



Due to the 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 access 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 this City Council meeting, please navigate to [www.zoom.us](http://www.zoom.us) and enter the Meeting ID# 883 7832 1488. To listen via telephone call 877-853-5257 and enter the Meeting ID # 883 7832 1488.

KEENE CITY COUNCIL  
Council Chambers, Keene City Hall  
October 1, 2020  
7:00 PM

Roll Call  
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- September 17, 2020

**A. HEARINGS / PRESENTATIONS / PROCLAMATIONS**

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

**C. COMMUNICATIONS**

1. Nancy Proctor - Resignation - Historic District Commission
2. Heather Servant - In Support of Lower Speed Limits on Eastern Avenue

**D. REPORTS - COUNCIL COMMITTEES**

1. Ashuelot River Park – Climate Resilient Master Plan – Parks, Recreation, & Facilities Director
2. Proposal for Permanent Public Art Installation – Parks, Recreation, & Facilities Director
3. Request for Use of City Property – Pumpkin Festival - Public Works Director/Emergency Management Director
4. Update on Broadband For Unserved Keene Neighborhoods - ACM/IT Director
5. Acceptance of Donation - Fire Department
6. Acceptance of Donation - Fire Department
7. Mutual Aid Ambulance Agreement - Fire Department
8. Attorney Adam Kossayda - Lease Request - Hangar Lot 15A
9. Update on the Kingsbury Property - City Manager

**E. CITY MANAGER COMMENTS**

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

**G. REPORTS - BOARDS AND COMMISSIONS**

**H. REPORTS - MORE TIME**

1. Social Host Ordinance - Draft

2. Authorizing the Condemnation of Land for the Winchester Street Reconstruction Project - Resolution R-2020-36

**I. ORDINANCES FOR FIRST READING**

**J. ORDINANCES FOR SECOND READING**

**K. RESOLUTIONS**

1. In Appreciation of Leona Langella Upon Her Retirement  
Resolution R-2020-27
2. Relating to the Transfer of Funds from the Solid Waste Fund Balance to the 2020/2021 Solid Waste Operating Budget for Repair of Existing Scale System  
Resolution R-2020-37
3. Colonial Theatre Group, Inc. - Peitition for Discontinuance

**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 17, 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, Gladys Johnsen, Terry M. Clark, Raleigh C. Ormerod, Bettina A. Chadbourne, Mitchell H. Greenwald, Kate M. Bosley and Thomas F. Powers were present. Catherine I. Workman was absent. A motion by Councilor Powers to accept the minutes from the September 3, 2020 regular meeting was duly seconded by Councilor Bosley. The motion passed on a roll call vote with 14 Councilors present and voting in favor. Councilor Workman was absent. The Mayor led the Pledge of Allegiance.

#### ANNOUNCEMENTS

The Mayor announced that beginning the week of September 21, 2020 the Standing Committees of the City Council would begin meeting again in person, with the public continuing to join the meetings via Zoom. Councilors will be required to wear masks during the meetings but masks can be removed when the Councilor wishes to speak. To comply with the regulations for remote meetings, at least one member of each public body must join the meeting via Zoom, and so the Chair of each Standing Committee must coordinate this with their membership. The Mayor still encouraged all City Councilors to continue accessing the Standing Committee meetings via Zoom if they are comfortable doing so because he thinks it sends an important message to the community that we should be avoiding social contact whenever possible.

The Mayor announced that October is Manufacturing Month. For the last seven years, the New Hampshire Manufacturing Extension Partnership with help from the NH Department of Business and Economic Affairs, the Community College System of New Hampshire, the New Hampshire Department of Education, and many other partners organized NH Manufacturing Month to encourage predominantly high school students' exposure to in-state manufacturing career opportunities. The Mayor said it is an important month and this year, student visits with manufacturers will be virtual. On October 3, Keene is hosting the kick-off event, which will be broadcast on various media platforms throughout the state, providing an opportunity to highlight the Monadnock region and provide vital exposure to Keene area companies growing their workforces. In light of the ongoing pandemic and goals to keep the in-person event participation low, the Mayor encouraged any Councilor interested in attending to contact him in advance and he will try to accommodate.

#### RESOLUTION R-2020-34: IN APPRECIATION OF RUSSELL PAUL FISH UPON HIS RETIREMENT

The Mayor read Resolution R-2020-34: In Appreciation of Russell Paul Fish Upon His Retirement. A motion by Councilor Powers to adopt the Resolution was duly seconded by Councilor Bosley. On roll call vote, with 14 Councilors present and voting in favor, the motion passed. Resolution R-2020-34 was declared adopted. Councilor Workman was absent.

## CONFIRMATIONS

A motion was made by Councilor Powers and duly seconded by Councilor Bosley to confirm the following nominations: Rowland Russell to serve as a regular member of the Bicycle Pedestrian Path Advisory Committee with a term to expire December 31, 2022; Russ Flemming to serve as a regular member of the Historic District Commission with a term expiring December 31, 2020; and Charles H. Redfern to serve as a regular member of the Library Board of Trustees with a term expiring June 30, 2023. On a roll call vote, with 14 Councilors present and voting in favor, the motion passed and the nominations were confirmed. Councilor Workman was absent.

## COMMUNICATION – MEAGHAN RAFFERTY – RESIGNATION – ENERGY & CLIMATE COMMITTEE; AND JENNIFER ALEXANDER – RESIGNATION – LIBRARY BOARD OF TRUSTEES

A communication was received from Meaghan Rafferty resigning from the Energy & Climate Committee. An additional communication was received from Jennifer Alexander resigning from the Library Board of Trustees. A motion by Councilor Powers to accept both resignations with regret and appreciation of service to the City was duly seconded by Councilor Bosley. On a roll call vote, with 14 Councilors present and voting in favor, the motion passed. Councilor Workman was absent.

## COMMUNICATION – ATTORNEY ADAM KOSSAYDA – LEASE REQUEST – HANGAR LOT 15A

A communication was received from Attorney Adam Kossayda, requesting the termination of an existing lease for Hangar Lot 15A upon the execution of a new lease with his clients, Christopher Chesney and Peter Temple. The request was referred to the Finance, Organization and Personnel Committee.

## COMMUNICATION – COUNCILOR FILIAULT – CITY SPONSORSHIP OF A "TRUNK OR TREAT" EVENT

A communication was received from Councilor Filiault, recommending that the City sponsor a "trunk or treat" event at 350 Marlboro Street in lieu of the traditional "Halloween." The Mayor welcomed comments from Councilor Filiault, who said it is yet unclear what the State will choose to do for Halloween. In the event that traditional "Trick or Treat" is disrupted, the Councilor suggested this back-up alternative. The recommendation was referred to Staff as they begin plans for this year's Halloween.

## COMMUNICATION – COUNCILOR GREENWALD – REQUESTING UPDATES ON SEVERAL PROJECTS

A communication was received from Councilor Greenwald, requesting that updates be presented to the appropriate Standing Committees for the various initiatives identified in his letter. The Mayor welcomed comments from Councilor Greenwald, who said that while the City Manager and Staff have performed wonderfully during Covid-19, he thought the City Council needed to

increase participation. He also thought it important for Council and its Standing Committees to begin meeting again face-to-face and felt there are suitable locations to make this possible following the examples of other institutions, like schools. He requested a timeline, and suggested the matter perhaps be referred to the Finance, Organization and Personnel Committee or agreed with the referral to Staff.

The Mayor stated that in-person meetings for the Council and its Standing Committees are a good step forward, but the City remains at the whim of the current pandemic as far as large in-person gatherings beginning again, considering there are many Councilors at potentially higher risk. Additionally, the Mayor stated that this pandemic is not over and that the City Council should be making sacrifices to set a positive example for the rest of the community to maintain social distancing measures, including limiting in-person gatherings, and to protect City Staff. Mayor Hansel does not think a tangible timeline for returning to face-to-face meetings is possible at this time and he will continue assuring Councilor Greenwald that while in person meetings are preferable, the Mayor is uncomfortable putting all 15 Councilors in the same room for a meeting any time soon. The Mayor thanked the Councilor for his letter and said it is a worthy matter to continue discussing creative ideas. The matter was referred to City Staff.

#### FOP REPORT – LAND WATER CONSERVATION FUND GRANT APPLICATION – PARKS, RECREATION AND FACILITIES DIRECTOR

A Finance, Organization and Personnel Committee report read recommending 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 Russel Park Renovation Project. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a roll call vote with 14 Councilors present and voting in favor. Councilor Workman was absent.

#### FOP REPORT – DESIGN CHANGE ORDER – CHESHIRE RAIL TRAIL PHASE III – CITY ENGINEER

A Finance, Organization and Personnel Committee report read recommending 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. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a roll call vote with 14 Councilors present and voting in favor. Councilor Workman was absent.

#### FOP REPORT – PROFESSIONAL SERVICES CONTRACT – CHESHIRE RAIL TRAIL PHASE III – CITY ENGINEER

A Finance, Organization and Personnel Committee report read recommending 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. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion

passed on a roll call vote with 14 Councilors present and voting in favor. Councilor Workman was absent.

#### FOP REPORT – 2021 REVALUATION CONTRACT – CITY ASSESSOR

A Finance, Organization and Personnel Committee report read recommending 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. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a roll call vote with 14 Councilors present and voting in favor. Councilor Workman was absent.

#### FOP REPORT – COMMUNITY POWER CONSULTING SERVICES – ACM/COMMUNITY DEVELOPMENT DIRECTOR

A Finance, Organization and Personnel report read recommending 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. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper.

The Mayor accepted comments from Councilor Clark, who described dissatisfaction with Senate Bill 286, which he said the proposal before Council was based on, as opposed to the NH Community Power Aggregation (CPA) Plan. Councilor Clark further suggested that the request for proposal model the City is pursuing currently is outdated. He said the City could join the NH CPA group now and move at its own speed, as opposed to focusing solely on the community's effort. He urged acting regionally not just with power but all community and social services. He further urged the Council to delay action for a few months and to join the NH CPA as a regional effort. Councilor Clark made a motion that was duly seconded by Councilor Filiault to amend the presented motion as follows: "that the City Manager be authorized to do all things necessary to join the NH Community Power Aggregation Group."

Further discussion occurred.

The Mayor welcomed comments from the City Manager, who said that NH CPA is not an established entity, but rather a group of people that have been working on this concept for several months to potentially more than one year. She said one of their greatest challenges is figuring out how to bring all of these governments together. She clarified that moving forward with the proposed motion would allow the City to progress on its energy plan, putting it ahead of the NH CPA while it gets up and running, at which time the City can determine what it would get from NH CPA for a price and whether that price is worth it. The City Manager said that moving forward with the FOP motion would not only give the City the most flexibility but also the most knowledge as to what the City can do on its own for comparison to what NH CPA

could eventually offer. The City participates in NH CPA meetings, follows their progress, and wishes them well in further establishing the group.

The Mayor led a vote on the proposed amendment. A roll call vote failed to carry with 14 Councilors present and Councilors 4 voting in favor, Williams, Clark, Ormerod, and Greenwald. Councilors Hooper, Remy, Manwaring, Giacomo, Filiault, Jones, Johnsen, Chadbourne, Bosley, and Powers were opposed. Councilor Workman was absent. The amendment failed.

The Mayor welcomed comments on the primary motion and recognized Councilor Clark, who said he would support the motion because it gives the City at least something to move toward eliminating dependence on fossil fuels.

Referring to the original motion, on a roll call vote with 14 Councilors present and voting in favor 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 Workman was absent.

#### CITY MANAGER COMMENTS

The City Manager began by updating the Council about changes at City Hall. She said that Covid-19 required restricted access to parts of the building and rethinking how we provide service. Recent modifications occurred in the City Clerk's office utilizing Cares Act funds through the State to reconfigure the front desk including the addition of a Plexiglass barrier. These physical modifications allowed reopening the doors to the Clerk's office. The City Manager recalled mentioning previously her desire to accomplish something similar on the 3<sup>rd</sup> and 4<sup>th</sup> floors of City Hall, which she said is still planned for later this year.

The City Manager explained that the next change to City Hall would occur over the next several weeks because it is necessary to reopen public access to the Human Services Department, which provides assistance to the needy. Right now, Human Services is located on the 2<sup>nd</sup> floor, toward the end of a long hallway beyond an access point that has been locked due to Covid-19. To serve the public, an employee must meet residents in the lobbies of the 1<sup>st</sup> or 2<sup>nd</sup> floors. To address this, the City Manager said that she is moving Human Services to the City Hall 2<sup>nd</sup> floor Committee Room, across from the Council Chambers, where there is already a window similar to the one across the hall in Parking Services. With some physical modifications to the space, she said it will meet the needs of the department quite well, be much easier for members of the public to find, be ADA accessible, and will allow reopening of public access. More importantly, the City Manager said that if there were a spike in Covid-19 or another public health issue in the future, this modification will ensure these critical services for our neediest and most vulnerable populations.

The City Manager continued by providing updates on the hybrid – in-person and virtual – Council Standing Committee meetings beginning the next week. She said a mobile Zoom room will still be used and the meeting will still be live streamed, though only on the City website – streaming on Cheshire TV is not workable for the time being. Using the Governor’s emergency order regarding meetings, conducting hybrid meetings is allowed, with the number of public participants physically attending the meeting restricted. The plan is to allow one or two members of the public to represent their item on the agenda that evening, while all other public participants will be virtual. Some staff will also be in the room. The day before this meeting, the NH Municipal Association provided a legal opinion that further restricts this ability and of course complicates matters for the City again. The City Manager said that every time we have a plan, the rules change seem to change.

The City Manager continued saying that the City is only able to restrict the number of public attendees at these hybrid meetings if we are utilizing the Governor’s order #12, which authorizes virtual meetings; meaning we must meet virtually, with at least one member of the Standing Committee attending the meeting via Zoom and not physically present. This will require advance planning with the Chairs of the Committees to ensure that all five members do not physically show up at City Hall. The City Manager said that Staff have established a room set up that will accommodate the maximum four Committee members allowed at these hybrid meetings, some staff, and up to two members of the public allowed to present their item on the agenda in person, if they chose to. In instances of multiple agenda items, a queuing location will be required, with enough physical distancing space for others waiting to come in. As each person completes their agenda item, they will need to let the next person know it is time for them to enter the Council Chambers. Staff will need to coordinate granting entry to the front door for members of the public presenting an agenda item; the door will then be locked. The Health Officer has worked with the City Clerk's office on mask-wearing protocols. Because more people will be in the same room for an extended amount of time, masks will be required for the entire meeting with the exception of the person speaking, who will have the option to take their mask off temporarily. Staff will experiment with the City's new mobile Zoom equipment and so the City Manager hoped everyone would be patient and understanding. New Chromebooks were available for Council members to bring between home and City Hall. To accommodate these changes, MSFI meetings must begin at 5:30 PM in order to allow sufficient time for Staff to clean the room before the PLD meeting begins at 7:00 PM.

The City Manager presented comments on Trick or Treating. As of this meeting, there was no indication that the Governor would be issuing any emergency orders to restrict Trick or Treating activities. NH Municipal Association has a webinar scheduled later in September to go over things local communities should consider and the City will be publicizing information on best practices and tips. The City Manager said this leaves up to individual residents/parents the decision whether to participate in Trick or Treating activities. It also leaves the activity spread throughout the community to encourage social distancing, instead of some event that would require managing groups of people.

The City Manager provided an update on the City's annual employee flu shot clinics in October. She said that preventing the flu is the best way we know how to keep employees healthy and reminded Staff that flu shots are free for employees. Unfortunately, flu symptoms are in part

similar to Covid-19 symptoms and it will be difficult to know the difference between the two without a test. The City Manager reminded Council that employees with potential Covid-19 symptoms could be required to stay out of work for at minimum five to six days, extending up to 14 days depending on the situation and testing.

The City Manager concluded her comments by providing two important updates on Covid-19 from Keene State College (KSC). She said that KSC is very concerned about the health of their students and President Treadwell has stated that they are holding their on- and off-campus students accountable through their Code of Conduct. The College created on their website an online portal to report any concerns related to student behavior off-campus. If it is a Police matter, people are still urged to contact the Police, whereas things such as large student gatherings that are not noise, etc. Police issues can be submitted to this website. The link is available in the Covid-19 information section on the City website and it will be shared on the City's social media to help get the word out.

Finally, the City Manager said that KSC has gone live with three online dashboards. One dashboard tracks cumulative positive Covid-19 tests of both staff and students. Another tracks wastewater sampling for the KSC campus as well as City wide. These tests look for the presence and concentration levels of Covid-19 in the wastewater. The third dashboard tracks pre-arrival testing status.

#### RESOLUTION R-2020-32: RELATING TO FISCAL POLICIES

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2020-32, which incorporates any amendments from the Council workshop and the Finance, Organization and Personnel Committee's review. The report was filed into the record. Councilor Powers made a motion to adopt Resolution R-2020-32, which was duly seconded by Councilor Hooper. The motion passed on a roll call vote with 14 Councilors present and voting in favor. Councilor Workman was absent. Resolution R-2020-32 was declared adopted.

#### RESOLUTION R-2020-36: AUTHORIZING THE CONDEMNATION OF LAND FOR THE WINCHESTER STREET RECONSTRUCTION PROJECT

A memorandum from the City Engineer along with a petition and Resolution R-2020-36 recommending the City Council move to accept a Petition to Acquire Property by Eminent Domain for Highway Purposes was received. The City Engineer requested that the Mayor schedule a public hearing and site visit. Mayor Hansel referred both the Petition and Resolution R-2020-36 to the Finance, Organization and Personnel Committee. The Mayor additionally scheduled a site visit on November 5, 2020 at 5:45 PM and a public hearing also on November 5, 2020 at 7:00 PM. This site visit will be different than those in the past, without a bus or dinner included, and so Councilors will have to arrange their individual transportation.

#### ADJOURNMENT

As there was no further business, the meeting adjourned at 8:57 PM.

09/17/2020

A true record, attest:

A handwritten signature in blue ink that reads "Sheri M. Wood". The signature is written in a cursive style.

Assistant City Clerk



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

September 17, 2020

**TO:** Mayor and Keene City Council

**FROM:** Nancy Proctor

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

**ITEM:** C.1.

**SUBJECT:** Nancy Proctor - Resignation - Historic District Commission

**ATTACHMENTS:**

Description

Proctor - Communication

**BACKGROUND:**

Nancy Proctor is resigning from her position as a member of the Historic District Commission. She originally became a member in December 2016.



Nancy Proctor &lt;nproctor@masiello.com&gt;

**resignation**

1 message

**Nancy Proctor** <nproctor@masiello.com>  
To: Mari Brunner <mbrunner@ci.keene.nh.us>

Thu, Sep 17, 2020 at 10:45 AM

Hi Mari,

I would like at this time to inform you of my resignation from the Keene Historic District Commission board.

My current workload prevents me from further participation.

I have enjoyed working with the other members of the board and the city staff.

I feel this is a worthwhile board benefitting the city of Keene and it's historic district.

Sincerely,

Nancy Proctor

Nancy Proctor

Sales Director

69A Island St

Keene, NH 03431

Office phone (603) 352-5433 X 1930

Cell Phone- (603)361-5897

[nproctor@masiello.com](mailto:nproctor@masiello.com)



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

September 21, 2020

**TO:** Mayor and Keene City Council

**FROM:** Heather Servant

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

**ITEM:** C.2.

**SUBJECT:** Heather Servant - In Support of Lower Speed Limits on Eastern Avenue

**ATTACHMENTS:**

Description

Petition - Eastern Avenue

**BACKGROUND:**

Heather Servant has submitted an on-line petition in support of reducing the speed limit from 30 mph to 25 mph due to safety concerns on Eastern Avenue. The on-line petition was signed by residents along Eastern Avenue as well as pedestrians who frequent the area.

September 21, 2020

Honorable Mayor and City Council,

I am writing to you with regards to a safety concern on Eastern Ave. My neighbors and I are in agreement that there are a few factors on our roadway that make it potentially dangerous for pedestrians.

Since Eastern Ave is a connector road, we have many motorists travelling through who do not live in the neighborhood. While of course that can't be prevented, some seem to forget that this is a thickly settled residential area -- many of us families with small children. Yet they speed well beyond the posted limit of 30 MPH.

Quite a few of us have homes that are close to the road with smaller front yards. 30 MPH is already too fast for our neighborhood. The residents of Eastern Ave hope you will consider lowering it to 25 MPH.

Another factor that presents potential hazards is our alleged sidewalk. There is only a sidewalk on one side of the road and what is there can hardly be considered such. There is no curb, it is not elevated from the roadway, it is rutted and bumpy, and there are several parts of it that I can't push a stroller on, thus making me walk in the road while traffic speeds by my baby and me.

We have many pedestrians on Eastern Ave. We're right near the Rail Trail so we've got all sorts of runners, cyclists, children on scooters, parents pushing strollers and people walking their dogs. There needs to be a real sidewalk for them, especially considering the excessive speeds at which the traffic is passing by.

Our hope for Eastern Ave is to calm the traffic, and make it safe not only for our families to enjoy but our visitors from nearby neighborhoods that like to use this road as well. We hope this can be attained by:

- Lowering the posted speed limit to 25 MPH.
- Conducting more directed patrol to target the excessive speeders.
- Installing a real sidewalk on both sides of the road. [I have read through many of your meeting notes to see what has been done in similar situations around Keene. I understand that merely lowering the speed will not deter all drivers from driving as fast as they feel comfortable. I read that making the road narrower helps to naturally lower driver speeds; having a sidewalk on both sides of the road would certainly seem the logical solution for that.]
- Installing a couple elevated crosswalks that would also help to naturally lower drivers' rate of speed.

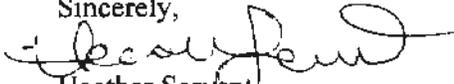
I understand we are nearing the end of "construction season" so major projects as this one would take time to come to fruition. I hope in the meantime you will consider having KPD set up the speed monitor, as well as doing frequent direct patrol to target speeders. I am sure that the data collected will confirm what my neighbors and I already know to be a problem.

I noted that Councilor Bosley had requested a comprehensive review of neighborhood speed limits earlier this year, which seems to have taken a pause due to Covid concerns taking priority. I hope this review will resume and I would be happy for Eastern Ave to be a case in point, hopefully with a positive solution that could be a benchmark for future solutions to other neighborhoods' traffic issues.

Attached is our online petition for these requests. Due to social distancing, it didn't seem respectful to go door to door collecting signatures, so I hope this will be an accepted form. This also includes signatures from other area residents who use Eastern Ave as pedestrians.

I greatly appreciate your time and consideration. Thank you!

Sincerely,



Heather Servant

73 Eastern Ave  
Keene NH 03431

([www.change.org/easternave](http://www.change.org/easternave))

**Signatures Name Location Date**

Heather Lynn Keene, NH 2020-09-07  
matt williams Keene, NH 2020-09-07  
Alexa Plewa Keene, NH 2020-09-12  
Katy Luscombe Keene, NH 2020-09-12  
Samantha Jacobs Keene, NH 2020-09-12  
Christine Colby Keene, NH 2020-09-13  
Faith Willette Keene, NH 2020-09-13  
Amanda Bridges Stoddard, NH 2020-09-13  
Shasta Schafer Stoddard, NH 2020-09-13  
erin foster keene, NH 2020-09-13  
Gail Connor Rindge, NH 2020-09-13  
Tiffany Hardy Keene, NH 2020-09-13  
Kathu Tracy Zachary, LA 2020-09-13  
Shana Davis Keene, NH 2020-09-13  
Jess Smith Westmoreland, NH 2020-09-13  
Jessica White Keene, NH 2020-09-13  
Eileen Perre Keene, NH 2020-09-13  
Terri Herzog US 2020-09-13  
Lisa Raymond Keene, NH 2020-09-13  
Donna Keller Gilsum, NH 2020-09-13  
Barbara Beaton Keene, NH 2020-09-13  
Shannon LaFave Keene, NH 2020-09-13

Jaklynn White Rindge, NH 2020-09-13  
Misty MartinezBohannon Keene, NH 2020-09-13  
Nancy Bernier Keene, NH 2020-09-13  
Henry Morell Keene, NH 2020-09-13  
Denise Sault Keene, NH 2020-09-13  
Julia Pineo Keene, NH 2020-09-13  
Wendy Foster Keene, NH 2020-09-13  
Lindsay Byrne Keene, NH 2020-09-13  
Carol Paris Keene, NH 2020-09-13  
Kathleen Koster Greenville, NH 2020-09-13  
Elaine Helems Rindge, NH 2020-09-13  
Melissa Fitts Yarmouth, ME 2020-09-13  
Gerri Rubin Keene, NH 2020-09-13  
Barb Williams Richmond, NH 2020-09-13  
Stephanie Fullmer Keene, NH 2020-09-14  
Erika Bardwell Keene, NH 2020-09-14  
Miranda Hall Keene, NH 2020-09-15  
Doug Harris Keene, NH 2020-09-15  
Paul Croteau Keene, NH 2020-09-16  
Maurice Marcotte Keene, NH 2020-09-16  
Andrew Plewa Keene, NH 2020-09-16  
Christina Webster Guyton, GA 2020-09-16  
Hannah Roy Keene, NH 2020-09-16  
Brittany Robles Keene, NH 2020-09-16  
Diana Elfreich Swanzey, NH 2020-09-16  
Andrea Burgoyne Keene, NH 2020-09-16  
Elizabeth Barcomb Guyton, GA 2020-09-16  
Alysia Lemelin Rochester, NH 2020-09-16  
Joseph Thomas Keene, NH 2020-09-16  
phyllis beauvais rindge, NH 2020-09-16  
Alison Keay Exeter, NH 2020-09-16  
Jennifer Beaudry Keene, NH 2020-09-16  
Natasha Eleftheriou Manchester, NH 2020-09-16  
Shaun hill Troy, NH 2020-09-16  
Helen Jennings Ramsgate, UK 2020-09-16  
Gregg Swift Keene, NH 2020-09-16  
Michael Secore Keene, NH 2020-09-17  
Lindsey Hildreth Winchester, NH 2020-09-17  
Steve deschenes Swanzey, NH 2020-09-17  
Bethany Witten Alstead, NH 2020-09-17

caitlin evans Keene, NH 2020-09-17  
Elenor Helstein Peterborough, US 2020-09-17  
Colleen Brophy Keene, NH 2020-09-17  
Tammy Whiting Marlborough, NH 2020-09-17  
Kristy Carey Dublin, PA 2020-09-17  
Kelly Fontaine US 2020-09-17  
Marla Evans Bronx, NY 2020-09-17  
Becky Bashaw Charlestown, NH 2020-09-17  
Meg O'Neil Jaffrey, NH 2020-09-17  
David Swift Acworth, NH 2020-09-17  
Amy Lehr Keene, NH 2020-09-17  
Zach Middleton Kansas City, MO 2020-09-17  
jaime henry Marlborough, NH 2020-09-17  
Elizabeth Hamshaw Stowe, VT 2020-09-17  
Taylor Roberts Brattleboro, VT 2020-09-17  
Doug Hamshaw Keene, NH 2020-09-17  
Edna LeClair Swanzey, NH 2020-09-18  
Becky Sayan Jaffrey, NH 2020-09-18  
Norman Thomas Springfield, MA 2020-09-18  
Elizabeth Eleftheriou Concord, NH 2020-09-18  
Cynthia Fisk West Springfield, MA 2020-09-18  
William Eleftheriou Nashville, TN 2020-09-18  
Elliott Glick Plummer, ID 2020-09-18  
Giovanni Marino Providence, RI 2020-09-18  
Mary Thomas New York, NY 2020-09-19  
Delaney Oja Marlborough, NH 2020-09-20  
David Luscombe Keene, NH 2020-09-20  
Matthew Beauvais Keene, NH 2020-09-20



September 23, 2020

**TO:** Mayor and Keene City Council

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

**ITEM:** D.1.

**SUBJECT:** Ashuelot River Park – Climate Resilient Master Plan – Parks, Recreation, & Facilities Director

**RECOMMENDATION:**

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends the acceptance of the Climate Resilient Master Plan as informational.

**BACKGROUND:**

Chair Manwaring welcomed Andy Bohannon, the Director of Parks, Recreation, & Facilities. Mr. Bohannon updated the Committee on the recent work of the Ashuelot River Park Advisory Board (ARPAB) – an appointed City body – in conjunction with the Friends of the Arboretum at Ashuelot River Park, which is the non-profit organization that initially donated the park to the City and today oversees park donations as well as volunteer maintenance of the arboretum. Both of these entities, as well as City Staff, recognized that many aspects of the park need to be revitalized. To address this need, Mr. Bohannon and the ARPAB solicited the help of Masters-level graduate students from the Conway School of Landscape Design (Northampton, MA), from which previous students worked on City projects successfully, such as the Carpenter Field/Russell Park, and private projects like the Ashuelot River Greenspace. To move this work forward, the Board's trust funds were utilized to execute this agreement with the school and so there was no impact to the Parks Division operating budget. Unfortunately, the beginning of this contract coincided with Covid-19, which impacted public engagement and information sessions that occurred virtually in May and June. Still, the students worked weekly with Mr. Bohannon and continuously with the ARPAB and Friends throughout the process. Mr. Bohannon proceeded with a presentation on the project.

Mr. Bohannon began by recalling details about the Parks & Recreation Department and ARPAB:

- Parks & Recreation Mission – To provide the citizens of Keene with quality community services and amenities including a park and cemetery system, balanced environmental stewardship, and diverse programming to inspire and support active lifestyles for all ages throughout the life span.
  - Mr. Bohannon said that this project promoted significantly the balanced environmental stewardship mission.
- Parks & Recreation Vision – Our community works together to provide for life-long opportunities for active living and wise stewardship of natural resources. Keene has beautiful, well-maintained parks and cemeteries, a citizenry that incorporates physical activity into their daily lives, and a connected system of open space, parks, and trails.
  - Mr. Bohannon said that Ashuelot River Park is a unique space with a trailhead, both active and passive recreation, and a central location on West Street.
- ARPAB Purpose – This Committee was created to promote, enhance, and maintain the Ashuelot River Park for its present and future use, enjoyment, and educational benefit for all residents of the City of Keene.

- Mr. Bohannon said this project focused on ways to enhance future enjoyment of and educational opportunities at the park.

Mr. Bohannon listed the primary goals of the project:

1. Conduct an ecological analysis to identify ecosystem services provided by the park and the resilience of the park to the impacts of climate change.
2. Identify educational opportunities within the park.
3. Assess the effectiveness of current park maintenance.
4. Take inventory of plant beds within the arboretum.
  - Important for the Friends because there were no original maps of the arboretum, which hinders garden bed maintenance. GIS systems incorporation will help.
5. Recommend plant palettes that increase native vegetation and biodiversity.
  - Collaboration with the Conservation Commission toward this goal is in progress.

Mr. Bohannon explained the secondary goals of the project:

1. Increase the diversity of seating within the park.
  - To include more American Disability Association accessibility and new points of view. This effort will begin likely with an adopt-a-bench program through the Friends.
1. Propose an invasive species management plan.
  - Collaboration with the Conservation Commission toward this goal is in progress.
2. Explore options for replacing the existing toilet.
  - The former composting toilet was closed to the public in recent years due to a drug overdose and other undesirable behavior, and so portable toilets are rented for events like Art in the Park. The toilet was minimally visible from street view, which posed challenges for police surveillance. Deciding where and when to replace the toilet pends some further park development based on this plan.

Mr. Bohannon stated that it was important to understand the definition of resilience in the context of this project. He said that resilience refers to the ability of a system to bounce back from or withstand a disturbance, such as a natural disaster or development that interferes with wildlife habitat/natural processes. Part of this plan focused on how plants will react to future heat and drought so the park can continue flourishing.

Mr. Bohannon shared results of the park assessment the final master plan:

- 75 community members responded to a survey.
- The top six words that respondents highlighted about the park: proximity, uncomfortable, river, homeless, trails, and problems. The ARPAB seeks to address all these issues in implementing the master plan.
- What respondents like most about the park: views of the dam, garden beds, lawn space, access to water, seating areas, trees, and trails.
- What facilities/resources the respondents see as most (in)adequate: garden beds and trail networks are considered adequate, the kayak launch and seating areas are considered somewhat adequate, and signs and bathrooms are considered inadequate.

Mr. Bohannon said that when the students began, they identified a large park with many issues. To address this challenge, they identified four logical quadrants of the park to address individually and identify opportunities within each that benefit the overall park goals:

1. Rachel Marshall Outdoor Learning Laboratory – This area on the north side of the bridge was used actively in collaboration between the Keene School District, the City, and Antioch University until 2004-2006. Opportunities exist to increase educational signs, enhance seating, and improve trail accessibility and safety.
2. North Arboretum – This area near the boat launch requires mitigation of compaction and erosion, improved sight lines, and bank stabilization.
3. Main Arboretum – This area requires increase shaded and sheltered seating areas that are accessible to all

and do not block sight lines, for which there is serious consideration of removing the 1996 gazebo in favor of a different structure, like a pergola. The main arboretum also needs enhanced garden beds with native plant species that benefit native pollinator populations, better accessibility from the parking lots, and improved sight lines in general.

4. Southwest Arboretum – This area has untapped potential that is highly depended on the West Street Dam's future. Regardless of the dam, some goals for this area include creating an accessible formal entrance from Starbucks, continued riverbank maintenance, and enhanced vegetation.

Mr. Bohannon said that the assessments of these four park quadrants resulted in six priority goals to implement:

1. Improve the kayak launch.
2. Remove and replace the gazebo with pergolas near the front of the park.
3. Remove mature conifers with lower level plants to increase sight lines.
4. Improve trails in the former Rachel Marshall Outdoor Learning Lab.
5. Replace invasive species with native shrubs.
6. Create an accessible path to the dam viewing area.

Vice Chair Giacomo said that dam removal would not only effect the river viewing areas but also water levels and potentially the plant species most applicable to the park; he asked to what degree potential dam removal was considered in the master plan development. Mr. Bohannon recalled a recent years' analysis of public decision making about the West Street Dam's future. The results of that analysis – conducted by a research team based from the Rhode Island School of Design – were shared with the Conway School students to help inform this plan. In consideration of possible dam removal and the lower river levels that would result, the park's irrigation system was recently converted from being river-fed to now being connected to the City water supply, which can be better controlled by the Public Works Department during drought times, for example. Mr. Bohannon assured the Vice Chair that various options surrounding dam removal were considered in developing this master plan. Vice Chair Giacomo asked who performs the pruning and other park upkeep. Mr. Bohannon replied that the Park Division performs routine lawn mowing and empties trash, the Friends maintain garden beds, and mulching, pruning, and spring/fall clean-ups are all contracted out.

Councilor Chadbourne recalled when three private citizens purchased an extended parking area behind the Mascoma Savings Bank on Ashuelot Street to create kayak launch access and there were plans at some point to extend the park into that area. She asked whether Mr. Bohannon was referring to that kayak launch in the master plan. Mr. Bohannon confirmed he was referring to that kayak launch. The parking lot Councilor Chadbourne referred to was a part of the Ashuelot Greenspace project that did not come to fruition. Discussions continue today about trying to connect the park with that property but it remains unclear in what capacity that would be possible. Councilor Chadbourne asked how that kayak launch can be accessed through the private property. Mr. Bohannon said that users park in the Mascoma Savings Bank lot and carry their kayaks to the launch.

Councilor Williams stated his appreciation for the focus on invasive species and reiterated that the Conservation Commission is working to arrange a public meeting in Ashuelot River Park to train private citizens to help manage invasive species on City property. He encouraged other City Councilors to attend those public meetings that are yet to be scheduled. Mr. Bohannon agreed it is a good opportunity for many groups to collaborate toward a common goal and he thanked Councilor Williams for his initiative on this effort. Chair Manwaring also appreciated this focus, noting that the SouthEast Keene Neighborhood group has for a long time advocated invasive species management along Beaver Brook.

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends the acceptance of the Climate Resilient Master Plan as informational.



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

September 23, 2020

**TO:** Mayor and Keene City Council

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

**ITEM:** D.2.

**SUBJECT:** Proposal for Permanent Public Art Installation – Parks, Recreation, & Facilities Director

**RECOMMENDATION:**

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends that the public art installation be accepted as informational.

**BACKGROUND:**

The Director of Parks, Recreation, & Facilities, Andy Bohannon, said he met recently with Ms. Schwerin, who created the labyrinth art piece on Airport Road and her plans to add additional art to the area has been delayed due to Covid-19. Staff reported this information out to Council so it could be removed from more time until art proposals are brought back to the Committee, likely in the spring.

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends that the public art installation be accepted as informational.



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

September 23, 2020

**TO:** Mayor and Keene City Council

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

**ITEM:** D.3.

**SUBJECT:** Request for Use of City Property – Pumpkin Festival - Public Works Director/Emergency Management Director

**RECOMMENDATION:**

By a vote of 5-0, the Planning, Licenses, and Development Committee accepted the report as informational.

**BACKGROUND:**

Chair Bosley asked to hear from Public Works Director/Emergency Management Director Kürt Blomquist.

Mr. Blomquist stated that this request for [use of City property for] Pumpkin Festival has been on the more time agenda for a month or so. He continued that it was on more time to provide staff the opportunity to have a meeting with Let it Shine, who was the sponsor then. People may be aware that most recently Let it Shine issued an announcement saying they are stepping back from sponsoring the Pumpkin Festival and looking for someone to take it over. Staff received a letter from Tim Zinn indicating that Let it Shine would not be sponsoring the program this year. Staff recommends that the committee report this out as informational. He expresses his appreciation for Mr. Zinn for his outstanding work. Staff will miss the protocol meetings that they have participated in with him.

Chair Bosley stated that there are people trying to get into the Zoom meeting and they are unable to because the meeting ID is wrong. Rhett Lamb stated that Rebecca Landry is monitoring the technical difficulties phone line. Ms. Landry stated that the City website calendar has the direct link, and that is correct. Chair Bosley repeated the phone number that members of the public can use, and the correct meeting ID.

Chair Bosley asked to hear from Tim Zinn.

Tim Zinn, of 43 Grove St., Board member of Let it Shine, stated that he wants to thank staff and the City Council for working with Let it Shine this year for what they hoped would be a bright spot for October. He continued that unfortunately, it became too much of a challenge. The schools have their own challenges and are focused on the things they need to focus on. The pieces were not coming together this year. Ultimately they had tried to have something more like Art Walk with a smaller display of pumpkins up and down Main St. As Mr. Blomquist mentioned they did post that they are looking for the next group to take this on, and they are optimistic that the new group will work with the City and come up with something that makes the citizens of Keene happy. They still would like the public and downtown merchants and anyone else who wants to participate, to do so in the “online Pumpkin Festival,” for lack of a better term. They hope to get some positive message shared online and have it be a bright spot for Halloween for the kids. He is proud that Let it Shine and the City of Keene worked together on this. The future of it is up to the citizens of Keene. There are options for the future if they keep talking about it and find a way to keep this tradition alive in some way.

Councilor Jones stated that he always admired Mr. Zinn's enthusiasm, initiative, and work ethic, and he thanks him for everything he has done. He continued that he was always a big fan of the Pumpkin Festival. He sees this as similar to when the Rotary Club could no longer do the 4<sup>th</sup> of July celebration and the Swamp Bats came in and took over. He wants to ask: if someone else does take over the Pumpkin Festival, is Let it Shine willing to share intellectual property, naming rights, and so on? Mr. Zinn replied yes, the board is talking it over. He continued that ideally, Let it Shine has the name recognition, the foundation with the finances, and the non-profit board. They want to hand it over as a complete package to whoever it is that would like to take it over. They will work with the new team as well, giving the new team guidance if they would like it.

Chair Bosley asked if committee members had questions. Councilor Johnsen arrived via telephone at 7:13 PM. She stated that she agrees with everything Councilor Jones just said. She continued that the Pumpkin Festival has been wonderful and her grandchildren have grown up enjoying it, and she thanks Mr. Zinn for all of his wonderful work.

Councilor Greenwald stated that finally this was a format that he thought was really going to work, with pumpkins along the sidewalk, and no street closures or jersey barriers. He continued that it is so unfortunate. He hopes they can reach out to the Downtown Coordinator, Beth Wood. This seems like something she should be able to pull together. It should not be so complicated to get planks and milk crates and put up pumpkins. He challenges her to step up and pick up the reins on this. Maybe next year it can get bigger, but for now, do not let it die. Let it Shine has done a great job. He thought this year would be the year of rebirth.

The City Manager asked Mr. Zinn: he said part of the reason the Pumpkin Festival is not happening is because the schools are unable to participate due to COVID-19 and that was really their source for pumpkins. She asked if that is accurate. Mr. Zinn replied that that is part of it; it was numerous things. He continued that it was about coordinating with downtown merchants, which changed from the structure of previous years, and board members had a lot of things going on as well, and it was just a perfect storm where the stars were not aligning.

Chair Bosley asked if there were questions from members of the public. Hearing none, she stated that she would entertain a motion.

Councilor Greenwald made the following motion, which was seconded by Councilor Workman.

By a vote of 5-0, the Planning, Licenses, and Development Committee accepted the report as informational.



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

September 23, 2020

**TO:** Mayor and Keene City Council

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

**ITEM:** D.4.

**SUBJECT:** Update on Broadband For Unserved Keene Neighborhoods - ACM/IT Director

**RECOMMENDATION:**

By a vote of 5-0, the Planning, Licenses, and Development Committee accepts the report as informational.

**BACKGROUND:**

Assistant City Manager/IT Director Rebecca Landry stated that she will give a two-year history of what she and City Manager Elizabeth Dragon have been trying to accomplish for broadband. She continued that a brief overview of the problem is: at least four streets in Keene have been identified by providers as “unserved.” This means those four streets do not have access to at least 25 mg download speeds and 3 mg upload speeds. In fact, there are residents with speeds of less than 1 mg in addition to landline problems. She and the City Manager are very grateful to the residents of these streets who have been working with them very cooperatively and patiently as they try to help them solve this problem. Her hat is off to them, because especially during this pandemic, they have had so much difficulty. These four streets include students of various ages trying to do online education; an author, who finds it very difficult to work from home; and medical professionals trying to do remote visits with their patients, so this is a very serious problem. It was serious before the pandemic, and the pandemic only highlighted it.

Ms. Landry continued that a couple years ago she and the City Manager started looking into opportunities with current providers. The City has a franchise agreement with Spectrum, not for internet services, but for cable TV services. The company also provides internet services. She and the City Manager asked for Spectrum’s help in identifying where they could extend their current infrastructure. The franchise agreement calls for cable TV services for all Keene residences where the density is 15 homes per mile or greater. These streets [without broadband] are 13 or 14 homes per mile. They fall just short. Therefore, Spectrum is not required by contract to provide cable TV services to those homes. She and the City Manager did look into requesting that Spectrum install those services. Subscribers would be required to cover part of the installation costs because they do not meet the density requirements.

She continued that she and the City Manager also looked into Consolidated Communications as a possible provider. Consolidated has additional streets where they are not providing that minimum service; however, they are only looking at the overlap here where both of these providers have less than 25 mg services. Consolidated conducted a very comprehensive review. They were looking to install a beta solution, which was a good alternative to what they considered an exorbitant cost of fiber, which the City would like to see in those communities. An alternative to fiber was a beta solution using the existing infrastructure, which was very promising, but then the stay-at-home order hit and the priorities changed for a lot of providers out there, including Consolidated and Spectrum. She and the City Manager had to go back to the drawing table. Thankfully one of the priorities of the Governor’s Office for Emergency Relief and Recovery (GOFERR) was

starting a broadband funding program. Spectrum applied for \$189,750 to connect 76 properties on these four streets. Despite the fact that they are unserved, not underserved, the grant did not get awarded. There is word on the street that that might not be the final answer. She appreciates that Spectrum is trying hard to get that funding. The timing is important, because they cannot just take money and get up on the poles. Thankfully these two providers already have infrastructure poles, so they are most likely to get fiber or other cables up on the poles they are already on, but there are supply chain issues, and of course, funding is a challenge. Either way, Spectrum has identified that specific cost, which is good, and Spectrum hopes to move forward whether or not they get the grant. She does not have the final word on that right now. There is a chance that if the local office gets support from the higher ups the project could proceed whether or not the grant funds are awarded. The City will be pushing for that.

Ms. Landry continued that there is another possibility: a number of towns in NH are doing the broadband bonding solution. Senate Bill 170 passed in 2018 and allows municipalities to issue bonds for broadband infrastructure much like they would for water and sewer or road projects. That allows municipalities to use bond funding. Consolidated is partnering in towns around the state to do this, in a manner that provides a revenue that pays back the bond. So those municipalities are not on the hook to pay it back. Those towns have bigger projects than what Keene needs. In Keene it is four streets, not a complete overbuild. Also in those towns Consolidated has been over-building the entire town and assuming the costs for properties that already have 25 mg or faster but using the bond funds for properties that have less than 25 mg, which is a requirement of the State law. She asked if anyone had questions.

Councilor Greenwald stated that Senator Kahn had questions and urged him to get this on the agenda, so the City gets aggressive about this. He continued that Senator Kahn is not letting this drop. The City needs to be aggressive. The money is out there. Communities are getting the money to do this, and whether the City gets the money or not may be up to how aggressive the City gets. So his advice to Ms. Landry is “Go get ‘em.” Ms. Landry replied that Senator Kahn was a sponsor of the bill that passed, and they are grateful to him. She continued that there is more legislation being considered to allow municipalities to create districts to do more joint projects. The original Senate Bill 170 was helpful to towns, but Keene was unique. Keene does not need a complete overbuild. Although they have properties with over 25 mg, they have issues with the cost of those services, and the bill did not address that. The issue is bigger than just those who do not have access. However, the priority now is getting broadband services to those streets that have nothing.

Councilor Jones stated that going way back when the City first negotiated its franchise with Time Warner, which was before Spectrum, before Elizabeth Dragon, and before Ms. Landry, Time Warner made an offer that if the City would split the cost of wiring to those areas they would be willing to do that. At that time the City did not have a franchise fee so the City had no return on investment and turned Time Warner down. Now the City does have a franchise fee and there is a return on investment if they were willing to split the cost with the City now. Is that something to consider? Ms. Landry replied that there is still language in the current franchise agreement that requires that Spectrum install their services to neighborhoods that have less than 15 homes per mile density. That language is still in there and calls for a pro-rated cost, that they would share a portion of the cost based on the density. That is still in there and certainly an option. Whether the franchise fee money is used for that right now – she thinks the franchise fee is 3.5% right now, and could go up to 5% - 90% of the dollars from the franchise fee today are given to Cheshire TV for their operations. The 10% that remains is used for City Council audio and video systems, laptops, Novus, Granicus, and so on and so forth. If the City Council is interested in raising the franchise fee they can look into that. Or for reapplying the franchise fee dollars, they would have to come back with a synopsis of what that would look like. Councilor Jones replied that he would be more interested in reapplying the funds, not raising the fees.

Councilor Workman asked if there any alternative funding strains they could utilize, specifically related to COVID-19. Ms. Landry replied that there are loans and grants out there, but the one most likely is the one Spectrum applied for on Keene’s behalf. She continued that she is not aware of others. USDA has a lot of rural development grants, but most of those are loan programs and they would have to compare the pros and

cons of loans versus bonding. Some of those connect programs out there, which are really interesting, are ones that the City is not eligible for because the City of Keene's population is slightly too large to qualify.

Chair Bosley asked if Ms. Landry said the streets have a density of 13 to 14 houses per mile and the contract states 15 houses per mile. Ms. Landry replied yes, the streets are Daniels Hill Rd., Langley Rd., Hurricane Rd., and Chesterfield Rd. on the south side of Rt. 9. Chair Bosley asked if it is correct to say that whatever the percentage, 13 or 14 houses per mile, Spectrum would be on the hook to cover the cost of that percentage of the buildout, and is the ratio one to one, for the City and Spectrum covering the costs for that. Ms. Landry replied that the franchise agreement uses the term "pro-rated." She continued that the City would like to believe that if they have 13/15ths residency the provider would provide 13/15ths of the funding; however, that is subject to interpretation. They are continuing to look into that and are talking with Spectrum about it, trying to clarify that definition so they know what it entails on the City's behalf if they want to take that on.

Chair Bosley asked the City Attorney to weigh in. City Attorney Tom Mullins stated that Ms. Landry is right; they looked at this issue before. He continued that he has had a series of conversations and letters back and forth with Spectrum's general counsel. The City and Spectrum have a fundamental disagreement about what the franchise agreement requires. The franchise agreement from his perspective is clear: it says it is a pro rata amount. But there is an example in the agreement that basically said that if it is 50% density, the City pays 50% and Spectrum pays 50%, and Spectrum is relying on that provision to say, "Nope, we pay 50%." The City did explore this with outside counsel who helped with the franchise agreement in the first place. Part of the problem is he does not have lots of leverage. The City could say this is a material breach and terminate the franchise agreement, but that would not be well-received by the community. They are still working with the provider to see if they can work through this. He continued that everything he is saying tonight has been on the public record in some fashion. But if they were to make any other decisions it would be in non-public session.

Chair Bosley asked Ms. Landry what the timeframe would be if there was some magical funding source or they came to some sort of agreement. How long would it take to get this installed so users were up and running? Ms. Landry replied that that is great question and the answer is "it depends." She continued that when they provided a number of letters to the GOFERR committee they encouraged that if they wanted short term solutions because of supply chain issues associated both with demand and global distribution issues, the existing providers already on the utility poles have the shortest time frame to install their services; that is primarily Consolidated and Spectrum. They could get things up and running in less than a year, or maybe faster. If Spectrum had received the grant they were planning on getting it done by the end of the year. That is the best case scenario. Any other provider that came to town would be looking at an overbuild situation or leasing space from the existing providers, and that requires time. If they are putting fiber optics on the poles they have to go through site surveys. Thankfully the Public Utility Commission (PUC), which regulates the utility poles, has time limits for those kinds of things, but it would take longer for someone who is not an incumbent provider.

Councilor Jones stated that going through Spectrum would be the quickest route. He asked, what is the dollar amount to provide service to those four streets? Ms. Landry replied that \$189,750 for all 76 addresses is what Spectrum came up with. She continued that she does not have a specific figure from Consolidated.

Chair Bosley asked the City Attorney if Spectrum was the company that said the provider and the City would each pay 50%. Ms. Landry replied yes, that was Spectrum. Chair Bosley asked if that means the City would be responsible for 50% of that \$189,750, or if that \$189,750 figure is what Spectrum says their 50% would be and the City would have to match it. The City Attorney replied that under Consolidated Communication's interpretation of the agreement, the city would have to pay 50% of that. Chair Bosley asked if it thus would cost the City about \$90,000 to get broadband service to those 76 households. Ms. Landry replied that that would be the worst case scenario, but she agrees with the City Attorney that they want to push back on the obligation according to the language of the franchise agreement.

The City Manager stated that she has a further point of clarification: the franchise agreement talks not about the City paying that percentage, but about the property owners paying that. She continued that the definition of how much that percentage is is something the City has been trying to negotiate, to get a larger percentage paid for by the provider. But in the end, even in the bonding method, it would be the people actually receiving the service paying for it, either through their bills or a separate fee. The language did not refer to the City picking up those expenses. The City Attorney replied that that is right; it would be paid by the users of the service. He continued that was using the word 'city' to mean 'residents of the city.'

Chair Bosley asked if committee members had questions. She asked if there were questions from members of the public. Hearing none, she asked for a motion.

Councilor Greenwald made the following motion, which was seconded by Councilor Jones.

By a vote of 5-0, the Planning, Licenses, and Development Committee accepts the report as informational.



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

September 24, 2020

**TO:** Mayor and Keene City Council

**FROM:** Finance, Organization and Personnel Committee

**ITEM:** D.5.

**SUBJECT:** Acceptance of Donation - Fire Department

**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 accept a donation of \$250.00.

**BACKGROUND:**

Fire Chief Mark Howard addressed the committee regarding a donation for \$250 from John Breheny. He indicated this donation was for a medical incident the Fire Department provided assistance with.

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 accept a donation of \$250.00.



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

September 24, 2020

**TO:** Mayor and Keene City Council

**FROM:** Finance, Organization and Personnel Committee

**ITEM:** D.6.

**SUBJECT:** Acceptance of Donation - Fire Department

**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 accept a donation of \$200.00.

**BACKGROUND:**

Chief Howard addressed a second donation for \$200 from Frederick and Stephen Ide for a service call related to an animal.

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 accept a donation of \$200.00.



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

September 24, 2020

**TO:** Mayor and Keene City Council

**FROM:** Finance, Organization and Personnel Committee

**ITEM:** D.7.

**SUBJECT:** Mutual Aid Ambulance Agreement - Fire Department

**RECOMMENDATION:**

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to execute the Mutual Aid Ambulance Agreement with R.J. DiLuzio Ambulance Service, LLC.

**BACKGROUND:**

Fire Chief stated in 2019 the city was contacted by R.J. DiLuzio Ambulance Service to see if the city was interested in working together to formalize an ambulance mutual aid agreement. The two services have had an unofficial working arrangement since 1977. Based on conversations between staff and R.J. DiLuzio Ambulance Service, a draft agreement was presented at the time by Mr. DiLuzio for the city to consider. City staff including the City Manager, Fire Chief, and City Attorney worked to review and amend the proposed agreement as necessary to suit both parties' interests. This agreement if approved would formalize providing mutual aid ambulance service between the two parties. The agreement would not be creating an agreement with any other services in Cheshire County. Mutual Aid agreements for ambulance service are governed under New Hampshire RSA 153-A:19, permits municipalities to enter into agreements with public and private agencies for providing Emergency Medical and Paramedic Services to the mutual advantage of two or more communities when the communities will be best served by such mutual cooperation.

Councilor Ormerod noted the agreement was dated in June and asked why it was not addressed in June. Chief Howard stated the conversations started back in 2019, but there were other priorities within the city that became important – the drafts also went back and forth between attorneys but there was no delay intended; it took time to resolve issues. The Councilor clarified if there was an event at the airport, Diluzio would be the first to respond and then Keene would follow-up. Chief Howard stated the airport is in a unique location situated in Swanzey but for major emergencies regarding a fire this would be a joint operation between Keene and Swanzey. For medial issues, the primary provider would be Diluzio.

Councilor Clark asked what amendments were made since the handshake agreement. Chief Howard stated he wasn't employed by the city in 1977 when that agreement took place between Robert Diluzio, Sr. and Chief Guyette. However, for the past 27 years, services that have been available have been provided and has been memorialized. He went on to say the city has intercept agreements with certain towns and it is not Keene's intention to pick up intercept agreements these towns have with other communities. What is before the Committee is for emergency ambulance transport.

Councilor Clark asked whether there are any other handshake agreements for other services and if this agreement would cancel those. City Manager Elizabeth Dragon stated when they are found they are being addressed.

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 execute the Mutual Aid Ambulance Agreement with R.J. DiLuzio Ambulance Service, LLC.



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

September 24, 2020

**TO:** Mayor and Keene City Council

**FROM:** Finance, Organization and Personnel Committee

**ITEM:** D.8.

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

**RECOMMENDATION:**

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to negotiate and execute a lease for hangar lot 15 A.

**BACKGROUND:**

Airport Director, David Hickling addressed the committee next and stated the airport has hangars which it leases out to individuals and on occasion those hangars are sold. He noted this item is to enter into a lease with a new owner for a hangar that was sold. Councilor Clark asked whether this ten-year lease would have any escalators. Airport Director stated it would.

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 negotiate and execute a lease for hangar lot 15 A.



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

September 24, 2020

**TO:** Mayor and Keene City Council  
**FROM:** Finance, Organization and Personnel Committee  
**ITEM:** D.9.  
**SUBJECT:** Update on the Kingsbury Property - City Manager

**RECOMMENDATION:**

On a vote of 5 - 0, the Finance, Organization and Personnel Committee recommends accepting the update on the Kingsbury property as informational.

**BACKGROUND:**

City Manager Elizabeth Dragon provided the following update for the Kingsbury property:

June 2019: City made an offer to Mr. Thibeault regarding Laurel Street extension which included a subdivision restriction, building demolition timeline, and brownsfield study work along with discussion regarding back taxes owed.

September 2019: The City executed payment arrangement with Kingsbury Acquisition LLC in the amount of \$710,025.27. These were taxes and interest due back to 2009 and 2010 owed at the time Mr. Thibeault purchased the property. The city was able to successfully work with Mr. Thibeault's attorney at Sulloway and Hollis to negotiate and execute that deal. However, the city was not able to negotiate a deal that also included extension of Laurel Street to Victoria Street. Once the payment agreement was executed the city was notified that this firm no longer represented Mr. Thibeault on these matters and future communications went directly to Mr. Thibeault.

September 27 2019: Manager Elizabeth Dragon sent a letter to Mr. Thibeault regarding the Laurel Street extension possibility. This letter identified the city's interests for creating a consistent easement along Beaver Brook for maintenance of the water way, potentially a multiuse path, about 1.1 acres to create a 55-foot roadway and sidewalks and grass belt.

February 2020: The city received final payment which was on time and it completed this agreement. Since then he continues to pay the oldest of the three most current years which keeps the property from moving to tax deeding status again. This is approximately \$100,000 per year.

April 2020: The City sent another letter regarding Laurel Street extension and easements along Beaver Brook. This time focusing on only those two things and leaving out the building demolition timeline, subdivision restriction, and urging Mr. Thibeault sign an access agreement needed to allow the Brownsfield work to move forward. The Manager noted she had asked him to complete this by the end of April due to time restrictions on the Brownsfield grant. Mr. Thibeault was unaware of the easements that the city already had along Beaver

Brook so those have also been sent to him as well.

The Manager indicated Mr. Thibeault did call and was upset that the offer was not what he believes it should be. The Manager stated she urged him on multiple occasions to put his response and counter offer back to her in writing. To date that has not happened.

March 16, 2020: The City was contacted by August Consulting PLLC stating they were hired by Thibeault to help develop the land.

April 24, 2020: The Manager stated she received an email from Greg at August Waters asking for a virtual meeting.

May 4, 2020: A virtual meeting was conducted with Mr. Thibeault, Greg at August Waters, Rhett Lamb, Community Development Director, Public Works Director, Kurt Blomquist and Director Economic Development and Special Projects, Med Kopczynski. The group discussed the most recent offers regarding the Laurel Street extension, answered questions and reviewed the Brownsfield Grant. The Manager noted they left the meeting feeling encouraged and that Greg at August Waters would be following up with the Community Development Department as the next step. The Manager noted the City has not heard from Mr. Thibeault again.

The Manager went on to say that the Brownsfield Grant through Southwest Regional Planning Commission in the amount of \$200,000 for this site, has been returned to the EPA because the timeline has run out for this grant. The Manager stated just today, she emailed Greg at August Consulting to see if he is still representing Mr. Thibeault and if he was planning on still getting in touch with the Community Development Director. The Manager reiterated the property taxes have been paid, he is paying the oldest of the three most current years for \$100,000 per year and that several offers regarding this land have been made, but no response has been received so far.

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

That the Finance, Organization and Personnel Committee recommends accepting this item as informational.

Councilor Clark asked whether there are any other grants staff is aware of. Ms. Dragon stated she was not aware of any. The Councilor asked the City Attorney whether the city has any other options to force this property owner to perform site tests. Attorney Mullins stated the city does not but the DES does, as the property is still under their jurisdiction according to their letter of deficiency. The City Manager added her understanding is that DES does have an understanding with Mr. Thibeault regarding the letter of deficiency the same time the city entered into its payment arrangement.

The motion made by Councilor Hooper carried on a unanimous vote.



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

September 23, 2020

**TO:** Mayor and Keene City Council

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

**ITEM:** H.1.

**SUBJECT:** Social Host Ordinance - Draft

**RECOMMENDATION:**

By a vote of 5-0, the Planning, Licenses, and Development Committee places the Social Host Ordinance on more time, to return at the next PLD meeting.

**BACKGROUND:**

Chair Bosley asked to hear from the City Manager.

The City Manager stated that responding to a request from a neighborhood group, the City Council instructed the City Manager to draft a Social Host Ordinance (SHO) and a draft is before the PLD Committee tonight. She continued that Sarah Franklin and other concerned east side neighbors presented their request at the PLD Committee's June 10<sup>th</sup> meeting. At that time they provided an outline of what they called a working draft, and information from San Marcos, Texas, related to their use of a similar ordinance and their success with implementation. The ordinance is a tool, which she believes is only effective in San Marcos because it came with a funded position and support from the college. A newly-created Community Liaison position is the key to successfully implementing this type of ordinance. It would provide the support needed to track and monitor activity in the neighborhoods, in addition to the crucial follow-up between the City, college, students, and property owners. If an ordinance is approved here in Keene a Community Liaison to support it would be required. She has spoken with Keene State College (KSC) President Melinda Treadwell, who is attending this meeting, about sharing the cost of such a position, and she is very supportive. They are currently reviewing job description duties to create language that will support the intent of the proposed ordinance. KSC has made major changes to their Code of Conduct policy this year, which was prompted by COVID-19. It holds students accountable for on- and off-campus behavior. Continuing and strengthening the City's partnership with KSC to address quality of life issues in our neighborhoods is the key to success. Tonight the PLD has the first draft of the ordinance that was written by the City Attorney largely based on the San Marcos model.

The City Attorney stated that as City Manager pointed out, a lot of the language comes from the San Marcos ordinance, although he looked at others, too. One was from Amherst, MA. In the end he decided that the San Marcos approach was probably the most comprehensive and efficient/simple. He decided to revise that one for the PLD Committee's consideration, review, and discussion. The intent is to provide something into the committee to discuss, and that is why it does not have an ordinance number on it. He expected that other changes may be required before it is put into ordinance format. That is up to the committee.

He continued that the draft ordinance is broken into sections: first is the definitional section, with definitions taken from the City of Keene's Zoning Code and the San Marcos ordinance, such as "dwelling unit," "lodging house," and so on and so forth. Regarding the "Excessive noise" definition, he tied that back into the City

Code's noise ordinance so there is hopefully congruence between those. He defined "noise" in this ordinance briefly. There is a definition for the "owner of the property," which is important, because the ordinance talks about notification to the property owners. The definition of "party" references a NH statutory structure, RSA 644:18. In the section of the Criminal Code (which is where this arises) called "Breeches of Peace and Related Offenses," there is "Facilitating a Drug or Underage Alcohol House Party" which is a principal factor for this SHO so he tied that definition into the State statute's definition of that. That has penalties associated with knowingly permitting a party with individuals under the age of 18 to consume alcohol or unlawful drugs. "Person" means "natural person" so it does not mean corporate entities. They have definitions of residential areas. The principal focus of the ordinance is residences, which includes single-family home, apartment, lodging house, and so on and so forth; it is all-encompassing. "Residential area" has two definitions. The Zoning Code defines which residential areas are in the city, but there are times when there could be a concentration of residences that do not necessarily fall within a residential district and they wanted to include that. Also, "unruly gathering" has a definition, which is important. It is defined as five or more persons [who engage in certain conditions]. The reason for that is some ordinances had a number as few as two. Five is important because RSA 644:18 defines an underage alcohol party as a gathering of five or more people [with at least one person under the age of 21 consuming alcohol or unlawful drugs]. In the draft SHO an "unruly gathering" is a group of five or more individuals who then engage in more than one of the following conditions on public or private property: rioting; the unlawful sale, furnishing, possession, or consumption of alcoholic beverages or drugs, the destruction of property; obstruction of driveways, roadways, or public ways by crowds or vehicles; excessive noise; disorderly conduct; public urination or defecation; or violating the fire or building code.

The City Attorney continued that the next section is the meat of the ordinance. It talks about the responsibilities of hosts, guests, and property owners and managers. There is a list of unlawful activities. Basically it is unlawful for the host to fail to cease and desist if required to do so by the Police Department that responds to it. If the KPD responds to it and determines that it is an unruly gathering the KPD can order that it cease and that people leave the area. An important piece of this is the next section, which has been requested by landlords: they want to have notice about the unruly gatherings. There is a section in here requiring that [notice be given] within three business days after the Officer responds, if it results in the issuance of a written warning. The issuance of a written warning is important. Maybe a Police Officer shows up and determines that it is not an unruly gathering by the definition in the ordinance; that would be the end of it. It is a written warning that triggers the requirement of giving notice to the owner of the property, as determined by who is listed on the deed, which the Assessor's Department has.

He continued that the next section is about penalties. They initially thought about having a verbal warning, but in conversation with the KPD determined that that is probably unworkable. If an Officer shows up and determines that it meets the requirements of "unruly gathering" a written warning will be given and the gathering must cease and desist. If for some reason the Officer has to go back in that same evening, these penalties are cumulative. In the hopefully unlikely event that the host does not cease and desist the unruly gathering, the Officer can start issuing additional warnings to the host. There is potentially a penalty associated with a person who decides not to leave when requested to do so by the Officer and that can be given to the individual in violation. It goes up to the 3rd (\$500) and 4th and subsequent (\$1000) offense. Because these are sequential, they can be served that way, although the maximum fine for violation of a City ordinance is \$1,000 because each violation is a separate offense, the total penalties may exceed \$1,000. This is supposed to reset at the end of a year. If you get to the end of the year and have had a written warning, for example, it is intended to reset at that point.

The City Attorney continued that the last section is enforcement of other laws. There is some issue here with respect to a City ordinance incorporating criminal statutes within it. If a host were to be found in violation of this for rioting the KPD would have to make a choice between going through with a SHO violation, or Rioting violation under the Criminal Code, to avoid double jeopardy. You have to pick your relief. To a large extent they can avoid that problem by finding other ways to charge this. It is important to remember that the SHO

would apply throughout the city. It would apply to any property in the city.

Chair Bosley asked if committee members had questions.

Councilor Jones asked: what if it is a situation where the host cannot be identified? For example, in 2014 when the city had riots after the Pumpkin Festival, the host could not be identified. He continued that it was an internet company that just invited people to come to the Butler Court area for a party. The City Attorney replied that if the Police Officers are in a situation like that where it is clearly an unruly gathering, but they cannot identify a host, the ordinance still provides that people who are participating in that unruly gathering are required to leave when requested to do so, and if they refuse, the Officer could issue a summons.

Councilor Jones stated that his second question is about an issue the Police always had in enforcing these issues. Suppose, for example, he is [hypothetically] at a party at Councilor Greenwald's house and everyone is behaving, but then he and ten other people go two houses down and get unruly. He continued that Police cannot identify him as coming from Councilor Greenwald's house and cannot identify Councilor Greenwald's address. Councilor Greenwald was the host of the party but he (Councilor Jones) and the others were not unruly at Councilor Greenwald's house. They were being unruly two doors down. How would the Police respond? The City Attorney replied that it is almost the same as the first scenario: Councilor Greenwald would not be responsible, because Councilor Jones in a group of five or more has left and created an unruly gathering elsewhere. Councilor Greenwald has not sponsored the unruly gathering if Councilor Jones and the others have left the property and gathered elsewhere. If someone complains and the KPD responds and the Officer determines that Councilor Jones and the others meet the definition of "unruly gathering," the Officer would require them to cease and desist.

Councilor Jones stated that his third question is: the City Attorney used the word "residence," but the unruly parties could be at the Elks Lodge, the Blastos Room, a commercial area, a Councilor's office, or anywhere. It does not have to be a residence. Can they expand that? The City Attorney replied that it is up to the committee to decide what they want to do, but most of the ordinances he has reviewed do center on residential activity. He continued that once they go beyond that they have to be careful, because once they start stepping into commercial activities, those are *intended* to provide large gatherings and parties. They would have to carefully craft the language if they were going to reach out beyond residences, but that is something the committee can talk about.

Councilor Greenwald stated that this is an excellent first swing at this. He continued that what is missing is: there is nothing about penalties for the building owners. That was part of the initial conversation – that after a certain number of violations, it would escalate into penalties for the landlord/building owner. This draft is an excellent first step and likely will not elicit a lot of opposition from property owners. He questions the gathering of "five or more." Two people can make an awful lot of noise, or even one person. He asked for more information about why five was chosen and why not define it as a group of "persons" and leave off the number.

The City Attorney replied that he chose "five or more" to make it compliant with State law. He continued that this sort of looks like RSA 644:18, especially with respect to alcohol and drug use. He did not want to be in a situation where someone who is issued a summons for violating the ordinance could say, "Well, State law preempts, because State law says five people and we were only two people under this ordinance, and you can't hold us accountable under the Criminal Code because of that." He wanted to avoid that problem.

He continued that regarding Councilor Greenwald's other comment, he wants to be careful about what Councilor Greenwald said about owners of properties. In Section 66-157 there is a section says "It is unlawful for the owner or manager of an apartment complex to knowingly allow an unruly gathering to occur or continue in a common area." There could be a situation where the owner or manager of a complex is identified and there is an unruly gathering happening on that property; it is not directed at the owners of properties but there is a

provision in the ordinance that could be used for that.

Councilor Greenwald asked how the Police will keep track of how many warnings and violations they have given, when there is such a revolving door of different Officers on different shifts. What are the logistics? The City Attorney replied that that question is for the KPD. He continued that this ordinance does not impact the operational activities of the KPD other than the need to give property owners notice within three business days after the issuance of a warning.

The City Manager stated that they do have a way to enter these written warnings into the system so they can be tracked, but there are challenges with the current system and they would have to make some changes if this ordinance moves forward.

Councilor Greenwald asks what happens if a neighbor keeps calling excessively and their complaints are not justified. The City Attorney replied that any time the KPD feels the ordinance is being used inappropriately the KPD has the opportunity to deal with that. He continued that if a person is continuing to make claims that are not true, and the KPD determines it is not true, ultimately there could be a charge for interfering with governmental operations.

Councilor Greenwald stated that that is okay as long as there is language in the ordinance to make that clear. He continued that he is looking at the last paragraph on the second page, 66-159 under "Penalties." His concern is the last sentence that talks about a Police Officer being required to respond multiple times. The City Attorney replied that the Officer would use his/her judgment and his/her understanding of the ordinance to determine whether or not it constitutes an unruly gathering. He continued that this text is to allow sequential penalties. If s/he shows up and makes a determination that yes, it is an unruly gathering, and gives a written warning and leaves, and an hour later gets a call from the neighbor who says "They are still doing it," and returns and finds yes, the unruly gathering is still going, the Officer can start imposing the sequence of penalties. That is the point of that. Even if the neighbor is calling and saying "I think there is an unruly gathering over here," just like with anything else an Officer has to do, s/he has to show up and make a judgment about whether a claim is true. If not, they will not issue the written warning and the host would not be receiving the penalty.

Councilor Greenwald asked if all of this is complaint-driven, or if an Officer driving by what s/he thinks might be an unruly gathering can stop and get out of the car to start this process. The City Attorney replied it is not necessarily complaint-driven. It is like other things in criminal law. He continued that if a Police Officer is driving down the street and perceives, in the public sphere, a violation of criminal law or an ordinance, the Officer can act on that. It really has to be something that is open, apparent, obvious, and visible to the Officer acting within the public sphere. If an Officer is driving down the street and hears blaring noise, or sees someone breaking and entering, yes, they can address it. But it is more a problem if it is a grey area as to whether something is happening or not. An Officer does not have the right to enter a private property for the purposes of investigation. It has to be clear.

Councilor Greenwald stated that partially what he is referring to is a meeting he attended of landlords, the college, and the KPD, regarding the COVID-19 situation. He continued that he asked a patrol Officer: if he is driving down the street and sees a large gathering that is obviously in violation of the college's policies and of the State's policies on large gatherings, would he get out of his car and do something about it? He continued that the Officer replied no, not unless there was a noise complaint. The City Attorney replied that it would have to be something obvious to the Police Officer that is a violation of a City ordinance or criminal law. He continued that the KPD does not enforce the requirements of the college. Councilor Greenwald replied that it is about the COVID-19 rules that are going on. He continued that what inspired him to be very supportive of this [ordinance] is: as it sits right now, if there is a violation of the COVID-19 policies, such as a large gathering, the property owner could be deemed the "business" and be fined for the activities of the residents. This shifts the responsibility for the noise and all the shenanigans of college behavior, as well as the COVID-19 rules and regulations, back to the violators, which would be the residents, which is extremely good.

The City Attorney replied that he understands that but wants to make it clear, as the Police Chief would make it clear if he were here: this ordinance does not talk about college rules. He continued that it also does not cover enforcement of the Governor's Emergency Orders, which is the responsibility of the Attorney General's Office or Health and Human Services. This ordinance does not deal with either of those two things. Councilor Greenwald asked if the ordinance should include some reference to that. The City Attorney replied that the KPD does not have any authority to enforce the rules of the college and there would be heavy pushback from the KPD if the City Council tried to incorporate that in the ordinance. Councilor Greenwald replied that he was referring to the Governor's Emergency Orders about large gatherings. The City Attorney replied that that becomes complicated, because again, the City cannot enforce those Emergency Orders, unless it comes down through Health and Human Services and they can do the tie-in through the Health Officer. That starts moving this ordinance into a very different format. Councilor Greenwald stated that it sounds like he should leave this alone. The City Attorney replied yes, he would request that he do that.

Councilor Workman asked about Sections 158 and 159: the way she interprets it is the owner only gets notified about the first and second offense, but not the third and fourth. She asked if that is correct. The City Attorney replied that that is a good catch; it should say "or any subsequent penalty" and he will do that. Councilor Workman stated that there is no mention of the College Liaison's role in enforcement of the ordinance. She asked, is that because it is city-wide and not just about the college? Could someone elaborate on when that College Liaison would be pulled in and how would they know that it is a college student's residence? The City Manager replied that they intentionally left out reference to the position, because the ordinance is the rules, and the position is how they would manage the rules. She continued that it would be a City/College Liaison, which would monitor violations of this ordinance and then reach out to the College and the City, mediate issues, speak with the students, follow up with the property owner, and also educate about what it means to be a good neighbor. They wanted to keep it separate, to have the rules in one place and the position in another.

Councilor Jones stated that the college already has someone who is in charge of off-campus housing and does the follow-ups and orientations, and the City has a Liaison Officer. He continued that that seems like enough. He does not want to see them have to hire someone else. What would this new position do that they cannot do now with the two other people? The City Manager replied that she and Pres. Treadwell are looking at the job description language to make sure they are differentiating between the positions that Councilor Jones mentioned, which have a different focus. She continued that this would be a brand new program that the new position would be monitoring to make sure they are doing everything necessary to have a successful program. Councilor Jones stated that he does not think it is worthy of a new position. He continued that he thinks it can be handled. He would hate to add a new position to the operating budget, but that is just his opinion. The City Manager replied that the City and the College would be splitting the cost 50/50. Councilor Jones replied that he understands.

Chair Bosley asked if committee members had more questions. She asked if there were questions from members of the public. She called on Melinda Treadwell.

Pres. Treadwell stated that the college is increasingly committed to modeling neighborly behavior. She continued that this has been a major responsibility for the college, to ensure that faculty, staff, and students are engaged as citizens of Keene and they were modeling the best they can as community members. They have worked with the City to improve the perception and reality of off-campus behavior, and they are proud of the student body and the progress made to date. However, she has participated in numerous meetings with the City Manager to learn from what the college's neighbors look for from the college and what they look for them to improve. She has reviewed the SHO and she supports the intent and requirements, and believes it will continue to advance their commitments to one another and the city and the neighbors. As they just discussed, the college currently does fund the Liaison Officer with the KPD and they have a Liaison Officer that works with the Residential Life staff with regard to off-campus behavior. She agrees with the City Manager and they will commit to support a shared City/College position. The role is to augment the existing staff resources and

provide increasing support not only for the SHO ordinance but to increase the neighbor-helping-neighbor efforts the college is committed to. The college will stand strongly with the City to support the SHO's implementation.

Peter Moran, of 38 Myrtle St., stated that he wants to thank everyone who has been involved in this process. He continued that he has had the fortune to meet a great many wonderful people who work for the City and College, and homeowners, and residents. This has been an excellent collaboration. The process has included anyone who wanted to sit at the table and add their opinions to get something put together for the common good. He feels strongly that everyone has stepped up and offered solutions to these difficult issues people have endured. He went around the neighborhood to get signatures for the petition. In the process he met people who had been in the area from 6 months to 81 years and everywhere in between. His neighbor Bernadette has lived in the house across the street for 81 years, and is the 4<sup>th</sup> generation in that house. Many people signed the petition and some people did not because they were fearful. He feels wonderful about all the work that everyone has done and he feels very confident. There is a lot of really fine detail. He thanks the City Attorney for the work he did in putting this together. It is concise. He is sure the City Attorney has had communication with Chief Russo - and all the other department heads, but the buck stops with the KPD – and he is confident that the City Attorney and the Chief put together something that is workable for all concerned. The goal was to get to the root of the problem, and this does.

Mr. Moran asked about the definition of “host.” It is in the singular term. Is it just who is on the deed or lease, as singular? If there are four people on a lease, would the initial fine of \$300 be times four, or \$300 total? Likewise, would the fourth strike be \$4000, or \$1000? He would like clarification on that. That is his only question. The essence and detail is there, and the parallel with other ordinances is excellent, as well as tying it in with State regulations. He is wondering about when the clock starts on a written warning – do they have changeovers by semester? Or is it just a year from the date the warning is issued?

Chair Bosley asked the City Attorney to reply. The City Attorney stated that he understands the question about “host” versus “hosts.” He continued that he has to think about that a bit and talk with others about that.

Holding multiple people who may be the “hosts” responsible is something he needs to think about in the context of how that applies under the general criminal standards of culpability and responsibility. His answer to the other question about the warning is: this applies to the whole city. He would be reluctant to use college-related terminology like “semester” in here. They would have to think about that time period. This is not necessarily tied back to the owner of a property. That is something they tried to avoid. The owner may not be the one hosting the party. He continued that he appreciates Mr. Moran's comments. He also wants to remind the committee, because he appreciated Mr. Moran's reference to the KPD, that Chief Russo is on vacation but before he left he (the City Attorney) circulated this draft and incorporated comments Chief Russo made on the original draft. This current draft has changes that the Police Chief has not yet had an opportunity to review and weigh in on. He may have further comments.

The City Manager stated that the San Marcos ordinance that this one is modeled on says the host is the person throwing the party. She continued that there could be multiple people on the lease, but if one person on the lease is at the library during the party, for example, it should be the other person throwing the party getting the fine.

Chair Bosley stated that she agrees that if a person on the lease is not present they should not be fined, but if there are two lessees present hosting the party, is it one fine, or two? She continued that she tries to think about how this would apply outside of a college situation, too, because this ordinance is not just for college citizens. Say there is a married couple hosting a birthday gathering and it goes late at night and gets unruly. Do both people receive fines? If they have an 18-year-old child who is at home, does that child receive a fine, too? They have to think about that. She does not see the individual fines applying as clearly in a familial situation as it might to two lessees hosting a party in an apartment building.

Councilor Greenwald proposed a hypothetical: three Councilors are renting an apartment and there is an unruly gathering going on. The KPD comes to issue a warning to one Councilor. An hour later, the Officer comes back and gives a second Councilor a warning. Then the Officer comes back later and gives the third Councilor a warning. How do they deal with that? The City Attorney replied that he has to go think about this and look at this. There is a criminal statute with respect to social host liability for, for example, if someone goes to your house and they drink too much and there is an accident, there is a responsible party. What he needs to do in response to Mr. Moran's question is think about it more. He appreciates the City Manager's point: there is a reason the San Marcos ordinance specified one person. At some point you have to be able to identify somebody. He will look at other legal standards to try to get an answer. He cannot give an answer tonight.

Chair Bosley stated that to speak to Mr. Moran's other question, she thinks the warning fine scenario needs to be tied to the individual, not the property. There is turnover. If someone lives on Water St. and throws a party then moves to Adams St. and throws a party, those warnings need to follow the individual, not be associated with the residence. Sometimes a property is rented by a [misbehaving group of students] but then they move out and the next group to move in does not behave in that manner. As for timeframes, she thinks the year timeframe is reasonable for cumulative fines and it should attach to the individual receiving those fines. The City Attorney replied that he thinks that is a good suggestion and will work on a draft with that.

Andy Oram of 390 Main St. thanked the City staff for the work they have done on this ordinance. He continued that he has a question about the use of the term "common area." His understanding is a hallway, outdoor area, or a swimming pool perhaps. That leads to confusion. Does that exclude in some sense, using that term in one place but not in others, what is going on inside an apartment? To him that is not clear. The City Attorney replied that that is something he ruminates on. He continued that he did consider that question, about the definition of "common area." He will look at that and will try to make it more precise. He will look at some other places. He appreciates the comment; that has been nagging at the back of his brain, too.

Chair Bosley replied that she wondered where the "common area" would be for four individuals renting four bedrooms in a home. Would it be the common area in the interior of the building, or would they be considered as renting a single-family home, which would preclude even the exterior area being called a "common area," versus a multi-family home situation where the exterior of the building would be considered a "common area." The City Attorney replied that generally "common area" is a term understood in condominium law. He will look there for examples and clarity. He agrees that it needs to be more precise.

Councilor Jones stated that it sounds like if this ordinance is passed the City Manager wants it tied to that new liaison position. He asked if that would come to the City Council for an inter-municipal agreement or if it would be a contractual thing handled administratively, or how it would work. The City Manager replied that it would probably be an MOU between the City and College in terms of funding. She continued that initially she and Pres. Treadwell thought to tie it to the Municipal Services Agreement but there is a lot the two of them need to talk about with the Municipal Services Agreement and has been pushed to the back burner, so in the interim, they would just use an MOU.

Councilor Jones replied that the City Council would need to know more about that, since the position is not part of the ordinance but it is tied to the ordinance. He continued that for that reason and for the many unknowns that were mentioned, he is thinking of placing this on more time instead of codifying this because then they would have to go through the amending process to make any changes. The City Attorney replied that he was going to suggest the same thing. He continued that the purpose tonight was to hear the comments from the committee and the public, and he received some very helpful feedback tonight so he can put together another draft, and give the Police Chief another opportunity to look at it. It could then go through one more committee cycle before they put a number on it, because once they do that, it starts to get complicated.

Chair Bosley replied that she agrees. Councilor Greenwald asked if another draft would be ready for the next PLD Committee meeting. The City Attorney replied yes.

Councilor Greenwald made the following motion, which was seconded by Councilor Jones.

By a vote of 5-0, the Planning, Licenses, and Development Committee places the Social Host Ordinance on more time, to return at the next PLD meeting.

Councilor Greenwald asked if at the next meeting they can get an update and try to clear up the more time items that are appropriate to address. Chair Bosley replied yes.



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

September 24, 2020

**TO:** Mayor and Keene City Council

**FROM:** Finance, Organization and Personnel Committee

**ITEM:** H.2.

**SUBJECT:** Authorizing the Condemnation of Land for the Winchester Street Reconstruction Project -  
Resolution R-2020-36

**RECOMMENDATION:**

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that this item be placed on more time until after the required Public Hearing and Site Visit.

**BACKGROUND:**

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 that this item be placed on more time until after the required Public Hearing and Site Visit.



# CITY OF KEENE

R-2020-36

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

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.

In City Council September 17, 2020.

Referred the Petition and Resolution R-2020-36 to the Finance, Organization and Personnel Committee.

Site visit set for November 5, 2020 at 5:45 PM.

Public Hearing set for November 5, 2020 at 7:00 PM.

\_\_\_\_\_  
George Hansel, Mayor



Assistant City Clerk



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

October 1, 2020

**TO:** Mayor and Keene City Council

**FROM:** Elizabeth Fox, ACM/Human Resources Director

**THROUGH:** Elizabeth A. Dragon, City Manager

**ITEM:** K.1.

**SUBJECT:** In Appreciation of Leona Langella Upon Her Retirement

**RECOMMENDATION:**

That Resolution R-2020-27 be adopted by the City Council.

**ATTACHMENTS:**

Description

Resolution R-2020-27

**BACKGROUND:**

Ms. Langella retired from the Community Development Department effective July 18, 2020, with over 11½ years of service.



# CITY OF KEENE

Twenty

In the Year of Our Lord Two Thousand and .....  
In Appreciation of Leona Langella Upon Her Retirement

A RESOLUTION .....

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

WHEREAS: Leona Langella began her career with the City of Keene as Secretary I in the former Planning Department on December 22, 2008; and was retitled Administrative Assistant in 2012; and

WHEREAS: Serving as first point of contact with the department—with communication one of her strong points and being comfortable in all types of situations—Lee made the extra effort with customers and coworkers alike to provide consistently excellent customer service, keeping information flowing between the two groups and ensuring that each had a clear understanding of what was expected as a result of the conversation; and

WHEREAS: Coordinating the multitude of board, commission, and committee meetings staffed by the department, she interfaced with committee members, city staff, elected officials, property abutters, and members of the community, as well as carried out all aspects of public notice under state law, prepared agenda and meeting materials, and maintained official records of decisions; and

WHEREAS: With significant demands on her time and an understanding of the goals, required results, and obstacles to overcome, Lee developed standard procedures and checklists to ensure everything happened smoothly on schedule, quick to foresee any potential problems and seek solutions before problems arose and adapt to last-minute changes while meeting a very high standard of work; and

WHEREAS: Lee has been appreciated especially for her assistance to the Director by keeping a multitude of things moving every day, contributing at a high level to the changes and improvements required by the department, adding new efficiencies, and never hesitating to be cross-trained or to take on new tasks and expand her knowledge; and

WHEREAS: Lee was relied on to ensure other members of the department were following process and procedures and, on the occasions when there was a staff vacancy, she stepped up to take on more responsibility outside her normal assignments and to assist and train others as workloads shifted, using humor to get through the pressures and difficult situations; and

WHEREAS: In her spare time, she served as a Monadnock United Way Loaned Employee and as a Fourth-Floor Safety Monitor, as well as a member of the Environmentally Preferable Purchasing Program Committee, the Spirit Team, and the City Hall Employee Fund Committee; and she used her excellent event preparation skills to go the extra mile to make sure these events are well executed; and

WHEREAS: Lee retired from the City of Keene 17 July 2020 with more than 11 years of honorable service to the City of Keene;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Keene hereby extends its sincere thanks to Leona Langella for her dedicated service and wishes her the very best through all her retirement years; and

BE IT FURTHER RESOLVED that a copy of the Resolution, properly engrossed, be presented to Lee in appreciation for her years of service to the residents of Keene.

PASSED

George S. Hansel, Mayor



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

September 25, 2020

**TO:** Mayor and Keene City Council

**FROM:** Duncan Watson, Assistant Public Works Director

**THROUGH:** Elizabeth A. Dragon, City Manager

**ITEM:** K.2.

**SUBJECT:** Relating to the Transfer of Funds from the Solid Waste Fund Balance to the 2020/2021 Solid Waste Operating Budget for Repair of Existing Scale System

**RECOMMENDATION:**

The Finance, Organization and Personnel recommend the City Council adopt Resolution R-2020-37 relating to the transfer of funds from the Solid Waste Fund Balance to the Solid Waste Operating Budget for FY 20/21.

**ATTACHMENTS:**

Description

Resolution R-2020-37

**BACKGROUND:**

A properly functioning scale system is critical to the Solid Waste Division operation. The existing in-ground weight scale is approaching 20 years of service, and while the scale is regularly serviced, there are components that wear out over time. Recently the scale has experienced issues whereby the scale must be rebooted because the hydraulic load cells do not re-set which is an indication that the load cells must be replaced. The current Capital Improvement Program has a project in fiscal year 2023 for replacement of the weight scale at a cost of \$92,000. Upon evaluation from the firm authorized to service the City's Emery-Winslow scale system it was determined that the load cells need to be replaced (there are seven hydraulic load cells in the scale), but that the decking is not showing signs of imminent failure and has at least a decade of useful life remaining. What this means is that the Capital Project Funding Request for Weight Scale Replacement can be removed from the fiscal year 2023 Capital Improvement Program, but an immediate expenditure is required for the functionality of the scale to maintain certification from the New Hampshire Bureau of Weights and Measures. The estimated cost of repair is \$49,677 and involves replacement of seven (7) hydraulic load cells, and associated labor costs. Because the scale requires proprietary equipment to function, the only authorized service entity is Northeast Scale Company out of Auburn, NH. Northeast Scale Company is the sole authorized New England representative of Emery-Winslow scale systems, and would be the company installing the new load cells. Resolution R-2020-37 authorizes a transfer from the Solid Waste Fund Balance to the 2020/2021 operating budget to complete the necessary repair of the Solid Waste Division scale system.

It should be noted, that the Solid Waste Fund is completely separate from the General Fund in that no tax dollars support the Solid Waste Fund. Revenues are primarily derived from the tipping fees from disposal of solid waste and the revenue received from the sale of recyclable commodities. The Solid Waste Fund Balance has sufficient balance to transfer the amount needed to transfer funds to the 2020/2021 operating budget to fund the repair of the scale system.

FY 20/21 Solid Waste Expenditure Adjustment

<u>Account #</u>	<u>Description</u>	<u>FY 20/21 Budget</u>	<u>Fund Transfer Request</u>	<u>Revised Budget</u>
10002-62311	Equipment Maintenance	\$7,500	\$49,677	\$57,177



# CITY OF KEENE

R-2020-37

Twenty

In the Year of Our Lord Two Thousand and .....  
Relating to an appropriation of Funds from the Solid Waste Fund Balance  
A RESOLUTION ..... to Operating Budget

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

That pursuant to Section 32 of the Rules of Order, the sum of forty nine thousand six hundred seventy seven dollars (\$49,677) is hereby transferred from the Solid Waste Fund Balance to the 2020/2021 fiscal year operating budget to fund expenses associated with repair of the Solid Waste Division weight scale.

### FY 20/21 Solid Waste Expenditure Adjustment

<u>Account #</u>	<u>Description</u>	<u>FY 20/21 Budget</u>	<u>Fund Transfer Request</u>	<u>Revised Budget</u>
10002-62311	Equipment Maintenance	\$7,500	\$49,677	\$57,177

\_\_\_\_\_  
George S. Hansel, Mayor



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

September 28, 2020

**TO:** Mayor and Keene City Council

**FROM:** Attorney Gary J. Kinyon on the behalf of Colonial Theatre

**ITEM:** K.3.

**SUBJECT:** Colonial Theatre Group, Inc. - Peition for Discontinuance

**ATTACHMENTS:**

**Description**

Petition

Resolution R-2020-38

**BACKGROUND:**

Attorney Gary J. Kinyon, on the behalf of Colonial Theatre Group, Inc., has submitted a petition for a Discontinuance of a Section of the Commercial Street Parking Area along with a Resolution and Description.

**PETITION FOR DISCONTINUANCE OF  
A SECTION OF THE COMMERCIAL STREET PARKING AREA**

**TO: THE HONORABLE MAYOR AND CITY COUNCIL FOR THE CITY OF KEENE**

Your Petitioner, COLONIAL THEATRE GROUP, INC., a New Hampshire non-profit corporation with a principal place of business at 95 Main Street, Keene, New Hampshire (“Petitioner”), respectfully petitions the City Council for the City of Keene (“City”) to discontinue as a highway or parking area a section of the Commercial Street Parking Area in the City, and represents there is good reason for said request, and in support thereof says the following:

1. Petitioner owns real estate known as the Colonial Theatre at 89-95 Main Street in the City (the “Theatre Property”). The Theatre Property abuts the City’s Commercial Street Parking Area to the west.

2. As a result of a recent survey of the Theatre Property, Petitioner discovered that a vote of discontinuance is needed. The background and basis of this request is set forth below.

3. By Resolutions dated June 5, 1969, and July 17, 1969 (attached as Exhibit A, page 1), the Mayor and City Council laid out Commercial Street and the Commercial Street Parking Area by Return of Layout (Exhibit A page 2) filed with the City Clerk’s office as required by RSA 231:16 (the “1969 Layout”). A section of the Theatre Property (then owned by D. Latchis, Inc.) was included in the 1969 Layout (Exhibit A page 11). The section of the Theatre Property included in the 1969 Layout is described as follows:

Beginning at a point on the westerly side Main Street marking the north easterly corner of lands of D. Latchis, Inc. and the south easterly corner of lands of 87 Main Street, Inc.;

thence, westerly along the northly line of D. Latchis, and lands of Elisha F. Lane Estate, 201 feet more or less to a point at other lands of Elisha F. Lane Estate;

thence, southerly on lands of said Lane Estate, 70 feet more or less to a point;

4. This description includes a portion of the Theatre Property that was not part of the intended final taking by the City, as outlined below, and includes land on the west side of the Theatre Property that has been used and occupied by the Theatre since the 1969 Layout. Attached as Exhibit F is a plan (the “Plan”) entitled “Preliminary Plan Prepared for Colonial Theatre Group, Inc., Land of Jeanna C. Hamblet Revocable Trust,” prepared by David A. Mann, LLS, dated October 15, 2019, as revised through October 17, 2019. The Plan identifies the section of the Theatre Property included in the 1969 layout as “REAR OF COLONIAL THEATRE GROUP PROPERTY SUBJECT TO 1969 LAYOUT” (the “Subject Property”).

5. The 1969 Layout was deemed to be properly filed and in effect, and the owner of the Theatre Property at the time of the 1969 Layout (D. Latchis, Inc.) initially appealed the 1969 Layout to Court (Exhibit B and C, attached).

6. On October 15, 1970, after meeting with representatives of the Theatre Property, the Bills, Land & Licenses Committee submitted a report (Exhibit D, attached) to the Mayor and City Council recommending revision of the Theatre Property layout, stating, inter alia, that an “amended description and layout is proposed. The new layout is approximately 36 feet further to the rear of the Colonial Theatre. This would place it 15 feet west of the location of the oil tank at the rear of the theatre and permit adequate use of the rear of the property for the private owner.” On October 15, 1970 the Mayor and City Council approved this recommendation and revised Layout. Exhibit D.

7. By Resolution dated October 15, 1970, the Mayor and City Council approved a second return of layout for Commercial Street and the Commercial Street Parking Area (the “1970 Layout”). The legal description contained revises and reduces the Theatre Property land in accordance with the October 15, 1970 City Council vote. Exhibit D.

8. While it is clear from the 1970 Layout was intended to revise and supersede the 1969 Layout as it applies to the Theatre Property, the mere filing of the 1970 Layout was not legally effective to revise or amend the 1969 Layout. To accomplish this, the City should have but did not file a formal discontinuance of the 1969 Layout.

9. City records indicate Petitioner and its predecessors in title have paid taxes on, and privately used the Subject Property since the 1970 Return of Layout.

10. It is clear from records on file at the City Clerk’s office, the City Engineer’s office, and the City Assessor’s office that the City does not consider the Subject Property a part of the 1969 Layout. These circumstances are a cloud on the title to the Theatre Property that can be remedied by a vote of discontinuance by the City of the 1969 Layout.

11. Accordingly, Petitioner requests a formal vote of discontinuance of the 1969 Layout to clarify and unambiguously remove the Subject Property from the 1969 Layout.

12. The section of the Theatre Property to be confirmed as discontinued is abutted by the following properties:

Tax Map Parcel #575-009-000-000-000  
Owned by: Colonial Theatre Group, Inc.  
By virtue of a deed from Jeanna C. Hamblet, Trustee, dated February 21, 2020,  
and recorded in Book 3100, Page 455 of the Cheshire County Registry of Deeds;

Tax Map Parcel #575-010-000-000-000  
Owned by: City of Keene  
By virtue of a deed from Cheshire Transportation Company  
Dated January 18, 1972, recorded at Book 839, Page 348 of the Cheshire County  
Registry of Deeds, and by virtue of the 1969 Layout and the 1970 Layout;

Tax Map Parcel #575-007-000-000-000

Owned by: Wichland Brothers Realty

By virtue of a deed from The New Hampshire Conference of the United Church of Christ, dated July 1, 1981, and recorded in Book 1004, Page 120 of the Cheshire County Registry of Deeds.

13. Petitioner requests that the City, as owner of an abutting property, also consent to the discontinuance, and waive any damages related thereto.

WHEREFORE, your Petitioner respectfully requests that:

A. The City Council conduct a hearing on the proposed discontinuance and following such hearing, the City Council vote:

To discontinue that portion of the Commercial Street Parking Area taken by the 1969 Layout of Commercial Street and the Commercial Street Parking Area, more specifically described as follows:

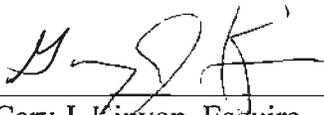
The area shown as "REAR OF COLONIAL THEATRE GROUP PROPERTY SUBJECT TO 1969 LAYOUT" on a plan entitled "Preliminary Plan Prepared for Colonial Theatre Group, Inc., Land of Jeanna C. Hamblet Revocable Trust," prepared by David A. Mann, LLS, dated October 15, 2019, as revised through October 17, 2019.

B. To authorize the City Manager to give written consent to the discontinuance of a section of the Commercial Street Parking Area, with a waiver of damages. The discontinuance is subject to all documents being in a form and format that is acceptable to the City Attorney and Public Works Director, including but not limited to a recordable metes and bounds description of the public way to be discontinued.

DATED this 28<sup>h</sup> day of September, 2020.

Respectfully submitted,

COLONIAL THEATRE GROUP, INC.  
By Its Attorney:

By:   
\_\_\_\_\_  
Gary J. Kinyon, Esquire



# CITY OF KEENE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED Sixty Nine

A RESOLUTION RELATING TO: THE ACCEPTANCE OF RETURN AND LAYOUT  
COMMERCIAL STREET

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

THAT THE RETURN OF LAYOUT OF COMMERCIAL STREET AND  
PARKING AREA ATTACHED HERETO BE AND HEREBY IS  
ACCEPTED.

RICHARD E. BEAN, MAYOR

PASSED June 5 1969  
July 17 1969

In City Council July 17 1969

Voted to adopt and refer to Committee  
Bills, Land & Licenses and City Solicitor.

City Clerk

CITY OF KEENE, NEW HAMPSHIRE

RETURN OF LAYOUT

COMMERCIAL STREET AND PARKING AREA

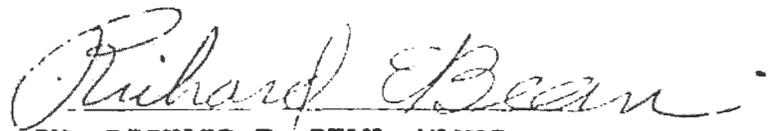
The foregoing petition having come on for hearing before the Mayor and City Council and they having considered the same it is hereby ordered and adjudged as follows;-

1. That Public exigency and convenience, require that the premises herein described, together with all rights and easements appurtenant thereto, be, and the same hereby, are laid out, taken and appropriated, to be used as a public way and parking area.
2. There is occasion and necessity for such taking and layout.
3. That the premises hereby taken, laid out and appropriated are bounded and described in "Exhibit A" attached hereto and hereby made a part of these presents.
4. That damages occasioned by said layout and taking are assessed as follows, to;-

D. LATCHIS, INC.	\$	16,150.00	
CHESHIRE TRANSPORTATION CO.	\$	3,995.00	
BOSTON & MAINE RAILROAD	\$	25,840.00	
HO-HUM REALTY	\$	2,465.00	
TIMOLEON CHAKALOS	\$	4,250.00	
FRED H. & SOPHIE K. HAMBLET	\$	2,210.00	
ELISHA F. LANE ESTATE	\$	4,675.00	✓
87 MAIN STREET, INC.	\$	1.00	
MERRIMACK FARMERS EXCHANGE	\$	4,250.00	✓
ELI CHABOT	\$	850.00	✓

5. That these findings and orders be recorded  
in the records of the City Clerk.

CITY OF KEENE, NEW HAMPSHIRE

A handwritten signature in cursive script that reads "Richard E. Bean". The signature is written in dark ink and is positioned above the printed name and title.

BY: RICHARD E. BEAN, MAYOR  
DULY AUTHORIZED

DATE June 5, 1969  
July 17, 1969

EXHIBIT A

SUPPLEMENT TO THE RETURN OF LAYOUT OF COMMERCIAL STREET  
AND PARKING AREA

FOLLOWING IS A DESCRIPTION OF THE PERIMETER BOUNDARIES OF  
THE COMPLETE TAKING AND LAYOUT, TO WIT: -

Beginning at a point on the westerly side Main Street marking the north easterly corner of lands of D. Latchis, Inc. and the south easterly corner of lands of 87 Main Street, Inc.;

thence, westerly along the northerly line of D. Latchis, and lands of Elisha F. Lane Estate, 201 feet more or less to a point at other lands of Elisha F. Lane Estate;

thence, southerly on lands of said Lane Estate, 70 feet more or less to a point;

thence, westerly along lands of said Lane Estate and lands of Fred H. and Sophie K. Hamblet, 143 feet more or less to a point;

thence, northerly on lands of said Hamblet, 65 feet more or less to a point at lands of the Boston and Maine Railroad;

thence, westerly along lands of the Boston and Maine Railroad, 70 feet more or less to lands of Timoleon N. Chakalos;

thence, southerly on lands of Chakalos, 58 feet more or less to a point;

thence, westerly along lands of Chakalos and Ho-Hum Realty, Inc., 90 feet more or less to a point on the easterly side of Wilson Street;

thence, northerly on Wilson Street, 52 feet more or less to a point at lands of the Boston and Maine Railroad;

thence, easterly on lands of Boston and Maine Railroad, 10 feet more or less to a point;

thence, northerly on lands of Boston and Maine Railroad, 160 feet more or less to a point;

thence, easterly on lands of Boston and Maine Railroad,  
106 feet more or less to a point at lands of Houpis;

thence, southerly on Houpis, 57.82 feet more or less  
to a point;

thence, easterly on Houpis, 120 feet more or less to  
a point;

thence, southerly on Houpis, 13.04 feet more or less  
to a point;

thence, easterly on Houpis, 121.69 feet more or less  
to a point;

thence, southerly along lands of Houpis and 87 Main  
Street, Inc., 71 feet more or less to a point at lands of  
87 Main Street, Inc.;

thence, easterly on lands of 87 Main Street, Inc.,  
119 feet more or less to a point on the westerly side of  
Main Street;

thence, southerly on the westerly side of Main Street,  
20 feet more or less to the point of beginning.

AND CONSISTING OF THE FOLLOWING DESCRIBED INDIVIDUAL PARCELS  
OF LAND:

BOSTON AND MAINE RAILROAD

Beginning at a point marking the north easterly corner of this parcel with the north westerly corner of lands of one Houpis;

thence, southerly on lands of Houpis, 57.82 feet more or less to a point;

thence, easterly on lands of Houpis, 120 feet more or less to a point;

thence, southerly on lands of Houpis, 13.04 feet more or less to a point;

thence, easterly on lands of Houpis, 121.69 feet more or less to a point;

thence, southerly on lands of Houpis, 23.68 feet more or less to a point at lands of D. Latchis, Inc.;

thence, westerly on lands of D. Latchis, Inc. and lands of Cheshire Transportation Company, 228.07 feet more or less to a point;

thence, southerly on lands of Cheshire Transportation Company, 65.72 feet to a point at lands of Fred H. and Sophie K. Hamblet;

thence, westerly on lands of Hamblet, Timoleon N. Chakalos, and Ho-Hum Realty, 150 feet to a point;

thence, northerly along other lands of the Boston and Maine Railroad, 160 feet more or less to a point;

thence, easterly along other lands of the Boston and Maine Railroad, 106 feet more or less to the point of beginning.

Beginning at an iron pin on the northerly side of Commercial Street marking the southwesterly corner of Parcel #23 as shown in Station Map - Lands of the Connecticut River Railroad dated June 30, 1914 and filed at Keene Public Works Department;

thence, easterly along the northerly line of Commercial Street 84 feet to a bound at lands of D. Latchis;

thence, northerly on the westerly line of Latchis, 66.10 feet to lands of Boston and Maine Railroad;

thence, westerly along lands of the Boston and Maine Railroad 84.63 feet to a bound at the northeasterly corner of the aforementioned Parcel #23;

thence, southerly along Parcel #23, 65.72 feet to the point. of beginning.

FRED H. & SOPHIE K. HAMBLET

Beginning at a bound on the southerly side of Commercial Street and being 20 feet easterly on the north easterly corner of the building on the premises;

thence,  $S87^{\circ}-35'E$  on the southerly side of Commercial Street 47 feet to a bound at a Right of Way;

thence,  $S4^{\circ}W$  along a Right of Way 65' to a point;

thence,  $N89^{\circ}-10'W$  a distance of 47 feet to a point;

thence,  $N5^{\circ}-35'E$  a distance of 65 feet more or less to the point of beginning.

Beginning at the easterly side of a Right of Way  
at the southerly line of Commercial Street;

thence, easterly along the southerly line of Commercial Street 96 feet more or less to a bound;

thence, southerly along other lands of the grantor  
70 feet to a bound;

thence, westerly along other lands of the grantor  
96 feet more or less to a Right of Way;

thence, northerly along the easterly side of said  
Right of Way 65 feet to the point of beginning.

Meaning to convey a portion of land leased to D.  
Latchis, Inc.

Beginning at a stone bound marking the intersection of the line of Commercial Street with the easterly line of Wilson Street;

thence, easterly on the southerly line of Commercial Street 62.0 feet to a bound at lands of Timoleon Chakalos;

thence, southerly on Chakalos land 57.0 feet to a bound at land of William Bishop;

thence, westerly on Bishop land 63.0 feet to an iron pipe at the easterly side of Wilson Street;

thence, northerly on the easterly side of Wilson Street 52.0 feet to the point of beginning.

Beginning at at a bound on the southerly side of Commercial Street being 62 feet easterly to the intersection of Commercial Street and Wilson Street;

thence, southerly along the easterly line of lands of Ho-Hum Realty a distance of 57 feet to a bound at lands of Bishop;

thence, easterly along lands of Bishop, a distance of 27 feet to lands of Fred H. Hamblet;

thence, northerly along the westerly line of Hamblet 58 feet to the southerly side of Commercial Street;

thence, westerly along the southerly side of Commercial Street 28 feet to the point of beginning.

Beginning at southwesterly corner of premises conveyed by Boston and Maine Railroad to George and Bill Doukas;

thence,  $N84^{\circ}-43'-30''W$  bounding on land of Charles C. Baldwin 38.4 feet;

thence,  $N85^{\circ}-35'-30''W$  by land formerly of Baldwin 143.90' to one pin;

thence,  $N4^{\circ}-16'-30''E$  bounding on land of estate George H. Eames, Jr. 66.10' to a point in the south line of land of Boston and Maine Railroad;

thence,  $S85^{\circ}-51'E$  bounding on Boston and Maine Railroad 143.44' to the northeast corner of land of Doukas;

thence,  $S5^{\circ}-15'W$  bounding on Doukas land 67.34' to point of beginning.

Containing about 9500 square feet with Right of Way 2' wide on west side to repair any building on lot. Being part of land (Land in Keene) Boston and Maine Railroad to George H. Eames, Jr. (Map 1925).

87 MAIN STREET, INC. TO CITY OF KEENE

A certain parcel of land situate in Keene, Cheshire County, New Hampshire known as Commercial Street, bounded and described as follows:

Beginning at a point in the westerly side of Main Street at the northeast corner of lands of D. Latchis, Inc. and being 176.1 feet southerly of the centerline of the Boston and Maine Railroad;

thence, N84°-43'-30"W along Latchis 118.53 feet to a point;

thence, N5°-15'E along other lands of Latchis 20.0 feet to a point;

thence, N89°-49'E along other lands of the grantor 119.3 feet to a point on the westerly side of Main Street;

thence, S6°-2'-30"W along the westerly side of Main Street 20.0 feet to the point of beginning.

Meaning and intending to convey a portion of the lands conveyed to the grantor by warranty deed dated May 1, 1950 from Angeline C. and Margaret Doukas recorded in VOL. 565 PAGE 119 of Cheshire County Registry of Deeds.

**SHORTLIDGE & CLOSE**

ATTORNEYS AT LAW

22 MIDDLE STREET

KEENE, NEW HAMPSHIRE

03431

R. J. SHORTLIDGE, JR.

E. H. CLOSE

TEL. 352-5956

AREA CODE 803

August 7, 1969

REPORT TO THE HONORABLE MAYOR AND CITY COUNCIL

FROM: City Solicitor

SUBJECT: Legality of Return of Layout, Commercial Street  
Parking Lot

It is the opinion of the City Solicitor, on the basis of the facts presented at the public hearing on July 17, 1969, that the subject Return of Layout, is legal.

It is understood that at least one appeal is being filed with the Superior Court questioning the value of an award. It is not known whether that appeal will also question the legality of the procedure used by the City in laying out the parking lot. If that appeal raises any facts or arguments different from or in addition to those presented at the July 17 public hearing, the foregoing opinion may require further consideration, although not necessarily any change.

Respectfully submitted,

  
R. J. Shortlidge, Jr.  
City Solicitor

*J. Skelton*

RJS/pbm

September 17, 1969

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Bills, Land & Licenses

SUBJECT: Commercial Street Parking Lot

There are 10 parcels or holdings to be taken for the proposed parking lot. The Committee has invited each owner to discuss the amount of the tender, or the taking itself, and has met with about half of the owners. Appeals to the Superior Court are being made on several. The status is as follows:

<u>Name</u>	<u>Tender Amount</u>	<u>Appealed to Court</u>	<u>Comments</u>
Merrimack Farmers' Exch.	\$4,250	Yes	Met with BLL Com.; need time
D. Latchis Inc.	\$16,150	Yes	Met with BLL Com.
B & M Railroad	\$25,840	Will be	Will meet with BLL Com.
T.N. Chakalos	\$4,250	Yes	Check refused
Cheshire Transportation	\$3,995	No	Met with Com. see note 1.
Eighty-seven Main St.	\$1	No	Met with Com. settled for \$221
Fred & Sophie Hamblet	\$2,210	No	Met with Com. see note 2.
Ho-Hum Realty	\$2,465	No	Completed
Elisha F. Lane	\$4,675	No	Check refused
Eli Chabott	\$850	No	Met with Com. completed

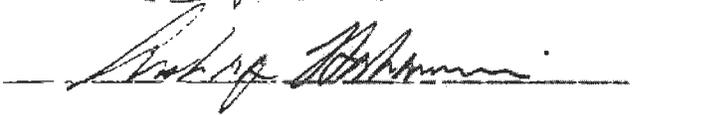
Note 1. Cheshire Transportation will accept \$4,500 if the City gives them a 5-year (with 2, 5-year options) lease for 20 bus parking stalls at the west end of the parking lot. In turn, the bus company would pay \$950 per year for these stalls, with a cost-of-living adjustment every five years. A proposed lease is being prepared by Cheshire Transportation's attorney. The Committee feels that this settlement is fair.

Note 2. Fred and Sophie Hamblet plan an addition to their existing structure. This will improve the parking area, and the Committee recommends their land not be taken.

It is recommended that the Council approve the \$4,500 settlement with Cheshire Transportation, and authorize removal of Hamblet's parcel from the taking.

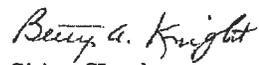
Respectfully submitted,

Bills, Land & Licenses Committee

  
\_\_\_\_\_  
  
\_\_\_\_\_  
\_\_\_\_\_

In City Council October 2 1969

Voted to refer to Committee Finance.

  
City Clerk

October 15, 1970

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Bills, Land & Licenses Committee

SUBJECT: Resolution Laying out Commercial Street and Tendering Damages to Owners

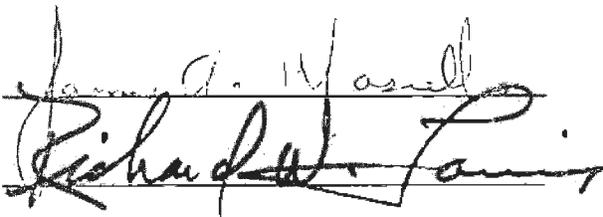
The Committee has reviewed this thoroughly and recommends a revision to the layout of the Commercial Street Parking lot. We have met with Mr. Latchis and his attorney, the appraisals were made current for the properties, and an amended description and layout is proposed. The new layout is approximately 36 feet further to the rear of the Colonial Theatre. This would place it 15 feet west of the location of the oil tank at the rear of the theatre and permit adequate use of the rear of the property for the private owner. The damages are recommended to be changed as follows:

<u>Owner</u>	<u>Previous Resolution</u>	<u>Proposed Resolution</u>
Fred H. & Sophie K. Hamblet	\$1	\$1
Merrimack Farmers' Exchange	\$5,000	\$3,400
N.H. Congregational Christian Conference	\$5,500	\$6,000
D. Latchis Inc.	\$19,000	\$23,700

The Committee feels that this layout will not adversely affect the parking lot, and will be helpful to the property on which the Colonial Theatre is located. We therefore recommend that the amended layout resolution be approved so that the stipulated amounts can be tendered to the individual property owners and work begun on the parking lot development.

Respectfully submitted,

Bills, Land & Licenses Committee

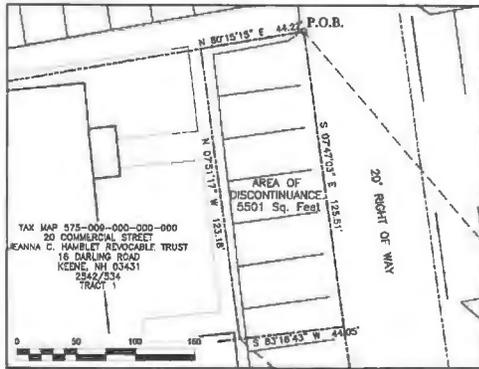


In City Council October 15 1970

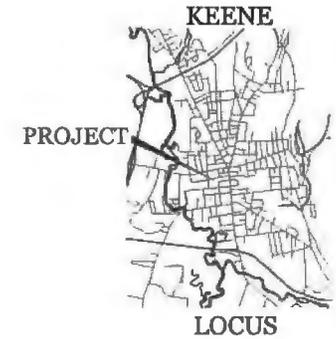
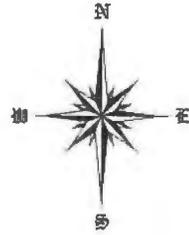
Voted report of committee be accepted

  
Bettye A. Knight  
City Clerk

F



DETAIL "A" : AREA SUBJECT TO 1969 LAYOUT

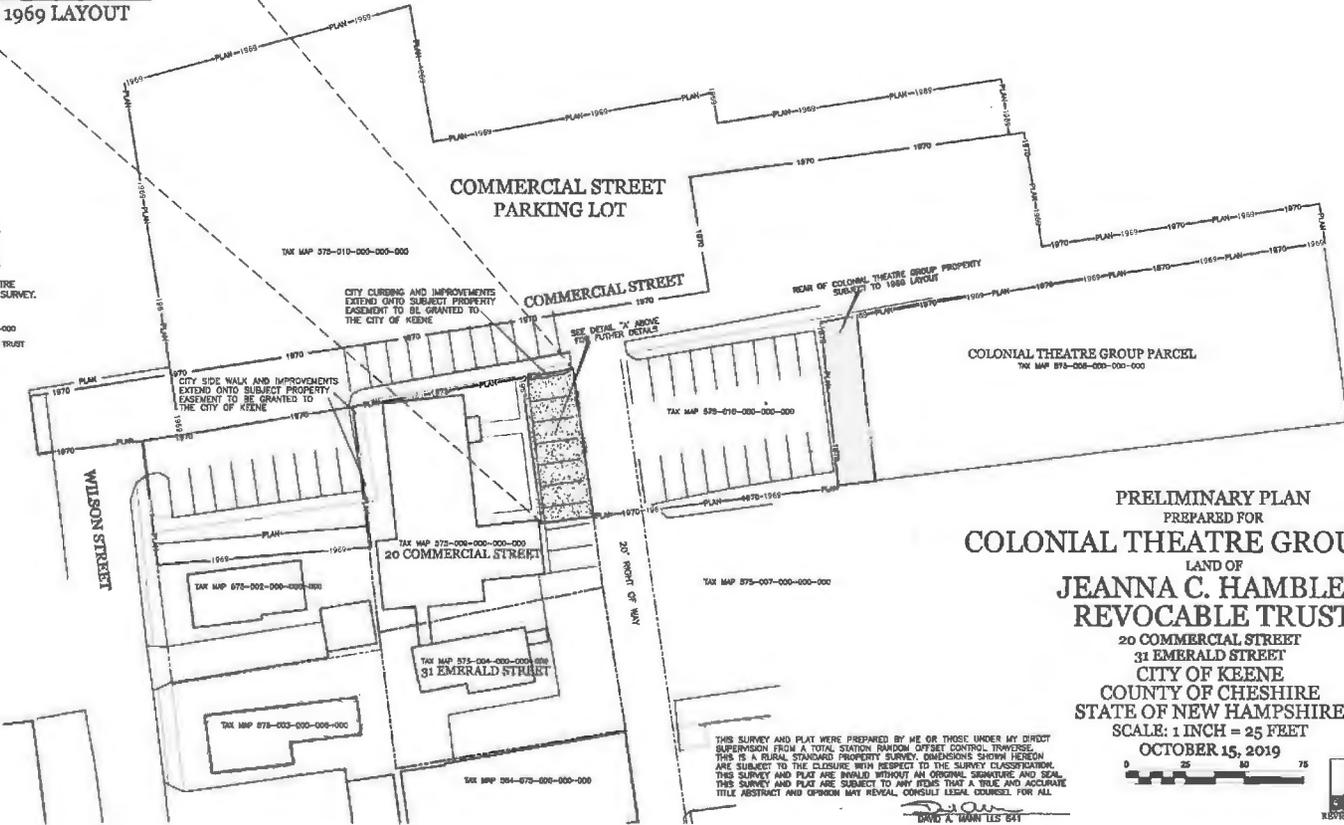


**NOTES**

1. BEARINGS ARE BASED ON NAD83-OPUS OBSERVATION AND ARE NEW HAMPSHIRE STATE PLANE GRID NORTH.
2. PLAN REFERENCES:  
 A. PLAN OF LATCH MARTIN HOMESTEAD, PREPARED BY SAMUEL WADSWORTH, RECORDED IN PLAN BOOK 13 PAGE 21A.  
 B. PLAN FRED H. HAMBLET, PREPARED BY ROY K. PIPER AUGUST 1909, FILED IN PIPER RECORDS CCND.  
 C. PARCEL OF LAND CITY OF KEENE TO WJ & MT BISHOP, PREPARED BY KED, PLAN #51-2.  
 D. BOUNDARY SURVEY PREPARED FOR THE COLONIAL THEATRE GROUP, DATED JUNE 24, 2019 PREPARED BY DAVID A. MANN SURVEY.  
 E. ASSESSOR INFORMATION BASED ON TOWN RECORDS.

TAX MAP 875-084-000-000-000  
 31 EMERALD STREET  
 JEANNA C. HAMBLET REVOCABLE TRUST  
 18 DARLING ROAD  
 KEENE, NH 03421  
 2542/334

TAX MAP 875-009-000-000-000  
 20 COMMERCIAL STREET  
 JEANNA C. HAMBLET REVOCABLE TRUST  
 18 DARLING ROAD  
 KEENE, NH 03421  
 2542/334

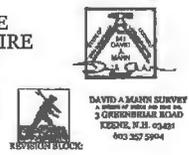


**LEGEND**

- IRON PIN TO BE SET
- IRON PIN FOUND
- POST/ARMOUR FOUND
- SPLIT POLE FOUND
- RAIL ROAD SPIKE FOUND
- UTILITY POLE
- DECIDUOUS TREE
- LIGHT POLE
- UTILITY BOX
- HOSE
- CATCH BASIN
- CLEAN OUT
- PROPERTY LINE

THIS SURVEY AND PLAN WERE PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION FROM A TOTAL STATION RANDOM OFFSET CONTROL TRAVERSE. THIS IS A RURAL STANDARD PROPERTY SURVEY. DIMENSIONS SHOWN HEREON ARE SUBJECT TO THE CLOSURE WITH RESPECT TO THE SURVEY CLASSIFICATION. THIS SURVEY AND PLAN ARE MADE WITHOUT AN ORIGINAL SIGNATURE AND SEAL. THIS SURVEY AND PLAN ARE SUBJECT TO ANY TITLES THAT A TRUE AND ACCURATE TITLE ABSTRACT AND OPINION MAY REVEAL. CONSULT LEGAL COUNSEL FOR ALL

PRELIMINARY PLAN  
 PREPARED FOR  
**COLONIAL THEATRE GROUP, INC.**  
 LAND OF  
**JEANNA C. HAMBLET  
 REVOCABLE TRUST**  
 20 COMMERCIAL STREET  
 31 EMERALD STREET  
 CITY OF KEENE  
 COUNTY OF CHESHIRE  
 STATE OF NEW HAMPSHIRE  
 SCALE: 1 INCH = 25 FEET  
 OCTOBER 15, 2019



DAVID A. MANN LLS 03421



# CITY OF KEENE

R-2020-38

Twenty

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

A RESOLUTION ..... Relating to the Complete Discontinuance of a Portion  
of the Commercial Street Parking Area

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

That the Keene City Council is of the opinion that there is no further need to use a portion of the Commercial Street Parking Area for the accommodation of the public and that there is occasion for the complete discontinuance of said portion of the Commercial Street Parking Area, as described in the attached Description of Complete Discontinuance, subject to the following conditions:

1. All affected property owners associated and in connection with the discontinuance agree to the discontinuance and waive their rights to any damages and sign an agreement to such; and
2. That petitioners indemnify and defend the City of Keene from any claims or damages arising from said discontinuances; and
3. All documentation is in a content and form acceptable to the City Attorney, City Engineer, and Planning Director; and
4. All expenses, including any damages associated and in connection with the discontinuance, shall be borne by the petitioner.

\_\_\_\_\_  
Mayor George S. Hansel

**DESCRIPTION FOR THE ABSOLUTE DISCONTINUANCE OF  
A PORTION OF  
THE COMMERCIAL STREET PARKING AREA**

A certain parcel of land situated in KEENE, Cheshire County, New Hampshire, shown on the records of the Assessors of Keene as parcel number 575-009-000-000-000, and bounded and described as follows:

The land shown as “REAR OF COLONIAL THEATRE GROUP PROPERTY SUBJECT TO 1969 LAYOUT” on a plan entitled Preliminary Plan Prepared for Colonial Theatre Group, Inc., Land of Jeanna C. Hamblet Revocable Trust,” prepared by David A. Mann, LLS, dated October 15, 2019, as revised through October 17, 2019.

A complete metes and bounds description of the premises shall be supplied and shall be subject to approval by the City Attorney.