City of Keene
New Hampshire

KEENE CITY COUNCIL
Council Chambers, Keene City Hall
April 7, 2016
7:00 PM

Roll Call
Pledge of Allegiance
Minutes of Preceding Meeting

HEARINGS/PRESENTATIONS/PROCLAMATIONS

- Public Hearing – Ordinance O-2016-03-A: Zone Change – Office to Central Business – 67 Winter Street - Library Project

1. ELECTIONS/NOMINATIONS/APPOINTMENTS/CONFIRMATIONS

A. Appointment - Ad hoc - Comprehensive Economic Development Committee

2. COMMUNICATIONS

A. Michael Forrest – Keene Lions Club – Request to Use City Property
B. Raymond Lindsey – Request to Change Hours of Operation – Hawking and Peddling
C. Councilor Hansel – Council Policy - Legislative Process

3. REPORTS

A. COUNCIL COMMITTEES

1. Skate Park Update – MSFI COM
2. Removal of Granite Curbing – West Side of Central Square – MSFI COM
3. Use of City Property – Cub Scout Pack 348 – PLD COM
4. Request to Sell Wine at Farmer's Market – Mountain View Winery - PLD COM
5. Request to Use City Property – Dillant-Hopkins Airport – New England Aerobatic Club - PLD
6. Kinder Morgan Pipeline – PLD COM
7. Sponsorship Policy – FOP COM
8. Transfer of Funds – Presidential Primary - FOP COM

B. CITY OFFICERS AND DEPARTMENTS

1. General Comments –City Manager

C. BOARDS AND COMMISSIONS

D. MORE TIME

1. City Manager – Permission to Negotiate – PLD COM
2. Demolition Review Ordinance – PLD COM
3. Suggested Ban on Single Use Plastic Bags
4. Resolution R-2016-07: Library Project – Tax Increment Financing

4. ORDINANCES FOR FIRST READING

A. Relating to Cemetery Fees
   1. Memorandum – Parks, Recreation and Cemeteries Director
   2. Ordinance O-2016-07

5. ORDINANCES FOR SECOND READING

A. Relating to Charter Employee Evaluations
   1. Report – FOP COM
   2. Ordinance O-2016-06

6. RESOLUTIONS

A. Council Policy – Compensation for City Councilors
   1. Memorandum – City Clerk
   2. Resolution R-2016-09

B. Relating to Approving an Application for CDBG Feasibility Funds
   1. Memorandum – CDBG Administrator
   2. Resolution R-2016-10

Non Public Session
Adjournment

A regular meeting of the Keene City Council was held Thursday, March 17, 2016. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: Carl B. Jacobs, Janis O. Manwaring, Terry M. Clark, Jay V. Kahn, Randy L. Filiault, Thomas F. Powers, Robert B. Sutherland, George S. Hansel, Gary P. Lamoureux, Stephen L. Hooper, Bettina A. Chadbourne, David C. Richards and Mitchell H. Greenwald were present. Councilors Robert J. O'Connor and Philip M. Jones were absent. The Mayor took a moment to recognize newly elected Councilor Hooper's service. The Mayor stated that Councilor Hooper retired from his position as staff photographer at the Keene Sentinel. The Mayor continued that Councilor Hooper has been on the Council since January 2016 serving as a Ward One Councilor and was appointed to serve on the Municipal Services, Facilities and Infrastructure Committee. He expressed his appreciation to Councilor Hooper for his willingness to serve the community. Councilor Hooper led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the March 3, 2016 meeting was duly seconded. The motion passed with a unanimous vote in favor.

PUBLIC HEARING – TIF DISTRICT – LIBRARY PROJECT

The Mayor called the public hearing to order at 7:03 PM. The Notice of Hearing and Certificate of Publication were read. Mayor Lane explained this public hearing is for the purpose of considering the expansion of the tax increment financing district downtown, which currently extends only up to the Court House. The expansion will make possible tax increment for the expansion of the Keene Public Library as well as to utilize new market tax credits to offset the cost of the expenses for the expansion. With that the Mayor introduced City Planner Tara Kessler.

Ms. Kessler stated she would like to turn the presentation over to Kathleen Packard, President of the Library Board of Trustees who will be joined by the Board's Vice President Paul Henkel. She noted the City's Finance Director, Steve Thornton will also comment on the proposed expansion of the district.

Ms. Packard stated she was present this evening to provide a brief explanation relative to the planned Keene Public Library renovation and expansion project. She continued that the Library renovation project will update the Library Annex to make this property safe and accessible for the public's use. A two-story connector will link the annex to the library providing additional public space and a hallway to connect the two properties. Heberton Hall will also be refreshed and would be used in the same manner as it is being used today.

The second floor of the annex will be used by Cheshire TV and the rest of the area will be used for public space, which would include a hall approximately the same size as Heberton Hall for performances, workshops and other such gatherings. There is also space for a classroom for library and community use. At the street level, the connector will provide a West Street entrance, which will be ADA accessible and which would be close to the bus stop and parking lots on Gilbo Avenue. This project recognizes the community's need for spaces conducive to learning and collaboration. Most importantly, this project will create more space in the community for activities and programming, makerspace, access to technology, and provide a facility to meet the

21st century needs of the library.

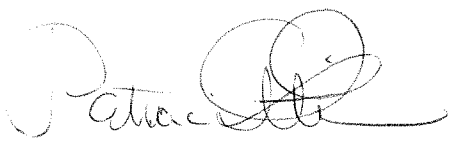
Mr. Paul Henkel stated he would like to go over the funding and tax increment financing. Mr. Henkel stated this plan relies on a private campaign drive, the City's capital improvement program and new market tax credits. The campaign started with contributions from the Trustees, the Friends of the Keene Public Library, and the Campaign Committee itself. He noted the drive is in the quiet phase now and is slated to begin its public phase late this summer or early fall. With reference to new market tax credits, the City has entered into an agreement with Monadnock Economic Development Corporation (MEDC) to apply for these tax credits, which has already been done. This is a Federal program to provide assistance to qualifying projects. The library's location qualifies. The same funding mechanism was used for the Court House project as well. Mr. Henkel stated the new market tax credits, together with the fund drive, will greatly reduce the cost of the project to the tax payers. In order to take advantage of the new market tax credits the current tax increment financing district needs to be expanded.

Finance Director Steve Thornton stated in 1982 the City adopted RSA 162-k relative to municipal development and revitalization districts, which is also referred to as TIF Districts or tax increment financing districts. The purpose of a TIF district is to provide a mechanism to pay for constructing public infrastructure by capturing the incremental value within a geographical area created by a public improvement. Mr. Thornton stated the City has had three TIF Districts, one that helped build the parking deck behind City Hall, the Black Brook TIF District and the Wells Street TIF District. In 1997, the City created the Wells Street TIF District which has been modified three times to date. Each of these modifications has expanded the District. The first expansion was to support construction on the Railroad property, the second expansion was to provide parking facilities in the downtown area and the third expansion was for the purpose of reconstructing the Court House. Mr. Thornton referred to Exhibit E which explains the various activities in this District overtime. Currently there are two potential new uses for this District. The first is the Library connector and Annex project and the other one is a place holder (FY23) for a parking facility in the downtown area.

Today's proposal for the fourth modification of the TIF District will allow the City to make use of the new market tax credits. The properties to be considered are located at 60 Winter Street and 76 Winter Street (Library and Library annex). Mr. Thornton stated staff looked at the assessed value of the property, the current obligations, and made some projections for debt service on the Library property beginning in FY17 as well as projections for a new parking deck starting in FY23. Mr. Thornton stated the point of this is to look at the fiscal capacity of the TIF District. Mr. Thornton referred to Exhibit F, which was the result of this review and what it says is there is sufficient capacity in the TIF District to support the Library project as well as a parking project should that project move forward in the future. He noted the County and School District have been informed of this proposed modification. This concluded Mr. Thornton's remarks.

The Mayor asked for public comments on this item. With no comments, the Mayor closed the public hearing at 7:19 PM. He explained that the public hearing will remain open until Tuesday March 23, 2016 at 1:00 PM for written public comments. Written comments need to be signed and submitted to the City Clerk by that date. The Mayor explained this item is currently before

the Finance, Organization and Personnel Committee and it will appear on their agenda for March 24, 2016 as a Resolution. The Mayor stated he anticipates the item being placed on more time until April 14, 2016.

A true record, attest: 

City Clerk

PRESENTATION – GREEN INITIATIVES – KEENE ICE

The Mayor recognized Parks, Recreation and Facilities Director, Andrew Bohannon. Mr. Bohannon stated Rich Beard; a member of the Keene ICE Board of Directors will be making a presentation tonight. Mr. Beard has served on the Building and Grounds Committee and on the Construction Committee for the project. Mr. Bohannon stated Mr. Beard has been a tremendous asset to the project.

Mr. Beard invited Tim Fisher, President of Keene Ice to join him for the presentation. Mr. Beard stated he was before the Council to talk about the energy efficient features at Keene ICE. Mr. Beard stated he is a licensed mechanical engineer in the State of New Hampshire. Mr. Beard explained that he joined the Keene ICE Board in December 2013 at which time the design work was complete but the selection of the refrigeration system was not finalized. Through a vetting process, the waste heat reclaim option was selected. He explained that this system sends the waste heat into the ground and the heat continues to stay in the building to offset the heating cost.

He then highlighted the features of the refrigeration system. The system has ice cube heat pumps. and there are five of these pumps at 21 tons of cooling each to provide the cooling necessary while providing system redundancy. He also showed the Council the cold floor pumps to keep the ice cold and the Glycol loop pumps to circulate water through the heat reclaim systems. He noted these pumps are very energy efficient.

Mr. Beard then talked about the heat rejection from the heat pumps and the compressors are the source of the waste heat in the reclaim and serve the building heat load. The waste heat system also warms the water to 85 degrees for use in the Zamboni. He also referred to the snow melt pit, which is located on the roof and the coils on the bottom of these pits helps cool the waste heat.

Mr. Beard thanked the two consulting groups for their work with this design: Scully Architect and the MacMillan Company. Mr. Beard then referred to the Energy Conservation Measure Analysis from the Resilience Building Group. He noted this was presented to the Keene Ice Board, and as a result of the data collected in the report, the roof insulation was increased from four inches to six inches and a better lighting system was provided. The report affirmed an electric Zamboni was a better option than a propane Zamboni. The report also affirmed the radiant system with the roof top unit was a better option than going with a straight heat system for the HVAC. The consultant also provided data relative to the optimum temperature for the rink and it was advised the rink should remain at 45 degrees throughout the year to maintain the

highest possible energy efficiency. Mr. Beard also showed the Council a picture of the lighting system which is going to be used in the rink. He indicated the lighting fixtures were donated by Groom Energy and the success of this work is also because of Hamblet Electric which has a lot of experience in this area.

Mr. Beard then referred to the Real ICE Vortex which is a system that prevents the need to heat the water for the Zamboni to 140 degrees but instead the water can be used at 85 degrees, which is a huge energy saving on the refrigeration plan.

There were additional energy conservation recommendations which were also provided. The first was to make sure there is someone on site reviewing the installation. Pressure testing the building for infiltration, making sure there was a commissioning of the mechanical system and the electrical system. Mr. Beard then talked about the Blower Door Testing – there was a target set by Eversource to make sure as to what the leakage rate would be and how tight the building shell was going to be. The benchmark number provided by Eversource was .13 cfm, and the rink hit 0.12 which is a very high goal for an ice rink. Mr. Beard commended Bob King for all his help with the energy efficiency of this building. Mr. Beard talked about the leaks which were found between the existing building and the new building, noting these have been successfully filled in.

The vortex device which Mr. Beard referred to earlier was coded at $27,000 but the rink was able to receive a rebate. The expected electric savings is about $26,000 per year and the expected propane savings is about $50,000, which is a $75,000 savings on an $80,000 operating cost per year. Mr. Beard felt this was a very impressive energy savings.

Mr. Beard then talked about the water efficiency. City water, at a temperature of approximately 50 degrees, enters the rink thru the water meter at the front of the building. From here it flows through the pre-heaters on the ICE Heat Pumps as it is warmed to 85 degrees. It is then stored in the Zamboni Fill Water Tank at the same temperature and is transferred into the Zamboni. The Zamboni transfers this water onto the ice which is then cooled to 25 degrees so the ice surface is ready for use. When the Zamboni is done resurfacing, the shaved ice is dumped into the snow melt pit where it is melted back into water. Water from the snow melt is sent up to the Fluid Cooler on the roof to cool the reclaim heat loop. In the Fluid Cooler the water either evaporates or goes back into the ice melt pit.

Mr. Beard stated they are expected to use between 400,000 to 500,000 gallons of water annually, and about half of that is sent back through this cycle. Mr. Beard expressed his appreciation for the energy efficiency to Scully Architects, the MacMillan Company, GWR Engineering, Preferred Mechanic, Resilient Building Group, and GDS Group.

Mr. Fisher talked about the grand opening scheduled for April 3rd. He stated this rink would not be possible without the support of the Council, Mayor and City Managers (past and present) and he stated they would like to see everyone at the grand opening. The Mayor will cut the ribbon at noon and the Fire and Police Departments will play a game of hockey. There are other activities being planned for this day as well. The Mayor expressed his appreciation as well and encouraged Councilors to attend the grand opening of the rink.

PRESENTATION – BROADBAND AND ITS ROLE IN ECONOMIC DEVELOPMENT

IT Director Rebecca Landry stated she will not be talking about where fiber is needed in the City or what blend of technology is going to be used or what the cost is going to be. Instead this presentation will focus on highlighting the need for broadband as it relates to economic development in the City. She continued the City will want to also start thinking about broadband as an important infrastructure, the same as we plan for and fund other infrastructure projects. She added that hopefully the City can encourage community partnerships.

Ms. Landry continued that in 2010 the City released its Comprehensive Master Plan. She noted there is a section in the Master Plan related to broadband; however, there are other priorities throughout the Plan that would benefit from this infrastructure. Ms. Landry went on to refer to the following excerpts from the Master Plan as it relates to broadband:

New jobs should be a primary objective. Ms. Landry noted that communities which have gigabyte based networks attract high waging paying employers. *High quality jobs which pay a living wage.* Ms. Landry commented that this is imperative for long term economic sustainability. *Fostering local startup companies;* and, *New business recruitment.* Ms. Landry stated small business growth is important to Keene's economic development. *Keene is promoted to as New England region "Entrepreneur Center".* Ms. Landry commented that this is attainable and is dependent on broadband.

She went on to read the following statements from the Master Plan: *Now is the time to assess and plan for the community's neighborhoods. Our neighborhoods are the foundation for present-day Keene as well as for the Keene of the future.* Ms. Landry commented on the importance of broadband in meeting these goals and priorities.

Ms. Landry stated broadband is a quality of life driver, in residential settings it could be more than with things like children's learning, the ability to access medical records online, the ability of parents to check on their children's grades and homework online, and easy communication with family living around the country and the world. She added that the availability of broadband also increases property values.

Ms. Landry continued that in 2009, the Southwest Regional Planning Commission named broadband as one of their Community Economic Development Strategies and this is the same year the City partnered with Southwest Regional Planning Commission to develop a broadband plan.

Ms. Landry went on to review a few of their broadband goals. The first was to make broadband available to all businesses and residences, including a 100 MG plan for every doorstep, but no less than 50 MG. Next was to promote public/private partnerships. Ms. Landry commented that she would not suggest the City of Keene be the "end all" for broadband issues. Their goals further included an open network to promote competition – to build a highway and with certain licenses to have access. It was further identified as a goal to reduce vehicular traffic to metro centers so employees can work remotely from home. Further goals of the SWRPC were to

attract and retain a competent workforce and to support the digital transition of the local economy.

Ms. Landry noted there were certain problems identified as issues for this plan. They are the density of towns which is not high enough to draw broadband providers. She added the geography provides many challenges as we have more hills and valleys. Ms. Landry stated that the Chamber of Commerce has started a regional issue series and has identified broadband as one of the top issues. Their goal is to bring to light the economic challenges Keene faces.

Ms. Landry then talked about what is happening in some other communities using broadband, Chattanooga, TN is a recent example. Since implementing their broadband solution they now have a home serve call center which brought in 140 jobs. She noted that the Volkswagen headquarters, and an Amazon distribution center are now located in this community as well. The same is true for places like Bristol, VA, Lafayette, VA and Chanute, KS.

Ms. Landry then talked about NH Fastroads which paved the way for dark fiber. This was made possible by grant funding and noted she would hate to see this project go away. The largely grant funded infrastructure is there and is ready for connections. It is a fantastic opportunity that would be a shame to lose and expensive to recreate.

Ms. Landry went on to discuss some of the pros and cons we face in New Hampshire. One of the cons is that in NH the utility poles are not owned by the municipalities. In addition, New Hampshire still has issues with municipal bonding for broadband infrastructure, which is a hurdle other states have been able to overcome. However, one of the pros is that we have NH Fastroads as well as the potential for collaboration throughout the community to give broadband a boost.

Moving forward, the City needs to identify a vision and goals as well as look at City policies, standards and budgets which could prevent fiber development. In closing, Ms. Landry stated she looks forward to building relationships with existing providers and communities that have done this.

Mayor Lane stated as the City looks at economic development, broadband plays a critical role in this progress.

Councilor Sutherland asked whether the City would welcome any test pilot programs or proof of concept from any hybrid solutions that are available. Ms. Landry felt this is essential given our geography.

Councilor Kahn asked what schedule Ms. Landry had in mind to rolling out some concept plans. Ms. Landry stated it depends on some work that would need to be done first. For example, in Hanover they are looking to hire seasonal crews to dig up trenches to lay conduits for other providers to come in and install fiber. An approach like that could take two to three years and if it is done aerially it could take longer. The Mayor stated he plans on appointing an Economic Development Committee and this item would be part of their discussion. He ended by thanking Ms. Landry for her presentation.

CONFIRMATIONS

A motion was made by Councilor Greenwald and duly seconded to confirm the following nominations: Terry Clark to serve as a regular member on the Cities for Climate Protection Committee for a term to expire December 31, 2017; Andrew Bohannon to serve as a regular member on the Planning Board for a term to expire December 31, 2017. On a roll call vote, with 13 Councilors present and voting in favor the motion carried. Councilors O'Connor and Jones were absent.

COMMUNICATION – SARAH WILTON, SKYE STEPHENSON AND COUNCILOR CLARK – REQUESTING THE CITY COUNCIL TAKE A POSITION ON THE KINDER MORGAN'S PIPELINE

A communication was received from Sarah Wilton, Skye Stephenson and Councilor Clark, requesting the City Council take a position on the Kinder Morgan's Pipeline. The communication was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – WESTON LIU/NEW ENGLAND AEROBATIC CLUB – REQUEST TO USE CITY PROPERTY – DILLANT-HOPKINS AIRPORT

A communication was received from Weston Liu from the New England Aerobatic Club, requesting to use City property at the Dillant-Hopkins Airport. The communication was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – VIRGINIA CARTER/WALPOLE MOUNTAIN VIEW WINERY – REQUEST TO SELL WINE AT FARMER'S MARKET

A communication was received from Virginia Carter from Walpole Mountain View Winery, requesting to sell wine at the Keene Farmer's Market. The communication was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – COUNCILOR KAHN – FY 17 CAPITAL IMPROVEMENT PROGRAM

A communication was received from Councilor Kahn requesting to amend the CIP to limit the impact on property taxes to a 1% increase. The Mayor tabled this communication until the end of the agenda to be considered during the discussion on the 2016-2022 CIP.

COMMUNICATION – COUNCILOR KAHN – FY 17 CAPITAL IMPROVEMENT PROGRAM

A communication was received from Councilor Kahn requesting to amend the CIP by reducing funding for Jonathan Daniels Trail Study to $0 in FY17. The Mayor tabled this communication until the end of the agenda to be considered during the discussion on the 2016-2022 CIP.

Councilor Hansel was excused by the Mayor from the meeting at 8:15 PM.

MSFI REPORT – SIGNIFICANT ITEMS OF LEGISLATION

Municipal Services, Facilities and Infrastructure Committee report read recommending the City Council endorse City of Keene staff support of HB 1619 with an amendment to expand it statewide. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

PLD REPORT – SUGGESTED BAN ON SINGLE USE PLASTIC BAGS

Planning, Licenses and Development Committee report read recommending that Ms. Baudrand's letter regarding the banning of single use plastic bags be accepted as informational. A motion by Councilor Clark to refer the item back to Committee to discuss new information was duly seconded. The motion passed with 11 voting in favor and Councilors Greenwald and Sutherland opposed.

PLD REPORT – REQUEST TO USE CITY PROPERTY – SPRING STREET

Planning, Licenses and Development Committee report read recommending the City Council approve the request from the Red Devils Soccer Club Inc. to pass and repass City property at 41 Spring Street for a period from the date of issuance to December 1, 2016, subject to the signing of a revocable license and indemnification agreement and receipt of a certificate of liability insurance in the amount of $1,000,000 with the City of Keene listed as an additional insured, and subject to any recommendations of City staff, and that City Council approve the request to use parking spaces in the City-owned lot at 41 Spring Street subject to the approval of staff. A motion by Councilor Richards to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

PLD REPORT – REQUEST TO USE CITY PROPERTY – FARMER'S MARKET

Planning, Licenses and Development Committee report read recommending the Farmer's Market of Keene be granted permission to use 22 parking spaces along Gilbo Avenue as well as 20 spaces on the other side of the median strip in the Commercial Street Parking Lot on Tuesdays and Saturdays from May 1, 2016 to October 31, 2016. In addition, the petitioner is granted use of the median area for placement of picnic tables with the understanding that the pedestrian path may not be obstructed. Said permission is granted subject to the following conditions: compliance with the customary licensing requirements of the City Council; the receipt of a total rental fee of $1,200.00 (payable on the first day of every month at $200.00 per month); obtainment of a city food license from the Health Department; and compliance with any recommendations of City staff. Access to City electrical shall also be provided at a fee of $60.00 for the season. It is further recommended that the Farmer's Market of Keene be allowed to erect sandwich board signs on City property prior to the start of sales, subject to review and approval by City staff with respect to the number and location. The signs must be removed immediately after the sales have concluded. A motion by Councilor Richards to carry out the intent of the

report was duly seconded. A motion by Councilor Richards to amend the recommendation to include that the license may be suspended in the event that Gilbo Avenue is closed for City sponsored events was duly seconded. The motion passed with a unanimous vote in favor. Relative to the main motion on the floor, voted unanimously to carry out the intent of the report, as amended.

PLD REPORT – DISRUPTIVE BEHAVIOR OF LARGE GATHERINGS OF STUDENTS

Planning, Licenses and Development Committee report read recommending the communication regarding disorderly behavior be handled administratively with a report back on the research in April. A motion by Councilor Richards to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

PLD REPORT – MARLBORO STREET REZONING AND EASTSIDE REVITALIZATION

Planning, Licenses and Development Committee report read recommending the City Council direct staff to begin looking at neighborhood wide solutions for development and redevelopment in Ward 1 and Ward 2. A motion by Councilor Richards to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

PLD REPORT – SIGNIFICANT ITEMS OF LEGISLATION

Planning, Licenses and Development Committee report read recommending the City Council supports the staff's position on these legislative Bills. Councilor Richards moved to amend the mtion to accept the report as informational since the Bills have already been acted upon. The amended motion passed with a unanimous vote in favor.

FOP REPORTS – ACCEPTANCE OF DONATION – CROSSING GUARD; ACCEPTANCE OF NH HIGHWAY SAFETY AGENCY S.T.E.P GRANT; ACCEPTANCE OF MONETARY DONATION – POLICE FUND; ACCEPTANCE OF DONATION – MLK/JD ANNUAL PROGRAMMING; ACCEPTANCE OF DONATION – KEENE RECREATION CENTER; AND ACCEPTANCE OF DONATION – LIBRARY INTERNSHIP

Mayor Lane noted that items 3A8 through 3A13, all related to donations and the reports, would be acted upon with one motion. Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary: to accept a donation from the SAU 29 School District to cover 100% of the cost of a Crossing Guard at Fuller School for the rest of the school year; to accept a grant from the New Hampshire Highway Safety Agency to fund the Sustained Traffic Enforcement Patrol (S.T.E.P.) campaign; to accept a donation of $100 from Jane Gobeil, a resident of Antrim, NH for use by the Keene Police Department; to accept a donation of $750.00 from the St. James Thrift Shop and that the money is used by the City's Martin Luther King Jr./Jonathan Daniels Committee for its annual programming; to accept the donation of $300.00 from the Monadnock Squares and that the money is used for any improvements needed at the Keene Recreation Center; and to accept a donation in the amount of $4,000 from the Keene Public Library Board of Trustees to fund an Internship for the purposes of building a model of the Library Project. A motion by Councilor

Greenwald to carry out the intent of the reports was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – SAFE ROUTES TO SCHOOL – TRAVEL GRANT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept and execute a "Non-Infrastructure" $7,338.00 grant from the New Hampshire Department of Transportation (NHDOT) to support the Safe Routes to School program at Symonds Elementary School. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – TAX DEEDS FOR UNPAID 2012 PROPERTY TAXES

Finance, Organization and Personnel Committee report read recommending to City Council to deed the following Properties below that are not considered a liability to the City:

270 Beaver Street
9 Martin Street
21 Allen Court
74 Sparrow Street
18 Blue Jay Court

The Committee report further recommended that a 30 day waiver be granted to 15 Cross Street and 334 Roxbury Street. A motion by Councilor Greenwald to carry out the intent of the reports was duly seconded. A motion by Councilor Greenwald to amend the recommendation to remove 74 Sparrow Street and 18 Blue Jay Court was duly seconded. The motion passed with a unanimous vote in favor. Relative to the main motion on the floor, voted unanimously to carry out the intent of the report, as amended.

FOP REPORT – 4TH GRADE WATER SCIENCE FAIRS – SOLICIT DONATIONS

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to solicit and accept donations to be used as prizes for the Fourth Grade Water Science Fairs from local and regional businesses. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – PHASE 2 – INFLOW AND INFILTRATION EVALUATION – WASTEWATER COLLECTION SYSTEM

Finance, Organization and Personnel Committee report read recommending the City Council authorize the City Manager to do all things necessary to execute a professional services contract with Hazen and Sawyer, Environmental Engineers (H&S) to perform Phase 2 of an Inflow and Infiltration (I/I) Evaluation of the City's Wastewater Collection System on the east side of the

City for an amount not to exceed $48,750. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – SIGNIFICANT ITEMS OF LEGISLATION

Finance, Organization and Personnel Committee report read recommending endorsing staff's position on the items of legislation in this report. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – FY 2016-2022 – CAPITAL IMPROVEMENT PROGRAM

Finance, Organization and Personnel Committee report read recommending to the City Council that $28,390 slated for the Robin Hood Park tennis courts be moved from FY18 to FY17; and recommending the City Council approve the Capital Improvement Program 2016-2022 as amended. The Mayor tabled this report until the end of the agenda to be considered during the discussion on the 2016-2022 CIP.

CITY MANAGER – COMMENTS

The City Manager advised the Council that the Mayor has put together a committee to work with the Planning Department and a consultant that is coming in to do the first phase of land development code. The members being appointed to this committee are: George Hansel, City Councilor; Gary Spykman, Chairman of the Planning Board; Dave Bergeron, Brickstone Land Use Consultant; Rhett Lamb, Assistant City Manager/Planning Director; John Rogers, Acting Code/Health Director; Andy Bohannon, Parks and Recreation Director; and Tara Kessler, Planner. The first meeting is going to be on Monday, March 21, 2016.

MEMORANDUM AND ORDINANCE O-2016-03-A: ZONE CHANGE – LIBRARY PROPERTY REZONING – JOINT PLANNING BOARD/ PLANNING, LICENSES AND DEVELOPMENT COMMITTEE

A memorandum was received from Tara Kessler, Planner, on behalf of the Joint Planning Board and Planning, Licenses and Development Committee relative with Ordinance O-2016-03-A: Relating to Change of Zone – Keene Public Library Annex Parcel. The Ordinance was amended to exclude the 86 Winter Street and the 105 West Street properties from the rezoning proposal. The memorandum indicated that at their meeting of March 14, 2016, the Planning Board found the proposed Ordinance, as amended, to be consistent with the City Master Plan. Further, the Planning, Licenses and Development Committee requested the Mayor set a public hearing on the matter. The memorandum filed as informational. The Mayor set a Public Hearing for Thursday, April 7, 2016 at 7:00 PM.

MORE TIME

More time was granted by the Chair for the following item in Committee: Removal of Granite Curbing – West Side of Central Square – Sidewalk Café license.

MEMORANDUM – COUNCILOR GREENWALD AND ORDINANCE O-2016-06: RELATING TO CHARTER OFFICERS – PERFORMANCE EVALUATIONS

A memorandum was received from Councilor Greenwald along with Ordinance O-2016-06: Relating to Charter Officers – Performance Evaluations. The memorandum was filed as informational. Ordinance O-2016-06 was read for the first time. The Ordinance was referred to the Finance, Organization and Personnel Committee.

FOP REPORTS AND RESOLUTION R-2016-02-A: RELATING TO FISCAL POLICIES

Finance, Organization and Personnel Committee report read recommending the memorandum from the Finance Director relating to ambulance service fees be accepted as informational. The report was filed as informational. A second report from the Finance, Organization and Personnel Committee was read recommending accepting the Mayor's communication on fiscal policies as informational. The report was filed as informational. A third Finance, Organization and Personnel Committee report was read recommending the suggestions made by the Mayor be included, and that they be indexed by the City Clerk. The report further recommended adding the following language: *"Whereas this policy shall be reviewed and adopted annually by the City Council in July.*. Finally, the report recommended including the recommendation from staff regarding ambulance service, and the adoption of R-2016-02, as amended. The report was filed as informational. Resolution R-2016-02-A: Relating to Fiscal Policies was read for the second time. The Mayor stated the fiscal policies are a policy of the City Council and are subject to the provisions of Section 37 of the Rules of Order. The Mayor continued that Section 37 states that the rules may be amended or new rules adopted by a two-thirds vote of all members elected. Any such alterations or amendments shall be submitted in writing at the preceding regular meeting of the City council and shall be referred to the appropriate committee. This requirement shall be waived only by unanimous consent, with a recorded vote of all members elected. Changes shall become effective upon passage. The Mayor continued that any further amendments to the fiscal policy needed to be submitted at the last City Council meeting. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. On roll call vote, with 12 Councilors present and voting in favor, the motion carried. Councilors O'Connor, Hansel and Jones were absent. Resolution R-2016-02-A declared adopted.

ADJOURNMENT FOR RECESS

At 9:18 PM, the Mayor took a three minute recess. The session reconvened at 9:21 PM.

TABLED ITEMS: FOP REPORT – CAPITAL IMPROVEMENT PROGRAM 2016-2022 , *and* COMMUNICATIONS – COUNCILOR KAHN – FY 17 CAPITAL IMPROVEMENTS PROGRAM

Finance, Organization and Personnel Committee report read recommending to the City Council that on page 56, $28,390 slated for the Robin Hood Park tennis courts be moved from FY18 to FY17. The report further recommended that City Council approve the Capital Improvement Program 2016-2022 as amended. A motion by Councilor Greenwald to carry out the intent of the report approving the Capital Improvement Program 2016-2022 as amended was duly seconded. .

The Mayor took from the table the two communications from Councilor Kahn requesting to amend the CIP to limit impact on property taxes to a 1% increase; and requesting to amend the CIP by reducing funding for Jonathan Daniels Trail Study to $0 in FY17. He also brought forward item 3A19, Finance, Organization and Personnel Committee Report relative to the Capital Improvement Program 2016-2022. Councilor Greenwald reviewed the development and background of the CIP process and the role of the City Council.

A motion by Councilor Kahn to reduce the Capital Reserve (fire) Apparatus Replacement (pg. 38) funded from the general fund from $400,000 to $100,000 in FY17 and FY18, and add a line for fire engine replacement (pg. 38) in FY18 for $800,000 funded from bond funds was duly seconded. Lengthy discussion followed. A motion by Councilor Richards to move the question was duly seconded and passed with a unanimous vote in favor. Relative to Councilor Kahn's motion to amend the proposed CIP, the motion failed with 8 voting in opposition and Councilors Clark, Kahn, Hooper and Greenwald voting in favor.

A motion by Councilor Lamoureux to move the project, Overlay Gilbo East Lot (pg. 96) from FY19 to FY18 was duly seconded. The motion passed with 11 voting in favor and Councilor Kahn opposed.

A motion by Councilor Kahn to amend the proposed CIP by reducing funding for the Jonathan Daniels Trail Study to $0 in FY17 was duly seconded. The motion passed with a 10 voting in favor and Councilors Clark and Chadbourne opposed.

On showing of hands, 12 Councilors were present and voting in favor. Councilors O'Connor, Hansel and Jones were absent. The Capital Improvement Program 2016-2022, as amended, was declared adopted.

ADJOURNMENT

At 10:25 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:

City Clerk

Notice of Public Hearing

Notice is hereby given that a public hearing will be held on Ordinance O-2016-03-A - Relating to a proposed zone change. The petitioner, the Keene Public Library Board of Trustees requests a zone change from Office to Central Business. The parcel of land affected by this request totals an area of 0.8 acres and is identified by the Tax Map Parcel number 001-01-006 (76 Winter Street). This proposed Ordinance was amended on March 14, 2016 by the Joint Planning Board and Planning, Licenses and Development Committee to remove the properties located 86 Winter Street (TMP# 001-01-004) and 105 West Street (TMP# 001-01-005) from the zone change request.

Hearing date: April 7, 2016
Hearing time: 7:00 PM
Hearing location: City Hall Council Chambers, second floor, 3 Washington Street, Keene, NH

Per order of the Mayor and Councilors of the City of Keene, this seventeenth day of March, 2016. The Ordinance is available for public review in the City Clerk's Office, 1st floor City Hall, 3 Washington Street, Keene, NH 03431.

City Clerk

1A

City of Keene
New Hampshire

DATE: April 5, 2016

TO: The Keene City Council

FROM: Kendall Lane, Mayor

SUBJECT: Appointment of the Ad Hoc Comprehensive Economic Development Committee

Committee Charge: To develop a comprehensive economic development plan for the City of Keene.

I hereby appoint the following individuals to serve on the following Committee:

Ad Hoc Comprehensive Economic Development Committee

Mitchell H. Greenwald, Chair
George S. Hansel, City Councilor
Michael Giacomo, Markem-Imaje
Timothy Murphy, Southwestern Region Planning Commission
Phil Suter, Keene Chamber of Commerce
Jack Dugan, Monadnock Economic Development Corporation
Joseph Walier, Walier Chevrolet of Keene
Cindy Rodenhauser Stewart, Antioch University New England
Jason Wilder, Electronic Imaging
Rebecca Landry, Staff Liasion

2A

Keene Lions Foundation
Tax ID No. 47-5131105

PO Box 62, Keene, NH 03431

March 31, 2016

Keene City Council
3 Washington Street
Keene, NH 03431

To the Honorable Mayor and City Council:

Subject: The Keene Lions Club Twenty-seventh (27th) Annual Great Ashuelot River Duck Race

The Keene Lions Club is holding its 27th Great Ashuelot Duck Race on July 9, 2016. The purpose of this event is to raise at least $20,000 for the benefit of local charities in keeping with the Lions objective to serve those in need. This year our goal is to sell 8,000 $5.00 tickets and 100 $100.00 tickets know a s "SPONSOR A DUCK". All sales are entered into a computer from which a duck number is assigned.

As in previous years, the race course we have selected is the Ashuelot River. We want to start the race from the bridge on West St. The ducks will be loaded into a front end loader in the parking lot at Melanson's on West St. At 10:00 am we will drive across West St. to dump the ducks into the river. Traffic should not be interrupted for longer than 1-2 minutes. The ducks will then be picked up further down the river. We have containing devices that will be placed at the finish line to contain the ducks. We salo have sufficient personnel available through the club to recover all of the ducks and to assist with crowd control. We are therefore asking the Honorable Mayor and City Council for permission to:

1. Drive a front end loader, provided by the Public Works Dept. from Melanson's parking lot across West St. to the bridge and dump the ducks into the Ashuelot River.
2. Interrupt West St. traffic for about 2 minutes or less while the front loader dumps the ducks into the river.
3. Use a bay at the Public Works Garage (date to be arranged with Public Works Director) to sort and count the 8,000 ducks.
4. If it should be necessary, the Lions would like to hold the Duck Race at a later date. A number of years ago extremely high water forced us to postpone the race for a couple of weeks. The Lions would coordinate any date change with city staff.

This is the same as previous requests that the Council has approved in the past.

Respectfully submitted,

Michael B. Forrest

Michael B. Forrest
Lions Duck Race Committee
7 Marguerite Street, Keene, NH 03431
(603) 347-1534

2B

Dear Mayor Lane and City Council

I am writing you to formally request the use of vendor lot 6 off of railroad square as well as its electrical plug in. My name is Raymond Lindsey owner and operator of Mountain Man Coffee Cart. The cart is pedal powered with a mounted espresso machine and coffee brewer. I would be offering coffee tea espresso drinks as well as light baked fare. I would also at this time like to request a variance in the usual vendor business hour limitations. It is my understanding vendors are under current statute not to start vending until 9am. Due to the nature of my products I would request permission to start vending at 7am as it is largely enjoyed as a morning beverage. I have already obtained my peddler's license at both the state and town level and I am currently beginning the process of obtaining a health inspection. Thank you in advance for your time and consideration I look forward to your response.

Sincerely

Raymond Lindsey

Raymond Lindsey
464 Washington St
Keene NH
03431

603-903-0891

March 28, 2016

2C

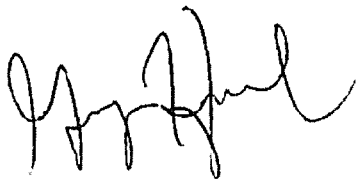
TO: Mayor Kendall Lane, Keene City Council, and City Manager

FROM: George S. Hansel, Councilor At-Large

RE: Review of resolution R-09-01-A: A council policy relating to the legislative process

I request that the city council authorize city staff to facilitate a review of resolution R-09-1-A (city council policy CP-OPER-008.2). This policy, adopted via resolution in 2009, relates to how the city staff and council "weigh in" on pending legislation.

Best regards,



George S. Hansel, Councilor At-Large

3A1

City of Keene
NEW HAMPSHIRE

March 23, 2016

TO: Mayor and City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

SUBJECT: **MEMORANDUM – Parks, Recreation, & Facilities Director – Skate Park Update**

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the update on the skatepark be accepted as informational.

Chairman/Designee

Background:

Parks, Recreation & Facilities Director Andrew Bohannon stated that before the MSFI Committee is information about the status of the Skate Park. He continued that he was unable to be present during the CIP Public Hearing and he understands that people at the hearing asked questions about the project. He noted his intent was to provide this update to the City Council before sharing it with others. In the packet are five different angles. The design is a result of two public meetings that were held with the consultant and about twenty individuals who were very much involved in the process. A few comments were made back to the consultant after the whole process, and he said, "You have a very knowledgeable group of people who have thought this out quite a bit."

He continued that the group has approved the design. They split it up into two different phases. Right from the start of the discussions it has been clear that this project will be funded through private donations. At one point the group was going to form its own non-profit. They worked with the City and Jack Dugan at Monadnock Economic Development Corporation (MEDC) so MEDC can be their non-profit fiscal agent and help with fundraising efforts. The project is just

over 12,000 square feet. There are two bowls. The street bowl is in the very back. The amoeba bowl would be in the second phase and connects the two ramps. They all feel the fundraising is possible and they are eager to get started. He wanted the City Council to be aware of this process so when it goes out to the public they have seen it.

Chair Manwaring asked what "phase 2" is. Mr. Bohannon replied that if they could only raise so much money they could adapt and choose to add that in later.

Councilor Lamoureux asked what the estimated time is by which they want to have this completed. Mr. Bohannon replied that they estimate about 18 months, but it could happen very quickly if they get a large donation. They have a website being put together and other materials. He steered the group in the direction of how successful Keene ICE was and they are trying to follow suit. The two projects are different, but in both cases they are asking the public and corporations for donations.

Councilor O'Connor asked if the website they are creating can be linked to the City's website. Mr. Bohannon replied yes, as far as he knows.

Chair Manwaring asked if the public had questions. Hearing none, she asked for a motion.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the update on the skatepark be accepted as informational.

3A2

City of Keene
NEW HAMPSHIRE

March 23, 2016

TO: Mayor and City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

SUBJECT: **COMMUNICATION – Phil Suter/Greater Keene Chamber of Commerce – Granite Curbing – West Side of Central Square; MEMORANDUM – City Engineer – Granite Curbing – West Side of Central Square – Options for Removal; AND MORE TIME REPORT – Dorrie O'Meara – Request to Remove Granite Curbing – West Side of Central Square**

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee accepted Phil Suter's communication as informational.

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the City Engineer's communication as informational.

On a vote of 3-2, the Municipal Services, Facilities, and Infrastructure Committee recommended that the request for the removal of granite curbing on the west side of Central Square be denied. Councilor Filiault and Councilor Hooper were opposed.

Chairman/Designee

Background:

Phil Suter, Executive Director of the Greater Keene Chamber of Commerce, stated that he thinks they have all read his letter and he wants to make two points. First, there is a specific interest that the Chamber has regarding this proposal: accessibility to their office by visitors to Keene, especially from May to October when they have a steady stream of people coming in. He continued that having it be easily accessible from the sidewalk is important to them. That said, they are not open on the weekends so it is less of an issue then. The Chamber owns the building

and it is a visitor center for the city and region and they want it to be as welcoming as possible. There is a handicapped accessible ramp that goes to their office and to the entrance to the Public Defender.

Mr. Suter continued that there is an important larger issue. He wants to be clear that the Chamber is not opposed to outdoor dining, either here or elsewhere in town. He commends the City for looking at this issue comprehensively in the downtown. Many parts of the sidewalk on Main Street are not really designed for outdoor dining. Some are wider or narrower; there are a lot of different configurations. He understands that the City is looking at this in a broader way, updating the downtown, which has broader implications than tables and chairs on sidewalks, like sewer line implications and other things that will come up. He is totally in favor of that effort and looking at the value of outdoor dining as something that makes this a unique, fun place to be. The Chamber could help market it and tell a story about it as one of the many reasons people want to come here.

Councilor Richards stated that with the public information kiosk it is a little tight in front of their building and inquired whether removing the curbing would give the chamber more room. Mr. Suter replied this would create more space, but his first choice of what to put in the increased space would not be tables. Maybe the Chamber would want to add benches for visitors who need to sit with a map and figure out where they are going.

At this point the Committee took up the memorandum from the City Engineer relative to granite curbing on the west side of Central Square.

Duncan Watson, Public Works Assistant Director, stated that a brief synopsis is that about four weeks ago the Public Works Department was here responding to a request from Dorrie O'Meara of Moxie Realty to remove the granite curb on the west side of Central Square. He continued that they explained that the City had a process, through the CIP, to look comprehensively at the downtown area, and not just this one situation. This was driven in part by identifying some drainage issues that would necessitate digging up big portions of the downtown. Because it has been almost 30 years since downtown was looked at, they thought it appropriate to start a public process of determining what Main Street should look like. It would be looked at from an aesthetic as well as a public benefit standpoint, and holistically, not on a case by case basis.

Mr. Watson continued there are a number of configurations downtown similar to this one. For example, on the west side from Winter Street to Gilbo Avenue, the sidewalk is hemmed in a little by raised curbs there as well. Also, on the east side from Roxbury Street down to Railroad Street, a similar configuration exists. Staff's concern is: if they address this one situation, how does it affect other requests of this nature without taking into account the comprehensive nature of what they would be proposing? That said, the MSFI Committee tasked staff to come back with a couple of options that would address this situation. They have two alternatives that the City Engineer will explain.

City Engineer Don Lussier stated that they were tasked specifically with options and costs that address the request from Ms. O'Meara. He continued that these were developed internally with staff, coming up with what they thought addressed the concern. They did not do public outreach

or communicate with neighbors like they would typically do with a more comprehensive design process.

Mr. Lussier continued that for option one, they tried to come up with the least amount of work they could do that specifically addresses the request for outdoor seating in front of the three buildings. Option one would remove 135 feet of the granite curbing that is there now, from the southern-most edge of Pedraza's to the northern-most wall of the Ingenuity Country Store. It leaves the remaining portions at the northern and southern ends of the block. It also re-sets the existing lighting, and restores two of the trees that would need to be replaced as part of that work. There is ancillary work that goes along with it – drainage correction, rerouting the existing irrigation system, resetting the parking meters, etc.

Mr. Lussier continued that option two is more extensive. It gives the entire city block the same treatment. It would include the complete removal of the granite curbing, and replacement of all four trees with new trees in cast iron planter boxes. The planter grates would be flush-mounted, ADA-compliant, and accessible so that tables and chairs could go on top of them. The ancillary work with option two would be the same as with option one.

Mr. Lussier continued that to preface his comments about costs, they have not done a design. These are concept sketches looking at the big ticket items. The estimates are from $36,000 to $57,000, and those presume that the City would do the design in-house to expedite the process and then contract the project out under a construction contract.

Councilor Filiault stated that he knows the request is to keep it as simple as possible, but he wonders why they would need to reset light poles and replace trees at this point. One person's opinion is that removing trees and not replacing them opens up the space and makes it better. In front of the Stage, there are trees with dirt around them. Could option one be even simpler? There are potential plans for improvements down the road, but that might not happen.

Mr. Lussier replied that the existing light poles are on 18" diameter concrete bases. He continued that they are set based on the height of the landscaped islands. If not reset, the concrete would be sticking out of the ground about eight inches. This would be an aesthetic issue and they would be tripping hazards. Regarding the trees, this has not been designed yet, and yes, they could look at omitting the trees. That would give that side of Central Square a very different feel than the whole rest of the Square, but that would be a detail to work out during the design process.

Councilor Lamoureux stated that he knows this is a basic look. He asked if anyone has reviewed what is under the sidewalk. They might have to do work here again when downtown is looked at more comprehensively. Mr. Lussier replied that they took a basic look via GIS mapping. Most utilities are in the street, except electric and irrigation lines, which they know would be disturbed and need to be reset. That cost is included. It is unclear where the gas lines are. There is more that needs to be developed.

Councilor Hooper stated that he wants to echo Councilor Lamoureux's remarks. He continued that his major concern is that while this is great, and it brings a more social, lively, downtown for people sitting outside, he wants to make sure during the design and research process that they do

not need to dig things up twice and that they do not have extra costs they have not accounted for by not digging up the ground to see what is under there. Before going further he wants to make sure they are not spending more money doing it twice. He thinks they should move forward with that assessment. Mr. Lussier stated that he agrees and reiterates that this is concept level. Before they start digging they would need to go through a proper design process where all that detail gets flushed out.

Councilor O'Connor asked for a basic construction timeframe. Mr. Lussier replied that they did not look at that, but off the cuff, he thinks about it would take about 6-8 weeks.

Councilor Lamoureux stated that as part of his previous work with the City they were working on putting kiosks in for parking. He continued that it would be advantageous to look at that instead of resetting the meter poles in the concrete. Second, he knows that downtown merchants work hard to keep downtown vibrant. He supports the downtown area. He knows that City processes and things take time, but they have money put aside for a study and he wants them to do the work once in the downtown. The work may end up being done in phases. Central Square needs attention, especially based on drainage. He thinks Central Square could be looked at as a phase 1 project. He thinks they should start the study, talk to the community, and see what the downtown merchants need. If the project will take a long time, they could try to accommodate some of those things in the downtown in the meantime. It would be better for the entire downtown, and fair to everyone, to address the whole thing at once.

Mr. Lussier stated that to amend his answer, that estimate for time would be with the presumption that there are no utility complications. If the gas main runs through there, for example, that would slow the process down.

Chair Manwaring asked for public comment.

Councilor Carl Jacobs stated that he recalls that the drainage needs to be addressed in this area. He continued that he heard mention of other pipes. Do they know what the problem is and how to address it? He sensed the need for planning. Mr. Lussier replied that the issue with drainage is a large diameter drainage utility that runs under the streets. It would not directly be affected by this project, in the sense that they would not be working on top of it. The drainage for this project would be just to drain the sidewalk, regardless of what is happening in the street.

Councilor Jacobs stated that regarding just digging once, if they did this, they would not need to dig it up again to work on the drainage issue. Mr. Lussier replied that they would not need to dig this sidewalk up to fix this pipe, but whether they would have to re-dig to do the downtown features that come out of a broader planning study is another question.

The Committee went on to discuss the letter submitted previously by Ms. O'Meara.

Dorrie O'Meara stated that she assures Mr. Suter that if this project occurs, the plan is not to put tables in front of the Chamber of Commerce. Previous years, the restaurant was allowed to, but now they want to push the tables back and have them be completely out of everyone's way to make more room for traffic going by. She stated she appreciates Mr. Suter's support.

Ms. O'Meara continued that she heard Councilor Lamoureux's comments that he does not want to do something today for fear of having to re-do it if there is a plan in the future. Last time she was here there was no date or timeframe for that plan and yet there is money set aside for the study. Chair Manwaring replied that the CIP passed last week so they now know the study will begin July 2016, for the first phase.

Ms. O'Meara stated that in that case, they are going to deny a project today that they know for sure will help a business to come in and provide jobs and be a boost to the local economy, for a plan they do not know the results of and which might take years to complete. It seems unreasonable to punish her as the landlord or the prospective tenant. She continued that she would be fine with either option one or two, since she came here mostly for the Pour House and Ingenuity Country Store. The Mon Amie Jewelry person does not care to have the island in front of her store. The first option, which allows an island for the kiosk for the Chamber, if that is where the kiosk goes, might need a little thought. Handicapped people cannot step up to read it. Maybe they could put it back on the sidewalk or eliminate the island to help people who have a hard time.

Ms. O'Meara asked for a reminder about Councilor O'Connor's comments. He replied that he had asked about the timeframe. Chair Manwaring stated that that was a good point. She continued that Ms. O'Meara is basically asking to not have a sidewalk during the summer. Ms. O'Meara replied that she would suffer either way – if Pedraza's does not take a hit by not having the patio space, she could lose a really good tenant. There is no way to win unless they do this project in the late fall.

Ms. O'Meara continued that she encourages the MSFI Committee to reconsider their position about "doing things twice." They all know there could be delays. Her request has been put off for four weeks to do a study. It would be a shame to lose this tenant. It would really add to the downtown. It would create jobs and bring in money for the city. Having this tenant there would look nicer than having an empty storefront downtown.

Councilor Hooper stated that he was the one who expressed concern about doing things twice. He continued that he agrees it is important to revitalize downtown and bring in more businesses. He still has a concern about doing things one step at a time instead of coming up with a design for the entire downtown area. They did that in 1988 and brought everything together, thinking of the entire area, not just one location. That is pulling him one way. The other way he is being pulled is, trying to get the downtown business.

Councilor Hooper asked if there is a precedent for the owner of a building assisting with the cost of a project like this. He continued that this is a general question and he is not suggesting Ms. O'Meara do this. He is new, and wonders what has happened in the past.

The City Attorney stated that he does not recall any, but there was a recent public/private partnership to install crossing lights by the Grange. He continued that there was a broad public benefit to this project. He asked if other staff recall other instances.

Chair Manwaring asked Mayor Lane. Mayor Lane stated that he knows that there were patios laid in front of Scores on City property and the City did not pay. He continued that the Piazza also had work done that the Piazza owner paid for, not the City. Regarding the question of whether there is any example of the City spending significant money to benefit one property owner, he thinks the answer is no, but he could be wrong.

Public Works Director Kürt Blomquist stated that he concurs with the Mayor. He continued that Scores got permission and the patio was the business's responsibility. The Piazza requested permission to lay the bricks themselves. He is unaware of the City spending funds for one property owner.

The City Attorney stated that he does not have any particular interest in Ms. O'Meara's request. He continued that he loves downtown and eating outside, but based on those comments, it is important to remember there is a matter of law. The City Council cannot spend public dollars for a private benefit. He is not saying that is what is happening. They would have to find a broader, public benefit. There is economic development, and access and ADA compliance, yes, but he cautions them – if they spend the money just for a private benefit it would be problematic.

Chair Manwaring stated that Ms. O'Meara has mentioned problems with ADA, and the needs of folks with strollers, and so on and so forth. Ms. O'Meara replied that the idea that this is being perceived as benefitting one property owner is off. She continued that it is not just for her. There have been many times when the City has made exceptions for big companies who are coming to Keene, because they want them here. This project is not for her benefit. All she would get out of it is rent. The city will get a wonderful business, about 20 more jobs, more money in the local economy, and people using services from other vendors. The Chamber's job is to help bring businesses to Keene. The City helps businesses all the time – usually big companies that can offer a lot more.

Ms. O'Meara continued that she is not paying for this project. The new tenants would laugh at her if she asked them to pay for it. Regarding the examples City staff gave, of local businesses participating in paying for improvements, Scores only went from grass to brick, and the Piazza only put in some bricks. They did not need to do all that needs to be done on the west side of Central Square. Cobblestone (Ale House) had grass removed, and the City took on that whole thing. She does not think her request is outrageous. They should not be saying that they do not want to do it now so they do not have to do the work twice, because they do not even know what that second work will be. Not doing this project now will punish the public by not having this restaurant here today. She asked the MSFI Committee to please consider approving one of the options to go to the next level. Everyone is worried about the unknown, and she asks that they concentrate on what they know tonight, and on the plans presented, which are both great.

Councilor O'Connor asked if the Liquor Commission would need to approve an outside seating area. Ms. O'Meara replied if they serve alcohol, yes.

Chair Manwaring asked for public comment.

Connor Havron stated that he is a Keene State College student. He asked: when the City takes out light posts and installs new lights, do they look at it from an environmental perspective (e.g. considering solar panels) or just an economic one? The City Engineer replied that specifically for these options they looked at removing the existing lights and resetting them in the same location but at the correct elevation. He continued that they did not look at replacing the fixtures. The existing ones are very efficient LED ones. Reusing what can be reused impacts the environment less. Regarding the environmental impact of the project, staff looks at issues such as having a low-impact design and trying to reduce storm water as part of the design process. The existing trees on Main St. have had problems with outgrowing their boundaries. They plan on installing larger grates to give them more room.

Councilor Filiault stated that he agrees with the City Attorney that if a request is only for an individual's benefit, the City Council does not consider it. He continued that he considers this a request for infrastructure work. He can give other examples of infrastructure work - at the airport, the City "bent over backwards" to make sure C&S stayed in town. They did Black Brook Corporate Park. They laid the infrastructure for Railroad Square and for Keene ICE. They went in together with the Grange to spend money on crosswalks. So yes, the City does this. This request is for infrastructure that needs to be worked on so a business will come to town. He thinks they should open their minds and think about why they should do this, not talk so much about why they cannot. Maybe the scope can be a little smaller. Down the road, yes, they will redo downtown. Old photos of Keene show that it has been changed many times. He sees no reason to not do a small project like this and maybe scale it down.

Councilor Filiault continued that there is question of whether the "down the road" project will happen. The current City Council members will not be here then. The future City Council members might say no to that project. As the current elected officials they need to look at what they have now. They should say yes or no to tonight's request and not use the excuse of needing to push this down the road because of what *might* happen.

He continued that they can look at Optical Avenue, in the years before most of today's City Council members were involved, when the administration laid down infrastructure. Some people said it was a boondoggle then. That was a much bigger project. Tonight's request is for infrastructure to help an incoming business. The islands in the sidewalks now do not work. They were set up for a reason other than tables. The City does their best to maintain it. The woodchips were put there because the grass was not working but neither are the woodchips. As a bigger project comes along in in years to come, they will work on that then. The City Council needs to be more optimistic and forthcoming, more positive, when there are taxpayers saying they want to bring jobs in.

Councilor Chadbourne stated that they just approved the CIP. She asked if there are funds available to cover this. Two approximate costs for the options were given. If they look at how much Ms. O'Meara spends on taxes and her businesses and how much that brings into the City, they could consider that. She has concerns that these projects and looking at downtown does take a long time. Yes, they do make exceptions. That is the beauty of having a City Council to go to and having flexibility. She remembers when Councilor Venezia spoke for Frank's Barber Shop when it needed a handicap space. Many times the City Council has accommodated a

request. This project has more money and impact, but this is in keeping with the idea of change that improves downtown.

Assistant City Manager/Human Resources Director Elizabeth Fox replied that there are no budgeted funds for this. Councilor Chadbourne replied that her question is whether there is money available in some fund for things that come up. They borrow from this fund or that fund. Ms. Fox replied that there is no contingency fund, if that is what she is referring to. Maybe Mr. Blomquist can talk about PWD funds. They have talked about the leftover snow plowing funds.

Mr. Blomquist stated that in the past, the City Council has taken money from an unallocated fund balance, or looked through the CIP to see what had been closed out or completed, to see if there were any funds left in those projects. He continued that regarding his operational budget, yes, they had a light winter. He hesitates to give a number now, but it is probably about $25,000 to $50,000 in the winter budget. That is all personnel overtime costs. They would have to convert that over if they were to do it. There would be action required to take the funds from somewhere. There is no designated funding area for this project.

Ms. O'Meara stated that she wants to remind everyone that by doing this project, they would save money in the long run. She continued that it would mean no longer having the sprinkler system, or the cost of the bark mulch, or the voluminous mounds of plants put in there, or the maintenance of the area.

Councilor Hooper asked what motion they would vote on. He continued that Councilor Filiault has mentioned that there could be further study on whether they have problems in the infrastructure and perhaps downsizing the cost. He is not in favor of option two but would potentially be in favor of option one with more details.

Chair Manwaring asked for motions to accept Mr. Suter's and the City Engineer's communications as information. Then they can make a motion about Ms. O'Meara's request.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee accepted Phil Suter's communication as informational.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the City Engineer's communication as informational.

Chair Manwaring asked what they should do regarding Ms. O'Meara's request. Councilor Filiault replied that he wants this to be on more time. He appreciates what staff has brought them tonight, but he thinks there could be more options. He continued that this is a do-able project. He wants to minimize the cost.

Chair Manwaring stated that she agrees, and she wonders if they can place this on more time with an encouragement to staff to make it simpler. Councilor Filiault replied that that leaves it wide open – they need to give them a date to report back.

Councilor O'Connor stated that it is almost another two-step process. They were given two options. He wants to see what the cost would be to have those options done or scaled back. He does not know how that works because they have to put it out to bid. He wants more of a concrete figure.

Councilor Hooper stated that he too wants this placed on more time. He continued that he needs more information in order to make a final decision about whether this is something worth doing in a small project, as opposed to waiting and trying to do the whole downtown at once. He currently does not support it but does not want to close the door.

Councilor Lamoureux stated that what the City Attorney told them about utilizing public money for a private entity bothers him a little. If they put a plan together they know it will be a minimum of $36,000 for option one to $57,000 for option two. To him it is difficult to move forward with anything, regarding this project, when they have a study to do. If the study goes nowhere they can have Ms. O'Meara bring this back for discussion. He is concerned about moving forward now no matter what the cost is, above and beyond the estimates they have already been given. He hears Councilor Filiault about downsizing the project. But it is still public money for a private entity. If they say this is an ADA issue, they have ADA issues throughout the whole downtown and they would have to fix them all. He has not personally seen ADA issues in the area in question but he knows Ms. O'Meara lives there and thus sees more than he does. He thinks instead of moving forward with this project they need to move forward with the study.

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

Move for the Municipal Services, Facilities, and Infrastructure Committee place Dorrie O'Meara's request for the granite curbing to be removed on the west side of Central Square on more time, and to have staff come back in four weeks with alternate plans, and to expand on option one and option two, to see if there is an option that is less expensive.

Chair Manwaring asked if any members of the public had questions or comments. Hearing none, she asked for a vote. The motion failed with a vote of 2-3. Chair Manwaring, Councilor O'Connor, and Councilor Lamoureux were opposed.

The City Attorney stated that this means the MSFI Committee has no recommendation to the City Council regarding this matter. He suggested they make another motion.

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

On a vote of 3-2, the Municipal Services, Facilities, and Infrastructure Committee recommended that the request for the removal of granite curbing on the west side of Central Square be denied. Councilor Filiault and Councilor Hooper were opposed.

3A3

City of Keene
NEW HAMPSHIRE

March 23, 2016

TO: Mayor and City Council

FROM: Planning, Licenses and Development Committee

SUBJECT: **COMMUNICATION: Use of City Property- Cub Scout Pack 348**

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that Cub Scout Pack 348 be granted permission to hold a fund raising event during the month of April 2016 at the City of Keene Transfer Station/Recycling Center subject to the following conditions.

- Provision of a certificate of insurance of at least $1M naming the City as an additional insured,
- Signing of an indemnification agreement, and
- Compliance with City of Keene staff recommendations.

David C. Richards III
Chairman/Designee

Background:

Kurt Blomquist, Public Works Director reported the Public Works staff met with leaders from the Cub Scout Pack at the Transfer Station/Recycling Center and reviewed with them their plans. Staff believes that the request can be supported in a safe manner with minimal impact to operations at the facility. Mr. Blomquist reported staff recommends approval.

Karen Johannesen, of 308 Chesterfield Road noted Cub Scout Pack 348 stated she is seeking permission to hold a fund raising event on a Saturday in the month of April 2016 at the City's Transfer Station/Recycling Center. The Cub Scout Pack would like to sell coffee and donuts to raise funds to assist in sending its members to summer camp.

Chair Richards asked for questions/comments from the Committee; there being no questions/comments from the Committee or members of the public Chair Richards asked for a motion.

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that Cub Scout Pack 348 be granted permission to hold a fund raising event during the month of April 2016 at the City of Keene Transfer Station/Recycling Center subject to the following conditions.

- Provision of a certificate of insurance of at least $1M naming the City as an additional insured,
- Signing of an indemnification agreement, and
- Compliance with City of Keene staff recommendations.

3A4

City of Keene
NEW HAMPSHIRE

March 23, 2016

TO: Mayor and City Council

FROM: Planning, Licenses and Development Committee

SUBJECT: **COMMUNICATION: Virginia Carter/Walpole Mountain View Winery - Request to Sell Wine at Farmer's Market**

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that the Walpole Mountain View Winery be granted permission to sell alcohol at the 2016 Keene Farmer's Market on City property licensed to the Farmer's Market of Keene. Said permission is contingent on the following: submittal of a signed letter of permission from the Farmer's Market of Keene, obtainment of all necessary permits and licenses and compliance with all laws, and the assurance that consumption of alcohol at the Farmer's Market of Keene will be strictly prohibited.

David C. Richards
Chairman/Designee

Background:

The petitioner, Virginia Carter addressed her request noting the request is the same as last year's. Attorney Mullins reported that all City requirements have been met.

There being no questions/comments from the Committee or members of the public Chair Richards asked for a motion.

Councilor Chadbourne made the following motion which was seconded by Chair Richards.

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that the Walpole Mountain View Winery be granted permission to sell alcohol at the 2016 Keene Farmer's Market on City property licensed to the Farmer's Market of Keene. Said permission is contingent on the following: submittal of a signed letter of permission from the Farmer's Market of Keene, obtainment of all necessary permits and licenses and compliance with all laws, and the assurance that consumption of alcohol at the Farmer's Market of Keene will be strictly prohibited.

In response to Ms. Carter the City Attorney advised the City Clerk's Office will send the necessary information to the Liquor Commission after the full Council meeting on April 7, 2016. Ms. Carter indicated she has had some issues with this process in the past.

3A5

City of Keene
NEW HAMPSHIRE

March 23, 2016

TO: Mayor and City Council

FROM: Planning, Licenses and Development Committee

SUBJECT: **COMMUNICATION: Weston Liu/New England Aerobatic Club-Request to Use City Property- Dillant-Hopkins Airport**

On a vote of 4-1, the Planning, Licenses and Development Committee recommends that that the City Council authorize the use of the Dillant-Hopkins Airport by Chapter 35 of the International Aerobatic Club from the date of issuance through December 31, 2016, subject to the execution of a Revocable License and Indemnification Agreement, the receipt of an insurance certificate in the amount of at least $1 million dollars naming the City as an additional insured and all other requirements of City staff including but not limited to the following restrictions: compliance with any requirements of the FAA, limit practice sessions to not more than 5 for the year, there will be no Sunday practice sessions, aerobatic activity shall not occur below 1,500 MSL, limit aerobatic activity to the southern portion of the aerobatic box established by the FAA, restrict use of the aerobatics box until after 10:00 AM, and invite neighbors to the mandatory safety briefings held on practice days. Councilor Hansel voted in opposition.

David C. Richards
Chairman/Designee

Background:

Weston Liu, of Brookline distributed copies of an aerial view of the flying area. Mr. Liu reported the New England Aerobatics Club has been flying here since 2007. The Club has obtained an FAA Certificate of Authorization that involves a safety review. After meeting with neighbors last year some of the activities were modified; the Club only flies on five Saturdays per year. Mr. Liu noted there are typically 12 to 15 pilots who come to fly; these pilots buy fuel

and patronize the local restaurants. Mr. Liu reported the Club also has the required liability insurance.

Chair Richards asked for questions/comments from the Committee.

Councilor Sutherland commented on the standings of the Club and asked if the aerobatic box location differed from previous years. Mr. Liu reported the box is the same as in past years.

Councilor Hansel asked if the Club currently housed any planes at the Keene Airport. Mr. Liu replied in the negative.

Councilor Jones asked if there had been any drawbacks since 2007. Mr. Liu noted they have heard concerns about the noise and we tried to respond to those, but there have been no actual incidents.

Chair Richards asked for questions/comments from the public.

Rebecca Landry, IT Director and Assistant City Manager noted she has been helping to manage the airport. Ms. Landry reported the Airport Advisory Committee met last week and made a recommendation in support of this request. Ms. Landry pointed out the Airport Advisory Committee Chair Clark Dexter and other Committee members were present this evening.

Clark Dexter, Chair of the Airport Advisory Committee reported meeting with the Aerobatics Club last year and noted the concessions the Club made; one being they raised the floor 500 feet. Mr. Dexter reported one of the neighbors commented at the last Committee meeting that this effort made a significant difference.

James Dunn, of 1 Riverton Street asked the following questions; 1) what does the City gain from having this annoyance for seven hours a day on a Saturday, 2) how much financially does this exercise give to the City of Keene. Mr. Dunn compared the amount of revenue received from the airport to that which the City receives from the College. Mr. Dunn's third question was how exactly does this Club have a positive impact at the airport when it destroys half a day for 500 families? Mr. Dunn asked if the ire of the community counts in the Committee's deliberations; he also noted he would like the Committee to consider the people who live under the box.

Darryl Masterson, of 44 Willow Street noted he does hear the noise from the planes and deals with the College transient noise which to him is a much bigger deal. Noting that he understands Mr. Dunn's complaint Mr. Masterson begged the question what does the City get from this.

John Dunnell, of 30 Lynwood Avenue a lifelong resident of Edgewood reported the sound is intensely annoying and a nuisance. Mr. Dunnell asked if any of the Airport Advisory Committee members or members of this Committee live in the affected area. Mr. Dunnell noted his opposition to this request.

Jeff Scott, of 45 Crowningshield Road, Chesterfield asked for a description of the box. Ms. Landry provided the description obtained from the FAA representative in New Hampshire which

is the NH DOT. In addition she noted Council's recommendation last year that the box be 1500 feet above the airfield surface which was 500 feet higher than in previous years. Mr. Scott then asked how many residences they are flying over. Mr. Liu replied the official answer is zero; it is all over the Ashuelot River woods. In response to Mr. Scott, Mr. Liu also noted the box is 3,500 feet wide by 3,500 feet deep, and is not over any occupied buildings. In the case of an accident Mr. Liu verified the plane would fall into an uninhabited area.

Beth Bendel, of 80 Airport Road acknowledged all the comments made and pointed out nobody had pointed out that many members of the public come out to watch the aerobatics.

Bob Bergeron, of Surry and also an Airport Advisory Committee member commented this group is very safety minded and they fly the box. Mr. Bergeron is in favor of approving this request. Mr. Bergeron's mother lives in the area and doesn't complain about the flying exercises.

James Dunn, of 1 Riverton Street shared his experiences and stated he can't understand why the City continues to allow this to happen. Mr. Dunn also addressed the noise created by the planes because they don't have mufflers.

Beth Bendel clarified her earlier comments regarding the number of people watching the event; ten to fifty people at any given time throughout the day multiplied by seven hours.

Jeff Scott, of 45 Crowningshield Road, Chesterfield commented he forgot about the noise. He continued we need to think about balance and what is benefiting the few at the discomfort and displeasure of the many. He recommends thinking about the many, as noise is annoying.

Rod Thompson, of West Surry Road is also a member of the Airport Advisory Committee. Mr. Thompson noted airports constitute a wide variety of things from C&S jets to small planes similar to what he owns. Mr. Thompson noted these flyers are the epitome of aviation skills; he also pointed out only one airplane at a time is in the box. Mr. Thompson reiterated some of the safety features and noted the importance of the pilots being able to practice. Mr. Thompson noted the many ways this promotes aviation. Mr. Thompson is in favor of granting this request.

James Dunn, of 1 Riverton Street pointed out there has been no discussion regarding gasoline; Keene uses low-lead gasoline. Mr. Dunn asked if those coming here are also using low-lead gasoline; Mr. Dunn would also like Council to consider this point when making their decision.

John Dunnell, of 30 Lynwood Avenue noted noise is a subjective matter and provided an analogy that would be subject to an ordinance in Keene. Mr. Dunnell's analogy was that of a dog barking for 20 minutes off and on for an entire Saturday. He asked wouldn't this cause some concern for you as citizens of Keene. Mr. Dunnell noted this is very annoying.

There being no additional comments from the public Chair Richards asked for additional comments/questions from Committee members.

Councilor Chadbourne noted she had several questions. She asked Mr. Liu if they used to fly more than the 5 Saturdays per year. Mr. Liu replied several years ago they were flying a couple

more days per year; he added we are very weather dependent and Sunday flying was used as a rain date. Councilor Chadbourne referred to the handout and addressed the box in relation to the neighborhood. Mr. Liu noted the neighborhood in question is actually to the north of the box. Councilor Chadbourne then asked if the Club has always had the box or is it new. Mr. Liu replied no we've always flown right there. In response to Councilor Chadbourne's next question Mr. Liu explained the additional 500 feet was added in an effort to reduce the impact on the neighborhood north of the field. After additional comments Mr. Liu added we are trying our best to be good neighbors. Mr. Liu also noted they start later in the morning to accommodate the neighborhood; they typically start before 10 AM.

Chair Richards noted he is inclined to support the motion; he added we just hired an Airport Director for the very purpose of marketing the airport. He added it does bring people in and it appears the rules are being followed.

Councilor Sutherland raised the issue of not being able to advertise for this event as that would make it an airshow. Mr. Liu agreed noting the rules for airshows come from different chapter of the FAA manual; he added what we do is a sporting event. We can advertise there will be an aerobatic practice but we are not allowed to publish something in the newspaper that says come see the aerobatic practice.

Councilor Hansel noted the number of letters and phone calls he has received on this issue that echo some of the same sentiments heard here this evening. Councilor Hansel noted he supports the economic activity at the airport; he was hoping to hear more validation of the economic benefits. Not getting the validation he was looking for Councilor Hansel stated he would be voting against this request.

Councilor Chadbourne indicated she was in favor of the request as it supports the airport and local small businesses. She continued it is good public relations; she feels five days is reasonable and they have tried to work with their neighbors. Councilor Chadbourne feels this is a reasonable request and will be supporting it.

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

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

On a vote of 4-1, the Planning, Licenses and Development Committee recommends that that the City Council authorize the use of the Dillant-Hopkins Airport by Chapter 35 of the International Aerobatic Club from the date of issuance through December 31, 2016, subject to the execution of a Revocable License and Indemnification Agreement, the receipt of an insurance certificate in the amount of at least $1 million dollars naming the City as an additional insured and all other requirements of City staff including but not limited to the following restrictions: compliance with any requirements of the FAA, limit practice sessions to not more than 5 for the year, there will be no Sunday practice sessions, aerobatic activity shall not occur below 1,500 MSL, limit aerobatic activity to the southern portion of the aerobatic box established by the FAA, restrict use of the aerobatics box until after 10:00 AM, and invite neighbors to the mandatory safety

briefings held on practice days. Councilor Hansel voted in opposition.

Chair Richards noted deliberations would continue at the next full Council meeting. The public is welcome to attend but is not allowed to speak.

The City Manager clarified the Airport Manager was hired after the Airport Director retired in December 2015. The role of the Airport Manager has a very different role and mission.

3A6

City of Keene
NEW HAMPSHIRE

March 23, 2016

TO: Mayor and City Council

FROM: Planning, Licenses and Development Committee

SUBJECT: **COMMUNICATION: Sarah Wilton, Skye Stephenson & Councilor Clark - Requesting the City Council take a Position on the Kinder Morgan Pipeline**

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that the City Council direct City staff to draft a resolution to the PUC identifying the concerns the City has for the NED pipeline's effect on Keene residents.

David G. Richards
Chairman/Designee

Background:

Sarah Wilton, 127 School Street addressed her request noting her concerns first that the Council acknowledge its constituents who have written countless letters appearing in the Sentinel especially those that oppose the New England Direct (NED) pipeline. Secondly, Ms. Wilton would like the Council to acknowledge the community, neighbors, and cities that are opposing this pipeline that are in our region. Ms. Wilton named the communities opposing the pipeline. Ms. Wilton said the Council has a choice of looking to the future or remaining in the past. She noted the earlier discussion regarding plastic bags adding there was agreement on the importance of Keene's environmental vision. Rejecting the pipeline is consistent with promoting our environmental ethics promoted by Antioch University, our green businesses, and renewable energy; as well as Project 2020. Referring to a Sentinel article yesterday, Ms. Wilton suggested the pipeline breaks the environment in many ways; 1) the extraction process releases methane emissions, 2) laying the pipe destroys wildlife habitats, and 3) the pipe leakages break the environment (one pipeline leak every 30 hours from 1986 and 2014). After additional comments Ms. Wilton stated that corporations like

Kinder Morgan have more power than our collective communities and states; she continued entering into any agreement with fossil fuel corporations such as Kinder Morgan puts our families and communities at a disadvantage, and a very unequal power relationship. Ms. Wilton noted the many citations Kinder Morgan has received.

Councilor Jones asked if we did this what organizations would we be petitioning. Ms. Wilton said there are two things; 1) you would support Keene going on record as filing for intervenors status with Federal Emergency Regulatory Commission (FERC), second Keene would be joining the coalition of other communities opposing the pipeline. Councilor Jones clarified the deadline for claiming intervenors status has passed; he asked if other communities filed before the deadline. Ms. Wilton agreed they had and noted FERC is allowing some flexibility in this matter.

Councilor Sutherland reported he did some research on this by going to the FERC website to understand what it took to be an intervenor. Councilor Sutherland shared his findings. He asked if the City was being asked to comment or intervene in a court proceeding. Councilor Sutherland did look up Docket CP 16-21 owner Tennessee Gas Pipeline, LLC with the project name Northeast Energy Direct. He noted there are three opportunities for public input within the process. Continuing on Councilor Sutherland stated our interests here are for other communities and we're being asked to comment on something that has to do with air and water which has federal implications; Councilor Sutherland continued his comments wanting clarity on what was being asked. Ms. Wilton clarified she is asking Keene to file for intervenors status on behalf of all 25,000 residents of Keene. Councilor Sutherland asked if this was an invitation for Kinder Morgan to come here and tell us what they're offering. He noted he would like to have full knowledge of what's going on. Councilor Sutherland continued his comments noting he is unsure whether this request should go to local legislators, directly to FERC (from Ms. Wilton), or to the EPA. Ms. Wilton reiterated her thought that it should go to the City Council because she wants the City to be on record either opposing or supporting the pipeline as are other cities in our region.

Councilor Clark addressed Councilor Sutherland's question of what standing the City of Keene has on this issue noting the standing is very important and hasn't really been discussed. Councilor Clark reported that Kinder Morgan is asking electrical rate payers to pay for this project; every person in Keene who receives an electric bill will be affected by this so that is where our standing is. He continued it is real economic sense to what we're asking of you. Councilor Sutherland agreed that is concerning, noting he doesn't think the City of Keene has any authority over utility rates; he thinks this is something that would go to the Public Utilities Commission (PUC) or the Consumer Protection office at the state level.

Chair Richards clarified the request is for us to write a letter opposing the pipeline along with other communities.

There being no additional Committee comments/questions Chair Richards asked for public comments.

Patricia Martin, of 17 Power Road, Rindge addressed Councilor Sutherland's question commenting yes, you should be concerned for all rate payers in Keene and the State of New Hampshire that they will be paying for this pipeline. Yes, the PUC is going to make a decision and so is FERC.

Currently we have 3 to 4 billion cubic feet of natural gas coming into all of New England; we use about 1 billion cubic feet per day to generate our electricity for all of New England (50% of our electricity). The proposals coming before us would increase the natural gas supply coming into New England by almost 70%. Since 2013 our wholesale electric costs have dropped almost 60% and yet we have seen no reduction in our retail electricity rates. Ms. Martin introduced Representative James McConnell to address the export scheme that is behind this proposal. Ms. Martin continued her comments noting the Cheshire County Commissioners did file for intervenors status.

Representative James W. McConnell, of 17 Suburban Acres, Swanzey outlined the Kinder Morgan proposed pipeline route starting in the fracking fields of Pennsylvania out to the Maritimes. This is an export pipeline with Kinder Morgan running around New England looking for opportunities to pretend they have demand up here. So far all they have been able to do is sign a couple of agreements with Liberty. The reason Keene and every other rate payer on the grid has a problem with this is because the Governors met two years ago and determined they needed more gas capacity here in New England, and would be happy to pay for it on the backs of New England electric rate payers. They are proposing a tariff and in addition the idea that electric generating companies could contract for capacity on the pipeline which they may or may not use. This would mean Kinder Morgan would be able to build the pipeline on the backs of the rate payers whether or not the demand was here. This is public funds paying for a private company's pipeline. Representative McConnell's content and desire with the Bills that have been filed along with arguments to the PUC are that if Kinder Morgan is required to pay for this pipeline based on economic demand they will run into real trouble. Beginning in December 2015 Kinder Morgan's outlook was downgraded from stable; there was a 30% drop in their stock price in 10 days. The downgrade applied to 44 billion dollars of pipeline debt; adding another 5.2 billion for this project that has no real demand might be more than they can handle. Kinder Morgan's expectation has been that they would have overseas demand; last February 9th the Industrial Energy Consumers of America (IECA) filed with the Department of Energy to block the export permits which they knew where the basis under which this pipeline was being proposed. Happily, the price overseas has dropped quite a bit since then; but the IECA were afraid given the export scale they were talking about the price of natural gas would go up. That matters to us as well because 50% or thereabouts of our electricity is generated by natural gas. That increase would be felt here in the New England grid. Recently, Repsol the owner of one of the major facilities up in New Brunswick has indicated they will no longer be going through with their 2 to 4 billion dollar conversion to allow for the export of gas though the terminals up there. This is because the price of natural gas overseas has dropped so dramatically. Our fear is if Kinder Morgan is allowed to get us to buy this pipeline for them it will be a gigantic case of overkill with no advantage to New Hampshire or the rest of the New England grid. It will also do tremendous damage to the 17 towns in southern New Hampshire that it will go through. Representative McConnell addressed the growth of the pipeline industry as it came out of World War II. He noted the FERC requirement for scoping sessions; many letters were sent to FERC suggesting these sessions couldn't be held because much of the information provided by Kinder Morgan along these routes was TBD's. Ten days after the scoping sessions began Kinder Morgan dropped a 6,500 page change to what they had submitted on the towns. Representative McConnell proposed a Bill that would prohibit the PUC from allowing Kinder Morgan to charge rate payers. We should see a report out on this late in the summer. Representative McConnell noted another Bill requiring the PUC to consider any number of things such as the public good; which thus far they have not proceeded to do. Representative McConnell suggested the Governor has been less than helpful as she is in

support of this pipeline. He noted Kinder Morgan is very aggressive; they have a number of lobbyists, one was a former PUC Chairman, and another one was a PUC Commissioner. Continuing his comments Representative McConnell suggests the TV commercials suggesting lower electric prices are nonsense.

Acknowledging the end of Representative McConnell's presentation Chair Richards thanked him and noted he got a lot of information about things he didn't know. Chair Richards asked for questions/comments from Committee members.

Councilor Hansel asked Representative McConnell if eminent domain is a factor in this. Representative McConnell replied in the affirmative. The have the right to exercise eminent domain once they get their Certificate of Convenience from FERC. Representative McConnell noted a Bill that would require them to take the entire parcel once they take the piece they want. Chair Richards asked for clarification that the company Kinder Morgan was authorized to exercise eminent domain. Representative McConnell verified Kinder Morgan is authorized to exercise eminent domain; permission is granted by FERC. Councilor Hansel asked if eminent domain issues would come up on extensions off this pipeline; potentially one going to Keene. Representative McConnell replied in the affirmative; if they had laterals the same condition would apply. Councilor Hansel commented that would potentially affect Keene residents' properties down the line. Representative McConnell concurred.

Councilor Jones asked why we aren't petitioning the PUC. Representative McConnell indicated that is who you should be petitioning. FERC will be making a number of decisions and may provide additional periods to become an intervenor. Right now the PUC wants to hear from anyone opposing the project. Those of us opposed to this project would love to have the City of Keene express reservations about this project.

Patricia Martin, of 17 Power Road, Rindge reported on an additional connection noting Liberty Utilities is owned by Algonquin; Liberty Utilities is the only entity contracting on the pipeline right now. Liberty Utilities bought the gas company here in Keene. We have learned their parent company has a 10% stake in the NED pipeline, and Eversource has a 40% stake in the Algonquin project. She noted the power generators have not signed up for any of this gas. Ms. Martin continued the price of natural gas the other day was $1.70/per dekatherm, and if we had the capacity contracts the utilities would be asking the power generators to pay the $1.70 plus $1.50 for the reservation capacity per dekatherm. This sounds like a very bad deal that the rate payers will be stuck with.

Jerry Silverman, of 67 East Lake Road, Fitzwilliam displayed photos of pipeline construction. Addressing why Keene should be a part of this Mr. Silverman reported on the Coalition formed last year. He noted the Town of Fitzwilliam joined in May and holds meetings every two weeks. Mr. Silverman contends this is a regional impact, not a state impact; it is really a Northeast impact as it goes from Pennsylvania to the coast and beyond. The pipeline is a real threat to the environment and our water quality. Mr. Silverman made note of the outdated technology utilized. Mr. Silverman concluded by saying Keene is not an island, you are our hub, and we need your support.

Councilor Carl Jacobs commented he did learn many things tonight; he added there are environmental and economic concerns if this project moves forward. He reported he has been attending the Regional Issues series put on through the Chamber of Commerce and has been involved in some regional efforts surrounding the arts. Councilor Jacobs commented sometimes Keene acts like a 500 pound gorilla; here are our neighbors that have identified a real problem, just because we don't see it in our backyard we don't seem to want to care about our neighbors. Councilor Jacobs continued he thinks he has been convinced tonight that the problem is actually in his backyard. He commented here are our neighbors asking us for help; noting he thinks we should give that consideration and he hopes we take some action. Chair Richards thanked Councilor Jacobs for his comments noting we don't usually think that way; he added they really opened his eyes.

Patty Stevenson, of 14 Barrett Avenue thanked those present for bringing their expertise in this issue forward. She shared her knowledge of the struggle in Massachusetts to prevent the pipeline from going through many towns. Ms. Stevenson noted the original pipeline route had nothing to do with New Hampshire; she also noted the potential danger to our water system the pipeline could cause.

Seth Reece, of the Richmond Planning Board noted the research he has done on this issue since being advised the pipeline wanted to come through this region. He reiterated earlier comments regarding Liberty Utilities and New Hampshire Gas. Mr. Reece reported Keene would have the ability to receive clean natural gas at the expense of the 18 towns the pipeline will cross. Mr. Reece reported Kinder Morgan currently uses 30 inch diameter pipe with the gas running at about 1,500 PSI; he noted the devastation that could be caused by leaks and the resulting explosions. Noting that Keene residents might save a few cents on gas Mr. Reece asked they take into consideration the risk this puts on your southern New Hampshire neighbors. When the blasting begins for this pipeline they will be crossing three major stratified drift aquifers; if the blasting cracks these aquifers they will go way underground and become inaccessible to the well fed southern residents. Mr. Reece commented he would love to see Keene go to bat and support its neighbors.

Stephanie Scherr, of Fitzwilliam thanked the Committee for hearing those present and invited Keene to join them as their big sister town. She made note of the possible compressor stations in New Ipswich, Northfield, Mass, and Winchester. Ms. Scherr continued her comments noting we are talking about the Connecticut Valley region. Ms. Scherr encouraged Keene to support these efforts.

Susan Durling, of Winchester noted her health concerns with this pipeline. Ms. Durling asked how she can get all her files to the Committee. Noting our email is very limited Chair Richards agreed a link to her documents would be acceptable. Ms. Durling indicated she would also forward a NHDES report on stratified drift aquafers; she displayed a photo depicting the aquafers and the pipeline and suggested Keene's water would be affected.

Susan Silverman, of 67 East Lake Road, Fitzwilliam referred to a Sentinel article noting regional Fire Chiefs have met to discuss the health and safety of this project. She mentioned the recent gas leak in Keene that was very scary; she added we are talking about the potential for something much worse. Ms. Silverman reported Rhododendron State Park is part of the route for the pipeline; she note this is a regional asset. Ms. Silverman is also looking for support from Keene in this endeavor.

Noting the late hour Chair Richards asked for Committee members thoughts.

Councilor Hansel commented he is moved by our neighbors coming and addressing their concerns. His own private research yielded a similar opinion. He comes to the place of where is Keene's input going to be most effective; he feels if Kinder Morgan is going to have New Hampshire rate payers pay for this pipeline where they will be exporting the majority of the gas they are basically asking every rate payer in New Hampshire to speculate on international gas prices. Councilor Hansel's suggested course of action is for the City of Keene to send a letter to the PUC letting them know that Granite Stators pay some of the highest rates in the country and we should not have to suffer bill increases so that energy companies can take their land by eminent domain. We need to get the point across that this seems like a lose-lose situation for the residents of the Monadnock Region.

Agreeing with Councilor Hansel's comments, Councilor Jones asked the City Attorney if the response should be by resolution rather than letter. The City Attorney commented the Council has taken a number of different approaches to these types of things, and it depends on what approach the Committee and Council would like to take. Councilor Jones indicated he would like to see this done by resolution; he added it would be important for us to see a draft of the resolution before going on and approving it. Chair Richards explained the resolution process.

Councilor Sutherland noted he appreciated the educational commentary provided this evening; he added there is still information he doesn't know. He is most concerned that anything this City Council does is effective; he is not interested in just the letter but where it goes and what impact it will have. Councilor Sutherland suggested there may be multiple letters. Discussion continued with Councilor Hansel replying to Chair Richards the PUC is reviewing information right now. Chair Richards also wanted additional information on FERC's intervenor's status. Representative McConnell replied intervenor's status gives one the ability to comment and take/be party to a legal action. Representative McConnell recommended Keene send FERC a letter as the opportunity for intervenors status is closed; our focus at the moment is with the PUC. Susan Silverman, of Fitzwilliam indicated she would be happy to forward a copy of the letter sent to the SCC from the town of Fitzwilliam. Chair Richards agree this would be helpful. Ms. Silverman indicated Keene could still intervene at FERC; she agreed with Representative McConnell's comments you could intervene just to have a say and to be informed. She indicated the FERC process would be going on at least until the end of this year when they finish the final environmental impact statement. Ms. Silverman suggested the state level is a place where you can really make a difference.

Noting the hour Chair Richards suggested the focus should be on exactly who we're sending it to and why; have all the information provided to the City Attorney to start crafting the letter. The City Attorney explained this is a five week month; he assumed the Chair is talking about having this go to Council on April 7th for instructions to move forward with this process. If that is the case the next PLD Committee meeting would be on April 13th. Chair Richards clarified he was thinking it would first come back to this Committee.

Councilor Jones recommended a resolution addressed to the PUC noting that's the part that affects Keene residents the most. This shows our sister communities we're on their side; we can also send a copy to FERC showing our opposition. He recommended keeping it very simple; Councilor Hansel agreed noting the key issue is against having New Hampshire rate payers paying for this construction. Councilor Hansel suggested this is what would be most effective and is the key to

what links the pipeline to Keene residents and our constituents. Attorney Mullins asked if you're going to ask the full City Council to approve that or are you asking staff, after the Council meeting of April 7th to come back with a resolution that you will consider and then send on to the Council. Discussion continued with Attorney Mullins noting the question before the Committee is should the City Council take a position with respect to the Kinder Morgan pipeline through the PUC by drafting a resolution, and a letter, to the PUC. Chair Richards agreed the right answer is to go to the full Council first. The City Manager suggested the shorter version of this would be to make a motion tonight to request the City Attorney and staff draft a resolution to go back through the Council process.

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

Councilor Hansel made the following motion which was seconded by Chair Richards.

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that the City Council direct City staff to draft a resolution to the PUC identifying the concerns the City has for the NED pipeline's effect on Keene residents.

The City Manager said he thinks the verbiage is fine beyond the Planning, Licenses and Development Committee recommends that the City Council. Chair Richards agreed.

Toby Tousley, of 499 Washington Street asked if he was only allowed to discuss the motion on the floor. Chair Richards replied in the negative. Mr. Tousley discussed alternative energy sources and electricity production in this region. He suggested listening to the other side and that natural gas is a good alternative to get us to the next 30 years. Members of the public provided additional comments in response to Mr. Tousley's comments. Chair Richards halted additional comments at this time, again noting the hour, and advised that this issue would go before City Council in two weeks and be back before this Committee in three weeks.

3A7

City of Keene
NEW HAMPSHIRE

March 24, 2016

TO: Mayor and City Council

FROM: Finance, Organization and Personnel Committee

SUBJECT: **MEMORANDUM: Park, Recreation and Facilities Director - Sponsorship Policy**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends accepting the Sponsorship Policy as informational.

Mitchell H. Greenwald
Chairman/Designee HEF

Background:

Park, Recreation and Facilities Director, Andrew Bohannon stated he has been before the Committee previously about creating a sponsorship policy for the department. The department feels it is necessary to have an alternative funding source and this is something which is also outlined in the department's Active and Passive Recreation Management Plan. Mr. Bohannon stated he has researched a few models and policies from around the country and the proposed policy he has developed has been reviewed by the City Attorney.

Chair Greenwald stated what is before the committee looks very comprehensive, but it is missing the fee schedule. He inquired whether this would vary between the sponsorships. Mr. Bohannon stated the reason the fee schedule is not listed is because the department doesn't want to get locked in.

Councilor Jacobs asked who would interpret whether the guidelines have been met. Mr. Bohannon stated it would be at the interpretation of the Director and he will be working with the Programmer. This clause is listed in Section 4.0. Chair Greenwald noted if someone didn't like the Director's ruling it could always be appealed to the City Manager.

Councilor Clark asked how Mr. Bohannon would be able to figure out a rate without a fee schedule. Mr. Bohannon stated there will be a standard rate by size and location.

Councilor Kahn asked whether there would be any time limit. Mr. Bohannon stated it would be seasonal, but there are organizations that might look for a longer period. Councilor Kahn felt the question about the fee schedule was an appropriate question and hoped there will be a fee schedule developed based on size of the advertisement. He felt the City should be able to negotiate the best agreements and a lack of duration could be an issue. Mr. Bohannon referred to Section 5.0 – Sponsorship Categories – which outlines the type of sponsorships. He explained last fall Yankee Lanes gifted $3,000 towards youth basketball uniforms and the Yankee Lanes logo was on the back of the uniforms. Mr. Bohannon stated this would be just for the youth basketball season and if they want the logo again the process will have to be repeated each year. The Councilor stated if this agreement is extended for too long a period the City will end up with a rate schedule which varies dramatically and hence the reason to consider a limit. Mr. Bohannon stated there can definitely be an escalator created.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends accepting the Sponsorship Policy as informational.

3Ag

City of Keene
NEW HAMPSHIRE

March 24, 2016

TO: Mayor and City Council

FROM: Finance, Organization and Personnel Committee

SUBJECT: **MEMORANDUM: City Clerk – Transfer of Funds – Presidential Primary**

On 5-0 vote, the Finance, Organization and Personnel Committee suspended the Rules of Order to address a non-agendized item.

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the transfer of $1,500 from Account 00201-62107 to Account 00201-61307 in the City Clerk election budget to complete the data entry associated with the Presidential Primary Election.

Mitchell H. Greenwald
Chairman/Designee

Background:

On 5-0 vote, the Finance, Organization and Personnel Committee suspended the Rules of Order to address a non-agendized item.

City Clerk Patty Little stated this is a request to transfer funds from two different accounts in the election budget; one is an operational expense and the other a personnel expense. Ms. Little noted this has to do with work associated with the Presidential Primary Election. She added that Council approval is required when funds are transferred from an operational expense account into a personnel expense account.

Ms. Little stated the February 9th election saw a great voter turnout (52%) which has caused a great amount of work for the City Clerk's Office. The office has entered nearly 37,000 fields of data into the Statewide database and there are 5,000 documents that need to be processed. This work is dedicated to an election worker who works throughout the year as necessary. This worker has completed 173 hours of work since February, but this work is not yet done and it

needs to be completed by May 31st. The funds appropriated in the personnel account have been depleted. Hence, the reason for this request. This transfer will give them about 100 hours of additional work.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the transfer of $1,500 from Account 00201-62107 to Account 00201-61307 in the City Clerk election budget to complete the data entry associated with the Presidential Primary Election.

3D1

City of Keene
NEW HAMPSHIRE

March 23, 2016

TO: Mayor and City Council

FROM: Planning, Licenses and Development Committee

SUBJECT: **MEMORANDUM: City Manager - Permission to Negotiate**

On a vote of 5-0, the Planning, Licenses and Development Committee moves to place this issue on "more time".

David C. Richards
Chairman/Designee

Background:

In response to Chair Richards, the City Manager indicated he would let his memo speak for itself.

Chair Richards asked for questions/comments from Committee members.

Councilor Hansel referred to the Memorandum and asked is there really a necessity to execute on any of these things. Councilor Hansel noted he feels uncomfortable not having any kind of Council input on these things. The City Manager noted the Council can do as it wishes, noting the Council gave authority to negotiate for example the restaurant lease at the airport yesterday; you may want to separate out the leasing from the land sales which is fine adding he wants to contain the process as much as he can.

Councilor Chadbourne also noted she had questions; adding if the Chair feels we don't have the time now she is not comfortable voting without further discussion. Councilor Jones also indicated he would rather see this on more time if there is nothing time sensitive.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee moves to place this issue on "more time".

3D2

City of Keene
NEW HAMPSHIRE

March 23, 2016

TO: Mayor and City Council

FROM: Planning, Licenses and Development Committee

SUBJECT: **REPORT: Heritage Commission - Demolition Review Ordinance**

On a vote of 5-0, the Planning, Licenses and Development Committee moves to place the Demolition Review Ordinance on "more time".

David C. Richards
Chairman/Designee

Background:

In response to Chair Richards, Councilor Clark noted he would like this issue to be reported out with no action taken. He noted the Heritage Commission's recommendation to City Council that no changes be made to this Ordinance.

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

Councilor Jones made the following motion which was seconded by Chair Richards.

On a vote of 5-0, the Planning, Licenses and Development Committee moves to place the Demolition Review Ordinance on "more time".

3D3

City of Keene
NEW HAMPSHIRE

March 23, 2016

TO: Mayor and City Council

FROM: Planning, Licenses and Development Committee

SUBJECT: **Referral Back: Suggested Ban on Single use Plastic Bags**

On a vote of 5-0, the Planning, Licenses and Development Committee recommends this issue be placed on "more time".

David C. Richards
Chairman/Designee

Background:

Chair Richards noted Councilor Clark's suggestion at the last City Council meeting that there is new information regarding this issue. Terry Clark, Councilor Ward 3 replied in the affirmative noting the request to have the City Attorney look into the authority the City may have under the Solid Waste Statutes. Councilor Clark asked to hear the report from the City Attorney.

Attorney Mullins reiterated previous information noting New Hampshire is not a Home Rule state; therefore local governments do not have the authority to act unless that authority is provided to them by the state. Attorney Mullins discussed the broad authority provided under Chapter 47. Continuing he reported he found nothing in the State Statutes providing municipalities the authority to regulate the use, possession, or sale of plastic bags. RSA 149-m (Solid Waste Management) does provide municipalities some broad authority to regulate in the context of solid waste. Continuing, Attorney Mullins noted the City enacted a Flow Control Ordinance some years ago under this provision. Attorney Mullins noted the only thing he could find that might possibly pertain with respect to what the petitioner is asking for is to try and

shoehorn an ordinance under RSA 149-m. After further comments he noted this is pretty weak ground to proceed under; and he can't suggest to the Committee or Council how this would fare on any kind of appeal. Attorney Mullins pointed out the other aspect of such an ordinance if approved would be enforcement; he asked what the mechanism of enforcement would be. Attorney Mullins noted that sometimes the Committee and Council have taken a position in the past that isn't clear under state law because they want to send a message; sometimes it works and sometimes it doesn't. It worked in the context of the Synthetic Marijuana Ordinance because we had substantial support from the State. Chair Richards also noted the Smoking Ban; Attorney Mullins commented the smoking ban did result in legislation from the state which preempted our local ordinance.

Chair Richards clarified what Attorney Mullins comments were:
we could do this and if challenged it would go to the court system, and we really don't know what the outcome would be. Chair Richards commented he would like to have more information before asking for an Ordinance to be written and see what the full weight of the Council is. Chair Richards asked Councilor Clark if he had anything further to add.

Councilor Clark explained he is used to standing up for what he believes in, whether or not there is somebody bigger at the other end. He continued this is much more important than just the convenience of plastic bags; it goes into the bigger picture of our dependence on fossil fuels. Councilor Clark reiterated previous comments regarding plastic bags being more expensive than paper bags for the mom and pop stores. Councilor Clark noted he feels this is something worth taking a chance on, and turned the floor over to Danielle Baudrand.

Danielle Baudrand, of 19 Bridge Court noted the children in the audience stating we owe them to fight for this and not have plastic pollution within our community. Ms. Baudrand reported there are 5 trillion pieces of plastic in our oceans today and the average shopper uses 500 plastic bags per year; this disposable waste is toxic for our environment. After noting additional statistics Ms. Baudrand stated she is here for her daughter and the future of our planet. Ms. Baudrand encouraged the Committee to come out in support of this issue.

Chair Richards asked for Committee comments/questions.

Referring to the City Attorney's report Councilor Sutherland asked if this would also enable us to outlaw plastic bottles, glass bottles, tires, or other solid waste we would like to have purview over banning. Noting this as a good question the City Attorney commented the analysis would certainly be the same. The City Attorney read from the chapter in RSA 149-m adding the authority flows from the purposes of the statute which is pretty broad. One of the first things is source reduction which is what this proposal would be for (solid waste associated with plastic bags). In summary the City Attorney noted if you were going to use that particular analysis for plastic bags then potentially that analysis could be used for the other items; he also noted you would have to be consistent in the analysis.

Councilor Hansel asked if either of the petitioners had an idea of the percentage of plastic bags as a representation of the entirety of plastic waste. Councilor Clark noted discussions with Duncan Watson, of Public Works who noted the difference nd the problem with plastic bags

versus plastic bottles is recyclability. Plastic bags can be recycled but they're not. Councilor Clark reiterated previous testimony regarding storage of the plastic bags to obtain a quantity large enough to sell. He continued we have a system to handle the plastic bottles and tires which people use; we don't have that for the plastic bags.

Councilor Jones asked if we are going to continue this discussion that we specifically talk about high density polyethylene (HTPE) bags as these are the ones that float around in the air. The other low density bags such as those used by J.C. Penny's and dry cleaners are not the problem. Councilor Clark indicated he would stipulate that in his report. Councilor Jones noted another issue being an ordinance would only control what the stores within the City limits of Keene could use; bags from Market Basket would still come into town. Councilor Jones suggested he would like to see this done statewide rather than just at the local level because it creates an unfair advantage to some communities when things like this happen.

Representative Marjorie Shepardson, of 94 Pleasant Street, Marlborough provided additional statistics to backup comments by Councilor Clark and Ms. Baudrand. Representative Shepardson reported Americans throw away 100 billion plastic bags annually with only 1 to 3 percent being recycled. She noted how European countries seem to be getting along without plastic bags. Representative Shepardson reported how some communities have chosen to place fees on bags (five cents); both paper and plastic which is another option for Keene to consider. She noted the efforts of Hannaford's in Portland, Maine along with their education campaign to let people know this is coming. Representative Shepardson plans to put some legislation in again next year; she suggests legislation has a better chance of passing if a city like Keene takes action. This would be much more powerful than just writing a letter of support.

Mya Baudrand, of 19 Bridge Court commented it is sad a lot of the time when she is playing outside because of the plastic bags hanging in the trees and floating in the air. Ms. Baudrand commented she would like to see a ban on plastic bags because they are ruining our environment.

Grady Kole Sampson, of 420 Main Street commented plastic bags are ruining our environment. He asked for a show of hands from those who don't feel plastic bags should be used.

Nikki Sauber, of 9 Wheeler Lane, Swanzey noted her involvement in the community and that she comes here wearing her business hat. She is looking at the economic status of this region and the issue of young people leaving the area. Ms. Sauber continued young people are interested in innovative communities that are changing to make improvements for society and the environment. To not address climate change is to essentially slap a lot of young people in the face and say we don't really care about your problems. Ms. Sauber would advocate for a ban on plastic bags to show that Keene is a progressive community. Ms. Sauber made note of Keene's Comprehensive Master Plan explaining the environment is a large aspect there; she also indicated Keene is falling short of its goals there.

Councilor Hansel stated imposing a ban would involve City resources and perhaps liability. He asked the City Attorney to describe the pitfalls of enacting a ban. Speaking hypothetically Attorney Mullins noted he is always hesitant to provide too much legal advice in a public

environment. He continued you've already heard what my thought is on this; the authority to the municipality is very unclear and probably falls on the side of no you don't have it because of the legislative action that was taken. If the City Council decided this was an issue it wanted to proceed on and enacted an ordinance there would probably be a very quick challenge to that. Although litigation charges wouldn't be outside of the norm for litigation costs it would still be thousands of dollars. The bigger question is how to enforce it. Litigation and enforcement issues would have to be factored into any decision made.

Chair Richards referred to the Smoking Enforcement asking how many restaurants were inspected. Attorney Mullins explained he was not here when this Ordinance was enacted. He noted the town of Colebrook enacted an ordinance at the same time which actually went up to the Supreme Court. Chair Richards suggested no one was sent out to ensure there was no smoking in the restaurants; he added many of the violations are complaint driven and this should be kept in mind.

Councilor Chadbourne asked the City Attorney to explain the norm for litigation costs. The City Attorney said let's assume it was a Declaratory Judgement with someone challenging the City's authority to place the ban, this could probably be handled in-house. If outside action were needed (going all the way to the Supreme Court) that costs would be between $15,000 and $20,000. Attorney Mullins continued for the fairly straight forward tell us whether or not we can do it Judge; this could probably be covered by his office.

Councilor Chadbourne asked Council Clark if he had researched other towns in other states and the challenges they faced. Councilor Clark replied there are no total states that he knows of and no communities in New Hampshire. There are two towns in Maine, and half the states of Oregon, California, and Washington. Councilor Clark advised he could not answer the question regarding any court actions. Danielle Baudrand shared her experience working retail in Maryland where the five cents per bag charge was imposed; she noted it was very successful. Based on Ms. Baudrand's comments Councilor Chadbourne commented we wouldn't be able to tell the store owners what they could charge, and asked if this was correct. Attorney Mullins replied if the City of Keene decided to enact what would otherwise look like a tax on plastic bags, it probably wouldn't go anywhere. It's one thing locating this into the Solid Waste Statute which gives municipalities authority with respect to solid waste; it's another thing to try and preempt the State from its ability to tax.

Toby Tousley, of 499 Washington Street commented as a convenience store owner in town he can tell you plastic bags are cheaper; he also shared if a ban was put on plastic bags tomorrow he wouldn't care. Mr. Tousley agreed with earlier analyses provided noting his concern with bringing this waste to the recycling center. This means a waste hauler can't bring it there and how would that be enforced. The ultimate crime is putting it into the landfill, not the person selling the plastic bag.

Chair Richards addressed the City Attorney noting his understanding is we would ban retail people from using these bags; it's not really about what goes in the landfill. The City Attorney noted his understanding as the proposal is being floated is to tell retailers within the City limits they could not use particular types of plastic bags. Attorney Mullins noted he is not prepared to

discuss what happens at the Transfer Station. Chair Richards agreed continuing under the current statute we think we can say you can't use plastic bags, if it holds up. Attorney Mullins noted what you would be doing is trying to locate it in the Solid Waste Statute 149-m; bringing it down to the purpose of the statute which is to source reduce solid waste within the confines of the City of Keene, thou shall not be able to use plastic bags.

Darryl Masterson, of 44 Willow Street commented Councilor Jones touched on his major concern, what is a single use plastic bag. He assumed they were talking about grocery store plastic bags, noting he doesn't use trash bags more than once. He assumed the blue plastic bags used for picking up dog refuse aren't used more than once. Mr. Masterson also assumes people are using these grocery store bags in replacement of the little blue bags. For Mr. Masterson it is more of how can we find more of the repurposing that is going on. Mr. Masterson understands the global implications and does not like the idea of setting up an ordinance in Keene banning the use of plastic bags; he would be more interested in seeing what other ways we can do things. Mr. Masterson is opposed to the City creating an ordinance banning plastic bags.

Georgia Cassimatis, of 9 Miller Lane, Swanzey shared her involvement in the community and history with Ms. Baudrand. Ms. Cassimatis recommends not reinventing the wheel on this issue; she suggested using another model to make our process easier. Ms. Cassimatis is a young professional in Keene and sees Keene being a leader for the rest of the state.

Councilor Sutherland referred to people's comments made earlier noting there are a lot of arguments that can be brought forward; he agreed with Councilor Jones that this issue would be more effective at the state level. Councilor Sutherland asked what is it we can do while we are waiting for that to happen. He also recommended talking to the retailers in the community who use plastic bags about what we could do better as a community, rather than using a hammer first.

Chair Richards asked for any additional comments/questions from the public.

Habame Karabakakis, of 89 Woodland Avenue commented sometimes she feels like grownups don't care about how much waste is going into the natural woods. Like her friend Mya Baudrand she sometimes feels sad to see the plastic bags in the woods where she plays. She is in favor of the ban on plastic bags.

Councilor Jones noted that both Habame and Mya are doing their 4th grade trip to the State House. He recommended the girls obtain a copy of Hawaii's statute banning plastic bags to bring with them. Councilor Jones thanked the girls for bringing this forward.

Councilor Carl Jacobs noted he is hearing the plastic bags are a problem and that there is uncertainty on whether to proceed with some kind of action. Councilor Jacobs commented he would rather go with the certainty that we need to take some kind of action on this problem. He continued we were leaders with the smoking and synthetic marijuana and we can be leaders in this.

Alan Gross, of 209 South Road, Swanzey is a High School teacher in Keene. He displayed the cloth bags the Keene High School environmental group made and is selling. After additional

comments Mr. Gross commented he wants to challenge the Committee (City of Keene) to be a leader and consider this ban.

George Karabakakis, of 89 Woodland Avenue noted his daughter spoke earlier. He commented a challenge was mentioned earlier; he agreed this is a challenge and with every challenge there is an opportunity. Mr. Karabakakis noted the amazing things Keene has done. Mr. Karabakakis recommends taking a stand along with taking the opportunity to speak to local businesses and asking them to stand with us.

Milo Baudrand, of 19 Bridge Court asked the City Attorney if there was another angle that could be used; perhaps a public health issue. Attorney Mullins noted the general answer to that question is there may be other mechanisms we want to consider going forward. Addressing RSA 149-m Attorney Mullins noted the ability for municipalities to require some type of recycling process; this language is a lot clearer and stronger than the language with respect to banning. He also noted RSA 147 deals with rubbish and disposal; he is unsure if there is an opportunity under this statute to look at it. Attorney Mullins cited a case as an example adding there may be some other approaches to this thinking outside the box. He also noted he has not done any research to this approach. Another approach to RSA 149-m is to perhaps take the recycling approach rather than the banning approach.

Chair Richards suggested that Council supports this, adding the real motion would be to have staff investigate the writing of an ordinance which would include looking at all those things.

Chair Richards asked for additional comments or questions from the Committee or the public.

Councilor Sutherland noted the earlier discussions suggesting we welcome the area businesses in and ask them two questions; 1) what would be the impact on this, and 2) would you consider working with the community to ban them informally rather than having an ordinance. Chair Richards suggested perhaps a better way to put that if we do this is to have staff reach out to local businesses as they investigate an ordinance to determine the financial impact.

Councilor Jones addressed Mr. Masterson's earlier comments. He referred to an article in the Bloomberg magazine regarding Austin's ban on plastic bags which they are now starting to regret. Councilor Jones also agreed with Councilor Sutherland's comments we need to know a lot more about what we can and cannot do. Councilor Jones wouldn't ask staff to come back with an ordinance; he would ask them to come back with options that we can discuss and invite those affected. He would also like to know more regarding the enforcement and punishment. Councilor Jones noted the passion of those present adding he doesn't want to see that go away.

Councilor Chadbourne commented she is hesitant to pass this onto staff with a lengthy list; she would like to see those that are passionate come back with research they have already done or can do prior to staff having put in many hours. She agrees that Keene can be a trendsetter, but would prefer state legislation over local. Piggy backing on this and other comments Councilor Sutherland noted he thinks the bigger story here is if the community would get the big box stores and other stores away from using plastic; rather than the City of Keene trying to bring the hammer down on businesses.

Chair Richards commented people pick up their dog remnants with the plastic bags and leave them in his trashcan; he would rather they leave it because it is biodegradable. He shared recycling efforts made by his employer and commented at the end of the day with recycling you save money. He noted Keene has been a leader in the past, and the state has followed. Chair Richards is not in favor of asking the people to do the research needed to provide more information. Instead he suggests asking the City Attorney or City staff to ask businesses what this will cost and what are their feelings; then come back to Council. Chair Richards indicated he would support an ordinance even though that doesn't seem to be the Committee's feeling tonight.

Attorney Mullins explained it is not the role of the City Attorney to contact businesses in town. Chair Richards clarified he meant staff. Attorney Mullins noted he understands the direction the Committee is leaning towards; what are the options, what/how do you think out of the box, when you look at RSA 149-m are there any other possibilities. Another observation noted by Attorney Mullins was when we were successful in moving the state (smoking and synthetic marijuana) a big reason for that was there were other communities that stepped up and did the same thing. He suggested it might be helpful to reach out to other communities, adding his office can certainly reach out to other communities in the state.

Chair Richards asked if the Committee should suggest "more time" to allow some of this information to be gathered. The City Attorney indicated this would be a reasonable suggestion. The City Attorney suggested individuals provide his office through the City Manager's office the information they have. Councilor Chadbourne noted this is what she was suggesting; she also noted the City Clerk's Office has a handout on dog poop pointing out it is a big problem when they leave it. Discussion continued with the City Attorney noting the "more time" suggestion is appropriate with the understanding that everybody that is out here in this audience who has information they would like to submit should do so through the City Clerk's Office and/or the City Manager's Office so we can take a look at all of it.

Councilor Jones noted San Francisco as the largest city to ban plastic bags and Austin had many drawbacks; he suggested these are the types of things we have to evaluate.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends this issue be placed on "more time".

Milo Baudrand, of 19 Bridge Court addressed the dog poop issue noting he uses a biodegradable bag that is available. He pointed out these bags are more expensive and suggested another option is to use better bags.

3D4

City of Keene
NEW HAMPSHIRE

March 24, 2016

TO: Mayor and City Council

FROM: Finance, Organization and Personnel Committee

SUBJECT: **RESOLUTION: R-2016-07: Library Project - Tax Increment Financing District**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends putting Resolution R-2016-07 on more time.

Mitchell H. Greenwald
Chairman/Designee

Background:

Chair Greenwald stated this item has been put on more time due to the fact Monadnock Economic Development Corporation is unable to be present.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends putting Resolution R-2016-07 on more time.

City of Keene
New Hampshire

4A1

DATE: March 15, 2016

TO: Mayor and Council

THROUGH: Med Kopczynski, City Manager

FROM: Andy Bohannon, Parks, Recreation & Facilities Director

SUBJECT: Revise the fee structure for the Cemetery Division

Recommendation:

That Ordinance O-2016-07 which would revise the fee structure for the Cemetery Division be referred to the Finance, Organization and Personnel Committee for their review and recommendation.

Background:

The present fee schedule for cemeteries was set in 2010; a recent review was conducted to align with other comparable cemeteries within the county and state. Maintenance, staffing costs and level of service have increased and are not expected to decrease to any previous levels. Comparable cemeteries in the state are Exeter, Portsmouth (Calvary), Dover (Pine Hill) and locally would be St. Joseph's. In a comparison study with those rates, staff also performed an analysis of costs to determine new prices that cover the true costs of services. It was found that the rates needed increased adjustments.

In addition, during the winter season between December 1 and March 31, the rate adjustment has been changed from a 20% increase to a flat adjustment. This will eliminate confusion and be more equitable.

The new fee schedule will be implemented on July 1, 2016.

ORDINANCE

4A2

CITY OF KEENE

O-2016-07

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

AN ORDINANCE ....Relating to Cemetery Fees....

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

That the Ordinances of the City of Keene, as amended, are hereby further amended by deleting the stricken text and inserting the bolded text in Section 22-64 "Price of Graves", in Division 1 "Generally", in Article III, "Lots" of Chapter 22 entitled "Cemeteries" as follows:

Section 22-64. Price of graves:

All graves excepting those below, per grave	~~$600.00~~	**$750.00**
Cremain grave, three feet by five feet, per grave	~~$250.00~~	**$500.00**

Section 22-65. Miscellaneous charges:

Disinterments	~~$525.00~~ full body	**$1200.00**
	~~$210.00~~ cremation	**$300.00**

Interments: including openings, greenery, closing, reseeding and official recording

Standard four feet by ten feet	~~$400.00~~	**$600.00**
Standard interment – weekend/holiday		**$900.00**
Children up to six months		$112.00
Children six months up to 12 years		$250.00
Ground inurnment (cremains)	~~$165.00~~	**$250.00**
Ground inurnment (cremains) – weekend/holiday		**$400.00**

Winter ~~all~~ interment fees **are** ~~increase by 20 percent~~ between December 1 and March 31

Standard four feet by ten feet	~~$480.00~~	**$750.00**
Winter Standard interment – Weekend/holiday		**$1050.00**
Ground inurnment (cremains)	~~$198.00~~	**$350.00**

PASSED

Winter ground inurnment (cremains) – weekend/holiday.....$500.00

~~Tomb service: flat rate for bodies to be buried outside of the city .....$25.00~~

When two individuals are interred at the same time in the same grave, there will be a recording fee for the second interment. This would apply to cremains included in a casket or a double urn .....~~50.00~~ **$75.00**

Tomb service: flat rate for bodies to be buried outside of the city $25.00

plus $20.00 per month entombed

Overtime fee for funerals and closing extending beyond 3:00 p.m. on regular workdays or funerals on weekends, as permitted, per hour .....$65.00 per hour, **per person**

One hour minimum weekdays

three hour minimum weekends

Overtime fee for funerals on recognized city holidays, as permitted, per hour .....$65.00 per hour;

three hour minimum, **per person**

Evergreen shrub permit fee .....~~$15.00~~ **$20.00**

Evergreen shrub permit fee with planting service $50.00

Rosebush and lilac permit fee $15.00

Flush marker installation .....~~$45.00~~ **$100**

Flush marker installation – Veteran.....$0.00

Tent for graveside service .....~~$95.00~~ **$150.00**

Memorial Stone Permit Flat Marker.....$25.00

Memorial Stone Permit – upright marker.....$50.00

Memorial Stone Permit – corner marker.....$40.00

_____

Kendall W. Lane, Mayor

5A1

City of Keene
NEW HAMPSHIRE

March 24, 2016

TO: Mayor and City Council

FROM: Finance, Organization and Personnel Committee

SUBJECT: **ORDINANCE:** **O-2016-06: Charter Employee Evaluations**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2016-06.

Mitchell H Greenwald
Chairman/Designee

Background:

Councilor Powers stated the three individuals appointed by the City Council are evaluated on an annual basis. The City Code directs these evaluations be done in March, but he felt these evaluations should be done based on the individual's anniversary date.

Chair Greenwald stated these evaluations for the City Manager, City Attorney and City Clerk are at times done on the same evening which could be tiresome for the Council and the employee and Ordinance will spread the process out.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2016-06.

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

ORDINANCE

5A2

CITY OF KEENE

O-2016-06

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

AN ORDINANCE .....Relating to Charter Officers – Performance Evaluations.....

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

That the Ordinances of the City of Keene, as amended, are hereby further amended by deleting the stricken text in paragraph (b) in Sec. 2-231 – City Council Appointments' Salary Schedule of Division 6 – Compensation in Chapter 2 entitled "Administration":

Sec. 2-231. - City council appointments' salary schedule.

~~(b) Performance review and consideration of salary level increases are to be conducted in March of each year.~~ Performance reviews are to be conducted within one month of the anniversary date of the city council appointee.

_____

Kendall W. Lane, Mayor

In City Council March 17, 2016.
Referred to the Finance, Organization and Personnel Committee.

City Clerk

PASSED

GA1

City of Keene
NEW HAMPSHIRE

March 30, 2016

TO: Mayor and City Council

FROM: Patricia A. Little

SUBJECT: City Council Policy – Compensation for City Councilors

Recommendation:

Refer Resolution R-2016-09 to the Finance, Organization and Personnel Committee for its review and recommendation.

Background:

As part of the on-going review of Council policies, Resolution R-2016-09 updates the current Council policy on compensation by creating a fairer practice for the compensation for both outgoing and incoming City Councilors.

There are several factors which complicate the administration of a compensation process for City Councilors. There is a provision in the City Charter which stipulates that compensation is based upon attendance at meetings. Although there is no clarity as to what "meetings" this provision is referring to; historically it has been the practice to interpret the reference to *regular meetings* of the City Council. Another complicating factor is that the annual appropriation utilizes a July 1 – June 30 fiscal year and a City Councilors' term is January 1 – December 31 of a calendar year.

Compensation for a Councilors' attendance at regular City Council meetings is not a true reflection of the time they expend on behalf of Keene's citizens. Attendance at Committee meetings as well as their membership on other public bodies *equals, if not exceeds,* their attendance at City Council meetings. To recognize that disparity, it has long been our practice to allow a Councilor to miss 4 meetings in a fiscal year and still be eligible for the entire $2,000 stipend.

In an effort to make the policy fairer to City Councilors who are leaving office as of December 31st and City Councilors who are assuming office on January 1st, Resolution R-2016-09 relies on a semi-annual view of attendance versus an end of the year review.

Resolution R-2016-0-9 still maintains compensation based upon attendance at regular City Council meetings and it still utilizes the number of 20 meetings as the baseline; but the policy provides for a review on semi-annual basis to determine the level of compensation received. For the first three months in a fiscal year, compensation will be based upon the assumption the Councilor will achieve full attendance (10 meetings) for the six month period. Compensation for the second half of the six month

period shall be based on actual attendance and prorated accordingly. The same semi-annual review will happen for the third and fourth quarters of the fiscal year. A Councilor may miss up to two meetings during a six month period without loss of compensation.

CITY OF KEENE

6A2

R-2016-09

Sixteen

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

City Council Policy - Compensation for City Councilors

A RESOLUTION .....

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

WHEREAS: Section 24 of the City Charter provides that a Councilor's compensation shall be based upon their attendance at meetings; and

WHEREAS: Section 2-56 of the City Code provides that the Mayor and City Councilors shall be paid in an amount and in such as manner as may be provided for in each successive annual city budget adopted by the City Council; and

WHEREAS: In addition to attendance at City Council meetings; Councilors are assigned to one of the three Standing Committees of the City Council and they serve as the Council member to various Boards and Commissions; and

WHEREAS: City Councilors also spend time meeting with constituents as well as City staff and they spend time preparing for their meetings; and

WHEREAS: It is reasonable to expect that City Councilors should receive an appropriate level of compensation that recognizes the number of hours they dedicate to serving our community and to offset the personal expenses that they incur in performing their public service.

NOW THEREFORE BE IT RESOLVED that in keeping with the City Charter and Section 2-56 of the City Code, a City Councilor's attendance shall be reviewed on a semi-annual basis to determine the level of compensation received, with the first three month period compensated based upon the assumption the Councilor will achieve full attendance (10 meetings) for the six month period. Compensation for the second half of the six month period shall be based on actual attendance and prorated accordingly. A Councilor may miss up to two meetings during a six month period without loss of compensation.

_____

Kendall W. Lane, Mayor

PASSED

Keene Housing

831 Court Street, Keene, NH 03431
PHONE & TTD – 603.352.6161
FAX – 603.352.6845

6B1

TO: The Honorable Mayor and Members of the City Council

FROM: Linda Mangones, CDBG Administrator

THROUGH: Medard Kopczynski, City Manager

RE: Proposed application for CDBG feasibility funds:
Monadnock Area Peer Support Agency renovation feasibility study

DATE: April 4, 2016

Recommendation: That the City Council adopt the attached resolution approving an application for Community Development Block Grant (CDBG) feasibility grant funds to the NH Community Development Finance Authority for the State of New Hampshire; and, further, to re-affirm the Housing and Community Development Plan as updated and adopt the Anti-Displacement and Relocation Assistance Plan.

Monadnock Area Peer Support Agency (MPS) proposal: MPS was established in 1995 with the mission to provide opportunities for mental health consumers to come together and support each other in moving forward with what they want in life—*as opposed to moving away from what they don't want*—and establish a culture in which members and participants feel more empowered and less dependent on the mental health system. The agency offers a number of support groups and other activities for participants at their office at 64 Beaver Street. The property needs energy-saving improvements, accessibility improvements, and other improvements to support these activities. The purpose of the proposed grant application is to provide funds for an architectural feasibility study which would identify the feasibility and costs of making these renovations.

Because this agency is not widely known, I have attached the home page from its website and its impressive list of support groups, wellness groups, and activities.

Public Hearing and schedule: CDBG Feasibility study applications are due on April 29. A public hearing on this proposal will be held on April 19, 2016, in the small committee room on the second floor at City Hall.

Monadnock Area Peer Support Agency

SUPPORTING EACH OTHER ~ MOVING TOWARD WELLNESS

*"Peer support is a system of giving and receiving help founded on key principles of respect, shared responsibility, and mutual agreement of what is helpful." **

Welcome!

The Monadnock Area Peer Support Agency was established in 1995. We are a consumer run organization with the mission to provide opportunities for mental health consumers to come together and support each other in moving forward toward what we want in life - *as opposed to away from what we don't want* - and to establish a culture in which our members and participants feel more empowered and less dependent on the mental health system. We practice a particular kind of peer support which (as stated in the quotation above) is "a system of giving and receiving help founded on key principals of respect, shared responsibility, and mutual agreement of what is helpful."* This is called Intentional Peer Support (IPS). The *intention* is to use the peer support relationship to clarify, focus on, and move toward our personal life, recovery, and wellness goals.

All of our programs are free and grounded in the principle of personal responsibility, mutuality, reciprocity, respecting others' thoughts and beliefs as valid and important, growth beyond stigma, shame, and limits placed upon us, and creating and maintaining a strong, active voice and presence dedicated to social change. We believe that by developing better relationships people feel valued, become empowered and move toward recovery.

Through the practice of IPS, and our program of support groups and activities, we gain greater confidence in our ability to handle uncomfortable feelings and personal emotional crises, avoid frequent hospitalizations, and lessen the need for other medical or clinical interventions. If you are a consumer of mental health services and are at least 18 years old, we invite you to spend some time at Monadnock Area Peer Support Agency and meet our staff and other consumers in a safe, non-clinical, non-judgmental, stigma free, and positive environment. We would be happy to answer any questions you may have and welcome the opportunity to talk with you.

It is our hope that the information provided on this website will give you a sense of what we are all about and we thank you for your interest in our unique programs.

Sincerely,

Damien Licata
Executive Director

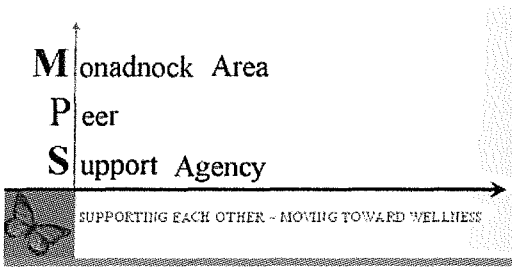
*Shery Mead

Support Monadnock Area Peer Support Agency.

When you shop at **smile.amazon.com**, Amazon donates.

Today's Groups

- WRAP & Loneliness
  11:45 am to 12:45 pm
- Games



Groups

Support Groups, Wellness Groups and Activity Descriptions

All Groups at Monadnock Area Peer Support Agency are free, confidential, facilitated and co-facilitated by staff and members.
Please contact us if you have any questions or concerns about the groups or our programs.

Check-In: Monday, Tuesday, Thursday, Friday & Saturday at 9:15 - 9:30am; Wed. at 11:15 - 11:30am

Join us at the beginning of each day for Check-In, a time where we gather and each share how we feel about the upcoming day or anything that happened the night before. It is always acceptable to say pass if you don't have anything you would like to say. Join with us as we create a supportive community!

Check Out: Monday, Tuesday, Thursday, Friday at 4:45 - 5:00pm; Saturday at 12:45 - 1:00pm; no Check-Out on Wed.

Join us at the end of each day (except Wednesday) Check-Out, a time where we gather and each share how the day went and what our hopes are for the evening or weekend. It is always acceptable to say pass if you don't have anything you would like to say. Join with us as we create a supportive community!

Arts and Crafts for Recovery (Fridays, 1:00-2:45pm) - For many people, creativity plays a key role in maintaining recovery and wellness. Join MPS members and other special guests to flex your artistic muscles and make some art that will help inspire you as you continue on the road of recovery and wellness!

Community Garden - *on hiatus until Spring 2016*

Community Kitchen/Grocery/Pharmacy Run (Wednesdays, 1:30-4:15pm) - Do you need a ride to the Community Kitchen, Market Basket or the pharmacy? We can provide you with free transportation! Call 352-5093/5094 or come in to sign up. *Service is only offered one day per week so please be sure to sign up in advance.*

Community Lunch Prep, Lunch & Clean Up (Thursdays, 10:30-12:45 pm) - Do you enjoy cooking? Come make a meal with us! We bring lunch out to the barn and sit around the tables, family style. We do ask for a $2 donation per meal, if possible- *We need at least 2 people to help make the meal - not including staff*

Community Meeting (Thursdays, 1:00-2:00 pm) - Monadnock Area Peer Support Center is *your* center. Attend this meeting and learn about trips, groups, speakers and events; use your voice to suggest, question, make a complaint or comment. Help us plan the menu, hear what happened at the Board Meeting and at the Organizing & Planning Committee. Miss a meeting? Check out the Community Meeting Minutes on the bulletin board in the kitchen.

Consumer Council (3rd Tuesday of the Month, 10:00 am-1:00 pm) - Are you interested in what's happening around mental health issues on a state level? Sign up to get a ride to the Consumer Council. The mission of the Council is to "educate and advocate with consumers, clinicians and mental health administrators in pursuit of equal rights and a recovery-based mental health system, and to empower consumers to participate and exercise leadership in regional and statewisde forums", so get ready to make your voice heard when you attend. *Please note: If you get a ride with us, the travel time is from 9:00 am-2:00 pm.*

Creative Writing (Fridays, 3:00-4:00 pm) - For beginner through experienced writers. get together and write short stories, poems, memoirs and more. Submit your work to the monthly newsletter! Get over "writer's block" with various writing ideas. If you wish, you may share your work and get feedback.

Dual Recovery Support Group (Saturdays, 9:30-10:45 am) - A confidential, non-12 step support group for people who are dealing with various addictions and mental health challenges, facilitated by staff who have experience handling their own addictions and mental health.

Depression/Bipolar Support (Wednesdays, 5:30-7:00 pm & Thursdays, 3:00-4:30 pm) PLEASE SIGN UP IN ADVANCE (You may call and ask a staff member to sign you up) - Get support from others who have personal experiences with depression, anxiety and/or bipolar disorder in a safe and confidential environment

Food Issues Support (Tuesdays, 10:15-11:15 am) - Do you struggle with having a healthy relationship with food? This group is meant to provide support for individuals who identify as having an issue with food, including diagnoses such as anorexia, bulimia, binging, purging, over-eating, etc. The group provides us a safe place to talk about our experiences without labels or judgment and aims to give us a sense of hope for the future.

Games (Mondays, 1:00-2:15 pm) - Did you know we have a full shelf of board games, card games and party games? If you like playing games, come for this Member-run group and get your game on in the Kitchen or Living Room

Hearing Voices Network (USA) Group (Tuesdays, 1:15-2:15pm) - Got voices? See things that others don't? Have experiences that no one gets? A Hearing Voices Network (USA) Group just might be the thing for you! This group is very similar to the Hearing Voices Support Group MPS has offered in the past and provides a safe place where people can meet and talk about their experiences without fear of judgment, stigma or shame. you can talk about, explore and find meaning with others who share similar experiences in this peer-facilitated group.

The Intention of Peer Support (Wednesdays, 12:00-1:00 pm) - Have you heard people talking about "Intentional Peer Support" and "IPS" and wondered what it's all about? Come to this group to find out how Intentional Peer Support works and how you can use IPS here at MPS and in your every day life. Facilitated by our Executive Director and IPS Certified Trainer, Damien Licata.

LGBTQ Support Group (Saturdays, 11:00am-12:00pm) - Have you struggled with mental health and exploring your sexual orientation or gender identity? Those attending this group will gain the benefit of giving and receiving support in a safe, stigma-free and non-judgmental, peer facilitated group with people who share similar emotional and life challenges.

Men's Group - *on hiatus*

Member Movie Choice (Fridays, 10:15 am-12:45 pm) - Are you a movie buff? Bring in a DVD to share with your peers in this Member-run group.

Music (Wednesdays, 3:00-5:00 pm) Come listen to a variety of music, recorded and live, sing and dance along, if you wish, or just relax.

**** PETERBOROUGH PEERS SUPPORT GROUP AT THE RIVER CENTER ** (Fridays, 11:00 am-12:30 pm)** - Come talk in a safe and confidential environment in a peer-facilitated group with individuals who have had, currently have or are at risk of having lived experiences with mental health issues. A great place to give and receive support! *MPS does not offer transportation to/from Peterborough*

Print Week (3rd week of the month) - Come join us as we print the "Butterfly Bulletin Newsletter" and get it ready for delivery! *Please note: date and time is subject to change without notice.*

Survivors of Suicide Attempts (Mondays, 2:30-3:30 pm) - For many of us, suicide can seem like the only option. If you have survived trying to end your life, this peer-run group is a safe place to talk about what you have been through and what you're going through in an empathetic and non-judgmental environment.

Trauma Survivors (Tuesdays, 11:45am-1:00pm) - A support group for those directly or indirectly affected by trauma featuring a varied format with articles, activities, discussions and speakers.

Volunteering at the Monadnock Humane Society (Tuesdays, 2:30-4:30pm) - Come lend a hand to the staff of Monadnock Humane Society. Please ask Sarah or Jude for a MHS Volunteer Application and the MPS/MHS Group Guidelines if you are interested in attending. *Please note that group does not meet on the 3rd Tuesday of every month due to Staff Meeting.*

Warm Line (Seven Nights a Week, 365 Nights a Year, 5:00-10:00 pm)—A confidential and non-judgmental peer support service offered nightly. Call the Warm Line at (603) 352-5309 or toll free at 1 (866) 352-5093 if you are feeling lonely, stressed or if you just want to talk with someone.

Women's Group (Fridays, 9:30-10:15 am) - A group especially for women, facilitated by women and covering a variety of issues pertaining to women. topics may include mental health, but will not focus on mental health exclusively.

WRAP & Loneliness (Mondays, beginning March 28, 11:45 am-12:45 pm) - Come talk about loneliness and how WRAP can help. this group is peer-led by Mental Health Recovery and WRAP Certified Facilitators.

WRAP Workshop - This 8-week course started on January 11th - it is peer-led by two Mental Health Recovery and WRAP Certified Facilitators. We are still taking participants - if you would like to join, please call 352-5093 and speak to Jude or Erin for more information!

Monadnock Area Peer Support Agency

64 Beaver St.
P.O. Box 258
Keene, NH 03431

603.352.5093
Toll Free: 866.352.5093
(fax) 603.355-8211
email

United Way

Monadnock Area Peer Support
is a United Way Agency

staff site by Blue Bass Design

CITY OF KEENE

GOB 2

R-2016-10

Sixteen

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

APPROVING AN APPLICATION FOR CDBG FEASBILITY FUNDS

A RESOLUTION .....

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

WHEREAS, the City of Keene has stated as one of its Community Goals to make available supportive services and opportunities designed to nurture and meet the needs of our citizenry; and

WHEREAS, Monadnock Area Peer Support Agency provides mental health services to persons with low and moderate incomes; and

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

WHEREAS, the Community Development proposal would provide up to $12,000 to be subgranted to Monadnock Area Peer Support Agency and used to examine the feasibility of renovating its property;

NOW, THEREFORE, BE IT RESOLVED that the City Council approve and support the City's grant application to the New Hampshire Community Development Finance Authority for the amount of up to $12,000 in Community Development Block Grant funds to be used by Monadnock Area Peer Support Agency to study the feasibility of renovating its property; that the Council approve the Housing and Community Development Plan as amended; that the City will adopt the Residential Anti-Displacement and Relocation Assistance Plan; that the City will accept the grant if it is approved and enter into a contract with the Community Development Finance Authority; and, further, that the City Manager is authorized to execute any documents which may be necessary for the contract, including a new contract with Keene Housing for the administration of the program.

_____

Kendall W. Lane, Mayor

PASSED