



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
April 20, 2017
7:00 PM

Roll Call
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- April 6, 2017

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmation
Zoning Board of Adjustment

C. COMMUNICATIONS

1. Farmers Market of Keene - Request to Amend License

D. REPORTS - COUNCIL COMMITTEES

1. Presentation - Outside Agency Funding - Human Services Department
2. Water Street Rehabilitation Project - Public Works Department
3. Request to Use City Property – 2017 Fire Prevention Parade – Fire Department
4. Anthony & Fenella Levick - Granite Roots Brewery - Request to Sell Beer at Farmer's Market
5. Kevin Watterson - Keene Swamp Bats - Request to Discharge Fireworks
6. Request to Use City Property - Dillant-Hopkins Airport - New England Aerobatics Club (NEAC)
7. Acceptance of Grant Funds – NH Division of Historical Resources Certified Local Government Grant for Historic Preservation Workshop Series - Planning Department
8. Acceptance of 2015 Homeland Security Training Grant- Police Department
9. Acceptance of Forfeiture - Case # 2015117408 - Police Department
10. Acceptance of Monetary Donation - Police Department
11. Acceptance of Donation - St. James Episcopal Church - Parks, Recreation and Facilities Department
12. Acceptance of Monadnock Alcohol & Drug Coalition Donation - Youth Services
13. Body and Soul Road Runners- Red Cap Run - Request for Community Event Funding

14. Monadnock Family Services and Monadnock Community Services Center - Request to Purchase Property - 93rd Street
15. Request for an Expenditure from the Land Use Change Tax Fund for a Forest Stewardship Plan for the Greater Goose Pond Forest - Conservation Commission
16. Property Tax Exemptions - Blind - Assessing Department
17. Property Tax Exemption - Solar Energy System - Assessing Department
18. Property Tax Exemptions - Elderly, Deaf and Disabled - Assessing Department
19. Property Tax Exemptions - Wood and Wind Energy Systems – Assessing
20. Property Tax Credit - Veteran, Veteran Surviving Spouse, Veteran Service
21. Renewal of C.E. Bradley Land Lease - Airport Department
22. Renewal of Ian Boyd Land Lease - Airport Department
23. Renewal of Thomas Transportation Land Lease - Airport Department
24. Councilors Jacobs and Chadbourne - Gender Identity
25. Mayor Lane - Testimony in Support of HB 478

E. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. CITY MANAGER COMMENTS

F. REPORTS - BOARDS AND COMMISSIONS

G. REPORTS - MORE TIME

1. Tim Zinn - Let It Shine - Request to Use City Property - "Keene Pumpkin Festival Brought to You by the Children of SAU 29"

H. ORDINANCES FOR FIRST READING

I. ORDINANCES FOR SECOND READING

1. Relating to Fees for Engineering Inspections and Public Works Permits
Ordinance O-2017-04

J. RESOLUTIONS

1. James Phippard - Brickstone Land Use Consultants - Request to Alter a Tax Ditch Easement on Lee Street
Resolution R-2017-09
Resolution R-2009-25-A
2. Liberty Utilities - Relating to the Absolute Discontinuance of a Portion of Production Avenue
Resolution R-2017-17

Non Public Session
Adjournment

A regular meeting of the Keene City Council was held Thursday, April 6, 2017. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: Carl B. Jacobs, Janis O. Manwaring, Robert J. O'Connor, Terry M. Clark, Bartolmiej K. Sapeta, Randy L. Filiault, Thomas F. Powers, Robert B. Sutherland, George S. Hansel, Gary P. Lamoureux, Stephen L. Hooper, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Bettina A. Chadbourne arrived at 7:20 PM. Councilor Sapeta led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the March 2, 2017 meeting was duly seconded. The motion passed with a unanimous vote in favor.

PROCLAMATION – LIBRARY BOOK SALE

The Mayor invited Jane Pitts forward to present her with a proclamation relative to Spring Book Sale. The Mayor went on to proclaim April 7th, 8th, and 9th, 2017 as *Friends of the Keene Public Library Days* and encouraged everyone to attend the book sale. Ms. Pitts thanked everyone for the success of the Library.

CONFIRMATIONS – JUVENILE CONFERENCE COMMITTEE

A motion was made by Councilor Greenwald and duly seconded to confirm the following nominations to the Juvenile Conference Committee: Erika Greenwald to serve as a regular member with a term to expire December 31, 2020; Polly Morris to serve as a regular member with a term to expire December 31, 2020; Leaf Seligman to serve as a regular member with a term to expire December 31, 2017; Joseph Langione to serve as a regular member with a term to expire December 31, 2018; and Jeffrey Bergeron to serve as a regular member with a term to expire December 31, 2018. On a roll call vote, with 14 Councilors present and voting in favor the motion carried. Councilor Chadbourne was absent.

NOMINATION – ZONING BOARD OF ADJUSTMENT

The following nomination was received from the Mayor for the Juvenile Conference Committee: Thomas Plenda to serve as a regular member with a term to expire December 31, 2017. The nomination was tabled until the next regular meeting.

COMMUNICATION – COBBLESTONE ALE HOUSE – REQUEST TO SERVE ALCOHOL – SIDEWALK CAFÉ

A communication was received from Garrett Plifka, Cobblestone Ale House submitting a request to serve alcohol at a Sidewalk Café. A motion by Councilor Richards to suspend the Rules of Order to act upon the request was duly seconded. The Councilor noted that the Rules of Order suspension was necessary due to the cancellation of the last Committee cycle. On a roll call vote, 14 Councilors present and voting in favor the motion carried. Councilor Chadbourne was absent. On motion by Councilor Richards, voted unanimously that Cobblestone Ale House, LLC be granted permission to serve alcoholic beverages in connection with their sidewalk café license, subject to the customary licensing requirements of the City Council, and compliance with the requirements of Section 46-1191 through 46-1196 of the City Code. The license shall expire on March 1, 2018.

COMMUNICATION – MONADNOCK FAMILY SERVICES AND MONADNOCK COMMUNITY SERVICES CENTER – REQUEST TO PURCHASE PROPERTY – 93RD STREET

A communication was received from the Board of Directors of Monadnock Family Services/Monadnock Community Services Center proposing to purchase a small piece of City Owned Land at 11 93rd Street, which is adjacent to their property. The communication was referred by the Chair to the Finance, Organization and Personnel Committee.

COMMUNICATION – BODY AND SOUL ROAD RUNNERS – RED CAP RUN –REQUEST FOR COMMUNITY EVENT FUNDING

A communication was received from Sara Alderfer representing The Body and Soul Road Runners, requesting first year Community Event Funding status for their annual Red Cap Run road race which is held each year in February. The communication was referred by the Chair to the Finance, Organization and Personnel Committee.

COMMUNICATION – KEVIN WATTERSON – KEENE SWAMP BATS - REQUEST TO DISCHARGE FIREWORKS

A communication was received from Kevin Watterson, Keene Swamp Bats, requesting permission to discharge Class B fireworks at two Swamp Bats games in 2017. The communication was referred by the Chair to the Planning, Licenses and Development Committee.

COMMUNICATION – ANTHONY & FENELLA LEVICK – GRANITE ROOTS BREWERY – REQUEST TO SELL BEER AT FARMER’S MARKET

A communication was received from Anthony & Fenella Levick, Granite Roots Brewery, requesting their annual license to sell beer at the Keene Farmer’s Market for the 2017 season. The communication was referred by the Chair to the Planning, Licenses and Development Committee.

COMMUNICATION – TIM ZINN – LET IT SHINE – REQUEST TO USE CITY PROPERTY – “KEENE PUMPKIN FESTIVAL BROUGHT TO YOU BY THE CHILDREN OF SAU 29”

A communication was received from Tim Zinn, on behalf of Let It Shine requesting permission to use City property for an event to be held on Sunday, October 29, 2017. The communication was referred by the Chair to the Planning, Licenses and Development Committee.

COMMUNICATION – COUNCILOR FILIAULT – RECONSIDERATION – PROFESSIONAL SERVICES CONTRACT – DOWNTOWN REVITALIZATION

A communication was received from Councilor Filiault requesting reconsideration under section 19 of the Council Rules of Order relative to the request for execution of professional services

contract for the downtown revitalization project. A motion by Councilor Filiault to reconsider the Council action was seconded. Councilor Chadbourne arrived. A brief discussion was held. The motion to reconsider failed to carry with ten votes in opposition. Councilors Clark Filiault, Sutherland, Hansel and Hooper voted in favor.

COMMUNICATION – ATTORNEY THOMAS R. HANNA – REPLACEMENT DOCUMENTS FOR ALTERATION AND IMPROVEMENT OF WYMAN ROAD

A communication regarding replacement documents for alteration and improvement of Wyman Road was received from Attorney Thomas R. Hanna and was tabled until later in the meeting.

PLD REPORT – REQUEST TO USE CITY PROPERTY – KEENE FARMER’S MARKET

Planning, Licenses and Development Committee report read recommending the Farmer’s Market of Keene be granted permission to use 23 parking spaces along Gilbo Avenue as well as 18 spaces on the other side of the median strip in the Commercial Street parking lot on Tuesdays and Saturdays from May 1, 2017 to November 1, 2017. In addition, the petitioner is granted use of the median area for placement of picnic tables with the understanding that the pedestrian path may not be obstructed. Said permission is granted subject to the following conditions: compliance with the customary licensing requirements of the City Council; the receipt of a total rental fee of \$1,200.00 (payable on the first day of every month at \$200.00 per month); obtainment of a City food license from the Health Department; and compliance with any recommendations of City staff. Access to City electrical shall also be provided at a fee of \$60.00 for the season. It is further recommended that the Farmer’s Market of Keene be allowed to erect sandwich board signs on City property prior to the start of sales, subject to review and approval by City staff with respect to the number and location. The signs must be removed immediately after the sales have concluded. 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.

PLD REPORT – COMPREHENSIVE ECONOMIC DEVELOPMENT AD HOC COMMITTEE RECOMMENDATIONS

Planning, Licenses and Development Committee report read recommending the adoption the Economic Action Plan, and requesting that the City Manager suggest a plan for implementation. 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.

PLD REPORT – COMPREHENSIVE ECONOMIC DEVELOPMENT AD HOC COMMITTEE RECOMMENDATIONS

The Mayor brought forward the Planning Licenses and Development Committee report dated February 22, 2017 which had been tabled at the March 2nd City Council meeting. The Mayor filed report into the record as informational.

MSFI REPORTS – ACCEPTANCE OF AN EMERGENCY ACCESS EASEMENT; LICENSES TO ALLOW UTILITIES AND AN UNDERGROUND WALKAWAY –

PROPOSED DEVELOPMENT OF "HILLSIDE VILLAGE" ON WYMAN ROAD;
CONSIDERATION OF A RESTRICTION ON TRUCK TRAFFIC AND LICENSES FOR
THREE UTILITY LINES

The Mayor tabled these items until further on the agenda.

FOP REPORT – ACCEPTANCE OF DONATION – FILTRINE MANUFACTURING CO. –
PARKS, RECREATION AND FACILITIES DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept the donation of a water filling station from Filtrine Manufacturing Company and that it be placed in Central Square. 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 – REQUEST TO SOLICIT DONATIONS – FOURTH GRADE WATER
SCIENCE FAIR – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to solicit and accept donations to be used as prizes for the City of Keene's Fourth Grade Water Science Fair. 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 – ROSE LANE CHANGE ORDER – LOUREIRO ENGINEERING – PUBLIC
WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to execute a change order with Loureiro Engineering for an amount not to exceed \$8,993.60 for Contract 04-16-04. 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 – WOODWARD POND DAM IMPROVEMENTS – CONSULTANT
SELECTION – 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 professional services contract with Gannett Fleming, Inc. for engineering services required for the Woodward Pond dam improvement project for an amount not to exceed \$129,937, with funding to come from project cost center 05034-B. 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 – FY 18 REVENUE ENHANCEMENT PROPOSAL – POLICE
DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the Keene Police Department increase the cost of administrative fingerprinting services from \$15.00 to \$20.00 for residents of the City of Keene, and from \$35.00 to \$40.00 for non-residents. 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.

PB REPORT – 2018-2023 CAPITAL IMPROVEMENT PROJECT – PLANNING BOARD

The Mayor brought forward the Planning Board report read recommending approval of the Capital Improvement Program for 2018-2023. The Mayor filed report into the record as informational.

FOP REPORT – FY 2018-2023 PROPOSED CAPITAL IMPROVEMENTS PROGRAM – FINANCE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending adoption of Capital Improvement Program 2018-2023 as amended. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with Councilor Sutherland voting in opposition.

CITY MANAGER COMMENTS

The City Manager recognized the efforts of Fire Fighter Medic Bradley Riley for his participation with the 2017 CHaD Battle of the Badges Hockey Game. As a group the Fire and Police Officers from NH raised \$268,000 this year bringing past years total to \$1.93 million dollars raised for CHaD. The City Manager explained that 4 IT staff put in 10-15 hours each last Saturday to move core network equipment and servers and transitioned all City network, telephone and software services into the new data center, managed by Assistant IT Director, Andrew Mueller. This new space is properly designed and is supporting both 24/7 emergency services as well as 9-5 City business functions. The City Manager announced the City Clerk's office is able to take online debit and credit card payments for renewals of dog licenses. Since being launched last week, 141 dog owners have taken advantage of this convenience.

The City Manager announced that he is beginning to use a Facebook page. The City Manager continued that the selection of hardware for the NOVUS paperless Council and standing committee packets has been made. Councilors have been invited into the Clerk's Office for individual training. It is anticipated that the online application will be ready for use at the 2nd cycle of committee meetings this month. The City Manager congratulated Mike Hagan and TJ O'Brien for attending FEMA's 4-day National Flood Insurance Program (NFIP) course last week. The City Manager went on to some trivia from Kurt Blomquist stating that Keene is 1 of 16 communities in NH that are Tree City's. Keene has been a tree city for 37 years. The City of Keene is tied for the 2nd oldest with Hanover being 37 years with Durham being the oldest with 38 years. The City Manager informed the Council that a Human Services presentation will be on the next MSFI Committee Meeting to provide an overview of process for funding of Outside Agencies. The City Manager congratulated Acting Police Chief Steve Russo on becoming the

Police Chief. He stated a press release will be issued the next morning. The effective date of Chief Russo's appointment was April 6, 2017.

MAYOR COMMENTS

The Mayor indicated he would like to address the testimony he had sent to the Legislature on HB 478. Councilor Jacobs moved to suspend the Rules of Order to allow the discussion. On roll call vote 15 Councilors were present and 13 voted in favor. Councilors Sutherland and Hansel voted in opposition. The Mayor indicated that he had made an error in judgement a few weeks ago and he owned the City council an apology for that. The Mayor indicated the issue had come before the City Council and it was referred to the City Attorney to draft a Resolution in favor of the legislation. Shortly after it was discovered that the legislation was going to be heard and that if they had any impact that the testimony needed to be submitted on Tuesday and the City Attorney was out of the office that day and was assisting in drafting the legislation by phone.

There was some miss-information in that letter which indicated that the City Council had voted to support the legislation. The Mayor stated it was unfortunate and an oversight on his part and was apologizing for that mistake. The Mayor stated the House has tabled HB 478 but at this point he was asking the City Council to take a vote on whether they wanted him to further support the legislation or whether a corrected communication should be sent.

Councilor Jacobs moved that the Council support the position as outlined on HB 478. Councilor Sutherland referred to the original from Councilors Jacobs and Chadbourne which referred to an amendment to the Employee Handbook. The Councilor stated the Council was not actually dealing with the subject of the Councilors' communication. Councilor Jacobs stated both issues – supporting the State Legislation and initiating a change in the Employee Handbook were brought forward in their communication. A motion by Councilor Filiault to refer the Mayor's communication to the Finance, Organization and Personnel Committee along with the original communication from Councilors Chadbourne and Jacobs was duly seconded. The motion to refer passed with 11 in favor and Councilors Clark, Lamoureux, Jones and Greenwald opposed.

PRIORITIZED OBJECTIVES – CITY COUNCIL GOALS –CITY COUNCIL GOALS SPECIAL COMMITTEE

The Mayor recognized Councilor Jacobs for remarks regarding the process of the Special Committee. A motion by Councilor Jacobs to accept and endorse the goals and objectives as presented was duly seconded. The councilor stated the Committee's focus was overarching principles of the city Council, which originally came from the City Council's 2016 workshop. He stated in addition to the workshop goals, the Committee looked at other sources such as the Comprehensive Master Plan. The Councilor stated the overarching goals being recommended by the Special Committee. He noted there are already initiatives in place around these principles. The Committee thought it would be important for the Council to agree that these are the goals moving forward. The Committee would then make specific action statements for each of the goal objectives and involve the other constituencies that are stakeholders in specific goals.

Councilor Clark inquired whether one Council can bind future Councils in their actions.

A brief discussion took place with respect to one Council binding future Councilors. The councilor continued that it was his intention and Councilor Hague to have each new Council meet as a Committee of the Whole in January to formulate goals for the next two years. In this case, that is not what happened with the Special Committee. The City Attorney stated in the legislative process – except in very narrow circumstances, such as collective bargaining agreements – a Council cannot bind another Council. Councilor Powers stated he greatly supported the work of the Committee, but he inquired whether an action word needs to be included in the motion to have the Council “adopt” the goals so that the Committee can go forward. Mayor Lane stated as the Council reviews the budget they need to relate spending priorities to specific goals of the Council.

On motion by Councilor Chadbourne, voted with Councilor Clark opposed to amend the motion on the floor to add the word “adopt.” Discussion continued with respect to the initial ranking of the objectives under each goal. Councilor Filiault moved the question. The amended motion to have the City Council accept, endorse and adopt the goals and objectives passed with 14 Councilors in favor and Councilor Clark voting in opposition. A motion by Councilor Clark to have the City Council review and adopt the Councilor Goals in January of a new Council term died for the lack of a second. Referring to the motion as amended, voted unanimously to accept, endorse and adopt the goals and objectives as recommended by the City Council Goals Special Committee.

REQUEST FOR AN EXPENDITURE FROM THE LAND USE CHANGE TAX FUND FOR A FOREST STEWARDSHIP PLAN FOR THE GREATER GOOSE POND FOREST - CONSERVATION COMMISSION

A report was received the Conservation Commission requesting authorization to use up to \$30,000 of the Land Use Change Tax Fund for the purpose of hiring a consultant to prepare a forest stewardship plan for the Greater Goose Pond Forest. The report was referred to the Finance, Organization and Personnel Committee.

MEMORANDUM – CITY ENGINEER AND ORDINANCE O-2017-14: RELATING TO FEES FOR ENGINEERING INSPECTIONS AND PUBLIC WORKS PERMITS

A memorandum was received from the City Engineer recommending Ordinance O-2017-14: Relating to Fees for Engineering Inspections and Public Works Permits be referred to the Finance, Organization and Personnel Committee for their consideration and a recommendation back to City Council. Ordinance O-2017-14 was read for the first time. The memorandum and Ordinance O-2017-14 were referred to the Finance, Organization and Personnel Committee.

TABLED ITEMS: COMMUNICATION – ATTORNEY THOMAS R. HANNA – REPLACEMENT DOCUMENTS FOR ALTERATION AND IMPROVEMENT OF WYMAN ROAD; MSFI REPORT AND RESOLUTION R-2017-05: RELATING TO THE ALERTATION OF WYMAN ROAD; MSFI REPORTS – ACCEPTANCE OF AN EMERGENCY ACCESS EASEMENT; LICENSES TO ALLOW UTILITIES AND AN

UNDERGROUND WALKAWAY AND CONSIDERATION OF A RESTRICTION ON TRUCK TRAFFIC

Before considering the tabled communication and reports relating to the alteration of Wyman Road, the Mayor acknowledged his conflict of interest on the subject and recused himself from presiding over the upcoming agenda items. A motion by Councilor Richards to appoint Councilor Greenwald as the temporary Chair was duly seconded. The motion passed with a unanimous vote in favor. Chair Greenwald assumed the Chair. Councilor Greenwald indicated he was removing from the table items C8 (with an amended Resolution R-2017-05-A), and MSFI reports D3, D4 and D5 to be considered along with item J1.

On motion by Councilor Manwaring voted unanimously to recommend that the Prospect Woodward Home request for a waiver of Section 70-87 (a) (2) requirement for submission of a warranty deed be granted subject to the acquisition of the Lane property by The Prospect-Woodward Home. Before acting upon the "A" version of R-2017-05, the Chair confirmed that all Councilors were in attendance at the site visit and were able to vote. The Councilor requested that the City Engineer explain the changes in terms of the amended right-of-way for the "A" version of Resolution R-2017-05. With the aid of a map, the City Engineer identified the right-of-way that would be altered.

On motion by Councilor Manwaring, voted unanimously to substitute and adopt Resolution R-2017-05-A for the alteration of Wyman Road.

On motion by Councilor Manwaring, voted unanimously to carry out the intent of the Municipal Services, Facilities and Infrastructure report (D3), which would authorize the Manager to do all things necessary to negotiate and accept access easements from The Prospect-Woodward Home and the Monadnock Economic Development Corporation for an emergency access road subject to the acquisition of the Lane property by The Prospect-Woodward Home and that all documents are in a form and format acceptable to the City Engineer and the City Attorney; as well as to carry out the intent of the Municipal Services, Facilities and Infrastructure report (D4), which would authorize the City Manager to do all things necessary to negotiate and execute license agreements with The Prospect-Woodward Home for the construction and maintenance of private infrastructure, including but not limited to an underground walkway, underground sewer line, underground water and fire lines, underground electrical lines, underground telecommunication lines, and any other item or property identified within the right-of-way of Wyman Road subject to the acquisition of the Lane property by the Prospect-Woodward Home and that all documents are in a form and format acceptable to the City Engineer and City Attorney; and to carry out the intent of the Municipal Services, Facilities and Infrastructure report (D5), which recommended that City staff develop the necessary Ordinance to restrict truck traffic on Wyman Road from the crossing of Wyman Road over Black Brook to the Old Walpole Road intersection.

RESOLUTION R-2017-10: IN APPRECIATION OF FRANK J. SALES UPON HER RETIREMENT

04/06/2017

Resolution R-2017-10 was read by title only. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. The motion passed with a unanimous vote in favor. Resolution R-2017-10 declared adopted.

FOP REPORT AND RESOLUTION R-2017-06: COUNCIL POLICY: RELATING TO FEE SCHEDULES FOR USE OF THE RECREATION CENTER

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2017-06. The report was filed as informational. Resolution R-2017-06: Council Policy: Relating to Fee Schedules for Use of the Recreation Center was read for the second time. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. On a showing of hands with 15 Councilors present and voting in favor the motion passed. Resolution R-2017-06 declared adopted.

A motion by Councilor Greenwald for rescission of the Resolution R-2009-28 was duly seconded. On a showing of hands with 15 Councilors present and voting in favor the motion passed. Resolution R-2009-28 declared rescinded.

A motion by Councilor Greenwald for rescission of the Resolution R-1977-47 was duly seconded. On a showing of hands with 15 Councilors present and voting in favor the motion passed. Resolution R-1977-47 declared rescinded.

TABLED ITEM: UPDATE ON WORK PROGRESS OF CITY COUNCIL GOALS SPECIAL COMMITTEE

The Mayor removed the tabled item from the agenda and filed the report as informational.

ADJOURNMENT

At 9:18 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:



City Clerk



City of Keene, N.H.
Transmittal Form

April 4, 2017

TO: Keene City Council

FROM: Kendall W. Lane, Mayor

ITEM: B.1.

SUBJECT: Confirmation

COUNCIL ACTION:

In City Council April 6, 2017.

Tabled until the next regular meeting.

RECOMMENDATION:

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

ATTACHMENTS:

Description

Nomination for ZBA_background

BACKGROUND:

ZONING BOARD OF ADJUSTMENT

Thomas Plenda, Slot 5

Term expires, December 31, 2017

Keene, NH



City of Keene, N.H.
Transmittal Form

April 18, 2017

TO: Mayor and Keene City Council

FROM: Bruce Bickford

THROUGH: Patricia Little, City Clerk

ITEM: C.1.

SUBJECT: Farmers Market of Keene - Request to Amend License

ATTACHMENTS:

Description

Communication - Bruce Bickford

BACKGROUND:

The Farmers Market of Keene is allocated space in the Commercial Street Lot and along Gilbo Avenue on Tuesdays and Saturdays. They are not using all of the parking spaces allocated to them on Tuesdays and request the spaces in the Commercial Street Lot be omitted from their license on Tuesdays with a coinciding reduction in the fee.

4/18/2017

RECEIVED
CITY OF KEENE

APR 17 2017

OFFICE OF
CITY CLERK

City of Keene

The Farmers Market of Keene would like to respectfully request a slight adjustment to current lease agreement.

On Tuesday market the commercial lot parking spaces are not necessary, while our numbers have a slight increase over last year the additional space is not necessary. Also fiscally the market is paying for wasted space and unnecessarily tying up parking spaces.

The Farmers Market of Keene would like to omit that space on Tuesday only and would like to request a reduction in fee to coincide with the less space needed.

Thank you for this consideration and please feel free to ask any additional information.

Bruce Bickford
Market Coordinator
Farmers Market of Keene

Bruce Bickford



April 12, 2017

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.1.

SUBJECT: Presentation - Outside Agency Funding - Human Services Department

RECOMMENDATION:

On a 5 – 0 vote, the Municipal Services, Facilities and Infrastructure Committee recommends the presentation on Outside Agency Funding by the Human Services Department be accepted as informational.

BACKGROUND:

Elizabeth Sayre, the Human Resources Department Manager, said that her presentation would explain the internal process used for determining recommendations for funding for outside agencies. The funding comes through the Mayor's budget, but the Human Resources (HR) has been asked to do the process. She explained that it is an almost yearlong process that begins in the fall. She described the process as follows:

- All interested applicants, including those who have previously applied for funding, are invited to provide general information about the current status of their agencies.
- A timeline is developed and the documents that make up the outside agency funding packet are prepared.
- A public notice is generated and previous applicants are notified when the applications are ready.
- Applications are reviewed by a committee composed of representatives from the Fire and Police departments, from the Finance Department, from the Health and Code Department, and from HR.
- Questions raised during the committee's review are followed up with the agencies by Ms. Sayre, who then reports back to the committee.
- A summary of the agencies' requests and the services they provide is written by Ms. Sayre, who also generates a recommendation to the City Manager.
- A one-page narrative for the budget book is prepared by Ms. Sayre.

She explained that the committee uses a score sheet, generated back in 1998, to evaluate the applications. The criteria that the committee considers are as follows:

1. If the agency were not in operation, would the city be mandated to provide its service?
2. Does the agency provide a service that has a direct financial impact on any expenditures of any city department?
3. If the agency doesn't directly save the city funds, then is there a financial impact in terms of prevention or intervention that could in the future save city funding?
4. What are the number and percentage of clients served who are Keene residents for agencies that are regional service providers?
5. Are the services provided by a specific provider replicated by another provider?
6. Is the agency working collaboratively with other service providers and businesses to resolve any community issues that they are all facing, to reduce service costs, and to access other available funding?

7. In terms of efficiency and delivery, how high is the percentage of the agency budget that is directly spent on the clients (as opposed to administrative costs)?
8. In the last fiscal year, has the agency increased or attempted to increase its revenue from outside sources, such as fundraising and grants?

Councilor Filiault explained the historical background for the process described by Ms. Sayre, noting that the criteria in current use are almost exactly the same as those developed about 20 years ago. He said that the intent behind the review process created back then was to remove some of the emotion out of the budget discussions around outside agency funding that took place on the night the Council voted on the budget.

In answer to a question from Chair Manwaring about how agencies find out about applying for funds, Ms. Sayre explained that a public notice is published in the Keene Sentinel and there is word-of mouth dissemination of information, i.e. agencies in communication with each other.

In addition, Chair Manwaring asked if the opioid epidemic has had an impact on the requests for funding. Ms. Sayre said that committee has taken that into consideration, citing the effort made by Chief Brian Costa when he was on the committee to increase funding for the agency dealing with substance misuse issues.

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

On a 5 – 0 vote, the Municipal Services, Facilities and Infrastructure Committee recommends the presentation on Outside Agency Funding by the Human Services Department be accepted as informational.



City of Keene, N.H.
Transmittal Form

April 12, 2017

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.2.

SUBJECT: Water Street Rehabilitation Project - Public Works Department

RECOMMENDATION:

On a 5-0 vote, the Municipal Services, Facilities and Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to implement the recommended design option for the rehabilitation of Water Street between the intersections of Grove Street and Eastern Avenue with crosswalk as amended.

BACKGROUND:

City Engineer Lussier, with Peter Holden of Holden Engineering, the city's design consultants on this project, presented the recommended design for the Water Street Rehabilitation Project.

Mr. Lussier explained that this project draws funds from four different Capital Improvement Programs (CIP), the sidewalk repair project, curb installation program, drainage spot repair, and road rehabilitation. The funds are in the Fiscal Year 17 (FY17) budget, having been appropriated by the City Council for a total budget of \$690,000 for the project.

The scope of the project as described in the CIP for FY17 was the rehabilitation of Water Street from Grove Street to Roxbury Street. That scope and the cost estimate for it were based on an assumption that the project would involve an one-inch mill and overlay – the city's basic maintenance program for roads in reasonably decent condition.

Mr. Lussier said that the basic maintenance program would not be sufficient because the structure of the road has broken down to the point where a more extensive repair is required. Therefore the original assumption about the nature of the project back in 2012 might not be considered a valid assumption today. He said staff is recommending a more extensive – and expensive – repair construction method.

Mr. Holden explained the process that led to the recommendations for the project. He said that information had been collected about drainage structures, the amount of pavement on the road (6 to 6 ½ inches in the center, 4 ½ inches on the sides), the nature of the old concrete roadway underneath the pavement (19 feet wide and flat). He said there are drainage structures on the sides of the road of different vintages, different types of construction, and in various stages of disrepair.

Mr. Holden said that the road has been paved repeatedly, so that the curbing, which is mostly asphalt, is disappearing. If the city were to leave the pavement where it is and construct curbing now to protect pedestrians from road traffic, the top of the curbing would be seven inches taller than the sidewalk. That would

cause drainage problems, with water draining toward the houses rather than toward the street.

Mr. Holden said the best method is to deal with the current condition of the street is to grind street down to the concrete and then put in granite curbing on both sides of the street. The street would be lowered by 4 ½ inches, curbing that is 7 ½ inches tall would be installed, coming just about to where the sidewalk is now, so there wouldn't be drainage problems.

In addition, he said, repairs would need to be made to a lot of the drainage structures because of their age. He said they had inventoried all the sidewalk, graded it as to whether it was salvageable so that it could be used again.

Using the a Design Review slide of the street, Mr. Holden pointed out the different parts of Water Street starting at Grove: the pavement, the sidewalk, proposed sidewalk, the point where the rail trail crosses, and the grass strip. On the lower part, there is no sidewalk because there is sidewalk on the north side of the bridge but no sidewalk on the south side – the proposal calls for the lower sidewalk to terminate at the rail trail because they didn't want to bring it to an abrupt stop at the bridge.

Starting on Carpenter Street going east, the plan calls for substantially replacing the sidewalk and putting in curbing.

The plan calls for making each crosswalk accessible for the disabled, making the sidewalks as uniform as possible, and for working out ways to blend the sidewalk construction with property-owners' existing walks.

Mr. Lussier said the original scope of the project extended from Grove to Roxbury, but because there is not enough money for that, staff is proposing to limit the rehabilitation to the stretch of Water Street between Grove Street to Eastern Avenue. In that way, he said, there would be enough in the budget to cover the sidewalk improvements, the construction of curbing, the landscaping and the full reconstruction of the pavement structure. He said this plan is being recommended over the basic maintenance type repairs, which will not provide the length of service life that would be expected.

Community Engagement:

Mr. Lussier explained prior Council discussion of Water Street:

- July 22, 2013: a resident sent a letter to the city expressing a desire for a grass belt between the sidewalk and the street (from Eastern Avenue to Victoria Street) for snow storage and provide buffer and safety.
- November 4, 2015: the same resident sent a letter requesting that the sidewalk be abandoned between Eastern Ave. and Victoria St.

Mr. Lussier said that after considering past discussions and evaluating the sidewalk issue, staff is not recommending the removal of the sidewalk. He said there are about seven properties that have walkways or stoops that come out to the sidewalk, but more importantly Water St. is designated as a bicycle street and as such should have sidewalks at least on one side, with both sides being preferable. He said he didn't want to foreclose on the possibility of having a complete street someday.

He said there was a Public Listening Session on the project held on February 28, 2017, which was attended by approximately 15 residents.

- There was a consensus among the residents that a sidewalk between the Rail Trail and the bridge wasn't needed.
- There was a request that the city consider creating a four-way stop at the intersection of Water, Community and Grove streets. Engineering and Public Works staff looked at the intersection, at the traffic counts, and concluded that it didn't warrant a four-way stop.
- There was acceptance by the residents about the need for tree removal with the caveat that they be replaced. Trees will be replaced at ratio of about two replacements to one removed.

- There were concerns expressed about vehicle speeds, especially coming down hill to where Water St. and Eastern Ave intersect. Staff collected speed and traffic count data, finding that the top speed measured over a three or four-day period was 37 mph on a road that is posted at 30 mph. It was not consider the level of speeding that would lead staff to conclude there was an engineering problem there.

He discussed direct discussions with property owners. In one issue with Segal Associates, city staff is attempting to work out an agreement regarding fitting the sidewalk between three utility poles carrying high voltage wires and a fence. The city will seek approval from the property owner for a sidewalk easement in that case.

The city received a request from the management of Bentley Commons a new crosswalk near the Beaver Brook Bridge, but he said he is not proposing to create a crosswalk that will draw people into an area that doesn't have a sidewalk.

He summarized the main components of the project:

- Reconstruct pavement from Grove to Eastern
- Repair and replacement of sidewalks and curbing within that replace existing sidewalks and curbing
- Construct new sidewalk from Bentley Commons to Victoria St.
- Construct new sidewalk from Grove to Rail Trail (south side)
- Create shared lane "sharrows" for bicycles.
- Replace trees as required.

Councilor O'Connor raised the issue of the difficulty trucks have in making the turn at the intersection of Water and Victoria streets. Mr. Lussier said this project does not propose any changes or improvements on Victoria St., adding that work on Victoria is in the CIP for 2022.

In response to a question from Councilor Hooper, Mr. Lussier said the expected service life for a fully reconstructed street is 18 to 20 years. In this case, the budget doesn't allow for the removal of the underlying concrete roadway, so the perpendicular joints will still be there. He said staff is exploring ways to minimize the "reflective cracking" that occurs, but that will still be an issue.

In response to a question from Councilor Hooper about work related to underground utilities, Mr. Lussier said Liberty Utilities is going to replace a gas main between Carpenter St. and Eastern Ave before the start of work on this project.

Mr. Lamoureux expressed support for Mr. Lussier's commitment to keeping existing sidewalks and for extending them where possible for safety reasons.

City Manager Kopczynski asked: If any of the residents want a tree planted, would the city honor that request as opposed to designating where the tree would go? He cited the starkness of Water St. in terms of landscaping and its connection to the downtown.

Mr. Lussier said that if the project is approved, invitations would go out city property owners to host city trees on their property.

The City Manager also asked: Even though there is not enough warrant for stop signs, is there an opportunity for putting a traffic calming mechanism at the intersection perhaps of Eastern and Water, or perhaps Grove and Water?

In response to this question, Mr. Lussier said he didn't want to promise additional scope that might be beyond the budget, but that staff is considering a pedestrian activated signal at the intersection of Grove and Water streets if it is something that the city can afford.

Chairwoman Manwaring asked about how the sharrows could be accommodated on Water St. Mr. Lussier said the lane width would be 11 feet through the corridor, and there would be shared lane markings on the side of the road. It's not a dedicated bike lane, he said, but a reminder that there are bikes on the street and drivers need to be cautious.

In response to a question from City Attorney Hanna about work that would potentially extend onto walkways on private property, Mr. Holden said the city would be working with each one of the homeowners individually.

Questions and Comments from the public

Vicky Morton, of 275 Water Street, asked if it is the city engineer's intent to make the sidewalks on both sides of Water St. 5 ½ feet. Mr. Lussier said the intent was to make them 5 feet wide on both sides.

Ms. Morton asked how fast the cracks at the seams would reappear, given a hard winter. Mr. Lussier said that cracks could be expected to reflect up through the pavement within 18 months. The city then seals them, but added that they are looking into some new materials that might help with that problem. He said short of removing the concrete at a cost of hundreds of thousands of dollars, there is nothing that can be done about them.

Tim Jordan, of 275 Water Street, asked about the location of the bike lane and its effect on parking on the street. Mr. Lussier said it doesn't affect parking anywhere it is legal to park.

Mr. Jordan asked about the need to construct new sidewalks where they didn't already exist, suggesting that it was not a good use of city money. Mr. Lussier said that sidewalks were in keeping with the city's Complete Streets policy.

Mr. Lamoureux clarified the parking ordinance, explaining that parking is allowed even though there is no signage as long as the car does not block any portion of the roadway.

Following up, Ms. Morton asked about the width of Water St. and the approximate of cars. Based on those numbers – the street being 24 feet curb to curb and an estimated width of 7 feet for cars – there is not enough room to allow for parking. She said so there is no parking on Water St.

Choice of Options

Mr. Lussier identified the three options offered for the committee to consider:

- a. Reduce the project extents to Grove Street to Eastern Avenue and provide the full project scope, which can be completed within available budget and is the recommended option of staff.
- b. Provide the full project scope between Grove Street and Roxbury Street. Refer the request for additional funding of about \$225,000 to the Finance, Organization and Personnel Committee.
- c. Reduce project between Grove Street and Roxbury Street. This may include the elimination of the replacement of deteriorated sidewalks, elimination of granite curbing installation, and reduction in the width of pavement rehabilitation.

Chair Manwaring said she was uncomfortable with the plan because it does nothing about the entrance to Victoria St, which poses such a challenge to trucks trying to make the turn. In response, Mr. Lussier said that they could make sure that the geometry at the intersection adjusted to make it a little easier for trucks to turn.

Ms. Morton said one of the issues at the intersection of Water with Grove and Community Way, is poor drainage. She said that from Bentley Common to Victoria St. no sidewalk exists, and people don't walk there on the south side of the street. She said that the sidewalk from Victoria St. up to the crosswalk at South Lincoln St. is a little used sidewalk and becomes hazardous due to iciness in the winter. She said she advocates

keeping the pedestrian traffic on the other side of the road. She pointed out that the crosswalk at Eastern Ave. is situated at a dangerous point on Water St. She suggested eliminating the crosswalk there and moving it down to South Lincoln. She said that Water St. from Eastern Ave. up to Robin Hood Park is extremely hazardous, due to conditions of the road and limited visibility. She predicted that tractor trailer trucks making the turn at Victoria and Water streets would end up going over the sidewalk constructed on the south side of Water and destroy it.

City Engineer Lussier said staff did consider moving the crosswalk to South Lincoln, but staff was concerned that if the crosswalk was moved farther to the west, people who wanted to walk to Robin Hood from Eastern Ave. would be forced to cross without the benefit of a crosswalk.

In terms of curbing, Mr. Lussier said if the decision is made to remove sidewalk, he would still want to put in some granite curbing.

Councilor Filiault said he was okay with it the way it was presented, but the one issue that he would like to see taken care of is the turn onto Victoria St., which is a longstanding issue that has not been resolved. He said he wanted assurance that the city would work to the best of its ability to fix that intersection.

Councilor Lamoureux asked if there were any way to bring the curbing back on Water St. Mr. Lussier said that he and Mr. Holden would work to expand the radii further at that corner. He said he didn't know how much room was available to expand the right of way on Victoria.

Chair Manwaring said she agreed with the concern expressed about the crosswalk on Eastern Ave., suggesting that at least another crosswalk be added at South Lincoln. Mr. Lussier said that could be done.

Mr. Lussier said there would be some vegetation management that would be undertaken this spring to improve sightlines.

Councilor O'Connor made the following motion, which was seconded by Councilor Filiault.

On a 5-0 vote, the Municipal Services, Facilities and Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to implement the recommended design option for the rehabilitation of Water Street between the intersections of Grove Street and Eastern Avenue with crosswalk as amended.



City of Keene, N.H.
Transmittal Form

April 12, 2017

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.3.

SUBJECT: Request to Use City Property – 2017 Fire Prevention Parade – Fire Department

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the Fire Department be granted permission to use City property for the 2017 Annual Fire Prevention Parade to be held on Sunday, October 8, 2017.

BACKGROUND:

Fire Chief, Mark Howard addressed the request for the annual Fire Prevention Parade including use 350 Marlboro Street noting there are no changes from last year. Chief Howard stated the parade will start at 1:00 PM, on Sunday, October 8, 2017.

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

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the Fire Department be granted permission to use City property for the 2017 Annual Fire Prevention Parade to be held on Sunday, October 8, 2017.



City of Keene, N.H.
Transmittal Form

April 12, 2017

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: D.4.

SUBJECT: Anthony & Fenella Levick - Granite Roots Brewery - Request to Sell Beer at Farmer's Market

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that Granite Roots Brewery be granted permission to sell alcohol at the 2017 Keene Farmer's Market on City property licensed to the Farmer's Market of Keene and to allow samples to be provided to patrons. Said permission is contingent on the following: submittal of a signed letter of permission from the Farmer's Market of Keene, obtainment of all necessary permits and licenses and compliance with all laws, including the requirements of NH RSA 179:44 II-a.

BACKGROUND:

Anthony Levick, of 545 West Hill Road, Troy addressed the request. Mr. Levick noted the State Liquor Commission has been informed of their request to sell beer at various Farmers Markets in New Hampshire in 2017. He also advised that Mooselick Brewery has been forced to change their name to "Granite Roots" by a Canadian Beer Company called "Moosehead" which trademarked the word "MOOSE" in Canada and the USA. He noted they are undergoing a forced rebrand at the moment that will be completed by mid-April 2017. The State Liquor Commission is aware of the situation and has allowed them to continue to do business. They successfully changed their name to Granite Roots with the Secretary of State earlier this year. Mr. Levick indicated he would not be going through the process to give away samples.

In response to Chair Richards the City Manager, Medard Kopczynski indicated that all City requirements had been met.

Chair Richards asked for Committee questions or comments.

Councilor Sutherland noted permission was granted last year and clarified this is only a name change. Mr. Levick replied in the affirmative.

Councilor Jones referred to SB-306 which now allows sampling at the Farmer's Market. Mr. Levick reiterated his intent to not apply for that permission.

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 Chair Richards.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that Granite Roots

Brewery be granted permission to sell alcohol at the 2017 Keene Farmer's Market on City property licensed to the Farmer's Market of Keene and to allow samples to be provided to patrons. Said permission is contingent on the following: submittal of a signed letter of permission from the Farmer's Market of Keene, obtainment of all necessary permits and licenses and compliance with all laws, including the requirements of NH RSA 179:44 II-a.



City of Keene, N.H.
Transmittal Form

April 12, 2017

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: D.5.

SUBJECT: Kevin Watterson - Keene Swamp Bats - Request to Discharge Fireworks

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the Keene Swamp Bats be granted permission for the discharge of display fireworks on the following dates: Saturday, June 17th and Monday, July 3rd 2017 on Alumni Field at no later than 10:00 PM subject to the customary licensing requirements of the City Council; submittal of a signed letter of permission from SAU 29 for use of their property; and obtainment of a Class B fireworks permit for each display date. In addition, the petitioner agrees to comply with all recommendations of the Keene Fire Department and the Keene Police Department. This permission is conditional upon the Petitioner absorbing the charges for any City services provided for the June 17th display. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 17 Community Events Budget for the July 3rd display. Said payments shall be made within 30-days of the date of invoicing.

BACKGROUND:

Kevin Watterson, of 10 Westview Avenue addressed the request noting this is the 20th year. Mr. Watterson noted no changes from last year and provided the dates of June 17th and July 3, 2017. Mr. Watterson reported the events would take place at Keene's Alumni Field on Arch Street, immediately following the regularly scheduled Swamp Bat games on those nights, at approximately 9:45 PM.

The City Manager deferred to Fire Chief Howard to address the City's requirements. Chief Howard reported once the company discharging the fireworks obtains their State Fireworks Permit, they would apply to the Fire Department for the local permit to discharge fireworks.

Chair Richards asked for Committee questions or comments.

Councilor Jones noted it was the Swamp Bats that stepped up to do the fireworks as a local event when the Kiwanis could no longer do it. Councilor Jones thanked the Swamp Bats for stepping up.

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

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the Keene Swamp Bats be granted permission for the discharge of display fireworks on the following dates: Saturday, June 17th and Monday, July 3rd 2017 on Alumni Field at no later than 10:00 PM subject to the customary licensing

requirements of the City Council; submittal of a signed letter of permission from SAU 29 for use of their property; and obtainment of a Class B fireworks permit for each display date. In addition, the petitioner agrees to comply with all recommendations of the Keene Fire Department and the Keene Police Department. This permission is conditional upon the Petitioner absorbing the charges for any City services provided for the June 17th display. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 17 Community Events Budget for the July 3rd display. Said payments shall be made within 30-days of the date of invoicing.



City of Keene, N.H.
Transmittal Form

April 12, 2017

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.6.

SUBJECT: Request to Use City Property - Dillant-Hopkins Airport - New England Aerobatics Club (NEAC)

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the City Council authorize the use of the Dillant-Hopkins Airport by Chapter 35 of the International Aerobic Club from the date of issuance through December 31, 2017, subject to the execution of a Revocable License and Indemnification Agreement, the receipt of an insurance certificate in the amount of at least \$1 million naming the City as an additional insured and all other requirements of City staff including but not limited to the following restrictions: compliance with any requirements of the FAA, limit practice sessions to not more than 5 for the year, there will be no Sunday practice sessions, aerobatic activity shall not occur below 1,500 MSL, limit aerobatic activity to the southern portion of the aerobatic box established by the FAA, restrict use of the aerobatics box until after 10:00 AM, and invite neighbors to the mandatory safety briefings held on practice days.

BACKGROUND:

Weston Liu, of Brookline, New Hampshire addressed the annual request by noting he and the NEAC are requesting the renewal of the airport license with the City for 2017. Mr. Liu continued they would like to be able to visit Keene on six Saturdays in 2017. They hope to be able to schedule the first Keene practice flying day of 2017 in May. Mr. Liu distributed a photo of the flying area noting there are no changes in the flightpath from last year. Mr. Liu noted the club has been practicing at the Airport since 2007. Mr. Liu noted their participants support the airport with their gas purchases and their dining at the airport restaurant.

Chair Richards asked for Committee questions or comments.

Councilor Sapeta asked Mr. Liu how many flights can be expected on those days. Mr. Liu replied approximately 14 to 15 per Saturday dependent on the weather.

Councilor Jones commented on the things the club did last year to accommodate local residents; he asked if those same conditions were still in effect. Mr. Liu replied in the affirmative.

Councilor Sutherland noted a number of complaints were received in prior years, but none were heard this year. In response to Councilor Sutherland, the City Manager confirmed he is unaware of any complaints being made.

There being no further Committee questions Chair Richards asked for public comments.

Mark Meess, of 59 Greenwood Avenue suggested this is an activity that does not benefit the citizens of this city. Mr. Meess commented eight hours of continuous overhead noise is too much for some and they find themselves leaving town for the day. Mr. Meess recommended a decrease in the number of flights from the previous year. Mr. Meess reported he noticed no improvements in sound levels between last year and previous years. Mr. Meess pointed out clearing of the pines took place this year and this will affect the sounds of the planes landing and taking off. Mr. Meess also commented the neighborhood has heard nothing about the mitigation that was supposed to take place after the tree clearing. Mr. Meess provided the following suggestions for improving the quality of life for the residents near the Airport:

1. Reduce the number of sessions.
2. No sessions to be held on holidays.
3. Provide at least 30 days advance notice to residents so they can make alternate plans on those dates.
4. Ask the club to provide a list of public attendees and where they come from to determine if there is a true benefit to the community.

Mr. Meess noted he sent his comments and suggestion in an email he sent to all of the City Councilors.

Terry Clark, Ward 3 Councilor, stated he was present representing the residents of the Edgewood area and noted it has been many years since the residents of Keene had any practical use of the Airport for travel, etc. He added the model of the Airport has very little to do with the citizens of Keene. Councilor Clark addressed the Airport's funding sources; he added the residents around the Airport are sort of held hostage by these business ventures that raise money to support the Airport. He suggested much of what goes on at the Airport is a nuisance to the surrounding residents in Keene and Swanzey as well. Councilor Clark indicated the residents are put through great hardships with these events. He feels we have put the residents through enough, noting we accept Federal grants without informing the public as to the strings attached with accepting the funds. Councilor Clark suggested it is time to start thinking about regionalizing the Airport or doing something else. Noting this is not something the neighborhoods enjoys or deserves; Councilor Clark suggested the Committee not recommend a license.

Bettina Chadbourne, Councilor at Large reported that Tracy Keating was unable to attend this meeting. Councilor Chadbourne encouraged Councilors to attend this event before they pass judgement on it. Noting she has attended these events in the past, the Councilor gave assurance the noise levels are not so loud. Councilor Chadbourne feels this group has worked very hard to accommodate the residents in this area such as increasing the "box" another 1500 feet, starting later in the day and concluding earlier. She added the actual demonstrations further away from the neighborhoods, and not including any rain dates. Continuing, Councilor Chadbourne referred to the request for six dates noting only five are in the recommended motion. Last year five dates were approved (no rain dates) and due to weather conditions they only flew three times. Councilor Chadbourne thinks it is shortsighted to see this as just a nuisance. Councilor Chadbourne noted this is an event that brings exposure to the Airport and is attended by local people. She also feels this is an economic benefit to the area and remember this is a bigger community with many people with differing interests.

Robert O'Connor, Ward 4 Councilor expressed his favor for this as a family friendly, community event. The Councilor also acknowledged the compromises that have been to accommodate the neighborhood.

Councilor Sutherland commented as with any other issue in the City, you will see people on both sides. Continuing, he suggested it would be beneficial to some if perhaps there was a head count to show the economic impact. Councilor Sutherland suggested this may be one of the issues where there has to be some give and take; with everyone trying to get along.

Noting he has participated in this event in the past, Councilor Sapeta asked Mr. Wozmak if he could provide the numbers for flights in and out of the Airport on any given day. Mr. Wozmak explained estimates guidelines provided by the FAA are used based on the number of planes there. He reported this computes to about

28,000 operations per year. Mr. Wozmak went on to explain the hangar rentals and operations at the Airport. Mr. Wozmak noted on weekends he generally gets between six and 12 notifications of flight plans. He also noted not everyone is required to file a flight plan.

Mr. Wozmak also explained the safety procedures put in place during this event including radio communication and aviation frequency coordination. In response to Councilor Sapeta's request for specificity, Mr. Wozmak cited this past Sunday as an example; fifteen planes flew in to have breakfast. Councilor Sapeta referred to the daily jet noise and asked if this event was a comparable situation. Due to the propulsion, Mr. Wozmak suggested the jets would have a higher level of noise; he also suggested the difference might be in the duration of the noise. Councilor Sapeta said he wonders if there should be a notification to the public a few weeks in advance. Mr. Liu explained this is officially not an Air Show and the FAA rules prevent the club from actually inviting people. Mr. Liu continued they treat the activity as a sport (as does the FAA) for the benefit of the local Airport and participants. Mr. Wozmak agreed with Mr. Liu, noting he put a notice in the newspaper regarding aircraft operations for public informational purposes. Mr. Wozmak indicated he could work with the appropriate parties to accomplish this again in 2017.

Mark Meess, of 59 Greenwood Avenue asked if there was any way the Committee could request the flyers not come on holiday weekends. The Chair responded that the Committee could make any recommendations they deemed appropriate. Mr. Meess reiterated his concerns provided earlier. Mr. Sutherland indicated the dates are more driven by weather.

Councilor Chadbourne addressed Councilor Sapeta's question regarding the noise by explaining the accommodation made last year of raising the box to 1,500 feet and moving the demonstrations further away. She also made reference to material presented by Councilor Jones last year regarding the noise decibels. Councilor Chadbourne also made reference to a noise study conducted prior to the trees being cut.

Councilor Clark asked what economic benefit this event is to the Airport. Councilor Clark reiterated they really need to look at the Airport and talk with Swanzey about a regional focus and regional funding. Councilor Clark also asked what the club is required to pay for using the Airport. Mr. Wozmak noted the Airport produces about a half million dollars in annual revenue, it spends more than that, but the airport is part of the infrastructure of the community.

Mark Meess, of 59 Greenwood Avenue addressed the noise decibel study for the affected houses and noted there would be a change of about six decibels; he suggested this is about a fifty percent increase in sound in one particular area.

Councilor Clark again asked if the Aerobatic Club is paying the City of Keene for using the Airport. Chair Richards replied in the negative. Mr. Liu added the FAA rules on airports prohibit discrimination against one particular class of user which is why they are treated the same as other airport users.

Chair Richards commented he will support this as he has in the past. He continued as an economic engine in the City any time they can encourage activity at the Airport is a good thing. Chair Richards also addressed Councilor Clark's comments about the Airport taking Federal Grants stating that is a bigger discussion. One of the parameters of the grants is to run a fair and unfettered operation at the Airport that is accessible to all. Continued acceptance of FAA funds is a separate matter.

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 Sutherland.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the City Council authorize the use of the Dillant-Hopkins Airport by Chapter 35 of the International Aerobatic Club from the

date of issuance through December 31, 2017, subject to the execution of a Revocable License and Indemnification Agreement, the receipt of an insurance certificate in the amount of at least \$1 million naming the City as an additional insured and all other requirements of City staff including but not limited to the following restrictions: compliance with any requirements of the FAA, limit practice sessions to not more than 5 for the year, there will be no Sunday practice sessions, aerobatic activity shall not occur below 1,500 MSL, limit aerobatic activity to the southern portion of the aerobatic box established by the FAA, restrict use of the aerobatics box until after 10:00 AM, and invite neighbors to the mandatory safety briefings held on practice days.



City of Keene, N.H.
Transmittal Form

April 13, 2017

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.7.

SUBJECT: Acceptance of Grant Funds – NH Division of Historical Resources Certified Local Government Grant for Historic Preservation Workshop Series - 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 accept and execute a \$4,500 grant award from the NH Division of Historical Resources Certified Local Government Grant Program for the Heritage Commission's 2017 and 2018 Historic Preservation Workshop Series.

BACKGROUND:

Asst. City Manager/Planning Director Rhett Lamb began by introducing Rosie Perry, the Chair of the Heritage Commission. Ms. Perry stated she was before the Committee to recommend that they accept a grant received from the NH Division of Historical Resources in the amount of \$4,500 to host three separate workshops. This grant will help educate people about historic homes, as well as research, preserve and investigate the different types of home. All the workshops will be open and free to the public. The first workshop will be held in September 2017, the second workshop in spring 2018 and the third in June 2018.

The CLG Grant provides 60% of Federal funding as support for eligible projects, and requires a 40% local match. The Keene Heritage Commission has committed to providing \$1,800 of in-kind match through the donation of staff and volunteer time.

Councilor Clark thanked the Commission for their work and indicated he was pleased to hear there was a course regarding the rehabilitation of historic homes which will help many historic homes to be saved.

Councilor Clark 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 accept and execute a \$4,500 grant award from the NH Division of Historical Resources Certified Local Government Grant Program for the Heritage Commission's 2017 and 2018 Historic Preservation Workshop Series.



City of Keene, N.H.
Transmittal Form

April 13, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.8.

SUBJECT: Acceptance of 2015 Homeland Security Training 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 a grant of up to \$1,279.95 from the FY 2015 Homeland and Security to send two personnel to the 2017 New York Tactical Officers Association Conference in April, 2017.

BACKGROUND:

Police Chief Steve Russo stated he was before the Committee regarding a grant in the amount up to \$1,279.95 from Homeland Security Law Enforcement Terrorism Prevention Program. Chief Russo stated this grant will enable the department to send two personnel to the 2017 New York Tactical Officers Association Conference in April, 2017.

The State of NH recognizes the need to provide advanced tactics training for active threat situations to Law Enforcement. The State is providing funding for tactical teams throughout the state to train together.

Councilor Clark asked whether the department has a Special Operations Team. Chief Russo stated Keene's team is referred to as a Tactical Team. The Councilor asked whether there was a need for this team. Chief Russo answered in the affirmative and stated there are 11 teams in the State. Chair Greenwald stated he witnessed the need for such a team when he accompanied a Keene police officer in a ride along.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a grant of up to \$1,279.95 from the FY 2015 Homeland and Security to send two personnel to the 2017 New York Tactical Officers Association Conference in April, 2017.



City of Keene, N.H.
Transmittal Form

April 13, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.9.

SUBJECT: Acceptance of Forfeiture - Case # 2015117408 - 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 forfeiture funds, in the amount of \$343.50, awarded to the Keene Police Department from the New Hampshire State Attorney General's Office.

BACKGROUND:

Chief Russo stated this item is in reference to forfeiture funds in the amount of \$343.50 from the New Hampshire State Attorney General's Office. These funds are the result of joint operations between the Keene Police Department and NH Attorney General's Drug Task Force. This incident happened in 2015 which resulted in the arrest of two individuals and the seizure of a large amount of heroin, marijuana, cocaine, a firearm, and cash. Keene's portion of the seizure is \$343.50.

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 forfeiture funds, in the amount of \$343.50, awarded to the Keene Police Department from the New Hampshire State Attorney General's Office.



City of Keene, N.H.
Transmittal Form

April 13, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.10.

SUBJECT: Acceptance of Monetary Donation - 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 \$50 donation to be used for the Keene Police Department K-9 program.

BACKGROUND:

The next donation of \$50 is from Edward and Krishni Pahl made in honor of Brian Costa's service to the community and the funds are to be used toward the department's K-9 program. Chief Russo noted Brian Costa was heavily involved with the department's K-9 program for many years.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept a \$50 donation to be used for the Keene Police Department K-9 program.



City of Keene, N.H.
Transmittal Form

April 13, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.11.

SUBJECT: Acceptance of Donation - St. James Episcopal Church - Parks, Recreation and Facilities
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 donation of pickle ball equipment from St. James Episcopal Church for the purpose of growing the activity.

BACKGROUND:

Chair Greenwald stated pickle ball is held every Monday, Wednesday and Friday at the Recreation Center. Interest has grown for this particular sport. St. James Episcopal Church has made a donation of equipment toward this program in the amount of \$1,050.

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 donation of pickle ball equipment from St. James Episcopal Church for the purpose of growing the activity.



City of Keene, N.H.
Transmittal Form

April 13, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.12.

SUBJECT: Acceptance of Monadnock Alcohol & Drug Coalition Donation - Youth Services

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 an award from Monadnock Alcohol & Drug Coalition in the amount of \$2,000 for use by Youth Services.

BACKGROUND:

Asst. City Manager/Human Resources Director Beth Fox stated that the Youth Service Department has received an award in the amount of \$2,000 from MADAC.

Councilor Clark stated he was as a member of the Board of MADAC and would like to extended his appreciation for the collaboration MADAC has with the City.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept an award from Monadnock Alcohol & Drug Coalition in the amount of \$2,000 for use by Youth Services.



City of Keene, N.H.
Transmittal Form

April 13, 2017

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.13.

SUBJECT: Body and Soul Road Runners- Red Cap Run - Request for Community Event Funding

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council include the Red Cap Run as a community event.

BACKGROUND:

Ms. Sara Alderfer, coach for the Body and Soul Runners, stated after working with the City for a number of years on this event and as per advice from the City she has submitted an application for community events status.

Public Works Director/Emergency Management Director Kurt Blomquist stated this event has attracted more people over the past few years. Mr. Blomquist indicated the City is seeing about 6-11 races per year and most of the races are a fundraiser for a particular cause. Of these 11 races about eight require police detail and the City's goal is to make sure runners are safe and the event is successful.

Chair Greenwald asked whether there is a monetary amount the race is requesting. Mr. Blomquist stated what they would ask for as a community event is that the City cover the City services provided which in this case would be three hours of police detail which would be approximately \$500; the City will absorb those costs.

Councilor Chadbourne asked whether these types of races would also include events such as Walk a Mile in Her Shoes. Mr. Blomquist stated the City also has walkathon events and this event would fall under that category. Those average about 10-12 a year. The Director continued there are other events which include parades which average about two to three per year. He noted the city averages about 25 types of these events per year.

Ms. Alderfer stated the event has now doubled in number. 2017 was the first time they have needed police detail.

Chair Greenwald asked whether the event could ask for a private security company like Hunter North. Mr. Blomquist stated this would be something for the organizers to look at. Councilor Powers stated the event is happening on City streets, which makes it a City liability and the City has to be responsible for it. Ms. Alderfer stated they have amended their route for the next race to have fewer crossings.

Councilor Clark noted these non-profits which raised funds for these different groups are saving the City a lot of money by raising money for different causes.

Mr. Blomquist called the Committee's attention to the different criteria an organization needs to meet to qualify for community events status.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council include the Red Cap Run as a community event.



City of Keene, N.H.
Transmittal Form

April 13, 2017

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

SUBJECT: Monadnock Family Services and Monadnock Community Services Center - Request to Purchase Property - 93rd Street

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to negotiate with Monadnock Family Services and Monadnock Community Services Center for the sale of City-owned property located at 11 93rd Street.

BACKGROUND:

Mr. David Bergeron stated he was the Chairman of the Board for the Monadnock Community Services Center, which is the property management arm of Monadnock Family Services (MFS). Mr. Bergeron stated MFS has been at their location on 93rd Street since 1989 and per the site plan approved in 1989 there was a condition for the leasing of certain parking spaces on City owned property at 11 93rd Street. MFS has continuously leased this property from the City for the past 26 years and the lease is now being required to be renewed. MFS is interested in purchasing this property from the city. There was also a clause in the 1989 site plan approval that MFS will pave and improve this lot, which has been done and MFS currently maintains this lot.

The City Manager noted MFS is the only entity that exclusively uses this lot, but because the City owns this lot they are under obligation to maintain it and he believes it was in the best interest of the City to move forward with this sale. Councilor Clark clarified the Cleveland Building does not use this parking area. Mr. Blomquist agreed.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to negotiate with Monadnock Family Services and Monadnock Community Services Center for the sale of City-owned property located at 11 93rd Street.



City of Keene, N.H.
Transmittal Form

April 13, 2017

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.15.

SUBJECT: Request for an Expenditure from the Land Use Change Tax Fund for a Forest Stewardship Plan for the Greater Goose Pond Forest - Conservation Commission

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that City Council authorize the Conservation Commission to use up to \$30,000 from the Land Use Tax Fund for the purpose of creating a stewardship plan for the Greater Goose Pond Forest.

BACKGROUND:

Mr. Tom Haines Chair of the Conservation Commission addressed the Committee and stated this is a request to take \$30,000 out of the Land Use Change Tax funds to hire a consultant for the creation of a stewardship of the Greater Goose Pond Forest as a multiple use forest. The goal of this project is to support public recreation and education, maintain natural communities and habitats, protect threatened plants and animal populations and to increase forest habitat diversity.

In 2009, a conservation easement was put on this land which consists of nearly 1,000 acres. This easement is held by the Society for the Protection of NH Forests.

Chair Greenwald clarified these are funds that do not come out of the property taxes. Mr. Lamb agreed it does not.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that City Council authorize the Conservation Commission to use up to \$30,000 from the Land Use Tax Fund for the purpose of creating a stewardship plan for the Greater Goose Pond Forest.



City of Keene, N.H.
Transmittal Form

April 13, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.16.

SUBJECT: Property Tax Exemptions - Blind - Assessing Department

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council make no change to the blind exemption.

BACKGROUND:

City Assessor Dan Langille began by introducing Assessing Technician Diane Stauder who has worked for the City for the past 29 years and commended her for her hard work for the department.

Mr. Langille began by explaining the difference between exemption and credit. Exemptions are a reduction on the actual assessed value of a property. A credit is a direct reduction on the tax amount.

The City offers Blind Exemption for any legally blind resident. It is not linked to income or assets. Applicants may also apply for other exemptions and credits. The City currently offers 12 blind exemptions for a total amount of \$16,500. There are two pending applications for 2017. Mr. Langille stated Keene is consistent on this issue with neighboring communities.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council make no change to the blind exemption.



City of Keene, N.H.
Transmittal Form

April 13, 2017

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.17.

SUBJECT: Property Tax Exemption - Solar Energy System - Assessing Department

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that staff be directed to introduce a Resolution which would increase the Solar Exemption from the current language, which recognizes a solar energy heating or cooling system in an amount equal to the cost, including installation, of up to \$10,000 in value to up to \$30,000 of the assessed value.

BACKGROUND:

Mr. Langille stated the next item is in reference to solar energy system. Solar Energy System helps with heating or cooling of an interior of a building and can also provide electricity. Since 2013, eight applicants have received this exemption. In 2016 there were 11 and there are five more pending applications.

Mr. Langille explained Keene has not assessed solar systems during the time these exemptions have been place which is common practice for most communities in the state. This is because the market data for is limited. Keene has 49 properties that have this system. The exemption currently used by the City was to encourage alternative energy systems in the City.

Currently Keene is offering a \$10,000 exemption on the cost of installation of the unit regardless of what this unit adds to the assessed value of a property. What staff is proposing is because Keene is going to need to start valuing these systems. In keeping with how the Council has handled these types of issues in the past; if a home is valued at \$300,000 and a system adds \$20,000 to the assessed value causing the assessed value to increase to \$320,000; the City would offer an exemption for up to \$20,000 so in this case the assessment would go down to \$300,000, which would neutralize any effect the solar system has on the property value. Mr. Langille noted this is consistent with what other communities are doing.

Councilor Jacobs asked whether this exemption would continue after the year of installation. Mr. Langille answered in the affirmative and stated the exemption will continue as long as the solar panels are in working condition.

Chair Greenwald asked for the price of these systems. Mr. Langille stated they could range between \$10,000 - \$30,000, but there are bigger commercial units that could cost close to \$50,000 and anything beyond the \$30,000 exemption would go into their taxable value.

Councilor Chadbourne asked how an applicant gets approved for this exemption. Ms. Langille stated property owners would come into the Assessing Department and fill out an application and staff looks at the system and

makes a determination. If the system is in working order then the exemption will be granted.

Councilor Powers asked what the loss of revenue would be with a \$30,000 exemption. Mr. Langille stated the City would not see a loss in revenue because they were not being charged before. The City might actually see an increase if the larger systems are valued.

Councilor Jacobs made the following motion, which was seconded by Councilor Clark.

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that staff be directed to introduce a Resolution which would increase the Solar Exemption from the current language, which recognizes a solar energy heating or cooling system in an amount equal to the cost, including installation, of up to \$10,000 in value to up to \$30,000 of the assessed value.



City of Keene, N.H.
Transmittal Form

April 13, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.18.

SUBJECT: Property Tax Exemptions - Elderly, Deaf and Disabled - Assessing Department

RECOMMENDATION:

On a vote of 5 – 0, the Finance, Organization and Personnel Committee recommends the elderly exemption income level for a single person be increased to \$28,700 and the income level for married persons be increased to \$38,700 to reflect adjustments in social security.

BACKGROUND:

Mr. Langille stated this exemption is for anyone 65 older who meets certain income and asset criteria. For the disabled exemption, the applicant should be receiving social security disability income. For the deaf exemption, it is for anyone with a certain amount of hearing loss.

The elderly exemption is broken into three categories: 65-74 (age by April 1) 29,700 \$1,080.78 Elderly 75-79 (age by April 1) and Elderly over 80 (age by April 1) \$44,900. Once you are in the system you automatically go to the next level on your birthday. Mr. Langille noted staff is not making a recommendation in terms of any changes on exemption type. Mr. Langille called the Committee's attention to page 2 of the Memorandum where certain applicants were denied and the reasons for the denial. Page 3 outlines the number of eligible applicants. Mr. Langille noted close to four million dollars of property value is being exempted (elderly and deaf).

Neighboring communities were looked at and Keene is in keeping with other communities in Cheshire County. Mr. Langille stated should the Council wish to increase anything, staff would recommend looking at the level of income as social security has increased 3.5% since 2013. Councilor Powers asked how often these income levels are looked at. Mr. Langille stated they are reviewed every three years.

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

That the Finance, Organization and Personnel Committee recommends that City Council make no change to the income or asset criteria or the exemption amount for the Elderly, Deaf and Disabled exemptions effective April 1, 2017.

Councilor Powers moved to amend the motion to adjust the income level for a single person to \$28,700 and for married persons to \$38,700 recognizing the adjustment of social security. The amendment was seconded by Councilor Jacobs. Referring to the amendment, the Committee voted unanimously to amend the original motion.

On a vote of 5 – 0, the Finance, Organization and Personnel Committee recommends the elderly exemption

income level for a single person be increased to \$28,700 and the income level for married persons be increased to \$38,700 to reflect adjustments in social security.



City of Keene, N.H.
Transmittal Form

April 13, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.19.

SUBJECT: Property Tax Exemptions - Wood and Wind Energy Systems – Assessing

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends no change to the Wind and Wood Energy System exemptions.

BACKGROUND:

Mr. Langille stated the City has had no applications for an exemption for wind energy systems. As far as wood heating system, there is a \$10,000 exemption of the assessed value being granted. No further changes are being recommended.

Councilor Clark stated there has to be about 10,000 wood stoves in this City, but only nine applications have been approved and asked for added clarification on this exemption. Mr. Langille stated the primary heating system needs to be wood; a fire place would not qualify. The Councilor stated he has not heard of this exemption in the past and felt it should be better advertised.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends no change to the Wind and Wood Energy System exemptions.



City of Keene, N.H.
Transmittal Form

April 13, 2017

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.20.

SUBJECT: Property Tax Credit - Veteran, Veteran Surviving Spouse, Veteran Service

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends no change in the amount of the optional Veteran Credit at \$225.

BACKGROUND:

Mr. Langille stated currently the City is offering exemptions to Veteran, Veteran Surviving Spouse, and Veteran Service Connected Disability. Veterans are those serving 90 days of active duty during a conflict which is outlined in State Statute. There are 719 of these credits at \$225 each. With respect to Veteran Surviving Spouse, and the Veteran Service Connected Disability, the City is maxed out on this credit at \$2,000 so there is nothing further to be adjusted.

With respect to the All Veteran's tax credit, this is a new tax credit being offered under the statute. This is for anyone serving 90 days of active duty in the armed forces, but the exemption does not have the conflict requirement. According to 2015 census there are 1,280 veterans in the City and of this number 719 are already eligible and receiving a credit, leaving another 569 who might be eligible. At the \$225 rate this would be \$128,000 in tax revenue and if that was turned into value it would be 3.5 million in assessed value.

Councilor Powers asked whether Mr. Langille was recommending the All Veteran's tax credit. Mr. Langille stated he was here to present the information but ultimately it will be a policy decision. The Councilor felt a lot of National Guard Members would become eligible which will increase the city's numbers.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends no change in the amount of the optional Veteran Credit at \$225.



City of Keene, N.H.
Transmittal Form

April 13, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.21.

SUBJECT: Renewal of C.E. Bradley Land Lease - Airport 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 renew the land lease of C. E. Bradley.

BACKGROUND:

Airport Manager Jack Wozmak stated C.E. Bradley has been a tenant for many years at the airport and it is time to renew their lease. Councilor Powers referred to previous efforts where renewals of various licenses were being dealt with administratively and inquired whether the same effort could be applied to leases.

Mr. Wozmak stated staff is looking at some lease language modification, which would automatically renew these leases with a pre-determined escalation clause to reduce the administrative burden. He noted the City looks at about 30-40 leases per year for people who have been customers of the City for decades. Staff is looking at, at least some of the hangar leases to automatically renew with the CPI built in.

Councilor Jacobs made the following motion, which was seconded by Councilor Clark.

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to renew the land lease of C. E. Bradley.



City of Keene, N.H.
Transmittal Form

April 13, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.22.

SUBJECT: Renewal of Ian Boyd Land Lease - Airport 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 renew the land lease of Ian Boyd.

BACKGROUND:

Mr. Wozmak stated this is a land lease for Ian Boyd and the circumstances are similar to what is mentioned in item 15. Mr. Boyd owns a hangar at the airport and has been a tenant for quite a while.

Councilor Chadbourne asked what the CPI adjustment means. Mr. Wozmak stated it is the consumer price index and are the numbers produced for the Northeast NE District by the Federal government. The rent is increased by that amount.

Chair Greenwald asked whether there was a price ceiling and floor. Attorney Mullins stated there is a floor – the rental payment cannot drop below the existing payment if there is a negative CPI.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to renew the land lease of Ian Boyd.



City of Keene, N.H.
Transmittal Form

April 13, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.23.

SUBJECT: Renewal of Thomas Transportation Land Lease - Airport 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 renew the parking space land lease of Thomas Transportation.

BACKGROUND:

Mr. Wozmak stated Thomas Transportation has been leasing 80 of the 158 parking spaces at the Airport. This again is a lease renewal. It has a 2% increase in the rental rate. Mr. Kopczynski stated the Airport by far has the largest amount of leases and commended the work the City Attorney and Mr. Wozmak put into this effort.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to renew the parking space land lease of Thomas Transportation.



City of Keene, N.H.
Transmittal Form

April 13, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.24.

SUBJECT: Councilors Jacobs and Chadbourne - Gender Identity

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager include in the Employee Handbook proper language to include gender identity and transgender identity as a protected class.

BACKGROUND:

Councilor Jacobs stated this item is in reference to transgender individuals specifically identified as a group not to be discriminated against. They should be a group equally protected as our other gender groups in the City. One area where there is concern is in the employee handbook where gender identity should be added under protected classification. Councilor Jacobs stated in their letter they are also asking the City Council support legislation which supports non-discrimination for gender identity.

Chair Greenwald asked the Attorney how the issue with the Employee Handbook should be handled. Attorney Mullins stated the Council could recommend the City Manager include in the Employee Policies and Procedures Manual that Gender Identity be a protected classification. The Council could also request staff to draft Resolution but he felt the first suggestion might be the quickest way to resolve this issue.

Mayor Lane stated he wanted to make sure everyone knew how critically important this item is especially because of the political environment that exists at this time. He felt the City should go on record strongly in favor of gender identity protections.

Miles Duhamel of 147 Main Street stated Keene State College supports gender identity protection.

Jordan Makayla Goodwin of 42 Dover Street felt that including the terms transgender identity and gender identity might create a broad inclusive nature so no-one feels left out of this protection.

Amanda Babel of 121 Meadow Road encouraged people to attend LGBT meetings that happen on the first Tuesday at the library and she felt this item will help many in our community.

Chair Greenwald referred to a communication from the parish of St. James supporting what the committee is undertaking today.

Councilor Chadbourne stated she is a member of the City College Relations Committee and there is a sub-committee working on diversity. There is going to be a workshop to help understand differences. The workshop is scheduled for April 18 from 6 pm - 8 pm in the Michael J. Blastos Community Room.

Attorney Mullins stated statutory definition for Gender Identity at the State House states as follows: Gender identity means a person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.

Attorney Mullins stated his question is whether language should be considered for transgender identity as well.

Jordan Makayla Goodwin stated there are people who consider themselves as non-binary; not being included under the transgender identity and gender identity would cover such individuals as well.

Chair Greenwald asked whether other communities have this as something they are addressing. Attorney Mullins answered in the affirmative and noted this is language many communities have included in their employee handbooks and they too have requested the State include the protection in State Statutes.

Councilor Chadbourne noted Doug Marino who initially contacted the City in reference to this issue has noted that Dover, Durham, Hopkinton, Plymouth, New Market, Sommersworth and Plymouth have adopted this language.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager include in the Employee Handbook proper language to include gender identity and transgender identity as a protected class.



City of Keene, N.H.
Transmittal Form

April 13, 2017

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.25.
SUBJECT: Mayor Lane - Testimony in Support of HB 478

RECOMMENDATION:

On 5-0 vote, Finance, Organization and Personnel Committee recommends that the City Council resolve to support State Legislation to include transgender, gender identity or expression as a protected classification under State Law.

On 5-0 vote, Finance, Organization and Personnel Committee recommends the City Council affirm the Mayor's letter dated March 7 supporting State Legislation to include gender identity or expression as a protected classification under State Law.

BACKGROUND:

Mayor Lane noted Lebanon has also adopted a policy on gender identity. The Mayor referred to the error he had made and went on to say this legislation has been tabled in the House and he was uncertain when it would be removed from the table. He felt the letter he wrote would support the legislation retroactively.

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

On 5-0 vote, Finance, Organization and Personnel Committee recommends that the City Council resolve to support State Legislation to include transgender, gender identity or expression as a protected classification under State Law.

Chair Greenwald asked the City Attorney whether this would imply those categories are protected classes for housing and private employment as well. Attorney Mullins stated the inclusion falls under RSA 354-A which is New Hampshire's Non-Discrimination Statute and includes employment, housing etc. The protected class would apply to private entities as well.

Representative Joseph Stalcop stated he was one of those who was supposed to speak in favor of this legislation in the House but because of the tabling of the motion it prevented all dialog except that from the legislation's sponsor and the opposition party. Rep. Stalcop stated this Bill has support from both sides of the House and it did gain the support of the Committee. He noted it was distressing to see the leadership table the legislation. He felt it was very important for cities and towns to show support so there could be a vote on this item.

Chair Greenwald inquired of the City Attorney how the Committee should proceed today. Attorney Mullins

stated the Finance Committee could just affirm the letter from the Mayor or they could request staff come back with a Resolution or the Committee could also ask for both.

Councilor Chadbourne felt if the matter has been tabled and a letter has already been sent and felt another letter would be a moot point.

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

On 5-0 vote, Finance, Organization and Personnel Committee recommends the City Council affirm the Mayor's letter dated March 7 supporting State Legislation to include gender identity or expression as a protected classification under State Law.

Mayor Lane apologized to the Council for his unfortunate mistake and does appreciate the Committee affirming the contents of the letter.

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

On 5-0 vote, Finance, Organization and Personnel Committee recommends item #19 be filed as informational.



City of Keene, N.H.
Transmittal Form

April 12, 2017

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: G.1.

SUBJECT: Tim Zinn - Let It Shine - Request to Use City Property - "Keene Pumpkin Festival Brought to You by the Children of SAU 29"

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the request from Let It Shine to use downtown City rights-of-way for a fall 2017 event be placed on more time to allow City staff to hold a series of protocol meetings with the petitioner.

BACKGROUND:

Tim Zinn, of 49 Grove Street on behalf of Let It Shine (LIS), addressed the proposal for Sunday, October 29, 2017 for an event they are proud to call: "Keene Pumpkin Festival brought to you by the children of SAU 29." Mr. Zinn thanked Superintendent Malay for his support. While this proposed event is much smaller in scale, they are convinced that the message this pumpkin festival provides might be one of its most profound. This event will be focused on the children of SAU 29, their unique wisdom and perspective, and the simple joy of carving pumpkins.

By voluntarily limiting the size of this Festival to the school system, Mr. Zinn remarked that they believe this event provides many opportunities for healing, collaboration, and celebration. Indeed, some Councilors suggested in 2015 that LIS consider this very approach. Their estimated number of pumpkins totals around 5,000 and requires a footprint limited to only Central Square and Railroad Square. They would like to open this event to the public between the hours of 12:00 PM and 8:00 PM. They do not anticipate the need for shutting down any streets. They have opted to not include vendors in this year's event in order to keep the theme focused on children, smiles, and "pure pumpkins."

Mr. Zinn continued that they are encouraged by the many improvements in Off Campus College student accountability and a continued effort at culture change among Keene State College students. They are convinced that many students will see this as an opportunity to live the words "Wisdom to make a difference."

Mr. Zinn continued that he was looking forward to communicating their vision for this Festival and the unique opportunity to work together in a spirit of collaboration as an example to our community and beyond. Mr. Zinn read the following into the record:

Let It Shine is excited to offer this proposal to celebrate the Children in our community and once again bring smiles and pumpkins to downtown Keene!

We are convinced that out of the challenges of 2014/15 comes an opportunity to work in collaboration to do

anything we set our minds to. We have a unique opportunity to show the world and more importantly, our children, that nothing is impossible when people work together towards a common good.

We are proud to propose for the fall of this year: “Keene Pumpkin Festival brought to you by the Children of SAU29!” We would like to thank SAU29 and Superintendent Malay for seeing the potential in this event to do something amazing together for the community.

Our proposal offers a controlled number of pumpkins estimated to be around 5000. These will be provided to the school system and staff. Our requested footprint will be Central Square and Railroad Square. We do not anticipate the need to close any streets. In order to simplify and stay focused on our message of kids, smiles, and pure pumpkins, we have opted to not include vendors at this year’s event. This event will not be marketed as a full scale Guinness Festival.

Every Pumpkin Festival in its 24 year history in downtown Keene has been special in its own right. If you’re your like me, maybe it was memories of when you carved pumpkins with your two little girls at Wheelock school in the early years. Maybe it was that sense of pride when we held the first world record for the most jack-o- lanterns lit in one place. Maybe it was when you were moving your youngest daughter into her first apartment during one pumpkin Festival. Or bumping into your oldest daughter home from grad school in 2014 and still excited to be experiencing Pumpkins in downtown Keene.

This event can be just as special. It will be all about healing, teamwork, collaboration, community spirit, and inspiration. We are convinced that the children of SAU29 will provide amazing insight and wisdom around those themes.

We are encouraged by the sincere efforts towards student accountability and culture change within Keene State College. Those efforts are showing up as real change in neighborhoods like mine. Citizens on the East side of Keene need to educate themselves about these improvements.

The creation of an off campus conduct policy under President Huot’s leadership has clearly created improvement in off campus behaviors. Cross communication and collaboration between city entities (police, fire, code) and the college is another area of improvement. An off campus orientation program raises the bar of expectations. I was honored to be given a chance to participate in the video interviews for a resident’s perspective in that program.

Let It Shine has reached out to Keene State College to collaborate on ways to celebrate their improved culture and student population. Our door remains open to work with the college and their students. LIS is convinced that KSC students are hungry for this opportunity to live their motto “Wisdom to make a difference”. The vast majority of them are responsible, hard working citizens.

These aren’t just any students; they are “Keene” State College students. As a community, we can and should, work together to inspire them to shine the brightest of everyone at this event. We think this could be the hidden gem in our proposal.

Our modest proposal meets suggestions made by councilors and others in 2015 to take a break create time to reflect, and perhaps come back with a smaller festival. Combined with lessons learned from 2014, and college improvements, we feel this proposal represents a fresh perspective for all concerned.

Boston, Massachusetts; Highwood, Illinois; Newtown, Connecticut; Laconia, New Hampshire; Swanzey, New Hampshire. Our City and our Pumpkin Festival has shown a magic that has changed lives and inspired people across the globe. If it has helped to heal tragically wounded hearts in Newtown Ct., it can certainly help to motivate and inspire students in a college with a beautiful message like “Wisdom to make a difference”.

There are times as parents when we question if we are handing off a world to our children that is moving forwards or backwards. 2014 was a year full of those questions, locally, nationally and globally.

While smaller in scale, our Pumpkin Festival once again has the opportunity to send a powerfully positive message to our children, college students, Community, region, and beyond.

We are excited to work with the City of Keene and celebrate the possibilities together.

Bullet Points:

- Kids, Smiles, “Pure Pumpkins”
- Controlled Marketing
- Estimated Attendance? 10-15K
- Pure focus, no vendors no fundraising, No streets closed.
- No vendors should mean quicker flow and dispersal. Encourages downtown business patronage.
- Sunday date helps minimize outside attendance problems and other colleges involvement.
- We are the last Pumpkin Festival In the region by design.
- Limited Footprint
- Downtown merchant support signatures 23, verbal 4
- Voluntarily Max 5000 Pumpkins
- Life lessons in accountability, persistence, teamwork, communication.
- Pumpkin Festival is too special an event to let slip away. 24 yrs., thousands of volunteers, countless lives touched and smiles created across the world.

Lessons Learned Security:

- Anonymity is no longer an option.
- Accountability for off campus behavior now has severe repercussions.
- Proactive use of the no guest policy at KSC. Their own students have expressed need for this.
- Predictability at hot spots.
- Proactive enforcement of assembly ordinances. No longer allow gatherings to reach critical mass.
- Accountability for problem Outsiders and those that host them. Prosecute to the full extent of the law.
- Grass roots effort needed among college students.

Chair Richards referred to the prepared motion for more time to allow protocol meetings to be held; he also asked the City Manager if he had anything to add. The City Manager indicated the Chair could take several different actions; he also advised the purpose of the protocol meetings was to obtain more information.

Chair Richards agreed the protocol meeting is the correct approach. Chair Richards referred to last year’s Fall Festival (held on KSC’s Parents Weekend) and asked if this event should be tied in with that. He also asked do we want the name Pumpkin Festival again pointing out the trouble resulting from social media. Chair Richards suggested putting this underneath the Fall Festival may eliminate that issue. Chair Richards also noted his agreement with a smaller event as noted by Mr. Zinn. Chair Richards is also in favor of tying it to the SAU 29.

Chair Richards asked for Committee questions or comments.

Councilor Jones thanked Mr. Zinn for his presentation and noted he thinks the smaller version is what the City is looking for. He added people do miss the Pumpkin Festival. Councilor Jones also noted his concern for the social media aspect suggesting the issue was not so much the KSC students. Councilor Jones noted this is something the City cannot control and he is not looking for answers to this tonight. He does expect this will be addressed in the protocol meetings. Councilor Jones also thanked Mr. Zinn for his efforts noting he looks forward to seeing this when it comes back to Committee.

Councilor Sapeta noted he has been a Keene resident for nine years; his children grew up with the Pumpkin Festival and they miss it. Councilor Sapeta also commended Mr. Zinn for Let It Shine’s collaboration efforts

and recommended Let It Shine also work with the College/City Commission towards this endeavor. Councilor Sapeta echoed Councilor Jones' comments in appreciation of Mr. Zinn's efforts.

Councilor Sutherland thanked Mr. Zinn for bringing back the idea and noted his hopes that this is a brainstorming position at this point. Councilor Sutherland's noted his concern with the footprint; specifically the foot traffic going from Central Square down to Railroad Square and not shutting down any roads. He suggested Gilbo Avenue might be a good place to contain this with regards to traffic and the safety of the children. Councilor Sutherland also commented people tend to forget the tremendous impact the Pumpkin Festival had on the non-profits in the City. He noted the setback they have all had with the loss of the Pumpkin Festival. Noting the importance of the venue, Councilor Sapeta also addressed the containment issue and suggested the area from Railroad Square to the bike path.

There being no further Committee questions or comments, Chair Richards asked for public comments.

Bettina Chadbourne, Councilor at Large echoed Councilor Sutherland's concern noting she would like to hear comments from Public Works and the Police Department.

Carl Jacobs, Ward 2 Councilor agreed with the organization's efforts to keep the good and leave the problems behind. Councilor Jacobs noted two things that require more information. First is the nature of the collaboration between SAU 29 and the City. Second is the organization's budget. Councilor Jacobs noted no income is shown in the proposal submitted and asked Mr. Zinn how they expect to pay for the event. Mr. Zinn clarified Let It Shine is a non-profit so they will be looking to raise the funds. Chair Richards asked Mr. Zinn how much they reached out to SAU 29. Mr. Zinn replied they reached out to Robert Malay, the Superintendent who presented the idea to the Principals. Mr. Zinn noted currently eight or nine schools have agreed to participate. The City Manager pointed out these questions would be answered at the protocol meetings.

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

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the request from Let It Shine to use downtown City rights-of-way for a fall 2017 event be placed on more time to allow City staff to hold a series of protocol meetings with the petitioner.



City of Keene, N.H.
Transmittal Form

April 13, 2017

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: I.1.

SUBJECT: Relating to Fees for Engineering Inspections and Public Works Permits

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2017-04.

ATTACHMENTS:

Description

Ordinance O-2017-04

BACKGROUND:

City Engineer Don Lussier stated he is before the Committee to discuss fees from the Public Works Department related to tasks completed by the Engineering Division. There are two areas that allow for the collection of fees; Chapter 70 – Engineering Inspections Fees for things like subdivision and large infrastructure projects. The last time this fee was set was in 1991 for \$30 an hour. When looking at the Council policies the cost to provide such a service today they identified an Engineering Technician as the staff who would perform the service. The hourly rate including benefits for an Engineering Technician comes to about \$50.24/hour. Staff is proposing to change this fee to \$55 an hour with the understanding this fee structure would be looked at every few years and adjusted according to cost of living changes. Mr. Lussier referred to the language in the Council's fiscal policy as to when fees and charges should be set at, or above, full cost recovery when the service is regulatory in nature and voluntary compliance is not expected. He indicated this language guided their recommendation to increase the fee to \$55 an hour.

Mr. Lussier continued the next fee that is recommended for an increase dealt with the permit fee for excavations and encumbrances. He noted these fees are provided for in Chapter 82. Mr. Lussier noted that for excavation permits in the public way, the permit fee includes the first inspection. In terms of the encumbrance permit (work that obstructions traffic or disrupts the public use of right of way, the permit fee is more an administrative fee to collect information from firms doing the work and to understand what their traffic controls are and to explain to them accommodations that they need to perform.

The fee being suggested is \$ 50 and \$75 encumbrance and excavation respectively. The excavation fee is set a little higher because it includes one inspection.

Chair Greenwald asked whether utility companies are also charged this fee. Mr. Lussier stated these companies obtain an excavation permit, but are not charged an excavation permit fee because they are charged a license fee to locate the pole in the right of way for \$10 in perpetuity. The Chair asked whether they are not charged if they

are in City right of way and are blocking traffic. Mr. Blomquist stated utility companies are exempted from the encumbrance fee, but are charged a bonding fee for completing or repairing a job.

Councilor Powers asked how the City would know if more than one utility company is working on a particular section. Mr. Blomquist stated utility companies don't always obtain an encumbrance permit even though they are supposed to do so. On the excavation permit they are required to pay this amount plus the bonding fee. The Councilor asked what happens when these companies take over multiple parking spaces. Mr. Lussier stated they work directly with the parking office and staff reminds new companies when they come in to fill out the paperwork to work with the parking division.

Councilor Powers asked whether these applicants who are requesting these permits are licensed. Mr. Lussier stated what the City requires for each of these permits are insurance certificates, dig safe numbers, and traffic control plans. They are not requiring contract licenses. He added the permits they issue are often to the same people they see on a daily basis. Mr. Blomquist added NH does not require a license for an excavator.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2017-04.

The Manager asked whether these were all of the fees from Public Works. Mr. Blomquist stated his department has multiple fee areas; water and sewer, solid waste. The Manager asked whether these were all the fees from engineering. Mr. Lussier stated staff will also be looking at the driveway permit for which engineering currently does not charge a fee.



CITY OF KEENE

O-2017-04

Seventeen

In the Year of Our Lord Two Thousand and

Relating to Fees for Engineering Inspections and Public Works Permits

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 deleting the stricken text and inserting the bolded text in Appendix B – Fee Schedule:

Chapter 70. Public Improvement Standards

§ 70-27. Engineering inspection fees, per hour... ~~\$30.00~~ **\$55.00**

Chapter 82. Streets, Sidewalks and Certain Other Public Places

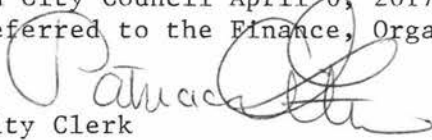
§ 82.33(a). Fees for excavation permits and encumbrance permits:

Excavation Permit fee... ~~\$25.00~~ **\$75.00**

Encumbrance Permit fee... ~~\$15.00~~ **\$50.00**

Kendall W. Lane, Mayor

In City Council April 6, 2017
Referred to the Finance, Organization and Personnel Committee.


City Clerk



City of Keene, N.H.
Transmittal Form

April 12, 2017

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: J.1.

SUBJECT: James Phippard - Brickstone Land Use Consultants - Request to Alter a Tax Ditch Easement on Lee Street

RECOMMENDATION:

On a 5-0 vote, the Municipal Services, Facilities and Infrastructure Committee recommends to the full Council the adoption of R-2017-09 pending review and approval of City Staff.

On a 5-0 vote, the Municipal Services, Facilities and Infrastructure Committee recommends to the full Council to rescind R-2009-25-A pending the adoption of Resolution R-2017-09.

ATTACHMENTS:

Description

Resolution R-2017-09

Resolution R-2009-25-A

BACKGROUND:

Mr. Phippard said he represents MGJ Realty, LLC, which is now the owner of property at the end of Lee Street. He said that in 2009 the City Council adopted a resolution that allowed modifications to the tax ditch. At that time, he said, the developer was seeking Planning Board approval to construct a housing project that also contained two carport buildings, which were to be partially located within the tax ditch easement. The developer filed a request to the City Council R-2009-25-A, which was adopted in early 2010 and allowed the construction of a driveway through the easement area, a bridge crossing the tax ditch, the construction of two carport buildings. He said that was granted partially on the basis that the city still maintains access to this area. This project never was built.

He said that the property was bought in 2012 by MGJ Realty, which sought to make changes in the housing project. The new project received site plan approval from the Planning Board in 2014. He explained that in the new proposal, the two 96' carports would be replaced by two 66' apartment buildings that will extend into the existing tax ditch the same 31'. However, the overall encroachment will be decreased from 5952 square feet to 4092 square feet.

Mr. Phippard said that because of previous wording, it is necessary to request that the previous easement be rescinded and it to be replaced by a new easement.

City Engineer Lussier said that his office hadn't had an opportunity to review the documents that were submitted. He said he had spoken to the applicant, and that it seems that it would be acceptable to the applicant

to put this on More Time.

In response to questions from Councilor Filiault, the City Manager and the City Attorney said they could not see any problems with the proposal but both said they would need to get input from the City Engineer.

Councilor Lamoureux asked about the feasibility of passing a resolution recommending approval subject to review and approval of the City Engineer. The City Manager said he thought that would be perfectly appropriate.

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

On a 5-0 vote, the Municipal Services, Facilities and Infrastructure Committee recommends to the full Council the adoption of R2017-09 pending review and approval of City Staff.

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

On a 5-0 vote, the Municipal Services, Facilities and Infrastructure Committee recommends to the full Council to rescind R2009-25A pending the adoption of Resolution 2017-09.



CITY OF KEENE

R-2017-09

In the Year of Our Lord Two Thousand and Seventeen

A RESOLUTION Related to the Modification of the Tax Ditch Easement off Lee Street,
Turnaround Easement, and Utility Easement

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

That the City Manager be authorized to do all things necessary to modify a tax ditch easement derived from that deed recorded at Vol. 679, Page 105, of the Cheshire County Registry of Deeds, to allow MGJ Realty, LLC to construct two (2) townhouse style apartment buildings, a private driveway, and utilities within the City's tax ditch easement over and on MGJ Realty, LLC's property off Lee Street, Keene, Cheshire County, New Hampshire.

That the City Manager be authorized to do all things necessary to accept a proposed turnaround easement from MGJ Realty, LLC.

That the City Manager be authorized to do all things necessary to accept a proposed utility easement from MGJ Realty, LLC.

That the City Manager be authorized to do all things necessary to accept a proposed access easement from MGJ Realty, LLC.

That Resolution R-2009-25-A, which was passed by City Council on February 4, 2010, be rescinded.

Kendall W. Lane, Mayor



CITY OF KEENE

R-2009-25-A

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


A RESOLUTION Related to the Modification of the Tax Ditch Easement off Lee Street,
Turnaround Easement, and Utility Easement

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

That the City Manager be authorized to do all things necessary to modify a tax ditch easement derived from that deed recorded at Vol. 679, Page 105, of the Cheshire County Registry of Deeds, to allow Unity Housing to construct a bridge, covered parking, and private drive within the City's tax ditch easement over and on Unity Housing's property off Lee Street, Keene, Cheshire County, New Hampshire.

That the City Manager be authorized to do all things necessary to accept a proposed turnaround easement from Unity Housing.

That the City Manager be authorized to do all things necessary to accept a proposed utility easement from Unity Housing.


Philip Dale Pregent, Mayor

PASSED

February 4, 2010

A true copy; attest:



City Clerk



External Communication
Transmittal Form

April 18, 2017

TO: Mayor and Keene City Council

FROM: Michael J. Sheehan, Liberty Utilities

THROUGH: Patricia A. Little, City Clerk

ITEM: J.2.

SUBJECT: Liberty Utilities - Relating to the Absolute Discontinuance of a Portion of Production Avenue

ATTACHMENTS:

Description

Liberty Utilities_Communication

Petition

Resolution R-2017-17

BACKGROUND:

The attached Petition and Resolution for the Absolute Discontinuance of a Portion of Production Avenue has been received from Liberty Utilities.



Michael J. Sheehan, Esq.
Senior Counsel
Phone: 603-216-3635
Email: Michael.Sheehan@libertyutilities.com

April 14, 2017

Via Overnight Mail

Mayor Kendall W. Lane and the Keene City Council
c/o Patricia A. Little, City Clerk
3 Washington Street
Keene, NH 03431

Re: Petition for the Absolute Discontinuance of a Portion of Production Avenue

Dear Ms. Little:

On behalf of Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities, enclosed please find the following documents in support of our request for the absolute discontinuance of a portion of Production Avenue:

- Petition for the Absolute Discontinuance of a Portion of Production Avenue;
- Resolution Relating to the Absolute Discontinuance of a Portion of Production Avenue;
and
- Description for the Absolute Discontinuance of a Portion of Production Avenue.

I understand you will put this petition on the agenda for the April 20 City Council meeting, which will start the process.

Let me know if you have any questions.

Thank you.

Sincerely,

Michael J. Sheehan

Enclosures

cc: Thomas P. Mullins, City Attorney

**PETITION
FOR THE ABSOLUTE DISCONTINUANCE OF
A PORTION OF
PRODUCTION AVENUE**

TO: The Honorable Mayor and City Council:

The undersigned represents that for the accommodation of the Public, there is occasion for the absolute discontinuance of a portion of Production Avenue at the following location:

A. A Portion of Production Avenue

A portion of Production Avenue, commencing at a monument set, which monument shall be the southwestern most corner of the terminus of Production Avenue;

Then South 32° 10' 06" East a distance of 169.31 feet, more or less, to a point;

Then on a curve to the right having a radius of 100.27 feet, a distance of 66.47 feet, more or less, to a point;

Then on a curve to the left having a radius of 65.00 feet, a distance of 290.38 feet, more or less, to a point;

Then on a curve to the right having a radius of 100.27 feet, a distance of 66.47 feet, more or less, to a point;

Then North 32° 10' 06" West a distance of 169.31 feet, more or less, to a monument set, which monument shall be the southeastern most corner of the terminus of Production Avenue;

Then South 57° 49' 54" West a distance of 60.00 feet, more or less, to the point and place of beginning.

Including all utilities located within the premises described above.

Meaning and intending that portion of Production Avenue southerly of a certain line, which line shall be the southerly terminus of Production Avenue (hereafter "the southerly terminus") as shown on a plan titled, "Map Showing Revised Layout of Production Avenue Prepared for New Hampshire Gas Corporation of Property Located on Production Avenue" prepared by SVE Associates, dated May 31, 2000, revised through January 8, 2002, and recorded at the Cheshire County Registry of Deeds at Cabinet 12, Drawer 7, #60. The parcel to be discontinued is also shown as a portion of Production Avenue on a plan entitled "Subdivision of Land Owned by Production Realty and Formerly Land Owned by John E. Bunce and Clifford A. Bauer, Keene, New Hampshire," recorded August 28, 1986 at Cabinet 7, Slides 138 and 139 of the Cheshire County Registry of Deeds (the "1986 Subdivision Plan"), and that part of Production Avenue southerly of the southerly terminus, as

shown and described on plans recorded at Cabinet 4, Slides 804-805, and Cabinet 5, Slides 58-59, and any and all other plans, returns of layout, deeds, or other instruments laying out or deeding property southerly of the southerly terminus, previously filed with the City of Keene or recorded at the Cheshire County Registry of Deeds, or both.

B. Drainage Easement

A drainage easement shown on the 1986 Subdivision Plan and as described as follows:

Beginning at a point on the easterly side of the cul-de-sac at the terminus of Production Avenue as shown on the 1986 Subdivision Plan, which point is the southwest corner of form Lot 11 and the northwest corner of former Lot 12;

Then North 70° 49' East a distance of 279.8 feet, more or less, along the boundary line between former Lots 11 and 12 to a point;

Then North 84° 51' East a distance of 12 feet, more or less, to the centerline of a ditch, which centerline was formerly the boundary line between former Lots 11 and 12 on one side, and lands now or formerly of George R. Hanna and E. W. Bergeron on the other side.

The width of easement being 12.5 feet on either side of the described line.

C. Water Line Easement

A water line easement shown on the 1986 Subdivision Plan and as described as follows:

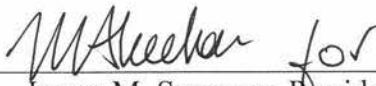
Beginning at a point on the cul-de-sac at the southerly end of the terminus of Production Avenue as shown on the 1986 Subdivision Plan, which point is in the boundary line between former Lot 6 and former Lot 12;

Then South 5° 24' East along the boundary line between said former Lot 6 and former Lot 12 a distance of 109.9 feet, more or less, to land now or formerly of E.W. Bergeron.

The width of the easement being 20 feet on the westerly side of the described line.

The undersigned, therefore, requests that the City Council completely discontinue the portion of Production Avenue as described above.

Dated April 14, 2017

By:  for
James M. Sweeney, President
Liberty Utilities (EnergyNorth Natural Gas) Corp.
d/b/a Liberty Utilities, successor-in-interest to New
Hampshire Gas Corporation



CITY OF KEENE

R-2017-17

Seventeen

In the Year of Our Lord Two Thousand and

A RESOLUTION Relating to the Absolute Discontinuance of a Portion of Production Avenue

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

That the Keene City Council is of the opinion that there is no further need to use a portion of Production A venue, including utilities laid out beneath, a drainage easement, and a water line easement, for the accommodation of the public and that there is occasion for the absolute discontinuance of said portion of Production Avenue as described in the attached Description of Absolute Discontinuance, subject to the following conditions:

1. All affected property owners associated and in connection with the discontinuance agree to the discontinuance and waive their rights to any damages and sign an agreement to such; and
2. That petitioner indemnifies and defends the City of Keene from any claims or damages arising from said discontinuances; and
3. All documentation is in a content and form acceptable to the City Attorney, City Engineer, and Planning Director; and
4. All expenses, including any damages associated and in connection with the discontinuance, shall be borne by the petitioner.

Kendall W. Lane, Mayor

**DESCRIPTION FOR THE ABSOLUTE DISCONTINUANCE OF A PORTION
OF PRODUCTION AVENUE**

A. A Portion of Production Avenue

A portion of Production Avenue, commencing at a monument set, which monument shall be the southwestern most corner of the terminus of Production Avenue;

Then South 32° 10' 06" East a distance of 169.31 feet, more or less, to a point;

Then on a curve to the right having a radius of 100.27 feet, a distance of 66.47 feet, more or less, to a point;

Then on a curve to the left having a radius of 65.00 feet, a distance of 290.38 feet, more or less, to a point;

Then on a curve to the right having a radius of 100.27 feet, a distance of 66.47 feet, more or less, to a point;

Then North 32° 10' 06" West a distance of 169.31 feet, more or less, to a monument set, which monument shall be the southeastern most corner of the terminus of Production Avenue;

Then South 57° 49' 54" West a distance of 60.00 feet, more or less, to the point and place of beginning.

Including all utilities located within the premises described above.

Meaning and intending that portion of Production Avenue southerly of a certain line, which line shall be the southerly terminus of Production Avenue (hereafter "the southerly terminus") as shown on a plan titled, "Map Showing Revised Layout of Production Avenue Prepared for New Hampshire Gas Corporation of Property Located on Production Avenue" prepared by SVE Associates, dated May 31, 2000, revised through January 8, 2002, and recorded at the Cheshire County Registry of Deeds at Cabinet 12, Drawer 7, #60. The parcel to be discontinued is also shown as a portion of Production Avenue on a plan entitled "Subdivision of Land Owned by Production Realty and Formerly Land Owned by John E. Bunce and Clifford A. Bauer, Keene, New Hampshire," recorded August 28, 1986 at Cabinet 7, Slides 138 and 139 of the Cheshire County Registry of Deeds (the "1986 Subdivision Plan"), and that part of Production Avenue southerly of the southerly terminus, as shown and described on plans recorded at Cabinet 4, Slides 804-805, and Cabinet 5, Slides 58-59, and any and all other plans, returns of layout, deeds, or other instruments laying out or deeding property southerly of the southerly terminus, previously filed with the City of Keene or recorded at the Cheshire County Registry of Deeds, or both.

B. Drainage Easement

A drainage easement and a water line easement shown on the 1986 Subdivision Plan and as described as follows:

Beginning at a point on the easterly side of the cul-de-sac at the terminus of Production Avenue as shown on the 1986 Subdivision Plan, which point is the southwest corner of form Lot 11 and the northwest corner of former Lot 12;

Then North 70° 49' East a distance of 279.8 feet, more or less, along the boundary line between former Lots 11 and 12 to a point;

Then North 84° 51' East a distance of 12 feet, more or less, to the centerline of a ditch, which centerline was formerly the boundary line between former Lots 11 and 12 on one side, and lands now or formerly of George R. Hanna and E. W. Bergeron on the other side.

The width of easement being 12.5 feet on either side of the described line.

C. Water Line Easement

Beginning at a point on the cul-de-sac at the southerly end of the terminus of Production Avenue as shown on the 1986 Subdivision Plan, which point is in the boundary line between former Lot 6 and former Lot 12;

Then South 5° 24' East along the boundary line between said former Lot 6 and former Lot 12 a distance of 109.9 feet, more or less, to land now or formerly of E.W. Bergeron.

The width of the easement being 20 feet on the westerly side of the described line.