



KEENE CITY COUNCIL  
Council Chambers, Keene City Hall  
May 18, 2023  
7:00 PM

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MINUTES FROM PRECEDING MEETING**

- May 4, 2023

**A. HEARINGS / PRESENTATIONS / PROCLAMATIONS**

1. Public Hearing - Ordinance O-2023-06: Relating to an Amendment to the Land Development Code - Accessory Dwelling Units
2. Public Hearing - Ordinance O-2022-19-B: Relating to an Amendment to the Land Development Code - Application Procedures

**B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS**

**C. COMMUNICATIONS**

1. Roger Weinreich/Downtown Merchants Association – Further Information - Jeff Speck Visit and Speaking Engagement
2. Jeffrey Murphy/Brewbaker's - Request to Place Tables and Chairs in City ROW - Adjacent to Wilson Street
3. Brett Amy Thelen/The Harris Center - Appreciation for City's Strong Support for Road Closures and an Update on the 2023 Salamander Season

**D. REPORTS - COUNCIL COMMITTEES**

1. Keene Music Festival – Request to Use City Property – September 2, 2023

2. Spectrum Cable/Charter Communications – Request to Install an Underground Communication Conduit in the Right-of-Way
3. Covenant Living of Keene – Request for a License to Install and Maintain Two Private Crosswalks on Public Right-of-Way – Wyman Road
4. Peter Espieffs – Requesting that the City Rescind the License to Telecom to Erect Small Cell Wireless Facilities; and Ann Savastano – Petition Regarding Small Cell Tower at Summer and Middle Streets
5. Cole Mills – In Opposition to Ordinance O-2023-02: Minimum Lot Size in Rural Zone
6. Roger Weinreich/Downtown Merchants Association – Requesting Financial Assistance to Facilitate a Visit from Urban Designer and Author, Jeff Speck – Walkable City
7. Acceptance of 2023 Wellness Grant
8. Acceptance of Donation – Community Garden Tool Shed
9. Contract for Design Services – Concept Plan for Robin Hood Park
10. Winchester Street Reconstruction Project – Request to Reallocate Funds
11. Reallocation of Funds – 1.5 MG Tank Repair Project
12. Councilor Madison – Recommending an Amendment to the City Code – Meeting Times for Public Bodies

**E. CITY MANAGER COMMENTS**

**F. REPORTS - CITY OFFICERS AND DEPARTMENTS**

1. Acceptance of Donation - Fire Department - Finance Director

**G. REPORTS - BOARDS AND COMMISSIONS**

**H. REPORTS - MORE TIME**

**I. ORDINANCES FOR FIRST READING**

1. Relating to Class Allocation and Salary Schedules  
Ordinance O-2023-11

**J. ORDINANCES FOR SECOND READING**

1. Relating to Amendments to the Rural District Minimum Lot Size  
Ordinance O-2023-02

**K. RESOLUTIONS**

1. Relating to the Appropriation of Funds - Road Preservation and Rehabilitation Program; Relating to the Appropriation of Funds - Stormwater Resiliency Program, and Relating to the Appropriation of Funds - Thompson Road Stabilization Project  
Resolution R-2023-14  
Resolution R-2023-15  
Resolution R-2023-16
2. Relating to an Appropriation of Funds and Use of Unassigned Fund Balance - FY 2023 Fire Department Personnel Budget  
Resolution R-2023-27

**NON PUBLIC SESSION**

**ADJOURNMENT**

A regular meeting of the Keene City Council was held on Thursday, May 4, 2023. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Bryan J. Lake, Michael J. Remy, Gladys Johnsen, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Raleigh C. Ormerod was absent. Councilor Giacomo led the Pledge of Allegiance.

#### ANNOUNCEMENTS

Mayor Hansel reminded the Council that the budget process would start with the Finance, Organization, and Personnel (FOP) Committee's regular meeting on May 11, but with a start time of 5:30 PM. Special FOP meetings would be on Wednesday, May 17 and Tuesday, May 23. These two meetings will also start at 5:30 PM. The FOP Committee is scheduled to make its recommendations at their regular meeting on May 25 and this meeting would be at their regular time of 6:00 PM. Mayor Hansel also announced that the Municipal Services, Facilities, and Infrastructure Committee would hold a special meeting on Monday, May 15 on the downtown improvement and revitalization project. That meeting would start at 6:00 PM and would be held in the Council Chamber.

#### MINUTES OF THE PRECEDING MEETING

A motion by Councilor Powers to adopt the minutes of the April 20, 2023 regular meeting as printed was duly seconded by Councilor Bosley. The motion carried unanimously with 14 Councilors present in voting in favor. Councilor Ormerod was absent.

#### PROCLAMATION – MUNICIPAL CLERK WEEK

Mayor Hansel honored the City Clerk, Patty Little, for her many years of dedicated service. The Mayor declared the week of April 30–May 6, 2023 as Municipal Clerk's Week in Keene to honor Ms. Little and all municipal clerks. Ms. Little thanked the Mayor for this surprise, noting that serving the City is her pleasure.

#### PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT – ROOSEVELT SCHOOL APARTMENTS

Before opening the public hearing on the CDBG grant application, Mayor Hansel reviewed the process. The Community Development Finance Authority has particular protocols for how these public hearings are handled. The hearing notice identified 3 separate components: the actual CDBG application, the Residential Anti-Displacement and Relocation Assistance Plan, and the Housing and Community Development Plan. Mayor Hansel would open and close each of these segments separately. Upon closing the final hearing, the Mayor would call Resolution R-2023-21 from the Finance, Organization, and Personnel Committee's agenda. As this application was time-sensitive, the Mayor would seek a Suspension of the Rules of Order to allow action upon the Resolution. Mayor Hansel opened this public hearing to address a proposed Community Development Block Grant application at 7:09 PM.

The City Clerk read the public hearing notice. The Mayor recognized Benjamin Gradert, Grant Administrator and Associate Planner for the Southwest Region Planning Commission, to address the grant request. Mr. Gradert started by providing a brief overview of the Community Development Block Grant (CDBG) program before addressing this specific application. Mr. Gradert explained that CDBG funds are available to municipalities for economic development, public facility, and housing rehabilitation projects that primarily benefit low- and moderate-income persons. The City of Keene is eligible to receive up to \$500,000 annually for public facility/housing rehabilitation, up to \$500,000 annually for economic development, up to \$750,000 annually for microenterprise technical assistance, and up to \$500,000 annually in emergency funds. Feasibility study funds are also available for up to \$25,000. Mr. Gradert provided a handout describing the NH Community Development Block Grant Program's eligible activities that include the area U.S. Housing and Urban Development (HUD) income limits.

Mr. Gradert continued explaining this proposed application. The proposed application to the Community Development Finance Authority (CDFA) is for up to \$500,000 to allow Keene Housing on behalf of its affiliate, Monadnock Affordable Housing Corporation (MAHC), to renovate and construct new affordable housing within the former Roosevelt School property at 438 Washington Street, Keene, New Hampshire. He explained that the Roosevelt School property had remained vacant for several years after its current owner, River Valley Community College, moved to other facilities. Keene Housing possessed an option to purchase the property for renovation and the addition of new affordable housing to the community. Keene Housing intended to execute this option, but that required a release of funds in place prior to purchase to meet requirements set in place by the CDFa. Due to the need to execute this in a timely manner, Keene Housing sought approval from the CDFa prior to application in this upcoming funding round (mid-summer). Keene Housing, in cooperation with its affiliate, MAHC, sought to develop the Roosevelt School property and its existing building into 30 units of affordable housing, consisting of 22 one-bedroom apartments and 8 two-bedroom apartments. Additionally, the building would be fully ADA-compliant. The apartments would be leased to low- and moderate-income households, and all residents would have rental subsidies.

Mayor Hansel recognized Linda Mangones of Keene Housing to provide additional details about the project. Ms. Mangones said that Keene Housing had been working on this project for over one year and had been in negotiations with Keene State College (KSC), which owns the property. During that time, she said there had been a great deal of progress on the project. She said Keene Housing had begun the environmental clearance process and they hoped the environmental assessment would be completed soon. She explained that while they were planning to use Keene Housing funds to purchase the building, they were not allowed to do that with their own funds until they received a release of funds from the CDFa. She said they would request the release of funds before submitting the application. She said Keene Housing was appreciative that the City was cooperating in this process. She said they needed the City to participate in the release of funds because it was not something Keene Housing could do on their own. Keene Housing would also be seeking funds through the NH Finance Authority, which is the second funding source for this project. She said Keene Housing had worked with an architect and had received all the necessary Zoning Board approvals. The project would appear before the Planning Board on May 22. She said Keene Housing had been working with financial consultants for over one year because this is the most expensive project they have ever done, and

it was very complicated; Keene Housing had done comparable projects several times, but costs had risen since Covid, making the project more complicated and requiring more funding sources.

Ms. Mangones said she had been working with City Staff and the Southwest Region Planning Commission. The goal of the project was to have two buildings, each with 30 units. The first building would utilize the existing school, with 14 units, and 16 attached to it; these would be 2-story buildings with elevators. She said the buildings would be Americans with Disabilities Act (ADA) compliant, with 2–3 units that would be fully accessible. She said that as many accessibility features as possible would be ideal for the intended demographics. Unlike some of Keene Housing's other buildings, this development would have no age or disability restrictions, so that a young person who does not earn enough but who meets the income eligibility could live there. Thus, in some ways, this could serve as workforce housing. However, Keene Housing anticipated this development primarily occupied by the elderly and disabled. If Keene Housing was successful in this first round of funding, then the goal was to build 30 more apartments behind the school, which would require an additional funding round. Keene Housing was paying for the architect and purchasing the site. The other major source of funding would be the Low-Income Housing Tax Credit Program and other NH sources, in addition to grants. Ms. Mangones said that this CDBG application for \$500,000 would be very helpful.

Councilor Roberts wanted to make a statement from a social scientist's point of view. He said that since he returned to Keene 23 years ago, he had observed developments for the elderly and the disabled, as well as low-income housing. Yet, he said the City keeps talking about the need for workforce housing for teachers, firefighters, and police. He said he frequently heard statements that the City would get around to workforce housing. He said Keene cannot recruit teachers to live here if a one-bedroom apartment costs \$1,400/month, when teachers are only paid \$40,000/year; he said it was same for members of the police force. Councilor Roberts said this Keene Housing development was good, because everyone wanted to see the unhoused have an opportunity for a good quality of life. Still, he said the City could not survive without critically needed workforce housing. He said we need teachers, police, firefighters, and nurses in Keene, so the City needed to develop a solution to help build this community. The Councilor recalled that in early 2023, around the State of NH, "we" were doing everything possible not to have families with children move in for fear it would increase taxes. He said those families and children are needed because they are the future. Councilor Roberts concluded that the City needs to devise a way to reach the people in the middle so that they can stay in Keene.

Councilor Jones thanked Ms. Mangones for all she had done over many years of service with Keene Housing, noting her great talent for making complex topics understandable. He said that Councilor Roberts was correct that affordable housing is needed, but Councilor Jones still thought this was the right project for the right time; it would be near to City services, and he thought it was a good fit to help with Keene's housing issue. Councilor Jones recalled that Keene Housing did not yet own the building, and he asked if they had first right of refusal. Ms. Mangones replied that Keene Housing's option would expire at the end of May, though she said extensions were allowed and they planned to extend because they would not be able to obtain the environmental release within 45 days. Still, she said Keene Housing did have site control. She noted that there was not much competition for this site despite it being in a terrific location.

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Ms. Mangones also asked to reply to Councilor Robert's comments. Ms. Mangones agreed that workforce housing was needed but said that type of project was not within Keene Housing's purview. She suspected that other developers were running into the same increased cost issues that Keene Housing was. She added that Keene Housing does provide housing for a lot of people in the workforce. She added that when these 60 new apartments are available, people might move from other places in Keene, which she thought would have a secondary effect of opening some housing options. She did not suggest that this would solve the workforce housing problem, but that was beyond Keene Housing's ability to address.

Mayor Hansel opened the floor to public comment about the proposed CDBG project. Hearing no comments, Mayor Hansel closed the public hearing for the proposed Community Development Block Grant application at 7:22 PM.

A true record, attest:   
City Clerk

Mayor Hansel opened the second public hearing for discussion of the Residential Anti-displacement and Relocation Assistance Plan at 7:22 PM. The Mayor recognized Mr. Gradert again to begin this discussion.

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

Mayor Hansel opened the floor to public comments and questions about the Residential Anti-displacement and Relocation Assistance Plan. There being no comments, Mayor Hansel closed the public hearing for the Anti-Displacement and Relocation Assistance Plan at 7:24 PM.

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City Clerk

Mayor Hansel opened the third public hearing on the City's Housing and Community Development Plan at 7:24 PM. The Mayor recognized Mr. Gradert again.

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Mr. Gradert explained that the Housing and Community Development Plan (HCD) was a document composed of several key areas, those being: Housing, Economic Development, Health and Human Services, and Community Development Block Grant (CDBG) Impact Area. Each section detailed the current conditions and proposed actions that would help alleviate need in the area in relation to CDBG funds. This document was last adopted in 2021, with the minimum adoption schedule being once every 3 years. No substantial changes to the plan had been made at this time. Mr. Gradert said the proposed Keene Housing project met the listed HCD goal to, *“Have a variety of housing options available that are affordable, accessible, eco-efficient, and supportive of varied lifestyles.”*

Mayor Hansel opened the floor to public comments. Hearing no comments, Mayor Hansel closed the public hearing for the Housing and Community Development Plan at 7:25 PM.

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City Clerk

#### RESOLUTION R-2023-21: RELATING TO THE CDBG APPLICATION FOR ROOSEVELT SCHOOL APARTMENTS

Mayor Hansel called forward Resolution R-2023-21 from the Finance, Organization, and Personnel Committee’s agenda. A motion by Councilor Powers to suspend Section 26 of the City Council Rules of Order to allow action upon this time sensitive grant was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Ormerod was absent. A motion by Councilor Powers to adopt Resolution R-2023-21 was duly seconded by Councilor Remy.

Councilor Giacomo asked the City Manager, Elizabeth Dragon, whether the memorandum of understanding the City had regarding the retaining wall behind the former Roosevelt School building would carry over to the new owners. The City Manager said the memorandum of understanding would carry over, but she said the current owners intend to make some of those improvements before the transfer of ownership. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Ormerod was absent.

#### PUBLIC HEARING – AMENDMENT TO THE LAND DEVELOPMENT CODE – MINIMUM LOT SIZE IN THE RURAL DISTRICT

Mayor Hansel opened the public hearing at 7:28 PM and the City Clerk read the public hearing notice. The Mayor said that this public hearing was the opportunity for the public to comment on the proposed amendment to the Land Development Code—Minimum Lot Size in the Rural District. The Mayor welcomed Community Development Director, Jesse Rounds, to explain the Ordinance and the Joint PB/PLD Committee’s review.

Mr. Rounds began by explaining that he would talk about the Rural District, the proposed change, the public’s feedback, common misconceptions about the change, and other details. He began by explaining that the Rural District (RD) surrounds the City to the north and west. At this



time, approximately 50% of the lots in the RD were non-conforming, meaning they did not meet the minimum size required for a lot in the RD. Mr. Rounds said there are more than 1,500 acres permanently preserved in the RD through conservation easements. Approximately 72% of the RD was in current use at this time, meaning that parcels larger than 10 acres had a tax exception allowing the owners to save some money on taxes, while conserving the land for as long as it is in place. Mr. Rounds explained that during the 1970s, the minimum lot size in the RD was increased to 5 acres because the City was experiencing growth that was outpacing the ability to meet the community's needs. Now, he said the City was experiencing a lack of housing—the opposite problem—so, City Staff explored various ways to address this need through the City's Zoning districts. Thus, this proposal was to change the minimum lot size in the RD from 5 acres to 2 acres. Mr. Rounds said this proposed change was simple, but not small. This would functionally mean that lots between 4–10 acres that were not subdivided before would now be subdividable. This change would also mean that the initial 204 lots that could not be developed or redeveloped without a Zoning Board variance could now be developed without a variance. Mr. Rounds clarified that no other dimensional changes were proposed to the frontage, lot lines, or anything else.

Mr. Rounds continued addressing some of the public's feedback on this proposal. He began by addressing the concern that this change would alter the RD's character or change how people view the RD. Mr. Rounds wanted to explain some things that he thought would help control that and maintain the RD's character. First, the Land Development Code—and the Zoning Code before it—defined how the RD would develop before this change was proposed. He said the same rules were still in place, this Ordinance would just change the minimum lot size. Mr. Rounds also explained that the conservation easements and existing tax protections of current use would maintain that rural character.

Mr. Rounds said that there was also public feedback about subdivision regulations. He said the Planning Board recently adopted subdivision regulations that would change the way the Planning Board would consider subdivisions in the RD. Specifically, these regulations focused on no-cut boundaries against public roads, so that people on the road would still experience that rural character.

Mr. Rounds said another public concern was about unwanted density. He thought that the dimensional standards already existed to protect from unwanted density, or he said at least the feeling of unwanted density. Mr. Rounds provided two examples. First, he showed an image of 2 imaginary lots and how they could be subdivided. He said that one lot could be divided into four parcels, and to maximize development on the lot, the development would have to be pushed back, meaning that from the front, only two houses would be visible, with the additional no-cut buffer protecting the rural character of the community. Mr. Rounds showed another image of a hypothetical “flagpole” development, with a narrow access strip and the development further back on the lot so that as density increases, it would be less visible and would not feel like increased development.

Next, Mr. Rounds responded to public feedback about misplaced development and the concern that the RD was being targeted for changes. He said he wanted to push back against that notion to some extent by stating that one of the first changes with the Land Development Code was to

encourage additional density in the downtown. He said that City Staff were in the process of proposing changes that would allow accessory dwelling units (ADUs) on any parcel that has a single-family home. He added that the Land Development Code also allowed residential development in the Commerce District as long as it is above a commercial development. Mr. Rounds also wanted to point out that there were no proposed changes to the style of development; this would still be single-family housing in a district that is all single-family housing. The types of developments would not change.

Mr. Rounds noted that there was also public concern about the environmental impacts of this proposed change and how it would impact the community. He showed a map of all the RD parcels that were not landlocked/undevelopable. Under the Land Development Code that the Council approved, all parcels with conservation easements, wetlands, or prohibitive slopes were undevelopable. Additionally, the State of NH Department of Environmental Services reviews any impacts to surface waters. With this map, Mr. Rounds hoped to demonstrate that development would continue occurring, but it would not be the incredibly dense change that he thought people feared.

Mr. Rounds addressed the public's concerns about the tax implications of this proposed change, noting that the City Assessor was present to answer any questions. He said that essentially, values would not change automatically because the market sets the value of a parcel and the City, or this proposed change, would have no impact on that. So, he said that if lands that have development potential were to increase in value, that would reflect the market's desire to have development in the RD.

Mr. Rounds discussed what he thought were some other misconceptions about this proposal. He said that the 50-foot frontage in the RD would remain the same. Also, the minimum 200-foot width at the building line would remain the same, meaning a parcel must be 200 feet wide before a house could be developed, helping developments in the RD to remain more spread out. Additionally, Mr. Rounds stated that the City was not proposing to subdivide any parcels. Doing so would be a willing seller/buyer situation, in which a property owner makes a private decision to develop their land. The City would have no involvement in those proceedings until an owner proposed to subdivide, and then City Staff helped them through that process. Mr. Rounds added that the Planning Board plays a role in this. When a developer applies for a subdivision, the Planning Board reviews the application and apply its standards to the proposal.

Mr. Rounds briefly discussed Keene's 2010 Comprehensive Master Plan. He called it an impressive document, which was one of the reasons he was excited to come to Keene. Even in 2010, he said the need for housing was apparent in the Master Plan, and he said the proposal to reduce the minimum lot size in the RD was a way of addressing that. He noted that the Master Plan mentions "infill" development, which is development between existing developments. He thought that many people mistook this proposed minimum lot size change for infill development. Mr. Rounds said that when driving throughout the RD, one would see that between the houses, there are vacant parcels. Mr. Rounds thought this proposal was a way for the owners of those parcels—which might be substandard now—to have an opportunity at development. Mr. Rounds said he believed this was infill development, just in a different form than people were used to.

Mr. Rounds concluded his presentation by discussing the Keene Housing Needs Assessment, which was in its draft form. Staff hoped that it would be presented to the Planning, Licenses, and Development Committee soon so that it could be released to the community. He said that the Assessment showed some dire facts. For example, it showed that 4,500 households in Keene would need to upgrade, change, or grow in the next 10 years and Keene did not have the housing to support that. In fact, Mr. Rounds said the Assessment showed that Keene needs 1,400 new units over the next 10 years to meet that need, and he said that could not all be in the downtown. It needs to be City-wide. To Councilor Robert's earlier points, Mr. Rounds said that Keene needed housing at various levels to meet the demands of workers, large families, small families, and seniors, etc. Thus, he said this proposal was an opportunity for the RD to be a part of that solution. Mr. Rounds noted that the State of NH conducted a long overdue Housing Needs Assessment at the regional level. In reviewing that report, Mr. Rounds said he was appreciative that it addressed many things Keene was experiencing. He said the NH report emphasized rural housing because so much of this region is rural. He shared some other facts he found necessary in the NH report. He highlighted that more housing is needed across the spectrum for older adults to be able to continue living in their communities. These adults need access to a market that allows them to sell their properties, and he said this proposed change in the RD provided that opportunity. Mr. Rounds said that more housing puts downward pressure on the tax rates. He said it was not just about children coming into the community and needing schools. Instead, he said that more people coming into the community would need more housing, which would mean more tax revenue and more housing to attract and retain essential workers. He said we need these people in our community, but if they could not live here, then Keene would be missing out. Lastly, Mr. Rounds noted that housing is critical for preserving local amenities. He recalled that in the 1970s, development in Keene stopped because City services could not keep up. He said the opposite was true in 2023, with a drain of population and City services suffering because the City cannot pay for them. Mr. Rounds said it was prudent for the City to recognize the need for continued growth.

Mayor Hansel opened the floor to public comment.

Pamela Parish of 123 Meadow Road said she was active with the Monadnock Interfaith Project (MIP). She noted that a community organizer had helped to form a Housing Committee made-up of 15 interfaith clergy, who share in the belief that group power can bring change. She said the MIP was grateful that the City continued rolling-out smart Zoning changes in all the City's districts. She said the City should be intentional about Zoning that would allow thoughtful development. Ms. Parish said the Monadnock Interfaith Project also recognized that historically, 2 acres was the lot size for Keene's Rural District until it was changed to 5 acres. She said the MIP wanted to share their support for the proposed minimum lot size change back from 5 acres to 2 acres in the RD. She said the MIP appreciated the Staff effort that went into the Ordinance and encouraged the Council to support this change.

Tad Lacey of Daniels Hill Road began by respectfully disagreeing with Mr. Rounds. Mr. Lacey stated there had been a revisionist history about what happened in Keene, especially how the City arrived at the 5-acre minimum lot size. Mr. Lacey said that he was around in the 1970s and 1980s, working on land management and then he got involved with real estate. He said that in all the towns and counties he worked with, 5-acre Zoning was quite common and it was not to slow

growth. He said that the reason towns started 5-acre Zoning was that they recognized that growth was coming, and they used that minimum lot size to guide that growth for the community they wanted. He noted that during the 45 years since Keene began 5-acre Zoning, there had been decades with no growth when selling houses was difficult. Mr. Lacey said he did not believe that Keene had been growing to the extent that warranted this Zoning change. Next, Mr. Lacey addressed the concept of “stacking” houses that he said were being promoted with this change. He said stacking should not happen. He provided the example of Darling Road with lower road frontage and house stacking throughout the Zone. Mr. Lacey did not support these proposed Zoning changes that he said would encourage stacking. He clarified that he did think there should be growth in the RD, but not this specific proposal. For those who have lived in the Rural Zone for any length of time, they would have lived through polar opposite proposals affecting the zone.. In October 2005, folks will remember the was incredible flooding and the evacuation of local residents a few weeks later. He cited another serious flood in May 2012. He said there was significant tension in the City every time there were a few days of rain. He noted that a subsequent Beaver Brook dredging project to remove debris and vegetation helped the stream flow, but Beaver Brook remained an overall threat.

Mr. Lacey explained that Keene had experienced flooding since the City was settled. So, he said that after the 2005 event, Keene’s Planning Department and Conservation Commission took an active role in flood mitigation. This work ultimately resulted in the Steep Slopes and Surface Water Protection Ordinances. He recalled much public discussion of these ordinances, with an atmosphere of blaming the RD as a primary cause of flooding. He explained that despite the debate about how far Keene should go in controlling land use in the RD, virtually all people on both sides of the debate agreed that the most important flood prevention measures would be careful and conservative approaches as the upland RD was developed. Mr. Lacey believed that this proposed change of minimum lot size was neither careful nor conservative. Rather, he called it a blueprint for a complete and intensive build-out of the RD over the next few decades. He said that this “blueprint” for significant land use changes in the upland with a corresponding loss of high infiltration soils, plus the addition of many impervious surfaces, would be a classic cause of flooding. Mr. Lacey reiterated that everyone knows that Keene floods. He said it was easy to predict that the ability to build in the uplands to the scale at which the City hoped to through this proposal would both promote and increase the volume and speed at which additional runoff would reach the valley. In addition, Mr. Lacey noted that Keene is now within the clutches of climate change, which is projected to increase the intensity of precipitation in this region. He cited a study published by the NH Business Review in July 2020 on NH flood risks. He said the study found that Keene is one of the towns at highest risk, with 24% of all residential properties at risk. He also cited the Housing Needs Assessment Report that was recently submitted to the City Council; it reported that 1,379 or 22% of properties in Keene are at risk of flooding, and many properties would rise from the moderate to high-risk categories if this development were promoted in the RD. Mr. Lacey said that Keene’s serious land use constraints are facts of life, and the City could not pretend otherwise. He said that even if the Council’s hearts were in the right place, passing this Ordinance would be a mistake the Council could not take back. He encouraged forming a Committee to examine best how this would work and to refine it to achieve more buildings safely in the RD.

Walter Lacey of Daniels Hill Road also spoke in opposition to this proposed change. He said Keene's Zoning rules and 5-acre minimum lot size in the RD dated back 50 years and had steered development toward areas of mature infrastructure and services, such as water, sewer, transportation, schools, and other amenities. He said this proposed change would not be progress but would promote development that conflicts with the 2010 Comprehensive Master Plan, which stated that areas suitable for housing growth include downtown and certain surrounding neighborhoods. The Master Plan stated that housing must be conveniently located, healthy, safe, and affordable. Mr. Lacey said that the choice to revert to the 2-acre minimum lot size of 50 years ago seemed arbitrary. He questioned the rationale of minimizing the number of non-confirming lots, stating that it made no sense and that no rights or benefits would be restored. Mr. Lacey referred to one of the images Mr. Rounds displayed, which Mr. Lacey said demonstrated the negative aspects of smaller lot sizes and stacking. Mr. Lacey said that stacking is exactly the type of increased density that is unwanted in the RD. He recalled the assertion from Staff that no cut zones and other aspects along the road frontages would help mitigate this appearance of increased density in the RD. Mr. Lacey thought that was a bad thing. He said it seemed to be an attempt to control market forces. He said that the City could control the country nature of Keene, with fields and well-spaced houses in the RD. He said the City could also control flood risks to the valley by prudently limiting upland development. He noted that flood risks were explored in City hearings 10–15 years ago and said one of the takeaways was the significance of forest soils in mitigating extreme flood risks that would become more frequent and with greater magnitude. Mr. Lacey said he had not heard mention of manufactured housing, which used to be called "trailers," and how those might fit into future housing needs. Manufactured housing was allowed in the RD but only in a manufactured housing park. Mr. Lacey said it seemed to him that a 5-acre siting of individual manufactured housing would be entirely appropriate. He said manufactured housing used to be an opportunity for people with lower incomes to gain a foothold on a piece of property to build a house. He said the prospect of arbitrarily raising the taxes of a particular group of RD residents was unacceptable. Mr. Lacey asked the City Council to maintain the 5-acre minimum lot size in the RD and to continue relying on the Zoning Board of Adjustment to pragmatically deal with deviations from that minimum.

Matthew Hall of Hurricane Road recalled the 1960s and 1970s, noting that he was born in Keene. He questioned the accuracy of some of Mr. Rounds' statements, or what Mr. Hall called "illusions." He said he heard about current uses protecting land and preventing development. He said that lots under 10 acres could not be protected in current use, that no easements were possible, and that no third party—like Monadnock Conservancy—would want them. So, he said those parcels were not protected. Mr. Hall asked about the ideal developments that Mr. Rounds presented and the concept of a no-cut zone; he asked what would happen if there was a field? Next, Mr. Hall said he was confused about non-confirming lots and asked why everything must "conform." Was there something better than conforming? Mr. Hall continued discussing taxes. He stated that it was "disingenuous" for City Staff to say this change would not affect taxes. He said that with a 5-acre lot, someone would have the potential to sell 2 acres. He said that a developer would certainly pay more for that lot because they could sell the 2 acres; he called it a backdoor tax increase that would occur over time, not immediately. Mr. Hall questioned what would happen with a 6-acre lot. He said he looked at the assessments and it appeared to him that each additional acre would increase the lot's valuation by \$12,000. Mr. Hall said this change

would impact taxes in the RD because comparable properties would go up as they are sold. He noted that for some, a house is just where they hang their hat, but for others it is a home; he said that many have worked in good faith and developed their properties in accordance with City Codes and that this change would pull the rug out from under those people. Mr. Hall called this disconcerting and unfair. Next, Mr. Hall discussed the assertion that this minimum lot size change was to provide workforce housing. He said he had always been a blue-collar worker and absent from those talks of workforce housing were the plow drivers, truck drivers, sanitation workers, and factory workers. He said Keene would not operate for very long without those essential workers. He said that changing the minimum lot size in the RD would not provide any incentives to develop workforce housing. Next, Mr. Hall cited the “domino effect” mentioned earlier, calling it an interesting concept. Still, he asked about the likelihood of local people outbidding those from out-of-town with cash offers, who are not interested in being a part of this community. He asked if City Staff could cite any studies showing that this “domino effect” had provided workforce and affordable housing for the low-income and unhoused in Keene. He found the Roosevelt School development very encouraging and ideal. Next, Mr. Hall referred to the cited advantages of subdivisions, stating that subdivisions would not apply to a 5-acre lot if 2 acres were split off. He said he had no issues with subdivisions following the current use rules but said that would not stop someone from developing a property. He thought the cost of taking property out of current use was only 10%. Mr. Hall said he did not understand the rigidity of this proposed change, asking why there was no room for compromise among thoughtful people. He wondered if this change would really accomplish the housing intended. He said he understood there was a housing problem and said he supported accessory dwelling units.

Eloise Clark of 1185 Roxbury Road spoke in opposition of changing building density in the RD from 5 acres to 2 acres, stating that this change would be incompatible with the goals espoused in the 2010 Comprehensive Master Plan. Ms. Clark said that many of the Councilors in the room were not yet residents of Keene when the Master Plan was written and might not have been familiar with the process. According to Michael Welch, President of the Comprehensive Master Plan Steering Committee, it was a 2-year process involving input from approximately 2,000 citizens of Keene. Ms. Clark quoted the letter from Mr. Welch on page V of the Master Plan, *“You will notice when you read the plan that it frames an adaptive response to climate change and a proactive approach to sustainability. These were recurring themes from the public in the sessions that contributed to this Master Plan. However, these are not issues that the City is only now beginning to plan for. When you read this Master Plan, you will see that it affirms and expands upon the City’s existing plans. The new plan likewise affirms the City’s longstanding preference for concentrating development within the area bounded by the 9/10/12-Bypass and RT-101 to create a walkable community. The new plan also supports an established Keene goal that has history dating back to the 19<sup>th</sup> century to create and protect green spaces, trails, parks, and natural wildlife corridors.”* Ms. Clark also quoted page 135 of the Comprehensive Master Plan, *“Keene is a unique community that residents are proud to call home. Although conveniences and attractions of large metropolitan areas are close to hand, the community maintains a solidly residential working-class character complemented by a landscape of rural areas, farms, and open spaces. The heart of the community is its historic and vibrant downtown core. In an age when communities lose their sense of place, Keene has a firm sense of its identity, built on a foundation of the past and a clear vision of the future.”* Ms. Clark said that this Zoning change would contradict the spirit of the Comprehensive Master Plan. She asked the

Council to not pretend these actions to encourage development in the RD were permissible. Ms. Clark said the Master Plan clearly stated that development should remain within the 9/10/12-Bypass corridor and RT-101. She said that this momentous shift in the Land Development Code would really change the character of Keene. She said this change would bring the “busyness” from the valley floor to the hillsides surrounding the City. Ms. Clark wondered whether the City really wanted suburban sprawl in Keene’s rural areas or wanted to lose the wonderful mix of urban and rural areas and the walkable community Keene currently enjoyed. She said these changes would encourage the opposite result. Ms. Clark said her second point was about land conservation values and keeping the RD in open space for farming and forestry practices that benefit the City. For perspective, Ms. Clark recalled the dire flooding events of 2010. She noted that the east side of Keene still has a flooding problem. She said that in 2010, people recognized the importance of keeping the RD undeveloped. She said that a lack of rural development slows the flow of runoff from rain events, allowing water to percolate into the soils, access flow, accumulate in wetlands, and eventually soak into the soil to recharge the groundwater. More permeable surfaces such as buildings and driveways in the RD would prevent that natural reabsorption. During extreme rain events, more water would be propelled downhill, soils would be eroded, and floodwater would accumulate in the populated valley. Ms. Clark said there was nothing the City could do to prevent a landowner from clear-cutting their property, citing an example on Old Walpole Road. She said that any kind of deforestation—not just impermeable surfaces—would accelerate Keene’s runoff problems and affect the heart of the City. Ms. Clark stated that she felt that this new Ordinance was extremely short-sighted. She repeated one of the Master Plan quotes, “*You will notice when you read the plan that it frames an adaptive response to climate change and a proactive approach to sustainability.*” Ms. Clark said that this Ordinance would contradict that quote. She asked the City Council not to dismiss these environmental concerns, noting that they were presented based on sound science and wisdom. She said that sweeping changes to the Zoning Code would sweep the Master Plan aside. She asked the City Council to keep the historic and vibrant downtown core complemented by rural areas, farms, and open spaces.

Laura Tobin of Center Street said she empathized with residents who had lived in Keene for a very long time. She stated her understanding that this conversation had been ongoing for at least 30 years, which she said she learned from the President of Savings Bank of Walpole, who she called exasperated by the constant housing conversation. She cited earlier comments about environmental concerns. She said she had lived in Keene for 22 years and knew how much the City values generational history. She said she had lived in and been invested in the heart of this community for many years. She did not know if there would ever be a perfect solution. She said being invested in this community is being invested in the people who are struggling in the community. Ms. Tobin said that environmental impacts from developments were inevitable, noting how over time, she had to walk further to find greenspace; she cited the unhoused people living in the park, noting the associated environmental impacts. She empathized with the factory and office workers, noting how hard it is to bring people to the area who could afford to live here. She asked the Council to set any nitpicking aside and to ask whether this change would help more people than less.

Cole Mills of 68 Langley Road said that he was seriously opposed to the 2-acre Zoning. He thought it was a mistake. To him, it seems that the City was trying to solve a situation that could

not be solved by \$400,000 plus homes, which he said are built on these 2-acre lots. He cited Skyler Court and Old Walpole Road as examples. Mr. Mills said that going from 5-acre to 2-acre minimum lot sizes would effectively disfigure the character, feel, and quaintness of rural Keene. He said that everyone opposed to 2-acre Zoning was not opposed to responsible development. In fact, he said that people were excited about the developments at 310 Marlboro Street and across from Langdon Place; he called these responsible developments in areas supported by roads, City services, water, and gas—unlike the Rural District. Mr. Mills said it was impossible to build affordable or workforce housing on a 2-acre lot because of the costs of septic systems or wells. Assuming someone would want to make a profit, he said that at the cost per square foot, a house on a 2-acre lot would be minimally \$300,000. Thus, Mr. Mills said that this proposed change would be a tremendous mistake. He mentioned that ADUs are allowed in the RD, meaning that every house could become multi-family, and could contribute to the unwanted density. He said reducing the minimum lot size to 2 acres would allow four multi-family homes where two were allowed previously. He said he heard Cheshire Medical Center talk about how this would solve the need for doctors, but Mr. Mills said it would not solve the need for doctors or nurses. He cited the need for 200,000 nurses entering the workforce every year for the next ten years to maintain the status quo, and he said that there are not enough doctors in the workforce to meet the demand. He noted this was not unique to Keene, Cheshire County, or NH. He reiterated that this problem would not be solved with \$400,000 homes. He asked the Council to consider the problem they were trying to solve. Mr. Mills also found it disappointing that there had been no financial analysis. He felt like it lacked truthfulness when Mr. Rounds said there would be no impact on taxes; as someone who lives on 5.5 acres, Mr. Mills said his taxes would increase because he would suddenly have two building lots through no fault of his own. Mr. Mills said the City Assessor reported that building lots in the RD were \$39,000; Mr. Mills said this was untrue and that building lots in the RD are more like \$53,000, which would result in almost \$2,000 in taxes. He said he heard about the need for 1,400 homes and said that assuming there was one child in each of those homes, and the homes were valued for \$400,000, he said that would be a \$12,000 tax revenue. At first that sounds great, but when you figure 60% would go to the school district – about \$7,500 and it costs \$19,000 on average to educate a child there is a shortfall that will hit every taxpayer in Keene. Mr. Mills continued citing what he considered shortfalls of Keene's Community Development Department, asserting that the Staff never have anything negative or adverse to say and they present scenarios to the City Council that make everything seem wonderful. He said he was bothered by a statement by Senior Planner, Mari Brunner, in response to public concerns that development was being forced into areas least served by police and fire services; Mr. Mills said that Ms. Brunner stated that Keene has plenty of firefighters. Mr. Mills said that NH State reports indicated the great need for EMTs, paramedics, and first responders across NH. He said that in 2022, there were more than 1,000 open Code violations that were backlogged due to a lack of staffing. He said that actively adding more residents in Keene would place more stress on those services. He noted other issues like narrow roads in the RD and carbon emissions with more cars in town. Mr. Mills did not think anyone had considered the true costs of these factors and others like rent escalation. He said there was no reason to go down this path at this time. He said it was prudent and responsible to keep the 5-acre Zoning and to focus on additional housing via accessory dwelling units.

With no further comments from the public or the Council, Mayor Hansel closed the public hearing at 8:29 PM, except for written public comments, which would be accepted until 1:00 PM



05/04/2023

on Tuesday, May 9. Written comments must be signed and submitted to the City Clerk by that date and time to be included in the record. The Ordinance would be on the agenda of the Planning, Licenses, and Development Committee for their regular meeting on May 10 at 6:00 PM.

A true record, attest:   
City Clerk

COMMUNICATION – KEENE MUSIC FESTIVAL – REQUEST TO USE CITY PROPERTY  
– SEPTEMBER 2, 2023

A communication was received from Pablo Fleischmann, requesting a license to use downtown City property to conduct the annual Keene Music Festival on September 2, 2023. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION – COVENANT LIVING OF KEENE – REQUEST FOR LICENSE TO  
INSTALL AND MAINTAIN TWO PRIVATE CROSSWALKS ON PUBLIC ROW – WYMAN  
ROAD

A communication was received from Gregg Burdett, requesting that the City extend a license to Covenant Living of Keene for the installation, construction and future maintenance of 2 private crosswalks on Wyman Road for the benefit of their residents. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION – COUNCILOR MADISON – RECOMMENDING AN AMENDMENT  
TO THE CITY CODE – MEETING TIMES FOR PUBLIC BODIES

A Communication was received from Councilor Andrew Madison, recommending an amendment to the City Code that would establish standards for meeting times for all public bodies to accommodate greater public participation. Mayor Hansel referred the communication to the Finance, Organization, and Personnel Committee.

COMMUNICATION – PETER ESPIEFS – REQUESTING THAT THE CITY RESCIND THE  
LICENSE TO TELECOM TO ERECT SMALL CELL WIRELESS FACILITIES

A communication was received from Peter Espiefs, requesting that the City rescind its license granted to Telecom because the technology to be employed by them is inaccurate, unreliable, and fraught with serious threats to the health of residents and the environment. The petition raised several other points, including a 2021 U.S. Court of Appeals decision regarding Environmental Health Trust v the Federal Communications Commission; the fact that the license ignored the Historic District designation of the neighborhood, and that the area continued to be overwhelmingly residential. In the petition, Mr. Espiefs referred to the “precautionary principle” and the understanding that the right to engage in business must yield to the paramount right of City government, “*to protect the public health and property under its trust.*” Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION – PETITION REGARDING SMALL CELL TOWER AT SUMMER AND MIDDLE STREETS

A communication was received from Ana Savastano, submitting a petition from the residents of the Summer and Middle Streets neighborhoods to convey to the City Council and City Staff the clear opposition to the imminent construction of the small wireless facility in their neighborhood and their desire to delay the installation temporarily. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION – KEENE ELM CITY ROTARY CLUB – REQUEST TO USE CITY PROPERTY – DEMAR MARATHON – SEPTEMBER 24, 2023

A communication was received from Alan Stroshine, requesting the annual license to conduct the Clarence DeMar Marathon and Half Marathon on Sunday, September 24, 2023. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee to appear on their “more time” agenda until the necessary protocol meetings occur.

COMMUNICATION – JOHN SOSNOWSKI – REQUEST FOR WATER ABATEMENT AND FEE WAIVER – 251 PARK AVENUE

A communication was received from John Sosnowski, requesting—Under Section 98-514 of the City Code—an abatement of water charges for his property at 251 Park Avenue. The total abatement request is \$2,158.91. Mr. Sosnowski is also requesting the waiver of a \$170 fee for a meter replacement. Mayor Hansel referred the communication to the Municipal Services, Facilities, and Infrastructure Committee.

FOP REPORT – 79E COMMUNITY REVITALIZATION TAX RELIEF APPLICATION FOR 310 MARLBORO STREET

A Finance, Organization, and Personnel Committee report read, recommending that the structure proposed for redevelopment located at 310 Marlboro Street is a qualifying structure as defined by RSA 79-E; that the structure is not within a currently defined Tax Increment Financing District; that the structure is not a residential property subject to an election for tax assessment relief under the low income housing tax credit program of RSA 75:1-a; that the proposed rehabilitation cost estimates exceed the threshold amount of \$75,000 and constitutes substantial rehabilitation; that at least \$5,000 of the total rehabilitation cost is devoted to energy efficiency in accordance with the U.S. Secretary of the Interior's Standards for Rehabilitation; that the proposed rehabilitation is consistent with the City's Master Plan; and that the proposed rehabilitation provides the following public benefits as required by Resolution R-2018-33: 1.) Enhances the economic vitality of downtown areas. 2.) Enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level. 3.) It promotes efficient design, safety, and a greater sense of community in a manner consistent with the Keene Comprehensive Master Plan. 4.) It will add to the City's employment base by creating at least

one new, full-time job in Keene's downtown area. 5.) It promotes development of a sustainable building stock in the downtown that achieves a nationally or internationally recognized green building standard. Therefore, the Committee recommended that the application for real property tax relief on any assessed tax increment resulting from the substantial rehabilitation of the qualifying structure be granted for a period of five years beginning with the substantial rehabilitation as determined by the City's Community Development Department, and conditioned upon the property owner granting to the City at the time of substantial completion a covenant ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for the period of the tax relief, to be recorded at the Cheshire County Registry of Deeds at the expense of the property owner.

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 14 Councilors present and voting in favor. Councilor Ormerod was absent.

#### FOP REPORT – GILSUM ROAD AND WASHINGTON STREET EXTENSION LAND ACQUISITION

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute the purchase of real property located at 0 Gilsum Road, tax map #218-042-000, and 0 Washington Street Extension tax map #229-006-000, for conservation purposes, and for a price to be paid from Project #90203, Conservation Land Use Tax, in an amount not to exceed the maximum bid amount previously authorized by the City Council. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

Councilor Giacomo understood that the motion was to not exceed the maximum bid previously authorized by the City Council; however, he would certainly hope the City would not pay more - given that the current owner, who outbid the City on the previous purchase had left the parcels barren with their logging operations. Councilor Giacomo agreed that this land should be conserved, noting that it was in a prime area for conservation. Still, given the timber harvesting that had occurred on those parcels, he hoped the City would pay as little as possible. Mayor Hansel said he understood and thought the intention was to pay as little as possible. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Ormerod was absent.

#### FOP REPORT – HISTORICAL SOCIETY OF CHESHIRE COUNTY PUBLIC ART DISPLAY PROPOSAL

A Finance, Organization, and Personnel Committee report read, recommending that the City Council finds and accepts the Historical Society of Cheshire County's Kingsbury Toy Taxiplane Public Art Display in accordance with Resolution R-2018-22 and that the City Manager is authorized to do all things necessary to negotiate and execute the necessary documentation as outlined in Resolution R-2018-22. 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 14 Councilors present and voting in favor. Councilor Ormerod was absent.

FOP REPORT – COUNCILOR REMY – REQUESTING THE CITY'S CONSIDERATION – CENTRALIZED SOLID WASTE GROUP DEFAULT RATES AND BILLING

A Finance, Organization, and Personnel Committee report read, recommending that this communication be referred to the City Manager. 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 14 Councilors present and voting in favor. Councilor Ormerod was absent.

FOP REPORT – REQUEST FOR SOLE SOURCE PURCHASE – SEWER SOFTWARE INSPECTION SOFTWARE

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to sole source the purchase of pipe inspection software from POSM Software, LLC and pursuant to sec 2-1336 of the City Keene Code of Ordinances, waive bidding requirements in Section 2-1335. 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 14 Councilors present and voting in favor. Councilor Ormerod was absent.

FOP REPORT – TRAIL IMPROVEMENTS – GREATER GOOSE POND FOREST

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 Snowhawk LLC Trail Design and Construction for trail improvements in the Greater Goose Pond Forrest. The contract will not exceed \$45,860.00 and funding will come from Project Cost Center (65M0012A). 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 14 Councilors present and voting in favor. Councilor Ormerod was absent.

FOP REPORT – FACT COMMUNITY ACCESS TELEVISION PUBLIC PROGRAMMING AGREEMENT ADDENDUM

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute an addendum to the Falls Area Community Television Community Access Public Programming Agreement. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. Councilor Jones said that he was truly for this project but had been against how this project was funded for many years. He said he would vote in opposition and stand by his promise to the public many years ago. The motion carried unanimously with 13 Councilors present and voting in favor and 1 voting in opposition. Councilor Jones voted in opposition. Councilor Ormerod was absent.

FOP REPORT – CHARTER COMMUNICATIONS FRANCHISE AGREEMENT EXTENSION

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute an extension to the current Franchise Agreement with Charter Communications. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy.

Councilor Jones said he was a part of this negotiation 20 years ago. Going forward, he asked that the City request Channel 8 for programming, which he said was something positive the City had in the past. He said it was taken away because they did not like that Cheshire TV was doing the programming. He added that it is an empty channel right now and it would be a good selling piece for them. The City Manager confirmed that she had requested the return of Channel 8. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Ormerod was absent.

#### FOP REPORT – ACCEPTANCE OF FEDERAL FUNDING FOR AIRPORT CAPITAL PROJECT

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept and execute a grant for up to the amount of \$198,810 from the Federal Aviation Administration Airport Improvement Program. 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 14 Councilors present and voting in favor. Councilor Ormerod was absent.

#### FOP REPORT – AGREEMENT WITH MCFARLAND JOHNSON, INC – WILDLIFE PERIMETER FENCE PROJECT

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to execute a Professional Engineering Services contract with McFarland Johnson, Inc. for Phase One of the Wildlife Perimeter Fence 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 14 Councilors present and voting in favor. Councilor Ormerod was absent.

#### CITY MANAGER – BUDGET COMMENTS

The proposed FY 24 Budget books were on Councilors' desks and would be available on the City's website beginning May 5. The City Manager recognized the City Departments' efforts, highlighting the Finance Department's work given the monumental task of preparing this budget utilizing a financial system that was still in the works. The Manager also applauded the efforts of Rebecca Landry in the great work on the budget cover and incorporating the new brand.

The City Manager explained that the City's overall tax rate had dropped over the last two years and the year before that, the City's portion of the rate did not change from the prior year. This year, between the increasing costs of projects and operational supplies (an after-effect of Covid and strained supply chains), inflationary cost impacts, and the increasing need for staffing to keep up with department/service demands, the City's portion of the rate was proposed to increase

by 3.4%. She said that this budget complied with the City's Fiscal Policy limitations when excluding the expenses associated with the four firefighters approved by the Council in April 2023. The City Manager said that recruitment efforts associated with those positions had begun, and she was grateful to Council members for moving that forward.

The City Manager continued explaining that the proposed budget included an estimated \$0.43 change in the municipal rate (of which \$0.23 was the impact of the expense for the four additional firefighters needed to maintain minimum staffing levels at 10). The Fiscal Policy limits its property tax revenue increases to a rolling 3-year average of the Boston Cambridge Newton CPI net of expenditures required by law, debt service, payments, and capital leases. This year, that average was 4.4% (2023 CPI was 6.4% and 2022 was 6.3%, but in 2021 it was only 0.5% and so averaging the 3 years brought the percentage down to 4.4%).

The City Manager said that the second year of the City's Capital Improvement Program (2023–2029) had been updated and modified in the FY 24 Budget to reflect the changes that had occurred since the adoption of the program. For the budget proposal to comply with Fiscal Policy, it was necessary to adjust funding scenarios/sources for various projects. One significant impact was the Thompson Road reconstruction project for just over \$1 million, which had not been in prior CIP plans; it was included as debt financed in the upcoming year. This summer (2023), the City would begin an extensive update to the CIP, which would be presented to the Council in January 2024. There had been a dramatic increase in the costs of almost all of the City's capital projects this past year. Given the updated project estimates, the City Manager anticipated that a great deal of work would be necessary to accomplish the advanced planning of major projects in way that creates a somewhat level of investment in the City's infrastructure year after year. This would avoid a significant impact on the City's municipal tax rate. In addition, she said that Staff would be focused on the elements of strategic governance, which considers all elements of project costs, including potential impacts to future operational budgets—including staffing. The City Manager said the budget included City revenues associated with State of NH Municipal Aid as they were currently known. In addition, the tax rate projections were based on a decline in overall values of \$6 million due to the State of NH requirement to equalize our ratio.

The City Manager explained that in 2021, Keene went through a City-wide property revaluation to bring real estate assessments to market value. This was done when values were significantly increasing compared to previous years. Shortly after, there was some speculation that the market was peaking and may even begin to decrease. However, as of early 2023, real estate prices had only continued to increase. Residential properties consistently sold for prices considerably higher than their assessments with no signs of change. Low inventory and high demand continued to be factors as houses on the market saw multiple offers ending in above-asking price transactions. Construction costs also remained high for any new housing. The NH Department of Revenue set the assessment equalization ratio for the City this past year at 80.9%. This means that the median sale price in the City is 19.1% more than its assessed value. Concerning property taxes, since all properties were around the same level, there remained fairness and equity in the assessments. However, she said the equalization ratio still had some effects. By NH State law, annually, our utility values must be equalized by the ratio. While utility values were reviewed yearly to account for changes, and the value would increase from the previous year, the equalization ratio

of 80.9% would still need to be applied. When this is done, the result could be an overall loss in taxable value for utility property. Therefore, this budget included an estimated \$6 million loss in value.

Overall, the City Manager said it was a difficult balancing act with many moving parts to construct a budget that met the Council's Fiscal Policy limitations while continuing to provide services at the levels expected. The City Manager said that Staff had done that with this budget proposal. The City Manager reported that budget review would begin at the May 11 Finance, Organization, and Personnel Committee meeting at the early start time of 5:30 PM.

#### CITY MANAGER – GENERAL COMMENTS

The City Manager thanked everyone who participated in a very successful Green Up Keene event. She estimated that more than 250 people volunteered and cleaned up approximately 3,200 pounds of trash through this effort. She remarked on the amazing level of volunteerism in our community. She added that it was not too late to contribute. The City had plenty of the blue "NH the Beautiful" bags and gloves if anyone still wanted to pitch in and clean-up any area of City.

Next, the City Manager discussed Congressionally Directed Funds. She shared a large list of projects associated with Keene that Senator Shaheen had submitted for FY 24 Congressional Directed Funding. Unfortunately, the City Manager reported that Keene did not make the list, but several of our partner non-profits in the community did (Hannah Grimes, MEDC, KSC, Cheshire Medical Center) with some very exciting projects in the run for funding.

The City Manager continued reporting that on May 30, 2023—weather dependent—repair and maintenance work would begin on the Wells Street Parking Structure. For the project, which is expected to last approximately ten weeks, it would be necessary to close a section of the upper and lower deck to do the repair work. Work would be scheduled in 2 main segments to allow portions of the upper and lower decks to be closed while still allowing upper and lower deck access for some parking needs. The work would be performed by Pierce Property Services of Winchester, MA, under the supervision of the design engineers, Desman Associates.

The City Manager concluded her report by discussing the Cheshire County inmate release on Gilbo Avenue. She recalled that in 2022, the Mayor created the Ad Hoc Committee on Housing Stability and their work ended in December. The Committee's desired outcomes included: improved homeless support and transition to permanent housing, increased available housing, and regional engagement in collaborative solutions. She said that Committee included the County Department of Corrections Superintendent, Doug Iosue. One of the report recommendations was better support people needing housing who are being released from hospitals and jails into the community. The City Manager recalled reporting to the Council several months ago that inmates who were not picked up at the jail by a family member or friend when released, or those who had no a place to go or who stated they were homeless, were released on Gilbo Ave. There were an estimated 6 inmates per week regardless of the arresting agency in the County or State Police. The City Manager said this was obviously concerning, so she had some great follow-up meetings with Superintendent Iosue, who did not have the data needed to make recommendations for improvements but agreed to begin collecting the

information. The City Manager said she was very happy to report that the Superintendent shared with her a new courtesy ride protocol that they had enacted. The Superintendent contracted with 3 local taxi services to create a voucher program for inmates being released who are unable to secure transportation from family and friends, within an approximate 90-minute radius. She said this program would have many great benefits. For the jail, it would reduce the burden on Officer time, ensure release from custody in a timely manner, and ensure safe arrival of inmates to appropriate locations, including planned treatment programs. For the City, it would reduce the risk of re-offenses in downtown Keene and support connections to treatment and other community support services. This program began on May 1 and the City Manager thanked Superintendent Iosue for his efforts to enact this creative solution.

#### REPORTS – TEMPORARY REPLACEMENT OF RESCUE, INC. AMBULANCES AT THE CENTRAL FIRE STATION AND THE WEST KEENE STATION – CITY ATTORNEY

Mayor Hansel noted that the next 2 memorandums from City Staff on Rescue Inc and Youth Services were time sensitive. A motion by Councilor Powers to suspend Section 26 of the City Council Rules of Order to act on these 2 time-sensitive items was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Ormerod was absent.

A memorandum read from the City Attorney, recommending that the City Council authorize the issuance of a license to Rescue Inc for the temporary placement of their ambulance vehicles at the Central Fire Station and West Keene Station. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Remy.

The City Manager explained that this was in-line with the press release and information she had been sharing with the Council. She said that DiLuzio Ambulance had an agreement with Rescue Inc, to provide services to their contract communities and the mutual back-up agreement that the City had with DiLuzio. As a result, the City Manager reported that Rescue Inc had begun operations in the City for a 90-day period initially and were located with 1 ambulance each at the Central and West Keene Fire Stations. Assuming that all goes well during this period, Rescue Inc would work with each individual community to determine whether they would carry on as their contract service. After 90 days, the next steps would be evaluated. This was a temporary arrangement and if Rescue Inc did contract with these surrounding communities, they would begin seeking their own location somewhere in the area.

Councilor Jones asked whether this just meant that Rescue Inc would be parking their ambulances at Keene's Fire Stations, or whether they would also be displacing Keene employees in the Fire Stations' rooms, kitchens, and bathrooms, etc. The City Manager said yes. She continued stating that she thought one of the many benefits of Rescue Inc taking over these agreements was that the DiLuzio employees were hired by Rescue Inc. She said that those employees would be staying in and using Keene's buildings. This license agreement indemnifies the City of Keene, clarifies that Rescue Inc is a separate organization that Keene is not paying for, and indicates that there would be no co-mingling of operations. Rescue Inc would be dispatched much like DiLuzio was. The City Manager said that on the day of this meeting, the Fire Chief reported to her that it had been a smooth transition to date and that Keene's Fire



Department had been very gracious and welcoming because they know that without Rescue Inc, the City could not cover all the calls and continue services without interruptions. She recalled that Rescue Inc is an organization out of Brattleboro, VT, which is well-established and well-funded. The City Manager said it was a good transition so far. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Ormerod was absent.

**EXECUTION OF AMENDED APPLICATION – 23-24 DHHS GRANT – YOUTH SERVICES MANAGER/JCC COORDINATOR**

A memorandum read from Alyssa Bender, Youth Services Manager/JCC Coordinator, recommending that the City Council recommend that the City Manager be authorized to execute the amended application for the Juvenile Diversion Program Support Funding Grant through the Department of Health and Human Services Division for Children, Youth & Families from \$16,405 to \$61,215. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Remy. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Ormerod was absent.

**RESOLUTION – RELATING TO THE FY 23-24 BUDGET – RESOLUTION R-2023-13**

A memorandum read from the City Manager, recommending that Resolution R-2023-13 relating to the FY 2023-2024 budget be referred to the Finance, Organization, and Personnel Committee for their review and recommendation, and that a public hearing be scheduled for Thursday, June 1, 2023. Mayor Hansel referred Resolution R-2023-13 to the Finance, Organization, and Personnel Committee and set a public hearing on June 1, 2023 at 7:10 PM.

**RESOLUTION – RELATING TO USE OF THE SOLID WASTE UNALLOCATED FUND BALANCE TO ENABLE COMMON SPACE RENOVATION AT THE TRANSFER STATION/RECYCLING CENTER – RESOLUTION R-2023-20**

A Finance, Organization, and Personnel Committee report read, recommending the adoption of Resolution R-2023-20. Mayor Hansel filed the report. A motion by Councilor Powers to adopt Resolution R-2023-20 was duly seconded by Councilor Powers. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Ormerod was absent.

**RESOLUTION – RELATING TO AN APPROPRIATION OF FUNDS AND USE OF UNASSIGNED FUND BALANCE FOR THE FY 2023 FIRE DEPARTMENT PERSONNEL BUDGET RESOLUTION – RESOLUTION R-2023-27**

A memorandum read from the Finance Director/Treasurer, recommending that Resolution R-2023-27: Relating to an Appropriation of Funds and Use of Unassigned Fund Balance for the FY 2023 Fire Department Personnel Budget have a first reading in front of the City Council and that it be referred to the Finance, Organization and Personnel Committee. Mayor Hansel referred Resolution R-2023-27 to the Finance, Organization, and Personnel Committee.

**ADJOURNMENT**

05/04/2023

There being no further business, Mayor Hansel adjourned the meeting at approximately 9:20 PM.

A true record, attest:   
City Clerk



PUBLIC HEARING  
Accessory Dwelling Units

Notice is hereby given that a public hearing will be held to consider Ordinance O-2023-06 submitted by the City of Keene Community Development Department. The Ordinance proposes to amend Sec. 1.3.3 of Article 1 and Sect. 8.4.2 of Article 8 of Chapter 100 "Land Development Code" (LDC) of the City Code of Ordinances, to amend the definition of detached accessory dwelling units (ADUs); to modify the dimensional standards for ADUs; and to expand the areas of the City where they are permitted.

The full text of the Ordinance is available for public review during regular business hours in the office of the City Clerk located in City Hall between 8:00 AM to 4:30 PM or by visiting [keenenh.gov/public-notice](http://keenenh.gov/public-notice).

HEARING DATE: May 18, 2023

HEARING TIME: 7:00 PM

HEARING PLACE: Council Chambers, Keene City Hall

Per order of the Mayor and Councilors of the City of Keene, this twentieth day of April, two thousand and twenty-three.

Attest;

City Clerk



Notice of Public Hearing  
Zoning Regulations and Application Procedures

A Public Hearing will be held before the Keene City Council relating to Ordinance O-2022-19-B. The petitioner, the City of Keene Community Development Department, proposes to amend sections of Chapter 100 Land Development Code (LDC) of the City Code of Ordinances to clarify language within the zoning regulations in Articles 9, 11, and 13 of the LDC; and; to amend Section 25.4.3 of Article 25 "Application Procedures" to modify the process for amending the sections of the LDC that are outside the zoning regulations.

The full text of the Ordinance is available for public review during regular business hours in the office of the City Clerk located in City Hall between 8:00 AM to 4:30 PM or by visiting [keeneh.gov/public-notice](http://keeneh.gov/public-notice).

HEARING DATE: May 18, 2023  
HEARING TIME: 7:05 pm  
HEARING PLACE: Council Chambers, Keene City Hall

Per order of the Mayor and Councilors of the City of Keene, New Hampshire, this twentieth day of April, two thousand and twenty-three.

Attest:

City Clerk



# CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

**Meeting Date:** May 18, 2023  
**To:** Mayor and Keene City Council  
**From:** Roger Weinreich - Keene Downtown Group  
**Through:** Patricia Little, City Clerk  
**Subject:** **Roger Weinreich/Downtown Merchants Association – Further Information - Jeff Speck Visit and Speaking Engagement**

---

**Council Action:**

**In City Council May 18, 2023.**

**Accepted the communication as informational.**

**Recommendation:**

**Attachments:**

1. Communication\_Weinreich

**Background:**

Mr. Weinreich has submitted a follow-up letter to answer various questions posed by the Finance, Organization and Personnel Committee at their meeting of May 11, 2023, in an effort to aid the Council as they consider the Downtown Group's request for financial support to facilitate a visit from Jeff Speck, urban designer and author of "Walkable City."

May 16, 2023

Dear Honorable Mayor and City Council,

At its meeting on May 11, 2023, the Finance, Organization, and Personnel (FOP) Committee recommended approving a request from the Keene Downtown Group to support a visit and presentation by acclaimed author, urban designer, and walkability expert Jeff Speck. A full description of that request is included in my letter submitted to the FOP Committee (attached). In order to aid the council's consideration of the committee's recommendation, here are a few updates and responses to questions that came up during discussion on May 11<sup>th</sup>.

I'm happy to report that our community fundraising campaign has attracted over \$6,500 in donations in less than a week. Both businesses and individuals are represented among the contributors. Fundraising efforts will continue, but a contribution from the city will be key, since it would allow the event organizing team to shift more of its attention to logistics, outreach, and promotion, maximizing the value of Jeff's time with us.

Here are some follow-up responses to specific questions posed by committee members:

1. **How would a contribution from the city be used?** The city's contribution would support Jeff's fee. It would not be used for meals, drinks, or lodging.
2. **The fundraising campaign page references that certain parts of the program, such as the post-presentation breakfast, will be open to "key stakeholders." Who are these key stakeholders?** We want all aspects of the program to be as inclusive as possible. Currently, there is no set list of who qualifies as a "key stakeholder." A key stakeholder could be anyone who's interested in exploring some of Jeff's ideas in further detail. We'd like to see a broad cross-section of groups and individuals represented during various parts of the program, including city councilors, staff, businesses, non-profit organizations, and residents.
3. **Is the timing right for Jeff to visit?** With downtown infrastructure work postponed for at least two years, we should take the opportunity to ensure that we have completed our due diligence and to consider the full breadth of possibilities that someone like Jeff can bring to the table. Also, while Jeff's ideas will apply most directly to the footprint of the downtown reconstruction project, they will also be highly relevant to walkability issues in the surrounding area of downtown, where opportunity for future improvements may exist.
4. **How will you ensure that the event will be accessible to any Keene community member who would like to participate?** The presentation will take place at Heberton Hall, in the Keene Public Library. It will be open to the public and we intend to record the event in partnership with FACT TV for later viewing.
5. **During his time in Keene, will Jeff be surrounded by individuals with a certain perspective on walkability in downtown Keene?** That is not our intent. We would be thrilled if a wide variety of perspectives are represented among attendees during various elements of the program.
6. **What work products/deliverables will Mr. Speck develop?** Jeff will share innovative concepts for our downtown, along with tangible ideas that can save us money.

I hope these points of clarification help the council in reaching an affirmative decision to support the event. We are excited to partner with the city and are open to any feedback councilors and city staff may have about the program.

Thank you for your consideration,



Roger Weinreich

Keene Downtown Group - PO Box 80 - Keene, NH 03431

May 9, 2023

To Members of the Keene City Council:

The Keene Downtown Group (KDG) is planning to sponsor a visit and public presentation by Jeff Speck. Jeff is one of the most influential voices in the field of city planning today and has literally written the book on the subject. His classic, *Walkable City* has been the best-selling city planning title of the past decade.

Jeff is an author and urban designer who advocates internationally for more walkable cities. He has helped communities large and small understand how walkability supports common goals like increased tourism, economic activity, public health, safety and sustainability.

His wealth of experience, knowledge, and vision allows Jeff to serve as an invaluable resource for each community that he works with, whether the discussion focuses on big-picture change or targeted, incremental improvements.

As our city focuses on major decisions about public space and infrastructure, there could not be a better time to welcome Jeff to our community and benefit from his perspective. When making tough choices about our world-class city, we should have world-class ideas at our fingertips.

Towns and cities across the globe are seeking Jeff's services and his schedule fills up fast. His availability for the foreseeable future is limited to one day—June 12<sup>th</sup>. We are on a short timeline to raise funds towards Jeff's fee (\$12,000) and believe that his input will be a worthy investment for our city.

The Keene Downtown Group is requesting support from the City of Keene in the amount of \$5,000 to facilitate Jeff's visit. Businesses and individual members of the community are also making contributions to support this event.

Thank you very much for your consideration.

Sincerely,



Roger Weinreich  
Board Member, KDG

The Keene Downtown Group  
PO Box 80  
Keene, NH 03431

NOTE: Jeff's time with us will include:

June 12, 2023

- Lunch Downtown with key individuals
- Walking Tour Downtown (for learning; not a media event)
- Reception (pre-lecture)
- Evening Public Lecture, Q&A and Book Signing at Heberton Hall
- Dinner Downtown with key individuals

June 13, 2023

- Breakfast Q&A with key individuals



# CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

**Meeting Date:** May 18, 2023  
**To:** Mayor and Keene City Council  
**From:** Jeffrey Murphy/Brewbaker's  
**Through:** Patricia Little, City Clerk  
**Subject:** Jeffrey Murphy/Brewbaker's - Request to Place Tables and Chairs in City ROW - Adjacent to Wilson Street

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**Council Action:**

In Cit Council May 18, 2023.

Referred the communication to the City Manager's Office to handle administratively.

**Recommendation:**

**Attachments:**

1. Communication\_Brewbakers

**Background:**

Mr. Murphy requests permission to place tables and chairs adjacent to Brewbaker's to provide additional outdoor seating. The area is within the right-of-way of Wilson Street.



Dear Council Members,

I am writing to ask for permission to use city property (Right of Way) for the patio seating area for Brewbakers Cafe, on the Wilson Street side of 48 Emerald Street.

We re-opened our cafe at 48 Emerald Street in the fall of 2020 with seating both in the front of our business, as well as the Wilson Street side of our business. It was my understanding at the time of opening that since the seating was on the building's property that it did not fall under cafe sidewalk licensing. We successfully operated cafe seating on this plot of land over the last 2+ years with zero issues.

This year I hired contractors to help beautify and implement further safety measures for this seating. Because of the nature of the project, I reached out to the city clerk's office in February for approval. At the time, I was told that this would be outside of the city clerk's jurisdiction and to contact DPW. I was told by city officials that we could use the space as long as I reinforced perimeter corner barriers and kept the seating temporary to accommodate possible use of the Right of Way. This was brought to the City, with hopes of approval, but met with the issue that seating is no longer allowed there due to COVID easements being lifted. Weeks later, I was contacted with a "way forward" with an application for Use of City Property. In the meantime, I have spent thousands of dollars planning and implementing improvements to this area, including permaculture designed planters, water catchment barrel, new substrate for better footing, as well as new corner planter boxes for our barriers. This morning I was informed by the kind folks in the City Clerk's office that the City staff no longer support the application due to safety concerns. I am unsure why safety concerns were of no issue in 2020, and for the last two years but now are being brought to light post-COVID?

It was my understanding in 2020 that we had rights to use this space for seating outside of sidewalk licensing, and I was just trying to do my due diligence in communicating this spring to alert the city in case of issues with our improvements to the property. While I have appreciated the willingness to help work through this issue, I have been frustrated by the series of miscommunications, which in the end leaves me with 12 less seats during valuable warm months, and thousands of dollars sunk into planning, designing, and building a project that will improve the experience of our patrons, while creating a beautiful and inviting space in downtown Keene.

I have been inquiring about improved sidewalks and curbing for Emerald Street and Wilson Street since we first moved our coffee roaster to Keene in 2017. These improvements would mitigate these concerns, but even without these improvements we have had zero incidents for either seating. The decision to change usage feels arbitrary and without consideration of the economic impact that a loss of a dozen seats has for a cafe.

We are hosting a music and arts festival (The Thing in the Spring) next weekend, which is bringing hundreds of people into town over three days. Our hope and intention is to open this seating for May 18th.

I am asking for permission to use this small piece of land in the city's right of way for patio seating from the council. The city is additionally insured on my insurance policy already, so any potential accidents would be covered by my liability insurance. We have successfully and safely operated this seating over the last two seasons with no incidents, and are only improving the space for future use.

Thank you, in advance, for your time and support of a local business!

Best,

A handwritten signature in black ink, appearing to read "Jeff Murphy", with a large, stylized flourish underneath.

Jeff Murphy  
Brewbakers Cafe  
48 Emerald Street  
Keene, NH 03431

603-313-8632  
brewbakerskeene@gmail.com



# CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

**Meeting Date:** May 18, 2023  
**To:** Mayor and Keene City Council  
**From:** Brett Thelen/Harris Center - Salamander Crossing  
**Through:** Patricia Little, City Clerk  
**Subject:** **Brett Amy Thelen/The Harris Center - Appreciation for City's Strong Support for Road Closures and an Update on the 2023 Salamander Season**

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**Council Action:**

**In City Council May 18, 2023.**

**Accepted the communication as informational.**

**Recommendation:**

**Attachments:**

1. Communication\_Harris Center

**Background:**

Brett Amy Thelen/Science Director of the Harris Center is writing to express her strong support for the City's assistance with the amphibian road closures and to provide an update on the 2023 salamander season. During the hours when volunteers were positioned at North Lincoln Street and Jordan Road, nearly 3000 individual amphibians were documented. Ms. Thelen also wants to extend a thank you to all of the residents of Jordan Road and North Lincoln Street as well as nearby roads for graciously driving the long way around on rainy spring nights.



May 16, 2023

Mayor George Hansel and City Council  
3 Washington Street  
Keene, NH 03431

To the Honorable Mayor and City Council,

I am writing to thank you for your strong support for amphibian road closures in Keene, and to provide an update on the 2023 salamander season.

This spring, the Harris Center for Conservation Education worked with City staff to institute temporary detours at North Lincoln Street (all vehicles) and Jordan Road (through-traffic only) on six nights: March 31, April 1, April 17, April 23, April 29, and April 30.

At North Lincoln Street, these road closures and additional volunteer efforts on three nights when the road was *not* closed to traffic ensured the safe passage of at least 2,469 individual amphibians of 10 different species, including 2,185 spring peepers, 183 wood frogs, and 25 spotted salamanders. We also documented 219 road-killed amphibians at this site, largely on one migration night (April 6) when rain arrived without enough advance notice to implement a road closure. In addition, more than 75 volunteers and visitors experienced the magic of the migration at North Lincoln Street this spring – including many families with young children and an enthusiastic crew of Keene State College students.

At Jordan Road, the detours and associated efforts by 21 volunteers over the course of nine migration nights provided safe passage for at least 263 individual amphibians, including 168 spring peepers, 61 spotted salamanders, and 10 Jefferson complex salamanders. We also recorded 28 road-killed amphibians. Although fewer individual amphibians cross Jordan Road than North Lincoln Street, Jordan Road is significant for its concentration of Jefferson complex salamanders, which are a Species of Greatest Conservation Need in New Hampshire.

It's important to note that these numbers are underestimates of actual amphibian activity. This is true every year, as some portion of the amphibian migration always takes place after our volunteers have gone home for the night — but it's even more significant this spring, as the heaviest rainfall (and corresponding amphibian migration) mostly occurred after midnight. Keeping the roads closed until dawn provides meaningful protection for these late-night migrations, even if no volunteers are awake to keep count.

You can find more detailed information on all of our crossing sites, including photos, at [harriscenter.org/salamander-crossing-brigades/field-reports-2023](https://harriscenter.org/salamander-crossing-brigades/field-reports-2023).

The Harris Center would like to thank the Police and Public Works Departments – especially Andrea Madaglia, Harry McKelvey, Mitchell Smith, and Duncan Watson – for once again creating such safe, successful detours. We're also thankful to the Keene community for their support of the Salamander Crossing Brigade project, and to the residents of Jordan Road, North Lincoln Street, and nearby roads for so graciously driving the long way around on rainy spring nights.

We're very proud to partner with the City on this project, and we look forward to continuing our collaboration next spring.

With gratitude,



Brett Amy Thelen, Science Director  
thelen@harriscenter.org



Karen Seaver, Staff Ecologist  
seaver@harriscenter.org



# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

**Meeting Date:** May 18, 2023  
**To:** Mayor and Keene City Council  
**From:** Planning, Licenses and Development Committee, Standing Committee  
**Through:**  
**Subject:** Keene Music Festival – Request to Use City Property – September 2, 2023

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**Council Action:**

**In City Council May 18, 2023.**

**Voted unanimously to carry out the intent of the report.**

**Recommendation:**

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the Keene Music Festival be granted a street fair license to use downtown City rights-of-way for purposes of conducting merchant sidewalk sales, as well as use of downtown City property on Central Square, Railroad Square, and designated parking spaces on Main Street to conduct the Keene Music Festival on Saturday, September 2, 2023 from 8:00 AM to 10:30 PM. In addition, the applicant is permitted to close off a portion of Railroad Street, from Main Street to the westerly entrance of the Wells Street Parking Garage, a portion of Church Street from Main Street to the entrance of the Vision Financial parking lot, and Lamson Street from Main Street to Federal Street. This permission is granted subject to the following conditions: the signing of a revocable license and indemnification agreement; that the petitioner provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of \$1,000,000; submittal of signed letters of permission for the use of any private property, and compliance with any recommendations of City staff. In addition, the petitioner is granted use of the requested parking spaces free of charge under the provisions of the Free Parking Policy. Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 24 Community Events Budget. Said payment shall be made within 30-days of the date of invoicing.

**Attachments:**

None

**Background:**

Chair Bosley welcomed the applicant, Pablo Fleischmann. Mr. Fleischmann said the proposal was to have the Keene Music Festival on September 2, 2023. He promised good weather and fun. He appreciated the City's support. Chair Bosley asked if there were any differences in the request this year. Mr. Fleischmann said primarily no, but it always varies based on the number of bands and availability of private properties, but they try to not grow too much.

Chair Bosley asked for comments from Kürt Blomquist, Public Works Director/EMD/ACM. Mr. Blomquist said the necessary protocol meetings had occurred and there were very minimal changes

to the request this year. He advised moving forward with the licensing recommendations Staff provided.

Chair Bosley asked if there would be a rain date. Mr. Fleischmann said he would stay in touch with City Staff. He said that since the Festival's inception in 2001, it had only rained a few times and they were able to still manage the event safely. He said that they would choose to cancel if there were impending weather versus rescheduling. Chair Bosley noted that rain dates were being suggested for applications so there are no last-minute challenges in the case of bad weather.

Councilor Jones recognized Mr. Fleischmann's consistent efforts to make this event a success. The Councilor was grateful for these efforts that bring visitors to Keene. Mr. Fleischmann noted that the festival is run entirely by volunteers.

There were no public comments and no further Committee comments or questions. As such, Chair Bosley entertained a motion by Councilor Johnsen that was duly seconded by Vice Chair Giacomo.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends that the Keene Music Festival be granted a street fair license to use downtown City rights-of-way for purposes of conducting merchant sidewalk sales, as well as use of downtown City property on Central Square, Railroad Square, and designated parking spaces on Main Street to conduct the Keene Music Festival on Saturday, September 2, 2023 from 8:00 AM to 10:30 PM. In addition, the applicant is permitted to close off a portion of Railroad Street, from Main Street to the westerly entrance of the Wells Street Parking Garage, a portion of Church Street from Main Street to the entrance of the Vision Financial parking lot, and Lamson Street from Main Street to Federal Street. This permission is granted subject to the following conditions: the signing of a revocable license and indemnification agreement; that the petitioner provide a certificate of liability insurance with the City of Keene listed as additional insured in the amount of \$1,000,000; submittal of signed letters of permission for the use of any private property, and compliance with any recommendations of City staff. In addition, the petitioner is granted use of the requested parking spaces free of charge under the provisions of the Free Parking Policy. Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 24 Community Events Budget. Said payment shall be made within 30-days of the date of invoicing.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

**Meeting Date:** May 18, 2023  
**To:** Mayor and Keene City Council  
**From:** Planning, Licenses and Development Committee, Standing Committee  
**Through:**  
**Subject:** **Spectrum Cable/Charter Communications – Request to Install an Underground Communication Conduit in the Right-of-Way**

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**Council Action:**

**In City Council May 18, 2023.**

**Voted unanimously to carry out the intent of the report.**

**Recommendation:**

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends the acceptance of the communication to request to install an underground communication conduit in the right-of-way as informational. The Committee also recommends that the City Manager be authorized to do all things necessary to negotiate and execute a license agreement with Spectrum Cable for the construction and maintenance of private infrastructure, including but not limited to underground telecommunications conduit, cables, appurtenant equipment, and any other item or property identified within the right-if-way of Krif Road and Cornwell Drive, provided that all documents are in a form and format acceptable to the City Engineer and City Attorney.

**Attachments:**

None

**Background:**

Chair Bosley heard agenda items 2 and 3 together.

Chair Bosley welcomed the applicant, Ryan Snow, Construction Coordinator for Spectrum Cable/Charter Communications. Mr. Snow explained that Charter Communications wanted to install fiber optic communication wires to supply the UPS facility on Cornwell Drive. The applicant requested to dig in the City's right-of-way from Krif Road (in front of Douglas Toy Company) to the facility on Cornwell Drive.

Chair Bosley asked for comments from the City Engineer, Don Lussier. Mr. Lussier said that this request was before the Committee because of some quirks in NH law. He said that if Spectrum Cable was a regulated utility, like Eversource, they would be permitted to use the City's right-of-way under NH law. Spectrum Cable operates within the City under a franchise agreement, which does not give them the same legal status. He said this was not the first time this sort of work had occurred in the City. Staff was asking that the Council grant the City Manager permission to negotiate a license agreement that would have a lot of the same provisions regarding relocation at the utility's expense if



they must relocate for City or public purposes. These provisions would not exist under the same statutory structure, so the Council's permission was needed for the City Manager to sign the license agreement.

Chair Bosley asked what other utilities were in this part of the right-of-way. Mr. Lussier said there were water, sewer, and some drainage utilities; he thought there were electrical utilities underground there as well. He explained that the applicant would have to "dig safe," meaning they must mark the existing utilities (with guidance from Staff) to determine where the new cables would go and that there were no conflicts or a potential for maintenance problems in the future. Chair Bosley wanted all parties notified during a project like this. Like for the downtown utility project, she wanted to see any utility updates occurring while the right-of-way is already excavated to limit expenses. Mr. Lussier noted that the work would be on the shoulder, so there would be no asphalt replacement.

Councilor Jones asked how the City's "Dig Once" Policy that was established 10 years ago would apply to this project so that any relevant utility work would occur while the right-of-way was already excavated for a project. If they did not, he thought there would be an additional cost for the utility provider. Mr. Lussier said there was nothing in the current City Code that would warrant charging the utility company more for work like this. He thought the Dig Once Policy the City had operated under for some time focused more on City projects, though with all City systems staff would coordinate work with the utility vendors already in the street. The City had no plans for any infrastructure work on Cornwell Drive and doing so would be a substantial new project.

Vice Chair Giacomo said it was good that the work would be on the shoulder for minimal asphalt disruption that could impact the surrounding businesses. Mr. Lussier said there would definitely be some inconvenience. He said that they would essentially trench across Krif Road from north to south along the southern shoulder, and they would trench across Krif Road again from south to north when they reach Cornwell Drive. When working on Krif Road, the applicant would have to keep the road open to traffic, so they would likely have to excavate half the trench, install the conduit, backfill, and switch the traffic. Mr. Snow said most of the traffic passing would be from UPS, so they were coordinating their operations to conduct this work at the best times. The City Engineer added that if the Council approved this license, Spectrum would still need an excavation permit from the City; the permit is the City's trigger to begin working out the details about placement, traffic control, timing, etc. Vice Chair Giacomo said it was exciting to see more places getting fiber optic in town and he called it a good project.

There were no public comments and no further Committee comments or questions. As such, Chair Bosley entertained a motion by Vice Chair Giacomo that was duly seconded by Councilor Jones.

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends the acceptance of the communication to request to install an underground communication conduit in the right-of-way as informational. The Committee also recommends that the City Manager be authorized to do all things necessary to negotiate and execute a license agreement with Spectrum Cable for the construction and maintenance of private infrastructure, including but not limited to underground telecommunications conduit, cables, appurtenant equipment, and any other item or property identified within the right-if-way of Krif Road and Cornwell Drive, provided that all documents are in a form and format acceptable to the City Engineer and City Attorney.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

**Meeting Date:** May 18, 2023  
**To:** Mayor and Keene City Council  
**From:** Planning, Licenses and Development Committee, Standing Committee  
**Through:**  
**Subject:** **Covenant Living of Keene – Request for a License to Install and Maintain Two Private Crosswalks on Public Right-of-Way – Wyman Road**

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**Council Action:**

**In City Council May 18, 2023.**

**Voted unanimously to carry out the intent of the report.**

**Recommendation:**

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends the acceptance of the communication to request for a license to install and maintain two private crosswalks on public right-of-way as informational. The Committee also recommends that the City Manager be authorized to do all things necessary to negotiate and execute a license agreement with Covenant Living of Keene for the construction and maintenance of private infrastructure, including but not limited to two (2) private crosswalks along with appurtenant pedestrian beacons, signage, pavement markings, and any other item or property identified within the right-of-way (ROW) of Wyman Road, provided that all documents are in a form and format acceptable to the City Engineer and City Attorney.

**Attachments:**

None

**Background:**

Chair Bosley heard agenda items 4 and 5 together.

Chair Bosley welcomed the applicant, Gregg Burdett, Executive Director for Covenant Living of Keene. Mr. Burdett said he had been working with the City Engineer and other City Staff. He said this was the final stage of the conditional approval for 2 crosswalks on Wyman Road. Mr. Burdett said that Covenant Living is located on this stretch of busy road, where he said a lot of high school kids come through to cut across Old Walpole Road. There had been a number of near misses of pedestrians. The applicant had worked with Eliza Sargent and the engineers of SVE Associates to receive the initial approval a few weeks prior to this meeting. Mr. Burdett said there were 2 conditions placed on that approval and he was working with the City Engineer on these issues.

Chair Bosley requested comments from the City Engineer, Don Lussier, who said this was the culmination of a process he had been working through with Mr. Burdett and some residents of Covenant Living. He said the request was for 2 crosswalks that would look like any others in the City.

He explained that the issue was that these crosswalks would connect one piece of private property to another. He noted that there were no public sidewalks anywhere on Wyman Road, so these crosswalks would not really serve a public purpose, which he had discussed with the applicant. Mr. Lussier said the applicant agreed to install the crosswalks and to maintain them into the future through this license agreement. Covenant Living was trying to improve safety for pedestrians going between their facilities. If approved by the Council, this would be in addition to an existing license for an underground tunnel and various utility lines approved by the Council in 2017.

Chair Bosley noted that crosswalks alone do not serve to slow traffic, adding that the City had transitioned to lighted crosswalks in many locations. She asked if the applicant planned to have any signage to warn drivers. Mr. Burdett said that the Planning Board had approved advanced warning flashing lighted beacons that operate with a pedestrian push button. Mr. Lussier agreed to the advanced lighted beacons would be between 100–200 feet of the crosswalks because the sight distance challenges in that area.

There were no public comments and no further Committee comments or questions. As such, Chair Bosley entertained a motion by Councilor Jones that was duly seconded by Councilor Ormerod.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends the acceptance of the communication to request for a license to install and maintain two private crosswalks on public right-of-way as informational. The Committee also recommends that the City Manager be authorized to do all things necessary to negotiate and execute a license agreement with Covenant Living of Keene for the construction and maintenance of private infrastructure, including but not limited to two (2) private crosswalks along with appurtenant pedestrian beacons, signage, pavement markings, and any other item or property identified within the right-of-way (ROW) of Wyman Road, provided that all documents are in a form and format acceptable to the City Engineer and City Attorney.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.4.

**Meeting Date:** May 18, 2023  
**To:** Mayor and Keene City Council  
**From:** Planning, Licenses and Development Committee, Standing Committee  
**Through:**  
**Subject:** **Peter Espieffs – Requesting that the City Rescind the License to Telecom to Erect Small Cell Wireless Facilities; and Ann Savastano – Petition Regarding Small Cell Tower at Summer and Middle Streets**

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**Council Action:**  
**In City Council May 18, 2023.**  
**Filed the report as informational.**

**Recommendation:**  
On a vote of 5–0, the Planning, Licenses, and Development Committee recommends the communications and the petition regarding the small cell tower at Summer and Middle Streets as informational.

**Attachments:**  
None

**Background:**  
Chair Bosley heard agenda items 6 and 7 together.

Chair Bosley welcomed the first petitioner, Peter Espieffs, who provided copies of documents to the Committee. He had submitted a petition to the City Council; there were 40 signatures from residents, who opposed a small cell tower planned for installation at the corner of Summer and Middle Streets. Mr. Espieffs questioned whether the City Council would protect the community or go along with this business operation. He said he understood that we live in a capitalist system and businesses have a lot of influence. While he was pressuring the Council, he said the residents were also under a lot of pressure, with lives to live, health, and properties they wanted to preserve. He said the residents had been paying taxes to the City for years. He continued that this telecommunications company had already been granted the permit for this 5G installation and said the company represented to the Council that they had complied with all Federal Communications Commission's (FCC) regulations. Mr. Espieffs said that was inaccurate, unreliable, and not based in science. He asserted that the FCC was in the pockets of many industries. Because he used to work for the Federal government as an attorney for the Department of Agriculture, he said he knew how these things worked. To illustrate his point, he shared a story from his career when poultry companies did not comply with 50 requests to follow Federal regulations, which resulted in the Department of Agriculture suing companies. In that instance, he said the Department Secretary told the lawyers to drop the suit because the companies would get congresspersons and senators to lower the Department's budget. Mr. Espieffs said that

was when he learned that many people were not working for the public good. He questioned again whether the City Council would represent the residents of Keene and protect them as human beings.

Chair Bosley welcomed the second petitioner, Ann Savastano, who said she was just a concerned citizen and not a scientist, but she believed there was significant cause for concern. She said concern was also growing in the scientific community about potential adverse health effects for humans and the environment (e.g., pollinators, flora, and fauna). She recalled frequent rhetoric that the City could not do anything about this even if it wanted to because the telecommunications companies would sue the municipality for halting the roll-out of 4G and 5G. She thought the impending small cell tower at Middle/Summer Streets would be the fourth one in Keene to support 5G, which she believed penetrated walls. She said there was already 4G in the community providing no interruptions in cell phone service.

Ms. Savastano continued discussing the concerns outlined in her petition. She cited sources that claim that there are serious and growing health concerns, despite the FCC choosing to not address them even when mandated in August 2021 by the U.S. Court of Appeals. Ms. Savastano quoted that Court decision: *“Under this highly differential standard of review [referring to the FCC], we the Commission find the FCC order as arbitrary and capricious in its failure to respond to record evidence.”* She said there were approximately 11,000 scientific studies showing the harmful effects of exposure to radiofrequency radiation. She said that radiation at levels below the Commission’s limits might cause negative health effects unrelated to cancer. In the Court’s ruling, the FCC was ordered to re-examine its standards for wireless radiation exposure and to provide a review of wireless harms that is compliant with the law for non-cancer harms. Ms. Savastano explained that earlier in 2023, Barrington and Sheffield, MA, both issued articles asking for a moratorium on the 5G roll-out because the FCC had not complied with showing evidence that their standards were safe. The last tests were conducted prior to the 1996 Telecommunications Act. She said it was possible for Keene’s City Council to pursue a similar moratorium. She recalled that the MA towns with moratoriums were not being sued. One town designated fees for telecommunications companies for annual inspections of all the small wireless facility sites; yearly, the companies would have to pay for those inspections, which some companies refused and decided to go elsewhere. Ms. Savastano said there were some creative ways if the City Council was truly concerned about potential health impacts and the environment.

Ms. Savastano discussed the possible serious environmental impacts of 5G. She cited potential impacts on pollinators (i.e., insects and birds). She also recalled that Keene is a “Tree City,” and she believed that tree cutting was necessary to facilitate transmission of 5G microwave radiation, which she believed leaves and foliage would absorb. She also thought that microwave radiation was small enough to be absorbed by insects. She recently spoke with an urban forester in MA, who was also concerned about this possibility; Ms. Savastano cited an instance she heard about when a telecommunications company came in at night and cut trees to a certain height so that 5G waves could reach their destinations. She said the City had reason to be concerned. She cited some webinars she listened to about the potential impacts to flora and fauna—she believed there were over 530 peer-reviewed studies on the topic. She said the precautionary principle should be applied before any new small cell deployments. She quoted a study titled “The Effects of Wireless Radiation on Birds and Other Wildlife”: *“The biodiversity of insects [i.e., pollinators] is threatened worldwide. Numerous studies have reported the serious decline in insects that has occurred in recent decades. The same is happening with the important group of pollinators with an essential utility for pollination of crops, loss of insect diversity, and abundance is expected to provoke cascading effects on food webs and ecosystem services. Evidence for the effects of non-thermal microwave radiation on insects has been known for at least 50 years. The review carried out in the study shows that electromagnetic radiation should be seriously considered as a complementary driver for the dramatic decline in insects in synergy with agricultural intensification, invasive species, and climate change.”*

*The extent that anthropogenic electromagnetic radiation represents a significant threat to insect pollinators is unresolved and plausible. For these reasons, and taking into account the benefits they provide to nature and humankind, the precautionary principle should be applied before any new deployment, such as 5G, is considered.*” Ms. Savastano recommended that Councilors read about the precautionary principle, which she said was accepted internationally.

Ms. Savastano continued discussing potential impacts she perceived to Keene’s Historic District. She cited the “impropriety and insult” of placing this cell tower in the middle of this District, which contains Jonathan Daniels’ home and other very historic buildings with beautiful architectural details. She said she knew one home in that area was on the NH Historic Registry. Ms. Savastano quoted the Cheshire County Historic District Chairman, Alan Rumrill, as saying: *“The School Street neighborhood is certainly historically important for Keene. The neighborhood is adjacent to and/or part of the downtown Historic District and contains several structures that are important to the historic character of Keene.”* Ms. Savastano thought the Council was aware of the Historic Preservation Act of 1966, which requires Federal agencies to consider the effects of their projects on historic properties. She said the small cell wireless facilities were applicable in this case and that any Federally assisted project had the potential to effect historic properties through a Section 106 review pre-construction. She did not know whether that had occurred for this small cell tower proposed in her neighborhood. She said this stipulation provided legitimate reason to pause this construction. Section 106 gives the Advisory Council on Historic Preservation, interested parties, and the public a chance to weigh-in before final decisions. She quoted Mr. Rumrill again as stating that, *“a 106 Review is in order.”* Ms. Savastano cited a recent 5G roll-out in NY that was paused because this pre-construction review had not occurred. She noted that she had shared many of these studies and instances with the Council.

Next, Ms. Savastano discussed the public perception that having these cell towers in their neighborhoods would result in a significant loss of property values. She quoted NH Representative Lucius Parshall, who had been concerned about this issue and co-sponsored a non-partisan bill with Senator Denise Ricciardi. The bill would place limits and setbacks on these towers because of the potential health concerns. Ms. Savastano said that as far back as 2005, Mr. Parshall wrote that studies indicated home, and rental prices could decline by 20% due to proximity to wireless antennas; more than 90% of homebuyers and renters said they would be less interested in or pay less to rent/own properties near these antennas. Ms. Savastano called this situation a clear disregard of the de facto primarily residential nature of the Middle/Summer/School Streets neighborhood. She noted that a site developer, Tilson Tech, was hired by U.S. Cellular and inaccurately listed in their application that the Middle/Summer Streets site is non-residential. Ms. Savastano said that a recent Zoning law changed, this neighborhood was now in the Downtown Transition District, which she understood to be the basis for the company claiming this was non-residential. She noted that this site in the Historic District would be practically on the lawn of a person with a pacemaker and across the street from a new family with kids who moved there for the historic nature. She cited Article 8 of Keene’s Small Cell Wireless Ordinance, which states that residential areas are the least desirable for the placement of these towers. Yet, she said there were towers across from the hospital, in residential areas, next to schools, and in the Historic District. She said that constructing this facility went against the intent of the Ordinance. She added that the neighborhood already had 4G coverage with no gaps in phone service. She thought the purpose of the new facility was solely to roll out the grid to support 5G antenna within that grid; she thought the towers had to be 1,640 feet apart. She said that within that grid, there would be 5G antennas on light poles at distances of 100–150 feet apart.

Ms. Savastano said that not all neighbors were available to sign the petition and 3 declined, but everyone else she talked to did not want this constructed. She recalled that fiber optic options are much better than 5G in many ways, calling it safer and without needing to invoke the precautionary

principle in terms of the environment and human health; she also called it more efficient and economical, and said it could not be hacked. Ms. Savastano said there were privacy considerations for 5G, noting that all “smart” appliances in a home could be compromised. On economics, she quoted the Institute of Electrical and Electronics Engineers (IEEE) and the Association of Electrical Engineers as stating that: *“Wired solutions use up to 10 times less energy than wireless technology, is up to 100 times faster, is more reliable and resilient, and it works during power outages.”* She added that wireless technology is constantly being upgraded because these telecommunications companies need to keep selling new products; she said 6G was in the works and she had heard reference to 10G. She said wired solutions are better for security and privacy. Ms. Savastano mentioned an educational webinar by a person who had presented to different groups of the Keene community, Cece Doucette. Ms. Savastano said that people interested could attend Ms. Doucette’s short webinar at [www.MA4safetech.org](http://www.MA4safetech.org) on May 11 at 6:00 PM; the video would be available after for anyone who registered.

Mr. Espiefs questioned whether the City Council took any steps to listen to a medical board about this inquiry. Chair Bosley explained the process this Ordinance had been through. This Ordinance came before the City Council several years ago and it has been revised since. Keene initially placed a moratorium on forward progress until the NH Commission report was published. She said the State’s report was very erroneous and essentially indicated that all wireless had the potential for negative effects, but they did not identify certain frequencies.

Vice Chair Giacomo discussed the NH report from 2020. He said it was a 390-page report and he read it in its entirety. He thought that some people at the State level realized that the results were “ridiculous” and as such, had spoken little about it in the years since. No action was taken, and the State provided no further guidance. The Vice Chair recalled that NH is not a “Home Rule” State, meaning the Council has no ability to overrule anything provided by the State. His understanding was that the City could not impose any kind of moratorium on anything like this unless explicitly allowed that right by the State. He said the State’s report did not change the existing rules in any way at that time. This discussion had been on the PLD Committee’s “more time” agenda for over a year, and the Council had to accept that the rules had not changed.

Chair Bosley noted that it was really hard for the City to develop appropriate recommendations from the report because it did specify anything. She recalled that the whole City had 4G at this point but noted that the Ordinance prohibited the construction of those facilities near schools, hospitals, and vulnerable populations; the recommendation was for those facilities to have wired connections. She said the City was required to allow these facilities or the City could face a lawsuit. So, the State’s guidance would have been helpful when crafting this Ordinance, which did at least give the City some control of placement, with residential neighborhoods lowest on that scale. She thought there was a categorized list within the Ordinance that provided setbacks for vulnerable populations. Since the Ordinance was adopted, the City Council heard concerns from the public, usually when a new facility was proposed in a neighborhood. Thus, there had been revisions to the Ordinance since. Chair Bosley said she re-read the minutes from when this matter last appeared before this Committee, and she was not surprised that this neighborhood had organized to this level. She said at that time, she tried to express that this Committee and the City Council were really not the appropriate bodies to address these concerns. Chair Bosley believed the appropriate entity would be the court system. She noted that if the Public Works Director had not allowed the new facility, the telecommunications company could not come to the City Council to override that decision, they would have to go through the court system. While Chair Bosley heard the petitioners’ concerns, she wanted to show them the right steps to move forward. She reiterated that the State gave municipalities no support to be able to restrict these applications. The Chair suggested that the petitioners contact their senators and representatives.

Ms. Savastano stated that from her conversations with Lucius Parshall, she believed that the NH Commission study was taken very seriously by the Committee on Science, Technology, and Energy. She added that there was a bill put forth in the past session; due to some last-minute pressure from the cellular telecommunications industry, one person and the chair switched their votes. She thought everyone else was more or less in agreement that science supported the bill. Ms. Savastano said another bill was planned for the next session, which she said was on the basis of a lack of science. Ms. Savastano said she was trying to show the Council a way that they could take action for a moratorium, or even just to take action on this specific facility until the appropriate review occurs (Section 106 of the National Historic Preservation Act ). She said she spoke with a NY lawyer, Andrew Campanelli, who works specifically with municipalities. He told Ms. Savastano that there are ways to write ordinances that provide setbacks that align with the precautionary principle; she said Mr. Campanelli would be willing to consult for a very minimal fee. Ms. Savastano said she also heard that municipalities with proper ordinances had not been sued by telecommunications companies because the companies do not bother if they cannot find a loophole. She reiterated the questions about environmental and health impacts and the need for the City to take whatever action it could.

Vice Chair Giacomo said that a lot of this would be assuming that there is real interest in the City; he thought some Councilors might be interested but stated that he was certainly not. The Vice Chair referred to the dozens of 5G studies dating back 30 years that he had read, including the more recent ones. He noted that he is a scientist by trade and therefore enjoys reading these studies, including very detailed ones that traced the evolution of the “5G is dangerous” movement dating back 7–8 years, when #Stop5G originated. Vice Chair Giacomo questioned the sources of those movements from conspiracy theorists like Alex Jones, publications like the Russian Times, and people like Tucker Carlson. He said that in 2017–2018, this became a partisan debate. Vice Chair Giacomo continued addressing some of the petitioners’ concerns. He noted that the City of Keene does not cut trees arbitrarily, whether in the public right-of-way or on public property. He said that pollinators had been declining since the early 1990s, which was well before even 2G. He explained that the wavelength of a 4G antenna is approximately the size of a bee. Because 5G has a higher frequency, it means that it has more of a shielding effect on a biological entity, making it more likely to bounce off that entity. He explained that a 1G or 2G wave is much longer and would actually penetrate an animal. He said higher frequency did not mean it would impact pollinators more; the Vice Chair said he had read countless studies making that claim had disturbingly low sample sizes. He understood that those were “peer reviewed,” but noted that out of however many hundreds of thousands of scientists there are, only 800 agreed with this. He stated that if this was a relevant concern that was scientifically validated, he would probably change his mind and would be fully on board with the precautionary principle. However, based on all the data he had seen, he did not believe there was scientific validity.

Vice Chair Giacomo continued addressing the Historic District. His understanding was that Section 106 of the NHPA clearly states that it applies to Federally assisted projects with the potential to affect historic properties. The installation at Summer/Middle Streets was by a private entity and to his knowledge was not Federally funded. The Vice Chair noted that the National Association of Realtors and the IEEE (the latter of which Ms. Savastano cited) both reported that 5G actually increases property values, especially among populations looking for higher connectivity, which is common for people in their 20s and 30s; he said this was why some people want these facilities near hospitals and colleges. Regarding the concept of “vulnerable populations,” the Vice Chair asked what they would be vulnerable to, noting that physics shows us that it is impossible for a wavelength to penetrate a body, a leaf, or an insect. Further, he said he would love to have fiber optics everywhere, agreeing that it is better technology, but it is not wireless, and you cannot use a cell phone on fiber optic. With the advancement of technology and smart home devices, Vice Chair Giacomo said he did not want to see Keene left behind technologically. While he did not begrudge anyone for being suspicious of new technology, he said that at some point, the actual physics and electromagnetic



principles ultimately invalidated those concerns. He said we encounter wavelengths in everyday items like microwaves and cell phones, stating that holding our cell phones 2 inches from our bodies is more of a problem than a small cell wireless facility 20 feet away. Councilor Giacomo reiterated that he had been fighting against a moratorium on 5G for many years and would continue to until he saw legitimate scientific rationale, as opposed to friends circularly referencing each other's sources.

Mr. Espiefs questioned whether the Vice Chair had said the same things to Ken Chamberlain, an electrical engineering professor at the University of NH. Vice Chair Giacomo said he had spoken with Mr. Chamberlain, and they disagreed; he added that Mr. Chamberlain is not a professor of 5G electromagnetics. Mr. Espiefs noted that the Vice Chair was not a professor of 5G electromagnetics either. Mr. Espiefs continued stating his understanding from an epidemiologist that electrical waves heat human tissue. He added that the World Health Organization is involved and nations like Israel and France had prohibited this technology. Mr. Espiefs was not convinced that anyone on the Council had investigated this matter. He thought the City was relying on the FCC regulations, which he called worthless based on the Court ruling.

Chair Bosley believed that the court system would be the best avenue for the petitioners to pursue if they were not content with this Committee's decision. She said she wanted to hear from the City Attorney about the Historic District and Section 106 of the NHPA. She said she looked at the Historic District map, which happened to end at the corner of Middle and Summer Streets.

The City Attorney, Tom Mullins, began by assuring the petitioners that this was a frustrating matter for everyone. He explained that when the FCC rule was promulgated, hundreds of municipalities challenged it through the 9<sup>th</sup> Circuit Court of Appeal based on a lot of the arguments the petitioners espoused at this meeting. He said that everyone was in agreement that the rule was an absolute overreach by the FCC into every public right-of-way in the nation. Unfortunately, the 9<sup>th</sup> Circuit Court of Appeal decided to uphold the FCC rule with some greater latitude for municipalities to regulate these small cell wireless facilities based on aesthetics. He said that this ultimately would fall under the umbrella of the Federal rule until people like the petitioners across the country realize that this is fundamentally a political question that must be answered at the Federal level. Until that happens, the City Attorney said that Keene would be constrained.

On the Historic District, the City Attorney explained that a property/building would need to be on the National Historic Registry—not just within Keene's Historic District or on the NH Registry—to require that review. His understanding was that after this application was approved by the City, the applicants had to appear before and submit information to the FCC to receive its concurrence on the National Environmental Policy Act (NEPA) review. He said that the limitations of the FCC's review of tower placement are fairly narrow and primarily apply in areas with a clear detrimental environmental impact on wetlands, wildlife corridors, forestry, and tribal zones, etc. Unless the company met those requirements under the siting regulations, they would be categorically exempt. He noted that the site of the wireless facility at Middle/Summer Streets was not near anything on the National Historic Registry, despite being in Keene's Historic District. The company would have to go through that review process. The Chair asked if the City would receive a copy of that review. The City Attorney wanted to be clear that he was not dismissing any of the petitioners' concerns, but from his perspective, the valid point was that Keene was very constrained in what it could do and the City could not regulate these things based on purported health effects.

The City Attorney continued, explaining that there were some things that could be done with Keene's Ordinance, which was adopted on May 7, 2020. He noted that he was familiar with the NY lawyer Ms. Savastano referenced and said he had some valid points that were worth reviewing with the City's Ordinance. However, the City Attorney said the NY lawyer was very clear that municipalities should

not place a moratorium on the facilities. Options for Keene's Ordinance included adding a requirement for telecommunications companies to submit their FCC certifications after they are obtained. He added that some cities' ordinances include a requirement to regularly test these wireless facilities to ensure they are in compliance, but the City was not obligated to do that and the municipality would have to pay for it.

The City Attorney recommended accepting these petitions as informational. However, he said he would proceed with reviewing the Ordinance. He was in discussions with legal counsel in NH about possibilities. As the City Attorney, he could not advise the City Council to take action that would land the City in the Federal District Court. His experience taught him that litigation is, by itself, expensive and unpredictable. He did not want the City in a position with a moratorium or regulating on the basis of the purported health effect that would land them in court. Still, he would certainly consider the petitioners' points when reviewing the Ordinance. The City Attorney cited the Environmental Health Trust case that Mr. Espieffs referenced. The City Attorney said that ultimately, in that case, the Court did not say there were detrimental health effects, but concluded that it took no position in the scientific debate regarding the health and environmental effects of radiofrequency radiation and that the FCC's cursory analysis was insufficient. He could find no evidence that the FCC had followed through on this District Court finding. He would also be reviewing cases from MA that Mr. Espieffs cited. Chair Bosley asked if there was any case law from NH and the City Attorney said no.

Councilor Jones recalled that in 2020, there was a moratorium until the State Commission made a decision; he recalled that being a split decision and asked if the City Attorney recalled the results. The City Attorney could not recall but noted that both majority and minority reports were published, with the majority aligned with tonight's petitioners arguing the negative health effects. The State of NH had an opportunity to do something with those reports, and 2 instances of trying had not been adopted. He thought it was possible that some new initiatives would come forward soon. The City Attorney reiterated that Keene could only act with the authority given to the City by the State of NH. He would welcome more guidance. He also reiterated that the petitioners should be talking about this with their legislators.

Chair Bosley noted that the Zoning Districts within the Ordinance reflect back to the Zoning Ordinance, which was in effect before the Land Development Code. While the neighborhood in question was not within one of those protected areas, it also would not have been in a previous protected area as it was in the Office District previously. She thought some grace could be given to some of these transitional neighborhoods. Chair Bosley cited some mixed-use neighborhoods that could be given some preference on that list as well.

Chair Bosley asked for comments from the Public Works Director/EMD/ACM, Kürt Blomquist, as to why this location was chosen over a main thoroughfare. Mr. Blomquist said that the telecommunications company representative looked at a number of different areas in the City because they had 4 applications at the time. He said that this location at Middle/Summer Streets did not have aboveground utilities, where a new tower would not be permitted underneath. He said the company initially proposed to place this facility in a much narrower grass area in front of several residential units. Mr. Blomquist recalled that Keene's Ordinance did not list where these small cell wireless facilities are prohibited but provides an order of preference. He mentioned working with a company the instance of Carroll Street, noting that the companies want to serve residential areas. Ultimately, he thought the location at Middle/Summer Streets was better than what was proposed originally. When working with these companies, the Chair asked if it is a process of finetuning the correct location that is in both the companies' and City's best interests. Mr. Blomquist said that is the goal anytime Staff works with petitioners. Chair Bosley asked how many other towers were in Keene. Mr. Blomquist said there were many more on private property than public property. Those on public property are in the Winchester Street, Allen Court, and Carroll Street areas, as well as one in the

State right-of-way off Ashbrook Road.

Chair Bosley said she wanted to be as restrictive as possible with the transmitters in the public right-of-way. However, she noted that there are dozens of private properties throughout the City that the City cannot regulate. She was unsure why an applicant would need to come to the City for any sort of license in conjunction with installation on private property. The City Attorney said that would be subject to the Building Code. She recalled some locations in the City that needed Historic District approval for matters like shielding and colors. She did not think there was a way for the City to get away from these antennas installations.

Councilor Jones spoke positively about the petitioners energizing the community. Still, he thought the City Council was the wrong public body to address these concerns. Councilor Jones said he knew Representative Lucius Parshall and knew of the proposed bill before the Science, Technology, and Energy Committee. He continued the bill did not make the crossover and would not come up again until the second half of the biennium. The Councilor agreed with Mr. Espieffs' comments about big business. Councilor Jones thought he was one of the only people in the room who had tried to read the 400-page Telecommunications Act of 1996, when Keene's Mayor, Pat Russell, was Chair of the Technology Committee. He agreed that the telecommunications companies "pulled the wool over" the eyes of the public and communities for the sake of big business. Still, he did not know how the City Council could rescind the Small Cell Wireless Facilities Ordinance because doing so would take away what latitude the City does have to regulate height requirements and distances between towers (minimum 750 feet apart). Without the City's Ordinance, telecommunications companies would only have to meet those FCC regulations. If there were answers to some of the difficult questions from the petitioners and City Attorney, then Councilor Jones would support revising the Ordinance accordingly.

Mr. Espieffs reiterated that the installation at Middle/Summer Streets would only be 25 feet from the adjacent house where someone has a pacemaker and 100 feet from his house. He did not understand why that location was chosen. Councilor Jones agreed but said he did not have the answer. Mr. Espieffs said people's lives would be at risk and he asked what the Council would do about it. Chair Bosley replied that unfortunately, the Council was being advised that it had little recourse to overturn the Public Works Director's decision. The Chair recommended that the petitioners should pursue litigation with the Federal Court in Concord. The City Attorney said that litigation of this type is generally filed in the Federal District Court. He said the City's Ordinance did not have any further administrative appeal option, but the Public Works Director does have some authority to work with a provider in case of a dispute. Any appeal at that point would be through the court system.

Ms. Savastano stated her belief that the City Council could do some things about this. She referred to the application for the small cell wireless facility at Middle/Summer Streets and said the site developer under U.S. Cellular, Tilson Technologies, had to complete various forms. On one form, they could not guarantee 4 key things, which meant they were required to complete a radiofrequency study prior to construction. She was unsure how they could have done an emissions study prior to construction but thought the City should require it before installation. In response to Councilor Giacomo, Ms. Savastano stated that the NHPA would apply to this application. She cited a letter from the FCC to City Bridge that specified that these facilities constitute an "*undertaking pursuant to NHPA 2,*" and she said they are considered federally assisted. She also said that a property did not have to be on the National Historic Registry to qualify but only had to be eligible for the Registry; she and her neighbors thought their area could be eligible. Therefore, she thought a pre-construction review could be legally required.

Ms. Savastano said she was happy to hear that Vice Chair Giacomo would seriously consider action

if he was convinced that these were detrimental in some way; she would be happy to share more studies with him. She restated her understanding that insects do absorb 5G (not 4G) and that these electromagnetic frequencies impact the ability of honeybees, butterflies, migratory birds, and more to navigate the Earth's low intensity electromagnetic field. Ms. Savastano also mentioned communications with the Library Director, Marti Fiske, who is interested in this. Ms. Fiske hosted a community conversation on this matter. Ms. Savastano said Ms. Fiske was willing to co-sponsor a panel on the potential health and environmental impacts, with representatives from both sides of the issue. Ms. Savastano referred to an emissions study from November 2022 and she cited the probable eligibility for the NHPA pre-construction review. Chair Bosley asked if Mr. Blomquist could address the emission study. Mr. Blomquist said he would have to review it again before speaking to it. The Chair advised Ms. Savastano to follow up with Mr. Blomquist.

Vice Chair Giacomo agreed that if he believed there was new, convincing data, it would be his job as a scientist to change his mind. He recalled constituents sending him thousands of studies when this conversation began 4 years ago; he read as many as possible. He said some of the studies proved the opposite of what they sought to prove, showing no harm. Other studies had sample sizes like 6, which could not be statistically significant. He said there were countless problems with most of the studies he read so far, noting how 20–30 articles tended to circularly reference each other, which did not indicate scientific rigor. The Vice Chair stated his understanding that the telecommunications companies were tied to the scientific community and the government; he called it gross, stating that he hated it as much as anyone else. He agreed that he would also be fine with more testing of radio frequencies if it would not cost the taxpayers, adding that if there was nothing to hide, the companies would be happy to have tested. Vice Chair Giacomo recalled Mr. Espie mentioning that Germany, France, and Israel prohibited this technology; the Vice Chair clarified that those nations were against the Chinese manufactured technology that posed national security concerns, it was not about health concerns. He continued expressing his concerns about the NH State Commission, in which two-thirds of the panel were already on the record as being against 5G before it began. He said that anyone paying attention to scientific studies would obviously see that there is no glaring emergency. Still, the Vice Chair reiterated that if data came forward, then it would be his responsibility to consider changing his mind.

Councilor Johnsen said she was listening intently and found the information interesting. If the 5G was so dangerous, she said she wanted to hear from physicians.

Councilor Jones recalled that before Covid, he spoke with a technology attorney, who told him not to try prohibiting 5G or to cap the technology available at 4G. Otherwise, he said that telecommunications providers would try to play games and roll out things like 4.8G or 4.9G. Councilor Jones recalled that the Keene Library lends out certain equipment and he thought they could acquire a radiofrequency monitors that residents could use to test around their homes; there was a similar program in Ashby, MA. That would be the Library Staff's decision, not the Council's.

Ms. Savastano replied to some of Vice Chair Giacomo's points. She agreed that the City could not roll back technology, but she said there was even better and safer technology. While everyone has a cell phone, she said there were ways to prevent 5G from entering homes, particularly with fiber optics, which some cities opted for over 5G. She said decent cell phone service was available already with 4G. Ms. Savastano advocated moving forward progressively in a way that protects the environment and health. She also believed that Switzerland and Greece banned 5G but agreed that Israel and Italy banned the technology for national security. She asked the Council to make an admirable decision. She also agreed that 2 of the past FCC chairmen were from the telecommunications industry, adding that this resistance effort would take grassroots organization. Ms. Savastano added that Burlington, VT, required the telecommunication companies to test radiofrequencies annually and the companies said no, so there was no 5G in Burlington and she

thought the town was still managing well without it. She noted that she spoke with the Library Director about carrying one of the meters, which cost \$400. There was only \$200 in the Library's budget for any object, so the remaining \$200 would need to be granted or fundraised. She hoped the City Council would take an action that would require further testing by the telecommunications companies so that construction could halt on the Middle/Summer Streets tower.

Councilor Ormerod said he had listened carefully, read all the relevant reports, and he looked forward to possibly amending the Small Cell Wireless Facilities Ordinance. He looked forward to hearing the additional legal advice the City Attorney mentioned.

Chair Bosley reiterated that while the Council took this seriously, their hands were largely tied. Chair Bosley opened the floor to public comments.

City Councilor (at large), Randy Filiault, said he was fortunate to have the opportunity to attend the very informative May 8 neighborhood workshop but that unfortunately, he was the only City Councilor who attended. He thought this was different from most issues that come before the Council because there are experts speaking out on both sides of the issue. Since one group of citizens believed this to be a life-or-death issue, Councilor Filiault was concerned. He reiterated that none of the Councilors are 5G experts. Due to public concerns, he did not think it was fair for the Council to say this is the State and Federal governments' responsibility. He said that only a majority of 8 City Councilors were needed to take action on a matter. While sometimes those Council actions could make the City at risk of a lawsuit, he thought this issue was worth it and that this was what the Council was elected to do. Councilor Filiault did not think this was a hard decision. He compared this issue to studies that revealed the health ramifications of tobacco use, noting that the tobacco companies funded studies to downplay the dangers. Councilor Filiault said it was essential for the Council to act on this now. He realized the Committee was considering accepting these petitions as informational, which he did not support. Instead, he hoped this matter would be placed on more time so the Committee could review the Ordinance with the City Attorney's advice and discuss amendments at the next meeting. He thought this was too important to ignore. Councilor Filiault likened sending the petitioners to the State or Federal level to the Council brushing this off when there could be serious ramifications.

Tom Savastano of 75 Winter Street referenced the NH Commission to Study the Environmental and Health Effects of Evolving 5G Technology that was issued on November 1, 2020. He stated that the report was highly respected by the European Union. He discussed the "Home Rule" issue, which seemed to him like the State of NH was giving Keene the right to do something. Mr. Savastano asked the PLD Committee and full Council to interact with the Commission's report. He quoted recommendation 7 from the NH report: *"Any new wireless antennae located on a state or municipal right-of-way or on private property [should be] set back from residences, businesses, and schools. This should be enforceable by the municipality during the permitting process unless the owners of residences, businesses, or school districts wave this restriction. Local public rights-of-way are under the jurisdiction of municipalities and the Commission feels that municipalities should uphold the rights of individuals impacted by antennae. The Commission also supports the right of property owners to manage decisions on non-essential devices being placed in front of their property. The Commission believes that it is important to prioritize citizen safety, particularly as 5G is an upgrade rather than the provision of wireless service to unserved areas."* Chair Bosley asked if a specific setback distance was listed in the report. Mr. Savastano said it might say that elsewhere in the report, but that was not specified in the paragraph he had in front of him.

Chair Bosley thought the City had included language in the Ordinance to provide some setbacks for the locations Mr. Savastano identified with vulnerable populations. The Chair stated her understanding that the license to U.S. Cellular for the facility at Middle/Summer Streets was granted under the City's original Ordinance and nothing the City Council did moving forward would affect that

tower application. The City Attorney said that was essentially correct. He said the City's Ordinance did not presently include any of the specific requirements that would need to be in place to have any say in this application. The City Attorney thought that the applicant still had to receive approval from the FCC. Regarding the National Environmental Policy Act and proximity of towers to historic structures, he remarked that it was true that—at least at this time—there could be future structures on the National Historic Register, but it was the City Attorney's understanding that the FCC could choose not to deny a tower on that basis.

Chair Bosley explained to the petitioners that the current options available to the Council would not necessarily affect this specific application. Ms. Savastano said she would follow up with Mr. Blomquist about the requirement for radiofrequency emissions testing.

Ms. Savastano thought there was an amendment to Keene's Ordinance that included setbacks for these facilities; she thought they had to be 1,640 feet apart. She thought the NH Commission's recommendation was for municipalities to require 1,640-foot setbacks from perceived vulnerable areas with nursing homes, hospitals, schools, etc.

Vice Chair Giacomo recalled when this matter was presented to the Council by Ms. Lori Schriver in 2019 and when it was presented again in 2020. He believed the 5G technology range on the antennas was only 1,500 feet, so 1,650 feet would essentially remove any functionality from those towers. Thus, he thought an increase to 1,650 was effectively a ban. He said the City Council did not vote to approve that part of the Ordinance at that time, which he reiterated would in effect be a ban of 5G.

Mr. Espieffs encouraged everyone to educate themselves on this matter. He referred to Ms. Doucette, who represented MA for Safe Technology at a presentation at the Library for the Rotary Club. He noted he would share a handout with the Council on the electromagnetic field of wireless communication and the biological and health effects. He recalled that in 2021, the Council discussed having 1,500–1,600-foot setbacks. Mr. Espieffs understood that this matter placed stress on the Council, but he said the residents were the ones having to live with the stress of possibly having this tower in their neighborhood. He reiterated his belief that this technology was unsafe for the local people, who are taxpayers.

Vice Chair Giacomo moved to recommend the acceptance of the communications and the petition regarding a small cell tower at Summer and Middle Streets as informational. The motion was duly seconded by Councilor Johnsen. Discussion ensued.

Councilor Jones did not want this public concern to fall to the wayside, which he said could happen by accepting these petitions as informational. However, he would not recommend placing the matter on more time because that would require the Committee to ask City Staff to take specific action. Chair Bosley and Councilor Jones agreed that more time did not feel appropriate for this request because all of the changes the City had the authority to make would not affect this tower approval for Middle/Summer Streets, and doing so would simply drag the matter out for the petitioners and would not stop the process.

Vice Chair Giacomo understood the inclination to place agenda items on more time but recalled that this issue had been on more time for 4 years, during which time the City Councilors should have already been doing their own research on this technology and the debate. The Vice Chair said he had spent those 4 years pouring over scientific documents, including those that disagreed with this perspective. Vice Chair Giacomo found it insulting to assert the Council needed more time to review the reports when those sources had been available to the Council for years. He said he had listened to all the community members who voiced concerns and he was still not convinced. He said there

were very few 5G experts and no one on the Council was an expert, and most in the community likely were not as well. Still, Vice Chair Giacomo was trained to read scientific papers and to learn the principles therein. He did not want to see the City of Keene embarrassed by enacting the type of moratorium the petitioners suggested. The Vice Chair said this issue did not need more time. Councilor Jones agreed he was not suggesting placing this on more time, but he wanted the residents to know that this issue could still reappear before the City Council in the future.

Chair Bosley asked if the petitioners had any questions about the motion. Ms. Savastano asked for the opportunity to make a few more comments. She explained that she was suggesting that there should be some historic review of the area proposed for the Middle/School Streets corner. She also suggested that the City Attorney consult with NY Attorney Andrew Campanelli on this application. Chair Bosley clarified that there were no amendments that this PLD Committee could recommend that would affect this tower application. She said it was clear that the Committee could not give specific direction to the Public Works Director, but if the petitioners felt that Mr. Blomquist did not follow the due process, they could speak with the City Manager. Ultimately, it would take a Federal District Court to overturn Mr. Blomquist's decision. Chair Bosley also clarified that despite these challenges, the Council was not disregarding the community's concerns. The Chair did want to impress upon the public that these towers had been erected throughout the City and most people were not aware they were near. She said this neighborhood was only notified about the installation at Middle/Summer Streets because it would be on public property. She reiterated that the Court system would be the best recourse for the petitioners. Ms. Savastano would share information with the Council about an electromagnetic frequency medical conference that required registration by June 15; she heard it was comprehensive and people learned a lot. Chair Bosley noted that members of the public could also submit written comments to the City Clerk on this matter.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends the communications and the petition regarding the small cell tower at Summer and Middle Streets as informational.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.5.

**Meeting Date:** May 18, 2023  
**To:** Mayor and Keene City Council  
**From:** Planning, Licenses and Development Committee, Standing Committee  
**Through:**  
**Subject:** Cole Mills – In Opposition to Ordinance O-2023-02: Minimum Lot Size in Rural Zone

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**Council Action:**  
In City Council May 18, 2023.  
Filed the report as informational.

**Recommendation:**  
On a vote of 5–0. The Planning, Licenses, and Development Committee recommends acceptance of the communication in opposition to Ordinance O-2023-02: Minimum Lot Size in Rural Zones as informational.

**Attachments:**  
None

**Background:**  
The City Attorney recommended accepting this communication from Cole Mills as informational because there had already been a public hearing on this Ordinance.

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

On a vote of 5–0. The Planning, Licenses, and Development Committee recommends accepting the communication in opposition to Ordinance O-2023-02: Minimum Lot Size in Rural Zones as informational.





# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.6.

**Meeting Date:** May 18, 2023  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Roger Weinreich/Downtown Merchants Association – Requesting Financial Assistance to Facilitate a Visit from Urban Designer and Author, Jeff Speck – Walkable City**

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**Council Action:**

**In City Council May 18, 2023.**

**Voted with 10 in favor and four opposed to the amend the Committee recommendation to add the language: " ...contribution of *up to \$5,000....*"**

**Voted with 9 in favor and five opposed to carry out the intent of the report, as amended.**

**Recommendation:**

On a vote of 4–1, the Finance, Organization, and Personnel Committee recommends that the City Council support a contribution of \$5,000 to assist with funding the speaker fee to facilitate a visit from Urban Planner, Jeff Speck, regarding planning for walkable cities. Said funding to come from Project Cost Center (75J0034A) "Downtown Infrastructure Improvement and Reconstruction Project". Councilor Chadbourne voted in opposition.

**Attachments:**

None

**Background:**

Chair Powers welcomed Roger Weinreich of the Downtown Merchants Association and Good Fortune at 110 Main Street. Mr. Weinreich said that he had followed Jeff Speck's career. Mr. Speck is considered the foremost downtown urban designer in the country and perhaps the world. Mr. Weinreich spoke with Mr. Speck some time ago and learned that he was very interested in our area and has property nearby. Mr. Speck was willing to do some consulting in Keene. So, Mr. Weinreich met with the City Manager, Elizabeth Dragon, and Mr. Speck via Zoom to learn more. The Downtown Merchants Association was committed to bringing Mr. Speck to Keene on June 12, which was the only date he was available for the foreseeable year. Mr. Weinreich said he liked that Mr. Speck would bring a clean perspective and has expertise in walkability, marketability, and drawing tourists. Mr. Weinreich continued he is hopeful the City will contribute \$5,000 to this effort. He thought this would be a good public-private partnership. He mentioned a lunch, a dinner, and a morning question and answer breakfast workshop the next day. The downtown merchants felt that this would be a wise investment to bring potential revenue, good spirit, and livability to the community.

Chair Powers recognized Mark Rebillard, Chair of the Downtown Merchants Association. Mr.

Rebillard said that Mr. Speck was an internationally known urban planner who wrote “the book” on walkability. He said the Downtown Group has started fundraising and the group themselves has committed \$1,000 they unanimously voted to contribute to Mr. Speck’s fee. Another fundraising effort was going to be matched up to \$2,000 by the Monadnock Food Co-Op. There was a lot of buy-in already. Mr. Rebillard said everyone was very excited about this possible once-in-a-lifetime opportunity. He said it was an opportunity for the City to consider some things it had not yet, noting that it would not be a political engagement about debating roundabouts versus traffic lights. This would be an opportunity to learn a new perspective from an urban planner at a critical juncture.

Chair Powers recognized Taryn Fischer of the Downtown Merchants Association. Ms. Fischer is a small business owner, and a business advisor with the Small Business Development Center in Keene, and she teaches at Keene State College. She was very supportive of bringing Mr. Speck to Keene, calling it a wonderful opportunity to open the City’s collective mind to different ways of thinking about downtown. She saw the Council essentially debating 2 options: a roundabout and or what she called saving the Square. She said Mr. Speck could help the City realize there are numerous options using his experience with walkable downtowns. Ms. Fischer was eager for this opportunity to consider how to create the most dynamic downtown.

The City Manager recalled that she had a Zoom call with Mr. Weinreich and Mr. Speck, and she had begun reading one of Mr. Speck’s books, which she called interesting. The City Manager agreed that Mr. Speck had designed many diverse downtowns and he would consider how the downtown operates, including the side streets, and how to create the walkable environment the City had been striving for. The City Manager confirmed with the Public Works Director that there was \$5,000 in the downtown project’s budget to contribute to the visit.

Councilor Lake asked whether Mr. Speck would focus primarily on downtown, or on some of the side street corridors like West and Court Streets. He also asked if there would be any summary materials or videos available for those who could not attend. Mr. Weinreich thought the focus would be on downtown and drawing people to the community. The Downtown Merchants Association was committed to working out the logistics, including the use of Heberton Hall, which could hold 150 people. He added that the visit would be recorded, and they hope to have a way to stream it for people after. He said that ultimately, the populous would need to decide whether they want this. He said Mr. Speck indicated to him that there are other design options that could work with how the Central Square intersection is laid out already. He could also advise options for the side street intersections along Main Street.

Councilor Chadbourne said that with this amount of financial investment, she hoped that more than 150 members of the community would be able to participate. She asked if they considered Keene State College or the high school. Mr. Weinreich said he received advice to keep the events downtown, but he did not want to exclude anyone; he even considered the Colonial, but it was not the best option. Mr. Rebillard mentioned that events in Heberton Hall could be broadcast on TV. He added that the merchants were working with a local advertising provider to publish the videos. Councilor Chadbourne noted that watching a video would not be the same as the public being able to attend and interact with the consultant. Mr. Weinreich noted that more of the public could be invited to the follow-up workshop the next morning, which could be somewhere large like the Marriott Hotel.

Councilor Remy was concerned that the City was mid-way through the downtown reconstruction process with a lot of very polarized opinions in the community. He wondered how Mr. Speck would feel being surrounded by people with specific opinions and potential skepticism. Mr. Weinreich said he posed that question to Mr. Speck, who said that was normal and that Keene was at the stage where there are high emotions that he would not be trying to quell. Mr. Speck would just help to make sure the City had considered all options. Mr. Weinreich said this was not about “Save the Square” but

more so about getting a second opinion. He thought Mr. Speck would be very diplomatic and unbiased.

Councilor Madison was concerned about the preliminary schedule of events, which mentioned 3 different meal events with “key individuals.” Councilor Madison asked who the key individuals would be because it read to him like VIPs. While he thought the visit would be interesting, he was concerned, ethically, about using taxpayer dollars to fund meals and drinks for this visitor, VIPs, and supporters. Mr. Weinreich said the downtown merchants’ goal was to target the \$12,000 fee. Beyond that would be funding the meals, etc. (he did not say by whom). He said Mr. Speck was vague about what “key individuals” meant, so it was really up to the City to decide. From the downtown merchants’ vantage points, they wanted everyone possible to be involved throughout the events. He thought there could be more participation through Mr. Speck’s small City model of interaction. Mr. Rebillard said Councilor Madison’s concern was well understood and he agreed. Mr. Rebillard said the first goal was raising the fee. Otherwise, he said it would be about bringing as many people as possible to the table at these public events at the largest venues possible. Mr. Weinreich was excited about this public-private partnership that could get more pedestrians and taxpayers involved. The downtown merchants would need the City’s help to make this a success. e thWhilHMr. MrMr.Mr

Vice Chair Remy thought the timing was interesting because before the full Council votes on this project, there would be a special MSFI meeting to discuss the design alternatives on May 15. He doubted the MSFI Committee would leave that meeting with a recommendation. No matter what the PLD Committee voted at this meeting, this would still require a full Council vote on May 18. Vice Chair Remy said he reserved his right to change his mind at the Council meeting on May 18 after hearing the MSFI Committee’s proceedings.

Chair Powers thought valid points were raised by all the Committee members. He thought this would be a great opportunity for the City to get more information that would be helpful now or in the future.

With no comments from the public, Chair Powers entertained a motion by Councilor Lake that was duly seconded by Councilor Madison.

On a vote of 4–1, the Finance, Organization, and Personnel Committee recommends that the City Council support a contribution of \$5,000 to assist with funding the speaker fee to facilitate a visit from Urban Planner, Jeff Speck, regarding planning for walkable cities. Said funding to come from Project Cost Center (75J0034A) “Downtown Infrastructure Improvement and Reconstruction Project”. Councilor Chadbourne voted in opposition.

Mr. Weinreich cited some other details from Mr. Speck’s book about enlivening the aesthetics of a streetscape. He also mentioned challenges with the intersection of Main Street, Emerald Street, and Eagle Court where there are a lot of pedestrian accidents.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.7.

**Meeting Date:** May 18, 2023  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Acceptance of 2023 Wellness Grant**

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**Council Action:**

**In City Council May 18, 2023.**

**Voted unanimously to carry out the intent of the report.**

**Recommendation:**

On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the 2023 wellness grant from HealthTrust of \$2,100 to be used for employee wellness activities.

**Attachments:**

None

**Background:**

Chair Powers asked for comments from the HR Director/Assistant City Manager, Elizabeth Fox. Ms. Fox sought a recommendation from the FOP Committee to authorize the City Manager to accept a wellness grant in the amount of \$2,100 to be used for employee wellness activities. The City's health insurance vendor provides the opportunity for communities to have wellness coordinators; they train the coordinators, who develop custom programs to meet the needs of their workforce. The City has 4 wellness coordinators—2 in HR, 1 in Parking Services, and 1 in the Finance Department. This past year, activities included blood drives and financial wellness efforts. Monthly, they send out educational pieces to help employees learn how to best use their health plans. Another event in late May would be a financial health fair in the Blastos Room. If for some reason the grant was not expended fully this year, it could carry over to next year's activities.

With no comments from the Committee or the public, Chair Powers entertained a motion by Councilor Madison that was duly seconded by Councilor Lake.

On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and expend the 2023 wellness grant from HealthTrust of \$2,100 to be used for employee wellness activities.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.8.

**Meeting Date:** May 18, 2023  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Acceptance of Donation – Community Garden Tool Shed**

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**Council Action:**

**In City Council May 18, 2023.**

**Voted unanimously to carry out the intent of the report.**

**Recommendation:**

On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a donation of a tool shed from Cheshire County Conservation District for the community gardens located behind the Monadnock View Cemetery.

**Attachments:**

None

**Background:**

Chair Powers asked for comments from Andy Bohannon, Director of Parks, Recreation, and Facilities. Mr. Bohannon explained that the Cheshire County Conservation District was donating a toolshed to be located at the Monadnock View Cemetery. He said this had been a collaboration over the past few years, through which the Council had accepted donations from various organizations. Mr. Bohannon said that the Monadnock Gardening Club of Antioch University New England initiated this City-wide effort to improve food access. The Club worked with the City's gardens at the Monadnock View Cemetery, where there are a total of 52 plots. When the City started working with the gardening club, the City was only selling 19–20 of the plots, but over the past few years, they sold out (including this year). Two years ago, the City accepted a donation to install an irrigation system and another grant program was in the works to install a third water spicket. An Eagle Scouts project added a pergola to the garden for shade. The present grant request was to work with Bensonwood to build the shed. Mr. Bohannon also mentioned that over the past few years, Rowland Russell of Antioch University had been an instrumental advocate of these gardens and the City's food security; over 1 year, Mr. Russell produced over 500 pounds of produce for the Community Kitchen and his goal was to increase this year.

With no comments from the Committee or the public, Chair Powers entertained a motion by Vice Chair Remy that was duly seconded by Councilor Chadbourne.

On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends that the City

Manager be authorized to do all things necessary to accept a donation of a tool shed from Cheshire County Conservation District for the community gardens located behind the Monadnock View Cemetery.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.9.

**Meeting Date:** May 18, 2023  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Contract for Design Services – Concept Plan for Robin Hood Park**

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**Council Action:**

**In City Council May 18, 2023.**

**Voted unanimously to carry out the intent of the report.**

**Recommendation:**

On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a professional service contract with Dubois & King for design services required for the Conceptual Design of Robin Hood Park, for an amount not to exceed \$34,962.00 and with funding to come from Project Cost Center (65J0018A) “Robin Hood Park Improvement Project.”

**Attachments:**

None

**Background:**

Chair Powers asked for comments from Andy Bohannon, Director of Parks, Recreation, and Facilities. Mr. Bohannon explained that this was for a contract to be signed for \$34,962.00 for the Robin Hood Park improvement project. He recalled a few years ago when he presented to the Council relative to a Weston and Samson report in 2019 related to the condition of City pools. Through that process, a project was added to the Capital Improvement Plan (CIP) as a placeholder for the replacement of the Robin Hood Pool. Three years after that report, the City was doing everything possible to sustain that pool. With this project, the City would engage the public in relation to Robin Hood Park and the need for a pool or whether there is another alternative. This was programmed in the CIP for FY 27, so these funds would help guide the project for the coming CIP development. The City received 4 bids and after interviews, chose Dubois & King as the contractor; he recalled that this company worked on the dog park/disc golf plan last year that included successful community engagement.

With no comments from the Committee or the public, Chair Powers entertained a motion by Councilor Chadbourne that was duly seconded by Councilor Lake.

On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a professional service contract with Dubois & King for design services required for the Conceptual Design of Robin Hood

Park, for an amount not to exceed \$34,962.00 and with funding to come from Project Cost Center (65J0018A) "Robin Hood Park Improvement Project."





# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.10.

**Meeting Date:** May 18, 2023  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Winchester Street Reconstruction Project – Request to Reallocate Funds**

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**Council Action:**

**In City Council May 18, 2023.**

**Voted unanimously to carry out the intent of the report.**

**Recommendation:**

On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to reallocate the remaining unspent project balance of approximately \$14,429.55 from the Wetmore / Winchester Street Main Repair Project (Water Fund Project No. 34JI024A) to the State Bypass Utilities Project, also known as the Winchester Street Reconstruction Project (Water Fund Project No. 34JI016A).

**Attachments:**

None

**Background:**

Chair Powers asked for a project update from the City Engineer, Don Lussier, before he discussed this reallocation. Mr. Lussier reported that the Winchester Street project was well underway. He said the construction season was off to a good start and a lot of progress had been made. The remaining truck apron on Key Road was poured and cured. Two weeks after this meeting, the sidewalks and curbing along the outside of the Key Road intersection would be completed. Mr. Lussier had heard from many people that the new configuration and traffic pattern was working well even though it was only 1 lane in each direction at the time. The week after this meeting, the contractor would begin disassembling the Island Street Bridge, which had been closed to traffic for a few weeks already for utility work. He recalled that the Bailey Bridge would be salvaged to hopefully reuse on a railroad project. He also mentioned that at this point, the money was not actually needed. There was a situation where the project had a certain amount of funding, the contract was awarded in the last year, and the City had provided several change orders to account for unexpected circumstances like an asbestos pipe that did not have records or conflicts between the elevations of utilities that had to be rerouted. Now, Mr. Lussier said that the available funds the Council approved for the project in the Water Fund were getting thin. Both the General and Sewer Funds had good balances remaining for the City Manager to use her authority to issue small change orders. He said the Sewer Fund was down to about \$5,000 of the remaining balance, which was the difference between the contractual obligation to the contractor and what the City Council approved for funding. Mr. Lussier said this was not a problem, per se, but if there were another unanticipated issue above the \$5,000 sewer fund

limit, that work would have to be halted until the City Council could grant authority for more funds. So, City Staff were trying to be proactive. Mr. Lussier recalled a few years ago during the Wetmore Street project, when the Wetmore water main branch failed and there were emergency repairs. At that time, the City Council approved \$65,000 for that project and \$14,430 remained unspoken for from that work. Those funds were unspent because the City's water and sewer crew did a lot of the work themselves. He recommended reallocating those remaining funds toward the Winchester Street reconstruction project in case needed. If unused, the funds would remain available for other purposes.

With no comments from the Committee or the public, Chair Powers entertained a motion by Councilor Lake that was duly seconded by Councilor Madison.

On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to reallocate the remaining unspent project balance of approximately \$14,429.55 from the Wetmore / Winchester Street Main Repair Project (Water Fund Project No. 34JI024A) to the State Bypass Utilities Project, also known as the Winchester Street Reconstruction Project (Water Fund Project No. 34JI016A).



# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.11.

**Meeting Date:** May 18, 2023  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** Reallocation of Funds – 1.5 MG Tank Repair Project

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**Council Action:**

**In City Council May 18, 2023.**

**Voted unanimously to carry out the intent of the report.**

**Recommendation:**

On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to reallocate \$139,109.12 in remaining project balance from the Drummer Hill Tank and Pump Station Replacement Project (Water Fund Project 34JI014A) and \$89,701.88 in funds from the Water Main Cleaning and Lining Project (Water Fund Project 34MI0400) and move these funds to the 1.5MG Storage Tank Repair Project (Water Fund Project 34JI002A).

**Attachments:**

None

**Background:**

Chair Powers asked for comments from Aaron Costa, Assistant Public Works Director and Operations Manager of the Treatment Facilities. Mr. Costa requested the reallocation of funds to the 1.5MG storage tank repair project. He explained that the City owned a 1.5MG tank in the general area of the 3MG tank at Robin Hood Park. The 1.5MG tank was completely buried and nearing 100 years old. The tank was due for improvements specifically to the roof and capping system. In 2013, Tighe and Bond Engineers performed a facilities evaluation for the City that became the blueprint for CIP projects like this one. In November 2021, the City contracted with Weston and Sampson for engineering services for this project. The City put the project out to bid and received 1 bid in August 2022 that was over budget. There was also “bid alternate” work that came to another \$200,000. The City decided to modify the specifications to try to get a better price, so all the bid alternate work was removed. He said that the concrete repair work—which would not be noticed until all the earth was removed from the cover—was also removed from the revised scope to be completed on a time and materials basis through a change order versus the contractor having to carry that in their base bid. He said the project was also re-bid in the early spring instead of mid-to-late summer because some construction and earthwork would be required, which would result in loaming and seeding on top of the new cap. In this new round, there were 2 more bids received in April 2023, one of which was similar to the bid last year. One bid was 33% higher than the other. The City’s consultant estimated \$350,000 for this project and the City had allocated \$340,000. Mr. Costa said the consultant advised

that it was difficult to predict how construction bids would come in, given labor shortages and the increased cost of labor. It was difficult for the consultants to estimate the costs based on their experience. He said Staff recommended reallocating funds from the following 2 projects: the Drummer Hill Tanks and Pump Station project (was complete with a project balance of \$139,109.12 remaining) and the Elm Steet Cleaning and Lining Project from FY 19–20 (ultimately determined that it would be a better candidate for a larger water main instead of cleaning and lining).

Chair Powers assumed that Staff was comfortable with the changes made to the project scope that allowed the bid to be lower but asked if the issues conceded would arise again a year from now. Mr. Costa said maybe. Some of the bid alternate work included the outfall where the tank drains down a hill with a steep embankment, so the plan was to install stairs. There was also an underground vault, and the goal was to move that to an aboveground building so Staff would have easier entry. These were things that would need to be evaluated down the line, but the most essential part of this project was replacing the cap that currently allowed water and snow to pool on top, posing structural concerns. The new cap would be sloped to move water off the structure.

With no comments from the public, Chair Powers entertained a motion by Councilor Madison that was duly seconded by Vice Chair Remy.

Councilor Remy was reminded that it had been some time since the Council saw a list of project balances remaining. He wondered what other funds were out there and he asked to see that report from Staff soon.

On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends that the City Manager be authorized to do all things necessary to reallocate \$139,109.12 in remaining project balance from the Drummer Hill Tank and Pump Station Replacement Project (Water Fund Project 34JI014A) and \$89,701.88 in funds from the Water Main Cleaning and Lining Project (Water Fund Project 34MI0400) and move these funds to the 1.5MG Storage Tank Repair Project (Water Fund Project 34JI002A).



# CITY OF KEENE NEW HAMPSHIRE

ITEM #D.12.

**Meeting Date:** May 18, 2023  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Councilor Madison – Recommending an Amendment to the City Code – Meeting Times for Public Bodies**

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**Council Action:**

**In City Council May 18, 2023.**

**Voted unanimously to carry out the intent of the report.**

**Recommendation:**

On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends that the City Manager work with the staff liaisons who support those public bodies established by the City Code to annually survey their membership to ensure meeting times are fostering the greatest level of participation possible for membership and the public.

**Attachments:**

None

**Background:**

Chair Powers asked for comments from Councilor Madison. Councilor Madison said this matter had been on his mind for a while following some conversations with constituents about City meetings becoming more accessible to members of the public who are working age. He used the example of the Housing Report presentation from a few weeks prior that was at 3:00 PM, which is challenging for most who are impacted by the housing crisis to attend during the day. Even as a Councilor, it was difficult to attend meetings during the workday. He also provided the example of the Energy and Climate Committee which meets at 9:00 AM and has a constant turnover of members; he wondered if those two issues were related. Councilor Madison was clear that the City was not doing anything wrong, noting how City Staff go above and beyond to hold these public meetings, citing how well the Conservation Commission meetings run as a result, for example. The Councilor was content if the Committee wanted to put this on more time so they could move on to the budget.

The City Manager said that Staff reviewed the boards and commissions that meet before 5:00 PM. She noted how difficult it was to schedule the various committee meetings at times when both Staff and meeting rooms are available. There are 8 committees that meet during the workday: Energy and Climate Committee, Bicycle/Pedestrian Path Advisory Committee, Conservation Commission, Historic District Commission, Minor Project Review Committee, Heritage Commission, Ashuelot River Park Advisory Board, and Airport Development and Marketing Committee. The City Manager explained that annually, City Staff poll these committees to ensure that the meeting times work for

them. She noted that some volunteers are paid by their employees to attend these meetings, so in those cases, daytime attendance is best. While for others, after work is the only time they can participate. The City Manager assured the Committee that Staff works really hard to accomplish the maximum attendance. The City Manager reiterated that the availability of meeting spaces was also a challenge, noting the need for minute takers and to broadcast certain meetings for the public. The City Manager said she heard Councilor Madison's point about increasing attendance options for some of these important ad hoc committees—like for the downtown project or community power. The City Manager said that in those instances, they usually try to have one session during the day and one at night (and sometimes a virtual option) to accommodate as many as possible. She noted that the Library has a variety of their own meetings and they set their own schedule. The City Manager said Staff suggested that the Committee recommend that she continue working with public bodies annually to determine the best meeting times. She noted that sometimes membership turns over for various reasons such as someone moving out of town. She said Staff could work to better track why there are vacancies.

Councilor Lake said he counted and there were 22–23 committees that meet during the week. He agreed that scheduling all of those is complicated, especially if there were many more after 5:00 PM. With an average of 21 business days in a month, he reiterated the scheduling challenges. Councilor Lake had heard similar feedback about the public being able to attend these ad hoc meetings; he was unable to attend the downtown infrastructure meetings.

Councilor Madison agreed that he missed most of the downtown infrastructure meetings because they were during the day. Councilor Madison was comfortable with the proposed motion for Staff to work on ways to generate better attendance for some of these more consequential topics. He appreciated City Staff's efforts.

Councilor Remy suggested modifying the proposed motion to add, "to ask Staff to come back with a proposal on how to handle ad hoc committees specifically." The City Manager explained that those are the Mayor's meetings and that might be beyond the Staff's control. Councilor Remy still proposed having some guidelines on how those could be scheduled.

Councilor Chadbourne noted that many committees, like the Ashuelot River Park Advisory Board, had met at the same time for many years. She noted that companies like C&S Grocers promote their employees to be active in the community and support them in attending meetings during working hours. Councilor Chadbourne said the committees she had served over time usually discussed whether the meeting time worked at the beginning of each year, sometimes compromising on a new time. She agreed with how complicated it is to coordinate and schedule all these monthly meetings. Still, she agreed that contentious topics like the downtown project should be at times of the day that are easier for more stakeholders to attend.

Vice Chair Remy agreed that these more critical committees and projects should be at times that more constituents could attend. For example, most stakeholders in the lower Winchester Street project are businesses that might find it easier to meet during the day.

The City Manager said she could have a conversation with the Mayor about adjusting some ad hoc meeting times to have the most participation. However, the City Manager was nervous about amending the proposed motion to direct her to do anything with the meetings created by the Mayor because coordinating schedules could be difficult. Councilor Madison understood and agreed that there are scheduling challenges. The last thing he wanted to do was interfere with the various committees' work. He just hoped that the conversation about meeting times would occur regularly, as the City Manager suggested.

With no further comments from the Committee or the public, Chair Powers entertained a motion by Vice Chair Remy that was duly seconded by Councilor Chadbourne.

On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends that the City Manager work with public body staff liaisons to annually survey their membership to ensure meeting times are fostering the greatest level of participation possible for membership and the public for bodies established by City Code.



# CITY OF KEENE NEW HAMPSHIRE

ITEM #F.1.

**Meeting Date:** May 18, 2023  
**To:** Mayor and Keene City Council  
**From:** Merri Howe, Finance Director/Treasurer  
**Through:** Elizabeth Dragon, City Manager  
**Subject:** **Acceptance of Donation - Fire Department - Finance Director**

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**Council Action:**

**In City Council May 18, 2023.  
Voted unanimously to accept the donation.**

**Recommendation:**

Move that the City Council accept the donation from HealthTrust in the amount of \$500.00 and the City Manager be authorized to use the donation in the manner specified by the donor.

**Attachments:**

None

**Background:**

The Keene Fire Department has received \$500.00 from HealthTrust to be utilized for staff wellness programs to encourage healthy habits and to promote wellness at the worksite. These funds are for the FY 2023 program year.





# CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

**Meeting Date:** May 18, 2023  
**To:** Mayor and Keene City Council  
**From:** Elizabeth Fox, ACM/Human Resources Director  
**Through:** Elizabeth Dragon, City Manager  
**Subject:** **Relating to Class Allocation and Salary Schedules  
Ordinance O-2023-11**

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**Council Action:**

**In City Council May 18, 2023.**

**Referred to the Finance, Organization and Personnel Committee.**

**Recommendation:**

That the City Council refer Ordinance O-2023-11 to the Finance, Organization, and Personnel Committee.

**Attachments:**

1. Ordinance O-2023-11
2. Class Allocation & Salary Schedules 5 11 2023

**Background:**

The ordinance relating to salary and wage schedules for the 2023/2024 fiscal year reflects an across-the-board increase for non-bargaining unit wage schedules that is comparable to cost-of-living adjustments provided by the City's ratified collective bargaining agreements. The effective date of its increase would be July 1, 2023. The ordinance advanced also includes several adjustments to the class allocation schedule related to City Code Section 62-194.



# CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

AN ORDINANCE Relating to Class Allocations and Salary Schedules

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

That the Ordinances of the City of Keene, as amended, hereby are further amended by deleting Section 2-231, "City Council Appointments' Salary Schedules" of Chapter 2, entitled "Administration;" as well as Section 62-141 "Call Firefighter Hourly Wage Schedule;" Section 62-166, "Hourly Wage Schedule for Probationary Public Works;" Section 62-191, "Probationary Firefighter;" Section 62-192, "Probationary Police Officer;" and Section 62-194, "Administrative and Clerical – Annual Salary Schedule", of Chapter 62 entitled, "Personnel," and by substituting in lieu thereof the following attached new sections: Section 2-231, "City Council Appointments' Salary Schedule;" Section 62-141 "Call Firefighter Hourly Wage Schedule;" Section 62-166, "Probationary Public Works Hourly Wage Schedule;" Section 62-191, "Probationary Firefighter;" Section 62-192 "Probationary Police Officer;" and Section 62-194, "Administrative, Office, Technical and Management – Annual Salary Schedule," effective July 1, 2023.

\_\_\_\_\_  
George S. Hansel, Mayor

In City Council May 18, 2023.  
Referred to the Finance, Organization  
and Personnel Committee.

City Clerk

**City Code Section 2-231**

**COUNCIL APPOINTMENTS  
ANNUAL SALARY SCHEDULE**

(effective July 1, 2023)

<u>SALARY</u>	<u>City Clerk</u>	<u>City Attorney</u>	<u>City Manager</u>
<u>L</u>	96,694	119,697	143,689
<u>E</u>	101,045	125,083	150,155
<u>V</u>	105,592	130,712	156,912
<u>E</u>	110,344	136,594	163,973
<u>L</u>	115,309	142,741	171,352
	120,498	149,164	179,063

**City Code Section 62-141**

**CALL FIREFIGHTER  
HOURLY WAGE SCALE**

Non-bargaining unit  
(effective July 1, 2023)

<u>Grade</u>		<u>Step 1</u>
CF1	Non-certified Probationary Firefighter	\$ 11.25
CF2	Probationary Firefighter (Level 1)	\$ 14.63
CF3	Probationary Firefighter (Level 2)	\$ 16.28
CF4	Firefighter (Level 1)	\$ 16.88
CF5	Firefighter (Level 2)	\$ 20.26
CF6	Special services (Chaplain, Photographer & Aide)	\$ 15.75

**City Code Section 62-166**

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

**PROBATIONARY PUBLIC WORKS  
HOURLY WAGE SCHEDULE**

Non-bargaining unit  
(effective July 1, 2023)

<u>GRADE</u>	<u>1</u>	<u>2</u>	<u>3</u>
PPW 2	16.09	16.81	17.57
PPW 4	17.58	18.37	19.20
PPW 5	18.37	19.20	20.06
PPW 7	19.67	20.56	21.49
PPW 8	20.96	21.90	22.89
PPW 9	21.90	22.89	23.92
PPW 10	22.89	23.92	25.00
PPW 11	23.91	24.99	26.11
PPW 12	25.00	26.13	27.31

GRADE

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

**City Code Section 62-191**

**PROBATIONARY FIREFIGHTER**  
HOURLY WAGE SCHEDULE  
Non-bargaining unit  
(effective July 1, 2023)

<u>GRADE</u>		<u>STEP 1</u>
F 1	Firefighter/EMT B	\$21.68
F 2	Firefighter/A-EMT	\$22.98
F 3	Firefighter/Medic	\$24.45
F 4	Paramedic Only	\$22.98

**City Code Section 62-192**

**PROBATIONARY POLICE OFFICER**  
HOURLY WAGE SCHEDULE  
Non-bargaining unit  
(effective July 1, 2023)

<u>GRADE</u>		<u>STEP</u>
PP 1		\$27.46
PP 2		\$28.70

**City Code Section 62-194** Administrative, Office, Technical and Management Personnel

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

**ADMINISTRATIVE, OFFICE, TECHNICAL AND MANAGEMENT  
ANNUAL SALARY SCHEDULE**

Non-bargaining unit  
(effective July 1, 2023)

<u>GRADE</u>	<u>STEPS</u>					
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
S 4	37,619	39,312	41,081	42,930	44,862	46,881
S 5	39,312	41,081	42,930	44,862	46,881	48,991
S 6	41,081	42,930	44,862	46,881	48,991	51,196
S 7	42,930	44,862	46,881	48,991	51,196	53,500
S 8	44,862	46,881	48,991	51,196	53,500	55,908
S 9	46,881	48,991	51,196	53,500	55,908	58,424
S 10	48,991	51,196	53,500	55,908	58,424	61,053
S 11	51,196	53,500	55,908	58,424	61,053	63,800
S 12	53,500	55,908	58,424	61,053	63,800	66,671
S 13	55,908	58,424	61,053	63,800	66,671	69,671
S 14	58,424	61,053	63,800	66,671	69,671	72,806
S 15	61,053	63,800	66,671	69,671	72,806	76,082
S 16	63,800	66,671	69,671	72,806	76,082	79,506
S 17	66,671	69,671	72,806	76,082	79,506	83,084
S 18	69,671	72,806	76,082	79,506	83,084	86,823
S 19	72,806	76,082	79,506	83,084	86,823	90,730
S 20	76,082	79,506	83,084	86,823	90,730	94,813
S 21	79,506	83,084	86,823	90,730	94,813	99,080
S 22	83,084	86,823	90,730	94,813	99,080	103,539
S 23	86,823	90,730	94,813	99,080	103,539	108,198
S 24	90,730	94,813	99,080	103,539	108,198	113,067
S 25	94,813	99,080	103,539	108,198	113,067	118,155
S 26	99,080	103,539	108,198	113,067	118,155	123,472
S 27	103,539	108,198	113,067	118,155	123,472	129,028
S 28	108,198	113,067	118,155	123,472	129,028	134,834
S 29	113,067	118,155	123,472	129,028	134,834	140,902
S 30	118,155	123,472	129,028	134,834	140,902	147,243

**City Code Section 62-194**

**ADMINISTRATIVE, OFFICE, TECHNICAL AND MANAGEMENT**

(effective July 1, 2023)

<u>GRADE</u>	<u>CLASS ALLOCATION</u>
S 4	Library Aide
S 5	Minute Taker
S 6	Administrative Assistant; Records Clerk
S 7	Administrative Assistant I
S 8	NO POSITIONS ASSIGNED
S 9	NO POSITIONS ASSIGNED
S 10	Audio Video Production Specialist
S 11	Office Manager; Parking Services Technician
S 12	Librarian I; Planning Technician; Executive Secretary; Staff Accountant; Fire Department Administrator; Purchasing Specialist; <b>Human Resource Specialist</b>
S 13	NO POSITIONS ASSIGNED
S 14	NO POSITIONS ASSIGNED
S 15	Executive Assistant; Librarian II; Payroll Administrator; Human Resources Assistant; Youth Services Manager; Mapping Technician; Engineering Technician; Assistant City Clerk; <del>Parking Operations Manager</del> ; Senior Paralegal; Police Dispatch Supervisor; <b>Social Worker</b>
S 16	Planner; Laboratory Supervisor
S 17	Appraiser; Recreation Programmer; Librarian III; Parks & Cemetery Maintenance Superintendent; Airport Maintenance & Operations Manager; IT Systems Specialist; <b>Parking Operations Manager</b>
S 18	Water/Sewer Operations Manager; Purchasing Agent; Civil Engineer; Solid Waste Manager; Maintenance Manager; Revenue Collector; Records Manager/Deputy City Clerk; Laboratory Manager; Human Services Manager; Treatment Plant Manager
S 19	Transportation/Stormwater Operations Manager; Utilities Treatment Operations/Plant Manager; Senior Planner; Recreation Manager; Fleet Services Manager, Accounting & Fund Manager; <b>Infrastructure Project Manager</b>
S 20	Systems Administrator; Purchasing & Contract Services Manager; Assistant City Attorney
S 21	NO POSITIONS ASSIGNED
S 22	NO POSITIONS ASSIGNED
S 23	NO POSITIONS ASSIGNED
S 24	City Engineer; Assistant Public Works Director/Division Head; Database Administrator; Airport Director; Building/Health Official
S 25	Human Resources Director; Library Director; Assistant Finance Director/Assistant Treasurer; Police Captain; Deputy Fire Chief
S 26	Community Development Director; City Assessor; Parks, Recreation & Facilities Director
S 27	Finance Director/Treasurer; IT Director; Communications & Marketing Director
S 28	Police Chief; Fire Chief; Public Works Director
S 29	NO POSITIONS ASSIGNED
S 30	Deputy City Manager





# CITY OF KEENE NEW HAMPSHIRE

ITEM #J.1.

**Meeting Date:** May 18, 2023  
**To:** Mayor and Keene City Council  
**From:** Planning, Licenses and Development Committee, Standing Committee  
**Through:**  
**Subject:** **Relating to Amendments to the Rural District Minimum Lot Size Ordinance O-2023-02**

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**Council Action:**

**In City Council May 18, 2023.**

**Report filed. Voted with 10 in favor and four opposed for the adoption of Ordinance O-2023-02.**

**Recommendation:**

On a vote of 4–1, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2023-02. Councilor Jones voted in opposition.

**Attachments:**

1. O-2023-02\_Relating to Rural District Minimum Lot Size\_adopted

**Background:**

Chair Bosley welcomed Community Development Director, Jesse Rounds. Mr. Rounds recalled that there had been a public hearing on this matter already and he wanted to address some comments by the public that he called “factual inaccuracies.” First, he noted concern that this minimum lot size change would not offer any opportunities for workforce/affordable housing, which he said was not the intention of this Ordinance. He also noted that manufactured housing parks—an affordable housing option—would only be allowed in the Rural District (RD) when there is an opportunity for 2-acre lots. He added that it was encouraging that manufactured housing was being discussed but said that was not something the City would be involved with.

Second, Mr. Rounds mentioned public concerns about this Ordinance having a negative environmental impact. He said that environmental protections are in place already at the State and local level that he believed would protect the community. He said there was a situation possible in which 2-acre lots could be developed that could result in some tree cutting. Whereas, he said the majority of acreage in the RD is larger than 10 acres; he said those lots were being conserved for possible forestry options, through which some tree cutting could occur. Still, Mr. Rounds thought there were some issues with the public perception of that impact.

Lastly, Mr. Rounds referred to a question Councilor Ormerod raised at the Joint Committee hearing. Mr. Rounds said a full build-out scenario would be unlikely, but he and Community Development Department Staff discussed where they expected to see this type of development. Staff believed

most development was likely to occur on the 28 vacant parcels in the RD that are between 2–4 acres and that would require a variance to develop without this Ordinance in place. If this Ordinance was adopted, those were the existing lots most likely to be developed first. Mr. Rounds explained that there are also approximately 30 lots between 4–10 acres in the RD that Staff expected to be developed after the 2–4-acre lots. Additionally, based on the Conservation Residential Development (CRD) regulations that the City Council adopted in 2022, any parcel larger than 10 acres would have to go through a CRD subdivision, not a normal subdivision. This means that for any subdivision in the RD that went through CRD, 50% of the lot would need to be conserved permanently. Mr. Rounds thought the City had a lot of conservation tools at its disposal to preserve all the great landscapes of the RD.

Vice Chair Giacomo spoke about the 2–4-acre lots that Mr. Rounds identified and especially the 2-acre properties. He recalled a comment during the public hearing by Eloise Clark, who expressed concerns about runoff from the RD hillsides if impervious surfaces were increased in the District. He said that obviously, the City has a Steep Slopes Ordinance. Still, the Vice Chair asked whether those 2–4-acre lots that are most likely to be developed first shared the same watershed or whether those properties fed various small streams. Mr. Rounds said that most of those lots were located along main roadways in the RD but they are spread across the landscape and not concentrated in one watershed.

Councilor Ormerod thanked Mr. Rounds for investigating and explaining the possible upper bounds of what a build-up in the RD could look like and called it a really good start. The Councilor mentioned multi-family homes in the RD. Mr. Rounds clarified that multi-family homes are not permitted in the RD, but duplexes are possible in CRD subdivisions. Accessory dwelling units (ADUs) are also permitted in the RD and those options would be bolstered with the ADU Ordinance Councilor Ormerod appreciated that clarification and said there are problems in the community with not enough houses that accommodate full household sizes.

Councilor Johnsen said she attended the last workshop, where she said 4–5 residents were very adamant about not wanting this change. Mr. Rounds said that at the last workshop that preceded the public hearing, he thought there was equal representation of residents who wanted this change and those who did not; some were in favor of options for additional housing. Mr. Rounds said this Ordinance would allow more single-family housing, which was identified as a community need in the Housing Needs Assessment. This minimum lot size change would only be one part of that solution, in addition to expanded options for ADUs. Mr. Rounds said Staff looked at increasing housing in the Commerce District and increasing density downtown as parts of the solution as well.

Councilor Jones had been against this Ordinance since the beginning and had not changed his mind. He still believed that this Ordinance would encourage urban sprawl and would “Nashua-ize” Keene. One reason Councilor Jones moved to Keene was because of its unique Zoning and the fact that urban sprawl into the RD was not allowed. Councilor Jones was still opposed and would share more comments at the Council Meeting on May 18.

Vice Chair Giacomo stated that he was in a weird position because he lives deep in the RD but he also appreciated community concerns about urban sprawl, which he said was completely anti-Keene. While the Vice Chair respected Councilor Jones’ perspective, he believed that the necessary safeguards were in place to prevent excessive sprawl. Vice Chair Giacomo said the Council could continue debating the best minimum lot size, but he thought 2 acres was reasonable and would solve some of the problems the City had. He called it a non-zero probability that this Ordinance would result in something bad. The Vice Chair thought the potential benefits outweighed the downsides.

Chair Bosley noted that she also lived in the RD which is surrounded by 5-acre lots and non-

conforming 2-acre lots subdivided in the 1970s. She recalled that this matter was severed from a broader CRD Ordinance because of these concerns. She said the Committee heard public comments twice. She recalled that there was some finger-pointing from the public directed toward the Council suggesting that the Councilors do not appreciate Keene's rural character, which she said was not the case. She concluded that there would not be one clear solution for Keene's housing needs, but she thought this Ordinance would support young professionals entering the housing market or those who want to upgrade from their starter homes. She said the Housing Needs Assessment proved there is a problem. She noted that between Keene's current tax rate and the value of her home, she would not be able to buy it again and she did not know how her children would stay there, though she mentioned the possibility of an ADU. She thought it was essential to provide some creative opportunities for housing. Ultimately, she thought this would be beneficial and would not strip Keene of its character.

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

On a vote of 4–1, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2023-02. Councilor Jones voted in opposition.



# CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

AN ORDINANCE Relating to Amendments to the Rural District Minimum Lot Size

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

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

1. That Section 3.1.2 “Dimensions & Siting” of Article 3 be amended as follows:

Min Lot Area	<del>5 acres</del> <b><u>2 acres</u></b>
<del>Min lot area per dwelling unit without city water &amp; sewer</del>	<del>5 acres</del>
<del>Min lot area per dwelling unit with city water &amp; sewer</del>	<del>2 acres</del>
Min Lot Width at Building Line	200 ft
Min Road Frontage	50 ft
Min Front Setback	50 ft
Min Rear Setback	50 ft
Min Side Setback	50 ft

George S. Hansel, Mayor

In City Council February 2, 2023.  
Referred to the Joint Planning Board  
and Planning, Licenses and Development  
Committee.

City Clerk

PASSED May 18, 2023



# CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

**Meeting Date:** May 18, 2023

**To:** Mayor and Keene City Council

**From:** Merri Howe, Finance Director/Treasurer

**Through:** Elizabeth Dragon, City Manager

**Subject:** **Relating to the Appropriation of Funds - Road Preservation and Rehabilitation Program; Relating to the Appropriation of Funds - Stormwater Resiliency Program, and Relating to the Appropriation of Funds - Thompson Road Stabilization Project**  
**Resolution R-2023-14**  
**Resolution R-2023-15**  
**Resolution R-2023-16**

**Council Action:**

**In City Council May 18, 2023.**

**Referred to the Finance, Organization and Personnel Committee.**

**Recommendation:**

That resolutions R-2023-14, R-2023-15, and R-2023-16, relating to appropriation of funds for the Road Preservation and Rehabilitation Program, Stormwater Resiliency Program, and Thompson Road Stabilization be introduced and read at the May 18,2023 meeting of the City Council and be referred to the Finance, Organization, and Personnel Committee for consideration, discussion, and a recommendation back to City Council.

**Attachments:**

1. R-2023-14 Bond Issue-Road Preservation and Rehabilitation Program\_Referral
2. R-2023-15 Bond Issue-Stormwater Resiliency Program\_referral
3. R-2023-16 Bond Issue-Thompson Road Stabilization\_Referral

**Background:**

Included in the proposed 2023-2024 operating budget are several bond issues to fund projects advanced through the Capital Improvements Program (CIP) process, as follows:

Resolution	Fund	Description	Amount	Term
R-2023-14	General Fund	Road Preservation and Rehabilitation Program	\$520,000	10
R-2023-15	General Fund	Stormwater Resiliency Program	\$1,374,000	15
R-2023-16	General Fund	Thompson Road Stabilization	\$1,057,000	10
		<b>Subtotal - General Fund</b>	<b>\$2,951,000</b>	
		<b>Total - All Funds</b>	<b>\$2,951,000</b>	

These resolutions require two readings before the City Council, the first of which will be May 18, 2023.



# CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION Relating to the Appropriation of Funds for the Road Preservation and Rehabilitation Program

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

That the sum of five hundred twenty thousand dollars (\$520,000.00) is hereby appropriated for Road Preservation and Rehabilitation Program, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to five hundred twenty thousand dollars (\$520,000.00) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

This authorization shall lapse if not fulfilled within five (5) years from the date of approval.

George S. Hansel, Mayor

In City Council May 18, 2023.  
Referred to the Finance, Organization  
and Personnel Committee.

Assistant City Clerk



# CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

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

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

That the sum of one million three hundred seventy-four thousand dollars (\$1,374,000.00) is hereby appropriated for Stormwater Resiliency Program, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to one million three hundred seventy-four thousand dollars (\$1,374,000.00) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

This authorization shall lapse if not fulfilled within five (5) years from the date of approval.

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George S. Hansel, Mayor

In City Council May 18, 2023.  
Referred to the Finance, Organization  
and Personnel Committee.

Assistant City Clerk





# CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION Relating to the Appropriation of Funds for Thompson Road Stabilization

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

That the sum of one million fifty-seven thousand dollars (\$1,057,000.00) is hereby appropriated for Thompson Road Stabilization, and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to five hundred twenty thousand dollars (\$1,057,000.00) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

This authorization shall lapse if not fulfilled within five (5) years from the date of approval.

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George S. Hansel, Mayor

In City Council May 18, 2023.  
Referred to the Finance, Organization  
and Personnel Committee.

Assistant City Clerk



# CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

**Meeting Date:** May 18, 2023  
**To:** Mayor and Keene City Council  
**From:** Finance, Organization and Personnel Committee, Standing Committee  
**Through:**  
**Subject:** **Relating to an Appropriation of Funds and Use of Unassigned Fund Balance - FY 2023 Fire Department Personnel Budget Resolution R-2023-27**

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**Council Action:**

**In City Council May 18, 2023.**

**Report Filed. Voted unanimously to adopt Resolution R-2023-27.**

**Recommendation:**

On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends the adoption of Resolution R-2023-27.

**Attachments:**

1. R-2023-27 \_Resolution Number 2023-27 use of unassigned FB for Fire Overages\_adopted

**Background:**

Chair Powers requested comments from the Fire Chief, Don Farquhar, who said this was a Resolution regarding the City's Fiscal Policy. This Resolution was to transfer \$380,672.84 from the Police Department's budget to the Fire Department's for this fiscal year. This amount would be offset by projected budgetary savings and the Police Personnel Department's \$405,341 budget. For context, he explained that the funds broke down as follows:

- In personnel overages (overtime training) – \$42,893.44 – for overtime training in the third fiscal quarter, this line item was used to track overtime to fund a 10<sup>th</sup> person. This was captured as a specific number to recover Federal grant funding for Covid expenditures. While labeled "overtime training," it was for hiring the 10<sup>th</sup> person in that fiscal quarter.
- Ambulance and Fire Budgets "overtime sick replacement" – \$181, 833.43 – this is mostly overtime but a portion is Family Medical Leave and Worker's Compensation. Family Medical Leave was very high this year, mostly attributed to paternity leave.
- Overtime for multi-alarm (this was split with next year's budget for better clarity and part went to funding that 10<sup>th</sup> Firefighter) – this included callbacks for fires and shift coverage – \$105,000.68. These costs would be tracked in next year's budget to understand what was driving those costs more accurately.

- The 3 line items in the operating overages section directly correlated with the supplementary requests for the upcoming budget. Under EMS disposables – \$15,718.08 directly attributed to a high call volume and some specialty equipment.
- Vehicle maintenance was also related to call volume – \$27,156.18.
- Protective clothing – \$8,071.03 – the Department worked with vendors this year to recover some costs and the Department received a grant for some equipment. He thought that the supplemental request this year would correct that program to be a smooth line item funded over a period of time.

Councilor Chadbourne thought this was really minimal when considering how great the need is, noting that the Department had been short-staffed for some time, causing employees to work longer hours and overtime. She thought this was the first step to correcting that and she supported this.

With no comments from the public, Chair Powers entertained a motion by Councilor Chadbourne that was duly seconded by Councilor Lake.

On a vote of 5–0, the Finance, Organization, and Personnel Committee recommends the adoption of Resolution R-2023-27.



# CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION Relating to an Appropriation of Funds and Use of Unassigned Fund  
Balance for the FY 2023 Fire Department Personnel Budget

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

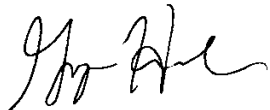
WHEREAS: Resolution R-2022-33 Relating to Fiscal Policies states all departments are authorized to vary actual departmental spending from line item estimates provided the total departmental budget is not exceeded within each fund; provided however, that any item specifically eliminated by the City Council during budget approval cannot be purchased from another line item without City Council approval; and

WHEREAS: Any unexpended funds in a personnel line related to a vacancy cannot be expended without prior approval from the City Manager and the City Council unless funds are being expended to fill a vacancy, recruiting, or to employ temporary help including professional and contract services;

NOW, THEREFORE, BE IT RESOLVED by the City Council that funds from the general fund unassigned fund balance be appropriated to the fire suppression and ambulance general personnel budget lines and operating lines as shown below, totaling \$380,672.84. The \$380,672.84 appropriation is to be offset by a projected budgetary savings of \$405,341 in the Police Department FY 2023 personnel budget.

<b>Personnel Overages</b>				
		FY23 Budget	Additional Request	Revised Budget
<b>Ambulance</b>				
OT Training	40200000-515130	30,000.00	42,893.44	72,893.44
OT Sick Replacement	40200000-515210	20,500.00	47,914.35	68,414.35
<b>Fire Suppression</b>				
OT Sick Replacement	40100000-515210	32,950.00	133,919.08	166,869.08
OT Multi Alarm	40100000-515250	40,000.00	105,000.68	145,000.68
<b>Total Personnel Budget Adjustment</b>		123,450.00	329,727.55	453,177.55

<b>Operating Overages</b>				
		FY23 Budget	Additional Request	Revised Budget
<b>Ambulance</b>				
Supplies-Disposable Equipment	40200000-527660	34,200.00	15,718.08	49,918.08
<b>Administratation</b>				
Supplies - Vehicles	40000000-527630	73,600.00	27,156.18	100,756.18
<b>Fire Supression</b>				
Supplies - Protective Clothing	40100000-527560	37,500.00	8,071.03	45,571.03
<b>Total Operating Budget Adjustment</b>		145,300.00	50,945.29	196,245.29

  
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 George S. Hansel, Mayor

In City Council May 4, 2023.  
 Referred to the Finance, Organization and  
 Personnel Committee.

  
 Patricia Castle  
 City Clerk

PASSED May 18, 2023