City of Keene
New Hampshire

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

Roll Call
Pledge of Allegiance

Minutes from Preceding Meeting

- June 16, 2016

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Retirement Resolution - Christopher Cram
2. Presentation: Your Gov

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmation - Conservation Commission
2. Appointment - Winchester Street Reconstruction Project Ad-Hoc Steering Committee

C. COMMUNICATIONS

1. Jason Wilder - Resignation - Comprehensive Economic Development Ad Hoc Committee
2. Rick Blood - Proposed Amendment to Rules of Order

D. REPORTS - COUNCIL COMMITTEES

1. Martin Luther King, Jr./Jonathan Daniels Committee - Periodic Report
2. Request for No Parking – Sheridan Avenue
3. Cities for Climate Protection - Periodic Report
4. Request to Sell Fruit Beer at the Farmer's Market of Keene
5. Ban on Single Use Plastic Bags
6. Proposed Amendment to City Charter – Council Compensation
7. Encouraging a Discussion Regarding Level of Service – Television, Internet and Voice – Charter Communications (Spectrum Cable) TV Provider
8. Removal of Granite Curbing – West Side of Central Square
9. Update on More Time Items

E. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. City Manager Comments

F. REPORTS - BOARDS AND COMMISSIONS

G. REPORTS - MORE TIME

1. Water Shut Off and Restart Charge – 25 American Avenue

H. ORDINANCES FOR FIRST READING

1. Relating to Dormitory, Lodging or Rooming Houses and Residential Board and Care
   1. Memorandum - City Clerk and Fire Chief
   2. Ordinance O-2016-09
2. Relating to Vehicular Traffic and Public Ways
   1. Memorandum - City Engineer
   2. Ordinance O-2016-12

I. ORDINANCES FOR SECOND READING

J. RESOLUTIONS

1. Appropriation for the Flashing Crosswalk System on West Street
   1. Report - FOP COM
   2. Resolution R-2016-22
2. Relating to Fiscal Policies
   1. Memorandum - Finance Director
   2. Resolution R-2016-25
3. Relating to Refunding Bonds
   1. Memorandum - Finance Director
   2. Resolution R-2016-26
4. Relating to the Reallocation of Bond Funding from the Railroad Land Infrastructure and Victoria Street Extension Projects
   1. Memorandum - Finance Director
   2. Resolution R-2016-27
5. In Appreciation of David S. Gaillardetz Upon His Retirement
   1. Resolution R-2016-23
6. In Appreciation of Bruce J. Uhas Upon His Retirement
   1. Resolution R-2016-24

Non Public Session
Adjournment

A regular meeting of the Keene City Council was held Thursday, June 16, 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, George S. Hansel, Stephen L. Hooper, Bettina A. Chadbourne, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Councilors Sutherland and Lamoureux were absent. The Mayor took a moment to recognize Councilor Kahn's service. Councilor Kahn was elected as an At-Large Councilor in January 2016. Prior to the Council, Councilor Kahn served as Vice President for Planning and Finance at Keene State College for 28 years. Councilor Kahn is currently on the Finance, Organization and Personnel Committee. He is now running for New Hampshire Senate. Councilor Kahn led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the June 2, 2016 meeting was duly seconded. The motion passed with a unanimous vote in favor.

PROCLAMATION – BUY LOCAL

The Mayor invited Jen Risley, Monandock Food Co-op, forward to present her with a proclamation relative to Buy Local. The Mayor went on to proclaim the week of July 1st, 2016 as *Independence Week* in Keene and encouraged citizens to support local businesses.

PROCLAMATION – PARKS & RECREATION MONTH

The Mayor invited Andy Bohannon, Parks, Recreation and Facilities Director, forward to present him with a proclamation relative to Parks and Recreation Month. The Mayor expressed the importance of our Parks and Recreation areas to the health and economic well-being of our community and region. The United States House of Representatives has designated the month of July to be *Parks and Recreation Month*. The Mayor went on to proclaim July, 2016, as *Parks and Recreation Month* in the City of Keene and encouraged all citizens to participate in the diverse recreational opportunities offered to them. Mr. Bohannon thanked the Mayor and stated that the National Parks and Recreation Association puts a theme on every July. The entire month of July is a Superhero's theme, meaning that the Tuesday movie night will be family friendly Superhero movies.

PROCLAMATION – LGBTQ

The Mayor invited Elizabeth Brown, Youth Services Manager, forward to present her with a proclamation relative to LGBTQ. The Mayor went on to proclaim June as Gay Pride Month. The Mayor acknowledged and expressed his appreciation for Councilor Filiault and his son, Shawn, who raised the issue with him and assisted with the drafting of the proclamation. Ms. Brown expressed her appreciation for the Mayor's attendance and presentation of the proclamation on the vigil that occurred at the Keene Unitarian Universalist Church.

PRESENTATION – RETIREMENT RESOLUTION – NANCY BURRIDGE

The Mayor invited Nancy Burridge from the Finance Department forward to present her with a retirement proclamation. The Mayor went on to express the City's gratitude to Ms. Burridge for

her dedication, and went on to detail her history of employment with the City of Keene. Ms. Burridge thanked the Mayor for the acknowledgement of her years of service.

PRESENTATION – GIS MAPPING AND CIP PROJECT – EXPLORER MAP APPLICATION

Rhett Lamb, Planning Director introduced Will Schoefmann, GIS Technician, who gave a brief presentation on what the GIS system is currently being utilized for and an introduction to the Explorer Map application. Mr. Schoefmann noted that much of the data is a product of the aerial mapping and photogrammetry project. The flight and imagery was captured in April of 2015 along with the base mapping and topography that was completed in November of 2015. Mr. Shoefmann displayed various images showing changes that have occurred over the last 15 years. He noted the increased quality and accuracy of the updated aerial and base mapping will enable the City to better document patterns and trends of developing heading into the future. He noted the City's first responders are benefitting from more accurate and updated building and address information. Updated roadway, sidewalk and building features assist in the definition of utility locations so that the Public Works Department can accurately maintain its important assets. Mr. Shoefmann displayed the functionality of the Explorer Map application, which was a CIP project, and which is now accessible through the City's website.

NOMINATION

The following nomination to City boards and commissions was received from the Mayor: Sadie Butler as a regular member to the Conservation Commission for a term to expire December 31, 2018. The confirmation will occur at the next regular meeting.

COMMUNICATION – ANTHONY DIONNE – WATER SHUT OFF AND RESTART CHARGE – 25 AMERICAN AVENUE

A communication was received from Anthony Dionne, requesting that the City refund the charges incurred for a water shut off and restart charge for their 25 American Avenue residence. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – DEREK SCALIA – RESIGNATION – MARTIN LUTHER KING, JR/JONATHAN DANIELS COMMITTEE

A communication was received from Derek Scalia resigning from his position on the Martin Luther King, Jr./Jonathan Daniels Committee. A motion by Councilor Greenwald to accept the resignation for service on the board was duly seconded. The motion passed with a unanimous vote in favor.

COMMUNICATION – ERIC ALLEN – REQUEST FOR NO PARKING – SHERIDAN AVENUE

A communication was received from Eric Allen on behalf of Mac's Market, requesting to have a "No Parking" sign to prevent the blocking of Sheridan Avenue for Mac's Market and Discount

Oil of Keene. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – ANTHONY & FENELLA LEVICK – REQUEST TO SELL FRUIT BEER AT THE FARMER'S MARKET OF KEENE

A communication was received from Anthony and Fenella Levick on behalf of the Mooselick Brewing and Monadnock Berries, requesting to sell fruit beer at the Farmer's Market. The communication was referred to the Planning, Licenses and Development Committee.

COMMUNICATION –COUNCILOR HANSEL – PROPOSED CHARTER AMENDMENT – COUNCIL COMPENSATION

A communication was received from Councilor Hansel requesting a proposed amendment to the Keene City Charter regarding City Council compensation. The communication was referred to the Finance, Organization and Personnel Committee.

COMMUNICATION –COUNCILOR KAHN – ENCOURAGING A DISCUSSION REGARDING LEVEL OF SERVICE – TELEVISION, INTERNET AND VOICE – TO BE PROVIDED BY SPECTRUM CABLE TV PROVIDER

A communication was received from Councilor Kahn requesting a discussion regarding the level of service Spectrum envisions providing to the Monadnock Region in the near future in reference to television, internet and voice services. The communication was referred to the Finance, Organization and Personnel Committee.

MSFI REPORT – WATER ABATEMENT – 46 HAMDEN DRIVE

Municipal Services, Facilities and Infrastructure Committee report read recommending an abatement of $3,687 to David and Laura Andrews reducing the amount owed to $300, their average bill. The report also recommended the memorandum from the Assistant Public Works Director and Water Meter Technician in reference to high volume water and sewer bills and the memorandum from the Assistant Public Works Director and Water Meter Technician in reference to high water usage quarter four, 2015, at 46 Hamden Drive be accepted as informational. The Mayor accepted the two informational memorandums and filed them into the record. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded. The motion passed with 11 voting in favor and Councilor Richards and Greenwald opposed.

MSFI REPORT – STATUS OF THE DOG PARK

Municipal Services, Facilities and Infrastructure Committee report read recommending the status report on the dog park be accepted as informational and further that the location for the dog park, in Wheelock Park, shown on the concept plan prepared by Brickstone Land Use Consultants, date December 30, 2015, be placed on hold so that city staff can investigate other locations for the dog park in Wheelock Park and report back to the MSFI Committee in one month. A motion

by Councilor Manwaring to carry out the intent of the report was duly seconded. A motion by Councilor Manwaring to amend the motion to direct staff to work with the Dog Park Committee to review the park criteria and evaluate and propose locations outside of Wheelock Park and report back by the September 7, 2016 Municipal Services, Facilities and Infrastructure Committee was duly seconded. Voted unanimously to amend the motion and voted unanimously to carry out the intent of the report, as amended.

MSFI REPORT – WARRANT FOR UNLICENSED DOGS

Municipal Services, Facilities and Infrastructure Committee report read recommending a warrant for unlicensed for dogs be issued and the animal control officer be directed to issue a civil forfeiture to those who have failed to license their dogs by April 30, 2016. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded. The motion passed unanimously.

MSFI REPORT – RENAMING OF THE "NORTH BRIDGE"

Municipal Services, Facilities and Infrastructure Committee report read recommending the informational process for renaming the North Bridge be accepted. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded. A motion by Councilor O'Connor to amend the report to deny the request to rename the "North Bridge" was duly seconded. The motion passed with 10 voting in favor and Councilors Manwaring, Filiault and Powers were opposed. The report as amended passed with 10 voting in favor and Councilors Manwaring, Filiault and Powers were opposed.

PLD REPORT – PERIODIC REPORT – HISTORIC DISTRICT COMMISSION

Planning, Licenses and Development Committee report read recommending the periodic report from the Historic District Commission be accepted as informational. The report was filed as informational.

PLD REPORT – REQUEST TO CONDUCT HOMECOMING PARADE – KEENE HIGH SCHOOL

Planning, Licenses and Development Committee report read recommending the Keene High School Student Council be granted permission to hold their annual Homecoming Parade on Saturday, October 15, 2016 at 11:00 AM starting at the NGM Parking lot, onto Gilbo Avenue, proceeding onto School Street, left onto Emerald Street, then continuing to Main Street, around Central Square, then turning onto West Street, then to School Street, and returning back to the NGM Parking Lot. Students will be bused to Wheelock Park where they will rejoin the parade and travel down Arch Street to Alumni Field. Said license is granted subject to the signing of a revocable license and indemnification agreement, the submittal of a certificate of liability insurance in the amount of $1,000,000 with the City of Keene listed as an additional insured, and compliance with any recommendations of City staff. The petitioner agrees to absorb the cost of any City services. Said payments shall be made within 30-days of the date of invoicing. 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 – TREE LIGHTING CELEBRATION

Planning, Licenses and Development Committee report read recommending the Keene Kiwanis Club be granted permission to use downtown City rights-of-way on November 25, 2016 for the Tree Lighting Festival from 5pm to 8pm conditional upon the customary licensing requirements of the City Council, and that the petitioner complies with any recommendations of City staff. In addition, the petitioner is granted permission to decorate the City light poles in the center median from the flag pole to the roundabout with LED lights and erect a holiday tree on the Main/Marlboro/Winchester Street roundabout. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 17 Community Events Budget for the Tree Lighting. Said payments shall be made within 30 days of the date of invoicing. 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 – TREE LIGHTING CELEBRATION

Planning, Licenses and Development Committee report read recommending the Keene SnoRiders, Inc. be granted a license from December 15, 2016 through March 30, 2017 to use the following locations on City property for a snowmobile trail: The right-of-way along the north side of Krif Road from Krif Court to Winchester Street; City property identified by tax map numbers 911-26-015, 909-05-012, 909-03-210 and 707-02-009; the crossing of Winchester Street at Krif Road; and the crossing of Production Avenue approximately 200 +/- feet south of NH Route 9; including access to the Class VI Portion of the Old Gilsum Road starting approximately one (1) mile from the Gilsum Town Line and going north. Said use is subject to the following conditions: The signing of a revocable license and indemnification agreement; and the submittal of a certificate of liability insurance in the amount of $1,000,000 naming the City of Keene as an additional insured. In addition, the Keene SnoRiders, Inc. will be responsible (including cost) for the installation and maintenance of all signage/marking, which will be in accordance with Snowmobile Trail Standards published by NH Department of Resources and Economic Division of Parks and Recreation; that all signage/markings installed shall be removed from the City right-of-way and City property when there is no longer any snow cover, no structures, including buildings, shelters, lights, displays, walls, etc. shall be permitted with the City right-of-way or on City property; no parking of motor vehicles or trailers and no catering service activities of any kind shall be permitted within the City right-of-way or on City property; grooming shall not extend outside the right-of-way of Krif Road, snow windows shall be groomed to provide adequate sight distances and a gentle sloping approach at all road and driveway intersections; no part of City streets (paved surfaces) may be used by off-highway recreational vehicles (OHRV) or their operators for any purpose other than direct crossing; and that Keene SnoRiders, Inc. shall be responsible for the repair of any damage (including costs) and the City right-of-way and property shall only be used when there is snow cover. 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 – HEIDI'S HALLMARK

Planning, Licenses and Development Committee report read recommending that permission be granted to Heidi's of New England at 87 Main Street for the placement of canopy stanchions and shrubbery on City property located along the side of their building, subject to the customary licensing requirements of the City Council, and compliance with any recommendations of City staff. A motion by Councilor Richards to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

PLD REPORT – KEENE RECREATION CENTER FACILITY USE

Planning, Licenses and Development Committee report read recommending the memorandum regarding Keene Recreation Center facility use be accepted as informational. The report was filed as informational.

PLD REPORT – CREATION OF AN ADDITIONAL FOOD LICENSE

Planning, Licenses and Development Committee report read recommending staff be directed to prepare an Ordinance to add a new classification of health inspection. 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 – FUNDING OF A PRIVATE GAS PIPELINE –RATE TARIFFS

Planning, Licenses and Development Committee report read recommending that City Council request staff to draft a resolution opposing electrical utilities from the funding of a private gas pipeline through a distribution, cost recovery rate tariff. 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.

FOP REPORT – ACCEPTANCE OF DONATIONS – LIBRARY RENOVATION PROJECT
FOP REPORT – ACCEPTANCE OF DONATIONS – SUMMER PLAYGROUND SCHOLARSHIPS
FOP REPORT – ACCEPTANCE OF DONATION – FIRE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending accepting donations of $317,019.47 listed in the May statement of the Cambridge Trust Bank to be deposited into the Library Renovation Temporarily Restricted City Trust as part of the Next Chapter Campaign Drive. Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept a donation of $1,231.00 and that the money be used for the Recreation Department summer playground scholarship fund. Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept a donation from Leon's and J & L in the amount of $133.00. A motion by Councilor Greenwald to carry out the intent of the reports was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF GRANT – ROCK ON FOUNDATION

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept a grant donation of $2,000.00 from the Rock on Foundation and that the money be used toward the Middle School Police Athletic League for basketball. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – DEED WAIVER REQUEST FOR 2012 AND 2013 PROPERTY TAXES

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to waive tax deeding on properties outlined in the memorandum from the Tax Collector until September 1, 2016. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – AGREEMENT WITH CHESHIRE COUNTY SHOOTING SPORTS EDUCATION FOUNDATION

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to negotiate and execute an agreement with Cheshire County Shooting Sports Education Foundation for the placement by the City of Keene of clean fill excavated in association with the Woodland Cemetery Wetland Restoration Project onto the property at 19 Ferry Brook Road for no fee. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – CONSULTING SERVICES FOR THE ROARING BROOK WATERSHED MANAGEMENT PLAN

Finance, Organization and Personnel Committee report read recommending the City Council authorize the City Manager to do all things necessary to negotiate and execute a professional services contract with VHB to perform the Roaring Brook Watershed Management Plan for an amount not to exceed $67,500. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – PROFESSIONAL SERVICES CONTRACT FOR WASTEWATER PERMITTING ASSISTANCE

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to negotiate and execute a contract with Weston and Sampson Engineers for an amount not to exceed $95,000 to perform work related to Wastewater Treatment Plant NPDES Permitting. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – FINANCIAL AUDIT SERVICES

Finance, Organization and Personnel Committee report read recommending the City Manager be

authorized to sign a professional services contract for audit services with the firm of Melanson Heath for a term of five years, with two optional years, for a total amount of $259,000, to include the preparation of a comprehensive annual financial report. Councilor Powers voted in opposition. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with 12 voting in favor and Councilor Powers was opposed.

CITY MANAGER – COMMENTS

The City Manager commented on positive news from the Airport in that there is one remaining T-hangar to be rented out and the marketing for the airport is underway. There is also discussion about resigning Route 32 in front of the airport and traffic patterns at the airport to make it more convenient for access/egress. He indicated the report contained 25 items and due to its length he would provide copies of the report to the City Councilors. The Manager also updated the Council on the Spirit of Place program with Honda of Keene's work at the Ashuelot River Park and the Veterans Memorial. The Manager stated he would like to push this effort a little further. A letter of appreciation was received from Keene State College Department of Campus Safety with respect to the cooperation between the Keene Police Department and KSC and specifically the efforts of Kyle Macie.

The City Manager referenced 17 Washington Street and shared with the Councilors an email to Planning Director, Rhett Lamb which referenced the renovation efforts and plans by MDP Development for the property. Proposed uses include an auditorium for performance events, a restaurant/bistro with a small performance stage and bar area, offices for the staff operating these uses, apartments and condominiums for the employees of the company operating the businesses in the auditorium. The Planning Director will be assembling an internal staff team to assist with this development.

MORE TIME

More time was granted by the Chair for the following items in Committee: Removal of Granit Curbing – West Side of Central Square; Request to Use City Property – Fall Festival; and Charter Employee Evaluation Process.

RESOLUTION R-2016-21: IN APPRECIATION OF CHRISTOPHER V. CRAM UPON HIS RETIREMENT

Resolution R-2016-21: In Appreciation of Christopher V. Cram Upon His Retirement was read by title only. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. On showing of hands, 13 Councilors were present and voting in favor. Councilors Sutherland and Lamoureux were absent. Resolution R-2016-21 declared adopted.

MEMORANDUM AND RESOLUTION R-2016-22: RELATING TO AN APPROPRIATION FOR THE FLASHING CROSSWALK SYSTEM ON WEST STREET

A memorandum was received from the Public Works Director along with Resolution R-2016-22:

Relating to an Appropriation for the Flashing Crosswalk System on West Street. The memorandum was filed as informational. Resolution R-2016-22 was read for the first time. The Resolution was referred to the Finance, Organization and Personnel Committee.

ADJOURNMENT

At 9:01 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:

City Clerk

City of Keene, N.H.
Transmittal Form

6/14/2016

TO: The Keene City Council

FROM: Kendall W. Lane, Mayor

ITEM: B.1.

TITLE: Confirmation - Conservation Commission

COUNCIL ACTION:
In City Council June 16, 2016.
Tabled until the next regular meeting.

RECOMMENDATION:
I hereby Nominate the following individual to serve on the following Board or Commission.

CONSERVATION COMMISSION
Sadie Butler, regular, slot 1 Term expires Dec. 31, 2018
Keene, NH 03431

City of Keene, N.H.
Transmittal Form

7/5/2016

TO: Mayor and Keene City Council

FROM: Kendall W. Lane, Mayor

ITEM: B.2.

TITLE: Appointment - Winchester Street Reconstruction Project Ad-Hoc Steering Committee

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RECOMMENDATION:
Appointment of the Winchester Street Reconstruction Project Ad-Hoc Steering Committee.

BACKGROUND:

Charge: To provide planning, guidance and general direction for the Winchester Street Reconstruction Project, in partnership with affected residents, local business interests, the city staff and the New Hampshire Department of Transportation. The Committee will specifically focus on balancing the needs of all the various project stakeholders and provide a conduit for the concerns of interested parties to be addressed during the design phase. The Committee will provide advice to the City's consultant through the review of draft work products and will ultimately provide a recommendation to the City Council with respect to a preferred alternative.

I hereby reappoint the following individuals to serve on the Winchester Street Reconstruction Project Ad-Hoc Steering Committee.

City Council	Councilor Thomas Powers
Keene Planning Board	Gary Spykman
Keene State College	Frank Mazzola
Keene Housing Authority	April Buzby
Autex Mazda	Tom Bogar
Area Resident	Kate Jennings: 27 Ivy Drive
Area Resident	David Souther: 82 Meadow Road
Area Resident	William Hope: 60 Pearl Street
Area Resident	Joseph Bendzinski: 153 Island Street

Item C.1.

Jason Wilder

From: Rebecca Landry <rlandry@ci.keene.nh.us>
Sent: Tuesday, June 21, 2016 9:39 AM
To: Jason Wilder
Subject: RE: 2016-06-21_CEDC_Agenda

OK, thank you, Jason. The City Clerk requires a signed document for your resignation from the committee. Even a signed printout of this email would suffice.

I do hope you will consider participating when it is convenient for you. Your contribution is incredibly helpful.

Thanks much,

Rebecca Landry
City of Keene
3 Washington Street
Keene, NH 03431
(603) 357-9802
Rlandry@ci.keene.nh.us

Jason Wilder
Jason Wilder
6/21/16

From: Jason Wilder
Sent: Tuesday, June 21, 2016 8:42 AM
To: Rebecca Landry
Subject: RE: 2016-06-21_CEDC_Agenda

Rebecca,

I will not be in attendance today. My schedule will not loosen up until August, as that is when one of my employees returns from medical leave.

At this point, it is clear to me that I will not be able to effectively contribute to this committee and respectfully ask to be replaced or removed.

Overall, it is just poor timing for me.

Regards,
Jason

Jason Wilder
Marketing and Sales Manager
Electronic Imaging Materials, Inc.

Item C.2.

June 30, 2016

Mayor and Council,

I am writing to request a change in the rules of order for city council meetings.

In an attempt to improve the broadcast quality of the council meetings, I suggest that councilors not be required to stand before addressing the council.

A seated position provides a nicer visual shot of the speaker, as well as, a much improved audio signal.

Thank you for your consideration of this request,

Rick Blood

61 Sparrow St

Keene

City of Keene, N.H.
Transmittal Form

6/22/2016

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities, and Infrastructure Committee

ITEM: D.1.

TITLE: Martin Luther King, Jr./Jonathan Daniels Committee - Periodic Report

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RECOMMENDATION:
On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommend the periodic report from the Martin Luther King, Jr./Jonathan Daniels Committee be accepted as informational.

BACKGROUND:
Parks, Recreation, and Facilities Director Andy Bohannon stated that he was here on behalf of the Martin Luther King, Jr./Jonathan Daniels Committee. He continued that Derek Scalia, the Chair recently resigned due to a job commitment.

Mr. Bohannon continued that the mission of the Committee is to celebrate and memorialize the lives of Martin Luther King, Jr. and Jonathan Daniels and the principles of civil equality and multiculturalism for which they stood. In addition, the charge of the Committee was to educate the general population about the lives of these individuals and the principles of non-violence and equality.

He continued that the ongoing practice of having the City's boards and commissions appear before the Standing Committee is meant to tie back the committee's efforts with the Comprehensive Master Plan. He read a statement from page 112 of the CMP, the section on Diversity and Diversity Strategies: *"It means understanding individual differences and exploring these differences in a safe, nurturing, positive environment. It is about moving beyond simple tolerance to embracing and celebrating diversities in the many dimensions throughout our community."* He continued that at last week's City Council meeting, Councilor Filiault worked to create a proclamation regarding these values. He thanked the City Council for that proclamation on behalf of the committee.

Mr. Bohannon continued that in 2015, the Committee did a lot to recognize Jonathan Daniels's birthday and the anniversary of his death. They wanted to seek ways to raise awareness of his life and his legacy. In February, the Committee sent a memorandum to the City Council addressing some of the issues they wanted to bring forward. They were looking for the City Council to act on and embody the values - like voting fairly, and thinking of others - values that these two individuals stood for. Certainly the actions of last week reflect that greatly.

Mr. Bohannon noted the Committee continues to struggle with trying to work within the community to find events to promote multiculturalism. Mr. Bohannon continued that the Committee had a great partnership with Keene State College (KSC), Antioch University New England (AUNE), and Franklin Pierce. The Committee will continue working with different organizations within the city by promoting events. One of the actions they took

this year, which they hope will be ongoing, was an effort to promote voting within the community – that was a big push of Jonathan Daniels. The Committee put an ad in the Keene Sentinel encouraging people to get out and vote. They do not have a political agenda other than recognizing the importance of voting, and encouraging people to get their voices heard.

Mr. Bohannon continued that the Committee continues to explore educational opportunities to bring to the community. This year, they are putting together a trip, through the Parks, Recreation, and Facilities Department, to spend three days in Washington, D.C. The trip will highlight the Martin Luther King, Jr. Memorial and the National Cathedral where Jonathan Daniels is memorialized.

Chair Manwaring asked if anyone had questions. She asked if the 8th grade students go to the National Cathedral when they go on their Washington, D.C. trip. Mr. Bohannon replied that he thinks so, but was not sure. Chair Manwaring thanked Mr. Bohannon for his presentation.

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 periodic report from the Martin Luther King, Jr./Jonathan Daniels Committee be accepted as informational.

City of Keene, N.H.
Transmittal Form

6/22/2016

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities, and Infrastructure Committee

ITEM: D.2.

TITLE: Request for No Parking – Sheridan Avenue

RECOMMENDATION:
On a vote of 5 – 0, the Municipal Services, Facilities, and Infrastructure Committee recommend the communication regarding a request for no parking on Sheridan Avenue be accepted as informational.

BACKGROUND:
Chair Manwaring recognized Mr. Eric Allen who stated that he owns Mac's Market and a Citgo Station at 501 Main Street, which corners Sheridan Avenue as well. He continued that he was asking the City Council for a "No Parking" sign installed on Sheridan Avenue for safety reasons and to accommodate access and egress for Mac's Market and Discount Oil.

Chair Manwaring asked to hear from City staff. City Attorney Thomas Mullins stated that he had handouts for the Committee, which included a couple of opinion letters, to help them understand this. He continued that they were written by former City Attorneys, one in 1952 and one in 1991. The short answer is Sheridan Avenue is not a City street. It is not a public way. The two opinion letters discuss that fact. In November of 1964, based on a request by the then-property owners that abutted this area, who petitioned the City Council to have it laid out as a City street, there was a public hearing. The Planning Board recommended that Sheridan Avenue not be accepted as a City street. The letter from City Attorney Gerald Carney was in response to a request from Attorney Gary Kenyon. The underlying opinion from Attorney Carney was Sheridan Avenue was not a city street. The City does not pave it or maintain it. The City does have easements for water, fire, and sewer. The letter from 1952 factored into the 1991 opinion of the City Attorney's and his analysis of why Sheridan Avenue is not a city street.

The City Attorney continued that because Sheridan Avenue is not a City street or a public way the City does not have authority to require a no parking zone. There is a fair amount of private rights that may be occurring on the property. The letter from Mr. Allen references cross easements. He continued that staff looked at plans with respect to the property for other development that has occurred through the Planning Board and otherwise, and there were numerous references to easements, etc.

From the City's perspective the City Council cannot act on the request. To the extent that the cross easements may be interfered with by other people who have businesses in the area, those are private matters that the individuals need to address amongst themselves. The City Attorney continued if Mr. Allen or others have private rights they have to assert the private rights on their own, individually, through the Superior Court, or otherwise.

Mr. Allen asked if he could install a no parking sign, since it was a private street. The City Attorney replied that

he cannot give the petitioners legal advice about their legal rights; all he can say is that the City does not have authority with respect to that street. Mr. Allen and others should ask their own legal counsel.

Lou Berube stated that he owns Discount Oil of Keene. He continued that he and Mr. Allen have ongoing issues with parking, with both of them unable to gain access to their properties. They thought a "no parking" sign would help everyone.

Chair Manwaring replied that the MSFI Committee wished they could help.

Councilor Filiault made a motion for the Municipal Services, Facilities, and Infrastructure Committee to accept the communication regarding a request for no parking on Sheridan Avenue be accepted as informational, which was seconded by Councilor Hooper.

Mr. Allen asked if there was a safety issue with getting to the fire hydrant. The City Attorney replied that yes, there was a fire hydrant there, and if the Fire Department had concerns they may have authority with respect to that. But questions about liability and safety issues are issues that the property owners need to address on their own. Even in that situation there was no liability to the City because of the emergency function exception for fire and police.

Mr. Berube stated that he spoke with the Fire Chief this afternoon. He continued that the Chief said that because the convenience store and Discount Oil are commercial properties he would have problems with a vehicle blocking access, but regarding the residence out back, if it was blocked by the owner, he does not see that as an issue. The problem is parking where the commercial properties are located.

On a vote of 5 – 0, the Municipal Services, Facilities, and Infrastructure Committee recommend the communication regarding a request for no parking on Sheridan Avenue be accepted as informational.

City of Keene, N.H.
Transmittal Form

6/22/2016

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.3.

TITLE: Cities for Climate Protection - Periodic Report

RECOMMENDATION:
On a vote of 4-0, the Planning, Licenses and Development Committee moves to accept the periodic report from the Cities for Climate Protection as informational.

BACKGROUND:
Ms. Chalice introduced Peter Hansel, Vice-Chair of the Cities for Climate Protection Committee to provide the annual review. Mr. Hansel read the following report to the Committee.

Mission: Created to aid in the reduction of greenhouse gas emissions and increase the community's adaptive capacity to the expected impacts of a changing climate in order to protect the viability of the community and to protect public health, safety, and welfare.

While referencing the City Code provisions for the Committee; Mr. Hansel identified the specific accomplishments of the Committee as it related to their function, including encouraging the City Council to adopt a Complete Streets Policy; discussing the urban forest contributions to removal of air pollutants; discussing the feasibility of municipal composting; hearing updates on the municipal recycling facility and the now-defunct KEAP project. He added the Committee was currently following the Community Supported Solar project at Monadnock Food Co-op, the East Side Redevelopment project and the Woodland Cemetery Project. In terms of legislation, the Committee sought Council's endorsement of HB 208 (withdrawal of NH from the Regional Greenhouse Gas Initiative) and SB 333 *of SB 333* (raising of the net-metering cap for renewable energy.)

Mr. Hansel then reviewed on-going goals that the Committee is currently working on, which included: exploring transportation, particularly car-sharing; promoting a local economy; promoting energy efficient measures in residences and continuing the dialogue on the relevancy of the Intergovernmental Panel on Climate Change Plan, the New Hampshire Climate Plan; and the Climate Resilient Communities Plan. In addition, the committee anticipated developing a new Greenhouse Gas Reduction goal to the City Council and creating a "Community Development Impact Checklist." Mr. Hansel stated Keene should be very proud to be one of the first Cities for Climate Protection in the State.

Chair Richards asked for Committee questions.

Councilor Jones mentioned that Mr. Hansel was the first recipient of the "Green Business of the Year" award when it was created about 10 years ago. Councilor Jones was also glad to hear Mr. Hansel mention car sharing as

the Joint Committee is working on implementing the Master Plan and one of the five goals they picked was intermodal transportation which includes car sharing. Councilor Jones noted his pleasure in seeing the Committees working along the same lines. Mr. Hansel commented one of the things Committee's like the CCP need to do is coordinate and collaborate with other committees. Ms. Chalice noted Chair Shedd's recommendation that CCP members attend a Joint Committee meeting to talk about collaboration as it goes forward with transportation as one of its priorities.

Chair Richards noted the Marlboro Street redesign should be of interest and encouraged coordination/collaboration. Mr. Hansel indicated he would encourage this.

State Representative Marge Shepardson, of Marlborough thanked the Committee for the work it is doing; she noted it is great to see it dovetailing like this.

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 4-0, the Planning, Licenses and Development Committee moves to accept the periodic report from the Cities for Climate Protection as informational.

City of Keene, N.H.
Transmittal Form

6/22/2016

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.4.

TITLE: Request to Sell Fruit Beer at the Farmer's Market of Keene

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RECOMMENDATION:
On a vote of 4-0, the Planning, Licenses and Development Committee recommend that Monadnock Berries be granted permission to sell alcohol at the 2016 Keene Farmer's Market on City property licensed to the Farmer's Market of Keene and to allow samples to be provided after August 2, 2016, which is the effective date of SB 306. 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, including the requirements of NH RSA 179:44 II-a.

BACKGROUND:
Mr. Fenella noted he was present to ask permission to sell their fruit beers once again at the Farmer's Market. He noted they have already applied to the Farmers Market and have been granted permission. The home farm, Monadnock Berries, is located at 545 West Hill Road, in Troy, and they have been growing berries for over 20 years. Their brewery, Mooselick Brewing is located at 244 North Main Street in Troy. Mr. Fenella continued he would also like to take advantage of the law change (effective August 2, 2016) that permits the serving of samples. Mr. Fenella indicated there is one other vendor that will probably be interested in serving samples also. Mr. Fenella reported in Troy he charges ($1.50) for a 4-ounce sample, but the 2-ounce sample would be free at the Farmer's Market.

Chair Richards asked the City Attorney about the new law and if this would be precedent setting. The City Attorney verified the new law is effective August 2, 2016 and read the 4-ounce limitation per person per beer and a 2-ounce sample for any wine. Specific authorization from City Council is required. Continuing the City Attorney reiterated Mr. Fenella's comments regarding a second vendor who may be coming before the Council. The City Attorney also agreed this is precedent setting and it is up to the Council whether or not to allow this to happen. The City Attorney noted two optional motions were prepared for the Committee's consideration.

Chair Richards asked for questions from the Committee.

Councilor Hansel asked if any training was required for handing out samples. The City Attorney responded this is all under the Liquor Commission's purview.

Referring to the prepared motions, Councilor Jones indicated he was in favor of the option that would allow for the sampling; both Chair Richards and Councilor Hansel were also in favor of the second option.

There being no additional 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 4-0, the Planning, Licenses and Development Committee recommend that Monadnock Berries be granted permission to sell alcohol at the 2016 Keene Farmer's Market on City property licensed to the Farmer's Market of Keene and to allow samples to be provided after August 2, 2016, which is the effective date of SB 306. 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, including the requirements of NH RSA 179:44 II-a.

Mr. Fenella commended the City for the work done at the Farmer's Market with the seating and the flowers; he added everyone there is also very pleased with the work.

City of Keene, N.H.
Transmittal Form

6/22/2016

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.5.

TITLE: Ban on Single Use Plastic Bags

RECOMMENDATION:
On a vote of 3-1, the Planning, Licenses and Development Committee recommend the discussion on a ban on single use plastic bags be accepted as informational and requests staff report back with an update on recycling, including plastic bag recycling in September. Chair Richards voted in opposition.

BACKGROUND:
Chair Richards commented this was sent back to the Committee from the City Council without a sense of what the City Council really wants. Chair Richards indicated he doesn't think the Council should give up on the effort.

Councilor Clark shared the history of this proposal noting he thinks the City Council wants some action whether it be the full ban or other parts of the Ordinance such as a bag fee. Councilor Clark hopes the Committee would do something rather than referring it back to Council as informational, which effectively kills the effort. Councilor Clark noted the Master Plan encourages recycling and addressed a voluntary effort. He would like this Committee to study the issue in some way that could make an impact on the problem. His hope is the Committee will go with the full ban on single use plastic bags.

Danielle Baudrand, of 19 Bridge Court read from city's website "why we buy green" section. She said this information goes into exactly what they are trying to do. Ms. Baudrand indicated she was confused why this information would be on the City's website when this issue (the ban on plastic bags) is receiving such a pushback.

Chair Richards noted that Duncan Watson from Public Works was present.

Duncan Watson, Solid-waste Manager reported he was not prepared tonight to speak on the scope of what a ban would entail. Mr. Watson reiterated testimony previously given with regards to the volume of bags (LDPE) needed for recycling, the time required to accumulate a sufficient quantity, the separate storage area needed, and the economics involved. Keene currently accepts numbers one and two plastics because they can be sold as a commodity. Mr. Watson also addressed grocery store efforts and what they claim to do with these bags; noting this has yet to be verified. Continuing, Mr. Watson said the City doesn't collect these plastic bags at the Recycling Center because of the volume issue, and because they tend to get hung-up on their processing equipment. Mr. Watson reported on a proposed company that would use these bags to create a plastic lumber in Montpelier; he clarified this company is not yet in existence. With regards to the ban, Mr. Watson said he would have to do more research and report back.

Chair Richards noted he would like to see some information brought back as the following:

1. Provide an update on what the City does for recycling.
2. What does the City do to encourage recycling?
3. Has the City had any conversations with supermarkets or big retailers?
4. Provide specific information on these bags.

Mr. Watson said the questions asked are things he can research and bring back the information. Ms. Baudrand asked if Mr. Watson could do a cost analysis versus a ban.

Mr. Watson stated he can research the questions asked and bring back information to the Committee. Additionally he clarified for Ms. Baudrand the above mentioned factory is proposed (not in existence) and the machine is not a tabletop piece of equipment the City could go out and purchase.

Chair Richards asked for Committee questions.

Councilor Hansel commented he would like to see the Petitioner and the people behind this effort go out and do some of the work on their own. He suggested contacting stores to see which ones would voluntarily signup to do a ban; maybe come up with data on the volume of bags collected on a community collection day. Continuing, he said he thinks it's up to the petitioners to do a little more work and bring something back to Council that they can promote. He does not see the City Council imposing a ban, and doesn't think it is legal to do so at this time. Councilor Hansel continued he also thinks it is unfair to put all the impetus on the staff. He is in favor of a lot of the concepts, but feels it's up to the grassroots community to put something together.

Councilor Chadbourne asked if there was space available for this at the Transfer Station. Mr. Watson responded in the negative noting some reconfiguration would need to be done. Mr. Watson continued if a market were available perhaps they wouldn't have the need for baled plastic; there could be some sort of a milk run where they came down and pick it up. He also noted space at the Recycling Center will always be at a premium.

State Representative Marge Shepardson, of Marlborough reiterated a conversation with a Keene resident who had discussions with the local stores. Three of the stores reported they were doing exactly what Mr. Watson described. This resident also reported a baler would cost anywhere from $500 to $5,000 depending on the size needed. Ms. Shepardson noted only 10% of these shopping bags are recycled nationwide. After additional comments regarding the ecological system, Ms. Shepardson suggested placing a ten cent fee on both paper and plastic bags to help steer people towards reusable bags. Noting the people in the room that are working on this Ms. Shepardson said she hopes the Committee would provide a specific list of the things they would like to see the group bring back; she noted the materials and testimony already provided commenting it seems like it's never enough.

Chair Richards commented he doesn't see a problem working with this group; he added he doesn't think the City can force stores to charge a fee for the bags in New Hampshire. Chair Richards also indicated this question could be answered when Mr. Watson reports back.

Councilor Jones shared the processes used in the 1990's in comparison to today where everything is shrink wrapped. After additional comments Councilor Jones suggested they need to create a demand for post-consumer use plastics.

Councilor Chadbourne looked to the City Attorney to answer the question if the City has the authority to create an Ordinance to place a charge on bags. The City Attorney said he sees no authority for that. The City Attorney reiterated his previous testimony regarding RSA 149-M. Councilor Chadbourne referred to enforcement and the

fact that Portsmouth is in the middle of a court case; she asked the City Attorney if he knew the status of the court case. The City Attorney reported the Department of Environmental Services has referred this to the Attorney General's office for further review on the question of whether or not municipalities have the authority under RSA 149-M to do this. The City Attorney noted that Portsmouth has everything on hold while they wait for the process to be completed. Councilor Chadbourne asked if the outcome would pertain to any New Hampshire community. The City Attorney commented this would be an opinion and reiterated legislative conversations from the past year.

In response to Ms. Shepardson's request for a list, Councilor Hansel commented he would like to see the group engage with Hannaford's and Price Chopper to see if they are onboard with this idea and perhaps get an idea of how many bags they are collecting, as well as a better sense of what they are doing with them, and what the volume is they get from one of their collection initiatives. If that information is provided he can see the Council supporting this initiative maybe with a designated bag collection day. He added the City Council needs more information so that we can do something. Ms. Shepardson reported on conversations with the local stores where she was referred to the mother company; she added the stores have all indicated they would do whatever the municipality wants them to do. Chair Richards asked Ms. Shepardson and her group to work with Mr. Watson and come back to provide the information. Ms. Shepardson addressed educating the public noting the stores have been encouraging people to bring their reusable bags for five or six years which she believes is having some effect. Ms. Shepardson noted she has no official numbers but will try to get some to bring back. Ms. Shepardson added there is usually a 12-month phase in for educating the public.

The City Manager commented staff time comes at a cost and both Mr. Watson and Mr. Blomquist have a lot of responsibilities. The City Manager asked if Mr. Watson was clear on what was being asked of him. Mr. Watson replied the logistics of a ban is not his area of expertise; what he is best able to do is provide what it's like to be at the end of the pipe dealing with a problem that happens at the beginning of the pipe. He suggested the bags not getting into the pipe are sort of what they're talking about; locating the source of the problem and making that the solution makes sense to him. Mr. Watson said he was going to look at the recyclability aspects of plastics versus the banning; which the group will do more of the research on. The City Manager noted the other aspect of bringing back an update on recycling to which Mr. Watson agreed. Discussion ensued and the decision was made to have Mr. Watson report back in the first week of September.

Karrie Kalich, of 420 Main Street commented on what people would be doing if education really worked noting that education does not result in widespread behavior change. She also commented on the number of bags (175,000) that will be sent to the Recycling Center each week the longer they postpone imposing this ban. Ms. Kalich hopes this group will not be another group of passive people that assumes someone else down the line will take care of this problem.

Councilor Chadbourne commented the Committee needs to make a couple of decisions here with the choices being either a voluntary program or going forward with an Ordinance. She referred to the City Attorney's comments and what is or isn't happening at the state level noting this indicates to her that it is not a good idea and a waste of time for the City to go forward with an Ordinance at this point. At this time she would be in favor of gathering information for a voluntary program. Councilor Chadbourne added she is not in favor of a ban suggesting they wait to what happens with the City of Portsmouth and the Attorney General. Councilor Chadbourne commented it comes down to changing it on the State level right now because they really don't have the authority. She concluded her comments by noting it is time to make a decision and not keep putting this on more time and coming back with more discussion.

Councilor Hansel sees this as the direction they're going in with what has been requested tonight; he also doesn't see a ban on the table.

Councilor Jones suggested the term ban on plastic bags needs to go away; he indicated they could call it education on recycling or something else. He commented they've already addressed the fact that the City can't

put through a ban. Councilor Jones doesn't want to see the ban on single use plastic bags put on more time for the fifth time.

Councilor Clark commented it is clear the majority of this Committee does not want the ban on plastic bags, and he is unsure if that sentiment is shared by the full Council. After additional comments he said sending the issue back to Council as informational essentially kills the issue; he also noted he thinks Council wants this Committee to act. He did agree that waiting for more information was a good idea. Councilor Clark also pointed out two members were absent at the Council vote which could have changed the outcome. Addressing Councilor Jones' comments regarding changing the term ban on plastic bags Councilor Clark suggested putting the motion to consider the plastic bag issue on more time.

Chair Richards made a motion to put this item on more time. There was no second.

Councilor Hansel made a motion to accept this as informational and request staff to report back with the update on recycling, including plastic bag recycling in September. Councilor Jones seconded the motion.

In response to Councilor Clark, Councilor Chadbourne commented what she was trying to say was they are not in a position to be able to efficiently and successfully mandate a ban which is why she feels they need to wait

Councilor Jones suggested another possible route for the City to take is for this Committee to ask that a Resolution be prepared asking the State to reconsider legislation as there will be all new legislators there in November.

Councilor Chadbourne asked the City Attorney if something can come back to the Council after it has been accepted as informational. The City Attorney advised he would have to take a closer look at the rule in this regard.

Chair Richards asked if there were any further comments from the public.

Mya Baudrand, of 19 Bridge Court commented she feels arguing about getting rid of trash is unnecessary and suggested they should just get rid of the plastic bags.

Representative Shepardson, of Marlborough commented on the failed legislation noting it was enabling legislation that would have said that cities and towns were allowed to impose a ban on the plastic shopping bags if they wanted to. This failed in the Senate because Senators were convinced this wasn't needed and that cities could go forward under current legislation. Ms. Shepardson said she would be submitting something again this year because apparently this wasn't good enough for the cities and towns. Ms. Shepardson also asked what the repercussions would be if Keene decided to be the first test case in New Hampshire and impose a ban. Chair Richards agreed the City could be taken to court and lose.

Andrew Smeltz, of 185 Elm Street read a prepared statement for the Committee which he did not provide a copy of . He asked what kind of law they would be violating. Chair Richards explained the process and the applicable RSA. The City Attorney further clarified a municipalities' authority pointing out they can't do something if the State doesn't give the municipality the authority to do. The City Attorney suggested the best way to answer this question is for the State Legislature to act. He also suggested this would be a good place for the group to focus its efforts. Mr. Smeltz agreed this is shaky legal ground and suggested this is a call to act.

On a vote of 3-1, the Planning, Licenses and Development Committee recommend the discussion on a ban on single use plastic bags be accepted as informational and request staff report back with an update on recycling, including plastic bag recycling in September. Chair Richards voted in opposition.

City of Keene, N.H.
Transmittal Form

6/23/2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.6.

TITLE: Proposed Amendment to City Charter – Council Compensation

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RECOMMENDATION:
On a vote of 0 - 4, the Finance, Organization and Personnel Committee failed to recommend moving forward on the proposed City Charter amendment relative to City Councilor's compensation as proposed by Councilor Hansel.

BACKGROUND:
Councilor Hansel read the following into the record:

Thank you Mr. Chairman, members of the committee. I'm here tonight to propose a reasonable amendment to the Keene City Charter that will allow future Councils to have a meaningful and honest dialog about council compensation by removing the albatross of perceived self- interest for the majority of councilors during the next debate, whenever that may be. Additionally, this action will bring Keene more in line with the current practices of a majority of NH cities, and many other legislative bodies all the way up to the United States Congress.

I wish to impress upon you at the outset that this change will have no effect on the most recent pay increase that was voted on several weeks ago. This would be an amendment to the Keene City Charter. RSA 49B:5 requires that once the Council determines to move ahead with the Charter amendment, it is submitted to the NH Secretary of State, The Attorney General, and the commissioner of the Department of Revenue Administration for their approval. Once approved, the city would have 7 days to provide notice for a public hearing. This process must take place at least 60 days before the election in which the measure would be on the ballot. Following the adequate completion of the aforementioned steps, the amendment would be placed on the 2017 municipal ballot. It's my understanding that the State reviews these proposed amendments to ensure the language is clear, legal, limited to a single subject, and the measure would not adversely affect State revenues.

Seeing as the State will not allow for a Charter amendment to be voted on during a presidential election year, I request that the committee consider a motion to instruct staff to begin the official Charter amendment process in May of 2017 (after the November 2016 election) as to allow the amendment to be added to the November 2017 municipal ballot.

As you can see from my initial memo, I am proposing to add language to Section 24 of the Keene City Charter which deals with Council compensation. After consulting with the City Attorney, the following language is recommended: "Any increase or decrease in City Council compensation shall not become

effective until the first secular day of January following the next regular municipal election."

I've also provided a supplemental memo that you should all have in front of you. There are a total of 13 cities in New Hampshire. Of the thirteen, the majority (seven) have restrictions on the implementation of pay raises for elected officials. This document outlines the approaches that each seven city uses, as they vary slightly.

I would draw the committee's attention to two of the examples. The City of Concord, similar to Keene, has councilor's with both 2-year and 4-year terms. While the language in the Concord Charter does not specifically say that a change in Council pay "only be applied after the next election", their Charter sets up an biannual review of the compensation ordinance and specifies that any changes only go into effect on January 1st of even numbered years. While the language here is different (opting to establish a set schedule) the result is the same as the language I'm proposing for Keene.

The second example I would draw the committee's attention to is the City of Rochester NH's Charter language. This was the model I looked at when crafting this proposed amendment for Keene. The language I'm proposing is very similar to Rochester's, but matches the existing terms established in our Charter to the same effect.

So, this line of thinking...that it is best to remove, as much as possible, the opportunity for elected officials to vote themselves a pay increase, without the courtesy of an election before the change is put in place...is not a new idea. In fact, this concept is a common practice among municipal bodies, but also on the federal level. The 27th Amendment to the US Constitution prohibits any law that increases or decreases the salary for members of Congress from taking effect until the start of the next set of terms of office. Now, members of Congress are eligible to receive the same annual cost of living increase given to other federal employees, if any. The COLA raise takes effect automatically on January 1 of each year unless Congress, through passage of a joint resolution, votes to decline it. It's important to note that Congress has voted to decline the COLA since 2009. The 27th amendment still applies if there were to be any significant changes to congressional pay.

Why a Charter amendment? There are other roads we could go down. We could craft a Council policy resolution to deal with the implementation of raises. I believe we could also craft an ordinance to that same effect (potentially adding language to Article II, Division 2).

In the case of a Council policy resolution, this is basically a guideline and is suspendable. This works against the intent of the change, which is to permanently modify the Council's ability to vote for and immediately benefit from a pay adjustment. It really wouldn't have any teeth. An ordinance may also be an option, but most ordinances deal with things like maintaining public safety, health, and general welfare. Noise ordinances, Zoning ordinances, etc.

In my opinion, the nature of my recommendation would fit best in the City Charter. The precedent from around State and throughout New England also clearly supports putting this type of guidance in a Charter document. I could not find any examples of ordinances in other communities that placed this type of restriction on Council pay. It always seems to fall in the Charter.

One of the primary functions of a City Charter is to dictate how much power elected officials have to regulate actions within the city. This proposed amendment represents a restriction on the Council's ability to impose an immediate pay adjustment. That falls directly in the purview and purpose of the Charter document. I prefer the committee consider the Charter route for this legislation as a first option.

I bring this amendment forward because I believe that the timing is right to improve the process for future councils. While none of us are likely to face another council salary debate in our tenure, this amendment will allow for an honest and rational debate of this important issue in the future. More than two-thirds of

councilors will be freed from the appearance of self-interest.

In this way, we can hope that future councils will be able to make a justifiable and reasonable decision, and the process for addressing this inherently awkward issue will be improved. I thank the committee for their time and urge them to craft a motion for staff to move forward with the Charter amendment process in May 2017.

Councilor Clark questioned the reason Councilor Hansel was bringing this forward and asked if the Councilor felt the process in place was not honest. Councilor Hansel stated the process could be set up in a way where it could avoid the process being perceived as dishonest and self-motivating. Councilor Clark noted the process the Committee went through was in the City Charter and was recommended by staff. He felt when the Council makes constitutional amendments and Charter amendments they are not done lightly and he did not see a reason and the need for use of staff time to undertake this task. The Councilor went on to say he did not understand why there was so much contention over this item and he almost took offense to the implication the that the Council taking any type of stipend was somehow dishonest. He stated City Councilors work very hard for their constituents and he felt if the constituents did not like the stipend they could say so at the ballot box.

Councilor Jacobs stated he understood Councilor Hansel's intention and he did not feel it was a question of honesty, but more about appearances. He stated he did not see the great urgency to this, but was also not opposed to it.

Councilor Kahn stated he finds himself in closer alignment with Councilor Hansel on this item. He referenced the fact that he had made the motion during the budget adoption to remove the increase. The Councilor stated Councilor Hansel is coming forward with good intent to try and deal with public perception regarding compensation. He stated he disagrees that this matter would not come back next year as it was in the City Manager's proposal for a step progression to get to a goal. This year's vote was a step towards something and that is something the Council should consider. Councilor Kahn noted he wonders if this is the right Charter change and perhaps the Council should consider the overall cost of City government and how does 15 Councilors relate to a population of 25,000.

The Councilor continued he finds himself going in a direction where he would like to talk to the Attorney General's office and Secretary of State about Charter changes and the wording for one change or several changes. He added voters haven't seen Charter Changes often and hence he felt it should be done cautiously. The Councilor stated he was looking for a well-considered process and a timeline.

Mayor Lane stated there were a couple of issues that need to be looked at here. The first issue is whether there is a problem that needs to be addressed when the last increase in compensation was 17 years ago. He stated he hoped the Council did not start using the City Charter to address issues that are contentious in nature. He cautioned the Committee about making changes to the Charter without giving more thought to it.

The Mayor stated he was also concerned about this proposal as he felt the Council was moving the responsibility on to someone else and thereby avoiding responsibility for the actions the Council takes. He noted the Council votes on salary changes every year and the public body that made the decision should take the responsibility for that decision. The Mayor offered a word of caution to look at this carefully as the results might not be what is intended.

In response, Councilor Hansel stated he sees a problem with the method in which compensation was addressed. The solution as far as he was concerned was to place the item in the City Charter – he noted there was a reason seven of 13 cities has similar language in their Charters. He did not feel this was passing the responsibility on, but rather it was just the opposite; it allows the Council to have a proper debate on what the compensation should be without any perceived self-interest.

Chair Greenwald felt the Council needed to take responsibility for what it does. He stated any time during the budget process someone could have suggested this item be moved to next year. The Chair stated anytime the Council discusses its compensation it is uncomfortable and there was a solid reason why this compensation increase was put in place. He went on to say he could assure citizens that this Council or the Mayor would not see a pay increase anytime again in their tenure. He stated if the matter gets pushed off then it becomes an election issue. He added as was stated by the Mayor and Councilor Clark, he takes Charter amendments very seriously.

Councilor Hansel stated he did not feel the Charter was such a sacred entity. He questioned what the fear of taking this issue to the voters was.

Darryl Masterson, 44 Willow Street, agreed public perception is an important aspect for the Council. He stated the Mayor had a different perspective that he hadn't considered. He asked whether there was a possibility of furthering this conversation.

Councilor Jacobs stated he was impressed with the Mayor's argument especially with the point about moving the responsibility on to the next Council. He stated there will always be perceptions and including this in the Charter was not going to change that. He felt the Council was trying to solve a problem which was not a problem, but a fact of life. The Councilor stated he would not be voting in favor of this proposal.

Councilor Chadbourne stated the remarks from the Mayor and Chair resonated with her. She added it was the difference between being a seasoned Councilor and a brand new Councilor where you want to make substantial changes and have good intentions. The Councilor stated as a citizen when she had to vote on Charter amendments she always found them to be confusing. She indicated she was not saying the Charter should not be discussed, but questioned whether this was the time to be doing that.

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

That the Finance, Organization and Personnel Committee recommend accepting the proposed amendment to the City Charter as informational.

Chair Greenwald asked for the City Attorney's opinion on the motion. The Attorney stated the motion was acceptable.

Councilor Kahn stated he wanted to understand the nature of "informational" in this regard. He continued what was the opportunity to respond to what Councilor Chadbourne just stated; new Councilors do have fresh ideas and admits he was open to those kinds of things as a new Councilor. He also stated he values the training he received as a new Councilor six months ago, but some of the things he reviewed six months ago as an entering Councilor would be looked at differently today. He questioned whether there would be an opportunity to re-open the discussion on not only the Charter, but other documents that were shared during the orientation process.

Chair Greenwald felt the Council will be having a Goal Setting Workshop in the near future and perhaps this was an item which could be discussed at that time. As far as the motion was concerned, he stated he had mixed feelings as to whether the proposed motion should not be a motion the Committee could take a stand on.

Councilor Clark withdrew his motion and Councilor Jacobs withdrew his second. Councilor Clark made the following motion which was seconded by Councilor Jacobs.

On a vote of 0 - 4, the Finance, Organization and Personnel Committee failed to recommend moving forward on the proposed City Charter amendment relative to City Councilors' compensation as proposed by Councilor Hansel.

City of Keene, N.H.
Transmittal Form

6/23/2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.7.

TITLE: Encouraging a Discussion Regarding Level of Service – Television, Internet and Voice – Charter Communications (Spectrum Cable) TV Provider

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RECOMMENDATION:
On a vote of 4 – 0, the Finance, Organization and Personnel Committee recommend staff work with Charter Communications to prepare a presentation to occur at a FOP meeting prior to September 30, 2016.

BACKGROUND:
Councilor Jacobs stated he was concerned about any discussion on an item where a party was not present. He stated his understanding before the start of the meeting was that Charter Communications had not been notified. Asst. City Manager/IT Director Rebecca Landry stated it was her understanding they were not going to be invited tonight. She stated the item can be discussed and the issue could be brought back at a later time. Chair Greenwald felt the Councilor could talk about his letter and then refer questions to staff for clarification for a later time.

Councilor Kahn explained this item was in reference to the change of ownership for Time Warner Cable Services bought by Charter Communications delivering services under the name of Spectrum Cable. Councilor Kahn stated customers of Time Warner had been notified of this change. Time Warner's website indicated more of a notice to customers as to who would be sending them their next bill, but the website also noted Charter Communications was developing a business plan, which would be unveiled in the future. Councilor Kahn stated he would like the City to be more involved before their business plan gets fully developed and provide some advice to Charter Communications as to the Council's perspective and the citizen's perspective. He stated he would like this company to be asked to come before the Finance Committee and/or the Council to make a presentation.

Councilor Kahn stated if such a request can happen with a motion for this item to be put on a future agenda, he would be willing to make that as a motion. Ms. Landry stated she had communicated with the Vice-President of Government Affairs, Melinda Poore as well as others in the company who she felt would be happy to come before the Council. She stated this fell outside of the Franchise Agreement as they are now talking about voice and internet. Staff could also prepare the representatives as to the questions the Council would like answered.

City Manager, Med Kopczynski stated staff was "up to their brim with work" and what he would like each Committee which assigns a task to be clear with is direction to staff and a timeframe put in place so it can be balanced within staff schedules.

Councilor Clark stated times like this is was when he wished the City had not disbanded the Cable Television

Commission. He stated the Cable Television Commission's responsibilities since it was disbanded were sent to the Planning, Licenses and Development Committee, but he questioned whether those responsibilities now lie with the Finance Committee. The Councilor stated the Commission used to meet monthly to discuss issues such as this and clarified now that the Commission was disbanded, whether issues were discussed whenever they came up. Ms. Landry stated the Commission was charged with managing the Franchise Agreement, however, this issue falls outside the purview of the Franchise Agreement and items are brought to the Council as necessary.

Councilor Kahn stated what he had heard citizens' say that they pay a high tariff for the services they receive. The second issue was since broadband access and speed have been brought to the attention of the City, there has been heightened interest in addressing these issues. He felt the City owed it to the franchise holder to come forward and provide the City their vision. Ms. Landry noted this was the type of discussion staff has been having on an ongoing basis.

Councilor Clark stated in the past Time Warner had been reticent to discuss things like broadband and asked how the City was going to bring them to the table for this type of discussion. He added the City had dealt with Time Warner Cable in the past and many attempts never came to fruition and he hoped it works this time with the new company. Ms. Landry stated recent experiences had shown that it is in Charter Communication's best interest to do so because they have more and more competitors than they have had in the past.

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

On a vote of 4 – 0, the Finance, Organization and Personnel Committee recommend staff work with Charter Communications to prepare a presentation to occur at a FOP meeting prior to September 30, 2016.

City of Keene, N.H.
Transmittal Form

6/23/2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.8.

TITLE: Removal of Granite Curbing – West Side of Central Square

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RECOMMENDATION:
On a vote of 4 – 0, the Finance, Organization and Personnel Committee failed to recommend providing funding up to $20,000 to facilitate the sidewalk planting modification.

BACKGROUND:
Chair Greenwald stated this item was discussed at length at the MSFI Committee and it was voted at the Council level to refer the issue to the Finance Committee for funding. He stressed this discussion was about money and whether it is in the public's interest to fund this modification for the sidewalk area in the front of Pedraza's Restaurant, Ingenuity Country Store and the Pour House.

Ms. Dorrie Faulkner Masten owner of Pedraza's, Pour House, and the Ingenuity Country Store addressed the Committee and stated she wanted to clarify some things she had read in the newspaper as well as heard in the community. It is being implied that this modification will only benefit her personally. She noted she wanted it to be clear there was a backup tenant for the restaurant space who will pay the same amount of rent to her for this space. Ms. Faulkner Masten stated these improvements will benefit the City and the community by bringing jobs to the area and she felt the restaurant would be a great addition to the downtown. She encouraged the Committee to spend this money and felt this was an important project for the City.

Chair Greenwald asked the Manager for the estimate for this project. Mr. Kopczynski stated the City Engineer had looked at this area and to remove some curbing, take out some planter beds and fill in the planter bed with concrete paving came to an approximate estimate of $15,000 - $16,000. The engineer had also consulted with a local contractor, Frank Lucius. The Public Works Director confirmed the estimate was $16,600 which did not include staff time. Mr. Blomquist went on to say at the present time the City Engineer's time was in the general fund and he did the work on straight time. Chair Greenwald noted if the City Engineer was doing this work something else would be sacrificed and asked what he was looking for was the cost for staff time. Mr. Blomquist stated he unfortunately did not have that number. He stated an amount not to exceed $20,000 would cover most of the cost for this project.

Councilor Clark asked whether $20,000 would be for most of it or for all of it. Mr. Blomquist stated what still needed to be completed are specifications, which would be done through a contract, there was also inspection time. He felt $4,000 would be in the range for this work. Since this was not a capital project it will be covered by base pay. Councilor Clark indicated to Mr. Blomquist when staff was directed to work with the petitioner, the MSFI Committee had asked staff about discussing with the petitioner the possibility of participating in this project and asked what happened with that discussion. Mr. Blomquist stated the petitioner at this time had

indicated she would not be participating in the cost of construction but had agreed to contribute funds towards maintenance.

Mr. Kopczynski stated what the Public Works Director seemed to indicate was that most of the work for this project had been completed, but there was still specification and inspections work which needs to be completed, which the Manager did not feel was too complicated.

The Chair asked where the money would come from for this project. Mr. Kopczynski stated he would need to talk to the Public Works Director to see if there were any lapsed projects. He noted the budget which was passed was tight and added the $22,000 cut in the budget was distributed among various departments.

Ms. Faulkner Masten stated she will not participating in the costs for this project because this is not a project which will benefit her; however, she is willing to contribute $1,000 a year for maintenance of that part on Central Square. Chair Greenwald asked the individuals who handle Spirit of Place contact Ms. Faulkner Masten about this maintenance.

Councilor Kahn asked whether there had been other requests for modification on Main Street. Mr. Blomquist stated in his 22 years the only modification he recalls was next to Piazza Ice Cream where a request was made to install brick in the grass area, the petitioner paid for that. On Railroad Square, Scores did some additional work outside their restaurant and they paid for it. Handicap ramps were located near the Chamber of Commerce and EF Lane Hotel, and again the petitioners paid for this work.

Councilor Jacobs noted the agenda this evening also had an item dealing with crosswalk improvements on West Street, which was a shared cost between the City and the petitioner.. Councilor Jacobs asked if precedent has already been set with the crosswalk improvements. Mr. Blomquist stated there is more history with this; NGM Insurance came to the City and requested this work to be done. The Council agreed to add some signage; however, after a year NGM came back and stated the signage had not rectified the problem at 55 West Street.

The City Council reconsidered this request and even though most of the improvement would benefit NGM employees the Council also felt this crosswalk would be used by the general public and hence a shared cost was suggested.

Councilor Jacobs made the following motion: That the Finance, Organization and Personnel Committee recommend the City provides 50% of funding not to exceed $20,000 to facilitate the sidewalk planting modification as requested by Dorrie Faulkner Masten. The motion died for lack of second.

Councilor Jacobs made the following motion, which was seconded by Councilor Kahn. That the Finance, Organization and Personnel Committee recommends providing funding up to $20,000 to facilitate the sidewalk planting modification as requested by Dorrie Faulkner Masten.

Chair Greenwald asked if the City Attorney wished to make any comments on this item. Attorney Mullins stated he had already commented on the underlying issues and the City Council by its motion to send it on to the Finance Committee implicitly found there was a public benefit to this project.

Councilor Chadbourne asked whether the question as to where the money came from was answered and noted there was a motion being made without addressing that issue and asked whether this was left to the discretion of the City Manager.

The City Manager stated the Finance Committee could direct as to where the money should come from or the Manager could be directed to work with the Public Works Director to find the money. It was decided this language will not be part of the motion as it was just implied the Manager could work with the Public Works Director to find the money.

Councilor Kahn stated even though he seconded the motion he will be voting against this motion. He further stated there were a number of downtown planning issues which need to be considered and he would hate to set precedent without proper guidelines as to what the changes were for the downtown which would be identified through the planning process.

Darryl Masterson, of 44 Willow Street, clarified this project would not change the City budget. The Chair agreed it will come out of a department's budget or surplus funds will be used.

On a vote of 4 – 0, the Finance, Organization and Personnel Committee failed to recommend providing funding up to $20,000 to facilitate the sidewalk planting modification.

City of Keene, N.H.
Transmittal Form

6/23/2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.9.

TITLE: Update on More Time Items

RECOMMENDATION:
On 4-0 vote, the Finance, Organization and Personnel Committee recommend accepting the update on more time items as informational.

BACKGROUND:
Donation of Land - Mr. Blomquist stated staff had met with the property owner and was recommending the City not accept this donation of land. He stated the City had more protection if the property was taken by tax deed rather than a donation where there could be liability issues. The other complicated issue was that this property was in an estate. The property owner was going back to talk to abutters to see if there was any interest in this property. The Manager explained if the Committee wanted to take this item off more time there would need to be a vote to not accept the donation. It was decided the item will be left on more time until the City had a response from the property owner as to the status of the property.

Relinquishment of Easement to Parking Spaces on Railroad Property on Behalf of Monadnock Food Co-op – Mr. Blomquist stated the Co-op was asked to look at parking demands on their property which they have done. Staff has not had the opportunity to sit down with the Co-op and go over the study and will come back with a report of that meeting. Councilor Clark asked what the value of those easements was to the City of Keene. Mr. Blomquist stated this was a determination the City Assessor would need to make.

The Chair asked when staff would be able to resolve these two items. Mr. Blomquist stated for the next Finance meeting staff should be able to give the Committee an update on Pearl Street and an update regarding the Co-op should be ready before the Committee goes on break.

Mr. Kopczynski added with reference to the study there probably needs to be a conversation between the owners of the Condominium Association which had parking on that site. He felt the best option would not be for this parking to come out of City spaces. As far as Mr. Kapiloff's property, the City had no use for the property and no city departments had expressed any interest in this property.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend accepting the update on more time items as informational.

City of Keene, N.H.
Transmittal Form

6/22/2016

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities, and Infrastructure Committee

ITEM: G.1.

TITLE: Water Shut Off and Restart Charge – 25 American Avenue

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RECOMMENDATION:
On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommend the communication regarding water shutoff and turn on charges be placed on more time to allow staff to research the matter.

BACKGROUND:
Chair Manwaring asked if Mr. Dionne was present. Mr. Blomquist stated that he was not certain the reason for the petitioner's absence, but staff is requesting more time to allow them to do more research.

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 communication regarding water shutoff and turn on charges be placed on more time to allow staff to research the matter.

City of Keene, N.H.
Transmittal Form

6/28/2016

TO: Mayor and Keene City Council

FROM: Patricia Little, City Clerk & Mark Howard, Fire Chief

THROUGH: ACM Fox for Medard Kopczynski, City Manager

ITEM: H.1.

TITLE: Relating to Dormitory, Lodging or Rooming Houses and Residential Board and Care

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RECOMMENDATION:
That Ordinance O-2016-09 be referred to the Planning, Licenses and Development Committee for their review and recommendation.

ATTACHMENTS:

Description

Ordinance O-2016-09

BACKGROUND:
As part of the continuing effort to shift licensing requirements from the City Council to the administrative staff; discussions have taken place between several departments to determine which department was the most appropriate to administer a lodging house license.
Because it was determined that compliance with fire and life safety codes was the most important consideration for the licensing of a lodging house the Fire Department was selected as the most appropriate department to administer the process.
To comply with NFPA1 Fire Code and the NFPA 101 Life Safety Code, lodging houses will be referred to in the Ordinance as a "residence house." A "residence House" will also include dormitory, rooming houses, and residential board and care.

ORDINANCE

CITY OF KEENE

O-2016-09

In the Year of Our Lord Two Thousand and Sixteen

AN ORDINANCE RELATING TO DORMITORY, LODGING OR ROOMING HOUSES AND RESIDENTIAL BOARD AND CARE

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 Article X, Lodginghouses, of Chapter 46, Licenses and Permits, in its entirety, and adding a new Article VI, Dormitory, Lodging or Rooming Houses and Residential Board and Care, to Chapter 42, Fire Prevention and Protection, as follows:

ARTICLE VI. DORMITORY, LODGING OR ROOMING HOUSES, and RESIDENTIAL BOARD and CARE.

DIVISION 1. - GENERALLY

Sec. 42-135. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Permitting Authority shall mean the Fire Chief or his duly authorized designee.

Dormitory, Lodging, or Rooming Houses and Residential Board and Care (collectively "Residence House") shall be as defined in the adopted NFPA1 Fire Code and NFPA 101 Life Safety Code.

Sec. 42-136. – Enforcement officer.

For the purposes of this article, the enforcement officer shall be the Fire Chief for Fire and Life Safety Codes; provided, however, that where compliance with building, plumbing, wiring and housing codes is concerned, the enforcement officer shall be the Health Director (collectively "Enforcement Officer").

Sec. 42-137. – Fraternity and sorority houses.

Fraternity and sorority house shall mean a place of residence, with or without meals, for more than four persons attending a college or university, who are all members of, or pledged to, a local or national fraternity or sorority that is recognized by a college or university with a Keene campus. For purposes of this article, a fraternity or sorority shall be treated as a Residence House.

PASSED

Sec. 42-138. – Resident agent.

Resident agent shall mean the owner or operator of a Residence House and/or his or her agent who resides on the premises. Each Residence House operator shall cause his resident agent to be readily available and shall authorize such agent to be responsible for the day-to-day operation of the Residence House, to receive notices in his name and to be responsible for the conduct of persons therein.

Sec. 42-139. – Penalties.

Any person who owns and/or operates a Residence House without having first obtained a permit in accordance with this article shall be fined $275.00 for each day that such operation continues in violation of this article.

DIVISION 2. - PERMIT

Sec. 42-140. – Required.

From and after the effective date of the ordinance from which this article derives and notification by the city, no person shall keep, permit or suffer to continue a Residence House without first having filed an application with, and having obtained a permit from, the Permitting Authority. Such permit shall list the following:

(1) The owner of the property;
(2) The address of the property;
(3) The operator of the Residence House;
(4) The resident agent of the Residence House
(5) The addresses and business and home telephone numbers of each;
(6) The number of persons authorized to reside on the premises; and
(7) The effective and expiration dates.

Sec. 42-141. – Certificates of compliance.

Prior to the issuance of an initial permit under this division, and any permit renewal, the Enforcement Officer shall make or cause to be made an inspection to determine if applicable laws, ordinances, codes and rules and regulations have been complied with.

Sec. 42-142. – Expiration.

Each permit issued under this division shall expire one year from its effective date, subject to inspection and renewal for the ensuing year. An issued permit that is eligible for renewal shall not require a new permit application.

Sec. 42-143. – Display.

The permit issued pursuant to this division shall be displayed in a prominent place on the ground floor near the front door of the Residence House.

Sec. 42-144. – Suspension or revocation.

A Residence House permit may either be suspended for a stated period of time, or revoked by the Permitting Authority, on complaint of the Enforcement Officer of violation of this article. Notice shall be sufficient if sent by certified mail to the owner of the premises and the Resident Agent of the Residence House at their addresses listed on the permit. A party aggrieved by the decision of the Permitting Authority may appeal the decision of the Permitting Authority to the Board of Appeal established under City Code Chapter 2, Article V, Division 6, if an appeal of the fire/life safety code, or to the Housing Standards Board of Appeal established under Chapter 2, Article V, Division 21, if an appeal of the housing code.

Sec. 42-145. – Fee.

The fee for each Residence House permit issued shall be set forth in the schedule of fees in Appendix B to this Code.

_____

Kendall W. Lane, Mayor

City of Keene, N.H.
Transmittal Form

7/1/2016

TO: Mayor and Keene City Council

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

THROUGH: ACM Fox for Medard Kopczynski, City Manager

ITEM: H.2.

TITLE: Relating to Vehicular Traffic and Public Ways

RECOMMENDATION:
That the City Council refer Ordinance O-2016-12 to the Municipal Services, Facilities and Infrastructure Committee for their review and recommendation.

ATTACHMENTS:
Description
Ordinance O-2016-12

BACKGROUND:
The Public Works Department has received inquiries from neighborhood residents and Keene State College administration regarding the Main Street crosswalks at Elliot Street and adjacent to the Westwood Center.

In response, staff has developed a plan to improve crosswalk visibility and pedestrian safety at these locations. The improvements consist of pavement markings and lighting. Staff also recommends prohibiting left turns out of Elliot Street. This will allow the creation of a painted "refuge island" without turning movement conflicts.

Ordinance O-2016-12 will designate Elliot Street as a right turn only onto Main Street northbound. Motorists intent upon traveling south on Main will drive to the Main/Marlboro/Winchester Street roundabout in order to make a legal U-turn.

ORDINANCE

CITY OF KEENE

O-2016-12

In the Year of Our Lord Two Thousand and Sixteen

AN ORDINANCE Relating to Vehicular Traffic and Public Ways

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 inserting the following prohibition within Section 94-266 "Limitations" of Article IV "Specific Street Regulations" of Chapter 94 entitled "Traffic, Parking and Public Ways" as follows:

Section 94-266. Limitations

Elliot Street at Main Street. No left turn for southbound traffic.

Kendal W. Lane, Mayor

PASSED

City of Keene, N.H.
Transmittal Form

6/23/2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: J.1.

TITLE: Appropriation for the Flashing Crosswalk System on West Street

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RECOMMENDATION:
On a vote of 4 – 0, the Finance, Organization and Personnel Committee failed to recommend adoption of Resolution R-2016-22.

ATTACHMENTS:
Description
Resolution R-2016-22

BACKGROUND:
Mr. Blomquist stated he had mistakenly submitted this Resolution as he had forgotten that the Council had taken a position on the funding for the flashing crosswalk system in September of 2015. The Director continued that the Council had voted that staff be directed to identify a funding source from the current operating budget and that the funds not be taken out of fund balance. He is currently looking to identifying the cost centers. The Director noted Resolution R-2016-22 was not necessary and could be defeated.

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

On a vote of 4 – 0, the Finance, Organization and Personnel Committee failed to recommend adoption of Resolution R-2016-22.

CITY OF KEENE

R-2016-22

In the Year of Our Lord Two Thousand and Sixteen

A RESOLUTION Related to an appropriation for the Flashing Crosswalk System on West Street

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

That the sum of fifteen thousand dollars ($15,000) is hereby appropriated from the General Fund unallocated fund balance for the West Street Flashing Crosswalk system.

Kendall W. Lane, Mayor

PASSED

City of Keene, N.H.
Transmittal Form

7/7/2016

TO: Mayor and Keene City Council

FROM: Steve Thornton, Finance Director

THROUGH: ACM Fox for Medard Kopczynski, City Manager

ITEM: J.2.

TITLE: Relating to Fiscal Policies

RECOMMENDATION:
That Resolution R-2016-25 relating to fiscal policies, be introduced and read at the July 7, 2016 meeting of the City Council and be referred to the Finance, Organization, and Personnel Committee for consideration, discussion, and a recommendation back to City Council.

ATTACHMENTS:
Description
R-2016-25

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

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

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

R-2016-02-A, Relating to Fiscal Policies, was adopted by the City Council on March 17, 2016, following two fiscal workshops and review and amendment by the FOP.
One of the amendments resolved that fiscal policies be reviewed and adopted in July of each year.

In accordance with that amendment, attached for consideration is draft resolution R-2016-25. There are no staff recommended policy amendments for FY 2017.

CITY OF KEENE

R-2016-25

In the Year of Our Lord Two Thousand and Sixteen

A RESOLUTION Relating to Fiscal Policies

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

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

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

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

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

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

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

I. Fund Structure
   a. All funds are intended to be self-supporting, with no subsidies from one fund to another required for operations or capital outlay.
   b. The City will continue to conduct its financial activities through the use of the following funds:
      i. Governmental Funds
         - General Fund – shall be used to account for those governmental activities that are not recorded in one of the other City Funds that have been established under the authority of the City Council
         - Special Revenue Funds:
            a. Grants Fund – shall be used for those activities that are funded in part or in whole by contributions from other entities
            b. Parking Fund – shall be used to account for the operations, maintenance and capital outlay needs of the municipal parking areas

PASSED

c. PC Replacement Fund – shall be used to account for the on-going replacement of PC's and certain peripherals, and desk top software utilized by all City departments
d. Solid Waste Fund – shall be used to account for the activities of the transfer and recycling operations and for post-closure costs associated with the closed landfill

- Capital Projects Fund – shall be used to account for the capital projects funded by any of the governmental funds

ii. Proprietary Funds

- Enterprise Funds
  a. Sewer Fund – shall be used to account for the operations, maintenance, and capital outlay needs of the sewer collection and treatment systems
  b. Water Fund – shall be used to account for the operations, maintenance, and capital outlay needs of the water treatment and distribution systems
- Internal Service Funds
  a. Equipment Fund – shall be used to account for the operations, maintenance and capital outlay needs of fleet services

II. <u>Budget</u>

a. The City shall adopt appropriated budgets for the following funds
   i. General Fund
   ii. Parking Fund
   iii. PC Replacement Fund
   iv. Solid Waste Fund
   v. Sewer Fund
   vi. Water Fund
   vii. Equipment Fund
b. All appropriated budgets shall be adopted annually.
c. All appropriations for annual operating budgets (exclusive of capital projects) shall lapse at fiscal year end unless encumbered by a City of Keene purchase order that is recorded in the Finance Department computer system on or before June 30th of any year, or as authorized by the City Manager in writing, on a case-by-case basis. Those encumbrances shall be reported to the City Council in an informational memorandum by July 15 of every year.
d. The City Council shall be presented with a budget for each of the funds that have an appropriated budget annually, and each shall be balanced.
e. The budget document shall provide projections of revenues and expenditures/expenses beyond the subject year.
f. Upon completion of any project, any residual funds shall be returned to the fund that provided the original appropriation.
g. Partner City Committee
   i. For the Partner City Committee, general fund appropriations shall be accounted for and expended separately from donations and proceeds from fund raising activities.
   ii. Each year, if the city council approves a general fund appropriation, that amount shall be transferred into a distinct non-lapsing account. The

Partner City Committee is authorized to spend this appropriation, as well as the donations and proceeds from fund raising activities, for activities associated with their purpose, as defined in the city code. At year end, the balance remaining in the non-lapsing account funded by general fund appropriations shall be reviewed by city staff. To the extent that any balance remaining exceeds the total of the two most recent appropriations, the excess shall be returned to the general fund as surplus.

III. Purchasing

a. Environmental Preferred Purchasing. To the greatest extent possible and within budgetary constraints, the City of Keene will consider life-time costs and environmental impacts when purchasing goods and services.
   i. Practices will be developed, implemented and adhered to that will reduce waste by increasing product efficiency and effectiveness.
   ii. Products that minimize environmental impacts, toxins, pollution, and hazards to worker and community safety will be given preference to the greatest extent practicable.
   iii. To the greatest extent possible and within budgetary constraints, the City of Keene will purchase products that:
      - include recycled content,
      - are durable and long-lasting,
      - conserve energy and water,
      - use agricultural fibers and residues,
      - reduce greenhouse gas emissions.
   iv. To the greatest extent possible and within budgetary constraints, the City of Keene will incorporate green building principles and practices into the planning, design, construction, management, renovation, operation, and demolition of all City facilities.

b. Collaboration. The City will seek collaboration with other interested governmental entities or agencies to consolidate when possible and practicable employees, services, and the purchase of materials, supplies, and other consumables, when doing so:
   i. reduces duplication of effort,
   ii. provide for the efficient and effective use of public resources, and
   iii. conforms to budgetary parameters and remain cost competitive.

IV. <u>Revenues</u>

a. One-time revenues. One-time revenues will only be applied toward one-time expenditures; they will not be used to finance on-going programs or services. On-going revenues should be equal to, or greater than, on-going expenditures.

b. Diversity. The City will strive to diversify its revenues in order to maintain needed services during periods of declining economic activity and/or during periods of property tax pressures.

c. Designation of Revenues.
   i. Each year, the City shall designate and set aside $25,000 for conservation purposes, funded through the allocation of the Land Use Change Tax (LUCT). If the prior years' LUCT revenues are less than $25,000, the General Fund will provide the difference from general revenues to ensure an annual contribution of $25,000. Additionally, in the years when the

LUCT revenues exceed $25,000, 50% of the amount over $25,000 will be designated for the conservation purposes, with the total annual designation not to exceed $100,000. Expenditure of funds to be made upon approval of the City Council. Balance of said sum not to exceed $500,000.

ii. Direct reimbursements from other entities shall be used to offset the appropriate City expense.

iii. Except for the provisions stated above, or as provided otherwise by Federal or State law, or by local ordinance, no unanticipated revenues shall be designated for a specific purpose(s) unless directed by the City Council.

d. Property Taxes.

i. The City shall limit its property tax revenue increases to the Boston CPI, net of expenditures required by law, and debt service payments. The City chooses to utilize the CPI, not because it reflects inflation in the City's costs, but because it reflects the overall inflation in what citizens purchase. This manages City spending such that increases in a citizen's tax bill are in line with increases in all of their other expenses. The goal is to have the cost of City services as a percentage of a taxpayer's total expenses remain constant.

ii. Property Tax Credits and Exemptions. All exemptions and credits will be reviewed with the City Council every three years unless there are legislative changes that cause a review to occur on a more frequent basis.

iii. The State has chosen to solve its revenue problem by downshifting expenses to the local communities and tapping into the broad based property tax at the local level. Downshifting is an effective strategy for the State; however, it is unsustainable at the local level and would quickly lead to a significant reduction in City services. The City is sensitive to these added expenses to the taxpayers and will attempt to limit the impact; however, as a State expense, the City will pass through the State downshifting to the taxpayers.

e. Non-property tax revenues. The City will maximize the utilization of payments in lieu of taxes and user fees and charges.

V. <u>Fees and Charges</u>

a. Certain services provided by the City of Keene will be assigned a fee or charge for the users of the service, dependent upon how the community benefits from the provision of those services.

i. In the event that the benefit is community-wide, there will be no user fee or charge assessed.

ii. In the event that the service benefits a finite and definable sector of the community, then that group will be assessed a fee or charge for provision of the service.

b. Cost Recovery

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

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

iii. Fees and Charges will be set at, or above, full cost recovery when:
    - The service is also provided, or could be provided, by the private sector.
    - The use of the service is discouraged (e.g. fire or police responses to false alarms).
    - The service is regulatory in nature and voluntary compliance is not expected (e.g. building permits, plans review, subdivisions).

iv. Ambulance:
    - Service fees shall be set at 250% above the Medicare-determined usual and customary charge.
    - A fee will be implemented for those instances when responses that involve the use of drugs or specialized services are provided, but there is no transport
    - There will be no charge for responses determined by the Fire Department to be "public assists."

c. The method of assessing and collecting fees should be made as simple as possible in order to reduce the administrative and support costs of collection.
d. The City will periodically utilize the services of a collection agency when all other reasonable efforts to collect fees and fines have been exhausted; fees for such services to be paid from amounts collected.
e. Rate structures should be sensitive to the market price for comparable services in the private sector or other public sector entities.
f. All fees and charges shall be adopted by the City Council.
g. Fees and charges shall be reviewed on an on-going basis, and recommended changes brought forth to the City Council for action, to ensure that they remain appropriate and equitable.

VI. Capital Improvement Program

a. The City of Keene shall prepare a capital improvement program (CIP) with a span of six years.
b. The CIP shall be updated annually.
c. The CIP will include all projects anticipated to be undertaken in the ensuing six-year period that have an estimated cost in excess of $20,000 and an anticipated useful life of at least five years.
d. The CIP shall contain revenue projections and rate impacts that support estimated operating costs as well as the proposed capital program.

e. Each project funding-request shall originate from a city department and shall include the following information:
   i. A description of the project.
   ii. A cost estimate.
   iii. A project time line.
   iv. A priority ranking.
   v. An estimate of the operating budget impact.
   vi. A reference to Community Goals.
   vii. A reference to Master Plans.
f. The CIP will be reviewed by the Finance Committee of the City Council and by the Planning Board.
g. The CIP will be the subject of a public hearing before it is adopted.
h. The funding requests in the first year of the adopted CIP will be included in the next annual budget document.
i. Upon project completion, any residual funds shall be returned to the fund that provided the original appropriation, unless otherwise directed by the City Council.

VII. Debt

a. The City of Keene will periodically incur debt to finance capital projects. All issuances of debt are subject to State of NH RSA 34 and 162-K.
b. Debt may be issued to fund those projects with a public purpose of a lasting nature, or as otherwise allowed by state law.
c. Debt will not be issued to provide for the payment of expenses for current maintenance and operation except as otherwise specifically provided by law
d. The City of Keene shall not incur debt that exceeds any limits set by state law.
e. All bonds are authorized by Resolution of the Keene City Council and require a 2/3 vote.
f. The City of Keene may use the services of a financial advisor to assist in preparing for, and executing, any sale of bonds. Said services shall be obtained as the result of a Request for Proposals (RFP) process, which shall be conducted at a minimum of once every five (5) years.
g. The City of Keene shall acquire the required services of bond counsel as the result of a Request for Proposals (RFP) process, which shall be conducted at a minimum of once every five (5) years.
h. Form. The City of Keene issues three types of bonds:
   i. General Obligation Bonds – repayment is backed by the full taxing power of the City of Keene.
   ii. Tax Increment Financing Bonds – repayment is first backed by the revenue stream generated by increased revenues created within an established Tax Increment Financing District; to the extent that the increased revenues created within the district are not adequate, the repayment of the bonds would then be backed by the full taxing power of the City of Keene.
   iii. Refunding Bonds – these bonds are issued to refinance outstanding bonds before their term in order to either remove restrictions on the original bonds and/or to take advantage of lower interest rates. Repayment is backed by the full taxing power of the City of Keene.
i. Competitive sale is the preferred method of sale, however negotiated sales may occur for a current or advance refunding, or for other appropriate reasons.

j. Term
    i. Debt will be incurred only for those projects with a useful life of at least five (5) years.
    ii. The term of any debt incurred by the City shall be limited to no greater than the expected useful life of the improvement.
k. The use of short-term financing, lease or lease-purchase agreements shall be kept to a minimum.
l. The City of Keene will contain its General Fund debt service and current revenue capital outlay appropriations, on a five-year average, at or less than 15% of the General Fund operating budget.
m. Other funding sources – to the extent they are available, the City of Keene will actively pursue
    i. Grants that reduce the city's initial investment in project/improvement
    ii. Grants that contribute to the on-going debt service for city project(s)
    iii. Other financing tools such as tax credits that leverage the City's initial investment in a project.

VIII. Capital Assets

a. The City of Keene will develop and maintain a computerized capital asset system and database, including the necessary procedures and policies, to ensure the accurate and timely recording and reporting of additions, modifications, improvements, transfers and disposal of capital assets in accordance with generally accepted accounting principles (GAAP).
b. Capitalization of equipment, buildings, land and improvements other than buildings (if one or more of the following criteria are met):
    i. Cost (if known) or fair market value is greater than or equal to $5,000 and useful life is greater than one year for new or replacement items
    ii. In the case of modifications and upgrades, cost is greater than or equal to $5,000 for equipment, and $10,000 for buildings and other improvements and the changes accomplish one or more of the following:
        - Prolongs the useful life of the asset
        - Adapts the asset to a new or different use
        - Substantially increases the value of the asset
        - Does not substantially replace a current asset
    iii. All land acquisitions will be capitalized at cost (if known) or fair market value
    iv. The total cost of placing an asset into service condition will be capitalized.
c. Capitalization of infrastructure
    i. Cost greater than or equal to $10,000 and useful life greater than five years
    ii. The depreciation approach will be utilized for the reporting of all infrastructure
d. Depreciation: straight-line depreciation will be used to depreciate all depreciable capital assets over the estimated useful life of each asset, as determined by industry standards.
e. Asset Classification: assets will be recorded within broad asset groups (e.g. land, buildings, etc.).
f. Budgeting: the budgeting of capital assets will be in a manner that will facilitate the identification and recording of the asset in accordance with this policy.

IX. Fund Balance Classification Policies and Procedures

a. Fund Balance: Fund balance represents the difference between current assets and liabilities and shall be comprised of non-spendable, restricted, committed, assigned and unassigned amounts defined as follows:
   1. Non-spendable fund balance - includes amounts that are not in spendable form such as inventory or prepaid expenses or are required to be maintained intact such as perpetual care or the principal of an endowment fund.
   2. Restricted fund balance - includes amounts that can only be spent for specific purposes stipulated by external resource providers such as grantors or, as in the case of special revenue funds, as established through enabling legislation.
   3. Committed fund balance - includes amounts that can be reported and expended as a result of motions passed by the highest decision making authority, the City Council.
   4. Assigned fund balance - includes amounts to be used for specific purposes including encumbrances and carry forwards authorized and fund balance to be used in the subsequent fiscal year.
   5. Unassigned fund balance - includes amounts that are not obligated or specifically designated and is available in future periods.

b. Spending Prioritization: when an expenditure is incurred that would qualify for payment from multiple fund balance types, the City uses the following order to liquidate liabilities: restricted, committed, assigned and unassigned.

c. Net assets: net assets represent the difference between assets and liabilities. Net assets invested in capital assets, net of related debt, consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowing used for the acquisition, construction, or improvement of those assets. Net assets are reported as restricted when there are limitations imposed on their use either through enabling legislation adopted by the City or through external restrictions imposed by creditors, grantors or laws or regulations or other governments. All other net assets are reported as unrestricted.

X. Stabilization Funds

a. Unassigned Fund Balance.
   i. That portion of available funds within each fund that can be used to offset emergency expenditures, a downturn in collection of significant revenues, or other unforeseen events.
      - Unassigned fund balance for the General Fund will be maintained at between seven (7) and ten (10) percent of the sum of the total of the General Fund annual operating budget and the property tax commitment for the school (both local and state) and the county.
      - Fund balances in all other budgeted funds should be maintained at between five (5) and ten (10) percent of the annual operating budget for that fund.

b. Self-funded health insurance.
   i. The City shall retain funds for its self-funded health insurance program. The intended purposes for these funds are to provide a measure to smooth rate fluctuations, to accommodate an unforeseen increase in claims, and to provide financial protection from run-out costs in the event the city moves toward a fully insured plan. The amount retained shall not exceed three months of estimated claim costs.

c. Capital Reserves.

i. Capital Reserves, classified as committed funds, are reserves established under State of NH law, invested by the Trustees of Trust Funds, for several purposes that include the construction, reconstruction, or acquisition of a specific capital improvement, or the acquisition of a specific item or of specific items of equipment, or other purposes identified in RSA 34, relating to Capital Reserve Funds for Cities.

ii. The City of Keene has established the following capital reserves:

1. Fire Equipment Capital Reserve – for the acquisition or significant rehabilitation of fire apparatus
2. Ambulance Capital Reserve – for the acquisition or significant rehabilitation of ambulances
3. Intersection Improvements Capital Reserve – for the rehabilitation or reconstruction of existing intersections
4. Hazardous Waste Site Capital Reserve – for the clean-up, mitigation and testing associated with the old City landfill located at 580 Main Street
5. Transfer/Recycling Center Capital Reserve – for the repair and replacement of existing infrastructure, systems and equipment
6. City Hall Parking Deck Capital Reserve – for the repair and replacement of existing infrastructure, systems and equipment
7. Wells Street Parking Facility Capital Reserve – for the repair and replacement of existing infrastructure, systems and equipment
8. Landfill Closure Capital Reserve – for the closure and post-closure costs associated with the City landfill located at Route 12 North.
9. Wastewater Treatment Plant Capital Reserve – for the repair and replacement of major components of plant, including equipment and building
10. Martel Court Pumping Station Capital Reserve – for the repair and replacement of major components of station, including equipment building
11. Sewer Infrastructure Capital Reserve – for the repair and replacement of existing infrastructure, systems and equipment including pump stations and the collection system
12. Water Treatment Facility Capital Reserve – for the repair and replacement of major components of facility including pumps, controls, chemical systems, etc., and building components
13. Water Infrastructure Capital Reserve – for the repair and replacement of major components of existing infrastructure, systems and equipment including wells, lift stations, tanks, etc., and the distribution system
14. Fleet Equipment Capital Reserve – for the replacement of vehicles and equipment under the lmanagement of Fleet Services
15. Bridge Capital Reserve – for the construction, reconstruction and rehabilitation of bridges.

16. Downtown Infrastructure and Facility Improvement Capital Reserve – for infrastructure and facility improvements in the downtown.
17. Transportation Improvements Capital Reserve - to fund, wholly or in part, improvements in the transportation system including roads, bridges, bicycle and pedestrian facilities, and intermodal facilities, except for parking.

XI. Deposits of Excess Funds

a. Objectives (in priority order):

i. Safety – the safety of principal is the foremost objective

ii. Liquidity – investments shall remain sufficiently liquid to meet the operational cash needs of the City of Keene

iii. Yield – taking in to account the priority objectives of safety of principal and liquidity, a market rate of return

b. Authorized Investments:

i. US Treasury obligations

ii. US government agency and instrumentality obligations

iii. Repurchase agreements with NH Banks acting as principal or agent, collateralized by US Treasury/Agency obligations

iv. Certificates of Deposits in NH Banks (collateralized)

v. NH Public Deposit Investment Pool

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Kendall W. Lane, Mayor

City of Keene, N.H.
Transmittal Form

6/30/2016

TO: Mayor and Keene City Council

FROM: Steve Thornton, Finance Director

THROUGH: ACM Fox for Medard Kopczynski, City Manager

ITEM: J.3.

TITLE: Relating to Refunding Bonds

RECOMMENDATION:
That Resolution R-2016-26 authorizing the issuance of bonds to refinance bonds issued in 2006, 2007, and 2008 be introduced and read at the July 7, 2016 meeting of the City Council and be referred to the Finance, Organization, and Personnel Committee for consideration, discussion, and a recommendation back to City Council.

ATTACHMENTS:

Description

PFM Refunding Analysis

R-2016-26

BACKGROUND:
An analysis prepared by PFM Financial Advisors (the City's financial advisor) (attached) advises that interest rates remain at historic lows, and demand for tax exempt municipal bonds is very strong. These circumstances have resulted in a situation whereby the City can take advantage of call features in bonds issued originally between 2006 and 2008 which could result in a net present value savings (NPV) of approximately $350,000, and budgetary savings through 2029 of approximately $380,000 based upon current market conditions.

The bond issue resolution, consistent with Government Finance Officer Association guidelines, makes the refunding contingent upon achieving NPV savings in debt service of at least 3% of the aggregate outstanding principal amount of all of the bonds being refunded. Under current market conditions, the principal amount being refunded would be $3,660,000, and the estimated NPV savings of $350,000 represents 9.63% of that amount.

The City would refinance the older bonds, bearing interest rates between 4.0% and 5.0% per year, by issuing new bonds with estimated interest rates between .8% and 2.1%, and using the proceeds from the sale of the new bonds to pay off the old bonds.

The projected savings are net of all costs necessary to issue the new bonds. In addition, the repayment schedule for the new bonds would be structured so that the new bonds would be paid off at the same time that the refinanced bonds would have been paid off. In other words, the payoff dates for the original projects would not be extended.

Should market conditions change such that refinancing the existing debt would be unfavorable to the City, the City is not obligated to proceed with the refunding process.

City of Keene, New Hampshire

Refunding Proposal

Series 2006, 2007 & 2008 Bond Issues

July 1, 2016

PFM Financial Advisors LLC
Public Financial Management, Inc.
10 Weybosset Street • Suite 902
Providence, Rhode Island 02903
401.277.8450

William J. Fazioli, Director
fazioliw@pfm.com

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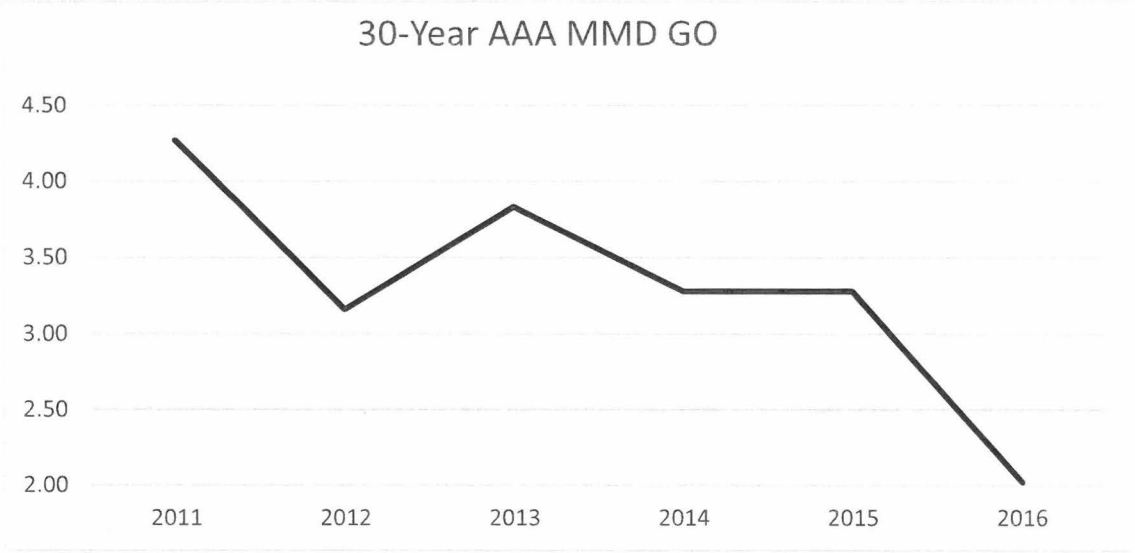
Refunding Overview

- Interest rates continue to remain at historic lows & the demand for tax exempt municipal bonds is very strong



- City can take advantage of call features to refinance its existing debt
  - A call feature enables the bonds to be refinanced prior to maturity
  - Similar communities are refunding old bonds in order to reduce future debt service payments

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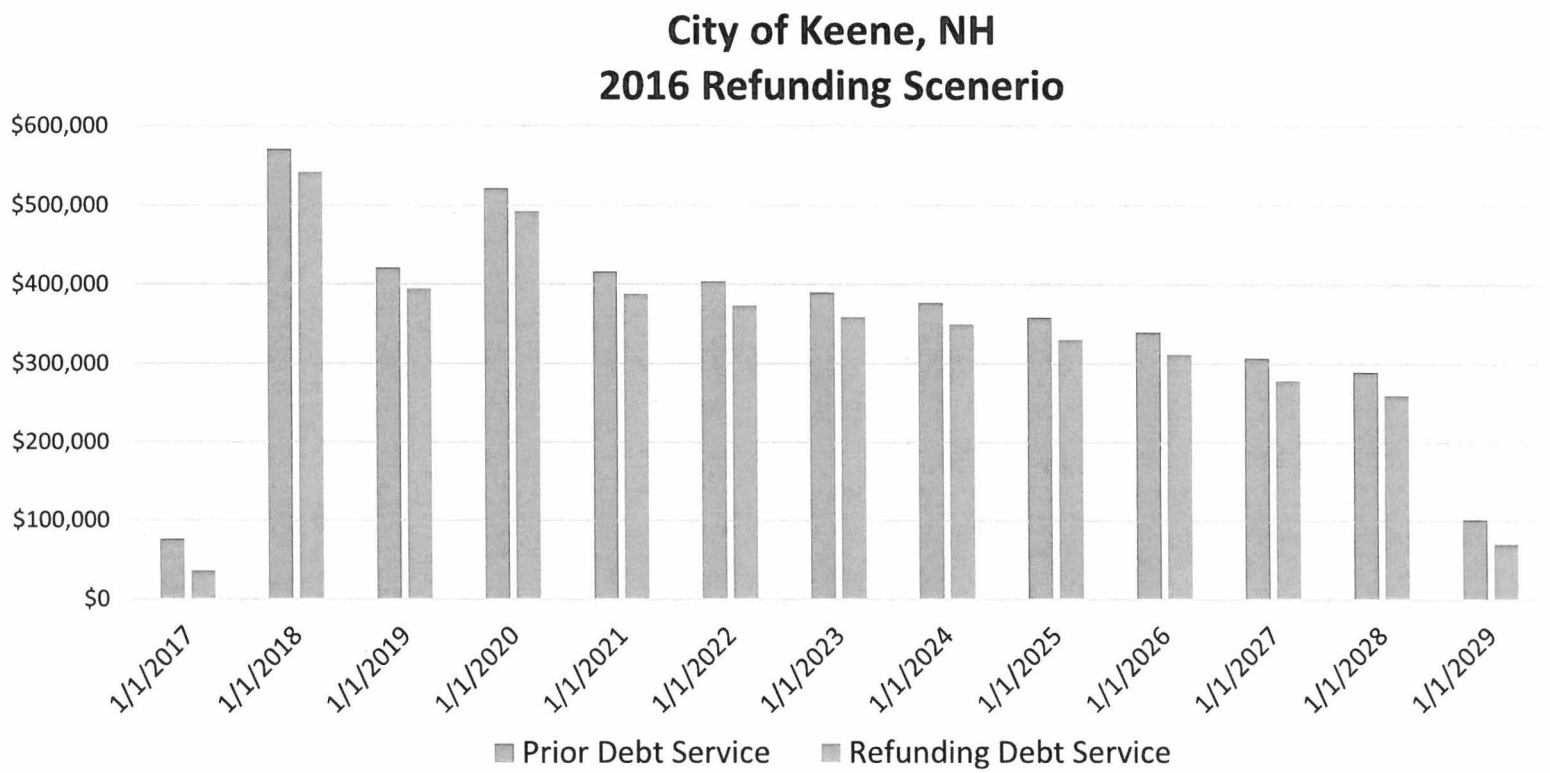
Savings Summary – 9% Net Present Value Basis

- Total estimated NPV savings are approximately $350,000 under current market conditions
  - These savings are well above the GFOA industry standard of 3%



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Issue Summary – 2016 Refunding Details

- City's 2006, 2007 & 2008 bond issues have interest rates ranging from 4.0% to 5.0%
- Current market conditions enable bonds to be refunded between rates of approximately 0.8% to 2.10%
- Total budgetary savings over $380,000 over remaining life of issue

Date	Prior Debt Service	Refunding Debt Service	Savings
6/30/2017	77,065	36,474	-40,591
6/30/2018	570,630	542,050	-28,580
6/30/2019	421,290	394,450	-26,840
6/30/2020	521,675	492,200	-29,475
6/30/2021	416,550	388,250	-28,300
6/30/2022	403,800	373,725	-30,075
6/30/2023	390,725	359,350	-31,375
6/30/2024	377,297	350,050	-27,247
6/30/2025	358,903	330,900	-28,003
6/30/2026	340,650	312,050	-28,600
6/30/2027	307,850	278,725	-29,125
6/30/2028	290,531	260,925	-29,606
6/30/2029	102,200	71,050	-31,150
	4,579,166	4,190,199.44	-388,967

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Refunding Details

- New bonds paid off in original term of refunded bonds
  - Maturities are not extended
- Projected savings are net of all costs
  - No out of pocket expenses to City
- City Council authorization is required to proceed with the refunding process
  - Does not obligate the City to continue if circumstances become unfavorable
- These savings are based on current market conditions and are subject to change

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Refunding Events

- Authorizing vote by City Council
- Circulate draft documents for review & edits
- Review desired savings pattern with City
- Assist with Rating Agency presentations
- Mailing final Preliminary Official Statement
- Reviewing market conditions
- Price Refunding Bonds
- Third party CPA firm verifies savings
- Assisting with Closing/Settlement

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CITY OF KEENE

R-2016-26

In the Year of Our Lord Two Thousand and Sixteen

A RESOLUTION Relating to Refunding Bonds

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

WHEREAS, the City of Keene, New Hampshire (the "City") has issued certain (i) $5,565,000 General Obligation Refunding Bonds, Series A, dated December 27, 2006 (the "2006 Bonds"); (ii) certain $3,370,000 General Obligation Bonds, dated July 15, 2007 (the "2007 Bonds"); and (iii) certain $4,430,000 General Obligation Bonds, dated July 1, 2008 (the "2008 Bonds") (the 2006 Bonds, the 2007 Bonds and the 2008 Bonds are sometimes hereinafter collectively referred to as the "Refunded Bonds"); and

WHEREAS, it appears likely that bonds issued today would have a net interest cost less than the net interest cost on the Refunded Bonds; and

WHEREAS, the City may be able to realize debt service savings by issuing certain refunding bonds (the "Refunding Bonds"), the proceeds of which would be utilized to current refund or advance refund the Refunded Bonds and to pay certain other costs relating thereto;

NOW THEREFORE, BE IT RESOLVED that the City, acting by and through its City Council, hereby authorizes the issuance of Refunding Bonds pursuant to the provisions of RSA 33:3-d and RSA 33:9, the proceeds of which shall be utilized to current refund or advance refund the Refunded Bonds, to pay the redemption premium, if any, applicable thereto, any principal and interest coming due on the Refunded Bonds prior to any redemption date, and to pay the costs of issuance of the Refunding Bonds, including any costs of credit enhancement; provided, however, that such refunding is only authorized to the extent that the same will achieve, on an aggregate basis, a net present value debt service savings in an amount equal to at least three percent (3%) of the outstanding principal amount of the Refunded Bonds; and

IT IS FURTHER RESOLVED that the City Treasurer or the City Manager, each acting singly, is hereby authorized to issue the aforesaid Refunding Bonds by entering into a Bond Purchase Contract with such bond purchaser or underwriter as they may deem appropriate in connection with the issuance of the Refunding Bonds to evidence the City's approval of the terms and conditions of the Refunding Bonds; and

PASSED

IT IS FURTHER RESOLVED that an Escrow Contract and such other documents as shall be required in connection with the issuance of the Refunding Bonds shall be signed on behalf of the City by the aforementioned individuals, or such other individuals as may be required by state law or as may be specified by bond counsel; and engage such other professionals (including a Financial Advisor, Escrow Agent, Verification Agent and Paying Agent), and to do such other things as are necessary to consummate the aforesaid refunding; and

IT IS FURTHER RESOLVED that all actions heretofore taken by the City consistent with the foregoing are hereby confirmed, ratified and approved.

_____

Kendall W. Lane, Mayor

City of Keene, N.H.
Transmittal Form

7/1/2016

TO: Mayor and Keene City Council

FROM: Steve Thornton, Finance Director

THROUGH: ACM Fox for Medard Kopczynski, City Manager

ITEM: J.4.

TITLE: Relating to the Reallocation of Bond Funding from the Railroad Land Infrastructure and Victoria Street Extension Projects

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RECOMMENDATION:
That R-2016-27 authorizing the reallocation of bond proceeds from the Railroad Land Infrastructure (90154) and the Victoria Street Extension (90180) projects in the amounts of $186,000 and $155,755 for a total of $341,755, for the purpose of road repairs be referred to the Finance, Organization, and Personnel Committee for consideration, discussion, and a recommendation back to the City Council.

ATTACHMENTS:

Description

R-2016-27

BACKGROUND:
R-2016-27 would authorize the reallocation of project balances funded by bond issues originally issued for the purpose of infrastructure improvements for the use of road improvements. Bond issue guidelines issued by the IRS for tax exempt bond issues suggest that bond proceeds be spent within five years of issue.
The Victoria Street Extension Project was funded through a bond issued in 2008, in the amount of $163,603. In FY 2009, preliminary engineering review was begun, but the project was placed on hold. The 2017-2022 Capital Improvements Program includes a new Victoria Street Extension project in the amount of $1,703,000 in FY 2022.
The balance of the 2008 bond issue proceeds is $155,755. The proceeds have been held longer than recommended in anticipation of the project restarting. In light of the new project scheduled for FY 2022, it is recommended that these funds be reallocated for current use.
The Railroad Land Infrastructure Project was funded through a bond issue in 2011 in the amount of $3,653,100. That project has been completed, and in 2016 $525,100 was transferred for the purpose of funding repairs to the Wells Street Parking Deck through the FY 2016 budget process ($588,807 was appropriated).
The Wells Street Deck Repair project is complete and under budget. Bond funding in the amount of $125,000 is available to be returned to the Railroad Street Project. It is recommended that a total of $186,000 be reallocated from the balance of the 2011 bond sale funding Railroad Land Infrastructure be reallocated for current use. This will effectively close the project.
The reallocated funds will be used to fund a planned road repair project. The contemplated work includes "spot repairs" at numerous locations throughout the City. Generally, this project will address small, isolated areas of damage on roads that are not scheduled for a complete rehabilitation. The Public Works Department

has prepared a prioritized list of such repair areas, and will address as many of the deficiencies as possible with the available funding.

CITY OF KEENE

R-2016-27

In the Year of Our Lord Two Thousand and Sixteen

A RESOLUTION Relating to the Reallocation of Bond Funding from the Railroad Land Infrastructure and Victoria Street Extension Projects

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

That the sums of one hundred eighty six thousand ($186,000) dollars and one hundred fifty five thousand seven hundred and fifty five ($155,755) dollars be allocated from the Railroad Land Infrastructure Project (90154) and Victoria Street Extension Project (90180) to fund road repairs.

Kendall W. Lane, Mayor

PASSED

Item J.5

R-2016-23

CITY OF KEENE

In the Year of Our Lord Two Thousand and Sixteen

A RESOLUTION In Appreciation of David S. Gaillardetz Upon His Retirement

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

WHEREAS: David S. Gaillardetz started with the Keene Fire Department's Deluge Hose Company May 1, 1989; was appointed to a full-time Firefighter/Emergency Medical Technician position effective January 25, 1993; and was promoted to the position of Lieutenant - Operations on October 22, 2002; and

WHEREAS: Capable and with a sincere interest in helping move the department forward in a positive manner, David has been much appreciated for making suggestions to improve operations run even more smoothly; for keeping an open line of communication among shift officers and firefighters; for remaining calm and in charge while working emergency scenes to safeguard personnel; for accepting change with a positive attitude; for serving on the department's Oral Board for new applicants; and for being a real asset to the HazMat Team and other committee assignments; and

WHEREAS: David's ability to relate well with patients is displayed when he demonstrates courtesy and kindness, shows real concern for their issues, calms their fears during crisis while carrying out a high level of care, and gains the trust of people of all ages by making them the focal point of his excellent patient assessment skills; and

WHEREAS: He has taken an active role in department training, assisting with both call company and regular personnel training, often providing input on training based on his experience, doing some of the instructing himself, suggesting new topics for potential training, creating shift drills, scheduling these activities, and developing general knowledge quizzes on a variety of topics to use for review; and

WHEREAS: David's great rapport with the public has been put to excellent use over the years, with his carrying out a large share of station tours with school groups and other visitors and helping with other fire prevention activities; and his outgoing personality worked well with the Fire Explorer Program, providing the young members with valuable training while managing their eagerness and enthusiasm; and

WHEREAS: David received a 2004 Fire Service Committee of Merit Award for heroism, being one of the rescuers of a young man from the Ashuelot River the year before; and

WHEREAS: David retires from the City of Keene June 28, 2016, with over 27 years of service; and

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

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

PASSED

Kendall W. Lane, Mayor

Item J.6.

R-2016-24

CITY OF KEENE

In the Year of Our Lord Two Thousand and Sixteen

A RESOLUTION In Appreciation of Bruce J. Uhas Upon His Retirement

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

WHEREAS: Bruce J. Uhas began his career with the City of Keene as an Auxiliary Police Officer 28 October 1993, training until his appointment as a regular Police Officer effective 3 April 1994, then transferring to the Bureau of Criminal Investigations for approximately four years before returning to the Bureau of Patrol; and

WHEREAS: Bruce's empathetic nature, inclination to treat both victims and violators with dignity and willingness to work until individuals are linked with the services they need have helped Bruce to deal effectively not only with persons in crisis, but also those with conflicting views; and

WHEREAS: A clear and logical thinker with excellent investigative instincts and skills, Bruce not only analyzes issues quickly to arrive at well thought-out and effective conclusions, but also uses his experience to come up with non-traditional solutions to unique problems;

WHEREAS: An aggressive, intelligent and self-sufficient Police Officer, Bruce has pursued his cases actively and tenaciously, undertaking a thorough and methodical approach to all open investigations while learning from each assignment that may have something new to offer; and

WHEREAS: Even in emotionally-charged or high-stress situations, Bruce continually maintained his composure and performed flawlessly, falling back on his phenomenal ability to read a situation tactically and respond appropriately—and always exercising sound officer safety practices for himself and others; and

WHEREAS: As a past member of the New Hampshire Drug Task Force; Bruce was appreciated as a motivated, dependable, competent detective who was well able to initiate cases, develop informants, and put together excellent criminal cases for successful prosecution; and

WHEREAS: His natural aptitude, skill, and knowledge in the area of firearms have made him a key member of the Firearms Training and TAC Teams, a Primary Field Training Officer, a leader in ensuring operations are carried out as safely as possible and the go-to person for everything from scheduled maintenance, inspection, troubleshooting, modification and repair—even for members of other agencies; and

WHEREAS: Bruce retired from the City of Keene 4 July 2016 with almost 23 years of honorable service;

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

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

PASSED

Kendall W. Lane, Mayor