City of Keene
New Hampshire

KEENE CITY COUNCIL
Council Chambers, Keene City Hall
April 21, 2016
6:30 PM

Roll Call
Pledge of Allegiance
Minutes of Preceding Meeting

HEARINGS/PRESENTATIONS/PROCLAMATIONS
Northeast Energy Direct Pipeline – Informational Meeting

1. ELECTIONS/NOMINATIONS/APPOINTMENTS/CONFIRMATIONS
A. Nomination – Conservation Commission

2. COMMUNICATIONS
A. Kevin Watterson/Swamp Bats – Request to Discharge Fireworks
B. Alison Welsh – Resignation – Agricultural Commission
C. Gregg Burdett/Big Brothers Big Sisters – Request to Use City Property – Stiletto Spring
D. Alan Stroshine/Clarence DeMar Marathon – Request to Use City Property – Community Event
E. Michael Kapiloff – Donation of Property – Off Pearl Street
F. Councilor Lamoureux – Lighting Project – Commercial Street Parking Lot
G. Councilor Jones – Street Lighting – Ralston Street

3. REPORTS
A. COUNCIL COMMITTEES
1. Exemption From Sec. 70-135 – 27 Baker Street – MSFI COM
2. Driveway Curb Cut – Appeal of Planning Board Decision – MSFI COM
3. Road Rehabilitation – 2016 and Beyond – MSFI COM
4. Demolition Review Ordinance – PLD COM
5. Periodic Report – Heritage Commission – PLD COM
6. Request to Use City Property – Duck Race – PLD COM
7. Hours of Operation – Hawking and Peddling – PLD COM
8. Acceptance of Donation – Planning Department – FOP COM
9. Acceptance of Donations – Parks, Recreation and Facilities Department – FOP COM
10. Acceptance of Travel Grant – Public Works and Planning Departments – FOP COM
11. Legislative Process – FOP COM
12. Refund Partial Payment of Deeded Property – FOP COM
13. Land Use Code Update – Consultant Selection – FOP COM
14. Cheshire Rail Trail III Loop Project Design – FOP COM
15. 2014 Infrastructure Project – Change Order #4 – FOP COM
16. Change Order – Air Monitoring Contract – FOP COM

B. CITY OFFICERS AND DEPARTMENTS
1. General Comments –City Manager

3. REPORTS

C. BOARDS AND COMMISSIONS

D. MORE TIME

1. Removal of Granite Curbing – West Side of Central Square

4. ORDINANCES FOR FIRST READING

5. ORDINANCES FOR SECOND READING

A. Relating to Change of Zone – Keene Public Library Annex Parcel
   1. Report- PLD COM
   2. Ordinance O-2016-03-A

B. Relating to Cemetery Fees
   1. Report – FOP COM
   2. Ordinance O-2016-07

6. RESOLUTIONS

A. City Council Policy – Compensation for City Councilors
   1. Report – FOP COM
   2. Resolution R-2016-09

B. Relating to Further Modifying the District Boundaries of the Wells Street Parking Structure and Infrastructure Improvements Tax Increment Financing District (Library Complex)
   1. Report – FOP COM
   2. Resolution R-2016-07

C. Relating to Approving an Application for CDBG Feasibility Funds
   1. Report – FOP COM
   2. Resolution R-2016-10

D. City Council Policy – Oaths of Office
   1. Memorandum – City Clerk
   2. Resolution R-2016-16

TABLED ITEMS

1. Requesting that the City Council take a Position on the Kinder Morgan Pipeline – PLD Report

Non Public Session
Adjournment

A regular meeting of the Keene City Council was held Thursday, April 7, 2016. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: Carl B. Jacobs, Janis O. Manwaring, Robert J. O'Connor, Terry M. Clark, Jay V. Kahn, Randy L. Filiault, Thomas F. Powers, Robert B. Sutherland, George S. Hansel, Gary P. Lamoureux, Stephen L. Hooper, Bettina A. Chadbourne, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. The Mayor took a moment to recognize newly elected Councilor Lamoureux's service. The Mayor stated that Councilor Lamoureux has served the City for a number of years; first with the Fire Department then as Chief of the Fire Department for 10 years. The Mayor continued that since 2016, Councilor Lamoureux began serving as Councilor-At-Large and serving on the Municipal Services, Facilities and Infrastructure Committee. Councilor Lamoureux led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the March 17, 2016 meeting was duly seconded. The motion passed with a unanimous vote in favor.

PROCLAMATION – LIBRARY BOOK SALE

The Mayor invited Carole Jeffrey forward to present her with a proclamation relative to Spring Book Sale. The Mayor went on to proclaim April 8th, 9th, and 10th, 2016 as *Friends of the Keene Public Library Days* and encouraged everyone to attend the book sale. Ms. Jeffrey thanked everyone for the success of the Library.

PROCLAMATION – GREEN UP KEENE

The Mayor invited Eric Swope forward to present him with a proclamation relative to Green Up Keene. The Mayor went on to proclaim April 9th, 2016 as *Green Up Keene Day* and encouraged everyone to come out and participate. Mr. Swope thanked the Mayor, and stated that it really has become a great community event and invited everyone to come out this Saturday.

PUBLIC HEARING – ORIDINANCE O-2016-03-A: ZONE CHANGE – OFFICE TO CENTRAL BUSINESS – 67 WINTER STREET – LIBRARY PROJECT

The Mayor called the public hearing to order at 7:09 PM. The Notice of Hearing and Certificate of Publication were read. The Mayor introduced City Planner Tara Kessler. Ms. Kessler provided a brief background on the request to rezone the Annex Building located at 76 Winter Street from Office to Central Business District and not to include the properties located at 86 Winter Street and 105 West Street. The Annex building currently hosts a variety of library activities and is not in the Central Business District, but is considered to be an extension of the library, which is in the Central Business District. The intent of the Central Business District is to serve as a center hub of the community and provide commercial, government, retail and multi-family use primarily through pedestrian access. Whereas the Office District intended for low-intensity uses like professional offices and is a buffer between the residential and more-intensity uses.

The Mayor thanked Ms. Kessler and opened it up to the public for questions and comments.

Kathleen Packard, President of the Library Board of Trustees, 19 Terrace Street, stated she is in support of the requested change on the rezoning of the Annex Building.

Tom Savastano, of 75 Winter Street, explained his property abuts the Annex Building. The proposed plans continue to preserve the character of the community. He continued to state if the plans were to be changed and go away from the proposed plan then he would oppose the changes.

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 April 12, 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 Planning, Licenses and Development Committee.

A true record, attest: William S. Dow

Deputy City Clerk

APPOINTMENT – AD HOC – COMPREHENSIVE ECONOMIC DEVELOPMENT COMMITTEE

The following appointments to the Ad Hoc Comprehensive Economic Development Committee were received from the Mayor: Councilor George Hansel, Michael Giacomo, Timothy Murphy, Phil Suter, Jack Dugan, Joseph Walier, Cindy Rodenhauser Stewart, and Jason Wilder as regular members. Rebecca Landry will serve as staff. Councilor Mitchell Greenwald will serve as the Chair. This Ad Hoc Committee will be charged to develop a comprehensive economic development plan for the City of Keene. A motion by Councilor Greenwald was duly seconded to accept the Mayor's appointments. The motion passed with a unanimous vote in favor.

COMMUNICATION – MICHAEL FORREST – KEENE LIONS CLUB – REQUEST TO USE CITY PROPERTY

A communication was received from Michael Forrest, from Keene Lions Club, requesting to use city property for the 27th Annual Great Ashuelot River Duck Race. The communication was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – RAYMOND LINDSEY – REQUEST TO CHANGE HOURS OF OPERATION – HAWKING AND PEDDLING

A communication was received from Raymond Linsdey, from Mountain Man Coffee Cart, requesting to change the hours of operation to start vending at 7 AM. The communication was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – COUNCILOR HANSEL – COUNCIL POLICY – LEGISLATIVE PROCESS

A communication was received from Councilor Hansel requesting a council policy relating to the legislative process. The communication was referred to the Finance, Organization and Personnel Committee.

MSFI REPORT – SKATE PARK UPDATE

Municipal Services, Facilities and Infrastructure Committee report read recommending the update on the skate park be accepted as informational. The report was filed as informational.

MSFI REPORT – REMOVAL OF GRANITE CURBING – WEST SIDE OF CENTRAL SQUARE

Municipal Services, Facilities and Infrastructure Committee report read recommending accepting Phil Suter's communication as informational; accepting the City Engineer's communication as informational; and recommending the request for the removal of granite curbing on the west side of Central Square be denied. A motion by Councilor Filiault to refer the item back to Committee to discuss new information was duly seconded. The motion passed with 13 voting in favor and Councilors Manwaring and Lamoureux opposed.

PLD REPORT – USE OF CITY PROPERTY – CUB SCOUT PACK 348

Planning, Licenses and Development Committee report read recommending the 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. 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 SELL WINE AT FARMER'S MARKET – MOUNTAIN VIEW WINERY

Planning, Licenses and Development Committee report read recommending 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. 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 – DILLANT-HOPKINS AIRPORT – NEW ENGLAND AEROBATIC CLUB

Planning, Licenses and Development Committee report read recommending 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. A motion by Councilor Richards to carry out the intent of the report was duly seconded. The motion passed with 9 voting in favor and Councilors Jacobs, Manwaring, Clark, Filiault, Sutherland and Hansel opposed.

PLD REPORT – KINDER MORGAN PIPELINE

Planning, Licenses and Development Committee report read, recommending staff be directed to draft a Resolution to the PUC identifying the concerns the City has for the NED pipeline's effort on Keene's residents. The Mayor tabled the report. The Mayor set a public informational meeting on April 21, 2016 at 6:30 PM until 8:30 PM.

FOP REPORT – SPONSORSHIP POLICY

Finance, Organization and Personnel Committee report read recommending accepting the Sponsorship Policy as informational. The report was filed as informational.

FOP REPORT – TRANSFER OF FUNDS – PRESIDENTIAL PRIMARY

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

CITY MANAGER – COMMENTS

The City Manager advised that he has been the City Manager for 6 months now. He went on to report Kurt Blomquist, Public Works Director and Rhett Lamb, Planning Director/Assistant City Manager recently attended the Eastern Regional Climate Preparedness Conference in Baltimore, MD. The conference was convened by Antioch New England Graduate School in partnership with the US EPA. Both were speakers at the event sharing Keene's experience with flood hazard planning and disaster response, and integrating climate preparedness into municipal decision making. They also received travel grants to offset the cost of travel and lodging. The

City Manager continued with he wanted to clarify that this Consultant Selection Committee has been appointed by the City Manager and that the objective of their efforts to select a consultant. He went on to the State of New Hampshire has announced bridge work was started by CPM Constructors on April 4, 2016. The City Manager restated that the Green Up Keene is this Saturday, April 9, 2016 from 8:00 AM to noon; registration is at Railroad Square or call Public Works for more information. The City Manager continued with the Friends of Open Space in Keene invites the public to attend a networking event, Tuesday, April 12, 2016 from 7:00 to 8:30 PM at the Keene Recreation Center on Washington Street. This is your opportunity to learn about the work of City boards, commissions, committees and programs related to the City's historic and green spaces. The City Manager went on to state Captain Steven Stewart recently attended the New England Law Enforcement Executive Development Seminar, which was hosted and taught by the Federal Bureau of Investigations each year. Chief Brian Costa and Captain Steven Russo recently attended the Commission of Accreditation for Law Enforcement Agencies annual conference where they participated in the certification hearings. The hearings board unanimously granted the Keene Police Department Reaccreditation status for the next four years. The decision was based upon a team of CALEA Assessors final report generated from their onsite review of the Department in November of 2015, and upon the committee hearings. This is the Department's second Accreditation through CALEA. There are only 11 police departments in the State of New Hampshire which are accredited agencies. Nationally, there are less than 10% of the roughly 18, 000 Law Enforcement Agencies (State and Local) nationwide that are accredited, so this recognition carries a certain positive benchmark for our community. The City Manager congratulated Brandon Kiniry for recently completing all classroom, clinical and required National Registry Testing as a Paramedic. He continued to congratulate FF/AEMT Craig Matson for obtaining his AEMT Certification. The City Manager announced two new firefighters, FF/AEMT Bradford Keay and FF/AEMT Brandon West.

MORE TIME

More time was granted by the Chair for the following items in Committee: City Manager – Permission to Negotiate; Demolition Review Ordinance; Suggested Ban on Single Use Plastic Bags; and Resolution R-2016-07: Library Project – Tax Increment Financing.

MEMORANDUM – PARKS, RECREATION AND CEMETERIES DIRECTOR AND ORDINANCE O-2016-07: RELATING TO CEMETERY FEES

A memorandum was received from Andrew Bohannon, Parks, Recreation and Cemeteries Director, along with Ordinance O-2016-07: Relating to Cemetery Fees. The memorandum was filed as informational. Ordinance O-2016-07 was read for the first time. The Ordinance was referred to the Finance, Organization and Personnel Committee.

FOP REPORTS AND ORDINANCE O-2016-06: RELATING TO CHARTER OFFICERS – PERFORMANCE EVALUATIONS

Finance, Organization and Personnel Committee report read recommending the adoption of Ordinance O-2016-06. The report was filed as informational. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. On roll call vote, with 15 Councilors present and voting in favor, the motion carried. Ordinance O-2016-06 declared adopted.

MEMORANDUM AND RESOLUTION R-2016-09: RELATING TO CITY COUNCIL POLICY – COMPENSATION FOR CITY COUNCILORS

A memorandum was received from the City Clerk, along with Resolution R-2016-09: Relating to City Council – Compensation for City Councilors. The memorandum was filed as informational. Resolution R-2016-09 was read for the first time. The Resolution was referred to the Finance, Organization and Personnel Committee.

MEMORANDUM AND RESOLUTION R-2016-10: RELATING TO APPROVING AN APPLICATION FOR CDBG FEASIBILITY

A memorandum was received from Linda Mangones, CDBG Administrator, along with Resolution R-2016-10: Relating to Approving an Application for CDBG Feasibility. The memorandum was filed as informational. Resolution R-2016-10 was read for the first time. The Resolution was referred to the Finance, Organization and Personnel Committee.

NON-PUBLIC SESSION

At 8:18 PM, a motion by Councilor Greenwald to go into non-public session for the purposes of discussion of land matters under RSA 91-A:3 II(d) was duly seconded. On a roll call vote, 15 Councilors were present and voted in favor. Discussion was limited to the subject matter. The session concluded at 9:14 PM. A motion by Councilor Greenwald to keep the minutes in non-public session was duly seconded. On a roll call vote, 15 Councilors were present and voting in favor.

ADJOURNMENT

At 9:16 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest: William S. Dow

Deputy City Clerk

1A

City of Keene
New Hampshire

April 19, 2016

TO: The Keene City Council

FROM: Kendall W. Lane, Mayor

SUBJECT: Nomination

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

CONSERVATION COMMISSION
Andrew Madison, Slot 1 Term expires December 31, 2018
Keene, NH

From: Andrew Madison [redacted]>
Sent: Sunday, April 17, [redacted]
To: Mayor Kendall Lane

Subject: Keene Conservation Commission Vacancies

Dear Mayor Lane,

Greetings, my name is Andrew Madison and I would like to be considered for appointment to one of the open alternate seats on the City of Keene Conservation Commission. After speaking with George Hansel and Thomas Haynes at the recent City Conservation Connections event I recognized that I could make a useful contribution to the commission and the city as a whole.

I am Keene resident employed by Granite State Rural Water Association of Walpole, NH, where I work with municipalities, as well as state and federal agencies, to protect drinking water resources throughout the state. I posses a Master of Science in Environmental Science, with a focus in water resource management, from Indiana University's School of Public and Environmental Affairs, and a Bachelor's of Science in Geography from Salem State University. Before moving to Keene, I served as an AmeriCorps Volunteer In Service To America (VISTA) working on water quality projects in rural, SW Colorado, and worked as a field biologist for the National Park Service. Additionally, I currently serve as the president of the Keene Young Professionals Network, which works to attract and retain young professionals within the Monadnock Region.

I believe that my experience and training, as well as my current role in retaining young talent in the Keene Area could make me a useful addition to the commission.

I look forward to hearing back from you.

Best regards,

-Andrew Madison

--
[redacted]

2A

www.swampbats.com
800 Park Ave. • Keene, NH 03431 • (603) 357-5464

April 15, 2016

City of Keene
Keene City Council
3 Washington St.
Keene, NH 03431

City Council Members:

Per this letter, the Keene SwampBats request your approval to host a Class B Fireworks display on two separate dates:

Weds, June 22nd

Sun., July 3rd

These events would take place at Keene's Alumni Field on Arch Street, immediately following the regularly scheduled SwampBats game on those nights, at approximately 9:45 pm. Thank you in advance for your consideration.

Sincerely,

Kevin D. Watterson

Kevin D. Watterson, Pres.
Keene SwampBats

RECEIVED
CITY OF KEENE
APR 07 2016 2B

OFFICE OF
CITY CLERK

Alison S. Welsh
17 Roosevelt St.
Keene, NH 03431

Patty Little, Court Clerk
Honorable Kendall Lane
Mayor of Keene
3 Washington St
Keene, NH 03431

March 31, 2016

Dear Mayor Lane:

I want to thank you for appointing me to the Keene Agricultural Commission. It has truly been an honor. I have reached a point now where familial obligations, my children, and my spouse's health lead me to be a bit over-extended. As a result, I would like to tender my resignation from the Commission. I do think this is a worthy committee and I know that Mark Florenz who is still an alternate, has a great deal of knowledge and should be appointed as my replacement. Mark steadfastly shows up for meetings and provides valuable input. Thank you again for this opportunity.

Best regards,

al S Welsh

Alison S. Welsh

CELEBRATING 50 YEARS
Big Brothers Big Sisters
of New Hampshire

RECEIVED APR - 8 2016

2C

March 23, 2016

Mayor Kendall W. Lane
3 Washington St.
Keene, NH 03431

Dear Mayor Lane and the Keene City Council,

Big Brothers Big Sisters of New Hampshire would like to respectfully request approval to close Railroad Street on Saturday, September 17, 2016 from 3pm – 6pm for the Annual *Stiletto Sprint*. We further request to reserve the following Sunday, September 18, 2016 for a rain date.

Our Young Philanthropists for Mentoring (YP4M) Committee and BBBSNH staff will be organizing the Stiletto Sprint once again. The YP4M Committee is a group of young professionals who help raise financial support and awareness for Big Brothers Big Sisters of New Hampshire.

The goal for the Stiletto Sprint event is to help raise funds for our mentoring programs while garnering positive media coverage for the City and awareness of the agency. All proceeds from this event will support Big Brothers Big Sisters of New Hampshire's mission to provide children facing adversity with strong and enduring, professionally supported, one-to-one relationships that change their lives for the better, forever.

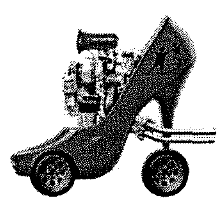
Big Brothers Big Sisters of New Hampshire will work with your Council and the Fire and Police Departments to make this a successful and minimally disruptive event. We will require every participant to sign a release of liability waiver as well.

Please know that our agency is willing to work with your Council to select an alternative date and/or time and/or street to host this event if necessary.

If you have any questions regarding this proposal, please contact me at
603-669-5365 x2211. We look forward to continued collaboration with the City of Keene.

Sincerely,

Gregg Burdett
CEO



2D

April 8, 2016

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

Re: 39th Annual Clarence DeMar Marathon and 3rd Annual DeMar Half Marathon
Request for City Event permit

Dear Mr. Mayor and City Councilors,

The Keene Elm City Rotary Club respectfully requests an event permit for our official Community Event; the annual Clarence DeMar Marathon and DeMar Half Marathon to be held on Sunday, September 25th 2016. A part of our event includes the Kids DeMar Marathon and Super Senior DeMar Marathon programs.

I invite all members of city government and staff to join us on the quad at Keene State College to experience the energy and personal accomplishment of so many people on race day.

I am available for any questions you might have.

Yours in service,

Alan Stroshine

Alan Stroshine, Race Director
Member, Keene Elm City Rotary Club

Keene Elm City Rotary
PO Box 1786
Keene, NH 03431
Clarence DeMar Marathon Corp is a 501c3 organization – Tax ID: 02-0454040

RECEIVED APR - 8 2016

2E

April 5, 2016

Medard Kopczynski, City Manager
City of Keene
3 Washington Street
Keene, NH 03431

Re: 0 Off Pearl Street, Keene NH

Dear Med,

Attached is a property tax bill for a piece of property that is in my mother's trust. I am also enclosing the front and last page of her trust as well as an amendment to the trust naming me as trustee and finally her death certificate.

Having no use for this property I would like to donate it to the City of Keene. I was advised the way to do that was to send you a letter. I hope it that is correct. I would like to get a receipt for this donation with the value shown for our tax records.

If you have any questions, please do not hesitate to call me at 603-283-2216.

Sincerely,

Michael Kapiloff – trustee
Charlotte R. Kapiloff Trust

Please return top portion with payment

PROPERTY ID	089010040000	TAX YEAR	2015	BILL DATE	10/29/2015

ASSESSMENTS AND EXEMPTIONS		TAX RATES PER THOUSAND		TAX AMOUNT
LAND VALUE	11,700	CITY TAX	13.420	
		COUNTY TAX	3.360	
		SCHOOL TAX	15.280	
		EDUCATION TAX	2.350	
NET VALUE	11,700	TOTAL RATE	$ 34.410	$ 402.60

CREDITS

#4288

TOTALS	DATE DUE	
PRELIMINARY BILL	07/02/2015	197.03
ANNUAL BILL	12/08/2015	205.57
PAID TO DATE		197.03
TAX DUE (USD)		$ **205.57**

Property Location: 0OFF PEARL ST.

IF THERE IS A BALANCE DUE ON THE PRELIMINARY BILL PLEASE CALL 357-9801 FOR TOTAL WITH INTEREST AMOUNT DUE.

IF YOU ARE ELDERLY, DISABLED, BLIND, DEAF/SEVERELY HEARING IMPAIRED, A VETERAN OR VETERAN'S SPOUSE, OR ARE UNABLE TO PAY TAXES DUE TO POVERTY OR OTHER GOOD CAUSE, YOU MAY BE ELIGIBLE FOR A TAX EXEMPTION, CREDIT, ABATEMENT OR DEFERRAL. FOR DETAILS AND APPLICATION INFORMATION, CONTACT THE DEPARTMENT OF ASSESSMENT, CITY OF KEENE, CITY HALL, 3 WASHINGTON STREET, KEENE, NH 03431 TELEPHONE 603-352-2125

THE TAXPAYER HAS THE RIGHT TO APPLY IN WRITING, TO THE BOARD OF ASSESSORS, BY MARCH 1, FOLLOWING THE MAILING OF THE FINAL TAX BILL, FOR AN ABATEMENT OR DEFERRAL AS PROVIDED UNDER RSA 76:16.

City of Keene Property Tax Bill

? ? QUESTIONS ABOUT TAX PAYMENT ? ?
CALL REVENUE COLLECTOR'S OFFICE
603-357-9801

? ? QUESTIONS ABOUT ASSESSMENT ? ?
CALL DEPARTMENT OF ASSESSMENT
603-352-2125

KAPILOFF CHARLOTTE R. TRUST
612 WEST ST.
KEENE NH 03431

TR0890100400000000000000000002055 79

April 18, 2016 2F

Honorable Mayor and City Council
3 Washington Street
Keene NH 03431

I am writing this letter requesting that funds from the Downtown Infrastructure Capital Reserve be allocated to complete the lighting project in the Commercial Street parking lot.

The rehabilitation of the parking lot was funded in the FY15 Capital Improvement Budget. The original project was to complete a mill, shim and overlay of just the parking lot only. In coordination with Parking Services and Public Works a plan was presented to City Council to increase the scope of work to complete additional paving including the reserve lot, Commercial Street and entry/exit ways as well as the replacement of asphalt sidewalks with concrete sidewalks, granite curbing and new landscaping. Also presented was to remove the parking meters and replace with kiosk systems. This additional scope of work was approved by City Council.

A second request to develop a new lighting plan and to install during construction was presented to City Council. The City Council chose to divide the project into two phases. Phase one would install new underground conduit and new bases at the time of construction and funding was approved to complete phase one. Phase two would install the cabling and new lighting to coordinate with the downtown lighting. The lighting project would remove the large blue utility poles and overhead wires and install new ornamental lighting on the already placed bases. Additionally three lights would be installed in the Commercial Street ally way.

The request is that phase two is completed in the 2016 construction season. Further that City Council request City staff prepare a resolution to allocate the funds.

Respectfully Submitted

Gary Lamoureux

Gary P. Lamoureux, City Councilor At-Large

2g

April 19, 2016

TO: The Honorable Mayor and City Council

FROM: Councilor Philip M. Jones

RE: Street Lighting on Ralston Street

Recommendation:

Recommend that the City Council request that staff recommend options for street lighting on Ralston Street.

Background:

At present time there are no street lights on Ralston Street between Emerald Street and Winchester Street.

The City has promoted this area for development via SEED district incentives.

Because of the development of student housing in the area, there is now a very high level of night time pedestrian activity.

This would help encourage pedestrian activity as called for by the City's Comprehensive Master Plan, while providing appropriate safety measures.

3A1

City of Keene
NEW HAMPSHIRE

April 13, 2016

TO: Mayor and City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

SUBJECT: **MEMORANDUM – City Engineer – Appeal of Planning Board Decision – Exemption from Sec. 70-135 (c)(4) – 27 Baker Street**

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

Chairman/Designee

Background:

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

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

3A2

City of Keene
NEW HAMPSHIRE

April 13, 2016

TO: Mayor and City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

SUBJECT: **COMMUNICATION – Donald Alex – Driveway Curb Cut – Appeal of Planning Board Decision**

On a vote of 5 – 0, the Municipal Services, Facilities and Infrastructure Committee recommend granting the application for a second driveway at 27 Baker Street.

Chairman/Designee

Background:

City Attorney Thomas Mullins explained that an appeal of a Planning Board decision is an unusual procedure. This arises under the driveway permit exception of City Code Section 71-36. Usually, someone who wants an exception goes to the Planning Board. Mr. Alex is looking for an additional curb cut at his residence on Baker St. He presented the request to the Planning Board. The Planning Board decided not to grant the request. Under the ordinance, Mr. Alex has the right to appeal that decision. Unlike other Planning Board matters, this can come before the City Council. Because Keene has a committee structure it comes to the Standing Committee for a recommendation to the full City Council.

City staff requested that the City Engineer look at the request. The City Engineer did review the request and will present his opinion to the Committee. Mr. Mullins stated that this is a *de novo (new)* review under the ordinance." The MSFI Committee can hear Mr. Alex's position, the City's position, consider the information, and then make a decision as to either recommending the Planning Board decision be upheld or changed. Mr. Mullins further stated that the copies of Section 70.136 of the City Code should act as criteria for their questions of Mr. Alex and/or the City Engineer, the committee's discussion, and ultimate recommendation.

Councilor Lamoureux asked if they can recommend granting Mr. Alex an exception if he meets one criterion, or does he have to meet all of them. The City Attorney replied all; that is the standard for the Planning Board. If the committee is going to be fair to all they should follow the same criteria, but they can consider whatever they think is relevant.

Chair Manwaring asked Mr. Alex to speak.

Donald Alex introduced himself and his wife, Lisa Alex of 27 Baker St. Ms. Alex referred to photos of their house, which she stated are four or five years old. She stated that she will go through a list of criteria and address each. She read "Issuance of the exception will not reduce the safety of pedestrians, bicyclists, and vehicles using adjacent streets and intersections." She continued explaining that having the curb cut- would not cause a safety concern. The safety concern occurs when she and her family members have to park on the side of the street.

She went on to say a police officer stopped at their house at 6:00 AM to express concern about the vehicle being on the street. Mrs. Alex explained that it is a black pick-up truck and hard for drivers to see in the dark. She stated that she had been hit when her vehicle was parked there. It blocks traffic coming from both directions. As recently as last week, people were screaming and swearing at each other because of the blockage. The current situation creates more of a safety issue than having the curb cut and additional parking. Whether you back up from the left or right does not make a difference for pedestrians or bicyclists, because three vehicles still have to get out of the driveway.

Ms. Alex continued that regarding the second criterion, "Issuance of the exception does not adversely affect the efficiency and capacity of the street or intersection," again, having to park on the road impedes traffic. Regarding the third criterion, "There are unique characteristics of the land or property which present a physical hardship to the requestor," they cannot park three cars on the right side because the driveway is too close to the house and snow and ice come off of the roof onto their vehicles, causing damage. They cannot move further to the right because that space belongs to the other property owners.

Mr. Alex added that their garage is not safe enough to park vehicles in. Ms. Alex continued that it is an old house and the garage is on a brick foundation and can only support smaller items like a lawn mower or motorcycle.

Ms. Alex continued that regarding the fourth criterion, "In no case shall financial hardship be used to justify the granting of the exception," this is not really a financial hardship for them; it is more of a safety concern about having vehicles on the street.

Mr. Alex stated that the safety concern that someone mentioned at the Planning Board meeting is that when you back out you cannot see too far on either side, but they do have enough of a view – at least 200 yards in both directions. Ms. Alex added that it is flat and a straight away; it is not a blind driveway. Drivers see her and her family members backing out, well before they get there, but if they have to back out to let another vehicle out, that is a safety concern because traffic has to wait for her and her family to shuffle their vehicles around. That has caused road rage from others.

Councilor Hooper stated that he had a tour of the property and he thanked the Alex's. He continued stating that he has general comments. At the top of Baker St. hill there is a house with two curb cuts. That is a very blind part of the street. It is more dangerous, in his opinion, to come in or go out of that particular area. He showed a photo of the curb cuts.

Councilor Hooper continued that one concern he has about the criteria is that he does not see the request as a safety issue compared to what is happening at the top of the hill. It seems like at the Alex property there is a lot of flat space where you can see cars coming in both directions, whereas the curb cuts at the top of the hill are blind and dangerous. His concern is consistency with granting requests and what has already been there. He stated that perhaps the curb cuts at the top of the hill were grandfathered in. The basic issue with this permit is safety and he does not see a safety issue with the Alexs' request. There is plenty of space to park by their house without impeding any car or truck backing in and out of 33 Baker St. Since there is plenty of room, it is not impeding vision going up or down Baker St. He parked his car on Baker St. to take photos and he got yelled at by someone passing him. He showed a photo of what the other vehicle had to do while passing him. At this point, he thinks this should be accepted. Ice coming off the roof is a unique characteristic. Regarding financial hardship, this will not bankrupt the Alexs', but it costs money to pay for damages to the vehicles caused by falling ice.

Chair Manwaring asked if the Alexs' had anything else to add. Hearing none, she asked for the Public Works Department staff to speak.

Public Works Director Kürt Blomquist stated that there were comments about parking in the street. He continued that under Keene's ordinances for parking, what Councilor Hooper was doing is not allowed. You are not allowed to park on the street if it requires that a vehicle move around you. Councilor Hooper could have been issued a ticket by the Keene Police Department. Not all areas are designated for parking.

City Engineer Don Lussier stated that he reviewed the application, specifically with respect to the four criteria under Sec. 70-136 in the City Code. Before getting into the criteria, he wanted to give more context for a broader review. Baker St. is in a relatively dense residential neighborhood. The existing parking that the applicant is using crosses the sidewalk, which has been damaged by the parking. It is in very close proximity to the driveway at 33 Baker St, which does play into one of the criteria. Mr. Lussier continued he looked at a set of aerial photos that were taken in April 1989. The Engineering Division uses them as a benchmark as a way to look at this objectively and see if it is a preexisting condition. From that photograph it is not evident that this parking was taking place there in 1989. The ordinance was passed in 1990. The best guess is that this was not a preexisting condition.

Mr. Lussier continued that he will go through the criteria. With respect to criterion 1, his concern with safety is mostly due to the proximity to the driveway of 27 and 33 Baker St. The application says they will extend the driveway past the steps. When he imagines a vehicle parked closer to the sidewalk, he sees that a vehicle backing out of 33 Baker St. would have poor visibility of pedestrians or bicyclists. It is difficult for him to say that this curb cut would not reduce pedestrian safety. Regarding criterion 2, because of the number and the close proximity of the driveways along this section, it is hard for him to say that adding another curb cut/another point of conflict for vehicles in the roadway or driveways, or pedestrians, would not decrease the efficiency of the public way.

Regarding criterion 3, he understands what the Alexs' are saying about snow falling off the roof. The driveway is very close to the drip line. In his opinion, that is an inconvenience but not a unique characteristic of this property or this land. Regarding criterion 4, the applicant has not mentioned financial hardship so that does not apply.

Sec. 70-136 says that after all four criteria are met, the Planning Board should not grant the requested exemption. In his opinion, the Planning Board was right; the applicant did not meet all four criteria.

Councilor Lamoureux asked if the Planning Board found that the applicant met any of the criteria. Mr. Lussier replied that the applicant did not claim financial hardship. That is one of the criteria. He continued that the Alexs addressed their thoughts on the other three. He would defer to the Planning Board's discussion, regarding what they found.

The City Attorney stated that as a *de novo* review, the MSFI Committee can hear information from the Planning Board's discussion or they can make their own decision on the criteria. He continued that they are not bound by the Planning Board's decision.

Chair Manwaring stated that the Alexs did not comment on criterion 4, but what about criteria 1 through 3? Did the Planning Board see merit? Mr. Lussier replied that he did not attend that meeting and is not comfortable stating what the Planning Board did or did not find.

Councilor Hooper stated that if the Alexs' backed into the parking spot, they could have better visibility when exiting the driveway. He asked if that is something that might be considered. That would be much safer. Mr. Lussier replied that if this exception was granted it would be a land right that would incur to the property and continue after the Alexs' were no longer owners. He continued that it would be hard to hold a new owner to the requirement that they back their vehicles into the driveway. He does not know if they could say the drivers at 33 Baker St. have to back in. Yes, it would help, but they do not have a mechanism to enforce that.

Councilor Lamoureux asked if they know where the boundary line is with the abutters. Mr. Lussier replied that the GIS survey data is very approximate but their best guess is that it is in very close proximity to the driveway of 33 Baker St. The Alexs' mentioned that their driveway would be five feet from the property line and that is probably correct. Councilor Lamoureux asked if there are standards saying how far away the property line must be. Mr. Lussier replied that the minimum is three feet.

Councilor Lamoureux asked if the City Engineer is aware of other approvals that have happened in this fashion. Mr. Lussier replied that other properties on Baker St. have this situation. He showed a drawing on the easel and indicated a four-family residential complex down the street that is near the top of the crest in the road. He said that he did not look into the files to see if there was an application and approval of that [curb cut] or if it was simply a non-confirming use.

Ms. Alex replied that that is not what Councilor Hooper was referring to – across the street is a house with two curb cuts. It was paved in the past year. That is the house he was referring to. Mr. Lussier replied that he did not review the files to see if there was an approved application or if it is just something that someone did.

Councilor O'Connor asked what RSA governs parking. Mr. Blomquist replied that it is Sec. 94-66 in the City Code. Councilor O'Connor replied that when he was an officer with the KPD, he tried to get a parked car removed from Baker St. and was overruled by his supervisor because there was nothing in the statute. Mr. Blomquist replied that sometimes officers are very familiar with the State statutes but not so much the City Code. He continued that the Public Works Department has had to educate some of the KPD folks that they can issue a ticket under the State statute or the City Code. Some Officers did not know about the code that covers general things like parking so far from a fire hydrant or existing driveway.

Mr. Lussier stated that he wanted to correct something he said earlier - the space from the edge of the neighbors' pavement to where the Alexs are going to park is about four feet from the property line. He misspoke earlier when he said five feet.

Councilor Hooper stated that when he was looking at the area, a person parked in the driveway at 33 Baker St. all the way in near the garage. He continued that since it is a long driveway with the vehicle all the way back, not right near the sidewalk, he does not think it would impede the Alexs' coming out of the new parking spot.

Chair Manwaring asked for public comment.

Councilor Clark stated that the general public should not be expected, when they come before the Planning Board, to know all the ins and outs and bring lawyers to see if they are meeting all the specifics. He continued to say that he thinks that is up to the public officials and he encourages the MSFI Committee to ascertain whether the Alexs' met these guidelines. This has come up before. He has had several constituents with curb cut issues. This is not any different than what the Planning Director was talking about Monday night and the need to review zoning, which is built around circumstances of the 1940s and 1950s. . Everyone here can recognize that today there are numerous cars in households. Another change is now adult children are living with their parents. There are changing circumstances that are putting burdens on people. They should not be expected to face these burdens without the City Council at least looking at what they are expecting people to comply with. He hopes the committee thinks about recommending this exception, and tries to find a way to deal with the safety of the community while looking at the new burdens people are faced with today.

Ms. Alex stated that the Planning Board suggested that she and her husband expand their driveway to the right, which they cannot do because of the property line. She continued saying that the Planning Board also suggested putting a heating strip on their roof so snow would melt, which the roofer she and her husband consulted recommended against, saying that they corrode and crack and become a fire hazard if not replaced every year or two. They looked into the Planning Board's suggestions but they were not feasible.

Councilor Filiault stated that he stopped by the Alexs' house today with an open mind. He continued that as he looked at it more he found the request to be more than reasonable. Regarding the criteria, (4) is off the board. They are all a matter of opinion. He looks at criteria (1), (2), and (3) and finds them in favor of the request. Regarding the safety issue: even if they wanted to park on the side of the road, as Mr. Blomquist pointed out, they cannot. They have to park in the driveway where there is not enough room. Councilor Clark brings up a good point, too, about the amount of vehicles and people living at home – things have changed. There are legalities, so he looks at these criteria and finds they are a matter of opinion. It is the Alexs' right to bring this to the MSFI Committee if they did not agree with the Planning Board decision. The committee looks at how they see it, not how someone else saw it. He physically looked at the site to see the actual burden and he thinks the applicants have proven, beyond a reasonable doubt, that this request should be granted . He does not see a safety issue if they park in the driveway, but it is a safety issue if they have to park in front of the house. He intends to grant this reasonable request.

Councilor O'Connor asked if there is a cost to the City for a curb cut. Mr. Lussier replied that it would be borne by the applicant.

Councilor Lamoureux stated that he heard that if the exception for the curb cut is granted it stays with the property forever. He asked if there is a way to remove the curb cut if the Alexs' sell the property. The City Attorney replied that the criteria do not provide for that and it could become problematic, for enforcement purposes. Part of the problem with these curb cuts is they happen and the City is trying to define when that happens so they can go forward and lock things in stone. If you grant this, they should grant it with the expectation that this will follow the property, like any other variance would. It would be too problematic to put a condition that the curb cut terminate if the property is ever sold going forward. But that is a decision for the committee and the City Council.

Councilor Lamoureux asked the Alexs' how long this parking has been going on the way it is today. Ms. Alex explained that it has been seven years on a daily basis, and longer on a weekly basis. She continued that in addition, their younger daughter comes home every other weekend; thus, there are four driving adults living in their three-bedroom home. She loves the neighborhood and grew up in it. Councilor Clark is right that times have changed – there are more vehicles and more people in houses than ever before.

Councilor Filiault stated that (1) and (2) have already been proven, since this parking situation has existed for 7+ years, and no one has been killed coming out of that driveway. Also, (3) has been proven; they have unique characteristics. To him, that shows that they have met the criteria.

Mr. Alex stated that regarding the last criterion, he does not know if he stated this in his letter, but two of their vehicles sustained extensive damage due to the ice coming off the roof in huge chunks and bouncing off the pavement onto the vehicles. Ms. Alex added that when one of their vehicles was parked in front of the house, it got backed into. Once the police found the people who did it, the cost to the couple was a thousand dollars to fix

Chair Manwaring asked for public comment. Hearing none, she asked for a motion.

Councilor Filiault made a motion for the Municipal Services, Facilities, and Infrastructure Committee recommend granting the application for a second driveway at 27 Baker St, which was seconded by Councilor O'Connor.

The City Attorney stated that the Planning Board discussed two conditions that the committee may want to consider. One is that there be no storm water directed into the public right-of-way. He thinks that is a requirement that already exists under the ordinances, but they may want to be clear about that. The second condition is that the Alexs' get the necessary permits and approvals before commencing construction. The MSFI Committee may or may not want to add those conditions to the motion.

Councilor Filiault replied that he will not amend the motion, but it should be taken for granted that if the Alexs' do this, they have to do it legally.

On a vote of 5 – 0, the Municipal Services, Facilities and Infrastructure Committee recommend granting the application for a second driveway at 27 Baker Street.

The City Attorney stated that this is a recommendation that now goes to the full City Council and that the City Council will deliberate and make the final determination.

CITY OF KEENE
NEW HAMPSHIRE

Public Works Department

Date: April 11, 2016

To: Municipal Services, Facilities and Infrastructure Committee

Through: Elizabeth Fox, Acting City Manager
Kürt Blomquist, P.E., Public Works Director

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

Subject: Appeal of Planning Board Decision
Exemption from Sec. 70-135(c)(4) – 27 Baker Street

Recommendation:

Move that the Municipal Services, Facilities and Infrastructure Committee recommend that the City Council deny an application for a second driveway at 27 Baker Street.

Background:

On January 25, 2016, the Keene Planning Board reviewed an application for an exemption from the City's driveway standards. Specifically, the applicant requested an exemption from Sec. 70-135(c)(4).

"Sec. 70-135(c)(4) There shall be no more than one driveway access for each residential lot."

The City Engineer reviewed this application at the request of the City Attorney. Sec. 70-136(a) provides the criteria to be evaluated by the planning board when considering whether to approve or deny an exception to this standard. They are:

(1) Issuance of the exception will not reduce the safety of pedestrians, bicyclists and vehicles using adjacent streets and intersections.

The proposed driveway will add additional points of conflict between vehicles and users of the public way. Although the applicant has proposed extending the driveway so that the parked vehicle will be rearward of the front setback line (as required by Sec. 102-794(a)(5)), it is possible that a vehicle will park close to the sidewalk. In such a situation vehicles using the existing driveways at 27 Baker or 33 Baker will have very poor visibility of road users.

(2) Issuance of the exception does not adversely affect the efficiency and capacity of the street or intersection.

Sec. 70-136. - Driveway permit exceptions.

(a)Requests for exceptions shall be made in writing to the planning board which shall have authority to approve or disapprove a requested exception of the standards listed in section 70-135(c)1 through 13. In determining whether to approve or disapprove an exception request, the planning board shall evaluate the exception request using the following criteria.

(1) Issuance of the exception will not reduce the safety of pedestrians, bicyclists and vehicles using adjacent streets and intersections.

(2)Issuance of the exception does not adversely affect the efficiency and capacity of the street or intersection.

(3)There are unique characteristics of the land or property which present a physical hardship to the requestor.

(4)In no case shall financial hardship be used to justify the granting of the exception.

It shall be the responsibility of the requestor to demonstrate compliance with the criteria:

(b) After a finding that the all of the criteria in subsection (a) have been met, the planning board shall grant the requested exception.

(c) Appeals of planning board decisions made under subsections (a) and (b) shall be made in writing to the city council for de novo review of the exception as it was originally submitted to the planning board. City council shall have final jurisdiction over all such appeals.

(Code 1970, § 2708.20; Ord. No. O-2005-21A, 10-6-2005; Ord. No. O-2008-24, 10-2-2008)

3A3

City of Keene
NEW HAMPSHIRE

April 13, 2016

TO: Mayor and City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

SUBJECT: **MEMORANDUM – City Engineer – Road Rehabilitation – 2016 and Beyond**

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommend the "Roadway Rehabilitation – 2016 and Beyond" report be accepted as informational.

Chairman/Designee

Background:

Mr. Lussier stated that he is not here to ask for anything or to change anything the City Council has already approved or allocated to the CIP. He continued to say that he is here to speak in broader terms about a road rehabilitation program and how the program will be implemented in accordance with what the City Council has told them to do. They want to achieve the best overall system condition that they can, for the most number of users. The focus is rehabilitation more than reconstruction. If a roadway is deteriorating, and showing its age with potholes and ruts, bringing it back up to standard is rehabilitation. Reconstruction is ripping out the old pavement, oftentimes removing the existing base material, and rebuilding the road from the ground up. The focus of CIP projects is now rehabilitation - doing a limited scope of work in order to achieve a good road conditions at a more reasonable cost.

Mr. Lussier continued that in the near term, the Public Works Department is trying to incorporate some lower cost construction methods. For example, this summer, Hurricane Rd. is slated for rehabilitation. As part of the FY17 project money after July 1, they will be looking at Roxbury Rd. and East Surry Rd. Those three are good candidates for an environmentally-sensitive, resource efficient construction method called "hot in-place recycling." Instead of milling the road and removing the deteriorated pavement and bringing it to a place to get recycled and hauling it back in, the process is done in place. A machine grinds the pavement up and adds bituminous material and spreads it out and compacts it in place. It is more resource efficient than having to truck material in and out. One disadvantage is it has to be followed up with a second layer with a waterproofing seal. With more rural roads they are looking at doing that with a chip seal. It is a very old, proven method that has been used historically in the City, but maybe not in recent years.

Mr. Lussier continued that in terms of the 2017-2023 CIP projects, staff will look to have more preservation-minded repairs. The simplest example is crack sealing. That is a classic, low-cost method. It seals the defects in the pavement so the water does not come in and there are no frost heaves. It keeps good condition pavement in good condition for a longer period of time. It means adding years of life to pavement. Preservation is at a much lower cost and it is effective. But it must be done when the pavement is still in good condition. The political challenge is that constituents may ask, "Why are you working on a road already in great shape, when my road is in worse condition?" The answer is, over the lifespan of the whole system, they are saving the City a lot of money by keeping the good pavement in good condition instead of waiting until it is deteriorated and needing more expensive repairs.

Mr. Lussier directed the committee's attention to a graphic on the easel of a road in Connecticut that straddles the boundary between Bridgeport and Fairfield. The two municipalities teamed up in 2004 and did one contract to repair the roadway. They milled it and overlaid it with two inches of pavement. In 2010 Fairfield came back and did crack sealing with a micro-surfacing. The photo was taken at the beginning of this year and you can see the difference in condition between the Bridgeport and Fairfield sides. The Fairfield side has minor cracks and the Bridgeport side has significant cracking, delamination, and ruts. It will need much more expensive repairs, whereas Fairfield can probably just do another surface treatment and continue on. The graph on bottom right is an industry standard graph. It tries to show that in the first two thirds of a pavement's life, it is in good shape and does not need a lot of work, but when it starts to break down it happens very quickly. The Public Works Department's challenge is always to do the low cost repairs/preservation when the road is still in good condition rather than waiting a couple more years until it needs very expensive repairs.

Chair Manwaring asked what he would say to constituents who ask why a "good" road is being worked on while their "bad" road is not. Mr. Lussier replied that the secret to making good, objective decisions about asset management is to have good data. He continued that in the coming months they will have a pavement survey completed. In years past this would have been subjective assessments done by folks making notes on clipboards. There are now systems available - sensors and cameras mounted on GPS-enabled vehicles that will drive around the City. It is an objective and standardized way to measure road conditions. It gives a numeric pavement condition index for each segment of roadway. The Cartegraph OMS system that will be rolled out in January 2017 has sophisticated tools for playing 'what if' scenarios. They can see what gives them the best bang for their buck for the overall pavement network. He will come back to the MSFI Committee to show the results of the study, and talk about the problem spots and how it affects the rehabilitation program. The short answer to Chair Manwaring's question is, as an Engineering Division they will make the best objective decisions they can to achieve the best results for the most number of system users.

Chair Manwaring asked for public comment. 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 recommend the "Roadway Rehabilitation – 2016 and Beyond" report be accepted as informational.

3A4

City of Keene
NEW HAMPSHIRE

April 13, 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 recommends this report regarding the demolition review ordinance with respect to Councilor Clark's communication be accepted as informational.

Philip M. Jones
Chairman/Designee

Background:

Tara Kessler reported on November 3, 2015, Councilor Clark submitted a letter to the Mayor and City Council requesting that the City's Demolition Review Ordinance (Chapter 18, Article IV of Keene City Code) be modified to more aptly describe a historic property. The purpose of a Demolition Review Ordinance is to establish a review process to ensure that structures deemed worthy of preservation are not inadvertently demolished. The provisions of this Ordinance currently apply to proposed demolition of a building or part of a building that is greater than 500 square feet of gross floor area and was constructed more than 50 years before the date of application for a demolition permit, and/or is listed or eligible for listing in the National Register of Historic Places, and/or is located in an established historic district. Ms. Kessler continued there are â total of 4,466 residential and commercial buildings currently subject to the Demolition Review Ordinance.

Between December 2014 and November 2015, the Demolition Review Subcommittee reviewed approximately 7 demolition permit applications. Of this number, the Subcommittee determined that 2 structures were historically significant; however, a delay period was never initiated.

Councilor Clark's request came out of concern that a large portion of existing structures in the City (specifically Maple Acres) are now or will soon become fifty years or greater in age, and will be subject to this Ordinance. The Commission reviewed Demolition Review Ordinances adopted by other communities to see how other places address the questions of what structures qualify for review and how historic significance is determined. The Heritage Commission believes that the threshold of 50 years or older and the criteria used to determine historic significance in Keene's current Demolition Review Ordinance are sufficient and should not be altered at this moment. The Commission felt that the increase of 825 buildings subject to the Demolition Review Ordinance over the next 8-years would not have a significant impact on the review process.

Ms. Kessler concluded noting this is an informational report back from the Heritage Commission in response to Councilor Clark's letter. At this time the Heritage Commission recommends no changes be made to the Demolition Review Ordinance.

Chair Richards asked for questions or comments from the Committee.

Councilor Hansel asked how many applications were processed in a year. Ms. Kessler noted between December 2014 and November 2015 seven demolition applications met the threshold criteria and only two of those applications were considered historically significant. Councilor Hansel then asked if all seven of the applications went before the Heritage Commission for review or if just the two went to the Commission for review. Ms. Kessler explained the application process from the time the application is received by the Code Enforcement technician to review by the Demolition Review Subcommittee, if applicable. If determined to be historically significant the Subcommittee has 30 days to work with the owner (preservation, material salvage, or relocation of the structure). Mr. Lamb added the Subcommittee has five days to determine if a structure is historically significant once they receive the demolition application from the Code Enforcement technician.

Councilor Jones noted Ms. Kessler's request to accept this report as informational adding this would be the time to make amendments. Ms. Kessler noted no amendments are being proposed. Discussion continued with Councilor Jones clarifying he just wanted the Committee to understand they have more options than just accepting this as informational.

Chair Richards asked for comments or questions from the public.

Terry Clark, Councilor Ward 3 noted he served on the Heritage Commission for six years and was a member of the Demolition Review Subcommittee. He reiterated Ms. Kessler's comments regarding the seven applications received. Councilor Clark continued the problem is the Heritage Commission has absolutely no authority, and the time period is so short that by the time the application is received the owner has already made the decision to demolish the structure. He reported that he and board member, Susan D'Egidio put together suggestions (resources) for the Planning Department to provide to the public (property owner) before they make the decision to demolish the structure. Additionally a webpage was created for sharing all the resources gathered by the Heritage Commission. Ms. Kessler verified the list of resources is handed out with the Demolition Permit application. Councilor Clark also noted the Heritage Commission's discussion with regards to sending out a letter to property owners when their property becomes 50 years old. Councilor Clark urged this Committee and others to look at this closely to see what they can do to educate the public about historic structures rather than tear them down. Councilor Chadbourne thanked Councilor Clark and staff for looking into this and bringing attention to it.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends this report regarding the demolition review ordinance with respect to Councilor Clark's communication be accepted as informational.

3A5

City of Keene
NEW HAMPSHIRE

April 13, 2016

TO: Mayor and City Council

FROM: Planning, Licenses and Development Committee

SUBJECT: **PERIODIC REPORT: Heritage Commission**

On a vote of 5-0, the Planning, Licenses and Development Committee recommends this report from the Heritage Commission be accepted as informational.

Philip M Jones
Chairman/Designee

Background:

Louise Zerba, Heritage Commission Chair, read her report into the record. The Heritage Commission was created to protect and preserve all resources in Keene that are valued for their historic, cultural, aesthetic, archeological, and community significance. The Commission is composed of 7 members and 2 alternates and they meet every other month. The Commission has been working to carry out many of the strategies included within the Comprehensive Master Plan. Ms. Zerba noted her presentation will address some of the work that has been conducted over the past year in relationship to the Comprehensive Master Plan.

The Master Plan states on page 54: *"Court Street, Washington Street and the south end of Main Street all boast an abundance of historic homes and buildings that should be protected to preserve the character of these individual neighborhoods. Each of these areas should become a local historic district, a National Register district, or both."*

From page 55: "*Beyond the creation of formal historic districts, the Heritage Commission and the city should work with neighborhood groups to explore the need and desire to develop "neighborhood heritage districts" to oversee and affect the changes taking place in our historic residential neighborhoods as they undergo rapid evolution and demographic changes."*

Ms. Zerba noted their primary focus over the past two years has been to work with the Historic District Commission to establish a historic district for the area of Main Street south of the Winchester/Marlboro Street Roundabout to Route 101. A sub-committee composed of members from both commissions was formed to research this potential district and draft a proposed Ordinance. The sub-committee completed its work in January and the Historic District Commission has recommended that the draft Ordinance be sent to City Council to begin the Ordinance process.

From page 52: *It is imperative to the community's success and quality of life that historic areas are protected and preserved as much as possible, while also adaptively reusing historic resources for modern, sustainable uses.*

The Stone Arch Bridge Committee, a sub-committee of the Heritage Commission, worked hard to preserve the historic Stone Arch Bridge after it was determined that drainage improvements were needed. With the help of funding from both the City and private donors, construction work was completed in the spring of last year. The next steps for this project are identifying funding to replace the granite capstones, which were removed during the time of the railroad.

From page 53: *A program of education and technical assistance should be created that would guide developers and owners in implementing green and energy-saving improvements while also preserving, protecting and enhancing a building's historical features. The program would also help property owners seek grants to perform these improvements.*

The Heritage Commission has produced an informational packet for people who are looking to restore or renovate historic properties and to make it easier to find the needed resources. Now located on the city's website, the information can be found under *Preserving Our Heritage.* They hope it will create a friendlier process giving developers and others planning to make changes to their historic properties the advantages and benefits for preserving their property and people to contact if they need help. This is an attempt to work with citizens to preserve a historic property and particularly with those who may not have considered preservation.

Within the Heritage Commission there is an active Demolition Review Committee which meets on an as needed basis. Code Enforcement contacts the Planning Department which in turn contacts the committee which conducts a site visit and determines if the building is historic (over 50 years). If it deems to have some historic value, it has 30 days in which to try to find alternatives to demolition. If an alternative cannot be found, the committee will photograph the exterior and interior in addition to trying to save portions of the structure for reuse on that or another property. If not worthy of preservation, the committee signs off and the demolition is allowed to proceed.

In addition to the work described above, the Heritage Commission was very active in conducting outreach and education on the City's historic resources over the past year. With the leadership of Rosie Carey, one of their members, and Kevin Dremel, a new member, the Commission sponsored a series of 5 "Sunday Socials" which were music concerts and gatherings hosted in historic structures across Keene including the Cheshire County Courthouse and private residences on Court and Washington Streets. Tours were given to the attendees during these socials by the homeowners and by the County Commissioner detailing the historic features of these properties. This summer they hope to hold one large event at the Sumner Knight Chapel.

Ms. Carey also developed a festive and engaging display on the first floor of City Hall on the history of the area and homes on Main Street between NH Route 101 and the Marlboro/Winchester St Roundabout. A part of this display is still present in the glass cases near the entry of City Hall.

The Commission is also working with Staff to develop programs that celebrate historic structures and inform property owners of the resources available for preservation.

They are continuing to work on their web presence and to identify opportunities to celebrate Keene's history and its heritage.

Chair Richards thanked Chair Zerba for her report and asked if there were any questions or comments from the Committee.

Councilor Hansel asked if the Commission's work covered barns and accessory structures. Chair Zerba replied in the affirmative.

Councilor Chadbourne noted she appreciates all the work completed by the Commission; acknowledging these Committee reports were a suggestion of former Councilor Jim Duffy.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends this report from the Heritage Commission be accepted as informational.

3A6

City of Keene
NEW HAMPSHIRE

April 13, 2016

TO: Mayor and City Council

FROM: Planning, Licenses and Development Committee

SUBJECT: **COMMUNICATION: Michael Forrest – Keene Lions Club – Request to Use City Property – Duck Race**

On a vote of 5-0, the Planning, Licenses and Development Committee recommend the Keene Lions Club be granted permission to use City property on July 9, 2016, to conduct the Annual Great Ashuelot River Duck Race, and permission to use a bay at the Public Works Garage to sort and count ducks on a date to be determined with City staff, subject to the following conditions: subject to the customary licensing requirements of the City Council, and compliance with any requirements of City staff. In the event of inclement weather, the event may be postponed to a future date to be determined in conjunction with City staff.

Philip M Jones
Chairman/Designee

Background:

Mike Forrest, of 7 Marguerite Street, addressed the request. 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 their goal is to sell 8,000 $5.00 tickets and 100 $100.00 tickets known as "SPONSOR A DUCK". All sales are entered into a computer from which a duck number is assigned.

As in previous years, the race course they have selected is the Ashuelot River. They 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 they will drive across West St. to dump the ducks into the river. Traffic should not be interrupted for longer than 1 to 2 minutes. The ducks will then be picked up further down the river. They have containing devices that will be placed at the finish line to contain the ducks. They also have sufficient personnel available through the club to recover all of the ducks and to assist with crowd control. They are therefore asking the City Council for permission to: 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; interrupt West St. traffic for about 2 minutes or less while the front loader dumps the ducks into the; use a bay at the Public Works Garage (date to be arranged with the Public Works Director) to sort and count the 8,000 ducks.

In addition, Mr. Forrest noted 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 them to postpone the race for a couple of weeks. The Lions would coordinate any date change with city staff.

Mr. Forrest responded to Chair Richards by noting there are no changes to previous year's requests.

Chair Richards asked for questions or comments from the Committee.

Councilor Jones noted the route changed when work was being done to the river; he asked Mr. Forrest if the old route was being used again. Mr. Forrest confirmed the old route is being used again.

Chair Richards asked for questions or comments from the public.

Emergency Management Director, Kurt Blomquist reported this activity is continuing at the same levels as in the past; he also noted the motion before the Committee is adequate.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommend the Keene Lions Club be granted permission to use City property on July 9, 2016, to conduct the Annual Great Ashuelot River Duck Race, and permission to use a bay at the Public Works Garage to sort and count ducks on a date to be determined with City staff, subject to the following conditions: subject to the customary licensing requirements of the City Council, and compliance with any requirements of City staff. In the event of inclement weather, the event may be postponed to a future date to be determined in conjunction with City staff.

3A17

City of Keene
NEW HAMPSHIRE

April 13, 2016

TO: Mayor and City Council

FROM: Planning, Licenses and Development Committee

SUBJECT: **COMMUNICATION: Raymond Lindsey – Request to Change Hours of Operation – Hawking and Peddling**

On a vote of 5-0, the Planning, Licenses and Development Committee recommend that the request of Raymond Lindsey to extend his operating hours by opening early at 7:00 AM on a daily basis be granted, at the designated vending spot on Railroad Square. The permission is granted for the license period ending April 1, 2017.

Philip M. Jones
Chairman/Designee

Background:

Raymond Lindsey, 464 Washington Street, addressed his request to use a vendor space off of Railroad Square as well as its electrical plugin. Mr. Lindsey is the owner and operator of Mountain Man Coffee Cart; the cart is pedal powered with a mounted espresso machine and coffee brewer. He would be offering coffee, tea, and espresso drinks as well as light baked fare. At this time Mr. Lindsey would like to request a variance in the usual vendor business hour limitations. He understands vendors are under current ordinance not to start vending until 9:00 AM. Mr. Lindsey continued saying due to the nature of his product he is requesting permission to start vending at 7:00 AM as coffee is largely enjoyed as a morning beverage.

Chair Richards asked Mr. Lamb if the Committee could do this or would the Ordinance need to be changed. Mr. Lamb noted there is no need to change the Ordinance; he continued as written today it allows you the flexibility to grant changes in the time of operation based on the individual license. Mr. Lamb explained the City Clerk will issue the license; the Committee is granting the exception part of this under the Code. Chair Richards clarified they are simply saying it is okay to open two hours earlier, and if they say yes the City Clerk issues the license. If they say no, she still hands out the license only it says 9:00 AM. Mr. Lamb agreed.

Chair Richards asked for questions or comments from the Committee.

Councilor Sutherland noted he was a new Councilor and asked 1) if it was possible to get a better understanding of the permit locations, 2) is this a day long permit, 3) are there shared locations. Tom Mullins, City Attorney, outlined the five licensed vendor lots and their locations in the downtown area. Attorney Mullins noted the licenses for these lots are issued on a first come first serve basis, and the licenses are issued for a one year timeframe. Continuing Attorney Mullins stated the locations are not shared. Councilor Sutherland clarified this is for one vendor and any day of the week. Attorney Mullins agreed it would be any day of the week, adding the Ordinance reads from 9:00 AM to 7:00 PM. Chair Richards also noted the license provides for exceptions during Community Events. Councilor Jones said there is a map in the City Clerk's office that shows the five designated areas; he added the Council has permitted a change in the vending hours previously to another vendor.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommend that the request of Raymond Lindsey to extend his operating hours by opening early at 7:00 AM on a daily basis be granted, at the designated vending spot on Railroad Square. The permission is granted for the license period ending April 1, 2017.

3A8

City of Keene
NEW HAMPSHIRE

April 14, 2016

TO: Mayor and City Council

FROM: Finance, Organization and Personnel Committee

SUBJECT: **MEMORANDUM: Planner - Acceptance of Donation - Northeast Regional Employment and Training Association**

On 4-0 vote, the Finance, Organization and Personnel Committee recommend the City Manager be authorized to do all things necessary to accept a donation of $375.00 and that this money be used to send a staff person to the NERETA Talent Pipeline Strategic Alignment Summit in April 2016.

Chairman/Designee

Background:

City Planner Tara Kessler stated she has been invited by Marianne Christensen of Hannah Grimes to be part of a four-person team from the region to attend a three-day summit in New Jersey from April 23 – 29. The summit is focused on building a supportive environment for manufacturing in a region and fostering partnership between education and industrial professionals. Hannah Grimes received a grant to cover the attendance and travel for the group as well as post-conference material. The cost for Ms. Kessler to participate in this summit is $375.

Councilor Kahn asked who the other three attendees are. Ms. Kessler stated the other attendees include the Vice-Provost from Franklin Pierce University, a representative from River Valley Community College and an industry professional from the area.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend the City Manager be authorized to do all things necessary to accept a donation of $375.00 and that this money be used to send a staff person to the NERETA Talent Pipeline Strategic Alignment Summit in April 2016.

3Aq

City of Keene
NEW HAMPSHIRE

April 14, 2016

TO: Mayor and City Council

FROM: Finance, Organization and Personnel Committee

SUBJECT: **MEMORANDUM: Parks, Recreation and Facilities Department - Acceptance of Donations**
- **Monadnock View Cemetery - Cemetery Lots**
- **Cheshire Kennel Club - Equipment**
- **Foosball Table - Recreation Center**
- **Sumner Knight Chapel**

On a 4-0 vote, The City Council's Rules of Order were suspended to add another donation that would benefit the Sumner Knight Chapel from the Easter Sunrise Service to the list of donations.

On 4-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept donations of one two-grave cemetery lot in Section J of Monadnock View Cemetery, a donation of $300.00 from the Cheshire Kennel Club for equipment in Wheelock Park, a donation of a foosball table from Russ Thompson to be used in the Recreation Center game room for public use, and a donation of $100.00 to be used by the Parks, Recreation and Facilities Department and a donation of $185 collected at the Easter Sunrise Service to be used for improvements at the Sumner Knight Chapel.

Chairman/Designee

Background:

On a 4-0 vote, The City Council's Rules of Order were suspended to add another donation that would benefit the Sumner Knight Chapel from the Easter Sunrise Service to the list of donations.

Recreation Programmer Megan Spaulding stated the first donation is from The Duda family for two cemetery lots at the Monadnock View Cemetery. The purchase of these cemetery lots happened in 1995 and both individuals have since passed and were buried elsewhere. The children would like to donate the lots back to the City for use in City assistance cases.

The second donation is from the Cheshire Kennel Club. The Club holds a dog show at Wheelock Park annually in August. The donation is to improve the park,

The third donation is from Keene resident, Wes Thompson, who has donated a foosball table to be used in the after-school program. This is a great donation towards the program and is something which could be used by the public during open game room hours.

The fourth donation is in the amount of $100 donation for the improvement to Sumner Knight Chapel. Kevin Dremel with the Keene Musicfest hosts an ongoing concert series to raise money. To date $8,639.00 has been raised.

The final donation is in the amount of $185 donation for the upkeep of the Sumner Knight Chapel. These monies were raised during the Easter Sunrise service.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept donations of one two-grave cemetery lot in Section J of Monadnock View Cemetery, a donation of $300.00 from the Cheshire Kennel Club for equipment in Wheelock Park, a donation of a foosball table from Russ Thompson to be used in the Recreation Center game room for public use, and a donation of $100.00 to be used by the Parks, Recreation and Facilities Department and a donation of $185 collected at the Easter Sunrise Service to be used for improvements at the Sumner Knight Chapel.

3A10

City of Keene
NEW HAMPSHIRE

April 14, 2016

TO: Mayor and City Council

FROM: Finance, Organization and Personnel Committee

SUBJECT: **MEMORANDUM: Public Works Director and Planning Director - Acceptance of Travel Grant - Eastern Regional Climate Preparedness Conference**

On 4-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept travel grants from Antioch University Center for Climate Preparedness and Community Resilience for travel and conference expenses for the Public Works Director and the Planning Director/ Assistant City Manager for their attendance at the 2016 Local Solutions: Eastern Regional Climate Preparedness Conference.

Chairman/Designee

Background:

Public Works Director Kurt Blomquist stated that he and the Planning Director were asked to present and attend the 2016 Local Solutions: Eastern Regional Climate Preparedness Conference sponsored by the Center for Climate Preparedness and Community Resilience, Antioch University, and the U.S. Environmental Protection Agency (USEPA). It was a well-attended two-day program in Baltimore, MD geared towards local municipalities to look at climate resiliency and preparedness.

Mr. Lamb talked about how to integrate climate resiliency in the day to day activities of a community and Mr. Blomquist talked about how to integrate climate issues following a post disaster event and how to maximize funding a community will receive through the Stafford Act. Each participant was offered a travel grant in the amount of $1,000 from Antioch University.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept travel grants from Antioch University Center for Climate Preparedness and Community Resilience for travel and conference expenses for the Public Works Director and the Planning Director/ Assistant City Manager for their attendance at the 2016 Local Solutions: Eastern Regional Climate Preparedness Conference.

3A 11

City of Keene
NEW HAMPSHIRE

April 14, 2016

TO: Mayor and City Council

FROM: Finance, Organization and Personnel Committee

SUBJECT: **MEMORANDUM:** **Councilor Hansel - Legislative Process**

On 4-0 vote, the Finance, Organization and Personnel Committee recommend accepting the communication regarding the legislative policy as informational.

Chairman/Designee

Background:

Councilor Hansel stated Resolution R-09-01-A has an important function as it talks about how the City Council weighs in on pending State legislation. The Councilor stated specific pieces of legislation identified by staff come before the Council for an up or down vote. He stated his first responsibility as a Councilor is to represent his constituents fairly. He felt the current policy makes it difficult because it makes a Councilor weigh in on unfinished legislation without having the benefit of hearing expert testimony from both sides.

The Councilor stated what he is requesting tonight is to start the discussion with a formal review of the policy to be held at an appropriate time. Chair Greenwald stated he recalls only one instance when the staff testified before coming before Council due to time constraints. He asked what amount of Council input is necessary in this process. Ms. Little stated historically staff has been given the operating understanding that they may go and testify on pieces of legislation in their professional capacity without coming before the Council and asking for that permission. For example, she indicated she does not bring items of legislation before the City Council which deal with the administrative functions in her office and she expects this happens with all departments. The only items brought before Council are ones which politically require governing body involvement.

departments. The only items brought before Council are ones which politically require governing body involvement.

Councilor Hansel stated the intent of this Resolution is good and he has no problem with staff or individual Councilors testifying on these items. He felt with some minor "tweaks" his concerns could be alleviated. The Councilor referred to the following language from the Resolution "*...and that those initiatives which are adopted by NHMA will be submitted to the Keene City Council for their endorsement...*" The Councilor stated he does not see this as a requirement. It would be sufficient for staff to report on the pieces of legislation they are testifying to, whether it is an individual Councilor or staff, and then allow the Council to decide whether it is worth Council involvement. The other issue is the language which refers to the City Council's involvement as an "official" action.

Chair Greenwald stated he would have a problem with individual Councilors testifying on behalf of the Council without the vote of the Council and without identifying they are a citizen who happens to be City Councilor. The Councilor agreed this has been made very clear that a City Councilor cannot represent this body without a proper vote from the Council.

Councilor Kahn asked for clarification on what Councilor Hansel means about "moving this along". Councilor Hansel stated he was not looking to make any changes to the current policy this evening. What he is looking to do is to make his concerns known and for the Committee to continue this discussion and to conduct a formal review of the policy. Chair Greenwald stated to the City Clerk when staff is reviewing other Council Policies to move this one up on the agenda.

Councilor Clark stated he did not understand the intent; when someone brings an item before the Committee it is because they want something specific changed and asked what needs to be changed with this policy. Councilor Hansel stated he has already referred to the two items he is looking to amend; having the requirement for City Council to endorse or not endorse groups of Bills selected by staff and/or the NHMA. Councilor Clark stated the legislative policy process goes back to the time of former Mayor Russell where there was concern expressed that cities and towns didn't have influence as to what happened at the local level. He stated staff represents the Council directly and they have been charged with the task of bringing forward these pieces of legislation and to represent the City adequately. He felt this process has been working well and wasn't sure what the issue was.

Councilor Hansel agreed staff has been engaged, but in addition to representing the City Councilors are also representing their constituents and their interests and he currently does not see an opposing side to any issue being presented. Councilor Clark pointed out all City meetings are publicly noticed and if there is something of concern it can always be brought forward.

Chair Greenwald stated there have been instances when staff recommendations have been brought forward, there have been discussion on those items and there has been opposition; it has not always been following what the Municipal Association is recommending. Councilor Hansel stated he was only looking to make sure this was the best policy for us and address the details he has outlined. Councilor Kahn stated as much as this is a policy it is also a process and he felt it might be a good topic for a workshop.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend accepting the communication regarding the legislative policy as informational.

3A12

City of Keene
NEW HAMPSHIRE

April 14, 2016

TO: Mayor and City Council

FROM: Finance, Organization and Personnel Committee

SUBJECT: **MEMORANDUM: Revenue Collector - Refund Partial Payment of Deeded Property**

On 4-0 vote, the Finance, Organization and Personnel Committee recommend an order be issued upon the town treasurer to refund the partial payments made on the below properties that have been deeded to the City.

Chairman/Designee

Background:

Revenue Collector Mary Alther explained two of the properties the City deeded on March 23rd had partial payments on them. Per RSA 80:71 the City has to refund those monies and staff is requesting permission to do that. City Attorney Mullins explained it is not that staff that is requesting authority, the authority exists under the statute. What the Revenue Collector is asking for is for the Committee to direct her to refund those monies and by doing so the City is saving an interest component. By not doing so, the Revenue Collector will be under requirement to refund the money with statutory interest.

Chair Greenwald clarified the tax deed process is continuing and the City will be taking title to the property and asked what the next step will be. Ms. Alther stated the next step will be the opportunity to repurchase – this has been conveyed to the owners, heirs, and the mortgage holders. They have 30 days to complete this process, if they want to repurchase then they have ten days to pay off the taxes. If the interest to purchase is not there, the City has to wait 90 days before taking the next step. Chair Greenwald noted the bottom line is these individuals have been given more than enough time to make arrangements to retain their property.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend an order be issued upon the town treasurer to refund the partial payments made on the below properties that have been deeded to the City.

3A 13

City of Keene
NEW HAMPSHIRE

April 14, 2016

TO: Mayor and City Council

FROM: Finance, Organization and Personnel Committee

SUBJECT: **MEMORANDUM: Planner- Land Use Code Update Phase 1 -Consultant Selection**

On 4-0 vote, the Finance, Organization and Personnel Committee recommend the City Manager do all things necessary to negotiate a professional services contract with Town Planning Urban Design Collaborative for planning services for the first phase of the Land Use Code Update project. In the event that a satisfactory contract and fee cannot be agreed upon, the City Manager is authorized to negotiate with the next highest ranked firms in turn.

Chairman/Designee

Background:

Ms. Kessler stated in February 2016 the City Council issued an RFQ to update the City's land use code. There was a six person selection committee appointed, and the City received ten submissions. The Committee reviewed the ten submissions and identified five firms which were brought in for interviews. Of the five, Town Planning Urban Design Collaborative was identified as the top ranking firm. Staff's recommendation is to permit the City Manager to enter into negotiations with this firm and if a scope of work and fee cannot be agreed upon, then move on to the next highest ranked firm.

Councilor Hansel stated he was a member of the selection committee and stated this is a very exciting step in this process. The land use code update has the potential to revolutionize things in Keene for a long time to come. The Councilor commended the Planning Department which had very well qualified applicants for this project and Ms. Kessler did a good job to collaborate the interview process.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend the City Manager do all things necessary to negotiate a professional services contract with Town Planning Urban Design Collaborative for planning services for the first phase of the Land Use Code Update project. In the event that a satisfactory contract and fee cannot be agreed upon, the City Manager is authorized to negotiate with the next highest ranked firms in turn.

3A14

City of Keene
NEW HAMPSHIRE

April 14, 2016

TO: Mayor and City Council

FROM: Finance, Organization and Personnel Committee

SUBJECT: **MEMORANDUM: Mapping Technician - Qualifications Based Selection - Cheshire Rail Trail III Loop Project Design**

On 4-0 vote, the Finance, Organization and Personnel Committee recommend the City Manager be authorized to do all things necessary to negotiate and execute a contract with the firm Clough Harbor and Associates (CHA) for engineering services for the Cheshire Rail Trail III project in the amount not to exceed $60,000 and should negotiations fall through, enable the City Manager to negotiate with the next highest ranked firms in turn.

Chairman/Designee

Background:

Mr. Blomquist stated this is also a professional services contract for the Cheshire Rail Trail Phase 3 project. This project will connect Wheelock Park through to the trail system along Park Avenue south of the Transfer Station as well as rework the trail system starting from Hurricane Road. This is a project for which the City received Transportation Alternative Project (TAP) funds . The City is doing this as a local project and for the professional services they requested a professional services qualification. There were three firms which submitted their qualifications; Clough Harbour and Associates (CHA), Dubois and King Inc., and Holden Engineering.

The selection committee reviewed the three submissions and ranked CHA as the top ranking firm and hence staff is requesting permission to negotiate with this form. The current budget for this phase is $60,000 and it is a not to exceed amount. Mr. Blomquist stated CHA has done a number of projects for the City; in 1998 the original rail trail project, most recently they were the lead on the Roundhouse T Phase 3 project and they are very familiar with the City and have done good work for the City.

Ms. Kessler added that Alta Design is sub-contracting for CHA and they have offered some impressive public engagement tools and resources to accompany this design project. Alta is a planning and design firm from Vermont.

Councilor Kahn clarified this is just the approval of the design and there is some possibility if the project should exceed the amount which was anticipated, there is still the opportunity the final bids will be approved by the Finance Committee. Mr. Blomquist stated if the construction phase is within budget, there is no action by the City Council. However, for instance, if the design phase exceeds 10% of the contract, staff will come back for authorization. Councilor Kahn stated he was referring to the $411,000 for the total project. Mr. Blomquist stated in this case the City would first have to receive approval from State and Federal Highway Departments to see if they will cover the extra amount as this is an 80/20 funding. At that point staff will come back before the Committee for approval. Councilor Kahn asked whether the entire project, post design, would come back before the Committee. Mr. Blomquist stated by approval of the CIP, the Council has approved this project to go forward without any more approval from the Council. However, staff does typically come back through the MSFI Committee to go over (in some cases) the design so Council can be familiar with what is going to be occurring.

Assistant City Manager Rebecca Landry clarified what Councilor Kahn is asking is whether staff has to come back to Council after the design phase to obtain approval for spending the additional money for the project. The answer is no, as part of the bid process this can go forward without Council approval as long as it is within the budget. However, the Council can always request the matter come back. Councilor Kahn remarked that he felt that might be a good idea. The Councilor asked about the new legislation and what dollars will be available to local communities for alternative transportation. The Councilor asked what the total amount available from the State was. Mr. Blomquist stated he did not have this number, but added the amount was reduced. Councilor Kahn stated his concern is the City not having a plan from FY18 and beyond for sidewalk and complete street construction and he felt there should some type of prioritization which needs to take place.

Mr. Blomquist stated one of the groups the Committee should have a conversation with would be the Bicycle Pedestrian Path Advisory Committee. He added it is a fairly tightly controlled project category through which the City is able to submit Federal funding within these various grants. Ms. Kessler added the Bicycle Pedestrian Path Advisory Committee is working on a Master Plan to prioritize projects within the City which is a step towards prioritization. She added the City of Keene was the only community which received TAP funds in this last round and it has become a very competitive process statewide.

Ms. Landry stated in February 2015 the State issued a press release and there were 12 communities which were issued TAP funds with total Federal funding of 4.5 million and a local match close to 7 million, with Keene being one of the cities. Eight of those cities receive more funding than Keene.

Councilor Powers asked what the Committee was requesting from staff as a follow-up with this item. Councilor Kahn stated his understanding is after the design phase there will be an estimate of the total project cost and at that point staff will be back before the Committee. The Councilor asked whether this language was going to be included in the motion. Councilor Powers felt this changes the process of how we do business and expressed concern the Committee was creating more work for staff. The Councilor stated he wasn't sure if the Committee was creating another step and if that was the case, it should be done for every project and this would create more work. Ms. Landry stated in the past when the background notes reflects there is a request for further information, the motion does not reflect the same. Staff could come back with information or information could be placed in Council mail boxes and at that point a decision could be made if the item needs to be agendized.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend the City Manager be authorized to do all things necessary to negotiate and execute a contract with the firm Clough Harbor and Associates (CHA) for engineering services for the Cheshire Rail Trail III project in the amount not to exceed $60,000 and should negotiations fall through, enable the City Manager to negotiate with the next highest ranked firms in turn.

3A15

City of Keene
NEW HAMPSHIRE

April 14, 2016

TO: Mayor and City Council

FROM: Finance, Organization and Personnel Committee

SUBJECT: **MEMORANDUM: City Engineer- 2014 Infrastructure Project - Change Order No. 4**

On 4-0 vote, the Finance, Organization and Personnel Committee recommend the City Manager be authorized to do all things necessary to execute Change Order No. 4 with SUR Construction West, Inc., in an amount not to exceed $108,849.28 for the 2014 Infrastructure Project.

Chairman/Designee

Background:

City Engineer, Don Lussier stated this item is change order #4 for the 2014 Infrastructure Project (Washington Street project). Mr. Lussier stated staff is at a point where the final cost for the project could finally be concluded and final stages could be wrapped up by next Monday. Mr. Lussier explained change orders #1 and #2 were just book-keeping entries to adjust the contract time based on winter shutdown, which happened between Fall 2015 and Spring 2015. This change order adjusts the total cost mostly due to unsuitable material found by the contractor which could not be used as backfill. Mr. Lussier stressed even though this is an increase to the construction contract it is still below what the Council allocated cost for the project. The other thing this change order would do is to adjust the timeframe based on last winter's shutdown and to add some days to the contract for work the City asked them to complete.

Chair Greenwald asked when this project would end. Mr. Lussier stated it is scheduled to end on June 5th.

Councilor Clark stated he has issues with change orders such as this especially with amounts like this and asked whether a company should not know the geology of an area. Mr. Lussier stated the City did have geo technical work done as part of this project and unfortunately in New England geology changes from one location to another and the borings just didn't show the large cobbles they ran into.

Councilor Powers clarified these increases are all related to Washington Street and asked whether this has anything to do with the June Street/Giffin Street retaining wall. Mr. Lussier stated the retaining wall work was paid under change order #2. The Councilor asked what part of Washington Street this $108,000 is for. Mr. Lussier stated the contractor started running into this material between George Street and Giffin Street. Change Order #2 did have an estimate for the unsuitable material they had seen up to that point, but that was under-estimated and they found more material. The Councilor asked whether there will be an inspection by the City prior to June 5th. Mr. Lussier stated there is an on-site consultant on board as well as city staff who perform project review. He added there should not be any more unknowns with this project.

Councilor Clark stated when a professional contract is entered into with someone, he feels due diligence has been done and stated he has an issue with such change orders. Mr. Lussier explained if this was a lump sum contract with a defined scope of work, the Councilor would be correct. However, infrastructure contracts are done on a unit price basis (a list of items with dollar amounts attached to them).

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend the City Manager be authorized to do all things necessary to execute Change Order No. 4 with SUR Construction West, Inc., in an amount not to exceed $108,849.28 for the 2014 Infrastructure Project.

3A16

City of Keene
NEW HAMPSHIRE

April 14, 2016

TO: Mayor and City Council

FROM: Finance, Organization and Personnel Committee

SUBJECT: **MEMORANDUM: Assistant Public Works Director - Change Order Loureiro Engineering and Lawson Group Air Monitoring Contract**

On 4-0 vote, the Finance, Organization and Personnel Committee recommend the City Manager be authorized to do all things necessary to execute a change order with Loureiro Engineering for an amount not to exceed $59,591 for Contract 04-16-04, and further recommend the City Manager be authorized to do all things necessary to execute a professional services contract with the Lawson Group, to provide air monitoring and analytical services for an amount not to exceed $45,000.

Chairman/Designee

Background:

Assistant Public Works Director Donna Hanscom and Operations Manager Aaron Costa were the next two speakers. Ms. Hanscom stated they were here to talk about the closure of the sludge monofill on Rose Lane. Ms. Hanscom stated the 2015 CIP has an item budgeted to permanently close this monofill. There were many options looked at – digging up and removing the material would have caused severe environmental issues. Hence capping in place was the best option. The levels of contaminants were evaluated by DES and EPA and they agreed with the concept of capping in place. The plan was approved by DES in October 2015.

This past January the City received a bid considerably lower than what was budgeted for. After which time DES recommended some additional work which the City agreed to which would result in some better product documentation and demonstrate no offsite impact. This additional work would occur during this construction period and would include having an engineer on site every day until the project is complete (inspect and document work) participate in at least one public meeting, install monitoring wells, and install an air monitoring system. This change order will exceed the Manager's authority and staff is looking to execute a change order with Loureiro Engineering for an amount not to exceed $59,591.

Ms. Hanscom went on to say that the Lawson Group will document the air quality resulting from the work activities on the site at a cost not to exceed $45,000. This cost is based on monitoring for 20 days, and may be less if the project is shorter. Because they are the only entity in New Hampshire which can perform this work, staff is looking to sole source with this entity.

Ms. Hanscom stated because bids came in lower than expected, no new money needs to be appropriated for this additional work and these costs are based on the worst case scenario and are not to exceed amounts. The Chair Greenwald clarified these are tax payer funds and are not federal monies. Ms. Hanscom agreed.

Councilor Clark clarified this work is being done because of sludge which was dumped into the ground before there were regulations against it. Ms. Hanscom agreed.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend the City Manager be authorized to do all things necessary to execute a change order with Loureiro Engineering for an amount not to exceed $59,591 for Contract 04-16-04, and further recommend the City Manager be authorized to do all things necessary to execute a professional services contract with the Lawson Group, to provide air monitoring and analytical services for an amount not to exceed $45,000.

3D1

City of Keene
NEW HAMPSHIRE

April 13, 2016

TO: Mayor and City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

SUBJECT: **REFERRED BACK – Removal of Granite Curbing – West Side of Central Square**

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the topic of "Removal of Granite Curbing – West Side of Central Square" be placed on more time, for two weeks, since the petitioner could not be present tonight.

Chairman/Designee

Background:

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the topic of "Removal of Granite Curbing – West Side of Central Square" be placed on more time, for two weeks, since the petitioner could not be present tonight.

5A1

City of Keene
NEW HAMPSHIRE

April 13, 2016

TO: Mayor and City Council

FROM: Planning, Licenses and Development Committee

SUBJECT: **ORDINANCE: O-2016-03-A: Keene Public Library Annex Rezoning**

On a vote of 5-0, the Planning, Licenses and Development Committee recommend the adoption of Ordinance O-2016-03-A.

Chairman/Designee

Background:

Chair Richards reiterated that no public comment would be taken on this issue; he also noted he has nothing else to add as this has gone through the Planning Board, the Joint Committee, and there was a public hearing.

There being no questions or comments from the Committee, 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 recommend the adoption of Ordinance O-2016-03-A.

ORDINANCE

CITY OF KEENE

5A2

O-2016-03-A

In the Year of Our Lord Two Thousand and Sixteen

AN ORDINANCE ~~Relating to Change of Zone – Keene Public Library Annex Parcel~~

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

That Chapter 102, the Zoning Ordinance of the City of Keene, New Hampshire, as amended, be and hereby further amended by changing the zoning designation on the Zoning Map of the City of Keene, as adopted by the Keene City Council on December 15, 1977, as part of Chapter 102 entitled, "ZONING", of the said Ordinances, from Office (O) to Central Business (CB), on the following parcel:

001-01-006-0000 76 Winter Street

Kendall W. Lane, Mayor

PASSED

5B1

City of Keene
NEW HAMPSHIRE

April 14, 2016

TO: Mayor and City Council

FROM: Finance, Organization and Personnel Committee

SUBJECT: **ORDINANCE: 0-2016-07: Relating to Cemetery Fees**

On 4-0 vote, the Finance, Organization and Personnel Committee recommend the adoption of Ordinance O-2016-07.

Chairman/Designee

Background:

Parks, Recreation and Cemeteries Director, Andrew Bohannon stated he last increase in cemetery fees was done in 2010. In comparing Keene's fee structure with other cemeteries in New Hampshire, Keene was significantly behind with its rates. If these fees are accepted, they would go into effect as of July. The fee schedule also includes a 20% increase for burials during holidays and weekends, but the change would standardize all rates. Another item which causes a need for clarification is the $65/hour per person rate.

Mr. Bohannon noted there is also no flush marker installation for veterans as staff feels veterans have served our country and should the families desire a flush marker it will be at no cost to them.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend the adoption of Ordinance O-2016-07.

ORDINANCE

CITY OF KEENE

5B2

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

In City Council April 7, 2016.
Referred to the Finance, Organization
and Personnel Committee.

Deputy City Clerk

Kendall W. Lane, Mayor

6A1

City of Keene
NEW HAMPSHIRE

April 14, 2016

TO: Mayor and City Council

FROM: Finance, Organization and Personnel Committee

SUBJECT: **RESOLUTION: R-2016-09: Compensation for City Councilors**

On 4-0 vote, the Finance, Organization and Personnel Committee recommend the adoption of Resolution R-2016-09.

Chairman/Designee

Background:

City Clerk Patty Little stated this item is in reference to a Council Policy Dealing with the compensation of City Councilors. She noted that under the City's Rules of Order a periodic review of all Council policies are required. She felt this review was in order as several new Councilors, who recently received their first paycheck, have contacted staff trying to understand how their pay is calculated.

Ms. Little explained the Charter provides that members are compensated based on attendance at meetings and this has always been interpreted as regular City Council meetings. Councilors are not compensated for attendance at workshops, special committee meetings or standing committee meeting. This Policy was adopted in 1995. It was recognized at that time that a Councilor's commitment to their civic responsibility does do not end at attending Council meetings and the compensation does not reflect the total time commitment involved. As a result, a process was adopted where a Councilor is permitted four excused absences during the 12 months of a fiscal year in order to receive the annual compensation adopted in the budget.

The current budget provides $2,000 as an annual compensation per year. This $2,000 is divided by 24 meetings and a per meeting rate of $83.33 is derived. With the fiscal year running from July through June, the pay is figured on a quarterly basis. The first quarter encompasses July, August, and September and if a Councilor misses a Council meeting the rate is adjusted accordingly. The same will happen in December, for October, November, and December and then again in March for January, February, and March. In June, staff looks at a Councilor's attendance for the twelve months to see how many meetings have been missed. If a Councilor has absences which are four or less for the year, the difference between the third quarter and the fourth quarter are paid to that Councilor accordingly. If they have missed five or more meetings during the 12 months they are only paid for the actual meetings they attended.

Ms. Little noted this process becomes unfair when a Councilor joins the Council mid-year in January. The current policy also does not accommodate a Councilor leaving office in December. The proposed policy change would consider compensation on a semi-annual basis. A Councilor may miss up to two meetings in a six-month period without loss of compensation. In the first three months the compensation will be based on the assumption the Councilor will have perfect attendance for this half year. Compensation for the second six-month period will be based on the actual attendance and prorated accordingly.

Ms. Little went on to say this compensation process can be confusing especially for new Councilors coming in. She indicated staff believes they have found a solution to administer this process in an easier to understand and fairer manner.

Chair Greenwald stated in his many years of serving on the Council he cannot remember a Councilor missing a significant number of meetings and asked how the Councilors attendance is on a general basis. Ms. Little stated all the Councilors have a wonderful attendance record.

Councilor Powers clarified there was an attempt to change the City Charter but this was defeated and hence the reason staff is back before the Committee again. Ms. Little stated in 2011 there was an attempt to amend the City Charter to compensate Councilors for their service rather than for attendance at regular meetings. This ballot question to amend the City Charter failed on a vote of 847 in favor and 932 in opposition.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend the adoption of Resolution R-2016-09.

CITY OF KEENE

6A2

R-2016-09

In the Year of Our Lord Two Thousand and Sixteen

A RESOLUTION City Council Policy - Compensation for City Councilors

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

In City Council April 7, 2016.
Referred to the Finance, Organization and Personnel Committee.

Deputy City Clerk

PASSED

6B1

City of Keene
NEW HAMPSHIRE

April 14, 2016

TO: Mayor and City Council

FROM: Finance, Organization and Personnel Committee

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend the adoption of Resolution R-2016-07.

Chairman/Designee

Background:

Finance Director Steve Thornton reminded the Committee of a public hearing recently conducted for Resolution R-2016-07 which is an expansion of the Wells Street Tax Increment Financing District that would add the library buildings. The reason for this is to improve the City's application for new market tax credit to help defray the cost of the library project.

The Wells Street Tax Increment Financing District was established in 1997 to originally build the Wells Street parking deck. Since that time it has been expanded and projects like the Parking Deck, the Railroad Street infrastructure, and Cheshire County Court House have been funded by same.

Councilor Kahn clarified this is the item for which a public hearing was conducted at the last Council meeting where very positive comments were received. Mr. Thornton agreed.

Councilor Clark asked how this will eventually affect the tax base. Mr. Thornton stated this is a mechanism to fund infrastructure improvements which will drive up private development which in turn will increase the tax base.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend the adoption of Resolution R-2016-07.

City Attorney referred to the background information submitted during the submission of the Resolution (February 29, 2016) had a scriveners error on page 2, very last paragraph, second sentence *"not for profit company"* should be changed to *"for profit company"*

CITY OF KEENE

6B2

R-2016-07

In the Year of Our Lord Two Thousand and Sixteen

A RESOLUTION Further Modifying the District Boundaries of the Wells Street Parking Structure and ~~Infrastructure Improvements Tax Increment Financing District~~

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

WHEREAS, the City Council of the City of Keene adopted the provisions of RSA 162-K:1, Local Option for Tax Increment Financing District as per Resolution R-82-59, passed by the City Council on December 16, 1982; and

WHEREAS, the City Council established the Wells Street Parking Structure and Infrastructure Improvements Tax Increment Financing District on September 4, 1997, through the adoption of Resolution R-97-20-A; and

WHEREAS, the City Council adopted the Downtown Master Plan on May 17, 1990, updated in 1993, which identified the need for downtown parking as important to the continued vitality and attractiveness of the downtown area, and which plan became a basis for the adoption of the Wells Street Parking Structure and Infrastructure Improvement Financing District; and

WHEREAS, the City Council modified the boundaries of the district through the adoption of Resolution R-2008-05, on March 20, 2008, to further the implementation of the 2003 Community Goals and the development of the former downtown Railroad Land; and

WHEREAS, the City Council has endorsed the Keene Comprehensive Master Plan adopted by the City of Keene Planning Board on September 13, 2010, which recognizes the importance of adequate parking, including parking structures, to the economic wellbeing of the community, including specifically the downtown area; and

WHEREAS, the City Council on February 3, 2011, accepted the Downtown Parking Analysis Final Report dated November 10, 2010, which identified the need for additional downtown parking based upon anticipated development in the downtown area, including the construction of a new City of Keene Central Fire Station; and

WHEREAS, the City Council further modified the boundaries of the district through the adoption of Resolution R-2011-08, on June 16, 2011, which recognized that certain public infrastructure improvements, including an additional parking structure to be located in the downtown area on or near Elm Street, are necessary and serve a public purpose by providing additional parking to the downtown area in order to further the vitality of the downtown and tax base growth; and

In City Council March 3, 2016
Referred to the Finance, Organization and Personnel Committee.
Public hearing set for March 17, 2016 at 7:00 PM

PASSED

City Clerk

WHEREAS, the City Council further modified the boundaries of the district through the adoption of Resolution R-2012-03, on March 15, 2012, which recognized that, in order to protect and preserve the economic vitality of the Central Business District, it was necessary for the district to encompass the property upon which the new County Courthouse was to be constructed to facilitate the private/public investment necessary to complete the courthouse project; and

WHEREAS, the City Council finds that it is in the public interest to support the renovation and expansion of the Thayer Library and adjacent Library Annex located in the Central Business District to form a new Library Complex; and

WHEREAS, the City Council finds that the issuance of general obligation bonds, issued for the purposes as outlined in the Wells Street Parking Structure and Infrastructure Improvements development plan, as amended, provides a general public use and fulfills a public purpose; and

WHEREAS, the City Council finds that the financing of a portion of the Library Complex in the downtown area is consistent with the Comprehensive Master Plan's recognition that Keene's downtown is the heart of the region, providing all residents access to local, county and State services, and that institutional uses of the downtown play an increasingly important role in the economic vibrancy of the downtown and should be supported; and

WHEREAS, the City Council supports the use of New Market Tax Credits to help fund the project, which will require the transfer of the Library Annex to a limited liability company for the seven (7) year tax credit recapture period; and

WHEREAS, the City Council supports the concept of the City of Keene being named as the Master Tenant of the Library Annex to facilitate the flow of funding into and out of the property for the payment of rent, property taxes, bond interest, fees, and expenses.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the purpose of the Wells Street Parking Structure and Infrastructure Improvements Tax Increment Financing District development program and tax increment financing plan modification is to do all things necessary to contribute to the cost of design, permitting, and construction of an expanded Library Complex, including public infrastructure improvements related to said project.

BE IT FURTHER RESOLVED, that in furtherance of municipal economic development and revitalization in the downtown area within and adjacent to the Wells Street Parking Structure and Infrastructure Improvements Tax Increment Financing District, the financing plan is modified to include the financing of the Library Complex as well as any other related public infrastructure improvements.

BE IT HEREBY FURTHER RESOLVED that the Wells Street Parking Structure and Infrastructure Improvements Tax Increment Financing District financing plan be modified to allow the capture of any tax increment created within the district to be used to satisfy the Lease Payment to be paid to the owner of the Library Annex for the seven (7) year tax credit recapture time period, and any new bonds contemplated in this modification, in addition to all purposes already set forth in Resolution R-97-20-A, Resolution R-2008-05, Resolution R-2011-08, and Resolution R-2012-03, and to further modify the district by inclusion of the attached financing plan, and that the Wells Street Parking Structure and Infrastructure Improvements Tax Increment Financing District, as modified, is hereby adopted in its entirety by the City Council of the City of Keene.

Kendall W. Lane, Mayor

6C1

City of Keene
NEW HAMPSHIRE

April 14, 2016

TO: Mayor and City Council

FROM: Finance, Organization and Personnel Committee

SUBJECT: **RESOLUTION: R-2016-10: Application for CDBG Feasibility Funds**

On 4-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2016-10.

Chairman/Designee

Background:

Linda Mangones from the Keene Housing Authority began by saying the application submitted in January for MAPS Counselling was approved recently. She went on to say today's application is for Monadnock Area Peer Support Agency for a $12,000 application which would provide $10,000 for the agency to make improvements to their property.

Executive Director for Monadnock Area Peer Support Agency, Damien Licata stated his agency provides support services for people 18 and over who receive mental health services. They were founded in 1995 and are located on Beaver Street. Because of the growing awareness of mental health there is much help provided by this agency to this community such as transportation to and from the agency, help with pharmacy and grocery shopping needs, peer support hotline, and crisis respite program.

Mr. Licata stated there is much infrastructure improvement needed in this building; roofing, parking area, kitchen, bathrooms, entryways, handicap access, etc. The feasibility study will help determine if this is a site the agency should continue in or not.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2016-10.

6C2

CITY OF KEENE

R-2016-10

In the Year of Our Lord Two Thousand and Sixteen

A RESOLUTION APPROVING AN APPLICATION FOR CDBG FEASIBILITY FUNDS

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

In City Council April 7, 2016.
Referred to the Finance, Organization and Personnel Committee.

Deputy City Clerk

6D1

City of Keene
NEW HAMPSHIRE

April 14, 2016

TO: Honorable Mayor and City Council

FROM: Patricia A. Little, City Clerk

SUBJECT: Council Policy – Oaths of office

Recommendation:

Refer Resolution R-2016-16 to the Finance, Organization and Personnel Committee for their review and recommendation.

Background:

R-2016-16 codifies a new practice in the City Clerk's office relating to how oaths of office are administered and which public body board members are required to take an oath office. The City of Keene has approximately 200 members serving on its public bodies. It has long been a practice of the City Clerk's Office to contact newly confirmed board members and request that they come into the office to take an oath of office. It was often necessary to make repeated follow-up contacts to encourage compliance. In an effort to improve compliance and to make the process more convenient to public members; a review of the obligations to administer oaths was conducted by referring New Hampshire Statutes, the Keene City Charter and local Ordinances. That review revealed that the office had gone beyond the requirements in terms of who was being asked to take an oath of office and that staff was not fulfilling the obligations under Statute in terms of requiring a written subscription to an oath.

Resolution R-2016-16 attempts to correct these two practices by limiting the oath requirement to membership on only statutory boards and by requiring a written declaration.

CITY OF KEENE R-2016-16

602

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

A RESOLUTION ....COUNCIL POLICY: RELATING TO OATHS OF OFFICE

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

WHEREAS: Oaths of Office shall be administered by those so authorized by State Statute; and

WHEREAS: Oaths of Office for the Mayor and City Council members shall be administered by an official chosen by the Mayor-elect and duly authorized by Statute to administer such an oath. Officials taking an oath to serve on the governing body shall do so at the Inauguration ceremony held on the first secular day of the year these officials take office, and shall subscribe to the oath in writing; and

WHEREAS: The Office of the Keene City Clerk is authorized to administer and record oaths of office to elected or appointed officials required to take such oath pursuant to State statute; and

WHEREAS: The Keene City Council has determined that service on certain other public bodies shall be subject to an oath of office:

NOW THEREFORE BE IT RESOLVED, that the Keene City Council stipulates that members serving on the following public bodies, with the exception of sitting members of the Keene City Council already having taken such oath, shall be required to take an oath of office and subscribe to said oath in writing before a duly authorized employee of the Office of the City Clerk prior to commencing their service on the body or upon reappointment:

1. Statutory Boards including: Planning Board, Zoning Board of Adjustment, Building Board of Appeals, Housing Standards Board of Appeals, Conservation Commission, Heritage Commission, Historic District Commission, Trustees of Trust Funds and Cemetery Trustees, Board of Assessors.

____

Kendall W. Lane, Mayor

PASSED