



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
September 7, 2017
7:00 PM

Roll Call
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- August 3, 2017

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

C. COMMUNICATIONS

1. Amanda Slate - Resignation - Martin Luther King, Jr./Jonathan Daniels Committee
2. Danya Landis/Machina Arts, LLC - Request to Use City Property - Railroad Square
3. Friends of Open Space - Creation of a Pocket Park - City Property - 238 Church Street
4. Kiwanis Club of Keene - Request to Use City Property - Tree Lighting Event
5. Petition - 50 Signatures - Extending Walk Signal of Traffic Lights
6. Kenneth Clifton, Jr.- Proposal to Utilize Local Residents in Fixing Up Homes on the Tax Deed List
7. Louis Kolivas and Councilor Clark - Training Collaboration - General Field of Aviation and Aeronautics at Dillant Hopkins Airport
8. Councilor Greenwald - Encouraging a Resolution Against Bigotry, White Supremacy, Neo-Nazis, Antisemitism and Other Hate Groups
9. Councilor Manwaring - Reconsideration of License - The Pumpkin Festival Brought to You by the Children of SAU 29

D. REPORTS - COUNCIL COMMITTEES

1. Departmental Presentation – Animal Control – Police Department
2. Alan Stroshine/Elm City Rotary Club - Request to Use City Property - 40th Annual Clarence DeMar Marathon and 4th Annual DeMar Half Marathon
3. Albert Grauer - Revised Lodging House License Application - 85 Winchester Street
4. Request to Use City Property - Fall Festival
5. NH Lottery Commission - Request to Place Keno on 2017 Municipal General Election Ballot
6. Acceptance of Donations to Library Renovation Project - Next Chapter Campaign Chairs

7. New Market Tax Credits and a Library Update - Parks, Recreation and Facilities Department
8. Acceptance of the 2017 Byrne Justice Assistance Grant - Police Department
9. Acceptance of State Drug Forfeiture Monies - Police Department
10. Project Agreement – Monadnock Alliance for Sustainable Transportation & Southwest Region Planning Commission Complete Street Mini Grant - Planning Department
11. Station 2 - Joint Use Agreement - Fire Department
12. Uniform Fee Schedule for Providing Copies of Governmental Records - City Clerk's Office
13. Reallocation of Drainage Cleaning Funds - Public Works Department
14. Emergency Bridge Repairs - Whitcombs Mill Road and Winchester Street

E. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. CITY MANAGER COMMENTS

F. REPORTS - BOARDS AND COMMISSIONS

1. Request for Letter/Resolution- ATV Use on Rail Trails
2. Relating to Chapter 102 - Zoning - Accessory Dwelling Units
Ordinance O-2017-10-A
3. O-2016-01-C Marlboro Street Rezoning Project

G. REPORTS - MORE TIME

H. ORDINANCES FOR FIRST READING

1. Relating to Yield Signs
Ordinance O-2017-14

I. ORDINANCES FOR SECOND READING

J. RESOLUTIONS

1. Library Pledge Bridge Funding
Resolution R-2017-13
2. In Appreciation of Kevin F. Knuepfer Upon His Retirement
3. Relating to an Appropriation of Funds for the Solid Waste Fund
Resolution R-2017-29
4. Relating to the Reallocation of Bond Proceeds from the FY 15 Rehabilitation Project (90249)
for Emergency Bridge Repairs
Resolution R-2017-27-A
5. Relating to Fiscal Policies
Resolution R-2017-26

K. TABLED ITEMS

1. Relating to Change of Zones - Marlboro Street Project Area and Parcels
Ordinance O-2016-02-A

Non Public Session
Adjournment

A regular meeting of the Keene City Council was held Thursday, August 3, 2017. In the absence of the Mayor, the meeting was called to order by the City Clerk at 7:00 PM. Roll called: Carl B. Jacobs, Janis O. Manwaring, Terry M. Clark, Bartolmiej K. Sapeta, Randy L. Filiault, Thomas F. Powers, Robert B. Sutherland, George S. Hansel, Stephen L. Hooper, Bettina A. Chadbourne, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Robert J. O'Connor and Gary P. Lamoureux were absent. Councilor Chadbourne led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the July 20, 2017 regular meeting was duly seconded. The motion passed with a unanimous vote in favor.

ANNOUNCEMENTS

The Chair reminded the Council that this meeting would be the last meeting prior to the summer break. The August 17, 2017, City Council Meeting will be canceled as well as the August 9 and 10 and August 23 and 24 Standing Committee Meetings. The Committee meeting cycle will begin on August 30 and 31 followed by a City Council meeting on September 7, 2017. The Mayor stated unless there was an objection, he intends to write a letter to the Congressional Delegation to indicate Keene is against opening up our trail system to ATV's.

PRESENTATION – PARCEL MAPPING – ASSESSING DEPARTMENT

The Chair recognized Dan Langille, City Assessor, for the presentation. Mr. Langille expressed that the parcel mapping project has been in the development stages for the past 2 years and is currently shown in the CIP. The company selected for the project was CAI Technologies, which is a New Hampshire based company since 1985 and is considered the leader in GIS solutions and precision mapping for municipalities throughout the state. Mr. Langille stated the 2 main goals of this project were: 1. Create an accurate parcel maps and 2. Create a GIS site.

Mr. Langille introduced Tim Fountain, Vice-President of CAI Technologies. Mr. Fountain explained what has been completed thus far. They gathered all survey plans from the City departments and scanned them. Once the survey plans were scanned, a database was developed that tracks all the attributes of all items. The record research phase involved reading all the property deeds and to compare the deed descriptions to the mapping.

Mr. Fountain went on to explain the remaining phases to the project. The use of GIS software is used to calculate the acreage of every parcel in the city. Those that are surveyed were checked for the accuracy of their plotting and those that are not surveyed were calculated in acreages of parcels that were compiled. The tax maps will then be made into pdfs or on the counter. A preliminary delivery will then take place to focus on feedback from the Assessor's Office and other city departments. An informal public review will then take place to give an opportunity to landowners to engage directly with CAI Technologies staff and review what they have compiled for their property.

Mr. Fountain continued that s new information is updated it will continue to be incorporated into the maps. The GIS system will be online and all of the data will be owned by the City of Keene. CAI Technologies will host a browser or web-based application that will be linked to the

assessment data and will allow for query, reporting, printing abutters list, printing maps, overlays, or various layers of data.

Councilor Jones inquired about the deeds at the county level having a discrepancy due to the new system. Mr. Fountain responded that the deeds will remain the same at the county level and if the deeds refer to the tax map and lot numbers then those will be updated at some point when the record is conveyed. The data collected is for assessment purposes only not for legal conveyance so the impact on the deed should be none.

Councilor Greenwald questioned if public works infrastructure assets such as water, sewer, fire hydrants are being included in the survey or can they be included in the future. Mr. Fountain responded that they were not included, but they are working with the department to have this asset information mapped out in GIS so that those layers can be brought into this system. They would not be shown in the tax maps themselves, but in the geographic systems.

The City Manager questioned if there were an issue of 100 feet of a discrepancy, how it will be corrected. Mr. Fountain stated it is reasonable to complete this project and that there will be changes in acreages compared to what is in the assessment and what will be published with the new maps. He further stated that this project will never be done, there will always be new information brought to us by the landowners to review and compile in with the current data.

The City Manager followed up with how is the general public informed of the project. Mr. Langille responded that there will be a publication sent out to every property owner providing some times when CAI can meet with them. The letter will also provide the old acreage and the new acreage.

Councilor Clark wanted to be sure that the public knows that they will not be losing the use of the garage. Mr. Fountain reassured that they are not changing deeds or descriptions of what they own, just the value of assessment. This will be stated in the letter to the landowner reaffirming the property you own today is still the same property you own after the project.

Councilor Hansel inquired if landowners should expect changes in their assessments based upon these adjustments. Mr. Langille stated it is possible.

The Chair thanked Mr. Langille and Mr. Fountain for their presentation.

**COMMUNICATION – COUNCILOR RANDY FILIAULT – TAKING BACK OUR STREETS
– OPIATE EPIDEMIC**

A communication was received from Councilor Filiault referring to the recent events in the City of Keene relative to the opiate epidemic. The communication was filed as informational. The Mayor noted he is working on a Community Forum to occur in early September.

COMMUNICATION – NH LOTTERY – REQUEST TO PLACE KENO ON BALLOT

A communication was received from Charles McIntyre, Executive Director of NH Lottery, requesting to place Keno on the November 7, 2017 General Election ballot. The communication was referred to the Finance, Organization and Personnel Committee.

COMMUNICATION – TIM ZINN – URGING SUPPORT FOR PUMPKIN FESTIVAL LICENSE

A communication was received from Tim Zinn, Let it Shine, relative to the support for the Keene Pumpkin Festival Brought to You by the Children of SAU 29. The communication was filed as informational.

COMMUNICATION – MEGAN STRAUGHEN – RESIGNATION – CITIES FOR CLIMATE PROTECTION & AGRICULTURAL COMMISSION

A communication was received from Megan Straughen resigning from the Cities for Climate Protection and the Agricultural Commission. A motion by Councilor Greenwald to accept the resignation with regret and appreciation for years of service was duly seconded. The motion passed with a unanimous vote in favor.

COMMUNICATION – ALAN STROSHINE/ELM CITY ROTARY CLUB – REQUEST TO USE CITY PROPERTY – 40TH ANNUAL CLARENCE DEMAR MARATHON AND 4TH ANNUAL DEMAR HALF MARATHON

A communication was received from Alan Stroshine, Elm City Rotary Club, requesting to use city property for the 40th Annual Clarence DeMar Marathon and 4th Annual DeMar Half Marathon. The communication was referred to the Planning, Licenses and Development Committee.

MSFI REPORT – JOAN ROELOFS – SPEEDING CONCERNS – BEAVER STREET

Municipal Services, Facilities and Infrastructure Committee report read recommending acceptance of the information from the Public Works Department and Police Chief as informational and referred the matter to staff to be handled administratively. The Chair filed the report into the record as informational.

MSFI REPORT – REQUEST FOR STOP SIGN – DARLING ROAD/MOUNTAIN VIEW ROAD INTERSECTION – PUBLIC WORKS DEPARTMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending an ordinance be drafted to install a Yield Sign at the intersection of Mountain View Road with Darling Road. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

PLD REPORT – 2017 PUMPKIN FESTIVAL LICENSE – PUBLIC WORKS/EMERGENCY MANAGEMENT

Planning, Licenses and Development Committee report read, recommending a license be granted to Let It Shine, Inc. to use Downtown City rights-of-way on Sunday, October 29, 2017 to hold a “Keene Pumpkin Festival Brought to you by the Children of SAU 29” subject to the following provisions:

- This license is granted based upon the event scope presented to City staff during protocol meetings held to date, changes or additions to the license may require that an amended license be issued by the City Council and no changes to this license or the associated protocol documents will be accepted after September 1, 2017.
- The Petitioner agrees to absorb all cost of any City services provided, and agrees to remit said payment within 30-days of the date of invoicing;
- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement and associated protocol documents;
- That the agreed upon footprint and layout for the event shall encumber Central Square, including the traveled portion of the road requiring the following road closures: Central Square, West Street from Federal Street to Central Square, Roxbury Street from Roxbury Plaza to Central Square, Washington Street from Vernon Street to Central Square, and Court Street from Winter Street to Central Square;
- That the Petitioner is permitted to place 10 porta-potties in City parking spaces located at the base of Washington Street from Friday, October 27, 2017 to Sunday October 29, 2017, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That the Petitioner provide a list of the individuals in charge of the various focus areas associated with running the event, including contact information and specific responsibilities;
- That the Petitioner submit to staff a list of volunteers who will assist during the event and post-event, specific responsibilities and any other information as requested by staff;
- That a mandatory meeting of all volunteers be held prior to the event date and in conjunction with City staff;
- That the actual event will be held from 1:00 PM to 7:00 PM with the times for set up and clean up to be established with City staff;
- That the Petitioner assumes responsibility for full clean-up of the footprint, returning the area to the same condition that it was in prior to the event and allowing the opening of all streets to traffic on October 29, 2017;
- That the Petitioner is responsible for a public address system adequate to cover the entire footprint, which shall be tested and approved by City Emergency Management prior to commencement of the event;
- That public safety personnel remain once the event has ended to ensure proper coverage for post event issues during clean-up activities;
- That the Petitioner agrees to provide a contingent of volunteers and /or personnel from their organization adequate to carry out the set-up, operation, and post event clean-up to include

one person in charge of each segment of the event, whom will be equipped with communication equipment capable of contacting the overall event coordinator;

- Failure by the Petitioner to promptly close the event, the lack of adequate personnel and/or volunteers as determined by the Emergency Management Director or his representative, delays in opening the streets to traffic, or failure to complete final clean-up, or complete the event in the identified timeframe may result in additional costs that will be the responsibility of Let It Shine, Inc.;
- That the Petitioner cooperates with the decision of the City Council to endorse the intent of the City Emergency Services to review all applications for other activities requested to occur on October 29, 2017 to determine if a public safety concern exists. If a public safety concern is found to exist, said license will not be granted. This would apply to the following activities: hawkers and peddlers on private property, itinerant vendors on private property, outdoor periodic events on private property, walk-a-thons, parades, bike and foot races on public property, general uses of public property, and sidewalk obstructions and sidewalk café licenses on public property;
- That free parking be granted under the provisions of the free parking policy for City parking spaces on Washington Street needed for storage of equipment from Friday, October 27, 2017 to Sunday October 29, 2017, and spaces within the event footprint on the day of the event; and
- That the Petitioner complies with any other recommendations of City staff.

A motion by Councilor Richards to carry out the intent of the report was duly seconded. On showing of hands, 13 Councilors were present, 11 in favor and two opposed, the motion carried. Councilors Powers and Richards voted in opposition.

PLD REPORT – TOOLS FOR KEENE’S ECONOMIC TOOLBOX: THE COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE (RSA 79-E) & ECONOMIC REVITALIZATION ZONES – PLANNING AND ASSESSING DEPARTMENTS

Planning, Licenses and Development Committee report read, recommending that more time be granted to the subject of RSA 79E and that an ordinance be drafted regarding Economic Revitalization Zones. A motion by Councilor Richards to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF DONATION TO LIBRARY RENOVATION PROJECT – PARKS, RECREATION, AND FACILITIES DEPARTMENT

Finance Organization and Personnel Committee report read, recommending the City Manager accept donations of \$513,832.96 listed in the April, May and June statements of the Cambridge Trust Bank to be deposited into the Library Renovation Temporarily Restricted City Trust as part of the Next Chapter Campaign Drive. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – CHESHIRE TV – EXPENSES ASSOCIATED WITH INTERIM RELOCATION – PARKS, RECREATION, AND FACILITIES DEPARTMENT

Finance Organization and Personnel Committee report read, recommending the City Manager be authorized to do all things necessary to negotiate and execute a temporary lease agreement with Cheshire TV for the studio relocation during the Library Restoration project for an amount of \$1,000.00 per month. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – NH DEPARTMENT OF JUSTICE 2017 GRANT – POLICE DEPARTMENT

Finance Organization and Personnel Committee report read, recommending the City Manager be authorized to do all things necessary to accept a grant of \$80,000 from the New Hampshire Department of Justice to assist in the costs associated with the City's participation in the New Hampshire Drug Task Force. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – TAX DEED WAIVER REQUEST FOR 2013 & 2014 – FINANCE DEPARTMENT

Finance Organization and Personnel Committee report read, recommending the City Manager be authorized to waive tax deeding for the list of properties identified in the memorandum from the Tax Collector until October 13, 2017. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – GREATER GOOSE POND FOREST STEWARDSHIP PLAN CONSULTANT SELECTION – PLANNING DEPARTMENT

Finance Organization and Personnel Committee report read, recommending the City Manager do all things necessary to negotiate and execute a professional services contract with Moosewood Ecological, LLC for professional services for the Greater Goose Pond Forest Stewardship Plan in an amount not to exceed \$30,000. In the event that a satisfactory contract and fee cannot be agreed upon, the City Manager is authorized to negotiate with the next highest ranked firms in turn. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – CONTRACT CHANGE ORDER – BRIDGE DESIGN – PUBLIC WORKS DEPARTMENT

Finance Organization and Personnel Committee report read, recommending the City Manager be authorized to do all things necessary to negotiate and execute a change order with CHA, Inc. for an amount not to exceed \$11,000 for the Engineering Study phase of the bridge design project. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – WELLS STREET PARKING STRUCTURE – CONTACT CHANGE ORDER
– PUBLIC WORKS DEPARTMENT

Finance Organization and Personnel Committee report read, recommending the City Manager be authorized to do all things necessary to negotiate and execute a change order with Desmond Associates Inc. for the construction administration for the Wells Street parking structure repair project in an amount not to exceed \$16,519. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

CITY MANAGER COMMENTS

The City Manager updated the Council on the negotiations with the development agreement with the lease for the Library project. There are many moving parts that have been reviewed. Our main partners have been the Friends of the Library, Library Trustees and MEDC. We have plans in the form ready for permits; they have been drawn, submitted and reviewed by a third party and are ready to have construction permits issued. We have a locked in guaranteed price after negotiations with the contractors. MEDC has signed the contract. Donations have continued to come in. New market tax credits negotiations will continue up to the date of the closing. Currently we have \$14 million in new market tax credits. The City Manager continued the cost and fees associated with the new market tax credits are little higher than the original prediction from MEDC. The recommendation is to include this property in the 79-E district which will preliminarily save costs, but will require some luck in timing. The 79-E district will need to be created prior to the closing. The other option is to look at the costs as they flow through the TIF. The TIF funding library fund project costs include the MEDC management fee, the new market tax credits, property taxes debt service on a \$2 million loan issued by the City and the net operating lease which funds bank and legal fees.

The City Manager went on to the Fire Department Station 2 will be starting the process to turn the ownership of that property back to the City of Keene. Chief Howard is waiting for the lease extension documents that will be provided by the NH – Adjutant General's Office for a lease extension through December 31, 2017 to allow those processes required at the local and state level to be completed and turn over the ownership. The City Manager announced that the parking kiosks are to be delivered on August 4, 2017 to the Roxbury Plaza, Wells Street Lot and the west side of Central Square. These are the same kiosks located in the Wells Street Garage and Commercial Street Lot. They are very user friendly and the instructions are on the screen. Rates and time limits remain the same.

The City Manager wanted to remind the public that there will be no parking on Monday, August 7, 2017 beginning at 6:00 AM due to paving and line painting on the Wells Lot and Roxbury Plaza. The City Manager wanted to thank the Keene Police Department for their article in The Keene Sentinel to thank the Robin Hood campground campers which held a pancake breakfast for the Keene Police Department.

08/03/2017

MORE TIME

More time was granted by the Chair for: James Griffin – Speeding Concerns – Key Road; New Market Tax Credits and a Library Update – Parks, Recreation and Facilities Department & Library Renovation Construction Contract – Parks, Recreation and Facilities Department.

MEMORANDUM & RESOLUTIONS R-2017-26: RELATING TO FISCAL POLICIES

A memorandum was received from the Finance Director along with Resolution R-2017-26. The memorandum was filed into the record. Resolution R-2017-26 was referred by the Chair to the Finance, Organization and Personnel Committee.

MEMORANDUM & RESOLUTIONS R-2017-27: RELATING TO THE REALLOCATION OF BOND PROCEEDS FOR EMERGENCY BRIDGE REPAIRS

A memorandum was received from the Finance Director along with Resolution R-2017-27. The memorandum was filed into the record. Resolution R-2017-27 was referred by the Chair to the Finance, Organization and Personnel Committee.

ADJOURNMENT

At 8:32 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:

A handwritten signature in black ink, appearing to read "Patricia", with a large, stylized flourish at the end.

City Clerk



External Communication
Transmittal Form

August 14, 2017

TO: Mayor and Keene City Council

FROM:

THROUGH: Patricia A. Little, City Clerk

ITEM: C.1.

SUBJECT: Amanda Slate - Resignation - Martin Luther King, Jr./Jonathan Daniels Committee

ATTACHMENTS:

Description

Communication - Slate

BACKGROUND:

Mandy Slate is submitting her resignation from the Martin Luther King, Jr./Jonathan Daniels Committee due to a work commitment. Mandy has served on the MLK/JD Committee since February 2014.

August 3, 2017

Meghan Spaulding
Keene Parks & Recreation
Washington Street
Keene, NH 03431

Dear Meghan,

As per our email exchange from August 2, 2017, it is with deep regret that I need to inform you of my decision to step down from the Jonathan Daniels/Martin Luther King, Jr. Committee. I have been asked to add an additional component to my job which involves leading a parent support group Wednesday evenings in Peterborough. This has occurred due to an abrupt staff departure and our agency is required to maintain this group as part of our autism protocol.

I have enjoyed the years I have served on the committee and wish you, and all of the members, good health and continued success.

With warm regards,



Amanda (aka Mandi) B. Slate
25 Wright Street
Keene, NH 03431





External Communication
Transmittal Form

September 5, 2017

TO: Mayor and Keene City Council

FROM: Danya Landis

THROUGH: Patricia A. Little, City Clerk

ITEM: C.2.

SUBJECT: Danya Landis/Machina Arts, LLC - Request to Use City Property - Railroad Square

RECOMMENDATION:

On behalf of Machina Arts, Danya Landis is seeking permission to erect a temporary metal sculpture in Railroad Square for a one year period.

ATTACHMENTS:

Description

Communication - Landis



MACHINA ARTS
ART INSPIRED EVENTS & DESIGN

TO THE CITY COUNCIL,

Nora Breen - a public artist from New York City has gifted a large pinwheel to Machina Arts so it could be placed in downtown Keene as a temporary public sculpture. The Pinwheel is painted steel therefore it will not rust. The pole is 11 feet tall and the wheel is 3 feet wide. The Installation is simple. A hole is placed 2ft below the top to hold the internal hub by pin. A hole is dug, 4' D 2'L X 2'W and is filled with concrete. The pole gets leveled with 2, 2 x 4's wood boards and sets overnight. The wheel and hub pop right in.

We believe public art is a important part of a vital, thriving city - and that Keene will benefit from having this unique, fun, piece in our city!

I propose this pinwheel be placed in railroad square (outside of the paved/brick area). I would like the sculpture to be up for one calendar year from the date of install. Machina Arts will provide the insurance and maintenance on the piece.

Thank you for your consideration, Any questions please call or email Danya Landis at danya@machinaarts.org or (603) 205-0135

Sincerely,

Danya Landis & Rebecca Hamilton
Machina Arts LLC





City of Keene, N.H.
Transmittal Form

August 7, 2017

TO: Mayor and Keene City Council

FROM: Eloise Clark and Margaret Kasschau

THROUGH: Patricia A. Little, City Clerk

ITEM: C.3.

SUBJECT: Friends of Open Space - Creation of a Pocket Park - City Property - 238 Church Street

RECOMMENDATION:

This communication on behalf of Friends of Open Space in Keene is requesting the consideration of a pocket park on City property at 238 Church Street. This was the former site of the Kiser's Orthotic and Prosthetic services. The building was removed in the summer of 2016.

ATTACHMENTS:

Description

Communication - Friends of Open Space in Keene - Pocket Park - 238 Church Street



PO Box 255 Keene, NH 03431

Mayor Kendall W. Lane
Keene City Hall
3 Washington St.
Keene, NH 03431

Dear Mayor Lane,

We the undersigned are members of the Board of Friends of Open Space in Keene. Our organization would like to work with Keene City staff to create a pocket park on City owned property at 238 Church St. We see this as a way to enhance the lot and neighborhood after the building, which originally housed Kiser's Orthotic and Prosthetic services, was removed in summer 2016.

We have a preliminary design and propose to raise the funds for the purchase of 4 four-foot benches, two trees and a number of shrubs.

Thank you for sending our proposal through the appropriate City committees to get approval to move ahead with this project.

Sincerely yours,

Eloise Clark, President
1185 Roxbury Rd.
352-9182

Margaret Kasschau
40 North Lincoln St.
352-4390



External Communication
Transmittal Form

August 14, 2017

TO: Mayor and Keene City Council

FROM:

ITEM: C.4.

SUBJECT: Kiwanis Club of Keene - Request to Use City Property - Tree Lighting Event

RECOMMENDATION:

Peg Bruce, on behalf of the Kiwanis Club of Keene, is submitting their annual request to use City property for the 2017 Tree Lighting Event, which is scheduled for November 24, 2017. In addition, the Club would like to decorate the bandstand on Central Square, the tree on Central Square, and put up a second tree with battery operated mini lights on the Marlboro/Winchester Street roundabout. Because of squirrel damage that occurred in 2016, the Club would also like to set out have-a-heart cages several weeks before the decorations are erected in hopes of catching and relocating any resident squirrels.

ATTACHMENTS:

Description

Communication - Kiwanis Club



Kiwanis

CLUB OF KEENE

63 Emerald Street
PMB 451
Keene, NH 03431
keenekiwanis.org

August 8, 2017

Mayor Lane and the Keene City Council
3 Washington Street
Keene, NH 03431

OFFICERS:

Paul Bothwell
President

Dave Ganio
Vice President

Peg Bruce
Past President

Janet Genatt
Treasurer

Sue Farrell
Co-Treasurer

Peg Bruce
Secretary

Phyllis Custer
Co-Secretary

DIRECTORS:

Carl Allen

Phyllis Custer

James Faux

Pamela Little

Eli Rivera

Arthur Trombly

PAST PRESIDENTS:

Peg Bruce 2015-16

David Ganio 2014-15

Beth Healy 2013-14

Gary Grashow 2012-13

Carl Allen 2011-12

Michael Haines 2010-11

Jodi Turner 2009-10

Judy Kalich 2008-09

Art Trombly 2007-08

Michael Ward 2005-07

Re: 11/24/2017 Tree Lighting, Central Square, Keene, NH

Dear Mayor Lane and the Keene City Council:

The Keene Kiwanis Club requests a license to produce the 2017 Tree Lighting Event. The Proposed date and time of the event is November 24, 2017, 5 p.m. to 8:30 p.m. This event compliments the Kiwanis' mission of supporting our local youth. Some of our past events include: our "Kool Wheels" bike safety program held each year at the Keene Recreation Center, our Antique Car Show at the American Legion and financially supporting the Imagination Playground equipment at the Keene Recreation Center. We also continue to keep the North Bridge Bike Trail clean and picked up.

This is the fifth year we are managing this event. We would once again like to decorate the Bandstand on Central Square with wreaths and lights, decorate the City tree on Central Square and, like last year, put up a second tree with battery operated mini lights the Roundabout at the Marlboro Street and Winchester Street intersection. We plan to do the decorating on a Saturday early in the month of November 2017 and take the decorations down by the beginning of February 2018. In light of the damage that squirrels did to the lights on the City tree last year we would also like permission to set out Have-a-Heart cages several weeks before we put up the decorations to see if we can allay that happening again this year and relocate any resident squirrels.

The 2016 event was a great success. The children enjoyed the entertainment with the brass band and the two children's choirs as well as the Christmas story read by staff from Moco Arts. They really liked having the fire truck circle the square with Santa and Mrs. Claus. We gave away 595 Christmas bells and had a very large crowd attend the event.

Feel free to contact me should there be any questions as I will once again be involved in the planning of this event. I can be reached at 603-762-7276 or at bru.peg@ne.rr.com.

Thank you for your consideration on this request.

Sincerely,

Peg Bruce, Secretary
Kiwanis Club of Keene
603-762-7276



City of Keene, N.H.
Transmittal Form

August 14, 2017

TO: Mayor and Keene City Council

FROM: Terri Croteau

THROUGH: Patricia A. Little, City Clerk

ITEM: C.5.

SUBJECT: Petition - 50 Signatures - Extending Walk Signal of Traffic Lights

ATTACHMENTS:

Description

Petition - Signal Lights

BACKGROUND:

Terri Croteau has acquired 50 signatures on a petition asking that the walk signal be extended for several traffic signals at various intersections in the City.

8-11-2017

To whom it may concern

this is my petition of 50 signatures
for the fitting of the signal lights
of west st, Billdo Ave + Winchester
Please keep them on longer so that
when people are crossing, they don't
get hit.

Signed
Terri Croteau

P.S. Cell phone no
603-400-7037

29 Sparrow St., Keene

RECEIVED
CITY OF KEENE

AUG 11 2017

OFFICE OF
CITY CLERK

Petition for signal crossing light

Petition

Carol Travers -
 Eileen Ross
~~John~~
~~John~~
 Bob & Bernice
 Debra Tordoff
 Jenni Watson
 Charles Dumont
 Anne J. High
 Donna Eyles
 Lisa Taylor
 Cheryl Singer
~~Wendy~~
 Louise Bethge
 Bruce Pridle
 Lori LaBrake
 Barbara Pierce
~~Wendy~~
 Betty Allandee
 Rick Wood
~~Wendy~~
 Patricia L. Betts
 Sue Brady
 DAVE HAMMOND
 Patricia M. Summelle
 Roy Derby

Bruce
 Nancy Bernice
 Mary Griffith
 Leonard No
 Pam & Nye
 Thomas Keefe
 Diane S. Kelly
 Kathleen
 Betty Marlett
 Debby Clark-Tarbox
 Dan L. LaPointe
 Jeanette Gilman
 Bob Simmons
 Darlene Katt
 Arthur DeBlanc
 Nyomi Patterson
~~Janet~~
 Amy Youngman
 Elizabeth
 Eyn
 Kervin Preece
 Susan M. Sielke
 Jeff Trebbe
~~John~~
 Anna M. Hutchins
 Sandra Beane



External Communication
Transmittal Form

September 5, 2017

TO: Mayor and Keene City Council

FROM: Kenneth Clifton, Jr.

THROUGH: Patricia A. Little, City Clerk

ITEM: C.6.

SUBJECT: Kenneth Clifton, Jr.- Proposal to Utilize Local Residents in Fixing Up Homes on the Tax Deed List

ATTACHMENTS:

Description

Communication - Clifton

BACKGROUND:

Mr. Clifton is referring to properties on the tax deed list that need repairs as well as people in the community who need to learn a skill and have a job. He is suggesting a match up between people who need help and properties which need help.

YOUR HONORABLE MAYER

KENDALL W. LANE

MEMBERS OF CITY COUNSEL,

PROGRAM FOR ALL PEOPLE TO
HAVE THEIR OWN HOMES.

Paying PUTTING BACK ON TAXES ROLL

THERE ARE CITY HOMES THAT THE CITY
HAS HOLD OF FOR WHATEVER REASON - TAXES

THIS WOULD TEACH THESE PERSON
A JOB - RESPECTABLY -

BLESSING THEM AN THE CITY COMMUNITY
BY ALLOWING THEM MONEY INTO THE
LOCAL COMMUNITY

PEOPLE WILL WORK ON THE CITY OWNED HOMES, LEARNING
A TRADE FOR FUTURE EMPLOYMENT WHICH WILL
ADD TO THE LOCAL ECONOMY. ALSO WOULD PUT THE
HOUSES BACK ON PAYING TAXES. AFTER WORKING ON
THE HOMES, THE MONEY THEY EARNED WOULD GO
TOWARD BACK TAXES AND THEY WOULD OWN
THE HOME.

MR. KENNETH
(SQUEAK) CLIFTON
CHAMBERLAIN JR

Kenneth Clifton Jr.

~~Wishes To Remain~~
~~Advisor~~

~~AND~~



City of Keene, N.H.
Transmittal Form

September 5, 2017

TO: Mayor and Keene City Council

FROM: Louis Kolivas and Councilor Clark

THROUGH: Patricia A. Little, City Clerk

ITEM: C.7.

SUBJECT: Louis Kolivas and Councilor Clark - Training Collaboration - General Field of Aviation and Aeronautics at Dillant Hopkins Airport

RECOMMENDATION:

Mr. Kolivas along with Councilor Clark have submitted information from various colleges and universities around the country regarding aviation programs. This information was provided to him by Professor Steven Zahos. It is being suggested that the City investigate a partnership with Keene State College to train KSC students for a career in the general field of aviation and aeronautics at Dillant Hopkins Airport. That various pamphlets and programs will be provided to the appropriate Committee or staff member for their review.

ATTACHMENTS:

Description

Communication

From:

Louis N. Kolivas

119 Gunn Road

Keene, NH 03431

To:

Mayor Kendall Lane

Keene City Council

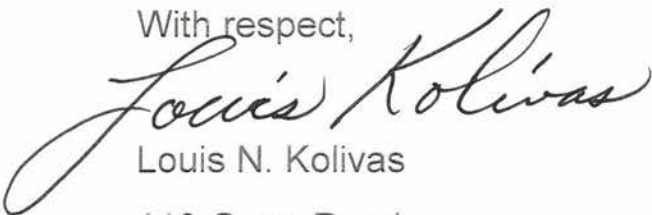
RE: Training Collaboration

Gentlemen,

I request this packet of information attached be forwarded to the appropriate City of Keene committees. Consider this material as informational. This material is supplied by Professor Steven Zahos.

Zahos, a former Keene resident proposes the City of Keene and Keene State College enter into an planning stage, a partnership, an arrangement to train KSC students for a career in the general field of aviation and aeronautics at our Dillant Hopkins airport.


With respect,



Louis N. Kolivas

119 Gunn Road

Keene, NH

TERRY M. CLARK




City of Keene, N.H.
Transmittal Form

September 5, 2017

TO: Mayor and Keene City Council

FROM: Councilor Greenwald

THROUGH: Patricia A. Little, City Clerk

ITEM: C.8.

SUBJECT: Councilor Greenwald - Encouraging a Resolution Against Bigotry, White Supremacy, Neo-Nazis, Antisemitism and Other Hate Groups

RECOMMENDATION:

Councilor Greenwald has submitted a request that the City Council consider a Resolution that would state that bigotry, white supremacy, neo-Nazis, anti-Semitism and hate groups are contrary to the values of the City.

ATTACHMENTS:

Description

Communication - Greenwald



Mitchell Greenwald
Chairman, Finance Organization and Personnel Committee
Ward 2, City Councilor

To: Mayor and Council

Please direct this request to the appropriate committee:

That the Keene City Council discuss and state in a Resolution that bigotry, white supremacy, neo-Nazis, antisemitism and hate groups in general are contrary to the values of our City and country and have no place in our society and will not be tolerated.

Sincerely,

Mitchell Greenwald

Attached: Affirmation Statements

We the undersigned residents, employees and business leaders in the Greater Keene are state in a Non Partisan, Non Political statement:

We are opposed to any action, statement or group that supports racial intolerance, or ethnic superiority.

We state unequivocally that white supremacists, bigotry, anti-Semitism, neo-Nazis and other hate groups are repulsive, and are contrary to our countries values and have no place in our society and will not be tolerated..

This document will be sent to the Keene Sentinel, our NH US Senators, and the Keene City Council, in support of a resolution stating the same.

W. Todd Greenwald - Keene

Joseph D. Moll - Keene

Thomas J. Long - Barry

Heather P. Harada.

Christ R. Gta

Phyllis Custer

S. Brien

Vince D. Ware



87 signatures



External Communication
Transmittal Form

September 5, 2017

TO: Mayor and Keene City Council

FROM: Councilor Janis O. Manwaring

THROUGH: Patricia A. Little, City Clerk

ITEM: C.9.

SUBJECT: Councilor Manwaring - Reconsideration of License - The Pumpkin Festival Brought to You by the Children of SAU 29

RECOMMENDATION:

Pursuant to Section 19 of the Council's Rules of Order, Councilor Manwaring is submitting notice of her intent to move for the reconsideration of the license granted by the City Council at their August 3, 2017 regular meeting.

ATTACHMENTS:

Description

Communication - Manwaring

September 5, 2017

The Mayor and City Council

Recommendation:

Based upon recent information, I request that City Council reconsider their decision approving a license for the Pumpkin Festival.



Janis O. Manwaring



City of Keene, N.H.
Transmittal Form

August 30, 2017

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.1.

SUBJECT: Departmental Presentation – Animal Control – Police Department

RECOMMENDATION:

On a vote of 3-0, the Municipal Services, Facilities and Infrastructure Committee accepts the presentation on animal control as informational.

BACKGROUND:

Chair Manwaring welcomed Captain Todd Lawrence of the Keene Police Department (KPD) and Barry Hilton, Animal Control Officer (ACO) and Traffic Light Technician in the Bureau of Special Services. Captain Lawrence explained they were at the meeting to present on Animal Control within the City of Keene, for which Mr. Hilton is the backbone, having served as ACO since 1988.

Captain Lawrence explained that Mr. Hilton works 40 hours per week (Monday-Friday, 7:00 AM -3:00 PM) but often flexes his work hours depending on when animal complaints occur. He investigates all animal complaints while on duty whether for cases of animal abuse, neglect, or nuisance. The most common complaints are for dogs left in motor vehicles and dogs barking excessively. Mr. Hilton provides guidance and mediates many dog complaints before the issuance of a Notice of Forfeiture; this includes mediating animal complaints between neighbors and other residents. He is also responsible for picking up dead animals, both wild and domestic. Additionally, Mr. Hilton will help facilitate the use of Have a Heart traps by private landowners for feral cats and wild animal complaints, in some cases. Most wild animal complaints are statutorily addressed by the NH Fish and Game Department but sometimes must be addressed sooner when they are a safety concern. Because of a Mutual Aid Agreement, Mr. Hilton is sometimes dispatched to other communities to assist in their animal complaints. Captain Lawrence continued that in his daily activities, Mr. Hilton monitors the daily dispatch log and follows-up on animal complaints that came in while he was off-duty. He facilitates the billing process between the City of Keene and the Monadnock Humane Society (MHS); upon receiving a bill, he will cross reference the data from MHS with the police log to verify whether or not the dog came from Keene or another community.

Captain Lawrence continued that Mr. Hilton is also the City's Traffic Light Technician meaning he is responsible for addressing and coordinating the maintenance of traffic lights. He spends approximately 10% of his work week on these tasks; he is often called to check computer systems when there are reports of lights taking too long. He also assists in many other aspects of the KPD such as mobile radar placement and assessment, bike and other evidence pick-ups, and he is a member of the accident reconstruction team.

Councilor Lamoureux asked if Mr. Hilton has had less time demands for traffic lights since the change to LED lights occurred in 1999. Mr. Hilton replied yes, before he was changing at least four light bulbs per week. The

LED lights were expensive but well worth it; now his time demands are more for addressing technological errors with those lights.

Captain Lawrence continued explaining the details of Animal Control in the City of Keene. The City of Keene is billed for every dog (\$100) or cat (\$10) brought to the MHS from Keene not claimed by its owner within seven days; the fee goes toward the cost of care for these animals. Mr. Hilton is responsible for checking the KPD records to facilitate this process, for which there is a line item in the budget. Captain Lawrence anticipates it costs the MHS much more than these fees to care for these animals, but this is to help offset those costs.

All dogs in the City of Keene are required to be licensed through the City Clerk's office by June 1 each year. After the deadline, the Clerk's office will send out letters to all people with unregistered dogs, which had been registered the previous year. Any remaining delinquent licenses are addressed by Mr. Hilton who makes home visits to determine whether the dog is still present in the home.

Captain Lawrence continued explaining the City has adopted an Ordinance for animals under KCO Chapter 10 and presented each section of that Ordinance.

Referring to that portion of the Ordinance relating to impoundment of dogs, Captain Lawrence specified that the City of Keene and KPD do not authorize disposal of any animal. The MHS is a no-kill shelter and all dogs placed in their care will not be euthanized unless under special circumstances determined by the MHS. This section simply allows the City to place the unclaimed dogs in the custody of the MHS. The KPD and ACO make every attempt possible to reunite dogs with their owners, including posting photos of found dogs on their Facebook page.

Referring to that section of the Ordinance, relating to nuisance fees; Captain Lawrence stated the fees are based on NH State statute. In extreme circumstances of a vicious dog, the KPD or ACO cannot simply remove the dog on a third offense, it must go through the district court and it is difficult to order the removal of a dog. If a dog has mauled a child, for example, there is a clause that the owners can be taken directly to court so the dog is unable to cause further harm.

Captain Lawrence continued describing the number of animal calls for service the KPD has received in the last three years. While it may seem the KPD responds to a much higher proportion of these call, it must be considered that the ACO only works 40 hours per week while the KPD are on call 24/7:

- 2014 – 828 calls for service
 - o 321 – handled by ACO
 - o 507 – handled by KPD
- 2015 – 700 calls for service
 - o 257 – handled by ACO
 - o 443 – handled by KPD
- 2016 – 674 calls for service
 - o 237 – handled by ACO
 - o 437 – handled by KPD
- Three Year Average
 - o Calls for service – 734 ?
 - ACO – 271.6 (37%)
 - KPD – 462.3 (63%)

Captain Lawrence continued explaining an issue with feral cats in the City of Keene. Current City Ordinance on Animal Control does not account for cats, which basically makes them unregulated. According to state statute the governing body of a municipality may vote to license cats in a similar manner as it licenses dogs.

Chair Manwaring asked why there are rules for dogs and not cats in Keene. ACO Hilton replied because unlike dogs, cats can find shelter when outdoors in bad weather; also, cats are less likely to form groups and attack people or animals the way dogs can in some instances. Cats are also required by state law to be vaccinated; for him, though, the licensing of dogs ensures to him that a dog is seeing a veterinarian at least every three years. Cats can be an issue, but legally there is nothing the City can currently do about them.

Councilor Hooper asked if there is any municipality in NH that licenses cats. ACO Hilton recalled there was one municipality that tried but it only lasted three months because it is hard to enforce. If there is a law to license cats, people will do so, but it is much harder to enforce than with dogs and demanding that people license a cat does not mean there is a law saying they cannot be unrestrained. He took on the \$10/cat fee with the MSH so that people can trap and bring loose cats to the MHS. If cats were licensed, the fee could increase because the law would say unrestricted cats must be picked up. Many citizens trap loose cats privately because the City cannot. Councilor Hooper said that makes sense and asked about dog licensing compliance. ACO Hilton replied compliance is high; the list of notice of forfeitures used to be close to 900 and is now down to approximately 200, which is much more manageable considering he has to go door-to-door. The process began to work better when the Clerk's office started sending out reminder letters and compliance is improving every year.

The City Manager asked the age of traffic control devices. Mr. Hilton replied there are new controllers (computers), approximately 3-4 years old. In areas where there are still old solid wires, there have been instances of them shorting out, resulting in flashing lights. Less heavy wires are needed now with LED lights, but not all have been replaced due to cost.

The City Attorney asked if the City has considered investing in a dog microchip reader to more easily return loose dogs to their owners. Mr. Hilton replied yes, he used to have one, but it simply returns a bar code and does not provide the specific owner information that the MHS has access to. The City is not charged by the MHS for chip reading within the seven days.

Chair Manwaring recognized Vicki Morton, 275 Water Street, Keene. As a cat owner, she urged the City to consider what can be done to monitor cats. She believes there is little reason for cats to be allowed outdoors besides for the pleasure of the cat. She argued cats should not be allowed outside because they kill birds, chipmunks, snakes, rabbits, etc. They clear wildlife from neighborhoods. Additionally, they use people's gardens as litter boxes. She cited data from the Smithsonian Conservation Biology Institute which showed that cats kill an estimated 1.4-3.7 billion birds and 6.9-20.7 billion mammals annually and that cats alone could be endangering some species in certain areas all together. She stated there are at least six loose cats that wander in her yard alone. Mr. Hilton suggested she trap the cats and deliver them to the MHS; he can provide home owners with Have a Heart traps for such efforts, as he is not allowed to do so by law. She will discuss this with Mr. Hilton, but still asserted that because of the problems with cats in her neighborhood, the City should not allow cats to be outside. If she has to set traps she will, but feels it is cruel and unusual for them to be trapped and scared overnight. She said it is not the cats fault but the owners fault; Mr. Hilton agreed.

Chair Manwaring recognized Councilor Philip Jones. He expressed gratitude for these departmental presentations, as he and the other councilors learn a lot. He asked if the ACO will respond to a call for a bat or snake in a home. Mr. Hilton replied only if it is a safety concern, otherwise it should be addressed by NH Fish and Game. Councilor Jones asked how the City handles the difference between Service Animals and Emotional Support Animals in public spaces. Captain Lawrence noted it is hard to enforce and in most cases Emotional Support Animals will be treated as Service Animals unless they cause a problem. Councilor Jones noted a proposal came before the Council 10-12 years ago for cat licensing but it was denied because of the staff time it would require. He continued asking if there is any way for the City to work with the state to get traffic lights to coincide throughout the City. Mr. Hilton replied some lights in the City have been linked together with the help of the state, but not all. Councilor Jones said a good police force is not necessarily measured by what is

happening, but by what is not happening; a lot is not happening in the City and he thanked the KPD and ACO for their work.

Chair Manwaring suggested, despite the time constraints, working with the MHS to educate the public on keeping cats indoors as well as having them spayed and neutered. Mr. Hilton will speak with the MSH but there will still likely be a problem; even if there were a law to keep them inside many people may not abide and there is also a problem with cat abandonment by college students, for example. If citizens trap cats and bring them to the MHS they will not be charged, the City will. If anyone is charged by the MHS for bringing in a cat, Mr. Hilton should be notified.

Ms. Morton said that while cats are difficult, messy, and emotional to address something should be done because they are a nuisance to the residents, City, and staff. Mr. Hilton agreed it is an issue in every City but the question is what to do and how. If citizens can take some responsibility and help trap them it will contribute to easing the problem. Chair Manwaring agreed citing a lack of education about care, spaying, and neutering.

The City Attorney promoted the MHS noting that they only charge \$50 to spay or neuter cats, whereas many veterinarians charge close to \$300.

Councilor Lamoureux made the following motion, which was seconded by Councilor Hooper.

On a vote of 3-0, the Municipal Services, Facilities and Infrastructure Committee accepts the presentation on animal control as informational.



City of Keene, N.H.
Transmittal Form

August 30, 2017

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: D.2.

SUBJECT: Alan Stroshine/Elm City Rotary Club - Request to Use City Property - 40th Annual Clarence DeMar Marathon and 4th Annual DeMar Half Marathon

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that The Elm City Rotary Club be granted permission to sponsor the Clarence DeMar Marathon on September 24, 2017, subject to the customary licensing requirements of the City Council, and compliance with any recommendations of City staff. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 18 Community Events Budget, and agrees to remit said payment within 30-days of the date of invoicing.

BACKGROUND:

Alan Stroshine, of 27 Salisbury Road addressed the Committee. He noted the Keene Elm City Rotary Club is respectfully requesting an event permit for their official Community Event; the annual Clarence DeMar Marathon and DeMar Half Marathon to be held on Sunday, September 24th 2017. A part of our event includes the Kids DeMar Marathon and Super Senior DeMar Marathon programs. Mr. Stroshine also invited all members of city government and staff to join them on the quad at Keene State College to experience the energy and personal accomplishment of so many people on race day. Fire Chief, Mark Howard reported protocol meetings were held with many departments. He advised that all conditions are in-line to be met. Chief Howard also noted the changeable message boards are part of the protocol meetings.

Chair Richards asked for Committee questions or comments.

Councilor Hansel thanked Mr. Stroshine and commented this is a fundamentally good event to market Keene and the region. Councilor Jones also thanked Mr. Stroshine and warned of naysayers. Councilor Jones noted previous complaints regarding the arrows on the parvement used. Mr. Stroshine reported biodegradable sticker arrows are used now to address those previous complaints. Councilor Jones also thanked Mr. Stroshine for keeping the Clarence DeMar name alive.

There being no further comments from the Committee or public Chair Richards asked for a motion.

Councilor Jones made the following motion which was seconded by Councilor Hansel.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that The Elm City Rotary Club be granted permission to sponsor the Clarence DeMar Marathon on September 24, 2017, subject to the

customary licensing requirements of the City Council, and compliance with any recommendations of City staff. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 18 Community Events Budget, and agrees to remit said payment within 30-days of the date of invoicing.



City of Keene, N.H.
Transmittal Form

August 30, 2017

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: D.3.

SUBJECT: Albert Grauer - Revised Lodging House License Application - 85 Winchester Street

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that a lodging house license be granted to Albert Grauer for property located at 85 Winchester Street for a period of one year from the date of issuance. Said license is conditional upon the following:

1. No more than 8 persons may reside on the premises.
2. No less than 4 vehicular parking spaces must be provided on the premises.
3. Compliance with all applicable laws, ordinances, codes and rules and regulations.
4. The continuation of the license is subject to and conditioned upon successful passage of two inspections to be conducted by the City.
5. Owner shall notify City staff of any change in building operator; failure to do so may be grounds for suspension or revocation of this license.

This license expires on the 7th day of September, 2018 and may be revoked by the City Council in accordance with Sec. 46-590 "Suspension or Revocation."

BACKGROUND:

Trevor Grauer, representing Albert Grauer, addressed the Committee noting the approval for a Special Exception by the Zoning Board of Adjustment. Mr. Grauer also reported on the inspections conducted by the Code and Fire Departments.

Mark Howard, Fire Chief confirmed what Mr. Grauer reported. Chief Howard added there were some housekeeping issues that have been taken care of. After final inspections were completed yesterday the applicant was found to be Fire and Code compliant.

John Rogers, Acting Health Director agreed with the facts as reported by Chief Howard and Mr. Grauer. Mr. Rogers shared the background information on the property affirming the Special Exception approval by the Zoning Board of Adjustment.

Chair Richards asked for Committee questions.

Councilor Jones referred to the condition relating to no more than eight people may reside on the premises and asked if our policy requires four or less unrelated people. Mr. Rogers replied that is the requirement for a single-family dwelling.

Chair Richards referred to the rules/conditions placed on 57 Winchester Street and asked Chief Howard why some of them were left out for this property. Chief Howard noted the history of what is before the Committee this evening. Referring to the handout titled "Potential Conditions of License", Chief Howard discussed number nine (gatherings in basements) noting the buildings were not designed for that. Chief Howard also noted most of the conditions on the handout do not apply to the Fire Code. He continued this was designed as a reminder for Council when issuing the License of potential problem areas. Chief Howard noted discussions regarding having a template; he pointed out not all locations are the same.

Chair Richards began a review of the handout. John Rogers, Acting Health Director addressed number nine and noted the applicant has reported the basement is for storage only. Mr. Rogers added he was unsure if this would be a concern, and noted Council could utilize it as a precaution.

Councilor Hansel commented he feels uncomfortable treating these licenses on a case-by-case basis. He encouraged the development of a template for Council to use and questioned why number 10 was even there. Mr. Rogers responded that number 10 is making it clear that violations could cause a suspension or revocation of the license.

Chair Richards referred to number five of the handout and asked if Council could revoke any license. Medard Kopczynski, City Manager noted this is the City's third Lodging House license. He provided historical information noting the history has been more on the fraternity side than the Hundred Nights side. Mr. Kopczynski added he feels the Council could revoke a license for any continued violations as it is a City Council license.

Chair Richards asked prepared motion were acceptable to the Committee.

Councilor Jones shared why he had been opposed to the suggestion these licenses be handled administratively. He referred to the license application which has the owner and operator names listed. Councilor Jones asked which one was responsible and if either name changes is the applicant required to advise the City. Patty Little, City Clerk reported the license is not transferable so if the property owner changes they have to come back. They should administratively inform the City if the operator changes. Councilor Jones asked if the Committee could make that a condition.

Fire Chief Howard provided additional information regarding Councilor Jones' earlier question. Chief Howard reported there is a specific section in the Fire Code for Lodging Houses. The checklist is for Lodging Houses, not single-family dwellings so there is no variation in the inspections conducted. The occupancy classification determines the Code used. Councilor Jones clarified the differences are sometimes at Council not in the inspections conducted by the Code and Fire Departments.

Councilor Sapeta suggested adding "Non-compliance with all applicable rules... may result in revocation of license" to number 10. Chair Richards advised non-compliance and revocation are covered in the prepared motion. Councilor Hansel suggested number 10 worked the way it is and indicated the license renewal could be handled administratively. The City Clerk clarified these licenses are only issued by City Council; not administratively. Councilor Hansel would like to consistency in conditions between all applicants.

Councilor Jones noted he had two additions he would like to make:

First add a description of the property (such as a two-family structure) to the prepared motion and future licenses for posterity. Mr. Rogers clarified this address will change from a residence to lodging house if the City Council issues a lodging house license.

In addition, the Council would like to address changes in the operator in the recommendations. He continued he would like to require that the City be notified of any changes in operator. The City Attorney agreed that language could be added so that if the operator changes the City be notified so that Fire and Code Departments can be notified. The City Clerk asked if they fail to do it was the Councilor suggesting the license be

terminated? Councilor Jones said it would be a reason to revoke the license. Committee members agreed to add a fifth condition relative to changes in operators to the prepared motion. Chair Richards clarified for Councilor Sapeta the owner is always the responsible party.

Trevor Grauer asked about the required two inspections annually. Chair Richards clarified that refers to the annual Fire and Code Department inspections.

There being no further comments from the Committee or public Chair Richards asked for a motion.

Councilor Hansel made the following motion which was seconded by Councilor Jones.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that a lodging house license be granted to Albert Grauer for property located at 85 Winchester Street for a period of one year from the date of issuance. Said license is conditional upon the following:

1. No more than 8 persons may reside on the premises.
2. No less than 4 vehicular parking spaces must be provided on the premises.
3. Compliance with all applicable laws, ordinances, codes and rules and regulations.
4. The continuation of the license is subject to and conditioned upon successful passage of two inspections to be conducted by the City.
5. Owner shall notify City staff of any change in building operator; failure to do so may be grounds for suspension or revocation of this license.

This license expires on the 7th day of September, 2018 and may be revoked by the City Council in accordance with Sec. 46-590 "Suspension or Revocation."



City of Keene, N.H.
Transmittal Form

August 30, 2017

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.4.

SUBJECT: Request to Use City Property - Fall Festival

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the Keene Music Festival be granted a street fair license to use downtown City rights-of-way on Saturday, September 30, 2017 from 7:00 AM to 8:00 PM for purposes of conducting merchant sidewalk sales and music venues, as well as use of City property on Central Square, Railroad Square, and designated parking spaces on Main Street to conduct the 2nd Annual Monadnock Fall Festival. In addition, the applicant is permitted to coordinate a one-mile Road Race with Ted's Shoe and Sport to be held from 7:00 AM to 9:30 AM. A comprehensive barrier plan has been drafted by City staff to include the following street closures: Lamson Street from Main Street to Federal Street; Railroad Street from Main Street to Wells Street; and Railroad Street from Main Street to 93rd Street (during the Road Race portion of the Festival only). The applicant is further granted permission to place up to five hay bale sculptures on City property with the duration, location and safety considerations subject to approval by City staff. This permission is granted subject to the customary licensing requirements of the City Council, submittal of signed letters of permission from any private property owners for the use of their property, and compliance with any recommendations of City staff. Be it further recommended that free parking be granted under the provisions of the free parking policy in the downtown area and adjacent parking lots on the day of the event. The cost of any City services provided shall be paid using the City funding allocated in the Mayor's budget in support of the 2nd Annual Monadnock Fall Festival.

BACKGROUND:

Fire Chief Mark Howard reported protocol meetings have been held and will continue to work out some logistical issues. Chief Howard referred to the conditions in the prepared motion and advised the expectation is those conditions will be met. Chief Howard sees no problem moving forward with approval. Councilor Jones commented the prepared motion refers to the Keene Music Festival as the licensee and suggested that was incorrect. He also noted that he believes the event is called the Keene Fall Festival and not the Monadnock Fall Festival. Councilor Manwaring noted the correct reference to the event is the Monadnock Fall Festival. The Chair requested that a reference be made to 2nd annual. The City Clerk asked for clarification on who the petitioner was for this event. Councilor Manwaring indicated it is the Mayor and noted Kevin Dremel filled out the application paperwork. The City Clerk advised she would use the name of the entity that provided the insurance for the event as the licensee. Jan Manwaring, said this is going to be a wonderful event; adding they learned a lot from last year. Councilor Manwaring said the flyers should be out soon. She shared the kick-off events and the addition of hay bale sculpturing. Councilor Manwaring reported the separation from the Keene Music Festival this year. Councilor Manwaring also noted Keene State College would not having their Parents Weekend in conjunction with this event. She reported the Committee has been working on this since January. The Festival will be held on September 30th, from 10:00 AM until 6:00 PM. Councilor Manwaring suggested the Keene Chamber of Commerce may be listed o

the insurance certificate.

There being no further comments from the public or the Committee Chair Richards asked for a motion.

Councilor Sapeta made the following motion which was seconded by Councilor Hansel.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the Keene Music Festival be granted a street fair license to use downtown City rights-of-way on Saturday, September 30, 2017 from 7:00 AM to 8:00 PM for purposes of conducting merchant sidewalk sales and music venues, as well as use of City property on

Central Square, Railroad Square, and designated parking spaces on Main Street to conduct the 2nd Annual Monadnock Fall Festival. In addition, the applicant is permitted to coordinate a one-mile Road Race with Ted's Shoe and Sport to be held from 7:00 AM to 9:30 AM. A comprehensive barrier plan has been drafted by City staff to include the following street closures: Lamson Street from Main Street to Federal Street; Railroad Street from Main Street to Wells Street; and Railroad Street from Main Street to 93rd Street (during the Road Race portion of the Festival only). The applicant is further granted permission to place up to five hay bale sculptures on City property with the duration, location and safety considerations subject to approval by City staff. This permission is granted subject to the customary licensing requirements of the City Council, submittal of signed letters of permission from any private property owners for the use of their property, and compliance with any recommendations of City staff. Be it further recommended that free parking be granted under the provisions of the free parking policy in the downtown area and adjacent parking lots on the day of the event. The cost of any City services provided shall be paid using the City funding allocated in the Mayor's budget in support of the 2nd Annual Monadnock Fall Festival.



City of Keene, N.H.
Transmittal Form

August 31, 2017

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.5.

SUBJECT: NH Lottery Commission - Request to Place Keno on 2017 Municipal General Election Ballot

RECOMMENDATION:

On a 4-1 vote, the Finance, Organization and Personnel Committee recommends that the ballot question to allow the operations of Keno games in Keene be placed on the Municipal Ballot on November 7th and that a Public Hearing be scheduled for October 19. Councilor Clarke voted in opposition.

BACKGROUND:

Linda Plante, Deputy Director for NH Lottery addressed the Committee first. Ms. Plante stated she is before the Committee to request to place Keno on the 2017 General Election Ballot. Ms. Plante explained Keno is a new program where all the funding and profits go towards education. The goal of this program is to fund all-day Kindergarten and this will support any area that does not support all day Kindergarten as well. Keno is a lottery game which runs only through pouring establishments; it would be located in a separate area where patrons will play this game. For the first year there is a guaranteed amount of \$1,100 per student.

Ms. Plante stated what they are requesting is for this item to be added to the ballot and have the voters decide if this is something they would like in the community in order to continue the funding. Chair Greenwald asked whether the funds would be available to the School District to fund programs for K-12 grades. Ms. Plante stated the \$1,100 is per Kindergarten student but money that is raised overall goes to support education and how that is distributed is up to the Department of Education. Chair Greenwald asked whether the money raised in Keene would stay just in Keene. Ms. Plante stated the money the establishments make would stay in Keene but whatever Keno raises goes into a separate fund and is allocated appropriately. She added currently all the funds raised is dedicated to Massachusetts and by having this in New Hampshire, the funds would come back to this state either through the establishments or through the lottery. The Chairman asked if Keene does not vote for this to be added in, whether the community is still guaranteed funding. Ms. Plante stated for the first year funds are guaranteed but it won't be as we go forward.

Councilor Jacobs asked whether only establishments that sell liquor that can have Keno and asked why that was. Ms. Plante answered in the affirmative and added this is so underage children are not involved in it. Councilor Clark asked whether an establishment has to sell a certain percentage of food to be able to sell Keno. Ms. Plante stated an establishment would have to pay a licensing fee but there is no minimum sale of food required.

Councilor Powers asked if the Council should agree to this whether there is time to get it onto the November Election Ballot. City Clerk Patty Little explained the statute says the public hearing cannot happen before October 7 and after October 22 which leaves one Council meeting on October 19. She added if the Committee

approves the motion today it would direct the Clerk to place it on the ballot, after the October 3 primary absentee ballots will be printed for November and this question will be on it before the public hearing happens. The public hearing is more for the public to understand the Bill rather than for Council to reconsider after hearing from the public. If the public says no at the voting booth the item does not move forward. Chair Greenwald asked what happens if the Council decides against it – the item won't move forward. Ms. Little stated there might be something in the statute to reverse this decision but it would be another vote to the voters.

Councilor Chadbourne stated regardless of what her feelings are, what the Committee is being asked to do is to give the voters an opportunity to weigh in and felt the Council is here to represent the people and the people should have the right to decide.

Chair Greenwald asked who would be responsible for what happens in these establishments. Ms. Plante stated the liquor commission would monitor the liquor side of the establishment and NH Lottery would provide the training for Keno sales.

Councilor Powers felt this would look good for the first year until the state decides otherwise and felt the city has enough to deal with already. He felt the public will decide.

Councilor Clark asked about the 1% that goes toward health and human services treatment and asked how long this is good for. Ms. Plante stated it is as long as Keno is around. The Councilor stated he had heard there was just one hotline for gambling addiction and asked whether anything more was going to be added. Ms. Plante stated she does not have too much background on this issue but added they are the biggest contributor to gamblers' anonymous. Ms. Plante went over the benefits of introducing Keno to the community such as the \$1,100 per student, establishments who have this seeing an increase in business, Vermont not having Keno benefiting Keene.

The Chair then asked for public comment.

Ms. Judy Putnam of 168 Court Street asked whether the Council could take a year to consider implications before deciding anything. The Chair asked for the City Clerk's comment. Ms. Little stated it is always open to the City, if they decide not to do it this year the statute is written in such a way where it can be done next year. Attorney Mullins added the public can also decide to act on it and if the public was to submit a petition to the City Council they can request that it be placed on the ballot. It takes 5% of the registered voters (a little over 1,000 voters).

Chair Greenwald stated the risk of stalling, is other communities placing it on their ballot before Keene and it then becomes a competition.

Keene Superintendent of Schools Robert Malay and Business Administrator, Tim Roy addressed the Committee next. Mr. Malay stated currently SAU29 receives funding for ½ day kindergarten even though they operate a full day (\$1,800 per student). Keene has about 180 students. If Keene was to receive \$1,100 per student it would equal about \$200,000 to the Keene School District.

Councilor Clark asked how much the School District spends on Kindergarten. Mr. Roy stated he doesn't have the break down by grade but noted the numbers are down as the District went from five elementary schools to four. He stated he would provide the Councilor with the per student amount. Mr. Malay stated they can do whatever the Council would like to assist with the October 19 meeting and answer questions for the public.

Councilor Clark asked whether there was anyone in the room who could address the addiction portion of gambling. The City Manager stated staff can see if they could find someone who could address this issue at the next meeting.

Councilor Clark made the following motion which was seconded by Councilor Powers.

The Finance, Organization and Personnel Committee recommend not placing Keno on the 2017 Municipal General Election Ballot.

The Councilor stated he understands the money portion of this issue and dislikes that communities have been put in a position of deciding between what addiction can do to a community and the need for education. He agreed the public should weigh in on this item but noted he was elected to also represent the public and felt gambling was not the way to proceed. Councilor Powers agreed with Councilor Clarke but felt it should be up to the public to decide.

Councilor Jacobs felt a person is not addicted to something because it is readily available; People can drink responsibly and gamble responsibly and be aware there is a risk with addiction. He felt there is an upside to this item and stated he will be voting in favor of this item.

Councilor Chadbourne stated the motion before the Committee is whether to put this on the ballot and let the public decide and felt this is what they should do.

The motion made by Councilor Clark failed on a 1-4 vote, with Councilor Chadbourne, Councilor Powers, Councilor Jacobs and Chair Greenwald voting in opposition.

Councilor Powers made the following motion which was seconded by Councilor Jacobs.

On a 4-1 vote, the Finance, Organization and Personnel Committee recommends that the ballot question to allow the operations of Keno games in Keene be placed on the Municipal Ballot on November 7th and that a Public Hearing be scheduled for October 19. Councilor Clarke voted in opposition.



City of Keene, N.H.
Transmittal Form

August 31, 2017

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.6.

SUBJECT: Acceptance of Donations to Library Renovation Project - Next Chapter Campaign Chairs

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept donations of \$641,721.10 as listed in the July Cambridge Trust statement and the July - August 23rd Doner list (See attached reports) to be deposited into the Library Renovation Temporarily Restricted City Trust as part of the Next Chapter Campaign Drive and a \$100,000 grant from the New Hampshire Charitable Foundation currently held in escrow by the City.

BACKGROUND:

Judy Putnam of 168 Court Street, Keene Co-Chair of the Library Capital Campaign stated she was before the Committee to request the Committee accept the amount of \$741,721.10 which has come into the campaign since the Committee's last round of acceptance. Of this amount \$100,000 is in an escrow account with the city, and \$641,721.10 is in the Renovation Trust Fund.

Ms. Putnam stated they are anticipating a closing on the tax credits in September or October; they might be before the Committee for acceptance of further donations prior to the closing to maximize the donations received before the closing to minimize bridge money that is required.

Councilor Powers asked why there is \$100,000 being added to the Trust. Ms. Putnam stated this is a gift out of a fund of the NH Charitable Foundation and there was a request from the donor indicating should the project not happen the money be returned to the Charitable Foundation and they felt this was the most expedient way to put this in place.

Councilor Jacobs made the following motion which was seconded by Councilor Chadbourne.

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept donations of \$641,721.10 as listed in the July Cambridge Trust statement and the July - August 23rd Doner list (See attached reports) to be deposited into the Library Renovation Temporarily Restricted City Trust as part of the Next Chapter Campaign Drive and a \$100,000 grant from the New Hampshire Charitable Foundation currently held in escrow by the City.



City of Keene, N.H.
Transmittal Form

August 31, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.7.

SUBJECT: New Market Tax Credits and a Library Update - Parks, Recreation and Facilities Department

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends accepting this item as informational.

BACKGROUND:

The City Manager stated the closing on this item is scheduled for mid-October. He commended the close working relationship the city has developed with the Friends of the Keene Public Library and the Library Trustees; this is a project that has been going on for a long time.

Mr. Kopczynski then introduced the Parks and Recreation Director to speak to the project. Parks and Recreation Director Andrew Bohannon stated the donation goal has always been five million dollars with the understanding that three million was needed for the new market tax credit. As the project further developed, much of the work of the Main Library has been incorporated into the work covered by the New Market Tax Credit (NMTC) contract (which is good as it maximizes that funding source). There is still work that is needed for the Main Library Renovation which now will be handled in a separate contract which will be presented at a future meeting.

In terms of the construction, areas that were impacted by the construction needs of the NMTC project became qualified to be included in the funding. For example the HVAC system.

Other notable projects within the Library that shifted to the NMTC are: Directors Office, Staff Workroom, and the Reference Office Space. As well as all areas that will be dislocated by the building of the Connector. These changes, along with a decrease in other revenue sources, has increased the amount of the donation needed at the time of NMTC closing. The project did not receive Historic Tax Credits (\$800,000) and State Tax Credits (CDIP \$200,000 and LCHIP \$100,000) which totaled \$1.1Million. So the increased scope and the decrease in other revenue sources has increased the amount of donations needed at closing to \$4,620,435 (as of August 22, 2017).

The project is ready to go forth. Construction documents are approved and city permits are ready to be issued.

Mr. Bohannon then turned the presentation over to Jack Dugan of MEDC. Mr. Dugan stated the project total for the annex portion came to a little over 13 million dollars. He explained that US Bank has agreed to purchase the tax credits and have been able to recruit close to four million dollars of someone else's money for this project. He referred to the closing that is scheduled for some time in mid-October and added a GMP has been

settled with Engelberth.

Mr. Kopczynski explained at the time of closing a certain amount of the pledged money will be available in cash but a certain amount will also be available over time. Most of the pledge timings happen in 2018. What has occurred was the Trustees were going to float a bridge loan and this was meant to cover 1.8 million dollars. Mr. Kopczynski asked Ken Jue and Steve Thornton to take over the presentation.

Mr. Ken Jue, Chair of the Finance Committee for the Board of Trustees for the Library was the next speaker. Mr. Jue reiterated what the City Manager said in that the partnership between the Library and the City is what made this project possible. Mr. Jue stated their goal at this time is to avoid any delays for this project. Despite their many efforts they have just heard from the Attorney General's Office that the Trustees cannot borrow funds from a bank, or can they use funds they have been given, or raise money to pay towards a bank loan or interest on a bank loan. What the Trustees have now as an alternative to these bank required funds is the use of city funds.

Mr. Jue stated in order to keep the project moving forward and to take advantage of the new market tax credit they are requesting to use 1.8 million dollars of unallocated funds that would be reimbursed in full by the pledges raised by the campaign which appears to be only a few months from completion. He asked the City's support with this last effort. He added the Trustees stand committed to working with the city on this item or anything else that would come up with the renovation project. Chair Greenwald asked about the anticipated pledges that are expected to come in over the next 12 months. Mr. Jue stated by the end of 2018 well over 95% of all the pledges would have been paid. In 2018 just over a million and in 2019 \$134,000 and in 2020 \$1,000.

Finance Director, Steve Thornton stated when the city learned the Trustees could not take on the Bridge Loan they started looking at other options. He indicated a Resolution has been prepared to provide this bridge funding in the amount of 1.8 million dollars until the pledges mature. The refunding of this money would happen as the Trustees collect the pledges, deposit it into the Cambridge Trust Company Fund and each month staff will withdraw funds from the Capital Reserve Account, to restore the fund balance.

What this loan would do to the unallocated fund balance is that the ratio would drop to about 7.15% and all things considered, it would be recovered in about two years. The risk the city is taking is that those who have pledged won't keep to those pledges. Mr. Kopczynski stated on the date of closing the city gets back about \$400,000 and another \$250,000.

Councilor Powers stated this is an extraordinary public/private partnership and felt if we were to wait for city funding it would take a while and providing this kind of funding is the most expedient way to fund this project. He added the Trustees and Friends are community members who will make good on their promise.

Councilor Jacobs asked what kind of interest impact this funding would have on the city's trust fund. Mr. Thornton stated the impact would be on the city's general fund and would have an impact on the interest income. The unallocated fund balance receives about 1% interest at the present time. After this bridge loan the unallocated fund balance would have about 5.7 million dollars.

Chair Greenwald asked for the City Attorney's comments.

Attorney Mullins stated the Committee should accept this presentation as informational. Staff will be sending to the City Council a Resolution for their approval which will come back to the Finance Committee for additional public comment and the plan is Council vote will happen on September 21. The bank was in agreement with this timeline as they understand this is a public process.

Councilor Chadbourne made the following motion which was seconded by Councilor Jacobs.

On 5-0 vote, the Finance, Organization and Personnel Committee recommends accepting this item as informational.



City of Keene, N.H.
Transmittal Form

August 31, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.8.

SUBJECT: Acceptance of the 2017 Byrne Justice Assistance Grant - Police Department

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the U.S. Department of Justice - Bureau of Justice Assistance FY2017 JAG grant in the amount of \$7,242.00.

BACKGROUND:

Police Captain Steve Stewart addressed this item. Captain Stewart stated he was before the Committee regarding a JAG grant in the amount of \$7,242.00. Captain Stewart stated these funds will be used to purchase cellular smart phones for use in cruisers.

Councilor Clark made the following motion which was seconded by Councilor Powers.

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the U.S. Department of Justice - Bureau of Justice Assistance FY2017 JAG grant in the amount of \$7,242.00.



City of Keene, N.H.
Transmittal Form

August 31, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.9.

SUBJECT: Acceptance of State Drug Forfeiture Monies - Police Department

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept a drug forfeiture payment from the State of New Hampshire in the amount of \$625.05

BACKGROUND:

Captain Stewart stated this item was in reference to a payment from the State in the amount of \$625.05 which is from a drug forfeiture payment. In June 2015 the Keene Police Department partnered with the NH Attorney General's Drug Task Force on an incident which resulted in this payment.

Councilor Powers made the following motion which was seconded by Councilor Jacobs.

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept a drug forfeiture payment from the State of New Hampshire in the amount of \$625.05.



City of Keene, N.H.
Transmittal Form

August 31, 2017

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.10.

SUBJECT: Project Agreement – Monadnock Alliance for Sustainable Transportation & Southwest Region Planning Commission Complete Street Mini Grant - Planning Department

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to execute the Project Agreement with Southwest Regional Planning Commission for the award of the Monadnock Alliance for Sustainable Transportation's (MAST), Complete Streets Mini Grant and accept the grant in the amount of \$10,000.00 for complete streets improvements to Main Street and Central Square.

BACKGROUND:

City Engineer Don Lussier represented the City's GIS Technician on this item. Mr. Lussier stated this is an item regarding a grant application for a complete streets implementation. This grant application was submitted and the city has been selected to receive grant funding in the amount of \$10,000.

The application was based on complete street improvements to be made on Main Street. Mr. Lussier explained beginning with the intersection of Main Street and Route 101; the proposal is to add a bike lane to the first 650 feet. As you move further north, shared lane markings "sharrows" are being proposed to remind motorists, bicycles have the right to use this lane. As you approach the intersection, there will be some signage directing bicycles to walk their bicycle through the roundabout. Further up the sharrows will be continued, then connecting to the existing bike lanes on Washington Street and Court Street.

Another component of the application was public outreach and information. The last piece are bicycle boxes in certain locations which will help bicyclists stop and wait for a green light.

The plan is to have the pavement markings completed under the city's pavement marking contract. Chair Greenwald asked about signage to get bicycles off the sidewalk. Mr. Lussier stated there will be signage at the roundabout but if this is something that needs to be reinforced, it will be done by city staff. Chair Greenwald felt the signage is ineffective and even if they are there kids on bicycles don't see it and felt maybe street marking would be better.

Councilor Clarke stated he likes the idea of sharrows but what is of concern to him are the cars backing out on to vehicles travelling in the right hand lanes. Mr. Lussier stated the rules of the roadway call for bicycles to travel with traffic and the purpose is to move bicycles to the right hand side of the roadway making it easier for motor vehicle passing. Councilor Clarke stated the speed limit on Main Street is low and there will be no need

for vehicle passing on Main Street. He felt that because bicycle travel is difficult on Main Street many travel on the sidewalk. Mr. Lussier stated the concerns are valid and staff will work on signage and this is something he will need to look into. Councilor Powers felt not too many are going to be looking at signs.

Mr. Kopczynski agreed there is too much sign clutter downtown and he has been attempting to reduce some of these signs. Councilor Jacobs stated he has been serving on the Mayor's Downtown Ad-Hoc Committee and felt this might be an opportunity to try some things. Mr. Lussier added another part of the grant requirements is data collection and this might be an opportunity to look at different options.

Councilor Chadbourne asked whether the city provides a pamphlet on bicycle rules. Mr. Lussier answered in the negative.

Councilor Jacobs made the following motion which was seconded by Councilor Chadbourne.

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to execute the Project Agreement with Southwest Regional Planning Commission for the award of the Monadnock Alliance for Sustainable Transportation's (MAST), Complete Streets Mini Grant and accept the grant in the amount of \$10,000.00 for complete streets improvements to Main Street and Central Square.



City of Keene, N.H.
Transmittal Form

August 31, 2017

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.11.
SUBJECT: Station 2 - Joint Use Agreement - Fire Department

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to execute the amended Joint Use Agreement between the City of Keene and the State of New Hampshire – The Adjutant General’s Department for 110 Hastings Ave.

BACKGROUND:

Fire Chief Mark Howard stated the City has had a long standing Joint Use Agreement with the NH Adjutant General’s Department for the site at 110 Hastings Avenue. The city uses this site as the West Keene Fire Station. The Adjutant General has no use for this property and would like to turn it over to the city and while putting this in place would like to extend the current agreement. The Joint Use Agreement expired August 1, 2017 and the new agreement will continue through December 31, 2017. In accordance with Section 4 of agreement terms “Rent and Payment”, the rent payment will be amended to zero for the term of the agreement. All other conditions will remain the same including responsibility of utilities.

Chief Howard stated the city currently pays \$12,000 in rent plus utilities and according to the new agreement which ends in December and until that time the city will not be paying rent.

Councilor Chadbourne made the following motion which was seconded by Councilor Jacobs.

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to execute the amended Joint Use Agreement between the City of Keene and the State of New Hampshire – The Adjutant General’s Department for 110 Hastings Ave.



City of Keene, N.H.
Transmittal Form

August 31, 2017

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.12.

SUBJECT: Uniform Fee Schedule for Providing Copies of Governmental Records - City Clerk's Office

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the Council adopt a uniform fee schedule for providing copies of governmental records responsive to requests made under NH RSA Ch. 91-A, also known as the right to know law for a reasonable fee of fifty cents (\$0.50) for the first page and twenty-five cents (\$0.25) for each additional page.

Further recommend that the City Council recognizes and adopt the following exemptions from charging fees for providing copies for: record requests from other governmental entities; recent meeting minutes of a public body; the individual requesting the record is the subject of the record or the requester's legal rights are directly implicated by the information in the record.

Councilor Powers asked about the charge if someone requested a set of minutes. Mr. Dow stated if the minutes are readily available there is no charge for them but if they need to be obtained from the warehouse, there will be a charge.

BACKGROUND:

Deputy City Clerk Bill Dow stated the item he was here to address tonight was the Right to Know Law for governmental records. He explained according to Article 8 the public's access to governmental records cannot be unreasonably restricted. RSA 91-A outlines this access to governmental records and accountability to the public.

Mr. Dow explained a record is a document created on behalf of a public body/agency for its official function, in all formats. A citizen must reasonably be able to describe a governmental record, however, and the municipality does not have to create a record that does not exist. However, it is easier at times to compile a record from data than to put together a record which only has pieces of information. Mr. Dow stated 91-A does provide a list of exemptions; this places some burden on the city to look closely at the requests and determine if they are qualifying requests or not.

Mr. Dow noted a municipality is required to make a record available within five days, deny the request because the request is faulty or acknowledge the request. Complying with these requests within 30 days is considered to be an acceptable timeframe.

In FY16/17 the Clerk's Office received 61 formal Right to Know Requests, which is up from 40 the previous year. The Office produced 1,100 governmental records which took 46 hours to process. This time doesn't

include other city staff who helped gather these records, the meetings held to discuss these requests, or the meetings to review the process of each record. Less than \$300 was collected for this service – the revenue doesn't cover for service but the Right to Know Law doesn't outline a method to collect for this service.

With regard to setting up uniform fee schedule – Mr. Dow stated the Right to Know Law permits a municipality to charge for providing copies. The city charges 50 cents for the first page and 25 cents for each additional page. However, the requests are now getting more complicated with electronic production and it has been the city's practice to charge for the disk or the thumb drive but not for the content. The Department of Justice has made the city aware a municipality could charge per page regardless of the format.

Councilor Chadbourne clarified until today the charge was just 50 cents for the first page and 25 cents for each additional page. Mr. Dow stated they also charged for postage, for the thumb drive and for the disk. He added if today's request is approved there will be a charge for the pages whether provided electronically or in paper form, as well as a charge for the disk/thumb drive and postage.

Councilor Jacobs asked for explanation of Item 4 of the Memorandum which states as follows:

4. The requester's legal rights are directly implicated by the information in the record.

Mr. Dow explained certain exemptions that come up where the per page rate will not be charged; if a record being requested affects someone legally there may be a reason to allow them to get this record without being charged. This often happens with police records.

Councilor Clark made the following motion which was seconded by Councilor Powers.

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the Council adopt a uniform fee schedule for providing copies of governmental records responsive to requests made under NH RSA Ch. 91-A, also known as the right to know law for a reasonable fee of fifty cents (\$0.50) for the first page and twenty-five cents (\$0.25) for each additional page.

Further recommend that the City Council recognizes and adopt the following exemptions from charging fees for providing copies for: record requests from other governmental entities; recent meeting minutes of a public body; the individual requesting the record is the subject of the record or the requester's legal rights are directly implicated by the information in the record.

Councilor Powers asked about the charge if someone requested a set of minutes. Mr. Dow stated if the minutes are readily available there is no charge for them but if they need to be obtained from the warehouse, there will be a charge.



City of Keene, N.H.
Transmittal Form

August 31, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.13.

SUBJECT: Reallocation of Drainage Cleaning Funds - Public Works Department

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council reallocate \$160,000 from the Drain Cleaning program (90221) to the Stormwater Spot Repair program (90022).

BACKGROUND:

Mr. Lussier stated this item is regarding a longstanding CIP Program; cleaning of catch basins and the pipes that connect them. As of the end of 2016 the entire system has been cleaned. Starting in 2017 the same basins were revisited for the second time and this time the work moved through much faster because there was no accumulated debris. As a result in the FY18 CIP the amount requested was reduced for this program. There has been money however, which has accumulated for the four year interval cleaning. What staff is seeing are certain repairs in these pipes that need to be done. The spot repair funds have been expended and staff's suggestion is to take the accumulated unspent money from previous fiscal years and fix the problems that have been found.

Chair Greenwald asked when staff would like to do this work. Mr. Lussier stated there is one project staff would like to work on the Roxbury Street Oak Street catch basin this year, the time frame will be two weeks and the rest would be for next year.

Councilor Powers made the following motion which was seconded by Councilor

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council reallocate \$160,000 from the Drain Cleaning program (90221) to the Stormwater Spot Repair program (90022).



City of Keene, N.H.
Transmittal Form

August 31, 2017

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.14.

SUBJECT: Emergency Bridge Repairs - Whitcombs Mill Road and Winchester Street

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a sole-source Construction Contract with Cold River Bridges, LLC of Walpole, NH for the repair of bridge curb and railing posts on Whitcombs Mill Road bridge over White Brook for an amount up to \$31,850.00, subject to the approval of funding.

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a sole-source Construction Contract with CWS Fence & Guardrail, LLC of Andover, NH for the installation of bridge railings on Winchester Street/Route 10 bridge over Ash Swamp Brook for an amount up to \$14,287.50, subject to the approval of funding.

BACKGROUND:

Mr. Lussier stated as was mentioned by Mr. Blomquist the previous action was to move the money around. This item is how to get this work done and what staff is requesting is to sole source for construction on Whitcombs Mill Road and Winchester Street bridges. Staff has worked with a few contractors and have come up with a plan to get the lowest cost solution to the problem. These are both red listed bridges.

Whitcombs Mill Road bridge would have concrete curb repaired along the side to be able to effectively attach the guardrail. The Winchester Street bridge will have an expanded railing system which will allow you to go a longer span without intermediate posts.

Councilor Powers asked when this work will begin. Mr. Lussier stated Whitcombs Mill Road should start fairly quickly but Winchester Street would be sometime in mid-October.

Councilor Clarke made the following motion which was seconded by Councilor Powers.

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a sole-source Construction Contract with Cold River Bridges, LLC of Walpole, NH for the repair of bridge curb and railing posts on Whitcombs Mill Road bridge over White Brook for an amount up to \$31,850.00, subject to the approval of funding.

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to

negotiate and execute a sole-source Construction Contract with CWS Fence & Guardrail, LLC of Andover, NH for the installation of bridge railings on Winchester Street/Route 10 bridge over Ash Swamp Brook for an amount up to \$14,287.50, subject to the approval of funding.



City of Keene, N.H.
Transmittal Form

9/7/2017

TO: Mayor and Keene City Council

FROM: Will Schoefmann, Mapping Technician

ITEM: F.1.

SUBJECT: Request for Letter/Resolution- ATV Use on Rail Trails

RECOMMENDATION:

The following is the motion from the Bicycle Pedestrian Path Advisory Committee's regular meeting on August 9, 2017:

"Mr. Redfern moved to recommend that City Council write a letter requesting that federal guidelines for ATV use on New Hampshire's Improved rail trails remain unchanged with regards to Senator Shaheen's amendment to allow them. Mr. Little seconded the motion and it passed by unanimous vote."

The following is the motion from the Conservation Commission's regular meeting on August 21, 2017:

"Councilor Hansel made a motion for the Conservation Commission to support a resolution opposing ATV use on the Cheshire and Ashuelot Rail Trails in Keene, NH. The motion was seconded by Mr. Madison and carried unanimously."

ATTACHMENTS:

Description

Resolution - ATV Use on Rail Trails Regarding Senator Shaheen's recent amendment to Federal Highway Guidelines

BACKGROUND:

Bicycle Pedestrian Path Advisory Committee Meeting Minutes:

New Business

-
Mr. Redfern stated that the Keene Federal Congressional Delegation, Senator Jeanne Shaheen has put in an amendment to the appropriations bill to allow ATVs on the trails if there is an economic value to the activity.

He requested that organizations submit letters of concern (e.g. Pathways of Keene, Healthy Monadnock, BPPAC, etc.) about this bill because the law currently prohibits it. He stated that Keene built the trails and they will not last two years if ATVs are allowed to ride them. He said he is looking for letters of support and will send templates by email to the committee to speak out against the amendment. He emphasized that years of work is at jeopardy in two seasons if ATVs are allowed to utilize trails.

Mr. Little stated that if snow is on the ground the ATVs are treated as snowmobiles and allowed on the trails. He said he researched the issue and discovered the top speed is 90 mph, which is alarming. He suggested

BPPAC put in a motion to City Council against including ATVs on multiuse trails. He stated is in full support of the way in which Keene is handling the situation and perhaps BPPAC should recommend that City Council take action beyond a letter. Mr. Schoefman said the BPPAC is advisory to City Council so the motion would involve making a motion to City Council to recommend not changing the current policy.

Chair Rubin motioned to write a letter to City Council requesting that federal guidelines on ATV use on New Hampshire's rail trails be upheld with regard to Senator Shaheen's amendment. Mr. Little seconded and motion was passed by unanimous vote of the committee.

Conservation Commission Meeting Minutes:

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Request for Support of Letter Related to Upholding Federal Guidelines for ATV Use on NH Rail Trails - Chuck Redfern

Chair Haynes welcomed Chuck Redfern, President of the NH Rail Trail Coalition, who provided a brief overview of this request. Mr. Redfern lives in Keene and he recalled that in 1993-1995 the City wanted a bike and pedestrian plan, which was completed by an Antioch University study group and some members of the Conservation Commission at that time. That group wanted members of the Commission to undertake activities related to Rail Trail development, but that was discouraged because Commission members already had a lot of work. With that, the City formed the Bicycle/Pedestrian Path Advisory Committee (BPPAC) in 1995; this was one year after Pathways for Keene was established to raise private funds for the trail system. In Keene, more than \$500,000 has been privately raised for the multi-million dollar Rail Trail system, 50% of which was federally allocated funds.

Mr. Redfern continued explaining this particularly urgent issue for the Rail Trail regarding ATV use. First, he explained that ATV's cause a lot of erosion problems, especially on the stone bridges; this happened 15 years ago and had to be repaired at a high cost. The City Manager of Claremont, NH requested a variance to allow ATV's on 1.8 miles of the Rail Trail; this variance was denied by the Federal Highway Administration because law states that ATV's are not allowed on federally funded trail systems. He shared the amendment from Senator Shaheen on motorized vehicles on trails at issue here, as a result of the Federal Highway Administration denial, which states:

“Balanced Consideration of Use-Exemption Requests for Trails – As the FHWA considers requests for exceptions under 23 U.S.C.217(h), the Committee encourages the agency to give due consideration to the local economy and community input. In particular, the agency should weigh the role motorized vehicles play in the local economy and should seek feedback from trail users.”

This amendment allows variances for allowance of ATV's not just on the states trail system, but across the nation. The agency, in this situation, would presumably be the Trails Bureau. Mr. Redfern continued that while snowmobiles are allowed on the Rail Trail because snow cover impedes erosion issues, to his knowledge the Trails Bureau is biased in favor of ATV's because they pay an approximately \$45 registration fee. He said he believes places like Jericho Park, which was established primarily for ATV use, are more appropriate than the Rail Trail. There are currently 1,200 trails available for ATV use in NH, while there is less than 200 miles of Rail Trail for biking, walking, and running. He noted that some ATV's can reach speeds of 90mph, while the average is 60mph; these high speeds pose safety and erosion concerns for the Rail Trail.

Because of this, the BPPAC has proposed a resolution for the City of Keene, which states:

**A Resolution Opposing ATV's on the Cheshire and Ashuelot Rail Trails
Keene, New Hampshire**

-
Whereas the City of Keene, NH has improved over seven miles of the Cheshire and Ashuelot Rail Trails within its borders that were assisted with Federal Funds and more length that is actively used by its residents

for biking, walking, horseback riding and snowmobiling; and

Whereas use of these improved areas by ATV's would destroy the thin cover of crushed stone dust which makes the improved sections of trail unusable for these activities; and

Whereas for this reason and others, the use of ATV's of the Cheshire and Ashuelot Rail Trails is incompatible with the activities;

Now therefore we, the City Council of the City of Keene, NH, do hereby

Resolve that the City of Keene, NH opposes any modification in federal law that would allow ATV's on the Cheshire and Ashuelot Rail Trails and

Further Resolve that copies of this resolution be sent to each member of our congressional delegation.

Signed this day of August 2017 by the following members constituting all of the members of the City Council of the City of Keene, New Hampshire.

Mr. Redfern is opposed to ATV use on the Rail Trail in Keene because the City has worked hard raising money for the trail, which was not intended for ATV use. The BPPAC has prepared a position paper and petition that they hope to bring signed to Senator Shaheen. They are asking for a letter of support from the City of Keene or for City Council to consider an Ordinance based on the above resolution. He noted other matters of concern relevant to the Commission in addition to erosion are damage to slopes and sediment runoff from the rail beds. He hopes this resolution will pass into Ordinance because while the Council may support this effort now, a future City Council may not; there will be no going back and millions of dollars will have been wasted. He is also here for the residents of Keene because many portions of the Rail Trail pass by homes and through neighborhoods. A local variance/Ordinance is needed because the Trails Bureau will remain in favor of ATV use because of the subsidies they gain.

Councilor Hansel said in an ideal world the local community would decide how to best use trails and confirmed that is not an option in this case. Mr. Redfern replied the Trails Bureau has final say, over the recommendation of City Council; the ATV lobby is very powerful and supported nationwide. For example, there is the first annual nationwide conference for ATV's in Manchester, NH this week, which is coordinated by the Trails Bureau. He hopes the Trails bureau will be fair and let each community decide for itself, but for now the City needs to take the position of not allowing this variance beyond the current variance, for which the standards are high.

Councilor Hansel said to him it is clear the City Rail Trail system is not designed for ATV use and such use would compromise all the investment the City has made. He thinks the proposed resolution for City Council is strong because it focuses on the local trail system. He is uncomfortable dictating what other cities can do with their trails but it is clear that Keene should oppose this change to preserve its own investment.

Chair Haynes asked for clarification on what Mr. Redfern is asking from the Commission. Mr. Redfern replied that BPPAC was initially asking for a letter of support to have the amendment pulled from the report; because other communities have used resolutions, they think a resolution would be a much stronger message than a letter from the City Manager or Mayor.

Councilor Hansel made a motion for the Conservation Commission to support a resolution opposing ATV use on the Cheshire and Ashuelot Rail Trails in Keene, NH, which was seconded by Councilor Manwaring and carried unanimously.

A Resolution Opposing ATV's on the Cheshire and Ashuelot Rail Trails
Keene, New Hampshire

Whereas the City of Keene, NH has improved over seven miles of the Cheshire and Ashuelot Rail Trails within its borders that were assisted with Federal Funds and more length that is actively used by its residents for biking, walking, horseback riding and snowmobiling; and

Whereas use of these improved areas by ATV's would destroy the thin cover of crushed stone dust which makes the improved sections of trail unusable for these activities; and

Whereas for this reason and others, the use of ATV's of the Cheshire and Ashuelot Rail Trails is incompatible with the activities;

Now therefore we, the City Council of the City of Keene, NH, do hereby

Resolve that the City of Keene, NH opposes any modification in federal law that would allow ATV's on the Cheshire and Ashuelot Rail Trails and

Further Resolve that copies of this resolution be sent to each member of our congressional delegation.

Signed this day of August 2017 by the following members constituting all of the members of the City Council of the City of Keene, New Hampshire.



City of Keene, N.H.
Transmittal Form

September 7, 2017

TO: Mayor and Keene City Council

FROM: Rhett Lamb, ACM/Planning Director

ITEM: F.2.

SUBJECT: Relating to Chapter 102 - Zoning - Accessory Dwelling Units

RECOMMENDATION:

A motion was made by Councilor George Hansel that the Planning Board find Ordinance O-2017-10-A consistent with the Comprehensive Master Plan. The motion was seconded by Andrew Bohannon and was unanimously approved.

A motion was made by Councilor David Richards that the Planning, Licenses and Development Committee request the Mayor set a public hearing for Ordinance O-2017-10-A. The motion was seconded by Councilor George Hansel and was unanimously approved.

ATTACHMENTS:

Description

Ordinance O-2017-10

Ordinance O-2017-10-A

BACKGROUND:

Petitioner, City of Keene, proposes to amend Section 102-896 of the Keene Zoning Ordinance to be consistent with changes made to NH RSA 674:72 regarding Accessory Dwelling Units (ADUs), which took into effect on June 1, 2017. The proposed Ordinance allows as a matter of right attached ADUs in the Rural, Agriculture, Office, Medium Density, High Density, High Density-1, Low Density, and Low Density-1 Districts and for detached ADUs in the Rural and Agricultural Districts.

Acting Health Director, John Rogers addressed the Joint Committee stated this is an RSA that has changed while Keene had an Accessory Dwelling Unit (ADU) Section within its Zoning Code which was in conflict with the changes made at the State level. The RSA indicates an ADU will be permitted in any area that permits a single family use, which the current Ordinance does not do. The other change the City has put in place is to take this out of the conditional use process before the Planning Board and bring it into a building permit requirement.

Another issue is that a municipality is not allowed to restrict the size of an ADU, which the city's current ordinance does. The state indicates it cannot be restricted to less than 750 square feet. The City's ordinance requires a property to be lived in by the property owner; this is not being changed, this is still a requirement.

Planner, Tara Kessler then addressed the Staff Report for this item. She indicated currently ADU's are permitted in nearly 72% of the community but are allowed as a matter of conditional use permit only in three

zoning districts (low density, low density 1 and rural) - either as attached or detached. This new ordinance will increase the permitted area to 80% of the City. While the existing ADU ordinance permits attached and detached in the low density zone, this new ordinance will allow attached ADUs and this is to preserve the district to only have single family homes. Detached units will be allowed in rural and agricultural zones only and there will be a size restriction of 1,000 square feet and this will cover about 66% of the community.

In the high density district, medium density district, and the office district if you wanted to locate a detached ADU, Keene's zoning ordinance does permit this but you will need to meet the minimum lot size requirement. In the high density district you will need a minimum of 11,000 square feet to allow for two dwelling units and the minimum lot size for one unit would be 6,000 square feet.

With respect to consistency with the Master Plan, the Master Plan is clear about supporting home ownership and rental opportunities that provide well maintained, quality and safe housing for all portions of our demographics. It also encourages in-fill development and rehabilitation of existing housing stock.

Councilor Hansel asked how the City plans to enforce the owner occupancy requirement. Mr. Rogers stated there is wording in the ordinance that relates to this issue but the City has not done what the ordinance currently refers to and we are recommending that language be deleted. However, staff is recommending during the initial building permit process a sworn statement from the property owner be required and that this also be made part of the deed.

Mr. Lamb clarified the City can also become aware of a violation by a complaint from a neighbor or an informed citizen. The Chair asked at such a time would the City be obligated to follow up. Mr. Rogers stated at a time like that it becomes a City ordinance violation and would be followed-up.

Mr. Barrett stated he understands the rationale for having a maximum size for an ADU but asked for rationale for the minimum size limit. Mr. Rogers stated his rationale is that you don't want someone taking two small closets for instance and turning it into dwelling.

Dr. Cusack referred to page 8 of 37 (map 3) and clarified detached ADU's are to be permitted in the rural and agricultural zones and asked whether they are also permitted in other zones as long as they meet the requirements. Mr. Rogers stated attached ADU's have to be permitted in a municipality as per State RSA. However, a detached ADU will only be permitted in the rural and agricultural zones. Ms. Kessler added if you are in the high density, medium density or office district, you are permitted the second dwelling unit as long as you meet minimum lot size requirements of the zoning ordinance whether attached or detached. Dr. Cusack referred to page 9 referred to the second full paragraph which states "*...If a property owner in either the High Density, High Density 1, Medium Density, or Office Districts wanted to construct a detached ADU...*" and asked if we were not calling it that. Ms. Kessler stated it was her error in the Staff Report for not being precise.

Councilor Sapeta asked how many ADU's have been built so far in the City since this ordinance was adopted in 2007. He indicated his concern is if this was something that increased in volume there could be issues with parking, the number of units on a lot, water run-off and flooding. Mr. Rogers stated there have been only a handful of ADU's built so far and noted any ADU that is built has to meet all setback requirements, lot coverage requirements under the zoning ordinance.

Mr. Lamb stated the changes being proposed are to be consistent with state law. He said going forward this would all be done by right and not through a conditional use permit from the Planning Board.

The Chair asked for public comment next.

Mr. Peter Espiefs of 29 Middle Street stated he lives in the office district and his property is a historic home and asked how this proposal how this would affect his property. Mr. Lamb stated if there are changes to the

exterior of a building which are visible from a public way they will be subject to historic district regulations and a permit might be required.

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

A motion was made by Councilor George Hansel that the Planning Board find Ordinance O-2017-10-A consistent with the Comprehensive Master Plan. The motion was seconded by Andrew Bohannon and was unanimously approved.

A motion was made by Councilor David Richards that the Planning, Licenses and Development Committee request the Mayor set a public hearing for Ordinance O-2017-10-A. The motion was seconded by Councilor George Hansel and was unanimously approved.



CITY OF KEENE

Seventeen

In the Year of Our Lord Two Thousand and
Relating to Chapter 102 – Zoning Ordinance – Accessory Dwelling Unit

AN ORDINANCE

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

That the Ordinances of the City of Keene, as amended, are hereby further amended by removing the stricken text and inserting the bolded text in Section 102-896, Accessory Dwelling Unit, of Chapter 102, entitled “Zoning Ordinance” as follows:

Sec. 102-896. - Accessory dwelling unit.

Attached ~~A~~ accessory dwelling units are permitted ~~in~~ **within or attached to single family dwellings in the Agriculture, the Rural, the Low density, and the Low density-1, Medium density, High density, High density-1 and Office districts.** ~~as a conditional use permit~~ **Detached accessory dwelling units are permitted on single family dwellings lots in the agriculture and rural districts** subject to the following conditions:

- (1) Only one accessory dwelling unit shall be permitted per lot.
- (2) The record property owner shall occupy either the primary dwelling unit or the accessory dwelling unit as his or her primary residence (hereinafter "owner occupancy"). The property owner shall submit an affidavit in support of ~~conditional use~~ **a building permit for an** accessory dwelling unit to the ~~planning board~~ **code enforcement department** with his or her application ~~for conditional use permit~~, stating under oath that he or she satisfies the owner occupancy requirement of this subsection. ~~In addition, within 90 days of a transfer of title to any property subject to the terms and conditions of a conditional use permit for an accessory dwelling unit, the successor property owner shall submit to the planning department an affidavit in support of conditional use permit for accessory dwelling unit, stating under oath that he or she satisfies the owner occupancy requirement of this subsection.~~
 - a. The term "primary residence" for purposes of determining owner occupancy shall mean the location where the property owner is domiciled and has a place of abode, and the location where the property owner has, through all of his or her actions, demonstrated a current intent to designate said residence as his or her principal place of physical presence. Such an intent

on the part of the property owner is evidenced by, among other things, his or her voter's registration, vehicle registration, driver's license, or the placement of his or her children in local public schools. Any temporary lapse of owner occupancy in the primary residence caused by the death of a property owner shall be permitted for a reasonable period of administration.

- b. If the owner of the property is a trust, the term "property owner" shall mean the creator or beneficiary of the trust.
 - c. If the owner of the property is a corporation, the term "property owner" shall mean ~~the principal~~ **a stockholder of the corporation; if the owner of the property is a limited liability corporation, then the "property owner" shall mean a member of the limited liability company.**
- (3) There shall be no more than two bedrooms in an accessory dwelling unit.
- (4) **Floor area.**
- a. An **attached** accessory dwelling unit shall have a minimum floor area of 400 square feet but, in no case, shall the floor area ~~comprise more than 30 percent of the gross floor space of the primary single family dwelling~~ **be more than 800 square feet.**
 - b. **A detached dwelling unit shall have a minimum floor area of 400 square feet but, in no case, shall the floor area be more than 50 percent of the gross floor space of the primary single family dwelling or more than 1000 square feet.** An accessory dwelling unit shall comply with the city's housing and building codes.
- (5) Public water and sewer shall be required for all accessory dwelling units ~~located within the low density and low density-1 district. Accessory dwelling units created in the rural district~~ **or in the absence of public sewer**, shall have state septic system plan approval prior to the issuance of a building permit.
- (6) A scaled and dimensional plot plan of the property shall be submitted as part of the ~~conditional use building permit application to the planning board.~~ This shall show the location and number of required parking spaces, driveway and paving, buildings building setbacks, utilities, fences, buffer yard and any other relevant features of the site.
- (7) Parking at an accessory dwelling unit shall be restricted to the required parking spaces as shown on the plan. No more than two parking spaces shall be permitted for an accessory dwelling unit, and all parking provided for the accessory dwelling unit shall in accordance with section 102-794 of the zoning ordinance.
- (8) Shared driveways for both the primary single-family dwelling unit preexisting conditions, no more than one driveway access is permitted to each residential lot as required by the City Code.

- ~~(9) All dimensional requirements for the respective zoning district shall be observed.~~
- ~~(10) The minimum lot size for creating an accessory dwelling unit in the low density district shall be 13,400 square feet. The minimum lot size for creating an accessory dwelling unit in the low density 1 district shall be calculated by increasing the minimum lot area as designated by section 102-791, table Basic rural dimensional requirements, by 30 percent. The minimum lot size for creating an accessory dwelling unit in the rural district shall remain five acres.~~
- ~~(11)~~**(9)**—Adequate notice in acceptable legal form for recording at the registry of deeds shall be duly executed by the owner of record identifying the property on which the accessory dwelling unit is located by source deed and ~~stating the date and conditions of approval (if any) of the conditional use permit~~ sufficient to notify successor owners that the accessory dwelling unit is subject to the city's zoning ordinance and ~~the conditional use permit issued by the planning board~~. This notice shall be reviewed by the ~~superintendent of code enforcement and the planning director~~ **zoning administrator** for acceptable form, and upon signature, it shall be recorded at the registry by the property owner. Evidence of recording shall be submitted to the superintendent of code enforcement and the planning director prior to the issuance of a building permit.
- ~~(12) A finding by the planning board that the proposed accessory dwelling unit will not result in a decrease in value of surrounding properties.~~

Kendall W. Lane, Mayor

Seventeen

Relating to Chapter 102 – Zoning Ordinance – Accessory Dwelling Unit

That the Ordinances of the City of Keene, as amended, are hereby further amended by removing the stricken text and inserting the bolded text in Section 102-896 Accessory Dwelling Unit, Section 102-302 Permitted Uses, Section 102-332 Permitted Uses, Section 102-362 Permitted Uses, Section 102-372 Permitted Uses, Section 102-392 Permitted Uses, Section 102-422 Permitted Uses, Section 102-452 Permitted Uses and Section 102-602 Permitted Uses of Chapter 102, entitled “Zoning Ordinance” as follows:

Sec. 102-896. - Accessory dwelling unit.

Attached ~~A~~accessory dwelling units are permitted ~~in~~ **within or attached to single family dwellings in the Agriculture, the Rural, the Low density, and the Low density-1, Medium density, High density, High density-1 and Office districts.** ~~as a conditional use permit~~ **Detached accessory dwelling units are permitted on single family dwellings lots in the agriculture and rural districts** subject to the following conditions:

- (1) Only one accessory dwelling unit shall be permitted per lot.
- (2) The record property owner shall occupy either the primary dwelling unit or the accessory dwelling unit as his or her primary residence (hereinafter "owner occupancy"). The property owner shall submit an affidavit in support of ~~conditional use~~ **a building permit for an** accessory dwelling unit to the ~~planning board~~ **code enforcement department** with his or her application ~~for conditional use permit~~, stating under oath that he or she satisfies the owner occupancy requirement of this subsection. ~~In addition, within 90 days of a transfer of title to any property subject to the terms and conditions of a conditional use permit for an accessory dwelling unit, the successor property owner shall submit to the planning department an affidavit in support of conditional use permit for accessory dwelling unit, stating under oath that he or she satisfies the owner occupancy requirement of this subsection.~~

- a. The term "primary residence" for purposes of determining owner occupancy shall mean the location where the property owner is domiciled and has a place of abode, and the location where the property owner has, through all of his or her actions, demonstrated a current intent to designate said residence as his or her principal place of physical presence. Such an intent on the part of the property owner is evidenced by, among other things, his or her voter's registration, vehicle registration, driver's license, or the placement of his or her children in local public schools. Any temporary lapse of owner occupancy in the primary residence caused by the death of a property owner shall be permitted for a reasonable period of administration.
 - b. If the owner of the property is a trust, the term "property owner" shall mean the creator or beneficiary of the trust.
 - c. If the owner of the property is a corporation, the term "property owner" shall mean ~~the principal~~ **a stockholder of the corporation; if the owner of the property is a limited liability corporation, then the "property owner" shall mean a member of the limited liability company.**
- (3) There shall be no more than two bedrooms in an accessory dwelling unit.
- (4) **Floor area.**
- a. An **attached** accessory dwelling unit shall have a minimum floor area of 400 square feet but, in no case, shall the floor area ~~comprise more than 30 percent of the gross floor space of the primary single family dwelling~~ **be more than 800 square feet.**
 - b. A **detached dwelling unit shall have a minimum floor area of 400 square feet but, in no case, shall the floor area be more than 50 percent of the gross floor space of the primary single family dwelling or more than 1000 square feet.** An accessory dwelling unit shall comply with the city's housing and building codes.
- (5) Public water and sewer shall be required for all accessory dwelling units ~~located within the low density and low density 1 district. Accessory dwelling units created in the rural district~~ **or in the absence of public sewer**, shall have state septic system plan approval prior to the issuance of a building permit.
- (6) A scaled and dimensional plot plan of the property shall be submitted as part of the ~~conditional use~~ **building** permit application ~~to the planning board~~. This shall show the location and number of required parking spaces, driveway and paving, buildings building setbacks, utilities, fences, buffer yard and any other relevant features of the site.
- (7) Parking at an accessory dwelling unit shall be restricted to the required parking spaces as shown on the plan. No more than two parking spaces shall be permitted

for an accessory dwelling unit, and all parking provided for the accessory dwelling unit shall in accordance with section 102-794 of the zoning ordinance.

(8) Shared driveways for both the primary single-family dwelling unit preexisting conditions, no more than one driveway access is permitted to each residential lot as required by the City Code.

~~(9) All dimensional requirements for the respective zoning district shall be observed.~~

~~(10) The minimum lot size for creating an accessory dwelling unit in the low density district shall be 13,400 square feet. The minimum lot size for creating an accessory dwelling unit in the low density 1 district shall be calculated by increasing the minimum lot area as designated by section 102-791, table Basic rural dimensional requirements, by 30 percent. The minimum lot size for creating an accessory dwelling unit in the rural district shall remain five acres.~~

~~(11)~~**(9)**—Adequate notice in acceptable legal form for recording at the registry of deeds shall be duly executed by the owner of record identifying the property on which the accessory dwelling unit is located by source deed and stating the date and conditions of approval (if any) of the conditional use permit sufficient to notify successor owners that the accessory dwelling unit is subject to the city's zoning ordinance and the conditional use permit issued by the planning board. This notice shall be reviewed by the superintendent of code enforcement and the ~~planning director~~ **zoning administrator** for acceptable form, and upon signature, it shall be recorded at the registry by the property owner. Evidence of recording shall be submitted to the superintendent of code enforcement and the planning director prior to the issuance of a building permit.

~~(12) A finding by the planning board that the proposed accessory dwelling unit will not result in a decrease in value of surrounding properties.~~

• Sec. 102-302. - Permitted uses.

Permitted uses in the agriculture (A) district are as follows:

<u>Permitted Use</u>	<u>Subject to the Following:</u>
<u>Accessory dwelling unit</u>	<u>Subject to conditions and limitations as specified in section 102-896.</u>
<u>Agricultural-related educational and recreational activity as a business limited to: riding trails; riding stable; day camp;</u>	<u>Special exception. Subject to division 2 of article VI of this chapter pertaining to</u>

<p><u>picnic area; hayrides; sleigh rides; nature study area; animal husbandry displays and demonstrations; petting farm containing traditional state farm animals; museum related to agriculture, functions for nonprofit fundraising, farm products, and accessory agricultural and natural resource related uses</u></p>	<p><u>performance standards for agricultural-related educational and recreational activity as a business, and section 102-37 pertaining to special exceptions by the zoning board of adjustment.</u></p>
<p><u>Bed and breakfast inn</u></p>	<p><u>Special exception. Parking: must provide one off-street parking space for each room to be rented in addition to parking spaces required for residence.</u></p>
<p><u>Dwelling, single-family</u></p>	<p><u>Condition: ten-acre minimum lot.</u></p>
<p><u>Dwelling, single-family or dwelling, duplex</u></p>	<p><u>Special exception. Permitted as an accessory use to farming with occupancy restricted to farm owner, family, and/or employees.</u></p>
<p><u>Farming, including but not limited to such accessory uses as: storage of trucks and other farm vehicles; sale of garden supplies; bulk processing of feed, milk or other farm products, either for use on the premises or for sale; sawmill, blacksmith shop, bulk fuel storage</u></p>	
<p><u>Greenhouses or nurseries for raising of flowers and other horticultural products, including raising of such products for sale on the premises</u></p>	
<p><u>Harvesting of forestry products</u></p>	
<p><u>Historic site open to the public</u></p>	
<p><u>Home occupation incidental to the main residential use</u></p>	<p><u>Condition: See division 5 of article V of this chapter pertaining to home occupations.</u></p>
<p><u>Institutional use</u></p>	<p><u>Special exception. Subject to conditions and limitations as specified in division 12 of article V of this chapter pertaining to institutional use.</u></p>
<p><u>Noncommercial greenhouses for raising of flowers and other horticultural products incidental to main use only</u></p>	

<u>Noncommercial outdoor/recreational activity</u>	<u>Traffic: Primary access must be via an arterial street, except by special exception.</u> <u>Noise: Cannot exceed 65 dBA measured at the property line.</u> <u>Fumes/odors: No dust, odors, and/or fumes may escape the boundaries of the property.</u>
<u>Noncommercial raising of animals and/or farm products</u>	
<u>Orchards and vineyards</u>	
<u>Outdoor recreational activity as a business</u>	<u>Subject to conditions outlined in division 3 of article VI of this chapter pertaining to outdoor recreation performance standards, and site plan review.</u>
<u>Raising and selling of farm animals and/or products</u>	

• **Sec. 102-332. - Permitted uses.**

Permitted uses in the rural (R) district are as follows:

<u>Permitted Use</u>	<u>Subject to the Following:</u>
<u>Accessory dwelling unit</u>	<u>CUP, Subject to conditions and limitations as specified in section 102-896.</u>
<u>Bed and breakfast inn</u>	<u>Special exception. Parking: Must provide one off-street parking space for each room to be rented in addition to parking spaces required for residence.</u>
<u>Cemetery</u>	
<u>Dwelling, single-family</u>	
<u>Gravel pits</u>	<u>Special exception. Traffic: Primary access must be via an arterial street.</u> <u>Fumes/odors: No dust, odors, and/or fumes may escape boundaries of property. Also see chapter 54 pertaining to natural resources protection.</u>

<u>Greenhouses or nurseries for raising of flowers and other horticultural products, including raising of such products for sale on the premises</u>	
<u>Group home</u>	<p><u>Utilities: City sewer and water required.</u></p> <p><u>Buffer: A continuous 50-foot wide area measured from the property line in which no buildings, parking lots or roads are permitted, except for authorized curb cuts, and in which all utilities must be underground.</u></p> <p><u>Minimum setback: 75 feet rather than 50 feet for front, side and rear property lines.</u></p> <p><u>Parking: Minimum of one-half space per unit.</u></p>
<u>Harvesting of forestry products</u>	
<u>Historic site open to the public</u>	
<u>Home occupation incidental to main residential use</u>	<u>Condition: See division 5 of article V of this chapter pertaining to home occupations.</u>
<u>Institutional use</u>	<u>Special exception. Subject to conditions and limitations as specified in division 12 of article V of this chapter pertaining to institutional use.</u>
<u>Kennel</u>	<p><u>Traffic: Primary access must be via an arterial street.</u></p> <p><u>Noise: Cannot exceed 65 dBA measured at the property line.</u></p> <p><u>Fumes/odors: No dust, odors, and/or fumes may escape boundaries of property.</u></p>
<u>Manufactured housing park and manufactured housing subdivisions</u>	
<u>Noncommercial outdoor recreation activity</u>	<p><u>Traffic: Primary access must be via an arterial street, except by special exception.</u></p> <p><u>Noise: Cannot exceed 65 dBA measured at the property line.</u></p> <p><u>Fumes/odors: No dust, odors, and/or fumes may escape the boundaries of the property.</u></p>
<u>Orchards and vineyards</u>	
<u>Outdoor recreational activity as a business</u>	<u>Subject to conditions outlined in division 3 of article VI of this chapter pertaining to outdoor recreation performance standards, and site plan review.</u>
<u>Raising and selling of farm animals and/or</u>	

<u>products</u>	
<u>Towers for transmission, communication, and/or cellular telephone transmission</u>	<u>Special exception.</u>
<u>Veterinary establishment</u>	<u>Traffic: Primary access must be via an arterial street.</u> <u>Noise: Cannot exceed 65 dBA measured at the property line.</u> <u>Fumes/odors: No dust, odors, and/or fumes may escape boundaries of property.</u>

• **Sec. 102-362. - Permitted uses.**

Permitted uses in the low density (LD) district are as follows:

<u>Permitted Use</u>	<u>Subject to the Following:</u>
<u>Accessory dwelling unit</u>	<u>CUP, sSubject to conditions and limitations as specified in section 102-896.</u>
<u>Dwelling, single-family</u>	
<u>Group home</u>	<u>Special exception.</u>
<u>Harvesting of forestry products</u>	<u>Special exception.</u>
<u>Historic site open to the public</u>	
<u>Home occupation incidental to main residential use</u>	<u>Condition: See division 5 of article V of this chapter pertaining to home occupations.</u>
<u>Institutional use</u>	<u>Special exception. Subject to conditions and limitations as specified in division 12 of article V of this chapter pertaining to institutional uses.</u>
<u>Noncommercial raising of farm animals</u>	

• **Sec. 102-372. - Permitted uses.**

Permitted uses in the low density-1 (LD-1) district are as follows:

<u>Permitted use</u>	<u>Subject to the following:</u>
<u>Accessory dwelling unit</u>	<u>CUP, sSubject to conditions and limitations as specified in section 102-896.</u>
<u>Dwelling, single-family, detached</u>	
<u>Group home</u>	<u>Special exception.</u>
<u>Harvesting of forest products</u>	<u>Special exception.</u>
<u>Historic site open to the public</u>	
<u>Home occupation incidental to the main use</u>	<u>Condition: See division 5 of article V of this chapter pertaining to home occupations.</u>
<u>Noncommercial raising of farm animals</u>	

• **Sec. 102-392. - Permitted uses.**

Permitted uses in the medium density (MD) district are as follows:

<u>Permitted Use</u>	<u>Subject to the Following:</u>
<u>Accessory dwelling unit</u>	<u>Subject to conditions and limitations as specified in section 102-896.</u>
<u>Dwelling, multifamily</u>	<u>Condition: Maximum of three dwelling units per lot.</u>
<u>Dwelling, single-family</u>	
<u>Dwelling, duplex</u>	
<u>Group home</u>	<u>Special exception.</u>
<u>Historic site open to the public</u>	
<u>Home occupation incidental to main residential use</u>	<u>Condition: See division 5 of article V of this chapter pertaining to home occupations.</u>

<u>Institutional use</u>	<u>Special exception. Subject to conditions and limitations as specified in division 12 of article V of this chapter pertaining to institutional uses.</u>
<u>Noncommercial raising of farm animals</u>	

• Sec. 102-422. - Permitted uses.

Permitted uses in the high density (HD) district are as follows:

<u>Permitted Use</u>	<u>Subject to the Following:</u>
<u>Accessory dwelling unit</u>	<u>Subject to conditions and limitations as specified in section 102-896.</u>
<u>Bed and breakfast with meeting and dining facilities</u>	<u>Special exception.</u>
	<u>1. Access required from a street no more than one street removed from a state highway.</u>
	<u>2. Maximum of 60 people or eight times the number of bedrooms, whichever is less.</u>
	<u>3. Must provide on-site parking of two spaces for permanent resident, plus one space per guest bedroom, plus one space per 1.5 people using meeting and dining facilities.</u>
	<u>4. Attendance by registered guests, invited guests or participants in functions/meetings only. Dining facilities are not open to the public.</u>
	<u>5. A semiannual special license will be required for any activity involving more than 60 people. No more than 100 people will be allowed per special event during the period of the special license. Application for a special license is to be filed with the city clerk and shall require approval by the departments of police, fire and code enforcement. For each special license, the city shall determine hours of operation, parking requirements, traffic control and special requirements deemed necessary for public safety.</u>
	<u>6. Hours of operation for outside activities shall be restricted to 8:00 a.m. to 10:00 p.m.</u>

	<u>7. Five-acre minimum site required.</u>
<u>Bed and breakfast inn/tourist home</u>	<u>Special exception. Parking: Must provide one off-street parking space for each room to be rented in addition to parking spaces required for residence.</u>
<u>Boardinghouse/lodginghouse</u>	<u>Special exception.</u>
<u>Dwelling, duplex</u>	
<u>Dwelling, multifamily</u>	
<u>Dwelling, single-family</u>	
<u>Fraternity/sorority</u>	<u>Special exception.</u>
<u>Group home</u>	
<u>Historic site open to the public</u>	
<u>Home occupation incidental to main residential use</u>	<u>Condition: See division 5 of article V of this chapter pertaining to home occupations.</u>
<u>Institutional use</u>	<u>Special exception. Subject to conditions and limitations as specified in division 12 of article V of this chapter pertaining to institutional uses.</u>
<u>Neighborhood grocery stores</u>	<u>Special exception.</u>
<u>Senior center</u>	

• Sec. 102-452. - Permitted uses.

Permitted uses in the high density-1 (HD-1) district are as follows:

<u>Permitted Use</u>	<u>Subject to the Following:</u>
<u>Accessory dwelling unit</u>	<u>Subject to conditions and limitations as specified in section 102-896.</u>

<u>Bed and breakfast with meeting and dining facilities</u>	<u>Special exception. See section 102-422 pertaining to performance standards, high density.</u>
<u>Dwelling, duplex</u>	
<u>Dwelling, multifamily</u>	
<u>Dwelling, single-family</u>	
<u>Group home</u>	
<u>Institutional use</u>	<u>Special exception. See division 12 of article V of this chapter pertaining to institutional uses.</u>

• **Sec. 102-602. - Permitted uses.**

Permitted uses in the office (O) district are as follows:

<u>Permitted Use</u>	<u>Subject to the Following:</u>
	<u>Condition: All development, redevelopment, additions, and renovations in this zone are to maintain the look and feel of a residential zone or area. This is to be accomplished by the following:</u>
	<u>1. All changes are subject to the city site plan regulations.</u>
	<u>2. Specifically prohibited are concrete block exteriors, flat roofs, and rooftop HVAC equipment.</u>
	<u>3. All dumpsters must be located at the rear of the building, be enclosed or screened and not visible from the street. Exempt from this requirement are dumpsters temporarily located on a site during construction when a building permit has been issued.</u>
	<u>4. No parking and/or paving, except driveways, is permitted in the front setback or the area from the front lot line to the building front, whichever is greater.</u>
	<u>5. When a site is altered, requiring submittal of a site plan, there is to be provided a four-foot-high fence and/or landscape screen between all</u>

	<u>paving/driveways/parking and directly abutting residential property.</u>
<u>Accessory dwelling unit</u>	<u>Subject to conditions and limitations as specified in section 102-896.</u>
<u>Bed and breakfast/inn, tourist home</u>	
<u>Dwelling, duplex</u>	
<u>Dwelling, multifamily</u>	
<u>Dwelling, single-family</u>	
<u>Funeral parlor</u>	
<u>Historic site open to the public</u>	
<u>Home occupation</u>	<u>See division 5 of article V of this chapter pertaining to home occupations.</u>
<u>Institutional use</u>	<u>Special exception. Subject to conditions and limitations as specified in division 12 of article V of this chapter pertaining to institutional uses.</u>
<u>Nursery or child care facility</u>	<u>Special exception.</u>
<u>Office</u>	
<u>Parking area (lot)</u>	<u>Special exception.</u>
<u>Private club, lodge or fraternal activity where primary function is indoors</u>	<u>Special exception. Traffic: Primary access must be via an arterial street.</u>
<u>Senior center</u>	

Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

August 30, 2017

TO: Mayor and Keene City Council

FROM: Michele Chalice, Planner

ITEM: F.3.

SUBJECT: O-2016-01-C Marlboro Street Rezoning Project

RECOMMENDATION:

A motion was made by Mayor Kendall Lane that the Planning Board finds O-2016-01-C in compliance with the Master Plan. The motion was seconded by Councilor George Hansel and was unanimously approved.

A motion was made by Councilor David Richards that the Planning Licenses and Development Committee request the Mayor set a public hearing on for O-2016-01-C. The motion was seconded by Councilor George Hansel and was unanimously approved.

ATTACHMENTS:

Description

Red-Line Ordinance O-2016-01-C

FINAL Ordinance O-2016-01-C

BACKGROUND:

Ordinance - O-2016-01-B – Relating to Zone Change. Petitioner, City of Keene Planning Department, requests the creation of three zoning districts; a Business Growth and Reuse District, a Neighborhood Business District and a Residential Preservation District. The proposed ordinance also revises eleven zoning definitions and creates five additional zoning definitions. The two hundred and fifty-six parcels of land affected by this request total an area of 266 acres. The project area is generally east of Main Street, south of Water Street, west of Eastern Avenue and north of Baker Street. A summary of proposed revisions to the original ordinance and to the Basic Zone Dimensional Requirements Table 1, Section 102-791 will be discussed.

Planner Michele Chalice addressed the Committee next. Ms. Chalice stated staff is before the Committee with the Marlboro Street project because they have a unique opportunity to make minor modifications to the text of the intent statement for two of the proposed districts. This would allow the City to use RSA 79-E, temporary property tax relief program being considered by the Council.

It also gives staff the opportunity to clean up a few other structural inconsistencies: language requiring owner occupancy, permitted principal uses added to the Business Growth and Re-Use and Neighborhood Business Permitted Principle Uses table, the removal of proposed dimensional requirement tables from throughout the ordinance, which made it easier to understand, to the main, Basic Zone Dimensional Requirements Table.

First Change:

RSA 79E – Pages 25 and 32 – the only change being made is listed on the bottom of page 25 – Division 22 - Business Growth and Re-Use District (BGR) Sec. 102-771.0 – (the change being proposed – the word “is” being removed and content added to read as follows: *The intent of this section is to create an additional downtown zoning district...*

Page 32 - Division 23 – Neighborhood Business District (NB) Sec. 102-772.0 – (new language reads as follows) - *The intent of this section is to create an additional downtown zoning district...*

Mr. Lamb added the reason for this change is so that 79-E could apply in the instant City Council chooses to move forward with it.

Mayor Lane asked why it is being limited to the Business Growth and Reuse District and not in the Residential District which is being created. Ms. Chalice stated this is because the tax implications have not been discussed thoroughly enough. Chair Richards stated at the PLD Committee there was discussion about the Residential District also being included. Mr. Lamb stated it can always be added in today as an amended but noted at the PLD Committee level it was staff’s recommendation that the City begin with an economic development focus rather than a housing or neighborhood focus. 79-E has an economic focus and not in the residential realm. The Mayor felt the City was not drafting the 79-E legislation today and all the City is doing is putting in language to make it possible for 79-E to happen in the future. The Mayor felt now that the City has 79-E in front of it they might use it in all three zones and did not feel the City should amend the ordinance later on which could have been included now.

Councilor Sapeta agreed with the Mayor in that he felt the issue discussed earlier tonight with the ADU’s could be included in this which will make it more economically viable. He asked if the Neighborhood Business District can only be applied downtown. Ms. Chalice stated the term “downtown” being added is so that the new Neighborhood Business District being proposed can utilize 79-E. Chair Richards stated what is being suggested is that 79-E be utilized for the new zones being created. Councilor Sapeta stated his concern is that the language is confining Neighborhood Business District just to the downtown and can’t happen in other areas of Keene.

Mayor Lane stated the RSA 79-E is limited to downtown and to the Downtown Revitalization District. He further stated the Downtown Revitalization Committee, who have been working separately since spring, has already defined this area as part of the downtown (Main Street and Marlboro Street).

Councilor Hansel raised concern about applying 79-E to residences and agreed with the Mayor that any wording changes were appropriate.

Mr. Lamb referred to language from 79-E and added 79-E is focused on “the downtown” or a “commercial district” and this has been clear throughout the statute.

Mr. Lamb referred to page 24 and proposed this amendment: The intent of this Residential Preservation District (RP) is to ~~provide~~ *create an additional downtown district* and/or re-create a neighborhood of residential properties that prioritizes family units.

Mr. Barrett asked whether at some point the Residential Preservation District was to be applied to a part of Keene which is not thought of as part of the downtown, would it be an obstacle. Mr. Lamb stated the language at that time would need to be assessed to see if it would be appropriate for that part of the City. There might be certain amendments required or a separate district would need to be created.

Councilor Sapeta asked whether it would make sense to define the zone of downtown and then have language which points to the downtown zone. Mr. Lamb stated the manner in which he reads 79-E gives the City more options including a master plan option of what the central business district or downtown district is.

Dr. Cusack asked whether there was a zoning district referred to as “downtown”. Mr. Lamb stated what we have is the Central Business zoning district. Dr. Cusack asked whether the terminology was correct referring to this as “*creating an additional downtown zoning district*”. Mr. Lamb stated this is the terminology available through the 79-E legislation. Councilor Sapeta felt creating a specific downtown zone would be easier to deal with in the future. He asked whether this item could be continued so that type of zone could be specified. Chair Richards stated the reason for 79-E is to spur economic development and the City would like it in this area for that purpose. He indicated when the zoning is crafted; the City can pick and choose where 79-E could be located. This is a tool to encourage economic development. What the Joint Committee is doing today is to say it is going to be allowed in a particular zone and where it is eventually going to be used is a larger discussion which has not even started to happen.

Mayor Lane asked everyone not to over analyze anything yet as the ordinance has not yet been written. The City has a long way to go before the City applies this to any particular district.

Second Change:

Owner occupancy – Page 25 – *Affidavit of owner-occupancy for new structures with Certificate of Occupancy* – is being deleted.

Sec. 102-770.2 – General 1) In the case of a “Duplex/Two-Family Dwelling”, the property owner must occupy one of the two dwelling units – is being deleted.

Chair Richards asked how the new ADU definition ties into a duplex. Ms. Chalice stated these are two separate terms. An ADU offers the opportunity for a separate housing option within the proposed Residential Preservation zoning district. Mayor Lane asked whether an ADU and a duplex achieve the same purpose. The Mayor asked if the permitted use of a duplex was eliminated, will the City achieve what it wanted when it started without having to allow a duplex. Ms. Chalice stated that the two housing options are not exactly the same but the ADU does provide an additional housing option within the proposed Residential Preservation single family housing district. Mr. Lamb noted duplexes are also permitted in the Neighborhood Preservation District and staff is in agreement with what the Mayor is proposing.

Mr. Barrett stated an attached ADU does have a size limit; if there is a building that is 2,000 square feet in total and it is a side by side duplex and each unit is 1,000 square feet, this would not be allowed under the ADU law. However, as a duplex it would be allowed. (Maximum size of an ADU is 800 square feet and a minimum size of an ADU is 400 square feet). Mr. Lamb stated that an owner could always apply for a variance to increase the size of an ADU. The Mayor asked whether the Committee could increase the size of an ADU. Mr. Lamb stated the Committee would have to re-open up the ordinance discussion again but the Committee does have this prerogative under the statute to do so – the state law dictates a minimum, not a maximum.

Councilor Hansel stated any opportunity the City has to reduce the number of variances it has to grant, it should try to do so.

Chair Spykman asked whether the Committee would then eliminate the size requirement or set the size to a higher number, and if it does that how the Committee would come up with that number.

Mr. Barrett stated most of the older homes in Keene which are divided into two might have units on the first and second floors or side by side and might not necessarily be the same size. The ADU Ordinance also had language which said the owner did not have to live in the larger unit. He felt this is not an ordinance the City should be rushing into. If there is no size limit, he asked how a number can be assigned. Mr. Lamb felt it was important for the Committee to settle on a size limit; for the primary purpose this is as an *accessory dwelling, secondary* to the primary unit. These units are meant to serve as in-law apartments and such (of a lesser size compared to the primary unit). The original ordinance had a limit of 30% of the original structure but this had

to be eliminated because of the minimum 750 square foot size under the statute. Mr. Lamb added there was good reasoning for the proposal at the 800 square feet but wasn't sure whether this particular SF limit is appropriate for what the committee was trying to achieve.

Mayor Lane noted because it is an "accessory" unit, wouldn't the size be dictated by the size of the lot? Mr. Lamb agreed this was possible due to the "lot coverage" limitation.

Councilor Sapeta stated for the proposed Residential Preservation zoning district he would like to remove the option for a duplex as this is a district that is close to the college which could allow eight students to live in one unit allowing 16 students to live in a duplex, which almost looks like a lodging house. He felt there is already a large concentration of college housing in this area. As far as the ADU is concerned, the Councilor did not feel a change was necessary as it is intended to serve as has been said, as an in-law apartment. The Councilor also talked about the flooding in this area and felt increasing the number of units and parking would only exacerbate this issue.

Dr. Cusack agreed with what Councilor Sapeta said and if this is a Residential Preservation District and if duplexes and rentals are permitted this area will never be returned to a residential area and the neighborhood would never be revitalized. Chair Spykman asked whether this affects existing duplexes. Ms. Chalice stated this ordinance would only affect new duplexes. Mr. Lamb stated the pre-existing homes would then become non-conforming.

Chair Spykman asked for public comment.

Councilor Manwaring addressed the Committee and referred to language from the RP District and stated prioritizing residences has been the goal of the southeast Keene neighborhood. She noted this area is overloaded with rental units and most of them are occupied by college students. She stated the reason for encouraging owner occupied units is to encourage families to return to this area. She asked that duplexes not be removed from this ordinance. Councilor Manwaring asked to please not remove the duplexes. The Councilor added this area also has absentee landlords and this is another reason for owner occupied units.

Councilor Manwaring asked what happens when a landlord wants to dispose of for instance a four unit apartment he/she has not been able to fill; how do we encourage a family to purchase this unit and how to do you change this to a duplex? Mayor Lane explained when a large home likes this sells it becomes a non-conforming use and the City does not have the legal ability to change the use of that house; only the owner can change that use. However, if the owner changes this use, he/she has to comply with the existing zoning ordinance.

Councilor Sapeta asked whether an ADU can be created for instance from a 2,500 square foot house. Mr. Lamb agreed it could be done as an add-on to the building or it could be an internal conversion of the existing building.

Ms. Vicky Morton of 275 Water Street was the next speaker. Ms. Morton stated her home is currently surrounded by homes that are now two family units but were single family homes in the past. She stated she would like clarity on duplex versus two-family buildings. She also noted the home on Fairfield Court and Water Street is for sale and asked what happens to this property; would this change affect that property. Mr. Lamb stated once the first notice for the public hearing on the ADU is posted, all properties are subject to that change and any application after that notice will have to adhere to this change.

Ms. Chalice referred to the definition question and called the Committee's attention to page 34 regarding *Duplex/Two-Family Dwelling - means one building designed, occupied or intended for occupancy by two separate families; each a complete, independent living facility with separate, permanent, full provisions for sleeping, eating, cooking and sanitation. Each of the two dwelling units shall provide complete internal*

access to all rooms in the unit.

She indicated should this ordinance pass; there would be no difference between a duplex and a two-family dwelling.

Ms. Morton stated her neighborhood has changed; there are less Keene State students but other negative elements have moved into the neighborhood.

Mr. Tim Zinn of 43 Grove Street stated he owns a two-family home where he is currently renting the first floor unit. He asked if he is to sell this property whether he would be required to sell it as an owner occupied property. Chair Spykman stated if this ordinance passes Mr. Zinn's property would remain as a pre-existing, non-conforming property. When it is sold the person who purchases the property does not make any changes, it will remain a pre-existing, non-conforming property.

Mr. Zinn stated his observation for his neighborhood is that one landlord seems to be purchasing most of the properties and most of these properties are income generating student rentals. He wasn't sure how the City would manage such as issue.

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

Mr. Lamb explained there are so far two changes the Committee is proposing which they will vote on as a C version. The first is to add language to the Neighborhood Preservation District relative to 79-E. The second is the removal of the term duplex/two-family from the table of uses in the Residential Preservation District.

Third Change:

Ms. Chalice stated it came to staff's attention the two uses duplex/two-family and single-family had been left off the principal permitted uses in Neighborhood Business District. She noted even though small business is being encouraged in this neighborhood, it was not mean to be at the expense of the possibility of new duplex/two-family and single-family units - Page 21, 3A (Marlboro Street).

Chair Spykman asked whether the Committee wants to take out the duplex/two-family as was discussed with the Residential Preservation District with the knowledge that ADU's are possibility. Mr. Lamb stated Neighborhood Business District is more business oriented and it is intended to be denser and is intended to have a greater variety of mixed uses.

The Chair asked for public comment on the third change – adding duplex/two-family and single-family uses to the Neighborhood Business Zoning District.

Fourth Change:

Even though the term “mixed use development” is in the intent statement for Business Growth and Reuse Zoning District and the Neighborhood Business Zoning District, staff failed to add it to the permitted principal uses.

The Chair asked for public comment on the fourth change.

Fifth Change:

Final change being proposed is the removing of each of the dimensional tables from the ordinance where it was utilized per district and adding it to the main basic dimensional requirements table used for the zoning ordinance (all in one place).

A motion was made by Gary Spykman that the Planning Board finds O-2016-01-B in compliance with the Master Plan. The motion was seconded by Mayor Kendall Lane.

Mayor Lane made the following amendment:

Amend Section 102-770 “Intent” on page 24 – Residential Preservation Zone – First sentence to read “*The intent of this Residential Preservation Zone is to create an additional downtown zoning district to provide...*”

The amendment was seconded by Councilor George Hansel. The motion was unanimously approved by the Joint Committee.

Chair Richards made the following amendment:

To remove the term “duplex/two-family dwelling” from the list of permitted uses in Residential Preservation Zoning District in Section 102-770.1. The amendment was seconded by Councilor George Hansel. The motion was unanimously approved by the Joint Committee.

A motion was made by Mayor Kendall Lane that the Planning Board finds O-2016-01-C in compliance with the Master Plan. The motion was seconded by Councilor George Hansel and was unanimously approved.

A motion was made by David Richards that the Planning Licenses and Development Committee request the Mayor set a public hearing on for O-2016-01-C. The motion was seconded by Councilor George Hansel and was unanimously approved.

Sixteen

Relating to the Creation of a Residential Preservation District, a Business Growth and Re-Use District and a Neighborhood Business District

1. That the Ordinances of the City of Keene, Article IV. Division I. Section 102-241(a). Establishment and boundary lines, are amended by adding the following districts to *District Titles* as follows:
 - a) Residential Preservation - RP
 - b) Business Growth and Re-Use - BGR
 - c) Neighborhood Business – NB

2. That the Ordinances of the City of Keene, Article IV. is amended by adding the following Districts:

Division 21. - Residential Preservation (RP)

Sec. 102-770. – Intent

The intent of this Residential Preservation District (RP) is **to create an additional downtown zoning district to provide and/or re-create a neighborhood of residential properties that prioritizes family units.** The district has a mix of small to large residential house types. There are shallow front setbacks and shallow to medium side setbacks; with variable, private landscaping, streets with curbs, sidewalks, and shade trees that define medium to large blocks.

- (1) Prioritize residential uses with proximity to small, urban green spaces connected to walk and bike locations along and into the connecting streets and districts;
- (2) Encourage an environment where buildings are arranged, sized and scaled according to the needs and comfort of pedestrians;
- (3) Encourage and/or maintain walk and bike-friendly connections throughout the district and along streets;

Sec. 102-770.1 - Permitted Principal Uses – Any mixture of these primary uses is permitted

Permitted Use	Subject to the Following:
Accessory Dwelling Unit (ADU)	<1,500 800 SF
Bed & Breakfast Inn/Tourist Home	
Bed & Breakfast w-Meeting/Dining Facilities	Special Exception
Single-Family Dwelling	
Duplex/Two-Family Dwelling	Affidavit of owner occupancy for new structures with Certificate of Occupancy
Noncommercial Raising of Farm Animals	
Nursery/Child Care Facility	< 2,500 SF

~~Sec. 102-770.2 – General~~

- ~~1) In the case of a “Duplex/Two-Family Dwelling”, the property owner must occupy one of the two dwelling units.~~

Sec. 102-770.32 – Density, Height, Dimensional Regulations – refer to Table 1 in Sec. 102-791 Basic Zone Dimensional Requirements.

Residential Preservation Zoning District Density, Height and Dimensional Regulations								
MAXIMUM BUILDING HEIGHT – STORIES	MINIMUM LOT SIZE	MINIMUM LOT SIZE PER DWELLING UNIT	ALLOWABLE DWELLING UNITS	MINIMUM LOT WIDTH AT BUILDING LINE	MINIMUM SETBACKS; BUILDINGS	MAXIMUM % OCCUPIED BY STRUCTURE/S	MAXIMUM % OF LOT IMPERMEABLE (Buildings & Pavement)	MINIMUM % GREEN/OPEN SPACE (not gravel)
2	8,000 SF	5,400 SF	2	60'	15' Front 10' Side 20' Rear	35%	45%	55%

Sec. 102-770.43 -5 - Reserved

Division 22 - Business Growth and Re-Use District (BGR)

Sec. 102-771.0 – Intent

The intent of this section is to create an additional downtown zoning district is to enhance the economic vitality of the area by re-developing with new technology companies as well as clean manufacturing, processing, assembling and wholesaling businesses within a walkable, human-scaled place. The district provides height, density, and mixed-use incentives to attract redevelopment adjacent to Keene’s urban core. Existing infrastructure and services as well as

access to the Cheshire Rail Trail offers Smart Growth opportunities. Creative development is encouraged alongside the Beaver Brook corridor, utilizing Keene's environmentally-progressive planning policies and adaptive re-use tradition:

- 1) Create conditions suitable to co-exist adjacent to residential neighborhoods;
- 2) Create conditions which support that of a high quality, walkable community; a "Walkable Community" being an economically thriving, livable, aesthetically harmonious, ecologically-sustainable place that gives their residents a variety of safe transportation choices and improved quality of life.
- 3) Create a sense of place through enhancing public access, providing landscape amenities, ensuring proper lighting and promoting an aesthetically-pleasing streetscape;
- 4) Connect uses and buildings while prioritizing pedestrian and bicycle access separate from vehicular access;
- 5) Utilize the construction of new and adaptive re-use of existing buildings as opportunities to create "outdoors rooms", a critical element of "place-making"; aiming for ratios of building facades to roadway widths from 1:2 to 3:2;
- 6) Recognize the role of large street trees which plays an important role in creating a pedestrian scale. Pedestrian comfort being another critical element to the vitality of these new places being created;
- 7) Reduce the impacts of parking through its placement behind or alongside buildings;
- 8) Provide open space and landscaping to create small, public spaces for social interaction, enhancing the visual appearance and appeal of the individual properties along Marlboro Street and connecting streets;
- 9) Provide trails for pedestrians and bicyclists to ensure that Keene's walkable and bicycle-friendly environment is extended along Marlboro Street and into the connecting streets and neighborhoods;
- 10) Provide pedestrian amenities such as kiosks, stands, street furniture, drinking fountains, trash and recycling receptacles,
- 11) Enhance the visual appearance of the individual properties, Marlboro Street, and connecting streets;
- 12) Provide location-sensitive transitions between neighborhoods and uses along Marlboro Street; and
- 13) Provide shade and public spaces for social interaction.

Sec. 102-771.1 - Permitted Principal Uses – Any mixture of these primary uses is permitted:

Permitted Use	Subject to:
Assembly	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Bed and Breakfast Inn/Tourist Home	
Bed and Breakfast with Meeting/Dining Facilities	
Bulk Storage & Distribution of g Goods, a Accessory to m Main m Manufacturing u Use	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
College: u Undergraduate, g Graduate and i Industrial t Training p Programs	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Health & Fitness Center	Special Exception required for all outdoor activities. Accessory use only.
Historic Site	
Home Occupation/Live-Work	
Home Offices (Insurance/Publishing Companies, Manufacturing Firms)	
Manufacturing/Processing	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Mixed-Use Development	
Multi-Dwelling Structure	Special condition: mixed use only when connected to a commercial or industrial use.
Neighborhood Grocery Store	< 3,500 SF
Nursery/Greenhouse	
Office, Small Scale Corporate, Business or Professional Purposes	Any one use may occupy no more than 20,000 gross square feet of floor space. Special exception subject to criteria for > 20,000 square feet.

Repair Garage	Condition: All outside vehicles must be screened from view by a minimum six-foot-high impervious fence or hedge
Research & Development Laboratory	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Restaurant	As distinguished from a bar and less than 50 seats.
Warehousing	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Wholesaling	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.

Sec. 102-771.2 – General

- (1) Buildings may have more than one principal façade and/or entry.
- (2) New buildings which have a property line along Beaver Brook are encouraged to face Beaver Brook as an amenity.
- (3) For ecological and aesthetic reasons, the City encourages Beaver Brook’s Floodway, i.e. “No-Build Setback Strip” to be maintained as an open, strip of native grasses and wildflower meadow from NH Route 12 to Railroad Street. The City also encourages an easement be granted to the City for a walking and bicycling trail connection along this Floodway from NH Route 12 along Beaver Brook to the City’s Rail Trail connection at Water Street.
- (4) Service alleys shall be no more than 15 feet wide.
- (5) Lighting and windows onto a service alley shall be placed at regular, evenly-spaced intervals.
- (6) Ground-level HVAC units are not permitted unless completely screened from street, sidewalk, path and street views.

Sec. 102-771.3 – New Building Incentive Option

Application procedures and information required:

- (a) Upon application, the zoning administrator shall begin the process for evaluating whether or not a project is eligible for the incentives contained within the BGR district. The applicant shall be responsible for submitting a letter of intent, application form and

application fee (collectively identified as the "application") to the zoning administrator to initiate this process.

(b) The letter of intent, signed by the applicant and property owner, or his authorized agent, shall include a narrative that addresses the following:

- (1) A description of the complete project and what strategies will be employed to obtain a green building certification.
- (2) The green building system and level of attainment proposed for the project.
 - a. LEED®, Green Globes, the National Green Building Standard (ICC 700), and the International Green Construction Code are the acceptable Green Building Rating systems for this article.
 - b. Demonstrated compliance with these systems will permit pre-certification.
- (3) All necessary information to allow an informed decision regarding the applicant's ability to comply with the chosen rating system.
- (4) Statement that the applicant releases the City of Keene, its officers, employees, agents and servants from any liability if the applicant is unsuccessful in efforts to attain green building certification or equivalent, as identified in this article.

(c) With the letter of intent, the applicant will choose a third party reviewer from a listing of third party reviewers maintained by the code enforcement department. The applicant can provide a third-party nomination to the code enforcement department, but acceptance of the third party shall be at the sole discretion of the department. The costs and expenses of the third-party reviewer shall be paid by the applicant at the time of the filing of the application. Within 35 business days, the third-party reviewer will make a determination of the project's ability to achieve a minimum green building pre-certification status for one of the following rating systems:

LEED ®	LEED ® Silver
Green Globes	Two Green Globes
National Green Building Standard (ICC 700)	Silver - Green Building; and/or Two Stars - Site Design and Development
International Green Construction Code	Minimum compliance with the code and compliance with the adopted levels in Table 102.4.12.
Allowable Green Building Systems	

(d) Within ten business days after receipt of third-party review, results and commentary, the zoning administrator shall determine in writing if the project is:

- (1) Eligible for BGR district incentives, or
- (2) Ineligible for BGR district incentives.
- (e) Once the zoning administrator has issued a decision that the project is eligible, the applicant cannot change the proposed green building rating system without first obtaining the approval of the zoning administrator. In making this re-determination, the zoning administrator may require that the proposed change(s) be submitted to a third-party reviewer as provided by this article.
- (f) Upon application, the applicant shall submit the review of the third-party and any acceptances or certifications from green rating agencies to demonstrate compliance with the proposed green building rating system or code.
- (g) Prior to the issuance of a certificate of occupancy, the zoning administrator shall receive certification or documentation from the qualified third-party reviewer that the as-built project has achieved the proposed rating system. No certificate of occupancy or temporary certificate of occupancy shall be issued without demonstrated evidence supplied by the applicant and third-party reviewer that the project has achieved the proposed level of green building compliance.

Sec. 102-771.4 – Density, Height, Dimensional Regulations – refer to Table 1 in Sec. 102-791 Basic Zone Dimensional Requirements.

MAXIMUM BUILDING HEIGHT - STORIES	MAXIMUM BLDG. HEIGHT - STORIES (w/ 1st Floor Parking)	MINIMUM LOT SIZE	MINIMUM BUILDING SETBACKS	MINIMUM SETBACK between STRUCTURE & IMPERVIOUS PAVED AREAS	MAXIMUM BUILDING SETBACK from FRONT PROPERTY LINE	MAXIMUM % OCCUPIED BY STRUCTURE	MAXIMUM % OF LOT IMPERMEABLE (Includes Structures & Paving)	MINIMUM LANDSCAPE BUFFER from STRUCTURES	MINIMUM % GREEN/OPEN SPACE (not gravel)
2	4	8,000 SF	5' Front*	10'	10'*	55	65	10' Front	35
			10' Side					10' Side	
			20' Rear					10' Rear	

*Minor deviations equal to a maximum of 33 percent of building frontage are permitted for parks, open space, patio space or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.

- (1) A new structure constructed within the BGR District shall have no fewer than two stories.
- (2) Projects that meet eligibility requirements may take advantage of additional building height opportunities.
- (3) With regard to the front building setback of five feet from any Marlboro Street property line, minor deviations equal to a maximum of 25 percent of street frontage are permitted for parks, open space, plazas or such architectural features as recesses, niches, ornamental

projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.

- (4) With regard to the front building setback of ten feet from any other street frontage property line in the BGR District, minor deviations equal to a maximum of 33 percent of building frontage are permitted for parks, open space, patio space or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.
- (5) First floors are encouraged to be designated for vehicular or bicycle parking only. An additional story of building height is offered as an incentive.

Sec. 102-771.5 - Parking Regulations and Incentives

- 1) Parking Regulations - Shared parking to reduce the total number of parking spaces required for properties within this zone will be allowed as permitted under *Chapter 102 Zoning: Article XIV. Shared Paring with the Sustainable Energy Efficient Development (SEED) Overlay.*
- 2) Parking lots shall not be permitted at transition points into and out of the BGR district unless screened with landscaping and/or, fencing, existing buildings, new buildings.
- 3) Parking lots shall be located at the rear or side of a building(s).
- 4) The following parking requirements shall apply for an eligible project:
 - a) This article shall supersede parking requirements established in section 18-253.
 - b) Shared parking shall be permitted, pursuant to section 102-1450 - section 102-1456;
 - c) The maximum allowable distance between any property and the location of any off-site parking shall be 750 feet, pursuant to section 102-978;
- 5) The number of parking spaces required for eligible projects within the BGR zoning district shall comply with the parking requirements established in Table II: Parking Calculations for Eligible Projects within the BGR zoning district.

Table II: Parking Calculations for Incentive Eligible Projects within the Business Growth & Re-Use District	
USE CATEGORY	MINIMUM
Dwellings, Multi-Family*	1-25 Dwelling Units: 2.0 spaces per unit
	26-50 Dwelling Units: 1.75 spaces per unit
	51-100 Dwelling Units: 1.5 spaces per unit
	>100 Dwelling Units: 1.25 spaces per unit
* per Sec. 102-794 "...except per unit for elderly or special population housing which can demonstrate a reduced demand for parking"	

Sec. 102-771.6-.9 – Reserved

Division 23 - Neighborhood Business District (NB)

Sec. 102-772.0 – Intent

The intent of this section is to create an additional downtown zoning district that allows ~~is to create~~ mixed-use development districts with of small businesses to support the adjacent neighborhoods and workplaces. The district is intended to enhance the visual character of the existing commercial corridors as well as to encourage site designs that promote pedestrian circulation, small urban parks and transportation alternatives along Marlboro Street. Some uses which are not retail or service in nature are also allowed so that a variety of uses may locate in existing buildings. Uses are restricted in size to promote a local scale and to limit adverse impacts on nearby residences. Development is intended to be pedestrian-oriented and compatible with surrounding residential areas. A mixture of uses side by side and in the same structure is to be encouraged. Location of parking is limited, since its appearance is generally out of character with the surrounding residential development.

- (1) Reduce the multiple impacts of automobile parking by limiting the number of spaces per parcel, avoiding large expanses of automobile parking lots facing the streets while providing safe, secure and convenient bicycle parking opportunities.
- (2) Utilize the construction of new and adaptive re-use of existing buildings as opportunities to create “outdoors rooms”, a critical element of “place making”; aiming for ratios of building facades to roadway widths from 1:2 to 3:2;
- (3) Utilize large street trees which also play an important role in creating a pedestrian scale. Pedestrian comfort being another critical element to the vitality of new places being created;
- (4) Create walk and bike-friendly connections throughout the district and along streets.
- (5) Create an outdoor experience adjacent to buildings, different from the downtown.
- (6) Connect uses and buildings within the Neighborhood Business Districts through pedestrian and vehicular access, prioritizing pedestrian and bicycle access above vehicular access.

Sec. 102-772.1 – Permitted Principal Uses – Any mixture of these primary uses is permitted:

Permitted Use	Subject To:
Accessory Dwelling Unit (ADU)	< 800 SF
Bed and Breakfast Inn/Tourist Home	
Bed and Breakfast with Meeting/Dining Facilities	Special Exception
Duplex /Two Family Dwelling	
Funeral Parlor	< 3,750SF
Health & Fitness Center	< 2,500 SF
Historic Site	
Home Occupation/Live- Work	
Mixed-Use Development	
Multi-Dwelling Structure	
Neighborhood Grocery Store	< 3,500 SF
Nursery/Greenhouse	< 5,000 SF
Nursery/Child Care Facility	< 3,000SF
Office, Professional	<5,000 SF
Restaurant	<3,500 SF
Retail Sales/Service	<3,500 SF
Single Family Dwelling	

Sec. 102-772.2 – Density, Height, Dimensional Regulations – refer to Table 1 in Sec. 102-791 Basic Zone Dimensional Requirements.

MAXIMUM BUILDING HEIGHT—STORIES	MAXIMUM BLDG. HEIGHT—STORIES (w/ 1st Floor Parking)	MINIMUM LOT SIZE	MINIMUM BUILDING SETBACKS	MINIMUM SETBACK between STRUCTURE & IMPERVIOUS /PAVED AREAS	MAXIMUM BUILDING SETBACK from FRONT PROPERTY LINE	MAXIMUM % OCCUPIED BY STRUCTURE	MAXIMUM % OF LOT IMPERMEABLE (Includes Structures & Paving)	MINIMUM LANDSCAPE BUFFER from STRUCTURES	MINIMUM % GREEN/OPEN SPACE (not gravel)
2	4	8,000 SF	5' Front* 10' Side 20' Rear	10'	10'*	55	65	10' Front 10' Side 10' Rear	35

*Minor deviations equal to a maximum of 33 percent of building frontage are permitted for parks, open space, patio space or such architectural features as recesses,

Sec. 102-772.~~23~~ Parking Regulations

- (1) Shared parking to reduce the total number of parking spaces required for properties within this zone will be allowed as permitted under *Zoning: Article XIV. Shared Parking with the Sustainable Energy Efficient Development (SEED) Overlay, Chapter 102-1450*.
- (2) Parking shall be otherwise in conformance with Section 102-793, Minimum Parking Requirements of these regulations.
- (3) Parking lots shall be located at the rear of the building.

Sec. 102-772.4-9 – Reserved

3. That the Ordinances of the City of Keene, Article I, Section 102-2. Definitions, are amended by revising the following definitions to read as follows:

Alteration - means any construction or renovation to an existing structure other than repair or addition. Applied to a building this means a change or rearrangement in the structural parts, and can include flood proofing or other modifications.

Bed and Breakfast with Meeting/Dining Facilities – means a residential structure consisting of nine (9) or fewer bedrooms rented on a temporary, short term basis for overnight sleeping purposes. Said facility shall have common eating and living areas and provide on-site management on a twenty-four (24) hour basis. Meals shall be served to registered guests only.

Building – means any structure used or intended for sheltering any use or occupancy.

Dwelling, Unit – means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Structure types:

Single Family Dwelling - means a detached dwelling unit located on its own lot, designed for, or intended to be occupied by one family.

Duplex/Two-Family Dwelling - means one building designed, occupied or intended for occupancy by two separate families; each a complete, independent living facility with separate, permanent, full provisions for sleeping, eating, cooking and sanitation. Each of the two dwelling units shall provide complete internal access to all rooms in the unit

Multi-Dwelling Structure – means a structure that contains three or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate zoning lots. Buildings with more than one set of

cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly incidental and accessory.

Mixed-Use Development – means a combination of different permitted uses within a single building lot.

Nursery/Child Care Facility – means an establishment, licensed under the provisions of NH state law, for the care and supervision of a child away from the child’s home and apart from the child’s family.

Nursery/Greenhouse – means an enterprise that conducts the retail and/or wholesale business of plants grown on the premises, as well as accessory items directly related to their care and maintenance.

Research and Development Laboratory – means a structure or complex of structures designed or used primarily for research development functions.

64. That the Ordinances of the City of Keene, Section 102-2. Definitions, are amended by adding the following definitions:

Bed and Breakfast Inn/Tourist Home – An owner or operator-occupied single-family detached dwelling unit which contains no more than one kitchen and five (5) or fewer guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests, other than temporary personal guests of the family in the dwelling unit, for compensation with or without meals.

Exterior Display – Is an outdoor showroom for customers to examine and compare products and includes the outdoor display of products, vehicles, equipment and machinery for sale or lease. The display area does not have to be visible to the street. Examples of uses that often have exterior display are motor vehicles, boat sales, and plant nurseries. Outdoor display of vehicles is separate from required parking spaces under the zoning ordinance. This does not include goods that are being stored or parked outside. It does not include damaged motor vehicles, vehicles or equipment being serviced, and other similar products.

Impervious Surfaces – Those surfaces and development features on a lot which are non-porous and which substantially prevent rain or storm water from absorbing or percolating into the ground beneath them. Impervious surfaces include, but are not limited to: roof areas, structures, patios, sidewalks, driveways, parking areas, swimming pools and other development features surfaced with non-porous materials.

Neighborhood Grocery Store – Establishments primarily engaged in the provision of frequently or recurrently needed food for household consumption, such as prepared food, beverages, limited household supplies and hardware; in a space that is less than or equal to 3,500 square feet.

Porous Surface – A surface that presents an opportunity for precipitation to infiltrate (soak) into the ground.

5. That the Ordinances of the City of Keene, Table 1, Section 102-791. Basic Zone Dimensional Requirements is amended by **adding** the aforementioned zoning districts and dimensional requirements:

Proposed Addition to Keene's Basic Zone Dimensional Requirements; Table 1, Sec. 102-791, of Three, New Marlboro Street Zoning Districts

	Zones																				
	C	A	R	LD	LD-1	MD	HD	HD-1	CB	CBL	COM	CL	O	I	IP	IPL	CP	HC	RP	BGR	NB
Maximum building height (in stories above grade not including habitable attics)	2	2	2	2	2	2	2	3	4 (b)	4	2 (b)	2	2	2 (b)	2 (b)	2	N/A	4	2	2	2
Maximum building height (in feet)	35	35	35	35	35	35	35	50	55 (b), (l)	55	35 (b)	35	35	35 (b)	35 (b)	50	60	55			
Maximum building height w/ 1st floor parking only																				4	4
Maximum building height for Incentive-Eligible Projects																				3	
Maximum building height for Incentive-Eligible Projects w/ 1st floor parking only																				5	
Minimum lot area	5 acres	10 acres (i)	5 acres (a), (e)	10,000 sf	1 acre(p)	8,000 sf	6,000 sf	2 acres	None	10,000 sf	15,000 sf	20,000 sf	8,000 sf	None	4 acres	5 acres	2 acres	2 acres	8,000 SF	8,000 SF	8,000 SF
Minimum lot area for Incentive-Eligible Projects																				None	
Minimum lot area per dwelling unit	n/a	10 acres (i)	5 acres	10,000 sf	1 acre(p)	5,400 sf (k)	5,000 sf (k)	3,000 sf	n/a	n/a	n/a	n/a	5,400 sf (k)	n/a	n/a	n/a	n/a	n/a	5,400 SF		
Allowable Dwelling Units																			2		
Minimum lot width at building line (in feet)	200	200	200	70	75	60	50	150	None	None	None	100	60	None	None	200	200	50	60		
Minimum front setback (in feet)	50	50	50	15	15	15	15	50	None	20	20	100	15	20	50	200	40	50	15	5*/**	5*/**
Maximum building setback from front property line																				10**	10**
Minimum rear setback (in feet)	50	50	50	20	20	15	15	15	None	20	20 (d)	20 (d)	15	20 (d)	50	75/100 (f)	50/75 (j)	20 (c)	20	20	20
Three-story structures only								50													
Minimum side setback (in feet)	50	50	50	10	10	10	10	10	None	20	20	20	10	15	30	75/100 (f)	50/75 (j)	20 (c)	10	10	10
Three-story structures only								50													
Maximum percentage of lot occupied by structures	10	10	10	35	30	45	55	55	100	60	80	40	50	80	25	25	30	55	35	55	55
Maximum percentage of lot covered by impermeable material (includes structures)	20	20 (c)	20	45	35	60	75	75	100	80	80	70	70	80	70	50	n/a	75	45	65	65
Minimum percentage of green/open space				55	65	40	25	25	None	20	20	30	30					25	55	35	35



CITY OF KEENE

O-2016-01-C

Sixteen

In the Year of Our Lord Two Thousand and
Relating to the Creation of a Residential Preservation District, a Business Growth

AN ORDINANCEand Re-Use District and a Neighborhood Business District.....

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

That the Ordinances of the City of Keene, as amended, are hereby further amended by inserting the bolded text and deleting the stricken text, as follows:

1. That the Ordinances of the City of Keene, Article IV. Division I. Section 102-241(a). Establishment and boundary lines, are amended by adding the following districts to *District Titles* as follows:

- a) Residential Preservation - RP
- b) Business Growth and Re-Use - BGR
- c) Neighborhood Business – NB

2. That the Ordinances of the City of Keene, Article IV. is amended by adding the following Districts:

Division 21. - Residential Preservation (RP)

Sec. 102-770. – Intent

The intent of this Residential Preservation District (RP) is to create an additional downtown zoning district to provide and/or re-create a neighborhood of residential properties that prioritizes family units. The district has a mix of small to large residential house types. There are shallow front setbacks and shallow to medium side setbacks; with variable, private landscaping, streets with curbs, sidewalks, and shade trees that define medium to large blocks.

- (1) Prioritize residential uses with proximity to small, urban green spaces connected to walk and bike locations along and into the connecting streets and districts;

- (2) Encourage an environment where buildings are arranged, sized and scaled according to the needs and comfort of pedestrians;
- (3) Encourage and/or maintain walk and bike-friendly connections throughout the district and along streets;

Sec. 102-770.1 - Permitted Principal Uses – Any mixture of these primary uses is permitted

Permitted Use	Subject to the Following:
Accessory Dwelling Unit (ADU)	< 800 SF
Bed & Breakfast Inn/Tourist Home	
Bed & Breakfast w-Meeting/Dining Facilities	Special Exception
Single-Family Dwelling	
Noncommercial Raising of Farm Animals	
Nursery/Child Care Facility	< 2,500 SF

Sec. 102-770.3 – Density, Height, Dimensional Regulations – refer to Table 1 in Sec. 102-791 Basic Zone Dimensional Requirements.

Sec. 102-770.4 -5 - Reserved

Division 22 - Business Growth and Re-Use District (BGR)

Sec. 102-771.0 – Intent

The intent of this section is to create an additional downtown zoning district to enhance the economic vitality of the area by re-developing with new technology companies as well as clean manufacturing, processing, assembling and wholesaling businesses within a walkable, human-scaled place. The district provides height, density, and mixed-use incentives to attract redevelopment adjacent to Keene’s urban core. Existing infrastructure and services as well as access to the Cheshire Rail Trail offers Smart Growth opportunities. Creative development is encouraged alongside the Beaver Brook corridor, utilizing Keene’s environmentally-progressive planning policies and adaptive re-use tradition:

- 1) Create conditions suitable to co-exist adjacent to residential neighborhoods;
- 2) Create conditions which support that of a high quality, walkable community; a “Walkable Community” being an economically thriving, livable, aesthetically harmonious, ecologically-sustainable place that gives their residents a variety of safe transportation choices and improved quality of life.

- 3) Create a sense of place through enhancing public access, providing landscape amenities, ensuring proper lighting and promoting an aesthetically-pleasing streetscape;
- 4) Connect uses and buildings while prioritizing pedestrian and bicycle access separate from vehicular access;
- 5) Utilize the construction of new and adaptive re-use of existing buildings as opportunities to create “outdoors rooms”, a critical element of “place-making”; aiming for ratios of building facades to roadway widths from 1:2 to 3:2;
- 6) Recognize the role of large street trees which plays an important role in creating a pedestrian scale. Pedestrian comfort being another critical element to the vitality of these new places being created;
- 7) Reduce the impacts of parking through its placement behind or alongside buildings;
- 8) Provide open space and landscaping to create small, public spaces for social interaction, enhancing the visual appearance and appeal of the individual properties along Marlboro Street and connecting streets;
- 9) Provide trails for pedestrians and bicyclists to ensure that Keene’s walkable and bicycle-friendly environment is extended along Marlboro Street and into the connecting streets and neighborhoods;
- 10) Provide pedestrian amenities such as kiosks, stands, street furniture, drinking fountains, trash and recycling receptacles,
- 11) Enhance the visual appearance of the individual properties, Marlboro Street, and connecting streets;
- 12) Provide location-sensitive transitions between neighborhoods and uses along Marlboro Street; and
- 13) Provide shade and public spaces for social interaction.

Sec. 102-771.1 - Permitted Principal Uses – Any mixture of these primary uses is permitted:

Permitted Use	Subject to:
Assembly	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Bed and Breakfast Inn/Tourist Home	
Bed and Breakfast with Meeting/Dining Facilities	
Bulk Storage & Distribution of Goods, Accessory to Main Manufacturing Use	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
College: Undergraduate, Graduate and Industrial Training Programs	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Health & Fitness Center	Special Exception required for all outdoor activities. Accessory use only.
Historic Site	
Home Occupation/Live-Work	
Home Offices (Insurance/Publishing Companies, Manufacturing Firms)	
Manufacturing/Processing	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Mixed-Use Development	
Multi-Dwelling Structure	Special condition: mixed use only when connected to a commercial or industrial use.
Neighborhood Grocery Store	< 3,500 SF
Nursery/Greenhouse	
Office, Small Scale Corporate, Business or Professional Purposes	Any one use may occupy no more than 20,000 gross square feet of floor space. Special exception subject to criteria for > 20,000 square feet.

Repair Garage	Condition: All outside vehicles must be screened from view by a minimum six-foot-high impervious fence or hedge
Research & Development Laboratory	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Restaurant	As distinguished from a bar and less than 50 seats.
Warehousing	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.
Wholesaling	Any one use may occupy no more than 30,000 gross square feet of floor space. Special exception subject to criteria for > 30,000 square feet.

Sec. 102-771.2 – General

- (1) Buildings may have more than one principal façade and/or entry.
- (2) New buildings which have a property line along Beaver Brook are encouraged to face Beaver Brook as an amenity.
- (3) For ecological and aesthetic reasons, the City encourages Beaver Brook’s Floodway, i.e. “No-Build Setback Strip” to be maintained as an open, strip of native grasses and wildflower meadow from NH Route 12 to Railroad Street. The City also encourages an easement be granted to the City for a walking and bicycling trail connection along this Floodway from NH Route 12 along Beaver Brook to the City’s Rail Trail connection at Water Street.
- (4) Service alleys shall be no more than 15 feet wide.
- (5) Lighting and windows onto a service alley shall be placed at regular, evenly-spaced intervals.
- (6) Ground-level HVAC units are not permitted unless completely screened from street, sidewalk, path and street views.

Sec. 102-771.3 – New Building Incentive Option

Application procedures and information required:

- (a) Upon application, the zoning administrator shall begin the process for evaluating whether or not a project is eligible for the incentives contained within the BGR district. The applicant shall be responsible for submitting a letter of intent, application form and

application fee (collectively identified as the "application") to the zoning administrator to initiate this process.

(b) The letter of intent, signed by the applicant and property owner, or his authorized agent, shall include a narrative that addresses the following:

(1) A description of the complete project and what strategies will be employed to obtain a green building certification.

(2) The green building system and level of attainment proposed for the project.

a. LEED®, Green Globes, the National Green Building Standard (ICC 700), and the International Green Construction Code are the acceptable Green Building Rating systems for this article.

b. Demonstrated compliance with these systems will permit pre-certification.

(3) All necessary information to allow an informed decision regarding the applicant's ability to comply with the chosen rating system.

(4) Statement that the applicant releases the City of Keene, its officers, employees, agents and servants from any liability if the applicant is unsuccessful in efforts to attain green building certification or equivalent, as identified in this article.

(c) With the letter of intent, the applicant will choose a third party reviewer from a listing of third party reviewers maintained by the code enforcement department. The applicant can provide a third-party nomination to the code enforcement department, but acceptance of the third party shall be at the sole discretion of the department. The costs and expenses of the third-party reviewer shall be paid by the applicant at the time of the filing of the application. Within 35 business days, the third-party reviewer will make a determination of the project's ability to achieve a minimum green building pre-certification status for one of the following rating systems:

LEED ®	LEED ® Silver
Green Globes	Two Green Globes
National Green Building Standard (ICC 700)	Silver - Green Building; and/or Two Stars - Site Design and Development
International Green Construction Code	Minimum compliance with the code and compliance with the adopted levels in Table 102.4.12.
Allowable Green Building Systems	

(d) Within ten business days after receipt of third-party review, results and commentary, the zoning administrator shall determine in writing if the project is:

- (1) Eligible for BGR district incentives, or
- (2) Ineligible for BGR district incentives.

(e) Once the zoning administrator has issued a decision that the project is eligible, the applicant cannot change the proposed green building rating system without first obtaining the approval of the zoning administrator. In making this re-determination, the zoning administrator may require that the proposed change(s) be submitted to a third-party reviewer as provided by this article.

(f) Upon application, the applicant shall submit the review of the third-party and any acceptances or certifications from green rating agencies to demonstrate compliance with the proposed green building rating system or code.

(g) Prior to the issuance of a certificate of occupancy, the zoning administrator shall receive certification or documentation from the qualified third-party reviewer that the as-built project has achieved the proposed rating system. No certificate of occupancy or temporary certificate of occupancy shall be issued without demonstrated evidence supplied by the applicant and third-party reviewer that the project has achieved the proposed level of green building compliance.

Sec. 102-771.4 – Density, Height, Dimensional Regulations – refer to Table 1 in Sec. 102-791 Basic Zone Dimensional Requirements.

- (1) A new structure constructed within the BGR District shall have no fewer than two stories.
- (2) Projects that meet eligibility requirements may take advantage of additional building height opportunities.
- (3) With regard to the front building setback of five feet from any Marlboro Street property line, minor deviations equal to a maximum of 25 percent of street frontage are permitted for parks, open space, plazas or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.
- (4) With regard to the front building setback of ten feet from any other street frontage property line in the BGR District, minor deviations equal to a maximum of 33 percent of building frontage are permitted for parks, open space, patio space or such architectural features as recesses, niches, ornamental projections, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.
- (5) First floors are encouraged to be designated for vehicular or bicycle parking only. An additional story of building height is offered as an incentive.

Sec. 102-771.5 - Parking Regulations and Incentives

- 1) Parking Regulations - Shared parking to reduce the total number of parking spaces required for properties within this zone will be allowed as permitted under *Chapter 102 Zoning: Article XIV. Shared Parking with the Sustainable Energy Efficient Development (SEED) Overlay.*

- 2) Parking lots shall not be permitted at transition points into and out of the BGR district unless screened with landscaping and/or, fencing, existing buildings, new buildings.
- 3) Parking lots shall be located at the rear or side of a building(s).
- 4) The following parking requirements shall apply for an eligible project:
 - a) This article shall supersede parking requirements established in section 18-253.
 - b) Shared parking shall be permitted, pursuant to section 102-1450 - section 102-1456;
 - c) The maximum allowable distance between any property and the location of any off-site parking shall be 750 feet, pursuant to section 102-978;
- 5) The number of parking spaces required for eligible projects within the BGR zoning district shall comply with the parking requirements established in Table II: Parking Calculations for Eligible Projects within the BGR zoning district.

Table II: Parking Calculations for Incentive Eligible Projects within the Business Growth & Re-Use District	
USE CATEGORY	MINIMUM
Dwellings, Multi-Family*	1-25 Dwelling Units: 2.0 spaces per unit
	26-50 Dwelling Units: 1.75 spaces per unit
	51-100 Dwelling Units: 1.5 spaces per unit
	>100 Dwelling Units: 1.25 spaces per unit
* per Sec. 102-794 "...except per unit for elderly or special population housing which can demonstrate a reduced demand for parking"	

Sec. 102-771.6-.9 – Reserved

Division 23 - Neighborhood Business District (NB)

Sec. 102-772.0 – Intent

The intent of this section is to create an additional downtown zoning district that allows mixed-use development of small businesses to support the adjacent neighborhoods and workplaces. The district is intended to enhance the visual character of the existing commercial corridors as well as to encourage site designs that promote pedestrian circulation, small urban parks and transportation alternatives along Marlboro Street. Some uses which are not retail or service in nature are also allowed so that a variety of uses may locate in existing buildings. Uses are restricted in size to promote a local scale and to limit adverse impacts on nearby residences. Development is intended to be pedestrian-oriented and compatible with surrounding residential areas. A mixture of uses side by side and in the same structure is to be encouraged. Location of

parking is limited, since its appearance is generally out of character with the surrounding residential development.

- (1) Reduce the multiple impacts of automobile parking by limiting the number of spaces per parcel, avoiding large expanses of automobile parking lots facing the streets while providing safe, secure and convenient bicycle parking opportunities.
- (2) Utilize the construction of new and adaptive re-use of existing buildings as opportunities to create “outdoors rooms”, a critical element of “place making”; aiming for ratios of building facades to roadway widths from 1:2 to 3:2;
- (3) Utilize large street trees which also play an important role in creating a pedestrian scale. Pedestrian comfort being another critical element to the vitality of new places being created;
- (4) Create walk and bike-friendly connections throughout the district and along streets.
- (5) Create an outdoor experience adjacent to buildings, different from the downtown.
- (6) Connect uses and buildings within the Neighborhood Business Districts through pedestrian and vehicular access, prioritizing pedestrian and bicycle access above vehicular access.

Sec. 102-772.1 – Permitted Principal Uses – Any mixture of these primary uses is permitted:

Permitted Use	Subject To:
Accessory Dwelling Unit (ADU)	< 800 SF
Bed and Breakfast Inn/Tourist Home	
Bed and Breakfast with Meeting/Dining Facilities	Special Exception
Duplex /Two Family Dwelling	
Funeral Parlor	< 3,750SF
Health & Fitness Center	< 2,500 SF
Historic Site	
Home Occupation/Live- Work	
Mixed-Use Development	
Multi-Dwelling Structure	
Neighborhood Grocery Store	< 3,500 SF
Nursery/Greenhouse	< 5,000 SF
Nursery/Child Care Facility	< 3,000SF
Office, Professional	<5,000 SF
Restaurant	<3,500 SF
Retail Sales/Service	<3,500 SF
Single Family Dwelling	

Sec. 102-772.2 – Density, Height, Dimensional Regulations – refer to Table 1 in Sec. 102-791 Basic Zone Dimensional Requirements.

Sec. 102-772.3 Parking Regulations

- (1) Shared parking to reduce the total number of parking spaces required for properties within this zone will be allowed as permitted under *Zoning: Article XIV. Shared Parking with the Sustainable Energy Efficient Development (SEED) Overlay, Chapter 102-1450.*
- (2) Parking shall be otherwise in conformance with Section 102-793, Minimum Parking Requirements of these regulations.
- (3) Parking lots shall be located at the rear of the building.

Sec. 102-772.4-9 – Reserved

3. That the Ordinances of the City of Keene, Article I, Section 102-2. Definitions, are amended by revising the following definitions to read as follows:

Alteration - means any construction or renovation to an existing structure other than repair or addition. Applied to a building this means a change or rearrangement in the structural parts, and can include flood proofing or other modifications.

Bed and Breakfast with Meeting/Dining Facilities – means a residential structure consisting of nine (9) or fewer bedrooms rented on a temporary, short term basis for overnight sleeping purposes. Said facility shall have common eating and living areas and provide on-site management on a twenty-four (24) hour basis. Meals shall be served to registered guests only.

Building – means any structure used or intended for sheltering any use or occupancy.

Dwelling, Unit – means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Structure types:

Single Family Dwelling - means a detached dwelling unit located on its own lot, designed for, or intended to be occupied by one family.

Duplex/Two-Family Dwelling - means one building designed, occupied or intended for occupancy by two separate families; each a complete, independent living facility with separate, permanent, full provisions for sleeping, eating, cooking and sanitation. Each of the two dwelling units shall provide complete internal access to all rooms in the unit

Multi-Dwelling Structure – means a structure that contains three or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate zoning lots. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly incidental and accessory.

Mixed-Use Development – means a combination of different permitted uses within a single building lot.

Nursery/Child Care Facility – means an establishment, licensed under the provisions of NH state law, for the care and supervision of a child away from the child’s home and apart from the child’s family.

Nursery/Greenhouse – means an enterprise that conducts the retail and/or wholesale business of plants grown on the premises, as well as accessory items directly related to their care and maintenance.

Research and Development Laboratory – means a structure or complex of structures designed or used primarily for research development functions.

4. That the Ordinances of the City of Keene, Section 102-2. Definitions, are amended by adding the following definitions:

Bed and Breakfast Inn/Tourist Home – An owner or operator-occupied single-family detached dwelling unit which contains no more than one kitchen and five (5) or fewer guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests, other than temporary personal guests of the family in the dwelling unit, for compensation with or without meals.

Exterior Display – Is an outdoor showroom for customers to examine and compare products and includes the outdoor display of products, vehicles, equipment and machinery for sale or lease. The display area does not have to be visible to the street. Examples of uses that often have exterior display are motor vehicles, boat sales, and plant nurseries. Outdoor display of vehicles is separate from required parking spaces under the zoning ordinance. This does not include goods that are being stored or parked outside. It does not include damaged motor vehicles, vehicles or equipment being serviced, and other similar products.

Impervious Surfaces – Those surfaces and development features on a lot which are non-porous and which substantially prevent rain or storm water from absorbing or percolating into the ground beneath them. Impervious surfaces include, but are not limited to: roof areas, structures, patios, sidewalks, driveways, parking areas, swimming pools and other development features surfaced with non-porous materials.

Neighborhood Grocery Store – Establishments primarily engaged in the provision of frequently or recurrently needed food for household consumption, such as prepared food, beverages, limited household supplies and hardware; in a space that is less than or equal to 3,500 square feet.

Porous Surface – A surface that presents an opportunity for precipitation to infiltrate (soak) into the ground.

5. That the Ordinances of the City of Keene, Section 102-791. Basic Zone Dimensional Requirements Table is amended by adding the aforementioned zoning districts and dimensional requirements:

Proposed Addition to Keene's Basic Zone Dimensional Requirements; Table 1, Sec. 102-791, of Three, New Marlboro Street Zoning Districts

	Zones																					
	C	A	R	LD	LD-1	MD	HD	HD-1	CB	CBL	COM	CL	O	I	IP	IPL	CP	HC	RP	BGR	NB	
Maximum building height (in stories above grade not including habitable attics)	2	2	2	2	2	2	2	3	4 (b)	4	2 (b)	2	2	2 (b)	2 (b)	2	N/A	4	2	2	2	
Maximum building height (in feet)	35	35	35	35	35	35	35	50	55 (b), (l)	55	35 (b)	35	35	35 (b)	35 (b)	50	60	55				
Maximum building height w/ 1st floor parking only																				4	4	
Maximum building height for Incentive-Eligible Projects																					3	
Maximum building height for Incentive-Eligible Projects w/ 1st floor parking only																					5	
Minimum lot area	5 acres	10 acres (i)	5 acres (a), (e)	10,000 sf	1 acre(p)	8,000 sf	6,000 sf	2 acres	None	10,000 sf	15,000 sf	20,000 sf	8,000 sf	None	4 acres	5 acres	2 acres	2 acres	8,000 SF	8,000 SF	8,000 SF	
Minimum lot area for Incentive-Eligible Projects																					None	
Minimum lot area per dwelling unit	n/a	10 acres (i)	5 acres	10,000 sf	1 acre(p)	5,400 sf (k)	5,000 sf (k)	3,000 sf	n/a	n/a	n/a	n/a	5,400 sf (k)	n/a	n/a	n/a	n/a	n/a	n/a	5,400 SF		
Allowable Dwelling Units																				2		
Minimum lot width at building line (in feet)	200	200	200	70	75	60	50	150	None	None	None	100	60	None	None	200	200	50	60			
Minimum front setback (in feet)	50	50	50	15	15	15	15	50	None	20	20	100	15	20	50	200	40	50	15	5*/**	5*/**	
Maximum building setback from front property line																					10**	10**
Minimum rear setback (in feet)	50	50	50	20	20	15	15	15	None	20	20 (d)	20 (d)	15	20 (d)	50	75/100 (f)	50/75 (j)	20 (e)	20	20	20	
Three-story structures only								50														
Minimum side setback (in feet)	50	50	50	10	10	10	10	10	None	20	20	20	10	15	30	75/100 (f)	50/75 (j)	20 (e)	10	10	10	
Three-story structures only								50														
Maximum percentage of lot occupied by structures	10	10	10	35	30	45	55	55	100	60	80	40	50	80	25	25	30	55	35	55	55	
Maximum percentage of lot covered by impermeable material (includes structures)	20	20 (c)	20	45	35	60	75	75	100	80	80	70	70	80	70	50	n/a	75	45	65	65	
Minimum percentage of green/open space				55	65	40	25	25	None	20	20	30	30					25	55	35	35	

Proposed Addition to Keene's Basic Zone Dimensional Requirements; Table 1, Sec. 102-791, of Three, New Marlboro Street Zoning Districts

	Zones																					
	C	A	R	LD	LD-1	MD	HD	HD-1	CB	CBL	COM	CL	O	I	IP	IPL	CP	HC	RP	BGR	NB	
Minimum green space between residential structures and parking, all sides (in feet)								10														
Minimum buffer between structures and Impervious/Paved areas																					10	10
Minimum open space setback; structure from 100-year floodway line (all sides)																					20	
Minimum front setback of open space											20											
Minimum Landscape Buffer at Structures (all sides)																					10	10
Minimum front setback of paved and unpaved parking and travel surfaces (in feet)	None	None	None	None		None	None	10	None	(m)	(m)	(m)	5	None	None	50/10 (g)	20/30 (j)	10				
Minimum side setback of paved and unpaved parking and travel surfaces (in feet)	None	None	None	None		None	None	10	None	(m)	(m)	(m)	5	None	None	25/50 (f)	20/40 (j)	10 (c)				
Minimum rear setback of paved and unpaved parking and travel surfaces (in feet)	None	None	None	None		None	None	10	None	(m)	(m)	(m)	5	None	None	25/50 (f)	20/40 (j)	10 (c)				
Required frontage (in feet)	50	50	50	60	100(q)(r)	50	50	50	50	80	50	100	50	50	50	200 (h)	100	50				
Percentage of lot retained in vegetated/natural state	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	40	n/a				
Required depth (in feet)	None	None	None	None	None	None	n/a	None	None	None	None	None	None	None	None	150	None					
* The front building setback shall be 5' maximum from a Marlboro Street frontage.																						
** Minor deviations equal to a maximum of 33 percent of building frontage are permitted for parks, open space, patio space or such architectural features as recesses, niches, ornamental projection, entrance bays, or other articulations of the façade, unless otherwise prohibited by City Code.																						

Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

July 27, 2017

TO: Mayor and Keene City Council
FROM: Donald R. Lussier, P.E., City Engineer
THROUGH: Medard Kopczynski, City Manager
ITEM: H.1.
SUBJECT: Relating to Yield Signs

RECOMMENDATION:

That City Council refer Ordinance O-2017-14 to the Municipal Services, Facilities and Infrastructure Committee for their review and recommendation.

ATTACHMENTS:

Description

Ordinance O-2017-14

BACKGROUND:

During its regularly scheduled meeting on July 26, 2017 the Municipal Services, Facilities and Infrastructure Committee considered a request from a resident to install a stop sign at the intersection of Mountain View Drive and Darling Road. After due consideration of the request, and staff recommendation, the Committee voted unanimously to direct staff to draft an ordinance allowing for the installation of a Yield sign at this intersection.



CITY OF KEENE

O-2017-14

Seventeen

In the Year of Our Lord Two Thousand and

AN ORDINANCE Relating to – Yield Signs

AN ORDINANCE

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

That the City Code of the City of Keene, New Hampshire, as amended is hereby further amended by adding the bolded Italic text to the following provisions in Article IV, "Specific Street Regulations", of Division 6, "Yield Streets", of Section 94-346 "Yield Signs" in Chapter 94, entitled "TRAFFIC, PARKING AND PUBLIC WAYS" as follows;

Sec. 94-346. – Yield signs.

In accordance with state law a yield right-of-way sign is hereby ordered erected and maintained at the intersection of the following public ways:

Mountain View Drive and Darling Road for eastbound traffic on Mountain View Drive.

Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

9/1/2017

TO: Mayor and Keene City Council

FROM: Steve Thornton, Finance Director

THROUGH: Medard Kopczynski, City Manager

ITEM: J.1.

SUBJECT: Library Pledge Bridge Funding

RECOMMENDATION:

That Resolution R-2017-31 relating to an appropriation of up to \$1,800,000 to provide bridge cash flow funding for the Library Campus Development Project pending realization of campaign fund drive pledges (which are promises to pay) as cash receipts, be introduced and read at the September 7, 2017, 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:

Description

Resolution R-2017-31

Fund Balance Fiscal Policy Impact Analysis

BACKGROUND:

As of August 22, 2017, the Library Campus Development Project funding structure includes a \$2,000,000 bond issued by the City of Keene, \$4,360,200 in New Markets Tax Credits, and approximately \$4,258,593 (consisting of \$2,825,000 in the Library Campaign Capital Reserve account, and \$1,433,593 in pledges) raised through the campaign fund drive. Additional pledges and cash contributions continue to be received by the capital campaign.

As of August 22, 2017, \$1,433,593 of the pledges have not been realized as cash donations. The cash pledge payments are scheduled to be received over the next three fiscal years (the rest of 2018, 2019, and 2020). In addition, the capital campaign has paid \$361,842, using donations as a funding source, in architectural fees. The total of these two amounts is \$1,795,435, rounded up to \$1,800,000.

The Library Campaign Capital Reserve is scheduled to be refunded \$361,842 upon the closing of the New Markets Tax Credit partnership agreement for the architect fees noted above. The payment could be used to refund the General Fund for part of the \$1.8m funding. However, City staff will recommend that these funds instead be used to fund Contract 2 for work in the main Library (as discussed previously by the Library and Parks and Recreation Directors) as part of this project to provide cash flow in the short term.

With the outstanding pledges scheduled to mature over the next three years, the Library Campus Development Project is about \$1,800,000 short of immediate cash, as noted above, as of this memorandum. The City's partners in this project, the Monadnock Economic Development Corporation (MEDC), the Library Trustees, and Friends of the Library, have attempted to secure bridge funding for construction pending conversion of the

pledges to cash through a variety of avenues, but have been unsuccessful.

Resolution R-2017-31, if approved, would provide cash flow for the project pending realization of pledges, through an appropriation of General Fund Unassigned Fund Balance.

As outstanding pledges are converted to cash and deposited in the Library Campaign Capital Reserve over the next three years, they will be credited to the General Fund on a monthly basis as requested by City staff of the City Trustees of Trust Funds to replenish the General Fund Unassigned Fund Balance.

It should be noted, that all donations (pledged and cash), net fees, to the capital campaign now total \$4,620,435 (\$2,825,000 capital reserve cash on hand, \$1,433,593 in pledges, and \$361,842 donated cash spent for architect fees). The goal for the campaign is to raise \$5,000,000 in contributions.

ASSOCIATED RISK

If the resolution is approved, up to \$1,800,000 will be appropriated from the City's General Fund Unassigned Fund Balance to provide cash flow for the Library Campus Development Project.

It is anticipated that this amount would be refunded to the City by the Library Capital Campaign in the following manner:

A. Existing pledges will be converted to cash as scheduled. These pledges total \$1,433,593 (79.6% of the \$1,800,000) with scheduled payment dates from September 1, 2017 through May 1, 2020. This assumes conversion of 100% of outstanding pledges to cash. Risk associated with these pledges is based upon the possibility of donors not honoring existing pledges. To date, the capital campaign has collected on 100% of pledges as scheduled. Each 1% of nonpayment of existing pledges, should that occur, equals \$14,336.

B. Additional contributions of up to \$366,407 (\$1,800,000- \$1,433,593) will need to be raised by the capital campaign between September 1, 2017 and May 1, 2020 to completely refund the appropriation. These contributions are not yet backed by pledges.

To the extent that the existing \$1,433,593 in pledges not be 100% realized, and additional funds totaling \$366,407 or more as needed to offset unrealized pledges not be raised by the Capital Campaign, the General Fund would not be refunded the complete appropriation.

CONCLUSION

City fiscal policy establishes a target range for unassigned fund balances of 7% to 10% of the total of the City's General Fund budget, local and state education taxes, and the county tax. The policy provides adequate cash flow for City operations, fiscal stability in case of economic downturn or emergency, and flexibility to respond to unanticipated circumstances.

The attached table details the impact of the appropriation and refunding on the City's General Fund balance with regards to fiscal policy, and also the timing of the pledges to be credited to the General Fund when they have been converted to cash.

It is anticipated that the City will remain in compliance with fiscal policy, barring unanticipated occurrences, during the period the pledges are refunded to the City.



CITY OF KEENE

R-2017-31

In the Year of Our Lord Two Thousand and ... Seventeen

A RESOLUTION Related to an appropriation for the Library Campus Development Project

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

That the sum of one million eight hundred thousand dollars (\$1,800,000) is hereby appropriated in the 2017-2018 fiscal year for the purpose of providing interim bridge funding for the Library Campus Development Project.

Said appropriation to be funded by the General Fund unassigned fund balance (\$1,800,000).

Kendall W. Lane, Mayor

Resolution R-2017-XX - Appropriation to Fund Library Campus Development Cash Flow

General Fund Unassigned Fund Balance Impact Analysis and Refunding Schedule

		Annual Refunding	Total Refunding
Resolution R-2017-XX - September, 2017	1,800,000		
General Fund Unassigned Fund Balance Impact Analysis			
Estimated Unassigned Fund Balance 6/30/2017	7,563,370		
Fiscal Policy - 7% to 10% of City operating budget, plus tax estimated property tax obligation to the Schools District and County	9.39%		
Impact of Library Bridge Funding	-1,800,000		
Adjusted Unassigned Fund Balance	5,763,370		
Fiscal Policy Compliance September 2017 After Appropriation	7.15%		
FY 2018 Year End Projection			
Pledges to be Paid - 8/25/2017 thru 12/31/2017	274,250		
Pledges to be Paid - 1/1/2018 thru 6/30/2018	478,500		
Library Bridge Funding Reimbursement During FY 2018	752,750	752,750	
Adjusted Unassigned Fund Balance Including reimbursements Fiscal Policy Compliance Year End FY 2018	6,516,120		
	8.09%		
FY 2019 Year End Projection			
Pledges to be Paid - 7/1/2018 thru 12/31/2018	545,563		
Pledges to be Paid - 1/1/2019 thru 6/30/2019	27,000		
Library Bridge Funding Reimbursement During FY 2019	572,563	572,563	
Adjusted Unassigned Fund Balance Including reimbursements Fiscal Policy Compliance Year End FY 2019	7,088,683		
	8.80%		
FY 2020 Year End Projection			
Pledges to be Paid - 7/1/2019 thru 12/31/2019	107,280		
Pledges to be Paid - 1/1/2020 thru 6/30/2020	1,000		
Additional Contributions to be Raised 9/1/2017-6/30/2020	366,407		
Library Bridge Funding Reimbursement During FY 2020	474,687	474,687	1,800,000
Adjusted Unassigned Fund Balance Including reimbursements Fiscal Policy Compliance Year End FY 2019	7,563,370		
	9.39%		

Amount Funded -	1,800,000				
Closing Payment to City	(361,842)				
Pledge payments due 9/1/17 to 12/31/17	(274,250)				
Pledge payments due 1/1/18 to 6/30/18	(478,500)	(1,114,592)			
Outstanding @ 6/30/2018	685,408				11,180,000.00
General Fund Unassigned Fund Balance Impact Analysis					
Estimated Unassigned Fund Balance 6/30/2017	7,563,370				
Fiscal Policy - 7% to 10% of City operating budget, plus tax estimated property tax obligation to the Schools District and County	9.39%		0.796441		14335.93
Impact of Library Bridge Funding	-1,800,000				
Adjusted Unassigned Fund Balance	5,763,370				
Fiscal Policy Compliance	7.15%				-366407
FY 2018 Year End Projection					
Closing Cost Payment to the City	361,842				
Pledges to be Paid - 8/25/2017 thru 12/31/2017	274,250		2000000		
Pledges to be Paid - 1/1/2018 thru 6/30/2018	478,500		4360200		
Library Bridge Funding Reimbursement During FY 2018	1,114,592		4360000		
Adjusted Unassigned Fund Balance Including reimbursements	6,877,962		10720200		
Fiscal Policy Compliance	8.59%				2,825,140.86
					361,841.74
FY 2019 Year End Projection					
Pledges to be Paid - 7/1/2018 thru 12/31/2018	545,563		478,500		3,186,982.60
Pledges to be Paid - 1/1/2019 thru 6/30/2019	27,000		545,563 1,024,063		1437225.71
					(3,633.00)
Library Bridge Funding Reimbursement During FY 2019	572,563	1,687,155			4,620,575.31
Adjusted Unassigned Fund Balance Including reimbursements	7,450,525				
Fiscal Policy Compliance	9.29%				
FY 2020 Year End Projection					
Pledges to be Paid - 7/1/2019 thru 12/31/2019	107,280				
Pledges to be Paid - 1/1/2020 thru 6/30/2020	1,000				

Library Bridge Funding Reimbursement During FY 2020	108,280	1,795,435	135,280	
			141,873	
Adjusted Unassigned Fund Balance Including reimbursements	7,558,805		27,000	168,873
Fiscal Policy Compliance	9.39%			
Pledges not Used to Repay General Fund	33,593			
Pledge payments per Library schedule				2825141
				1433593
Pledges as of 9/1/2017 outstanding	1,433,593			
Pledges Needed to Refund General Fund	1,400,000			4258734
Percent Collections Needed to break Even	97.657%			

2825141
361842
1433593
4620576



City of Keene, N.H.
Transmittal Form

September 7, 2017

TO: Mayor and Keene City Council

FROM: Elizabeth A. Fox, Assistant City Manager/Human Resources Director

THROUGH: Medard K. Kopczynski, City Manager

ITEM: J.2.

SUBJECT: In Appreciation of Kevin F. Knuepfer Upon His Retirement

RECOMMENDATION:

That Resolution R-2017-32 be adopted by the City Council.

ATTACHMENTS:

Description

Resolution R-2017-32

BACKGROUND:

Mr. Knuepfer retired from the Public Works Department August 31, 2017, with 14 years of service.



CITY OF KEENE

In the Year of Our Lord Two Thousand andSeventeen.....

A RESOLUTION In Appreciation of Kevin F. Knuepfer Upon His Retirement.....

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

WHEREAS: Kevin F. Knuepfer began his career with the City September 2, 2003, as a temporary seasonal employee in Public Works’s Water & Sewer Division; then, provided temporary winter assistance running the “Trackless” for the Highway Division starting December 1, 2003; and moved to a regular position as Maintenance Aide I in Highway effective June 14, 2004; and

WHEREAS: Kevin quickly gained a good understanding of all aspects of the variety of functions of the Highway Division, taking care of the jobs that were before him quickly and to the best of his ability, with his work quality varying from good to very good; and he has been appreciated for taking initiative with his job assignments—seeing something that needed to be done and either taking care of it himself or seeking assistance to get it accomplished and taking the extra step needed to complete a job well; and

WHEREAS: Kevin has been labeled an “outstanding winter operations employee,” operating and training others to operate sidewalk tractors, as well as operating one-ton trucks with plows and salters; volunteering several winters for night shifts; and being “cooped up” in a sidewalk tractor for 12-14 hours and still excelling at plowing a difficult route, where landmarks that delineate a sidewalk are obscured by snow and where cars and pedestrians need to be gone around—and completing it cheerfully; and

WHEREAS: Some of his other duties have included running the street sweeper, helping to maintain it and other equipment, working with line-painting contractors to ensure proper completion of contracts, and pickup up fall leaves, as well as training to operate backhoes and loaders; and

WHEREAS: Having a “good heart” and being a likeable person, Kevin communicates well with co-workers, other departments’ staff and the public, answering any questions posed with the information on hand to the best of his ability; and

WHEREAS: His good work ethic and team-player mentality drives him to help others no matter what the task might be, to adapt to the frequent rearrangement of assignments and crew staffing, to work well with other departments, and to fulfill assignments from all supervisors; and

WHEREAS: Kevin retired from the City of Keene Public Works Department effective August 31, 2017, with 14 years of dedicated and honorable service to the community;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Keene hereby extends its sincere thanks to Kevin F. Knuepfer for his dedication to the Keene community and the Monadnock Region and wishes him the very best for his retirement years; and

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

PASSED

Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

August 31, 2017

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: J.3.

SUBJECT: Relating to an Appropriation of Funds for the Solid Waste Fund

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Council adopt Resolution R-2017-29, relating to the appropriation of funds for the Solid Waste Fund for FY 16/17.

ATTACHMENTS:

Description

Resolution R-2017-29

BACKGROUND:

Solid Waste Manager, Duncan Watson stated the Solid Waste Fund finished in the black for FY 16/17 (\$230,000). He indicated this is because of good planning on the part of staff. He indicated the matter before the Committee is to balance the budget as a result of having an increase in some of the line items and the increased revenue to offset this, and the net of all this is that the solid waste budget would have a surplus of nearly \$130,000 at the end of this fiscal year.

Councilor Powers asked whether this is something the department does every year and noted Mr. Watson referred to balancing the budget but in the Memorandum the Manager talks about replacing the wireless communication link. Mr. Watson stated the last time staff came with this item was in 2011 – in this case staff is asking for a carryover to improve the wireless connection as there is no fiber that runs up to the solid waste station.

For the disposal line item the primary request is to increase the authorization for the budget for disposal because more waste was received than was anticipated but this was offset by additional revenue received both in the disposal line item and recycling line item. The City Manager added what transpired here is that the solid waste division took in more than what was anticipated but it cost more to get rid of that waste which exceeded the budget and the budget needs to be adjusted and this has to be done prior to the auditors coming in. The Finance Director stated this is a book-keeping exercise to reflect what happened during the year. He added the division had a surplus last year but without budgetary authority the money cannot be carried over.

Councilor Powers asked whether the wireless improvement would help process credit cards at the solid waste state division. Mr. Watson stated the short answer is a no; the real question is how to process credit cards without having traffic backup even more than it does on a Saturday for instance.

Councilor Jacobs made the following motion which was seconded by Councilor Chadbourne.

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Council adopt Resolution R-2017-29, relating to the appropriation of funds for the Solid Waste Fund for FY 16/17.



CITY OF KEENE

R-2017-29

In the Year of Our Lord Two Thousand andseventeen.....

A RESOLUTION Relating to the Appropriation of Funds for the Solid Waste Fund

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

That, pursuant to Section 32 of the Rules of Order, the sum of sixteen thousand dollars (\$16,000) be added as an additional expenditure in the Office Equipment Maintenance account 10001-62301, for a revised budget of eighteen thousand dollars (\$18,000), and one hundred twenty one thousand five hundred seventy two dollars (\$121,572) be added as an additional expenditure in the Disposal account 10002-62448 for a revised budget of two million five hundred sixty four thousand three hundred forty six dollars (\$2,564,346) is hereby appropriated in the 2016/2017 fiscal year for costs associated with City operation of the Keene Transfer Station, and the sum of sixty eight thousand nine hundred thirty seven dollars (\$68,937) be added as additional revenue in the Tipping Fees account 10000-44119 for a revised budget of four million one hundred twenty thousand five hundred eighty six dollars (\$4,120,586), and sixty eight thousand six hundred thirty five dollars (\$68,635) be added as additional revenue to the Recycling Fees account 10000-47120 for a revised budget of four hundred twenty five thousand six hundred thirty five dollars (\$425,635) in the 2016/2017 fiscal year as follows:

FY 16/17 Solid Waste Expenditure

<u>Account#</u>	<u>Description</u>	<u>FY16/17 Budget</u>	<u>Additional Request</u>	<u>Revised Budget</u>
10001-62301	Office Equip Maint.	\$ 2,600	\$ 16,000	\$ 18,000
10002-62448	Disposal	\$2,442,774	\$121,572	\$2,564,346

FY 16/17 Solid Waste Revenue

<u>Account#</u>	<u>Description</u>	<u>Budget</u>	<u>Request</u>	<u>Revised Budget</u>
10000-44119	Tipping Fees	\$4,051,649	\$68,937	\$4,120,586
10000-47120	Recycling Fees	\$ 357,000	\$68,635	\$ 425,635

Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

August 31, 2017

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: J.4.

SUBJECT: Relating to the Reallocation of Bond Proceeds from the FY 15 Rehabilitation Project (90249) for Emergency Bridge Repairs

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends adoption of R-2017-27-A, Reallocation of Bond Proceeds from the FY15 Rehabilitation Project Account (90249) for emergency bridge repairs.

ATTACHMENTS:

Description

Resolution R-2017-27-A

BACKGROUND:

Public Works Director, Kurt Blomquist stated this item went before the Council for first reading but it was realized Mr. Blomquist mis-read a spreadsheet and there were less funds in the fund than was anticipated. There was also a change to how the Baker Street bridge was going to be handled; the bids came in higher than the budget. The project will be sent out to bid in the spring. Some of the Baker Street work will be done through in-house resources, the material for this work was not budgeted and hence staff will be requesting to use funds from this project for this purpose.

The city will be working on the Whitcombs Mill Road bridge for \$35,000 and the Winchester Street bridge for \$15,400. Hence, this required \$55,900 for the two bridges and Baker Street repair. There is \$72,000 left in the project and staff is requesting to take a little under \$16,000 and reallocate it to the bridge capital reserve.

Councilor Chadbourne made the following motion which was seconded by Councilor Powers.

On 5-0 vote, the Finance, Organization and Personnel Committee recommends adoption of R-2017-27-A, Reallocation of Bond Proceeds from the FY15 Rehabilitation Project Account (90249) for emergency bridge repairs.



CITY OF KEENE

R-2017-27-A

Seventeen

In the Year of Our Lord Two Thousand and
Relating to the Reallocation of Bond Proceeds from the FY15 Rehabilitation
A RESOLUTION Project (90249) for Emergency Bridge Repairs

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

That the sum of fifty-five thousand and nine hundred dollars (\$55,900) in bond proceeds be reallocated from the FY15 Road Rehabilitation Project Account (90249) for emergency bridge repairs on the Baker Street Bridge, NH Rt. 10/Winchester Street Bridge and the Whitcombs Mill Road Bridge. Further, that the remaining balance of the FY15 Road Rehabilitation Project account be reallocated to the City's Bridge Capital Reserve account.

Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

August 31, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: J.5.

SUBJECT: Relating to Fiscal Policies

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2017-26 relating to Fiscal Policies.

ATTACHMENTS:

Description

Resolution R-2017-26

BACKGROUND:

Mr. Thornton stated on August 1 there was a fiscal policies workshop conducted. Councilor Powers referred to Section V, Item F and stated these are all good management systems being undertaken by city staff but don't rise to the level of being included in the fiscal policies. He stated he is appreciative of the fact that staff does a majority of these items. He also noted some of these are also included in the city code. Councilor Clarke agreed in an effort to reduce the size of this document.

Mr. Thornton stated over the last ten years staff has tried to prioritize and understand how things should be done and this is something staff has been trying to build into the operations. The goal of this policy is an attempt to formalize that experience in what staff is trying to do. Chair Greenwald asked why the term "may" was chosen instead of "shall". Mr. Thornton stated much discussion did happen around these terms and staff felt it doesn't have the resources everywhere to do it completely as they would like.

Mr. Blomquist stated one of the aspects of Asset Management Strategy is the buy-in from your Board of Directors; the Council and the community is the city's Board of Directors. By having it in the policy the Council is stressing the importance of this item. With reference to the terms, it is more about timing and staff trying to get to these projects and trying to do the best they can to get the work done. The Manager stated this is about the Council telling the staff this is something that is important and is something that should be done to manage its assets.

Chair Greenwald made the following motion which was seconded by Councilor Jacobs.

That the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2017-26 relating to Fiscal Policies.

Councilor Powers made the following motion which was seconded by Councilor Clarke.

That the Finance, Organization and Personnel Committee amend Resolution R-2017-26 by removing in Section V the red lined section F and that it is adopted by the City Council as an Asset Management Policy.

The amendment failed on a 2-3 vote, with Councilor Chadbourne, Councilor Jacobs and Chair Greenwald voting in opposition.

On 5-0 vote, the Finance, Organization and Personnel Committee recommends adoption of Resolution R-2017-26 relating to Fiscal Policies.



CITY OF KEENE

R-2017-26

In the Year of Our Lord Two Thousand and Seventeen

A RESOLUTION Relating to FISCAL POLICIES

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the fiscal policy should be reviewed and adopted by the City Council on an annual basis in the month of July, and

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

PART 1 – Budgetary Policies

I. Budget

- A. The City shall annually adopt and appropriate budgets for the following funds
 - 1) General Fund
 - 2) Parking Fund
 - 3) PC Replacement Fund
 - 4) Solid Waste Fund
 - 5) Sewer Fund
 - 6) Water Fund
 - 7) Equipment Fund
- B. All appropriated budgets shall be balanced.
- C. All appropriations for annual operating budgets (exclusive of capital projects) shall lapse at fiscal year-end unless encumbered by a City of Keene purchase order that is recorded in the financial system on or before June 30th of any year, or as authorized by the City Manager in writing, on a case-by-case basis. Those encumbrances shall be reported to the City Council in an informational memorandum by the first week of September each year.
- D. The budget document shall provide multi-year projections of revenues and expenditures/expenses including property taxes and utility (water and sewer) rates.
- E. The budget will take into consideration the City's Policies on unassigned Fund Balance at the end of June,
- F. The City of Keene will contain its General Fund debt service and current

revenue capital outlay appropriations, on a five (5) year average, at or less than fifteen percent (15%) of the General Fund operating budget.

G. Upon completion of any project, any residual funds shall be returned to the fund that provided the original appropriation.

H. Property Taxes.

- 1) The City shall limit its property tax revenue increases to a rolling three (3) year average of the Boston CPI, (as of June 30th) net of expenditures required by law, and debt service payments. The City chooses to utilize the CPI, not because it reflects inflation in the City's costs, but because it reflects the overall inflation in what citizens purchase. This manages City spending such that increases in a citizen's tax bill are in line with increases in all of their other expenses. The goal is to have the cost of City services as a percentage of a taxpayer's total expenses remain constant.
- 2) Property Tax Credits and Exemptions. All exemptions and credits will be reviewed with the City Council every three (3) years unless there are legislative changes that cause a review to occur on a more frequent basis.
- 3) The State has chosen to solve its revenue problem by downshifting expenses to the local communities and tapping into the broad based property tax at the local level. Downshifting is an effective strategy for the State; however, it is unsustainable at the local level and would quickly lead to a significant reduction in City services. The City is sensitive to these added expenses to the taxpayers and will attempt to limit the impact; however, as a State expense, the City will pass through the State downshifting to the taxpayers.

II. Capital Improvement Program

- A. The City of Keene shall prepare a capital improvement program (CIP) with a span of six (6) years.
- B. The CIP shall be updated annually. All capital projects or equipment purchases that have an estimated cost of at least \$20,000 and an estimated useful life of at least five years will be included in the capital improvement program (CIP) planning process. These projects may include capital asset preservation projects (designed to preserve the functionality and condition of major infrastructure systems and City facilities) with an estimated cost of at least \$20,000 and which increase the useful life of the asset by at least five years.
- C. The CIP shall contain revenue projections and rate impacts that support estimated operating costs as well as the proposed capital program. Expenditures included in each year of the CIP (operations, debt service and capital) will be equal to estimated revenue available to finance proposed activity in each year of the CIP. Cost and revenue estimates in projected years will be presented for planning purposes, and are based upon the then current best available information.
- D. Each project funding-request shall originate from a City department and shall include the following information (as applicable):
 - 1) A description of the project.
 - 2) A cost estimate and funding profile.
 - 3) A project time line.

- 4) An estimate of the operating budget impact.
 - 5) A reference to alignment with City Council Goals.
 - 6) A reference to alignment with the Comprehensive Master Plan (Focus Area).
- E. CIP Funding Methodology
- 1) Whenever possible, CIP projects will be funded with available resources, examples of which are current revenues, grants, donations, and reserves, but not debt.
 - 2) Appropriate uses of debt include project such as:
 - a) One time nonrecurring investments (ex. the construction of a new asset, or the expansion or adaptation of an existing asset to provide added service delivery capacity or to meet changing community needs.
 - b) Projects necessary due to regulatory requirements (ex. water treatment plant expansion due to EPA permit changes) when resources other than debt are not available.
- F. c) Projects necessary due to asset or system operational failure or obsolescence when resources other than debt are not available. The CIP shall be reviewed by the Finance, Organization and Personnel Committee and the Planning Board.
- G. The CIP will be the subject of a public hearing before adoption.
- H. The funding requests in the first year of the adopted CIP will be included in the next annual budget document.
- I. Upon project completion, any residual funds shall be returned to the fund that provided the original appropriation unless otherwise directed by the City Council.

PART 2 - Financial Policies

- I. Fund Structure
- A. All funds are intended to be self-supporting, with no subsidies from one fund to another required for operations or capital outlay.
 - B. The City will continue to conduct its financial activities through the use of the following funds:
 - 1) Governmental Funds
 - a) General Fund – shall be used to account for those governmental activities that are not recorded in one of the other City Funds.
 - b) Special Revenue Funds:
 - i. Grants Fund – shall be used for those activities that are funded in part or in whole by contributions from other entities.
 - ii. Parking Fund – shall be used to account for the operations, maintenance and capital outlay needs of the municipal parking areas.
 - iii. PC Replacement Fund – shall be used to account for the on-going replacement of PC's, certain peripherals, and desk top software utilized by all City departments.
 - iv. Solid Waste Fund – shall be used to account for the activities of the transfer and recycling operations and for post-closure costs associated with the landfill.

- c) Capital Projects Fund – shall be used to account for the capital projects funded by any of the governmental funds.
 - 2) Proprietary Funds
 - a) Enterprise Funds
 - i. Sewer Fund – shall be used to account for the operations, maintenance, and capital outlay needs of the sewer collection and treatment systems.
 - ii. Water Fund – shall be used to account for the operations, maintenance, and capital outlay needs of the water treatment and distribution systems.
 - 3) Internal Service Funds
 - a) Equipment Fund – shall be used to account for the operations, maintenance, and capital outlay needs of fleet services.

II. Revenues

- A. One-time revenues. One-time revenues will only be applied toward one-time expenditures; they will not be used to finance on-going programs or services. On-going revenues should be equal to, or greater than, on-going expenditures.
- B. Diversity. The City will diversify its revenues by maximizing the use of non-property tax revenues such as payments in lieu of taxes and user fees and charges.
- C. Designation of Revenues.
 - 1) Each year, the City shall designate and set aside \$25,000 for conservation purposes, funded through the allocation of the Land Use Change Tax (LUCT). If the prior years' LUCT revenues are less than \$25,000, the General Fund will provide the difference from general revenues to ensure an annual contribution of \$25,000. Additionally, in the years when the LUCT revenues exceed \$25,000, fifty percent (50%) of the amount over \$25,000 will be designated for conservation purposes, with the total annual designation not to exceed \$100,000. Expenditure of funds to be made upon approval of the City Council. Balance of said sum not to exceed \$500,000.
 - 2) Direct reimbursements from other entities shall be used to offset the appropriate City expense.
 - 3) Except for the provisions stated above, or as provided otherwise by Federal, State law, or by local Code of Ordinances, no unanticipated revenues shall be designated for a specific purpose(s) unless directed by the City Council.

III. Fees and Charges

- A. Certain services provided by the City of Keene will be assigned a fee or charge for the users of the service, dependent upon how the community benefits from the provision of those services.
 - 1) In the event that the benefit is community-wide there will be no user fee or charge assessed.
 - 2) In the event that the service benefits a finite and definable sector of the community then that group will be assessed a fee or charge for provision of the service.
- B. Cost Recovery

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

IV. Debt

- A. The City of Keene will periodically incur debt to finance capital projects. All issuances of debt are subject to State of New Hampshire Statutes, RSA 34 and 162-K.
- B. Debt may be issued to fund projects with a public purpose of a lasting nature or as otherwise allowed by State law.

- C. Debt will not be issued to provide for the payment of expenses for current maintenance and operation except as otherwise provided by law.
- D. The City of Keene shall not incur debt that exceeds any limits set by State law.
- E. All bonds shall be authorized by resolution of the City Council and require a two-thirds (2/3) vote.
- F. The City of Keene may use the services of a financial advisor to assist in preparing for, and executing, any sale of bonds. Said services shall be obtained as the result of a Request for Proposals (RFP) process, which shall be conducted at a minimum of every five (5) years.
- G. The City of Keene shall acquire the required services of bond counsel as the result of a Request for Proposals (RFP) process, which shall be conducted at a minimum of every five (5) years.
- H. Form. The City of Keene issues three types of bonds:
 - 1) General Obligation Bonds – repayment is backed by the full taxing power of the City of Keene.
 - 2) Tax Increment Financing Bonds – repayment is first backed by the revenue stream generated by increased revenues created within an established Tax Increment Financing District. To the extent that the increased revenues created within the district are not adequate, the repayment of the bonds would then be backed by the full taxing power of the City of Keene.
 - 3) Refunding Bonds – these bonds are issued to refinance outstanding bonds before their term in order to either remove restrictions on the original bonds and/or to take advantage of lower interest rates. Repayment is backed by the full taxing power of the City of Keene.
- I. Competitive sale is the preferred method of sale; however, negotiated sales may occur for a current or advance refunding, or for other appropriate reasons.
- J. Term.
 - 1) Debt will be incurred only for projects with a useful life of at least five (5) years.
 - 2) The term of any debt incurred by the City shall be limited to no greater than the expected useful life of the improvement.
- K. The use of short-term financing, lease, or lease-purchase agreements shall be kept to a minimum.
- L. Other funding sources – to the extent they are available, the City of Keene will actively pursue:
 - 1) Grants that reduce the City's initial investment in project/improvement.
 - 2) Grants that contribute to the on-going debt service for city project(s).
 - 3) Other financing tools such as tax credits that leverage the City's initial investment in a project.

V. Capital Assets

- A. Capitalization of equipment, buildings, land and improvements other than buildings (if one or more of the following criteria are met):
 - 1) Cost (if known) or fair market value is greater than or equal to \$5,000 and useful life is greater than one (1) year for new or replacement items.

- 2) In the case of modifications and upgrades, cost is greater than or equal to \$5,000 for equipment, and \$10,000 for buildings and other improvements and the changes accomplish one or more of the following:
 - a) Prolongs the useful life of the asset
 - b) Adapts the asset to a new or different use
 - c) Substantially increases the value of the asset
 - d) Does not substantially replace a current asset
 - 3) All land acquisitions will be capitalized at cost (if known) or fair market value.
 - 4) The total cost of placing an asset into service condition will be capitalized.
- B. Capitalization of infrastructure
- 1) Cost greater than or equal to \$10,000, and useful life greater than five (5) years.
 - 2) The depreciation approach will be utilized for the reporting of all infrastructure.
- C. Depreciation: straight-line depreciation will be used to depreciate all depreciable capital assets over the estimated useful life of each asset, as determined by industry standards.
- D. Asset Classification: assets will be recorded within broad asset groups (e.g. land, buildings, etc.).
- E. Budgeting: the budgeting of capital assets will be in a manner that will facilitate the identification and recording of the asset in accordance with this policy.
- F. The City may develop, implement, and refine capital asset management programs (defined as an integrated business approach involving planning, engineering, finance, facilities management, utilities, technology and operations to effectively manage existing and new facilities and infrastructure to maximize benefits, manage cost, reduce risk, and provide satisfactory levels of service to community users in a socially, environmentally, and economically sustainable manner). The capital asset management plans should contain at least the following elements:
- 1) Periodic inventories and assessment of the physical condition of City capital assets and infrastructure.
 - 2) Establishment of condition and functional standards for various types of asset.
 - 3) Criteria to evaluate infrastructure and facility assets and set priorities.
 - 4) Financing policies to maintain a condition assessment system(s) and promote sufficient funding for capital asset preservation, repair, and maintenance.
 - 5) Monitoring and development of periodic plain language status reports on the various components of the City's capital assets and infrastructure.

VI. Fund Balance Classification Policies and Procedures

- A. Fund Balance: Fund balance represents the difference between current assets and liabilities and shall be comprised of non-spendable, restricted, committed, assigned, and unassigned amounts defined as follows:
- 1) Non-spendable fund balance - includes amounts that are not in spendable form such as inventory or prepaid expenses or are

- required to be maintained intact such as perpetual care or the principal of an endowment fund.
 - 2) Restricted fund balance - includes amounts that can only be spent for specific purposes stipulated by external resource providers such as grantors or, as in the case of special revenue funds, as established through enabling legislation.
 - 3) Committed fund balance - includes amounts that can be reported and expended as a result of motions passed by the highest decision making authority, the City Council.
 - 4) Assigned fund balance - includes amounts to be used for specific purposes including encumbrances and authorized carry forwards or fund balance to be used in the subsequent fiscal year.
 - 5) Unassigned fund balance - includes amounts that are not obligated or specifically designated and is available in future periods.
- B. Spending Prioritization: when an expenditure is incurred that would qualify for payment from multiple fund balance types, the City uses the following order to liquidate liabilities: restricted, committed, assigned, and unassigned.
- C. Net assets: net assets represent the difference between assets and liabilities. Net assets invested in capital assets, net of related debt, consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowing used for the acquisition, construction, or improvement of those assets. Net assets are reported as restricted when there are limitations imposed on their use either through enabling legislation adopted by the City or through external restrictions imposed by creditors, grantors, laws or regulations, or other governments. All other net assets are reported as unrestricted.

VII. Stabilization Funds

- A. Unassigned Fund Balance.
 - 1) That portion of available funds within each fund that can be used to offset emergency expenditures, a downturn in collection of significant revenues, or other unforeseen events.
 - a) Unassigned fund balance for the General Fund will be maintained at between seven percent (7%) and ten percent (10%) of the sum of the total of the General Fund annual operating budget and the property tax commitment for the school (both local and State) and the county.
 - b) Fund balances in all other budgeted funds should be maintained at between five percent (5%) and fifteen percent (15%) of the annual operating budget for that fund.
- B. Self-funded health insurance.
 - 1) The City shall retain funds for its self-funded health insurance program. The intended purposes for these funds are to provide a measure to smooth rate fluctuations, to accommodate an unforeseen increase in claims, and to provide financial protection from run-out costs in the event the City moves toward a fully insured plan. The amount retained shall not exceed three (3) months of estimated claim costs.
- C. Capital Reserves.
 - 1) Capital Reserves, classified as committed funds, are reserves

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

- 2) The City of Keene has established the following capital reserves:
- a) Fire Equipment Capital Reserve – for the acquisition or significant rehabilitation of fire apparatus.
 - b) Ambulance Capital Reserve – for the acquisition or significant rehabilitation of ambulances
 - c) Intersection Improvements Capital Reserve – for the rehabilitation or reconstruction of existing intersections.
 - d) Hazardous Waste Site Capital Reserve – for the clean-up, mitigation and testing associated with the Old City Landfill located at 580 Main Street.
 - e) Transfer/Recycling Center Capital Reserve – for the repair and replacement of existing infrastructure, systems, and equipment.
 - f) City Hall Parking Deck Capital Reserve – for the repair and replacement of existing infrastructure, systems and equipment.
 - g) Wells Street Parking Facility Capital Reserve – for the repair and replacement of existing infrastructure, systems, and equipment.
 - h) Landfill Closure Capital Reserve – for the closure and post-closure costs associated with the City Landfill located at Route 12 North.
 - i) Wastewater Treatment Plant Capital Reserve – for the repair and replacement of major components of plant, including equipment and building.
 - j) Martel Court Pumping Station Capital Reserve – for the repair and replacement of major components of station, including equipment building.
 - k) Sewer Infrastructure Capital Reserve – for the repair and replacement of existing infrastructure, systems and equipment including pump stations and the collection system.
 - l) Water Treatment Facility Capital Reserve – for the repair and replacement of major components of facility including pumps, controls, chemical systems, etc., and building components.
 - m) Water Infrastructure Capital Reserve – for the repair and replacement of major components of existing infrastructure, systems and equipment including wells, lift stations, tanks, etc., and the distribution system.
 - n) Fleet Equipment Capital Reserve – for the replacement of vehicles and equipment under the management of Fleet Services.
 - o) Bridge Capital Reserve – for the construction, reconstruction, and rehabilitation of bridges.
 - p) Downtown Infrastructure and Facility Improvement Capital Reserve – for infrastructure and facility improvements in the

downtown.

- q) Transportation Improvements Capital Reserve - to fund, wholly or in part, improvements in the transportation system including roads, bridges, bicycle and pedestrian facilities, and intermodal facilities, except for parking.

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

VIII. Deposits of Excess Funds

A. Objectives (in priority order):

- 1) Safety – the safety of principal is the foremost objective.
- 2) Liquidity – investments shall remain sufficiently liquid to meet the operational cash needs of the City of Keene.
- 3) Yield – taking in to account the priority objectives of safety of principal and liquidity, a market rate of return.


B. Authorized Investments:

- 1) US Treasury obligations.
- 2) US government agency and instrumentality obligations.
- 3) Repurchase agreements with New Hampshire Banks acting as principal or agent, collateralized by US Treasury/Agency obligations.
- 4) Certificates of Deposits in New Hampshire Banks (collateralized).
- 5) New Hampshire Public Deposit Investment Pool.

Kendall W. Lane, Mayor

In City Council August 3, 2017.

Referred in Finance, Organization and Personnel Committee.



City Clerk