



Due to COVID-2019 State of Emergency, the City Council will be holding its meetings remotely using the web-based program, Zoom. City Councilors will be participating in this meeting remotely. Members of the public will be able to assess this public meeting through a variety of options, described below. If you encounter any issues accessing this meeting, please call 603-757-0622 during the meeting. To view the City Council meeting, please navigate to www.zoom.us and enter the Meeting ID# 825 3359 2647. To listen via telephone call 877-853-5257 and enter the Meeting ID # 825 3359 2647.

KEENE CITY COUNCIL
Council Chambers, Keene City Hall
September 17, 2020
7:00 PM

Roll Call
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- September 3, 2020

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

- Confirmations
Bicycle Pedestrian Path Advisory Committee
Historic District Commission
Library Board of Trustees

C. COMMUNICATIONS

- Meaghan Rafferty - Resignation - Energy & Climate Committee
- Jennifer Alexander - Resignation - Library Board of Trustees
- Attorney Adam Kossayda - Lease Request - Hangar Lot 15A
- Councilor Filiault - City Sponsorship of a "Trunk or Treat" Event
- Councilor Greenwald - Requesting Updates on Several Projects

D. REPORTS - COUNCIL COMMITTEES

- Land Water Conservation Fund Grant Application - Parks, Recreation and Facilities Director
- Design Change Order - Cheshire Rail Trail Phase III - City Engineer
- Professional Services Contract - Cheshire Rail Trail Phase III - City Engineer
- 2021 Revaluation Contract - City Assessor
- Community Power Consulting Services - ACM/Community Development Director

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

I. ORDINANCES FOR FIRST READING

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

1. Relating to Fiscal Policies
Resolution R-2020-32
2. Authorizing the Condemnation of Land for the Winchester Street Reconstruction Project
Resolution R-2020-36
3. In Appreciation of Russell Paul Fish Upon His Retirement
Resolution R-2020-34

L. TABLED ITEMS

1. Relating to an Appropriation of Funds for Gilbo Avenue Infrastructure Improvements
Resolution R-2020-06-A

Non Public Session
Adjournment

A regular meeting of the Keene City Council was held Thursday, September 3, 2020. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Mayor Hansel read into the record the Emergency Order #12, issued by the Governor of the State of New Hampshire pursuant to Executive Order #2020-04. He continued the members of the City Council would be participating remotely. The Mayor asked that during the roll call for attendance, each Councilor identify their on-line presence and if there are others with them in the room. Roll called: Stephen L. Hooper, Michael J. Remy, Janis O. Manwaring, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Terry M. Clark, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley and Thomas F. Powers were present. Gladys Johnsen joined at 7:12 PM. A motion by Councilor Powers to accept the minutes from the August 6, 2020 regular meeting was duly seconded by Councilor Bosley. The motion passed on a roll call vote with 15 Councilors present and voting in favor. The Mayor led the Pledge of Allegiance.

NOMINATIONS

The following nominations were received from the Mayor: Rowland Russell to serve as a regular member on the Bicycle Pedestrian Path Advisory Committee with a term to expire December 31, 2022; Russ Flemming to serve as a regular member on the Historic District Commission with a term to expire December 31, 2020; and Charles H. Redfern to serve as a regular member on the Library Board of Trustees with a term to expire on June 30, 2023. The nominations were tabled until the next regular meeting.

PETITION – IN SUPPORT OF A SOCIAL HOST ORDINANCE

A petition was received from Peter Moran, in support of a Social Host Ordinance. The petition was accepted as informational with the Mayor noting that the subject Ordinance had yet to be formally introduced.

MSFI REPORT – AMENDMENT TO PROPERTY OWNER AGREEMENT – ASHUELOT COURT SEWER AND WATER MAIN REPLACEMENT

Municipal Services, Facilities and Infrastructure Committee report recommending that the November 6, 2019 Ashuelot Court property owners' approved payment plan for the financing of the replacement of existing sewer and water mains be amended to decrease the annual interest rate to 0.25%. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded by Councilor Giacomo. On a roll call vote, 15 Councilors were present and voting in favor.

PLD REPORT – LICENSES AND LEASES – THE COLONIAL THEATRE GROUP REQUEST

Planning, Licenses and Development Committee report recommending the City Manager be authorized to do all things necessary to negotiate and execute leases and licenses with the Colonial Theatre Group for:

- An American with Disabilities Act (ADA) ramp along the southern side of Commercial Street and Commercial Street Parking Lot;
- Relocation of existing utilities and parking lot lights;
- Installation and maintenance of underground electric and telecommunication infrastructure; and
- A canopy existing over the southern side of Commercial Street and Commercial Street Parking Lot for the placement of a dumpster on City property.

A motion by Councilor Bosley to carry out the intent of the report was duly seconded by Councilor Greenwald. On a roll call vote, 15 Councilors were present and voting in favor.

FOP REPORT – ADOPT A BENCH

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept the donation of \$1,200.00 for a bench from John and Doris Laurent and that the bench be placed along the Cheshire Rail Trail. A motion by Councilors Powers to carry out the intent of the report was duly seconded by Councilor Hooper. On roll call vote, 15 Councilors were present and voting in favor.

FOP REPORT – ENGINEERING AGREEMENT WITH DUBOIS & KING FOR THE DESIGN AND CONSTRUCTION ADMINISTRATION FOR THE FUEL FARM REPLACEMENT PROJECT – AIRPORT DIRECTOR

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to execute a Professional Engineering Services contract with Dubois & King for the design and construction administration of the airport fuel farm replacement project. A motion by Councilors Powers to carry out the intent of the report was duly seconded by Councilor Hooper. On roll call vote, 15 Councilors were present and voting in favor.

FOP REPORT – ACCEPTANCE OF FAA AIP GRANT FOR AIRPORT - AIRPORT TAXIWAY ‘A’ EXTENSION; ACCEPTANCE OF FAA AIP GRANT FOR AIRPORT – AIRPORT TAXIWAY ‘A’ RECONSTRUCTION; ACCEPTANCE OF FAA AIP GRANT FOR AIRPORT – FAA REIMBURSABLE AGREEMENT; TAXIWAY ‘A’ ENGINEERING CONTRACT – TAXIWAY ‘A’ EXTENSION AND RECONSTRUCTION – AIRPORT DIRECTOR

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept and execute a grant for up to the amount of \$2,938,393.24 from the Federal Aviation Administration Airport Improvement Program; and that the City Manager be authorized to do all things necessary to accept and execute a grant for up to the amount of \$1,611,111 from the Federal Aviation Administration- Airport Improvement Program; and that the City Manager be authorized to do all things necessary to accept and execute a grant for up to the amount of \$33,300 from the Federal Aviation Administration Airport Improvement Program; and that the City Manager be authorized to do all things necessary to accept execute a Professional Engineering Services contract with Dubois & King for the construction administration of the Taxiway ‘A’ design and construction

administration of the Taxiway 'A' Extension and Reconstruction project. A motion by Councilors Powers to carry out the intent of the report was duly seconded by Councilor Hooper. On roll call vote, 15 Councilors were present and voting in favor.

FOP REPORT – ROAD CONDITION SURVEY – CONSULTANT SELECTION – CITY ENGINEER

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to negotiate and execute a professional service contract with ARRB Group, Inc. for road condition survey services in an amount not to exceed \$40,000; and if an agreement cannot be reached, to negotiate and execute an agreement with the next highest scoring service provider. A motion by Councilors Powers to carry out the intent of the report was duly seconded by Councilor Hooper. On roll call vote, 15 Councilors were present and voting in favor.

FOP REPORT – WAIVER OF PURCHASING REQUIREMENTS – WILDLIFE FIREFIGHTING VEHICLES – FIRE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to authorize a waiver of the purchasing requirements [Ordinance No. O-2009-10, Section 2-1336] and designate Gunseth's 4X4 located in Surry, NH, as a "sole-source" provider for all work to be performed on the FY21 and FY23 Capital Improvement Projects for the refurbishing of the 2002 and 2003 wildland firefighting vehicles. A motion by Councilors Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a roll call vote with 15 Councilors present, and 13 voting in favor. Councilors Jones and Greenwald voted in opposition.

FOP REPORT – ACCEPTANCE OF FY 20 BYRNE JUSTICE ASSISTANCE GRANT (JAG) – POLICE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to do all things necessary to co-apply with the County of Cheshire, and to accept, the U.S. Department of Justice FY20 JAG grant in the amount allocated to the City of \$5,007. A motion by Councilors Powers to carry out the intent of the report was duly seconded by Councilor Hooper. On roll call vote, 15 Councilors were present and voting in favor.

FOP REPORT – UPDATE – CALLING FOR THE KPD TO BE OUTFITTED WITH BODY CAMERAS

Finance, Organization and Personnel Committee report read recommending that the City Manager work with the Police Chief to implement a testing and evaluation program for Body Worn Cameras and In Car Video systems. A motion by Councilors Powers to carry out the intent of the report was duly seconded by Councilor Hooper. On roll call vote, 15 Councilors were present and voting in favor.

CITY MANAGER COMMENTS

The City Manager announced that the Governor has extended the *safer at home* status for the State until October 1st as well as updated universal and restaurant guidelines. The City Manager continued as part of a new state wide, hospital based program, Cheshire Medical center is a COVID-19 community testing site, as of Monday, August 12, 2020. Community members seeking a test can request an appointment by calling Cheshire Medical Center's COVID-19 community testing information line. Tests will not be administered without scheduling an appointment in advance. Cheshire Medical will bill the individual's insurance or assist individuals without insurance to apply for NH COVID-19 testing benefit.

The City Manager indicated that Keene State College meets daily to review statistics related to COVID-19. Statistics for both Keene State College students and staff as well as the hospital testing numbers are reviewed. The City is also participating in daily meetings. In addition, the City is continuing to have regular meetings with the hospital and have invited Superintendent Rob Malay to join in participation. It is important to keep the lines of communications open to adjust to changes.

The City Manager indicated that the Public Works Director gave an update on the current drought conditions. The City is currently experiencing moderate drought conditions. In response, among other things the Public Works Department will shutting down the sprinkler system downtown and looking for the Parks and Recreation Department to reduce the frequency of watering playing fields. The City Manager informed the Council that unfortunately, the Woodward Dam project is still three weeks behind schedule.

The City Manager continued that the City has applied for the Help America Vote (HAVA) grant in the amount of \$61,427.49 (\$51,189.57 Federal share and \$10,237.91 City match). Reimbursements will be calculated using a statewide standard cost rate based on the actual increase in absentee ballots mailed and cast in 2020 as compared to 2016.

The City Manager announced that the Keene Fire Department was awarded \$44,161. This is additional CARES ACT funds and will be used to purchase six (6) months of personnel protective equipment (PPE) and other equipment.

The City Manager announced a change in Keene Public Library hours, which will be adjusting their hours the day after labor day. The hours will be Monday through Friday 10: 00 am to 12:00 pm and 3:00 pm – 6:00 pm. Curbside pickups are very irregular now and will be handled by appointment.

The City Manager also announced that the annual Fire Prevention week activities have been canceled this year due to COVID-19.

The City Manager received a grant for taxiway runway in the amount of \$4.5 million dollars. The City Manager continued that four police officers: Nicholas Pannell, Joel Chidester, Matt Bomberg and Kevin Baca were honored at the 2020 NH Heroes award for their life saving

09/03/2020

efforts as first responders were called to a residence on Grove Street for a report of smoke in the building. The Police officers entered the building to look for residents and located a man in a rear room on the second floor. They helped the man outside saving the man's life.

MORE TIME

More time was granted by the Mayor for the following item in Committee: Petition – Deteriorating Conditions on Thompson Road.

FOP REPORT AND RESOLUTION: R-2020-29: RELATING TO FUNDING FOR THE FLOWBIRD PAY STATION COLOR TOUCH SCREENS

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2020-29: Relating to Funding for the Flowbird Pay Station Color Touch Screens. Resolution R-2020-29 was read for the second time. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. On roll call vote, with 15 Councilors present and voting in favor the motion passed. The Resolution R-2020-29 declared adopted.

FOP REPORT AND RESOLUTION: R-2020-33: RELATING TO REFUNDING OF BONDS

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2020-33: Relating to Refunding of Bonds. Resolution R-2020-33 was read for the second time. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. On roll call vote, with 15 Councilors present and voting in favor the motion passed. The Resolution R-2020-33 declared adopted.

ADJOURNMENT FOR LEGAL ADVICE

At 8:23 pm the Mayor announce an adjournment for legal advice.

A true record, attest:



City Clerk



City of Keene, N.H.
Transmittal Form

September 1, 2020

TO: Mayor and Keene City Council

FROM: Mayor Hansel

ITEM: B.1.

SUBJECT: Confirmations

RECOMMENDATION:

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

Bicycle Pedestrian Path Advisory Committee

Rowland Russell, slot 3
77 High Street

Term to expire Dec. 31, 2022

Historic District Commission

Russ Flemming, slot 4
157 School Street

Term to expire Dec. 31, 2020

Library Board of Trustees

Charles H. Redfern, slot 4

Term to expire June 30, 2023

ATTACHMENTS:

Description

Background_Fleming

Background_Russell

Background_Redfern

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Friday, June 19, 2020 10:49 AM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Fri, 06/19/2020 - 10:49</p>

<p>Submitted values are:</p>

First Name:

Russell

Last Name:

Fleming

Address

157 School St.
PO Box 435
Keene, NH 03431

Email:

Cell Phone:

9142825081

Please select the Boards or Commissions you would be interested in serving on:

Historic District Commission

Employer:

Semi-retired as self-employed consultant - Northeast Fire Suppression Associates, LLC

Occupation:

Fire protection systems consultant

Education:

B.S.in Civil Engineering with minor in Architecture, M. Eng. in Civil Engineering, both from Rensselaer Polytechnic Institute, Troy, NY

Have you ever served on a public body before?

Yes

If you answered yes above, please provide what public body you served on and where.

Town of Kent, NY, Planning Board 1999-2013; chair 2009-2013

Other Information/Relevant Experience:

Served as a member of the National Fire Protection Association's Technical Committee on Cultural Resources from approximately 2005 until 2016, responsible for the 2007, 2010 and 2015 editions of NFPA 914 - Code for

the Protection of Historic Structures.

Please provide some references:

Sally Rinehart

[REDACTED]

203-770-3681

References #2:

Debbie Bowie

[REDACTED]

603-229-2125

Rowland S. Russell

77 High St., Apt. B, Keene, NH 03431

Phone: (c) 603.903.4700, (w) 603.283.2377

Email: [REDACTED] web site: www.ecorowland.com

EDUCATION

- **Ph.D. Environmental Studies, Antioch University New England**, Keene NH, 2008
 - Dissertation: *The Ecology of Paradox: Disturbance and Restoration in Land and Soul*
- **M.A. Whole Systems Design, Antioch University Seattle**, Seattle WA, 1998
 - Thesis: *Knowing Home: A Study in Place and Relationship*
- **B.A. Mathematics**, with additional course work in writing, art and environmental studies, **Binghamton University**, Binghamton NY, 1979

PROFESSIONAL

Educational

- **Adjunct Faculty, Antioch University New England: Environmental Studies**, Keene NH, 2003-present: Curricula in Environmental Literature, Writing, Internship Advising
- **Co-organizer, Communicating Science Weekend**, Keene NH, 2012
- **Associate Faculty, Antioch University New England: Interdisciplinary Studies**, 2005-07: Development of Learning Center and Academic Technology resources
- **Co-organizer, Community, Nature & Spirit Conference**, Keene NH, 2009-2010
- **Adjunct Faculty, Antioch University Seattle: B.A. Completion and M.A. Psychology**, Seattle WA, 1993-98: Curricula in Natural History, Urban Ecology and Ecopsychology
- **Training/Curriculum Development, Nature's Classroom**, Charlton MA, 1985-86
- **Co-founder/Upper School Coordinator, Phoenix School**, Cambridge MA, 1982-85
- **Coordinator of Hiking/Nature Program, Camp Thoreau-in-Vermont**, Thetford VT, 1981-88
- **Environmental Educator, Nature's Classroom**, Ivoryton CT, 1979-82

Organizational/Information Systems

- **Founder, Communitas Consulting**, 2007-present: strategic planning, program development, event coordination, grants writing, fundraising
- **Analyst - Special Projects, Antioch University**, 2010-present
- **Integrated Technology Administrator, Antioch University**, 2007-09
- **Information Technology Coordinator, Antioch University New England**, 1998-2007
- **Founder, Oikos Educational Training/Consulting**, 1993-98: strategic planning, board development
- **Data Manager, Antioch University Seattle**, 1986-98

Literary/Arts

- **Managing Editor, *Whole Terrain: Journal of Reflective Environmental Practice***, 2005-present

- **Co-coordinator, Glen Brook Writers Retreat**, Marlborough NH, 2005-present
- **Co-facilitator, Cape Cod Writing Retreat**, Truro MA, 2009-present
- **Coordinator, Feeding the Writer**, Keene NH, 2005-2015
- **Co-organizer, Glen Brook Literary & Arts Festival**, Marlborough NH, 2009-2010

Selected Board/Service

- **Friends of Public Art:** founding board chair, facilitating public art throughout the Monadnock region, Keene NH, 2014-present
- **Walldogs in Keene Mural Festival:** executive committee/grants committee, Keene NH, 2018-present, raised \$250,000+ to bring over 200 artists to Keene to complete 16 permanent murals in 4 days time
- **Ashuelot Rail Trail:** planning committee, Southwest Region Planning Commission NH, 2018-present
- **Cheshire Rail Trail:** liaison to City of Keene's Bike Path Adoption, Keene NH, 2017-present
- **Monadnock Farm and Community Connections:** steering group for development of Cheshire County sustainable agriculture initiatives and the Monadnock food co-op, Keene NH, 2008-2009
- **Compassionate Connections/AIM High:** board of directors; youth apprenticeship, internship, and mentorship with tradespeople, Keene NH, 2005-06
- **Seattle Youth Garden Works:** board of directors, community gardening and support services for homeless teenagers, Seattle WA, 1996-98
- **Belltown P-Patch:** community garden accentuated with public art, Seattle WA, 1995-98
- **Cascadia Quest:** co-founding board of directors, environmental restoration with mixed international and local crews, Seattle WA, 1993-98 (renamed **King County World Conservation Corps**)

Creative

- **Writer:** creative non-fiction, poetry
 - *Radical Slowness* (essays, manuscript in progress)
 - *Thinking Like A Prairie* (manuscript in progress)
 - *Ecology of Paradox: Disturbance and Restoration in Land and Soul* (manuscript in progress)
 - *Memoir of a Reader: Place-based Writers* (manuscript in progress)
 - *Many Crows: Selected Poetry* (manuscript in progress)
- **Artist:** pastels, charcoal, mixed media
- **Musician:** autoharp, Appalachian dulcimer, mandolin, bowed psaltery
- **Curator:** exhibitions at various sites in Keene NH and Seattle WA
- **Co-organizer, Atrium Thursday's:** music and spoken word performance series', Keene NH, 2015-2016
- **Organizer, MuseTopia and Science Soiree:** place-based literary, performance and science education series', Keene NH, 2010-2012
- **Writer-in-Residence, Death Valley National Park:** accompanied 2 artists-in-residence, California, 2006, 2008
- **Member, AJR Collective:** guerilla art group, 1994-1998
- **Member, Art-Not-Terminal:** collective art gallery, Seattle WA, 1991-1998

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Tuesday, June 16, 2020 1:32 PM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Tue, 06/16/2020 - 13:32</p>

<p>Submitted values are:</p>

First Name:

Charles

Last Name:

Redfern

Address

9 Colby St.

Email:

Cell Phone:

6037244565

Home Phone:

6033574982

Please select the Boards or Commissions you would be interested in serving on:

Library Board of Trustees

Employer:

Retired

Occupation:

Retired

Education:

Bachelors of Science in Management with emphasis in Public Administration, Florida State University (Dean's List)

Have you ever served on a public body before?

Yes

If you answered yes above, please provide what public body you served on and where.

Keene Library Board of Trustees, Keene Bicycle Pedestrian Committee, and Keene City Council.

Other Information/Relevant Experience:

New Hampshire Department of Safety- Div. of Homeland Security & Emergency Management, 9/2011 -

10/2012

New Hampshire Department of Revenue Administration- Audit Div., Multi-state Bureau, Field Audit Team Leader, 1/86 - 6/2011

Florida Department of Revenue- Audit Div., Sale & Use Tax Auditor, 9/83 - 10/85

Multi-state Tax Commission- 1/90 -10/03., Representative for the State of New Hampshire

Pathways for Keene, Inc., co-founder, past president & director, 7/94 - present

Please provide some references:

Sally Miller

[REDACTED]

603-352-7567

References #2:

Phil Jones

[REDACTED]

6034913967



City of Keene, N.H.
Transmittal Form

September 1, 2020

TO: Mayor and Keene City Council

FROM: Meaghan Rafferty

THROUGH: Patricia A. Little, City Clerk

ITEM: C.1.

SUBJECT: Meaghan Rafferty - Resignation - Energy & Climate Committee

ATTACHMENTS:

Description

Rafferty Communication

BACKGROUND:

Meaghan Rafferty is resigning from her position as a member of the Energy and Climate Committee.

September 1, 2020

To the Mayor, City Council, and to whom it may concern,

I will be resigning from the Keene Energy & Climate Committee effective immediately. I have thoroughly enjoy being a part of this committee and working on these important goals for the City of Keene. I am moving out of the Keene area and will no longer be able to serve as a member.

Sincerely,

Meaghan Rafferty

Meaghan Rafferty



City of Keene, N.H.
Transmittal Form

September 1, 2020

TO: Mayor and Keene City Council

FROM: Jennifer Alexander

THROUGH: Patricia A. Little, City Clerk

ITEM: C.2.

SUBJECT: Jennifer Alexander - Resignation - Library Board of Trustees

ATTACHMENTS:

Description

Communication - Alexander

BACKGROUND:

Jennifer Alexander is submitting her resignation as a "City" member of the Library Board of Trustees. Ms. Alexander has been a member since November of 2015.

She will be continuing her efforts on behalf of the Library as a "Thayer" member of the Trustees.

Mayor George Hansel
3 Washington St.
Keene, NH 03431

Jennifer Alexander
86 Hurricane Rd
Keene, NH 03431

September 1, 2020

Dear Mayor Hansel,

I am writing this letter to inform you, and City Council, that I am resigning as City Trustee of the Keene Public Library. I am in the second year of my second term as a City Trustee - my second term would normally end in June of 2021. The reason I am resigning is because I have been nominated, and accepted, the appointment of Thayer Trustee of the Keene Public Library. I am grateful for the opportunity to continue to serve this community by supporting the Library's mission.

Sincerely,

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

Jennifer Alexander



City of Keene, N.H.
Transmittal Form

September 15, 2020

TO: Mayor and Keene City Council

FROM: Attorney Adam Kossayda

THROUGH: Patricia A. Little, City clerk

ITEM: C.3.

SUBJECT: Attorney Adam Kossayda - Lease Request - Hangar Lot 15A

ATTACHMENTS:

Description

Communication - Kossayda

BACKGROUND:

Attorney Kossayda is requesting the termination of a hangar lease with PJO Cooley, LLC upon the execution of a new lease with his clients, Christopher Chesney and Peter Temple for Hangar Lot 15a.



**BRAGDON, BARON &
KOSSAYDA, P.C.**

Located at The Holbrook House

82 Court Street
P.O. Box 465
Keene, NH 03431
Telephone: 603-357-4800
Fax: 603-357-4825
akossayda@bragdonlaw.com

Stephen B. Bragdon
Adam P. Kossayda
Erin S. Meenan
Elana S. Baron

Peter W. Heed, *Of Counsel*

September 9, 2020

Patty Little, City Clerk
3 Washington St. – 1st Floor
Keene, NH 03431

RE: Lease Request – Hangar Lot 15a (currently PJO Cooley, LLC)

Dear Clerk Little:

Please be advised this office represents Christopher Chesney and Peter Temple who have entered into a purchase and sale agreement for the airplane hangar located on Lot 15a at the Keene Dillant-Hopkins Airport. PJO Cooley, LLC currently has a ground lease with the City of Keene for Lot 15a. One condition of the purchase and sale agreement is City approval of a new lease between the City of Keene and my clients. An additional condition of the purchase agreement is for the existing PJO Cooley, LLC lease to terminate upon the execution of a new lease with my clients. I understand that ground lease requests must come through your office and that you will then submit the request to the City Council.

On behalf of my clients, I hereby request that the City Council authorize a new ground lease between the City of Keene and Christopher Chesney and Peter Temple for Lot 15a (containing approximately 8,210 sq. ft.) and terminate the existing lease with PJO Cooley, LLC. My clients request a lease on the following terms:

- o Ten (10) year initial term with an option to renew for an additional 10 years.
- o Rental rate \$0.40/sq ft. annually or \$3,284.00 per year (based upon 8,210sq.ft.), payable in monthly installments of \$273.66, in advance on the first day of each month, subject to rent increases based upon CPI or another reasonable calculation.

I have attached a copy of the purchase and sale agreement which confirms my clients' authority to make this request (See §4). Thank you for your attention to this matter. Please call me with any questions or if you need anything further.

Sincerely,



Adam P. Kossayda

Enclosure
CC: Christopher Chesney & Peter Temple
PJO Cooley, LLC via Attorney Silas Little

PURCHASE AND SALE AGREEMENT

THIS CONTRACT made this ____ day of August, 2020, by and between PJO COOLEY, LLC, of 14 Grove St., Peterborough, NH (hereinafter "Seller") and Peter Temple, of Harrisville, NH and Christopher Chesney, of 144 Story Rd., Nelson, NH (hereinafter "Buyer"), jointly and severally.

In consideration of the covenants and agreements of the respective parties, as hereinafter set forth, Seller agrees to sell and convey to Buyer, and Buyer agrees to purchase and take from Seller, a certain building known as an airplane hangar located on Lot 15a, together with appurtenances, accessories and fixtures, located at the Keene Dillant-Hopkins Airport in the 169 Old Homestead Highway, Town of Swanzey, Cheshire County, New Hampshire (being building on land of another) all as described and identified in a deed recorded in the Cheshire County Registry of Deed at Vol 1754, Page 310. The entirety of the property, vide building on land of another, to be conveyed hereinafter shall be referred to as the "Premises."

Sale and purchase of the Premises shall be on all of the following terms and conditions:

1. **Purchase Price.** The purchase price for the Premises shall be Seventy-Five Thousand Dollars (\$75,000.00), payable as follows:

A. The amount of Five Thousand and 00/100 Dollars (\$5,000.00) upon the execution of this Agreement, which amount is referred to herein as the "Deposit". The Deposit shall be held in escrow by Bragdon, Baron & Kossayda, P.C., 82 Court Street, Keene, New Hampshire 03431 (the "Escrow Agent"); and

B. The balance of the Purchase Price to be in the form of a wire to the Escrow Agent at Closing.

2. **Deed and Closing.**



A. Title to the Premises being building on land of another shall be conveyed by warranty deed with full covenants, executed by the Seller, to Buyer, conveying good marketable title, free of all liens and encumbrances except such easements and other encumbrances which, in the exclusive judgment of Buyer's attorneys, shall not interfere with Buyer's planned use and/or development of the Premises and excepting the lease with the City of Keene. In the event of any title defects which interfere with Buyer's planned use and/or development of the property, or render title unmarketable, Buyer shall have the option of declaring this Agreement void and all deposits shall be refunded.

B. The deed shall be delivered, the title shall be transferred and the purchase price paid on or before **October 1, 2020** at the offices of Bragdon, Baron & Kossayda, P.C., 82 Court Street, Keene, New Hampshire, unless some other date and place mutually is agreed upon in writing provided, however, that Seller may request an extension of thirty (30) days in the event Seller is unable to take possession of the hangar Seller is purchasing in Nashua, NH.

C. The deed shall be conveyed to the Buyers as tenants in common as follows:

1/3 interest to Peter Temple
2/3 interest to Christopher Chesney

3. **Seller's Warranties.** Seller states, warrants and covenants that:

A. The Buyer agrees to purchase the premises in "as is" condition.

B. The Premises, including, but not limited to, the fixtures, and heating, mechanical, plumbing and electrical systems thereof, if any, will be substantially in the same condition and repair, at the date and time of closing, as they are at the date of this Agreement.

C. Seller will, as requested, deliver to Buyer copies of all documents, plans and other materials in Seller's possession, or otherwise under Seller's direction or control, including original and/or subsequent blue prints and any and all plans for renovation, repairs, and/or expansion of any improvements on the Premises, submitted to any governmental agency or otherwise.

4. **Conditions of Sale.** Buyer's obligation to purchase the Premises is not contingent upon the Buyer obtaining financing.

A. Inspections of the structure are hereby waived.

B. Buyer shall have obtained confirmation that the City of Keene will approve a new lease with Buyer for a term of at least ten (10) years on terms reasonably similar to Seller's lease for the Premises. Seller agrees to sign any forms or provide information requested by the City of Keene required to obtain the new lease.

C. Seller is released from its lease with the City of Keene.

5. **Risk of Loss.** The Premises shall, upon the date of transfer of title, be in substantially the same condition as they are upon execution of this Contract. If before the date for closing the Premises are damaged or destroyed by fire or the elements or by any cause beyond either party's control in an amount in excess of \$5,000.00, and said damage remains uncorrected as of closing, or all or any portion of the Premises is taken by eminent domain, the Buyer may, by written notice to the Seller, elect to cancel this Contract. In the event the Buyer so elect, Buyer shall be relieved and released of and from any further liability, and all deposits, shall be refunded. Unless the Contract is so cancelled, it shall remain in full force and effect, and the Seller, upon the closing of title and the receipt of the purchase price, shall pay to the Buyer any monies collected by the Seller under policies of insurance insuring against the loss in question, after deducting any amounts which the Seller shall have agreed or be obligated to pay for repairs or restoration of the damage. In addition, the Seller shall assign and transfer to the Buyer all the Seller's right, title and interest in and to such policies and any further sums payable thereunder. If any part of the Premises shall have been taken by eminent domain, the Seller shall assign and transfer to the Buyer all the Seller's right, title and interest in and to any awards that may be made for such taking, upon closing under this contract, but not otherwise.

6. **Apportionments.** Current real estate taxes, sewer and water charges, fuel in storage tank, any special assessments, and utilities shall be prorated between the parties as of the date of closing. Transfer tax shall be divided equally.

7. **Survival.** All of the representations, warranties, covenants and agreements made hereunder shall survive the closing.

8. **Notices.** All notices, requests, demands, or other communications required to be given or assigned under this Contract shall be sent by first class or certified mail, postage prepaid, to the parties and/or their attorneys as follows:

- A. **Seller: PJO Cooley, LLC**
14 Grove St.
Peterborough, NH

- B. **Seller's Attorney:**
Silas Little
Fernald, Taft, Falby & Little, P.A.
14 Grove Street, P O Box 270
Peterborough, NH 03458-0270

- C. **Buyers:**
Peter Temple
PO Box 65
Harrisville, NH 03450

Christopher Chesney
144 Story Road
Nelson, NH 03457

- D. **Buyers' Attorney:**
Adam P. Kossayda
Bragdon, Baron & Kossayda, P.C.
82 Court Street, P. O. Box 465
Keene, NH 03431-0465

9. **Default and Remedies.** In the event of Buyers' default of their obligations under this Contract despite Seller's compliance with all of its obligations hereunder, the amount of the deposit, shall be the reasonable, liquidated damages as the exclusive remedy for said breach. In the event of Seller's breach of this agreement, Buyers shall be limited to the return of its deposit as its exclusive remedy provided, however, Buyers have obtained a new lease with the City of Keene, then Buyers shall complete the transaction under this Purchase and Sale Agreement.

10. **Personal Property.** The following personal property shall be transferred to Buyer by Seller: All furnishings and fixtures.

11. **Condition of Property.** The Seller shall ensure that the grounds and building of the premises shall be clean, neat and orderly as of the date of closing.

12. **Brokerage:** Seller and Buyers represent each to the other that no broker or other agent may claim a commission for the transaction under this agreement and agree that on such claim for commission, the party claimed against shall indemnify and hold harmless the other party.

13. **Radon Gas:** Radon gas, the product of decay of radioactive materials in rock, may be found in some areas of New Hampshire. This gas may pass into a structure through the ground or through water from a deep well. Testing can establish its presence and equipment is available to remove it from the air or water.

14. **Lead Paint:** Before 1977, paint containing lead may have been used in structures. The presence of flaking lead paint can present a serious health hazard, especially to young children and pregnant women. Tests are available to determine whether lead is present.

15. **Disclosure Required; Water Supply; Sewage Disposal; Insulation:**

Not applicable.

16. **General.**

A. This Contract shall be construed and interpreted under the laws of the State of New Hampshire.

B. All rights, powers, and privileges conferred by this Contract on the parties shall be cumulative but not restricted to those given by law.

C. This Contract contains the entire agreement of the parties and any representations, inducements, promises, or agreements, oral or otherwise, between the parties not contained in this Contract shall not be of any force or effect.



- D. This Contract shall be binding upon and inure to the benefit of the parties and their respective heirs, executors, administrators, successors, and assigns.
- E. Any amendment to this Contract shall not be binding on any of the parties unless in writing and executed by all the parties to this contract.
- F. This Contract shall survive closing of the transaction.
- G. This Agreement embodies and constitutes the entire understanding between the parties with respect to the transaction contemplated herein, and all prior agreements, understandings, representations, and statements, oral or written, are merged into this Agreement. Neither this Agreement, nor any provision hereof, may be waived, modified, amended, discharged or terminated except by an instrument signed by the party against whom the enforcement of such waiver, modification, amendment, discharge or termination is sought, and then only to the extent set forth in such instrument.
- H. In the event that either party is delayed or hindered in or prevented from the performance of any act required hereunder by reason of strikes, lockouts, labor troubles, inability to procure materials, failure of power, insurrection, war or other reason of a like nature not the fault of the party delayed in performing work or doing acts required hereunder, then performance of such act shall be excused for the period of delay and the period for the performance of any such act shall be extended for a period equivalent to the period of such delay, provided that the excused party shall use reasonable efforts to eliminate the cause of the delay.
- I. No failure of either party to exercise any right or power under this Agreement, or to insist upon strict compliance with the provisions of this Agreement, and no custom or practice of either party at variance with this Agreement, shall constitute a waiver of such party's right to demand exact and strict compliance by the other party with the terms and conditions of this Agreement prior to closing, but not thereafter.
- J. The parties shall cooperate fully with each other in connection with any steps required to be taken as part of their respective obligations under this Agreement. Whenever under the terms of this Agreement either party's consent or approval is required, such consent shall not be unreasonably withheld or delayed.

17. Buyer 1031 Exchange; Closing; Closing Date.

a. The parties acknowledge that Buyer intends to engage in an Internal Revenue Code Section 1031 deferred tax exchange. As part of this process, Seller agrees that Buyer may assign this Purchase Agreement to a qualified intermediary as necessary for the 1031 exchange and that Seller agrees to comply with all reasonable request incident and necessary to complete said exchange. The date for closing shall not be extended beyond thirty (30) days and for said 1031 exchange and in the event Buyers do not close within said time frame, Buyers forfeit the deposit for their failure to perform.

b. Closing will take place by transmission of documents to and funds from Buyers' counsel, or if requested by a party, in-person at the offices of Buyers' attorney, unless otherwise agreed upon, in writing, by the parties. Possession, broom clean, and free of all tenants and occupants except those under the Leases, shall be given on the day of closing unless otherwise agreed, in writing, by the parties. Upon delivery of possession, the Property shall be in the same physical condition as it was as of the Effective Date, reasonable wear and tear excepted. Buyer shall have the right to inspect the Property on the day of closing.

IN WITNESS WHEREOF the parties have hereunto set their hands the day and year first above written.

Witness

Witness

Sarah Conroy

Witness

Seller

By: *Pamela Cooley*
Member

Buyer

By: _____
Peter Temple

By: *Christopher Chesney*

Christopher Chesney

a. The parties acknowledge that Buyer intends to engage in an Internal Revenue Code Section 1031 deferred tax exchange. As part of this process, Seller agrees that Buyer may assign this Purchase Agreement to a qualified intermediary as necessary for the 1031 exchange and that Seller agrees to comply with all reasonable request incident and necessary to complete said exchange. The date for closing shall not be extended beyond thirty (30) days and for said 1031 exchange and in the event Buyers do not close within said time frame, Buyers forfeit the deposit for their failure to perform.

b. Closing will take place by transmission of documents to and funds from Buyers' counsel, or if requested by a party, in-person at the offices of Buyers' attorney, unless otherwise agreed upon, in writing, by the parties. Possession, broom clean, and free of all tenants and occupants except those under the Leases, shall be given on the day of closing unless otherwise agreed, in writing, by the parties. Upon delivery of possession, the Property shall be in the same physical condition as it was as of the Effective Date, reasonable wear and tear excepted. Buyer shall have the right to inspect the Property on the day of closing.

IN WITNESS WHEREOF the parties have hereunto set their hands the day and year first above written.

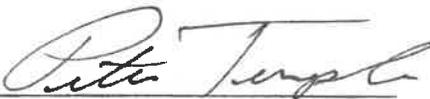
Seller

Witness

By: _____
Member

Buyer

Witness

By: 
Peter Temple

Witness

By: _____
Christopher Chesney



City of Keene, N.H.
Transmittal Form

September 10, 2020

TO: Mayor and Keene City Council

FROM: Councilor Randy L. Filiault

ITEM: C.4.

SUBJECT: Councilor Filiault - City Sponsorship of a "Trunk or Treat" Event

ATTACHMENTS:

Description

Communication- Filiault

BACKGROUND:

Councilor Filiault is recommending that the City sponsor a "trunk or treat" event at 350 Marlboro Street in lieu of the traditional "Halloween."

From:

09/10/2020 13:52

#278 P.001/001

To: Mayor Hansel and Keene City Council
From: Councilor Randy L. Filiault
Re: Trunk or Treat
Date: September 10, 2020

Trick or Treat is an annual event our children enjoy. I feel we should do everything possible to provide a safe event for children this year, despite the current conditions.

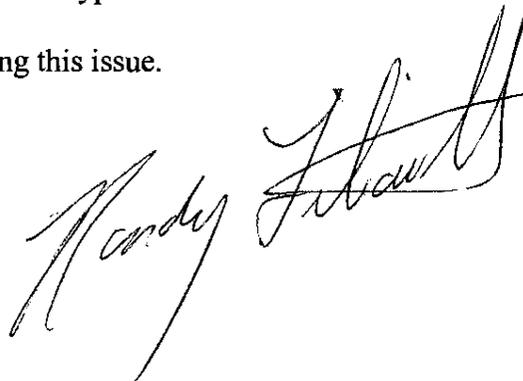
Since many homeowners might be nervous about opening their homes this year, I propose the City sponsor "Trunk or Treat." This sort of event is becoming popular nationally. It involves vehicles parked side-by-side (this year, socially-distanced), decorated for Halloween. Volunteers give away candy (or, in this case, toss children candy from six feet away) as costumed children walk by.

Clearly, this year, such an event will require a little more distancing, but, with some ingenuity and forethought, it will be very doable. Participants would be required to wear proper masks (and, being Halloween, that shouldn't be a problem). Local businesses in other towns have been happy to donate candy as well as provide additional vehicles from which to distribute candy.

I recommend we use the huge city parking lot at 350 Marlboro Street as the venue for such an event.

While this event will take some extra thought and planning because of Covid-19, I'm confident we can pull it off with a combination of City/private business collaboration and make it a safe and fun event for our area children. Where possible, we need to provide children and residents with some sense of "normalcy," and this type of even can do so.

I sincerely look forward to addressing this issue.

A handwritten signature in black ink, appearing to read "Randy Filiault". The signature is written in a cursive style with a large, stylized initial "R".



City of Keene, N.H.
Transmittal Form

September 15, 2020

TO: Mayor and Keene City Council

FROM: Councilor Mitchell H. Greenwald

THROUGH: Patricia A. Little, City Clerk

ITEM: C.5.

SUBJECT: Councilor Greenwald - Requesting Updates on Several Projects

ATTACHMENTS:

Description

Councilor Greenwald

BACKGROUND:

Councilor Greenwald has requested updates on several initiatives be presented before the appropriate Standing Committee. Included among them are the former Kingsbury property, the expansion of internet service to West Keene, updates on the Marlboro Street project, inspection of rental properties to assure adequacy and safety, the acceleration of the social host ordinance and the return of face-to-face meetings for both the Council and its Standing Committees.



Mitchell Greenwald
Planning, Lands, Development, Vice Chairman
Ward 2, City Councilor

September 15, 2020

To: Mayor and Council

We have been very fortunate that our City Manager and staff have effectively handled the business of our City during the emergency declaration period.

Below are a number of issues, in addition to several others, that were topics of discussion prior to the emergency that I feel need to be brought to the Council committees for update, further discussion and their input.

- Tax status and development of the former Kingsbury property, and potential connection to Victoria Street.
- Expansion of internet service to the rural streets in West Keene.
- Updates on the Marlboro Street project part 1 and next year's part 2.
- Revive discussion regarding inspection of rental properties to assure adequacy and safety prior to issuance of welfare payments to landlords.
- Acceleration of the Social Host Ordinance discussion.

I am requesting more than an update from the Manager during "Manager Comments" at the council meeting. I am asking that these topics be placed on the committee agendas to draw the involvement of the Councilors.

In addition, I urge staff to do all possible to facilitate in person meetings, both committee and council, and to develop a timeline as to when this will occur.

Thank you,

Mitchell Greenwald



City of Keene, N.H.
Transmittal Form

September 10, 2020

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

SUBJECT: Land Water Conservation Fund Grant Application - Parks, Recreation and Facilities Director

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to execute the submission of the application for LWCF Grant Round 31 for the Russell Park Renovation Project.

BACKGROUND:

Parks, Recreation and Facilities Director Andrew Bohannon addressed the committee first. Mr. Bohannon stated this item is regarding an application for the Land Water Conservation Fund. This is a federally funded grant through the National Park Service and is for the Russell Park renovation. Mr. Bohannon indicated the City was able to procure the maximum amount of the grant for \$400,000.

Mr. Bohannon went on to say that Russell Park is currently in the design phase, construction begins in FY22 and this will be an additional \$400,000 revenue source for the project. The initial cost in the CIP at the moment is \$1,225,000

Councilor Ormerod asked if the monies are received sooner whether the project will be moved up and why the City is adding to the scope of the project rather than using these additional funds to reduce the cost of the project and ultimately to reduce what taxes would have to contribute. Mr. Bohannon explained when the Conway School of Design submitted an outline for this project there were two scopes that were put forth. One was for 2.5 million and the other for 1.2 million. The City at that time decided to go with the reduce scope hoping to get additional funding. He went on to say City has a three year window to complete this work with the option of two additional one year extensions - for a total of five years to complete the project. The funding won't be awarded until the end of 2021. The project start date is July 2022.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to execute the submission of the application for LWCF Grant Round 31 for the Russell Park Renovation Project.



City of Keene, N.H.
Transmittal Form

September 10, 2020

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.2.

SUBJECT: Design Change Order - Cheshire Rail Trail Phase III - City Engineer

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a contract Change Order for an amount not to exceed \$5,234.46 with CHA Consulting, Inc. for the revision of final bid documents for the Cheshire Rail Trail, Phase III Project.

BACKGROUND:

City Engineer Don Lussier stated this is a Design Change Order for the Cheshire Rail Trail Phase III project. He explained about a year ago staff had requested approval to accelerate paving of Park Avenue (100% city funds) so it can be done at the same time the Cheshire Rail Trail work was being done. The work was approved by the Council and the DOT, but when it came time to advertise the construction in July, the Federal Highway disagreed with the assessment and stated that the projects could not be combined into one contract. They have requested the projects be bid separately.

This change order is for the consultant to redo the contract documents and produce two separate bid documents. The change is being funded through monies the Council has already approved. \$1,759 is for Park Avenue paving work from cost center 90314. The remaining \$3,475 will be partly funded through the Federal Highway grant and the City's 20% of \$695 will come out of cost center 90057 - Cheshire Rail Trail.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a contract Change Order for an amount not to exceed \$5,234.46 with CHA Consulting, Inc. for the revision of final bid documents for the Cheshire Rail Trail, Phase III Project.



City of Keene, N.H.
Transmittal Form

September 10, 2020

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.3.

SUBJECT: Professional Services Contract - Cheshire Rail Trail Phase III - City Engineer

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute an engineering and technical services contract in an amount not to exceed \$48,000 with CHA Consulting, Inc. for the construction phase of the Cheshire Rail Trail – Phase III Project.

BACKGROUND:

Mr. Lussier stated this item is for the contract with CHA Consulting, Inc. construction phase. This work is funded through the Federal Highway Administration, Transportation Alternatives Program grant where the Federal Highway Administration is responsible for 80% and the City responsible for 20%. The terms of the grant is that the City is required to follow the Federal Highway Administration's guidelines, to include record keeping, labor law compliance.

Councilor Ormerod asked for the total cost of the project. Mr. Lussier stated the total grant was for \$410,000 and the cost estimate so far is close to that. He noted the DOT is going to make sure the project is fully funded.

Chair Powers asked for the area this project covers. Mr. Lussier stated the current Cheshire Rail Trail ends on Dickenson Road, this project will continue further on to the Class VI road referred to as Ammi Brown Trail. From that point it will be on street facilities such a bike trails, sidewalk improvements, accessible ramps all the way back Kohls Plaza to link up to that trail and continue through the North Bridge.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute an engineering and technical services contract in an amount not to exceed \$48,000 with CHA Consulting, Inc. for the construction phase of the Cheshire Rail Trail – Phase III Project.



City of Keene, N.H.
Transmittal Form

September 10, 2020

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.4.
SUBJECT: 2021 Revaluation Contract - City Assessor

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a contract with Vision Government Solutions for the 2021 Revaluation.

BACKGROUND:

City Assessor Dan Langille was the next to address the committee. Mr. Langille stated this project is regarding the upcoming 2021 revaluation contract. Mr. Langille explained this project is when the City looks at residential and commercial properties and brings them up to today's market value.

According to state law a revaluation needs to be completed by a municipality every five years, the last time it was done in the City was in 2016. A request for proposal was sent out and three responses were received. A review team consisting of Tim Ballantine, Property Appraiser; Dan Langille, City Assessor; and Beth Fox, Human Resources Director/Asst. City Manager reviewed all the proposals. The following criteria was reviewed in order to compare the proposals: Qualifications of staff, overall cost, successful completion of projects in similar New Hampshire communities, overall project approach and proposal, public relations plan and knowledge of the City's appraisal software. Based on the review of the proposals, the committee unanimously voted to offer the contract to Vision Government Solutions. Vision was the lowest bidder at \$118,700. Vision has been in the appraisal industry for 40 plus years, they have qualified staff who can take on a municipality the size of Keene. They have completed projects throughout New England and have a solid public relations proposal.

Councilor Clark asked what the percentage was of the buildings that are looked at by inspecting properties. Mr. Langille stated this is work the department does on an ongoing basis and the consultant is not being asked to investigate each property. They will be utilizing the data the department already maintains. They will be looking at properties from the outside. The Councilor felt properties are not looked at closely and felt there are great disparities and questioned why the consultant is being paid what they are being paid if they are not going to be performing a thorough review of properties. Mr. Langille indicated if the consultants are asked to go into each city property the price will at least triple and added the chance of being able to enter a property is not always convenient because of work schedules. He added most people don't always allow entry into their homes.

He went on to say the department has a pretty good idea of properties in the area, and the City has a good building permit program but staff is always ready to enter anyone's home if permission is granted.

Councilor Ormerod asked whether the new land use code would have any impact on the commercial properties.

Mr. Langille stated the department will be providing all the information it has for this process and as the market adjusts to the new zoning, staff will eventually need to look at properties in these zones.

Councilor Greenwald noted with the current economic climate, rental both for residential and commercial has greatly changed and asked how that was going to be considered in this process. Mr. Langille stated property owners will be sent a questionnaires regarding income and expense for property owners to complete and return, Unfortunately this information is not required to be sent to Assessing; it is purely voluntary. He added staff will be looking at costs prior to the pandemic and for costs after the pandemic.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a contract with Vision Government Solutions for the 2021 Revaluation.



City of Keene, N.H.
Transmittal Form

September 10, 2020

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

SUBJECT: Community Power Consulting Services - ACM/Community Development Director

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a contract with Good Energy, L.P. and Standard Power of America, Inc. for Community Power consulting services for a fee not to exceed \$0.001 per kilowatt hour. This fee shall be paid directly to the Consultant by the Competitive Supplier, in the event that a third party contract with a competitive supplier is signed. In the event that negotiations with the preferred vendor are not successful, the City Manager is authorized to do all things necessary to negotiate and execute a professional services contract with Freedom Energy Logistics, Inc.

BACKGROUND:

Assistant City Manager/Community Development Director Rhett Lamb stated staff was before the committee with the next step in the process to pursue renewable energy goals set by the Council 2019. Working with a consultant, staff has been targeted a project for community power as the highest impact strategy to meet the city's 2030 goal.

He indicated this item is for a contract with Good Energy and turned the presentation over to Planner Mari Brunner to provide more information on the process.

Ms. Brunner began by explaining what community power was. Enabled under NH RSA53-E, community powers allows local governments to pool their electricity demand and procure electricity on behalf of residents and businesses in their jurisdiction. Under this model the Utility will still be responsible for transmission and delivery of electricity but supply will be through the community power program. In NH there are various models that are permitted, as was mentioned at the June meeting, a group referred to as Community Power New Hampshire is pursuing a new model. This organization is still being formed and Ms. Brunner noted she wanted the Finance Committee to be aware of this other model that is being worked on.

Ms. Brunner went on to say the committee is recommending moving forward with the model presented in June.

She stated the City put forth an RFP and two proposals were received and the review committee met with both proposers. It is the recommendation by the review committee that the City offer a joint contract to Good Energy, L.P. and Standard Power of America, Inc. Ms. Brunner noted the motion is not to exceed \$0.001 per kilowatt hour. This means the fee per kilo watt hour will be paid directly by a third party competitive energy supplier to the consultant should the City choose to move forward and sign a contract with a third party supplier.

Mr. Lamb stated staff is hoping for a less expensive plan for citizens of Keene in addition to renewable energy. Councilor Clark stated it was his understanding the Ad Hoc Community Power committee will be charged with the task of creating community plan for the community based on the options available. However, what is before the committee is a sole recommendation to pursue a template RFP which he felt is based on an outdated municipal aggregate program. He indicated the RFP was sent with minimal information and only two bids were received. The Councilor questioned whether community power collaboration was put on the table. He noted staff is recommending hiring a broker to not just draft a plan but to also procure power and run the program. He indicated Community Power NH has well established good practices and is not a vision for the future. This has not been added to what is being presented tonight.

The Councilor stated by going with just these two, it creates a conflict of interest; the firm being chosen to operate the program will naturally design a program that suits their business model. He stated he could not understand why the committee has to vote on just these two companies. The Councilor felt Community Power NH needs to be looked at before any decision is made, which is designed as a new agency for shared services to help different size municipalities. He stated he would like to put this item on more time with a request to bring the item back with Community Power NH as an option.

Councilor Ormerod felt it would prudent to obtain broader quotes for this item. The Councilor stated he would however, like to know how this plan would reduce energy costs for Keene residents. He further stated if the item was going to be put on more time he would like to see the financial upside and downside and risk and how that would impact the finances of the city.

Mr. Lamb in response stated the discussion regarding Community Power NH is something that has been going on for a while and it was decided early on that all options would be looked at including Community Power NH, but at the time the discussion began they were in early stages. He agreed Community Power NH has made progress but it still exists as an idea and have a long way to go before they are up and running as an organization. He went on to say the contracts the City will be entering into will be short term contracts (1-2 years) and stated he could not see a reason why the City at the end of that time could no reassess and join Community Power NH at that time.

City Manager Elizabeth Dragon stated what is being proposed tonight puts the City in the best position by hiring its own consultant obtaining pricing and entering into a short term agreement to see what the City can do locally, giving time for Community Power NH time to get up and running and at the end of the contract compare and see what they can offer. She further stated if Keene was to go with Community Power NH at this time, we won't know when they will be up and running. They are working with several communities who are under different forms of government, and she felt there was no downside to moving forward. The reason the proposals are being done together is because these consultants are putting an energy plan together and then also acting as the broker. Ms. Dragon stated the advantage of community power is the City can walk away if the price being offered is not favorable; the City is in control.

Councilor Clark stated once a contract is entered into his experience has been that it is never changed – a program like this tends to go on. He noted companies such as this talk about what is good for their model but not what is good for Keene. He felt the City should go with its neighbors and do something that will be in the best interest for everyone and in the NH effort. Mr. Lamb stated event though Massachusetts is well ahead of us with community power, he wanted to note that Standard Power does all its work in New Hampshire and they are the ones that would be doing the negotiation of a contract. He added no one has gone too far with this subject so far, so any consultant will be adapting to the new statute. Mr. Lamb noted the references the City received regarding Standard Power has been that they are an extremely experienced group and have had significant impacts in communities to create renewable energy while saving money for their residents. They are known to propose different tiers of options and there is nothing in the review of these companies have shown that they are in it for themselves.

Councilor Ormerod asked Mr. Lamb whether during any of these discussions staff has consulted with New England Clean Energy Collaborative. He noted things can change in New Hampshire much quicker compared to Massachusetts. The Councilor stated he wanted to be sure the consultant was adapting to New Hampshire and not using policies that would work in other communities that have a different energy structure. Mr. Lamb stated New England Clean Energy is a nonprofit that provides assistance to municipal governments in all

force behind clean energy power New Hampshire and they are in support of what the city is doing. He went on to say when Keene is ready to write its community power plan, Good Energy would have all options that are available that have been built in through a contract overtime.

Dr. Anne Shedd Chair of the Energy and Climate Committee and member of the Ad Hoc Power Committee stated Ms. Brunner had referenced the compensation for the consultant would be at a 10th of a cent for a kilo water hour but the memo says 1 cent per kilo watt hour. She noted the PUC's Website gives a range from 7 to 10 cents and she felt the amount needed to be clarified before a motion was made.

Mayor Hansel addressed the committee next and stated Dr. Shedd and the Ad Hoc Committee have been pushing this as an initiative. He cautioned the committee about putting all their eggs in one basket that relies on so many different partners to be successful. He felt Keene needs to plot its own course. The Mayor noted as the Manager had indicated, Keene is not removing the option of joining Community Power NH in the future. Ms. Brunner noted it is a 10th of a cent for a kilo water hour it was typographic error in the committee's packet. Councilor Clark stated he was not opposed to this item, but felt the City was not taking this item seriously or that it was being aggressive enough.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to do all things necessary to negotiate and execute a contract with Good Energy, L.P. and Standard Power of America, Inc. for Community Power consulting services for a fee not to exceed \$0.001 per kilowatt hour. This fee shall be paid directly to the Consultant by the Competitive Supplier, in the event that a third party contract with a competitive supplier is signed. In the event that negotiations with the preferred vendor are not successful, the City Manager is authorized to do all things necessary to negotiate and execute a professional services contract with Freedom Energy Logistics, Inc.

Councilor Remy and Ms. Brunner were commended for their Trendsetter Award Achievement this year.



City of Keene, N.H.
Transmittal Form

September 10, 2020

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: K.1.

SUBJECT: Relating to Fiscal Policies

RECOMMENDATION:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends adoption Resolution R-2020-32, which incorporates any amendments from the Council workshop and the Finance, Organization and Personnel Committee's review.

ATTACHMENTS:

Description

Resolution R-2020-32

Resolution R-2020-32_with amendments

BACKGROUND:

Finance Director Merri Howe addressed the committee next and stated Fiscal policies serve as a tool to address questions and provide guidance for fiscal management and decision making. Each year the policy is reviewed and amendments proposed. The Fiscal Policy Workshop was held on September 1, 2020 where an in-depth presentation of the proposed amendments was made to the City Council. Since the workshop, the City Attorney recommended some legal edits and additions to 1994 Resolution that was incorporated in the Fiscal Policies.

She went over the edits:

Under Part I – Budgetary Policies paragraph D has been modified to include additional language from Resolution R-94-32 regarding items eliminated by the Council during the budget approval. Eliminated items cannot be purchased with funds from other line items without Council approval. This item along with the other modifications in this section formalize long-standing budgetary practices of the City into this document.

Upon further review upon further research from a comment raised at the fiscal policies workshop, it was discovered that the resolutions from 1994 (R-94-9A and R-94-32) actually ceased to be effective by their own terms in 1997. A new paragraph, L under budgetary policies, has been added to incorporate the City Manager's emergency authorization with respect to emergency expenditures under R-2020-10-A into the FY21 fiscal policies. The remainder of the policies remain unchanged.

Councilor Ormerod stated he continues to wonder why Keene's tax rate is so high and why our benchmark is against the Boston Cambridge Newton area and asked whether this is something everyone in New Hampshire does.

Ms. Howe explained there is no true industry for the State of New Hampshire to use as a guide. She indicated until about a few years there was another name used and it was only recently changed to Boston Cambridge Newton. It is one that has been used in the past with fiscal policies but stated she was open to suggestions. Chair Powers stated this is an issue raised during fiscal policy workshops in the past and this is the one that was recommended.

Chair Powers noted when the Resolution before the Committee is adopted it would be the one that is followed. However, there is one adopted last year and asked whether something should be mentioned about eliminating that Resolution. Attorney Mullins stated the simplest way to address this would be to change the language in the Resolution to read as follows:

NOW, THEREFORE, BE IT RESOLVED that the fiscal policy should be reviewed and adopted by the City Council on an annual basis effective July 1, superseding any prior policy and

A motion was made by Chair Powers to amend language in the Resolution to read as follows:

NOW, THEREFORE, BE IT RESOLVED that the fiscal policy should be reviewed and adopted by the City Council on an annual basis effective July 1, superseding any prior policy and

The amendment was seconded by Councilor Remy and carried on a unanimous roll call vote.

Councilor Greenwald stated as he had mentioned at the workshop there is nothing indicated about bonding limits. The bigger issue is because of the times we are living in right now staff be directed to cut back on certain services to reduce the budget.

Councilor Remy clarified a remark from the Finance Director, that the CPI can move in both directions – you could not have a decrease if you had a net decrease in spending and asked whether it is utilized in such a manner in Keene. Ms. Howe stated an average of three years is taken and noted she did not recall ever having a negative CPI in recent years.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends adoption Resolution R-2020-32-b.



CITY OF KEENE

R-2020-32

In the Year of Our Lord Two Thousand and Twenty

Relating to FISCAL POLICIES

A RESOLUTION

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 effective July 1, superseding any prior fiscal policies 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 October each year.

- D. All departments are authorized to vary actual departmental spending from line item estimates provided the total departmental budget is not exceeded within each fund; provided, however, that any item specifically eliminated by the City Council during budget approval cannot be purchased from another line item without City Council approval.
- E. Any unexpended funds in a personnel line related to a vacancy cannot be expended without prior approval from the City Manager and the City Council unless funds are being expended to fill a vacancy, recruiting, or to employ temporary help including professional and contract services.
- F. A periodic budget status report for each fund will be provided to the City Council.
- G. The budget document shall provide multi-year projections of revenues and expenditures/expenses including property taxes and utility (water and sewer) rates.
- H. The budget will take into consideration the City's Policies on unassigned Fund Balance projected at the end of June.
- I. The City of Keene will contain its General Fund debt service, on a five (5) year average, at or less than twelve percent (12%) of the General Fund operating budget.
- J. Upon completion of any project, any residual funds shall be returned to the fund that provided the original appropriation.
- K. Property Taxes.
 - 1) The City shall limit its property tax revenue increases to a rolling three (3) year average of the Boston-Cambridge-Newton, (MA-NH) CPI net of expenditures required by law, and excluding debt service payments and capital leases. 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 at least every five (5) years in conjunction with the City revaluation 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.
- L. Notwithstanding anything to the contrary contained herein, Resolution R-2020-10-A, Related to Emergency Management, remains in effect until rescinded in accordance with its terms, and is incorporated by reference herein.

II. Capital Improvement Program

- A. The City of Keene shall prepare a capital improvement program (CIP) with a span of seven (7) years.
- B. The CIP shall be prepared biannually with a review each year during the operating budget cycle.
- C. All capital projects or equipment purchases that have an estimated cost of at least \$35,000 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 \$35,000 and which increases the useful life of the asset by at least five years.
- D. 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.
- E. City departments will prepare project funding-requests for capital projects as instructed by the City Manager.
- F. 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 projects such as:
 - a) One-time nonrecurring investments (e.g. 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 (e.g. 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.
- G. The CIP shall be reviewed by the Finance, Organization and Personnel Committee and the Planning Board.
- H. The CIP will be the subject of a public hearing before adoption.
- I. The funding requests in the first year of the adopted CIP will be included in the next annual budget document. The City Manager after review will include the second year funding request in the subsequent budget document.
- J. 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. 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) PC Replacement Fund – shall be used to account for the on-going replacement of PC's, peripherals, and related software utilized by all City departments.
 - b) 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.
- Cost recovery should be based on the total cost of delivering the service, including direct costs, departmental administration costs, and when permitted 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 will 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 will 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. Fees and charges shall be adopted by the City Council when required.
 - 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 when required.

IV. Bonded 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 bond counsel and a financial advisor, if required, to assist in preparing for and executing the sale of bonds.

- G. The City of Keene issues bonds including but not limited to:
 - 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.
- H. Competitive sale is the preferred method of sale; however, negotiated sales may occur for a current or advance refunding, or for other appropriate reasons.
- I. Term.
 - 1) Debt will be incurred only for projects with a useful life of at least seven (7) 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.
- V. Other Sources
 - A. To the extent they are available, the City of Keene will consider on a case-by-case basis, the use of other financing mechanisms including but not limited to:
 - 1) Capital leases.
 - 2) State programs (e.g. State Revolving Fund Loan programs).
 - B. To the extent they are available, the City of Keene will actively pursue other funding sources including but not limited to:
 - 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.
 - 4) Public-private partnerships.
 - 5) Unanticipated revenues. These sources will be evaluated for placement and designated as committed fund balance for advancing budgetary policies related to bonded debt, capital outlay or property taxes.

VI. Asset-Management Programs

A. The City may develop, implement, and refine 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 asset management 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.

VII. 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.

VIII. Stabilization Funds

- A. **Unassigned Fund Balance.**
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.
- 1) Unassigned fund balance for the General Fund will be maintained at an amount 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.
 - 2) Unrestricted fund balance, excluding capital reserves, for the enterprise funds should be maintained at an amount between the equivalent of 180 days to 365 days of the annual operating budget for that fund.
 - 3) Unassigned/unrestricted fund balance for all remaining budgeted funds should be maintained at an amount between five percent (5%) and fifteen percent (15%) of the annual operating budget for that fund.
- B. **Self-Funded Health Insurance.**
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.**
The City utilizes capital reserves, classified as committed funds, established under State of New Hampshire law, and 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.
- D. **Expendable Trust Funds.**
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.

E. Revolving Funds.

The City Council may authorize the establishment and use of revolving funds as it deems necessary. The purpose of the funds and source of revenues will be determined at the time of creation. Monies in the revolving fund shall be allowed to accumulate from year to year, and shall not be considered a part of the City's general surplus.

IX. Deposits of Funds in Custody of City Treasurer

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 into 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.
- 6) Certificate of Deposit Account Registry Service (CDARS).

George S. Hansel, Mayor

Twenty

Relating to FISCAL POLICIES

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 effective July 1, superseding any prior fiscal policies](#) 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
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- D. [All departments are authorized to vary actual departmental spending from line item estimates provided the total departmental budget is not exceeded](#)

within each fund; provided, however, that any item specifically eliminated by the City Council during budget approval cannot be purchased from another line item without City Council approval.

- E. Any unexpended funds in a personnel line related to a vacancy cannot be expended without prior approval from the City Manager and the City Council unless funds are being expended to fill a vacancy, recruiting, or to employ temporary help including professional and contract services.
- F. A periodic budget status report for each fund will be provided to the City Council.
- G. The budget document shall provide multi-year projections of revenues and expenditures/expenses including property taxes and utility (water and sewer) rates.
- H. The budget will take into consideration the City's Policies on unassigned Fund Balance projected at the end of June.
- I. The City of Keene will contain its General Fund debt service, on a five (5) year average, at or less than twelve percent (12%) of the General Fund operating budget.
- J. Upon completion of any project, any residual funds shall be returned to the fund that provided the original appropriation.
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 - 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 projects such as:
 - a) One-time nonrecurring investments (e.g. 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 (e.g. 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.
- G. The CIP shall be reviewed by the Finance, Organization and Personnel Committee and the Planning Board.
- H. The CIP will be the subject of a public hearing before adoption.
- I. The funding requests in the first year of the adopted CIP will be included in the next annual budget document. The City Manager after review will include the second year funding request in the subsequent budget document.
- J. 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 related software utilized by all City departments.~~
 - iii. 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) ~~PC Replacement Fund – shall be used to account for the on-going replacement of PC's, certain peripherals, and desk-top related software utilized by all City departments.~~
 - b) 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.
Cost recovery should be based on the total cost of delivering the service, including direct costs, departmental administration costs, and when permitted 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 will 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 will 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. Fees and charges shall be adopted by the City Council when required.
 - 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 when required.

IV. Bonded 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 bond counsel and a financial

advisor, if required, to assist in preparing for and executing the sale of bonds.

- G. The City of Keene issues bonds including but not limited to:
 - 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.
- H. Competitive sale is the preferred method of sale; however, negotiated sales may occur for a current or advance refunding, or for other appropriate reasons.
- I. Term.
 - 1) Debt will be incurred only for projects with a useful life of at least seven (7) 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.

V. Other Sources

- A. To the extent they are available, the City of Keene will consider on a case-by-case basis, the use of other financing mechanisms including but not limited to:
 - 1) Capital leases.
 - 2) State programs (e.g. State Revolving Fund Loan programs).
- B. To the extent they are available, the City of Keene will actively pursue other funding sources including but not limited to:
 - 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.
 - 4) Public-private partnerships.
 - 5) Unanticipated revenues. These sources will be evaluated for placement and designated as committed fund balance for advancing budgetary policies related to bonded debt, capital outlay or property taxes.

VI. Capital Assets Management Programs

- ~~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.~~

A. 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** ~~programs~~ 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.

VII. 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.

VIII. Stabilization Funds

A. Unassigned Fund Balance.

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.

- 1) Unassigned fund balance for the General Fund will be maintained at an amount 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.
- ~~2) 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.~~
- 2) Unrestricted fund balance, excluding capital reserves, for the enterprise

funds should be maintained at an amount between the equivalent of 180 days to 365 days of the annual operating budget for that fund.

- 3) Unassigned/unrestricted fund balance for all remaining budgeted funds should be maintained at an amount between five percent (5%) and fifteen percent (15%) of the annual operating budget for that fund.

B. Self-Funded Health Insurance.

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.

The City utilizes capital reserves, classified as committed funds, established under State of New Hampshire law, and 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.

D. Expendable Trust Funds.

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.

E. Revolving Funds.

The City Council may authorize the establishment and use of revolving funds as it deems necessary. The purpose of the funds and source of revenues will be determined at the time of creation. Monies in the revolving fund shall be allowed to accumulate from year to year, and shall not be considered a part of the City's general surplus.

IX. Deposits of Funds in Custody of City Treasurer

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 into 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.
- 6) Certificate of Deposit Account Registry Service (CDARS).

George S. Hansel, Mayor



City of Keene, N.H.
Transmittal Form

September 8, 2020

TO: Mayor and Keene City Council

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

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: K.2.

SUBJECT: Authorizing the Condemnation of Land for the Winchester Street Reconstruction Project

RECOMMENDATION:

Move that the City Council accept a Petition to Acquire Property by Eminent Domain for Highway Purposes, submitted by the Public Works Director and refer said Petition to the Finance, Organization and Personnel Committee.

That the Mayor schedule a public hearing for November 5, 2020 and that the City Clerk cause written notice of the time and place of such public hearing to be given to the Petitioner and affected property owners no fewer than thirty (30) days prior to such public hearing.

That Resolution R-2020-36, Authorizing the Condemnation of Land for the Winchester Street Reconstruction Project, be tabled until such time as a public hearing on the matter has been conducted.

ATTACHMENTS:

Description

Petition

Resolution R-2020-36

Right-of-Way Plans

BACKGROUND:

In 2012, the Keene City Council adopted the FY13-FY19 Capital Improvement Program, which contemplated improvements to Winchester Street corridor, between Rt. 101 and the Pearl St. / Island St. intersection as part of the State Bypass Improvement Program. Additional funds were appropriated to this project through the FY14, FY19 and FY20 Capital Improvement Programs.

On October 2, 2014, the City Council voted to approve a contract with McFarland Johnson for the design of these improvements. On July 7, 2016, Mayor Kendall Lane appointed an ad-hoc steering committee to provide planning, guidance and general direction for the Winchester Street Reconstruction Project, in partnership with affected residents, local business interests, the city staff and the New Hampshire Department of Transportation. The committee held several meetings between August 2, 2016 and December 13, 2016. The Committee's work culminated with a presentation and recommendations to the Municipal Services, Facilities

and Infrastructure Committee (MSFI).

On January 25, 2017, MSFI reviewed alternatives for the reconstruction of the corridor, including rebuilding the Key Road and Pearl/Island intersections with traffic signals or creating roundabouts. MSFI voted to recommend that the City Council select the roundabout option. The committee also recommended that the City Manager be authorized to do all things necessary to implement this design. The City Council voted to approve the recommendations on February 2, 2017.

Pursuant to this authority the City Manager, acting through the City's consultant and staff, entered into negotiations with the owners of twelve (12) parcels of land impacted by the project. The parcels and impacts are more particularly described in a plan prepared by GM2 Associates, Inc., dated 7/8/2020, and certified 8/11/2020, entitled "Right of Way Plan of a portion of Winchester St. in Keene, NH" (copy attached). Negotiation prior to beginning the formal condemnation process is required in accordance with RSA 498-A:4, II(c).

Six of the above-listed acquisitions were deemed to be "simple and un-complicated" and proceeded using a simplified acquisition process approved by the Federal Highway Administration. The remaining six parcels were evaluated using the more detailed "Before and After" appraisal method. To date, the owners of nine parcels have either provided or indicated their intention to voluntarily provide the necessary property rights to the City. Despite the City Manager's reasonable efforts to negotiate, the owners of the remaining three impacted parcels have not indicated their intent to provide the necessary property rights.

Negotiation efforts with these remaining parcels continues, and it is likely that one of the three parcels will be settled amicably. However, in order for the project to be ready for construction in early spring of 2021, it is necessary to begin the condemnation process at this time.

In compliance with state law (RSA 498-A:4, III(a)), the governmental entity with authority to condemn must vote to acquire the property in question. The City Council's authority to take land required for public use is found in RSA 31:92. In exercising the authority to condemn property for public use, the City follows procedures described in RSA 231 for the layout of highways, including receipt of a petition, providing notice, conducting a site visit and holding a public hearing.

Should the City Council ultimately vote to acquire the property by condemnation, the affected property owners will be given a formal "Notice of Offer" per RSA 498-A:4, III. The notice of offer describes the public purpose for the acquisition, a description of the property to be taken as well as the basis for and amount of compensation. The owner has 30 days from the service of notice to consider and accept the City's offer. Only after the thirty days have elapsed can the city file a Declaration of Taking with the Board of Tax and Land Appeals and record the condemnation with the Cheshire County Registry of Deeds. These filings will result in the title to the property in question passing to the City. After the declaration has been filed, the affected owner has an additional 30 days to raise objections. Preliminary objections may relate to the amount of the offer, the procedures used or the necessity and public use of the acquisition.

September 11, 2020

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

***Re: Petition to Acquire Property by Eminent Domain for Highway Purposes
Winchester Streets Reconstruction Project***

Dear Honorable Mayor and City Council:

Now comes the City of Keene Public Works Director, Kürt Blomquist, to petition the Keene City Council to find that there is public necessity to take land for a public purpose, said purpose being the reconstruction of Winchester Street, between State Route 101 and the Winchester Street bridge over the Ashuelot River, including the Winchester St / Island Street / Pearl Street intersection and replacement of the Island Street bridge, in order to improve vehicular and pedestrian safety and to allow for a more efficient flow of traffic through the corridor. In support of this Petition to Acquire Property by Eminent Domain for Highway Purposes, the undersigned states as follows:

In 2012, the Keene City Council adopted the FY13-FY19 Capital Improvement Program, which contemplated improvements to Winchester Street corridor, between Rt. 101 and the Pearl St. / Island St. intersection as part of the State Bypass Improvement Program. Additional funds were appropriated to this project through the FY14, FY19 and FY20 Capital Improvement Programs.

On October 2, 2014, the City Council voted to approve a contract with McFarland Johnson for the design of these improvements. On July 7, 2016, Mayor Kendall Lane appointed an ad-hoc steering committee to provide planning, guidance and general direction for the Winchester Street Reconstruction Project, in partnership with affected residents, local business interests, the city staff and the New Hampshire Department of Transportation. The committee held several meetings between August 2, 2016 and December 13, 2016. The Committee's work culminated with a presentation and recommendations to the Municipal Services, Facilities and Infrastructure Committee (MSFI).

On January 25, 2017, MSFI reviewed alternatives for the reconstruction of the corridor, including rebuilding the Key Road and Pearl/Island intersections with traffic signals or creating roundabouts. MSFI voted to recommend that the City Council select the roundabout option. The committee also recommended that the City Manager be authorized to do all things necessary to implement this design. The City Council voted to approve the recommendations on February 2, 2017.

Pursuant to this authority the City Manager, acting through the City's consultant, and City staff entered into negotiations with the owners of twelve (12) parcels of land impacted by the project. The parcels and impacts are more particularly described in a plan

prepared by GM2 Associates, Inc., dated 7/8/2020, and certified 8/11/2020, entitled “Right of Way Plan of a portion of Winchester St. in Keene, NH”. A copy of these plans is enclosed for your reference and a summary of affected parcels is as follows:

Map/Block No.	Address	Owner	Permanent Acquisition Size ⁽¹⁾ (SF)	Temporary Easement Size (SF)
111/001	332 Winchester St.	University System of NH	12,360	6,810
111/002	0 Winchester St.	Granite Bank	3,049	
111/004	346-354 Winchester St.	Riverside Improvements, LLC	740	14,605
111/026	345 Winchester St.	A.R. Sandri Trust, LLC	55	605
111/027	345 Winchester St.	A.R. Sandri Trust, LLC	1,005	3,155
111/028	333 Winchester St	Keene Retail, LLC	605	735
111/029	329 Winchester St.	256 Investment Assoc., LLC	0	435
592/0018	0 Winchester St.	Public Services of NH	2,700	3,440
592/022	199 Island St.	Timothy J. Carbone, Rev. Trust	120	0
592/024	169 Island St.	Robert J. Bass	0	655
592/029	158 Island St.	158 Island St. Invest., LLC	340	380
593/001	311 Winchester St.	McDonalds Corp.	0	230
			18,635	31,075

Six of the above-listed acquisitions were deemed to be “simple and un-complicated” and proceeded using a simplified acquisition process approved by the Federal Highway Administration. The remaining six parcels were evaluated using the more detailed “Before and After” appraisal method.

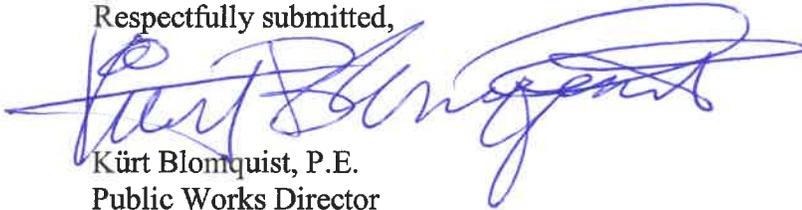
To date, the owners of nine parcels have either provided or indicated their intention to voluntarily provide the necessary property rights to the City. Despite the City Manager’s reasonable efforts to negotiate, the owners of the remaining three impacted parcels

(indicated with **bold** font in the table above) have not indicated their intent to provide the necessary property rights.

Based on the foregoing, I respectfully request as follows:

1. That the Mayor schedule a public hearing of the Keene City Council on November 5, 2020, in order to hear testimony from interested parties relative to whether there exists the necessity to acquire the aforementioned property rights by condemnation for highway purposes, pursuant to the authority granted by RSA 31:92, and in accordance with the procedures set forth in RSA 231; and
2. That, pursuant to RSA 231:9, the City Clerk's office cause notice in writing of the time and place of such public hearing to be given to the petitioner and affected property owners not less than thirty (30) days prior to the November 5, 2020, hearing; and
3. Should the Council find that a necessity exists to acquire the aforementioned property rights by condemnation for highway purposes, that the City Manager be authorized to do all things necessary to carry out the eminent domain proceedings in accordance with RSA 498-A:4 thru 7.

Respectfully submitted,



Kurt Blomquist, P.E.
Public Works Director

Encl.



CITY OF KEENE

R-2020-36

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

A RESOLUTION Authorizing the Condemnation of Land for the Winchester Street
..... Reconstruction Project.....

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

WHEREAS, the Keene City Council has determined that Winchester Street, between New Hampshire Route 10/12/101 and the Winchester Street bridge over the Ashuelot River, including the intersection with Pearl Street and Island Street and the Island Street bridge over the Ashuelot River, is in need of improvement; and

WHEREAS, Mayor Kendall Lane nominated, and the Council accepted, an ad-hoc steering committee on July 7, 2016 to provide planning, guidance and general direction for the Winchester Street Reconstruction Project, in partnership with affected residents, local business interests, the city staff and the New Hampshire Department of Transportation; and

WHEREAS, the Winchester Street Reconstruction Project Ad-Hoc Steering Committee conducted several public meetings between August 2, 2016 and December 13, 2016 to obtain public input, review the design consultant’s work product and develop a recommendation to the City Council; and

WHEREAS, on December 13, 2016, the Winchester Street Reconstruction Project Ad-Hoc Steering Committee voted unanimously to recommend a roundabout alternative as the preferred method of reconstructing the Key Road and Island Street / Pearl Street intersections; and

WHEREAS, the Keene City Council and the Council Standing Committees known as the Municipal Service, Facilities and Infrastructure Committee, met on several occasions between January 19, 2017 and February 2, 2017 in order to review and hold public discussion on the reconstruction of the Winchester Street; and

WHEREAS, as a result of such review and discussion on February 2, 2017, the Keene City Council voted to select roundabouts as the appropriate design to provide the necessary improvement to Winchester Street, and authorized the City Manager to do all things necessary for the implementation of that design; and

Whereas, a necessity exists to acquire land for the reconstruction of Winchester Street, as designed; and

WHEREAS, pursuant to such authority the City Manager, acting through the City’s consultant, entered into negotiations with the owners of twelve (12) parcels of land impacted by the project, said parcels and impacts being more particularly described in a plan prepared by GM2 Associates, Inc., dated 7/8/2020, and certified 8/11/2020, entitled “Right of Way Plan of a portion of Winchester St. in Keene, NH”, a copy of which is attached hereto; and

PASSED

WHEREAS, as a result of said negotiations, the City Manager has acquired, or has been informed of the property owner's intent to provide, the necessary property rights from the owners of nine (9) of the twelve impacted parcels; and

WHEREAS, the following property owners have not indicated their intent to provide the necessary property rights:

Owner	Parcel No	Required Property Rights
A.R. Sandri Trust, LLC	111/026	55 square feet (permanent) 605 square feet (temporary)
A.R. Sandri Trust, LLC	111/027	1,005 square feet (permanent) 3,155 square feet (temporary)
Keene Retail, LLC	111/028	605 square feet (permanent) 735 square feet (temporary)

and;

WHEREAS, the City Manager made every reasonable effort to negotiate with the remaining property owners; however, the negotiations have not, to date, resulted in the voluntary acquisition of the property rights necessary to reconstruct Winchester Street; and

WHEREAS, the design of the reconstruction project makes it necessary to acquire said property rights from the remaining property owners in order to complete the project without increasing the overall impacts on adjacent property owners; and

WHEREAS, on September 17, 2020, the Keene City Council, at its regularly scheduled meeting, received a Petition to Acquire Property by Eminent Domain for Highway Purposes; and

WHEREAS, on September 17, 2020, the Mayor scheduled a public hearing of the Keene City Council to be held on November 5, 2020, in order to hear testimony of interested parties relative to whether the Keene City Council shall exercise its authority to acquire the necessary property rights by condemnation for highway purposes, pursuant to RSA 498-A, and the authority granted by RSA 31:92, and in accordance with the procedures set forth in RSA 231.

WHEREAS, the Keene City Council held a duly noticed public hearing on November 5, 2020, at the site of the proposed condemnation and at City Hall, 3 Washington Street, Keene, New Hampshire, in order to hear testimony from interested parties relative to whether there exists the necessity to acquire property rights by condemnation, if necessary, for highway purposes, pursuant to the authority granted by RSA 31:92, and in accordance with the procedures set forth in RSA 231; and

WHEREAS, the Keene City Council heard testimony from interested parties at the public hearing; and

WHEREAS, based upon the testimony received at the November 5, 2020 public hearing, the Petition to Acquire Property by Eminent Domain for Highway Purposes, and the prior and subsequent review and public discussion regarding the reconstruction of the Winchester Street, the Keene City Council has voted to find that necessity exists to acquire land by condemnation,

for the above-stated purpose, pursuant to RSA 498-A, and the authority granted by RSA 31:92, and in accordance with the procedures set forth in RSA 231; and

WHEREAS, based upon the testimony received at the November 5 2020 public hearing, the aforementioned Petition, and the prior and subsequent review and public discussion regarding the reconstruction of Winchester Street, the Keene City Council has also voted to find that the property rights to be so acquired, and the improvements to be constructed thereon, constitute a public use and provide a net public benefit;

NOW, THEREFORE, BE IT RESOLVED by the Keene City Council:

- a. That there is a necessity to take portions of the above-referenced land for a public purpose; and
- b. That the taking of portions of the above referenced land will provide a net-public benefit; and
- c. That the City Manager has made reasonable efforts to negotiate with owners of said parcels for the voluntary acquisition of said property rights; and
- d. That the City Manager is hereby authorized to initiate eminent domain proceedings pursuant to RSA 498-A, and under the authority granted by RSA 31:92, and in accordance with the procedures set forth in RSA 231, in order to condemn portions of the above-listed parcels for the reconstruction of Winchester Street; and
- e. That, in exercising the authority herein granted, the City Manager is directed to:
 1. Follow the procedure defined in RSA 498-A:4 thru 7, effecting the acquisition of land, including, but not limited to, RSA 498-A:4, III(b); and
 2. Cause a Declaration of Taking to be filed with the New Hampshire Board of Tax and Land Appeals and a Notice of Condemnation to be filed in the Cheshire County Registry of Deeds; and
 3. Do all things necessary in accordance with RSA 498-A in order to perfect the acquisition of the aforementioned property by eminent domain, unless the Condemnees shall, prior to such filings, consent to the voluntary transfer of said property rights by suitable conveyance to the City of Keene.

George Hansel, Mayor

WINCHESTER STREET

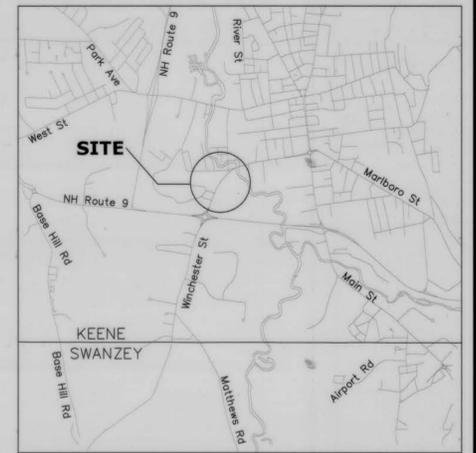
CITY OF KEENE STATE OF NEW HAMPSHIRE COUNTY OF CHESHIRE RIGHT-OF-WAY PLANS

PLAN INTENT:

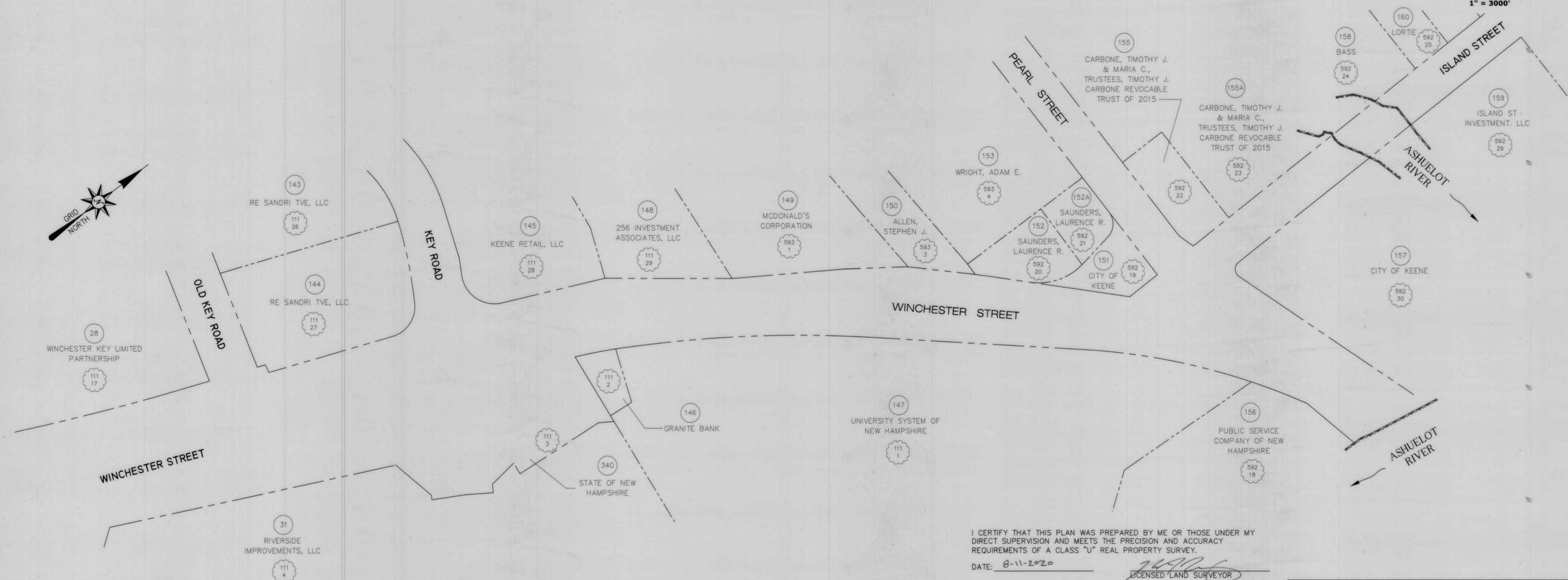
THE PURPOSE AND INTENT OF THESE PLANS IS TO DOCUMENT THE ACQUISITIONS AND EASEMENTS NECESSARY FOR THE PROPOSED IMPROVEMENTS WITHIN THE PROJECT LIMITS.

NOTES:

- 1.) THIS SURVEY IS A RESULT OF AN ACTUAL ON-THE-GROUND SURVEY COMPLETED BY THIS OFFICE BETWEEN DECEMBER 2015 AND OCTOBER OF 2018.
- 2.) THE HORIZONTAL AND VERTICAL DATUMS REFERENCED ARE NAD83(2011) (RTN RTK DERIVED) AND NAVD88 (NHDPW DISK 237 0340 HELD FOR VERTICAL).
- 3.) THE PLANIMETRIC FEATURES SHOWN ON THIS SURVEY ARE FEATURES EXISTING AT THE TIME OF THE SURVEY. NO PROPOSED IMPROVEMENTS ARE SHOWN.
- 4.) NO MONUMENTATION HAS BEEN SET AS PART OF THIS SURVEY. THE MONUMENTATION SHOWN HEREON IS EXISTING AND SET BY OTHERS.
- 5.) CONTROL TRAVERSE WAS RUN WITH A CLOSURE BETTER THAN 1:15,000.
- 6.) ALL UNDERGROUND UTILITIES AND FACILITIES SHOWN ARE APPROXIMATE AND NOT NECESSARILY COMPLETE. CALL DIGSAFE BEFORE ANY EXCAVATION.
- 7.) UNWRITTEN RIGHTS IN LAND, THOUGH THEY MAY EXIST, ARE NOT SHOWN ON THIS SURVEY.



LOCUS
1" = 3000'



LEGEND:

#	PROJECT SPECIFIC PARCEL DESIGNATION	---	EXISTING PUBLIC RIGHT-OF-WAY
⊕	TAX MAP AND BLOCK NUMBER	---	EXISTING PRIVATE BOUNDARY LINE
⊙	UTILITY POLE	---	FENCE
⊙	GUY WIRE ANCHOR	+	PROPOSED TEMPORARY EASEMENT
⊙	TRAFFIC SIGNAL	⊗	PROPOSED ACQUISITION

I CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND MEETS THE PRECISION AND ACCURACY REQUIREMENTS OF A CLASS "U" REAL PROPERTY SURVEY.
DATE: 8-11-2020
[Signature]
LICENSED LAND SURVEYOR

RSA 676.18 III "I" CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN"
DATE: 8-11-2020
[Signature]
LICENSED LAND SURVEYOR

NO.	REVISIONS

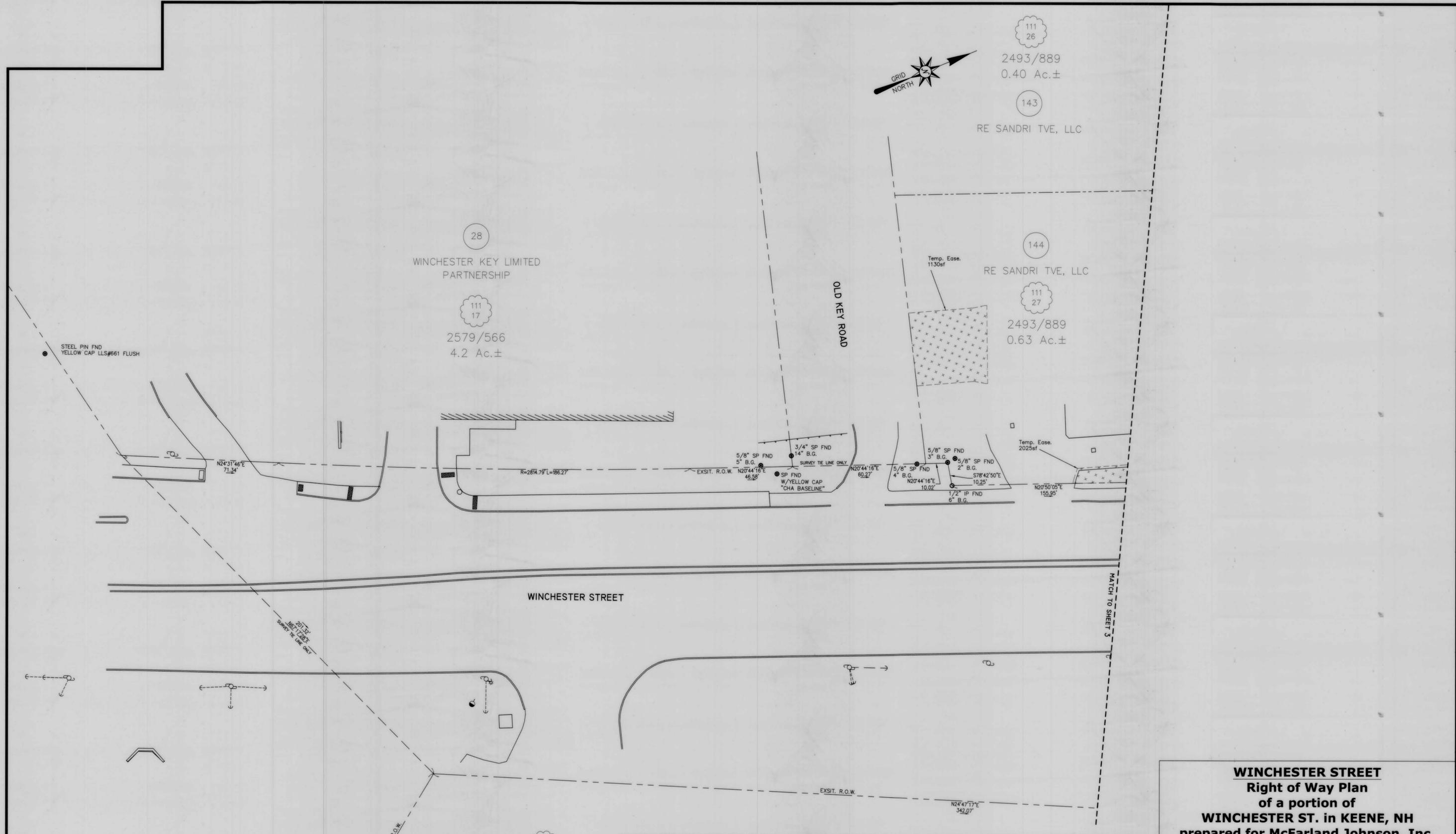
NOT VALID UNLESS SIGNED
GRAPHIC SCALE 1" = 60'
0' 60' 120' 180' 240'



WINCHESTER STREET
Right of Way Plan
of a portion of
WINCHESTER ST. in KEENE, NH
prepared for **McFarland Johnson, Inc.**
Owner of Record: **State of N.H.**

JOB NO.: 40289.00
SCALE: 1"=60'
DATE: 7/8/2020
SHEET: 1 OF 5

GM2 Associates, Inc.
197 Loudon Road, Suite 310
Concord, NH 03301
Tel: 603-856-7854
Fax: 603-856-7855

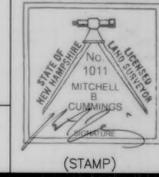


RSA 676.18 III "I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN"

DATE: 8-11-2020
 LICENSED LAND SURVEYOR

NO.	DATE	DESCRIPTION

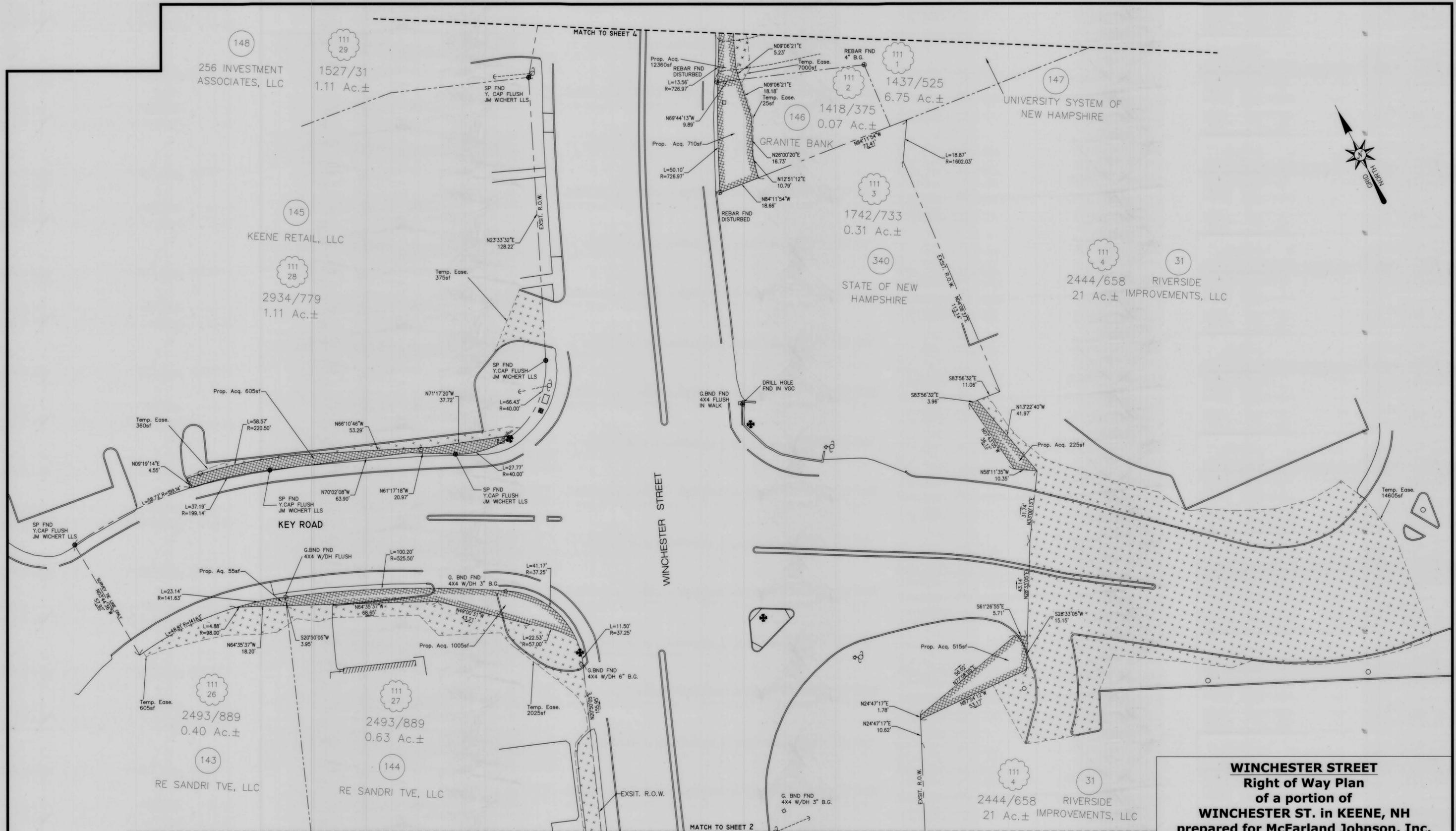
NOT VALID UNLESS SIGNED
 GRAPHIC SCALE 1" = 20'
 0' 20' 40' 60' 80'



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 of a portion of
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 Owner of Record: **State of N.H.**

JOB NO.: 40289.00
 SCALE: 1"=20'
 DATE: 7/8/2020
 SHEET: 2 OF 5

GM2 Associates, Inc.
 197 Loudon Road, Suite 310
 Concord, NH 03301
 Tel: 603-856-7854
 Fax: 603-856-7855



WINCHESTER STREET
Right of Way Plan
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Owner of Record: State of N.H.

JOB NO.: 40289.00		GM2 Associates, Inc. 197 Loudon Road, Suite 310 Concord, NH 03301
SCALE: 1"=20'		Tel: 603-856-7854
DATE: 7/8/2020		Fax: 603-856-7855
SHEET: 3 OF 5		

RSA 676.18 III "I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS OR WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN"

DATE: 8-11-2020

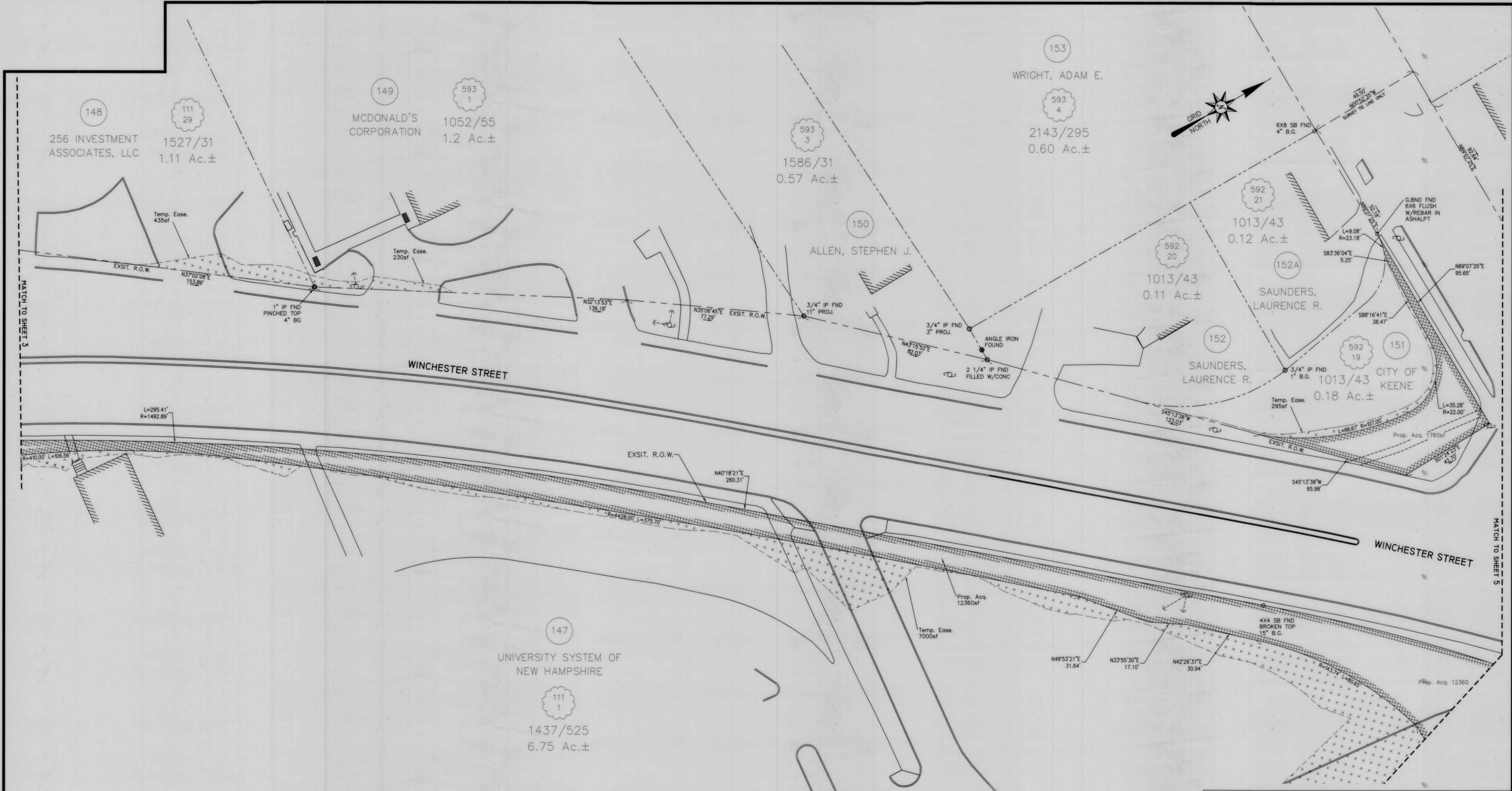
 LICENSED LAND SURVEYOR

NO.	DESCRIPTION	DATE

NOT VALID UNLESS SIGNED

GRAPHIC SCALE 1" = 20'

(STAMP)



WINCHESTER STREET
Right of Way Plan
 of a portion of
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 Owner of Record: State of N.H.

RSA 676.18 III "I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN"

DATE: 8-11-2020

[Signature]
 LICENSED LAND SURVEYOR

NO.	DESCRIPTION	DATE

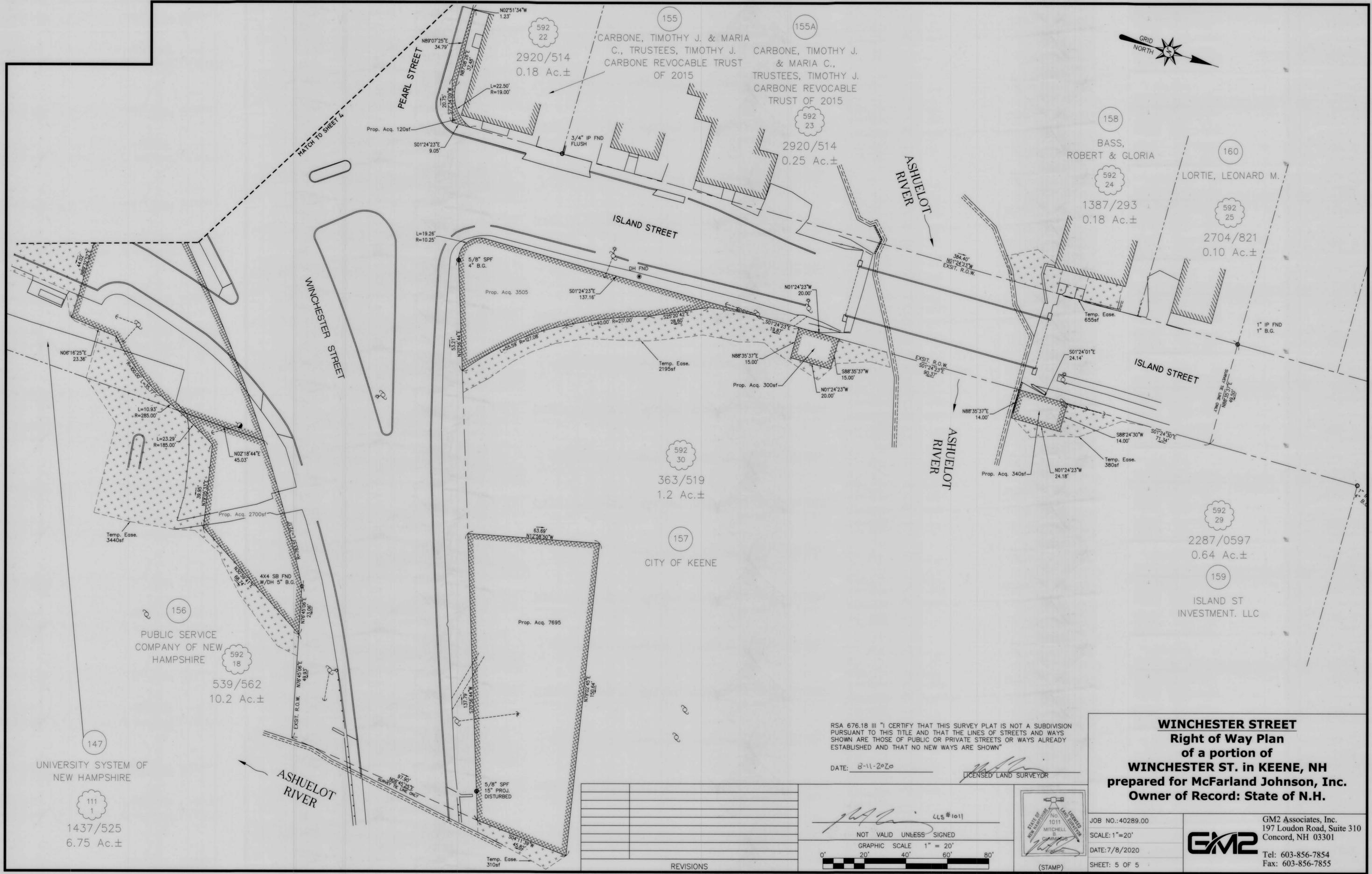
[Signature] LL5#1011
 NOT VALID UNLESS SIGNED
 GRAPHIC SCALE 1" = 20'
 0' 20' 40' 60' 80'



JOB NO.: 40289.00
 SCALE: 1"=20'
 DATE: 7/8/2020
 SHEET: 4 OF 5



GM2 Associates, Inc.
 197 Loudon Road, Suite 310
 Concord, NH 03301
 Tel: 603-856-7854
 Fax: 603-856-7855



147
UNIVERSITY SYSTEM OF
NEW HAMPSHIRE
111
1
1437/525
6.75 Ac.±

156
PUBLIC SERVICE
COMPANY OF NEW
HAMPSHIRE
592
18
539/562
10.2 Ac.±

592
22
2920/514
0.18 Ac.±
CARBONE, TIMOTHY J. & MARIA
C., TRUSTEES, TIMOTHY J.
CARBONE REVOCABLE TRUST
OF 2015
155
155A
CARBONE, TIMOTHY J.
& MARIA C.,
TRUSTEES, TIMOTHY J.
CARBONE REVOCABLE
TRUST OF 2015
592
23
2920/514
0.25 Ac.±

ISLAND STREET
ASHUELOT RIVER
5/8" SPF
4" B.G.
Prop. Acq. 3505
S01'24'23"E
137.16'
N01'24'23"W
20.00'
S25'20'42"E
78.80'
L=40.00' R=217.00'
Temp. Ease.
2195sf
N88'35'37"E
15.00'
S88'35'37"W
15.00'
N01'24'23"W
20.00'
Prop. Acq. 300sf
EXSIT. R.O.W.
S01'24'23"E
90.37'

158
BASS,
ROBERT & GLORIA
592
24
1387/293
0.18 Ac.±
160
LORTIE, LEONARD M.
592
25
2704/821
0.10 Ac.±

592
30
363/519
1.2 Ac.±
157
CITY OF KEENE

Prop. Acq. 7695
5/8" SPF
15" PROJ.
DISTURBED
Temp. Ease.
310sf
S04'11'39"W
45.82'
N70'02'45"E
150.64'

ASHUELOT RIVER
ISLAND STREET
Temp. Ease.
655sf
S01'24'01"E
24.14'
S01'24'23"E
24.18'
N01'24'23"W
24.18'
Prop. Acq. 340sf
N88'35'37"E
14.00'
S88'24'30"W
14.00'
S01'24'30"E
71.34'
Temp. Ease.
380sf
592
29
2287/0597
0.64 Ac.±
159
ISLAND ST
INVESTMENT, LLC

RSA 676.18 III "I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN"

DATE: 8-11-2020
LICENSED LAND SURVEYOR

NO.	REVISIONS

NOT VALID UNLESS SIGNED
GRAPHIC SCALE 1" = 20'
20' 40' 60' 80'



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JOB NO.: 40289.00
SCALE: 1"=20'
DATE: 7/8/2020
SHEET: 5 OF 5

GM2 Associates, Inc.
197 Loudon Road, Suite 310
Concord, NH 03301
Tel: 603-856-7854
Fax: 603-856-7855



City of Keene, N.H.
Transmittal Form

September 3, 2020

TO: Mayor and Keene City Council

FROM: Beth Fox, ACM/Human Resources Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: K.3.

SUBJECT: In Appreciation of Russell Paul Fish Upon His Retirement

RECOMMENDATION:

That Resolution R-2020-34 be adopted by the City Council.

ATTACHMENTS:

Description

Resolution R-2020-34

BACKGROUND:

Mr. Fish retired from the Public Works Department effective August 28, 2020, with over 11½ years of service.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty

A RESOLUTION In Appreciation of Russell Paul Fish Upon His Retirement

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

WHEREAS: Russell P. Fish began with the Public Works Department as Maintenance Aide I in the Highway Division January 12, 2009, served as Acting Motor Equipment Operator I from November 30, 2009, to May 3, 2010; and again served as Acting Motor Equipment Operator I during the period December 1, 2010, through January 3, 2011, when he was promoted into the position on a regular basis; and

WHEREAS: Letting his work speak for itself during the ins and outs of daily operation, he demonstrated his knowledge and skills by completing each job in a timely manner, took pride in the quality and quantity he produced, was comfortable with and willing to carry out any task without complaint, and served as leader when necessary; and

WHEREAS: Rusty was an asset to the Sign Division, assisting with maintenance, repair, and installation of signs around the city and learning the laws relating to uniform signage; and

WHEREAS: He strove to carry out his customers' needs in the manner he felt taxpayers expected—by trying to anticipate them, by listening to their concerns and questions respectfully, and by responding efficiently; and

WHEREAS: Some of Rusty's other traits for which he has been appreciated include his valuable ideas, his willingness to always lend a helping hand, his positive and caring attitude, his mindfulness of his team's surroundings from a safety aspect, and his ability to adapt to an ever-changing environment; and

WHEREAS: Rusty demonstrated extra effort and a commitment to the field of local road management by earning certification as a Roads Scholar One at the University of New Hampshire's Technology Transfer Center program; and he also was part of a group "going above and beyond" that earned an Employee Achievement Award in 2014; and

WHEREAS: Rusty retired from the City of Keene 28 August 2020 with 11½ years of honorable service to the City of Keene and the Monadnock Region;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Keene hereby extends its sincere thanks to Russell Paul Fish 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 Rusty in appreciation for his years of service to the residents of Keene.

PASSED

George S. Hansel, Mayor