

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, June 8, 2016

7:00 PM

Council Chambers

Members Present:

David C. Richards, Chair
Philip M. Jones, Vice-Chair
George S. Hansel
Bettina A. Chadbourne
Robert B. Sutherland

Staff Present:

Patty Little, City Clerk
Michele Chalice, Planner
Tara Kessler, Planner
Steve Stewart, Police Captain
Kurt Blomquist, Public Works Director
Andy Bohannon, Parks, Recreation and
Facilities Director
Rhett Lamb, ACM/Planning Director
Medard Kopczynski, City Manager

Members Not Present:

Other Councilors Present

Terry Clark
Carl Jacobs

Mayor Kendall Lane

Chair Richards called the meeting to order at 7:00 PM.

1) PERIODIC REPORT: Historic District Commission

Hanspeter Weber of 22 Douglas Street, reported that he was the Chair of the Historic District Commission. He noted the Historic District Commission is tasked with reviewing development on sites within the Historic District in downtown Keene. There are seven regular members and three alternate positions. They currently have six member positions and one alternate position filled. They have a small, annual operating budget that goes toward training opportunities for members.

There are approximately 170 properties located in the Downtown District, running from Mechanic Street south to Marlboro Street. Each property has a ranking related to the integrity of the resource. Buildings that have retained most of their original historic elements are considered primary resources – for example the UCC Church at the head of the square. There are also contributing and non-contributing resources based on how many historic features of a property remain. Properties that are not yet 50 years old are not considered historic and are generally listed as non-contributing. An example of a non-contributing property would be Cumberland Farms.

Mr Weber continued there are two different levels of review. The Commission's review is reserved for major projects like the renovation of a site or changes to a historic storefront. The HDC met eight times in 2015 and reviewed 11 major project applications and all applications were approved. Minor projects can be approved administratively by the Planning Director for changes that will not impact any historic features on a site; four such applications were approved by staff in 2015. There is no application fee and activities considered ordinary maintenance do not require a review at all.

The Comprehensive Master Plan calls for the protection of the scenic gateways to downtown, including lower Main Street, Court Street, and Washington Street. For the past two years, members of the Heritage and Historic District Commissions have been researching the area on Main Street south of the Marlboro/Winchester Street Roundabout and North of Route 101 to develop a Historic District in this well-preserved gateway to our downtown. The HDC has recently reviewed a draft Ordinance that would establish a second Historic District in this part of the City. It is anticipated that this draft Ordinance will come before City Council in July of this year.

Chair Weber closed by saying extending his appreciation for the Council's support of the Commission and their work; adding he would be happy to answer any questions the Committee might have.

Chair Richards asked for Committee questions.

Councilor Sutherland referred to the draft Ordinance and asked if the Sub-Committee worked with property owners throughout this process. Chair Weber said he believed there was a fairly extensive process with property owners involved. Ms. Kessler identified herself as the staff to the Commission and outlined the process for Councilor Sutherland pointing out all meetings were open to the public, and members of the public did attend as well as participate in the scheduled meetings of a Sub-Committee that was formed to work on the Ordinance. Councilor Sutherland also asked if there was a previous draft Ordinance from a previous City Council. Ms. Kessler replied not in her recollection.

Councilor Hansel asked how many applications were denied in the past couple of years. Ms. Kessler reiterated Chair Weber's comment that no applications have been denied since the Commission was started. Ms. Kessler also outlined the three avenues of review for a Certificate of Appropriateness pointing out the Commission does have its own set of Regulations. Ms. Kessler provided examples of things that are or are not regulated by the Commission. Chair Weber commented the applications are well vetted by the Planning Department prior to coming to the Commission.

Councilor Chadbourne noted there was a recent Driveway Permit denied by the Planning Board with an appeal that came to City Council, she asked if this was also true for the Historic District Commission. Ms. Kessler explained the Historic District Commission's appeal process would go the Zoning Board of Adjustment, not the City Council.

Councilor Jones reminded everyone this is just an update on what the Commission has been doing; the Ordinance will go through the normal adoption process so there will be plenty of time to talk about the actual Ordinance. Chair Richards agreed this is an update and indicated the questions posed were appropriate as there are new Councilors on the PLD Committee. Chair Weber submitted a list, for the record, of the 11 properties with approved applications in 2015.

There being no further questions or comments from the Committee or public, Chair Richards asked for a motion. Councilor Hansel made the following motion which was seconded by Councilor Chadbourne.

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the periodic report from the Historic District Commission be accepted as informational.

2) COMMUNICATION: Patrick Lagace/KHS Student Council Advisor - Request to Conduct Homecoming Parade – Keene High School

Captain Steve Stewart Keene stated the Keene High School did not request a license for the Homecoming Parade in 2015. Captain Stewart outlined the route explaining the parade will use the same route as in the most previous years. Starting at National Grange Mutual and proceeding down School Street to Emerald Street, then make a left turn onto Main Street, proceed up Main Street, around Central Square, down Main Street, making a right onto West Street and a left onto School Street, and returning to the NGM Parking lot. Chair Richards asked if all City requirements had been met. Captain Stewart replied as far as he knows. The City Clerk reported two protocol meetings were held and the indemnification document has been prepared for their signature.

Chair Richards asked for questions from the Committee.

Councilor Sutherland asked why the parade was stopped. Councilor Jones replied for various reasons including kids were riding back to the school on the floats and this represented a safety issue. Additional safety precautions are taking place.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the Keene High School Student Council be granted permission to hold their annual Homecoming Parade on Saturday, October 15, 2016 at 11:00 AM starting at the NGM Parking lot, onto Gilbo Avenue, proceeding onto School Street, left onto Emerald Street, then continuing to Main Street, around Central Square, then turning onto West Street, then to School Street, and returning back to the NGM Parking Lot. Students will be bused to Wheelock Park where they will rejoin the parade and travel down Arch Street to Alumni Field. Said license is granted subject to the signing of a revocable license and indemnification agreement, the submittal of a certificate of liability insurance in the

amount of \$1,000,000 with the City of Keene listed as an additional insured, and compliance with any recommendations of City staff. The petitioner agrees to absorb the cost of any City services. Said payments shall be made within 30-days of the date of invoicing.

3) COMMUNICATION: Peg Bruce/Keene Kiwanis Club – Request to Use City Property – Tree Lighting Celebration and Downtown Decorations

Peg Bruce, of 15 L Windsor Court, addressed the request by noting this is the 4th year the Kiwanis Club has managed this event and they are asking to repeat what they did last year. The Club would like permission to again decorate the downtown center island light poles with wrapped LED white lights from the Flag Pole to the light on the far side of the circle at the Post Office. In addition, they would like permission to hang wreaths and lights on the gazebo on Central Square. The new item the Club would like to introduce is to have a tree with lights on the roundabout at the intersection of Main Street, Winchester Street, and Marlboro Street. A Kiwanis member sells Christmas trees each year and he would provide the tree. Ms. Bruce asked if there is a source of electricity on the circle to use for those tree lights.

In response to Chair Richards' statement about not having electricity at the roundabout, Mr. Blomquist noted when the roundabout was designed the discussion was that any kind of lighting down there would be solar based. Mr. Blomquist reported a protocol meeting was held and the City agreed to work with the Kiwanis once they put the lights up to ensure they were safe. Continuing, Mr. Blomquist noted activities around Central Square are similar to previous years; and the club has met all staff requirements and will be meeting the requirements of the City Clerk. Mr. Blomquist recommends moving forward with this request.

Chair Richards asked for Committee questions.

Councilor Jones commented he appreciates the tree going up; he also asked Mr. Blomquist if there was not a policy prohibiting ornamental shrubbery on the roundabout. Mr. Blomquist reported during the discussion on landscaping of the roundabout the Council was concerned with any large landscaping that might grow and interfere with the view down Main Street to the Church. Continuing, Mr. Blomquist explained the Kiwanis request is temporary (after Thanksgiving to early February) and is in keeping with the spirit of what the Council was thinking of.

Councilor Sutherland asked if there would be any additional signage demonstrating this is put up by the Kiwanis. Ms. Bruce said she did not believe so. The Club is still planning to put lights down the center island of Main Street. To her knowledge there would be no sign on the tree saying the Kiwanis put it there. Ms. Bruce also explained the tree at the roundabout would not be lit the night of the tree lighting celebration. Councilor Chadbourne indicated her suggestion on how the club could provide signage in an appropriate fashion in keeping with the holiday spirit.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the Keene Kiwanis Club be granted permission to use downtown City rights-of-way on November 25, 2016 for the Tree Lighting Festival from 5pm to 8pm conditional upon the customary licensing requirements of the City Council, and that the petitioner complies with any recommendations of City staff. In addition, the petitioner is granted permission to decorate the City light poles in the center median from the flag pole to the roundabout with LED lights and erect a holiday tree on the Main/Marlboro/Winchester Street roundabout. 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 Tree Lighting. Said payments shall be made within 30 days of the date of invoicing.

4) COMMUNICATION: Ron Robbins/KeeneSnoRiders Snowmobile Club – Request to Use City Property

The KeeneSnoRiders Snowmobile Club is seeking a renewal of their permission to run snowmobiles in the right of way along Krif Road from the Ashuelot Rail Trail to Winchester Street, crossing Winchester Street to the property of Perry Kiritsy at 471 Winchester Street. The time frame would run from December 15, 2016 through March 30, 2017 snow permitting.

The City Clerk reported that Mr. Robbins was unable to attend this evening; she also noted there are no changes from past years. Mr. Blomquist outlined this annual request for the new Councilors. Chair Richards noted the great job the club does a good job keeping the trails clean.

Chair Richards asked for questions or comments from the Committee.

Councilor Chadbourne referred to the signage mentioned and asked if this was for motor vehicles. Mr. Blomquist replied it is for the snowmobilers. Councilor Chadbourne mentioned crossing at Winchester Street and questioned whether there was no signage that warns motor vehicles of snowmobile traffic. Mr. Blomquist noted the signage is typically what is published by the Trails Bureau and places the basic responsibility on the snowmobilers.

Chair Richards asked for public comments or questions.

Peg Bruce, of 15 L Windsor Court, referred to Councilor Chadbourne's question and asked if there was a way for the City to put up snowmobile crossing signs. Mr. Blomquist noted there have not been any issues, but he would look into it and work with the Club.

Councilor Chadbourne said Winchester Street is Route 10, and Route 10 is a State route. Mr. Blomquist noted the Club coordinates with the District 4 Office; he added that section of Winchester Street is City maintained.

There being no further questions or comments from the public or Committee, Chair Richards asked for a motion. Councilor Sutherland made the following motion which was seconded by Councilor Chadbourne.

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the KeeneSnoRiders, Inc. be granted a license from December 15, 2016 through March 30, 2017 to use the following locations on City property for a snowmobile trail:

The right-of-way along the north side of Krif Road from Krif Court to Winchester Street;

City property identified by tax map numbers 911-26-015, 909-05-012, 909-03-210 and 707-02-009; the crossing of Winchester Street at Krif Road; and the crossing of Production Avenue approximately 200 +/- feet south of NH Route 9; including access to the Class VI Portion of the Old Gilsum Road starting approximately one (1) mile from the Gilsum Town Line and going north. Said use is subject to the following conditions: The signing of a revocable license and indemnification agreement; and the submittal of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured.

In addition, the KeeneSnoRiders, Inc. will be responsible (including cost) for the installation and maintenance of all signage/markings, which will be in accordance with Snowmobile Trail Standards published by NH Department of Resources and Economic Division of Parks and Recreation; that all signage/markings installed shall be removed from the City right-of-way and City property when there is no longer any snow cover, no structures, including buildings, shelters, lights, displays, walls, etc. shall be permitted with the City right-of-way or on City property; no parking of motor vehicles or trailers and no catering service activities of any kind shall be permitted within the City right-of-way or on City property; grooming shall not extend outside the right-of-way of Krif Road, snow windows shall be groomed to provide adequate sight distances and a gentle sloping approach at all road and driveway intersections; no part of City streets (paved surfaces) may be used by off-highway recreational vehicles (OHRV) or their operators for any purpose other than direct crossing; and that KeeneSnoRiders, Inc. shall be responsible for the repair of any damage (including costs) and the City right-of-way and property shall only be used when there is snow cover.

5) COMMUNICATION: Mayor Lane – Request to Use City Property – Fall Festival

Mayor Lane introduced Councilor Carl Jacobs, a member of the Fall Festival Committee, before addressing the request. In the spring of 2015, the City Council approved the idea of holding a Fall Festival in Keene. A committee was assigned to identify the parameters for holding the festival. Over the last several months, committee members have been working to put together a community event to celebrate all that makes the Monadnock area special. This event, entitled *The Monadnock Fall Festival; A Celebration of*

Community and Culture, will include music, theater, art, poetry, agriculture, small businesses, education, and all of the other things that make our area unique. It is being designed to showcase the things that make our area a place to be proud of. Keene State College is collaborating with this event to have it occur during their Parents' Weekend. The Festival is being designed as a way for all of us to celebrate ourselves, and to get to know all of the interesting resources that are located within the Monadnock area. The Committee has selected the date of Saturday, October 1, 2016. The scheduled hours for activities are 10:00 AM until 4:00 PM. We are seeking permission to use Main Street and Gilbo Avenue. Sections of sidewalks will be utilized for displays ensuring that pedestrian traffic is not in any way restricted. They will be requesting that Gilbo Avenue be closed and the use of Police and Fire Department Personnel be used to detail the event.

Mayor Lane reported that although the protocol meetings will begin this Thursday, June 16, 2016; discussions actually began two weeks ago at the Finance Committee meeting where Councilor Jacobs' motion to add funds to the Community Events budget was approved for this event. Mayor Lane noted at this time he is asking the Committee to put the Fall Festival on "more time" as the protocol meetings are just beginning. The Mayor commented Councilor Manwaring and Councilor Jacobs have been involved in many of the discussions as representatives of the City Council. Councilor Jacobs stated this is a very exciting opportunity for the City; he added Kevin Dremel is taking the same approach with this event as he does with the Music Festival and that no national entities are being encouraged to participate. Councilor Jacobs said the focus is on the Keene/Monadnock region; he also noted the Farmer's Market is an important part of the Festival. Mayor Lane reiterated Keene State College's involvement along with the nine visiting delegates from Keene's sister city Einbeck, Germany.

Chair Richards asked for Committee comments or questions.

Councilor Hansel commented he was a bit skeptical at first, but now commends all those involved for the work done to date. Mayor Lane thanked Councilor Hansel noting one of the strengths of this community is that it does tend to come together for significant celebrations. Councilor Jones agreed with Councilor Hansel's comments.

Councilor Chadbourne asked if there were any consideration given to somehow incorporating pumpkins into the discussions. Mayor Lane commented he thinks it is important to remember the Festival is being developed from the bottom up rather than the top down. He continued by saying they are asking organizations to put programs together and so far nobody has asked to put pumpkins in the Festival. Councilor Jacobs said pumpkins are an aspect of food and agriculture, but they do not want to limit the Festival to just pumpkins.

Councilor Sutherland said he looks forward to hearing more of the details; he pointed out a lot of comparisons will obviously be made between this and other festivals. Councilor Sutherland also asked if there will be booths by the non-profits. Mayor Lane replied in the affirmative, adding there will be opportunities for the non-profits to have booths and sell food for fundraising.

Chair Richards asked for public comments or questions.

Carol Sorterup of the Keene Senior Center Coalition asked what is happening for kids in this festival. Mayor Lane replied they will be announcing the specific events later on in the summer; but he mentioned the involvement of MoCo Arts, the Children's Museum, and the local schools in the planning of the event.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the request from the Fall Festival Committee to use downtown City rights-of-way for the 2016 Fall Festival be placed on more time to allow City staff to hold a series of protocol meetings.

6) MEMORANDUM: City Clerk – Use of City Property – Heidi's Hallmark

The City Clerk explained this is a housekeeping matter and noted in 1997 the owner, Mr. Fitz-Simon, of Heidi's of New England approached the City Council asking for permission to create and maintain a flower bed along the side of his building, as well as permission for a canopy over the side entrance with canopy stanchions that will be affixed to the ground. At the time he was granted a revocable license that would need to be renewed year to year. As this activity is in keeping with other non-lapsing revocable licenses the City maintains with entities wishing to place encumbrances on City property, it would seem reasonable to extend the same type of license to this licensee. The City Clerk said she is asking for permission to switch this permission over to a non-lapsing license.

Chair Richards commented they keep the alleyway very neat. Addressing the recommendation Chair Richards asked what the process would be for this change. The City Clerk advised it would be a simple vote of the Council.

Chair Richards asked for Committee questions or comments.

Councilor Chadbourne commented many licenses no longer come to this Committee, they go through the City Clerk. Referring to non-lapsing licenses she asked if this implies the applicant does not come back year to year. The City Clerk confirmed the application is filled out only once and the applicant does not come back year to year.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that permission be granted to Heidi's of New England at 87 Main Street for the placement of canopy stanchions and shrubbery on City property located along the side of their building (address), subject to the customary licensing requirements of the City Council, and compliance with any recommendations of City staff.

Mr. Blomquist noted the license does not transfer with owners; a new owner would have to apply for a license.

7) MEMORANDUM: Parks, Recreation and Facilities Director – Keene Recreation Center Facility Use

Andy Bohannon, Parks, Recreation and Facilities Director noted on December 9, 2015 the Planning, License and Development Committee provided direction for a review of utilized space at the Recreation Center. This conversation between Andy Bohannon and Peg Monahan, Executive Director of the Senior Center was brought forward by the idea of collaborating with the Keene Senior Center to share space at the Recreation Center for the purpose of creating a community center. Coming back at this six month point, Mr. Bohannon noted he wanted to share some of the things they had found and how it was outlined in the Comprehensive Master Plan 2010 (CMP), and the Active Passive Recreation Management Plans for creating a multi-generational facility. Mr. Bohannon noted the key issues are outlined in the memo he passed out to the membership.

Looking at the greater picture of the Recreation building itself, Mr. Bohannon noted he included a schedule that provides a general idea of the building uses. Mr. Bohannon explained the schedule is seasonal with more programming opportunities in the winter.

Mr. Bohannon said what the Parks & Recreation Department wants to do is move forward and come back to City Council in the future with a CIP project. Starting this summer they would begin to request information from firms to get an idea of the costs of a feasibility study with a more programmatic study for all of our programming. In the following year they could come back with a CIP project within a five-year timeframe with an actual project.

Mr. Bohannon concluded that is a summary of what the Committee asked staff to come back with. In the meantime, they will continue to explore programming opportunities with the Senior Center. Mr. Bohannon also recommended this update be accepted as informational.

Councilor Sutherland asked if this request came out of the Comprehensive Master Plan. Mr. Bohannon replied the request came from the Senior Center requesting to combine services. Mr. Bohannon verified the Senior Center is currently a separate entity. Councilor Sutherland asked if the City of Keene is looking for the taxpayers to pay for the Senior Center; Mr. Bohannon replied not exactly. Mr. Bohannon said right now they are looking to collaborate on programs and they would be using the Senior Center funding partially, as well as grants. In response to Councilor Sutherland, Mr. Bohannon

noted the programming would come from both the Senior Center and the Rec Center. Councilor Sutherland asked if the CIP project would be paid for by the taxpayers. Mr. Bohannon replied it would be voted on through the Council and supported through the sale of the current Senior Center and grants. Councilor Sutherland made reference to the eight million dollar Library project and asked if it made sense to continue down this road with the Recreation Center or maybe they should be a look at the new space that will be created with the library project and perhaps avoiding another expensive CIP project. Chair Richards commented they are not even remotely there yet, and until they have a feasibility study this is step one. Chair Richards asked Mr. Bohannon to include this suggestion in his thinking when working on the feasibility study.

Councilor Hansel asked if there were any resources going into doing this or is it just within daily operations of City staff. Mr. Bohannon replied the Department has been working with the Senior Center and has been in dialogue with KSC's Architectural program in developing "what if" questions. Mr. Bohannon continued these discussions would all lead to coming up with some criteria and putting that criteria out to various firms to get an idea of what it would cost to do such a feasibility study. Mr. Bohannon added those costs would then be put into a CIP project for the next budget cycle. Mr. Bohannon agreed with Councilor Hansel's query about what would be included in such a study – building renovation, additional staff, and programing.

Councilor Chadbourne said she sees some Councilors are getting concerned here and feels they may be getting ahead of themselves. She referred to the background notes which state "Opportunities for such a study could be done through a Community Development Block Grant which has the next round of funding in October 2016." Councilor Chadbourne commented she wanted to point that out as they are just exploring.

Chair Richards asked Mr. Bohannon if they are going to pursue these funds. Mr. Bohannon said they could go through the CIP process. Noting conversations with Ms. Monahan and the City Manager, Mr. Bohannon suggested these funds could total \$10,000 which would be added into other funding sources. Mr. Bohannon indicated they would not make the next grant round; adding this was just one way of pursuing this.

Councilor Jones asked if there were deadlines for the Community Development Block Grant application. Mr. Bohannon replied they have grant cycles, April and October.

Councilor Hansel said this is an encouraging project and he really encourages those working on this to look at grant opportunities, creative funding, and to not look at the City of Keene to bond for another project like this in the near term. Councilor Chadbourne recognized staff's efforts in looking for grant opportunities to reduce costs.

Chair Richards commented there has to be federal funding with regards to the Senior Center. Mr. Bohannon noted the Older Americans Act was just reauthorized; Mr. Bohannon noted many of the earlier Senior Centers were built under this Act. Mr. Bohannon also reported Peg Monahan has been pursuing this with New Hampshire's Senators.

The City Manager said he likes the term programming study versus feasibility study because they are really looking at the programs for both the Senior Center and the Rec Center. He continued there may or may not be a construction project; he suggested Councilor Hansel think in terms of timeframes noting this is quite a ways down the road; it will not happen next year.

Councilor Jones referred to Mr. Bohannon's Memo and thanked him for recognizing the aging demographic of the community. Chair Richards commented there really is some potential good here, they will proceed cautiously and see what funds they can get from the Federal government.

Chair Richards asked for public comments or questions.

Peg Monahan, commented collaboration between the Senior Center and the Recreation Department has been a topic of conversations for decades. Ms. Monahan noted the work of Brian Mattson throughout the years and explained there has always been a member of Parks & Rec staff on the Senior Center's Board. Ms. Monahan commented she is always telling members the project will take four to five years. Ms. Monahan pointed out the original building was built in 1828; there are ongoing structural issues and parking issues with the Center having 600 members. Ms. Monahan noted there are several funding sources coming online at this time that will be advantageous. She discussed the new component to the Older Americans Act showing support for multi-generational Senior Centers. Ms. Monahan reported the funding will come through the State, but they don't have the administrative rules as of yet. Ms. Monahan said the demographic is really what is driving the Federal Government to pay attention to senior projects and programs. She reported in 15 years there will be a doubling of the senior population; it will total 30% of the total population which will force a lot of different kinds of activities.

Councilor Chadbourne asked Ms. Monahan to elaborate on the multi-generational model. Ms. Monahan commented they are limited by their imagination. She cited an example in Oregon where they have a pre-school right next door to the Senior Center with the idea that the kids and seniors could go back and forth, interacting in a very positive way. Ms. Monahan pointed out how childcare centers are always in need of more volunteers; this is something the Senior Centers have.

Councilor Sutherland commented he wanted to make sure his earlier comments were not misconstrued; he understands the demands for services are shifting. Councilor Sutherland said his concern is the underutilized space in the City that is available at different times of the day. He sees opportunities where the Senior Center programming could benefit from utilizing space at the Library, the Ice Rink, or the Rec Center. He also noted there are rooms available here at City Hall during the day time. His concern is that the City builds and yet continues to underutilize what is built. Ms. Monahan agreed with Councilor Sutherland noting there are quite a few programs that happen outside the Senior Center. Ms. Monahan continued it is the immediate facility that they have now and the parking. She also noted the efforts expended to look at other buildings and

pointed out the amount of effort it would take to make the Middle School viable. Ms. Monahan said this is one of the problems; the buildings are there, but the effort to make it happen is significant and very costly.

Chair Richards addressed the debate of putting the Nursing Home up in Westmoreland going on now; after additional comments he added helping older people to be part of the community in any way they can is the right move.

Brian Mattson of 30 Page Street, commented the whole original idea of this was sharing space. They could see that eventually the Senior Center was going to have to move and there was not a lot of support for this. Mr. Mattson reiterated the issues of programming and parking. He noted the Rec Center sits unused during the day; which is the same time that the seniors would put the space to use. Seniors are now feeling the pinch with the programming at the Senior Center as they cannot squeeze in there anymore. Mr. Mattson continued this is an effort to be efficient and to use your City space. He continued after looking at other spaces and what could or could not be afforded, it kept coming back to the Rec Center. Mr. Mattson also noted the Senior Center has been partially funded by the City since it went into the building it now occupies.

Councilor Chadbourne commented she was looking at the schedule provided in the packet, specifically the walking activity and asked if this was a senior activity. Mr. Bohannon said this activity is open to the public, Senior Center members do not have to pay the annual \$10 walking membership at the Rec Center.

Ms. Monahan noted she put a packet together for the Committee: one document covers the things she has been talking about and the other is a list of towns she was able to get information from on how they do their senior centers and how they are funded. She added Keene is one of two Senior Centers (there are 42) in the State that is not funded by Federal or municipal dollars. She cited Charlestown as a volunteer only Senior Center; Ms. Monahan added it is not unusual at all for municipalities to play a role in Senior Centers. Ms. Monahan shared her knowledge about the new Senior Center in Salem which is funded by the town.

Carol Sorterup of 631 Park Avenue, commented they have been working on this for a long time. She also noted the groups' amazement with the Salem facility. Ms. Sorterup pointed out how welcoming the facility was and noted this is one of the largest issues the Keene Senior Center is facing now. Ms. Sorterup urged the Commission to support this endeavor while commending Ms. Monahan for the work she does.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the memorandum regarding Keene Recreation Center facility use be accepted as informational.

8) REPORT: Agricultural Commission – Creation of an Additional Food License Class

Michelle Chalice, Planner, introduced Mark Florenz a member of the Agricultural Commission to explain the recommendation submitted by the Agricultural Commission with regards to a new class of health license.

Mr. Florenz noted the recommendation by the Agricultural Commission is for the Council to consider creating a new class of license to accommodate small, local farmers. He indicated it is the opinion of the Agricultural Commission that this will be one small step to encourage local agriculture. Mr. Florenz provided the background information adding they are talking specifically about sellers of frozen USDA meat or poultry. Mr. Florenz reported he is raising pigs and selling them wholesale; but he would also like to be able to sell some retail. The issue here is the City of Keene does not have a separate class for that; he added what they do would fall under Class 3 which includes any food service establishment seating less than 25 people. There is a \$200.00 annual fee. Mr. Florenz would also like to see this fee lowered. Mr. Florenz said the State has more classes and ranges of license fees.

Mr. Florenz said the two reasons why he thinks this makes sense are 1) there is less work for the Inspector, and 2) all he is doing is selling frozen meat. Addressing the \$200.00 license fee, Mr. Florenz suggested it becomes cost prohibitive for a business such as his. Mr. Florenz currently sells his meats through Stonewall Farms which is already an established non-profit.

Councilor Chadbourne noted she is a member of the Agricultural Commission and she wanted to clarify it is not really about lowering the fee; it is about creating a new class of license to accommodate small businesses. She continued stating instead of a \$200.00 fee it could be a \$50.00 fee. Councilor Chadbourne noted there was a thorough presentation by John Rogers at the Commission meeting. Councilor Chadbourne continued this seemed like a reasonable request; she added anything they can do to support the local farmers while still looking out for the health and safety of the citizens by having the Health Inspector do his job is a win-win. She encourages supporting this request.

In response to Chair Richards Mr. Florenz clarified this would allow him to take the meat that has already been processed off-site and allow him to sell it at his farm. Mr. Florenz also said he just needs City permission to sell from his farm. With that said, Chair Richards commented Mr. Florenz could also sell the meat to local markets. Mr. Florenz agreed he could do that if it went directly to the local markets. Councilor Chadbourne clarified this would enable him to pay a lower fee for the Health Inspector to come out and check the temperature. Mr. Florenz would maintain a freezer on his property to keep the meat that has already been USDA approved.

Chair Richards thanked Councilor Chadbourne for the clarification, reiterating this is something currently not in our Code. Councilor Chadbourne explained there is already

an existing ordinance on health licenses, but the Agricultural Commission is asking to add a new license with a lesser fee.

Councilor Hansel said he agrees with the concept; he also pointed they are not looking at any sort of new class of license here tonight. He suggested this is merely a request for the Committee to authorize City staff to proceed with drafting an Ordinance that would create this new class of license.

Councilor Jones asked if this would be an amendment to the present Ordinance. Councilor Sutherland noted there were seven other classes mentioned; he wants to ensure if the Committee is going to be directing City staff to do anything maybe they can additionally review other areas of opportunity for changes to this section. Chair Richards asked for input from the City Manager. Mr. Kopczynski reported the Health Ordinance was reviewed about two years ago based on what the State did; he reiterated the State fees are higher and they do have more classifications. Mr. Kopczynski noted the City did not adopt the State Health Code. Mr. Kopczynski said staff would be happy to take a look at the classifications if the Committee would like. Mr. Kopczynski suggested perhaps Mr. Rogers can already speak to Councilor Sutherland's suggestions.

Chair Richards commented he thinks this is a good idea trying to help local business. Mr. Kopczynski said we want Mr. Rogers to be able to quantify the effort and the fee, whatever it may be, to cover the administrative cost to issue.

Councilor Carl Jacobs noted he can buy frozen meat at the Farmer's Market and asked if that is different than what is being proposed here. Mr. Florenz explained the Farmer's Market gets inspected as a whole; not each individual vendor in the Farmer's Market.

Councilor Chadbourne noted at the presentation John Rogers gave to the Agricultural Commission he mentioned a potential fee of around \$50.00. She asked for clarification on whether or not they would be creating a new class of license. Mr. Kopczynski explained the staff would be creating a new class of license within the Ordinance.

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

Chair Richards made the following motion which was seconded by Councilor Hansel.

On a vote of 5-0, the Planning, Licenses and Development Committee recommends staff be directed to prepare an Ordinance to add new classification of health inspection.

Chair Richards asked the City Manager what the turnaround time on this would be. Mr. Kopczynski indicated there is a little complication in the group with satisfying Councilor Sutherland; but he added he thinks that ordinance is current so there is not much depth to the review. Mr. Kopczynski indicated the turnaround would be quick. Mr. Kopczynski also

clarified for Councilor Jones this would be a draft Ordinance going through the regular process of changing a City Ordinance. No public hearing is required.

9) COMMUNICATION: Councilors Clark and Richards – Funding of a Private Gas Pipeline – Rate Tariffs

Councilor Clark addressed the communication that he and Chair Richards submitted which would ask that the City Council adopt a resolution opposing the funding of a private gas pipeline through a distribution cost recovery rate tariff.

Councilor Clark shared his experience from 1976 during a protest of the construction of a nuclear plant. He was protesting nuclear power and the way the plant was going to be paid for. In 1961 the New Hampshire Supreme Court determined the Public Service Company could ask for compensation for their construction work while in progress. In 1979, the New Hampshire Supreme Court overturned the 1961 decision. Councilor Clark noted the appeals process went on for years and resulted in some of the highest electricity rates in New England. Councilor Clark noted his surprise in 2016 when the PUC ruled that the New Hampshire Law allows electric distribution companies (Eversource) to buy natural gas contracts and that they may be able to pass on those costs to rate payers in the form of a rate tariff. Councilor Clark reviewed recent events regarding the proposed pipeline and the company's final suspension of the project. Continuing, Councilor Clark said Eversource still has the petition to charge rate payers for construction work in progress in front of the PUC. Councilor Clark referred to his ninth grade civics class to discuss how laws are made. He specifically addressed Administrative Law and cited rulings by governmental agencies such as the EPA that become law until challenged at the Supreme Court level. Councilor Clark said that is what is going on right now; the utility companies are trying to get back to the bad old days when they could charge customers, making the rate payers their investors. He discussed deregulation and the difference between a producer and a provider. Councilor Clark continued it boils down to the same old question whether or not rate payers can be charged upfront for the risk the investors do not want to make. All Councilor Clark is asking is for the City Council to adopt a resolution opposing the funding of a private gas pipeline through a distribution cost recovery rate tariff. After additional comments Councilor Clark noted the City Council has delayed this decision since April; but it is a simple question does a Councilor agree that your constituents should pay or not.

Councilor Hansel suggested that Councilor Clark was talking about legal determinations on existing laws. Councilor Clark said he was talking about the PUC which is an agency of the state government and which has authority to make administrative law. Councilor Hansel disagreed saying they are not making laws they are making determinations on existing law; it is their interpretation. Councilor Clark replied which then becomes law. Dialogue continued in this vein with Chair Richards summarizing each party's contentions. Councilor Hansel said what he remembers hearing from the Consumer Advocate is that the PUC is making a legal determination; he also asked if this process is still going on and if there have been any updates. Councilor Clark said it is in front of the PUC right now and they are taking public comment. Councilor Clark continued stating now is the time for the City of Keene and other public entities to provide input to them.

Councilor Clark verified this with the Clerk of the PUC. Continuing his comments outlining the PUC process and Eversource wanting customers to pay for a distribution pipeline, Councilor Clark said we need to argue our case in a different court; the court of public opinion. Councilor Clark suggests if the Council waits to make their opinion heard they will be putting out money for the Consumer Advocate to fight this decision in the Supreme Court. It is not going to cost the City a dime to support our constituents by telling the PUC no, that the city Council does not think their constituents should pay for any pipeline in the future. Councilor Hansel noted he is trying to convince himself to be in favor of this; he asked if something should be in here specifically about electricity utility rate tariffs for a gas pipeline. Councilor Clark said the language is from the Eversource petition and it is called a distribution cost recovery rate tariff. Councilor Clark reiterated Eversource does not make electricity anymore; they get the electricity from other places and they make their money from the distribution costs. Councilor Clark recommended sticking with the language Eversource is using.

On the face of it Councilor Sutherland agrees with the opposition to paying a tariff to offset the risks of an entity. Councilor Sutherland would like to see more details; he would like to understand what exactly this resolution intends to do, who it will be sent to, and why the Council has to step in. After additional comments Councilor Sutherland said he would like the City Attorney to weigh in on this. Councilor Clark spoke over Councilor Sutherland saying the City Attorney has already weighed in. Councilor Sutherland continued he would like to know where the PUC is relative to the review of this resolution, and he would like to have the City Attorney weigh in to this Committee in real-time so we understand what it is that is in front of us.

Chair Richards simplified the conversation by noting the PUC right now is going to decide whether or not charging a tariff is legal. Chair Richards addressed the City Manager noting the City Attorney was here and weighed in on this; he basically said this is a policy thing but do not tie it to a specific issue. Councilor Clark verified this is not tied to any specific pipeline it is just a general policy.

Chair Richards suggests it is broken down into a simple concept; does the City of Keene want to comment as an elected body by saying they don't want their constituents to be charged tariffs to build somebody else's project. Councilor Sutherland said he agrees with the statement but he does not think this body needs to be involved in doing that.

Councilor Jones said he likes this because they have reduced it to a concept. He also suggested Councilor Clark's motion be changed; to move that the Keene City Council request staff to draft a resolution opposing the funding of a private gas pipeline through a distribution cost recovery rate tariff. Councilor Jones suggested when the draft resolution comes before the committee they can answer Councilor Hansel and Councilor Sutherland's questions. Chair Richards is in favor of this suggestion if the Committee can get it back for the next cycle. Mr. Kopczynski said his assumption is they are asking the City Attorney to draft this and he cannot speak for the City Attorney.

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After additional comments Councilor Jacobs agreed he does not think it is right that anybody can impose a tariff to do a project; rather he believes utility companies should find investors or not do the project. He also feels this is an important thing for the City Council to take a position on.

Chair Richards made the following motion which was seconded by Councilor Jones.

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that City Council request staff to draft a resolution opposing electrical utilities from funding a private gas pipeline through a distribution cost recovery rate tariff.

There being no further business before the Committee Chair Richards adjourned the meeting at 9:15 PM.

Respectfully submitted by,
Mary Lou Sheats Hall
June 12, 2016