



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
December 21, 2017
7:00 PM

Roll Call
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- December 7, 2017

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmations/Nominations/Appointments/Reappointments
2. Nominations

C. COMMUNICATIONS

1. Vicky Morton - Safety Concerns with City Infrastructure
2. Councilors Filiault and Clark - Recommending the City Take a Position on Net Neutrality Rules

D. REPORTS - COUNCIL COMMITTEES

1. Mayor Lane – Renaming Carpenter Field to the Patricia T. Russell Field
2. Presentation of Inflow and Infiltration Evaluation of the City’s Wastewater Collection System by Hazen & Sawyer Environmental Engineers
3. Departmental Presentation – Protecting Keene’s Water Resources – Public Works Department
4. Hannah Pelkey, Atlas PyroVision - Request to Discharge Class C Fireworks
5. Renewable Energy Advocacy Letters to NH Legislature - Cities for Climate Protection
6. Airport Advisory Commission - Change of Name and Responsibilities
7. Mayor Lane - Proposed Amendments to the City Council Rules of Order
8. Allocation from the Land Use Change Tax Fund to the Monadnock Conservancy for Land Acquisition - Conservation Commission
9. Bulletproof Vest Partnership Grant Program- 2017 - Police Department
10. Acceptance of State Drug Forfeiture Monies - Police Department
11. Event Planning - Public Works Department
12. Cheshire TV Operating Agreement - IT Department
13. RFP 02-18-06 Storage Area Network Replacement - IT Department

E. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. CITY MANAGER COMMENTS

F. REPORTS - BOARDS AND COMMISSIONS

1. Conservation Commission Recommendation on Eversource Energy Petition Related to Trimming and Removal of Trees and Brush Along Scenic Roads

G. REPORTS - MORE TIME

1. Eversource Energy – Tree Trimming on Scenic Roads
2. Gilbo East Parking Lot Improvements – Public Works Department
3. Vicki Bacon, Body & Soul Road Runners - Request to Use City Property - Red Cap Run

H. ORDINANCES FOR FIRST READING

I. ORDINANCES FOR SECOND READING

1. Relating to Water and Sewer Rates
Ordinance O-2017-20

J. RESOLUTIONS

1. A Resolution Relating to the Acceptance of an Additional Appropriation of Highway Block Grant Funds
Resolution R-2017-44
2. Relative to Adopting the Provisions of RSA 79-E “Community Revitalization Tax Relief Incentive”
Resolution R-2017-41
3. Relating to Authorization of the Heritage Commission to Temporarily Assume The Composition And Duties of The Historic District Commission
Resolution R-2017-45

Non Public Session
Adjournment

A regular meeting of the Keene City Council was held Thursday, December 7, 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, Bettina A. Chadbourne, Philip M. Jones and David C. Richards were present. Councilor Mitchell H. Greenwald was absent. Councilor Sapeta led the Pledge of Allegiance. A motion by Councilor Richards to accept the minutes from the November 16, 2017 regular meeting was duly seconded. The motion passed with a unanimous vote in favor.

ANNOUNCEMENTS

The Chair announced the City Council's holiday party will be held immediately after the last City Council on December 21, 2017. The Municipal Services, Facilities and Infrastructure Committee, the Planning, Licenses and Development Committee, and the Finance, Organization and Personnel Committee will be canceled for the following week. . The inauguration of the 2018/2019 City Council will be January 1, 2018 at noon.

PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Mayor Lane stated that before opening the hearing on the CDBG grant application for the Monadnock Food Co-op, he wanted to go over the process that will be followed this evening. He explained that in the past, these hearings have been conducted by the Keene Housing Authority. From this point forward, these hearings will be before the City Council. The Community Development Financing Authority has very specific protocols on how these public hearings are handled. Accordingly, this hearing will be handled differently than what we are typically accustomed to.

Mayor Lane continued the hearing notice identifies three separate components: the actual CDBG application, the Housing and Community Development Plan and the Residential Anti-displacement and Relocation Assistance Plan. The Mayor explained he will be opening and closing each of these three segments separately. He noted that upon close of the final hearing, his intent would be to call forward the Finance, Organization and Personnel Committee's recommendation and Resolution R-2017-38. Finally, because the filing deadline for this application is fast approaching, he would be looking for a suspension of the Rules of Order to allow action on the Resolution this evening.

The Mayor opened the first public hearing to address a proposed Community Development Block Grant application at 7:06 PM. The Notice of Hearing and Certificate of Publication were read. The Mayor went on to recognize Rebecca Bullock from Southwest Region Planning Commission to address the grant request.

Rebeckah Bullock, Community Development Specialist, with SWRPC explained that Community Development Block Grant (CDBG) funds are available to municipalities for economic development, public facility and housing rehabilitation projects that primarily benefit low and moderate income people. The City of Keene is eligible to receive up to \$500,000 a year for public facility/housing rehabilitation, up to \$500,000 a year for economic development

projects, as well as up to \$500,000 a year in emergency funds. Feasibility Study funds are available for up to \$12,000. Rebeckah Bullock provided a handout describing the NH Community Development Block Grant Program eligible activities that included the area HUD income limits.

Rebeckah Bullock provided a project handout. The proposed application to the Community Development Finance Authority (CDFA) is for up to \$500,000 in CDBG funds. The CDBG would be subgranted to Monadnock Economic Development Corporation (MEDC) and/or Cypress St. Development, LLC, of which MEDC is the sole member, which would use the net proceeds of the CDBG to purchase Unit G on the Railroad Land in downtown Keene and to cover soft costs related to the expansion of the building that Cypress St. Development, LLC owns and leases to the Monadnock Food Co-op. The Co-op will create up to 25 new jobs as a result of this expansion project, of which at least 60% will be filled by individuals from low to moderate income households. The total project is anticipated to exceed \$1.5 million of new investment in downtown Keene. Ms. Bullock went on to state that here this evening are Jack Dugan from MEDC and Michael Faber from the Monadnock Food Co-op to answer any questions and provide further details on the project.

The Mayor asked Jack Dugan and Michael Faber to come forward. Mr. Dugan began by stating that the proposed project would expand the existing Monadnock Food Co-op building by 5,700 square feet on the east end of the building where the current outdoor seating is located and into the adjacent dirt parking lot. In addition to expanding the building, the intent is also to build a larger, nicely landscaped outdoor dining area to the east of the expansion. They will also create about 11 parking spaces on the far-east end of the area identified as Unit G to accommodate some additional parking for the Co-op and also to accommodate opportunities for outdoor events put on by the Co-op. Mr. Dugan stated that they would like to undertake this project in the spring or summer of 2018, but an important ingredient to putting this all together is the Community Development Block Grant. He noted he appreciates the Council considering this tonight through suspending its Rules because Block grants are run on a calendar year basis and there is still funding available through the State of NH at the Community Development Finance Authority. If the application is submitted in the next couple of weeks they will be eligible for 2017 funds. That is very important this year because the future availability of these block grants is uncertain. The President's budget zeros it out, and while nobody really expects that to happen, at a minimum there will be a reduction in the level of funding provided. We need to seize the opportunity to get this funding now to help Keene and to create 25 new jobs to help induce the investment of at least a million and a half dollars in this expansion project.

Michael Faber added that the Co-op has been a hugely important addition to the downtown, with over 1,000 customers going through their doors on a given day. He continued they are closing in on 100 staff at the store at this point. They have grown tremendously since they opened, and that growth has brought more healthy food choices to the community. It's brought more support for local farmers and producers, and provided an important piece for the community. They are excited about the potential this new expansion brings. For several years since they have been growing they have questioned in what capacity they would be able to continue to grow while also remaining downtown. Being downtown is important to them and Mr. Faber is thankful that

working with Mr. Dugan and MEDC they have been able to put together a plan that will allow the Food Co-op to expand not only its footprint but also add additional parking that will allow them to continue to do the great things they have done since opening in 2013.

Councilor Chadbourne asked Mr. Faber how many employees the Co-op had when they opened. Mr. Faber answered they started with 50 staff, and the store in many ways has doubled. The number of employees has doubled and their business has doubled; the only thing that hasn't doubled is the size of their building.

The Mayor opened the floor to public comments and questions about the proposed CDBG project. There being none, closed the public hearing for the proposed Community Development Block Grant application at 7:18 PM.

The Mayor opened the second public hearing for discussion of the Housing and Community Development Plan. He noted the plan is attached to the public notice in Councilors packets and is available as a handout for the public. He went on to recognize Rebecca Bullock for comment.

Rebeckah Bullock, SWRPC, explained that The Housing and Community Development Plan was last adopted by the City of Keene on December 1, 2016, and it is required to be reviewed and re-adopted every three years to qualify for CDBG funds. At this time, no changes have been made to the plan. The intent is to revise and update the plan during the next three years, prior to its next adoption.

The proposed CDBG project conforms to the City of Keene's Housing and Community Development Plan goal to: have a strong, local food-based sector of our economy that connects local farms to businesses and the community in various ways, such as through a food coop and farmers market.

The Mayor opened the floor to public comments and questions about the proposed Housing and Community Development Plan. There being none, the Mayor closed the public hearing for the Housing and Community Development Plan

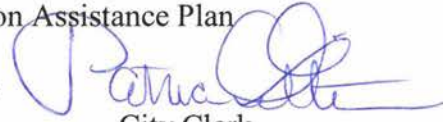
The Mayor opened the third public hearing for discussion of the Residential Anti-displacement and Relocation Assistance Plan and recognized Rebecca Bullock to address the Council.

Rebeckah Bullock of SWRPC explained that if any displacement takes place as a result of the proposed CDBG project, the Uniform Relocation Act must be followed, which requires that any displaced household or business in a project using federal funds must be found comparable housing or commercial space in a comparable neighborhood at a comparable price. Under the certification section of the application, the City will certify that the Residential Anti-Displacement and Relocation Assistance (RARA) Plan is in place, and in the event that it is discovered that this specific project does displace persons or households, a displacement implementation plan must be submitted to CDFA prior to obligating or expending funds. At this time, displacement is not anticipated for the proposed project.

12/7/2017

The Mayor opened the floor to public comments and questions about Residential Anti-displacement and Relocation Assistance Plan. At 7:18 PM there being none, the Mayor closed the public hearing for the Anti-displacement and Relocation Assistance Plan

A true record, attest:



City Clerk

FOP REPORT AND RESOLUTION R-2017-38: RELATING TO AN APPLICATION FOR CDBG FUNDS – MONADNOCK FOOD CO-OP EXPANSION PROJECT

The Mayor pulled from the table the Finance, Organization and Personnel Committee report and Resolution R-2017-38, stating this matter is now before the City Council. A motion by Councilor Jacobs to suspend Section 28 of the Rules of Order, which restricts the City Council from considering a matter the same day as the hearing was duly seconded. On a roll call vote, with 14 Councilors present and voting in favor, the Rules of Order were declared suspended. Councilor Greenwald was absent.

Finance Organization and Personnel Committee report read recommending the adoption of Resolution R-2017-38. The report was filed as informational. Resolution R-2017-38 read for the first time. A motion by Councilor Jacobs for adoption of the Resolution was duly seconded. The motion passed with a unanimous vote in favor. Resolution R-2017-38 declared adopted.

JOINT PUBLIC HEARING WITH THE CONSERVATION COMMISSION – EVERSOURCE ENERGY – TREE TRIMMING ON DESIGNATED SCENIC ROADS

The Mayor opened the public hearing at 7:23 PM. The Notice of Hearing and Certificate of Publication were read. The Mayor noted this is a joint public hearing with the Conservation Commission. He invited the members of the Conservation Commission to come forward to participate in the hearing alongside the Council members. He went on to recognize Kurt Blomquist for an introduction relative to tree trimming on scenic roads.

Mr. Blomquist stated that this evening the Council and Conservation Commission members will be hearing from Eversource Energy, which has requested permission to trim and remove trees on designated scenic roads. He noted there is a process by statute and the City Code to obtain permission. Once a road has been designated as scenic, any kinds of tree maintenance that removes trees of a certain caliber require a public hearing with the City Council and the Conservation Commission. Following that public hearing, the item is referred to the Conservation Commission and the Municipal Services, Facilities and Infrastructure Committee. The Conservation Commission reviews the request and provides a recommendation to the MSFI Committee which will then do the final deliberation and make a recommendation to the City Council. Mr. Blomquist went on to note that representatives from Eversource Energy are present to provide further details on their request.

Ian Farley, Arborist with Eversource, and Cory Keefe, Vendor Arborist with Eversource came forward. Mr. Farley stated he works statewide while Mr. Keefe's efforts are concentrated in the western region of the State, which includes Keene. He explained that every four years their

circuits are trimmed on a cycle, and the circuits in Keene are up for maintenance this year. Tonight they are here to discuss the trimming that is proposed to take place on 12 designated scenic roads in Keene.

Mr. Keefe stated the scenic roads they are requesting permission to trim trees on include: Chapman Road, Concord Hill Road, Concord Road, Daniels Hill Road, Felt Road, Hurricane Road, Langley Road, Moore Farm Road, Peg Shop Road, Stearns Road and Whitcomb's Mill Road. He explained Eversource's specifications call for removing brush and limbs less than four inches in diameter that are located within eight feet to the side and 15 feet above or below their conductors; and, larger trees and limbs which present a threat to Eversource's equipment due to decay or other defect. This is determined on a case by case basis, and all work is performed in accordance with accepted agricultural standards. Mr. Keefe noted the total number of hazardous trees they have identified on the scenic roads is 57. One of the trees is on Old Concord Road, which Mr. Keefe believes is not a scenic road. He continued 24 of the 57 trees have signs of decay or some other structural defect, while 23 are dead, 7 are dying, and two out of the 57 have a heavy lean making them a hazard. There is also one tree that is just very close to the wires. Eversource has contracted with Asplundh Tree Service to accomplish this work.

Mr. Keefe continued that Eversource requires that their trimming contractors contact each land owner prior to commencement of work so that all individual concerns can be addressed at that time. Mr. Keefe continued that all brush and limbs that are cut on roadside locations will be chipped. In wooded undeveloped locations these chips are dispersed into the woods ensuring they do not accumulate in piles or in drainage swales. Near developed land, the chips will be blown into a truck to be disposed of offsite, or offered to the nearby property owners for use as mulch. Brush and limbs cut on inaccessible lines are stacked and left onsite unless otherwise directed by the property owner.

Mayor Lane commented he assumes there will be tree trimming going on City-wide, not just on the scenic roads mentioned this evening. He did not want the public to get the impression this activity would only be occurring on the streets discussed this evening. Mr. Farley agreed stating they have approximately 120 miles of roadway in Keene where trimming will occur on the circuits that are up for maintenance. They are here tonight to specifically request permission to do trimming on scenic roads. He explained they were here four years ago to do similar work, and this time around they will cut back any regrowth as well as any limbs that have reached the four inches in diameter. This will occur in addition to any removals of hazardous trees they are asking to remove.

In response to a question from Councilor Jones, Mr. Farley reiterated the trees they wish to remove and the reason for removal. As a follow up, Councilor Jones asked if the removed trees are replaced. Mr. Farley stated there are no plans to replant trees at this time.

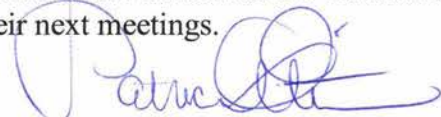
At this time the Mayor opened the public hearing for public comments.

Mr. Walter Lacey of Daniels Hill Road in Keene asked about the timing of this cutting, noting there is a rather large 10 inch diameter dead birch tree adjacent to the Colony Trust property he would like Eversource to consider removing. He further inquired if the City of Keene has a tree

warden. He was interested in knowing who referees any tree issues that come up. The Mayor stated there is a tree warden and queried the Public Works Director Kurt Blomquist as to who was serving in that role. Mr. Blomquist answered that he is currently the tree warden in Keene. In response to the concern about the tree on Daniels Hill Road, Mr. Farley commented that Asplundh has already sent out permission cards to all the affected property owners, and they are aiming to begin their work the first of the year. He added they would be happy to look at the tree

As there were no further comments from the public, the Mayor closed the public hearing to verbal comments at 7:32 PM, noting the hearing would remain open for written public comments until Tuesday, December 12, 2017 at 4:00 PM. Written comments should be signed and submitted to the City Clerk to be considered by the Committee at their next meeting. He went on to state this would be referred to the Municipal Services, Facilities and Infrastructure Committee and to the Conservation Commission for consideration at their next meetings.

A true record, attest:



Patricia O'Connell
City Clerk

PRESENTATION – WEST STREET DAM UPDATE – WEST STREET HYDRO

The Chair recognized Kurt Blomquist, Emergency Management Director, for the presentation. Mr. Blomquist explained West Street Hydro had approached the City a number of years ago when the City was looking at the West Street Dam considerations about removal, repair, etc. West Street Hydro completed a proposal potentially putting in a hydro-power facility. The Council did approve city staff to work West Street Hydro to see if it could be done and if it would be practical. He continued that Ken Stewart from West Street Hydro was here to provide the Council an update. Mr. Stewart stated that once the capital investment was paid off and any associated costs the remaining funds would be donated to Open Spaces in Conservation Initiative in Keene.

Since the last time he was at Council there have been new developments in the project. The New Hampshire Department of Environmental Services and the US Fisheries and Wildlife Agency required that we complete several studies before moving forward on permitting on this hydro-power station. The studies cover issues: around the water quality of the river and impounding area and beyond the flow thru the dam; the endangered plant species; and endangered dwarf ledge mussel which lives in the riverbed area.

The water quality the primary concern from the NHDES had to do with the level of dissolved oxygen in the water in the impounding area behind the dam and downstream. Dissolved oxygen in levels had been a concern of NHDES in that area for some time. During the course of the summer and early fall, testings had been conducted and the results show the dissolved oxygen levels are barely over the minimum required levels for a Class B waterway. The tests were done during low flow times and would reflect the lowest levels that could be in the water. During the summer we did not have optimal low levels of water flow. NHDES will require ongoing testing of this water both before and after commissioning a hydropower station in the case that we will move forward. If there are continued concerns of the dissolved oxygen levels then we may or may not be able to move forward with the project. This would be difficult to recover the cost of

the capital and try to generate surplus on an operating basis so this would be self-sustaining and make contributions to the Open Spaces in Conservation Initiative in Keene.

Mr. Stewart continued with the second study was on the endangered plant species. The Canadian quillwort was identified as to something that should be researched. West Street Hydro hired VHB Engineering firm to do field work and create a report for us on what impact it may have on that species of plant by the hydropower station. Mr. Stewart was still waiting on this report.

Mr. Stewart went on to the last study on endangered dwarf ledge mussels. West Street Hydro hired Biodiversity due to the extensive experience of researching dwarf ledge mussel populations in the Ashuelot River and elsewhere. In the late summer, Biodiversity did their work, but the report is not ready at this time.

Mr. Stewart requesting to have more time until next spring to be able finish the assessment of the project feasibility once they have these final study results. This project has become more complicated than originally anticipated. The removal of flashboards, which was part of the originally part of this plan, but were taken out due to raising more water quality questions and they decided to eliminate them and it changes the profile of operations and the ability of the hydro station to generate power, therefore, revenue.

COMMUNICATION – SADIE BUTLER – RESIGNATION – CONSERVATION COMMISSION

A communication was received from Sadie Butler resigning from the Conservation Commission. A motion by Councilor Richards to accept the resignation with regret and appreciation of service was duly seconded. The motion passed with a unanimous vote in favor.

DECLARATION OF VACANCY – BICYCLE PEDESTRIAN PATH ADVISORY COMMITTEE

The Mayor continued that before introducing the nominations, he was declaring a vacancy on the Bicycle Pedestrian Path Advisory Committee. He noted that Emily Coey was no longer able to be active on the Committee due to extenuating circumstances.

APPOINTMENTS AND NOMINATIONS – AGRICULTURAL COMMISSION – AIRPORT ADVISORY COMMISSION – ASSESSORS BOARD – BICYCLE/PEDESTRIAN PATH ADVISORY COMMITTEE – CITIES FOR CLIMATE PROTECTION – CONSERVATION COMMISSION – HISTORIC DISTRICT COMMISSION – LIBRARY BOARD OF TRUSTEES – MARTIN LUTHER KING JR./ JONATHON DANIELS COMMITTEE – PARTNER CITY COMMITTEE – PLANNING BOARD – TRUSTEES OF TRUST FUNDS AND CEMETERY TRUSTEES – ZONING BOARD OF ADJUSTMENT

The following nominations were received from the Mayor: Mark Florenz reappointed to serve as a regular member on the Agricultural Commission with a term to expire December 31, 2020; Charles Daloz reappointed to serve as a regular member on the Agricultural Commission with a

term to expire December 31, 2020; Councilor Bettina Chadbourne to serve as a regular member on the Agricultural Commission with a term to expire December 31, 2019; Frederick Haap, III reappointed to serve as a regular member of the Airport Advisory Commission with a term to expire December 31, 2020; Mitchell Greenwald reappointed to serve as a regular member of the Airport Advisory Commission with a term to expire December 31, 2020; Joe Bendzinski reappointed to serve as a regular member of the Airport Advisory Commission with a term to expire December 31, 2020; Bill Hutwelker reappointed to serve as a regular member of the Airport Advisory Commission with a term to expire December 31, 2020; Mayor Kendall W. Lane reappointed to serve as a regular member of the Airport Advisory Commission with a term to expire December 31, 2019; Curt Hansen appointed to serve as a regular member of the Airport Advisory Commission with a term to expire December 31, 2020; Joshua Greenwald reappointed to serve as a regular member of the Assessors Board with a term to expire December 31, 2020; Edward Guyot reappointed to serve as a regular member of the Bicycle/Pedestrian Path Advisory Committee with a term to expire December 31, 2020; Don Hayes reappointed to serve as a regular member of the Bicycle/Pedestrian Path Advisory Committee with a term to expire December 31, 2020; Dillon A. Benik appointed to serve as a regular member of the Bicycle/Pedestrian Path Advisory Committee with a term to expire December 31, 2020; Drew Bryenton appointed to serve as an alternate member of the Bicycle/Pedestrian Path Advisory Committee with a term to expire December 31, 2019; David Souther appointed to serve as an alternate member of the Bicycle/Pedestrian Path Advisory Committee with a term to expire December 31, 2020; Terry Clark reappointed to serve as a regular member of the Cities for Climate Protection with a term to expire December 31, 2020; Dr. Ann Shedd reappointed to serve as a regular member of the Cities for Climate Protection with a term to expire December 31, 2020; Christopher Brehme reappointed to serve as a regular member of the Cities for Climate Protection with a term to expire December 31, 2020; Alexander VonPlinksy appointed to serve as a regular member of the Conservation Commission with a term to expire December 31, 2018; Art Walker appointed to serve as a regular member of the Conservation Commission with a term to expire December 31, 2020; Brian J. Reilly reappointed to serve as a regular member of the Conservation Commission with a term to expire December 31, 2020; George Hansel reappointed to serve as a regular member of the Conservation Commission with a term to expire December 31, 2020; Erin Benik appointed to serve as a regular member of the Historic District Commission with a term to expire December 31, 2020; Kathleen Kennedy Burke reappointed to serve as a regular member of the Library Board of Trustees with a term to expire December 31, 2020; Jennifer Carroll reappointed to serve as a regular member of the Martin Luther King Jr./Jonathan Daniels Committee with a term to expire December 31, 2020; Dottie Morris reappointed to serve as a regular member of the Martin Luther King Jr./Jonathan Daniels Committee with a term to expire December 31, 2020; Kurt Blomquist reappointed to serve as a regular member of the Partner City Committee with a term to expire December 31, 2020; Antje Hornbeck reappointed to serve as a regular member of the Partner City Committee with a term to expire December 31, 2020; Chris Cusack reappointed to serve as a regular member of the Planning Board with a term to expire December 31, 2020; Douglas E. Barrett reappointed to serve as a regular member of the Planning Board with a term to expire December 31, 2020; Tammy Adams reappointed to serve as an alternate member of the Planning Board with a term to expire December 31, 2020; Michael Forest appointed to serve as a regular member of the Trustees of Trust Funds and Cemetery Trustees with a term to expire December 31, 2020; Michael Welsh appointed to serve as a regular member of the Zoning Board of Adjustment with a term to expire December 31, 2020;

Sean Wallin appointed to serve as a regular member of the Zoning Board of Adjustment with a term to expire December 31, 2019; Jeffrey Stevens appointed to serve as an alternate member of the Zoning Board of Adjustment with a term to expire December 31, 2020.

COMMUNICATION – VICKI BACON, BODY & SOUL ROAD RUNNERS – REQUEST TO USE CITY PROPERTY – RED CAP RUN

A communication was received from Vicki Bacon, from Body & Soul Road Runners, requesting permission for the use of City property for the 4th annual Red Cap Run on February 10, 2018. The communication was referred to the Planning, License and Development Committee.

COMMUNICATION – LINDA MANGONES, CDBG ADMINISTRATOR – ADMINISTRATIVE RESPONSIBILITIES FOR THE CDBG PROGRAM

A communication was received from Linda Mangones, CDBG Administrator, advising that the Keene Housing Authority is in the final stages of closing its administrative responsibilities for the CDBG program; identifying the status of the CDBG fund; and encouraging the City to continue to utilize the fund, which will now be managed by Southwest Region Planning Commission. The communication was filed as informational.

COMMUNICATION – MAYOR LANE – RENAMING CARPENTER STREET FIELD TO THE PATRICIA T. RUSSELL FIELD

A communication was received from Mayor Lane, requesting the City Council consider changing the name of Carpenter Street Field to the Patricia T. Russell Field. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – MAYOR LANE – PROPOSED AMENDMENTS TO THE CITY COUNCIL RULES OF ORDER

A communication was received from Mayor Lane, proposing changes to the City Council's Rules of Order to the Planning, Licenses and Development Committee for their review and recommendations. The communication was referred to the Planning, License and Development Committee.

FOP REPORT – ACCEPTANCE OF 2017 STATE HOMELAND SECURITY PROGRAM – FIRE DEPARTMENT

Finance Organization and Personnel Committee report read, recommending the City Manager be authorized to do all things necessary to accept a grant in the amount of \$24,441.59 from the 2017 State of New Hampshire Homeland Security Grant Program. A motion by Councilor Jacobs to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – REPORT OF EXPENSES ASSOCIATED WITH 2017 PUMPKIN FESTIVAL AND HALLOWEEN WEEKEND – PUBLIC WORKS DEPARTMENT

Finance Organization and Personnel Committee report read, recommending acceptance of this item as informational. The Chair filed the report into the record as informational.

FOP REPORT – OBSTRUCTION REMOVAL AND MITIGATION – AIRPORT DEPARTMENT

Finance Organization and Personnel Committee report read, recommending the City Manager be authorized do all things necessary to expend existing capital fund dollars appropriated to the Airport Development account 90060 (\$16,567), Airport Easements account 90287 (\$30,000) and Obstruction Removal account 90296 (\$28,433) and to use these funds for additional tree removal and mitigation planting; and that the City Manager be authorized to do all things necessary to carry out the intention of the environmental landscaping plan as developed by SWCA Environmental Consultants for replacement trees along the property line between the airport property and the Edgewood neighborhood. A motion by Councilor Jacobs to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – EDGEWOOD OBSTRUCTION REMOVAL – AIRPORT DEPARTMENT

Finance Organization and Personnel Committee report read, recommending the City Manager be authorized to do all things necessary to re-appropriate existing capital funds from the following accounts: Airport Obstruction Clearing account 90286 (\$50,000), Airport Pavement Maintenance account 90170 (\$12,663), Airport Pavement Markings account 90171 (\$12,000) and Airport Development account 90060 (\$337) and to use these funds for tree removal on private property within the Edgewood neighborhood. A motion by Councilor Jacobs to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – AUTOMATED WEATHER OBSERVATION SYSTEM - STUDY – AIRPORT DEPARTMENT

Finance Organization and Personnel Committee report read, recommending the City Manager be authorized to all things necessary to expend previously appropriated funds in the AIP Obstruction Removal Account #90296 in the amount of \$4,900 and to use these funds as the City match for a grant-funded study of the Automated Weather Observation System, and to accept the grant funds in the amount of \$98,000 provided by the NHDOT/FAA to study the Automated Weather Observation System and to authorize the City Manager to do all things necessary to accept and expend said funds. A motion by Councilor Jacobs to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – 2017 PROPERTY TAX RATE REVIEW – CITY MANAGER

Finance Organization and Personnel Committee report read, recommending acceptance of this item as informational. The Chair filed the report into the record as informational.

FOP REPORT – MOBILE COMPACT SHELVING CONTRACT – CHANGE ORDER #2 – CITY CLERK’S OFFICE

Finance Organization and Personnel Committee report read, recommending the City Manager be authorized to do all things necessary to sign change order #2 with Red Thread Spaces, LLC for an amount not to exceed \$1,504 for a total of \$40,290.17 for contract 02-17-17. A motion by Councilor Jacobs to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – MOBILE COMPACT SHELVING CONTRACT – CHANGE ORDER #3 – CITY CLERK’S OFFICE

Finance Organization and Personnel Committee report read, recommending the use of the remaining balance of project #90099-17 and that the City Manager be authorized to do all things necessary to sign change order #3 with Red Thread Spaces, LLC for contract #02-17-17 for an amount not to exceed \$8,709.83. A motion by Councilor Jacobs to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

CITY MANAGER COMMENTS

The City Manager informed the City Council that she attended a meeting on November 29th about economic development and workforce shortage that was hosted by the Chamber of Commerce. In addition, she and the Mayor have been visiting business in the community and trying to get a sense of what kinds of things they may be struggling with and how the City may be able to assist them. The theme has been about workforce issues and she is working with the Keene State on how to address these issues.

RENEWABLE ENERGY ADVOCACY LETTERS TO NH LEGISLATURE – CITIES FOR CLIMATE PROTECTION COMMITTEE

A memorandum was received from Cities for Climate Protection Committee recommending the City Council send a letter of support/comment to the New Hampshire (NH) legislature regarding HB 592 to: 1. Support NH remaining in Regional Greenhouse Gas Initiative (RGGI); 2. Oppose moving the RGGI funding from 20% energy efficiency programs to 100% bill-payer rebates; and 3. Increase the percentage of RGGI funds that go towards energy efficiency project/program funding to 100%, or at the very least, to maintain the percentage at its current 20%. The Cities for Climate Protection Committee also recommends the Keene City Council send a letter of support/comment to the NH legislature regarding HB 114 to encourage retaining the prior language of the bill raising the renewable energy standard in 2018 from 6% to 15%. The memorandum was referred to the Planning, Licenses and Development Committee.

ALLOCATION FROM THE LAND USE CHANGE TAX FUND TO THE MONADNOCK CONSERVANCY FOR LAND ACQUISITION – CONSERVATION COMMISSION

A memorandum was received from Conservation Commission recommending the City Council allocate \$25,000 of the Land Use Change Tax Fund for the purposes of providing financial

support to the Monadnock Conservancy in its efforts to acquire 130 acres in northeast Keene and 50 acres in Gilsum from Patricia Lake for permanent conservation, pending City staff approval of independent land assessment from the Conservancy. The memorandum was referred to the Finance, Organization and Personnel Committee.

ACCEPTANCE OF DONATIONS TO THE LIBRARY RENOVATION PROJECT THROUGH THE CITY'S LIBRARY RENOVATION TEMPORARILY RESTRICTED CITY TRUST FUND

Before considering the memorandum, the Mayor recognized Jack Dugan, Executive Director of the Monadnock Economic Development Corporation for an update on the library project.

Jack Dugan, Executive Director of the Monadnock Economic Development Corp. reported that the library property has been fenced off and the demolition has started. The final model on the financing has been completed, documents were being signed and the formal closing on the entire project was scheduled for December 14. He continued that now that the final financing model was in he would like to present a final tally on the cost of the project and use of the various funds sources.

The approximately 13.5 M project includes soft costs and hard costs for the purchase of the former Pond Mansion/Heberton Hall property, the construction of a connector between the two buildings and the purchasing equipment to be used by library. The funding sources included a \$2,000,000 direct loan from the City, a \$2,500,000 loan from the city which represented the appraised value of the property, \$4,884,800 in donations from community members and \$4,360,200 as the net proceeds from the new market tax credits. Mr. Dugan continued that this public private partnership reflected approximately 1/3 of the funds from the City, 1/3 of the funds from the community at large and 1/3 from the new market tax credits, which MEDC was pleased to facilitate.

The use of the funds would have the \$2,000,000 and the \$2,500,000 loan and \$4,469,800 of private donations being lumped together into a loan to the investment fund that would fund the project. The remaining \$415,000 in donations would be invested as the "sponsor equity" from MEDC and the \$4,360,200 from the tax credits would be injected into the project as well.

Mr. Dugan concluded his report that stating this has been a tremendous project and he cannot believe the community contributions raised in such a short amount of time. MEDC was pleased to be able to bring the tax market credits to bear.

Finally, Mr. Dugan noted that at the closing they would be reimbursing the City \$560,000 for the architectural work done to date. MEDC will be assuming the construction administration and oversight of the project from the point of closing. The Mayor thanked Mr. Dugan for his presentation.

Referring to the memorandum from the Library Board of Trustees, Councilor Jacobs moved to suspend the Rules of Order to allow action upon the memorandum. On roll call vote, 14 Councilors were present and voting in favor. Councilor Greenwald was absent. The Clerk noted that earlier in the evening she had received a request from the Library Director to update the

amount of donations to the library project to reflect the latest donations. She would be reflecting the updated amount in the recommendation. She continued that a memorandum was received from Ken Jue, Chair Board of Trustee Finance Committee, recommending the City accept donations of \$160,497.42 listed in the Cambridge Trust November and December list of donors. A motion by Councilor Jacobs to accept the donations was duly seconded and unanimously adopted.

FOP REPORT AND RESOLUTION R-2017-39: RELATING TO SOLE SOURCE PURCHASING – ROCKWELL AUTOMATION – ALLEN BRADLEY – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2017-39. The report was filed as informational. A motion by Councilor Jacobs for adoption of the Resolution was duly seconded. On a show of hands vote, with 14 Councilors present and voting in favor, the motion carried. Councilor Greenwald was absent. Resolution R-2017-39 declared adopted.

MEMORANDUM & RESOLUTIONS R-2017-41: RELATING TO ADOPTING THE PROVISIONS OF RSA 79-E “COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE”

A memorandum was received from the City Planner along with Resolution R-2017-41. The memorandum was filed into the record. Resolution R-2017-41 was referred by the Chair to the Planning, Licenses and Development Committee.

RESOLUTION R-2017-43: IN APPRECIATION OF GINGER HILL UPON HER RETIREMENT

Resolution R-2017-43: In Appreciation of Ginger Hill Upon Her Retirement and Resolution R-2017-43 was read by title only. A motion by Councilor Jacobs for adoption of the Resolution was duly seconded. The motion carried with a unanimous vote in favor.

ADJOURNMENT FOR COLLECTIVE BARGAINING

At 8:20 PM, the Mayor adjourned the Council meeting for the purposes of collective bargaining strategy. Attorney Tom Claussen and Human Resources Director, Elizabeth Fox were invited to remain. At 8:39 PM the Council reconvened.

On motion by Councilor Jacobs, voted unanimously to authorize the City Manager to do all things necessary to execute the negotiated contract with Keene Police Officers Association ATF Local #6246, AFT-NH, AFL-CIO to be effective July 1, 2017 through June 30, 2021.

12/7/2017

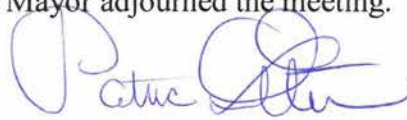
NON-PUBLIC SESSION

At 8:40 PM, a motion by Councilor Jacobs to go into non-public session for the purposes of discussion of a personnel matter under RSA 91-A:3 II(a) and litigation under RSA 91-A:3 II € was duly seconded. On a roll call vote, 14 Councilors were present and voted in favor. Councilor Greenwald was absent. Discussion was limited to the subject matters. The session concluded at 9:22 PM. A motion by Councilor Jacobs to keep the minutes in non-public session was duly seconded. On a roll call vote, 14 Councilors were present and voting in favor. Councilor Greenwald was absent.

ADJOURNMENT

At 9:23 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:

A handwritten signature in blue ink, appearing to read "Patricia Allen", written over a faint, illegible printed name.

City Clerk



City of Keene, N.H.
Transmittal Form

December 5, 2017

TO: Keene City Council

FROM: Kendall W. Lane, Mayor

ITEM: B.1.

SUBJECT: Confirmations/Nominations/Appointments/Reappointments

COUNCIL ACTION:

In City Council December 7, 2017.
Tabled to the next regular meeting.

RECOMMENDATION:

I hereby appoint/reappoint the following individuals to serve on the following Board or Commission.

ATTACHMENTS:

Description

Nominees Background Information

BACKGROUND:

| | |
|--|-----------------------------------|
| <u>AGRICULTURAL COMMISSION</u> | |
| <i>Mark Florenz, slot 2, reappoint</i> | <i>Term expires Dec. 31, 2020</i> |
| <i>Charles Daloz, slot 3, reappoint</i> | <i>Term expires Dec. 31, 2020</i> |
| <i>Bettina Chadbourne, Councilor</i> | <i>Term expires Dec. 31, 2019</i> |
| | |
| <u>AIRPORT ADVISORY COMMISSION</u> | |
| <i>Frederick Haap, III, slot 2, reappoint</i> | <i>Term expires Dec. 31, 2020</i> |
| <i>Mitchell H. Greenwald, slot 3, reappoint</i> | <i>Term expires Dec. 31, 2020</i> |
| <i>Joe Bendzinski, slot 6, reappoint</i> | <i>Term expires Dec. 31, 2020</i> |
| <i>Bill Hutwelker, slot 8, reappoint</i> | <i>Term expires Dec. 31, 2020</i> |
| <i>Kendall W. Lane, Mayor, slot 10, reappoint</i> | <i>Term expires Dec. 31, 2019</i> |
| <i>Curt Hansen, slot 5, regular</i> | <i>Term expires Dec. 31, 2020</i> |
| | |
| <u>ASSESSORS BOARD</u> | |
| <i>Joshua Greenwald, slot 3, reappoint</i> | <i>Term expires Dec. 31, 2020</i> |
| | |
| <u>BICYCLE/PEDESTRIAN PATH ADVISORY COMMITTEE</u> | |
| <i>Edward Guyot, slot 1, reappoint</i> | <i>Term expires Dec. 31, 2020</i> |
| <i>Don Hayes, slot 5, reappoint</i> | <i>Term expires Dec. 31, 2020</i> |

| | |
|--|-----------------------------------|
| <i>Dillon A. Benik, slot 7, regular</i> | <i>Term expires Dec. 31, 2018</i> |
| <i>Drew Bryenton, alternate, slot 8</i> | <i>Term expires Dec. 31, 2019</i> |
| <i>David Souther, alternate, slot 9</i> | <i>Term expires Dec. 31, 2019</i> |
| | |
| <u>CITIES FOR CLIMATE PROTECTION</u> | |
| <i>Terry Clark, slot 2, reappoint</i> | <i>Term expires Dec. 31, 2020</i> |
| <i>Dr. Ann Shedd, slot 4, reappoint</i> | <i>Term expires Dec. 31, 2020</i> |
| <i>Christopher Brehme, slot 6, reappoint</i> | <i>Term expires Dec. 31, 2020</i> |
| | |
| <u>CONSERVATION COMMISSION</u> | |
| <i>Alexander VonPlinsky, slot 1, regular</i> | <i>Term expires Dec. 31, 2018</i> |
| <i>Art Walker, slot 4, regular</i> | <i>Term expires Dec. 31, 2020</i> |
| <i>Brian J. Reilly, slot 5, reappoint</i> | <i>Term expires Dec. 31, 2020</i> |
| <i>George Hansel, slot 3, reappoint</i> | <i>Term expires Dec. 31, 2020</i> |
| | |
| <u>HISTORIC DISTRICT COMMISSION</u> | |
| <i>Erin Benik, slot 4</i> | <i>Term expires Dec. 31, 2020</i> |
| | |
| <u>LIBRARY BOARD OF TRUSTEES</u> | |
| <i>Kathleen Kennedy Burke, slot 3, reappoint</i> | <i>Term expires June 30, 2019</i> |
| | |
| <u>MARTIN LUTHER KING JR/JONATHAN DANIELS COMMITTEE</u> | |
| <i>Jennifer Carroll, slot 4, reappoint</i> | <i>Term expires Dec. 31, 2020</i> |
| <i>Dottie Morris, slot 5, reappoint</i> | <i>Term expires Dec. 31, 2020</i> |
| | |
| <u>PARTNER CITY COMMITTEE</u> | |
| <i>Kurt Blomquist, slot 3, reappoint</i> | <i>Term expires Dec. 31, 2020</i> |
| <i>Antje Hornbeck, slot 10, reappoint</i> | <i>Term expires Dec. 31, 2020</i> |
| | |
| <u>PLANNING BOARD</u> | |
| <i>Chris Cusack, slot 1, reappoint</i> | <i>Term expires Dec. 31, 2020</i> |
| <i>Douglas E. Barrett, slot 4, reappoint</i> | <i>Term expires Dec. 31, 2020</i> |
| <i>Tammy Adams, alternate, slot 12, reappoint</i> | <i>Term expires Dec. 31, 2020</i> |
| | |
| <u>TRUSTEES OF TRUST FUNDS AND CEMETERY TRUSTEES</u> | |
| <i>Michael Forest, slot 1</i> | <i>Term expires Dec. 31, 2020</i> |
| | |
| <u>ZONING BOARD OF ADJUSTMENT</u> | |
| <i>Michael Welsh, slot 3</i> | <i>Term expires Dec. 31, 2020</i> |
| <i>Sean Wallin, slot 4</i> | <i>Term expires Dec. 31, 2019</i> |
| <i>Jeffrey Stevens, alternate, slot 6</i> | <i>Term expires Dec. 31, 2020</i> |
| | |

Curt A. Hansen

Permanent Address

Keene, NH 03431

SUMMARY OF QUALIFICATIONS

Results oriented logistics and supply chain professional, with over 43 years experience in the food industry, possessing excellent communication and presentation skills and the ability to present to all levels of management. I have significant field operations management experience in all phases of logistics as well as multiple corporate headquarters leadership roles, including internal consulting analysis. I am especially adept at business analysis and knowledge transfer for numerous business issues within logistics and in all interfacing disciplines.

Management Experience:

- Strategic Assessment
- Project Management
- Warehouse Management
- Private Fleet Management
- Trans. Management
- Supply Chain Mgmt.
- Total Quality Management
- Process Optimization
- Network Re-design
- Inventory Management
- Carrier Rating Strategies

Industry Experience:

- Transportation
- Warehousing
- WM Systems
- Refrigerated/Frozen distribution
- Manufacturing
- Fleet Management
- Store door delivery
- Food Service
- Consumer Goods
- Transportation Systems

Functional Expertise:

- Order Processing
- Sourcing / Allocation
- Warehousing
- Supply Chain Mgmt.
- Union Relations
- Distribution Network Design
- Long range planning
- Personnel Development
- Transportation Mgmt.
- Routing & Scheduling
- Carrier Management
- Business Integration
- Invoicing & Payment
- Mgmt. Reporting

PROFESSIONAL EXPERIENCE

ES3 and C&S Wholesale Grocers, Keene NH (\$30 billion annual sales) 2006 -- 2014

Senior Vice President, Transportation 2007 -- 2014

- Responsible officer for management of transportation expense exceeding \$700 million annually and transportation revenue in excess of \$60 million per year.
- Through program and management initiatives, lowered annual costs by \$20 million.
- Implemented a reorganization of the department for projected savings of \$10 million per year.
- Successfully consolidated C&S Transportation with ES3 Transportation into one department.
- Developed a culture and structure that transformed transportation into a "destination department".
- Functioned as subject matter expert for company transportation.
- Scope: Direct reports, 3 Vice Presidents and one director. Department size approximately 1500 people.

Vice President, New England Transportation 2006 -- 2007

- Reporting to the SVP of transportation, responsible for New England outbound only transportation.
- Responsible for \$300 million annual budget and 3 direct reports.
- Lowered annual spend by ~\$10.4 million through management improvements.

Smithfield Foods, Smithfield, VA (\$10 billion annual sales) 2002 -- 2006

Director – Logistics

- Responsible for company transportation procurement and related activities, including motor carriers and private fleets, scope of \$250 million annual spend
- Annual tonnage of 6 billion pounds for intra-company and customer for both fresh and value added packaged goods
- Responsible for all warehousing and third party logistics providers for both site selection and operations

- Initiated customer service department for metrics, claims group for customer and carrier issues
- Provided new strategic standards and tools for cost and service effective inventory deployment for annual savings projections of \$1.2 million
- Designed and recommended new distribution network design with annual savings potential of ~\$16 million
- Provide logistics expertise and analysis for corporate-wide initiatives

IBP, INC., Dakota Dunes, SD (Annual sales of \$17 billion, a division of Tyson Foods)

1996 – 2001

Vice President, Transportation & Distribution

- Responsible for corporate wide transportation and related activities, including motor carriers, rail, ocean shipments, and private fleets.
- Annual tonnage exceeded 15 billion pounds for 1,200 SKU's and cost budgets exceeded \$500 million.
- Responsible for all frozen warehousing, including expansion and facility planning.
- Established corporate customer service metrics and improvement plans, yielding a 10% improvement in on time delivery performance.
- Recommended, initiated, and participated in distribution network re-design which saved over \$28 million annually in supply chain cost.
- Managed and generated multiple improvement programs for total cost savings of \$21.8 million annually; for example...
 - Initiated "negative" fuel surcharge program, saved \$3 million annually.
 - Analyzed and implemented a new truck loading procedure, saving \$5 million annually in pallet expense.
 - Changed company equipment maintenance programs vs. replacement costs for \$1.1 million savings
 - Initiated "brokerage" program for PBX fleet, which increased annual revenue flow by \$2 million.

KRAFT FOODS INC., Northfield, Illinois

1971 to 1996

Distribution Optimization Manager

1995 - 1996

- Led internal consulting group utilized to optimize operational processes across the company.
- Actions recommended and improvements identified by the team yielded a minimum of a 30% cost reductions and productivity improvement.
- Savings potentials identified totaled \$14.6 million.
- Functioned as internal subject matter expert and strategic consultant for transportation, logistics, and distribution.

National Transportation Services Manager

1992 - 1995

Logistics Manager Tombstone Pizza, Medford, WI

1989 – 1992

Distribution Center Manager -- Allentown, Pa.

1987-- 1989

Distribution Center Manager -- Decatur, Ga.

1985 -- 1987

Eastern Region Transportation Manager -- Mountainside, NJ.

1981 -- 1985

Foodservice Distribution and Transportation Manager -- Hanover, Md.

1980 -- 1981

Distribution & Transportation Mgr. -- Maple Heights, OH

1975 -- 1980

Warehouse Manager -- Buffalo, NY

1974 -- 1975

Warehouse Supervisor -- Taylor MI

1974 -- 1974

Distribution Supervisor -- Champaign, IL

1973 -- 1974

Traffic Supervisor -- Champaign, IL

1971 -- 1973

Additional Experience

- Educational Trainer
- Total Quality Management Facilitator
- Former Member Council of Logistics Management
- Computer literate, MS Office Suite, TMS, WMS, etc.

EDUCATION: B. S. Business Administration, University of Illinois

References Furnished upon Request

Sent: Monday, November 13, 2017 1:08 PM
To: Mayor Kendall Lane; William Schoefmann
Subject: Bicycle/Pedestrian Path Advisory Committee Vacancy

Dear Mayor Lane,

I am writing to you today to express my interest in serving on the Bicycle/Pedestrian Path Advisory Committee.

After our conversation on Nov. 2nd at the Working Lands Conference I followed up with Will Schoefmann as you suggested. He in turn recommended I attend the BPPAC meeting as a guest and reconnect with him the following week which I have done.

As an avid cyclist and citizen of Keene who is mindful of the greater community I am confident my participation in this committee would help achieve its goals. I am a firm believer in the Complete Streets approach to making our community safer for those of any age, ability or method of transport. In fact while serving on the Winchester Street Steering Committee I was a vocal advocate for cyclists and pedestrians alike.

I care deeply about this community and I am grateful to have had opportunities to give back to it. At this point in time I serve as a member of the Keene Housing Kids Collaborative Parent Advisory Council, the Tobacco Coalition Advisory Group based out of Cheshire Medical and I donate time to the Community Kitchen. Being involved in these activities has been a blessing for me, I have learned a great deal about Keene and its constituents, and I seek to continue to learn and grow in the capacity of a volunteer with regards to our community.

In conclusion, I feel that I can be an active and engaged member of BPPAC and given the opportunity I will work hard to further its mission.

Thank you for your consideration

Yours Truly,
David Souther

Keene, NH 03431

Michael Forrest

September 24, 2017

Keene, NH 03431

I have been a resident of Keene, NH for thirty-five years and have participated in the following activities:

Retired in 2000 from the City of Keene as Superintendent of Code Enforcement. Prior to retiring was the Owner's Representative for the previous library expansion and renovation.

Serve on Board of Directors and am treasurer of Cheshire Housing Trust that owns sixty plus affordable housing units in thirteen buildings in the greater Keene area.

Serve as Chairman of the Finance Committee at my church and am in charge of major renovations at a number of the church buildings.

Serve on the Keene Senior Center Board of Directors. Member of the Long Range Planning Committee that is working with the Parks and Recreation director on a joint facility study.

Serve on the Board of Directors of Monadnock Developmental Services and served as board president for five years.

Active member of the Keene Lions Club, chairing both the Finance and Keene Comes Alive Committees plus participate in a number of other Lions' activities.

Served as a member of the Maplewood Task Force that researched options for the Maplewood Nursing Home.

Have been a past member of Habitat for Humanity and made trips to build homes in Guatemala and in New Orleans after Hurricane Katrina.

From: Drew Bryenton
Sent: Monday, October 30, 2017 2:46 PM
To: Mayor Kendall Lane; Helen Mattson
Cc: William Schoefmann
Subject: Interest in the Bicycle and Pedestrian Path Advisory Commission

Hello Mayor Lane,

After emailing you in March regarding attending the BPPAC meetings, I have been able to attend every subsequent meeting as a member of the public.

I have enjoyed my time getting to know the other commission members and hearing about the topics discussed.

Currently, I am also a member of the Monadnock Alliance for Sustainable Transportation (MAST) and on the board of the Monadnock Cycling Club.

During the summer I participated in the Bike to Work Day planning and event. In addition, I have been working on new initiatives through the Bicycle Friendly City subcommittee to bring Keene to Silver Status when we reapply to the League of American Cyclists.

I have lived in Keene for three years, bought a house, and started my family here. For the past year I was a daily bike commuter, and I also utilize Keene's trail network for recreational running and cycling.

I feel that I have a well-rounded perspective and insight to offer the BPPAC.

If any positions become available on the BPPAC, I would be very interested in serving and would appreciate your consideration.

Cheers,

Drew Bryenton

From: Erin Benik
Sent: Thursday, October 12, 2017 1:36 PM
To: Mayor Kendall Lane; Helen Mattson
Subject: Heritage Commission

Dear Mayor Lane,

I have been a resident of Keene for 10 years now, have a Bachelors of Science in Architecture from Keene State College, 2 young children and a budding real estate career. I love our little town nestled in the great state of New Hampshire and I am very fond of history, architecture and design. The Heritage Commission recently put on a presentation at the Cheshire Historic Society on how to find the history of your home. I was instantly excited and thoroughly enjoyed the discussion and began to think how I can become apart of this. I was glad to hear there are available spots on the Heritage Commission and I would like to join. I hope to add value to the town and commission in furthering their goals and broadening the awareness of the history of our great town. I appreciate your consideration and hope I may be approved to serve with this group.

Warmest regards,
Erin M Benik

Erin M Benik
Realtor
ReMax Town & Country
117 West St., Keene NH
603.465.1892
www.benikhomes.com

Dear Mr. Mayor,

My name is Sean Wallin and I am writing to you in regard to the open position on your zoning board. I have recently relocated to the beautiful City of Keene. In an effort to learn more about my new community I would like to volunteer to serve.

I am currently a Realtor with Coldwell Banker Residential Brokerage in Laconia. I have lived in the State of New Hampshire for seven years. I feel I can offer an unbiased opinion on matters that come before the board. I feel my time in real estate, writing and reviewing contracts has enhanced my ability to review complex matters and scrutinize details. It has also given me a better understanding of land use matters.

Sincerely,

Sean Wallin

12-3-2017



12-3-17



City of Keene, N.H.
Transmittal Form

December 19, 2017

TO: Keene City Council

FROM: Kendall W. Lane, Mayor

ITEM: B.2.

SUBJECT: Nominations

RECOMMENDATION:

I hereby appoint/reappoint the following individuals to serve on the following Board or Commission.

ATTACHMENTS:

Description

background for Jake Pipp

background for Ken Bergman

BACKGROUND:

| | |
|---|----------------------------------|
| <u>CITIES FOR CLIMATE PROTECTION</u> | |
| Jake Pipp, alternate, slot 9 Keene, NH | Term to expire December 31, 2020 |
| <u>CONSERVATION COMMISSION</u> | |
| Kenneth Bergman, alternate, slot 9 Keene, NH | Term to expire December 31, 2018 |
| <u>PARTNER CITY COMMITTEE</u> | |
| Gary Lamoureux, Councilor, reappoint | Term to expire December 31, 2019 |
| Frank Richter, slot 1 | Term to expire December 31, 2020 |

December 5, 2017

Jake Pipp

Keene, NH 03431

Mayor Kendall Lane
3 Washington Street
Keene, NH 03431

Dear Mayor Lane,

It is with great enthusiasm that I write to let you know of my desire to serve the City of Keene as a member of the Cities for Climate Protection (CCP) Committee. I moved to Keene three and a half years ago from Wisconsin to pursue my Master of Science in Environmental Studies at Antioch University New England. Soon after arriving in Keene, I met CCP Chairperson, Dr. Ann Shedd, who at the time asked me to consider joining the Committee. I declined the opportunity due to feeling that my plate was overflowing as a full-time graduate student and a first-time home owner. I have deeply regretted that decision. I am elated that Dr. Shedd recently approached me to reconsider joining CCP.

I have since completed my master's degree in Environmental Studies with a concentration in Sustainable Development and Climate Change. While at Antioch I worked for the Center for Climate Preparedness and Community Resilience, where I helped coordinate a national climate conference in Baltimore. In separate projects, I evaluated energy consumption and greenhouse gas emissions for Antioch and New Hampshire Department of Environmental Services. Additionally, I transformed a class project into a part-time consulting position assessing grocery stores' energy use and corporate stewardship throughout the country. Most recently, I led a collaborative grant project that culminated in the installation of public bicycle maintenance stations in Keene. The education I received at Antioch has made me ever more capable to serve the City on the CCP Committee.

I have come to love the City of Keene and am committed to it with roots in place as a home owner. I recognize the significant steps Keene has taken to lead on climate and energy. I want to help Keene build upon its forward-thinking ways and continue to raise the bar in these vital areas. By attending CCP meetings and talking this week with Chairperson Shedd, I have familiarized myself with the Committee and its current endeavors.

Please consider nominating me to the Cities for Climate Protection Committee.

Respectfully,

Jake Pipp

JAKE PIPP

Keene, NH 03431

EXPERIENCE

The Nature Museum at Grafton, VT 2017 - current
MUSEUM DOCENT & EDUCATOR. Provide personable interaction with diverse members of the public and deliver environmental education programs to children and adults.

Northeast Resource Recovery Association 2016 - current
SUSTAINABILITY ANALYST & EDUCATOR. Collect data from various sources including on-the-ground observation; interpret, analyze, and report waste data and hauler contracts for school systems. Provide technical assistance to schools on indoor air quality, waste reduction.

Manomet 2015 - current
GROCERY STEWARDSHIP CERTIFICATION ASSESSOR AND EDUCATOR. Assess the energy efficiency and corporate stewardship of grocery chains nationwide. Deliver presentations to store leaders teaching them how to conduct ongoing self-evaluations of their stores and generate behavior change in employees.

Energy Efficient Living Rental Properties 2014 - current
OWNER & OPERATOR. Collect, analyze, and interpret household energy and resource consumption. Identify, prioritize, and carry out short- and long-term capital projects that increase comfort while decreasing cost and environmental impact, including improvements to the HVAC system, insulation, air sealing, lighting, water systems, and indoor air quality.

New Hampshire Department of Environmental Services 2016
ENERGY CONSULTANT. Filter and clean databases of energy use throughout state-owned buildings generating operating procedures to correct problems. Interpret data and analyze results to identify facilities with greatest potential to reduce fossil fuel consumption and associated GHG emissions. Develop energy management plans and recommendations for facilities, incorporating energy efficiency, energy conservation, and renewable energy. Present findings at the 2016 New Hampshire State Agency Energy Conference.

Center for Climate Preparedness and Community Resilience 2015 - 2016
CONFERENCE COORDINATOR. Coordinate the convening of national climate adaptation and resilience leaders at the 2016 Local Solutions: Eastern Regional Climate Preparedness Conference to educate and build capacity for local decision makers. Develop and coordinate all aspects of the Built Environment track. Secure and manage speakers, sponsors, and exhibitors.

Antioch University New England

2015

SUSTAINABILITY & SOCIAL JUSTICE ASSISTANT COORDINATOR. Collect and analyze data to write campus GHG emissions report. Expand green bikes program while strengthening Antioch's connection with the City of Keene. Conduct outreach and education to generate support for institutional divestment. Conduct materials waste audit.

EDUCATION

MS, Environmental Studies, Sustainable Development and Climate Change, 2016
Antioch University New England, Keene, NH

Developed leadership skills to affect change and advance social, economic, and environmental justice through experiential learning and mentorship.

BS, Natural Resource Management, 2009

University of Wisconsin-Stevens Point, Stevens Point, WI

Graduated with honors. Member of Xi Sigma Pi, Natural Resources Honor Society.

SKILLS

- Highly observant with significant attention to detail
 - Strong organizational skills
 - Collaborates effectively with diverse stakeholders
 - Grant writing, fundraising, and innovatively leveraging resources to meet needs
 - Excellent presenter and public speaker
 - Logical, analytical, critical thinker
 - Advanced quantitative skills collecting and analyzing data
-

REFERENCES

Abigail Abrash Walton

Co-Director, Center for Climate Preparedness & Community Resilience
Faculty, Antioch University New England

Michael Simpson

Co-Director, Center for Climate Preparedness & Community Resilience
Faculty, Antioch University New England

Peter Cooke

Program Manager, Sustainable Economies, Manomet

Kenneth D. Bergman

Keene, NH 03431

December 13, 2017

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

Dear Mayor Lane:

I am requesting appointment as an alternate member to the Keene Conservation Commission. Based on conversations at the November 20 meeting, I believe that one or both current alternate members have requested appointment to full-time membership.

Who am I, why do I want to join the Commission, and why might you agree to appoint me?

First, I am a California native who's lived in New England since 1971 and in Keene since 1979, owning a home and raising two children here with my wife, Lynn. After graduating from the University of California, Berkeley, I earned a PhD in Biology from Harvard in 1976. After thirty-seven years as a faculty member in the Biology Department at Keene State College, I retired in July 2016, aiming to spend some of my post-employment life making a direct contribution to my home community. I would bring a substantial knowledge of life science, including conservation biology, to service on the Commission, as well as a familiarity with a current member and KSC colleague, Dr. Denise Burchsted. Several of my former KSC Biology colleagues (Drs. Loren Launen, Susan Whittemore, and Patrick Eggleston) have been active members of the commission, and their descriptions suggest that I would find this role interesting and worthwhile. I'm familiar with the director and board members of the Monadnock Conservancy, with the director of the Ashuelot River Advisory Board, and with conservation staff at the Harris Center, as well as with several local landowners and wildlife photographers with clear conservation interests. I belong to local and regional conservation organizations. My academic experiences and relevant affiliations are detailed in the attached C.V.

As a vertebrate zoologist and ardent birder, I have explored the forests and wetlands of New Hampshire for decades, singly and in the company of local naturalists. I have spent many hours exploring Keene's parks and conservation lands and for the past four years have been leading a systematic investigation of local wildlife, teaching undergraduates to use camera traps (motion-triggered trail-cams) in the woodlands flanking the Ashuelot River from Keene to Swanzey, documenting the presence of bobcats, coyotes, fishers, bears, and numerous other mammals. I've also advised many KSC environmental study students on similar projects, as Denise Burchsted can attest. I am keenly interested in the subject of urban wildlife (and human/wildlife interactions) but have also traveled to distant wilderness areas to study and photograph wildlife,

such as Hudson Bay, Alaska, Hawaii, New Zealand, Australia, Caribbean islands, the Galapagos Archipelago, and the Ecuadorean Amazon.

During my academic career, I devoted myself to teaching, to undergraduate research, and to participation or leadership in many institutional projects at the College. My commitment to professional excellence and my investment in student development led to my selection for the 2000 Teaching Excellence Award. Many of my students have gone on to graduate school or professional positions in conservation and environmental careers. Although I followed Keene conservation issues during my teaching career, I did not have time to actively engage in those issues. My wife is a clinical social worker with a private practice in Keene; she and I have participated in the Keene/Einbeck exchange program and are planning to visit our Einbeck host family this coming spring. Our daughters are both Keene High School graduates: one is an oncology social worker near New York City and her younger sister, once a member of Keene's Jonathan Daniel's Committee, is an attorney in the federal public defender's office in Los Angeles.

As a retiree, I am finally able to give time to the community I love. My observation of the current Conservation Commission revealed an impressive commitment to the protection of natural resources, and its members apparently showed a warm and constructive collegiality as well as a clear receptiveness to my potential membership. I would like to contribute to Keene by working with them to maintain the quality of life and environment in our city.

Please contact me if you have any questions about this request or my ability to serve in this role.

Sincerely,


Kenneth Bergman, PhD

Curriculum Vitae

Kenneth D. Bergman, PhD

Keene, NH 03431

Employment

June, 2016 to present: Professor *emeritus*, Keene State College
1993 – 2016 Professor, Biology Department, Keene State College
1986 – 1993 Associate Professor, Biology Department, Keene State College
1987, 1988 Summer Consultant in Biotechnology, Schleicher & Schull
1979 – 1986 Assistant Professor, Biology Department, Keene State College
1976 – 1978 Postdoctoral Research Fellow, Biological Sciences, Harvard University

Education

August, 1991 New England Summer Epidemiology Graduate Program
Tufts University [biostatistics; epidemiology]
November, 1976 Harvard University: Ph.D., Cell & Developmental Biology
June, 1971 University of California, Berkeley: A.B., Zoology

Memberships, appointments:

2007 – present: Crotched Mountain Rehabilitation Center Institutional Review Board
Monadnock Conservancy
Audubon Society of New Hampshire
American Association for the Advancement of Science
American Ornithologists Union
National Center for Science Education

Service and Leadership at Keene State College

Biology Department coordinator (two terms)
KSCEA executive board, contract chair, and negotiation team
NEASC Standard Five (Faculty) Ten-Year Self-Study Committee (Chair)
NEASC Keene State College Self-Study Executive Committee (accreditation review)
Thorne Art Gallery Advisory Committee
Numerous other committee chairmanships and memberships, departmental and campus-wide

Award:

2000 KSC Teaching Excellence Award (“Teacher of the Year”)

Courses Taught at Keene State College

Vertebrate Zoology; Ornithology
Genetics; Cell & Molecular Biology
Evolution; Evolution of Biological Diversity; Evolution and Genetics of Sex; Evolution and
Conservation of Biodiversity
Senior Seminar (Biology)

Graduate Thesis Committee Memberships (Antioch University – New England)

2009: Lance Tanino: Effects of residential development on songbird diversity and density in southwest New Hampshire

2012: Christine Volonte: Autumn migration of northern sawwhet owls in Southwestern NH

Sabbatical leave or grant-funded projects

2014: Polar bear biology at Churchill, Manitoba

2006: Island biodiversity in Hawaii, Australia, and New Zealand

2007: Biodiversity in the Ecuadorean Amazon and Galapagos Islands

Research history:

Doctoral/postdoctoral research:

cell biology and cell membrane biochemistry

Undergraduate projects led and supervised at Keene State College:

Wildlife activity along the Ashuelot River (monitored by trail-cams: 2014 - present)

Small mammal activity along the Ashuelot River (monitored with track-tubes: 2014)

Size-age comparisons of black bass in NH lakes and reservoirs

Amphibian vocalization: influence of endocrine-disrupting chemicals

Comparative geotaxis in different species of drosophilid flies

Developmental synchrony in *Drosophila melanogaster*

Structural analysis of trees on the Keene State College campus

Nesting habits of diamondback terrapins on Cape Cod

Interspecific competition in green algae

Relationships of stature to handedness in professional baseball players



External Communication
Transmittal Form

December 13, 2017

TO: Mayor and Keene City Council

FROM: Vicky Morton

THROUGH: Patricia A. Little, City Clerk

ITEM: C.1.

SUBJECT: Vicky Morton - Safety Concerns with City Infrastructure

ATTACHMENTS:

Description

Communication - Vicky Morton

BACKGROUND:

Ms. Morton is commenting upon various infrastructures within the City in terms of safety concerns. She also is expressing her opinion about several engineering designs for upcoming infrastructure initiatives.

December 13, 2017

Mayor Kendall Lane
City Manager Elizabeth Dragon
Members of the Keene City Council
3 Washington Street
Keene, New Hampshire

Vicky Morton
275 Water Street
Keene, New Hampshire

I write today regarding concerns that loosely fit under the title of “potential slip and falls.”

While walking on the bike path bridge that spans the Ashuelot River, between Pearl and Island Streets, the weekend following Thanksgiving, I slipped and nearly fell due to the icing that had accumulated on the bridge deck. When the bridge was constructed, the boards of the decking were tightly abutted without spacing between them. This allows for the accumulation of water that freezes, thaws and refreezes. I have previously asked to have small holes drilled into some of these boards to allow the water to drain and was informed that doing so would endanger the integrity of the decking. This situation boggles my mind in that I believe the continued collection of water that settles on those boards for days, and then freezes, thaws, refreezes, thaws, and refreezes must also endanger the structural integrity of that bridge. The accumulation of water can be up to 2 inches deep at times. It just is not safe and has been ongoing for years. Even City Councilors have attested to these conditions at municipal committee meetings. There has to be a remedy beyond accepting the status quo and ignoring it further cannot be the answer.

Another potential slip and fall situation is the disintegration of the patio on the south side of Nicola’s Restaurant. I understand this is not technically city owned property. It appears that many pavers have slipped and some have fallen onto the bike path. The concern is not only for Nicola’s patrons who use the patio but also for walkers/bikers that may trip over the pavers on the bike path. Additionally, it just looks badly. It sends the wrong message to our guests and visitors.

Lastly, the rejuvenation of Water Street. Let me be very clear: The crew of Bazin Brothers Construction Company has been more than admirable. If the mess of this project does not scare them from ever bidding on a Keene project again, we will be fortunate. The problem with the project is NOT the construction crew; it is clearly with the design. This is a case of escalation of commitment, in that no matter how bad the design, the City of Keene is going forward. There was a time when some who recognize the faults of the project could have said, “Let’s wait. Let’s fix this before proceeding.”

- The project started 3 months behind schedule. We were told at the public hearings it would commence in June. Therefore the project has not been completed this year but hopefully will get precedence in the spring. Since the grass strips could not be planted or seeded, there is the possibility that topsoil will be eroded with spring run-off and rains.

- The issues with tractor-trailer trucks entering Victoria Street from Water have not been resolved. I believe we should have addressed those before spending all of this money on the street redesign. Mr. James Whitten of Bazin Brothers actually had a suggestion to more easily assist big trucks in making the corner to Victoria Street, which was likely better than the one we suggested, but apparently was not accepted. I urge us to listen to the folks who do that work every day when they make suggestions. The statement that we suspect the intersection is not going work and we can revisit and assess the damage in the spring, just was not good enough.
- Yes, the extension of Victoria Street is indeed in the CIP for the far distant future. Imagine the cost savings if the extension of Victoria Street had been left on the CIP so many years ago. Some issues we just keep pushing forward to the future, and this feels like another “it is good enough.”
- However, it has been confirmed that Water Street will likely degrade in about 18-24 months back to the bump/thump every 50 feet or so. The possibility exists that when the street degrades it will coincide with the CIP project to extend Victoria Street and we can spend money to fix it all over again.
- While the “complete street” concept is the accepted street design, it does not work well on every street in every town. Travel lanes on Water Street have been reduced from nearly 30 feet to 22 feet. Tractor-trailers are already having a tight fit when meeting garbage trucks and school buses on that street and we haven’t yet had to contend with huge snow piles.
- Even before the public input meetings and public hearings on this project, there was the stated issue with the storm drains west of the intersection of Grove Street/Community Way/Water Street. The elevation of these storm drains is above the street grade and therefore the water does not drain well or completely. Puddling is evident after storms and the accumulation of ice in colder temperatures threatens safety. Multiple City Councilors, and even a couple City Staff, affirmed that this would be remedied with the Water Street renovations. Bazin Brothers Construction crew were not aware of these issues, even though many City representatives assured these storm drains would be part of the project.
- The crew of Bazin Brothers (Jim Whitten and his team) and Public Works employee, Phil Kohler, became the City’s best assets as they made the disruptions of and problem solving for this project workable.

There is this perceived sense of satisficing, that “good enough” is good enough. The bridge over the Ashuelot is good enough. After all it does provide conveyance to the other side. Disintegrating infrastructure is ok; after all it is not on City property. There are multiple flaws with the Water Street redesign, but after all, the street will possibly be better than when we started so that appears to be good enough. I am truly hoping that with new leadership in the City, there will indeed be a change of attitude and “good enough” will not be.

Respectfully,


Vicky Morton



External Communication
Transmittal Form

December 20, 2017

TO: Mayor and Keene City Council

FROM: Councilors Filiault and Clark

THROUGH: Patricia A. Little, City Clerk

ITEM: C.2.

SUBJECT: Councilors Filiault and Clark - Recommending the City Take a Position on Net Neutrality Rules

ATTACHMENTS:

Description

Communications - Filiault and Clark

BACKGROUND:

Councilors Filiault and Clark are recommending that the City take a position on the net neutrality rules being issued by the FCC.

December 19, 2017

To: The Honorable Mayor and City Council

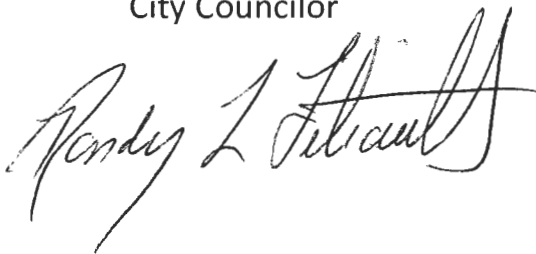
Whereas the FCC has repealed the net neutrality rules, which required internet service providers to provide equal access to all web content without charging consumers for higher quality delivery, or giving preferential treatment to certain websites.

And whereas affordable high speed internet is an absolute must for positive economic development of New Hampshire communities.

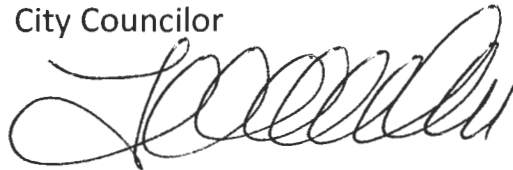
We therefore request the Keene City Council endorse a resolution asking the New Hampshire Attorney General's Office to join other states in the lawsuit against the FCC, defending net neutrality positions.

Respectfully Submitted,

Randy L. Filiault
City Councilor

Handwritten signature of Randy L. Filiault in cursive script.

Terry M. Clark
City Councilor

Handwritten signature of Terry M. Clark in cursive script.



City of Keene, N.H.
Transmittal Form

December 13, 2017

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.1.

SUBJECT: Mayor Lane – Renaming Carpenter Field to the Patricia T. Russell Field

RECOMMENDATION:

On a vote of 3-0, the Municipal Services, Facilities and Infrastructure Committee recommends a Resolution be drafted for the renaming of Carpenter Street Field to the Patricia T. Russell Park.

BACKGROUND:

Mayor Lane said this proposal is something that has been in discussion for some time. He listed reasons for changing the name of Carpenter Field:

- The City has developed a Capital Improvement Project (CIP) relating to Carpenter Field to convert it into a recreation facility; a proposed \$1.5 million project to upgrade the field.
- Patricia Russell was the first female Mayor of Keene and an iconic figure in this community. Accomplishments while she was Mayor include: establishing the Ashuelot River Park, celebration of the millennium, and bringing President Bill Clinton to Keene. Ms. Russell grew up in the neighborhood of Carpenter Field, so this is particularly fitting.

Mayor Lane continued that in working with the Director of Parks and Recreation he found there is no basis to keep the name Carpenter Field – it holds no particular significance besides being located on Carpenter Street.

City Ordinance O-96-20 relating to the naming of public facilities after an individual sets forth a process for renaming, which requires a favorable decision by a City Committee that no longer exists. The Ordinance requires:

- *That the qualifying facility be under the ownership of and funded through the City of Keene.* Carpenter Field is owned and funded by the City.
- To name a facility after an individual at least one of the requirements must be fulfilled:
 - *A well-known community leader, elected, appointed, or volunteer.* Ms. Russell fits this description.
 - *An individual has positively influenced a large population of the City through their contribution.* Ms. Russell fits this description.
 - *An individual who has had a major involvement in the acquisition or development of the facility.* While Ms. Russell was not involved in the development of Carpenter Field, she was prominent in the development of the Ashuelot River Park.
 - *An individual whose civic leadership or volunteerism clearly contributed to the betterment of the City.* Ms. Russell fits this description.
 - *An individual who is deceased and whose personal attributes symbolize the principles and*

standards of a community organization. Ms. Russell fits this description.

Mayor Lane continued explaining the process for renaming: if the MSFI Committee makes a recommendation for this renaming to Council and Council agrees it is appropriate, then a resolution will be drafted to rename. A copy of that resolution will then be presented to Ms. Russell's family – the family is very excited about this possibility. Then, Mayor Lane assumes, once the Resolution is accepted that appropriate signage will be generated for the facility.

Chair Manwaring recognized Councilor Philip Jones who agreed with Mayor Lane that Ms. Russell meets the criteria for renaming this field as she was one of the greatest supporters and contributors to this community. He asked if the renaming should also change the description from a field to a park. Mayor Lane agreed following redevelopment the field will be more of a recreational area.

The Director of Parks, Recreation and Cemeteries said he fully supports this renaming, especially as he grew up in Keene and knows how much the Russell family has contributed to the City. The park renovations are scheduled for FY21 to include a walking track around the perimeter, enhanced connection to the bike path, a sports field, and efforts to complement restoration of Beaver Brook, a playground, and possibly a pavilion. Both the neighborhood and the Keene Rotary Club have been involved with this restoration. He said the renaming is ideal. He agreed changing the description of the field to park or recreation area is a good idea because it will be developed into a greater community asset.

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

On a vote of 3-0, the Municipal Services, Facilities and Infrastructure Committee recommends a Resolution be drafted for the renaming of Carpenter Street Field to the Patricia T. Russell Park.



City of Keene, N.H.
Transmittal Form

December 13, 2017

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.2.

SUBJECT: Presentation of Inflow and Infiltration Evaluation of the City's Wastewater Collection System by Hazen & Sawyer Environmental Engineers

RECOMMENDATION:

On a vote of 3-0, the Municipal Services, Facilities and Infrastructure Committee recommends accepting the Inflow and Infiltration Presentation by Hazen and Sawyer Environmental Engineers as informational.

BACKGROUND:

Aaron Costa, Wastewater Operations Manager at the Wastewater Treatment Plant (WWTP), introduced Charles Wilson from Hazen and Sawyer Environmental Engineers. Mr. Costa said a project was put in the City's CIP a few years ago to evaluate inflow and infiltrations in the City's sewer collection system. During heavy rain events the WWTP was experiencing higher than normal flows. Infiltration occurs when water enters the collection system through leaky or broken pipes. Inflow is water that enters a collection system through roof drains or catch basins. In 2015, Hazen and Sawyer completed phase one of evaluation, which included installation of flow monitoring devices in the collection system. This narrowed down where to search for further leaks in phase two. Phase two was completed in August 2017 and targeted those potential problem areas on the east side of the system. Phase two included smoke testing – smoke is passed through the sewer system to show leaks.

Mr. Wilson explained the testing that took place noting the overall goal of testing was to track down extraneous flow in the sewer system to avoid the cost of treating extra water that enters the sewer. There was a prior overall study in the City with monitoring equipment to target hotspots in the City for inflow and infiltration so that investments are made only where necessary. In the prior study, monitoring data indicated that most extra flow was coming from the eastern part of the City. This is not surprising because there is older commercial and industrial infrastructure in that area. More detailed testing was conducted in this eastern region. Mr. Wilson went on to explain the testing procedures and how notification to the public was handled.

Mr. Wilson continued by explaining what can be found in the sewer system with these smoke tests.

He noted an innovative approach was also used in the field in addition to the smoke testing. Crews also used drones to observe flat roof industrial and commercial buildings. This helps to show if smoke is making its way inside a building where it should not be and coming out of the roof drain stacks of an industrial building. This prevents crews from having to climb onto the roofs.

Mr. Wilson continued explaining the results of the study, which he displayed on a map. The testing revealed 14 indirect catch basin connections; 35 suspect sources like flat roof buildings. When a building shows smoke,

the Public Works Department can notify the building owner about a potential problem; and 5 other defects – manhole leaks, uncapped cleanouts, etc.

Mr. Wilson said now the Public Works Department has this information to further isolate extraneous flow in this system.

Councilor Hooper asked why higher flows during inflow and infiltration are a bad thing. Mr. Costa replied that these flows result in water being treated at the WWTP, like rain and groundwater, which do not need to be treated. This causes extra pumping capacity at the pump station, as well as electrical and staff demands. Also, if water can get into the collections system, it is an indication that water can also leave the system before being treated.

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

On a vote of 3-0, the Municipal Services, Facilities and Infrastructure Committee recommends accepting the Inflow and Infiltration Presentation by Hazen and Sawyer Environmental Engineers as informational.



City of Keene, N.H.
Transmittal Form

December 13, 2017

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.3.

SUBJECT: Departmental Presentation – Protecting Keene’s Water Resources – Public Works Department

RECOMMENDATION:

On a vote of 3-0, the Municipal Services, Facilities and Infrastructure Committee recommends accepting the presentation on Protecting Keene’s Water Resources as informational.

BACKGROUND:

Chair Manwaring welcomed members of the Public Works Department – Eric Swope, Industrial Pretreatment Coordinator, and Mary Ley, Lab Supervisor at the WWTP (Wastewater Treatment Plant).

Mr. Swope began talking about the Industrial Pretreatment Program. Objectives of the program include: protecting the WWTP and infrastructure; protecting public health and worker safety; and, environmental protection and pollution prevention.

Ms. Ley said she works at the Keene City Laboratory, which is at the WWTP. She supervises day-to-day testing and does mineral analysis, other instrumentation, paperwork, and data reporting. She went on to provide some details on the functions the Keene Laboratory provides. Some of the functions include: testing wastewater, drinking water, groundwater, and surface water. Ms. Ley noted it is unusual for a municipal lab to test both groundwater and drinking water, but Keene does both. She noted that in a typical month, the lab runs approximately 1,200 different tests. The lab does this testing to protect the public and ensure Keene’s drinking water is safe. The lab is accredited by the National Environmental Laboratory Accreditation Program for drinking water bacteria testing. The other purpose of the testing they do is to protect the environment by ensuring the WWTPs discharge into the Ashuelot River meets EPA permit requirements. To that end they assess both drinking and wastewater resources.

Ms. Ley stated there are a large number of sampling programs at the lab, from daily sampling to annual sampling. Some of the samples are just for process control and others are for EPA (Environmental Protection Agency) and DES (New Hampshire Department of Environment Services); requirements. She went on to detail some of the sampling programs including: sampling what comes in and out of the WWTP and all steps in between; this provides data for staff to keep the WWTP running well and make sure that outflow meets permit discharge requirements; various drinking water sampling to meet requirements from EPA and DES; annual sampling for lead and copper; water quality monitoring and most recently cyanobacteria; storm water sampling for the presence of *E. coli*; and groundwater monitoring to ensure that drinking water levels and sources are protected from pollutants traveling through the aquifer; it establishes a baseline of data that allows staff to look for changes over time.

Mr. Swope continued his portion of the presentation by explaining the Industrial Pretreatment Program, which ensures control of discharge of pollutants into the system. He noted the goals of the program include: protection of the WWTP process; protection of infrastructure, public health and safety; protection of surface waters; reduction of pollutants discharged; and to help businesses to understand requirements and help them to remain in compliance.

Problems staff tries to avoid through the Industrial Pretreatment Program include: the discharge of flammable or explosive materials; worker safety and precautions in confined spaces; and sanitary sewer overflow caused by sewer blockages or capacity issues. Mr. Swope and the WWTP staff works to avoid these problems through some of the following measures: pretreating industrial wastewater; wastewater sampling of industrial wastewater, at least annually; periodic inspections of businesses and their wastewater processes; encouraging pollution prevention; wastewater permitting for businesses; and responding to sewer blockages/overflow via education.

One of Mr. Swope's primary jobs is to inspect businesses grease traps to make sure they are properly maintained. He showed a diagram of a grease trap to show how water enters and leaves the traps. If not properly and frequently maintained, grease builds-up in these traps, reducing its efficiency. Grease traps vary in size from 200 to 2,000 gallons.

The WWTP staff and Public Works Department have begun education and stewardship efforts to support goals of protecting water resources through programs like the 4th grade water science fairs in public elementary schools, WWTP tours for schools, The Connecticut River Source to Sea River Clean-Up, and the annual Green-Up Keene event, among others.

Councilor Hooper thanked Mr. Swope and Ms. Ley for an extremely well done presentation. He said it is great to see the work with children. Councilor O'Connor noted his son enjoyed working in the youth program.

Chair Manwaring said she also sees people disposing of cigarettes into the sewers. Mr. Swope replied they have been reminding businesses and patrons with education and signage to not put cigarettes into the drains. Chair Manwaring asked if the Ashuelot River has any impact on the City's water system; she knows high *E.coli* has been found in the river. Mr. Swope replied the City had a grant a few years ago for testing in Beaver Brook so that has been a large focus; but they are interested in any data on surface waters and consult reports from testing in the City.

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

On a vote of 3-0, the Municipal Services, Facilities and Infrastructure Committee recommends accepting the presentation on Protecting Keene's Water Resources as informational.



City of Keene, N.H.
Transmittal Form

December 13, 2017

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.4.

SUBJECT: Hannah Pelkey, Atlas PyroVision - Request to Discharge Class C Fireworks

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that Megan Burke Kidder be granted permission for the discharge of Class C fireworks on Saturday, December 23, 2017 at a private function at her home on 361 Chesterfield Road contingent on the following: subject to the customary licensing requirements of the City Council; that the location is deemed compliant with all applicable New Hampshire Fire Safety Codes and approved by the Fire Department; that the petitioner obtain a Class C Fireworks Permit; that the fireworks vendor furnish a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene and the petitioner as additional insured; and, compliance with any recommendations of City Staff. In addition, the petitioner agrees to absorb the cost of any City services provided.

BACKGROUND:

Ms. Kidder who won the fireworks display through an auction. He advised this is typical Class C fireworks displays, which will last six to seven minutes. Mr. Pelkey noted Atlas carries \$12,000,000 of insurance where the City requires only \$1,000,000. Mr. Pelkey reported the site reviews are complete and all permits have been obtained.

Fire Chief Howard reported all requirements have been met; adding the City is just waiting for the date.

Chair Richards asked for Committee questions. Councilor Jones asked if the applicant was aware of the fees for City Services and the Permit. Megan Burke Kidder noted she was provided the information this evening by the City Clerk and she is willing to take care of this.

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

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that Megan Burke Kidder be granted permission for the discharge of Class C fireworks on Saturday, December 23, 2017 at a private function at her home on 361 Chesterfield Road contingent on the following: subject to the customary licensing requirements of the City Council; that the location is deemed compliant with all applicable New Hampshire Fire Safety Codes and approved by the Fire Department; that the petitioner obtain a Class C Fireworks Permit; that the fireworks vendor furnish a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene and the petitioner as additional insured; and, compliance with any recommendations of City Staff. In addition, the petitioner agrees to absorb the cost of any City services provided.



City of Keene, N.H.
Transmittal Form

December 13, 2017

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

SUBJECT: Renewable Energy Advocacy Letters to NH Legislature - Cities for Climate Protection

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses and Development Committee recommends the Mayor send a letter to the NH Legislature requesting a “no” vote on January 3, 2018 regarding HB-592 and HB-114 because they conflict with the NH’s Renewable Energy Goals and the City’s Comprehensive Master Plan.

BACKGROUND:

Ann Shedd, of Greenwood Avenue and Chair of the CCP Committee shared the charge of the Committee explaining the annual request for letters to the Legislature. Ms. Shedd noted goals from the Comprehensive Master Plan outlining the integration of alternative energy sources into the community, and the desire for energy efficiency. Continuing Ms. Shedd said our ability to reach these goals would be impeded by adoption of HB-114 and HB-592. The CCP Committee is requesting the City send a letter to the Legislature opposing passage of these Bills because they conflict with New Hampshire’s renewable energy goals, the Climate Action Plan, and Keene’s Comprehensive Master Plan. She noted the motion from the Committee’s November meeting was very confusing and a revised one has been submitted.

Ms. Shedd outlined the two Bills noting HB-114 proposes freezing New Hampshire’s portfolio standard at its current level of 6% rather than increasing it to 15% to reach the goal of 25 percent renewables by the year 2025. She explained the effect this would have on Renewable Energy Certificates. The second Bill, HB-592, proposes to pull New Hampshire out of the nine state Regional Greenhouse Gas Initiative (RGGI). An amendment to HB-592 proposes redirecting all RGGI proceeds to direct consumer rebates rather than maintaining the 20% that has been used to fund energy efficiency programs. The CCP Committee’s recommendation to Council is that New Hampshire should remain in RGGI and that the State’s share of RGGI proceeds should continue to support energy efficiency programs. Ms. Shedd noted programs supported by RGGI proceeds. Concluding her comments Ms. Shedd introduced Representative Marjorie Shepard, of Marlboro.

Chair Richards asked for Committee questions or comments. There being none he asked for public comments.

Representative Marjorie Shepardson, of Marlboro said the vote on both Bills coming out of Committee was very close (11-10); and there is hope it will be overturned on the floor. It would be very helpful if Keene and other cities could send letters in support of the RGGI program and energy efficiency. Representative Shepardson suggested it is cheaper to do the energy efficiency work than to pay for the kilowatt hour. Ms. Shedd shared a graph from ISO New England depicting New Hampshire’s energy demand up to 2025. Ms.

Shedd noted the biggest bang for the buck is with energy efficiency programs. Representative Shepardson said the cost for energy transmission for New Hampshire is continuing to rise when compared to other New England states because we are not investing in energy efficiency as much as other states. As other states continue to use less and we use more New Hampshire will end up with a bigger cost for transmission that all of New England shares. We currently pay 9.5% of the total New England costs. Representative Shepardson hopes the Committee will support the CCP Committee's request to oppose these Bills.

Noting the importance of this issue Councilor Sapeta thanked Representative Shepardson and the CCP Committee for bringing this forward.

Nancy Kelley-Gillard, of 72 Reservoir Street commended Representative Shepardson and Ms. Shedd for the work they have done. Additionally she is grateful to the City for its initiatives to reduce our greenhouse gases and for supporting RGGI.

Peter Hansel, of 61 Bradford Road shared a personal experience with a recent energy audit conducted at his home. This resulted in work needing to be done and through initiatives from the RGGI program half the cost is being covered. Mr. Hansel said if these funds are cut off it will hurt us. He continued we need to guard against erosion of incentives.

Terry Clark, Ward 3 Councilor said these Bills are obviously the products of lobbying efforts from large companies and individuals who do not want us to do these things. He asked if the Committee thought the City Council should be advocating against such legislation just like the lobbyists who advocate for this type of legislation. He commented on the City Council's role to protect the people and represent the other side of the equation. Councilor Jones responded to Councilor Clark suggesting it is the role of the City Council because we do have a CCP Committee that has a relevant charge.

Mayor Lane spoke in favor of this. He reported he and the City Manager met with a local company official today. This company received a \$100,000 RGGI grant to refit the lighting in their manufacturing plant. Mayor Lane urged the Committee to support this request.

Rhett Lamb, Planning Director pointed out a typo in the prepared motion; change Comprehensive Management Plan to Comprehensive Master Plan. Also on the third line of the motion Councilor Hansel recommended changing Renewable Energy Goal to Renewable Energy Goals.

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

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends the Mayor send a letter to the NH Legislature requesting a "no" vote on January 3, 2018 regarding HB-592 and HB-114 because they conflict with the NH's Renewable Energy Goals and the City's Comprehensive Master Plan.



City of Keene, N.H.
Transmittal Form

December 13, 2017

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.6.

SUBJECT: Airport Advisory Commission - Change of Name and Responsibilities

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that City staff be instructed to introduce an Ordinance for 1st reading that would change the name of the Airport Advisory Commission to the Airport Development and Marketing Committee with the charge of the Committee to be to take a proactive role in the development of the Keene Dillant-Hopkins Airport by collaborating with other City and local economic development efforts to implement the airport master plan. In addition, the committee members would also serve as ambassadors for the airport both locally and regionally.

BACKGROUND:

Elizabeth Dragon, City Manager said this is a two-part recommendation; a change in the Committee's name and their charge. She would like to see the name changed to "Airport Development and Marketing Committee." Regarding the change to their charge the City Manager said she would like to see them focus more on the economic development piece for the Airport, and becoming Ambassadors for the Airport. She continued we need the help of these Committee members in reaching out to other organizations if we want to be successful in encouraging economic growth at the Airport. The City Manager has some ideas for brainstorming with the Committee if Council is so inclined. She noted the next step in the process would be to direct staff to develop an ordinance.

Chair Richards noted his support. Councilor Hansel asked for clarification that this is one committee actually having a member from Swanzey serving on it. The City Manager confirmed a Swanzey resident is on the Committee. She reported she will be attending the Swanzey Selectmen's meeting next Wednesday. The City Manager has also met with the Swanzey Town Administrator to discuss ways we can work together to support the Airport.

Chair Richards asked for public comments.

Ann Shedd, of Greenwood Avenue asked what ambassador means in terms of that Committee representing the City without having any specific authority. The City Manager explained the Committee would still be advisory with no specific authority. The Committee would be ambassadors in the sense of communicating the importance of the airport in the community and overall economic development.

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

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that City staff be instructed to introduce an Ordinance for 1st reading that would change the name of the Airport Advisory Commission to the Airport Development and Marketing Committee with the charge of the Committee to be to take a proactive role in the development of the Keene Dillant-Hopkins Airport by collaborating with other City and local economic development efforts to implement the airport master plan. In addition, the committee members would also serve as ambassadors for the airport both locally and regionally.



City of Keene, N.H.
Transmittal Form

December 13, 2017

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: D.7.

SUBJECT: Mayor Lane - Proposed Amendments to the City Council Rules of Order

RECOMMENDATION:

On a vote of 4-0 the Planning, Licenses, and Development Committee recommends the adoption of the proposed amendments to the City Council Rules of Order.

ATTACHMENTS:

Description

Proposed Rules of Order

BACKGROUND:

Chair Richards recognized Mayor Lane. Mayor Lane reported the Council's Rules of Order were being reviewed in preparation of the 2018-2019 City Council term of office. He and the Charter Officers have reviewed the Rules over several meetings. The majority of the proposed changes to the Rules of Order are housekeeping and are meant to clarify language or recognize current processes. In addition to these minor changes, there are more substantial changes such as the change to the responsibilities of the PLD Committee.

Other significant changes include:

- Restricting the use of electronic devices during the Council and Committee meetings
- Adding new responsibilities for the Planning, Licenses and Development Committee and the Finance, Organization and Personnel Committee
- Clarifying the current opportunity for direct referral of communications by the City Manager to City staff
- Adjusting the timeline for submittal of proposed amendments to the annual operating budget
- Adjusting the timeline for filling City Council vacancies
- Transferring responsibility for updates to the Council Policies to the City Manager

Committee questions Sections 1-9

Referring to Section 9 Chair Richards said he thought that was already a provision regarding the City Manager's attendance at Council meetings. Mayor Lane explained there was no provision for the City Manager to attend all meetings so it was added.

Regarding Section 4 Councilor Jones commented if there is no quorum how could a temporary Chairman be elected and perhaps a reference should be made to having the meeting rescheduled by the City Manager. The Councilor stated if there was no quorum the Council could not elect a temporary chair. The Mayor agreed that you could not at that meeting, but if the Mayor was vacant for a prolonged period of time, this provision would allow a temporary chair. Mayor Lane replied if the position of Mayor is vacant you would elect a temporary Chair; that person would have the same authority the Mayor would have.

Section 10

Chair Richards commented he is in favor of the restriction on using electronic devices during a meeting for web browsing, texting, etcetera. Mayor Lane shared a situation where a City Councilor posted to Facebook during a meeting and referred to that as troublesome.

Carl Jacobs, Ward 2 Councilor commented he is troubled by a blanket prohibition. He feels there may be information he can access to help him be a better participant in the discussion. Chair Richards asked if this information could be provided to everyone in the room while it is being looked at. Councilor Jacobs suggested it is no different than bringing in a piece of paper. Chair Richards clarified this does not pertain to audience members; only those sitting on the Committee. Chair Richards and Mayor Lane indicated Councilors should come to the meetings prepared and be focused on the meeting. Councilor Sapeta suggested changing the language to refer to devices that do not refer to the task at hand. Councilor Jones said he uses his calculator on his smart phone when people are talking about figures and he looks up past notes for facts. Councilor Hansel noted his confliction pointing out he feels this is rude and inappropriate behavior during a meeting. At the same time, he feels this is a weird area to be mandated.

Councilor Sapeta reiterated his suggestion to reword the language to suggest there be no web browsing that is not relative to the task at hand. Chair Richards asked how you would know what another Councilor is doing. Mayor Lane said you would have to rely on other Councilors to enforce this. Councilor Hansel asked if it was in the Mayor's purview to establish a certain level of meeting decorum. Mayor Lane replied in the affirmative noting he cannot see what all 15 people are doing at their desks.

Terry Clark, Ward 3 Councilor said this may be something that diminishes the standing of individual City Councilors. He continued there are other things in here that trouble him such as Section 18 "Permission to Address the Council." Councilor Clark agreed he does not think this has ever happened, but that does not mean it may not. Chair Richards clarified this only refers to full City Council meetings. He continued he does not feel this is about silencing anyone; it is about decorum. To the Councilor's point, Attorney Mullins explained there was no process for that. Attorney Mullins continued this becomes a ruling of the Chair; Councilors can challenge a ruling of the Chair without taking away the authority of the Council as a whole to act. Councilor Sapeta asked if this was in the rules. Attorney Mullins replied in the affirmative.

Chair Richards directed the discussion back to Section 10.

Councilor Hansel made a motion to remove the portion of Section 10 that reads "The Mayor and Council members shall refrain from engaging in electronic communications and general web browsing while Council meetings are in session. This includes but is not limited to phone calls, text messaging, emailing and posting to online social media platforms." Councilor Jones seconded the motion to get it on the table.

Chair Richards and Councilor Sapeta noted they would not support the motion. Councilor Sapeta suggested keeping it as it is while adding specific language to say electronic communications and general web browsing while Council meetings are in session are allowed only if they pertain to the particular task at hand. Chair Richards said we will not be amending amendments. He asked for public comments; there being none he asked for additional Committee questions or comments.

Councilor Jones said he agrees with Councilor Hansel, but he does not like the communication part. People should not be sending him a text asking how he plans to vote or Councilors posting on social meeting during the meeting. Councilor Jones continued he does not mind someone looking up information. Councilor Hansel reiterated his suggestion to take the language out completely.

On a vote of 2-2 the motion to amend Section 10 failed. Chair Richards and Councilor Sapeta voted in opposition.

Attorney Mullins commented this is really an aspirational statement; like business attire. Attorney Mullins suggested changing the language to “the Mayor and the Council members should refrain from using electronic communication and general web browsing not germane to Council meetings while City Council is in session.”

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

On a vote of 3-1 the Planning, Licenses, and Development Committee recommends the following language change “The Mayor and the Council members should refrain from using electronic communication and general web browsing not germane to Council meetings while City Council is in session.” Chair Richards voted in opposition.

Sections 11 through 14

Referring to Section 12, Chair Richards asked if this was only after a vote. Mayor Lane explained that once he announces “are you ready for a vote” a Councilor should not get up and walk out because they do not want to vote. Bathroom breaks should be taken before the vote is announced.

In Section 14 Mayor Lane noted at City Council meetings a Councilor can only speak twice. This has been changed to reflect the current practice of allowing a Councilor to speak three times.

Sections 15 through 20

Chair Richards asked for clarification on Section 15 “Voting and Conflict of Interest.” Attorney Mullins said the idea is you should not be out lobbying other Councilors if you have a conflict of interest.

Councilor Hansel referred to Section 17 “Motions” and asked for the reasoning behind eliminating the motion to adjourn. Attorney Mullins commented a motion to adjourn is not required under Robert’s Rules or otherwise.

Councilor Jones said he is unsure where this goes, but he has seen it twice where the MSFI Committee recommended approval of a project and then their recommendation goes to another Committee. There could be a conflict when MSFI approves a project and then FOP says “no” in terms of funding the project. Councilor Jones does not feel this is necessary and noted it is not addressed anywhere in this document. Mayor Lane agreed it is not in here. He continued we have on some occasions with issues about finances said the MSFI Committee can recommend whether they want to do something or not and then send their recommendation on to FOP to decide if there is money available somewhere to pay for it. We have tried to let FOP make the decision as to where the money would come from. Councilor Jones asked what happens if MSFI approves a project and FOP rejects it. Mayor Lane advised it would be decided by the full Council. Attorney Mullins referred to Section 19 “Motion to Adjourn” and suggested the language be changed from “A motion to adjourn shall be in order...” to “An adjournment shall be in order...” He also suggested changing the title to Section 19 to “Adjournment.” The recommended changes were accepted by Committee consensus.

Sections 21 through 25

Referring to Section 23 “Standing Committees” Councilor Hansel commented he is happy to see the legislative review placed with this Committee.

Section 25 Communications: the addition of “or directly to the City Manager” was discussed and outlined by the City Clerk. Chair Richards commented on how this will streamline the process; adding tonight’s first agenda item was a perfect example. Chair Richards noted his only concern is that at some point this will have to come to Council, even if the communication is resolved. He pointed out that step is not listed here. The City Clerk provided Chair Richards further information on the process to alleviate his concern. She clarified

any petitioner that is not satisfied with the decision has the opportunity to come back to Council. If the decision is satisfactory to the petitioner the communication will never hit the agenda. Councilors will receive notice in their boxes and this will close out as part of the Council process. The City Clerk continued not every sort of administration action will come back for the Council's endorsement. To keep you in the loop we will be adding a new section to the Novus agenda under the title Items Referred Directly to Staff. You will see this on the agenda; not in the packet, similar to more time items. Chair Richards said he would like to see it on the agenda and in the packet so he can at least take a look at it. The City Clerk suggested Novus has the capability to include it in the packet so it is only visible to the Councilors; so it is not confusing to the public. Chair Richards clarified he would like to see it in the packet when it first comes in. Carl Jacobs, Ward 2 Councilor suggested the first sentence is not clear that communications are submitted through the Clerk's Office. Attorney Mullins suggested adding "through the City Clerk's Office" after or directly to the City Manager. The City Manager referred to Section 26, second paragraph, second line where it already says that we can do this process. The City Manager explained she is working with the City Clerk to create a system that makes it easy for us to track, and to make it easy for Council to know when that is happening. She also noted the role Administrative Assistant, Helen Mattson has in this process.

Jan Manwaring, Ward 1 Councilor said her issue with this is that City Councilors are sidelined. She hopes the Clerk's Office would ask if the individual has contacted their City Councilor. She fears City Councilors will not be seen as being helpful. Mayor Lane asked if a Councilor would have the ability to pull the communication off the list and have everyone appear before the Committee. Attorney Mullins commented if it is going to be on the Committee agenda and intended to be acted upon administratively the Council has the right to pull anything from a Committee agenda. Chair Richards and Councilor Manwaring discussed the differences between the MSFI Committee and the PLD Committee. The City Manager said her hope is not to diminish the role of the Council in any way, but to make their job easier. Additionally she hopes to make the process more user-friendly for people writing the communications. Councilor Sapeta said he does support this and wanted to make sure the viewers understand this in no way will diminish their ability to petition their local government. The City Manager noted individuals still have the ability to go straight to Council. Councilor Jones asked if it really had to be on the agenda; he suggested a monthly notice of administrative actions. The City Clerk explained the actions that could be taken. Mayor Lane commented the Committee does not have to adopt this tonight; we can adopt the existing rules in January.

Sections 26 through 39

Councilor Manwaring referred to Section 39 "Council Policies" asking why it is just the City Manager that can bring questions forward. Chair Richards explained this is for existing policies and Councilors can write a letter at any time requesting a review. Councilor Clark clarified this was put in place in 2006 just to get us to start reviewing things; Mayor Lane concurred. Councilor Clark suggested if we have already reached the 20% then this can be eliminated. Chair Richards agreed with Councilor Clark. The City Clerk noted that although the 20% quota has been obtained yearly, there are still some policies that have not been reviewed since their initial adoption. Attorney Mullins clarified the Committee agreed by consensus to delete the entire last sentence in Section 39.

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

On a vote of 4-0 the Planning, Licenses, and Development Committee recommends the adoption of the proposed amendments to the City Council Rules of Order.

APPENDIX A - RULES OF ORDER OF THE CITY COUNCIL ^[1]

COUNCIL MEETINGS

SECTION 1. REGULAR COUNCIL MEETING. Regular meetings shall be held on the first and third Thursdays of each month (~~holidays~~ holidays, and summer City Council vacation excepted). The meetings shall take place in the City Council Chambers, City Hall, unless otherwise authorized by vote of the Council. The City Council shall meet at least once per month.

(Amended 3-20-1986)

SECTION 2. SPECIAL MEETINGS. Special meetings may be called by the Mayor, or at his or her refusal or absence from the City, by five (5) or more members of the Council, subject to Section 4, "Quorum," of these Rules of Order. The City Clerk shall prepare a notice of the special session stating time, place, and object, and this notice shall either be mailed or sent by cell phone text message at least forty-eight (48) hours before the time of the meeting, or in an emergency as determined by the Mayor, it shall be served personally upon each member of the Council, or left at their usual place of residence at least two (2) hours before the time of the meeting. It shall also be the duty of the City Clerk, immediately upon receipt of a request to do so, to make diligent effort to notify each member of the Council by telephone or otherwise of such special session.

(Amended 2-7-1980, 8-2-1984)

SECTION 3. ADJOURNED SESSIONS. Any session of the Council may be continued or recessed from day to day, or for more than one (1) day, but no recess shall be for a longer period than until the next regular meeting thereafter.

SECTION 4. QUORUM. The majority of the Councilors elected shall constitute a quorum. Roll call attendance will be taken before the start of all meetings of the City Council. In case that a less number than a quorum shall convene at a regular or special meeting, ~~the majority of the members present are authorized to send for all absent members~~ the meeting shall be rescheduled by the Mayor or the temporary chairman.

(Amended 8-2-1984)

OFFICERS

SECTION 5. PRESIDING OFFICER. The Mayor shall take the chair at the hour appointed for the Council to meet, and shall immediately call the members to order. The roll shall then be called by the Clerk, who shall enter in the minutes of the meeting the names of the members present. The name of any member entering after roll call shall be entered in the minutes.

SECTION 6. TEMPORARY CHAIRMAN. In case of the absence of the Mayor, the Clerk shall call the Council to order and call the roll of the members. If a quorum is found to be present, the Council shall proceed to elect a Councilor, by a majority vote of those present, as chairman of

the meeting to act until the Mayor appears. The temporary chairman shall have the obligation to vote in accordance with Section 14, "Voting and Conflict of Interest," of these Rules of Order.

SECTION 7. CITY CLERK. The City Clerk shall be the Clerk of the Council and shall perform such other duties as the Mayor and a majority of the Council may prescribe.

(Amended 2-7-1980)

SECTION 8. CITY ATTORNEY. The City Attorney shall attend all meetings of the Council unless excused by the Council or Mayor. Any member of the Council or the Mayor may at any time call upon the City Attorney for an opinion as to law, ordinances, or parliamentary procedure, but the final decision as to any matter of parliamentary procedure shall be the responsibility of the presiding officer, subject to the provisions of Section 12, "Right of Appeal," of these Rules of Order.

SECTION 9. CITY MANAGER. The City Manager shall attend all meetings of the City Council unless excused by the City Council or Mayor. The City Manager shall have all of the rights and restrictions for participation in City Council meetings as defined by the City Charter, applicable state law, and the Rules of Order.

(Amended 4-20-1972)

SECTION 910. DECORUM AND ORDER. The presiding officer shall preserve decorum and if a member transgresses the rules of the Council, the presiding officer shall, or any member may, call him or her to order, in which case he or she shall be seated, subject to the member's right to appeal under Section 12, "Right of Appeal," of these Rules of Order. ~~There shall be no smoking within the Council Chamber while the Council is in session.~~ Appropriate dress during regular meetings of the City Council shall consist of professional business attire. The Mayor and Council members shall refrain from engaging in electronic communications and general web browsing not germane to while Council meetings while the City Council are is in session. This includes but is not limited to phone calls, text messaging, emailing and posting to online social media platforms."

(Amended 2-20-1975)

DUTIES AND PRIVILEGES OF MEMBERS

SECTION 101. RIGHT OF FLOOR. When recognized by the Chair, a member shall rise in his or her place, respectfully address the presiding officer, shall confine himself or herself to the question under debate, avoid personalities, and refrain from impugning the motives of any other member's or participant's argument, stated position or vote. No member of the Council may speak for or against a petition at a public hearing thereon, but he or she may ask questions concerning the petition or answer questions if he or she has special knowledge concerning the petition.

(Amended 6-5-1975)

SECTION 112. EXCUSAL DURING MEETING. No member may leave the Council Chamber ~~while in regular session~~ after the call for a vote without permission from the presiding officer. There shall be, at a convenient point to be selected by the Mayor or presiding officer in the absence of the Mayor, a recess of approximately (5) minutes, after the Council has been in session for two (2) hours, including hearings.

SECTION 123. RIGHT OF APPEAL. Any member may appeal to the Council a ruling of the presiding officer. If the appeal is seconded the member making the appeal may briefly state his or her reason for the same, and the presiding officer may briefly explain his or her ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the members present vote in the negative, the ruling of the Chair is overruled; otherwise, it is sustained. Such a vote shall be by roll call. The Chair shall not have a vote.

SECTION 134. LIMITATION OF DEBATE. No member shall be allowed to speak more than once upon any one question until every other member choosing to speak thereon shall have spoken, and no member shall speak more than ~~twice~~ three times on any one question, nor for a longer time than ten (10) minutes in all, without leave of the Council.

(Amended 2-7-1980)

SECTION 154. VOTING AND CONFLICT OF INTEREST. Every member present when a question is put shall vote thereon, except when the member has a conflict of interest in the matter as defined by Section 25, "Conflicts of Interest," of the Charter of the City of Keene. A conflict may exist when a Councilor's spouse, ~~civil union partner~~, parent, child, or other member of the Councilor's immediate family has a conflict. A conflict shall also exist when a business or individual has a matter before the Council and a Councilor is employed by the business, or is otherwise a party in interest. If the conflict becomes known prior to a Council meeting, the Councilor shall file with the City Clerk the written particulars of the conflict of interest for inclusion on the Council agenda. If the conflict becomes known to a Councilor during a meeting, the Councilor should immediately disclose the particulars of the conflict of interest. The question of whether or not a conflict exists will then be decided by a majority vote of the Councilors present. ~~The Councilor claimed to have the conflict of interest shall not vote.~~ When such a conflict is determined by the City Council to exist, the member having the conflict shall be prohibited from participating in the discussion and voting. Except at a duly noticed public hearing, or a public meeting, in which the public is allowed to speak, no Councilor having a conflict of interest may discuss the issue in which he or she has a conflict with any other Councilor in any other place or any other time. If a Councilor with a conflict of interest wishes to speak at a public hearing, or in a public meeting, the Councilor shall do so from the audience section of the meeting.

Any Councilor having reasonable grounds to believe that another Councilor has a conflict of interest may raise the issue on his or her own motion. The question will then be decided as set forth above.

(Amended 6-5-1975, 4-15-1976, 4-20-1978, 4-17-1980, 6-18-1981, 8-2-1984, 4-18-1991, 2-17-2005, 6-5-2008)

SECTION 156. DEMAND FOR ROLL CALL. Upon the demand of any member, made before the ~~negative vote~~ has been ~~put~~called for, the roll shall be called for yeas and nays upon any question before the Council. It shall not be in order for members to explain their vote during the roll call.

SECTION 167. MOTIONS. A long or complex motion shall be reduced to writing if the Chair so directs; or if any member of the Council requests it. When a main motion is under debate, the Mayor may receive the following subsidiary motions, which have their proper position in the order, taking precedence over the motions that rank below it and yielding to motions that rank above it.

| | | | | |
|------------------------|--------------|-----------------|---------------|---------------|
| Lay on the table | 2nd required | Simple majority | Not debatable | Not amendable |
| Previous question | 2nd required | 2/3 majority | Not debatable | Not amendable |
| Limit or extend debate | 2nd required | 2/3 majority | Not debatable | Amendable |
| Postpone definitely | 2nd required | Simple majority | Debatable | Amendable |
| Refer | 2nd required | Simple majority | Debatable | Amendable |
| Amend | 2nd required | Simple majority | Debatable | Not amendable |
| Postpone indefinitely | 2nd required | Simple majority | Debatable | Not amendable |
| Main motion | 2nd required | Simple majority | Debatable | Amendable |

In addition to subsidiary motions, the Mayor may receive the following incidental and restoratory motions, which have no rank:

| | | | | |
|---------|--------------|-----------------|---------------|---------------|
| Adjourn | 2nd required | Simple majority | Not debatable | Not amendable |
|---------|--------------|-----------------|---------------|---------------|

| | | | | |
|-------------------------------------|--------------|---------------------|---|---------------|
| Recess | 2nd required | Simple majority | Not debatable | Not amendable |
| Division of the question | 2nd required | Simple majority | Not debatable | Amendable |
| Suspend Rules of Order | 2nd required | 2/3 majority | Not debatable | Not amendable |
| Take from the table | 2nd required | Simple majority | Not debatable | Not amendable |
| Reconsider | 2nd required | Simple majority | Debatable | Not amendable |
| Appeal from a decision of the Chair | 2nd required | 2/3 majority | Debatable only between Mayor and the member making the appeal | Not amendable |
| Call from Committee | 2nd required | Simple majority | Debatable | Not amendable |
| Point of Order | None | Ruling by the Chair | Not debatable | Not amendable |

(Amended 6-5-2008, [11-21-2013](#), [11-19-2015](#))

SECTION 1876. PERMISSION REQUIRED TO ADDRESS COUNCIL. Persons other than the Mayor, members of the Council or the City Manager shall not be permitted to address the Council except upon introduction by, and permission of the the Mayor, ~~or a Council member~~ and only after the person's name and address has been clearly stated. ~~If any Councilor objects to the person being permitted to address the Council, he or she shall be permitted to speak only by a majority vote of the Council.~~

SECTION 1987. MOTION TO ADJOURNMENT. ~~A motion to adjourn~~ Adjournment shall be in order at any time, except as follows:

1. When repeated without intervening business or discussion
2. When made as an interruption of a member while speaking

3. When the previous question has been ordered
4. While a vote is being taken.

A motion to fix the time to which to adjourn is debatable only as to the time to which the meeting is adjourned.

[\(Amended 11-21-2013\)](#)

SECTION 20198. RECONSIDERATION. After the decision of any question, any member who voted with the prevailing side may move for reconsideration for that action at the next regular meeting of the Council. For the purposes of this Rule, the next regular meeting of the Council shall be the next regularly scheduled meeting of the City Council which is at least ten (10) days after the meeting of the Council at which the decision to be reconsidered occurred. The Councilor shall submit a written notice and the question shall be placed on the agenda in accordance with these rules. A motion to reconsider shall require a majority vote of the Councilors present.

After a motion for reconsideration has once been acted on, no other motion for a reconsideration thereof shall be made. If the original vote is sustained at the next regular meeting as defined herein, the Council shall have no further right of reconsideration on the question.

(Amended 4-20-1972, 8-19-1993, 1-5-1995)

SECTION 210. TIE VOTE. In case of a tie vote on any proposal, ~~except an election by ballot vote,~~ the presiding officer shall cast his or her vote to dissolve the tie vote.

SECTION 224. SPECIAL COMMITTEES. All Special Committees of the Council such as the Council may establish, shall be appointed and announced by the Mayor. The appointment by the Mayor shall also include an indication of any funds or staff time to be utilized by such Special Committees and, if any, such funds and staff time to be approved by the City Council. Special Committees shall continue to exist until their charge has been completed or one year from the date of establishment, whichever comes first.

(Amended 4-20-1972, 7-17-1974, 12-16-1976, 2-7-1980, 3-26-1980, 2-15-1990, 4-18-1991, 11-20-1997, 6-5-2008, [11-19-2015](#))

SECTION 232. STANDING COMMITTEES. At the commencement of each municipal year, the following Standing Committees of the Council shall be appointed by the Mayor. All Standing Committees of the Council shall consist of five (5) members. No member shall serve on more than one Standing Committee of the Council at the same time. The first member named on each Committee to be Chairman; the second member named on each Committee to be Vice-Chairman. Items referred to Committee shall be in accordance with their areas of concern as set forth below:

Finance, Organization, and Personnel Committee

Assessment, budget, cable franchise, claims, purchase and sale of real property and its disposition, elections, finances, information technology, insurance, leases and lease management, organization, personnel, purchasing, and taxes.

Municipal Services, Facilities and Infrastructure Committee

Cemeteries, intermodal transportation facilities, infrastructure management and planning, fire, public health, human services, library, parks, police, recreation, public safety, trail system, traffic control, and youth services.

Planning, Licenses and Development Committee

Airport, Airport leases, Airport land use planning, broadband, college/city relations, enforcement of codes easements, economic development, floodplain, development, housing, intergovernmental relations, land use, permits, legislative review, licensing, management of open space, conservation, planning, Rules of Order, wetlands, and zoning.

A Councilor who is not a member of the Committee may ask questions and participate in the discussion, but may not participate in the deliberations after a motion and 2nd has been made concerning an item on a Committee agenda. If the Committee votes to remove a matter from more time, it shall be placed on the agenda for the next scheduled committee meeting and prior notice shall be provided to all interested parties. If the Committee votes to go into non-public session, only the members of the Committee, and required City Staff, shall attend the session. Non-public sessions by a Committee are discouraged, and shall only occur in extraordinary circumstances.

All Standing Committees, except Finance, Organization and Personnel, shall normally meet on the Wednesday following a regularly scheduled Council meeting. The Finance, Organization and Personnel Committee shall normally meet on the first Thursday following the regularly scheduled Council meeting. Items to be submitted for the agenda packet must be filed with the City Clerk by 1:00 p.m. on the Tuesday before the Committees hold their regular meetings. A majority of each Committee shall constitute a quorum. The City Manager and those department heads ~~needed~~ requested by the ~~City Manager~~ respective committees shall normally attend the regularly scheduled Standing Committee meetings. The City Manager may designate a department head or other suitable person to represent him or her unless he or she is requested by the Committee to attend a particular meeting, but the Committee Chairmen will make arrangements to avoid conflicting demands on the City Manager's time.

(Amended 8-3-1972, 2-1-1979, 3-15-1979, 10-1-1981, 5-17-1990, 6-7-1990, 11-20-1997, 11-18-1999, 6-5-2008; 11-1-2012, 2-18-2016.)

SECTION 243. ORDER OF BUSINESS. The business of all regular meetings of the Council shall be transacted in the following order, unless directed by the Mayor or presiding officer.

1. Call to order

2. Roll call of attendance
3. Pledge of allegiance
4. Acceptance of minutes of the preceding meeting.
5. Public Hearings, proclamations and presentations
6. Nominations/confirmations/appointments
7. Communications
8. Reports of Committees/Boards/Staff
9. City Manager Comments
10. Legislation (Ordinances/Resolutions)
11. Non-Public Session
11. Adjournment

(Amended 8-2-1984, 6-5-2008, [11-19-2015](#))

~~**SECTION 24. ITEMS OF BUSINESS – OUT OF ORDER.** The presiding officer may permit any item of business to be taken up out of the regular order unless there is an objection by a Council member in which case a majority of the Council may vote to take the item out of order.~~

SECTION 25. COMMUNICATIONS. Communications to be introduced to the City Council or directly to the City Manager, through the City Clerk's office, must be signed by the person introducing the same and must give his or her residential address, mailing address, if different, at which he or she can be reached to be notified of committee meetings, etc. Communications containing a scanned image of the person's actual signature may be submitted electronically. Communications not containing all of the above will not be accepted by the City Clerk and will not be directed to the City Manager or placed on the agenda of the City Council. Communications addressed to a Councilor of a personal or argumentative nature shall not be introduced in Council.

(Amended 10-2-1980, 9-7-1981, 8-2-1984, 4-18-1991, [11-19-2015](#))

SECTION 26. REVIEW OF ITEMS OF BUSINESS. Every Ordinance, Resolution, Committee Report, and any other document to come before the Council for consideration must be filed with the City Clerk by 4:00 PM on the Tuesday before the Thursday on which the Council holds its regular meeting. ~~Ordinances, Resolutions, and documents, except Committee reports, to come before the Council for consideration shall be personally hand signed by those submitting same.~~

As soon as practicable after receipt of items of business by the City Clerk, the City Clerk shall review the items of business with the Mayor and City Manager. Items of business determined by the Mayor or Manager to be routine City business, or easily resolved by the City staff, or of a nature that investigation by the City would be desirable in order to better determine how to

proceed with that item of business, or of a nature that the matter be dealt with confidentially under applicable law, shall be referred, as appropriate, to the City officer, department, City Council, Council Committee, or other agency for disposition. In such cases, the sponsor of the item of business shall be given written notification of the referral of the matter and such other pertinent information as the Mayor or City Manager shall determine to be appropriate. The Council shall be provided with a summary of these items of business and their disposition. The City Manager shall take reasonable measures to insure that these referrals are followed up. Items of business not resolved to the satisfaction of their sponsor, shall be placed upon the Council agenda by the Mayor, any member, or the City Manager.

All items appearing on the Council agenda for the first time shall be referred by the Mayor to a Committee or Committees in accordance with its or their areas of concern as set forth in Section 22, Standing Committees, hereof for its or their consideration and report for the next meeting of the Council, unless more time is granted by the Council. Any item appearing on the Council agenda for the first time shall not be debated, and shall have no final action without suspension of the rules. ~~All petitioners, communications, reports and documents appearing before the Council shall be ordered filed with the records of the Council by the Mayor unless, after inquiry, he or she hears objection by any Councilor to that procedure. If there is objection, a motion as to disposition will be in order. After filing, motions will be in order for referral, for more time, or for such other action as the Council deems appropriate.~~ Once more time has been granted on a matter, it shall remain on more time until placed on the committee agenda for action or a motion to call it out of committee passes. Notwithstanding any other provisions of these rules, Resolutions of a congratulatory, aspirational or ceremonial nature and items referred directly to a committee under this Section and then reported out may be debated and acted upon when they first appear on the Council agenda without suspension of the rules.

(Amended 6-5-2008, 11-1-2012, [11-21-2013](#), [2-18-2016](#))

~~**SECTION 27. REVIEW AND INTRODUCTION OF ORDINANCES AND RESOLUTIONS.** All proposed Ordinances and Resolutions shall be introduced to the Council with the name of the Councilor introducing same being announced by the Clerk.~~

~~(Amended 3-15-1979, 2-7-1980, 4-18-1991)~~

SECTION 278. READINGS OF ORDINANCES AND RESOLUTIONS. Resolutions calling for the appropriation of unbudgeted funds and all Ordinances shall be read twice. The first and second readings to be by title only. On the announcement of a second reading, the question shall be voted on by a roll call vote. Such documents are to be posted on the public bulletin board in the City Hall entry way for one (1) week following each reading in Council. No item which has been the subject of a public hearing may be considered by Council on the same day as the hearing.

(Amended 6-21-1973, 2-7-1980)

SECTION 289. AMENDED ORDINANCES. If an Ordinance is amended in Committee, it shall be reported as an amended Ordinance. The Committee report shall explain the recommended amendments.

(Amended 2-15-1990)

SECTION 2930. VOTES ON ORDINANCES OR RESOLUTIONS. On passage of a Resolution calling for the appropriation of funds, or on the passage of any Ordinance, the vote shall be taken by roll call and entered in full upon the record. Every member shall be required to vote unless excused for ~~cause~~ conflict of interest by vote of the Council. The vote shall be for or against a pending Ordinance or Resolution and not on the report of the committee thereon.

SECTION 301. ANNUAL APPROPRIATION. If a Councilor wishes to make an amendment to the proposed annual operating budget during the budget adoption process, the Councilor shall submit the text of the proposed amendment, including the line item(s) to be amended, to the City Clerk for inclusion on the Council agenda no later than ~~five (5) days~~ 4:00 p.m. on the Tuesday prior to the Council meeting scheduled for the adoption of the annual budget. After the annual appropriation has been passed, subsequent expenditures shall not be authorized for any purpose without special appropriation therefore by affirmative vote of a majority of City Council. In such case said subsequent expenditure creates a City debt the affirmative vote of two-thirds of City Council shall be required. All such votes shall be taken by roll call.

(Amended 6-5-2008, [11-19-2015](#))

SECTION 312. APPROPRIATION OF UNBUDGETED FUNDS. After adoption of the budget, Resolutions calling for the appropriation of funds shall not be accepted by the City Clerk, unless accompanied by an explanation of the purpose of the appropriation and the funds to which it is to be charged.

(Amended 4-20-1972, 3-15-1979, 2-7-1980)

SECTION 323. REPORT BY COMMITTEE. All matters referred to a committee must be reported out of that committee at the next regular meeting of the Council except a matter which is the subject of a pending public hearing or unless otherwise ordered by a majority of the Council Committee members present. Written testimony with regard to a public hearing shall be accepted by the City Clerk up until 1:00 p.m. on the Tuesday immediately preceding the committee meeting. Written testimony with regard to any other business before the committee shall be accepted by the City Clerk up until 4:00 p.m. on the Tuesday immediately following the committee meeting in order to be included in the agenda of the City Council meeting. A matter which is the subject of a public hearing must be reported out of a committee at the next regular meeting after the hearing unless otherwise ordered by a majority of the Council Committee members present. If not reported as above, or if immediate action is required, a motion by the City Council to call the matter out of committee will then be in order. Passage of that motion will place the matter before the Council for consideration. When the

Chair of the Committee or the designee offers a motion to carry out the intent of the Committee report, a brief explanation of the committee's recommendation shall be verbally shared with the Council. Moving to carry out the intent of the committee report does not restrict the maker of the motion from speaking against the recommendation of the Committee.

(Amended 12-16-1976, 11-15-2012; [11-21-2013](#), [2-18-2016](#))

SECTION 334. RESUBMISSION OF ITEMS ONCE CONSIDERED. Once a final vote has been taken by the Council regarding the disposition of an item of business submitted to it, except for a reconsideration vote under these rules [or the City Charter](#), the identical subject matter to that in the item of business so decided shall not be taken up again by the Council as an item of business during that calendar year, unless the circumstances pertinent to the item of business have changed substantially and a likelihood exists that a different disposition from that previously determined by the Council will result. During the course of review of items of business submitted to the City Clerk for presentation to the City Council, the Mayor shall, with the assistance of the City Manager, determine whether any of the items have previously been disposed of by the Council as set forth in this section and whether or not changed circumstances are present. In the event that the Mayor determines that an item of business has been previously disposed of by the City and circumstances are substantially unchanged, he or she shall refer the matter to the City Clerk for filing. The Council shall be so notified as in the case of other referrals under Section 26, "Review of Items of Business," of these Rules. Unless the Council shall cause additional action to be taken regarding the items of business so referred, the City Clerk shall notify the sponsor of the item of its disposition.

SECTION 345. NON-PUBLIC SESSION. As provided for in RSA 91-A:3, the vote on any motion to enter non-public session shall be by roll call, and shall require the affirmative vote of the majority of members present. All persons present except the Mayor, City Council, the City Manager, City Attorney and City Clerk, unless any are excused, shall leave the meeting, unless specifically requested to remain. [A motion to seal the minutes of a non-public session shall be by roll call vote and shall require a two-thirds majority vote in favor.](#)

(Amended 6-5-2008)

SECTION 356. SUSPENSION OF THE RULES. Any provision of these rules not governed by the Charter, Statute, or Ordinance, may be temporarily suspended at any meeting of the Council, by a two-thirds vote of all members present. The vote on any such suspension shall be taken by roll call and entered upon the records.

(Amended 6-5-2008)

SECTION 367. TO AMEND RULES. These rules may be amended or new rules adopted by a two-thirds vote of all members elected. Any such alterations or amendments shall be submitted in writing at the preceding regular meeting and shall be referred to the Planning Licenses and

Development Committee. This requirement shall be waived only by unanimous consent, with a recorded vote of all members elected. Changes shall become effective upon passage.

(Amended 11-20-1997)

SECTION 378. PROCEDURE TO FILL VACANCY. In the event that a vacancy occurs in the City Council or Office of the Mayor from any cause, the following procedure shall be followed to fill the vacancy.

- A. When a vacancy occurs, the Mayor or temporary chairman (in the case of a vacancy in the office of the Mayor), in accordance with Sections 8, "Vacancies," and 19, "Mayor," of the City Charter, shall declare the office vacant at the City Council meeting immediately following the discovery of the vacancy.
- B. When a vacancy is declared to exist, the Mayor or temporary chairman (in the case of a vacancy in the office of the Mayor) shall set a filing period no earlier than eight (8) days after the declaration. The Mayor shall cause publication notice of the vacancy in a newspaper of general circulation in the City and establish an ~~eight~~fourteen ~~(8)~~(14) day period exclusive of the date of publication within which time candidates may file notice of their intent to seek election to the vacant office. The filing period shall end at the close of business of the City Clerk's office on the fourteenth day.
- C. ~~Following the declaration of the vacancy by the Mayor, the City Council shall choose a qualified person at the next regular meeting of the City Council~~ after the close of the filing period, at which time an election shall be held. ~~Following the declaration of the vacancy by the temporary chairman (in the case of a vacancy in the office of Mayor), the City Council shall choose a qualified person at the meeting after the next regular meeting of the City Council at which time an election shall be held.~~

The following procedure shall be followed on the date of the election:

1. The Mayor, or temporary chairman in the case of a vacancy in the office of the Mayor (see Section 6, "Temporary Chairman," of the Rules of Order), shall declare the field of candidates for the vacancy.
2. Each candidate will be given five (5) minutes to address the City Council relative to his/her candidacy. No questions will be asked of the candidates by the City Council and immediately upon completion of the last candidate's presentation, the City Council will proceed with the process of filling the vacancy.
3. In the event that there are more than two candidates, there shall be a primary vote of the City Council to narrow the field of candidates to two (2). The two candidates receiving the highest number of votes following an initial vote will be declared the finalists for election.
4. —The final vote will be conducted and the candidate receiving the votes of a majority of the elected City Council will be declared the winner.

5. Voting shall be by roll call vote, each City Councilor stating the name of his/her choice. In the event that a City Councilor does not wish to vote for any candidate, he/she shall vote "No."

In the event that no candidate for the vacancy receives a majority vote of the elected City Council, then the Mayor or temporary chairman shall establish an additional ~~eight fourteen~~ (~~814~~) day period within which candidates may file notice of their intent to seek election to the vacant office, and an election shall be held as provided above, -including publication notice.

6. Following the successful result of an election, the prevailing candidate shall take the oath of office.

(Amended 4-17-1997, 11-1-2012)

SECTION 389. RULES OF ORDER. "Roberts Rules of Order," as amended, shall govern points of order not covered herein.

SECTION 3940. COUNCIL POLICIES. Policies to be introduced to the City Council governing the operations of the City Council shall be in the form of a Resolution and, upon its adoption; they shall be indexed and appended to the Rules of Order for ease of reference. A Council policy shall remain effective until superseded by a vote of the City Council. When an issue comes before the City Council, which it believes has merit, but which is inconsistent with an adopted policy, the City Council shall first consider an amendment to the policy before considering the issue at hand. ~~The City Council shall annually review 20% of all adopted policies selected and presented by the City Manager to be certain that the intent of the policy remains valid, and if not, the City Council may vote to rescind the policy.~~

(Amend. of 2-2-2006)



City of Keene, N.H.
Transmittal Form

December 14, 2017

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.8.

SUBJECT: Allocation from the Land Use Change Tax Fund to the Monadnock Conservancy for Land Acquisition - Conservation Commission

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to allocate \$25,000 of the Land Use Change Tax Fund for the purposes of providing financial support to the Monadnock Conservancy in its effort to acquire 130 acres in northeast Keene and 50 acres in Gilsum from Patricia Lake for permanent conservation, pending City staff approval of independent land assessment from the Conservancy.

BACKGROUND:

Planner Tara Kessler and Ann McBride of the Monadnock Conservancy addressed the Committee. Ms. Kessler stated at the November meeting of the Conservation Commission they heard a presentation from Ms. McBride regarding the purchase of land in Keene and Gilsum of about 180 acres. The Conservation Commission is asking that the land use change tax allocate \$25,000 for this donation. There is currently \$92,500 available in the land use change tax fund.

Ms. McBride stated that the Conservancy owns the adjoining forest and the land owner approached the Conservancy about acquiring additional land. She stated that the Board of Trustees is interested in purchasing this land which is primarily forested. The forested property would be used for research and education. The property will be open to the public. She indicated the Conservancy has funding available through a bequest given to them, but they don't have the entire amount and hence are seeking assistance from the city for the purchase.

Councilor Jacobs asked whether the tax revenue the city derives from this property will be affected by this purchase. Ms. Kessler stated there are a few parcels that go along with this purchase and this land area is already in current use so there won't be a change to the tax revenue. She further stated the City Assessor has looked at this purchase and has not expressed concern.

Councilor Clark asked what the assessed value and appraised value of these properties were. City Manager Elizabeth Dragon stated the appraised value is \$347,500 but because these properties are in current use the city collects taxes only in the amount of \$5,000.

Once the conservancy purchases the properties they will continue with this payment.

Councilor Clark 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 allocate \$25,000 of the Land Use Change Tax Fund for the purposes of providing financial support to the Monadnock Conservancy in its effort to acquire 130 acres in northeast Keene and 50 acres in Gilsum from Patricia Lake for permanent conservation, pending City staff approval of independent land assessment from the Conservancy.



City of Keene, N.H.
Transmittal Form

December 14, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.9.

SUBJECT: Bulletproof Vest Partnership Grant Program- 2017 - 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 \$3,296.37 from the Bulletproof Vest Partnership Grant Program funds of the US Department of Justice, Bureau of Justice Programs.

BACKGROUND:

Police Chief Steve Russo stated he was before the Committee regarding a grant from the US Department of Justice, Bureau of Justice Programs in the amount of \$3,296.37. This is an annual grant from the bullet proof partnership program and it pays for about 45% for replacing vests for officers. Vests are rotated every five years.

Councilor Jacobs clarified the money is already in the budget and the committee is authorizing the acceptance of the match. Chief Russo agreed.

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 \$3,296.37 from the Bulletproof Vest Partnership Grant Program funds of the US Department of Justice, Bureau of Justice Programs.



City of Keene, N.H.
Transmittal Form

December 14, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.10.

SUBJECT: Acceptance of State Drug Forfeiture Monies - 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 drug forfeiture payments from the State of New Hampshire in the amount of \$17,988.95.

BACKGROUND:

Chief Russo stated this item is regarding forfeiture funds from the state in the amount of \$17,988.95. They are from three separate forfeitures; one conducted by the Keene Police Department in December 2016 which brought in \$1,973.59, the second was a joint investigation conducted between the Keene Police Department and the NH Attorney General's Drug Task Force in January 2016 which brought in \$13,589.10 and the third conducted by the Keene Police Department in April 2017 which brought in \$2,426.26.

Councilor Jacobs asked whether these are monies that can be anticipated when putting the budget together. Chief Russo stated these are not monies the city can anticipate as they are not aware of what investigations will come up on a yearly basis.

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 drug forfeiture payments from the State of New Hampshire in the amount of \$17,988.95.



City of Keene, N.H.
Transmittal Form

December 14, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.11.

SUBJECT: Event Planning - Public Works Department

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the report on event planning be accepted as informational.

BACKGROUND:

Emergency Management Director Kurt Blomquist addressed the Committee and called their attention to language in the Memorandum pertaining to this item. Mr. Blomquist noted the importance of community activities which can help showcase Keene, help raise funds for a charity or program, provide business opportunities, and bring the community together. However, the goal of the city staff is to keep people safe at these events. He referred to a multi-departmental approach to planning for these community events while indicating that others were present to address the committee tonight including the City Clerk, Police Chief and Fire Chief.

City Clerk Patty Little representing Terri Hood addressed the Committee next. Ms. Little referred to comments prepared by Ms. Hood. The Clerk's office issues various types of licenses; the most complex ones involve Council approval and these events are large group public events such as street fairs and designated community events that by state law require governing body approval, in this case the City Council. A license to display fireworks also requires governing body approval by statute and city code. These types of events require one or more protocol meetings with the applicant to determine proper licensing agreements prior to Council approval. Parades are also directed to Council due to their impact on traffic and city services.

The next level of events require administrative review. These are smaller events with an attendance of 500 people or less. Although there is no street closure; there may be some impact on vehicular traffic, they include events like bike races and foot races.

The next set of licenses are those that are approved by individual departments, such as events happening in parks approved by the Recreation Department, or the Clerk's office. These licenses might require protocol meetings should they require street closures. Events like walkathons that happen on sidewalks or events that happen on private properties also go through the administrative process. Ms. Hood is the coordinator of all such meetings, and eventually issues the licenses. Protocol meetings also require representation from police, fire, public works and at times the health department. The clerk's office keeps track of these meetings; takes note of any open items and ultimately produces a protocol document. This document does not outline staffing or deployment nor does it include safety plans which are handled internally by police and fire. The applicant is provided an estimate of costs which would be ultimately passed on to them and they are advised that anything

beyond the approximated budget would also be their responsibility.

As far as the community events funding process, the clerk's office works with the finance department on this item. Any first time applicants who are looking for funding from the city are brought before the City Council to receive the community events status. There are about five or six events that receive events funding from the city. There is a council policy that describes the characteristics of a community event. There are currently five or six events that receive community events funding.

Ms. Little went on to say that generally the fees are not adequate for the staff time involved in administering these licenses. For instance, the application fee for a walkathon is \$25, the use of city property for a public event has no fee attached but there could be city services attached to such an event. She noted there used to be a license fee for community events years ago but because of a request from Center Stage, Council eliminated the fee of \$150 per day.

Ms. Little reviewed the number of licenses issued in a year: 10-15 walkathons, five parades, 12-15 foot races, seven community events, five or more licenses for special events on public property and 25 events on private property, which is open to the public. Ms. Little stated she agrees with Mr. Blomquist in that these events are important to the community and it is the city's responsibility that they are conducted in a safe manner for the public to enjoy.

Chief Russo was the next speaker. Chief Russo stated staffing needs are dependent upon how large the event is. A lieutenant in charge of special events manages this process until the event gets too large at which time other senior staff are brought in to assist. The notoriety of the event has a lot to do with the services provided as well as the area it covers. The time of year, the expected numbers as well as the number of days are other items to consider. At times the pre and post event tasks can take several days. Once the event details are fully understood, a risk assessment is done. Once the risk assessment is done then the department looks at the kinds of threats associated with a specific event, natural or man-made. He noted quantifying something like that can be extremely difficult. He added the department works with the National Information Center as well as the FBI to determine aspects such as that.

Chief Russo stated not only do departments have to evaluate what services are needed for an event, but there also has to be determination made as to how to run the rest of the city during this event. The Chief noted they can't commit all the personnel to one event. In addition, they need to determine if outside assistance is necessary. The first meeting with the applicant provides for just an estimate but once the protocol meetings happen, things often can change.

Chief Howard stated when meeting with the applicant, even though an event might have happened in the past, staff asks the necessary questions to make sure proper resources can be provided to cover an event. Based on that meeting, at times costs can increase or decrease. Chief Howard commended Ms. Hood for all she does to keep these events organized. He added this is a dynamic process which expands across departments and at times to outside resources (county, state and federal).

Mr. Blomquist stated it is not staff's intention to convey that this is an over-burdensome process and added these events are important to the community, but when people come to these events they expect there is basic safety in place.

Chair Greenwald thanked staff for this well written report.

Councilor Chadbourne asked whether there is a charge to meet with the FBI and State. Chief Russo stated the FBI does not and in the past the State has not charged for the EOD (Explosive Ordnance Disposal) team, but the city was charged this year.

Councilor Jacobs commended how well the departments work together at these events. He added the city wants to conduct these events but the city also wants to make sure they are done safely. He indicated a member of the public had raised an issue that they were not given access to the protocol plans. Mr. Blomquist stated there are certain emergency action plans that are deemed non-public such as security and deployment plans.

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 report on event planning be accepted as informational.



City of Keene, N.H.
Transmittal Form

December 14, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.12.

SUBJECT: Cheshire TV Operating Agreement - IT Department

RECOMMENDATION:

On a 4-1 vote, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to do all things necessary to negotiate and execute a renewal operating agreement with Cheshire TV.

BACKGROUND:

Asst. City Manager/IT Director Rebecca Landry and Assistant IMS Director Andrew Mueller addressed the Committee next. Ms. Landry stated the City has an operating agreement with Cheshire TV. The last agreement was put in place in 2014 which is currently up for renewal. This item is for the City Manager to negotiate and execute a renewal agreement. Ms. Landry stated the city just received Cheshire TV's annual plan which staff is reviewing to determine how that might affect the operating agreement going forward.

Chair Greenwald noted the motion calls for negotiation and execution and asked whether this means staff is not anticipating any major changes. Ms. Landry stated she was not sure at this time and staff needs more time to review the annual plan. Ms. Dragon stated staff has not yet had conversations with Cheshire TV which is something she would like to do and does not anticipate any major changes but there are some things she would like to discuss with Cheshire TV. Councilor Chadbourne stated she would like a report back.

Councilor Powers asked whether this is a three year agreement. Ms. Landry stated the current agreement is a three-year agreement with an option to renew on an annual basis and the City could do something similar. She added she had no problem writing up a Memo and leaving it for the Councilors in their mailboxes once the new agreement has been executed.

Councilor Clark felt if there are changes the committee should know about it otherwise it was not necessary for this item to be brought back to the committee. Ms. Landry agreed if there are major changes, staff could come back and hoped the Committee would provide staff with that flexibility. She added the major issues are what is paid to Cheshire TV and what services they are being asked to provide and added this is unlike the Franchise Agreement with Spectrum or Charter; this is an operating agreement. Councilor Chadbourne asked whether this is the process when by-laws are adopted. The Manager answered in the negative and added this is the time when the city enters into an agreement with Cheshire TV for their operation; the city collects money through a Franchise Agreement and a portion is paid out to Cheshire TV through the operating agreement.

Councilor Jacobs stated he was comfortable having staff negotiate and execute unless there is a major change to the agreement. The Chair asked for comments from Cheshire TV.

Dr. Chad Nye of Keene State College stated he is the President of Cheshire TV's Board. He stated the annual report does not contain anything out of the normal and that he was looking forward to negotiating the agreement. He extended his appreciation to city staff for the smooth transition temporarily to the Kay Fox Room. The Chair asked whether there was language in the prior agreement about relocation. Ms. Landry stated there was and added Cheshire TV had no obligation to stay at any city property.

Councilor Chadbourne stated she is comfortable receiving a Memo from staff if there aren't any major changes to the agreement.

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

That the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to do all things necessary to negotiate a renewal operating agreement with Cheshire TV.

Councilor Jacobs made an amended motion to insert the words "and execute" after the word negotiate. The amendment was seconded by Councilor Powers and carried on a 4-1 vote with Councilor Clark voting in opposition.

On a 4-1 vote, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to do all things necessary to negotiate and execute a renewal operating agreement with Cheshire TV.



City of Keene, N.H.
Transmittal Form

December 14, 2017

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

SUBJECT: RFP 02-18-06 Storage Area Network Replacement - IT Department

RECOMMENDATION:

On 4-1 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a contract with Cambridge Computer Services, Inc. for the acquisition and implementation of a Reduxio storage area network solution.

BACKGROUND:

Ms. Landry stated the city recently submitted an RFP for the replacement of the storage area network. She indicated the storage area network has been in place for five years and is the centralized storage for city operations. Four responses were received from the RFP and after review of same staff is recommending the City Manager be authorized to negotiate and execute a contract with Cambridge Computer Services, Inc. Their proposal was the best fit for the city. The other proposals that were less did not include hardware and the components the city required.

The Chair asked for explanation about cloud storage. Mr. Mueller stated things like google offer cloud storage but the city does not use cloud; the city is more localized to offer more control and reliability. Ms. Landry added there are some applications the city has purchased that are cloud based (Parks and Recreation and the Assessment system). However, the general storage is done in-house.

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

On 4-1 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a contract with Cambridge Computer Services, Inc. for the acquisition and implementation of a Reduxio storage area network solution.

Councilor Clark voted in opposition.



City of Keene, N.H.
Transmittal Form

December 19, 2017

TO: Mayor and Keene City Council

FROM: Conservation Commission

ITEM: F.1.

SUBJECT: Conservation Commission Recommendation on Eversource Energy Petition Related to Trimming and Removal of Trees and Brush Along Scenic Roads

RECOMMENDATION:

The Conservation Commission recommends that the Council approve the petition from Eversource Energy related to the trimming and removal of trees and brush adjacent to and beneath its power lines along scenic roads provided that:

1. The 24" oak tree near line 101 from pole 13 on Chapman Road be removed from the list of trees slated for removal
2. Eversource Energy make landowners aware of the option for leaving topped dead or diseased trees for the purposes of supporting wildlife habitat.

Motion made by Councilor Hansel and seconded by Andrew Madison

BACKGROUND:

At its meeting on December 18, 2017, the Conservation Commission reviewed the petition from Eversource Energy related to the trimming and removal of trees and brush adjacent to and beneath its power lines along scenic roads. A presentation was made by Cory Keefe of Eversource Energy on the project and the proposed work. Mr. Keefe reiterated much of the information provided at the public hearing held by the City Council and Conservation Commission on December 7, 2017.

The comments provided by the Commission on this request are included below:

- Mr. Von Plinsky IV commented that he visited many of the sites on the handout provided by Eversource entitled "List of Trees Keene Scenic Roads." Of the trees on this list, he felt that the 24" oak tree close to phase near line 101 from pole 13 on Chapman Road should not be removed from the site. Mr. Keefe agreed to remove this tree from the list.
- Dr. Reilly commented on the value of leaving topped dead or diseased trees on sites for supporting wildlife and wildlife habitat. The Commission agreed that Eversource Energy should make landowners aware of the option for leaving topped dead or diseased trees for the purposes of supporting wildlife habitat.



City of Keene, N.H.
Transmittal Form

December 13, 2017

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: G.1.

SUBJECT: Eversource Energy – Tree Trimming on Scenic Roads

RECOMMENDATION:

On a vote of 3-0, the Municipal Services, Facilities and Infrastructure Committee recommends the request for tree trimming on scenic roads be placed on more time.

BACKGROUND:

The representative from Eversource could not attend this meeting due to weather. Councilor O'Connor made the following motion, which was seconded by Councilor Hooper.

On a vote of 3-0, the Municipal Services, Facilities and Infrastructure Committee recommends the request for tree trimming on scenic roads be placed on more time.



City of Keene, N.H.
Transmittal Form

Decembr 13, 2017

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: G.2.

SUBJECT: Gilbo East Parking Lot Improvements – Public Works Department

RECOMMENDATION:

On a vote of 3-0, the Municipal Services, Facilities and Infrastructure Committee recommends placing the Gilbo East Parking Lot Improvements on more time with staff returning in January with more options for the Council.

BACKGROUND:

The City Engineer explained he was at this meeting to give a brief presentation and overview of the proposed Gilbo East Parking Project. This project was a part of the 2018 CIP and was originally proposed for FY19, but Council elected to move it to FY18. The project is in the design phase, surveys are complete, and meetings have been held with the Parking, Police, and Planning Departments. This included consultation with the Highway Department responsible for plowing the lot. The City Engineer showed a design of the optimized, feasible scenario for this project within the budget. Goals include improving the streetscape aesthetics along Gilbo Avenue, softening edges, defining sidewalks (raised concrete), and connecting sidewalks to those that currently exist near Lindy's Diner. This plan includes a few vegetative islands along Gilbo Avenue to improve aesthetics. A recommendation from the Planning Department was to close one of the three curb cuts to reduce the number of conflicting traffic movements; the downside to this will be the loss of nine parking spaces (101 spaces as opposed to the current 110 spaces). This project does include removal and restoration of deteriorated pavement and repair of drainage issues. Ideally the parking meters will be replaced with kiosks, but this cost was not originally included in the FY18 project costs. The kiosk cost is in the FY19 CIP budget and timing of the project should be consistent with those funds being available. If the Council does not approve the kiosks, the original parking meters will be placed back in the lot. This proposal does not include any lighting changes. The current light poles should still suffice as the parking locations will remain largely the same. In the future these lights will likely be replaced with solar fixtures.

Councilor Hooper said he likes the idea of two entrances to the parking lot instead of three. He asked if vegetation will be short enough for people to clearly see when entering and exiting the lot. The City Engineer replied the plan includes shrubs and low maintenance vegetation; the Highway Superintendent is knowledgeable about landscaping and will be consulted. What is shown on the design is only a concept sketch; the next step will be converting that into construction drawings to put out to bid.

Chair Manwaring asked if this concept drawing is the only choice for Council. The City Engineer replied this is what staff recommends and an option developed to fit within the available funding; staff is open to guidance and requests for changes. This is the fifth iteration of concept designs to minimize parking impacts and fit within the budget.

Mayor Lane asked, when parking meters are removed, if landscaping or curbing will be installed to prevent drive through parking; he also noted the Planning Department has standards for internal landscaping in parking lots. The City Engineer replied there is no plan for raised curbing for islands of vegetation inside the lot; that option was considered as there is sufficient space in the lot but the cost of curbing would put the project over budget.

Chair Manwaring recognized Councilor Carl Jacobs who asked why parking kiosks are more expensive than replacing the parking meters. The City Engineer replied the kiosks would have to be purchased new, whereas the existing meters could be put back in place with no purchasing cost.

Chair Manwaring said she is concerned about the loss of parking spaces because that lot is always full; she asked if vegetation is necessary or if that area could be used to maintain parking spaces. The City Engineer replied the sidewalks, as shown in the concept drawing, are on the edge of the public right-of-way; part of the logic in that design was to delineate the line of public versus developable space. The vegetation could be eliminated to push the sidewalks further into the right-of-way but that would blur the lines between City and public property. The Public Works Director said the Gilbo lot is highly utilized, but the Commercial Street parking lot (only 30 feet away) is only at 40% occupancy providing sufficient space for increased demand. On-street parking is also not fully utilized. In general, this is a fairly minor loss in parking space, as the Police Department agreed. Chair Manwaring replied she does not park in the Commercial Street lot because she is uncomfortable with the kiosk technology and she might not be the only one in the City with that hesitation. The Public Works Director said he hopes phasing kiosks in over-time throughout the City will help enhance public comfort with the technology.

The City Engineer showed a second drawing, which staff does not recommend because it significantly exceeds the budget. This drawing would only eliminate five parking spaces and add more diagonal parking and a sidewalk along St. James Street, which would require \$60,000 more than is budgeted. He said staff is not insensitive to the concern about lack of parking, but after many iterations of this design, this is the most feasible.

Councilor O'Connor echoed the Mayor's question about how this design will meet Planning Board requirements for parking. The City Engineer replied this design was approved by the Planning Director and does not require Planning Board approval because the project is on existing City property. Chair Manwaring said she feels uncomfortable if there are rules about how a parking lot should be configured and the City is not abiding by those standards. The City Engineer said he cannot provide answers about the Planning Board authority and review process. He continued this is not a time sensitive decision and he suggested coming back after the New Year for a joint presentation with the Planning Director. The Public Works Director said that projects on City property usually do not go through the Planning Board process because their authority is for private property. Chair Manwaring said she understands that, but thinks the City should comply with its own requirements. Councilor Jacobs agreed with Chair Manwaring and asked if there is a design that complies with Planning Board standards. The City Engineer replied there is a plan for that. He continued this parking lot is in the Gilbo Avenue Overlay District and the first plan was for that lot to completely comply with City Code. However, the City Code was written and developed to apply to private development projects. The Public Works Director added those plans would require 10-15% green space and screening. Because this development is public parking, they have tried to maximize the number of spaces available; this is also necessary because adjacent property owners in the Central Business District do not have to provide parking. Councilor Jacobs said he is concerned about the optics. Mayor Lane agreed he does not want to create roadblocks for this project and agrees the lot needs to be redeveloped, but in the past the City has complied with their own regulations regardless if they have to go before the Planning Board. He thinks everyone would be more comfortable if the Council has an option to decide which proposal they want to move forward with in terms of compliance; it should be a Council decision, not a staff decision.

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

On a vote of 3-0, the Municipal Services, Facilities and Infrastructure Committee recommends placing the Gilbo East Parking Lot Improvements on more time with staff returning in January with more options for the Council.



City of Keene, N.H.
Transmittal Form

December 13, 2017

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: G.3.

SUBJECT: Vicki Bacon, Body & Soul Road Runners - Request to Use City Property - Red Cap Run

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the Request to Use City Property for the Red Cap Run be placed on more time to allow the necessary protocol meetings to be held.

BACKGROUND:

Kurt Blomquist, Public Works Director advised a protocol meeting is needed and that this application will be back before the Committee in January 2018. He also noted this is a Community Event.

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the Request to Use City Property for the Red Cap Run be placed on more time to allow the necessary protocol meetings to be held.



City of Keene, N.H.
Transmittal Form

December 14, 2017

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: I.1.
SUBJECT: Relating to Water and Sewer Rates

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2017-20 to be effective with the first billing cycle after January 1, 2018.

ATTACHMENTS:

Description

Ordinance O-2017-20

BACKGROUND:

Finance Director Steve Thornton addressed the Committee and stated during the last budget process there was a proposal for a change to water and sewer rates. This year there is a slight decrease to the combined water and sewer bills staff is bringing forward. For residential users the decrease would be about .75% - 1.12% (approximately \$11 per year). Commercial users .1% - .97%. Councilor Powers commended city staff for being on track with these rates.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2017-20 to be effective with the first billing cycle after January 1, 2018.



CITY OF KEENE

O-2017-20

Seventeen

In the Year of Our Lord Two Thousand and

Water and Sewer Utility Charges

AN ORDINANCE

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

That Appendix B Fee Schedule of the Ordinances of the City of Keene, as amended, are hereby further amended by deleting the effective 2017 text and inserting the bolded text under effective 2018 in the accompanying rate schedule in Section 98-511 (a) and in Section 98-512 (a) of Appendix B so that Section 98-511 (a) and Section 98-512 (a) would read as follows:

Appendix B

| | effective | effective |
|---|--------------------|--------------------|
| <u>Section 98-511 (a). Water</u> | | |
| <u>Meter Rates</u> | <u>2017</u> | <u>2018</u> |
| Volume Rate (\$ per hcf) | 3.96 | 4.51 |
| Fixed Quarterly Charge (meter size in inches) | | |
| 5/8 inches | 6.89 | 7.08 |
| 3/4 inches | 9.93 | 10.19 |
| 1 inch | 17.65 | 18.12 |
| 1 1/2 inches | 39.71 | 40.77 |
| 2 inches | 70.60 | 72.48 |
| 3 inches | 158.84 | 163.07 |
| 4 inches | 282.39 | 289.91 |
| 6 inches | 635.38 | 652.29 |

Section 98-512 (a). Sewer

| <u>Rates</u> | <u>2017</u> | <u>2018</u> |
|---|--------------------|--------------------|
| Volume Rate (\$ per hcf) | 5.74 | 5.20 |
| Fixed Quarterly Charge (meter size in inches) | | |
| 5/8 inches | 55.15 | 51.88 |
| 3/4 inches | 79.42 | 74.71 |
| 1 inch | 141.19 | 132.81 |
| 1 1/2 inches | 317.67 | 298.83 |
| 2 inches | 564.75 | 531.25 |
| 3 inches | 1270.69 | 1195.32 |
| 4 inches | 2259.01 | 2125.00 |
| 6 inches | 5082.76 | 4781.26 |

Kendall W. Lane, Mayor

In City Council November 16, 2017.

Referred to the Finance, Organization and Personnel Committee.

William S. Dow

Deputy City Clerk



City of Keene, N.H.
Transmittal Form

December 18, 2017

TO: Mayor and Keene City Council

FROM: Donald R. Lussier, P.E., City Engineer

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: J.1.

SUBJECT: A Resolution Relating to the Acceptance of an Additional Appropriation of Highway Block Grant Funds

RECOMMENDATION:

That Resolution R-2017-44, Relating to the Acceptance of an Additional Appropriation of Highway Block Grant Funds, be referred to the Finance, Organization and Personnel Committee for consideration with a recommendation back to City Council.

ATTACHMENTS:

Description

Resolution R-2017-44

Letter from NHDRA regarding acceptance of SB38

BACKGROUND:

The New Hampshire Legislature adopted and the Governor signed Senate Bill 38, providing additional funds to municipalities for local highway improvements. The City's share of this funding will be \$417,356.69.

Because the grant was unanticipated and exceeds \$10,000, RSA 31-95-b requires the governing body to hold a public hearing and vote to accept the funds.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Seventeen

A RESOLUTION Relating to the Acceptance of an Additional Appropriation of Highway Block Grant Funds

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

WHEREAS: In recognition of the need for improvements to local transportation systems, Governor Sununu and the New Hampshire Legislature adopted Senate Bill 38, which has provided an additional \$30 million to be distributed to the State's 234 municipalities for local highway aid; and

WHEREAS: The City of Keene's portion of these funds will be \$417,356.69; and

WHEREAS: RSA 31-95-b requires that unanticipated funds in excess of \$10,000 be accepted only after public hearing and vote of the municipalities governing body; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Keene hereby authorizes the City Manager to accept the unanticipated funds provided by Senate Bill 38; and

BE IT FURTHER RESOLVED that the City Council of Keene hereby authorizes the City Manager to do all things necessary to expend said funds for the purposes intended and in general accordance with the "FY18 Supplemental Road Improvements" program as presented by Public Works to the Finance, Organization and Personnel Committee on October 26, 2017.

Kendall W. Lane, Mayor



**State of New Hampshire
Department of Revenue Administration**

109 Pleasant Street
PO Box 487, Concord, NH 03302-0487
Telephone (603) 230-5000
www.revenue.nh.gov



John T. Beardmore
Commissioner

MUNICIPAL AND PROPERTY
DIVISION
Stephan W. Hamilton
Director

Lindsey M. Stepp
Assistant Commissioner

July 27, 2017

Judy A. Silva, Executive Director
New Hampshire Municipal Association
25 Triangle Park Drive
Concord, New Hampshire 03301

Josephine Belville
Assistant Director

RE: SB 38 additional appropriation of Highway Block Grant Funds

Dear Ms. Silva:

Thank you for your recent inquiry regarding the additional appropriation of Highway Block Grant Funds made by the legislature in adopting Senate Bill 38. The Department of Revenue understands that this action has inspired a number of questions which I hope can be answered with the following information:

- The provisions of SB 38 include specific language that allows municipalities to accept and expend these funds under the process provided in RSA 31:95-b regardless of whether they have adopted this local option provision;
- There are specific procedural requirements for accepting that include:
 1. Pursuant to RSA 31:95-b, II (a) the board of selectmen is required to hold a public hearing if the amount of the funds received is \$10,000 or greater;
 2. For amounts less than \$10,000 "the board of selectmen shall post notice of the funds in the agenda and shall include notice in the minutes of the board of selectmen meeting in which such moneys are discussed." See RSA 31:95-b, II (b); and,
 3. "The acceptance of unanticipated moneys under this subparagraph shall be made in public session of any regular board of selectmen meeting." See RSA 31:95-b, II (b). (Emphasis added).
- RSA 32:7, IV, provides that money from a state grant for a specific purpose is non-lapsing;
- The money being provided to the municipalities are additional grants under RSA 235:23, I;
- RSA 235:25, provides in pertinent part that, ". . . the unused balance may be carried over to the following municipal fiscal year and expended for highway construction, reconstruction or maintenance purposes." (Emphasis added);
- This amount of additional grant should not be reported as "Highway Block Grant Revenue" on the municipalities 2017 MS-434 Report of Revised Estimated Revenue;
- As dedicated grant funds, the additional grant will not become part of the unassigned fund balance; and,
- Cities and towns are encouraged to inquire of their accountant or accounting firm to determine the appropriate fund where the money will be placed.

Please let me know if you have any further questions or concerns, and please feel free to circulate this letter to your members.

Sincerely,

Stephan W. Hamilton, Director
Municipal and Property Division

TDD Access: Relay NH 1-800-735-2964

Individuals who need auxiliary aids for effective communication in programs and services of the Department of Revenue Administration are invited to make their needs and preferences known to the Department.



City of Keene, N.H.
Transmittal Form

December 13, 2017

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

SUBJECT: Relative to Adopting the Provisions of RSA 79-E “Community Revitalization Tax Relief Incentive”

RECOMMENDATION:

On a vote of 4-0 the Planning, Licenses, and Development Committee recommends the adoption of Resolution R-2017-41.

ATTACHMENTS:

Description

Resolution R-2017-41

R-2017-41 Map

BACKGROUND:

Rhett Lamb, ACM/Planning Director commented he and Tara Kessler are here to provide a summary of the drafted Resolution after the discussions at the last meeting. Mr. Lamb noted Dan Langille, of the Assessor’s Office was also present to answer questions. Ms. Kessler distributed copies of the map for the proposed district, dated December 2017, along with the four questions discussed at the previous meeting.

Ms. Kessler suggested beginning discussion with the map provided. She said the map is essentially an outline of the two recently adopted districts; Neighborhood Business District and the Business, Growth, and Reuse District with the exception of parcels in the Downtown TIF District. This is the area staff recommends the City start the 79-E District she said; adding it is possible to expand this area in the future.

Ms. Kessler moved onto and discussed the four definitions.

- A. Qualifying Structures
- B. Eligible Projects
- C. Public Benefit
- D. Tax Relief Period

Mr. Lamb pointed out some of the elements discussed by Ms. Kessler are the result of discussion at the previous meeting. Mr. Lamb reiterated City Council would have the authority under the application process to approve a project and to determine the period of tax relief associated with it. Chair Richards said this seems like what we wanted and asked for questions from the Committee.

Referring to “Qualifying Structures” Councilor Jones said you mentioned qualifying as a non-residential building; so are we eliminating residential buildings. Mr. Lamb agreed the RSA does allow for residential

buildings. Mr. Lamb also reiterated staff's recommendation to set our priority on business development in this area. He said we have isolated this to zoning districts that are asking for and encouraging a business development concept. Councilor Jones continued there are non-conforming residential properties within those districts and asked if it would be better to include them now. Mr. Lamb reiterated earlier comments regarding business development.

Referring to the previous meeting, Councilor Sapeta noted his suggestion was to expand the district down south into the eastern Keene neighborhood. He continued even if it does not happen for the next five years it is there and available to the properties there. Councilor Sapeta suggested adding another bullet under A. Qualifying Structures that says "residential structures that are converted into 51% non-residential structures would qualify." Councilor Sapeta added because it touches on Historic Structures which some of the properties in this expanded area would or could apply to.

Chair Richards clarified Councilor Sapeta is saying we would have to change or extend the map and change the language in A. Qualifying Structures. Mr. Lamb said he heard Councilor Sapeta speak to two areas of potential expansion; 1) to the south in the exclusively residential area which would overlap with our recently adopted Residential Preservation District. Mr. Lamb also heard 2) moving it easterly or closer to the Main Street in the area along Marlboro Street, which would extend into primarily Commercial zoning (intersection of Marlboro and Grove Streets). Mr. Lamb does not feel this can be done under the definition of 79-E with the need to be associated with a Downtown zoning district. Councilor Hansel said he agrees with staff's recommendation to not include residential in this program. He sees this as an economic development tool and they could get in a sticky situation if we give tax relief to homeowners. Councilor Hansel does recommend taking a targeted approach to the proposed district.

Chair Richards agreed this was discussed at the previous meeting and then backed off of with the decision to focus on bringing in the economic development. He asked if there was anything that would stop us from expanding this district in the future. Mr. Lamb reiterated his comments to this question from the previous meeting noting the CBD overlays with the TIF District, which conflicts with 79-E. Mayor Lane commented he agrees with Councilor Jones' concern for multi-family residential rehabilitation adding it is a mistake to not include this category as part of the program. Mayor Lane commented on the need to attract reinvestment into that neighborhood.

Carl Jacobs, Ward 2 Councilor clarified there is a different map of the economic revitalization zone; Mr. Lamb confirmed. Councilor Jacobs referred to properties on Dunbar Street and asked why they are not on the map provided this evening. Ms. Kessler explained the economic revitalization zone (ERZ) program was recently adopted along the Marlboro Street corridor which encompassed the Business Growth Reuse and the Neighborhood Business Districts as well as well as two properties along Dunbar Street. This is an incentive program to reinvest in underutilized buildings or vacant industrial properties, it is administered at the state level, and is a tax credit program; not a tax relief program. The Dunbar Street properties exist in the TIF District as well as the Central Business District. Ms. Kessler explained the differences between the TIF District and 79-E. She added it would not be beneficial to the City to locate 79-E within the TIF District. Mr. Lamb reiterated the ERZ is a state run program for business taxes associated with the state and not associated with any local tax program; 79-E deals with property tax on a local level and the ERZ program is exclusively a business tax program through the state. Councilor Jacobs asked if the two districts could overlap. Mr. Lamb replied in the affirmative adding it just would not make sense. He reiterated how both programs work and the effects one would have on the other. Councilor Sapeta said he has the same dilemma; to him it is important to see an underdeveloped property developed. He suggested we could put the two districts together and let the developer chose which one to utilize. Chair Richards commented it is not about a developer choosing which one to use; we use the increment in the TIF District to fund other things. Mr. Lamb agreed and adding all the incremental value collected on those properties is used to fund public projects in the TIF District. If you give that increment away under 79-E then that incremental value is not available to pay off the TIF bond. But only for five years Councilor Sapeta added. Mr. Lamb agreed adding he understands where Councilor Sapeta is

going. He also suggested giving away the increment in the TIF is a slippery slope; investments in the TIF have been very successful. Mr. Lamb cited the development of Railroad Square as an example as well as the Library project.

Noting he hears what the Mayor and other Councilors have said about expanding the zone, Chair Richards asked what it would take to do that (changing the language, moving the lines, and the costs). Mr. Lamb started with the area noting the only area in that neighborhood eligible for 79-E would be the newly established Residential Preservation District. Referring to a previous map he noted it would also include some areas along Grove Street (shown in pink). The intent of this district is to transition from multi-family to single-family. Mr. Lamb continued Councilor Hansel hit the nail on the head with respect to concerns staff has in relation to residential incentives recognizing there are other areas in the city which need the same the same type of incentive as this neighborhood. It might be hard to justify doing it here and not somewhere else. Mr. Lamb suggested potentially 79-E is not the right mechanism to do that in other areas farther from downtown. Councilor Hansel said he does not remember one project utilizing 79-E throughout the state that was a residential structure.

Chair Richards asked for further questions or comments.

Councilor Jones asked if this would work on the Gilbo Avenue Overlay. Mr. Lamb said that is a good question and noted we did not look at that area because of the TIF Overlay and our concentration on Marlboro Street.

Referring to B. Eligible Projects Councilor Hansel asked if the replacement projects had to be included. Ms. Kessler indicated she would research the question further after the meeting. She also noted her understanding that the statute defines the requirement for a replacement; the owner would have to demonstrate the replacement would provide public benefit to a greater degree than rehabilitation. There are also other requirements the owner would have to meet.

Referring to the Resolution, Councilor Jones asked where the border was defined. Ms. Kessler said the Resolution refers to the map (distributed earlier) which outlines the boundaries of the 79-E District. The map will be attached to the Resolution when it goes to Council.

Councilor Sapeta said he is not convinced we should not include more properties in this round. He does not know what mechanism to use to look into more properties being added from that neighborhood. He suggested more time or going to Council with a modification.

Chair Richards shared his thoughts. He said basically we are creating these districts at will so we can come back later and create another one in that neighborhood. Mr. Lamb agreed the district could be amended. Noting others feel this should be included Chair Richards said he recognized staff was not asked to look at this information. He recommends moving forward on this and asking staff to look at the impacts of expanding the zone, and what benefits we would see from the expansion. Councilor Hansel agreed we should get this done and going. Councilor Sapeta agreed it should move forward with specific language added to bring it back. Mr. Lamb suggested this language be added to the recommendation regarding the resolution.

Ms. Kessler noted the end of the resolution points out it becomes effective 60 days after adoption, which was requested by staff to allow time to develop the application forms and process.

Chair Richards asked Councilor Jones if he had the specific language for adding in the Gilbo Avenue and the Neighborhood Revitalization Zone. Mr. Lamb suggested the motion would be to recommend City Council adopt Resolution R-2017-41 and direct staff through the City Manager to research the application of 79-E in the other locations.

Rather than complicating the Resolution, Attorney Mullins suggested the background notes are clear regarding what you would like staff to do. It was Committee consensus to make only one motion with the understanding

direction is given to staff through the background notes.

There being no further questions or comments Chair Richards asked for a motion.

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

On a vote of 4-0 the Planning, Licenses, and Development Committee recommends the adoption of Resolution R-2017-41.



CITY OF KEENE

R-2017-41

Seventeen

In the Year of Our Lord Two Thousand and

RELATING TO ADOPTING THE PROVISIONS OF RSA 79-E

A RESOLUTION "COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE"

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

WHEREAS, RSA 79-E "Community Revitalization Tax Relief Incentive" (hereinafter "RSA 79-E) declares it a public benefit to enhance downtown and town centers with respect to economic activity, cultural and historic character, sense of community, and in-town residential uses that contribute to economic and social vitality; and

WHEREAS, RSA 79-E further declares it a public benefit to encourage the rehabilitation of underutilized structures in urban and town centers as a means of encouraging growth of economic, residential, and municipal uses in a more compact pattern, in accordance with RSA 9-B.; and

WHEREAS, RSA 79-E also declares it a public benefit to provide short-term property assessment tax relief and a related covenant to protect public benefit in order to encourage substantial rehabilitation and use of qualifying structures, or in certain cases, the replacement of qualifying structures, as described herein; and

WHEREAS, RSA 79-E:3 permits municipalities to adopt modifications of the provisions of RSA 79-E, as set forth within the Statute.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Keene that the Council hereby adopts and implements the provisions of RSA 79-E, with certain modifications, as follows:

A. For purposes of administering a RSA 79-E program within Keene, the City hereby defines that a "qualifying structure" shall mean a non-residential building or mixed use building with residential uses occupying less than 50% of the gross living area that is located within the area depicted on the map labeled "City of Keene Community Revitalization Tax Relief Incentive (RSA 79-E) District" dated December 2017 attached hereto and made part of this Resolution.

B. For purposes of administering a RSA 79-E program within Keene, the City Council shall ensure that the proposed substantial rehabilitation provides one or more of the following public benefits, or that the proposed replacement provides one or more of the public benefits to a greater degree than would substantial rehabilitation of the same qualifying structure

- I. It enhances the economic vitality of downtown areas;
- II. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either

- independently or within the context of an historic district, town center, or village center in which the building is located;
- III. It promotes the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation;
 - IV. It promotes efficient design, safety, and a greater sense of community in a manner consistent with the Keene Comprehensive Master Plan;
 - V. It will add to the City's employment base by creating at least one new, full-time job in Keene's downtown area;
 - VI. It directly supports the integration of public art in the downtown; or
 - VII. It promotes development of a sustainable building stock in the downtown that achieves a nationally or internationally recognized green building standard (e.g. LEED, Green Globes, National Green Building Standard, and International Green Construction Code).

C. "Substantial Rehabilitation" shall mean rehabilitation of a qualifying structure which costs at least \$75,000 and, in certain cases, replacement of a qualifying structure which costs at least \$75,000;

D. "Tax Relief Period" shall mean that for a period of up to five (5) years the property tax on a qualifying structure shall not increase as a result of the substantial rehabilitation or reconstruction thereof, beginning only upon completion of substantial rehabilitation or, in the case of a replacement structure, upon completion of its construction;

E. In accordance with RSA 79-E:5, the duration of the tax relief period for applications filed in Keene shall be considered in the context of each specific application and shall only provide that level of tax relief necessary in the discretion of the City Council to effectuate the specific targeted public benefit(s) outlined as determined by the City Council. By way of example, a qualifying project that is deemed by the City Council to provide one or two of the public benefits listed above may be granted a tax relief period of up to two years, and a qualifying project that provides three or more public benefits may be granted a tax relief period of up to five years;

BE IT FURTHER RESOLVED that a property owner, as a condition of being granted such tax relief, shall

A. Document the proposed public benefit(s) at the time of the application for tax relief under the Keene RSA 79-E program; and

B. Provide the City promptly with all information and documentation that the City may deem relevant for review of the application for such tax relief, as well as for review of the rehabilitation or replacement project under federal, state, and local laws, codes and regulations, as may be applicable; and

C. Grant to the City a Covenant ensuring that the structure shall be maintained and used in a manner that furthers the public benefit(s) for which the property tax relief was granted and shall require the property owner to obtain casualty insurance, and flood insurance, if appropriate, for twice the term of the tax relief granted; and

D. Grant to the City a lien against the property for the purpose of ensuring proper restoration or demolition of damaged structures and property; and

E. Maintain the property as taxable, regardless of whether the property owner is otherwise subject to property taxes under RSA Chapter 72; and

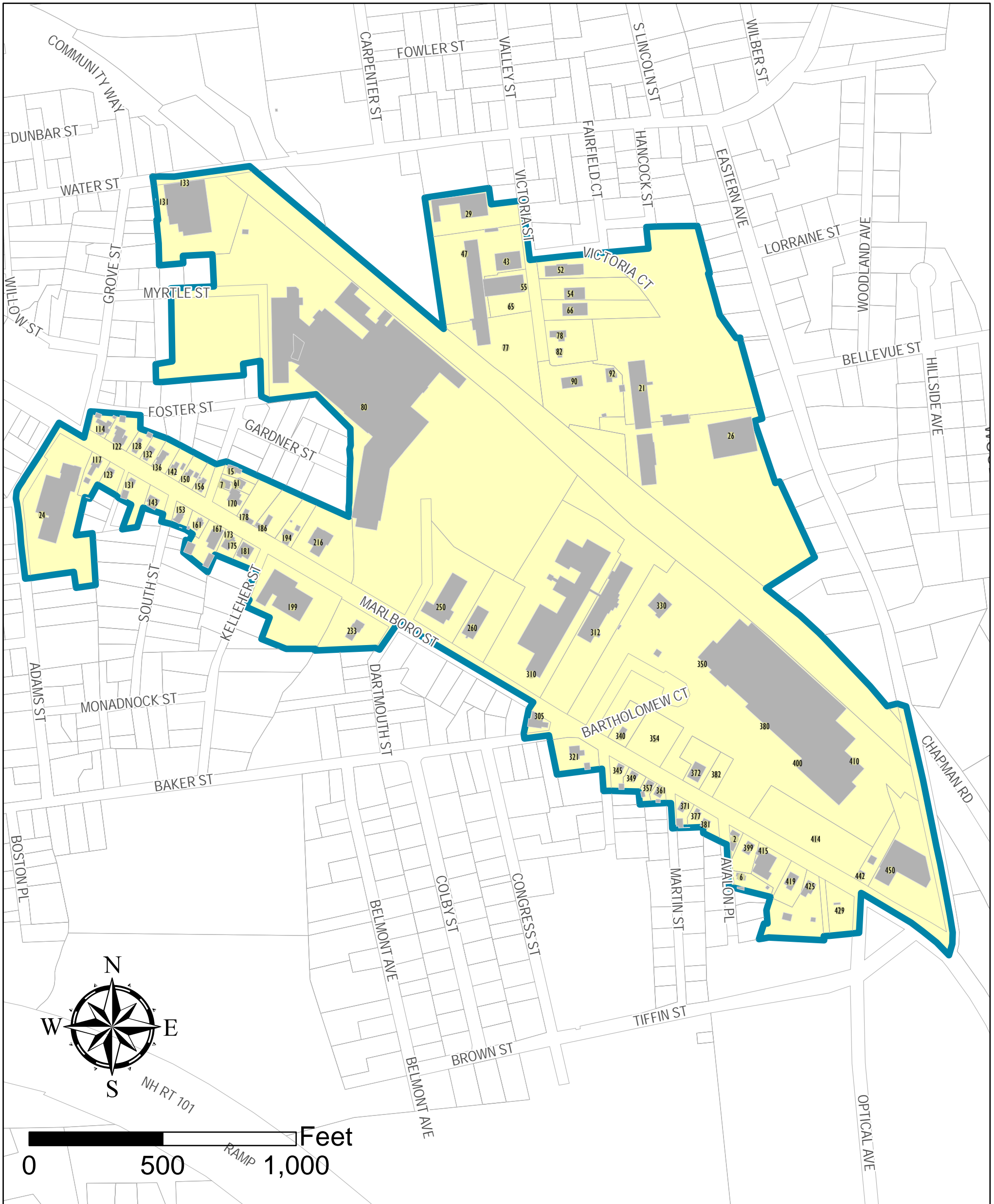
BE IT FURTHER RESOLVED that if the Covenant is terminated for any reason, the City shall assess all current and arrears taxes, with interest, to the property owner as though no tax relief was granted in accordance with RSA 79-E:9,II; and

BE IT FURTHER RESOLVED that the City Manager or her or his designee, is hereby authorized to execute all documents and undertake all actions as may be required to implement this resolution.





This resolution shall take effect upon sixty (60) days following approval by City Council.

Kendall W. Lane, Mayor

CITY OF KEENE COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE (RSA 79-E) DISTRICT



Legend

-  79-E District Boundary
-  Parcel Boundary
-  Building Footprint
-  ## Address Number



December 2017



City of Keene, N.H.
Transmittal Form

December 19, 2017

TO: Mayor and Keene City Council

FROM: Tara Kessler, Planner

THROUGH: Elizabeth Dragon, City Manager

ITEM: J.3.

SUBJECT: Relating to Authorization of the Heritage Commission to Temporarily Assume The Composition And Duties of The Historic District Commission

RECOMMENDATION:

Move to recommend adoption of Resolution R-2017-45.

ATTACHMENTS:

Description

Resolution R-2017-45

BACKGROUND:

The City of Keene Historic District Commission is unable to constitute a quorum to act on the Monadnock Food Co-op Application (COA-2011-13 Modification 6) for a Certificate of Appropriateness for the proposed expansion of the Monadnock Food Co-op. Six of the seven members are unable to participate due to conflict of interest. The Applicant is in need of a decision on this application for the proposed expansion of the Food Coop before the end of the calendar year in order to improve its success at receiving Community Development Block Grant (CDBG) funds to support this project.

The City Council has the ability via NH RSA 674:44-b.III and Section 2-834(11) of the Keene City Code of Ordinances to authorize the Heritage Commission to assume the composition and duties of the Historic District Commission. The Heritage Commission is able to constitute a quorum to review and act on this Application next Thursday 12/28, pending authorization by City Council.

Attached to this memorandum is a draft Resolution (R-2017-45) for your consideration for adoption at the meeting on December 21, 2017. R-2017-45 authorizes the Heritage Commission to temporarily assume the composition and duties of the Historic District Commission for the sole purpose of reviewing and acting on the Monadnock Food Co-op Application (COA-2011-13 Modification 6) for a Certificate of Appropriateness for the proposed expansion. The Resolution states that upon final disposition of this application, the composition and duties of the Historic District Commission will be restored.



CITY OF KEENE

R-2017-45

Seventeen

In the Year of Our Lord Two Thousand and
RELATING TO AUTHORIZATION OF THE HERITAGE COMMISSION TO
A RESOLUTION TEMPORARILY ASSUME THE COMPOSITION AND DUTIES OF THE
HISTORIC DISTRICT COMMISSION

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

WHEREAS, NH RSA 674:44-b.III states that heritage commissions also may assume, if authorized by the local legislative body, the composition and duties of historic district commission; and

WHEREAS, Section 2-834(11) of the Keene City Code of Ordinances states that the Heritage Commission may assume, if authorized by the City Council, the composition and duties of a historic district commission; and

WHEREAS, the City of Keene Historic District Commission is unable to constitute a quorum to act on the Application COA-2011-13 Modification 6 for a Certificate of Appropriateness for the proposed expansion of the Monadnock Food Co-op as six of the seven members are unable to sit due to conflict of interest; and

WHEREAS, the City of Keene Heritage Commission is able to constitute a quorum to review and act on this Application and may assume, based upon authorization by the City Council, the composition and duties of the City of Keene Historic District Commission; and

WHEREAS, speed is of the essence due to a Community Development Block Grant deadline due to be submitted by the end of the calendar year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Keene that the Council hereby authorizes the City of Keene Heritage Commission to temporarily assume the composition and duties of the Historic District Commission for the sole purpose of reviewing and acting on the Application COA-2011-13 Modification 6 for a Certificate of Appropriateness for the proposed expansion of the Monadnock Food Co-op. Upon final disposition of this application, the composition and duties of the historic district commission will be restored.

Kendall W. Lane, Mayor