design ideas. Regarding infrastructure, she said they tried to take into account things like cleanliness, drainage, and ADA requirements. They proposed planters instead of jersey barriers and they were happy to have design conversations with the City. Ms. Landis said it was important to remember, as Chair Bosley noted, that the Landis' planned to spend \$10,000–\$15,000 on this parklet and therefore did not want to see this be a one-year limit, which she said would not be worth it to them; they need to make their money back and make this a viable business option. The Landis' are very open to working with the City and were grateful for this conversation. The Chair thought the Committee was operating with more confidence this time about what they are allowed to do. Mr. and Ms. Landis agreed. The Chair recalled that this would still require a full Council vote. Ms. Landis appreciated Vice Chair Giacomo providing the examples because there are a lot of great ones they have considered.

Hearing no further discussion, Chair Bosley entertained a motion. The City Attorney noted a Scribner's error in the draft motion referring to the City Manager. Vice Chair Giacomo made the following motion, which Councilor Jones seconded.

On a vote of 5-0, the Planning, Licenses, & Development Committee directed the City Attorney to prepare an Ordinance based upon the Committee discussion to authorize the placement of "Parklets" in designated areas on public street(s) to allow for expanded outdoor dining.

Chair Bosley asked if the Committee needed to act on the applicant's letter, placing it on more time. The City Attorney said no, he would file the letter into the record.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.9.

Meeting Date: April 7, 2022
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: Rules of Order – Section 15 – Conflicts of Interest – City Attorney

Council Action:

In City Council April 7, 2022.

Voted with one opposed to carry out the intent of the report.

Recommendation:

On a vote of 4–1, the Planning, Licenses, & Development Committee recommends the adoption of City Council Rule Section 15, Voting and Conflict of Interest, as amended by the Committee. Councilor Jones voted in opposition.

Attachments:

1. SECTION 15 - Conflict of Interest _clean version
2. SECTION 15 - Conflict of Interest_Redline Version

Background:

Chair Bosley said the Committee had been provided a red-lined update to Section 15. She stated that she spoke with the City Attorney herself about the matter of personal interest.

The City Attorney said that despite the evident red lines and highlights, the changes were not substantial. He continued that the areas for consideration were highlighted in yellow. He referred to the first change at the beginning of the second paragraph and the matter of whether receiving campaign (or other) contributions would be a pecuniary interest. The City Attorney emphasized that the conflict of interest must be regarding something that is actually before the City Council; it is something the Council must act on or discuss. Thus, if there is a matter before the City Council that it will act on, and a Councilor has a pecuniary interest in that matter—and therefore a financial interest in themselves—then it is a conflict of interest, and the Councilor should announce it and place it to the City Council's vote.

The City Attorney said the second change at hand was regarding personal interest and based on his conversation with the Chair, he tried to make this language simpler and more direct. He continued that he removed the “non-pecuniary interests” because it was confusing. The language goes on to say, “A personal interest is any interest of a Councilor in the outcome of a matter or an issue which will provide a financial benefit to an individual, group, or organization,” which the City Attorney said means that there is a matter before the City Council and a Councilor has some interest—not a direct

financial interest. For example, if a Councilor were the member of the board of an organization that is being considered for funding during the budget process, that would be a personal interest that the Councilor should announce for Council decision. The City Attorney said the language was written more broadly before, referring to personal interest in any context essentially, which he agreed with the Chair was not the intention. The underlying issue with conflicts of interest is financial benefit to a Councilor or an immediate family member that is not available to the City as a whole.

The City Attorney said the third change was to the matter of “A Councilor's spouse, parent, child, or other member of the Councilor's immediate family living in the same household has a financial interest.” The City Attorney said he added that language based on the discussion at the last Council meeting because if any one of those individuals living in the household has a financial interest, then the Councilor likely knows of it and should identify a conflict. However, this change was at the Council’s discretion. The City Attorney personally preferred striking “living in the same household” and just leaving it to immediate family because, for example, if the Council is voting on a contract and a Councilor's parent who does not live in household is the owner of the company under consideration, the City Attorney did not consider it proper for the Councilor to vote. Thus, the City Attorney suggested striking “living in the same household.”

The City Attorney said the final change was in the last paragraph, clarifying that for the statement of interest, “Identifying for the Mayor and for each Councilor and person in the immediate family’s employer.” Then for the Mayor and each Councilor only, to identify “the boards and commissions or organizations that they may be a part of.”

Chair Bosley felt this language has been refined once again and that it was more cohesive. She heard questions from the Committee about the red line changes.

Councilor Jones liked the changes, stating that they were a little better. Still, he prefers no changes at all because he likes the old way of doing it that worked for more than 50 years: when someone had an issue, they would bring it forward and the Council voted. He recalled a change a few years ago for a unique situation when the Mayor was negotiating with the City on behalf of someone; the change confused some Councilors and initiated this process. Councilor Jones thought that issue could have been settled easily at the time. He still believes that if any Councilor feels that another Councilor has any conflict, then they should just bring it forward. The City Attorney stated that Councilors could still do so under this change. He appreciated Councilor Jones’ comments and said this was another opportunity for him to emphasize that this was a policy question; the City Attorney was asked to help draft these rules, which he is happy to do. He said Councilor Jones was right that the City Charter does have a conflict of interest provision, which was essentially based on pecuniary interest. Then the fiduciary issue arose, which confused people.

Chair Bosley wanted to point out that she had personally championed some of these changes because early in her Council career she witnessed a fellow Councilor (non-maliciously) advocate additional funding for an organization—for which they served on the board—during the budget process, without announcing a conflict. Chair Bosley was green at the time and did not know her responsibility in that context. Based on such situations, the Chair would like such information (i.e., boards and commissions) to be public for transparency and to keep people honest; she said people do not always do what you expect. Councilor Jones recalled the instance the Chair had cited and said that information should have been disclosed. For instance, Councilor Jones sits on the Board of Directors for Pathways for Keene and asked what would happen if they came before the Council for a license to use City property or for community event status. The City Attorney said neither instance would not apply, which was why the language in the body of the paragraph discusses a financial benefit to the individual group or organization, which a license does not do. If voting on the budget and money is going to that organization the Councilor is on the leadership for, that would present a

conflict. In response to Councilor Jones, the City Attorney confirmed that community events are not considered because they would still have to vote on that budget.

Councilor Johnsen stated all due respect to Councilor Jones, whose comments she always appreciates, but she disagreed. Councilor Johnsen sees this as a living document and thought the City Attorney has worked hard to clarify the language, which keeps the Council up to date.

Councilor Ormerod pointed out the end of the second paragraph, and the discussion of whether to use “immediate family” or “same household.” The Councilor wanted clarification: in the instance that they would strike “living in the same household,” he presented the situation of his three brothers, two sisters, and three children—many of whom are employed, and their companies do not conduct business in this City or state. Councilor Ormerod asked if he needed to acquire all of their personal employment information to disclose for the statement of interest. The City Attorney said that was a valid question and his reaction was that it would be good to add limiting language indicating immediate family that lives in the area. He now saw some logic in including “living in the same household,” as limiting language. Councilor Ormerod agreed and said he preferred to keep that language. The City Attorney continued referring to Councilor Johnsen’s comment about a living document, and the City Attorney said that ultimately it is the City Council who decides whether someone has a conflict of interest, and he cannot cover every possible situation in this document. The City Attorney stated that he had changed his opinion and no longer suggested striking “living in the same household” based upon the Councilor’s example and Councilor Ormerod agreed. The City Attorney said that if a contract were before the City for a Councilor’s parent who owns the associated company but does not live in the same household, the City Attorney said it was still the Councilor’s obligation to disclose, even under this language.

Chair Bosley welcomed public comment.

Mayor George Hansel stated his believe that the statement of interest should be limited to the individual and not their family. He said all the Councilors run for these positions and agree to have their information available as public figures, but their family members do not sign-up for that. He said that if family members were included, he asked that they be anonymous (e.g., sister works here vs. listing a name). Mayor Hansel hoped they would not be required to list names and occupations on the statement of interest for family member that did not sign-up for it.

Chair Bosley spoke to the Mayor’s points, noting when she had a conflict of interest based on her spouse’s employer. She appreciated the draft language because it would put her in an awkward situation to not approve funds being requested by her spouse’s employer, which could have a negative impact on his employment status. So, she appreciated that this language left her some protection from such a situation. She asked how that could be extended to protect family members too in this statement of interest; was there an easy way to accommodate that?

Vice Chair Giacomo suggested adding something that stipulates locality, which is hard to define. Ultimately, the Vice Chair agreed with the City Attorney that at the end of the day, it is up to the Council to decide whether a conflict exists. The Vice Chair suggested keeping “living in the same household” and adding limiting language about those living within the locality. He also referred to the issue of spouses, who he said are very often tied financially. Something that directly impacts money his spouse would get from the City could obviously impact the Vice Chair. Thus, he agreed that spouses should be included. However, he did not agree with the rest of the family members listed. The Vice Chair appreciates that some people’s parents are local and involved in the community but thought that was something a Councilor would have to disclose on their own.

The City Attorney felt that two things were being conflated. He said that the first paragraph defines

that for those individuals (spouse, parent, child, or other family member), the City Attorney suggested keeping “living in the same household” because if they have a pecuniary interest in a matter then the conflict is clear. What he thought they were conflating was the statement of interest. The City Attorney did not necessarily disagree with the Mayor that family members did not run for office. Thus, he said that language could be stricken to just read, “For the Mayor and each Councilor, the person’s employer...” The City Attorney said a spouse or parent’s employer does not need to be disclosed on this statement of interest because their pecuniary interests are already addressed in the first paragraph. Chair Bosley was comfortable with that change because it would satisfy her reasoning to have Councilor’s be transparent. The City Attorney suggested striking “for other persons in the immediate family, the person’s employer.” The Chair agreed.

Vice Chair Giacomo said he still did not love the language. He agreed that a spouse is the pecuniary interest of a Councilor and agreed with declaring that. He appreciated the Mayor’s point that he was the one that ran for office, not his family members. However, the Vice Chair said that if those family members are contributing to the household, he did not understand why that would not be declared as well.

Councilor Jones thought the Committee could go on and on with this. He recalled a situation of a real estate investment before the Council. Councilor Jones said that when he heard the entity was looking to develop in Keene, he immediately sold his stocks in the company. He asked if it would have been a conflict of interest had he not sold. The City Attorney said he would need to know more detail; just owning stock in an entity is not an issue unless that entity is requesting something from the City Council that would benefit the entity and perhaps increase its stock price, in which case the Councilor should declare that.

Councilor Ormerod reiterated that the first paragraph should be strong enough in declaring a conflict of interest if a spouse is employed by an entity that could benefit from the decision. The City Attorney said that is stated in the first paragraph. The Councilor agreed that it was stated strongly. Whereas from the privacy standpoint, he thought that not having the spouse’s employer listed on the statement of interest was nothing more than a filing matter. Councilor Ormerod wondered if Councilor Giacomo’s point could be incorporated by strengthening subsequent language by stating that the Mayor or Councilor’s spouse be considered? The City Attorney replied that it is stated already when it says that spouses’ pecuniary interests must be disclosed in a potential conflict, whether listed on a statement of interest. The City Attorney expressed frustration because he said at some point, the Mayor and Councilors must simply act ethically, and this document could not be drafted in a way to ensure that happens.

Chair Bosley said that creating a statement of interest was a step in the right direction toward creating transparency, which was sufficient for her. She thought it was clear that if someone’s spouse, parent, or child has a pecuniary interest then Councilor’s are obligated to disclose. She thought the statement of interest was a foot in the for transparency and accountability, which she said was most important, not knowing where spouses work, which she was fine striking.

Vice Chair Giacomo said he conceded and was on board with what the Chair was saying. While he had only been a Councilor for a short time, the Vice Chair stated that he had “seen some very seriously unethical things, so forgive me if I don’t have the inherent trust.” He said we have to trust our Councilors and he was comfortable striking family’s personal interests on the statement of interest.

The City Attorney clarified that the last paragraph of Section 15 on statement of interest should read, “For the Mayor and for each Councilor, the persons employer, and for the Mayor and each Councilor the...” The Chair confirmed.

Chair Bosley opened the floor to public comment.

Councilor Andrew Madison agreed with removing spouses and immediate family from the statement of interest. He said he appreciated the City Attorney stating that the Mayor and Councilors must act ethically and use their common sense and intuition if something does not feel right. He added that the Council must trust each other. Councilor Madison stated that he supported the proposed changes. He continued asking the City Attorney about his specific employment in an enforcement capacity for the State of NH, through which his obligations to the State could cross with his obligations as a City Councilor. Councilor Madison assumed he would just discuss those matters with the City Attorney when they arise. The City Attorney said that in such situations the Councilor should call the City Attorney to discuss. However, in the situation the Councilor posed, the City Attorney said that the Councilor has a pecuniary interest in keeping their job and therefore, if a State matter conflicted with an action by the Council, it would be an instance for the Councilor to recuse.

Chair Bosley addressed a question from Councilor Madison made at the last Council meeting about campaign contributions. Councilor Madison agreed that he asked whether campaign contributions should be included on the statement of interest. The City Attorney stated that would be a whole different conversation because there is a whole Statute on campaign contribution disclosure. Because of Councilor Madison's question, the City Attorney tried to narrow the language about conflicts being very specific to actions before the Council. So, although an entity might give a campaign contribution, unless the Council were dealing with a specific request from the entity, then the City Attorney did not see a conflict to disclose.

Councilor Madison said he brought it up because he foresees it as a future problem. He stated that in the last few City elections, a lot of outside funds were poured into local campaigns. As both a Councilor and a citizen, Councilor Madison found that very concerning. He said that there is a publicly searchable database of campaign contributions from the Secretary of State because many offices must disclose, like the Governor; there is also one federally through the Federal Election Commissions. He said that historically, local elections required some signs and energy to walk door-to-door. Today, he said a lot of political groups and individuals are pumping a lot of money into local elections. Councilor Madison looked at the Secretary of State's Office for campaign information for three individuals who had run for local office, of which only one was available for Mayor Hansel, which he called concerning. With less grassroots financing in Keene, Councilor Madison thinks the citizens should be aware of the outside sources supporting local candidates.

Chair Bosley acknowledged everything Councilor Madison said and agreed that it was an important conversation. She said that when the words "campaign contribution" arose at the Council meeting, many in the room were less than content, which almost sent the whole conflict of interest matter out. She said this has been before this Committee many times to refine the language and make it better, and now it is at a place she feels good about; she feels it is transparent. The Chair also thought that Section 15 now gave a perspective on what a conflict of interest is, and she hoped that the Council would understand that campaign contributions should have their own separate conversations, without attaching it to Section 15 so the hard work does not move forward. Councilor Madison stated his agreement that it does not belong in this Section. The Chair said it was an important topic, nonetheless.

Hearing no further public comment, Chair Bosley entertained a motion from Vice Chair Giacomo to recommend the adoption of City Council Rule Section 15, Voting and Conflict of Interest, as amended by the Committee, which was duly seconded by Councilor Ormerod.

Councilor Jones stated that he has a different work situation from others, with multiple 1099's. While

he appreciated the changes and liked them, he still liked the old way better and did not think the Clerk's office should be the police of this statement of interest. Thus, he said he would vote No, but appreciated the work put into this. The City Attorney stated that all Councilor Jones must disclose on the statement of interest is that he is self-employed, nothing further. Councilor Jones stated that he still saw a potential conflict. The City Attorney understood the Councilor's point but referred again to the first paragraph, which indicates that if a 1099 that Councilor Jones works for is before the City Council and wants Councilor Jones to do something, that is a conflict. Councilor Jones said exactly.

On a vote of 4–1, the Planning, Licenses, & Development Committee recommends the adoption of City Council Rule Section 15, Voting and Conflict of Interest, as amended by the Committee. Councilor Jones voted in opposition.

**PROPOSED AMENDMENT
RULES OF ORDER OF THE CITY COUNCIL**

SECTION 15. VOTING AND CONFLICT OF INTEREST. Every Councilor present when a vote is required shall state their vote except when the Councilor has a conflict of interest in the matter under consideration.

A conflict of interest shall be defined to exist when a proposed action, decision, or discussion (“Issue”) presented to the City Council for consideration, would affect the Councilor’s pecuniary or personal interests. A pecuniary interest is any private financial interest, whether in the form of money, property or other commercial or financial consideration, the primary significance of which is an economic gain to the Councilor which is not otherwise available to the public generally (“Pecuniary Interest”). A personal interest is any interest of a Councilor in the outcome of an Issue which would provide a financial benefit to any individual, group, or organization in which the Councilor has an interest, and which would (or could be reasonably perceived to) inhibit the impartial judgment of, or decision on, the Issue by the Councilor (“Personal Interest”). Membership in an organization generally, and not in a leadership capacity, shall not be considered a Personal Interest. A conflict of interest shall be deemed to exist when a Councilor's spouse, parent, child, or other member of the Councilor's immediate family living in the same household (“Immediate Family”) has a Pecuniary Interest in a proposed Issue.

A Councilor with a conflict of interest on a Council agenda shall file with the City Clerk the written particulars of the conflict of interest for inclusion on the Council agenda. If the conflict becomes known to a Councilor during a meeting, the Councilor should immediately disclose the particulars of the conflict of interest. The question of whether or not a conflict exists will then be decided by a majority vote of the Councilors present. The Councilor who may have a conflict of interest shall not vote on the question of the existence of the conflict of interest. When a conflict of interest is determined by the City Council to exist, the member having the conflict shall be prohibited from participating in the discussion and the vote on the Issue. Except at a duly noticed public hearing, or a public meeting, in which the public is allowed to speak, no Councilor having a conflict of interest may discuss the Issue in which he or she has a conflict with any other Councilor in any other place or any other time. If a Councilor with a conflict of interest wishes to speak at a public hearing, or in a public meeting, the Councilor shall do so from the audience section of the meeting.

Any Councilor having reasonable grounds to believe that another Councilor has a conflict of interest may raise the issue on his or her own motion. The Mayor shall also be subject to the Rule on Conflict of Interest notwithstanding whether or not the Mayor is entitled to vote on an Issue. The question of whether or not a conflict of interest exists is subject to debate. The question will then be decided by the Council as set forth above.

The Mayor and Councilors shall file with the City Clerk in January of each year a Statement of Interests on a form prepared for that purpose by the City Clerk. The Statement of Interests shall identify for the Mayor and for each Councilor the person’s employer, and for the Mayor and for each Councilor, any board, commission, organization, association, or other entity

which the Mayor and Councilor is a member of, and whether or not the person holds a leadership position in that organization. The Statement of Interests shall be available in the Office of the City Clerk for public inspection.

**PROPOSED AMENDMENT
RULES OF ORDER OF THE CITY COUNCIL**

SECTION 15. VOTING AND CONFLICT OF INTEREST. Every Councilor present when a vote is required shall state their vote except when the Councilor has a conflict of interest in the matter under consideration.

A conflict of interest shall be defined to exist when a proposed action, decision, or discussion (“Issue”) presented to the City Council for consideration, would affect the Councilor’s pecuniary or personal interests. A pecuniary interest is any private financial interest, whether in the form of money, property or other commercial or financial consideration, the primary significance of which is an economic gain to the Councilor which is not otherwise available to the public generally (“Pecuniary Interest”). A personal interest is any interest of a Councilor in the outcome of an Issue which would provide a financial benefit to any individual, group, or organization in which the Councilor has an interest, and which would (or could be reasonably perceived to) inhibit the impartial judgment of, or decision on, the Issue by the Councilor (“Personal Interest”). Membership in an organization generally, and not in a leadership capacity, shall not be considered a Personal Interest. A conflict of interest shall be deemed to exist when a Councilor's spouse, parent, child, or other member of the Councilor's immediate family living in the same household (“Immediate Family”) has a Pecuniary Interest in a proposed Issue.

A Councilor with a conflict of interest on a Council agenda shall file with the City Clerk the written particulars of the conflict of interest for inclusion on the Council agenda. If the conflict becomes known to a Councilor during a meeting, the Councilor should immediately disclose the particulars of the conflict of interest. The question of whether or not a conflict exists will then be decided by a majority vote of the Councilors present. The Councilor who may have a conflict of interest shall not vote on the question of the existence of the conflict of interest. When a conflict of interest is determined by the City Council to exist, the member having the conflict shall be prohibited from participating in the discussion and the vote on the Issue. Except at a duly noticed public hearing, or a public meeting, in which the public is allowed to speak, no Councilor having a conflict of interest may discuss the Issue in which he or she has a conflict with any other Councilor in any other place or any other time. If a Councilor with a conflict of interest wishes to speak at a public hearing, or in a public meeting, the Councilor shall do so from the audience section of the meeting.

Any Councilor having reasonable grounds to believe that another Councilor has a conflict of interest may raise the issue on his or her own motion. The Mayor shall also be subject to the Rule on Conflict of Interest notwithstanding whether or not the Mayor is entitled to vote on an Issue. The question of whether or not a conflict of interest exists is subject to debate. The question will then be decided by the Council as set forth above.

The Mayor and Councilors shall file with the City Clerk in January of each year a Statement of Interests on a form prepared for that purpose by the City Clerk. The Statement of Interests shall identify for the Mayor and for each Councilor ~~and for each other person in the Immediate Family~~ the person’s employer, and for the Mayor and for each Councilor, any

board, commission, organization, association, or other entity which the Mayor and Councilor is a member of, and whether or not the person holds a leadership position in that organization. The Statement of Interests shall be available in the Office of the City Clerk for public inspection.



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.1.

Meeting Date: April 7, 2022
To: Mayor and Keene City Council
From: Mari Brunner, Senior Planner
Through: John Rogers, Interim Community Development Director
Subject: **Ordinance O-2022-02 – Relating to Zone Change - 19 Whitcomb's Mill Road - Rural and Agriculture to Low Density 1**

Council Action:

In City Council April 7, 2022.

Public hearing set for May 5, 2022 at 7:00 PM.

Recommendation:

A motion was made by Mayor George Hansel that the Planning Board find the proposed Ordinance O-2022-02 consistent with the Community Goals and Master Plan. The motion was seconded by Councilor Michael Remy and was unanimously approved.

A motion was made by PLD Chair Kate Bosley that the Planning Licenses and Development Committee request that the Mayor set a public hearing on this item. The motion was seconded by Councilor Phil Jones and was unanimously approved.

Attachments:

None

Background:

Included below is an excerpt from the draft minutes of the March 14, 2022 Joint Planning Board/Planning, Licenses and Development Committee meeting where this item was discussed:

“Mr. Jim Phippard of Brickstone Land Use Consultants addressed the Joint Committee on behalf of the owner, Sandra R. Henry Trust. He indicated the request before the Committee is to amend the zoning map. He called the Committee’s attention to Whitcombs Mill Road, Arch Street (top of the page on the map) Route 9 (bottom of the page) and the Cheshire Rail Trail. In close proximity to this property is Langdon Place. The subject property lies in the Rural zone today but a corner of the property is zoned Agriculture. The proposal is to change the zoning to Low Density 1 (LD-1).

Mr. Phippard stated the reason he chose LD-1 is because this property is located on the outside fringe of City utilities and it is a vacant piece of land. He indicated if the zoning is approved, the plan is to extend the sewer line that comes into Langdon Place into this property. Because of the possibility of being able to be on City sewer, City staff suggested the LD-1 zone. The long-term goal of the applicant is to construct ten single family homes and a duplex on this site.

With respect to extending City water to this site, Mr. Phippard noted that City water does exist on Arch Street and goes up to Felt Street and loops to the north but not to the south. Mr. Phippard stated that back in the 80's when he owned this property and researched extending water to this site, the volume did not exist to be able to service this site. However, things have changed since that time – a water tower was constructed to support the Corporate Park area, which benefits all of West Keene. A hydro flow study was done on Arch Street and Wildwood Road that showed the existing water line has a pressure of 60 psi and a volume/rate of 2,900 gallon per minute, which he indicated was a good flow that is adequate fire flow for most facilities. He felt this is a big improvement compared to what existed.

However, in order to connect to water, the owner or developer would need to extend the water line from Felt Road, down Whitcombs Mill Road into the site (1,000 feet to the site drive way and 750 feet into the site). This would create 1,750 feet of dead-end water line. Mr. Phippard added the City Engineer would ask him to loop the water line. However, to do such work would be at a cost of approximately \$645,000. Mr. Phippard felt just because the pressure is adequate they should not be required to tie into the City water line that is 1,000 feet away. He felt a much larger development would be required to justify this type of expense. He indicated that if the City would pay for the cost to extend the water line, the applicant would be agreeable to that.

Mr. Phippard then went over the request to change the zoning from Rural to LD-1. The subject property is currently in the Rural zone where five acres are required for each single family dwelling. Properties in the Rural zone that are on City sewer and water can have reduced lot sizes of two acres. If the property were to be retained in the Rural zone, one option the owner/developer could pursue would be to connect to sewer (but not water) and seek a variance from the Zoning Board of Adjustment to allow for 2-acre lots that only have access to City sewer. That would allow for six houses in all – this would justify extending the sewer line (1,500 feet of sewer at a cost of \$150,000). With LD-1, they could build 12 homes with 12 wells and City sewer. With LD-1, tying into City water is only required if it is deemed to be available.

Mr. Phippard noted the City Master Plan recommends more housing and there are several areas where it is recommended where utilities need to be expanded to accommodate more housing. With respect to traffic, according to the ITE Manual this expansion will add 114 trips per day, with nine vehicle trips during the AM peak hour and 12 vehicle trips during the PM peak hour. Mr. Phippard felt this was not a significant increase to traffic.

Mr. Phippard further stated the City required a sewer capacity analysis on Arch Street. The existing sewer lines run between 8 inches to 20 inches. It was concluded from the study the system was running at 4% capacity and adding 26 homes that number would increase to 8%.

The change to LD-1 reduces the number of uses compared to the permitted uses in a Rural District. LD-1 anticipates where there is access to sewer but not necessarily City water. He felt LD-1 was the best use of this property and there is a current need for housing in this area. This concluded Mr. Phippard's presentation.

Councilor Remy asked why the applicant would not consider 26 homes at a cost of \$645,000, 14 additional homes at that price would be a good investment. Mr. Phippard stated part of the reason is the land area. He referred to an existing conditional survey map. There are about 1.8 acres in the center of this site that are jurisdictional wetlands. To construct 26 homes in the LD-1 zone, you will only still be allowed single-family homes or duplexes, and there isn't space for 26. He referred to a concept plan with 12 homes – with this plan there is not that much land left over. He added they would like to construct this as a Conservation Residential Development (CRD) – with designated

open spaces and 12 homes which can then be sold; creating 26 homes would be difficult in this area.

Chair Bosley noted their discussion is not about what the applicant would like to construct. The Committee is looking at whether it would make sense to change the zoning to LD-1. She added LD-1 would not preclude the applicant from constructing 26 homes as long as they ran City water. She felt in her opinion because the water is located so far away the connection will not be easy and hence a change to LD-1 which requires sewer connection would be the better option.

Councilor Johnsen asked whether a well would be required because there will not be connection to City water. Mr. Phippard stated there would at least need to be one well constructed, or it could be a well for each unit and these wells would be owned by the property owners.

Councilor Giacomo stated he likes the idea of more housing and felt this would be great location for housing. He stated his concern is if this site is turned to LD-1 there would be spot zoning and this area would not be connected to any other LD-1 zone. Mayor Hansel in response stated he used to live in the only other LD-1 property which is close to this site which also used to be a gravel pit. The Mayor added he always felt LD-1 was a good option to add density to areas such as this. He noted the only other LD-1 parcel is similar to the one before the committee today. Councilor Giacomo asked in an effort not to create spot zoning whether there would be an opportunity to talk to other property owners who currently connect to LD-1 to the north. Chair Bosley felt this conversation needs to be pursued with staff. She further noted her understanding of LD-1 is that it is a sub category of Low Density with the only difference being that water is unavailable and therefore this district was created for lots such as this.

Councilor Jones asked whether this parcel would not be affected by the Surface Water Ordinance which exists in this area because of White Brook. Mr. Phippard stated the Surface Water Ordinance requires a 30-foot buffer in the Rural Zone. John Rogers, the Interim Community Development Director, noted the buffer is 75 feet.

Councilor Johnsen asked with respect to the wells, whether one well company would be responsible for digging all the wells. Mr. Phippard stated once the property is sold it would be up to the developer how they want to develop this property.

Chair Russell Slack asked how Mr. Phippard came up with the traffic number based on 12 homes and each home having at least two vehicles. Mr. Phippard stated that according to the most recent ITE Manual for single and two family homes, it is no longer 10 trips per day rather that number has been reduced to a little less than 9 trips per day for a total of 114 vehicle trips per day. For peak hour it was 9 additional AM trips and 12 for the PM peak hour.

Senior Planner Mari Brunner addressed the Board next. Ms. Brunner stated this Ordinance proposes to amend the official Zoning Map of the City of Keene by changing the zoning of one specific parcel of land located at 19 Whitcombs Mill Road from the Rural District (a small corner is in the Agricultural District) to LD-1. She noted in the rezoning decision, the Board should not consider the Petitioner's intended use of property, but rather consider all the potential uses allowed in the district.

She went on to say the Committee should also be looking at the consistency of the proposed rezoning request with the Master Plan, existing and proposed zoning requirements, the surrounding land use and zoning patterns, and possible resulting impacts.

She noted the subject property has access to City sewer via an easement on the Langdon Place of Keene property located at 136 Arch Street and, if the applicant chooses to develop the site,

extending the sewer line to the property would be at the expense of the land owner.

Ms. Brunner then addressed the topic of Master Plan Consistency.

Community Vision: Within the Community Vision section of the Master Plan, the focus area “A Quality Built Environment” is what relates most closely to this rezoning request. This item addresses the need to provide quality housing and balance growth and the provision of infrastructure. This area of the City does have access to City sewer, which would be required for LD-1. This site could have access to City water if the developer chooses to pay to extend service, at their own expense. The proposed zoning change would provide the opportunity for more housing in that it would increase the number of dwelling units that would be allowed on this lot. Under the current zoning for a conventional subdivision, a property owner can fit two units, but perhaps with a CRD that number could be increased to three units. Under the proposed zoning it can be 12 units and if City water is extended that number could be increased to 26 units (theoretically). With respect to road and bridge infrastructure, while this site has access from both Arch Street and NH Route 9 for light duty vehicles, heavy duty vehicles such as fire trucks and school buses would need to access the site from Route 9 due to the weight limits on the 1-lane bridge over White Brook.

With respect to the Future Land Use Plan, this property is located in an area that is identified within the Future Land Use Map as being on the edge between a “Conservation Residential Development /Rural / Low Density Residential / Agriculture” (CRD) Area, and a “Secondary Growth Area/Low-Medium Density Residential” Area. Ms. Brunner noted that the CRD category includes areas for continued preservation of open space, agriculture, and rural residential uses, whereas the secondary growth area is identified as consisting of single-family, low- to medium-density development. The proposed zoning change would allow for single-family development, or if the land is developed as a CRD subdivision, it could be developed as single-family or two family homes.

With respect to the Housing Chapter of the Master Plan, this item identified a need for housing as a *“fundamental challenge for the community as costs of community services continue to increase and Keene’s reliance on property taxes places a growing financial burden on its residents and businesses.”* The Housing Chapter discusses the importance of providing a balanced and diverse housing stock. In keeping with the Master Plan this zoning change would create more housing opportunities.

Chair Russell Slack asked who was responsible for repair to the bridge. Ms. Brunner stated her understanding is that it is a City of Keene’s bridge and would be the City’s responsibility. The Chair asked staff to get more information on the age of this bridge and the last time it was repaired. She further stated she is in favor of housing but what she is not seeing is opportunities for workforce housing which is needed throughout the State.

Ms. Brunner next addressed the intent of the existing and proposed Zoning Districts. The current zoning is Rural and the intent of the Rural District is to provide for areas of very low density development, predominantly of a residential or agricultural nature. These areas are generally outside of the valley floor, beyond where city water, sewer and other city services can be readily supplied. The proposed zoning is LD-1 which is intended to provide for low intensity residential development, which is primarily detached single-family dwellings on lots of 1-acre or larger in areas on the outer edge of available city water and sewer service. All uses in this district shall have City sewer. City water is required if sufficient volume and pressure is available as determined by the Public Works Department. Staff feels this proposed change is consistent with the intent of the LD-1 Zoning District, as the parcel has access to City sewer.

With respect to uses, this change would create less opportunity for the types of uses that could

occur. She called the Committee's attention to the permitted uses in the LD-1 District, which are residential only (included small group homes). She also called the Committee's attention those principal uses allowed in the Rural and/or Agriculture District, which are not allowed in Low Density 1, such as Bed and Breakfast, Event Venue, Greenhouse/Nursery, Kennel, Recreation/Entertainment Facility – Outdoor, Cemetery, Farming, Golf Course, and Gravel Pit.

With respect to Dimensional Requirements Ms. Brunner stated under the Rural Districts the minimum lot size is five acres but for LD-1 the lot size drops to one acre for parcels that only have access to City sewer, and hence a higher density will be permitted.

Ms. Brunner noted that, from a visual perspective, the proposed change could be seen as spot zoning – in other words, one area of LD-1 surrounded by other zones (Rural on three sides and Agriculture on one side). Ms. Brunner stated however, in staff's opinion this wouldn't be considered spot zoning as it fits the intent of the district the applicant is proposing to change it to. The intent of LD-1 District is provide opportunity for residential development on the outer edge of available City water and sewer. Her understanding is that the LD-1 District was created specifically for lots like this one that could connect to City sewer and possibly City water, but are on the edge of the City's sewer and water infrastructure. However, this proposed change could result in a relatively large increase in the density of development that would be allowed in this area of the City.

The other impact to consider would be to traffic. The one-lane bridge would limit access for emergency vehicles and other large vehicles' access to the site.

Chair Bosley noted there is no signage on this bridge and asked when it would be prudent to perhaps locate a "Yield" sign on one side of the bridge. Ms. Brunner stated this would be a determination made by Public Works and is an item that could come up at the Planning Board at its review if and when development is proposed on this site.

Asst. City Manager Rebecca Landry noted the CIP on page 83 does have information regarding this bridge. It is on the City's Red List for Bridges at #8 (not the worst) and could be eligible for grant funding from the State. Chair Russell Slack stated she is glad to hear it is not considered to be the worst but adding 114 more vehicle trips on this bridge is of concern to her.

Councilor Jones stated his concern with traffic is at the intersection of Whitcombs Mill Road and Route 9 which is now going to have too many left turns. He also noted Whitcombs Mill Road to the bridge is now a dead end street because of truck access and asked whether this extends past the City's dead end limit. Ms. Brunner stated it probably wouldn't be considered a dead-end street under City Code because it does connect to Arch Street, however, she does understand the Councilor's point as it relates to heavy trucks not being able to go over the bridge. The Councilor noted it is referred to as a dead-end street if fire apparatus can't get over a road and that would be the case with the bridge access. Ms. Brunner stated that, when this application eventually goes before the Planning Board, this is something that would be reviewed by the Fire Department.

Councilor Johnsen asked about flooding issues in this area. Ms. Brunner stated a small piece of this site does have flood plain on it and referred the question to Mr. Phippard. Mr. Phippard referred to a very small sliver of land which is located in the flood plain; 99% of the property is above the 100-year flood plain.

Chair Bosley asked about the availability of water and added LD-1 for this site makes sense to her but not low density. Mr. Rogers stated in his role as also the Zoning Administrator he would be looking for the Public Works Director to make the determination of the availability of water and the proximity of this site to water.

The Chair asked for public comment.

Mr. Phippard referred to page 8 of the Staff Report and referred to those lots located on the south side of Arch Street, starting at lot 10 through lot 36 – these lots are all less than five acres in size and even though they are in the Rural zone they are considered to be non-conforming due to lot size. He indicated these lots are most likely on City water as City water runs right in front of these lots. He noted these lots don't reflect the character of the zone they are located in and felt they would fit better in LD or LD-1. Mr. Rogers indicated these types of density factors are being reviewed by the City.

Councilor Giacomo stated he is in approval of this project.

Councilor Jones felt anything but LD-1 would not be enticing for this site because of the water issue. He further stated if the City wanted to address its housing needs, LD-1 was the best option.

A motion was made by Mayor George Hansel that the Planning Board find the proposed Ordinance O-2022-02 consistent with the Community Goals and Master Plan. The motion was seconded by Councilor Michael Remy and was unanimously approved.

A motion was made by PLD Chair Kate Bosley that the Planning Licenses and Development Committee request that the Mayor set a public hearing on this item. The motion was seconded by Councilor Phil Jones and was unanimously approved.”



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.1.

Meeting Date: April 7, 2022
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: Relating to Stop Signs - Washington Avenue
Ordinance O-2022-03

Council Action:

In City Council April 7, 2022.

Report filed as informational. Voted unanimously for the adoption of Ordinance O-2022-03.

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends adoption of Ordinance O-2022-03.

Attachments:

1. Ordinance O-2022-03_adopted

Background:

Kürt Blomquist, Public Works Director, stated that the City Engineer was doing some review for an upcoming project, looking at Washington Ave. He continued that this street crosses from Gilsum St. to Washington St. just north of the Recreation Center. Washington Ave. has a right-turn-only lane. A question came up about the stop sign there. The stop sign was installed in about 2010. The City Engineer at that time had done some reconfiguration there as part of the reconstruction of Washington St. It was reviewed and he determined that "warranted." The Manual on Uniform Traffic Control Devices (MUTCD) has a number of criteria that identifies when a stop sign is required. The City Engineer decided to check the City Code. Any of the regulatory signs, such as stop, yield, and no parking, or any signage where a ticket can be written, are required to be placed in the City Code. That way a law enforcement officer can enforce that regulatory issue. The City Engineer found that the stop sign on Washington Ave. is not in the City Code. Thus, he recommends that they add this stop sign to the list of stop signs that are in the City Code.

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

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends adoption of Ordinance O-2022-03.



CITY OF KEENE

O-2022-03

Twenty-two

In the Year of Our Lord Two Thousand and

Relating to Stop Signs on Washington Ave

AN ORDINANCE

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 94-321, "Stop Signs" in Division 5, "Specific Street Regulations" in Article IV of Chapter 94, entitled "TRAFFIC, PARKING AND PUBLIC WAYS" as follows;

Washington Avenue for eastbound traffic turning left onto Washington Street.

Washington Avenue for eastbound traffic turning right onto Washington Street.

George S. Hansel, Mayor

PASSED April 7, 2022



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: April 7, 2022
To: Mayor and Keene City Council
From: Elizabeth Fox, ACM/Human Resources Director
Through: Elizabeth Dragon, City Manager
Subject: **In Appreciation of Mark F. Howard Upon His Retirement
Resolution R-2022-07**

Council Action:

In City Council April 7, 2022.

Memorandum filed as informational. Voted unanimously for the adoption of Resolution R-2022-07.

Recommendation:

That Resolution R-2022-07 be adopted by the City Council.

Attachments:

1. Resolution R-2022-07_adopted

Background:

Chief Howard retired from the Keene Fire Department effective March 31, 2022, with almost 29 years of service.



CITY OF KEENE

Twenty-Two

In the Year of Our Lord Two Thousand and

A RESOLUTION In Appreciation of Mark F. Howard Upon His Retirement

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

WHEREAS: Mark F. Howard began his career with the City of Keene 1 August 1993 as a Firefighter/Ambulance Attendant and worked his way through the ranks, serving operationally as Fire Lieutenant, Acting Captain, Captain, Acting Deputy Chief, Deputy Chief, and Acting Fire Chief, then advancing to Fire Chief 21 October 2013; and, in addition, was appointed by the State as Deputy Forest Fire Warden and, in turn, Forest Fire Warden, as well as Assistant Emergency Management Director by City Council in September 2015; and

WHEREAS: Exemplifying his passion and dedication to all aspects of his job and with the goal to create an even better department, Mark has enhanced the advanced level of emergency services provided by the department, adding specialized emergency management services training, using IV pumps to administer medications in the field, and adding ventilators to use in conjunction with advanced airway equipment to treat patients with specific respiratory needs; and

WHEREAS: During his tenure, the Keene Fire Department made a significant impact on safety and preparedness for our community, including improvement of our ISO fire rating, largely within the scoring for the City's fire prevention activities and the life safety inspections program; and

WHEREAS: Under his leadership and through planning and collaboration, his department has worked to maintain personnel, equipment, and apparatus to protect the City—not only today, but into the future—by securing significant grant dollars to save Keene taxpayers hundreds of thousands of dollars in needed training and equipment; and

WHEREAS: An unyielding advocate of employee safety, he has supported mental health training and other assistance necessary for our first responders—working to break down stigmas and other barriers often associated with these wellness needs—so they, in turn, can take care of our community; and

WHEREAS: Chief Howard played a critical role on the City's emergency management team handling the COVID-19 pandemic, reducing the burden of stress on individuals, businesses, and organizations of the community—as well as on the City itself—and serving as an invaluable resource to the City Manager, departments, our local partners, the State, and our region; and

WHEREAS: Always seeking ways to improve operations without affecting employee safety, Mark is to be commended for his outstanding accomplishments as a leader of and mentor to his department and professional peers, as well as for his acute knowledge in all things related to fire, emergency medical services, and hazardous materials; and

WHEREAS: Mark retired 31 March 2022 with almost 29 years of dedicated and honorable service to the City of Keene;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Keene hereby extends its sincere thanks to Mark F. Howard for his dedicated service and wishes him the very best through all his retirement years; and

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

PASSED April 7, 2022


George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: April 7, 2022

To: Mayor and Keene City Council

From: Donald Lussier, City Engineer

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

Subject: **Relating to the Appropriation of Funds for the City Hall Parking Structure
Maintenance Project
Resolution R-2022-08**

Council Action:

In City Council April 7, 2022.

Referred to the Finance, Organization and Personnel Committee.

Recommendation:

Recommend that Resolutions R-2022-08 be referred to the Finance, Organization and Personnel Committee for their consideration and recommendation.

Attachments:

1. Resolution R-2022-08_referral

Background:

The FY 2020 Capital Improvement Plan included funding of \$52,300 for a variety of structural repairs on the City Hall parking structure. Plans and contract documents for the repair were prepared by City staff and advertised for construction bids on February 14, 2022. On March 17, 2022, the City received one bid for the work. The bid price was \$16,200 above the current available funding. Staff believes the bid price is reasonable given recent volatility in the cost of fuel and materials and the availability of skilled labor.

Resolution R-2022-08 would appropriate an additional \$20,000 from the Parking Fund's unallocated Fund balance. This sum would provide sufficient funding to cover the current known costs and provide a small contingency (5.6%) to cover changes that may occur during construction.



CITY OF KEENE

R-2022-08

In the Year of Our Lord Two Thousand and Twenty-Two
Relating to the Appropriation of Funds for the City Hall Parking
A RESOLUTION Structure Maintenance Project

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

That the sum of twenty thousand dollars (\$20,000.00) is hereby appropriated from the unallocated Parking Fund balance to the City Hall Parking Structure Maintenance Project.

George S. Hansel, Mayor

In City Council April 7, 2022.
Referred to the Finance, Organization
and Personnel Committee.

City Clerk

PASSED



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.3.

Meeting Date: April 7, 2022

To: Mayor and Keene City Council

From: Donald Lussier, City Engineer

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

Subject: **Relating to the Absolute Discontinuance of a Portion of the Commercial Street Parking Area
Resolution R-2022-13**

Council Action:

In City Council April 7, 2022.

Referred to the Municipal Services, Facilities and Infrastructure Committee. Site visit scheduled for April 21, 2022 at 5:45 PM. Public hearing set for April 21, 2022 at 7:00 PM.

Recommendation:

That the City Council accept a Petition for the Absolute Discontinuance of a Portion of the Commercial Street Parking Area, submitted by the Public Works Director and refer said Petition to the Municipal Services, Facilities and Infrastructure Committee.

Attachments:

1. Petition for Discontinuance-Commercial Street Lot_Skate park Parcel
2. Resolution R-2022-13_Discontinuance_referral
3. Map

Background:

On March 28, 2022, the Keene Planning Board held a Public Hearing on a proposed boundary line adjustment between two City-owned parcels on Gilbo Avenue. The two parcels (TMP# 575-010 & 575-015) comprise the Commercial Street Parking Lot and the current Skate Park. The purpose of the boundary line adjustment was to facilitate the redevelopment of the Skate Park area. The Planning Board has unanimously approved the application.

The parking lot parcel was laid out as a Public Way in 1969. As part of the adjustment, a small portion (approximately 770 square feet) of the laid out area was transferred to the Skate Park parcel. Therefore, it is recommended that the laid out area which was transferred to the Skate Park parcel be absolutely discontinued. Since the City owns both affected parcels, there are no potential "damages" related to this action. No changes in access to the Commercial Street lot or the number of public parking spaces will result.

CITY OF KEENE

**PETITION FOR THE ABSOLUTE DISCONTINUANCE OF
A PORTION OF THE COMMERCIAL STREET PARKING AREA**

TO: The Honorable Mayor and City Council:

The undersigned represents that for the accommodation of the Public, there is occasion for the absolute discontinuance of a portion of the Commercial Street Parking Area at the following location:

Beginning at an iron pin, said pin being the south east corner of a parcel of land in the City of Keene identified as "Proposed 575-15" on a map entitled "Lot Line Adjustment Plan; Tax Map 575 Lots 10 & 15; Gilbo Avenue & Main Street; Keene, New Hampshire" prepared by Fieldstone Land Consultants, PLLC, dated February 16, 2022; Thence

South 82° 52' 25" West a distance of 14.54 feet to a point; Thence

North 0° 41' 25" East a distance of 106.90 feet to a point in the Eastern property line of said parcel; Thence

South 7° 7' 35" East a distance of 105.91 feet along said Eastern property line to the point and place of beginning.

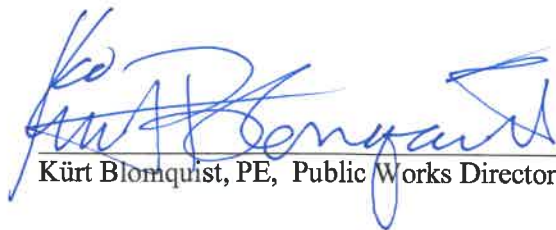
Containing 770 square feet, more or less.

Reserving any utility easements, permits, and licenses of record at the time of the discontinuance in accordance with New Hampshire RSA 231:46.

Meaning and intending to absolutely discontinue that portion of Commercial Street identified as "Parcel A", as shown on the above referenced plan.

The undersigned, therefore, requests that you absolutely discontinue that portion of the Commercial Street Parking Area as described above.

Dated this 4ST day of April, 2022.


Kurt Blomquist, PE, Public Works Director



CITY OF KEENE

R-2022-13

In the Year of Our Lord Two Thousand and TWENTY TWO

A RESOLUTION Relating to the Absolute Discontinuance of a Portion of the
Commercial Street Parking Area

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

WHEREAS: Commercial Street and the Commercial Street Parking Area are a public highway and a public parking area in the City of Keene; and,

WHEREAS: A Petition has been filed for the discontinuance of a section of the Commercial Street Parking Area that was included in the 1969 Return of Layout of Commercial Street and Parking Area; and,

WHEREAS: The City of Keene is the only owner of property abutting the section of the Commercial Street Parking Area to be discontinued; and,

WHEREAS: That the Keene City Council is of the opinion that there is no further need to use a portion of Commercial Street for the accommodation of the public and that there is occasion for the absolute discontinuance of said portion of Commercial Street;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Keene:

That City Council of the City of Keene hereby discontinues absolutely that portion of the Commercial Street parking area bounded and described as follows:

Beginning at an iron pin, said pin being the south east corner of a parcel of land in the City of Keene identified as "Proposed 575-15" on a map entitled "Lot Line Adjustment Plan; Tax Map 575 Lots 10 & 15; Gilbo Avenue & Main Street; Keene, New Hampshire" prepared by Fieldstone Land Consultants, PLLC, dated February 16, 2022; Thence,

South 82° 52' 25" West a distance of 14.54 feet to a point; Thence,

North 0° 41' 25" East a distance of 106.90 feet to a point in the Eastern property line of said parcel; Thence,

South 7° 7' 35" East a distance of 105.91 feet along said Eastern property line to the point and place of beginning.

Containing 770 square feet, more or less.

PASSED

Reserving any utility easements, permits, and licenses of record at the time of the discontinuance in accordance with New Hampshire RSA 231:46.

Meaning and intending to absolutely discontinue that portion of Commercial Street identified as "Parcel A", as shown on the above referenced plan.

BE IT FURTHER RESOLVED:

That the City Manager be, and hereby is, authorized to do all things necessary to effect said discontinuance of a portions of the Commercial Street parking lot, provided that all documentation is in a content and form acceptable to the City Attorney and City Engineer.

George Hansel, Mayor

In City Council April 7, 2022.
Referred to the Municipal Services,
Facilities and Infrastructure Committee.
Site Visit scheduled for April 21, 2022 at 5:45 PM.
Public Hearing set for April 21, 2022 at 7:00 PM.



City Clerk

LEGEND:

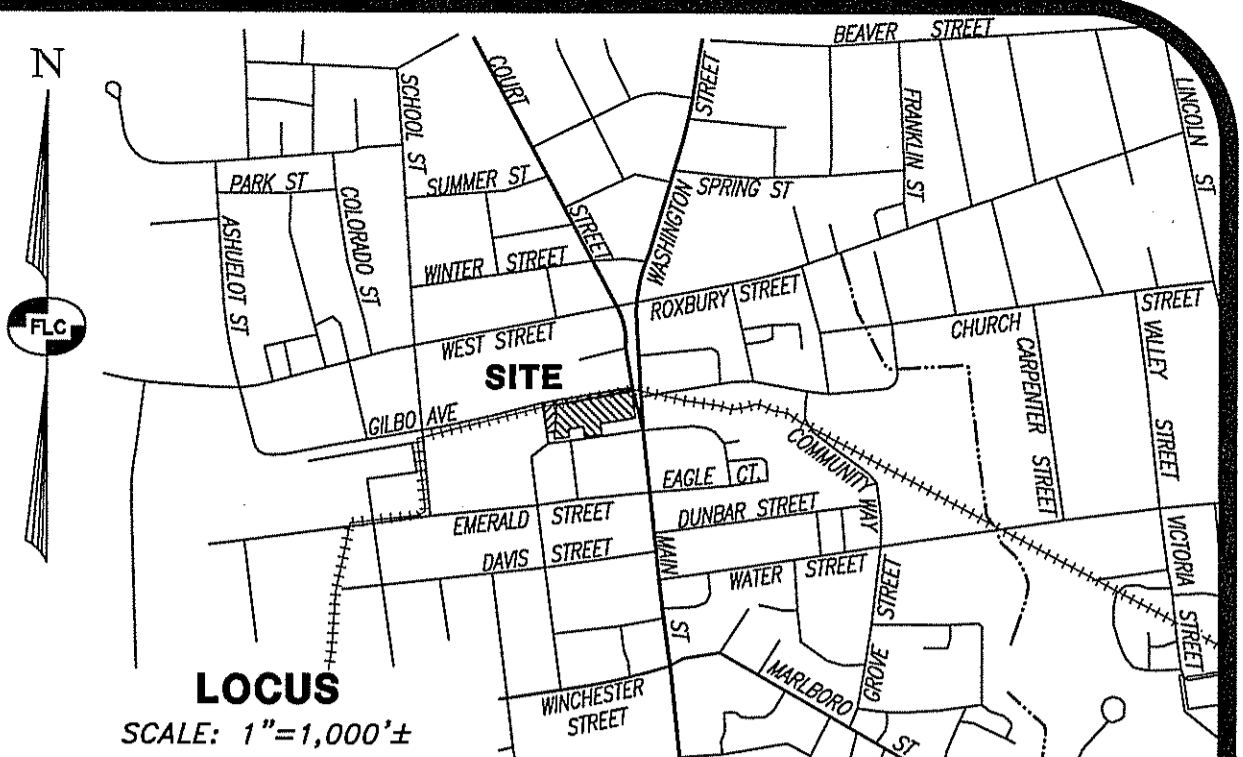
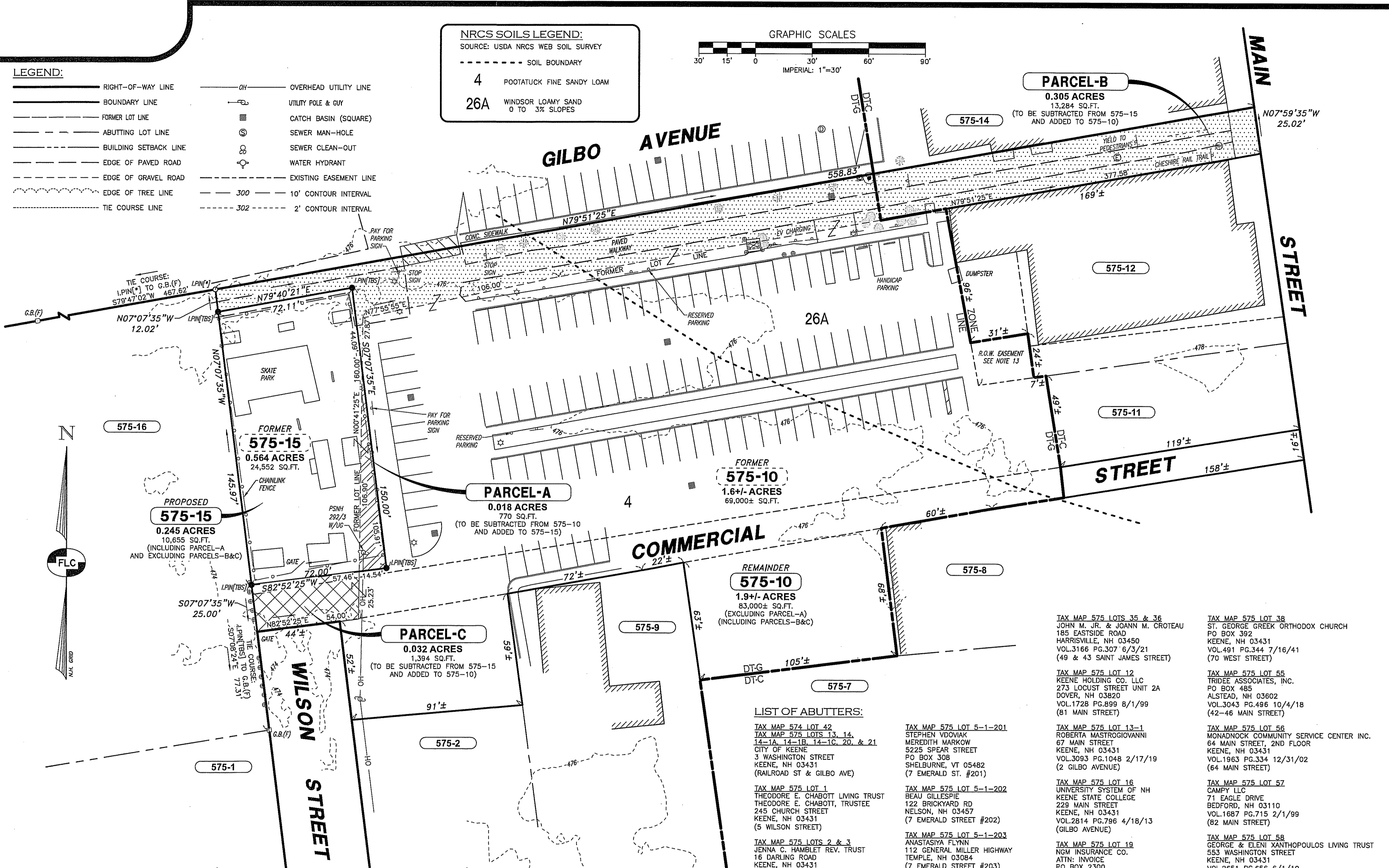
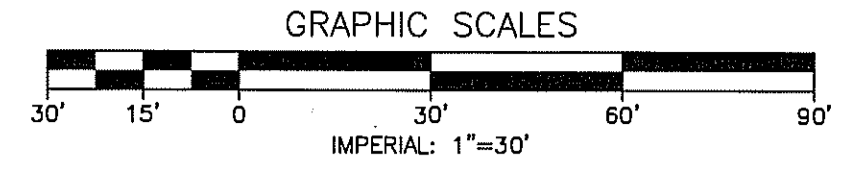
—	RIGHT-OF-WAY LINE	—OH—	OVERHEAD UTILITY LINE
—	BOUNDARY LINE	—	UTILITY POLE & GUY
---	FORMER LOT LINE	—	CATCH BASIN (SQUARE)
---	ABUTTING LOT LINE	—	SEWER MAN-HOLE
---	BUILDING SETBACK LINE	—	SEWER CLEAN-OUT
---	EDGE OF PAVED ROAD	—	WATER HYDRANT
---	EDGE OF GRAVEL ROAD	---	EXISTING EASEMENT LINE
---	EDGE OF TREE LINE	---	10' CONTOUR INTERVAL
---	TIE COURSE LINE	---	2' CONTOUR INTERVAL

NRCS SOILS LEGEND:
SOURCE: USDA NRCS WEB SOIL SURVEY

--- SOIL BOUNDARY

4 POOTATUCK FINE SANDY LOAM

26A WINDSOR LOAMY SAND
0 TO 3% SLOPES



NOTES:

- THE APPLICANT AND OWNER OF RECORD FOR TAX MAP 575 LOTS 10 & 15 IS THE CITY OF KEENE - 3 WASHINGTON STREET, KEENE, NH 03431. THE DEED REFERENCES FOR LOT 575-10 ARE VOL.1003 PG.33 DATED OCTOBER 1, 1970, VOL.832 PG.592 DATED SEPTEMBER 17, 1971 & VOL.839 PG.348 DATED JANUARY 27, 1972 IN THE C.C.R.D. THE DEED REFERENCE FOR LOT 575-15 IS VOL.1396 PG.497 DATED FEBRUARY 13, 1992 IN THE C.C.R.D.
- THE TOTAL AREA OF EXISTING TAX MAP LOT 575-10 IS 1.6± ACRES OR 69,000± SQ.FT. THE TOTAL AREA OF EXISTING TAX MAP LOT 575-15 IS 0.564 ACRES OR 24,552 SQ.FT.
- THE PURPOSE OF THIS PLAN IS TO REVISE THE COMMON LOT LINES FOR EXISTING TAX MAP LOTS 575-10 AND 575-15 BY SUBTRACTING PARCEL-A FROM LOT 575-10 & ADDING PARCEL-A TO LOT 575-15, SUBTRACTING PARCELS-B & C FROM LOT 575-15 AND ADDING PARCELS-B & C TO LOT 575-10.
- LOT NUMBERS REFER TO THE CITY OF KEENE ASSESSORS MAP 575.
- ZONING FOR THE LOTS ARE THE "DOWNTOWN-CORE" DISTRICT (DT-C) & THE "DOWNTOWN-GROWTH" DISTRICT (DT-G).

DT-C ZONE	REQUIRED	EXISTING 575-10	EXISTING 575-15	PROPOSED 575-10	PROPOSED 575-15
MIN LOT AREA	NONE	69,000± SF	24,552 SF	83,000± SF	10,655 SF
MIN LOT FRONTAGE	NONE	52 FT	44 FT	96 FT	NONE
MIN FRONT SETBACK	0 FT	NONE	NONE	NONE	NONE
MIN REAR SETBACK	0 FT	NONE	NONE	NONE	NONE
MIN SIDE SETBACK	NONE	NONE	NONE	NONE	NONE
MAX STORIES	7 STORY	NONE	NONE	NONE	NONE

DT-G ZONE	REQUIRED	EXISTING 575-10	EXISTING 575-15	PROPOSED 575-10	PROPOSED 575-15
MIN LOT AREA	NONE	69,000± SF	24,552 SF	83,000± SF	10,655 SF
MIN LOT FRONTAGE	NONE	52 FT	44 FT	96 FT	NONE
MIN FRONT SETBACK	0 FT	NONE	NONE	NONE	NONE
MIN REAR SETBACK	0 FT	NONE	NONE	NONE	NONE
MIN SIDE SETBACK	0 FT	NONE	NONE	NONE	NONE
MAX STORIES	7 STORY	NONE	NONE	NONE	NONE

THE LOTS ARE ALSO LOCATED IN THE DOWNTOWN HISTORIC OVERLAY DISTRICT.

- THE TOPOGRAPHIC SURFACE SHOWN IS A COMPILATION OF A FIELD SURVEY BY THIS OFFICE TOGETHER WITH NEW HAMPSHIRE GRANIT LIDAR (LIGHT DETECTION RANGING).
- THE BOUNDARY INFORMATION SHOWN WAS DEVELOPED FROM THE REFERENCE PLANS CITED TOGETHER WITH A FIELD SURVEY BY THIS OFFICE DURING THE MONTH OF FEBRUARY, 2022.
- HORIZONTAL ORIENTATION IS THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM, NAD83, BASED ON FIELD GPS OBSERVATION THAT WERE UPLOADED TO AND CALCULATED BY THE NOAA ONLINE POSITIONING USER SERVICE (OPUS). THE VERTICAL DATUM IS NAVD83.
- THE SITE DOES NOT LIE WITHIN THE "SURFACE WATER PROTECTION" OVERLAY DISTRICT.
- THE EXISTING LOTS ARE SERVICED BY UNDERGROUND UTILITIES, MUNICIPAL SEWER, WATER AND GAS.
- THE SUBJECT PARCEL IS NOT LOCATED IN A FLOOD HAZARD AREA AS DETERMINED FROM THE FLOOD INSURANCE STUDY (FIRM), CHESHIRE COUNTY, CITY OF KEENE, NEW HAMPSHIRE, COMMUNITY NO. 330023, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, MAP NUMBER: 33005C0267E, DATED: MAY 23, 2006.
- PERMANENT MARKERS ARE TO BE SET AT THE LOT CORNERS OF TAX MAP 575 LOT 15 AS SHOWN HEREON.
- LOT 575-10 IS SUBJECT TO ACCESS EASEMENTS, RIGHTS OF WAYS, AND DRAINAGE EASEMENTS BENEFITTING LOT 575-12 & 575-11. SEE C.C.R.D. VOL.832 PG.592 DATED SEPTEMBER 15, 1971. LOT 575-15 IS SUBJECT TO A TELECOMMUNICATIONS EASEMENT RECORDED IN VOL.1321 PG.600 DATED APRIL 20, 1989 IN THE C.C.R.D. LOT 575-15 IS ALSO SUBJECT TO A SIDEWALK EASEMENT AND ACCESS EASEMENT TO THE CITY OF KEENE - SEE VOL.1325 PG.262 DATED APRIL 25, 1989 AND VOL.1321 PG.598 DATED APRIL 20, 1989 IN THE C.C.R.D.

REV.	DATE	DESCRIPTION	C/O	DR	CK

LOT LINE ADJUSTMENT PLAN
TAX MAP 575 LOTS 10 & 15
(GILBO AVENUE & MAIN STREET)
KEENE, NEW HAMPSHIRE
PREPARED FOR & LAND OF:
CITY OF KEENE
3 WASHINGTON STREET, KEENE, NH 03431

SCALE: 1" = 30' FEBRUARY 16, 2022

Surveying ♦ Engineering ♦ Land Planning ♦ Permitting ♦ Septic Designs

FIELDSTONE
LAND CONSULTANTS, PLLC

206 Elm Street, Milford, NH 03055
Phone: (603) 672-5456 Fax: (603) 413-5456
www.FieldstoneLandConsultants.com

FILE: 3220LR00.dwg PROJ. NO. 3220.00 SHEET: LR-1 PAGE NO. 1 OF 1

REFERENCE PLANS:

- "SUBDIVISION - LAND OF - MAIN ST. AMERICA CAPITAL CORPORATION - GILBO AVE - KEENE, N.H.", SCALE: 1"=50', DATED: SEPTEMBER, 1990, PREPARED BY: THE CITY OF KEENE ENGINEERING DEPARTMENT & RECORDED IN PLAN CABINET 11, DRAWER 6, NUMBER 606 IN THE C.C.R.D.
- "LAND IN - KEENE, NEW HAMPSHIRE - MAIN ST. TO SCHOOL ST. - BOSTON AND MAINE CORPORATION - TO - MAIN ST. AMERICA CAPITAL CORP.", SCALE: 1"=50', DATED: MAY, 1987 & REVISED THROUGH MAY 25, 1988 PREPARED BY: THE CITY OF KEENE ENGINEERING DEPARTMENT AND RECORDED IN PLAN CABINET 11, DRAWER 00, NUMBER 118. IN THE C.C.R.D.
- "COMMERCIAL STREET PROPERTY", SCALE: 1"=20', DATED: SEPTEMBER 2, 1970 & REVISED THROUGH APRIL, 1975, PREPARED BY & ON FILE AT: THE CITY OF KEENE ENGINEERING DEPARTMENT.

LOT REVISION AREA CHART

LOT NO.	EXISTING AREA	PROPOSED CHANGE	REVISED AREA
575-10	1.6± ACRES (69,000± SF)	- PARCEL-A (770 SQ.FT.) + PARCEL-B (13,284 SQ.FT.) + PARCEL-C (1,394 SQ.FT.)	1.9± ACRES (83,000± SF)
575-15	0.564 ACRES (24,552 SF)	+ PARCEL-A (770 SQ.FT.) - PARCEL-B (13,284 SQ.FT.) - PARCEL-C (1,394 SQ.FT.)	0.245 ACRES (10,655 SF)

APPROVED BY KEENE PLANNING BOARD

CHAIRMAN: _____ DATE: _____

SECRETARY: _____ DATE: _____

LIST OF ABUTTERS:

- | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|---|--|--|--|--|---|--|--|--|--|--|--|---|--|---|--|--|---|--|--|--|---|
| TAX MAP 574 LOT 42
TAX MAP 575 LOTS 13, 14,
14-A, 12-B, 14-C, 20, & 21
CITY OF KEENE
3 WASHINGTON STREET
KEENE, NH 03431
(RAILROAD ST & GILBO AVE) | TAX MAP 575 LOT 1
THEODORE E. CHABOTT LIVING TRUST
THEODORE E. CHABOTT, TRUSTEE
245 CHURCH STREET
KEENE, NH 03431
(5 WILSON STREET) | TAX MAP 575 LOTS 2 & 3
JENNA C. HAMELET REV. TRUST
16 DARLING ROAD
KEENE, NH 03431
(6 & 12 WILSON ST) | TAX MAP 575 LOTS 4, B,
8-1-3, 8-1-5, & 9
COLONIAL THEATRE GROUP INC.
PO BOX 77
KEENE, NH 03431
(7 EMERALD ST) | TAX MAP 575 LOT 5-1-201
STEPHEN VDOVAK
MEREDITH MARKOW
5225 SPAR STREET
PO BOX 308
SHELburne, VT 05482
(7 EMERALD ST #201) | TAX MAP 575 LOT 5-1-202
BEAU GILLESPIE
122 BRICKYARD RD
NELSON, NH 03457
(7 EMERALD STREET #202) | TAX MAP 575 LOT 5-1-203
ANASTASIYA FLYNN
112 GENERAL MILLER HIGHWAY
TEMPLE, NH 03084
(7 EMERALD STREET #203) | TAX MAP 575 LOT 5-1-204
MARK TORSELLI
1 WOODLAND TERRACE
PROSPECT, CT 06712
(7 EMERALD ST #204) | TAX MAP 575 LOT 5-1-205
COURTNEY & AGUSTIA DUTEAU
6 SUMMIT ROAD, UNIT 12
KEENE, NH 03431
(7 EMERALD ST #205) | TAX MAP 575 LOT 5-1-206
JENNIFER L. GREENWALD REV. TRUST
ERIKA GREENWALD REV. TRUST
PO BOX 361
KEENE, NH 03431
VOL.1792 PG.24 3/1/01
VOL.1553 PG.478 11/1/85
VOL.1792 PG.27 3/1/01
VOL.2391 PG.166 10/26/06
(GILBO AVENUE)
(49-55, 45-47, & 35-43 MAIN STREET) | TAX MAP 575 LOT 5-1-207
WICHAND BROTHERS REALTY
KEENE, NH 03431
VOL.1377 PG.359 7/1/91
(101 MAIN STREET) | TAX MAP 575 LOT 11
PCT REAL ESTATE LLC
87 MAIN STREET
KEENE, NH 03431
VOL.2089 PG.934 11/18/19
(19 GILBO AVE) | TAX MAP 575 LOTS 23, 24, 25, & 26
MITCHELL H. GREENWALD REV. TRUST
ERIKA GREENWALD REV. TRUST
PO BOX 361
KEENE, NH 03431
VOL.1792 PG.24 3/1/01
VOL.1553 PG.478 11/1/85
VOL.1792 PG.27 3/1/01
VOL.2391 PG.166 10/26/06
(GILBO AVENUE)
(49-55, 45-47, & 35-43 MAIN STREET) | TAX MAP 575 LOT 27
COUNTY OF CHESHIRE
33 WEST STREET
KEENE, NH 03431
VOL.1863 PG.299 12/31/01
(LAMSON STREET) | TAX MAP 575 LOT 38
ST. GEORGE GREEK ORTHODOX CHURCH
PO BOX 392
KEENE, NH 03431
VOL.491 PG.344 7/16/41
(70 WEST STREET) | TAX MAP 575 LOT 55
TRIDEE ASSOCIATES, INC.
PO BOX 485
ALSTEAD, NH 03602
VOL.3043 PG.496 10/4/18
(42-46 MAIN STREET) | TAX MAP 575 LOT 56
MONADNOCK COMMUNITY SERVICE CENTER INC.
64 MAIN STREET, 2ND FLOOR
KEENE, NH 03431
VOL.1963 PG.334 12/31/02
(64 MAIN STREET) | TAX MAP 575 LOT 57
CAMPY LLC
71 EAGLE DRIVE
BEDFORD, NH 03110
VOL.1687 PG.715 2/1/99
(82 MAIN STREET) | TAX MAP 575 LOT 58
GEORGE & ELENI XANTHOPOULOS LIVING TRUST
553 WASHINGTON STREET
KEENE, NH 03431
VOL.2651 PG.556 6/11/10
(88-90 MAIN STREET) | TAX MAP 575 LOT 59
CHOW DOWN INVESTMENTS LLC
PO BOX 143
KEENE, NH 03431
VOL.3052 PG.619 1/8/19
(100 MAIN STREET) | TAX MAP 575 LOT 60
102 MAIN STREET ASSOCIATES LLC
PO BOX 3
WALPOLE, NH 03608
VOL.1692 PG.157 3/1/99
(102 MAIN STREET) | TAX MAP 575 LOT 61
RONALD A. FARINA REV. TRUST
17 MCKINLEY STREET
KEENE, NH 03431
VOL.2961 PG.124 9/22/16
(106 MAIN STREET) | TAX MAP 575 LOT 73
ONE HUNDRED ELEVEN REALTY ASSOCIATION
52 OAKHURST ROAD
CAPE ELIZABETH, ME 04107
VOL.1724 PG.625 10/1/99
(59-79 EMERALD STREET) | TAX MAP 584 LOTS 74 & 75
BARRY JOEL FOX
50 EASTVIEW ROAD
KEENE, NH 03431
VOL.1377 PG.359 7/1/91
(43 & 37 EMERALD STREET) |
|--|--|---|--|--|--|--|---|--|--|--|--|--|--|---|--|---|--|--|---|--|--|--|---|

CERTIFICATION:

"I HEREBY CERTIFY THAT LOT 575-15 IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND PER THE PRECISION AND ACCURACY STANDARDS FOR AN URBAN CLASSIFICATION SURVEY AS SPECIFIED IN THE NEW HAMPSHIRE LAND SURVEYOR'S ADMINISTRATIVE RULES (LAN 503.04) AND HAS A MAXIMUM ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND (1:10,000) ON ALL PROPERTY LINES WITHIN AND BORDERING THE SUBJECT PROPERTY."

MICHAEL P. PLOPP
LAND SURVEYOR
2/16/22



CITY OF KEENE NEW HAMPSHIRE

ITEM #L.1.

Meeting Date: April 7, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Council Policy: Relating to the Legislative Process
Resolution R-2022-06**

Council Action:

In City Council April 7, 2022.

Voted with 5 in favor and ten opposed to defeat Resolution R-2022-06.

In City Council March 17, 2022.

Voted with 12 in favor and three opposed to table the item until the next regular City Council meeting.

Recommendation:

On a 4-1 vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2022-06 and the rescission of the previous Council policy on Legislative process, Resolution R-2015-10.

Attachments:

1. Resolution R-2022-06_defeated

Background:

City Attorney Mullins stated this was a request to look at the Council's Legislative Initiatives and how the Council reviews and deals with those questions. There have been questions that have been raised over the years about the propriety of the City Council weighing in sometimes on issues that could be seen as not related to the City. As a result, staff took the existing Council policy and amended it to try and incorporate some of those questions and concerns.

He indicated what is in front of the Committee tonight is that draft for its review. The Attorney noted what is being attempted is to determine what these legislative initiatives are. Whether those legislative initiatives constitute matters from either the State or Federal Government and how that may impact local government from an administrative, community planning, budgetary and service delivery level.

He indicated he retained much of the existing language, including a reference to working with the New Hampshire Municipal Association with respect to their review of legislative initiatives and their recommendations with respect to that. It also includes existing language providing for the City

Manager and staff to be involved in the legislative process and review legislative initiatives, as well as the City Council to consider those as well.

If a matter submitted to the City Clerk does not fall within this policy - rather than placing it on the agenda, it would be placed in the mailboxes for each of the members of the Council. If a Councilor wanted the issue considered, they would need to seek a suspension of the Rules of Order, which would require a two-thirds majority vote.

Councilor Remy felt having a strong opinion about a few important things is more impactful than having a “shotgun” approach and weighing in on everything. He felt this amended Council policy was very helpful.

Councilor Chadbourne felt there are several constituents who have had opinions on both sides of the fence. She indicated one of the most important issues for her in the past 10 years as a City Councilor is when she and Councilor Jacobs brought before the Council a request to draft a resolution relative to adding gender identity to the list of protected classes in the city’s employment policies. She continued they had been approached by a New Hampshire transgender group. Transgender people see a lot of discrimination and nothing was happening on the State level; the matter was just being tabled.

Hence, this group started a statewide initiative and started approaching towns on an individual basis asking for support. Counselor Jacobs and herself brought this item to the Council and what they discovered was in the City Handbook there was nothing that protected transgender people. If the City had a transgender employee, they could be discriminated against just like they could be discriminated against at the State level. With all of these towns weighing in and coming forward, it changed the conversation at the State level and they were able to push through legislation that protected the rights of the transgender population. Councilor Chadbourne stated this had not started at the local level it would never have moved forward at State level.

Councilor Chadbourne stated as she started thinking about the past and her particular situation and what a difference that that made – she stated she couldn’t support this. The Councilor felt it was important on occasions to weigh in. She went on to say, the Attorney did refer to suspending Council rules to make sure there was enough consensus. She agreed the City Council is responsible for representing the City, review budgets, and things like roads, bridges etc. But the City Council also represents its constituents for all their concerns and sometimes those concerns can be beyond that specific purview. Councilor Chadbourne stated she knows there is strong support for what was presented tonight but wanted to bring her concerns for consideration as well.

Councilor Madison asked Councilor Chadbourne whether the proposal brought to her by that group was a change to City policy or was that a petition to bring to the State. Councilor Chadbourne stated it was a petition to bring to the State but that forced them to look at other things, including the City Handbook and that is when it was realized there was no protection for Transgender City employees.

Councilor Madison asked whether that group wanted to City to take a stance on this issue and then send a letter to the Governor or the legislature or for the City to enact the policy. Councilor Chadbourne stated they didn't ask anything from the City – this was research she did on her own. What they asked was for support to the State. What was created was a Resolution. Councilor Madison asked whether this was a group of individuals were from Keene or from outside of Keene. Councilor Chadbourne stated they were from both Keene and outside of Keene. Councilor Madison asked whether this group had also gone to their Legislators and State Representatives. Councilor Chadbourne answered in the affirmative.

Councilor Remy felt this was a great example of a place where the Council should step in and be able to override the Council policy; however, to take a stance on a policy it should have to be a super majority with a two-thirds vote.

Councilor Lake stated he echoes Councilor Remy's thoughts and felt the intent of this is to reduce the number of Resolutions and Partisan Resolutions while still allowing the caveat that was outlined, when something rises to the occasion of needing to go past that threshold of having a majority like a supermajority to move forward.

Councilor Madison stated he agrees with Councilor Remy, when the Council takes a stance on a few important issues such as the issue Councilor Chadbourne had mentioned, we speak with a powerful voice. He stated he has been noticing a trend of some political groups, especially some groups from outside of Keene coming to Keene and requesting Keene take a stance on Partisan issues. He stated this has been concerning for him and noted this is why we have Congressional Representatives, State Senators, and unfortunately these individuals are not really reaching out to those Representatives and asking for support. They are asking the City to do the outreach for them. He felt having this two-thirds majority threshold makes sure the lower level issues that don't really impact the City, that are more partisan don't come before the Council but major important issues such as human rights, issues that can impact the residents of the City financially or impact delivery of services can come before the Council, and we can make the decision to take a stance on those and send a message either to Congress or to the State House in Concord.

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

On a 4-1 vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2022-06 and the rescission of the previous Council policy on Legislative process, Resolution R-2015-10.

Councilor Chadbourne voted in opposition.



CITY OF KEENE

R-2022-06

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

A RESOLUTION Council Policy: A Resolution Relating to the Legislative Process

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

WHEREAS: Legislation and Agency Rules adopted by the Federal Government and by the General Court of the State of New Hampshire (“Legislative Initiatives”) can impact local government from an administrative, community planning, budgetary and service delivery level (“Local Impact”); and

WHEREAS: The City of Keene’s effectiveness in influencing Legislative Initiatives is dependent upon identifying which Legislative Initiatives have a direct Local Impact, identifying procedures to communicate accurate and timely information about the Legislative Initiative, and creating opportunities to share perspectives; and

WHEREAS: With respect to Legislative Initiatives by the State of New Hampshire, which shall take priority under this policy, the City of Keene considers the New Hampshire Municipal Association as the single most important resource to learn about Legislative Initiatives and to represent the City’s interests in Concord; and

WHEREAS: The City of Keene’s administrative staff are authorized and encouraged to take an active role in the legislative process by identifying Legislative Initiatives that have a direct Local Impact, and testifying in person or through written submissions on Legislative Initiatives that have a direct Local Impact and pertain to their specific professions or expertise; and

WHEREAS: The City of Keene’s administrative staff and Keene City Council also take an active role by identifying for consideration by the City Council any Legislative Initiatives that have, or may result in, a direct Local Impact; and

WHEREAS Legislative Initiatives that do not have a direct Local Impact are beyond the purview of the City Council and constitute initiatives on which the City Council should not be requested to render an opinion;

NOW THEREFORE BE IT RESOLVED that participation in the New Hampshire Municipal Association’s legislative policy committees will be encouraged for City Councilors and

PASSED

City staff; and that those Legislative Initiatives with a direct Local Impact which are adopted by NHMA may be submitted to the Keene City Council for consideration and action; and

BE IT FURTHER RESOLVED that the City Manager, with the assistance of the City staff, will identify any other significant Legislative Initiatives that have a direct Local Impact that has not been incorporated into the NHMA legislative policies and may, in appropriate instances, take action with respect to the Legislative Initiatives, or communicate those Legislative Initiatives together with the potential Local Impact to the respective Standing Committee of the Keene City Council for recommendation; and

BE IT FURTHER RESOLVED that Legislative Initiatives that do not have a direct Local Impact shall not be placed before the City Council for consideration; provided, however, that the City Clerk shall place into the City Council mailboxes a copy of any communication regarding a Legislative Initiative which is determined to not have a direct Local Impact; and

BE IT FURTHER RESOLVED that the Mayor will be encouraged to host periodic meetings of the Keene City Council and the Keene Legislative Delegation to discuss and advance the City's positions on important legislative issues.


George S. Hansel, Mayor

In City Council March 3, 2022.
Referred to the Finance, Organization
and Personnel Committee.



City Clerk

In City Council March 17, 2022.
Tabled until the next regular City
Council Meeting.



City Clerk