



KEENE CITY COUNCIL  
Council Chambers, Keene City Hall  
January 18, 2018  
7:00 PM

Roll Call  
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- December 21, 2017
- January 1, 2018

**A. HEARINGS / PRESENTATIONS / PROCLAMATIONS**

1. Public Hearing - Community Development Block Grant - Monadnock Food Co-op
2. Public Hearing - Relating to the Acceptance of Funds from the State of New Hampshire for Local Highway Aid
3. Presentation - CIP Introduction and Meeting Schedule - Finance Director

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

1. Confirmations  
Cities for Climate Protection  
Conservation Commission  
Partner City Committee
2. Nomination  
Bicycle Pedestrian Path Advisory Committee

**C. COMMUNICATIONS**

1. Mindy Cambiar - Hundred Nights - Lodginghouse License Request
2. The Reverend Cynthia E. Bagley & Kathy Blair/United Church of Christ in Keene - Overflow from the Hundred Nights Shelter - Lodginghouse License Request
3. Janis Manwaring/Pathways for Keene - Request to Use City Property - 4 on the 4th
4. Jim Narkiewicz/Monadnock Travel Council - Request to Use City Property - Keene Ice & Snow Festival
5. Councilors Greenwald and Richards - CIP Adjustments Due to Receipt of State of New Hampshire Grant Funds
6. Councilor Greenwald - Several Issues Concerning the Opiate Epidemic

**D. REPORTS - COUNCIL COMMITTEES**

1. Trimming and Removal of Trees and Brush Along Scenic Roads - Eversource Energy
2. Vicky Morton – Safety Concerns with City Infrastructure
3. Departmental Presentation – Remote Water Systems Monitoring
4. Vicki Bacon, Body & Soul Road Runners - Request to Use City Property – Red Cap Run
5. Councilors Filiault and Clark - Recommending the City Take a Position on Net Neutrality Rules
6. Mayor Lane - Proposed Amendments to the City Council Rules of Order
7. Legislative Update

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

1. CITY MANAGER COMMENTS

**F. REPORTS - BOARDS AND COMMISSIONS**

**G. REPORTS - MORE TIME**

1. Gilbo East Parking Lot Improvements – Public Works Department

**H. ORDINANCES FOR FIRST READING**

**I. ORDINANCES FOR SECOND READING**

**J. RESOLUTIONS**

**K. TABLED ITEMS**

1. Approving an Application for CDBG Funds  
Resolution R-2017-38-A

Non Public Session  
Adjournment

12/21/2017

A regular meeting of the Keene City Council was held Thursday, December 21, 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, Randy L. Filiault, Thomas F. Powers, George S. Hansel, Gary P. Lamoureux, Stephen L. Hooper, Bettina A. Chadbourne, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Councilors Bartolmiej K. Sapeta and Robert B. Sutherland were absent. Councilor Clark led the Pledge of Allegiance. A motion by Councilor Richards to accept the minutes from the December 7, 2017 regular meeting was duly seconded. The motion passed with a unanimous vote in favor.

#### ANNOUNCEMENTS

The Chair announced the City Council inauguration is scheduled for noon on January 1, 2018. 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 first City Council meeting in January, which would have been January 4<sup>th</sup> is canceled as there will be no Committee business to consider.

#### CONFIRMATIONS

A motion was made by Councilor Greenwald and duly seconded to confirm the following nominations: Mark Florenz to serve as a regular member on the Agricultural Commission with a term to expire December 31, 2020; Charles Daloz 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 to serve as a regular member of the Airport Advisory Commission with a term to expire December 31, 2020; Councilor Mitchell Greenwald to serve as a regular member of the Airport Advisory Commission with a term to expire December 31, 2020; Joe Bendzinski to serve as a regular member of the Airport Advisory Commission with a term to expire December 31, 2020; Bill Hutwelker to serve as a regular member of the Airport Advisory Commission with a term to expire December 31, 2020; Mayor Kendall W. Lane to serve as a regular member of the Airport Advisory Commission with a term to expire December 31, 2019; Curt Hansen to serve as a regular member of the Airport Advisory Commission with a term to expire December 31, 2020; Joshua Greenwald to serve as a regular member of the Assessors Board with a term to expire December 31, 2020; Edward Guyot to serve as a regular member of the Bicycle/Pedestrian Path Advisory Committee with a term to expire December 31, 2020; Dillon A. Benik to serve as a regular member of the Bicycle/Pedestrian Path Advisory Committee with a term to expire December 31, 2018; Drew Bryenton to serve as an alternate member of the Bicycle/Pedestrian Path Advisory Committee with a term to expire December 31, 2019. The Clerk noted that Don Hayes had recently indicated that he would be unable to serve another term on the Bicycle Pedestrian Path Advisory Committee and therefore his name would not be going forward for confirmation. The Clerk continued with the remaining nominations, which included David Souther to serve as an alternate member of the Bicycle/Pedestrian Path Advisory Committee with a term to expire December 31, 2019; Councilor Terry Clark to serve as a regular member of the Cities for Climate Protection with a term to expire December 31, 2020; Dr. Ann Shedd to serve as a regular member of the Cities for Climate Protection with a term to expire December 31, 2020; Christopher Brehme to serve as a regular member of the Cities for Climate Protection with a term to expire December 31, 2020; Alexander VonPlinsky to

serve as a regular member of the Conservation Commission with a term to expire December 31, 2018; Art Walker to serve as a regular member of the Conservation Commission with a term to expire December 31, 2020; Brian J. Reilly to serve as a regular member of the Conservation Commission with a term to expire December 31, 2020; George Hansel to serve as a regular member of the Conservation Commission with a term to expire December 31, 2020; Erin Benik to serve as a regular member of the Historic District Commission with a term to expire December 31, 2020; Kathleen Kennedy Burke to serve as a regular member of the Library Board of Trustees with a term to expire June 30, 2019; Jennifer Carroll 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 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 to serve as a regular member of the Partner City Committee with a term to expire December 31, 2020; Antje Hornbeck to serve as a regular member of the Partner City Committee with a term to expire December 31, 2020; Chris Cusack to serve as a regular member of the Planning Board with a term to expire December 31, 2020; Douglas E. Barrett to serve as a regular member of the Planning Board with a term to expire December 31, 2020; Tammy Adams to serve as an alternate member of the Planning Board with a term to expire December 31, 2020; Michael Forrest 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 to serve as a regular member of the Zoning Board of Adjustment with a term to expire December 31, 2020; Sean Wallin to serve as a regular member of the Zoning Board of Adjustment with a term to expire December 31, 2020; Jeffrey Stevens to serve as an alternate member of the Zoning Board of Adjustment with a term to expire December 31, 2020. On a roll call vote, with 13 Councilors present and voting in favor the motion carried. Councilors Sapeta and Sutherland were absent.

#### NOMINATION

The following nominations were received from the Mayor: Jake Pipp to serve as an alternate member of Cities For Climate Protection with a term to expire December 31, 2020; Kenneth Bergman to serve as an alternate member of Conservation Commission with a term to expire December 31, 2018; Councilor Gary Lamoureux to serve as a regular member of Partner City Committee with a term to expire December 31, 2019; and Frank Richter to serve as a regular member of Partner City Committee with a term to expire December 31, 2020. The nominations were tabled until the next regular meeting.

#### COMMUNICATION – VICKY MORTON – SAFETY CONCERNS WITH CITY INFRASTRUCTURE

A communication was received from Vicky Morton, commenting on various infrastructures within the City in terms of safety concerns. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

#### COMMUNICATION – COUNCILORS FILIAULT AND CLARK – RECOMMENDING THE CITY TAKE A POSITION ON NET NEUTRALITY RULES

A communication was received from Councilors Filiault and Clark, recommending that the City take a position on the net neutrality rules being issued by the FCC. The communication was referred to the Planning, License and Development Committee.

MSFI REPORT – MAYOR LANE – RENAMING CARPENTER FIELD TO THE PATRICIA T. RUSSELL PARK

Municipal Services, Facilities and Infrastructure Committee report read recommending a Resolution be drafted for the renaming of Carpenter Street Field to the Patricia T. Russell Park. A motion by Councilor Manwaring to accept the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

MSFI REPORT – PRESENTATION OF INFLOW AND INFILTRATION EVALUATION OF THE CITY’S WASTEWATER COLLECTION SYSTEM BY HAZEN & SAWYER ENVIRONMENTAL ENGINEERS

Municipal Services, Facilities and Infrastructure Committee report read recommending acceptance of this item as informational. The Chair filed the report into the record as informational.

MSFI REPORT – DEPARTMENTAL PRESENTATION – PROTECTING KEENE’S WATER SYSTEMS

Municipal Services, Facilities and Infrastructure Committee report read recommending acceptance of this item as informational. The Chair filed the report into the record as informational.

PLD REPORT – HANNAH PELKEY, ATLAS PYRO VISION – REQUEST TO DISCHARGE CLASS C FIREWORKS

Planning, Licenses and Development Committee report read recommending 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. A motion by Councilor Richards to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

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

Planning, Licenses and Development Committee report read recommending 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. A motion by Councilor Richards to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

**PLD REPORT – AIRPORT ADVISORY COMMISSION – CHANGE OF NAME AND RESPONSIBILITIES**

Planning, Licenses and Development Committee report read recommending 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 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. A motion by Councilor Richards to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

**PLD REPORT – MAYOR LANE – PROPOSED AMENDMENTS TO THE CITY COUNCIL RULES OF ORDER**

Planning, Licenses and Development Committee report read recommending the adoption of the proposed amendments to the City Council Rules of Order. The Chair referred this back to committee for further consideration.

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

Finance Organization and Personnel Committee report read recommending 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. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

**FOP REPORT – BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM – 2017 – POLICE DEPARTMENT**

Finance Organization and Personnel Committee report read recommending 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. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

**FOP REPORT – ACCEPTANCE OF STATE DRUG FORFEITURE MONIES – POLICE DEPARTMENT**

Finance Organization and Personnel Committee report read recommending 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. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

#### FOP REPORT – EVENT PLANNING – 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 – CHESHIRE TV OPERATING AGREEMENT – IT DEPARTMENT

Finance Organization and Personnel Committee report read recommending the City Council authorize the City Manager to do all things necessary to negotiate and execute a renewal operating agreement with Cheshire TV. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

#### FOP REPORT – RFP 02-18-06 STORAGE AREA NETWORK REPLACEMENT – IT DEPARTMENT

Finance Organization and Personnel Committee report read recommending 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. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

#### CITY MANAGER COMMENTS

The City Manager mentioned she was able to attend a Homeless Memorial Day at the Common. She read a proclamation from Governor Sununu to recognize the event. The City Manager took a moment to thank the Human Services Department, the city staff departments and the Mayor who participated in the adopt-a-family program this year. The program requests each department to adopt a family for the holiday and purchase gifts for them. The gifts are then given to the family through the Human Services Department. The City Manager reminded that there was free parking still available through December 25, 2017 and encouraged everyone to shop local to help the local economy.

#### CONSERVATION COMMISSION RECOMMENDATION ON EVERSOURCE ENERGY PETITION RELATED TO TRIMMING AND REMOVAL OF TREES AND BRUSH ALONG SCENIC ROADS

A memorandum was received from Conservation Commission recommending the City 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 and 2. Eversource Energy make landowners aware of the option for leaving topped dead or diseased trees

for the purposes of supporting wildlife habitat. The memorandum was referred to the Municipal Services, Facilities and Infrastructure Committee.

MORE TIME

More time was granted by the Chair for: Eversource Energy – Tree Trimming on Scenic Roads; Gilbo East Parking Lot Improvements – Public Works Department; Vicki Bacon, Body & Soul Road Runners – Request to Use City Property – Red Cap Run.

FOP REPORT AND ORDINANCE O-2017-20: RELATING TO WATER AND SEWER RATES

Finance, Organization and Personnel Committee report read recommending the adoption of Ordinance O-2017-20. The report was filed as informational. Ordinance O-2017-20 was read for the second time. A motion by Councilor Greenwald for adoption of the Ordinance was duly seconded. On a roll call vote, with 13 Councilors present and voting in favor, the motion carried. Ordinance O-2017-20 declared adopted with an effective date as of the January 2018 billing. Councilors Sapeta and Sutherland were absent.

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

Pursuant to Section 19 of the City Charter, the Chair called for the reconsideration of Resolution R-2017-38 relating to Approving an Application for CDBG Funds, which was approved at the December 7, 2017 City Council Meeting. The Chair explained that the use of CDBG funds for property acquisition is not permitted. It is necessary that the Resolution's purpose be amended to reflect the use of funds to support the expansion of the building that MEDC owns and leases to the Monadnock Food Co-op. It will be necessary that we hold another public hearing and act upon this Resolution after that hearing. A motion by Councilor Greenwald to amend Resolution R-2017-38 by replacing the last "Whereas" statement in the resolution so that it would read:

"Whereas: the Community Development Block Grant would provide up to \$500,000 to be subgranted to Monadnock Economic Development Corporation (MEDC) which would use the funds for the construction and expansion of the building that MEDC owns and leases to the Monadnock Food Co-op" was duly seconded. The Mayor set the public hearing on Resolution R-2017-38-A for Thursday, January 18, 2018 at 7:00 PM. The Mayor tabled Resolution R-2017-38-A until January 18<sup>th</sup> at which point it will be considered after the public hearing has closed.

MEMORANDUM & RESOLUTION R-2017-44: RELATING TO THE ACCEPTANCE OF AN ADDITIONAL APPROPRIATION OF HIGHWAY BLOCK GRANT FUNDS

A memorandum was received from the City Engineer along with Resolution R-2017-44. The memorandum was filed into the record. Resolution R-2017-44 was referred by the Chair to the Finance, Organization and Personnel Committee. The Mayor set a public hearing for Thursday, January 18, 2018 at 7:05 PM.



12/21/2017

PLD REPORT AND RESOLUTION R-2017-41: RELATING TO ADOPTING THE PROVISIONS OF RSA 79-E "COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE"

Planning, Licenses and Development Committee report read recommending the adoption of Resolution R-2017-41. The report was filed as informational. A motion by Councilor Richards for adoption of the Resolution was duly seconded. On a show of hands vote, with 13 Councilors present and voting in favor, the motion carried. Councilors Sapeta and Sutherland were absent. Resolution R-2017-41 declared adopted.

MEMORANDUM & RESOLUTIONS R-2017-45: RELATING TO AUTHORIZATION OF THE HERITAGE COMMISSION TO TEMPORARILY ASSUME THE COMPOSITION AND DUTIES OF THE HISTORIC DISTRICT COMMISSION

A memorandum was received from the City Planner along with Resolution R-2017-45. The memorandum was filed into the record. The Mayor explained this was a time sensitive matter and deals with the CDBG application for the Monadnock Food Co-op. The majority of the membership of the Historic District Commission has a conflict of interest on this application and therefore a quorum not obtainable. This Resolution would temporarily authorize the Heritage Commission to assume the composition and duties of the Historic District Commission. A motion by Councilor Greenwald to suspend the Rules of Order to allow action on Resolution R-2017-45 was duly seconded. On a roll call vote, with 13 Councilors present and voting in favor, the motion carried. Councilors Sapeta and Sutherland were absent. A motion by Councilor Greenwald for adoption of Resolution was duly seconded. On a show of hands vote, with 13 Councilors present and voting in favor, the motion carried. Councilors Sapeta and Sutherland were absent. Resolution R-2017-45 declared adopted.

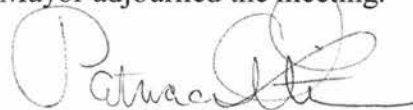
FAREWELL TO COUNCILOR ROBERT J. O'CONNOR

The Mayor invited Councilor O'Connor to come forward. The Mayor stated that tonight is Councilor O'Connor's last meeting. He noted that Councilor O'Connor joined the Council in 2012 to fill a vacancy that opened when Councilor Jones moved from Ward Four to Ward Five. In 2013 the voters in Ward Four went on to re-elect him for a four year term. As that term comes to an end, we would like to express our appreciation to Councilor O'Connor for his years of service on the Council. He went on to present Councilor O'Connor with a departing gift to commemorate his service. Councilor O'Connor stated he has enjoyed his time on the Council and noted how hard the City staff works and how knowledgeable they are. The Mayor went on to present Councilor O'Connor with a Key to the City of Keene in appreciation for his many contributions to the City.

ADJOURNMENT

At 7:55 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:

  
City Clerk

Pursuant to Section 20 of the City Charter, a special meeting of the Keene City Council was held Friday, January 1, 2018, for the purpose of swearing in the Mayor and City Councilors-elect. The meeting was called to order at 12:00 Noon by the Deputy City Clerk, William S. Dow. The Deputy City Clerk announced that Kendall W. Lane was present to take the oath of office as Mayor of the City of Keene. The Honorable Howard B. Lane, Jr. administered the oath of office to the Mayor-elect. The Mayor directed the Deputy City Clerk to call a roll of the Councilors-elect. Janis O. Manwaring, Terry M. Clark, Randy L. Filiault, Margaret M. Rice, George S. Hansel, Gary P. Lamoureux, Bettina A. Chadbourne, Philip M. Jones and Mitchell H. Greenwald. Councilor-elect Barlomiej K. Sapeta was absent. The Mayor administered the oath of office to the Councilors-elect. The Mayor directed the Clerk to call the roll of the full City Council. Carl B. Jacobs, Janis O. Manwaring, Thomas F. Powers, Terry M. Clark, Randy L. Filiault, Margaret M. Rice, Robert B. Sutherland, George S. Hansel, Gary P. Lamoureux, Bettina A. Chadbourne, David C. Richards, Philip M. Jones and Mitchell H. Greenwald were present. Councilor-elect Barlomiej K. Sapeta was absent. The Reverend Michael F. Hall gave the invocation. The Pledge of Allegiance was led by Jaden Greenwald, Benjamin Greenwald, Leo Ballaro, Eliza Ballaro and Lola Ballaro.

#### INAUGURATION SPEECH

Mayor Lane began by welcoming all in attendance and thanking them for coming to this opening meeting that marks the beginning of the 2018-2019 session of the Keene City Council. He went on to mention this was beginning his fourth term as Mayor. He thanked the voters of Keene for giving him this high honor. He continued that he was only the 2nd mayor in the history of Keene to be elected for four terms and it is a great privilege to be recognized by the community in this way.

The Mayor recognized his wife, Molly whose tolerance, patience and wisdom has guided him through his time as Mayor.

The Mayor extended appreciation to Med Kopczynski who stepped in as City Manager during the recruitment process and served, not just as an interim City Manager, but as a creative, innovative leader for the staff and City Council.

He went on to recognize the new City Manager, Elizabeth Dragon, who comes to us from Franklin, New Hampshire, and we look forward to working with her for many years to come.

The Mayor then went on to thank those members of the staff present, and particularly Patty Little, City Clerk, William Dow as the fill-in for Ms. Little, Tom Mullins, City Attorney. He noted it is through their expert assistance and direction that the City runs smoothly and the policies of the City Council are accomplished.

He went on to congratulate all those who have been sworn in today and will be serving the City. He acknowledged in particular the new City Councilor Margaret M. Rice, who will be joining us from Ward 4.

Today, we look forward to the next 2 years as we continue to work to help the City thrive.

We are working to develop a new *Land Use Code* to make this City more welcoming to small businesses and future redevelopment. While large developers have the resources to comply with our requirements, small projects meet major hurdles. A process that is simpler and easier to follow will assist those who want to do business or make improvements here in Keene.

Our Downtown faces challenges that we need to address as we move forward. We are seeing welcome redevelopment taking place on the east side of Downtown with the *Washington Place* and *MoCo Arts* being developed. We are also seeing welcome redevelopment on the west side of Downtown with the renovation and expansion of the library. But it has been 30 years since we last examined the Downtown and much has changed. Demands of pedestrians and bicyclists, increased traffic, and needs for parking face us. More people living close to Downtown require amenities and open space to accommodate them. The arts play an important role in our economy and place an increasing demand on our Downtown. We must move forward to plan for the future of a Downtown that is not just a retail center but is a cultural center for the region.

We continue our efforts to adjust for a changing climate. As we face more and stronger storms, flooding and air quality issues, we must change our way of doing business. Alternative transportation and alternative energy sources will become part of our future.

Finally, we must continue to support and expand our economy. We want our local industries to be successful and to grow. We want areas of the City to be redeveloped to provide the housing and jobs for the future.

We have created our *Economic Development Zones* that have designated areas of the city that qualify for *79-E tax deferral* and we are moving forward to encourage development of the airport. These are our lifeblood for the future. They are not, however, without challenges. Our employment base is not strong. We need to make the City attractive for a younger workforce with housing and recreation that is attractive for them.

As we work to create a 21<sup>st</sup> century business environment, we also need to create a high-speed internet network that will support local businesses and allow people to conduct business on a remote basis.

The City Manager and the I have been visiting local employers, meeting with Keene State and Antioch and we will be meeting with Cheshire Career Center to work collaboratively to establish programs to encourage graduates to stay in Keene and fill the available jobs. This will not solve the problem, but it is part of the long term solution.

The role that our educational facilities play in our future is significant. They are a tremendous asset for the community as we go forward and their strength and success is critical to the future of our community.

We must continue our efforts to combat the substance addiction crisis that has affected our City. This impacts the crime rate, the economic vitality and the health and welfare of our fellow citizens. It is a public health epidemic that we must all work together to solve.

We recently held the municipal elections in which 19% of our citizens voted. Elections have significance. In this election all incumbent City Councilors running for re-election were returned. This tells us the citizens want stability, they want us to continue the direction we are going, and they want us to continue the culture of transparency and citizen involvement in what actions we take. We must continue our collaborative efforts to include our citizens in the decision making process as we tackle the challenges of the future.

Our goals are clear, to attract a 21<sup>st</sup> century workforce, to make Keene the best place to raise a family, to obtain employment, to shop, and to go to school.

To achieve this and to maintain our quality of life is the challenge. Over the next two years we need to work together, not just as a City Council, but as a community made up of many people who care deeply about his City with a unified goal and a common purpose to chart the course for the future of our region and our community.

#### RESOLUTION R-2018-01: RELATING TO THE KEENE CITY COUNCIL'S RULES OF ORDER

Resolution R-2018-01 was read for the first time by title only. Councilor Richards moved for adoption of the Resolution. On roll call vote, 14 Councilors were present and voting in favor. Resolution R-2018-01 was declared adopted. Councilor-elect Bartlomiej K. Sapeta was absent.

#### ANNOUNCEMENT OF STANDING COMMITTEES

The Deputy City Clerk read the Mayor's appointments to the City Council's Standing Committees. To the Municipal Services, Facilities and Infrastructure Committee: Janis O. Manwaring, Randy L. Filiault, Stephen L. Hooper, Gary P. Lamoureux and Robert B. Sutherland. To the Planning, Licenses and Development Committee: David C. Richards, Philip M. Jones, George S. Hansel, Bartlomiej K. Sapeta and Margaret M. Rice. To the Finance, Organization and Personnel Committee: Mitchell H. Greenwald, Carl B. Jacobs, Thomas F. Powers, Terry M. Clark and Bettina A. Chadbourne. The appointments were filed into the record.

The Reverend Michael F. Hall gave the benediction. As being no further business, the Mayor adjourned the meeting at 12:30 PM.

A true record, attest:



Deputy City Clerk



## PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held before the Keene City Council relative to a proposed application to the NH Community Development Finance Authority for \$500,000 in Community Development Block Grant (CDBG) funds. The CDBG would be subgranted to Monadnock Economic Development Corporation (MEDC) which would use the funds for the construction and expansion of the building that MEDC 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. The total project is anticipated to exceed \$2 million of new investment in downtown Keene.

CDBG funds are awarded on a competitive basis in New Hampshire and may be used for housing, public facilities, and economic development projects, which have primary benefit to low- and moderate-income people. A municipality can apply for up to \$500,000 in the housing and public facilities category, up to \$500,000 in the economic development category, and \$12,000 for feasibility studies.

A second public hearing will be held to review and adopt the Housing and Community Development Plan. A third public hearing will be held to review and adopt the Relocation and Anti-Displacement Plan specific to this project.

Interested persons are invited to attend and provide comment. Please contact the City of Keene, 3 Washington Street, Keene, NH 03431, at 603-352-0133 five days in advance if you need assistance to attend or participate in the hearing. Anyone wishing to provide written comments should address them to the City Manager, City of Keene, 3 Washington Street, Keene, NH 03431 and submit them by the close of business on the day preceding the hearings.

Hearing Date; Thursday, January 18, 2018

Hearing Time: 7:00 p.m.

Hearing Place: Council Chambers, Keene City Hall

Per order of the Mayor and Council of the City of Keene, this twenty-first day of December two thousand and seventeen.

Attest: 

City Clerk

## New Hampshire Community Development Block Grant Program

The New Hampshire Community Development Block Grant (CDBG) Program represents federal funding from the United States Department of Housing and Urban Development (HUD). CDBG projects must target low to moderate income individuals and households. The program is administered by the New Hampshire Community Development Finance Authority (CDFA). Following are the four categories of CDBG projects that are available to municipalities:

### **CDBG Housing and Public Facilities Grants - up to \$500,000 annually**

- Affordable housing and housing rehabilitation grants to purchase, rehabilitate, expand, and improve the condition and supply of housing for low and moderate income homeowners and tenants.
- Public Facilities grants include water and sewer system improvements, transitional and homeless shelters, sidewalks, handicapped access, and neighborhood or community centers that provide public services to low and moderate income people.
- Applications for housing and public facilities applications are accepted on the last Monday of January and July of each year.

### **CDBG Economic Development - up to \$500,000 annually**

- CDBG Economic Development grants provide funds through an annual set-aside for activities, which create and retain employment, primarily for low and moderate income people.
- Can providing business financing through Regional Development Corporations (RDC) and Economic Development Entities (EDE), or through public facility improvements to support economic development efforts.
- CDBG Economic Development Funds can be used for acquisition of land and buildings, construction of commercial buildings, purchase of machinery and equipment, employee training, and public facilities improvements. Applications are accepted on a first-come, first-served basis.

### **CDBG Microenterprise - up to \$500,000 annually**

- CDBG Microenterprise grants provide support for low to moderate income microenterprise businesses, through training, technical assistance, and loans.
- Grant funding is sub-granted to a Subrecipient entity that provides the services to the microenterprise businesses.

### **CDBG Feasibility Studies Grants**

- The objectives of a feasibility study grant are to determine whether or not a proposed CDBG project is feasible and/or to recommend specific action(s) to be undertaken and that at least 51% of the intended beneficiaries will be of low or moderate income.
- Eligible activities include income surveys, preliminary architectural and engineering design, cost estimates, and market analysis.
- Applications are accepted on the last business day, Monday through Friday, of April and October each year.

### **CDBG Emergency and Unanticipated Events Grants - up to \$500,000 annually**

- Grant funds are available for eligible CDBG projects which result from emergencies and unanticipated events that have a serious and immediate threat to public health and safety and must benefit low to moderate income people.
- Applications are accepted on a first-come, first-served basis.

STATE: NEW HAMPSHIRE

SECTION 8 INCOME LIMITS

PROGRAM 1 PERSON 2 PERSON 3 PERSON 4 PERSON 5 PERSON 6 PERSON 7 PERSON 8 PERSON

Boston-Cambridge-Newton, MA-NH MSA  
 FY 2016 MET: 98100  
 EXTR LOW INCOME 20650 23600 26550 29450 31850 34200 36730 40890  
 VERY LOW INCOME 34350 39250 44150 49050 53000 56900 60850 64750  
 LOW-INCOME 51150 58450 65750 73050 78900 84750 90600 96450

Lawrence, MA-NH HMEFA  
 FY 2016 MET: 84100  
 EXTR LOW INCOME 17700 20200 22750 25250 28440 32580 36730 40890  
 VERY LOW INCOME 29450 33650 37850 42050 45450 48800 52150 55550  
 LOW-INCOME 46000 52600 59150 65700 71000 76250 81500 86750

Portsmouth-Rochester, NH HMEFA  
 FY 2016 MET: 83400  
 EXTR LOW INCOME 17500 20000 22500 25000 28440 32580 36730 40890  
 VERY LOW INCOME 29200 33400 37550 41700 45050 48400 51750 55050  
 LOW-INCOME 46000 52600 59150 65700 71000 76250 81500 86750

Western Rockingham County, NH HMEFA  
 FY 2016 MET: 101800  
 EXTR LOW INCOME 21400 24450 27500 30550 33000 35450 37900 40890  
 VERY LOW INCOME 35650 40750 45850 50900 55000 59050 63150 67200  
 LOW-INCOME 46000 52600 59150 65700 71000 76250 81500 86750

Manchester-Nashua, NH MSA  
 Hillborough County, NH (part) HMEFA  
 FY 2016 MET: 84700  
 EXTR LOW INCOME 17800 20350 22900 25400 28440 32580 36730 40890  
 VERY LOW INCOME 29650 33900 38150 42350 45750 49150 52550 55950  
 LOW-INCOME 46000 52600 59150 65700 71000 76250 81500 86750

Manchester, NH HMEFA  
 FY 2016 MET: 72400  
 EXTR LOW INCOME 15900 18150 20400 24300 28440 32580 36730 40890  
 VERY LOW INCOME 26450 30200 34000 37750 40800 43800 46850 49850  
 LOW-INCOME 42300 48350 54400 60400 65250 70100 74900 79750

Nashua, NH HMEFA  
 FY 2016 MET: 89200  
 EXTR LOW INCOME 19150 21900 24650 27350 29550 32580 36730 40890  
 VERY LOW INCOME 31950 36500 41050 45600 49250 52900 56550 60200  
 LOW-INCOME 46000 52600 59150 65700 71000 76250 81500 86750

Bellnap County, NH  
 FY 2016 MET: 69400  
 EXTR LOW INCOME 15000 17150 20160 24300 28440 32580 36730 40890  
 VERY LOW INCOME 25000 28600 32150 35700 38600 41450 44300 47150  
 LOW-INCOME 40000 45700 51400 57100 61700 66250 70850 75400

Carroll County, NH  
 FY 2016 MET: 60400  
 EXTR LOW INCOME 15000 17150 20160 24300 28440 32580 36730 40890  
 VERY LOW INCOME 25000 28600 32150 35700 38600 41450 44300 47150  
 LOW-INCOME 40000 45700 51400 57100 61700 66250 70850 75400

Cheshire County, NH  
 FY 2016 MET: 64900  
 EXTR LOW INCOME 15000 17150 20160 24300 28440 32580 36730 40890  
 VERY LOW INCOME 25000 28600 32150 35700 38600 41450 44300 47150  
 LOW-INCOME 40000 45700 51400 57100 61700 66250 70850 75400

Cook County, NH  
 FY 2016 MET: 55200  
 EXTR LOW INCOME 15000 17150 20160 24300 28440 32580 36730 40890  
 VERY LOW INCOME 25000 28600 32150 35700 38600 41450 44300 47150  
 LOW-INCOME 40000 45700 51400 57100 61700 66250 70850 75400

Grafton County, NH  
 FY 2016 MET: 70700  
 EXTR LOW INCOME 15000 17150 20160 24300 28440 32580 36730 40890  
 VERY LOW INCOME 25000 28600 32150 35700 38600 41450 44300 47150  
 LOW-INCOME 40000 45700 51400 57100 61700 66250 70850 75400

Merrimack County, NH  
 FY 2016 MET: 83200  
 EXTR LOW INCOME 17500 20000 22500 24950 28440 32580 36730 40890  
 VERY LOW INCOME 29150 33300 37450 41600 44950 48300 51600 54950  
 LOW-INCOME 46000 52600 59150 65700 71000 76250 81500 86750

Sullivan County, NH  
 FY 2016 MET: 67700  
 EXTR LOW INCOME 15000 17150 20160 24300 28440 32580 36730 40890  
 VERY LOW INCOME 25000 28600 32150 35700 38600 41450 44300 47150  
 LOW-INCOME 40000 45700 51400 57100 61700 66250 70850 75400

## **MEDC/Monadnock Food Co-op Expansion**

### **CDBG Applications Summary**

Applicant:	City of Keene
Proposed Subrecipient:	Monadnock Economic Development Corporation
Proposed Business:	Monadnock Food Co-op
Proposed Grant Administrator:	Southwest Region Planning Commission
Needs Addressed:	Job creation for low to moderate income individuals. 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.
Project:	The CDBG would be subgranted to Monadnock Economic Development Corporation (MEDC) which would use the funds for the construction and expansion of the building that MEDC 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. The total project is anticipated to exceed \$2 million of new investment in downtown Keene.
Amount of CDBG funds:	Up to \$500,000
Use of CDBG funds:	Economic Development
Other funds:	An estimated \$1.7 million of additional capital will be invested in the project.



## **CITY OF KEENE**

### **HOUSING AND COMMUNITY DEVELOPMENT PLAN**

The Housing and Community Development Plan goals reflect those goals outlined in the 2008-2010 Community Visioning process which has resulted in a new Comprehensive Master Plan, the 1995 Community Goals Statement, the Land Use Plan (updated 1983), and the Housing Plan adopted in 1990. The Housing and Community Development Plan is divided into five sections: the Downtown, Housing, Economic Development, Health and Human Services, and CDBG Impact Area. Each section describes the existing conditions, and specific short and long-term actions which would be implemented to alleviate the needs.

The Plan's goals and objectives are identified below and are consistent with the National Housing and Community Development Act of 1974, as amended, and the state's objectives listed in the Community Development Block Grant Program Rules (Cdfa 305.01 and 310.01.) Both short- and long-term goals and objectives are included. Priority will be given to the needs of low and moderate income persons, minorities, and disadvantaged persons.

#### **THE DOWNTOWN.**

The Downtown Section of the Comprehensive Master Plan emphasizes the long-term goal of preserving the downtown as the social, economic, and cultural center of the community:

"We will maintain the distinctive, historic, and scenic character of our downtown while ensuring that it remains the heart of our community and the region." This includes having a downtown "that consists of a mix of uses where people can socialize, have access to services, and retail that creates a vibrant city core."

The importance of Keene's downtown indicates that activities which support and enhance the vitality of the area will receive priority in the City budget process, and where possible, in Community Development projects.

The land use plan for the downtown area revolves around the basic concept of retail and service center flanked to the north by a government center, and to the south by the college. The downtown area should be surrounded by and integrated with high-density residential uses that complement the downtown area, fulfill the demand for residential units within walking distance of services, and create 24-hour activity. The warehousing and industrial uses in the immediate downtown area are continuing to convert to uses more compatible with the central business district.

The development of Keene's downtown area has followed the plan. Main Street remains the central shopping core--the service and retail area with parking facilities located behind the stores. The ground floors are occupied by retail shops. The north end has many offices,

government facilities, and the Chamber of Commerce. Public improvements to Main Street have been accomplished. This work, which included improvements to traffic flow, sidewalks, lighting, and landscaping, has stimulated and been accompanied by major private improvements to the buildings on Main Street. The rehabilitation of buildings of historic significance, such as the Cheshire County Courthouse, City Hall, the United Church of Christ, the Chamberlain Block and the Colony Block (now Central Square Terrace), has contributed significantly to maintaining Central Square as the focal point of the community.

Substantial renovation of existing storefronts and downtown buildings began during the 1980's, and has continued since then. Formerly vacant space such as the Woodward building and two industrial buildings on Emerald Street were rehabilitated for residential, commercial or office use. Monadnock Economic Development Corporation rehabilitated the former Woolworths' building into office and retail space. In addition, it assisted a hotel developer to rehabilitate the adjacent E. F. Lane Block into a downtown hotel.

Keene's downtown area is a major source of housing for city residents. From 1975 through 2016, a variety of federal funding programs were used to greatly increase the amount of affordable and subsidized housing for elderly and disabled persons and families in the downtown area. These include: the Cleveland Building, Central Square Terrace, Eastside Housing, Bennett Block, the Chamberlain Block, Railroad Square Senior Housing, and CitySide Family Housing. Senior Housing is currently under construction along Railroad Street.

Over the past thirty years, the industrial uses in the downtown area have gradually transitioned to more traditional downtown uses: the renovation of the Colony Mill into shops and offices, the conversion of the Central Screw building into a retail mall, and the rehabilitation of Beaver Mills (formerly Princess Shoe) for residential and office use are examples.

A major short-term goal for the downtown area is the completion of the redevelopment of the railroad yard which was acquired by the City, and then sold to Monadnock Economic Development Corporation in 2006. MEDC has undertaken an ambitious project for this area and has completed the development of a new hotel, an office building with residential condominiums, and the infrastructure necessary to support these uses. Southwestern Community Services has developed Railroad Square Senior Housing and CitySide Apartments, creating a total of 48 new apartments for low and moderate income households. SCS is planning to develop further housing on land it owns on Railroad Street. In 2013, the Monadnock Food Cooperative opened on this site creating 35 new jobs. The railroad yard is being reclaimed from a neglected and deteriorating site to a mix of successful residential and commercial opportunities. Short-term goals include additional residential and commercial development creating both housing and employment opportunities.

The plan also included the redevelopment of the former Wright Silver Polish building adjacent

to the railroad yard. This building was rehabilitated is now occupied by the offices and Head Start program of Southwestern Community Services; until recently, it was also occupied by culinary business incubator. The City developed an Industrial Heritage trail along the former railroad tracks. The City continues to monitor the parking situation in the downtown area, with the intention of expanding parking facilities as additional uses are added to this area. A two-level parking garage was constructed on the east side of Main Street in the late 1990's.

As the redevelopment of the railroad yard progresses well, a different problem has arisen on the northeast side of the central business district. The Keene Middle School on Washington Street and the Keene Family YMCA on Roxbury Street have both relocated outside the central business district, leaving large vacant facilities. In addition, there is a vacant attorneys' office on Roxbury Street as well. Redevelopment of this area which surrounds City Hall is the next priority.

## **HOUSING**

For many years, Keene's biggest housing problem was the severe shortage and resulting high costs of housing in Keene. During the 1980's, Keene's vacancy rate was at 1% or 2%. The unusually tight housing market was caused by the lack of on-campus housing for Keene State College students and strong commercial growth accompanied by the state's lowest unemployment figures. As a result, it had been relatively easy to find a job in Keene (although it might be a low-paying job with no benefits) but very difficult to find affordable housing.

During 1990, that situation changed slightly with the construction of a 300-bed dormitory by KSC and a softening commercial sector with fewer jobs. For a time, the apartment vacancy rate was a more normal 5% or 6%, but many families and individuals still had great difficulty paying for their housing. Rents leveled off, but never decreased significantly except in the highly inflated apartments surrounding the college. Because there was a high turnover of apartment buildings during the late 1980's, many landlords had high mortgage payments and could not afford to reduce rents.

By 1999, the situation had reversed itself, and the housing shortage was again as severe as it was during the 1980's. The vacancy rate went down and rents increased. A fourth transitional housing shelter was opened for families. CDBG funds were used in 2000 to rehabilitate an attractive historic property for use as a men's shelter; this property is now undergoing a more extensive rehabilitation using CDBG funds. In 2010, CDBG funds were used to open transitional housing for formerly incarcerated persons. The shelters and the transitional housing are full at all times.

Since 1988, the City has emphasized the concept of "permanently affordable" housing. While this does not rule out all assistance to private landlords, it places a much higher priority on funding projects owned by nonprofit organizations or the Housing Authority. Since 1988,

several CDBG housing grants have been utilized to assist Cheshire Housing Trust, an organization created to acquire and create permanently affordable housing for lower income persons. This includes a 19-unit rooming house located in downtown Keene. Beaver Mills is another example of the use of CDBG funds to assist in the development of permanently affordable housing. Since 2000, Southwestern Community Services has developed 40 apartments at Highlands, and Keene Housing Authority has developed 57 apartments at Stone Arch Village, both using CDBG and Low Income Housing Tax Credits. Monadnock Family Services has used CDBG funds to build three apartments for families affected by mental illness. Southwestern Community Services has utilized CDBG and Low Income Housing Tax Credits to build 24 units of senior housing in the railroad area, and 24 units of family housing in the same area. SCS is now constructing senior housing in this area.

A more recent problem is the need and difficulty of maintaining permanently affordable housing, especially when it is located in older or historic properties. Cheshire Housing Trust has successfully completed a CDBG program to make improvements to some of its affordable housing located in older buildings. Keene Housing (formerly "Keene Housing Authority) completed a project to transform its public housing for seniors and families with a new funding source, thus gaining money for necessary improvements and escaping the funding problems of the public housing program. The former Cheshire Homes has completed a redevelopment, now known as Brookbend East and Brookbend West. These 75 subsidized and affordable units could not be brought up to current standards and were therefore in need of complete replacement on the existing site. Both the Brookbend West and Brookbend East sites are completed and occupied. CDBG funds have been used to make essential improvements at Central Square Terrace and Meadow Road Apartments. Maintenance of permanently affordable housing continues to be both a short-term and long-term goal.

CDBG funds were used for a Feasibility Study in 2010 of the utilities at the Base Hill Cooperative, a resident-owned manufactured housing park. During the feasibility study, it became apparent that the principal problem was the substandard and deteriorating on-site sewer system. CDBG funds were awarded to the Cooperative in 2013 to replace the on-site failing sewer system. The CDBG project made a permanent improvement to the Cooperative's system, making it code compliant and eliminating health and sanitation issues. In a separate project, the City replaced the City-owned sewer connection line. This project was successfully completed in 2014.

In 2010, the Planning Board adopted a new Housing Plan which is incorporated herein by reference. Goals in the plan includes:

- Have a variety of housing options available that are affordable, accessible, eco-efficient, and supportive of varied lifestyles.
- Have housing that is located in proximity to basic services and transportation options and is adaptable, over time, to changes in technology, climate, and demographics.

- Have housing that uses innovative technologies and green building standards that improve energy efficiency and conserve resources.
- Have a majority of rental housing be locally owned and maintained.
- Increase owner-occupied housing.
- Achieve, with the support of the institutions of higher education, a balanced ratio between student and citizen housing in our neighborhoods which surround these institutions. Improve student rental stock in surrounding neighborhoods so that they are well maintained and a benefit to neighborhood quality of life.

## **ECONOMIC DEVELOPMENT**

As a long-term Community Development goal, land that lends itself to manufacturing should be preserved to provide areas for this uses which add value to a product, provide labor intensive employment, and bring import dollars into the community. For a strong economic base, a balance between non-manufacturing and manufacturing industries needs to be maintained. In accordance with the Land Use Plan, the City installed sewer, water, and roads to open up development of 300 acres in the Black Brook area for corporate park use. Monadnock Economic Development Corporation has been extraordinarily successful in locating businesses for this area. Short-term goals now include filling the remaining industrial sites at Black Brook, and filling the few remaining privately owned industrial sites and buildings. In order to help attract C & S to Black Brook, the City seriously examined the need for childcare in the Black Brook corporate park. This was accomplished by the YMCA development of a new recreation and childcare facility on land donated by C & S.

Samson Manufacturing moved its manufacturing to Black Brook North renting an existing building owned by MEDC. CDBG funds were used to make leasehold improvements and to purchase equipment for Samson to relocate to Keene and for the business expansion. This grant successfully brought 10 jobs with the company and created an additional 25 new jobs in Keene. Samson Manufacturing had plans to apply for CDBG funds through the City to purchase the building, however this had been postponed until after an addition was made to the building. MEDC has used CDBG funds to expand the building at 4 Forge Street, Keene. The additional space has allowed Samson to introduce a new process (anodizing), expand their business offerings, and create an additional 25 new jobs. Construction was completed in 2015, and the project has met its job creation goal.

Another economic development goal is the expansion of training opportunities, especially for at-risk or disabled individuals and for youth who do not go to college. This needs to be coordinated with the needs of local employers.

An additional economic development goal is to assist new and existing businesses obtain financing to start up and/or expand, increasing the number of jobs available.

The 1993 Economic Development Plan made a number of findings and recommendations. Some, including the development of the Black Brook corporate park, have been largely accomplished, but others are still relevant:

The public and private sector need to work together in a concerted, professional effort to attract new industries and to encourage those industries already located here to remain and expand.

Orderly retail and other commercial growth should be encouraged within the bypass system.

The City should work with Cheshire Medical, Keene Clinic, Keene State College, Antioch University and others to allow their expansion to meet growing needs of these institutions in the community.

Keene should cooperate with other towns in Cheshire County to address regional issues on traffic, solid waste disposal, and housing which have a bearing on the economic development of the area.

The City should support the private sector in its tourism outreach.

The City should also keep up with technological advances in communication and other fields.

The 2010 Vision process resulted in additional short and long-term goals for economic development and employment:

- Have a vibrant, resilient, environmentally sound and sustainable economy that fosters individual economic well-being.
- Provide investment programs for small business development, to allow them to grow and thrive.
- 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.

In 2015, MEDC used CDBG funds to make a loan to help Tree Free Greetings renovate an existing empty manufacturing building on Krif Road in Keene. Tree Free Greetings had purchased the building but needed a loan to make it suitable for its greeting card business. This project will result in 15 new jobs and will allow the company to expand its products.

## **HEALTH AND HUMAN SERVICES.**

The major goal listed in the Health and Human Services section of the Community Goals Statement is:

To make available to all the people in the region the best possible health care and comprehensive, efficiently delivered and coordinated preventive and supportive services and opportunities, all designed to nurture and meet the needs of our citizenry and to encourage and allow all people to live with dignity and self-sufficiency.

Included in this goal is prevention education in areas such as sanitation, nutrition, substance abuse, smoking HIV/AIDS, dental care, and parenting.

CDBG funds have been used to improve public service facilities for low and moderate-income residents of the entire county, including the completion of the Community Kitchen, and improvements at Keene Day Care Center, the YMCA's day care program, Southwestern Community Services' program for developmentally disabled persons, and the Keene Senior Center. In addition, *Rise...for baby and family* completed the construction and rehabilitation of its facility on Washington Street. Home Health Care, Hospice and Community Services (HCS) completed the rehabilitation of an old mill into a 30,000 s.f. center for its offices, the program to provide day care to elderly and disabled persons in need of that service (Castle Center) and a hospice center. Monadnock Family Services purchased a building on Main Street to provide a stable place from which to provide services. Monadnock Developmental Services leased and then purchased a large space in Beaver Mills in order to provide its services for developmentally disabled persons. A transitional housing facility for persons leaving Cheshire County House of Correction opened in 2013.

Short-term and long-term objectives for additional public service facilities improvements include:

- permanent stable facilities for Keene's substance abuse programs, including transitional housing
- improved facilities for MAPS Counseling Services and Monadnock Peer Support
- improvements to the Community Kitchen
- Increased and accessible space for service organizations to accommodate need, preferably coordinated with Monadnock United Way

## **CDBG IMPACT AREA**

As part of its Housing and Community Development Plan, the City established a "CDBG Impact Area" in the downtown area and the neighborhoods to the immediate east and north of the downtown. This area has a large percentage of low and moderate income residents, has seen substantial benefits from CDBG and other federally funded projects, and is the likely location of many future CDBG and other redevelopment projects. The characteristics of this area are

outlined below:

### **Location**

The boundaries of the area are shown on the attached map. In general, the area includes both sides of Main Street in the downtown area. It extends north a few blocks into the neighborhood bounded by Washington and Court Streets, and it extends into the multi-family areas located east of the downtown area.

### **Low and Moderate Income Residents**

As described in the Downtown section of the Plan, federal funds have been used on numerous occasions over a period of thirty years to construct and rehabilitate housing for low and moderate-income persons in this area, especially elderly and disabled persons. Although millions have been invested in building and street improvements, the area has not been “gentrified”; it has a far higher concentration of low and moderate-income residents than it did when the process began. For that reason, the City and Keene Housing have access to income levels of several hundred residents of the area.

When all housing units are occupied, there are 740 households living in this area. Including both permanent housing and the two housing shelters in the area, 322 low or moderate income households are always living in this area. From time to time, Keene Housing uses its own documentation or obtains outside documentation of additional low or moderate income households in the area. Based on the characteristics of the housing in the area (mostly built before 1900, downtown apartments without elevator access or parking, many housing units located in the floodplain, predominantly multi-family), Keene Housing estimates that the percentage of low and moderate income households in this area is always over 60%.

**Documentation for the actual number and percentage of Low or moderate income residents in the CDBG Impact Area at any particular time is on file at Keene Housing and will be used as necessary to provide documentation for grant applications for projects in this area.**

Subsidized housing in this area includes the following properties owned or managed by Keene Housing: Central Square Terrace, Bennett Block, and 17-19 Roxbury Court. Keene Housing also owns two shelters located at 32 Water Street and 139 Roxbury Street. In addition, the Cleveland Building is a privately-owned subsidized apartment building. Cheshire Housing Trust owns properties rehabilitated with CDBG funds at 29 Elm Street and 86 Winter Street. Southwestern Community Services owns 30 apartments at Beaver Mills developed with Low Income Tax Funds and CDBG funds, 24 apartments at Railroad Square Senior Housing, and 24 workforce apartments at the CitySide development on Water Street. Cheshire Housing Opportunities owns group homes on Emerald Street and Spring Street. CDBG funds have been used to rehabilitate privately owned apartments on Spring Street, Main Street, Church Street,



Elm Street, Water Street, and Roxbury Street.

### **Characteristics of buildings in the area**

This area contains much of the oldest housing in Keene, with many units built before 1900. Until the Beaver Brook Dam was built in 1984, the area east of Main Street suffered from flooding once or twice a decade. Many of the properties in this area have participated in CDBG programs--and there is still a substantial need for rehabilitation. The same is true of Central Square and Main Street where most of the presently existing structures were built between 1880 and 1920. The area which has seen the most recent redevelopment is the railroad yard and adjacent buildings and formerly vacant lots on Water Street. The most problematic building was the rear of the Latchis Theater, but this has been razed and is now being redeveloped by the County into a parking area to serve the new Courthouse currently under construction. The current area most in need of redevelopment is the former Keene Middle School on Washington Street and the former Keene Family YMCA on Roxbury St. The area also contains many fine historic buildings.

### **Economic Development and Social Services in area**

The CDBG Impact Area has many social services for families and individuals of all ages, including those shown on the following table:

<b>Economic Development and Social Services in project area</b>	<b>Address</b>	<b>Type of service</b>
Monadnock Family Services	64 Main Street	Mental health services and administrative offices
Monadnock Family Services	93rd Street	Services for persons with long-term mental illness
Monadnock Developmental Services	Railroad Street	Services for persons with developmental disabilities
Community Kitchen	37 Mechanic Street	Meals and pantry boxes for low-income persons
Center for Violence Prevention	12 Court Street	Services for victims of domestic abuse
City of Keene Human Services Dept	3 Washington Street	Cash assistance and services for low-income persons
Men’s shelter	139 Roxbury Street	Emergency shelter for males
Transitional family	29 Elm Street	Transitional housing for families and women
Salvation Army	Roxbury Place	Assistance for low income persons
Marathon House of Keene	Roxbury Street	Services for persons with substance abuse problems
AIDS Services of Monadnock	Center Street	Prevention and services for HIV-positive persons
Samaritans	Roxbury Street	Suicide prevention agency
Phoenix House	Roxbury Street	Substance abuse programs
Rise for Baby and Family	Washington Street	Special education services
Familystrength	Roxbury Street	Human Services
Southwestern Community Services	Community Way	Housing, Child Care, Fuel Assistance
Monadnock Economic Development Corp	Railroad Street	Economic Development
NH FastRoads	Railroad Street	Open Access Internet Network
Monadnock Food Cooperative	Cypress Street	Community Centered Market
Head Start	Community Way	Pre School low-mod families
MAPS Counseling Services	19 Federal Street	Assisting families to find answers to life’s problems
Monadnock United Way	23 Center Street	Works with providers to identify and address emerging issues
New Hope New Horizons	Community Way	Assistance developmentally disabled adults
Hannah Grimes Center	Roxbury Street	Assists development of small business & entrepreneurs

**Other Public Services in Area**

In addition to economic and social services, the area has many other public services and governmental agencies:

Keene Fire Department (new in 2013)	Vernon Street
Keene District Court	Winter Street—relocated to new Courthouse in 2014
Cheshire County Superior and Probate Courts	Winter Street—relocated to new Courthouse in 2014
Victims advocates	Court Street
Cheshire County Human Services	West Street
Public Defender Program	West Street
Social Security Administration	Mechanic Street

**Past CDBG Projects in CDBG Impact Area**

<b>CDBG Year</b>	<b>Project</b>	<b>Purpose</b>
1982	Central Square Terrace	90-unit Section 8 elderly rehabilitation
1984	Housing Rehabilitation	Rehabilitation of privately owned apartments
1984	Beaver Brook Dam	Reduce flood damage in east Keene

1985	Social Service building	Not funded; would have moved Monadnock Family Services and Southwestern Community services to railroad yard; this has since been accomplished
1986	Housing Rehabilitation	Includes mental health group home at 139 Roxbury St, Church Street, Main St, and Water Street
1988	Housing Rehabilitation	Cheshire Housing Trust: Dover Street
1991	Affordable housing	CHT Latchis, shelter
1993	Bagel Works	Economic Development for downtown business
1994	Chamberlain Block	Rehabilitation of downtown block with 12 apartments
1995	Social Service facilities	Community Kitchen, YMCA child care
1996	Keene Senior Center	Immediately outside area but serves residents
1997	Community Kitchen	Construction of pantry for community kitchen
1998-99	Beaver Mills	Rehabilitation of old mill to create 30 senior apartments
2000	Two Group Homes	Rehab of group home and men’s shelter
2001	Hampshire House	CHT: Acquisition and rehab of rooming house
2003	Vision Financial	Economic development for downtown business
2007	SCS Senior Housing	SCS: Railroad Square Senior Housing
2007	SCS Head Start	Cheshire County: SCS Head Start in Wright building
2005	Railroad yard/Hotel	MEDC: Development of infrastructure and hotel
2006	Wright/First Course	MEDC: Purchase of Wright Silver Polish/First Course
2008	Central Square Terrace	KHA: Rehab of 90 units of elderly housing
2009	CitySide Family Housing	SCS: Construction of 24 affordable units for families
2010	Cheshire Housing Trust	Rehabilitation of permanently affordable apartments
2010	Vision Financial	MEDC: Loan to Vision Financial Corporation
2010	EF Lane Hotel	MEDC: Rehabilitation of EF Lane Hotel
2011	Hannah Grimes MicroEnterprise	Training and technical assistance to microentrepreneurs
2011	Monadnock Food Cooperative	MEDC: Construction and Lease of Food Coop Building
2012	Hannah Grimes MicroEnterprise	Training and technical assistance to microentrepreneurs

**Planned Projects for CDBG Impact Area**

- Relocation of MAPS Counseling office to UCC—project approved in April, 2016
- Improvements to Community Kitchen on Mechanic Street

**CDBG projects underway in CDBG Impact Area**

- Rehabilitation of Men’s shelter at 139 Roxbury Street
- Senior Housing on Railroad Street

Based on the need for continuing rehabilitation and redevelopment, the City designated this area as a CDBG Impact Area.

**DISPLACEMENT AND RELOCATION POLICY FOR THE CITY OF KEENE**

**It is the policy of the City of Keene that the involuntary displacement of households from their neighborhoods should be minimized.** The City of Keene does not usually undertake activities that would cause the permanent displacement of households or businesses. When it is impossible to accomplish the project without permanent or temporary displacement and relocation, the City certifies that it shall comply with the Uniform Relocation Act and Section 104(d) of the Housing and Community Development Act of 1974, as amended.

Signature: \_\_\_\_\_

Date adopted by City Council:

### **History of Housing and Community Development Plan**

Originally prepared by Keene Planning Department and adopted by City Council, about 1984

This version updated: November, 2016

Most recent date adopted or readopted by City Council and submitted to CDFA:

1. December 17, 2009, submitted with YMCA application
2. March 18, 2010, submitted with Vision application
3. May 20, 2010, submitted with FastRoads application
4. July 15, 2010, submitted with Cheshire Housing Trust application
5. January 20, 2011, submitted with Brookbend (Cheshire Homes) application
6. April 2011, submitted with Monadnock Community Market Cooperative application
7. May 2011, submitted with Hannah Grimes Micro Enterprise application
8. December, 2011, submitted with Hannah Grimes 2012 application
9. January, 2012, submitted with Base Hill Cooperative application
10. July, 2012, submitted with Base Hill Cooperative application
11. January 2013, submitted with Base Hill Cooperative application
12. September 2013, approved by City Council for Samson Manufacturing application
13. November 2013, submitted with Meadow Road Apartments application
14. February 2014, submitted with Samson Manufacturing Expansion application
15. October 2014, submitted with MEDC: Social Services Building planning application
16. October 2014, submitted with MAPS Counseling Services planning application
17. December 2014, submitted with Keene Housing Shelter Rehabilitation application
18. April, 2015 submitted with MEDC Tree Free Greetings revised application
19. December, 2015, submitted with MAPS Counseling Services application
20. April, 2016, submitted with Monadnock Area Peer Support Agency Feasibility study
21. August, 2016, submitted with MamaSezz application
22. November, 2016, to be submitted with the Community Kitchen application

**CITY OF KEENE**  
**RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN**

Every effort will be made to minimize temporary or permanent displacement of an individual due to a project undertaken by the municipality.

However, in the event of displacement as a result of a federally funded award, the City of Keene will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, to any household, regardless of income which is involuntary and permanently displaced.

If the property is acquired, converted, or demolished, but will not be used for low/moderate income housing under 104 (d) of the Housing and Community Development Act of 1974, as amended, the Residential Anti-Displacement and Relocation Assistance Plan shall provide that before obligating and spending funds that will directly result in such demolition or conversion, the City will make public and submit to CDFA the following information:

- a. Comparable replacement housing in the community within three (3) years of the commencement date of the demolition or rehabilitation;
- b. A description of the proposed activity;
- c. The general location on a map and approximate number of dwelling units by number of bedrooms that will be demolished is converted to a use other than as low and moderate income dwelling units as a direct result of the assisted activity;
- d. A time schedule for the commencement and completion of the demolition or conversion;
- e. The general location on a map and approximate number of dwelling units by number of bedrooms that will be provided as replacement dwelling units;
- f. The source of funding and a time schedule for the provision of replacement dwelling units;
- g. The basis for concluding that each replacement dwelling unit will remain a low/moderate income dwelling unit for at least ten (10) years from the date of initial occupancy;
- h. Relocation benefits for all low and moderate income persons shall be provided, including reimbursement for moving expenses, security deposits, credit checks, temporary housing, and other related expenses and either:
  1. Sufficient compensation to ensure that, for at least five (5) years after being relocated, any displaced low/moderate income household shall not bear a ratio of shelter costs to income that exceeds thirty (30) percent, or
  2. If elected by a family, a lump-sum payment equal to the capitalized value of the compensation available under subparagraph 1. above to permit the household to secure participation in a housing cooperative or mutual housing association, or a Section 8 certificate or voucher for rental assistance provided through New Hampshire Housing Finance Authority or Keene Housing.
- i. Persons displaced shall be relocated into comparable replacement housing that is decent, safe, and sanitary, adequate in size to accommodate the occupants, functionally equivalent, and in an area not subject to unreasonably adverse environmental conditions;
- j. Provide that persons displaced have the right to elect, as an alternative to the benefits in subparagraph 2. Above, to receive benefits under the Uniform Relocation Assistance and Real Property acquisition Policies Act of 1970 if such persons determine that it is in their best interest to do so.
- k. The right of appeal to the executive director of CDFA where a claim for assistance under subparagraph 2. above, is denied by the grantee. The director's decision shall be final unless a court determines the decision was arbitrary and capricious.

- I. Paragraph a. through k. above shall not apply where the HUD Field Office objectively finds that there is an adequate supply of decent, affordable low/moderate income housing in the area.

CERTIFICATION OF COMPLIANCE

The City of Keene anticipates no residential displacement or relocation activities will be necessitated by this project.

Should some unforeseen need arise, the City certifies that it will comply with the Uniform Relocation Act and Section 104 (d) of the Housing and Community Development Act of 1974, as amended.

Printed Municipal Official name:

Title:

Signature: \_\_\_\_\_

Date of Adoption:



PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held before the Keene City Council relative to Resolution R-2017-44 which would accept \$417,356.69 from the State of New Hampshire for local highway aid under the provisions of RSA 31-95-b.

HEARING DATE: January 18, 2018

HEARING TIME: 7:05 PM

HEARING PLACE: Council Chambers, Keene City Hall

Per order of the Mayor and Councilors of the City of Keene, this twenty-first day of December, two thousand and seventeen.

Attest:

City Clerk



City of Keene, N.H.  
*Transmittal Form*

December 19, 2017

**TO:** Keene City Council

**FROM:** Kendall W. Lane, Mayor

**ITEM:** B.1.

**SUBJECT:** Confirmations

---

**COUNCIL ACTION:**

In City Council December 21, 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**

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

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## 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



City of Keene, N.H.  
*Transmittal Form*

January 10, 2018

**TO:** Keene City Council

**FROM:** Kendall W. Lane, Mayor

**ITEM:** B.2.

**SUBJECT:** Nomination

---

**RECOMMENDATION:**

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

**BACKGROUND:**

<u>BICYCLE/PEDESTRIAN PATH ADVISORY COMMITTEE</u>	
Drew Bryenton, regular, slot 5 Keene, NH	Term to expire Dec. 31, 2020





External Communication  
*Transmittal Form*

January 8, 2018

**TO:** Mayor and Keene City Council

**FROM:** Mindy Cambiar, Executive Director of Hundred Nights, Inc.

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.1.

**SUBJECT:** Mindy Cambiar - Hundred Nights - Lodginghouse License Request

---

**ATTACHMENTS:**

**Description**

Communication - Hundred Nights

**BACKGROUND:**

Hundred Nights is submitting their application to renew their Lodging House License at Hundred Nights Inc., located at 15 Lamson Street. Their current license expires Feb. 3, 2018



RECEIVED  
CITY OF KEENE

JAN 08 2018

**APPLICATION FOR OPERATION OF A LODGINGHOUSE**

(Please print or type)

OFFICE OF  
CITY CLERK

Date 1/8/18 Location of Lodginghouse 15 Lamson St Keene

Identify local or national Fraternity or Sorority that members are pledged to (if applicable) \_\_\_\_\_

Property Owner Timoleon + Kiriaky Chakalos Business Phone 357-4230

Address 49 Blackberry Lane Keene Home Phone 352-1843

Operator/Resident Agent Mindy Cambiar Business Phone 352-5197

Address 574 N Shore Rd Munsonville NH 03457 Home Phone 667-1481

Number of Persons Authorized to reside on premises 26

**I hereby certify that the information listed above is complete and accurate:**

*Timoleon Chakalos*  
Signature of Property Owner

Timoleon Chakalos  
Name (Printed or Typed)

*Mindy Cambiar*  
Signature of Operator/Resident Agent

Mindy Cambiar  
Name (Printed or Typed)

**I hereby certify that the above named Sorority or Fraternity is duly recognized by Keene State College, and is in good standing with the College:**

\_\_\_\_\_  
Signature of College Representative

\_\_\_\_\_  
Name and Title (Printed or Typed)

*(For Office Use Only)*

Date Received \_\_\_\_\_ Action Taken \_\_\_\_\_

**Recommendations/Requirements**

Police \_\_\_\_\_

Fire \_\_\_\_\_

Code Enforcement \_\_\_\_\_

\_\_\_\_\_  
City Clerk



**HUNDRED NIGHTS INC.**  
Cold Weather Shelter      Open Doors Resource Center

P.O. Box 833  
17 Lamson Street  
Keene, NH 03431  
(603) 352-5197  
www.hundrednightsinc.org  
Tax ID: 45-2798171

Keene City Council  
3 Washington St  
Keene, NH 03431

January 8, 2018

Re: Renewal Application for Operation of a Lodging House  
Hundred Nights Inc. Cold Weather Shelter

Dear City Council Members,

Enclosed is our application and a check in the amount of \$165.00 to renew our Lodging House License at Hundred Nights Inc., 15 Lamson Street in Keene.

The Cold Weather Shelter opened for the season on November 15, 2017, although we had several families staying with us between April and July and again in October. Between January 1 and December 31, 2017 there were 203 unique guests who received 5,620 bed-nights of shelter.

Please let me know if you need any other information. Thank you for your time and consideration in the renewal of our license.

Sincerely,

Mindy Cambiar  
Executive Director  
Hundred Nights, Inc



City of Keene, N.H.  
*Transmittal Form*

January 10, 2018

**TO:** Mayor and Keene City Council

**FROM:** The Reverend Cynthia E. Bagley and Kathy Blair

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.2.

**SUBJECT:** The Reverend Cynthia E. Bagley & Kathy Blair/United Church of Christ in Keene - Overflow from the Hundred Nights Shelter - Lodginghouse License Request

---

**ATTACHMENTS:**

**Description**

Communication - United Church of Christ

**BACKGROUND:**

The United Church of Christ is requesting the renewal of their lodging house license. Their current license expires February 17, 2018.



# UNITED CHURCH OF CHRIST IN KEENE

*The Heart of the City, at the Head of the Square*

www.ucckeene.org

603-352-4136

January 10, 2018

Rev. Cindy E. Bagley  
*Senior Minister*

Rick Durance  
*Youth Pastor*

Julie White  
*Church Administrator*

Beverly Caldon  
*Director of Music*

Diantha Dorman  
*Handbell Director*

Kim Anderson  
*Church Bookkeeper*

To: The Keene City Council  
3 Washington Street  
Keene, NH 03431

Dear Honorable Mayor Lane and City Council Members:

We are applying to the City Council for a Lodging House License in order to provide space for an overflow for homeless people from the Hundred Nights Shelter. This letter will serve as our request for this license. We have had an inspection by the Keene Fire Department to ensure that we comply with the safety regulations, and are happy to welcome anyone to visit our Church.

We are providing this shelter on an overflow basis only, so it is not in operation every night nor throughout the year. We do not "let" rooms. We use a process by which people asking for shelter must check in at Hundred Nights, and comply with their procedures before being escorted to our church. Church volunteers are contacted by the Shelter in order to admit people to the overflow shelter in our downstairs meeting space. When it is in operation, we have an average of 6 to 9 guests, not including the two supervisors, one from Hundred Nights, and one a Church volunteer. There is always at least one person awake overnight.

We would like the license to allow for 10 people seeking shelter overnight plus the two supervisors in the church at any one time. The United Church of Christ in Keene asks for no money from the people using the shelter, from Hundred Nights, from the City, nor from any other person or organization. This Mission Outreach program is completely paid for by the Church and its members.

It is our understanding that there is a cost of \$165 associated with the Lodginghouse license.

Thank you for your consideration.

We wish you the Peace of Christ,

Rev. Cynthia E. Bagley  
Senior Minister

Kathy Blair  
Church Council Chair





**APPLICATION FOR OPERATION OF A LODGINGHOUSE**

(Please print or type)

Date \_\_\_\_\_ Location of Lodginghouse The United Church of Christ in Keene

Identify local or national Fraternity or Sorority that members are pledged to (if applicable) n/a  
23 Central Square  
Keene NH 03431

Property Owner Kathryn Blair, Chair, Church Council Business Phone 603-352-4136

Address Julie White - church administrator Home Phone 603-357-2084

Operator/Resident Agent J White @ UCC Keene, org Business Phone \_\_\_\_\_

Address Church - 352-4136 Home Phone \_\_\_\_\_  
Julie & Ceel - 603-320-1820

Number of Persons Authorized to reside on premises 12

winter overflow shelter

**I hereby certify that the information listed above is complete and accurate:**

Kathryn Blair  
Signature of Property Owner

Kathryn Blair, Church Council Chairperson  
Name (Printed or Typed)

\_\_\_\_\_  
Signature of Operator/Resident Agent

\_\_\_\_\_  
Name (Printed or Typed)

**I hereby certify that the above named Sorority or Fraternity is duly recognized by Keene State College, and is in good standing with the College:**

n/a

\_\_\_\_\_  
Signature of College Representative

\_\_\_\_\_  
Name and Title (Printed or Typed)

**(For Office Use Only)**

Date Received \_\_\_\_\_ Action Taken \_\_\_\_\_

**Recommendations/Requirements**

Police \_\_\_\_\_

Fire \_\_\_\_\_

Code Enforcement \_\_\_\_\_

\_\_\_\_\_  
City Clerk



External Communication  
*Transmittal Form*

January 8, 2018

**TO:** Mayor and Keene City Council

**FROM:** Jan Manwaring, Secretary for Pathways for Keene

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.3.

**SUBJECT:** Janis Manwaring/Pathways for Keene - Request to Use City Property - 4 on the 4th

---

**ATTACHMENTS:**

**Description**

Communication - Pathways for Keene

**BACKGROUND:**

Pathways of Keene is requesting a license to hold the 17th Annual 4 on the 4th Road Race on July 4, 2018 from 6 AM to 11 AM.

City of Keene  
3 Washington Street  
Keene, New Hampshire 03431

January 8, 2018

To the Mayor and City Council:

On behalf of the Board of Directors of Pathways for Keene I am requesting a license to hold the 17th Annual 4 on the 4th Road Race on July 4, 2018 from 6AM to 11AM. We will be following the same course as last year's race.

Thank you for your consideration.

Sincerely,



Janis O Manwaring  
Secretary, Board of Directors  
Pathways for Keene  
50 Belmont Avenue  
Keene, New Hampshire 03431





External Communication  
*Transmittal Form*

January 9, 2018

**TO:** Mayor and Keene City Council

**FROM:** Jim Narkiewicz/Monadnock Travel Council

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.4.

**SUBJECT:** Jim Narkiewicz/Monadnock Travel Council - Request to Use City Property - Keene Ice & Snow Festival

---

**ATTACHMENTS:**

**Description**

Communication - 2018 Ice & Snow Festival

**BACKGROUND:**

The Monadnock Travel Council is requesting use of City property for the 16th annual Keene Ice and Snow Festival to be held February 3, 2018.



January 9, 2018

Mayor Kendall Lane  
Keene City Council  
3 Washington Street  
Keene, NH 03431

Dear Mayor Kendall Lane and City Council,

Last year on Saturday, February 4, 2017 the Monadnock Travel Council produced the 15th Annual Keene Ice & Snow Festival in downtown Keene. The Monadnock Travel Council has submitted the paper work for Community Event Funding for this coming year's 2018 Keene Ice and Snow Festival. I would like to request the permission for the Monadnock Travel Council to produce and a license be issued to hold the 16th Annual Keene Ice & Snow Festival on Saturday, February 3, 2018 in downtown Keene, New Hampshire.

The Keene Ice & Snow Festival has been a community event in downtown Keene for many years and provides a free day of family packed fun. Thank you for your consideration in allowing this annual event to continue through the Monadnock Travel Council.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Narkiewicz', is written over the typed name below.

Jim Narkiewicz, Committee Chair Keene Ice & Snow Festival  
Lifetime Board Member Monadnock Travel Council  
P.O. Box 358  
Keene, NH 03431  
(603) 313-8585



City of Keene, N.H.  
*Transmittal Form*

January 2, 2018

**TO:** Mayor and Keene City Council

**FROM:** Councilors Greenwald and Richards

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.5.

**SUBJECT:** Councilors Greenwald and Richards - CIP Adjustments Due to Receipt of State of New Hampshire Grant Funds

---

**ATTACHMENTS:**

**Description**

Communication - Councilors Greenwald and Richards

**BACKGROUND:**

Councilors Greenwald and Richards are recommending adjustments to the CIP program to recognize the State of New Hampshire grant funds received.

Date: January 2, 2018

To: Mayor and City Council of Keene NH

From: Councilors Mitchell Greenwald and David Richards

Re: CIP adjustments due to receipt of State of New Hampshire grant funds.

Due to the grant funding recently received from the State of New Hampshire, we have the opportunity to reassess the effect this has had on the CIP projected projects in the coming year.

As two projects were moved up this leaves a gap in the 2019 CIP projects budget.

We would like to suggest three possible avenues to address this for your consideration.

- 1) Reallocate the projected funds to create new economic development or move up existing projects from the CIP for the purpose of economic development in the Marlboro St corridor.
- 2) Allocate  $\frac{1}{2}$  of the projected investment from the CIP to promote economic development in the Marlboro St corridor and use  $\frac{1}{2}$  of the projected funds to reduce bond indebtedness.
- 3) Use all of projected funds to reduce bond indebtedness.

As economic development and bond indebtedness are two topics the council has been working on, we feel this is the best time to have this discussion.

Thank you



Mitchell Greenwald – Chair, Finance, Organization, and Personnel Committee



David Richards – Chair, Planning, Licenses, and Development Committee



External Communication  
*Transmittal Form*

January 16, 2018

**TO:** Mayor and Keene City Council

**FROM:** Councilor Greenwald

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.6.

**SUBJECT:** Councilor Greenwald - Several Issues Concerning the Opiate Epidemic

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**ATTACHMENTS:**

**Description**

Communication - Councilor Greenwald - Opiate Epidemic

**BACKGROUND:**

Councilor Greenwald is requesting a presentation be made on the impact of the opiate epidemic on City services and crime statistics. In addition, the Councilor is inquiring whether Keene should join the cities of Manchester and Nashua in their litigation efforts against drug manufacturers.



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

January 16, 2018

To: Mayor Kendall Lane

When I was on WKBK radio last Saturday, constituents called and asked if City Council could consider several issues concerning the opiate epidemic:

- Approximate costs to the City regarding Fire Department, Police, emergency care, crime and enforcement
- Whether Keene should join with Manchester and Nashua in the suit against the drug manufacturers responsible, in the hope of collecting damages

I am therefore requesting that City staff prepare a presentation to the Finance committee on the above.

Thank you,

Mitchell Greenwald



City of Keene, N.H.  
*Transmittal Form*

January 10, 2018

**TO:** Mayor and Keene City Council

**FROM:** Municipal Services, Facilities and Infrastructure Committee

**ITEM:** D.1.

**SUBJECT:** Trimming and Removal of Trees and Brush Along Scenic Roads - Eversource Energy

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**RECOMMENDATION:**

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends the report from the Conservation Commission be accepted as informational.

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends that the City Council authorize Eversource Energy to perform all tree trimming services on requested scenic roads, subject to the following conditions: that the 24" oak tree near line 101 from pole 13 on Chapman Road be removed from the list of trees slated for removal; that Eversource Energy make landowners aware of the option for leaving topped dead or diseased trees for the purposes of supporting wildlife habitat; and, subject to the tree removal being coordinated with the Public Works Department.

**BACKGROUND:**

Public Works Director Kurt Blomquist said this is for action on an Eversource request to trim and remove trees along scenic roads in the City. A joint public hearing took place with the Conservation Commission, which made recommendations in a memorandum through the Planning Department.

Chair Manwaring welcomed Brian Salas and Cory Keefe from Eversource. Mr. Salas noted hearings have occurred to discuss this trimming and they were present to answer any questions. He saw the recommendations from the Conservation Commission; he said the only concern with leaving standing timber is that they can fall into the roadway. He does not want to leave timber for wildlife that could fall into roadways and pose a danger to the general public. Mr. Keefe noted the Conservation Commission requested a healthy oak not be cut and he will remove it from the list of trees slated for removal.

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

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends the report from the Conservation Commission be accepted as informational.

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

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends that the City Council authorize Eversource Energy to perform all tree trimming services on requested scenic roads, subject to the following conditions: that the 24" oak tree near line 101 from pole 13 on Chapman Road be removed from the list of trees slated for removal; that Eversource Energy make landowners aware of the option for

leaving topped dead or diseased trees for the purposes of supporting wildlife habitat; and, subject to the tree removal being coordinated with the Public Works Department.





City of Keene, N.H.  
*Transmittal Form*

January 10, 2018

**TO:** Mayor and Keene City Council

**FROM:** Municipal Services, Facilities and Infrastructure Committee

**ITEM:** D.2.

**SUBJECT:** Vicky Morton – Safety Concerns with City Infrastructure

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**RECOMMENDATION:**

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends the communication from Vicky Morton be accepted as informational.

**BACKGROUND:**

Chair Manwaring welcomed Vicky Morton, 275 Water Street, Keene. Ms. Morton noted she submitted a letter about some concerns in the City; she provided an overview of her concerns.

1. Ms. Morton slipped on the surface of the bike path bridge between Island and Pearl Streets and hurt her back; this is not the first time she has experienced slick conditions on this bridge. She spoke to the Council about this bridge a few years ago and the Council agreed there are issues with the bridge. She said the bridge is slanted causing water to pool (2' deep) on the south side and this problem is intensified in freezing conditions. She previously asked the City to consider drainage holes in the bridge but the City said that could compromise the structural integrity of the bridge. She said she cannot believe that drainage holes would compromise the structure any more than the damage caused by a rain soaked, frozen, and thawed bridge deck. She asked Council to do something about the water on this bridge.
2. Ms. Morton said she walks on the bike path between 4:30-6:30 AM; she walks at this hour because there are less people to encounter and she can walk in the center of the path to avoid skunks. There is a location on the bike path, adjacent to Nicola's Trattoria, which has become unsafe. There is no railing outside the restaurant patio, which has led to pavers falling from that private property onto the bike path. She knows the restaurant is not City property, but she believes she is not the only person that sees these pavers and could fall because of them. She asked Council to address safety on that part of the bike path.
3. Ms. Morton expressed that she thinks Bazin Brothers Construction did an excellent job on the Water Street project. However, the work began later than scheduled and therefore was not completed before the first snow fell and has been continued to spring. She added that the corner of Community Way, Water Street, and Grove Street poses a safety concern on the west side of the intersection where the storm drains are not properly aligned with the pavement. Water does not drain properly causing pooling and safety concerns with freezing. She said during public meetings before this project commenced, the City said this issue would be addressed. She noted she cannot believe it was not fixed by the very talented members of the Public Works Department. She said she feels the City is not living up to its potential to be great by leaving these issues unattended. Ms. Morton continued the City has become comfortable with just being good enough, which she perceives as a lack of pride in the City. She cited other examples of things she has experienced in the City that perpetuate this

perception for her, and she believes for other citizens as well. She hopes the Council will take action to make the City the best it can be.

The Public Works Director addressed the concerns about the bike path bridge. He said that part of the bike path is jointly managed by the Public Works Department and the Department of Parks and Recreation. The previous City Engineer explored the potential for drilling holes into the bridge deck. He noted there were concerns about the size of the holes and that the holes would ultimately be frozen and block drainage with plowing. To drill substantial enough holes for drainage raises concern about the structural integrity of the decking. The bridge was originally designed to accommodate ambulance passage, which is no longer an option. Within the next five years the deck will need to be replaced with a different system that is meant to accommodate snow plowing. He said the Parks and Recreation Director has noted the bridge is very shaded by trees; he intends to do some trimming around the bridge to allow more sunlight and facilitate drying the bridge or melting ice.

Chair Manwaring asked if the bike paths are plowed. The Public Works Director replied that only asphalt parts of the path are plowed, as sidewalks are, because snowmobiles are not allowed on paved surfaces. Some multi-use parts of the path have been approved by Council for plowing because of expressed desire from users. Trails outside the bypass, like the north and south bridges, are not plowed by the City because they are owned by the State.

Councilor Filiault said the bridge is now a pedestrian bridge even though that was not its original intended use. He suggested greater efforts to salt and sand the bridge in the meantime; Councilor Hooper agreed that is the best solution at this point. The Public Works Director agreed they make every effort to maintain the same general condition policies as they do for City sidewalks. However, plowing creates a dam on each side of the bridge which traps melting water.

Councilor Sutherland said the bridge is wooden and occasionally has rotting planks. The Public Works Director agreed individual or small sections of the planks do undergo minor repairs. The bridge was built in 1996 and considering its age it is not in bad condition; it will be due for re-decking within the next five years and will be planned to better accommodate plowing and drainage. Councilor Sutherland suggested consulting with the Bike/Pedestrian Path Advisory Committee on those changes. The Public Works Director agreed noting there is challenge in New England when accommodating both summer and winter seasons. Drilling holes for winter use can cause a hazard for summer use. The bridge is a part of the bike path that will have new lighting installed this spring.

The Public Works Director noted he will personally send a letter to the property owners of Nicola's Trattoria to identify the concerns about the falling pavers.

The City Engineer addressed concerns about the Water Street project. He agreed with Ms. Morton that Bazin Brothers did an excellent job and were great to work with. He agreed that the project started late; this was because the design consultant for the project did not live up to the original proposed schedule. He said this is not an excuse, it is staffs job to manage consultants; he agreed they did not manage the consultant well enough and he takes responsibility for that. He said Ms. Morton mentioned in her letter the problem with tractor trailers turning on and off Victoria Street. He said the street redesign has improved turning radius within the confines of the public right of way (ROW); sidewalks and curbs were adjusted with the knowledge that tractor trailers will ride up on those panels until the Victoria Street project is complete. This will not fully solve the problem but steps are being taken.

The City Engineer continued addressing the problem of reflective cracking on Water Street. This cracking is an artifact of the original state roadway that underlies Water Street where concrete panel joints were laid. There were attempts to include remedial measures in the contract for geotextile fabrics at the panel locations to strengthen the joints; in the end, however, it was cost prohibitive. The cost to fully solve this problem would be

\$108,000 and would require fully removing the concrete pavement underlying the roadway. He said Ms. Morton is correct and these cracks will return in a year or two; this does not mean the street will have to be rebuilt. The cracks will be sealed when they reoccur and these cracks will inevitably affect the experience of driving on this roadway.

The City Engineer continued addressing the issue of pavement width with Water Street reconstruction and Ms. Norton's assertion that Water Street is not ideal for Complete Streets standards. He said the existing pavement widths are between 24"-25.5" curb to curb. The proposed pavement width is 24" so the roadway is not being substantially narrowed, which he hopes alleviates this concern.

The City Engineer addressed the concern about drainage at the Water Street, Grove Street, and Community Way intersection. He said he misunderstood the location of the problem drains during the public information sessions at the beginning of the design process; he thought the concern was with the east side of the intersection, not the west. He agrees there is a drainage problem there and Bazin Brothers did not know about this issue and have not had a work change order for that location. The reason this problem has yet to be solved is because staff does not know the cost for the best technical solution. This issue may be added to the Water Street reconstruction project or it may be addressed through the Drainage Spot Repair program. He said staff is not ignoring the issue, but trying to develop the best strategy to solve it.

Councilor Filiault asked if the design contractor was from outside the City and if there was a penalty clause. The City Engineer replied it was an outside contractor. Design contracts, as opposed to construction contracts, do not include a liquidated damages clause because there is no definitive cost implication. With a design contract, it does not cost the City money to have a contract start later. Councilor Filiault asked if this is an industry-wide standard; he said if a project runs late and there are overrun costs it should be reasonable to include a penalty clause. The City Engineer said in his career he does not remember ever seeing a design contract with a liquidated damages clause. There are milestone dates built into design contracts and every effort is made to meet those deadlines, but there is no specific penalty if deadlines are not met.

Councilor Sutherland asked if the Water Street project is completed. The City Engineer replied the contract was shut down for the winter and will recommence in the spring to finish: adjust utility structure final elevation, complete the final layer of pavement, and to place landscaping and grading. Councilor Sutherland asked if the remaining work will alleviate the drainage issue related to the project. The City Engineer replied the drainage issue Ms. Morton noted at Grove Street is outside the scope of this project. If there is puddling on other parts of the roadway they will be corrected as part of the final pavement.

Ms. Morton said a remaining issue on the Water Street project is the continuity between the new sidewalks and home walkways and driveways; there are gaps between the driveways and sidewalks. She asked if that will be resolved this spring. The City Engineer replied yes.

The City Manager said she agreed with the plan of solutions the Public Works Director and City Engineer proposed. The Public Works Director summarized actions they will take: completion of the Water Street project, send an administrative letter to the property owners of Nicola's Trattoria, and explore solutions administratively for the bike path bridge with the Department of Parks and Recreation.

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

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends the communication from Vicky Morton be accepted as informational.



City of Keene, N.H.  
*Transmittal Form*

January 10, 2018

**TO:** Mayor and Keene City Council

**FROM:** Municipal Services, Facilities and Infrastructure Committee

**ITEM:** D.3.

**SUBJECT:** Departmental Presentation – Remote Water Systems Monitoring

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**RECOMMENDATION:**

On a vote of 5 – 0, the Municipal Services Facilities and Infrastructure Committee recommends the presentation on remote water systems monitoring be accepted as informational.

**BACKGROUND:**

The Assistant Public Works Director introduced Ben Crowder, Manager of the Water Treatment Facility, who is in charge of ensuring drinking water is in compliance with standards. Mr. Crowder began working for the City in 2008 and has risen from the most junior position of the water and sewer crew to his current position; he is the staff member that holds the City's water treatment and distribution licenses. She said Mr. Crowder is a remarkable young man with a great story about how staff operates a large and complex water system with a relatively small staff.

Mr. Crowder explained the program used for water monitoring: Supervisory Control and Data Acquisition (SCADA) Monitors. This program helps the City to monitor one surface water treatment facility, six water storage tanks (5.38 MG in storage), six booster stations, four gravel packed wells, two corrosion control facilities, and two pressure reducing vaults. He showed a photo of the SCADA system, which monitors 150 parameters throughout all of the listed sites. SCADA works through radio communication with a main radio at the Waste Water Treatment Plant (WWTP) and repeaters on other sites and storage tanks. Waste water systems are monitored to measure water quality parameters, to ensure sufficient quantities and pressure for fire protections and commercial/domestic use, and to ensure proper chemical feed levels. SCADA monitors water quality for the following parameters:

- Turbidity
  - o Cloudiness of the water
  - o Eight online continuously monitoring turbid meters
  - o Turbidity can interfere with the disinfection process
  - o Filtered water needs to be monitored once every 15 minutes
- pH
  - o Acid or base
  - o Measure the acidity or alkalinity of a solution and how to adjust the pH of the water to be less acidic
  - o Adjusting pH for filtration aids the coagulation process
- Total Organic Carbon (TOCs)
  - o Organic levels
  - o Measure of natural dissolved organic matter
  - o TOCs are precursors for disinfection by-products (DBPs)

- o Higher filtered TOC levels lead to higher DBP formation in the distribution system
- Chlorine Levels
  - o Used for disinfection
  - o Need to add enough to deactivate harmful microbes
  - o Also need to maintain a free chlorine residual of at least 0.20 parts per million in the distribution system
  - o There are eight online chlorine meters throughout the system
- Flow Rate (Q) & Pressure (Pounds per Square Inch – PSI)
  - o Turbines and pressure reducing valves at the WWTP to reduce pressure into a range that is acceptable for filtration
  - o There are eight pressure monitors in the distribution system; it is important to monitor pressure to ensure sufficient water supply for fire protection and to prevent potential contamination from entering water mains
  - o Too high pressure can lead to equipment damage and can increase the potential for leaks. High pressure may also cause damage to customer's hot water heaters and other internal plumbing.

Mr. Crowder continued explaining how SCADA helps to monitor water storage. He showed how SCADA monitors trends that can show water main breaks in pressure zones; this notifies staff there is a break long before they would find it themselves. Water Booster Stations are also monitored on SCADA. The most sophisticated is the Black Brook Water Booster Station on Summit Road, which can be run on tank level (a level staff chooses for the tank to stop at) or pressure. This helps when repairs are needed – a tank can be taken offline and still ensures water is delivered to customers.

Mr. Crowder concluded that without SCADA the City would not have constant trending on water quality parameters; it would also require significantly more staff time to operate the water system. He shared a photo of staff members responsible for SCADA monitoring: himself, Todd Turner (Utility Operator), and Darren Candello (Sewer Service Aid).

The Committee thanked Mr. Crowder for the great presentation. Chair Manwaring asked how customers will get water when they shut down the Black Brook tank. Mr. Crowder replied the pump station will still work, just differently. The pumps will run at a lower hertz level that is just enough to create positive pressure. Water delivery to customers may not be as consistent but customers are notified in advance. They also rent a backup pump for redundancy.

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

On a vote of 5 – 0, the Municipal Services Facilities and Infrastructure Committee recommends the presentation on remote water systems monitoring be accepted as informational.



City of Keene, N.H.  
*Transmittal Form*

January 10, 2018

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

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

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**RECOMMENDATION:**

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that Body & Soul Road Runners be granted permission to sponsor a running race on February 10, 2018, subject to the customary licensing requirements of the City Council. In addition, the Police Department shall identify Railroad Street from Main Street to Community Way as a No Parking zone from the hours of 6:00 AM to 11:00 AM. This license is conditional upon the petitioners providing ten volunteer race marshals, and subject to any recommendations of City staff.

**BACKGROUND:**

Kurt Blomquist, EMD/Public Works Director reported this is a Community Event. Staff did meet with the petitioner and will continue to work with them. Mr. Blomquist reported no changes in the event noting staff recommends granting the event license. Mr. Blomquist verified all City requirements have been met.

Vicki Bacon, of 31 West Surry Road said this is the fourth year of the race. She noted a change in venue with the Marriott serving as the base for the race due to the increase in growth.

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that Body & Soul Road Runners be granted permission to sponsor a running race on February 10, 2018, subject to the customary licensing requirements of the City Council. In addition, the Police Department shall identify Railroad Street from Main Street to Community Way as a No Parking zone from the hours of 6:00 AM to 11:00 AM. This license is conditional upon the petitioners providing ten volunteer race marshals, and subject to any recommendations of City staff.



City of Keene, N.H.  
*Transmittal Form*

January 10, 2018

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

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

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**RECOMMENDATION:**

On a vote of 3-1, the Planning, Licenses, and Development Committee recommends that the Mayor write a letter to the New Hampshire Congressional Delegation regarding the Net Neutrality position taken by the FCC.

**BACKGROUND:**

Councilors Clark and Filiault addressed the Committee. Councilor Filiault read a description of Net Neutrality for the Committee. "Net neutrality is the principle that Internet Service Providers (ISP) must treat data the same and not discriminate or change differently by content, user, website platform, application, type of attached equipment, or method communication." He continued it is under these principles that Internet Service Providers are unable to intentionally block, slow down, or charge money for specific websites and online content. In other words, net neutrality keeps the internet a level playing field. This policy has been overturned by the FCC and many states have come out and filed suit to get this decision reversed.

Senator Shaheen recently voiced her interest in getting this decision overturned and our entire Federal Delegation is onboard. Councilor Filiault continued he and Councilor Clark are asking for either a resolution or letter from the Mayor to the Governor and Attorney General's Office stating we are in disagreement with the FCC decision, and that we would be in favor of both the State and Federal Delegation joining the suit with other states. Noting comments that this is a waste of time, Councilor Filiault commented silence is a waste of time. He does not feel silence is acceptable.

Councilor Clark said he does not have much more to add; noting the key phrase is a "level playing field." The internet is a relatively new technology much like radio was in the 1930's. It did not take conglomerates long to control radio and now we find a handful of owners are feeding us the news they want us to know. The internet was a breath of fresh air because it was a free medium where anyone could communicate with anybody else. Councilor Clark does not like the idea of small groups of people or corporations controlling what we see, hear, or read. He feels this is un-American. Councilor Clark is aware the Attorney General does not support intervening in this effort.

Chair Richards asked for Committee questions or comments.

Councilor Hansel noted it is tough for anything we say on this to have any sort of real impact. He noted the goal of the FCC ruling was to reduce unnecessary regulation. After researching the issue he found net neutrality came into effect two years ago; he does not remember hearing about it prior to that. He continued there are

already provisions that require Internet Service Providers to be transparent about how they treat data over the internet. Councilor Hansel noted he is not convinced the City should weigh in on this. He feels this is more a solution looking for a problem; a non-issue being drummed up as partisan gamesmanship.

After thanking the Councilors for bringing this forward, Councilor Sapeta commented internet access is essential to this community. He pointed out we have very little internet provider competition in our area. There is very little competition and they can price their services quite high. Councilor Sapeta feels it is a positive thing for Keene to take a stand and to join these other communities in the lawsuit. Perhaps the ultimate solution may be different regulations, which might be identified through further investigation and discussion. Additionally he recommends moving forward with a resolution.

At this point Chair Richards asked for public comments.

Mayor Lane commented access to the internet is extremely important to everyone using it. He said we have to be concerned with our access and others trying to control that access. The Federal government has pre-empted that access; the access is controlled by the FCC. The recent FCC decision can be overturned congressionally or by the courts. The Governor and Attorney General have determined they will not intervene. Congress on the other hand has not made that decision. If we want to be effective we need to apply pressure where the decision has not already been made. Mayor Lane suggested the City Council authorize him to write a letter to the congressional delegation that can be shared with other members of Congress in support of overturning the FCC decision regarding Net Neutrality. New Hampshire has already made the decision to not be involved in litigation.

David Crawford, 36 Marlboro Street does not recommend voting for this. He commented market demand is the best regulation. He also commented business is not a level playing field.

Councilor Clark commented he totally agreed with the Mayor's recommendation. He noted their letter was written before the Governor and Attorney General had made their decision not to intervene.

Councilor Hansel said this is kind of funny; we have a threat that essentially does not exist- the metering of internet speeds for consumers. He continued this whole issue is aimed at building in protections for one of the two big businesses either the content providers or the ISPs. He hopes people will see this for what it is and not look at it at this micro-level.

Councilor Filiault echoed Mayor Lane and Councilor Clark's comments. He agreed the letter presented was written before the holiday break so it did get held up. He agreed the letter should be addressed to the Congressional Representatives.

Agreeing that silence is not an option, Councilor Sapeta said whatever letter we send should also be sent to the Attorney General. Councilor Sapeta also echoed the Mayor's comments. Councilor Filiault agreed the letter should also go to the Governor and Attorney General. Councilor Filiault commented he does not feel there would be much opposition in the community to sending this letter.

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 Chair Richards.

The Planning, Licenses and Development Committee recommends that the Keene City Council endorse a resolution asking the New Hampshire Congressional Delegation to join other states in the lawsuit against the FCC defending the Net Neutrality position.

Councilor Rice asked if having the Mayor write a letter was the same as having a resolution. Chair Richards



replied in the negative. He also withdrew his second from the motion.

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

On a vote of 3-1, the Planning, Licenses, and Development Committee recommends that the Mayor write a letter to the New Hampshire Congressional Delegation regarding the Net Neutrality position taken by the FCC. Councilor Hansel voted in opposition.



City of Keene, N.H.  
*Transmittal Form*

January 10, 2018

**TO:** Mayor and Keene City Council  
**FROM:** Planning, Licenses and Development Committee  
**ITEM:** D.6.

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

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**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 as presented.

**ATTACHMENTS:**

Description

Rules of Order

**BACKGROUND:**

Chair Richards outlined what he felt was the contentious issue from the last meeting being the City Manager's direct referral to staff.

Mayor Lane said after listening to comments from City Councilors and staff, we have worked to adjust the language we feel addresses the issues from the last meeting. Mayor Lane deferred to the City Attorney who authored the specific revisions to the rules.

In Section 10 Decorum and Order the last sentence has been changed to the following: "The Mayor and Council members are expected to devote their attention to the business of the City Council, and to refrain from the use of electronic devices during City Council meetings not germane to the business before the Council." No Committee opposition was expressed with this change.

Councilor Chadbourne asked if cellphones must be silenced means turning them off. Chair Richards and the City Attorney clarified just the ringer is to be silenced.

In Section 25 Communications the language was changed as follows: "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." The City Manager commented the only thing that is changing is the way we report out at the Council meeting. No Committee opposition was expressed with this change.

Chair Richards asked Councilor Manwaring if she had any concerns with these changes. Councilor Manwaring said she really appreciates all the work that was done and talking about this, and that the City Manager understood how important it was to her that the people got to see that their City Councilors were involved, and that their issues were taken seriously. Councilor Manwaring posed no opposition to the changes presented.

In Section 39 Council Policies the language was changed as follows: “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. The City Council may, from time to time on its own initiative, or when so requested by City Staff, review adopted policies and determine whether to keep the policy, to revise the policy, or to rescind the policy.” Chair Richards reiterated his comments from the previous meeting noting by now we have reviewed all the policies and we are not going to force the issue. There was no Committee opposition to the changes presented.

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 Sapeta.

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 as presented.

APPENDIX A - RULES OF ORDER OF THE CITY COUNCIL<sup>14</sup>

**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.

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(Amended 4-20-1972)

**SECTION 9.10. 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 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. Cell phones are to be silenced while the City Council is in session. The Mayor and Council members are expected to devote their attention to the business of the City Council, and to refrain from the use of electronic devices during City Council meetings not germane to the business before the Council.

(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
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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 ~~20498~~. 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 ~~219~~. 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 2<sup>nd</sup> 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 27~~8~~.** **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 379. 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 eightfourteen -(814) 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.~~ The City Council may, from time to time on its own initiative, or when so requested by City Staff, review adopted policies and determine whether to keep the policy, to revise the policy, or to rescind the policy.

(Amend. of 2-2-2006)





City of Keene, N.H.  
*Transmittal Form*

January 10, 2018

**TO:** Mayor and Keene City Council

**FROM:** Planning, Licenses and Development Committee

**ITEM:** D.7.

**SUBJECT:** Legislative Update

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**RECOMMENDATION:**

On a vote of 4-0, the Planning, Licenses and Development Committee recommends the Legislative Update be accepted as informational.

**BACKGROUND:**

Elizabeth Dragon, City Manager welcomed all to the 2018 Legislative session. Noting we as a government cannot often work quickly enough to bring things to Council for their support the City Manager said often times staff is involved in testifying in Concord or writing letters either in support or opposition to some legislation. The City Manager has two pieces of legislation to discuss this evening.

The City Manager advised she sent a letter in support of HB-92 and HB-168. These two Bills support the State adopting the 2015 Building and Fire Codes. After discovering the issue was somewhat controversial she had discussions with Code Enforcement and the Fire Chief. The City Manager noted the 2015 Fire Codes have already been adopted locally. She indicated the controversy arose around the Building Code; and whether or not to change from the 2009 to the 2015 version. The City Manager reported the Building Code did not make it through the first phase and has fallen out of the legislative process. She also noted the three parties who comprised the letter are here to answer questions. The Manager reiterated that the letter she submitted represented the professional opinion of City staff. Although there are times when a letter from the elected officials is important; in this instance the timing of the legislative process did not allow obtaining a political position from the City Council.

Continuing, the City Manager said House Bill 561 impacts employees working after retirement. The bill puts further restrictions in place. As proposed, the current 32-hour per week limit would change to 1,040 hours per calendar year which averages 20 hours per week. It also creates a 60 day waiting period before a retired employee can be rehired. The 20 hours per week was later amended to 25 hours per week and the 60 day waiting period was changed to 28 days. The Manager continued that ACM/Human Resources Director, Beth Fox is testifying today at a public hearing, in opposition to this Bill, on our behalf. If this Bill were to move forward it would impact about a half dozen employees we have in place. The City Manager also noted her cover letter stated the letter was written from staff's perspectives. She said one of the things discussed was the restrictiveness of this Bill. She added she understands there have been abuses of the system in the state which has probably caused the conversation to come back. It is her belief the Retirement System should be looking to enforce their rules rather than place further restrictions on municipalities. These two items were included in the agenda packet. The Manager also spoke about the benefits of using former police officers who retired to use them in a part-time position to provide for a transition or train a new person into the position.

The City Manager noted she also wanted to mention something related to the Farm Bill which is what defines a rural community. This is at the Federal level and she did reach out to our delegation in relation to looking at defining rural communities at a population of 25,000 instead of 23,000. This would allow Keene to apply and potentially receive more funds through the Rural Development Program. Keene meets the definition of a rural community except for its population. In addition to the City Manager reaching out to Senator Shaheen, ACM/IT Director Rebecca Landry has also contacted the Senator.

The City Manager also reported having a couple of meetings with Senator Kahn who has been helpful in putting forward a couple of Bills for Keene. SB-339 relative to voting by Zoning Boards to make a procedural clarification and SB-430 relative to the priority of liens for liability of support of assisted persons. If we provide assistance the City can place a lien on the individual's property for the return of that assistance if the property is ever sold or transferred hands. Currently, the priority of the lien is very low.

Relative to SB-339 Attorney Mullins noted this is relative to an issue we recently had come up in one of our Zoning Board hearings. It rises in the context of a three member Board; they are generally a five member Board. The Statute now requires three affirmative votes of the ZBA to approve an application or overturn a decision of the Administrative Officer. It does not also state that in order to deny an application it takes three votes. It came up recently that if there is a 2-1 vote the application is denied. Attorney Mullins response to this is no because if the statute requires an applicant to get three affirmative votes to approve it should also require three affirmative votes to deny. Attorney Mullins position is this is a due process violation. He further explained if you are the applicant it takes three affirmative votes to approve the application with somebody opposed only needing one vote. For clarification purposes the statute should require three votes from the ZBA for all purposes to approve and to deny. We requested the Senator submit this to clarify a procedural question. Should there not be a majority vote was asked by Chair Richards. Attorney Mullins replied in the affirmative adding if there were five members it would be a majority vote. Attorney Mullins reiterated the Statute requirements. Councilor Sapeta asked if this is why we always present our motions in the affirmative; Attorney Mullins concurred.

Returning to the City Manager's presentation, Councilor Sapeta asked if there are plans to adopt the 2015 Building Code in Keene whether or not it passes at the State level. Med Kopczynski responded it is not as simple as one would think. Mr. Kopczynski provided background information noting most changes come about through industry. He continued Building and Fire Codes are revised on a three year cycle utilizing the ANSI balance process. Most people think of changes in codes being stricter; this is not true, what does happen is the code evolves. Having the Building and Fire Codes out of sync means you have two codes not talking to each other. Mr. Kopczynski does not think the City is entertaining adoption of the 2015 Building Code and he is unsure where that leaves us. Having the 2015 Fire Code and not having the 2015 Building Code could lead to some problems at some point.

The bigger issue for us, from the insurance standpoint, is where does this leave us? He continued it changes were we are from the Community Rating System and ISO standpoints. It seems the Federal government through FEMA will be looking for disaster relief to match policies they have related to the most current codes (2018). Referring to this legislation, Mr. Kopczynski noted he feels this could have deep consequences for the City of Keene and the State of New Hampshire.

Continuing Councilor Sapeta asked what it would take for us to be in sync. Mr. Kopczynski replied it would take more discussion with John Rogers to see what he thinks about that. There is a Bill to study the process of adoption of codes. Mr. Kopczynski provided information on how codes were adopted prior to 2000. He also explained the Building Code Review Board and its purpose. Mr. Kopczynski clarified we do not adopt portions of the Code; we enforce the state code. He added the Fire Prevention Code has no analog in the Building Code. Noting this is an investment in the community Councilor Sapeta recommended staying on top of this. Chair Richards commented the safety side of it is important to him.

Referring to the impact to employees Chair Richards said what it does not say is the impact to City or government employees. He noted both police and fire are highly trained and he understands why someone would want to bring them back. Continuing he said over time we get a reputation for hiring back retirees (they get two checks one from the retirement system and the other from the City). Chair Richards feels this is unfair and asked why not give somebody a career rather than just bringing back retirees; he can understand this with police and fire because the average person does not have their skill level. Chair Richards asked for the City Manager's thoughts on this. The City Manager said it depends noting there are several positions other than fire and police that require a lot of training. With regards to them working part-time to supplement their income the City Manager feels it is better for us to keep them here. She continued the issue here is some cities and towns have downgraded full-time positions to part-time positions to get around the rules; this is what she has an issue with. The City Manager is talking about using these people in positions that are already part-time. Another issue the City Manager mentioned is recruitment, noting we are a graying population and we need to find a way to keep retirees active and working. Although we would love to recruit new people into the community and have them work up through the ranks; sometimes we just cannot do that.

Referring to the other piece of the Bill, the 60 day waiting period made no sense to the City Manager. Her feelings are that this is a perception issue. The City Manager commented this really impedes our ability to keep that person in place for 10, 20 hours per week to help with the transition time (train or fill-in). Rather than this Bill the City Manager would rather see the Retirement System go after the people who are abusing the system.

Chair Richards commented this seems like an opportunity to bring in someone new, train them, and get more people into the workplace. He also noted his concern for the perception. Councilor Rice added to this discussion noting part-time jobs might not be great for someone fresh out of college. She is not opposed to the retirees in part-time positions and suggests sustainable career path for young people. Chair Richards commented the problem is young people are leaving New Hampshire because the jobs are not here.

The only downside Councilor Hansel said he sees is the opportunity for a bad perception. On the other side what he is hearing from the City Manager is employer flexibility is the key issue we are looking for.

Carl Jacobs, Ward 2 Councilor said he wants to understand the harm that this is remedying. The City Manager replied she does not see the harm with retired persons working in these roles. This gives us the greatest flexibility in filling the positions. Councilor Jacobs asked why the restrictions are there. The City Manager shared information regarding the previous high profile cases that happened over on the coast and the resulting community perceptions. Councilor Sapeta asked if we have checks and balances in place so we do not have that perception here.

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

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends the Legislative Update be accepted as informational.



City of Keene, N.H.  
*Transmittal Form*

January 10, 2018

**TO:** Mayor and Keene City Council  
**FROM:** Municipal Services Facilities and Infrastructure Committee  
**ITEM:** G.1.

**SUBJECT:** Gilbo East Parking Lot Improvements – Public Works Department

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**RECOMMENDATION:**

On a vote of 5 – 0, the Municipal Services, Facilities and Infrastructure Committee recommends the Gilbo East Parking Lot Improvements be placed on more time.

**BACKGROUND:**

The Public Works Director noted this is a follow-up from the last meeting; the Committee asked for additional information on design standards for parking lots. The current budget for this project was developed through the CIP and it fit within the Council goals at that time.

The City Engineer said his staff works to complete the projects as much as possible, but are bound by certain parameters, particularly financial, that are approved by Council. He presented more information on the design alternatives developed to help the Committee choose a recommendation. He provided background on the Gilbo East parking lot. It is a surface parking lot with 119 parking spaces, including some on Gilbo Avenue, Lamson Street, and St. James Street. The metered lot is in the Central Business District (CBD) and a part of the Gilbo Avenue Overlay District. This lot is scheduled for rehabilitation and the CIP approved budget for the project is \$118,708. The scope of work for rehabilitation includes pavement markings, a new concrete sidewalk along Gilbo Avenue, granite curbing, and concrete islands to separate parking bays with trees in the islands. The scope of work also mentions adding four new parking spaces along Gilbo Avenue.

The parking lot pavement is currently in poor condition with drainage problems because of the enormous expanse of asphalt. Sidewalks extend from Lindy's parking lot to the other side of St. James Street; the Gilbo West parking lot was rehabilitated a few years ago. There are currently only painted lines between travel lanes and the parking lot; there is no actual sidewalk. The drive aisles between parking spaces are narrower than typical parking lot standards would allow (17.5"-19") and parking spaces are longer than necessary.

The City Engineer continued explaining the relevant City parking codes and standards; the City strives to follow the same rules any developer would follow:

- Sec. 102-791 Requirements for "CB" Zone – in the CBD there are no dimensional standards, no minimum setbacks for buildings or pavement, 100% maximum coverage is allowed, no greenspace is required, and businesses are not required to provide parking (the City provides public parking).
- Sec. 102-794 Requirements for Parking Lots – parking lots are required to have, "a substantial bumper of concrete, masonry, steel or heavy timber placed at or near the end of each parking space to prevent vehicles damaging adjacent building, lawns, trees or shrubs, or from creating a hazard to pedestrians on any adjacent sidewalk."

- o This section of the code does not prohibit drive through parking spaces.
- Sec. 102-1226 Pavement Setback Standards for Lots – 15” pavement setbacks in front and 12” setbacks on sides or adjacent to lawns.
- Sec. 102-1229 Landscaping for Lots that abut the ROW – identifies specific landscaping treatments that can be used; different options for compliance for lots that abut the ROW.
- Sec. 102-1230 Landscaping within Parking Lots – minimum 10% parking lot space area for landscaping; varies depending on lot size.
- Sec. 102-1231 Not required to Exceed 102-791 – nothing in this division of code (102-1226 – 102-1231) requires more open or greenspace than required by Sec. 102-791, which has no requirement of open or greenspace; therefore, sections 1226 – 1231 are not applicable to the Gilbo East lot.
- Sec. 102-1471 Purpose of the Overlay District – the intent of this district is, “to foster and promote new construction that is in keeping with the City of Keene’s prevailing Downtown architectural, cultural, and design characteristics: promoting an aesthetically pleasing streetscape; prioritizing pedestrian access above vehicular access; preventing large parking lots along the streetscape; walkable and bicycle-friendly environment; and provide shade and public spaces... to enhance the visual appearance of Gilbo Avenue.”
  - o This, more than any of the other codes, really drove this design effort.
- Sec. 102-1473 General Requirements – parking lots shall not be permitted at transition points and must be screened by landscaping, fencing, or a building. Those transition points are at the intersections that abut the zone and are therefore not applicable to this project.
- Sec. 102-1474 Dimensional Requirements – sidewalks should be no less than 10” wide; this is not likely possible in this location.

The City Engineer continued explaining the designer’s intent for this project; in early consultations with the Police Department (PD) it was clear they want as many parking spaces preserved as possible. The Designer’s intent is to rehabilitate the Gilbo East lot in a way that:

- Advances the goals of the Gilbo Avenue Design Overlay District to the extent practical
- Improves the aesthetics of Gilbo Avenue
- Maximizes available parking spaces
- Remains within the available budget

The City Engineer continued outlining the different design options developed by City staff:

- Option 1 – this option follows verbatim what was described and budgeted in the CIP.
  - o Scope
    - \* Mill, shim, and overlay
    - \* Adjust structures
    - \* Pavement markings
    - \* Concrete sidewalks along Gilbo Avenue – 5” width budgeted
    - \* Granite curb
    - \* Concrete islands with trees
    - \* 4 new parking spaces: before 119, after 123

- o Estimated cost: \$114,000

- o The parking lot currently, because of boundary lines, spills into the ROW and blurs the line between the public ROW and City property.

The Committee made comments on Option 1. Councilor Sutherland said he is concerned about the four new external parking spaces on Gilbo Avenue because they could inhibit visibility turning into and out of the lot; it also poses a threat to pedestrians. The City Engineer agreed those on-street spaces are not ideal. Councilor Sutherland asked if this design changes any of the parking on St. James Street. The City Engineer replied no changes are proposed for those spaces in the CIP. There is currently parallel parking on both sides of St. James Street; the four spaces on Lamson Street will also remain unchanged. There is no money budgeted for new parking meters for Gilbo East. Staff is requesting funds for three parking meter kiosks for the lot; if the money is not allocated, the current meters will be reinstalled in the lot. Councilor Sutherland expressed concern

about drainage in the parking lot, noting there is significant puddling there during rainstorms. The Public Works Director replied that is part of a larger City-wide drainage issue; there is drainage capacity on site, but the pipes that water feeds into from the site are insufficient. Councilor Sutherland expressed concern that adding a barrier between the parking lot and street could perpetuate the drainage problems; he suggested finding a way to ensure drainage through granite curbing. The City Engineer replied this project does not address whole system capacity but grading improvements in the lot as well as trees could help.

- Option 2 – this option displayed what the parking lot would require to fully comply with all zoning requirements, even those that do not apply to the CBD. Staff thinks this option would be great but 22 parking spaces would be lost and it is cost prohibitive, budgeted at \$175,000.

- Option 3 – this is the option presented to the Committee at the last meeting. This is the option staff recommends.

- o Scope

- \* Mill, shim, and overlay

- \* Adjust structures

- \* Granite curb

- \* Concrete sidewalk on Gilbo Avenue

- \* Screening along Gilbo Avenue – a greenspace buffer

- o Parking spaces reduce from 119 to 105 to ensure traffic circulation

- o Estimated cost: \$118,000

- o Would reduce parking lot entrances/exits and travel lanes from three to two

- o Advances the goals of the overlay district, improves the streetscape, and fits within the

budget

Councilor Manwaring asked if any of these options include lighting improvements. The City Engineer replied lighting is not included in the scope of this project; the existing light fixtures will remain and continue to serve their existing function. Enhanced solar lights can be explored down the line.

Councilor Lamoureux said he was involved with this project when it started and asked if test bores have been done on this property. The City Engineer replied they have not done borings but are carrying a large amount of shim that will fit within the budget; he hopes they will only have to do milling to correct grading with more emphasis on shim. Councilor Lamoureux said when this project began it was noted there will be a loss of parking for the new library improvements; he asked if this project will facilitate pedestrian access from the lot to West Street, and therefore the library. He said the additional parallel parking spaces on St. James Street, which are essentially unused, should be converted to a sidewalk to West Street. He said he likes the curbing and sidewalks in option one because it provides safer pedestrian access; he said at a minimum there should be a sidewalk on St. James Street. The Public Works Director replied there is a sidewalk on the west side of St. James Street and they hope defining the sidewalk on Gilbo Avenue will provide a decent crossing to that sidewalk on the west side of St. James. Councilor Lamoureux asked if it is possible to draft an estimate cost of adding a sidewalk to the east side of St. James Street; the Public Works Director replied yes.

Councilor Lamoureux said if this project goes forward he wants it to be done well, and part of that for him is lighting; he is willing to bring improved lighting at this location forward to Council himself. The Public Works Director agreed but said after the FY18 budget process the Finance Director and City Manager made it clear there are very limited funds, especially in the Parking Fund. Staff recommends that if there are substantial increases in this project it needs to go back into the CIP process next year for FY20-25. He said if there is interest this can go on more time and he can have a discussion with the City Manager. This can also be presented to full Council for their input. Councilor Lamoureux asked if that means the project would be delayed another two years. The Public Works Director replied yes, because if there are substantial additions it must go through the CIP process. The City Engineer added this project could move forward under this design with the intention to make these other improvements incrementally over time; the design was made to be flexible so the work can expand in the future.

Councilor Sutherland said he thought Council has approved a lighting contract with Hamblet Electric for Gilbo Avenue. The City Engineer replied that was only for the conduits and bases. Councilor Sutherland said he prefers option one because of drainage and ease of snow removal. The Public Works Director said from an operational perspective in option three, snow can be pushed across the street to the Commercial lot and piled in a select few spaces in the Gilbo lot. He does not think option three presents and more operational challenges than option one. Councilor Sutherland echoed the importance of lighting because he thinks this lot is already too dark and poses a safety concern. He hopes whatever lighting is chosen for the Gilbo East lot, it should be different than the Commercial Street lot; the lights should be more downcast. The City Engineer said option three was developed to maintain the current functional lights with the ability to add lights to the center of parking stalls in the future. Councilor Sutherland noted the Council has the ability to change this year's CIP and add more funding to this project if necessary. The Public Works Director replied yes, but it is not staff's place to assume Council would want to amend the current CIP.

Chair Manwaring asked how much of the \$118,000 budget is for parking kiosks. The City Engineer replied the kiosks are not included in the budget; if the kiosks are approved the money will be available July 1, which is in line with when the lot would be completed. Chair Manwaring said she would rather the money be spent on lighting than kiosks.

Councilor Hooper said he prefers option three. He understands the drainage concern but he prefers the idea of reducing from three to two travel lanes in option three. Option three eliminates a minimal amount of parking spaces and adds some greenspace. He agreed with the lighting concerns and the possibility of a sidewalk on east St. James Street.

Councilor Filiault said he prefers option three because he does not like adding parking spaces on Gilbo Avenue and he thinks the islands are more attractive for lighting.

Councilor Lamoureux asked if the landscaping on Gilbo Avenue costs the same as the sidewalk. The City Engineer replied to balance the budget the concrete islands would be eliminated to allow vegetative screening. Councilor Lamoureux said he thought there were still Downtown Beautification funds. The Public Works Director was unaware of that fund but noted any reallocation of funds for this project would require Council action. Councilor Lamoureux said he likes the sidewalks because they are important for safety; he asked where the kiosks would be located. The City Engineer replied he is working on that decision with the PD, but likely at three of the four corners of the lot.

Councilor Sutherland said he is concerned that too many details are still ambiguous. He wants to see this as a more cohesive project that includes all of these remaining details. He thinks the City is rushing to just get the parking lot done and worry about the other elements later. He prefers a motion to present this to Council for review and amendment of the CIP. Councilor Filiault agreed it seems they are jumping too far ahead and there are too many unanswered questions. He and Chair Manwaring agreed they are not ready to vote on a recommendation. The Public Work Director noted the importance of further vetting projects before they are budgeted in the CIP; he said the scope of options one and three are options approved in the CIP process. All other additional areas were discussed but not included because they were not budgeted by Council. He thinks the City Engineer did a great job preparing for the future within the boundaries of the approved budget. He said this Committee could recommend to Council that the current scope is not at an acceptable level and should be reviewed in the CIP process. The Committee can ask the Public Works Department to come back with estimates for FY19-24 or to work on details for FY20-15. Chair Manwaring agreed and suggested having a parking representative at the next meeting. Councilor Lamoureux asked if it is possible in the meantime to draft an estimate of what the full cost of these project additions would be; The Public Works Director replied yes and echoed the need for critically talking about project scopes in the CIP process so staff can have guidance earlier. Councilor Sutherland said this is always difficult because of timing issues; a lot has changed since the CIP. The Committee thanked staff for their hard work to this point. The City Engineer said it is better these

questions come up now before the design process goes further.

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

On a vote of 5 – 0, the Municipal Services, Facilities and Infrastructure Committee recommends the Gilbo East Parking Lot Improvements be placed on more time.





City of Keene, N.H.  
*Transmittal Form*

December 21, 2017

**TO:** Mayor and Keene City Council

**FROM:** Patricia A. Little

**ITEM:** K.1.

**SUBJECT:** Approving an Application for CDBG Funds

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**RECOMMENDATION:**

Resolution R-2017-38-A tabled until January 18, 2018 for consideration after the public hearing has closed.

**ATTACHMENTS:**

Description

Resolution R-2017-38-A

**BACKGROUND:**

Pursuant to Section 19 of the City Charter, the Mayor used his power to call for the reconsideration of Resolution R-2017-38, which was adopted by the City Council at their December 7, 2017 meeting.

The Mayor advised that it was discovered that the use of CDBG funds for property acquisition is not permitted. He noted it is necessary that the Resolution's purpose be amended to reflect the use of funds to support the expansion of the building that MEDC owns and leases to the Monadnock Food Co-op. The Mayor also noted another public hearing would be scheduled for 7:00 PM on January 18 on R-2017-38-A.



# CITY OF KEENE

R-2017-38-A

Seventeen

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

## APPROVING AN APPLICATION FOR CDBG FUNDS

A RESOLUTION .....

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

WHEREAS, the City of Keene has stated as one of its Community Goals that the economic development base of the City be diversified; and

WHEREAS, the present national economic climate suggests there is a need for development that would provide jobs; and

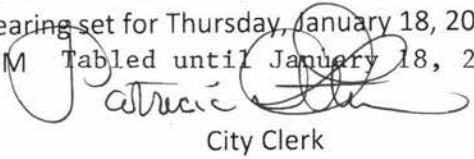
WHEREAS, the Monadnock Economic Development Corporation has been incorporated for the purpose of working to expand the economic base of the Monadnock region; and

WHEREAS, the U.S. Department of Housing and Urban Development has established a Community Development Block Grant Program which is administered within the State of New Hampshire by the Community Development Finance Authority; and

WHEREAS, the Community Development Block Grant would provide up to \$500,000 to be subgranted to Monadnock Economic Development Corporation (MEDC) which would use the funds for the construction and expansion of the building that MEDC owns and leases to the Monadnock Food Co-op.

NOW, THEREFORE, BE IT RESOLVED that the City Council approve and support the City's grant application to the New Hampshire Community Development Finance Authority for an amount up to \$500,000 in Community Development Block Grant funds: that the Council re-adopt the Housing and Community Development Plan; that the City will re-adopt the Residential Anti-Displacement and Relocation Assistance Plan; that the City will accept the grant if it is approved and enter into a contract with the New Hampshire Community Development Finance Authority; and, further, that the City Manager is authorized to execute any documents which may be necessary for the contract.

In City Council December 21, 2017.  
Public Hearing set for Thursday, January 18, 2018  
at 7:00 PM Tabled until January 18, 2018.

  
City Clerk

\_\_\_\_\_  
Kendall W. Lane, Mayor