



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
July 19, 2018
7:00 PM

Roll Call
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- 07/05/2018 Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Presentation - Building Better Together: Exploring Updates to Keene's Downtown Zoning Districts – A Brief Project Update
2. Presentation - ReVision Energy - 350-400 Marlboro Street Municipal Solar Array

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmation
Library Board of Trustees
2. Nomination
Ashuelot River Park Advisory Board

C. COMMUNICATIONS

1. Jenna Spear O'Mara - Resignation - Ashuelot River Park Advisory Board
2. Charles Redfern - Resignation - Ashuelot River Park Advisory Board
3. Peg Bruce/Kiwanis Club of Keene - Request to Use City Property - Tree Lighting Event
4. Susan Gilbert - Release of Easement - Stanhope Avenue
5. Kate McNally/Cheshire Coalition for Tobacco Free Communities - Raising the Legal Minimum Age for the Sale and Possession of all Tobacco and Nicotine Products
6. West Street Hydro, Inc. - Hydropower Project at West Street Dam
7. Tillie's Restaurant - Request to Serve Alcohol - Sidewalk Cafe License
8. Katie Schwerin - Proposal for Permanent Public Art Installation - Airport Property
9. Councilors Hansel, Hooper & Manwaring - Installation of Receptacle for Lead Fishing Tackle Disposal - Keene Transfer Station

D. REPORTS - COUNCIL COMMITTEES

1. Departmental Presentation – Little Known Parks

2. Let it Shine - Use of City Property - 2018 Pumpkin Festival
3. Kevin Dremel – Use of City Property – Keene Music Festival
4. Acceptance of Grant Funds – NH Division of Historical Resources Certified
5. Acceptance of Donation - Maintenance - Maple Avenue/Court Street Roundabout - Parks, Recreation and Facilities Department
6. Acceptance of Law Enforcement Opioid Abuse Reduction Grant - Police Department
7. Repurchase of 344-346 West Street - Finance Department
8. Councilor Clark - Process for a City Councilor to Request Information from Staff

E. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. CITY MANAGER COMMENTS

F. REPORTS - BOARDS AND COMMISSIONS

G. REPORTS - MORE TIME

H. ORDINANCES FOR FIRST READING

I. ORDINANCES FOR SECOND READING

J. RESOLUTIONS

1. Relating to the Appropriation of Funds for the Fire Department
Resolution R-2018-20
2. Council Policy Relating to the Acceptance and Placement of Public Art
Resolution R-2018-22
3. In Appreciation of Elizabeth A. Uhas Upon Her Retirement
Resolution R-2018-23
4. In Appreciation of Mark J. Beaugard Upon His Retirement
Resolution R-2018-24
5. Relating to the Renaming of the Carpenter Street Field to the Patricia T. Russell Park and
Relating to Use of the City Park Lands
Resolution R-2018-25
Resolution R-2015-30
Resolution R-2018-27
6. Relating to Fiscal Policies - FY 2018-2019
Resolution R-2018-26
7. In Appreciation of Robert S. Thornton Upon His Retirement
Resolution R-2018-28

Non Public Session
Adjournment

A regular meeting of the Keene City Council was held Thursday, July 5, 2018. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: Carl B. Jacobs, Thomas F. Powers, Terry M. Clark, Randy L. Filiault, Bartolmiej K. Sapeta, Margaret M. Rice, Robert B. Sutherland, George S. Hansel, Gary P. Lamoureux, Bettina A. Chadbourne, Stephen L. Hooper, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Janis O. Manwaring was absent. Councilor Sutherland led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the June 21, 2018 regular meeting was duly seconded. The motion passed with a unanimous vote in favor.

ANNOUNCEMENTS

The Mayor announced that on Tuesday, July 17th there will be a Fiscal Policy Workshop. The Mayor announced the summer break will include the week of August 8th and 9th for the Standing Committees and the August 16th City Council meeting. The August 22nd and 23rd Standing Committee meetings will be moved to the last week of the month on August 29th and 30th. The City Council will be back to its normal meeting cycle on September 6th.

PROCLAMATION – DESIGNATION OF JULY AS PARK AND RECREATION MONTH

The Mayor invited Andy Bohannon, Parks, Recreation and Facilities Director forward to present him with a proclamation. The Mayor went on to proclaim July as *Park and Recreation Month* and encouraged everyone to enjoy all of what the Park and Recreation Department offers. Mr. Bohannon stated the theme this year is *Lifetime of Discovery*. He encourages everyone to get out and do some type of recreation during the month.

CONFIRMATION

A motion was made by Councilor Greenwald and duly seconded to confirm the following nomination: Jane Taylor to serve as a regular member of the Zoning Board of Adjustment, with a term to expire December 31, 2022. On a roll call vote, with 14 Councilors present and voting in favor the nomination was confirmed. Councilor Manwaring was absent.

NOMINATIONS

The following nominations were received from the Mayor: Jennifer deCoste to serve as a regular member of the Library Board of Trustees, with a term to expire June 30, 2021; Don Wilmeth to serve as a regular member of the Library Board of Trustees, with a term to expire June 30, 2021. The nominations were tabled until the next regular meeting.

COMMUNICATION – ANTJE HORNBECK – RESIGNATION – PARTNER CITY COMMITTEE

A communication was received from Antje Hornbeck resigning from the Partner City Committee. A motion by Councilor Greenwald to accept the resignation with regret and appreciation of service was duly seconded. The motion passed with a unanimous vote in favor.

COMMUNICATION – COUNCILOR CLARK – PROCESS FOR A CITY COUNCILOR TO REQUEST INFORMATION FROM STAFF

A communication was received from Councilor Clark requesting that the City Council discuss the process for a City Councilor to obtain information from staff. The communication was referred to the Finance, Organization and Personnel Committee.

COMMUNICATION – TIM ZINN – LET IT SHINE – MODIFIED REQUEST FOR EVENT LICENSE

A communication was received from Tim Zinn, Let It Shine, which modified their request for use of city property for the Pumpkin Festival by removing food concessions from within the event footprint and eliminating their plan to include additional school children's pumpkins. The communication was filed into the record.

MSFI REPORT – DOG WARRANT – CITY CLERK'S OFFICE

Municipal Services, Facilities and Infrastructure Committee report read recommending a warrant for unlicensed dogs pursuant to NHRSA 466:14 be issued and the Animal Control Officer be directed to issue a civil forfeiture to those dog owners who have failed to license their dog by April 30, 2018. A motion by Councilor Filiault to accept the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

PLD REPORT – PRESENTATION – BROADBAND STUDY – IT DEPARTMENT

Planning, Licenses and Development Committee report read recommending acceptance of this item as informational. The Chair filed the report into the record as informational.

PLD REPORT – PEGGY SCHAUFFLER/COUNTRY LIFE - USE OF CITY PROPERTY – SANDWICH BOARD SIGNS

Planning, Licenses and Development Committee report read recommending that the request from Country Life Restaurant for placement of a sandwich board sign on city property on the corner of Main Street and Roxbury Street be denied as the request does not comply with City Code Section 46-960; and would otherwise be contrary to Section 102-1292 paragraph 13 of the City's Zoning Ordinance, which prohibits off-premises signs in every zoning district of the city. 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 – 2018 PUMPKIN FESTIVAL – STAFF RECOMMENDATION – PUBLIC WORKS DEPARTMENT

Planning, Licenses and Development Committee report read recommending that a license not be granted to Let It Shine, Inc. to use Downtown City rights-of-way on Sunday, October 28, 2018 to hold a "Keene Pumpkin Festival, In the HeART of Downtown Keene, NH". The Chair referred this item back to the Planning, Licenses and Development Committee.

FOP REPORT – REQUEST TO SOLICIT AND REPORT ON DONATIONS – HUMAN RESOURCES

Finance, Organization and Personnel Committee report read recommending the City Manager do all things necessary to solicit and accept donations from local and regional businesses and service vendors to be used as prizes or fundraisers for the Employee/Retiree Health Fair, the Annual Employee Recognition Event, and other HR related activities and promotions, including Community Night 2018 being organized by PAB and City Employee Groups. 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 – WOODLAND CEMETERY CULVERT – PARKS, RECREATION AND FACILITIES DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Council adopt the recommendation by the Trustees of Trust Funds for the expenditure of \$86,675.00 for the purpose of replacing a culvert in Woodland Cemetery. 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 – PROFESSIONAL SERVICE EVALUATION – ROXBURY ROAD WATER STORAGE TANK – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager do all things necessary to negotiate and execute a professional services contract with Tata and Howard Engineers to perform an evaluation of the City's 3 million gallon water storage tank and water system modeling for an amount not to exceed \$33,400. 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 – RECORDS STORAGE AND MANAGEMENT SERVICES RATE INCREASES FOR CONTRACTED CUSTOMERS – CITY CLERK'S OFFICE

Finance, Organization and Personnel Committee report read recommending the proposed rate increases for contracted customers of the records center be approved with an effective date of July 1, 2018. 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 announced a Human Resources & Payroll optimization study would be occurring next week by our finance software company Superior. The purpose of the workshop is to look at how we currently handle the "Hire to Retire" cycle from recruitment, onboarding, benefits management, payroll, and everything else right through retirement, using our financial software, and then to provide recommendations on how to improve those processes. The goal is

to become more proficient using all the functions of the software and to avoid duplication of efforts across departments wherever, possibly using automation.

The City Manager also announced Southwest Regional Planning Commission's Economic Development Advisory Committee (EDAC) meets on a quarterly basis and the next meeting is scheduled for July 11, 2018 at 12:00 PM. The airport is seen as an asset to the area and is on their agenda for this meeting. EDAC had requested to have Jack Wozmak, Airport Manager, and the City Manager attend the meeting.

MORE TIME

More time was granted by the Chair for the following items in Committee: Ashuelot Court Homeowners – Request to Partner in the Installation of Water and Sewer Lines on Ashuelot Court, a Designated Private Road.

FOP REPORT AND ORDINANCE O-2018-07 RELATING TO FIRE DEPARTMENT CALL PERSONNEL

Finance, Organization and Personnel Committee report read recommending the adoption of Ordinance O-2018-07 Relating to Fire Department Call Personnel. The report was filed into the record. Ordinance O-2018-07 was read for the second time. A motion by Councilor Greenwald for adoption of the Ordinance was duly seconded. On roll call vote, 14 Councilors were present and voting in favor. Councilor Manwaring was absent. Ordinance O-2018-07 declared adopted.

FOP REPORT AND ORDINANCE O-2018-10 RELATING TO FALSE ALARM PREVENTION – PAYMENT OF COSTS

Finance, Organization and Personnel Committee report read recommending the adoption of Ordinance O-2018-10 Relating to False Alarm Prevention – Payment of Costs. The report was filed into the record. Ordinance O-2018-10 was read for the second time. A motion by Councilor Greenwald for adoption of the Ordinance was duly seconded. On roll call vote, 14 Councilors were present and voting in favor. Councilor Manwaring was absent. Ordinance O-2018-10 declared adopted.

FOP REPORT AND RESOLUTION R-2018-21 RELATING TO THE REALLOCATION OF FUNDS FROM THE WATER INFRASTRUCTURE CAPITAL RESERVE TO REPLACE THE DRUMMER HILL WATER PUMP STATION

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2018-21 Relating to the Reallocation of Funds from the Water Infrastructure Capital Reserve to Replace the Drummer Hill Water Pump Station. The report was filed into the record. Resolution R-2018-21 was read for the second time. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. On showing of hands, 14 Councilors were present and voting in favor. Councilor Manwaring was absent. Resolution R-2018-21 declared adopted.

07/05/2018

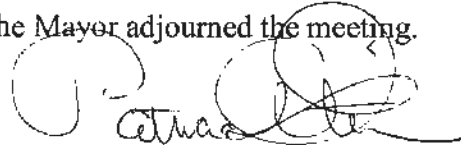
MSFI REPORT AND RESOLUTION R-2018-22 COUNCIL POLICY: RELATING TO THE ACCEPTANCE AND PLACEMENT OF PUBLIC ART

Municipal Services, Facilities and Infrastructure Committee report read recommending a review and a recommendation of a Resolution relating to the acceptance and placement of public art along with Resolution R-2018-22. The report was filed into the record. Resolution R-2018-22 was referred by the Chair to the Municipal Services, Facilities and Infrastructure Committee.

ADJOURNMENT

At 7:30 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:

A handwritten signature in black ink, appearing to read "C. Thomas", written over a circular stamp or seal.

City Clerk



City of Keene, N.H.
Transmittal Form

July 2, 2018

TO: Mayor and Keene City Council

FROM: Mayor Kendall W. Lane

ITEM: B.1.

SUBJECT: Confirmation

COUNCIL ACTION:

In City Council July 5, 2018.

Tabled until the next regular meeting.

RECOMMENDATION:

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

Library Board of Trustees

Jennifer deCoste, slot 1 Term to expire June 30, 2021
re-nomination

Don Wilmeth, slot 2 Term to expire June 30, 2021
re-nomination



City of Keene, N.H.
Transmittal Form

July 12, 2018

TO: Mayor and Keene City Council

FROM: Mayor Kendall W. Lane

ITEM: B.2.

SUBJECT: Nomination

RECOMMENDATION:

I hereby nominate the following individual to serve on the designated board or commission:

Ashuelot River Park Advisory Board

Dave Whaley, slot 2

Term to expire Dec. 31, 2019

70 Dickinson Road

ATTACHMENTS:

Description

Background - Whaley

DAVE WHALEY

Keene, New Hampshire 03431 ♦ 954.235.7210 ♦ [REDACTED]

SUMMARY OF QUALIFICATIONS

Operations Director with over 20 years experience in both large scale field operations management and corporate strategic initiatives. Decisive, strategically focused, with track record of delivering sustained financial results and service quality. Versatile leader repeatedly recruited to turn around sub-par operations. Plans and executes large dollar initiatives with sustained results. Experienced in building strong management teams and creating cultures of accountability and continuous improvement. Calm and focused in high pressure situations.

KEY STRENGTHS

- Profit Development
- Successful P&L Management
- Compliance Assurance
- Cost Reduction & Control
- Productivity Improvement
- Strong Leadership, Personnel Development
- Strategic Planning
- Customer Relationship Management
- Industrial Engineering / Lean Management
- Change Management

PROFESSIONAL EXPERIENCE

DHL EXPRESS

1990 – 2009

(DHL Express is a division of Deutsche Post World Net. DHI is the largest logistics and shipping corporation in the world, delivering to over 230 countries worldwide.)

Director, Operations - Corporate Strategic Initiatives (2002 – 2009) [Corporate Office, Plantation, Florida]

Initiated, directed, and executed corporate business agenda to remove post-integration redundancies and enhance service and compliance among national field operations ensuring timely, maximum, and sustained results.

- Led Profit Improvement Initiative resulting in removal of \$22M of cost through application of industrial engineering practices and related productivity improvements.
- Enhanced revenue and yield improvement resulting in \$12M annually through development, execution, and follow-up of program, improving package reweigh and dimensions capture through field compliance.
- Removed \$7M from field operations supply costs through collaboration with Procurement and field operations. Eliminated waste, emphasized appropriate use, employed recycling, and other methods.
- Improved billing capture resulting in \$1.7M through improved quality and field turn-in compliance.
- Directed team of 21 managers which improved international operations and service performance by 6.7%.
- Managed \$10.7M rebranding project to install and distribute uniforms to 24,000 employees.
- Co-designed and managed Field Incentive Program - \$9.1M annual budget - which improved incentive equity and meaningfully reduced cost, enhanced productivity, and improved service and safety.
- Led audit team resulting in improved operational and legal compliance and data integrity.
- Worked with select team of engineers to plan and implement the smooth and efficient integration of the DHL and Airborne U.S. networks, optimizing synergies; also led teams in facility closures.

Regional Service Director (1998 – 2002) [Wilmington, Massachusetts]

Directed operations supporting \$200M annual revenue; 30 locations in 13 states; multiple air and truck nodes; approximately 800 employees, 75 subordinate management.

- Led region to #1 national standing – criteria: growth, cost, service, safety - two years through active leadership, effective communication, training, recognition, accountability, and follow-up.
- Maximized revenue growth and quality through active collaboration with sales – team selling, density selling, customer retention and penetration initiatives.
- Actively engaged industrial engineering, financial planning & analysis, human resources, fleet, building & facilities, real estate and loss prevention resulting in reduced cost and risk reduction - enhancing profit.
- Developed customer focus among all personnel, increasing customer satisfaction and brand integrity.

DHL EXPRESS, *Regional Service Director*, continued.

- Improved management performance and bench strength through active training and succession planning.
- Drove progressive and sustained savings through engineering based process improvement, development and adherence to work methods, training, and damage reduction. Sustained results through tracking and follow-up of weekly, monthly, and year over year elemental results.
- Instituted MBC / TSM to optimize, control, and continually improve all components of performance.
- Improved morale and personnel engagement through regular station visits, open forums, one on ones, personal accessibility, consistent application of recognition and accountability, and training.
- Prioritized competency based selection which elevated workforce quality and reduced turnover.

***Area Service Manager* (1995 – 1998) [Houston, Texas]**

P&L responsibility for \$48M in annual revenue, 9 locations.

- Rebuilt management team and front line workforce to yield greater productivity, quality, and morale.
- Managed and improved efficiency within Just-In-Time logistics and Airfreight operations.
- Reduced cost and drove profitability through implementation of engineering efficiencies and lean management practices and working with sales, customers, and employees by improving service quality.
- Engineered facility consolidation resulting in lower vehicle and personnel cost and better service.

***Area Service Manager* (1993 – 1995) [Indianapolis, Indiana]**

P&L responsibility for \$20M in annual revenue, 6 locations.

- Progressive improvement in cost, safety, turnover, service; relocated two facilities for cost improvement.
- Managed customer call center and dispatch operations – reduced customer wait times.
- Developed, managed, improved service and reduced costs from 3rd party vendors.

***Service Center Manager* (1990 – 1993) [Los Angeles, California]**

Managed operations in three locations, improving productivity and service quality in each.

- Collaborated with sales resulting in enhanced revenue from Asia Pacific banking centers.
- Developed store-front DHL Business Center and drop-off point in downtown Los Angeles.

UNITED PARCEL SERVICE, Los Angeles, California**Prior to 1990*****Service Center Manager***

(UPS is a \$51.5B global corporation. It is the largest package delivery company, serving more than 200 countries and territories worldwide.)

- Managed two 55 car operations with Teamster labor; improved productivity service, and morale.
- Selected to attend nine month Industrial Engineering & Lean Management training, becoming proficient in elemental time study, volume projections, facility design, and practical use of Management by Commitment to identify, optimize, and sustain productivity and service opportunities.
- Selected to work with a special management team to open operations in Vancouver, British Columbia.

EDUCATION

Bachelor of Arts (BA), California State University, Northridge, California (GPA: 3.50)

PROFESSIONAL DEVELOPMENT

Industrial Engineering (nine months) · Supervisor Basic Training · Labor Management
Peoples' Workshop · Recipient and Trainer of Dimensions of Leadership



External Communication
Transmittal Form

July 16, 2018

TO: Mayor and Keene City Council

FROM: Jenna Spear O'Mara

THROUGH: Patricia A. Little, City Clerk

ITEM: C.1.

SUBJECT: Jenna Spear O'Mara - Resignation - Ashuelot River Park Advisory Board

ATTACHMENTS:

Description

Communication - O'Mara

BACKGROUND:

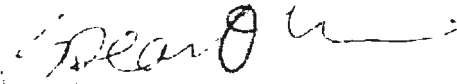
Jenna Spear O'Mara is submitting her resignation from the Ashuelot River Park Advisory Board. She has been a member since March of 2014.

July 10, 2018

Dear Honorable Mayor Lane,

I regret to inform you that I need to resign from the Ashuelot River Park Advisory Board as my professional responsibilities are now in conflict with the meeting schedule. I have enjoyed the experience and hope to contribute again in the future should my schedule allow.

With Regrets,

A handwritten signature in black ink, appearing to read "Jenna Spear O'Mara". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Jenna Spear O'Mara



External Communication
Transmittal Form

July 16, 2018

TO: Mayor and Keene City Council

FROM: Charles Redfern

THROUGH: Patricia A. Little, City Clerk

ITEM: C.2.

SUBJECT: Charles Redfern - Resignation - Ashuelot River Park Advisory Board

ATTACHMENTS:

Description

Communication - Redfern

BACKGROUND:

Mr. Redfern is resigning his position on the Ashuelot River Park Advisory Board. He has served as a regular member on the Board since February of 2016.

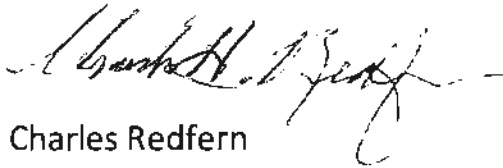
July 16, 2018

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

Dear Mayor and Council Members,

I hereby resign my position on the Ashuelot River Park Advisory Board effective immediately. I have enjoyed the years that I have been fortunate to serve but due to workloads I am unable to continue in this capacity.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles H. Redfern", written over a horizontal line.

Charles Redfern
9 Colby Street



External Communication
Transmittal Form

July 12, 2018

TO: Mayor and Keene City Council

FROM: Peg Bruce, Kiwanis Club of Keene

THROUGH: Patricia A. Little, City Clerk

ITEM: C.3.

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

ATTACHMENTS:

Description

Communication - Bruce

BACKGROUND:

The Kiwanis Club of Keene is requesting permission for the use of City property for their annual Tree Lighting event on November 23, 2018.



Kiwaniis

CLUB OF KEENE

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

July 2, 2018

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

Re: 11/23/2018 Tree Lighting, Central Square, Keene, NH

OFFICERS:

Eli Rivera
President

Dave Ganio
Vice President

Paul Bothwell
Past President

Maria Ganio
Treasurer

Janet Genatt
Co-Treasurer

Peg Bruce
Secretary

Phyllis Custer
Co-Secretary

DIRECTORS:

Carl Allen

Paula Barrett

Phyllis Custer

Debbie Hickey

Pete Southwell

Arthur Trombly

PAST PRESIDENTS:

Paul Bothwell 2016-17

Peg Bruce 2015-16

David Ganio 2014-15

Beth Healy 2013-14

Gary Grashow 2012-13

Carl Allen 2011-12

Michael Haines 2010-11

Jodi Turner 2009-10

Judy Kalich 2008-09

Art Trombly 2007-08

Dear Mayor Lane and the Keene City Council:

The Kiwanis Club of Keene requests a license to produce the 2018 Tree Lighting Event. The proposed date and time of the event is November 23, 2018, 5 p.m. to 8:30 p.m. This event continues to compliment the Kiwanis' mission of supporting our local youth.

This is the sixth year we are managing this event. We would once again like to decorate the Bandstand on Central Square with wreaths and lights, decorate the City tree on Central Square and, like the past two years, put up a second tree with battery operated mini lights on the Roundabout at the Marlboro Street and Winchester Street intersection. We would also like to decorate the light poles on the center median of Main Street with white LED lights. We plan to do the light poles the end of October and the other decorating on a Saturday early in the month of November 2018 and take the decorations on Central Square down by the beginning of February 2019 and remove the lights from the light poles the beginning of April 2019. We would also like permission again to set out Have-a-Heart cages several weeks before we put up the decorations to see if we can allay the squirrels eating our lights. We did that last year, relocated three squirrels, had bars of soap strung on the trees and only lost one string of lights to the squirrels.

The 2017 event was a great success. The children enjoyed the entertainment with the brass band and the two children's choirs as well as the Christmas story read by staff from MoCo Arts. They really liked having the fire truck circle the square with Santa and Mrs. Claus. We gave away almost 600 Christmas bells and had a very large crowd attend the event. The new road closure of Central Square kept that crowd very safe during the event. We plan to keep the event similar this year

Feel free to contact me should there be any questions. I can be reached at 603-762-7276 or at bru.peg@ne.rr.com.

Thank you for your consideration of this request.

Sincerely,

Peg Bruce, Secretary
Kiwaniis Club of Keene
63 Emerald Street, PMB 451
Keene, NH 03431
603-762-7276



External Communication
Transmittal Form

July 12, 2018

TO: Mayor and Keene City Council

FROM: Susan L. Gilbert

THROUGH: Patricia A. Little, City Clerk

ITEM: C.4.

SUBJECT: Susan Gilbert - Release of Easement - Stanhope Avenue

ATTACHMENTS:

Description

Communication - Gilbert

BACKGROUND:

Susan Gilbert is requesting that the City release its interests in a right-of-way that is located between 54 Stanhope Avenue and her property located at 48 Stanhope Avenue.

Susan L. Gilbert
48 Stanhope Avenue
Keene, NH 03431

June 27, 2018

City of Keene
ATTN: Elizabeth Dragon, Manager
3 Washington Street, 3rd Floor
Keene, NH 03431

Dear Ms. Dragon:

My husband, Richard Gilbert, and I own real estate located at 48 Stanhope Avenue, Keene, NH. The real estate located next to us at 54 Stanhope Avenue, I understand, has been taken by the City of Keene for back taxes owed by Thelma Trybulski who is deceased.

Since I purchased my property on June 19, 2001 (Vol. 1812, Pg. 632 at Cheshire County Registry of Deeds), I have been aware of an "easement" existing concerning a strip of land between the Trybulski property and my property although my Warranty Deed does not make reference to this easement. Please see Warranty Deed at Vol. 952, Pg. 960 (dated 5-8-1978) from Medvidofsky to Thelma Trybulski which references this 6 X 60 foot piece of land as a "right to use in common" with the Trybulski property. My real estate is Lot No. 9 referenced in that paragraph.

Realizing that Thelma Trybulski has died, I am assuming that the property located at 54 Stanhope Avenue will eventually be sold. I would like to request that, when the new deed is done to the future owners, the "easement" reference shown in Vol. 952, Pg. 960 concerning my real estate at 48 Stanhope Avenue ("Lot No. 9") be omitted from that deed.

Thank you for your consideration of this matter.

Respectfully,



SUSAN L. GILBERT

SLG/tlt



External Communication
Transmittal Form

June 19, 2018

TO: Mayor and Keene City Council

FROM: Kate McNally, Program Manager - Cheshire Coalition for Tobacco Free Communities

THROUGH: Patricia A. Little, City Clerk

ITEM: C.5.

SUBJECT: Kate McNally/Cheshire Coalition for Tobacco Free Communities - Raising the Legal Minimum Age for the Sale and Possession of all Tobacco and Nicotine Products

ATTACHMENTS:

Description

Communication - McNally

BACKGROUND:

The Cheshire Coalition for Tobacco Free Communities is requesting that the City consider the adoption of an Ordinance that raises the legal minimum age for the sale and possession of all tobacco and nicotine products from 18 to 21.

Cheshire Coalition for Tobacco Free Communities
 Cheshire Medical Center
 580 Court Street
 Keene, NH 03431



Mayor Kendali Lane
 City of Keene
 3 Washington Street
 Keene, NH 03431

June 19, 2018

Dear Mayor and City Council:

On behalf of the Cheshire Coalition for Tobacco Free Communities, I am writing to urge you to adopt a city ordinance that raises the legal minimum age of sale and possession of all tobacco and nicotine products from 18 to 21. Thus far, over 320 localities including New York City, Kansas City, Chicago, Cleveland, Boston, and San Francisco, as well as five states including Hawaii, California, and Maine have taken this important step in protecting our children. The City of Dover, NH is also currently considering the adoption of an ordinance.

For years, adolescent smoking rates have been coming down, although nearly one in five high school seniors still use tobacco. Now, however, adolescents' use of e-cigarettes, nicotine vapor devices, hookahs and small cigars has gone up dramatically, threatening to completely erase a decade of progress.

The enormously powerful tobacco industry lobby has derailed initiatives in Congress and our state legislature. But, where federal and state governance fails, local leadership has succeeded. Virtually all statewide workplace and public smoking bans began with local government regulations, including Keene's Smoke Free Dining Ordinance in 2002.

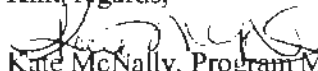
During the years from ages 18-21, youthful experimentation often accelerates into daily use. It's a time when the adolescent brain is highly vulnerable to the effects of a powerful addictive agent like nicotine. Exposure during this period may result in permanent neurological receptor changes that lead to a lifetime nicotine addiction and resulting illness. Raising the minimum age to purchase nicotine and tobacco better protects younger teens, as 90% of those who provide cigarettes to kids under 18 are themselves under 21. As a result, raising the tobacco sales age to 21 has been shown to reduce high school smoking by over 50%.

Smoking results in \$729 million in healthcare costs in New Hampshire each year, of which over \$139 million come from Medicaid. This results in a state and federal tax burden on New Hampshire residents of \$875 per household. Taking action against tobacco use will help all of our taxpayers.

The City of Keene has always been a leader in policy, systems and environmental changes that help our community to be the healthiest it can be.

We would very much appreciate your support for this effort. Attached, please find a sample ordinance for your consideration.

Kind regards,


 Kate McNally, Program Manager
 Cheshire Coalition for Tobacco Free Communities
 Center for Population Health
 Cheshire Medical Center
 580 Court Street
 Keene, NH 03431
 603-354-6513

Sample Tobacco 21 Ordinance for Keene

Offered by:

ORDINANCE NO. _____ supplementing the Codified Ordinances of the City of Keene to prohibit the sale of cigarettes, other tobacco products, and tobacco product paraphernalia to individuals under the age of twenty-one,

WHEREAS, tobacco use is the leading cause of preventable death in the United States, resulting in approximately 480,000 deaths a year, or one in five of all deaths in the United States; and

WHEREAS, more than 1900 deaths occur each year in New Hampshire due to smoking-related illness, and the burden of tobacco related illness leads to annual healthcare costs of \$729 million and an average state and federal tax burden of \$875 per household; and

WHEREAS, 17% of all adults in Cheshire County and 10.32% of high school students in the Greater Monadnock Public Health Region are current smokers; and

WHEREAS, 37% of all high school students in the Greater Monadnock Public Health Region have used an electronic vapor product at least once in their life and 18% are current users of electronic vapor products; and

WHEREAS, if current rates of youth tobacco continue, there are an estimated 22,000 children in New Hampshire who are currently under 18 that will eventually die from tobacco-related illness; and

WHEREAS, smoking during pregnancy can cause adverse health outcomes for the baby including low birth weight and premature birth, while 1 in 4 women ages 15-24 in Cheshire County reported smoking during pregnancy; and

WHEREAS, national data show that 95% of adult smokers began smoking before the age of 21; and

WHEREAS, the Tobacco 21 movement is gaining popularity, with 5 states and over 320 localities that have issued ordinances raising the purchasing age of tobacco to 21, including the state of Maine and over 175 towns in Massachusetts; and

WHEREAS, military leaders are supportive of raising the age of tobacco consumption to 21 due to its negative impact on military readiness; and

WHEREAS, the City of Keene seeks to promote the health and well-being of all its citizens.

NOW, THEREFORE, BE IT ENACTED by the Council of the City of Keene:

Section 1. That Chapter 6, Article III of the Code of Ordinances of the City of Keene be and is supplemented to add the following definitions:

DIVISION 4 – ILLEGAL DISTRIBUTION AND POSSESSION OF CIGARETTES, TOBACCO PRODUCTS, OR TOBACCO PRODUCT PARAPHERNALIA

SECTION 6-109 - DEFINITIONS

THE FOLLOWING WORDS, TERMS AND PHRASES, WHEN USED IN THIS DIVISION, SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THIS SECTION, EXCEPT WHERE THE CONTEXT CLEARLY INDICATES A DIFFERENT MEANING:

“ELECTRONIC SMOKING DEVICE” ANY DEVICE THAT CAN BE USED TO DELIVER AEROSOLIZED OR VAPORIZED NICOTINE TO THE PERSON INHALING FROM THE DEVICE, INCLUDING, BUT NOT LIMITED TO, AN E-CIGARETTE, E-CIGAR, E-PIPE, VAPE PEN OR E-HOOKAH. ELECTRONIC SMOKING DEVICES INCLUDES ANY COMPONENT, PART, OR ACCESSORY OF SUCH A DEVICE WHETHER OR NOT SOLD SEPARATELY, AND INCLUDES ANY SUBSTANCE INTENDED TO BE AEROSOLIZED OR VAPORIZED DURING THE USE OF THE DEVICE. ELECTRONIC SMOKING DEVICE DOES NOT INCLUDE DRUGS, DEVICES, OR COMBINATION PRODUCTED AUTHORIZED FOR SALE BY THE U.S. FOOD AND DRUG ADMINISTRATION. AS THOSE TERMS ARE DEFINED IN THE FEDERAL FOOD, DRUG AND COSMETIC ACT.

“TOBACCO PRODUCT PARAPHERNALIA” ANY PRODUCT THAT IS USED TO ASSIST IN CHEWING, SMOKING, ABSORBING, DISSOLVING, INHALING, OR ANY OTHER CONSUMPTION OF NICOTINE TO INCLUDE, BUT NOT LIMITED TO PIPES ROLLING PAPERS, AND ELECTRONIC CIGARETTE CASES.

“TOBACCO PRODUCT” ANY PRODUCT THAT IS MADE FROM OR DERIVED FROM TOBACCO, AND IS INTENDED FOR HUMAN CONSUMPTION OR IS LIKELY TO BE CONSUMED, WHETHER SMOKED, HEATED, CHEWED, ABSORBED, DISSOLVED, INHALED OR INGESTED BY ANY OTHER MEANS, INCLUDING, BUT NOT LIMITED TO, A CIGARETTE, A CIGAR, PIPE TOBACCO, CHEWING TOBACCO, SNUFF, OR SNUS. THE TERM ALSO INCLUDES TOBACCO PRODUCT PARAPHERNALIA, INCLUDING BUT NOT LIMITED TO, ELECTRONIC SMOKING DEVICES AND ANY COMPONENT OR ACCESSORY USED IN THE CONSUMPTION OF A TOBACCO PRODUCT, SUCH AS FILTERS, ROLLING PAPERS, PIPES, OR LIQUIDS USED IN ELECTRONIC SMOKING DEVICES, WHETHER OR NOT THEY CONTAIN NICOTINE, TOBACCO PRODUCT DOES NOT INCLUDE DRUGS, DEVICES, OR COMBINATION PRODUCTS AUTHORIZED FOR SALE BY THE U.S. FOOD AND DRUG ADMINISTRATION. AS THOSE TERMS ARE DEFINED IN THE FEDERAL FOOD, DRUG AND COSMETIC ACT.

Section 2. That Chapter 6, Article III of the Code of Ordinance of the City of Keene be and is amended and supplemented to read as follows:

SECTION 6-110 – RESTRICTIONS ON SALE

NO MANUFACTURER, PRODUCER, DISTRIBUTOR, WHOLESALER, OR RETAILER OF CIGARETTES, ELECTRONIC SMOKING DEVICES, OTHER TOBACCO PRODUCTS, OR TOBACCO PRODUCT PARAPHERNALIA OR ANY AGENT, EMPLOYEE, OR REPRESENTATIVE OF A MANUFACTURER, PRODUCER, DISTRIBUTOR, WHOLESALER, OR RETAILER OF CIGARETTES, ELECTRONIC SMOKING DEVICES, OTHER TOBACCO PRODUCTS, OR TOBACCO PRODUCT PARAPHERNALIA SHALL DO ANY OF THE FOLLOWING:

- 1. GIVE, SELL, OR OTHERWISE DISTRIBUTE CIGARETTES, ELECTRONIC SMOKING DEVICES, OTHER TOBACCO PRODUCTS, OR TOBACCO PRODUCT PARAPHERNALIA TO ANY PERSON UNDER TWENTY-ONE YEARS OF AGE;**
- 2. GIVE AWAY, SELL, OR DISTRIBUTE CIGARETTES, OTHER TOBACCO PRODUCTS, OR TOBACCO PRODUCT PARAPHERNALIA IN ANY PLACE THAT DOES NOT HAVE POSTED IN A CONSPICIOUS**

PLACE SIGNAGE STATING THAT GIVING, SELLING, OR OTHERWISE DISTRIBUTING CIGARETTES, ELECTRONIC SMOKING DEVICES, OTHER TOBACCO PRODUCTS, OR TOBACCO PRODUCT PARAPHERNALIA TO A PERSON UNDER TWENTY-ONE YEARS OF AGE IS PROHIBITED BY LAW.

SECTION 6-111 – RESTRICTIONS ON POSSESSION

NO PERSON UNDER THE AGE OF 21 MAY BE IN THE POSSESSION OF CIGARETTES, ELECTRONIC SMOKING DEVICES, OTHER TOBACCO PRODUCTS, OR TOBACCO PRODUCT PARAPHERNALIA AT ANY TIME FOR ANY REASON WITHIN THE CITY OF KEENE.

SECTION 6-112 – COMPLIANCE

ALL MANUFACTURERS, PRODUCERS, DISTRIBUTORS, WHOLESALERS, RETAILERS, OR OTHER PERSONS OR PLACES THAT SELL CIGARETTES, ELECTRONIC SMOKING DEVICES, OTHER TOBACCO PRODUCTS, AND/OR TOBACCO PRODUCT PARAPHERNALIA ARE REQUIRED TO POST IN A CONSPICUOUS LOCATION THE LEGAL AGE OF PURCHASE AND POSSESSION OF TOBACCO PRODUCTS AS ESTABLISHED IN SECTIONS 6-111 AND 6-112 FOR THE CITY OF KEENE.



External Communication
Transmittal Form

July 12, 2018

TO: Mayor and Keene City Council

FROM: Ken Stewart - West Street Hydro, Inc.

THROUGH: Patricia A. Little, City Clerk

ITEM: C.6.

SUBJECT: West Street Hydro, Inc. - Hydropower Project at West Street Dam

ATTACHMENTS:

Description

Communication - Stewart

BACKGROUND:

After considerable study and interaction with City, State and Federal agencies, West Street Hydro, Inc. has concluded that their planned hydropower facility on the West Street Dam is not feasible and that therefore, they are giving notice to the City that they are discontinuing their project.

West Street Hydro, Inc.
PO Box 323
Keene, NH 03431

July 9, 2018

Honorable Mayor and City Council
City of Keene
3 Washington Street
Keene, NH 03431

Reference: Hydropower Project at West Street Dam

Dear Mayor Lane and Council:

West Street Hydro has undertaken an in-depth, multi-year project for the purpose of developing and operating a hydropower facility on the West Street Dam that would be environmentally and economically viable while preserving the historic legacy of the dam. Our goal was to create a sustainable, educational green energy facility located on a historic dam where early Keene industry harnessed the power of the Ashuelot River.

After a great deal of study and interaction with city, state and federal agencies, we have concluded that our planned facility is not feasible. These agencies have elucidated various environmental issues above and below the dam all of which would require mitigation. Meanwhile, the net metering rules have changed such that a positive economic return is no longer a certainty. For these reasons, we have chosen to discontinue the project.

Accordingly, we are notifying the various agencies with whom we have worked of our decision to discontinue the project.

Although we have determined that the operation of a hydropower facility is not feasible, we continue to believe that the dam is an important historical asset for Keene that should be preserved.

We are very appreciative of the cooperation and support we received from the city as we worked on this project.

Sincerely yours,



West Street Hydro, Inc.

cc: Kurt Blomquist
Rhett Lamb



External Communication
Transmittal Form

July 16, 2018

TO: Mayor and Keene City Council

FROM: Stephen Bentley and Tabatha Eisner

THROUGH: Patricia A. Little, City Clerk

ITEM: C.7.

SUBJECT: Tillie's Restaurant - Request to Serve Alcohol - Sidewalk Cafe License

ATTACHMENTS:

Description

Communication - Tillie's Restaurant

Tillie's Backup Documents

BACKGROUND:

Stephen Bentley and Tabatha Eisner, owners of Tillie's Restaurant, are requesting permission to serve alcohol at their Sidewalk Café located at 9 Court Street.

**T and S Enterprises LLC
d/b/a Tillie's Restaurant
29 Park Avenue
Keene, NH 03431
603-762-0638**

Monday June 25, 2018

The Honorable Mayor Kendall W. Lane
Keene City Council
c/o Keene City Clerk's Office
3 Washington Street
Keene, NH 03431

Re: License Application for Sidewalk Café

To all addressed:

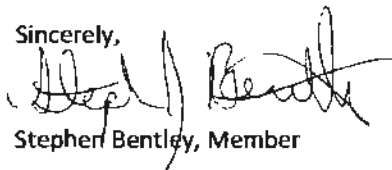
Please find enclosed the following documentation required for obtaining a Sidewalk Café License for our restaurant located on 9 Court Street:

1. Completed Application and Fee
2. Certificate of Insurance Listing the City as an additional insured
3. Signed letter of Permission from the adjacent property owner – United Church of Christ
4. Copy of our NH State Liquor License
5. To scale sketch of the proposed seating area
6. Pictures of the Proposed Seating showing the placement of four of the 5 tables along with tape measurements depicting the 6' walkway requirement. The 5th table would abut the United Church of Christ's Outdoor Park.

We trust that all required documentation is enclosed and hope that you react in favor upon this request. Outdoor seating is critical to allow us to better serve current and perspective patrons and will further enhance the work we have already done to improve the building and this historic block in the downtown. It will also serve to further curb some of the unwanted and illicit activity that occurs in that area, as we have already seen improvements since we renovated and improved the space and storefront.

Thank you for your consideration.

Sincerely,



Stephen Bentley, Member

Tabatha Eisner, Member
T and S Enterprises LLC
attachments



APPLICATION FOR LICENSE

Sidewalk Café License

(Please print or type)

Applicant's Name Stephen Butley / Tabatha Eisner Telephone 603-762-0638

Applicant's Mailing Address 29 Park Ave Keene, NH 03431

Business Name Tillies Restaurant Telephone _____

Business Address 9 Court Street

Email Address tsspeakeasy603@gmail.com

Number of Tables 5 Number of Chairs 20 Number of Planters _____

Are you planning to change your previously approved plot plan for the café space? N/A

Are you planning to place a Portable sandwich board sign on the sidewalk? yes

Are you planning on serving alcoholic beverages? YES (If Yes, a copy of your NH Liquor License is required)

Are you planning on utilizing multiple storefronts? YES Church Park property (If Yes, signed permission from the property owner(s) is required)

Fee Schedule:	Initial application with Code Enforcement review*	\$125.00
	Subsequent renewals per storefront area for 2 nd , 3 rd , 4 th , and 5 th year	\$100.00
	Additional fee per storefront area that extends beyond the immediate area in front of the licensed establishment	\$100.00

*First year applicants are required to submit a plot-plan, drawn to scale and fully dimensioned including the seating arrangement and layout of pedestrian corridors for sidewalk use and permitted access with the plot plan subject to review by the Code Enforcement Department to ensure unimpeded public use of the sidewalk and maintenance of a corridor that is a minimum of 6 feet in width for public travel. License holders are treated as new applicants and the cycle starts again at the six-year renewal.

In addition, the Code Enforcement Department will review all applications to ensure that the establishment is duly qualified to hold a sidewalk café license by virtue of their status as a restaurant.

Stephen Butley
Signature of Applicant

6/23/18
Date Signed

[Signature]
Signature of Property Owner
(If not the City of Keene)

(For office use only)

Date Application and Fee Received _____ Date Plot plan Received _____

Code Enforcement Review (by whom and date completed) _____

Date License Approved _____ By _____

Assistant City Clerk

License Expires _____

THE UNITED CHURCH OF CHRIST IN KEENE

The Heart of the City at the Head of the Square

www.ucckeene.org

603-352-4136

June 30, 2018

Rev. Cynthia Bagley
Senior Minister

Julie White
Church Administrator

Rick Durance
Youth Pastor

Beverly Caldon
Director of Music

Diantha Dorman
Handbell Director

Kim Anderson
Bookkeeper



Mr. Steve Bentley
T & S Enterprises LLC
d/b/a Tillie's Restaurant
9 Court Street
Keene, NH 03431

Dear Steve,

You have informed us that Tillie's is seeking permission from the City to place four tables on the sidewalk, of which one table and 4 chairs will be located adjacent to Elsie Priest Park, which is owned by the Church. At its June 27, 2018 meeting, the Church Council at The United Church of Christ in Keene voted to support your request as long as the following conditions are met:

- 1) The area will be kept neat and clean with all trash and food scraps removed daily.
- 2) No storage of tables, chairs or other restaurant equipment will occur on Church property.
- 3) Alcohol consumption of patrons will be monitored so as to avoid loud, boisterous behavior.
- 4) No parking is allowed in the Church parking lot for patrons, employees or owners of Tillie's Restaurant.
- 5) No smoking is allowed on any Church property, including the Elsie Priest Park and the Church parking lot.
- 6) Eversource may need access to this area during construction of a pad-mounted transformer and installation of conduit along the Court St. sidewalk.
- 7) This agreement may be reviewed and modified as deemed necessary by Church Council.

Thank you for attending our Church Council meeting. We wish to be good neighbors and work together to improve our corner of downtown Keene.

If you are in agreement with the conditions above, please sign one copy of this letter and return to it the Church Office.

Thank you,

Kathryn Blair
Chairperson, Church Council

I agree to the conditions outlined above.

Steve Bentley, Tillie's Restaurant
Date



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
06/25/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER The Richards Group 48 Harris Place PO Box 820 Brattleboro VT 05302	CONTACT NAME: Sandra Barnard PHONE (A/C, No., Ext): (802) 254-6016 E-MAIL ADDRESS: sbarnard@therichardsgrp.com	FAX (A/C, No.): (802) 254-7110
	INSURER(S) AFFORDING COVERAGE INSURER A: Co-Operative Insurance Co NAIC #: 18686	
INSURED T and S Enterprises LLC 29 Park Avenue Keene NH 03431	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	
	INSURER G:	

COVERAGES **CERTIFICATE NUMBER:** CL1862526778 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:			BOP3000548	02/26/2018	02/26/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000 Liquor Liability \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE OTH-ER E L EACH ACCIDENT \$ E L DISEASE - EA EMPLOYEE \$ E L DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

City of Keene, NH is Additional Insured with respect to Commercial General Liability coverage, when required by written contract or agreement, and subject to the terms, conditions and limits as specified in the policy.


CERTIFICATE HOLDER

City of Keene
3 Washington Street
Keene NH 03431

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE





State of New Hampshire Liquor Commission



T AND S ENTERPRISES LLC
TYLLIE'S
7-11 COURT ST
KEENE NH 03431

RESTAURANT

ON-PREMISES BEVERAGE/WINE/LIQUOR

License No. **1554903** Effective Date: **03/28/2018** Expires: **10/31/2018**

MAIN SEATS: 60 ADDITIONAL DINING ROOM SEATS: 40

This license is issued and is subject to the conditions prescribed in Title XIII of the revised statutes annotated and regulations enacted by the commission thereunder. This license is effective for the period specified above unless sooner revoked and is not transferable.

State Liquor Commission

Joseph W. Mollica, Chairman

Michael R. Milligan, Dep. Commissioner

This document and any addendum must be conspicuously displayed on the described premises.

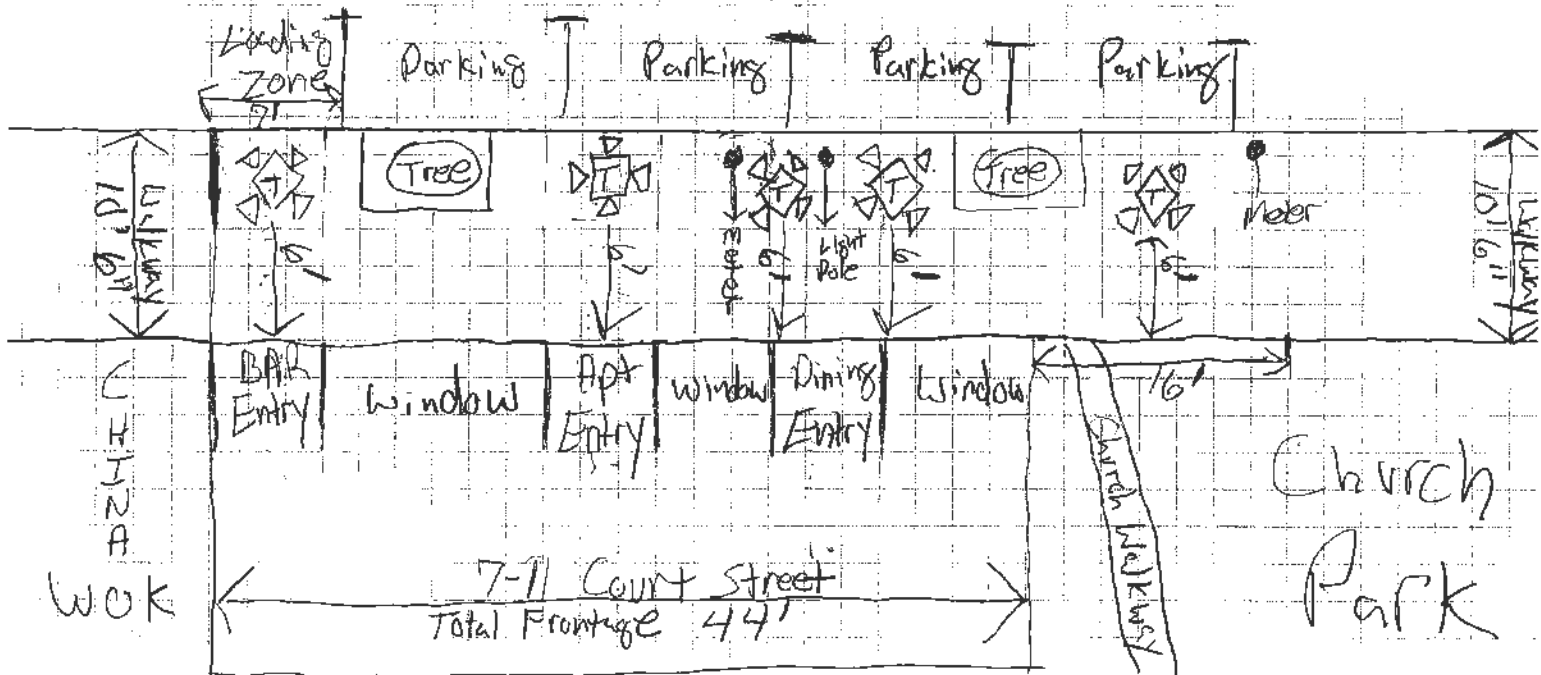
AUDIT NO. 1452319

Side walk Cafe Plot Plan

Tillies Restaurant

7-11 Court Street

Scale = each block = 2 feet





NO
PARKING
LOADING
ZONE
15 MINUTE PARKING
ONLY





External Communication
Transmittal Form

July 16, 2018

TO: Mayor and Keene City Council

FROM: Katie Schwerin

THROUGH: Patricia A. Little, City Clerk

ITEM: C.8.

SUBJECT: Katie Schwerin - Proposal for Permanent Public Art Installation - Airport Property

ATTACHMENTS:

Description

Communication - Schwerin

Public Art Proposal

BACKGROUND:

Katie Schwerin is requesting permission for a permanent public art installation to be placed on the Dillant-Hopkins Airport property.

To: Keene City Council
From: Katie Schwerin, local artist
In reference to: Public Arts Project - Labyrinth and Sculpture Pathway

I would like to present a proposal for a public arts project to be located on Keene City land along Airport Road in Swanzey. I have been in touch with Jack Wozmak at the airport and he has received provisional approval for the project from NHDOT.

From an e-mail Jack Wozmak sent May 31st to Elizabeth A. Dragon, Councilor Carl Jacobs, Andrew Bohannon, and Kurt Blomquist:

“I met with NHDOT on Wednesday (5/30) to review the proposed concept for a Labyrinth and Sculpture Pathway. This concept has been provisionally approved with some caveats about height of any sculpture (which I doubt would be an issue but I can work with Katie on that) and to assure NHDOT that this will not adversely impact airport resources (i.e. maintenance). NHDOT does not want labor or resources of the airport to be diverted or used to maintain this area. I advised NHDOT that depending upon the materials used (such as asphalt grindings that we already have) it may actually reduce staff time currently spent on mowing the subject area. But in any event, this can move along the process now that NHDOT has no firm objections.”

Attached is detail of the project using the draft Public Arts Policy. I would be happy to offer further information if needed.

Thank-you.

A handwritten signature in cursive script that reads "Katie Schwerin". The signature is written in black ink and is positioned above the printed name.

Katie Schwerin

Section 4 - Public Art Proposal

1. Name of artist, partners or organizations involved.

Katie Schwerin - local artist and co-owner of the WS Badger Company

Danya Landis - Co-Founder, Machina Arts and Board member for Monadnock Arts Alive, Council member of the Governor's Millennial Council

2. Demonstration of the experience of the artist(s) and/or organization in the production of the type of artwork and the provision of documents that demonstrate the artist(s) and/or organization is recognized by critics and by his or her peers as one who produces works of art.

Katie Schwerin is a local artist recognized for her work at the WS Badger Co. Ecology Center workshop series which includes yearly workshops on designing and building labyrinths. She built the labyrinth at the Badger company site. She is currently a student in the MFA-IA program at Goddard College. This project will be her cap stone project, if it is approved. She is supported in this application by Machina Arts who will be her support and can provide a reference for her work.

3. Identify whether it will be a temporary or permanent display.

This will be a permanent display.

4. Identify the location.

The labyrinth and sculpture walkway will be located at the Keene Airport, on the right as you drive into the airport. Image below shows the proposed area in the upper right corner, the indented area in the green. It is connected to a pathway system that starts at the airport parking area (lower left corner) and branches off



to this location.

5. A description of the public art includes but is not be limited to: size, expected amount of space to be required, materials to be used, theme or context. If temporary, length of time of the display, drawings, design documents, etc.

Project idea - Labyrinth and Sculpture Pathway:

The plan is to create a labyrinth using the form of Mt. Monadnock as the design feature. This shape will be made with large boulders, approx. 8 feet high at the highest point and tapering down to about 3 feet high at the ends. The rest of the labyrinth will be made with rocks easily place by hand to designate pathways. The Mt. Monadnock labyrinth will be the central figure for a sculpture park with the theme of “climb the mountain”. The sculptures will be forms that show wind (things that move in the wind) and forms that create passive sounds (echo chambers or fluted forms that sound when the wind passes through them). The idea is to give the sense impressions of being at the top of the mountain.

6. Are utility hookups needed?

No.

7. How is the project being funded?

Funding

We will do a kickstarter campaign as our main fundraising effort.

Estimated cost for the project: \$12,500

- Excavation services quote (prep. ground, transport rocks and boulders and place boulders): \$5,000*
- Three Sculpture pieces (includes materials and installation costs @ \$2,500 each): \$7,500*
- Marketing material and outreach to the community: costs donated by the artist.*

8. Expected general maintenance requirements.

The airport grounds will maintain the surrounding area. The location is perfectly situated on sandy soil so the walkway will not require maintenance.

9. If temporary, how will the public art be removed and the space restored?

Not temporary.

10. Assurance the art does not infringe upon the any copyright and agrees to hold the City harmless for any copyright infringement.

The authorities at the airport have been engaged in the planning if this project and are enthusiastic.

11. Comply with all City and State permitting.

Yes.

12. Is the project technically feasible to produce and display?

Plan for production

- Work with site work contractor to prepare land, transport boulders, and place major boulders. The contractor will also provide a load of smaller rocks for hand placement.*
- Invite the local community for a weekend day to set the smaller stones to designate pathways.*
- Put out a call for sculpture artists to give proposals that follow the theme.*
- Work with sculpture artists to design the sculpture park.*

13. Will the project be accessible to the public for viewing and enjoying?

Yes.

14. Does the project reflect aspects of the City's history, culture, or Comprehensive Master Plan?

The project reflects the important local land feature, Mt. Monadnock. It also creates an easy way to "climb" the mountain by walking the pathway, for those unable to climb the actual mountain.

15. Is the project designed for the proposed site and is commensurate in scale with its surroundings?

Yes. It actually fits perfectly in a natural amphitheater location with easy access to the network of paths already there.

16. Is the project durable (where applicable) and reasonable to maintain in terms of time and expense?

Yes.

17. Is the project designed and to be constructed by persons experienced in the production of such artwork?

Yes.

18. Does the project aesthetically enhance the public space or built environment to which it relates or otherwise interacts with its surroundings?

Yes. It fits in with the walkways system already at the airport that attract people who want a simple walk in the woods and field.

19. Does the project contribute to a sense of civic pride?

Yes. It honors the landmark that gave our region its name, the Monadnock Region.

20. Does the project create a public safety or security concern?

No. The boulders will be very stable, and the sculptures will be built with public safety in mind.



External Communication
Transmittal Form

July 16, 2018

TO: Mayor and Keene City Council

FROM: Councilors Hansel, Hooper & Manwaring

THROUGH: Patricia A. Little, City Clerk

ITEM: C.9.

SUBJECT: Councilors Hansel, Hooper & Manwaring - Installation of Receptacle for Lead Fishing Tackle Disposal - Keene Transfer Station

ATTACHMENTS:

Description

Communication - Councilors Hansel, Hooper & Manwaring

BACKGROUND:

Councilors Hansel, Hooper and Manwaring are requesting that a lockbox for disposal of lead fishing tackle be made available to the public at the Keene Transfer Station for proper disposal of these items, which are hazardous when ingested by local wildlife.

July 16, 2018

To: the Honorable Mayor Kendall Lane and City Councilors

There was recently an article in the Keene Sentinel about the terrible effects of lead fishing tackle when ingested by loons. Ingestion usually results in death of the loon. We all know that loons are just one step down from being an endangered species.



The article introduced the initiative of Maria Colby, the director of Wings of the Dawn, a wildlife rehabilitation center in Henniker. She has purchased the \$40 metal lockboxes and is sending letters to municipalities, offering the boxes at no charge to be placed in local transfer stations and recycling centers.

We are requesting that a free box as shown below be placed at the Keene Landfill. There is no cost, and the material would be included with other metals that the City recycles. Let's do what we can to care for

our loons.

Thank you for your consideration.

George Hansel

Stephen Hooper

Jan Manwaring



City of Keene, N.H.
Transmittal Form

July 11, 2018

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.1.

SUBJECT: Departmental Presentation – Little Known Parks

RECOMMENDATION:

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends that the presentation on Little Known Parks be accepted as informational.

BACKGROUND:

Mr. Bohannon said staff has been working to improve the Parks & Recreation page on the City website and to increase awareness of little known parks in Keene. He credited Megan Spaulding (Parks & Recreation), Will Schoefmann (Planning), and Sarah Miller (IT) for their work to make the Parks & Recreation site better.

Mr. Bohannon demonstrated the City website and specifically the Parks & Recreation page, where there are now four tabs that make it easier for the public to find information. Specifically for this meeting Mr. Bohannon focused on the parks tab of the webpage. On the parks page, a visitor will see a story board using a web based GIS program from ESRI. A map shows pins for all City parks; hovering over adjacent photos shows the corresponding pin on the map, and vice versa.

Mr. Bohannon noted that Parks & Recreation cares for 16 City parks and he highlighted some of the lesser known parks (Shadow Lake, Beaver Brook Falls, Edgewood Park, Beech Hill Park, Robin Hood Park), demonstrating how one can find them on the website. The new website lists details for each park, based on the Master Plan, such as: natural areas, water access, trail type, water features, etc.

With this feature on the website, residents and visitors can easily find a place to take their families. If you click on a park, it will automatically take you to Google Maps where the park is pinned and you can easily get directions. The photo gallery for each park is connected to Google Images, so you know what to expect when you arrive.

Mr. Bohannon continued other tabs on the Parks & Recreation website include community spaces (Railroad Square and Central Square), sports facilities, and playgrounds. The playground tab is still in progress and will list all those in the Playful City USA Grant. So, if a family is looking for the nearest playground, this is a great application; it is also available as a mobile app.

This new website will be beneficial for the City and citizens. The next step is to enhance the trails tab. He credited staff that worked on this and said he is proud of their initiative and believed it to be as good as other towns in the US in bringing technology to citizens and visitors.

Councilor Sutherland said it would be helpful if parking information was listed for each park. Mr. Bohannon agreed and will work on adding that information. Mr. Bohannon added that for parks like Wheelock, which require reservations for things like horseshoes, there is a direct link to that online request form from the park page.

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

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends that the presentation on Little Known Parks be accepted as informational.



City of Keene, N.H.
Transmittal Form

July 11, 2018

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.2.

SUBJECT: Let it Shine - Use of City Property - 2018 Pumpkin Festival

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that a license be granted to Let It Shine, Inc. to use Downtown City rights-of-way on Sunday, October 28, 2018 to hold a “Keene Pumpkin Festival, In the HeART of downtown Keene, NH” subject to the following provisions:

- This license is granted based upon the event scope presented to City staff during protocol meetings held to date, changes or additions to the license may require that an amended license be issued by the City Council and no changes to this license or the associated protocol documents will be accepted after September 1, 2018;
- The Petitioner agrees there will be no food vendor set-ups at the event with the exception of any currently licensed Sidewalk Cafes which will be able to operate within the parameters of their existing license barring any public safety concerns;
- The Petitioner agrees to limit the number of pumpkins to 5,000;
- The Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated in the FY 19 Community Events Budget, and agrees to remit said payment within 30-days of the date of invoicing;
- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement and associated protocol documents;
- That the agreed upon footprint and layout for the event shall encumber Central Square, including the traveled portion of the road requiring the following road closures: Central Square, West Street from Federal Street to Central Square, Roxbury Street from Roxbury Plaza to Central Square, Washington Street from Vernon Street to Central Square, and Court Street from Winter Street to Central Square;
- That the Petitioner is permitted to place 10 porta-potties in City parking spaces located at the base of Washington Street from Friday, October 26, 2018 to Monday October 29, 2018, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That the actual event will be held from 1:00 PM to 7:00 PM with the times for set up and clean up to be established with City staff;
- That the Petitioner cooperates with the decision of the City Council to endorse the intent of the City Emergency Services to review all applications for other activities requested to occur on October 28, 2018 to determine if a public safety concern exists. If a public safety concern is found to exist, said license will not be granted. This would apply to the following activities: hawkers and peddlers on private property, itinerant vendors on private property, outdoor periodic events on private property, walk-a-thons, parades, bike and foot races on public property, general uses of public property, and sidewalk

- obstructions and sidewalk café licenses on public property;
- That free parking be granted under the provisions of the free parking policy for City parking spaces on Washington Street needed for storage of equipment from Friday, October 26, 2018 to Monday October 29, 2018, and spaces within the event footprint on the day of the event; and
- That the Petitioner complies with any other recommendations of City staff.

BACKGROUND:

Elizabeth Dragon, City Manager clarified the requests for an additional 1,000 pumpkins and five food vendors are being removed per the letter received from Let it Shine.

Chair Richards asked for Committee questions or comments.

Councilor Jones noted the issues he had raised in the past and made the following comments. Regarding Let it Shine being in arrears with monies owed he stands corrected. Let it Shine did give the City \$5,500.00. Councilor Jones offered his apologies. He also brought up the College paid \$60,000 which was in arrears. At that time we had a different College President; at this time we have no recommendation from the current College President. Branding was the last issue Councilor Jones raised noting it has bothered him for the past three years; this had not been addressed. Today he did some emailing with Let it Shine and they provided him seven points depicting how they want to improve their brand. Councilor Jones thanked Mr. Zinn and added this shows we are communicating.

Councilor Sapeta thanked Mr. Zinn for coming back and continuing the discussions to remove the additional requests. He continued if the goal is to return to the 30,000 pumpkins that were at the prior iteration of the event, then there does need to be more discussion about that. This is a community event and it needs to be driven by the community as well as the organization. In the future quality versus quantity would be a good discussion. Councilor Sapeta commended Let it Shine for engaging the children of SAU 20 last year and hopes they can follow through with the additional possibility of raising money and awareness for the needy children in the City. Lastly, Councilor Sapeta would like everyone to think about the process- he would like to see discussions take place prior to the applicants coming before this Committee. He suggested engaging the College City Commission and the newly created position that organizes community events.

Councilor Rice commented her concerns had been addressed. She thanked Let it Shine for being flexible and responsive.

Tim Zinn, of 43 Grove Street commented it is all good feedback and that it is exciting to have good communication. He continued the Let it Shine Board did meet and discussed what was best for the community and the festival. We will keep talking and figure out a path to find our happy spot. He confirmed Let it Shine is going back to the 2017 Festival proposal. Mr. Zinn added he hopes this removes any apprehension about the festival.

Chair Richards asked for public questions or comments.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that a license be granted to Let It Shine, Inc. to use Downtown City rights-of-way on Sunday, October 28, 2018 to hold a “Keene Pumpkin Festival, In the HeART of downtown Keene, NH” subject to the following provisions:

- This license is granted based upon the event scope presented to City staff during protocol meetings held to date, changes or additions to the license may require that an amended license be issued by the City

Council and no changes to this license or the associated protocol documents will be accepted after September 1, 2018;

- The Petitioner agrees there will be no food vendor set-ups at the event with the exception of any currently licensed Sidewalk Cafes which will be able to operate within the parameters of their existing license barring any public safety concerns;
- The Petitioner agrees to limit the number of pumpkins to 5,000;
- The Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated in the FY 19 Community Events Budget, and agrees to remit said payment within 30-days of the date of invoicing;
- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement and associated protocol documents;
- That the agreed upon footprint and layout for the event shall encumber Central Square, including the traveled portion of the road requiring the following road closures: Central Square, West Street from Federal Street to Central Square, Roxbury Street from Roxbury Plaza to Central Square, Washington Street from Vernon Street to Central Square, and Court Street from Winter Street to Central Square;
- That the Petitioner is permitted to place 10 porta-potties in City parking spaces located at the base of Washington Street from Friday, October 26, 2018 to Monday October 29, 2018, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That the actual event will be held from 1:00 PM to 7:00 PM with the times for set up and clean up to be established with City staff;
- That the Petitioner cooperates with the decision of the City Council to endorse the intent of the City Emergency Services to review all applications for other activities requested to occur on October 28, 2018 to determine if a public safety concern exists. If a public safety concern is found to exist, said license will not be granted. This would apply to the following activities: hawkers and peddlers on private property, itinerant vendors on private property, outdoor periodic events on private property, walk-a-thons, parades, bike and foot races on public property, general uses of public property, and sidewalk obstructions and sidewalk café licenses on public property;
- That free parking be granted under the provisions of the free parking policy for City parking spaces on Washington Street needed for storage of equipment from Friday, October 26, 2018 to Monday October 29, 2018, and spaces within the event footprint on the day of the event; and
- That the Petitioner complies with any other recommendations of City staff.



City of Keene, N.H.
Transmittal Form

July 11, 2018

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

SUBJECT: Kevin Dremel – Use of City Property – Keene Music Festival

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that The Keene Music Festival be granted a street fair license to use downtown City rights-of-way for purposes of conducting merchant sidewalk sales, as well as use of downtown City property on Central Square, Railroad Square, and designated parking spaces on Main Street to conduct the Keene Music Festival on Saturday, September 1, 2018 from 9:00 AM to 10:30 PM. In addition, the applicant is permitted to close off a portion of Railroad Street, from Main Street to the westerly entrance of the Wells Street Parking Garage, and a portion of Church Street from Main Street to the entrance of the Vision Financial parking lot. The applicant is further permitted to host a block party from 10:00 AM to 8:00 PM, which will include the closure of two lanes of traffic on Main Street on the northbound side from Eagle Court to Cypress Street. This permission is granted subject to the customary licensing requirements of the City Council, submittal of a signed letter of permission from City Tire for use of their property, and compliance with any recommendations of City staff. In addition, the petitioner is granted use of the requested parking spaces free of charge under the provisions of the Free Parking Policy. The Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated in the FY 19 Community Events Budget.

BACKGROUND:

Kevin Dremel, of 257 Beaver Street noted this is the Music Festival's 18th year. He commented on the change of incorporating a block party into the day as an experiment to see how it works. Mr. Dremel said he spoke with Roger Weinreich who organized the previous block party and the same protocols will be used for the Music Festival.

Mark Howard, Fire Chief reported there were a couple of protocol meetings. He also verified the scope has changed from that budgeted for in Community Events. Chief Howard also noted all music venues except for Central Square will stop at 8 PM to coincide with the end time of the block party. There will be one additional protocol meeting to tie-up loose ends, but staff is ready to move forward with an affirmative recommendation on the issuance of a license.

Councilor Hansel clarified everything except Central Square will shut down at 8 PM and then the City will bring in a loader to remove the barriers. He also asked if any other streets would be closed down during this time. Chief Howard confirmed there will be a truck across the south lane of Gilbo Avenue for a short time while the barriers are picked up. He likens the delay as being no different than an emergency situation there; perhaps a half hour of the street being blocked. He noted comments made after the block party that this could have gone better.

Councilor Jones noted the Committee's awareness of the block party portion. He continued we just heard you are expanding and asked Mr. Dremel if he understands the last sentence of the approval relative to payment for city services that go beyond the allocation in the Community Event funding budget. Mr. Dremel confirmed he is aware of the financial responsibility.

Councilor Sapeta asked if the block party and Music Festival are run by the same organization. Mr. Dremel replied they are under the auspices of Keene Music Festival and we are working with Roger Weinreich to handle the details of the block party component.

Councilor Rice asked if the non-profits would have booths and activities. Mr. Dremel responded they might have booths or popup tents. Attorney Mullins asked if the block party was also included under the insurance policy issued to the City. Mr. Dremel replied in the affirmative. Councilor Rice asked Staff if there was any other feedback from the previous block party. The City Manager said she heard positive feedback about the City involvement. The other piece she heard about was the cost to hold the event.

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that The Keene Music Festival be granted a street fair license to use downtown City rights-of-way for purposes of conducting merchant sidewalk sales, as well as use of downtown City property on Central Square, Railroad Square, and designated parking spaces on Main Street to conduct the Keene Music Festival on Saturday, September 1, 2018 from 9:00 AM to 10:30 PM. In addition, the applicant is permitted to close off a portion of Railroad Street, from Main Street to the westerly entrance of the Wells Street Parking Garage, and a portion of Church Street from Main Street to the entrance of the Vision Financial parking lot. The applicant is further permitted to host a block party from 10:00 AM to 8:00 PM, which will include the closure of two lanes of traffic on Main Street on the northbound side from Eagle Court to Cypress Street. This permission is granted subject to the customary licensing requirements of the City Council, submittal of a signed letter of permission from City Tire for use of their property, and compliance with any recommendations of City staff. In addition, the petitioner is granted use of the requested parking spaces free of charge under the provisions of the Free Parking Policy. The Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated in the FY 19 Community Events Budget.

Councilor Sapeta asked about the level of coordination with Keene State College. Mr. Dremel replied we tend to do a little advertising there but not a lot. The students become aware by word of mouth.



City of Keene, N.H.
Transmittal Form

July 12, 2018

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.4.

SUBJECT: Acceptance of Grant Funds – NH Division of Historical Resources Certified

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and execute a \$2,950 grant award from the NH Division of Historical Resources Certified Local Government Grant Program for the Heritage Commission's 2018 and 2019 Workshop Series.

BACKGROUND:

Senior Planner Tara Kessler stated she was before the Committee regarding a grant in the amount of \$2,950 from the NH Division of Historical Resources Certified Local Government Grant Program for the Heritage Commission's 2018 and 2019 Workshop Series. She noted as has been done in the past, this entity will be conducting three workshops starting in the fall focusing on Keene's agricultural heritage and will be conducting these workshops in partnership with local organizations.

This grant provides for 60% of the project funding and a 40% match of in-kind donations of their time.

Chair Greenwald noted in the background notes it is indicated that \$1,967 is from the Heritage Commission and asked whether this was the service and staff time or whether this was cash. Ms. Kessler stated \$1,967 is in-kind match and hence it is volunteer time.

Councilor Chadbourne asked whether the Heritage Commission has reached out to the Agriculture Commission. Ms. Kessler stated the Agriculture Commission is being looked at as a partner as well as the Monadnock Farm to Community Coalition, the Historical Society of Cheshire County, Stonewall Farm, the Food Coop and the Farmer's Market.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and execute a \$2,950 grant award from the NH Division of Historical Resources Certified Local Government Grant Program for the Heritage Commission's 2018 and 2019 Workshop Series.



City of Keene, N.H.
Transmittal Form

July 12, 2018

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

SUBJECT: Acceptance of Donation - Maintenance - Maple Avenue/Court Street Roundabout - Parks, Recreation and Facilities Department

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept a donation of landscaping and maintenance of the Maple Avenue and Court Street roundabout by the Savings Bank of Walpole.

BACKGROUND:

Parks, Recreation and Facilities Director Andrew Bohannon stated this donation is for services in the form of landscaping from the Savings Bank of Walpole to maintain the roundabout on upper Court Street which connects Old Walpole Road and Route 12A.

Councilor Jacobs asked whether any kind of public safety component will be put in place for this project by the city. Mr. Bohannon stated he drives by this location quite a few times a day and will be watching the quality of work and added they do hire a landscape architect to do the work and the plan has been reviewed and approved by Public Works.

Chair Greenwald encouraged the bank to get their employees to participate in this work.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept a donation of landscaping and maintenance of the Maple Avenue and Court Street roundabout by the Savings Bank of Walpole.



City of Keene, N.H.
Transmittal Form

July 12, 2018

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.6.

SUBJECT: Acceptance of Law Enforcement Opioid Abuse Reduction Grant - Police Department

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the NH Department of Safety 2018/2019 Law Enforcement Opioid Abuse Reduction Grant in the amount of \$30,000.

BACKGROUND:

Police Captain Todd Lawrence stated this is the third year the department has applied for this grant through the Department of Safety. The goal of the grant is to reduce opioid use and sale and thus reducing opioid overdoses as well as serious crimes associated with drug use. Captain Lawrence stated the Police Department so far has been given \$30,000 in grant funding which will be utilized for overtime funding.

Councilor Jacobs asked whether this grant has helped in this area. Captain Lawrence stated in 2017 the department had 104 investigations resulting in 86 arrests and so far in 2018 there have been 71 investigations resulting in 50 arrests and taking away 265 grams of heroin and fentanyl off the streets and 106 grams of crack cocaine.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the NH Department of Safety 2018/2019 Law Enforcement Opioid Abuse Reduction Grant in the amount of \$30,000.



City of Keene, N.H.
Transmittal Form

July 12, 2018

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.7.

SUBJECT: Repurchase of 344-346 West Street - Finance Department

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to convey 344-346 West Street to the former owner upon payment per RSA 80:90 and with the condition the former owner continues to comply with City Code Chapter 18, Article III, Division 2, Property Standards; section 18-241, Division 3, Housing Standards, sections 18-250 through 18-264; and with the prohibition on maintaining a nuisance under RSA 318-B: 16.

BACKGROUND:

Revenue Collector Mary Alther stated on May 8 the city deeded 344-346 West Street to the city and the owner was given the opportunity to repurchase the property. The owner would like to pay all back taxes, interest and costs by July 6, 2018. Staff is recommending the re-conveyance of this property back to the former owner subject to the conditions outlined in the motion.

Chair Greenwald asked the City Attorney what happens if the owner pays the back taxes but does not keep to the Housing and Behavior Standards. Attorney Mullins stated the deed has a reverter clause and if there was an investigation conducted by the city which shows the property owner has not kept up to the standards the property can be taken back by the city. The Chairman asked whether there could be an issue with gaining entry to the property to conduct such investigation. Attorney Mullins stated the city would have a fairly good idea of the condition of the property based on the view from the street but stated no language can be included regarding access in the deed.

Councilor Powers asked whether the amount the owner is paying would include all taxes to date. Ms. Alther answered in the affirmative and the cleanup costs are also included in the amount. The Chairman asked for the amount the owner will be responsible for; \$63,652.05.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to convey 344-346 West Street to the former owner upon payment per RSA 80:90 and with the condition the former owner continues to comply with City Code Chapter 18, Article III, Division 2, Property Standards; section 18-241, Division 3, Housing Standards, sections 18-250 through 18-264; and with the prohibition on maintaining a nuisance under RSA 318-B: 16.



City of Keene, N.H.
Transmittal Form

July 12, 2018

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

SUBJECT: Councilor Clark - Process for a City Councilor to Request Information from Staff

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends accepting the communication from Councilor Clark as informational.

BACKGROUND:

Councilor Clark began by saying in an effort to be transparent he wanted it noted he has filed a motion with the Public Utilities Commission regarding Liberty Utilities' intention to build a frack gas pipe line under the Ashuelot River to convert Keene's propane system to frack gas. He stated this letter originates from his request to staff regarding Liberty Utilities Petition to construct this pipe line. He indicated during his PUC filing, he learned the city would be requested to approve two easements. He noted the manner in which this project has been explained to him is not true and is contradictory to Liberty's own PUC filings.

Attorney Mullins cautioned the Committee that there has been no public notice of any discussion relative to Liberty Utilities and they are not present today. It would be appropriate for this entity to be present should the Committee wish to discuss them further.

Councilor Clark stated his inquiry was about what the process was going to be about how the Liberty Utilities matter was going to move forward and the city's opinion regarding this matter. He added he felt it was necessary that the Council have ample time to review this item, and hence he asked staff for certain communications to share with fellow Councilors. He also noted when a Councilor requests information, the rest of the Council is copied on such response but he was advised a legal determination needed to be made before any information was provided to him relative to his request. When he questioned why he was refused he was told a Right to Know request needed to be filed because the item was not on the Council agenda and staff would need to reach out to multiple departments to obtain this information.

Councilor Clark stated as a result he was challenging this policy as he did not feel a City Councilor needed to a file a Right to Know request to obtain public information. He added he was advised that information is open to Councilors only if an item is on the agenda. However Councilor Clark feels that councilors should have a longer period of discovery especially when it is acknowledged by everyone this item will be before the Council soon. He felt this policy discourages Councilors from doing their job. In addition to being the healthiest community he felt this community should also be open and transparent.

City Manager Elizabeth Dragon addressed the Committee and reviewed the questions in the letter submitted by the Councilor:

What is the proper procedure for a city councilor to request information from city staff?

She stated questions like this would come to her office and she would distribute the letter. She added that she had no problem with Councilors requesting information from staff, even though she would like to be copied on such requests so she can be sure the response is happening and the information provided is accurate.

Under what circumstances is city staff justified to require a city councilor to file a right to know request for public information concerning a matter coming before the council, and when has this happened in the past?

Ms. Dragon stated there is no circumstance where this has happened in the past. However, the tricky part is when an item being requested is not part of an agenda or will never be part of an agenda or if a councilor has an interest in that item or if a response requires a search be done on digital files which then becomes a Right to Know request. Ms. Dragon noted this particular request was turned around fast, but there is a fee attached to it. In this case it was a dollar.

She noted when she consulted with the City Attorney and City Clerk it was to determine precedence and both of those individuals advised this would be a Right to Know request. The Manager stated there has been such a request made in the past; one did not follow through and the other paid the fee for the information. Ms. Dragon stated there is some reasonableness applied to such a request and she often likes to err on the side as being as open as possible but at the same time looks at things which might be of a personal nature. She felt the information requested was provided in a timely fashion even though it was referred to as a Right to Know request.

Chair Greenwald stated he recalls with Ms. Dragon's predecessors, such requests would have always gone through the Manager's Office. Councilor Clark clarified his request did go through the Manager's Office. The Chairman asked for the City Attorney's input on this item. Attorney Mullins stated there was no intention of trying to withhold information – he noted when a Councilor is acting as one member of the City Council you are not acting as the Council. He added non-public sessions and such happen within the context of the Council and it cannot happen within the context of individual members of the Council. He stated under 91-A he would not be able to disclose information that is not otherwise disclosable under 91-A. However, the entire Council could vote to obtain this information. Attorney Mullins stated staff tries to always be responsive to Councilors.

Councilor Clark stated he was not questioning the action of staff but the policy itself. He stressed he was not requesting correspondence that happened between city staff but correspondence that happened between PUC and the City. He added this is going to be a very complicated issue and the Council needs to fully understand an issue without having to accept what is out there. He felt if he requested this information the entire Council would be given access to it.

Councilor Jacobs stated he always tries to go through the Manager's Office with such requests. He stated he was confused about the Right to Know issue especially if a communication with one V Councilor extends to the entire Council.

Ms. Dragon stated in an effort to have more information on this topic she reached out to other municipalities to see if anyone has a particular policy but no-one has a written policy. When such a request has been made elsewhere, the individual goes through the Right to Know request process and this is because when a request as such is made it has been for personal reasons.

Ms. Dragon referred to language from Councilor Clark's email as follows:

Elizabeth, I would like to have copies of communication including emails to and from city employees and

Liberty and their contractors concerning this issue.

Ms. Dragon stated this was a very broad request which required a computer search through the IT Department which was pursued. The question is whether a fee is charged for this request through the Right to Know process or is the information provided to the individual as a Councilor.

Chair Greenwald asked how the Committee should proceed with this item. Ms. Dragon stated because this is not something that happens often, creating a policy will create more harm than good because staff tries to be more helpful than not, It would be difficult to address every single scenario.

Councilor Clark felt this type of situation sometimes becomes a road block for Councilors and felt discussing the policy would be prudent, keeping in mind future issues that could arise. The Councilor used the Production Avenue closure as an example and felt if more councilors were notified the result might have been different.

Councilor Chadbourne felt it would be necessary to see if Council wants to create such a policy.

Councilor Clark made the following motion which was seconded by Chair Greenwald for the purpose of discussion.

That the Finance, Organization and Personnel Committee recommends the establishment of a policy for City Council information requests.

Chair Greenwald asked for the Attorney's input. Attorney Mullins stated part of his training is to get to the core of an issue and sometimes that could be uncomfortable. He stated ten years ago he was hired to advise the Council. He stated what the Council is being asked to do by a City Councilor is to provide that Councilor an opportunity through a policy to circumvent a statute that is in place that provides the opportunity of the public to get information without being before the Council and the Council knowing about it. The Attorney stated he has concerns about this as no-one will know the real intent of this request. He stated it is difficult to write a policy outside of 91-A which provides one Councilor greater rights than the public.

Councilor Chadbourne felt this means what is being requested could be perceived as an abuse of power which could reflect badly on the entire Council.

Councilor Jacobs stated he would be voting against this policy and felt the information is available and all the Councilor has to do was to bring the item before the Council.

Councilor Clark stated he is not asking for the information just to be provided to him but what he asked for is through his request is that the information be sent to the entire Council. The Councilor took offense to the term "abuse of power". Councilor Chadbourne stated she had stated it could be interpreted as such and also in the email the Manager read she did not hear the Councilor asking for this information to be shared with the entire Council.

Councilor Clark referred to the meeting between the charter employees and the Mayor where it was very clear the information was to be sent to the entire Council. Councilor Powers noted not all information between a Councilor and staff goes before the entire Council and he hoped that was not the case and referred to an example with a street light issue he had inquired about.

Councilor Clark withdrew his motion, and the Chairman withdrew his second.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends accepting the communication

from Councilor Clark as informational.



City of Keene, N.H.
Transmittal Form

July 17, 2018

TO: Mayor and Keene City Council

FROM: Mark Howard, Fire Chief

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: J.1.

SUBJECT: Relating to the Appropriation of Funds for the Fire Department

RECOMMENDATION:

That the Finance Organization and Personnel Committee recommend to the full City Council the adoption of Resolution R-2018-20 relating to the appropriation of \$56,174 for FY17/18 personnel costs associated with the operations of the City of Keene Fire Department and that the sum of \$56,174 be added as increased revenue from the ambulance services revenue.

ATTACHMENTS:

Description

Resolution R-2018-20

BACKGROUND:

Fire Department personnel costs (61000 cost centers) are projected to run over budget by an estimated \$56,174 for the FY17/18 Budget. These personnel cost expenditures were associated with covering shift vacancies to maintain staffing levels due to personnel being out on earned leave, compensatory time, and injury leave. This has been monitored by the Fire Department Command staff and other City Staff since January to limit the impact as much as possible. The department has worked to try to off-set some of that impact by not expending the entire operational side (62000 cost centers) of the FY18 budget.

There are several factors that have led to this shortfall. They include but are not limited to: personnel out on long term medical leave for both work and non-work-related conditions, being at full staff for a majority of the fiscal year, and level funded overtime accounts to cover various types of earned leave time, and operational callback.



CITY OF KEENE

R-2018-20

Eighteen

In the Year of Our Lord Two Thousand and

A RESOLUTION Relating to the Appropriation of Funds for the Fire Department

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

That, pursuant to Section 32 of the Rules of Order, the sum of fifty six thousand and three hundred and seventy five dollars (\$56,375) is hereby appropriated in the 2017/2018 fiscal year for personnel costs associated with the operations of the City of Keene Fire Department, and that the sum of fifty six thousand and three hundred and seventy five dollars (\$56,375) be added as increased revenue from ambulance services revenue.

FY 17/18 Fire Department Expenditure

<u>Account#</u>	<u>Description</u>	<u>FY17/18 Budget</u>	<u>Additional Request</u>	<u>Revised Budget</u>
08010-61304	General Personnel	\$ 592,298	\$ 56,375	\$ 648,673

FY 17/18 Fire Department Revenue

<u>Account#</u>	<u>Description</u>	<u>Budget</u>	<u>Request</u>	<u>Revised Budget</u>
08010-44123	Ambulance Svcs	\$ 975,000	\$ 56,375	\$ 1,031,375

Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

July 11, 2018

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: J.2.

SUBJECT: Council Policy Relating to the Acceptance and Placement of Public Art

RECOMMENDATION:

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends the adoption of Resolution R-2018-22 Related to the Acceptance and Placement of Public Art.

ATTACHMENTS:

Description

Resolution R-2018-22

BACKGROUND:

Mr. Bohannon said this resolution went to Council and welcomed questions and concerns from the Committee. Councilor Carl Jacobs said he continues his support and hopes the Committee votes to support the resolution and that Council will do the same.

Councilor Lamoureux asked if there were any changes to the resolution based on talks with Primex. Mr. Bohannon replied no.

Chair Manwaring recognized Councilor Philip Jones who asked if there is a provision if someone were offended by the art. Mr. Bohannon said the resolution leaves it to staff to guide a petitioner to the process outlining guidelines, and then the petition would go to Council. In the future he hopes there will be an ordinance to define the process or a commission to guide the process; he said art is in the eye of the beholder and the City does not want to be in the position of judging art. Council has used good judgement in the past to see art as art. Mr. Bohannon said the resolution outlines the process for having art. Councilor Jacobs said a commission would be valuable but is not needed to pass this resolution or for the City to accept art. The City Manager said an ordinance is the next step and if the Council wants an arts commission, she thinks it makes sense. Ultimately though, it is up to Council if the City accepts temporary or permanent art.

Councilor Jones said he is in favor of the resolution but forewarns the controversy issue; he said Councilors will be the first to get phone calls if someone has a problem. He said it sounds like the City is doing this the right way.

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

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends the adoption of Resolution R-2018-22 Related to the Acceptance and Placement of Public Art.



CITY OF KEENE

R-2018-22

In the Year of Our Lord Two Thousand and Eighteen

A RESOLUTION COUNCIL POLICY: RELATING TO THE ACCEPTANCE AND PLACEMENT OF
PUBLIC ART

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

WHEREAS: Public Art plays an important role in increasing the understanding and enjoyment of art by the community. Art is more accessible and visible to people when displayed in public areas. A key feature of Public Art is the importance of integrating art into the fabric of the community in order to enrich and enhance the physical attractiveness of the community. Public Art transforms spaces and provides a valuable contribution to the appreciation of the community and the quality of public places; and

WHEREAS: The City of Keene desires to participate in the promotion and display of Public Art to contribute to the unique identity of the City; enhance the City's economic and cultural vitality; and to encourage Public Art that is accessible to the public visually and physically.

NOW, THEREFORE, BE IT RESOLVED: Public Art may be located on public property in areas that are frequently visited, viewed, or accessed by the public. Locations may include public right-of-ways, intersections, City parks, City-owned property, and City-owned buildings, and

BE IT FURTHER RESOLVED: Artists and/or organizations wanting to create, provide, or develop Public Art shall submit a proposal to the Keene City Council that provides sufficient information for consideration of each proposal. When the City Council is considering Public Art, temporary or permanent, to be installed on, or in, property under City ownership or control it may consider:

- Whether the Public Art reflect aspects of the City's history, unique environment, cultural identity, or community at-large;
- Whether the Public Art aesthetically enhances public spaces or environments to which it relates or interacts;
- Whether the Public Art is commensurate in scale with its surroundings;
- Whether the Public Art is technically feasible to produce and to display;
- Whether the Public Art is unique and original and not mass produced or standardized;
- Whether the Public Art is durable, constructed of materials that will survive in the environment in which it will be placed, and reasonable to maintain in terms of time and expense;
- Whether the artist(s) and/or organization(s) submitting a proposal for Public Art can demonstrate that the artist(s) and/or organization(s) is (are) recognized by critics and peers as one who produces works of art;

- Whether the Public Art is in a location that allows for necessary maintenance;
- Whether the Public Art is designed to be reasonably protected from environmental degradation, damage, vandalism, or theft;
- Whether the Public Art is affixed to a structure or building and whether the structure or building is expected to remain in good condition for twenty (20) years;
- Whether the Public Art creates a public safety, health, or security concern.

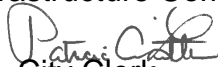
BE IT FURTHER RESOLVED:

- Temporary Public Art is intended to not be owned by the City, to remain in the care, control, and ownership of the artist(s) and/or organization(s), to be easily installed and removed, to be displayed for a specific period of time or on loan for an undetermined period of time, and as specified in a Memorandum of Understanding between the artist(s) and/or organization(s) and the City Council prior to display.
- Permanent Public Art is intended to be owned by the City, is attached to a structure or property owned by the City, is of a size or type of construction that it cannot be easily removed, and which the artist(s) and/or organization(s) agree to relinquish and transfer all rights of ownership and control to the City of Keene.
- Public Art proposals will be in writing and shall include the following minimum information.
 - A description of the proposed Public Art, including but not limited to, the name of artist(s) and/or organization(s) involved, description of the experience of the artist(s) and/or organization(s) in the production of the type of artwork, and information establishing that the artist(s) and/or organization(s) is recognized by critics and peers as one who produces works of art.
 - Whether the Public Art will be temporary and on loan to the City, or permanent and owned by the City.
 - Identification of the location of the Public Art.
 - A description of the Public Art that includes a proposed design which is commensurate in scale with the intended location, the size to scale, the dimensions of the physical space required, the materials to be used, the intended theme or context, and if temporary, the length of time of the display, and how the Public Art will be accessible to the public for viewing and enjoying.
 - Whether utility hookups are required.
 - How the Public Art is funded.
 - The anticipated maintenance requirements of the Public Art, including recurring expenses.
 - If temporary, identify how the Public Art will be removed and how the space will be restored to its previous condition.

- How the Public Art will aesthetically enhance public spaces or environments to which it relates or interacts.
 - Provide appropriate certification that the Public Art does not infringe upon any copyright or trademark.
 - Provide documentation as required by the City with respect to construction or installation of the Public Art.
- The artist(s) and/or organization(s) proposing Public Art shall provide appropriate insurance certificates and indemnification to the City during construction/installation, and/or during display, as determined by the City Council, through a license for temporary Public Art or in the construction documents for Permanent Public Art.
 - If the Public Art is not owned by the City, the artist(s) and/or organization(s) proposing the Public Art will be responsible for the expenses of monitoring, operation, maintenance, repair, and removal.
 - The City shall have the right, in its sole discretion, to determine when or if it is necessary that Public Art be removed from public display.
 - The City Council, in its sole discretion, shall determine whether Public Art is accepted for ownership by the City.
 - The City Manager is authorized to develop and administer rules and procedures to determine whether a proposal for Public Art is acceptable and complete for submission to the City Council for consideration; for the management, monitoring, installation, maintenance, repair, operation, and removal of Public Art, and to prepare appropriate and necessary documents for the transfer of the ownership of permanent Public Art to the City; and to adopt City Ordinances as may be necessary and appropriate.
 - The City will establish an expendable trust for expenses associated with commissioning, installation, monitoring, maintenance, repair, operation, and removal of Public Art.
 - For any Public Art intended to be owned by the City, the donor shall contribute to the City a sum equal to one percent (1%) of the construction cost of the Public Art, to be deposited into the expendable trust and used by the City for the monitoring, operation, maintenance, repair, upkeep, relocation, removal, or other requirements related to the Public Art.

Kendall W. Lane Mayor

In City Council July 5, 2018.
 Referred to the Municipal Services,
 Facilities and Infrastructure Committee.


 City Clerk



City of Keene, N.H.
Transmittal Form

July 13, 2018

TO: Mayor and Keene City Council

FROM: Beth Fox, ACM/Human Resources Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: J.3.

SUBJECT: In Appreciation of Elizabeth A. Uhas Upon Her Retirement

RECOMMENDATION:

That Resolution R-2018-23 be adopted by the City Council.

ATTACHMENTS:

Description

Resolution R-2018-23

BACKGROUND:

Ms. Uhas retires from the Police Department July 27, 2018, with 20 years of service.



CITY OF KEENE

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

A RESOLUTIONIn Appreciation of Elizabeth A. Uhas Upon Her Retirement.....

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

WHEREAS: Elizabeth A. Uhas’s career with the Keene Police Department started when she was sworn in as a Patrol Officer 27 July 1998 and, since then, she has spent her career acting with care, responsibility, and positivity; and

WHEREAS: Lisa has shown the ability to deal with even the most difficult people, receiving consistently high marks from those interactions by allowing suspects and prisoners to maintain their personal dignity and by remaining calm and understanding, yet communicating in a professional manner; and

WHEREAS: She has acted as a team player who is well liked by her peers and has maintained excellent working relationships with the public and with local, county, state, and federal law enforcement organizations; and

WHEREAS: Through difficult work, Lisa has kept her pleasant and cheery attitude and well-developed sense of humor, not allowing disappointments to cloud her judgement, transitioning through changes well, and being a positive influence on co-workers; and

WHEREAS: Lisa consistently has led her shift, if not the entire department, in foot patrol site checks, discovering open doors, and overnight parking enforcement – walking the downtown no matter the weather; and

WHEREAS: Personal characteristics for which Lisa has been appreciated include her hard-earned knowledge, skills, and ability that have made her a capable and dependable officer who does many things well; her pertinent and intelligent questions; her common sense, allowing her think and act appropriately in a variety of situations; her well-written and easy-to-read reports that convert field events into a logical sequence; her preparedness for testimony; her open-mindedness in accepting guidance, and her good safety practices; and

WHEREAS: Lisa has had many notable achievements during her time in the Keene Police Department, such as serving as a Field Training Officer, a detective with the New Hampshire Attorney General’s Drug Task Force, and being a certified DARE instructor; and

WHEREAS: Lisa Uhas retires from the City of Keene effective 27 July with exactly 20 years of honorable service;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Keene hereby extends its sincere thanks to Elizabeth A. Uhas for her dedication to the City of Keene and wishes her the very best through all her retirement years; and

BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Lisa in appreciation for her many years of service to the residents of Keene and the Monadnock Region.

PASSED

Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

July 13, 2018

TO: Mayor and Keene City Council

FROM: Beth Fox, ACM/Human Resources Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: J.4.

SUBJECT: In Appreciation of Mark J. Beaugard Upon His Retirement

RECOMMENDATION:

That Resolution R-2018-24 be adopted by the City Council.

ATTACHMENTS:

Description

Resolution R-2018-24

BACKGROUND:

Mr. Beaugard retires from the Public Works Department July 31, 2018, with over 14 years of service.



CITY OF KEENE

Eighteen

In the Year of Our Lord Two Thousand and

In Appreciation of Mark J. Beauregard Upon His Retirement

A RESOLUTION

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

WHEREAS: Mark J. Beauregard began his employment with the City of Keene July 12, 2004, in the Highway Division of Public Works as a Maintenance Aide I; was advanced to Acting Motor Equipment Operator I starting December 3, 2007; and was promoted to that position on a regular basis effective April 14, 2008; and

WHEREAS: A well-rounded employee, Marcus has a clear understanding of his division's mission and what processes and procedures are required to complete each job safely and efficiently with his best workmanship the first time without being double-checked; and can tackle any task assigned to him after only one explanation; and

WHEREAS: His impressive customer service skills are proven by his understanding of their needs; his calm and friendly manner; his respectful, straightforward, positive, and professional communication method; his desire for the best outcome possible in a timely manner; and his abilities to change gears easily and handle difficult situations very well; and

WHEREAS: A self-motivated person, Marcus' work ethic is demonstrated by his continuous seeking of things that need to be addressed and completing them; combining jobs while in the field to save time and money; maintaining his equipment well; always looking for ways to improve his skills; and staying current with his certifications; and

WHEREAS: Marcus' high dedication to teamwork is evident in his ready cooperation and willingness to assist other crews with whatever and whenever asked; his open-mindedness and adaptability to changing responsibilities; his acceptance and incorporation of constructive criticism; and his reliability for winter call-in work; and

WHEREAS: Contributions outside his normal responsibilities include earning an Achievement Award for initiating a small-engine repair area, complete with materials and tools, to bring back to usable status small equipment; supporting Parks, Recreation, and Facilities with Memorial Day preparations; assisting to clear out 580 Main Street; and participating in the *Speak Up!* program; and

WHEREAS: Marcus retires from the City of Keene July 31, 2018, with a little over 14 years of honorable service to the City of Keene;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Keene hereby extends its sincere thanks to Mark J. Beauregard for his dedicated service and wishes him the very best through all his retirement years; and

BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Mark in appreciation for his many years of service to the residents of Keene and the Monadnock Region.

PASSED

Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

July 11, 2018

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: J.5.

SUBJECT: Relating to the Renaming of the Carpenter Street Field to the Patricia T. Russell Park and
Relating to Use of the City Park Lands

RECOMMENDATION:

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends the adoption of Resolution R-2018-25 Relating to Renaming of the Carpenter Street Field to the Patricia T. Russell Park.

On a vote of 4-1, the Municipal Services, Facilities & Infrastructure committee recommends the rescission of Resolution R-2015-30 and the adoption of Resolution R-2018-27 Relating to the Use of City Parklands. Councilor Sutherland was opposed.

ATTACHMENTS:

Description

Resolution R-2018-25

Resolution R-2015-30

Resolution R-2018-27

BACKGROUND:

Mr. Bohannon said Council voted unanimously to change the name of Carpenter Street Field in December 2017 to the Patricia T. Russell Park. This resolution formally adopts that process. On July 23, the City will dedicate the park in Ms. Russell's honor at 11:30 AM; information about future park plans (CIP 2021) will be on display at the ceremony.

Mr. Bohannon read the resolution which highlighted Ms. Russell's contributions to the City of Keene and the State of NH. He noted that she served six terms of the New Hampshire House of Representatives, and ten years as a Commissioner of the New Hampshire State Liquor Commission. She also served as Ward Two City Councilor from 1990 to 1995, during which the Black Brook Industrial Park and the Library Renovation and Expansion Projects were initiated. In addition, Ms. Russell was the first female Mayor of the City of Keene from 1996 to 1999.

Mr. Bohannon went on to say that Resolution R-2015-30 includes City park names and needs to reflect the renaming of Carpenter Field. Therefore, Resolution-2015-30 will be rescinded and Resolution R-2018-27 will be adopted to reflect the updated park name.

Chair Manwaring asked why parks like Stearns Hill are not included in the resolution. Mr. Bohannon replied because this resolution is only for parks that can be reserved for camps or athletic leagues. There will be an ordinance in August for all other parks.

Councilor Sutherland asked if Parks & Recreation manages reservations of fields at the high school. Mr. Bohannon replied no, the high school manages their own fields; the City has reserved their field for a tournament, but that is the only time Parks & Recreation works with the school district to get that field.

Councilor Sutherland said he was interested in amending Resolution R-2018-27 to strike the last sentence, which reads, "In addition to such charges, fee based instructional recreational uses shall pay the City of Keene 20% of collected registrations." He does not think this language is legal under the municipal authority the City has for taxation. He could not find anything in Chapter 31 (Powers & Duties), Chapter 3 (Public Recreation & Parks, or Chapter 5 (Taxation) of the state law saying we can tax registration fees. He does not think it is the municipalities business to determine how much money a recreational lessee charges its participants in the context of leasing parks or facilities from the City; many or most of these recreational groups do not pay coaches. Registration fees are used for facility rentals, uniforms, equipment, referees/umpires, and association fees. He said it sounds like the City is trying to go beyond the reasonable definition of fees and charges and beyond the cost of use and maintenance of said facilities. He referenced RSA 335: B-1, which states, "said town, city, county, or district may establish a system of reasonable charges therein." A municipality does have the authority to limit the use of a facility or enter into a contract. If past use was such that it caused additional wear and tear and required additional maintenance, watering, and upkeep then the City ought to review its fee schedule for those uses that may incur more than normal wear and tear through increased participation and continual use. He continued that the City currently charges the Challenger Soccer Camp and KHS Cross Country Camp. He said this resolution clearly states this cost would be incurred by both non-profit and commercial entities. He said it is not in the public's interest to select lessees for administering these fees; it should be posted and consistent for all, in which case the City would be collecting a lot more revenue from things like the Cal Ripkin league.

Councilor Sutherland made a motion to strike the last sentence from Resolution R-2018-27 and amend it as R-2018-27-A. There was no second and the motion failed.

Chair Manwaring asked where the resolution talks about taxes. Councilor Sutherland replied by reading the last paragraph of the resolution, which can be found in the meeting packet. He said there are many clubs the City is not collecting these fees from; he argues the City does not have the authority to collect those fees because they are a tax.

Mr. Bohannon replied the last sentence of the resolution is about camps or "instructional recreational uses." Also, the City does not charge activities for ages 12 and under, so the Cal Ripkin leagues are not charged a fee. Councilor Sutherland asked why, because they are providing instruction. Mr. Bohannon said it is not a structured camp paying an instructor. This is specific to revenue generating camps. He said this guideline was put in place because camps were making significant profit and the donations camps were giving the City did not come close to covering the maintenance and labor.

Councilor Lamoureux asked the opinion of the City Attorney. The City Attorney said it was clear Councilor Sutherland had done his research, which he asked him to share. There has been recent case law around authorized taxes and he will review that and Councilor Sutherland's research before the next Council meeting.

Chair Manwaring said Councilor Sutherland should wait and bring it up at the next Council meeting because so far, he does not have the support of this Committee.

Councilor Sutherland said it is not about uses but about fees being paid to a coach and therefore the City is trying to levee a tax on income. Mr. Bohannon replied he does not think we are taxing anyone. Councilor Sutherland said they are looking to levee 20% of collected registration fees. Mr. Bohannon said that just covers cost for maintenance, we are not charging them for field set-up or rental. Councilor Sutherland recommended that the City has the authority to limit the use of a facility or enter into a contract if past use was such that it

caused additional wear and tear and required additional maintenance, watering, and upkeep. In such cases, he said the City ought to review its fee schedule for those uses that may incur more than normal wear and tear through increased participation and continual use. He does not think the last sentence of the resolution specifies camps or profit vs. non-profit; he said it clearly states that it would include for profit or non-profit. He would like to strike the last sentence because he thinks it is unclear, unfair, and illegal. He will bring it up with the City Attorney and Council.

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

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends the adoption of Resolution R-2018-25 Relating to Renaming of the Carpenter Street Field to the Patricia T. Russell Park.

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

On a vote of 4-1, the Municipal Services, Facilities & Infrastructure committee recommends the rescission of Resolution R-2015-30 and the adoption of Resolution R-2018-27 Relating to the Use of City Parklands. Councilor Sutherland was opposed.



CITY OF KEENE

R-2018-25

Eighteen

In the Year of Our Lord Two Thousand and

Relating to Renaming of the Carpenter Street Field to the Patricia T. Russell Park

A RESOLUTION

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

WHEREAS: In December of 2017, the City Council voted to recommend that a Resolution be brought forward to rename Carpenter Street Field to the Patricia T. Russell Park; and

WHEREAS: Article IV "Naming of Public Facilities" in Chapter 82 entitled "Streets, Sidewalks and Certain Other Public Places" establishes a process and criteria that must be met in order to name a public facility; and

WHEREAS: Patricia T. Russell meets the criteria of the Ordinance due to her many contributions to the City of Keene and the State of New Hampshire as reflected below:

- Patricia T. Russell was an iconic figure in the State of New Hampshire having served six terms of the New Hampshire House of Representations, and ten years as a commissioner of the New Hampshire State Liquor Commission; and
- Patricia T. Russell was the first female Mayor of the City of Keene from 1996 to 1999; and a Ward Two City Councilor from 1990 to 1995; during which the Black Brook Industrial Park and the Library Renovation and Expansion Projects were initiated; and
- Patricia T. Russell made several contributions to the City including the development of the Ashuelot River Park and the Rachel Marshall Outdoor Learning Lab; and
- Patricia T. Russell grew up on the east side of Keene and renaming the field in her honor is certainly most appropriate.

NOW THEREFORE BE IT RESOLVED THAT

The Carpenter Street Field be renamed the Patricia T. Russell Park in recognition of her civic leadership which has contributed to the betterment of the City of Keene.

Kendall W. Lane, Mayor



CITY OF KEENE

R-2015-30

Fifteen

In the Year of Our Lord Two Thousand and

Relating to Use of City Park Lands

A RESOLUTION

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

WHEREAS: It is understood that while all parklands are available to the general public; there are uses for portions of these parks that would result in exclusive availability for specific groups for periods of time through the issuance of a reservation at the discretion of the Parks, Recreation and Facilities Director; and

WHEREAS: Any portion of any park not reserved for a group's exclusive use must be kept accessible to the general public during that use; and

WHEREAS: It will not be acceptable for any group or individual reserving an area to deny the general public the use of all paths, walks or roadways available that connect with an unreserved park area; and

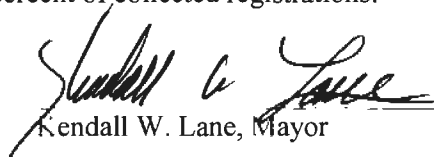
WHEREAS: City park lands are under the authority and control of the Parks, Recreation and Facilities Department in accordance with Chapter 2 "Parks, Recreation and Facilities;" and

WHEREAS: Central Square Common and Railroad Square are subject to the rules and regulations contained in Resolution R-2015-29: Relating to Central Square and Railroad Square and Article XXI "Use of Central Square Common and Railroad Square" of Chapter 46, "Licenses and Permits."

NOW THEREFORE BE IT RESOLVED THAT

The City Council agrees that charitable solicitation, educational, instructional recreational or recreational activities, whether non-profit or commercial, are acceptable uses for exclusive use determined by the Parks, Recreation and Cemeteries Director for portions of the Ashuelot River Park, Carpenter Street Field, Court Street Stone Arch Bridge parklands, Edgewood Avenue Park, Ellis Harrison Park, Hickey Desilets Park, Fuller Park, Keene Skate Park, Ladies Wildwood Park, Robin Hood Park, Water Street Basketball Courts and Wheelock Park.

AND BE IT FURTHER RESOLVED that necessary charges for any reservations for any permitted activities shall be set by the Director of the Keene Parks, Recreation and Facilities Department to reflect the City's expense for maintenance for each event and to cover costs for wear and tear on City property. In addition to such charges, fee based, instructional recreational uses shall pay the City of Keene twenty (20) percent of collected registrations.


Kendall W. Lane, Mayor

July 2, 2015

PASSED



CITY OF KEENE

R-2018-27

Eighteen

In the Year of Our Lord Two Thousand and

Relating to Use of City Park Lands

A RESOLUTION

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

- WHEREAS: It is understood that while all parklands are available to the general public; there are uses for portions of these parks that would result in exclusive availability for specific groups for periods of time through the issuance of a reservation at the discretion of the Parks, Recreation and Facilities Director; and
- WHEREAS: Any portion of any park not reserved for a group's exclusive use must be kept accessible to the general public during that use; and
- WHEREAS: It will not be acceptable for any group or individual reserving an area to deny the general public the use of all paths, walks or roadways available that connect with an unreserved park area; and
- WHEREAS: City park lands are under the authority and control of the Parks, Recreation and Facilities Department in accordance with Chapter 2 "Parks, Recreation and Facilities;" and
- WHEREAS: Central Square Common and Railroad Square are subject to the rules and regulations contained in Resolution R-2015-29: Relating to Central Square and Railroad Square and Article XXI "Use of Central Square Common and Railroad Square" of Chapter 46, "Licenses and Permits."

NOW THEREFORE BE IT RESOLVED THAT

The City Council agrees that charitable solicitation, educational, instructional recreational or recreational activities, whether non-profit or commercial, are acceptable uses for exclusive use determined by the Parks, Recreation and Facilities Director for portions of the Ashuelot River Park, Church Street Park, Patricia T. Russell Park, Court Street Stone Arch Bridge parklands, Edgewood Avenue Park, Ellis Harrison Park, Hickey Desilets Park, Fuller Park, Keene Skate Park, Ladies Wildwood Park, Robin Hood Park, Water Street Basketball Courts and Wheelock Park.

AND BE IT FURTHER RESOLVED that necessary charges for any reservations for any permitted activities shall be set by the Director of the Keene Parks, Recreation and Facilities Department to reflect the City's expense for maintenance for each event and to cover costs for wear and tear on City property. In addition to such charges, fee based, instructional recreational uses shall pay the City of Keene twenty (20) percent of collected registrations.

Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

July 9, 2018

TO: Mayor and Keene City Council

FROM: Steve Thornton, Finance Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: J.6.

SUBJECT: Relating to Fiscal Policies - FY 2018-2019

RECOMMENDATION:

That Resolution R-2018-26 relating to fiscal policies, be introduced and referred to the Finance, Organization, and Personnel Committee for consideration, discussion, and a recommendation back to City Council

ATTACHMENTS:

Description

Resolution R-2018-26

BACKGROUND:

One of the most elemental functions of municipal fiscal management is to establish policies to guide an organization through both good and difficult times.

The City of Keene, like many municipalities, faces many fiscal challenges. Two of these are 1) the difficulty of balancing local budget realities with decreased revenues, increased service demands and the costs of unfunded state and federal mandates and 2) the cost of infrastructure and associated costs. Fiscal policies establish standards for fiscal management and decision making, and guidelines for monitoring and assessing fiscal condition while addressing those challenges.

Additionally, bond rating agencies give a higher score to communities with clearly established policies, because these agencies recognize the value measurable and enforceable policies lend to reduced investment risk.

R-2017-26, Relating to Fiscal Policies, was adopted by the City Council on September 7, 2017. Resolution R-2018-26 advances proposed amendments to Part 2 – Financial Policies, Section 3 – Fees and Charges.

The proposed amendments, for the most part, are language and organization adjustments intended to clarify the meaning and intention of the policy. The exception is the new language in Section 3 - Fees and Charges, Subsection 2: Part C - Exceptions to Cost Recovery Standard for Fees and Charges, Item d.

A Fiscal Policy Workshop is scheduled for July 17, 2018.



CITY OF KEENE

R-2018-26

In the Year of Our Lord Two Thousand and Seventeen

A RESOLUTION Relating to FISCAL POLICIES

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

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

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

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

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

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

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

PART 1 – Budgetary Policies

I. Budget

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

PASSED

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

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

H. Property Taxes.

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

II. Capital Improvement Program

A. The City of Keene shall prepare a capital improvement program (CIP) with a span of six (6) years.

B. The CIP shall be updated annually. All capital projects or equipment purchases that have an estimated cost of at least \$20,000 and an estimated useful life of at least five years will be included in the capital improvement program (CIP) planning process. These projects may include capital asset preservation projects (designed to preserve the functionality and condition of major infrastructure systems and City facilities) with an estimated cost of at least \$20,000 and which increase the useful life of the asset by at least five years.

C. The CIP shall contain revenue projections and rate impacts that support estimated operating costs as well as the proposed capital program. Expenditures included in each year of the CIP (operations, debt service and capital) will be equal to estimated revenue available to finance proposed activity in each year of the CIP. Cost and revenue estimates in projected years will be presented for planning purposes, and are based upon the then current best available information.

D. Each project funding-request shall originate from a City department and shall include the following information (as applicable):

- 1) A description of the project.
- 2) A cost estimate and funding profile.
- 3) A project time line.

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

PART 2 - Financial Policies

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

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

II. Revenues

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

III. Fees and Charges

- A. Certain services provided by the City of Keene will be assigned a fee or charge for the users of the service, dependent upon how the community benefits from the provision of those services.
 - 1) In the case of general governmental services (such as fire protection, law enforcement, or general street maintenance) there will be no user fee or charge assessed.
 - 2) In the event that the service benefits a finite and definable sector of the community then that group will be assessed a fee or charge for provision of the service.

B. Cost Recovery standard for fees and charges:

- 1) Cost recovery should be based on the total cost of delivering the service, including direct costs, departmental administration costs, and organization-wide support costs (e.g. accounting, human resources, data processing, insurance, vehicle maintenance, and regulatory and enforcement costs).

C. Exceptions to cost recovery standard for fees and charges:

1. Fees and Charges may be set at something less than full cost recovery when:

- a) A high level of cost recovery will negatively impact the delivery of service to low-income groups.
- b) Collecting the fees and charges is not cost effective.
- c) There is no intended relationship between the amount paid and the benefit received (e.g. social service programs).
- d) There is no intent to limit the use of the service (e.g. access to parks and playgrounds).
- e) Collecting the fees would discourage compliance with regulatory requirements and adherence to said requirements is self-identified, and as such, failure to comply would not be readily detected by the City of Keene.

2.) Fees and Charges may be set at, or above, full cost recovery when:

- a) The service is also provided, or could be provided, by the private sector.
- b) The use of the service is discouraged (e.g. fire or police responses to false alarms).
- c) The service is regulatory in nature and voluntary compliance is not expected (e.g. building permits, plans review, subdivisions).
- d) When the fee or charge for the use of City property or resources is incurred by a commercial entity.

3.) Ambulance:

- a) Service fees shall be set at two hundred fifty percent (250%) above the Medicare-determined usual and customary charge.
- b) A fee will be implemented for those instances when responses that involve the use of drugs or specialized services are provided but there is no transport.
- c) There may be no charge for responses determined by the Fire Department to be "public assists."

D. The method of assessing and collecting fees should be made as simple as possible in order to reduce the administrative and support costs of collection.

E. The City will periodically utilize the services of a collection agency when all other reasonable efforts to collect fees and fines have been exhausted; fees for such services to be paid from amounts collected.

F. Rate structures should be sensitive to the market price for comparable services in the private sector or other public sector entities.

G. All fees and charges shall be adopted by the City Council.

H. Fees and charges shall be reviewed in accordance with a schedule developed by the City Manager that has each fee reviewed biannually.

Recommended changes will be reviewed and approved by the City Council.

IV. Debt

- A. The City of Keene will periodically incur debt to finance capital projects. All issuances of debt are subject to State of New Hampshire Statutes, RSA 34 and 162-K.
- B. Debt may be issued to fund projects with a public purpose of a lasting nature or as otherwise allowed by State law.
- C. Debt will not be issued to provide for the payment of expenses for current maintenance and operation except as otherwise provided by law.
- D. The City of Keene shall not incur debt that exceeds any limits set by State law.
- E. All bonds shall be authorized by resolution of the City Council and require a two-thirds (2/3) vote.
- F. The City of Keene may use the services of a financial advisor to assist in preparing for, and executing, any sale of bonds. Said services shall be obtained as the result of a Request for Proposals (RFP) process, which shall be conducted at a minimum of every five (5) years.
- G. The City of Keene shall acquire the required services of bond counsel as the result of a Request for Proposals (RFP) process, which shall be conducted at a minimum of every five (5) years.
- H. Form. The City of Keene issues three types of bonds:
 - 1) General Obligation Bonds – repayment is backed by the full taxing power of the City of Keene.
 - 2) Tax Increment Financing Bonds – repayment is first backed by the revenue stream generated by increased revenues created within an established Tax Increment Financing District. To the extent that the increased revenues created within the district are not adequate, the repayment of the bonds would then be backed by the full taxing power of the City of Keene.
 - 3) Refunding Bonds – these bonds are issued to refinance outstanding bonds before their term in order to either remove restrictions on the original bonds and/or to take advantage of lower interest rates. Repayment is backed by the full taxing power of the City of Keene.
- I. Competitive sale is the preferred method of sale; however, negotiated sales may occur for a current or advance refunding, or for other appropriate reasons.
- J. Term.
 - 1) Debt will be incurred only for projects with a useful life of at least five (5) years.
 - 2) The term of any debt incurred by the City shall be limited to no greater than the expected useful life of the improvement.
- K. The use of short-term financing, lease, or lease-purchase agreements shall be kept to a minimum.
- L. Other funding sources – to the extent they are available, the City of Keene will actively pursue:
 - 1) Grants that reduce the City's initial investment in project/improvement.
 - 2) Grants that contribute to the on-going debt service for city project(s).
 - 3) Other financing tools such as tax credits that leverage the City's initial investment in a project.

V. Capital Assets

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

infrastructure.

VI. Fund Balance Classification Policies and Procedures

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

VII. Stabilization Funds

- A. Unassigned Fund Balance.
 - 1) That portion of available funds within each fund that can be used to offset emergency expenditures, a downturn in collection of significant revenues, or other unforeseen events.
 - a) Unassigned fund balance for the General Fund will be maintained at between seven percent (7%) and ten percent (10%) of the sum of the total of the General Fund annual operating budget and the property tax commitment for the school (both local and State) and the county.
 - b) Fund balances in all other budgeted funds should be maintained at between five percent (5%) and fifteen percent (15%) of the annual operating budget for that fund.
- B. Self-funded health insurance.
 - 1) The City shall retain funds for its self-funded health insurance

program. The intended purposes for these funds are to provide a measure to smooth rate fluctuations, to accommodate an unforeseen increase in claims, and to provide financial protection from run-out costs in the event the City moves toward a fully insured plan. The amount retained shall not exceed three (3) months of estimated claim costs.

C. Capital Reserves.

- 1) Capital Reserves, classified as committed funds, are reserves established under State of New Hampshire law, invested by the Trustees of Trust Funds, for several purposes that include the construction, reconstruction, or acquisition of a specific capital improvement, or the acquisition of a specific item or of specific items of equipment, or other purposes identified in NH RSA 34, relating to Capital Reserve Funds for Cities.
- 2) The City of Keene has established the following capital reserves:
 - a) Fire Equipment Capital Reserve – for the acquisition or significant rehabilitation of fire apparatus.
 - b) Ambulance Capital Reserve – for the acquisition or significant rehabilitation of ambulances
 - c) Intersection Improvements Capital Reserve – for the rehabilitation or reconstruction of existing intersections.
 - d) Hazardous Waste Site Capital Reserve – for the clean-up, mitigation and testing associated with the Old City Landfill located at 580 Main Street.
 - e) Transfer/Recycling Center Capital Reserve – for the repair and replacement of existing infrastructure, systems, and equipment.
 - f) City Hall Parking Deck Capital Reserve – for the repair and replacement of existing infrastructure, systems and equipment.
 - g) Wells Street Parking Facility Capital Reserve – for the repair and replacement of existing infrastructure, systems, and equipment.
 - h) Landfill Closure Capital Reserve – for the closure and post-closure costs associated with the City Landfill located at Route 12 North.
 - i) Wastewater Treatment Plant Capital Reserve – for the repair and replacement of major components of plant, including equipment and building.
 - j) Martel Court Pumping Station Capital Reserve – for the repair and replacement of major components of station, including equipment building.
 - k) Sewer Infrastructure Capital Reserve – for the repair and replacement of existing infrastructure, systems and equipment including pump stations and the collection system.
 - l) Water Treatment Facility Capital Reserve – for the repair and replacement of major components of facility including pumps, controls, chemical systems, etc., and building components.
 - m) Water Infrastructure Capital Reserve – for the repair and replacement of major components of existing infrastructure, systems and equipment including wells, lift stations, tanks,

- n) etc., and the distribution system.
 - o) Fleet Equipment Capital Reserve – for the replacement of vehicles and equipment under the management of Fleet Services.
 - p) Bridge Capital Reserve – for the construction, reconstruction, and rehabilitation of bridges.
 - q) Downtown Infrastructure and Facility Improvement Capital Reserve – for infrastructure and facility improvements in the downtown.
 - r) Transportation Improvements Capital Reserve - to fund, wholly or in part, improvements in the transportation system including roads, bridges, bicycle and pedestrian facilities, and intermodal facilities, except for parking.
- D. The City Council may create and fund through annual operating budget appropriations various expendable trust funds as it deems necessary for the maintenance and operation of the City; and any other public purpose that is not foreign to the City's institution or incompatible with the objects of its organization. The trust funds will be administered by the Trustees of the Trust Funds.

VIII. Deposits of Excess Funds

- A. Objectives (in priority order):
 - 1) Safety – the safety of principal is the foremost objective.
 - 2) Liquidity – investments shall remain sufficiently liquid to meet the operational cash needs of the City of Keene.
 - 3) Yield – taking in to account the priority objectives of safety of principal and liquidity, a market rate of return.
- B. Authorized Investments:
 - 1) US Treasury obligations.
 - 2) US government agency and instrumentality obligations.
 - 3) Repurchase agreements with New Hampshire Banks acting as principal or agent, collateralized by US Treasury/Agency obligations.
 - 4) Certificates of Deposits in New Hampshire Banks (collateralized).
 - 5) New Hampshire Public Deposit Investment Pool.

Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

July 13, 2018

TO: Mayor and Keene City Council

FROM: Beth Fox, ACM/Human Resources Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: J.7.

SUBJECT: In Appreciation of Robert S. Thornton Upon His Retirement

RECOMMENDATION:

That Resolution R-2018-28 be adopted by the City Council.

ATTACHMENTS:

Description

Resolution R-2018-28

BACKGROUND:

Mr. Thornton retires from the Finance Department August 9, 2018, with over 20 years of service.



CITY OF KEENE

Eighteen

In the Year of Our Lord Two Thousand and

In Appreciation of Robert S. Thornton Upon His Retirement

A RESOLUTION

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

WHEREAS: Robert S. Thornton’s career with the City of Keene began 13 April 1998 when he was hired as Assistant Finance Director; and he served 12 weeks as Acting Finance Director in 2001 and stepped up again as Acting Treasurer in 2012 before being made Finance Director 10 March 2014, followed directly by Council appointment as the City Treasurer; and

WHEREAS: Steve’s broad and deep knowledge, his CPA designation, and his insight into the City’s business practices and operations make him an outstanding public finance professional and a subject matter expert on the variety of mission-critical core functions carried out by the several divisions of his department—many of which have changed dramatically since his hire; and

WHEREAS: A dedicated public servant, he quickly earned respect from his peers and from City Council as an agent of change over the years – overseeing many technology additions and improvements, implementing credit card payments in several areas in a manner that safeguarded the integrity of our financial records, advancing proposals to reduce debt and to change fiscal policy to accommodate development and growth of long-term financial planning and asset management, adapting to financial restrictions that affected our capital planning and operating budgets without significantly changing services, developing a grants management document that conforms with new federal requirements, developing process improvements, improving open government, developing graph and chart-based presentations, implementing new GASB standards, adding the City as an agent for state vehicle registrations, improving the audit preparation process, assisting with the evaluation of purchasing procedures, and creating a new environment for the budgeting process; and

WHEREAS: To support his deadline- and results-driven operations, Steve has hired and trained well staff members who support high customer service and who can take responsibility for handling their day-to-day matters and who know when to ask for guidance and has adjusted internal processes and responsibilities to balance division workloads; and

WHEREAS: During Steve’s career, he has been a tremendous “asset” to the City in meeting every new objective, participating in many activities outside his core job functions; improving services delivered to the community by other departments; exhibiting very high ethical standards; working tirelessly to see that the budget is accurate, easy to use, and meaningful; anticipating and meeting deadlines; always stepping up to challenges and embracing change; and being a willing participant on various internal committees for the betterment of the organization; and

WHEREAS: Steve retires from the City of Keene effective 9 August 2018 with more than 20 years of honorable service;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Keene hereby extends its sincere thanks to Robert S. Thornton for his dedication to the City of Keene and wishes him the very best through all his retirement years; and

BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Steve in appreciation for his many years of service to the residents of Keene and the Monadnock Region.

PASSEI)

Kendall W. Lane, Mayor