



City of Keene
New Hampshire

KEENE CITY COUNCIL
Council Chambers, Keene City Hall
July 21, 2016
7:00 PM

Roll Call
Pledge of Allegiance

Minutes from Preceding Meeting

- July 7, 2016

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Retirement Resolution - David S. Gaillardetz

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Nominations - Agricultural Commission and Heritage Commission

C. COMMUNICATIONS

1. Gary Carpenter - Request for Water and Sewer Abatement
2. Peg Bruce/Keene Kiwanis Club - Request to Use City Property - 350/400 Marlboro Street

D. REPORTS - COUNCIL COMMITTEES

1. Proposed Amendment to the Rules of Order
PLD COM
2. Rescission of Resolution R-2012-05: Council Policy- Relating to the Michael E.J. Blastos Community Room
PLD COM
3. Acceptance of Donation - 2016 Community Night
FOP COM
4. Donation of Land – Off Pearl Street – Michael Kapiloff
FOP COM
5. Agreement For Advanced Life Support Intercept Transport Service
FOP COM
6. Acceptance of Justice Assistance Grant (JAG) – 2016
FOP COM
7. Acceptance of Civil Forfeiture
FOP COM
8. Acceptance of Donation - Sumner Knight Chapel
FOP COM

9. Acceptance of Donation - Dog Park
FOP COM
10. Sponsorship Update - Banner Placements at Wheelock Park
FOP COM
11. Winchester Street Bridge over Ash Swamp Brook
FOP COM
12. Primex3 Contribution Assurance Program
FOP COM

E. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. City Manager Comments

F. REPORTS - BOARDS AND COMMISSIONS

G. REPORTS - MORE TIME

1. R-2016-25: Relating to Fiscal Policies
FOP COM
2. Charter Employee Evaluation Process
FOP COM

H. ORDINANCES FOR FIRST READING

1. Relating to Food Service Establishment Permit Fees
 - Memorandum - Acting Health Director
 - Ordinance O-2016-10
2. Relating to the Establishment of the Main Street Historic Overlay District
 - Memorandum - ACM/Planning Director
 - Ordinance O-2016-13
 - Ordinance O-2016-14
 - Ordinance O-2016-15

I. ORDINANCES FOR SECOND READING

1. Relating to Dormitory, Lodging or Rooming Houses and Residential Board and Care
 - Report - PLD COM
 - Ordinance O-2016-09
2. Relating to Vehicular Traffic and Public Ways
 - Report - MSFI COM
 - Ordinance O-2016-12

J. RESOLUTIONS

1. Relating to Refunding Bonds
 - Report - FOP COM
 - Resolution R-2016-17
2. Relating to the Reallocation of Bond Funding from the Railroad Land Infrastructure and Victoria Street Extension Projects
 - Report - FOP COM

- Resolution R-2016-27
- 3. Relating to Eversource Energy's Petition to the PUC for Distribution Rate Tariff for Cost Recovery
 - Report - PLD COM
 - Resolution R-2016-28

Non Public Session
Adjournment

A regular meeting of the Keene City Council was held Thursday, July 7, 2016. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: Carl B. Jacobs, Janis O. Manwaring, Terry M. Clark, Jay V. Kahn, Randy L. Filiault, Thomas F. Powers, Robert B. Sutherland, George S. Hansel, Gary P. Lamoureux Stephen L. Hooper, Bettina A. Chadbourne, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Councilor O'Connor was absent. The Mayor took a moment to recognize Councilor Clark's service. Councilor Clark was elected as a Ward 3 Councilor in 2010. He had served on the Municipal Services, Facilities and Infrastructure Committee from 2010 to 2012 and is currently serving on the Finance, Organization and Personnel Committee since 2013. Councilor Clark led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the June 16, 2016 meeting was duly seconded. The motion passed with a unanimous vote in favor.

PRESENTATION – RETIREMENT RESOLUTION – CHRISTOPHER CRAM

The Mayor invited Christopher Cram from the Fire Department forward to present him with a Retirement Resolution. The Mayor went on to express the City's gratitude to Mr. Cram for his dedication, and went on to detail his history of employment with the City of Keene. Mr. Cram thanked the Mayor for the acknowledgement of his years of service.

PRESENTATION – YOURGOV

Don Lussier, City Engineer introduced Harry McKelvey, IT Technical Support Specialist, who until recently was the City's Engineering Technician. Mr. McKelvey stated he was present to provide a brief presentation on what the YourGov app provides for service. Mr. Lussier and Mr. McKelvey noted that the app was not to report emergency situations, but merely for routine maintenance requests to the Public Works Department. Mr. McKelvey demonstrated how the process works from a citizen entering the request, either identified as the user or as anonymous, to the request being handled by the Public Works Department with an email to the user (if identified) that the request will be taken care of, and to the final notification that the request has been completed.

CONFIRMATION

A motion was made by Councilor Greenwald and duly seconded to confirm the following nomination: Sadie Butler to serve as a regular member on the Conservation Commission for a term to expire December 31, 2018. On a roll call vote, with 14 Councilors present and voting in favor the motion carried. Councilor O'Connor was absent.

APPOINTMENT – AD HOC WINCHESTER STREET RECONSTRUCTION PROJECT STEERING COMMITTEE

The following appointments to the ad hoc Winchester Street Reconstruction Project Steering Committee were received from the Mayor: Councilor Thomas Powers, Gary Spykman, Frank Mazzola, April Buzby, Tom Bogar, Kate Jennings, David Souther, William Hope, and Joseph Bendzinski. Don Lussier will serve as the staff liaison. The Committee charge is 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 other various project stakeholders and will 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. A motion by Councilor Greenwald was duly seconded to accept the Mayor's appointments. The motion passed with a unanimous vote in favor.

COMMUNICATION – JASON WILDER – RESIGNATION – AD HOC COMPREHENSIVE ECONOMIC DEVELOPMENT COMMITTEE

A communication was received from Jason Wilder resigning from his position on the ad hoc Comprehensive Economic Development 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 – RICK BLOOD – PROPOSED AMENDMENT TO RULES OF ORDER

A communication was received from Rick Blood requesting a change in the Rules of Order for City Council meetings, which would remove the requirement that a Councilor stand in addressing the Chair. The communication was referred to the Planning, Licenses and Development Committee.

MSFI REPORT – MARTIN LUTHER KING, JR./JONATHAN DANIELS COMMITTEE – PERIODIC REPORT

Municipal Services, Facilities and Infrastructure Committee report read recommending the periodic report from the Martin Luther King, Jr./Jonathan Daniels Committee be accepted as informational. The report was filed as informational.

MSFI REPORT – REQUEST FOR NO PARKING – SHERIDAN AVENUE

Municipal Services, Facilities and Infrastructure Committee report read recommending the communication regarding a request for no parking on Sheridan Avenue be accepted as informational. The report was filed as informational.

PLD REPORT – CITIES FOR CLIMATE PROTECTION – PERIODIC REPORT

Planning, Licenses and Development Committee report read recommending the acceptance of the periodic report from the Cities for Climate Protection as informational. The report was filed as informational.

PLD REPORT – REQUEST TO SELL FRUIT BEER AT THE FARMER’S MARKET OF KEENE

Planning, Licenses and Development Committee report read recommending 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. 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 – BAN ON SINGLE USE PLASTIC BAGS

Planning, Licenses and Development Committee report read recommending 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. The report was filed as informational.

FOP REPORT – PROPOSED AMENDMENT TO CITY CHARTER- COUNCIL COMPENSATION

Finance, Organization and Personnel Committee report indicating the Committee had failed to recommend moving forward on the proposed City Charter amendment, as proposed by Councilor Hansel, relative to City Councilors’ compensation. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. Discussion followed. The Mayor clarified that a vote in favor of the Committee report would mean the proposed Charter amendment would not move forward. With 12 Councilors voting in favor and Councilors Sutherland and Hansel opposed, the motion to carry out the intent of the report carried.

FOP REPORT – ENCOURAGING A DISCUSSION REGARDING LEVEL OF SERVICE – TELEVISION, INTERNET AND VOICE – CHARTER COMMUNICATIONS (SPECTRUM CABLE) TV PROVIDER

Finance, Organization and Personnel Committee report read recommending staff work with Charter Communications to prepare a presentation to occur at a FOP meeting prior to September 30, 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 – REMOVAL OF GRANITE CURBING – WEST SIDE OF CENTRAL SQUARE

Finance, Organization and Personnel Committee report read indicating the Committee had failed to recommend providing funding up to \$20,000 to facilitate the sidewalk planting modification. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The Mayor stated he received a late communication from Ms. Faulkner Masten regarding this issue

agreeing to contribute \$6,500 towards the cost. The Mayor went on to express this information cannot be part of their decision process, but he wanted to be sure it was known. A motion by Councilor Filiault to amend the Committee report to refer the matter back to Committee was duly seconded. The motion failed with nine voting in opposition and Councilors Filiault, Powers, Sutherland, Jones and Richards in favor. The Mayor noted a vote in favor of the Committee report would deny funding. The motion to carry out the intent of the report passed with 10 voting in favor and Councilors Filiault, Powers, Sutherland and Richards opposed.

FOP REPORT – UPDATE ON MORE TIME ITEMS

Finance, Organization and Personnel Committee report read recommending accepting the update on more time items as informational. The report was filed as informational.

ASSISTANT CITY MANAGER – COMMENTS

The Assistant City Manager/Human Resources Director commented that the Revenue Collection Office will be closed to the public on Thursday, July 21, 2016 for implementing a new property tax billing system, and a software upgrade to all other components of the financial software system. All other City offices will remain open. She went on to state the IT Department has launched a collaborative process to work with a local vendor to refresh the City website with a modern, responsive design that incorporates a fresh approach to customer service, allows scalability to accommodate current and future projects and improves search engine optimization to enhance the visibility of City information and services. The project will take two to three months to complete. The Assistant City Manager went on to announce that Keene Police Chief Brian Costa and Cheshire County Sheriff Eli Rivera were part of a group that led a coordinated effort to form the Cheshire Addiction Assisted Recovery Initiative, and recently went to the White House. The mission is to promote treatment, reduce stigma and aid in the opioid epidemic, rather than to simply arrest and incarcerate people. The Assistant City Manager also reported that approximately 700 community members attended the June 28th Community Night held at the City's Marlboro Street Complex. The attendees were able to meet with City staff and were able to see up close the diversity of tools that the City departments work with every day providing service to the community. The Assistant City Manager welcomed 32 new employees to the City, noting these employees are part of the Summer Youth Program designated towards 14 and 15 year olds. For most of them, this opportunity is their first real job and a chance to experience personally the value of public service. The 10 departments that will have these new employees are: the Airport, Code/Health, Planning, Fire, Human Resources, the Library, Public Works, Parks and Recreation, Purchasing and Youth Services.

MORE TIME

More time was granted by the Chair for the following item in Committee: Water Shut Off and Restart Charge – 25 American Avenue.

MEMORANDUM – CITY CLERK & FIRE CHIEF AND ORDINANCE O-2016-09:
RELATING TO DORMITORY, LODGING OR ROOMING HOUSES AND RESIDENTIAL
BOARD AND CARE

A memorandum was received from The City Clerk and the Fire Chief, along with Ordinance O-2016-09: Relating to Dormitory, Lodging or Rooming Houses and Residential Board and Care. Ordinance O-2016-09 was read for the first time. The memorandum and Ordinance were referred to the Planning, Licensing and Development Committee.

MEMORANDUM – CITY ENGINEER AND ORDINANCE O-2016-12: RELATING TO VEHICULAR TRAFFIC AND PUBLIC WAYS

A memorandum was received from the City Engineer, along with Ordinance O-2016-12: Relating to Vehicular Traffic and Public Ways. Ordinance O-2016-12 was read for the first time. The memorandum and Ordinance were referred to the Municipal Services, Facilities and Infrastructure Committee.

FOP REPORT AND RESOLUTION R-2016-22: RELATED TO AN APPROPRIATION FOR THE FLASHING CROSSWALK SYSTEM ON WEST STREET

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2016-22. The report was filed as informational. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. Councilor Greenwald noted the Council has already dealt with this issue and it came forward a second time in error, therefore the Council should vote no to the adoption of the Resolution. On showing of hands, with 14 Councilors present and voting in opposition, the motion failed. Resolution R-2016-22 declared defeated.

MEMORANDUM - FINANCE DIRECTOR AND RESOLUTION R-2016-25: RELATING TO FISCAL POLICIES

A memorandum was received from the Finance Director along with Resolution R-2016-25: Relating to Fiscal Policies. Resolution R-2016-25 was read for the first time. The memorandum and Resolution were referred to the Finance, Organization and Personnel Committee.

MEMORANDUM - FINANCE DIRECTOR AND RESOLUTION R-2016-26: RELATING TO REFUNDING BONDS

A memorandum was received from the Finance Director along with Resolution R-2016-26: Relating to Refunding Bonds. Resolution R-2016-26 was read for the first time. The memorandum and Resolution were referred to the Finance, Organization and Personnel Committee.

MEMORANDUM - FINANCE DIRECTOR AND RESOLUTION R-2016-27: RELATING TO THE REALLOCATION OF BOND FUNDING FROM THE RAILROAD LAND INFRASTRUCTURE AND VICTORIA STREET EXTENSION PROJECTS

A memorandum was received from the Finance Director along with Resolution R-2016-27: Relating to the Reallocation of Bond Funding from the Railroad Land Infrastructure and Victoria

07/07/2016

Street Extension Projects. Resolution R-2016-27 was read for the first time. The memorandum and Resolution were referred to the Finance, Organization and Personnel Committee.

RESOLUTION R-2016-23: IN APPRECIATION OF DAVID S. GAILLARDETZ UPON HIS RETIREMENT

Resolution R-2016-23 was read by title only. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. The motion passed with a unanimous vote in favor. Resolution R-2016-23 declared adopted.

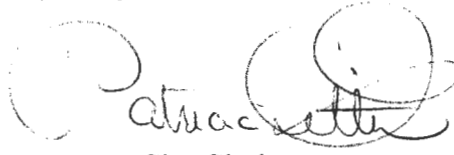
RESOLUTION R-2016-24: IN APPRECIATION OF BRUCE J. UHAS UPON HIS RETIREMENT

Resolution R-2016-24 was read by title only. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. The motion passed with a unanimous vote in favor. Resolution R-2016-24 declared adopted.

ADJOURNMENT

At 8:30 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:



Patricia Smith
City Clerk



City of Keene, N.H.
Transmittal Form

7/21/2016

TO: Mayor and Keene City Council
FROM: Kendall W. Lane, Mayor
ITEM: B.1.
TITLE: Nominations - Agricultural Commission and Heritage Commission

RECOMMENDATION:

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

AGRICULTURAL COMMISSION

Mark Florenz, regular, slot 2 Term expires December 31, 2017
Keene, NH

HERITAGE COMMISSION

Jonathan T. Foskett, alternate, slot 8 Term expires December 31, 2018
Keene, NH

ATTACHMENTS:

Description

Background information

July 7, 2016

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

Dear Mr. Mayor,

I write to you seeking nomination to the Keene Heritage Commission. I have been a Keene resident for 5 years, and have been looking for a way to be more involved in the community. I was made aware that there was an opening as an alternate on the Keene Heritage Commission and after attending a meeting, I believe I would make a helpful and valuable addition that can assist in the Commission's goal of preserving Keene's historic, cultural, aesthetic, and archaeological resources.

By way of background, I am originally from Hingham, MA and after attending Boston College and a brief stint in an IT career, I moved to New Hampshire to attend UNH Law (formerly Franklin Pierce Law Center). At UNH Law, I was the Editor in Chief of the UNH Law Review, graduated in the top 5% of my class, was the Class of 2012's commencement speaker, and completed the Daniel Webster Honors Program (resulting in automatic admission to the NH Bar upon graduation).

I moved to Keene before my third year of law school to commence an externship (academic credit for unpaid internship) with C&S Wholesale Grocers, Inc. which resulted in a job offer. I have been working for C&S's legal team since then, currently holding the position of Senior Staff Attorney. In this position I am responsible for all legal issues arising from over 2,000 independent customers across the country as well those arising from 2 of our major chain customers with which we do several billion dollars' worth of business each year. Through my time at UNH Law and C&S I have had experience with event planning, fundraising, real estate transactions, virtually every type of contract necessary to run a business, external and internal communications, and constant negotiations, all of which I believe are directly pertinent to the Keene Heritage Commission.

Beyond C&S, my connections to Keene started a few years prior to actually living here. My wife (Amanda) worked for Keene State beginning in 2009 and currently works for Antioch University's Keene Campus. We have found Keene to be an ideal environment to start our family. We have a 2 year old (Archer) and another addition to the family due in November. Given the opportunity, I would hope that my participation on the Keene Heritage Commission would help maintain the Keene cultural environment that my family and I are now happy to call our home.

Please let me know if you have any questions regarding my nomination request.

Sincerely,



Jonathan T. Foskett



External Communication
Transmittal Form

7/18/2016

TO: Mayor and Keene City Council
FROM: Patricia Little, City Clerk
ITEM: C.1.
TITLE: Gary Carpenter - Request for Water and Sewer Abatement

ATTACHMENTS:

Description

Carpenter Communication

BACKGROUND:

Mr. Carpenter is requesting either partial or full forgiveness of his water and sewer bill as well as having the water turned back on. The property is located at 169 Church Street.

Petitioner Contact Information:

Gary Carpenter
169 Church Street
563-5401

7/18/2016

RE: Gary Carpenter

Water & Sewer abatement
Warrior Addiction Support Home

169 Church Street

Keene, NH 03431

To the Board of Selectman,

I am requesting either partial or full forgiveness of my water and sewer bill or I'd like to have the water be turned back on with a smaller payment plan due to this unusual circumstance I find myself in. I have owned this home since 2007. It was about to be foreclosed on in 2014 and the water and sewer bill would have been taken care of by Indy Mac Bank but I was approved for a loan modification in February of 2015. This loan modification did not include my past water and sewer bill of over 5,200 dollars.

Reasons why I am requesting help:

- I am launching a sober living environment for veterans and veteran family members in recovery
- I have not had any incoming cash due to unusual circumstances such as the code enforcement office having to stop my project for 3 months due to FEMA, a two alarm blaze in May 2015 along with other adversities
- The heroin tsunami is upon us and through a non treatment approach and holistic environment it can only help to clean up Church Street but also help the community
- Back mortgage payments must be made or foreclosure is imminent with no tenants for 17 months

Thanking you in advance,

Gary Carpenter
Gary Carpenter

(603) 562-5401

www.WASH-nh.com



External Communication
Transmittal Form

7/18/2016

TO: Mayor and Keene City Council

FROM: Patricia Little, City Clerk

ITEM: C.2.

TITLE: Peg Bruce/Keene Kiwanis Club - Request to Use City Property - 350/400 Marlboro Street

ATTACHMENTS:

Description

Kiwanis Communication

BACKGROUND:

The Keene Kiwanis Club is looking to store its decorations for both the Tree Lighting Celebration and the holiday season in one of the undesignated, storage spaces at 350/400 Marlboro Street. The use of this vacant space is covered under Resolution R-2012-06, which does provide for a nominal electrical fee for use of the space. The Kiwanis Club is seeking use of this space at no charge.

Petitioner Contact Information:

Peg Bruce
Keene Kiwanis Club
PMB Box 451
Keene, NH
762-7276



Kiwanis Club of Keene

www.keenekiwanis.org

PMB Box 451
63 Emerald Street
Keene, NH 03431

July 15, 2016

OFFICERS:

Peg Bruce
President

David Ganio
Past President

Susan Farrell
Treasurer

Janet Genatt
Co-Treasurer

Pamela Little
Secretary

DIRECTORS:

Carl Allen

Paul Bothwell

James Faux

Donald Flibotte

Kelly Pearson

Eli Rivera

PAST PRESIDENTS:

David Ganio 2014-15

Beth Healy 2013-14

Gary Grashow 2012-13

Carl Allen 2011-12

Michael Haines 2010-11

Jodi Turner 2009-10

Judy Kalich 2008-09

Art Trombly 2007-08

Michael Ward 2005-07

Don Hayes 2004-05

Ed Morenz 2002-04

David Richards 2001-02

Mayor Lane and the Keene City Council
3 Washington Street
Keene, NH 03431

Re: Use of City storage area for Tree Lighting supplies

Dear Mayor Lane and the Keene City Council:

The Keene Kiwanis Club is inquiring about the possibility of storing the lights, spare light bulbs, cables, electrical box and other supplies that are used each year to decorate downtown Keene for both the Tree Lighting event and for the Holiday Season in one of the City's storage units on Marlboro Street. We currently rent a second storage unit for our club because the supplies for Tree Lighting required more space than our regular storage unit could hold. That storage unit at FW Webb is \$55.00/month or \$660.00 /year.

I know that the storage units on Marlboro Street are normally used for 30 to 60 day time periods but since we work closely with the City both for the Annual Tree Lighting Event and for decorating the Square and downtown light poles I am hoping that the City would make an exception allow our club the use of a storage unit year round. This would be an exception to Resolution R-2012-05 and R-2012-06.

The Kiwanis Club of Keene is dedicated to improving the lives of children in our community and the money we currently spend on the second storage unit would then be freed up to benefit children directly.

I am happy to answer any questions and attend the appropriate meetings to have our request heard. My email is: bru.peg@ne.rr.com; phone: 603-762-7276.

Thank you for your consideration of this request.

Sincerely,

Peg Bruce, President 2015-2016
Kiwanis Club of Keene

Keene Kiwanis Foundation is a 501(c) 3 organization, tax exempt number: 020458160

REQUEST FOR USE OF 400 MARLBORO STREET

NAME OF ORGANIZATION: Kiwanis Club of Keene
APPLICANT NAME: Peg Bruce
ADDRESS: 151 Windsor Ct. CITY: Keene STATE: NH ZIP: 03431
DAYTIME PHONE: (603) 762-7276 EVE. PHONE: () Same FAX#: () NA
E-MAIL: bru.peg@ne.rr.com WEB PAGE: www.keenekiwanis.org
MANAGER ON SITE OF EVENT: Peg Bruce
CELLULAR: (603) 762-7276 HOME PHONE: () N/A

Any change in the above information, please notify the Parks & Recreation Department immediately.

<u>Room:</u>	<u>Dimension in Ft.</u>	<u>Flooring</u>	<u>Check if requesting</u>
Storage Space 1	20x18	Cement	<u>X</u>
Storage Space 2	20x30	Cement	<u> </u>
Storage Space 3	20x30	Cement	<u> </u>
Storage Space 4	25x30	Cement	<u> </u>
Storage Space 5	20x60	Cement	<u> </u>

Date(s) requested : from see attached letter for exception (date) to (date)

30 Days 60 Days 15 Day Extension(s)

Description of Activity: year round storage of supplies used to
decorate downtown Keene for Holidays and Tree lighting Celebration

Will you need electricity?

How many people would use the room at any one time (Maximum Capacity 15) 6

Is your organization non-profit? yes Does your organization have liability insurance? yes

INSURANCE REQUIREMENTS: Certificate of general liability insurances with per occurrence and aggregate limits of not less than \$1,000,000 dollars. **The city must be listed additionally insured on your certificate.** The city has the right to increase per-occurrence liability limits and require certificate of an accident insurance policy with limits determined by the city. will supply if request granted

Once approved, the renting party must pay a non-refundable deposit of 25% of the total estimated cost with the remaining balance due 1 week prior to the rental, unless otherwise approved by the Parks, Recreation and Cemeteries Director. The deposit will be applied to the final bill unless there is a cancellation of any part of the original rental agreement. If there is to be a change in the original agreement please notify the

Recreation Center in writing 1 week prior to the rental. If notification has not been received, all original rentals reserved will be charged.

All parties using the City of Keene facilities pursuant to this rental agreement shall possess any and all licenses, rights, or other permission required by law to prevent infringement and/or the unauthorized use of any trademarks, copyrights, and/or other intellectual property rights. Moreover, in consideration for granting permission to use the 400 Marlboro Street facilities, the user and his/her/its respective successors and assignees covenants and agrees to indemnify and hold harmless the City of Keene, its officers, agents, and employees, from and against any and all claims, damages, costs, losses, expenses, and fees, including but not limited to reasonable attorneys' fees, it may suffer as a result of any and all claims, demands, costs, liability, or judgments against it for alleged infringement and/or unauthorized use of any trademarks, copyrights, and/or other intellectual property rights arising from or related to the user's use of the facilities.

Peg Bruce President
Signature of Contact Person Kilwanis Club of Keene

_____ FOR DEPARTMENT USE ONLY _____

NUMBER OF DAYS _____ Sub Total _____

Custodial Cleanup (\$75 per rental-if needed) _____

Electricity Fee (\$15) _____

Total Cost _____

Application Received _____
Date and Time _____ By _____

Application Approved _____
Date and Time _____ By _____

Application Not Approved _____
Date and Time _____ By _____

Comments: _____

Copy to Police	Notified
Copy to Parks Maintenance	Calendar
Copy to Applicant	Outlook

City of Keene
New Hampshire

Date: February 7, 2012
To: Planning, License and Development Committee
Through: John MacLean, City Manager
From:  Andy Bohannon, Director Parks, Recreation & Cemeteries
Subject: Use of Vacant Space at 350/400 Marlboro Street

Background:

Move that the Planning, License and Development Committee recommend the adoption of Resolution R-2012-05 and Resolution R-2012-06 relating to vacant space at 350/400 Marlboro Street.

Background:

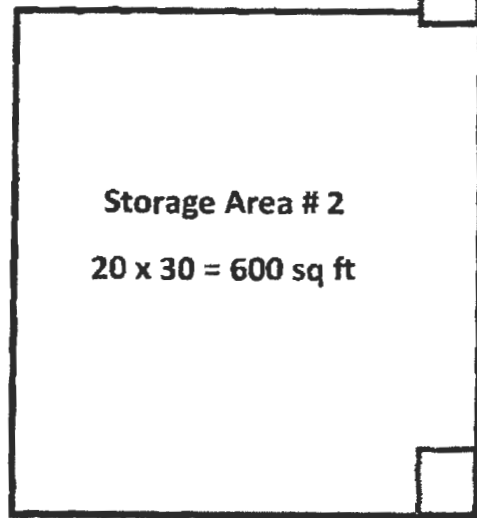
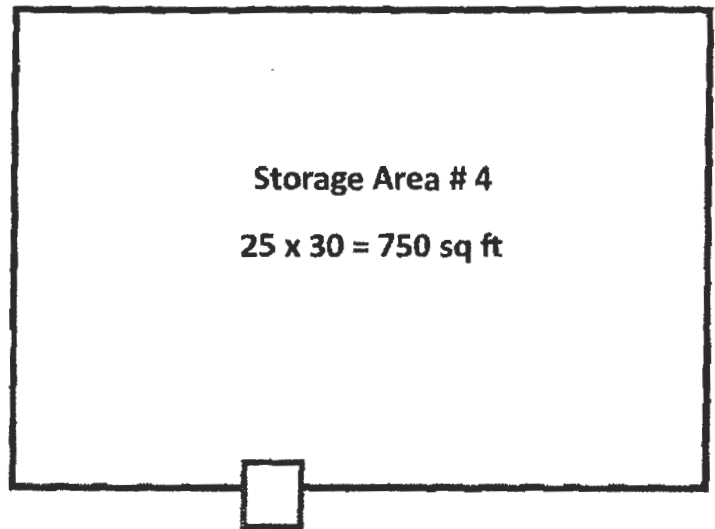
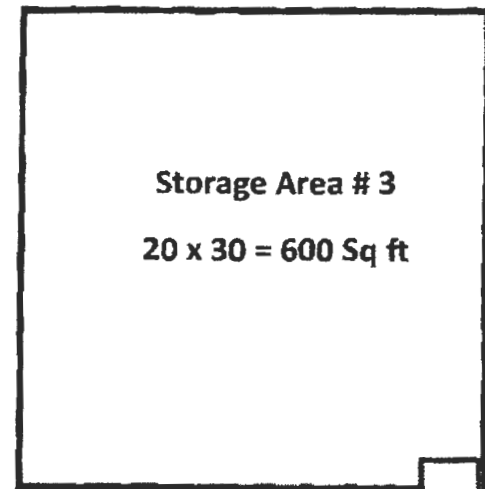
In November 2011, the Planning, License and Development Committee received a report from staff on the possible uses for the vacant space of 350/400 Marlboro Street. From this report, staff has developed policies regarding the fees and use for the Michael E. J. Blastos Community Room and the 8000 square feet of undesignated space. These policies reflect the requirements that have to be met for the State Fire Code, State Building Code, and City ordinances including the Zoning Code.

Each space would be reserved through separate reservation forms with designated fees for the desired location. The undesignated space would be divided into five rental areas depending on the size needed by the group. Only community non-profits would be able to utilize these warehouse spaces ranging in size from 360 to 1200 square feet. There would be no fees for the space other than a minimal electricity fee and a maintenance fee which would only be applied to the organization if the rented space was not properly cleaned upon the end of the agreement. The current practice of having the key provided through the dispatch at the Keene Police Department would remain the same. The recommended fee structure for the storage area would be:

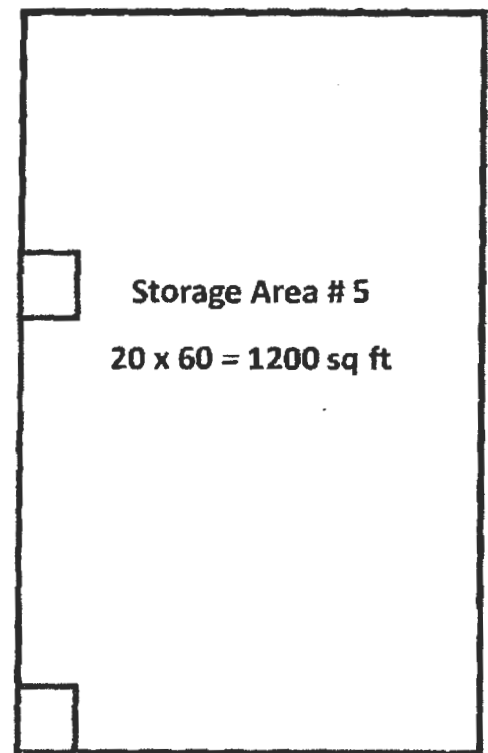
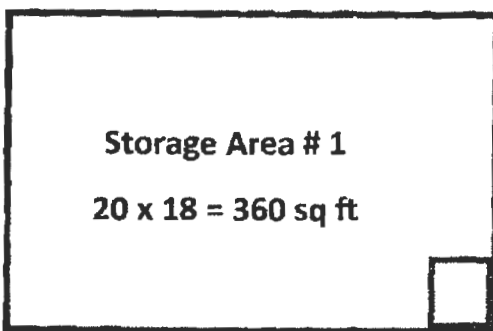
Maintenance Fee - \$75 (only if needed)
Electricity - \$15

The Michael E. J. Blastos Community Room would be similar in fee structure, but would be also open to for-profit agencies and a fee would be assessed to these organizations. The recommended fee structure for the Michael E. J. Blastos Community Room would be:

For-Profit - \$90 per hour
Maintenance Fee - \$75 (only if needed)
Building Supervisor - \$15 per hour (only if needed)
Key Deposit - \$25



10 ft pathway for forklift



**PUBLIC STORAGE SPACE AT
380 MARLBORO STREET**



City of Keene, N.H.
Transmittal Form

7/13/2016

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.1.

TITLE: Proposed Amendment to the Rules of Order

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that staff work with Cheshire TV to improve the audio quality of Council meetings.

BACKGROUND:

Rick Blood of 61 Sparrow Street stated that in an attempt to improve the broadcast quality of the Council meetings, he is suggesting that councilors not be required to stand before addressing the Council. Mr. Blood noted a seated position provides a nicer visual shot of the speaker as well as a much improved audio signal.

Chair Richards asked for Committee questions.

Councilor Chadbourne asked if Mr. Blood had considered putting the microphones in a different place or position. Mr. Blood replied in the affirmative noting that papers would still be between the speaker and the mic.

Chair Richards asked how the video was when people stand up. Mr. Blood replied the video is alright for some people; for people like Councilors Sutherland and Hansel we see the top of their heads.

The City Clerk noted the Mayor was unable to attend and had asked her to represent his perspective on this issue. The City Clerk provided background information on the request to rise, stating that this is part of the Rules of Order, Section X. In addition to our local rules this, concept of rising is also found in both Robert's and the Mason's Rules of Order. She continued saying the Mayor would concur with this process because it provides for an orderly flow of the meeting and discourages cross conversation with the focus directed to the speaker. In addition, it reflects an appropriate amount of respect to the political process and the presiding Chair. The City Clerk reported the Mayor is not in favor of an amendment to the rules; the Mayor is supportive of anything we can do to improve the audio/video component of our meetings. The Mayor is asking the Committee to consider instructing staff to work with Cheshire TV to see if there are some alternative solutions to improving the audio while keeping the requirement to stand.

Chair Richards asked if this worked for Mr. Blood. Mr. Blood replied in the affirmative adding as long as we are working towards a solution he is satisfied. Mr. Blood noted a conversation with the Mayor regarding another solution; he also referred to the City Clerk's comments regarding cross conversations and reported that even whispers can be heard in the control room.

Mr. Blood clarified he is not here on behalf of Cheshire TV; he is here because he cares about these meetings

and how they look to the public.

Chair Richards asked for additional questions from the Committee.

Councilor Sutherland commented we should at least pursue moving the microphones onto the top of the pedestal to help avoid the paper shuffling noises. Mr. Blood indicated he was in favor of the Mayor's suggestion to work together to resolve these issues.

Councilor Chadbourne commented she agrees with the Mayor's comments about working with staff and not changing the rules.

Councilor Jones mentioned his involvement with the Cable Television Commission (prior to having Cheshire TV) and their findings; one of their priorities was cablecasting of meetings. Councilor Jones noted he appreciates Mr. Blood's perfectionist attitude; he also noted he somewhat agrees with the Mayor because of that Commission's finding that the public should not be dissuaded from attending public meetings. Councilor Jones also addressed the Rules of Order and Pat Russell's interpretation of the requirement to rise suggesting this might be a halfway meeting point for this issue (stand to address the presiding Officer).

The City Clerk indicated this problem will be minimized when the paperless packets are introduced. She noted there will always be a need for Committee Chairs to have some paper materials in front of them. The City Clerk suggested there will always be some shuffling of papers for the Chairs. Mr. Blood agreed with the City Clerk's comments; he also noted he has no idea how the new computers (paperless packets) will affect the audio.

Chair Richards also thanked Mr. Blood for the work he does.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that staff work with Cheshire TV to improve the audio quality of Council meetings.



City of Keene, N.H.
Transmittal Form

7/13/2016

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.2.

TITLE: Rescission of Resolution R-2012-05: Council Policy- Relating to the Michael E.J. Blastos Community Room

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses and Development Committee recommend the rescission of Resolution R-2012-05 to allow Keene ICE to manage the reservations for the Michael E.J. Blastos Room as provided for in the Memorandum of Understanding.

BACKGROUND:

Andy Bohannon, Parks & Recreation Director, reported this is more of a housekeeping item and provided the history of the Resolution. He addressed the issue noting during the construction of the Keene ICE arena, the City outlined in a Memorandum of Understanding (MOU) with Keene ICE, the responsibility for the non-profit to manage and operate the Michael E.J. Blastos Community Room. The agreement continues to provide the City with access for City functions, specifically the election process; however, all additional reservations are booked directly with Keene ICE. Resolution R-2012-05 is, therefore, not necessary and should be rescinded. Keene ICE will continue to have the responsibility to manage the Michael E.J. Blastos Community Room.

Chair Richards noted his agreement and asked for Committee questions.

Councilor Chadbourne asked if City events take precedence for bookings over other people. Mr. Bohannon replied it depends on when and what it is. For example elections take precedence. Mr. Bohannon also advised that most of the City events take place during the week as opposed to the weekends. He also reported Keene ICE keeps the booking fees and the City does not pay to rent the room. The City does take care of the maintenance for City events.

Councilor Sutherland referred to kids finding open doors and asked who is responsible for security and maintenance (access to bathrooms adjacent to Police Department). Mr. Bohannon replied there are two doors entering into the ice area which should be locked at all times, along with the doors that go into the hallway. The other door, in the back of the room, goes to Police public storage area that is alarmed and has a camera. The cleaning responsibility is sort of shared; City staff is responsible for the bathrooms and waxing of the Blastos room floor.

There being no additional questions/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 Chadbourne.

On a vote of 5-0, the Planning, Licenses and Development Committee recommend the rescission of Resolution R-2012-05 to allow Keene ICE to manage the reservations for the Michael E.J. Blastos Room as provided for in the Memorandum of Understanding.

Chair Richards referred to a question Councilor Chadbourne asked him and clarified the City is a non-profit but not a 501-c3. The City Attorney noted there may be another tax designation and that donations made to the City are tax deductible.



City of Keene, N.H.
Transmittal Form

7/14/2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.3.

TITLE: Acceptance of Donation - 2016 Community Night

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommend accepting the memorandum regarding donations to 2016 Community Night as informational.

BACKGROUND:

Human Services Manager, Liz Sayre stated the 2016 Community Open House was hosted recently at the Marlboro Street complex. Ms. Sayre stated historically it has been the Police Department which has participated in "Night Out" which is a semi-annual event. This year, with the assistance of the Personnel Advisory Board, it expanded to all city departments being able to participate. Ms. Sayre then went on to recognize the donors for this event, which included Cumberland Farms, the Police Benevolent Association, the Keene Police Officers Association and C&S Wholesale Grocers. 700 plus community members participated at this event. The Fire Department had a ladder truck and their newest ambulance. The Police Department had their Bear Cat Crime Scene Van and a Cruiser but the most impressive vehicle on display was the Airport Snow Removal Equipment. K9 Officer, Patriot was also a big hit. Ms. Sayre stated it was also interesting to participate in the various tours of the facilities.

Ms. Sayre extended special thanks Captain Russo for his cooking skills and making sure everyone was well fed. Chair Greenwald commended this event as well. Councilor Jacobs echoed the Chair's comment and noted it gave staff the opportunity to display the vehicles they use. The Councilor asked what PAB stood for. It is the Personnel Advisory Board, consisting of non-union employees of the City.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends accepting the memorandum regarding donations to 2016 Community Night as informational.



City of Keene, N.H.
Transmittal Form

7/14/2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.4.

TITLE: Donation of Land – Off Pearl Street – Michael Kapiloff

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommend that the communication from Michael Kiritsy regarding his proposed donation of land off Pearl Street be accepted as informational.

BACKGROUND:

Asst. City Manager/Planning Director, Rhett Lamb stated last month the City received a communication from the heirs of the Charlotte Kapiloff Trust regarding their interest in donating a parcel of land off Pearl Street to the City. The City determined it would not be in the best interest of the City to accept this land and suggested Mr. Kapiloff approach his neighbors. This has been done and the property has been transferred to one of the neighbors. Mr. Lamb stated it is staff's recommendation that the Council report out this item as informational.

Councilor Kahn asked how this item would move to the full Council. Chair Greenwald stated it would move as an informational item. Mr. Lamb stated what the Committee is accepting as informational is the original communication not his report. Councilor Kahn asked whether there would be any formality in the written sense that would accompany this item. Attorney Mullins stated there would be background notes when this matter first came before the Committee including notes from today's meeting and the motion to report it out.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommend that the communication from Michael Kiritsy regarding his proposed donation of land off Pearl Street be accepted as informational.



City of Keene, N.H.
Transmittal Form

7/14/2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.5.

TITLE: Agreement For Advanced Life Support Intercept Transport Service

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute the new one year Advanced Life Support Intercept Agreements.

BACKGROUND:

Fire Chief Mark Howard explained these agreements for advanced life support intercept transport service have traditionally been one year agreements. He explained approximately five years ago the City provided service to ten towns. At that time there were no standby fees and the City was running a little over a hundred calls. For service calls, the City travelled in a pickup truck and if there was a need they used the ambulance of the other town to provide assistance. However, nearly 50% of the time the City of Keene got to the scene before the primary agency arrived at the scene. After a couple of years, the City started to arrive with their own ambulance.

The City has gone from ten towns to five towns and now down to three towns which have provided signed contracts. The towns of Winchester and Alstead chose not to sign an agreement. The towns which signed agreements are Gilsum, Harrisville and Stoddard. The budget for the department has been adjusted accordingly. The overall budget was \$5,174 (standby fee divided between the three towns), in addition for all transports the patient is billed for the transport.

Councilor Kahn asked whether there are two more agreements which need to come before the Committee. Chief Howard stated what is before the Committee is a template and the only change would be the change to the name of the town.

Councilor Jacobs noted the transport agency is listed as Marlow Ambulance and Diluzio Ambulance and asked for the City's role. Chief Howard stated Keene is not the primary transport agency for these towns. Three years ago the City took the position that if there was no agreement in place with a particular town then Keene would not respond. Keene is a secondary response for intercepts for these communities because they chose to have a backup.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute the new one year Advanced Life Support Intercept Agreements.



City of Keene, N.H.
Transmittal Form

7/14/2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.6.

TITLE: Acceptance of Justice Assistance Grant (JAG) – 2016

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to apply for and accept a grant of \$7,778.50 awarded by the US Department of Justice, Justice Assistance Grants program.

BACKGROUND:

Police Chief Brian Costa stated this is the Justice Assistance Grant that the department typically applies for in conjunction with the Cheshire County Sheriff's Department. This year, the Keene Police Department will be applying for a total grant in the amount of \$15,557 jointly with the Sheriff's Department.

For the purposes of this grant, Cheshire County will act as a fiscal agent. Keene's share of this grant will be \$7,778.50 for the purchase of 11 smart phones to be installed in cruisers with 18 months of service. The smart phones will be able to obtain the same kind of data the laptops in cruisers receive along with the ability to receive text messages along with photos. This type of information is critical during active investigation and apprehension of suspects. Having to return to cruisers or return to the station to obtain necessary information will save the department invaluable time.

Chief Costa went on to explain many of the businesses have surveillance cameras. In the past the department had to wait to obtain the video recording from the manager of the store to be able to view it at Police Department and get the information out. In these days officers are using their own smartphones to take images and circulating same but they are doing so with their personal devices. When officers use their personal phones, those phones become subject to discovery.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to apply for and accept a grant of \$7,778.50 awarded by the US Department of Justice, Justice Assistance Grants program.



City of Keene, N.H.
Transmittal Form

7/14/2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.7.

TITLE: Acceptance of Civil Forfeiture

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept forfeiture funds in the amount of \$1,463.70 (14-DEA-598635 - \$707.29; 14-DEA-598574- \$315.31; 14-DEA-598294 - \$441.10), awarded to the Keene Police Department from the United States Department of Justice.

BACKGROUND:

Chief Costa explained on May 7, 2014 the Keene Police Department assisted the DEA with the execution of a search warrant on the establishment, Phat Stuff. This search was a multi-agency coordinated investigation. The case has been settled with the owner pleading guilty to drug related charges. In his guilty plea the owner agreed to forfeit \$10,729.50 as well as some drug paraphernalia which was seized. The Keene Police Department's share of the seized money is \$1,463.70.

Chair Greenwald asked who gets the rest of the money. Chief Costa stated it goes to the Federal Government – DEA. Councilor Kahn asked whether the Court system is awarded a portion from these funds as well. Chief Costa stated he wasn't sure, but the bulk of the proceeds go to the Federal agency. Chief Costa added the DEA did perform a lion share of the work and he felt the distribution was fair.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept forfeiture funds in the amount of \$1,463.70 (14-DEA-598635 - \$707.29; 14-DEA-598574- \$315.31; 14-DEA-598294 - \$441.10), awarded to the Keene Police Department from the United States Department of Justice.



City of Keene, N.H.
Transmittal Form

7/14/2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.8.

TITLE: Acceptance of Donation - Sumner Knight Chapel

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept a donation in the amount of \$455 and that the money be used by the Parks, Recreation and Facilities Department for the maintenance improvements of the Sumner Knight Chapel.

BACKGROUND:

Parks, Recreation and Facilities Director, Andy Bohannon was the next speaker who stated this donation of \$455 is from Kevin Dremel of the Keene Music Festival from the concert series they held at the Sumner Knight Chapel. The money raised is to be used for the maintenance and upkeep of the chapel. Mr. Dremel has raised \$9,094 from previous series.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a donation in the amount of \$455 and that the money be used by the Parks, Recreation and Facilities Department for the maintenance improvements of the Sumner Knight Chapel.



City of Keene, N.H.
Transmittal Form

7/14/2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.9.

TITLE: Acceptance of Donation - Dog Park

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel recommend that the City Manager be authorized to do all things necessary to accept a donation in the amount of \$35 from Margaret Wittenborg toward the creation of a dog park.

BACKGROUND:

Mr. Lamb stated this donation of \$35 from Margaret Wittenborg is for the continued fund raising campaign which is being undertaken by the Friends of the Dog Park.

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

On 5-0 vote, the Finance, Organization and Personnel recommends that the City Manager be authorized to do all things necessary to accept a donation in the amount of \$35 from Margaret Wittenborg toward the creation of a dog park.



City of Keene, N.H.
Transmittal Form

7/14/2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.10.

TITLE: Sponsorship Update - Banner Placements at Wheelock Park

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept the sponsorship update for banner placement at Wheelock Park as informational.

BACKGROUND:

Mr. Bohannon stated in April the City Council approved a sponsorship policy for the Parks and Recreation Department. He indicated the department has worked out an agreement with Convenient MD for the placement of sponsorship signs at the Wheelock Ball Fields and the Recreation Center. Mr. Bohannon stated this is a two year agreement for \$10,000 per year and is renewable after that period for another two years.

Chair Greenwald asked whether there was discussion about any other banners. Mr. Bohannon stated he is having conversation with other businesses and felt after this banner goes up there is likelihood more could be expected.

Councilor Jacobs asked whether this money was anticipated in the budget. Mr. Bohannon stated these funds go into the revolving fund to offset costs of programming. Mr. Bohannon added the sign "Convenient MD" would also go on the back of soccer league jerseys. Chair Greenwald felt perhaps Convenient MD could be invited to a meeting so they could be thanked for their sponsorship.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the sponsorship update for banner placement at Wheelock Park as informational.



City of Keene, N.H.
Transmittal Form

7/14/2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.11.

TITLE: Winchester Street Bridge over Ash Swamp Brook

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a design phase change order with CHA, Inc. for an amount not to exceed \$22,486 for a detailed hydrologic and hydraulic study of the Ash Swamp Brook associated with the Winchester Street/Rt 10 Bridge over Ash Swamp Brook Repair Project.

BACKGROUND:

City Engineer Don Lussier was the next speaker. Mr. Lussier stated this change order is for the replacement of one of the State's red-listed bridges. This is for the work related to the design phase of the Winchester Street bridge over Ash Swamp Brook.

Mr. Lussier stated this change order is the result of a public meeting where the neighborhood addressed the issue with flooding, which has become worse over the last few years. Mr. Lussier stated he had asked the City's consultant to look at this issue and what the consultant found was that the existing FEMA flood modeling does not contemplate the enlargements to the upstream bridge, which was done on Route 9. This change order will permit the City to do a more detailed hydraulic analysis of the river system and what effect opening up of the stream would have on the bridge.

Mr. Lussier stated because this is a State bridge, the State funds 80% of the cost and the City's portion would be 20% of \$22,486 which is \$4,497.20.

Chair Greenwald asked whether this bridge project includes a conduit for broadband. Mr. Lussier stated it does not because this is just the design phase and added the discussion about conduits will happen in the future and this is something staff is discussing.

Councilor Powers asked when construction is scheduled for this project. Mr. Lussier stated the project is scheduled for construction in FY18.

Councilor Kahn asked whether funding for the construction phase would come up in the next CIP. Mr. Lussier stated money for this project has been appropriated all the way through construction.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a design phase change order with CHA, Inc. for

an amount not to exceed \$22,486 for a detailed hydrologic and hydraulic study of the Ash Swamp Brook associated with the Winchester Street/Rt 10 Bridge over Ash Swamp Brook Repair Project.



City of Keene, N.H.
Transmittal Form

7/14/2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.12.

TITLE: Primex3 Contribution Assurance Program

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to enter into and execute an agreement extending participation with Primex 3 in a multi-year Contribution Assurance Program (CAP) through FY19 that provides predictable contributions and stable property and liability insurance coverage.

BACKGROUND:

Asst. City Manager/Human Resources Director Beth Fox stated this item is for the City Manager to enter into an agreement with Primex for a multi-year Contribution Assurance Program, which will run through FY19. This program will guarantee the City's premium will not increase beyond the 9% cap regardless of the exposure changes, loss experience or the loss experience of the large pool over the next two fiscal cycles.

Councilor Kahn asked what the governance structure of Primex was. Ms. Fox stated it is a risk management pool under RSA 5b and is the only risk management pool in the State that is providing property and liability coverage for municipalities. They have a Board of Trustees made up of officials of various participants (School District representative, county officials, elected officials). Ms. Fox stated this Group participates in a lot of proactive training for City employees, which is a great side benefit the City receives from them.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to enter into and execute an agreement extending participation with Primex 3 in a multi-year Contribution Assurance Program (CAP) through FY19 that provides predictable contributions and stable property and liability insurance coverage.



City of Keene, N.H.
Transmittal Form

7/14/2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: G.1.

TITLE: R-2016-25: Relating to Fiscal Policies

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommend placing Resolution R-2016-25 on more time to allow the fiscal policy workshop to be held.

BACKGROUND:

Chair Greenwald stated the Council will be having a workshop on this concept and the recommendation is to put this item on more time.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends placing Resolution R-2016-25 on more time to allow the workshop to be held.



City of Keene, N.H.
Transmittal Form

7/14/2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: G.2.

TITLE: Charter Employee Evaluation Process

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommend the on-going discussions regarding the charter evaluation process on more time until their next meeting.

BACKGROUND:

Chair Greenwald explained this item is in reference to the evaluation process for Charter Employees by the Council; the City Manager, the City Clerk and the City Attorney. This is a process to provide feedback to these three employees and provide them with aspects of their performance that the Council believes needs to be addressed. There was a time period by when this should have been done, but the time has lapsed. He stated tonight is an open discussion about process.

Mayor Lane stated it needs to be made clear what the purpose of this process is. Evaluations can be utilized for many purposes, including step increases, giving a bonus or as part of a termination process. The evaluation process that the Council performs for the three charter officers is intended to provide them feedback as to whether they are meeting the goals the Council has set for them. He encouraged the Committee to keep the process as simple as possible. The process under discussion has the Councilors numerically rating the employees on a variety of subjects. That numeric rating is not productive in terms of what the Council is attempting to achieve. He felt these three employees need specific feedback from the 15 Councilors in the form of individual feedback and not a numerical rating so they know exactly whether they are meeting the Council's expectations.

The Mayor stated his suggestion would be for the Chair of the Finance Committee to provide the other Councilors any goals which were set for these employees for the previous year, which would require the Council to set those goals.

If any Councilor has questions about those goals those questions should be sent to the Chair of the Finance Committee. The Council will then meet and the Chairman of the Finance Committee should pose those questions as well as any questions the Finance Committee might have also developed. The Council would then set goals for the next year. This should be more of a goal setting process than anything else.

The Mayor continued that the City Council just held its Council goals workshop, but now the Council needs to focus its attention on what they expect the City Manager, the City Attorney and the City Clerk to do in the next year to carry out those goals.

Chair Greenwald stated the Council at the present time does not have goals for each of the Charter employees. The Mayor stated this is something the Council has an obligation to develop. He went on to say based on the workshop held last Saturday there will be a report developed which is likely to require a follow-up workshop where the Council would narrow down their goals. Based on those goals, the Council would need to outline goals it would like each of the charter employees to complete.

Councilor Kahn stated he was curious as to where the aspects of a self-evaluation and the self-setting of goals come into the process. He continued he understood the role of Council to be in an adoption role and then in a review role, but these individuals are very experienced in these roles and they understand the resources available to them and they can take the Council goals and City goals and begin to identify how their work plan for the coming year ought to evolve.

Councilor Greenwald noted that the City Council has never had such an in-depth discussion of Council goals and in the meantime City staff has been truly amazing in being able to understand how they can further Council issues.

Councilor Powers agreed the incumbents in the positions are well seasoned and added that all other City employees has a clear, fairly objective format that is followed for their evaluation and he was hoping for the same for these three employees as well. He noted it is extremely difficult to get 15 Councilors and the Mayor to agree and hence the reason he suggested something like ICMA where there are specific targets "on the wall." Then they can be evaluated on that basis. The Councilor stated he would like to make this a priority. He further stated in addition to goals the Council should also have specific points or terms for people to work with besides the goals. He asked how the Council, for instance, would evaluate an individual who is not fiscally responsible.

Councilor Jacobs felt the overall purpose for an evaluation was good government. In the past he has been struck with the fact there have been no criteria in previous evaluations. He continued goals are at their best when you could recognize if you had achieved the goal and he felt it would be worthwhile to have this conversation with the charter employees. The Mayor agreed specific goals are necessary to evaluate the employee on. Councilor Jacobs stated the Council should also have some shared responsibility in these goals and how any achievement will be identified. It should be the responsibility of both the Charter employee and the Council to work towards any identified goals.

Councilor Greenwald stated the report resulting for the goals workshop should summarize what the Council's goals and we should have another meeting to apply specific goals to each of the Charter officers. The Mayor responded he didn't expect the report to be any different for the three Charter employees and the three Charter officers will all work to pushing the Council's goals forward.

Councilor Powers expressed his concern that this process might be drawn out and he felt the Council had an obligation to provide feedback to these employees. Also he noted his concern about how the Council would evaluate a Charter employee on a goal that might have a five-year timeframe.

Councilor Chadbourne agreed the Council needs to consider goals in the evaluation process, but cautioned about having a list of goals to merely check off. She further stated these three charter employees set the climate for the rest of the City employees and goals can be achieved whether an employee has their employees right "under their thumb" or whether they are actively engaging them. She felt happy employees make for a better work environment. The greatest asset the City has its employees and she asked how the Council measures that "pulse." The Councilor stated the Council members are not with these charter employees on a day to day basis and she asked whether an entity like Primex might have a way to obtain feedback from the employees these charter employees supervise. She felt this was an important aspect and asked that this be an item to be considered.

Councilor Clark felt the charter employees' performance ultimately is a reflection of the personnel they supervise. This is especially true of the City Manager's position. He suggested that the Council do what it can for this year, and work towards a different process.

Chair Greenwald stated he sees these employees every day and sees the incredible things these three employees accomplish, but the issue is drawing the rest of the Council into this as well. A formal process is important for the employee and has legal considerations as well.

The Mayor asked the City Attorney for the timeframe for when these evaluations need to be completed. Attorney Mullins stated the ordinance adopted by the Council calls for the evaluation to be completed within 30 days of their anniversary. The Mayor responded then for the City Attorney the evaluation would be March 1, of 2017. The City Attorney then commented as a charter employee he would like to know sooner rather than later as to the Council's feedback. Councilor Powers stated he hears that there is some consideration for sliding by the evaluation dates for this year. The Attorney also stated whatever process that is put in place; it should be a formalized acceptance of the process at some point.

Councilor Kahn stated he agrees with the suggestion about ICMA and having goals, but the Council is looking for certain basic things from these charter employees, such as leadership, motivation, good stewardship and he did not feel the wheel needs to be reinvented to collect the Council's overall assessment of these employees or the employees self- assessment as to how they have met these aspects. Chair Greenwald stated he has an evaluation sheet Councilor Powers put together which he could share with the Finance Committee. The Chair did not feel this item was going to get settled tonight and suggested putting it on more time until the next meeting.

Councilor Jacobs asked what the plan is going forward. Chair Greenwald stated the Council could wait on the report from its goal workshop, or an interim process can be put in place, or they could look at the basic aspects as suggested by Councilor Kahn. Councilor Jacobs stated he is not uncomfortable with the process the Council had in place, but he felt the Council should move in a direction which had more goal setting and criteria. He did not feel the conversations the Council had with these charter officers in past years were a waste of time either and he did not want to lose that relationship the Council had with these employees. Chair Greenwald stated he could come up with a process for the next meeting as an interim so feedback can be provided to the charter employees.

Attorney Mullins stated he felt the three charter employees would like to have a meeting with the City Council to have conversation to discuss an evaluation process, but hoped it would be a collaborative effort between the Council and the employee. He felt it would be worthwhile to schedule a meeting with each employee so they can talk to the Council as to what they think the process should be. He added these are three different entities; the Manager's primary goal is to implement policy, it is the goal of the City Attorney to assist the Council in implementing the policy, but he has to be careful not to step into the policy realm. He felt the conversation he suggested might be something the City Clerk and the City Manager would appreciate as well.

Chair Greenwald stated he wanted to make it clear to everyone that there is no problem with these three employees but this process is to augment an otherwise good relationship.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommend the on-going discussions regarding the charter evaluation process on more time until their next meeting.



City of Keene, N.H.
Transmittal Form

7/14/2016

TO: Mayor and Keene City Council

FROM: John Rogers, Acting Health Director

THROUGH: Medard Kopczynski, City Manager

ITEM: H.1.

TITLE: Relating to Food Service Establishment Permit Fees

RECOMMENDATION:

That Ordinance O-2016-10 be introduced to the City Council and referred to the Planning, Licenses and Development Committee for review and recommendation.

ATTACHMENTS:

Description

Ordinance O-2016-11

BACKGROUND:

Based on a recommendation from the Agriculture Commission and a motion from the Planning, Licenses and Development Committee, City staff have reviewed and prepared revisions to the Food Establishment Permits and Inspections Fee Schedule.

The State of New Hampshire Department of Health and Human Services Food Protection offers a “Class G” license which allows for “*sellers of prepackaged frozen USDA meat or poultry*” to obtain an annual license for a fee of \$100.

The City’s Code of Ordinances fee schedule does not have this same class. Someone selling prepackaged frozen USDA meat or poultry currently is permitted in Class III of the City’s food permit classification which states,

“Food service establishments having a seating capacity of less than twenty-five (25) persons, clubs, establishments and mobile food operations selling only prepackaged products, mobile food operations selling only hot dogs, commercial food processing operations of Non-Time/temp Control for safety bulk food and homestead kitchens.” This licensing fee is \$200.

A review of the Food Establishment Fee Schedule was conducted in 2013 resulting in an Ordinance change (O-2013-04-A) to adjust the fees and classifications to meet the cost to conduct the inspections associated with the different establishments. Class I and II establishments have food preparation areas, deal with temperature sensitive foods and require more time to conduct inspections than Class III establishments which have minimal food handling. The proposed class VI type operation will have no food preparation on site and there will only be storage of product that has come from a USDA inspected facility. The time for inspection of a class VI

establishment will be minimal because the only area of inspection will be location and condition of freezers and checking the labeling of the product to ensure that it is coming from the required USDA inspected facility. The Class I and II and some of the Class V should also require more frequency than the other classes, so we are recommending the change to Section 46-421 of the City Code and the required inspections.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Sixteen

AN ORDINANCE RELATING TO FOOD SERVICE ESTABLISHMENT PERMIT FEES

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

That the Ordinances of the City of Keene, New Hampshire, as amended, be and are hereby further amended by deleting the stricken text in Chapter 46- Licenses and Permits Article VII- Food Service Establishments Division 3 and inserting the bolded text in Appendix B., Section 46-387 entitled "Food Service Establishment Permit Fees" of Chapter 46 entitled "Licenses and Permits" as follows:

DIVISION 3. - INSPECTIONS

Sec. 46-421. - Required.

~~At least once every six months,~~ The health authority shall inspect each food service establishment located in the city or its police jurisdiction and shall make as many additional inspections and re-inspections as are necessary for the enforcement of this article.

APPENDIX B – FEE SCHEDULE

Chapter 46. Licenses and Permits

§ 46-387. Food service establishment permit fees:

Class I: Food service establishments having a seating capacity of 100 persons or more, supermarkets, establishments with more than one preparation area, and commercial food processing operations processing more than 100,000 or more packages of food/year	\$350.00
Class II: Food service establishments having a seating capacity of less than 100 persons, establishments with one preparation areas, commercial food processing operations processing less than 100,000 or more packages of food/year	\$300.00
Class III: Food service establishments having a seating capacity of less than 25 persons, clubs, establishments and mobile food operations selling only prepackaged products, mobile food operations selling only hot dogs, commercial food processing operations of non-time/temp control for safety bulk food and homestead kitchens.	\$200.00
Class IV: temporary food service establishments	\$50.00
Plus, per day of operation	\$10.00
Class V: nonprofit or charitable organizations not holding a liquor license, private and parochial schools, public schools funded by the city, governmental facilities	No Fee
Class VI: Sellers of prepackaged frozen USDA meat or poultry	\$100.00

§ 46-387. Food service establishment permit fees: (continued)

Late renewal fee: In addition to the above, for any renewal application received after October 10. 1/12 of the fee per whole month late	
Re-inspection fee: In addition to the above, any re-inspection required for reinstatement of a suspended permit, or for correction of violations shall require a fee equal to 25 percent of the applicable license class	
Determining seating capacity: For the purposes of determining seating capacities for drive-in food service establishments, each car space provided shall be counted as the equivalent of five seats. The health authority shall have the final say in determining which category is applicable to an individual food service.	

Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

7/18/2016

TO: Mayor and Keene City Council

FROM: Rhett Lamb, Assistant City Manager/Planning Director

ITEM: H.2.

TITLE: Relating to the Establishment of the Main Street Historic Overlay District

RECOMMENDATION:

That O-2016-13, O-2016-14, and O-2016-15 be introduced to City Council and be referred to the Joint Committee of the Planning, Licenses and Development Committee and the Planning Board.

ATTACHMENTS:

Description

O-2016-13: Zoning Ordinance Amendment Application

O-2016-15 Zoning Map Amendment Application

Narrative for O-2016-13, O-2016-14, O-2016-15

Ordinance O-2016-13

Ordinance O-2016-14

Ordinance O-2016-15

Ordinance O-2016-15 Map

Draft Main Street Historic District Regulations

BACKGROUND:

In February of 2014, the City Council granted approval to the Historic District Commission (HDC) to draft a Historic District Ordinance for the area of Main Street south of Marlboro Street and north of NH Route 101. In May of 2014, the HDC formed the Ordinance Review Subcommittee with members from the Heritage Commission to perform research for and engage the community in the development of a draft Ordinance. In January of 2015, the Subcommittee completed a final draft of the proposed Ordinance, O-2016-13, as well as a final draft of O-2016-14, which proposes to amend Chapter 18, Article V of the City Code to incorporate the Main Street Historic District, and O-2016-15, which is a map of the proposed Historic District boundary. The HDC reviewed these draft ordinances at its February and March meetings in 2016, and voted to send these ordinances to City Council to begin the ordinance amendment/adoption process.

If O-2016-13, O-2016-14, and O-2016-15 are adopted by the City Council, the HDC will proceed to amend the HDC Regulations to include the Main Street Historic District. Per RSA 674:46-a and RSA 675:6, the HDC can adopt or amend regulations after holding a public hearing within the district(s) without approval from the local legislative body.

Attached is a draft set of regulations for the proposed Main Street Historic District. These draft regulations are included to help inform the City Council about the types of standards that would be used to guide the review

process in the proposed district. However, these draft regulations are subject to the review and approval of the Historic District Commission if the City Council votes to approve O-2016-13 and O-2016-14 establishing the Main Street Historic District.



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner: City of Keene Historic District Commission Date: July 18, 2016

Address: 3 Washington St, Keene, NH 03431

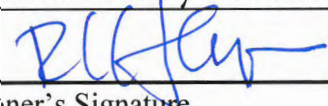
Telephone: (603) 352-5474 Email: tkessler@ci.keene.nh.us Existing Section Reference in

Chapter 102, Zoning Ordinance: Ch. 102, Article XI, Sections 102-1381 - 102-1383

Does the amendment affect "Minimum Lot Size" Yes ☐ No ☒

Does the amendment affect "Permitted Uses" Yes ☐ No ☒

Brief Description of Proposed Change To establish a historic district for the area of
Main Street between NH Route 101 and the intersection of Main, Winchester
and Marlboro Streets. This new district would overlay the existing zoning
districts.


Petitioner's Signature

Submittal Requirements which must be complete at the time of submission to the City Clerk.

- A properly drafted Ordinance containing the amendment in a form meeting the requirements of the City Clerk.
- A typed or neatly printed narrative explaining the purpose of, effect of, and justification for the proposed change(s).
- \$100.00 application fee.
- As provided for in RSA 675:7, if the proposed amendment would change the minimum lot sizes or the permitted uses in a zoning district that includes 100 or fewer properties, the petitioner shall submit a notarized list of property owners/agents impacted by the zoning amendment. The list shall include the tax map number and address of each abutter or owner, and must be current with the Assessing Department's records within ten days of submittal. The list shall also include the name of any agent who should receive notice. Two sets of mailing labels shall be provided.

Date Received by City Clerk

7/19/16

Fee Received \$

n/a

Ordinance # O-2016-13 On City Council agenda 7/21/2016

Workshop to be held _____ Public Hearing to be held _____

The petitioner is also responsible for the publication costs for the workshop and hearing notice. The Keene Sentinel will bill for the publication cost if the petitioner has an account with them. If the petitioner does not have an account, \$90.00 will be collected to cover the cost of the public hearing notice. Additional costs will be collected by the Planning Department for the publication of the public workshop notice.



APPLICATION TO AMEND THE ZONING MAP

Petitioner: City of Keene Historic District Commission

Date: July 19, 2016

Address: 3 Washington St, Keene, NH 03431

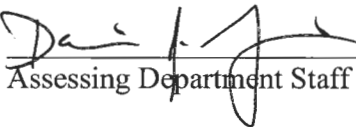
Telephone: (603) 352-547

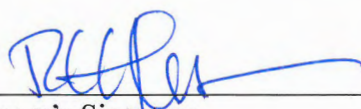
Property Owner: See attached list of parcels Location of Property in Proposed District: See attached map

Approximate Acreage: 31 acres Present Zoning Districts*: High Density, Office, Low Density

Proposed Zoning District*: Main Street Historic Overlay District (*existing zoning districts would not change as a result of this amendment)

Validation of parcel ID# by the Assessing Department


Assessing Department Staff


Petitioner's Signature

Submittal Requirements, which must be complete at the time of submission to the City Clerk.

- A properly drafted Ordinance containing the full description of the property to be rezoned and the proposed amendment along with a typed or neatly printed narrative explaining the purpose of, effect of, and justification for the proposed change(s).
- A notarized list of property owners/agents within the boundary of the area or areas proposed for rezoning as well as the names of all abutters of the property. This list shall include the tax map number and address of each abutter and owner, and must be current with the Assessing Department's records within ten days of submittal. The list shall also include the name of any agent who should receive notice. Two sets of mailing labels shall be provided.
- Three maps showing the boundary of the area or areas to be changed, one at 8 1/2" x 11" and two at City tax map scale.
- \$100.00 application fee plus an additional \$10.00 per acre or lot for a total sum not to exceed \$500.00 as well as the publication and postage fees identified below. Check made payable to City of Keene.

Ordinance Number 0-2016-15 Date Received by City Clerk 7/19/2016

Application Fee @ \$100.00

\$ n/a

Area Fee @ \$10/00 per acre

\$ _____

Publication of Notice in The Keene Sentinel @ \$90.00

\$ _____

Postage Fees for property owners/ agents

and abutters. Total # of notices _____ @ .48

\$ _____

The petitioner is also responsible for the publication costs for the public workshop before the joint Planning Board and Planning, Licenses and Development Committee. Additional costs will be collected by the Planning Department for the mailing costs associated with the public workshop as well as the publication of the public workshop notice.

K://Council/Forms/Application_Amend_Zoning_Map.doc

Proposal to Amend the Zoning Ordinance, Zoning Map, & City Code
Regarding O-2016-13, O-2016-14, and O-2016-15 Main Street Historic District

July 19, 2016

O-2016-13, O-2016-14, and O-2016-15 establish a historic district in the area of Main Street in Keene between NH Route 101 and the intersection of Winchester Street, Marlboro Street, and Main Street. This area of Keene is one of the most historic sites in the City and has one of the finest representations of historic architecture in the entire State of New Hampshire. Some of the homes and buildings in this area have lined the gateway to Keene's downtown for over two hundred years, and five of the buildings are listed on the National Register of Historic Places. The intricately detailed residences, institutional buildings, and small businesses in the district play a critical part of the City's heritage, character and sense of place. This area also serves as one of the most heavily traveled corridors into the City.

The 2010 Comprehensive Master Plan states that the historic scenic gateways of the downtown "Court Street, Washington Street, and the south end of Main Street all boast an abundance of historic homes and buildings that should be protected to preserve the character of these individual neighborhoods." It also states, "Each of these areas should become a local historic district, a National Register District, or both."

For these reasons, the City's Heritage Commission sought permission from City Council to work with the Historic District Commission to research and develop an ordinance to establish the Main Street Historic District. At its meeting on February 6, 2014, the Council approved this request and soon thereafter, the Ordinance Review Subcommittee of the Historic District Commission was formed with members from the Heritage Commission to perform research and engage the community in the development of a draft ordinance.

The Subcommittee relied on input from the public as it developed and refined the draft Ordinance. The Subcommittee met on a monthly basis from March of 2014 to January of 2016, and all meetings were open to the public. On May 6, 2014 and May 5, 2015 the Subcommittee held open houses for City residents, including property owners in the proposed district, to discuss concerns and suggestions for the development and content of this Ordinance. At its February and March meetings in 2016, the Historic District Commission reviewed the draft Ordinances and Zoning Map, and voted to send them to City Council to begin the ordinance amendment/adoption process.

The final draft of the Ordinance identified 8 activities that would be subject to review and approval by the Historic District Commission. The Subcommittee had reduced this list to 8 from an initial list of 21 activities. They selected activities that could have a significant impact on the architectural integrity of historic structures in the proposed district and on the historic streetscape. These activities include: new construction of primary structures; construction of additions and/or accessory structures greater than 250 square feet or that exceed 5% of the gross floor area of the existing structure, whichever is greater; alteration to the shape of rooflines; alteration of window and/or door openings on structures identified as Contributing Resources; painting of previously unpainted masonry; and, the demolition or relocation of a structure designated as a Contributing Resource. A Contributing Resource is defined as a building or structure in the district that is greater than fifty years old and that contributes to the district's sense of historical development.

The general intent of O-2016-13 (an ordinance to amend Chapter 102, Article XI of the City Zoning Ordinance to establish a Main Street Historic District) and O-2016-14 (an ordinance to amend Chapter 18, Article V of the City Code to incorporate the Main Street Historic District) is to recognize, preserve, enhance and perpetuate buildings, structures, and sites within the City having historic, architectural,

cultural or design significance. Both ordinances are attached. If approved, the Main Street Historic District would be the second historic district in Keene. Currently, the Downtown Historic District extends between the roundabout at Main, Winchester, and Marlboro Streets to the south and Mechanic Street to the north. This District is focused on preserving the architectural appearance and historic streetscape of the City's commercial/mixed-use downtown. Whereas, the proposed Main Street Historic District is focused on preserving the historic pattern and style of development along one of the City's most historic sites and a primary gateway to the downtown.

The proposed Main Street Historic District would encompass approximately 31 acres and would include 46 parcels and 50 primary structures. Attached is O-2016-15, which includes a map of the proposed district boundary. This District would overlay the existing base zoning districts, which include High Density, Office, and Low Density. Most of the current uses in the District are residential; however, there are some commercial uses, such as a bed and breakfast, small retail, multifamily apartments, offices, and a nursing facility. Keene State College owns 13 buildings within the proposed District.

If these ordinances are adopted by the City Council, the Historic District Commission will proceed to amend the Historic District Commission Regulations to include the Main Street Historic District. Per RSA 674:46-a and RSA 675:6, the Commission can adopt or amend regulations after holding a public hearing within the district(s) without approval from the local legislative body. Attached is a draft set of regulations for the proposed Main Street Historic District. These draft regulations are included to help inform the City Council about the types of standards that would be used to guide the review process in the proposed district. However, these draft regulations are subject to the review and approval of the Historic District Commission if the City Council votes to approve O-2016-13, O-2016-14, and O-2016-15 establishing the Main Street Historic District.



CITY OF KEENE

O-2016-13

Sixteen

In the Year of Our Lord Two Thousand and
RELATING TO THE MAIN STREET HISTORIC OVERLAY DISTRICT

AN ORDINANCE

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

That Chapter 102 Article XI of the Code of Ordinances, City of Keene, New Hampshire is hereby amended to incorporate the Main Street Historic Overlay District. Said amendments appear as underlined text, which represents text to be added to the existing Code, and text that is stricken out, which represents text to be removed from the existing Code. The amended Article reads as follows:

ARTICLE XI. ~~DOWNTOWN~~-HISTORIC OVERLAY DISTRICTS

Sec. 102-1381. Purpose/intent.

The purpose of the ~~downtown~~-historic overlay districts is to recognize, preserve, enhance and perpetuate buildings, structures, and sites within the city having historic, architectural, cultural or design significance. This purpose will be safeguarded by:

- (1) Preserving the heritage of the city by providing for the protection of buildings, structures, and sites representing elements of its history;
- (2) Enhancing the visual character of the city by encouraging and regulating the compatibility of new construction and alterations to existing buildings, structures, and sites within the historic district to reflect the city's distinctive architectural identity, unique character, and prevailing scale;
- (3) Fostering public appreciation of and civic pride in the beauty of the city and the accomplishments of its past;
- (4) Strengthening the economy of the city by protecting and enhancing the attractiveness of the community to residents, tourists and visitors;
- (5) Stabilizing and improving property values within the city; and
- (6) Promoting the use of historic districts for the education, prosperity, and general welfare of the community.

Sec. 102-1382. ~~Downtown~~-Historic districts-overlay district maps.

There are two historic districts in the City of Keene – the Downtown Historic District and the Main Street Historic District. Incorporated as part of this article, the downtown historic overlay district, as described in a map entitled, "Downtown Historic Overlay District Amendment" dated September 1, 2009, and the Main Street Historic Overlay District, as described in a map entitled, "Main Street Historic Overlay District" dated March 17, 2016, ~~is~~are hereby adopted as an overlay to the official zoning map of the City of Keene.

Sec. 102-1383. General regulations.

The minimum standards of the underlying zoning district(s) shall apply in the ~~downtown~~ historic overlay districts. All uses permitted in the underlying zoning district(s) are permitted in the ~~downtown~~ historic ~~district~~ overlay districts.

Kendall W. Lane, Mayor



CITY OF KEENE

O-2016-14

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

AN ORDINANCERELATING TO THE MAIN STREET HISTORIC OVERLAY DISTRICT.....

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

That Chapter 18 Article V of the Code of Ordinances, City of Keene, New Hampshire is hereby amended to incorporate the Main Street Historic Overlay District. Said amendments appear as underlined text, which represents text to be added to the existing Code, and text that is stricken out, which represents text to be removed from the existing Code. The amended Article reads as follows:

ARTICLE V. - HISTORIC DISTRICTS

DIVISION 1. - ESTABLISHMENT OF HISTORIC DISTRICT

Sec. 18-350. - Purpose.

The purpose of this article is to amend the ordinances of the City of Keene to create ~~a downtown~~ historic districts in accordance with RSA 674:46; to create an historic district commission pursuant to RSA 673:1; and to provide the rules, regulations and procedures applicable to the historic districts consistent with RSA 674:46-a.

Sec. 18-351. - Application.

The requirements of this article shall apply in addition to the requirements of the zoning ordinance, other applicable city ordinances, and state law.

Sec. 18-352. - Boundaries.

There are two historic districts in the City of Keene – the Downtown Historic District and the Main Street Historic District. Incorporated as part of this article, are the downtown historic overlay district map and the Main Street historic overlay district map as described in section 102-~~4360~~1382 of the zoning ordinance.

Sec. 18-353. - Permitted uses.

Uses permitted in the underlying zoning districts are permitted in the historic districts.

Sec. 18-354. - Definitions.

The following words, terms, and phrases shall govern the article:

Alteration, as applied to a building or structure, means a change or rearrangement in the structural parts, or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Architectural feature shall mean the architectural style, design, detail, and general arrangement of outer surfaces of a building or structure that represent a time or region and that, if altered or removed, would affect the character of the external appearance of the building or structure. Examples of "architectural features" include but are not limited to the kind and texture of building materials and the type of and style of windows, doors, lights, cornices, roofs, porticos, and other fixtures appurtenant to such features.

Building shall mean any structure or part thereof used or intended for supporting or sheltering any use or occupancy.

Certificate of appropriateness (COA) shall mean a written authorization by the Historic District Commission to the owners of a building, structure or site within the historic district, allowing the owner to conduct any of the regulated activities set forth in section 18-360 of this article.

Contributing resource shall mean any building, structure, or site which contributes to the overall historic and architectural significance of the historic district and was present during the period of historic significance but which possesses some diminishment of significance due to alterations, disturbances, or other changes to the building, structure, or site. Said diminishment of significance to the district is not so substantial as to prevent the building, structure or site from possessing historic and architectural integrity reflecting the character of that time or being capable of yielding important information about the historically significant period. Qualities of the building, structure, or site which contribute to the overall historic and architectural significance of the historic district include but are not limited to setback, massing, height, materials, architectural features, and/or fenestration.

Economic hardship shall mean quantifiable or verifiable expenditures or fiscal loss that is unreasonable for the property owner to bear under the circumstances.

Erect means to construct, reconstruct, excavate, fill, drain, or conduct physical operations of any kind in preparation for or in pursuance of construction or reconstruction, or to move a building or structure upon a lot.

Facade shall mean the front of a building or any of its sides facing a public way or public place.

Improvement shall mean upgrading or elevating the quality or condition of a building, structure, or site.

Incompatible resource shall mean a building, structure or site with no historic or architectural integrity and with setback, massing, height, materials, and/or fenestration that detract from the character of the historic district.

Noncontributing resource shall mean any building, structure, or site which does not contribute to the overall historic or architectural significance of the historic district due to alterations,

disturbances, or other changes to said building, structure, or site, and therefore no longer possesses historic or architectural integrity, or was not present during the period of historic significance, or is incapable of yielding important information about that period. The building, structure, or site may have qualities which do not detract from the overall character of the historic district including but not limited to setback, massing, height, and materials.

Ordinary maintenance and repair shall mean work done to prevent deterioration, decay or damage to a building, structure, or site, or any part thereof, by restoring the building, structure, or site as nearly as practicable to its condition prior to such deterioration, decay, or damage.

Person shall mean any natural person, firm, partnership, association, corporation, company, organization, or other legal entity.

Primary resource shall mean any building, structure, or site which contributes to the overall historic and architectural significance of the historic district and was present during the period of historic significance and possesses historic and architectural integrity with little or no diminishment in value reflecting the character of that time or is capable of yielding important information about the historically significant period. Qualities of the building, structure, or site which contribute to the overall historic and architectural significance of the historic district include but are not limited to setback, massing, height, materials, architectural features and/or fenestration.

Structural instability/safety hardship shall mean that the building or structure is structurally unsound, or deteriorated such that demolition is required for public health or safety as determined by the code enforcement officer.

Surrounding shall mean the prevailing character as represented by primary and contributing resources within the historic district.

Sec. 18-355. - Reserved.

DIVISION 2. - HISTORIC DISTRICT COMMISSION

Note - The provisions governing the establishment of the Historic District Commission and its purposes and powers and duties are set forth in Chapter 2, Administration, Article V, Boards and Commission, Division 18, Historic District Commission.

Secs. 18-356—18-358. - Reserved.

DIVISION 3. - HISTORIC DISTRICT REVIEW

Sec. 18-359. - Scope of review.

It shall be unlawful for any person to perform any of the activities set forth in section 18-360 within the historic districts without first obtaining a certificate of appropriateness in the manner prescribed in this article, the historic district regulations, and state law. The Historic District Commission may adopt rules and procedures for the review and approval by administrative official of applications for a certificate of appropriateness for minor projects as defined in the historic district regulations, provided, however, that no application may be denied without formal action by the Historic District Commission.

Sec. 18-360. - Activities requiring certificates of appropriateness.

The activities that require certificates of appropriateness vary between the City of Keene's two historic districts. The following activities shall require a certificate of appropriateness whether or not such activity requires the issuance of a permit. These activities are organized by historic district.

(1) Downtown Historic District

- a. Erection, construction, alteration, relocation, or demolition of a building or structure;
- b. Erection, construction, alteration or relocation of any architectural feature of a building or structure that is visible from a public way or other public place;
- c. Installation of new paving (excluding maintenance of existing paved areas);
- d. Removal of a tree(s) in excess of 15 inches in diameter at a height of four feet above grade, except where removal of such tree(s) is necessary for safety reasons as determined by a professional arborist or other qualified professional;
- e. Removal of stone wall(s), granite post(s), iron fence(s) or any portion thereof;
- f. Addition or alteration of existing exterior siding (e.g. vinyl, aluminum, stucco, wood, glass, etc.) of a building or structure;
- g. Painting in part or whole of a brick, stone, masonry, or concrete building or structure;
- h. Chemical or physical treatment to the exterior of a building, (including paint removal) such as sandblasting or abrasive cleaning;
- i. Installation of a bulk container, a waste storage container, a container pad, and/or screening of a container if visible from a public way; and
- j. Installation of a satellite dish and/or telecommunications facilities on an existing building, structure or site if visible from a public way.

(2) Main Street Historic District

- a. Construction of a new primary structure;
- b. Construction of a new accessory structure that exceeds 250 square feet in gross floor area or exceeds 5% of the gross floor area of the existing primary structure, whichever is greater;
- c. Additions to an existing primary structure that exceed 250 square feet in gross floor area or exceed 5% of the gross floor area of the existing primary structure, whichever is greater;
- d. Alteration to rooflines, including roof features, on buildings or structures designated as a Contributing Resource;
- e. Alteration, addition, or removal of window openings on buildings or structures designated as a Contributing Resource;
- f. Alteration, addition or removal of doorways or entrances on buildings or structures designated as a Contributing Resource;
- g. Painting of previously unpainted brick, stone masonry or concrete on buildings or structures designated as a Contributing or Non-Contributing Resource; and
- h. Relocation, demolition, or partial demolition of buildings or structures designated as a Contributing Resource.

Sec. 18-361. - ~~Exception to certificate requirement.~~ Activities that do not require a Certificate of Appropriateness

The following activities shall not require a certificate of appropriateness from the historic district commission: These activities are organized by historic district.

(1) Downtown Historic District

- a. Any work or alteration to an existing building, structure or site that is not visible from a public street, way, park or other public place;
- b. Ordinary maintenance and repair of any building structure or site;
- c. Ordinary maintenance and repair of any architectural feature which does not involve a change in the design, dimensions, or materials of the feature or involve removal thereof;
- d. Painting or repainting of a wood surface and/or an already painted brick, stone, masonry, or concrete building or structure;
- e. Alteration or replacement of any existing roof covering or surface, provided that said alteration or replacement is with the same material, ~~the same~~ patterns and colors of the existing roof covering or surface and provided the roof plane remains the same; and
- f. Installation or replacement of storm doors and storm windows provided that the original architectural features are not altered, removed or demolished.

(2) Main Street Historic District

- a. Any work or alteration to an existing building, structure or site that is not visible from a public street, way, park or other public place.
- b. Any activity not included on the list of activities in Section 18-360 (2) of this Ordinance.

Sec. 18-362. - Review criteria.

The purposes of this article and the following criteria shall be used in making a determination on an application for a certificate of appropriateness, and in promulgating regulations to govern a regulated activity: These criteria are organized by historic district.

(1) Downtown Historic District

- a. The historical, architectural, or cultural value of the building, structure or site, and its relationship and contribution to the setting as evidenced by the ranking of the building, structure, or site in the resource ranking list; ~~as evidenced by the ranking of the building, structure or site in the resource ranking list.~~
- b. The compatibility of the proposed design, arrangement, texture, materials, and architectural features with the existing building(s) or structure(s) at the site and its setting, or if new construction, compatibility with buildings or structures immediately adjacent to the site;
- c. The scale and general size of building(s) or structure(s) in relationship to existing building(s) and structure(s) at the site and immediately adjacent thereto, including consideration of such factors as the overall height, and width of the building(s) or structure(s), street frontage, number of stories, roof type, facade openings, and architectural features; and
- d. The land upon which the building(s) or structure(s) are situated, including off-street parking, screening, landscaping, fencing, vehicle driveways, on-site walkways, sidewalks, lighting, and other factors which might affect the visual character of the building or structure.

(2) Main Street Historic District

- a. The historical, architectural, or cultural value of the building or structure, and its relationship and contribution to the setting as evidenced by the ranking of the building or structure in the resource ranking list;
- b. The compatibility of the proposed design, arrangement, and architectural features with the existing building(s) or structure(s) at the site, or if new construction, compatibility with buildings or structures adjacent to the site; and
- c. If new construction, the scale and general size of building(s) or structure(s) in relationship to existing building(s) and structure(s) at the site and adjacent thereto, including consideration of such factors as the overall height, and width of the building(s) or structure(s), street frontage, number of stories, roofline, facade openings, and architectural features.

Sec. 18-363. - Review of demolition or relocation of buildings and structures.

In determining whether to issue a certificate of appropriateness to demolish all or part of a building or structure, the historic district commission shall use the following criteria:

- (1) For buildings and structures designated as a primary resource or contributing resource, the applicant shall submit concept plans for the re-use of the site after demolition including elevations of any new construction and shall demonstrate economic hardship or structural instability/safety hardship.

Demolition requests based on structural instability/safety hardship must include a technical report prepared by an architect or professional engineer registered in the State of New Hampshire which demonstrates that the building or structure presents a risk to public health, safety and welfare.

- (2) For buildings and structures designated as a noncontributing resource or incompatible resource, the applicant must submit concept plans for the re-use of the site after demolition including elevations of any new construction and demonstrate that the concept plans for the site will be compatible with the historic, architectural, and cultural values of buildings and structures immediately adjacent to the site.
- (3) Appeals relative to the designation of a building, structure or site on the resource ranking list, or relative to a historic district commission action on an application to demolish a building shall be as set forth in section 18-366.

DIVISION 4. - APPLICATION AND ADMINISTRATION

Sec. 18-364. - Application procedures.

The following application and review procedures shall be followed by the applicant and the historic district commission.

- (1) The applicant for a certificate of appropriateness shall make written application to the historic district commission through the planning department. The applicant shall provide:
 - a. A completed application form signed by the owner or owner's representative;
 - b. A narrative description of the activity requiring a certificate of appropriateness;
 - c. Graphic materials of sufficient clarity and detail that the commission will have a clear understanding of what the applicant intends to do;

- d. A complete list of abutters;
 - e. Payment of an application fee established by city council, as may be amended from time to time; and
 - f. Any site plans, building plans, building elevations, perspective sketches, photographs, and/or building materials samples as the historic district commission may reasonably require.
- (2) The historic district commission shall conduct a public hearing on the application and issue a certificate of appropriateness, conditional certificate of appropriateness, or disapproval of a certificate of appropriateness within 45 days of the receipt of an application deemed complete by the commission unless the applicant agrees in writing to a longer time period.
 - (3) Written notice of the time and place of the public hearing shall be given to each abutting property owner by First Class mail.
 - (4) Written notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the city and shall be posted in at least two public places.
 - (5) In the case of a minor project as defined in the historic district commission regulations, a public hearing shall not be required.

Sec. 18-365. - Findings.

At the conclusion of its review, the historic district commission shall issue one of the following:

- (1) Certificate of appropriateness/conditional certificate of appropriateness.
 - a. If, in the opinion of a majority of the commission members present and voting, the applicant's proposal meets the purposes of this article and ~~satisfies~~ the historic district regulations, then the historic district commission shall issue a certificate of appropriateness signed by the chairperson of the historic district commission or his/her delegate, together with any changes, conditions and/or stipulations necessary to secure the public health, safety and general welfare.
 - b. After the issuance of this certificate, the code enforcement department may issue any building, demolition or other permit for the approved project subject to approval of any other necessary board.
- (2) Notice of disapproval of certificate of appropriateness.
 - a. If, in the opinion of the majority of the commission members present and voting, the applicant's proposal does not meet the purposes of this article and does not satisfy the historic district regulations, then the historic district commission shall issue a notice of disapproval in writing together with the reasons for such decision signed by the chairperson of the historic district commission or his/her designee.
 - b. The issuance of a notice of disapproval shall prohibit the code enforcement department from issuing a building permit, demolition permit or other permit.
 - c. If the applicant's proposal is denied, the applicant is encouraged to make modifications to the proposed plan that meet the purposes of this article and satisfy the historic district regulations and shall have the right to resubmit the application at any time after so doing.

Sec. 18-366. - Appeals.

- (a) Any persons aggrieved by a decision of the historic district commission shall have the right to appeal that decision to the zoning board of adjustment in accordance with RSA

677:2 et seq. A motion for rehearing must be filed within 30 days after the decision is rendered and must specify every possible ground upon which it is claimed that the decision is unlawful or unreasonable. The 30 days shall be counted in calendar days and shall start on the day of the decision.

- (b) The zoning board of adjustment shall either grant or deny the motion for rehearing, or suspend the order or decision complained of pending further consideration. If the zoning board of adjustment grants the motion for rehearing, it shall conduct the rehearing in accordance with its rules of procedure, as may be amended from time to time, and RSA 677:2 et seq.
- (c) Any persons aggrieved by a decision of the zoning board of adjustment relative to a motion for rehearing may appeal, by petition, to the Cheshire County Superior Court in accordance with RSA 677:4 within 30 days after the date upon which the zoning board of adjustment rendered its decision. The petition shall set forth that such decision of the zoning board of adjustment is unlawful or unreasonable, in whole or part, and shall specify the grounds upon which the decision is claimed to be unlawful or unreasonable.
- (d) Pursuant to RSA 677:5, any hearing by the Cheshire County Superior Court upon appeal shall be given priority on the court calendar.

Sec. 18-367. - Enforcement.

The historic district commission is responsible, for administering the ordinance and regulations within the historic districts. The provisions of the historic district ordinance shall be enforced through traditional zoning enforcement mechanisms as set forth in section 102-6 of the zoning ordinance and RSA 676.

Kendall W. Lane, Mayor



CITY OF KEENE

O-2016-15

Sixteen

In the Year of Our Lord Two Thousand and
 Relating to Establishment of Zoning Overlay District – Main Street Historic District

AN ORDINANCE

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

That Chapter 102, the Zoning Ordinance of the City of Keene, New Hampshire, as amended, be and hereby further amended by amending the Zoning Map of the City of Keene, as adopted by the Keene City Council on December 15, 1977, as part of Chapter 102 entitled, "ZONING", of the said Ordinances, to include the Main Street Historic Overlay District, which would include the following parcels:

028020140000	226 MAIN ST.
028020150000	238-260 MAIN ST.
028020150100	246 MAIN ST.
028020160000	26 PROCTOR CT.
028020170000	28 PROCTOR CT.
028020180000	46 PROCTOR CT.
028020190000	47 PROCTOR CT.
028020200000	33 PROCTOR CT.
028020210000	27 PROCTOR CT.
028020220000	25 PROCTOR CT.
028020230000	266 MAIN ST.
028020240000	272 MAIN ST.
028020340000	222 MAIN ST.
028020350000	232 MAIN ST.
029010080000	338 MAIN ST.
029010090000	346 MAIN ST.
029020160000	284 MAIN ST.
029020170000	290 MAIN ST.
029020180000	298 MAIN ST.
029020190000	324 MAIN ST.
034020090000	400 MAIN ST.
034020100000	410 MAIN ST.
034020110000	420 MAIN ST.
034020120000	428 MAIN ST.
034020140000	440 MAIN ST.
034030010000	358 MAIN ST.
034030090000	390 MAIN ST.
034030100000	380 MAIN ST.
034030110000	370 MAIN ST.
054010010000	283 MAIN ST.
054020010046	281 MAIN ST.

054020010048	305 MAIN ST.
054030010008	229 MAIN ST.
54030010016	239 MAIN ST.
054030010017	251 MAIN ST.
055010010000	431 MAIN ST.
055010020000	425 MAIN ST.
055010030000	419 MAIN ST.
055010040000	409 MAIN ST.
055020070000	399 MAIN ST.
055020080000	389 MAIN ST.
055020090000	383 MAIN ST.
055020100000	375 MAIN ST.
055020110000	365 MAIN ST.
055020120000	361 MAIN ST.
055030010000	349 MAIN ST.
055030020000	339 MAIN ST.
055030030000	331 MAIN ST.
079010090000	441 MAIN ST.
079010100000	11 KING CT.
079010110000	15 KING CT.

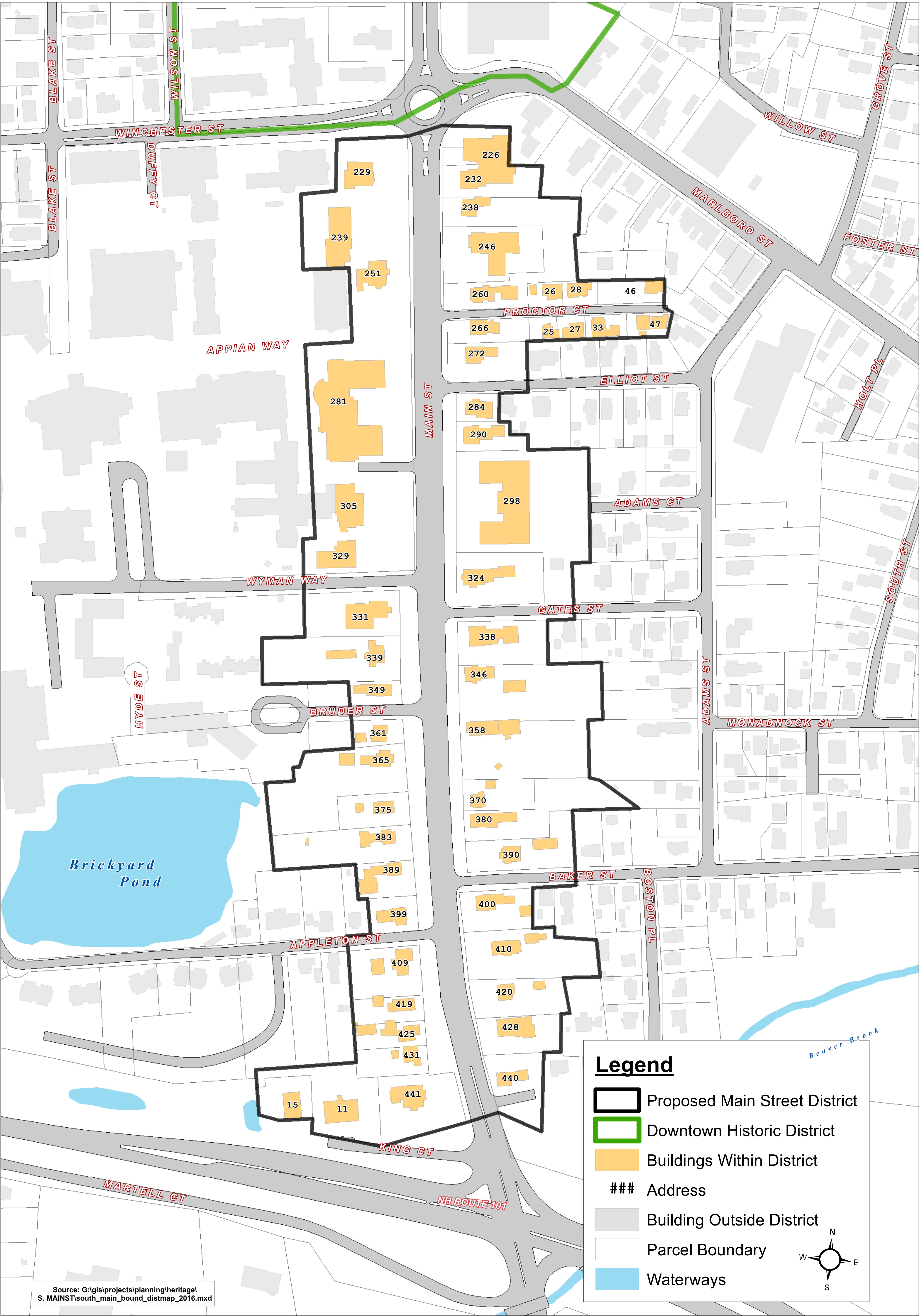
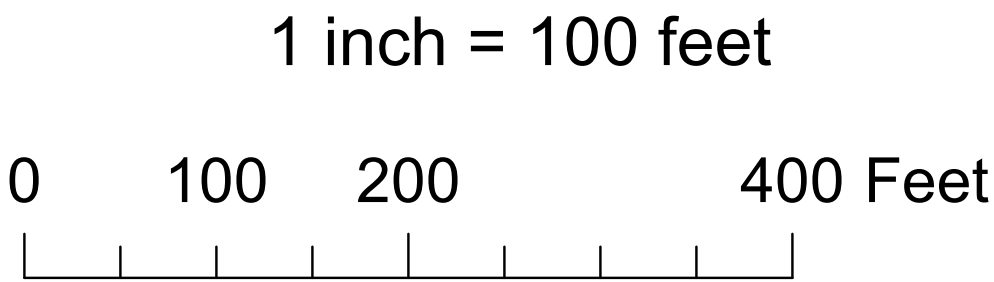
Kendall W. Lane, Mayor



O-2016-15

Main Street Historic Overlay District Map

March 17, 2016



DRAFT

HISTORIC DISTRICT COMMISSION
REGULATIONS

For the proposed

MAIN STREET HISTORIC DISTRICT



Last updated on March 17, 2016

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I. PURPOSE

The purpose of the Main Street Historic District and the intent of these regulations is to preserve the historic character-defining qualities of the Main Street Historic District while allowing the area to remain vital and livable by current cultural standards.

II. AUTHORITY

These regulations are adopted under authority granted in Chapter 18, Article V of the City of Keene Code of Ordinances, and in accordance with RSA 674:45, RSA 673:1 and RSA 674:46-a.

III. APPLICABILITY & JURISDICTION

These regulations apply to all properties within the limits of the City of Keene Main Street Historic District except as provided by state or federal law or otherwise expressly stated in these regulations. The boundaries of Keene's historic districts are established in Chapter 102, Article XI, Section 1382 of the City of Keene Code of Ordinances.

All applications for a Certificate of Appropriateness as required in Keene City Code Section 18-359, et seq. shall be subject to these regulations. All application and review procedures related to Certificates of Appropriateness shall be followed by the applicant and the Historic District Commission (HDC).

IV. DESCRIPTION

The Main Street Historic District comprises the area of Main Street between the roundabout at Marlboro, Winchester, and Main Streets and the intersection of Main Street at NH Route 101. It is one of the most historic sites in the City of Keene. A historic district in this area is recognition of the fact that the historic character of our community is a very important social and economic resource. Some of the homes and buildings in this area have lined the gateway to Keene's downtown for over two hundred years. The area has one of the finest representations of historic architecture in the entire State of New Hampshire.

The intricately detailed and well-maintained residences, institutional buildings, and small businesses in this district play a critical part of the City's character and sense of place. The area also serves as one of the most heavily traveled corridors into the City. This historic district is a declaration by the City of Keene that these historic buildings reflect the city's distinctive heritage as it has evolved over a period of several centuries and warrants protection.

V. RESOURCE RANKING

There are two building rankings in the Main Street Historic District. These include:

- A. Contributing Resource - a building, structure or site within the Main Street Historic District that was present during the Period of Significance (anything older than fifty years from present time) and that contributes to the district's sense of time and place and historical development.

- B. Non-Contributing Resource - a building, structure, or site within the Main Street Historic District that has either been constructed outside the Period of Significance (anything less than fifty years from present time) or has lost its architectural, historical or cultural integrity due to major alterations or other changes and thus has lost the ability to contribute to the character of the Historic District. A Noncontributing Resource may become a Contributing Resource when it becomes fifty years old or if its integrity is restored.

VI. CERTIFICATE OF APPROPRIATENESS

A Certificate of Appropriateness is written authorization by the HDC to the owners of a building, structure or site within the historic district that approves proposed exterior architectural changes to buildings or sites located within Keene's historic districts. Applications for a Certificate of Appropriateness in the Main Street Historic District are reviewed by the HDC.

A. Activities that Require a Certificate of Appropriateness

The activities that require Certificates of Appropriateness in the Main Street Historic District are set forth in Section 18-360 of the Keene Code of Ordinances. The following activities shall require a Certificate of Appropriateness whether or not such activity requires the issuance of a permit.

1. Construction of a new primary structure
2. Construction of a new accessory structure that exceeds 250 square feet in gross floor area or exceeds 5% of the gross floor area of the existing primary structure, whichever is greater
3. Additions to an existing primary structure that exceed 250 square feet in gross floor area or exceed 5% of the gross floor area of the existing primary structure, whichever is greater
4. Alteration to rooflines, including roof features, on buildings or structures designated as a Contributing Resource
5. Alteration, addition, or removal of window openings on buildings or structures designated as a Contributing Resource
6. Alteration, addition, or removal of doorways or entrances on buildings or structures designated as a Contributing Resource
7. Painting of previously unpainted brick, stone masonry, or concrete on buildings or structures designated as a Contributing or Noncontributing Resource
8. Relocation, demolition, or partial demolition of a building or structure designated as a Contributing Resource

B. Exemptions

Any work or alteration to an existing building, structure or site that is not visible from a public street, way, park or other public place shall not require a Certificate of Appropriateness. It shall be the sole responsibility of the applicant to demonstrate that no part of the proposed work is visible from these locations.

C. Duration

A Certificate of Appropriateness shall be valid for either:

- the duration of an active building permit issued for construction associated with the Certificate of Appropriateness; or,
- if no building permit is issued, the approval is valid for one year from the date the Certificate of Appropriateness is issued.

Extensions to the duration of a Certificate of Appropriateness may be granted by the Planning Director. No extension shall be granted for a period greater than one year from the current expiration date. No more than two consecutive extensions shall be granted. The Planning Director may refer the request for extension of the duration of a Certificate of Appropriateness to the HDC if in his/her judgment the extension is not consistent with all applicable standards and regulations.

VII. DESIGN STANDARDS AND GUIDELINES

These Standards and Guidelines are provided as a means of preserving the integrity of an important historical area and gateway to downtown Keene. They are intended to establish a common understanding of preservation principles and are provided for use by property owners and the HDC in making decisions about proposed rehabilitation, new construction, and demolition projects that will be sensitive to the historic character of the district.

- Design Standards are criteria that the applicant shall meet to retain and preserve the character defining elements of a historic structure or building and to promote compatible new construction or rehabilitation.
- Design Guidelines are general technical recommendations to help owners protect and preserve the historic character-defining features of their properties. These guidelines are encouraged but not required.

A. Existing Buildings and Structures

1. **Rooflines and Roof Features**

The roof is an important design element of all historic buildings. The shape of a roof, including roof features (e.g. chimneys, dormers, cupolas), is a dominant visual feature of the building and conveys information about the period of construction.

a. Design Standards

- i. The roofline, including architectural roof features (e.g. dormers and cupolas), on a building or structure designated as a Contributing Resource shall not be altered. Raising or lowering the existing roofline shall only be allowed for the purpose of restoring the roof to its original profile.

- ii. If mechanical equipment (e.g. ducts, fans, air conditioners, solar panels, etc.) or similar equipment must be roof-mounted, it shall be installed in locations that create the least disturbance to the historical appearance of the building and shall be screened to be inconspicuous from the public right-of-way.

b. Design Guidelines

- i. Roof replacement materials should be chosen with sensitivity to the original. Slate and wood shingles are preferable and original materials should be retained where possible. Alternatives are products that successfully imitate slate or wood, or dark asphalt shingles that do not draw attention to the absence of original materials.
- ii. Other architectural features that give a roof historical character should be retained or restored whenever possible.

2. Window and Window Openings

Windows are prominent visual elements of historic structures, and often reflect the architectural style or period of construction. The location, size, shape, type, and arrangement of windows contribute significantly to a building's historic character. The scale and proportions of a building have the potential to be radically changed when the window size, placement, and/or shape are altered.

a. Design Standards

Window openings, including the shape, size and number, and window arrangements on a Contributing Resource shall depict what was present at the time of alteration.

b. Design Guidelines

- i. Replacing an entire historic window when portions are usable is not recommended, nor is utilizing substitute parts that are not congruous either visually or physically with the remaining historic window.
- ii. New windows should be congruous with the window opening and the design of the historic building or structure.
- iii. Windows and window openings on a structural addition should be congruous in design, material and placement with the historic building.

3. Doorways and Entrances

Doorways and entrances are prominent visual features of a building, reflecting the architectural style or periods of construction of the building. The location, size, and shape, of an entrance or doorway can contribute significantly to a building's historic character and visual appearance.

a. Design Standards

- i. Where doorways or entrances on a Contributing Resource must be altered, they shall be designed to respect the exterior architectural integrity of the building. Particular attention shall be paid to the size and

shape of the doorway or entrance and its relationship to the rest of the structure.

- ii. Introducing new door openings, or eliminating an existing door opening on the primary elevations of a Contributing Resource shall not be allowed.

b. Design Guidelines

- i. Historically appropriate doors should be retained whenever possible. If doors must be replaced on a Contributing Resource, the opening should be respected and not altered to fit a different size door. Porches and porticos should be retained if possible.

4. Masonry

The diverse ways masonry is employed in the Main Street Historic District provide interest and complexity to the streetscape. A number of the buildings in this area are constructed of brick, much of which was produced locally. Masonry materials, including brick, granite, sandstone, terra cotta, and cast stone, are used decoratively on some buildings for window caps and on cornices.

a. Design Standards

If previously unpainted, brick, stone masonry, or concrete on buildings or structures shall not be painted.

b. Design Guidelines

While these regulations only address the painting of unpainted masonry, the following guidelines are important considerations for maintaining and repairing masonry.

- i. Masonry should be cleaned only when necessary to halt deterioration or remove heavy soiling.
- ii. Masonry should not be sandblasted or abrasively cleaned, but cleaned with the gentlest method possible.
- iii. Limestone and marble should not be cleaned with an acidic cleaner, as it may dissolve the surface.
- iv. Repointing should only be undertaken to address deteriorated masonry or in areas where moisture infiltration is a problem. The amount of wall area to be repointed should be limited to the affected area. The new mortar joints should match the original as closely as possible in terms of profile, width, and composition. The new mortar should match the color of the mortar used when the building was built, or it shall match aged or weathered mortar color, whichever is more appropriate. The color of all mortar should come from the aggregate and not the binder.
- v. Brick walls that require repair with replacement brick should be repaired with bricks that match the original as closely as possible in terms of size,

color, and texture.

B. New Construction

The Main Street Historic District contains buildings and structures from the City's earliest period of development. Most of the buildings are architecturally distinguished and represent a variety of architectural styles and building types. The purpose of these design standards is to ensure that new construction respects, preserves and complements the historic architecture and character of the district, while allowing for quality design, development, and uses that will enable this area to maintain its distinct character and sense of place.

1. New Primary Structure or Accessory Structure

These standards apply to the construction of all new primary structures or the construction of accessory structures that exceed 250 square feet of gross floor area or exceed 5% of the gross floor area of the existing primary structure, whichever is greater.

a. Design Standards

- i. New buildings or structures shall be sited so that the existing pattern of the historic streetscape - setbacks, scale, massing, and orientation - in which they are located is not disrupted.
- ii. The height of new buildings or structures should not overwhelm neighboring structures and should remain within a similar range found within the vicinity of neighboring properties. Similarities in heights among building features such as porches are equally important.
- iii. The shape and fenestration of new buildings or structures shall respect the established historic architectural character of the surrounding area.
- iv. New buildings or structures shall take into account the historic relationships of existing buildings and site features on the site.
- v. Accessory structures shall be located to the rear of the primary structure. In instances where this is not feasible, accessory structures shall be located in the side yard and to the rear of the front line of the primary structure.

b. Design Guidelines

- i. Creative new design is encouraged when it references or acknowledges local, traditional forms or design elements.
- ii. Exterior materials should be of those that are common in the District.
- iii. New construction should have rooflines that are similar to those traditionally seen in the district, in terms of type, shape, pitch, and orientation.
- iv. New construction that replaces a previous structure that was recently destroyed or removed should have consistency in scale and style with

the previous structure. The degree of consistency in scale and style should be highest for previous structures that were historically significant in style or architectural details, or in a prominent location.

2. Additions

Generally, an addition was often secondary in scale and character to the original building. Today, additions include new wings for a master bedroom, additional bathrooms, dormers to an existing roof, an expansion of a kitchen or living room, etc. Concerns arise when additions are very large and threaten not only the integrity and historic appearance of the structure but visual continuity of the district.

A sensitively designed addition will preserve significant historic materials and features, maintain historic character, and make a visual distinction between the old and the new. It will also take the building's context and immediate surroundings into account. If the addition were to be removed, it should still be possible to rehabilitate the building to its original form.

These standards apply to the construction of additions to existing primary structures that exceed 250 square feet in gross floor area or exceed 5% of the gross floor area of the existing primary structure, whichever is greater.

a. Design Standards

- i. Whenever possible, additions shall be located at the rear or on an inconspicuous side of the building.
- ii. Additions shall be compatible in size and scale with the primary structure.
- iii. Additions shall not radically change, obscure, damage or destroy character-defining features of the primary structure.
- iv. Additions that alter the front of the primary structure, or that substantially increase the building height above adjacent or nearby rooflines, shall not be allowed, unless it can be documented that the addition is historically appropriate for the primary structure.
- v. Additions shall take into account the historic relationships of existing buildings and site features on the site.

b. Design Guidelines

- i. Additions should be compatible with the primary structure and with the surrounding area.
- ii. Additions should be designed to be visually subordinate to the primary structure.
- iii. If it is necessary to design additions that are taller than the primary structure, the addition should be set back from the primary or character defining facades.
- iv. Architectural features in additions should be used to enhance visual

interest and provide a pedestrian scale. Details that reference, but do not necessarily mimic, traditional buildings are encouraged.

- v. New additions should have rooflines that are similar to those traditionally seen in the district, in terms of type, shape, pitch, and orientation.
- vi. The shape, scale and fenestration of new additions or alterations shall respect the established historic architectural character of the surrounding area.

C. Demolition or Relocation

The City recognizes that some buildings and structures, specifically, those designated as a Contributing Resource, play a particular role in defining the City's heritage. While demolition of these resources is allowed, it will be granted only in tandem with the following standards and consideration of specific redevelopment plans for the site.

- a. Relocation, demolition or partial demolition of a building and or structure categorized as a Contributing Resource, including secondary buildings and accessory structures located on the same property, shall be prohibited unless the applicant can demonstrate one or more of the following criteria.
 - i. The applicant can demonstrate that retaining the resource would constitute economic hardship due to unavoidable quantifiable and verifiable expenditures or a fiscal loss that would ensue should the building or structure not be demolished.
 - ii. The building or structure has been determined structurally unsound, based upon a written technical report prepared by an architect or professional engineer that clearly demonstrates the building or structure presents a risk to public health, safety, and welfare. This architect or engineer shall be registered in the State of New Hampshire and specialize in historic structures.
 - iii. Demolition is limited to a secondary building or a free-standing structure on the same property that has not been cited on the survey form as a significant resource or character-defining feature.
 - iv. The HDC, by a two-thirds vote, determines that demolition is warranted due to extraordinary circumstances.
- b. Relocation, demolition, or partial demolition, of later additions that are part of a Contributing Resource may be allowed. Their removal will be evaluated and determined by the HDC on a case-by-case basis.
- c. Applicant shall apply for and receive approval for a Certificate of Appropriateness for the construction of a new building or structure at the site prior to or in conjunction with the consideration of an application for demolition by the HDC. Any new construction must adhere to the Design Standards for Construction of Additions, New Buildings or Structures in Section VII.B of these regulations and will be evaluated by the HDC against those standards.

VIII. APPLICATION AND REVIEW PROCEDURE

A. Pre-Application Conference

An applicant proposing any activity requiring a Certificate of Appropriateness as set forth in Chapter 18, Article V, Section 18-360 of the of Keene Code of Ordinances and Section VI.A of these regulations shall meet with the Planning Director or his/her designee and/or Keene Code Enforcement Department prior to commencing work and/or submitting an application for activities subject to a Certificate of Appropriateness. The purpose of this meeting is to determine what information is required to be submitted and to obtain the appropriate regulations and guidelines. The Planning Director or his/her designee shall evaluate the proposal and classify the project according to these regulations.

B. Application Requirements

1. **Filing of Application**

Application forms can be obtained from the Keene Planning Department and on the City of Keene website. When completed, the application and all required information shall be filed with the Keene Planning Department. Completed applications must be filed 21 days prior to the next scheduled meeting of the HDC.

2. **Fees**

Fees as established by the City of Keene shall be due and payable at the time the application is filed with the Planning Department.

3. **Information Required**

An application for a Certificate of Appropriateness shall include the following information:

- a. 2 copies of a completed application form
- b. 2 copies of a descriptive narrative of the activity requiring a Certificate of Appropriateness
- c. Fees
- d. A list of all abutters that includes the name, address and tax map number of each, is signed by the applicant, and is notarized with a date within 60 days of application deadline
- e. 2 sets of mailing labels for all abutters that include the name, address and tax map number of each abutter
- f. As appropriate, copies of any Zoning Board of Adjustment action undertaken as part of this application
- g. 3 sets of site plans at a maximum scale of 1"=50' or better that depict existing conditions and all proposed changes including but not limited to landscaping, accessory structures, and the footprints of buildings and site

features on abutting properties directly adjacent to the site.

- h. 3 sets of building elevations at a scale of $\frac{1}{4}'' = 1'$ or better of each building façade proposed for alteration showing:
 - i. All proposed changes to the exterior of the structure
 - ii. Accurate dimensions of architectural details (e.g. windows, doors, entries, molding, trim, decks), if applicable
 - iii. Any portions of the structure proposed for demolition or removal
- i. Cut sheets and/or specifications of building materials, if applicable (e.g., siding, roofing trim)
- j. Cut sheets and/or specifications for windows and doors, if applicable
- k. Photographs, renderings, and/or line sketches of neighboring structures which show scale and massing, if new construction
- l. Additional information as may be required by the HDC

4. Completeness

Upon the filing of an application for a Certificate of Appropriateness, the Planning Department shall review the application to determine if it is complete.

- a. If the application is determined to be complete by staff, it shall be scheduled for review at the next scheduled HDC meeting.
- b. If an application is determined by staff to be incomplete, the Planning Department will work with the applicant to revise the application in a manner to allow a staff recommendation of completeness. Incomplete applications shall not be scheduled for review by the HDC.
- c. An exemption from providing specific information required in Section VIII.B.3 above may be requested in writing at the time of submission. Such request shall be made to the Planning Director. If the Planning Director determines that the specific information is not relevant to the HDC's evaluation of the application, he/she may issue a provisional exemption. During its review of completeness of an application, the HDC shall review the request for exemption and the recommendation of the Planning Director and shall vote on whether to confirm or reject the provisional exemption. If a request for exemption is rejected by the HDC, the applicant shall submit all required material according to Section VIII.B.3 above.

C. Project Review

1. Public Notification

Upon a determination that the application is complete, the Planning Department will schedule a public hearing at the next scheduled HDC meeting and provide notice of such hearing in accordance with Section 18-364 of the City of Keene Code of Ordinances and RSA 676:7.

2. Staff Review

The Planning Department will work with the applicant to improve the application, to coordinate with other City departments and state agencies as necessary, arrange a site visit for the HDC (as needed), and submit a staff report to the HDC prior to the public hearing.

3. Site Visit

The HDC may hold a site visit, notice of which shall be provided to the applicant at least 48 hours in advance of the scheduled date of the site visit.

4. HDC Completeness Review

At the meeting to consider an application, the HDC shall determine whether or not the application is complete and shall vote to accept or reject the application accordingly. If the application is incomplete, staff shall notify the applicant according to RSA 676:3 and shall specify what would be required to make the application complete. If the application is complete, the HDC may, but need not, begin formal consideration of the application at the same meeting.

The HDC shall only consider a completed application. A completed application means that, in the discretion of the HDC, sufficient information is included or submitted to allow the HDC to make an informed decision.

5. Public Hearing

The HDC shall hold a public hearing on an accepted application with notice as required in Section 18-364 of the City of Keene Code of Ordinances and in accordance with RSA 676:7. A public hearing on an application for a Certificate of Appropriateness may be continued from meeting to meeting as needed.

For demolitions, applicants shall post a sign identifying the structure as proposed for demolition in a visible location on the premises at least ten (10) days prior to the hearing. The sign is available from the Planning Department and needs to be returned prior to an issuance of a Demolition Permit.

6. Special Reviews and Studies

If during the HDC's formal consideration of an application, the HDC determines that additional information is necessary to make a fully informed decision, it may request that the applicant provide such information or may hire a professional consultant with all expenses paid by the applicant.

7. Burden of Proof

It shall be the sole responsibility of the applicant to demonstrate that its application satisfies all standards of review within these regulations and Chapter 18, Article V of the City of Keene Code of Ordinances.

8. HDC Action

The HDC shall act to approve, conditionally approve, or disapprove an application for a Certificate of Appropriateness within 45 days of the date when an application is

deemed complete by the HDC, unless the applicant agrees in writing to a longer time period.

- a. In making a determination to approve, approve with conditions, or disapprove an application for a Certificate of Appropriateness, the HDC shall take under consideration the review criteria in Section 18-362 and Section 18-363 of the City of Keene Code of Ordinances, and the regulations and standards established in this document.
- b. In a case of disapproval, the grounds for disapproval shall be adequately stated in a written notice of disapproval and provided to the applicant. No building permit shall be issued for an application which is disapproved by the HDC. Applicants whose application has been disapproved may make modifications to the disapproved plans and may submit a new application for consideration by the HDC, which shall review the new submittal without prejudice.
- c. Upon approval of an application by the HDC, a Certificate of Appropriateness shall be issued to the applicant, and a copy filed at the Planning Department and Code Enforcement Department. No construction or demolition shall commence, whether or not a building permit is required, nor shall a building permit be issued prior to the issuance of a Certificate of Appropriateness.

D. Modifications to Approved Projects

Modifications to approved projects whose work has not been completed shall require approval of the HDC. Any new changes to work that has been completed shall be treated as a new project and require a separate application.

E. Waivers

In a case where the HDC determines that the following criteria have been met, it may waive strict compliance with these regulations. The applicant must demonstrate that:

- strict application of these regulations would result in a particular and exceptional difficulty or undue hardship; and
- an alternative design or materials meets the design objectives stated in these regulations and in Chapter 18, Article V of the City of Keene Code of Ordinances equally well or better than would strict compliance with these regulations; and,
- granting of a waiver will not cause substantial detriment to the intent of these regulations and Chapter 18, Article V of the City of Keene Code of Ordinances, and the public good.

To request a waiver an applicant must submit a request in writing and cite the specific regulation or standard and the reason(s) it cannot be met.

F. Appeals

Any persons aggrieved by a decision of the HDC shall have the right to appeal that

decision according to Section 18-366 of the City of Keene Code of Ordinances.

G. Enforcement & Penalties

These Regulations shall be enforced under the authority of RSA 676 and such other authority as may be available.

H. Severability

If any of the provisions set forth in these Regulations are held to be invalid, for any reason, by a Court of Law, such holding shall not invalidate other provisions contained herein.

I. Emergency Repairs

In the event that a building, structure or site is damaged in a manner that creates unsafe conditions, efforts to stabilize the situation should be taken immediately to prevent additional damage or injury. At the earliest possible time, the property owner or affected party shall apply, as necessary, for a Certificate of Appropriateness for any work that has been done or will be done to permanently correct the situation.

IX. DEFINITIONS

- A. Accessory Structure - a detached structure on the same lot as a primary structure, the use of which is incidental and subordinate to the primary structure. For example, a residential structure may have a detached garage or storage shed for garden tools as accessory structures.
- B. Alteration - any repair, reconstruction, restoration, replacement, rehabilitation, alteration, demolition, addition, or new construction proposed for the exterior of a building or its site. The work may involve changes in materials, dimensions, design, configuration, texture, color, or visual appearance.
- C. Architectural Feature - the architectural style, design, detail or general arrangement of outer surfaces of a building or structure that, if altered or removed, would affect its appearance and character. Examples of architectural features include, but are not limited to, building materials, windows, doors, cornices, roofs, porticos, storefronts, and painted signs.
- D. Building - any structure or part thereof used or intended for supporting or sheltering any use or occupancy. As applied to historic buildings, the term may apply to the portion of a structure that historically constituted a separate building.
- E. Certificate of Appropriateness - written authorization from the Historic District Commission to the building owner or project applicant that allows the owner/applicant to conduct the regulated activities specified in these regulations.

- F. Character-defining feature - the form, material and detail of those architectural features that are important in defining a building's historic character and whose retention will preserve that character. Character-defining features include, but are not limited to, facades, roofs, porches, windows, doors, trim, massing, shape, orientation and landscape features, such as fences, walls, posts and walkways.
- G. Compatible - possessing characteristics that allow for a harmonious relationship. Compatibility does not require copying or matching of attributes, and may involve the juxtaposition of dissimilar things that nevertheless create an agreeable effect.
- H. Contributing Resource - a building, structure or site within the Historic District that was present during the Period of Significance and that contributes to the district's sense of time and place and historical development
- I. Demolition - the razing, destruction, removal, or relocation, entirely or in significant part and including its facade, of a building, structure or other resource.
- J. Economic hardship - quantifiable and verifiable expenditures or fiscal loss that is unreasonable to bear under the circumstances. Demonstration of an economic hardship shall not be based on or include any of the following circumstances:
- a. Willful or negligent acts by the owner.
 - b. Purchase of the property for substantially more than market value.
 - c. Failure to perform normal maintenance and repairs.
 - d. Failure to diligently solicit and retain tenants.
 - e. Failure to provide normal tenant improvements.
- K. Elevation - (1) a wall of a building; (2) A fully dimensioned drawing of the front, rear or sides of a building showing features such as windows, doors and the relationship of grade to floor and roof levels.
- L. Envelope - the exterior surfaces of a building, including walls, roof, foundation and any projecting elements.
- M. Facade - That portion of any exterior elevation of a building extending vertically from grade to the top of the parapet wall or eaves and horizontally across the entire width of the building elevation.
- N. Fenestration - the arrangement of windows and other exterior openings on a building.
- O. Gross floor area - means the sum of the total areas of the several floors of the structure, measured in horizontal dimensions. All horizontal dimensions shall be taken from the exterior faces of walls, including walls, or other enclosures of enclosed porches, patios and breezeways. Basements and habitable attics shall be included in gross floor area.

- P. Historic building - A building or structure within the Historic District that is categorized as a Contributing Resource.
- Q. In kind replacement - replacement of a feature with new material that identically matches the original with respect to design, size, configuration, color, texture and other visual qualities.
- R. Maintenance - see Repair.
- S. Masonry - Work constructed by a mason using stone, brick, concrete block, cast stone, tile, or similar materials.
- T. Muntin - a thin bar, usually wood, used to hold panes of glass in place.
- U. Non-Contributing Resource - a building, structure or site within the Historic District that is either less than fifty (50) years old and thus was not constructed within the Period of Significance; or is fifty (50) or more years old and has lost its architectural, historical or cultural integrity due to major alterations or other changes and thus has lost the ability to contribute to the character of the historic district. A Noncontributing Resource may become a Contributing resource when it becomes 50 years old. It may also become a Contributing resource if its integrity is restored.
- V. Period of Significance - the span of time during which the district attained its significance. For the Historic District, the period of significance starts in 1762, the year the oldest extant building was constructed, and ends 50 years from present time, as events and buildings within the district continue to achieve importance. The fifty-year benchmark coincides with that recognized by the National Park Service in its preservation programs.
- W. Primary Elevation - the front and/or street-facing walls of a building.
- X. Primary Structure - a structure that is central to the fundamental uses of the property and is not accessory to the use of another structure on the same premises. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site. (*see Accessory Structure*)
- Y. Property - area of land containing a single historic resource or a group of resources.
- Z. Public Right-of-Way - any street, alley, park or other location on the ground that is open to and accessible by the public.

- AA. Reconstruction - the act of recreating a property that has been destroyed, through documentary research and the use of new materials.
- BB. Rehabilitation - the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving the character-defining features that are significant to its architectural, historical and cultural values.
- CC. Relocation - the act of removing a building, structure or other resource from its existing foundation or location to another foundation or location, including on the same site. For purposes of this ordinance, applications for relocation shall be subject to the same standards as demolition.
- DD. Removal - the act of destroying or relocating a building, structure or other resource. For purposes of this ordinance, applications for removal shall be subject to the same standards as demolition.
- EE. Renovation - alterations and improvements by repair that enhances or modernizes the building with the basic character of the building preserved.
- FF. Re-pointing - repairing mortar by raking and refilling the outer face of mortar joins.
- GG. Repair - any work which will involve no change in materials, dimensions, design, configuration, color, texture or visual appearance.
- HH. Resource - any building, structure, site or object that is part of or constitutes a historic property.
- II. Restoration - the act or process of accurately recovering the form, features and character of a property and its setting as it appeared at a particular period of time, by means of removing features from other periods and reconstruction of missing features from the restoration period.
- JJ. Safety Hardship - see structural instability.
- KK. Shall - used as a verb to indicate those actions which are specifically required to preserve and protect significant architectural elements.
- LL. Should - used as a verb to indicate a recommended course of action.
- MM. Structure - Anything constructed or erected which requires location on or in the ground, or attached to something having location on or in the ground.
- NN. Structural Instability - the building or structure has been determined by the Code

Enforcement Officer to be structurally unsound or deteriorated, such that demolition is required for public health, safety or welfare; and an architect or professional engineer registered in the State of New Hampshire with experience in historic structures has prepared a written technical report demonstrating that the building or structure presents such a risk.

DRAFT



City of Keene, N.H.
Transmittal Form

7/13/2016

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: I.1.

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

RECOMMENDATION:

On a vote of 3-2, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2016-09 relating to Dormitory, Lodging or Rooming Houses and Residential Board and Care. Councilors Jones and Sutherland voted in opposition.

ATTACHMENTS:

Description

Ordinance O-2016-09

BACKGROUND:

The City Clerk provided the background information noting 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.

Chief Howard addressed the Committee noting the City Clerk provided a good summary; Chief Howard then listed the City staff that was involved in the discussions. As a result of these discussions Article X of Sec. 46 has been moved to Sec. 42 Fire Prevention Code and Ordinances. Chief Howard explained it establishes a permit process which shortens that process by two weeks. He noted the facilities will be tracked within the database; the database generates inspection lists one and a half months in advance of the inspection date. The permitting process as far as the Fire Department's internal requirements hasn't changed; the license is changing. Chief Howard referred to Sec. 42-135 – Definitions noting we wanted to make it very clear there were no inconsistencies with how these facilities were defined. Chief Howard explained 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. Chief Howard indicated one step would be eliminated in this process. He also suggested the remaining sections are self-explanatory.

Chief Howard reported the fees were not adjusted with the Ordinance (Attachment B); this will be coming back to the Committee with a recommendation to accept the 2015 NFPA standards. He advised we are currently operating within the 2009 standards.

Chair Richards clarified this is the last step in streamlining these processes so that the public has a much easier time.

Chair Richards asked for Committee questions.

Councilor Jones asked if staff has the same authority as Council to set conditions; he used the United Church of Christ/Hundred Nights as an example. After additional comments Chief Howard said from the Fire Chief's standpoint if they have a permit to have a shelter it is irrelevant to us what hours they operate. Councilor Jones noted this was not the part he was getting at. The City Attorney interjected noting the short answer to Councilor Jones' question is no. Discussion ensued with regards to whether or not conditions were set for the above license. The City Clerk verified conditions were set that will terminate at the end of the license (one year).

Councilor Hansel asked how many Lodging House licenses the City has out right now. Chief Howard indicated there are possibly two; we only know about those that have followed the City's permitting process. Chief Howard suggested more may be uncovered while conducting the occupancy inspections. Owners will be made aware and they will have to comply with the permitting process. Chief Howard explained the previous process and the Fire Department's involvement. Councilor Hansel then agreed the new process provides a huge benefit. Chief Howard summarized it is not about enforcement, it is all about compliance and life safety.

Councilor Sutherland referred to Sec. 42-138 Resident Agent and asked for clarification this means the resident agent has to reside on the premises. Attorney Mullins noted his understanding is that the person needs to reside at the location.

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

Councilor Chadbourne made the following motion which was seconded by Councilor Hansel. The Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2016-09 relating to Dormitory, Lodging or Rooming Houses and Residential Board and Care.

Councilor Jones indicated he was opposed to the motion because it is taking away the transparency and public participation. Councilor Sutherland noted his agreement with Councilor Jones and suggested the matter should be given more consideration.

Chair Richards noted he understands the comments made by Councilors Jones and Sutherland, but is leaning in favor of this pointing out all the other processes that have been streamlined. Councilor Hansel noted his agreement with Chair Richards noting if a new lodging house were to be erected they would have to go through the site plan review process. Speaking for the Fire Department, Chief Howard noted if the public raises a complaint about a property it is investigated whether it's the Fire or Police Department.

Noting her favor of streamlining the processes Councilor Chadbourne and referred to Sec. 42-136 Enforcement Officer. She asked if there will still be a process for Code to go through those houses. Chief Howard advised the Fire and Code Enforcement Departments work together daily. Councilor Chadbourne added she agrees with the Chair's comments and supports this.

On a vote of 3-2, the Planning, Licenses and Development Committee recommends the adoption of Ordinance O-2016-09 relating to Dormitory, Lodging or Rooming Houses and Residential Board and Care. Councilors Jones and Sutherland voted in opposition.



CITY OF KEENE

O-2016-09

Sixteen

In the Year of Our Lord Two Thousand and
RELATING TO DORMITORY, LODGING OR ROOMING HOUSES
AN ORDINANCEAND 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.

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.

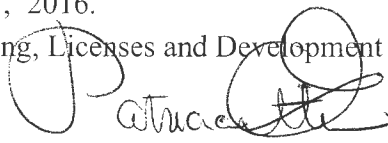
Sec. 42-145. – Fee.

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

In City Council July 7, 2016.

Referred to the Planning, Licenses and Development Committee.


Patricia
City Clerk



City of Keene, N.H.
Transmittal Form

7/13/2016

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities, and Infrastructure Committee

ITEM: I.2.

TITLE: Relating to Vehicular Traffic and Public Ways

RECOMMENDATION:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommend the acceptance of the City Engineer's memorandum and adoption of Ordinance O-2016-12.

ATTACHMENTS:

Description

Ordinance O-2016-12

BACKGROUND:

Chair Manwaring recognized Public Works Director Kürt Blomquist. Mr. Blomquist stated that the ordinance in front of the committee would restrict left turning movements from Elliot St. Currently, Elliot Street is one way in a westward direction from Adams St. to Main St. City staff from the Planning, Police, and Public Works Departments have been working together to look at what kinds of changes to make to the crossings to improve the overall efficiency and safety of this area. Over the years, Keene State College (KSC) constructed parking lots and buildings and have increased their activities on the east side of Main St. There has also been an increase in pedestrian crossings in the area between the roundabout down to Gates St. This area of Main Street is a challenge with parking on both sides, and two lanes of traffic going north and south. Drivers and pedestrians are focused on many things at once.

City Engineer Don Lussier stated that the only proposed change that would require City Council action is the restriction of left turn movements from Elliot St. He continued that to describe the overall changes, this came about through an effort with multiple City departments in trying to improve visibility and safety of crosswalks in this area. The plan is intended to be an interim plan. It does not add or change the location of crosswalks. It paints on existing pavement. It does not do anything permanent that would prelude staff from looking at this in a broader context later on.

Mr. Lussier continued that because Main Street is too wide for pedestrians to cross, they are creating a refuge in the center of Main St. They want to create a refuge island by taking a foot of lane width from each of the four travel lanes. The travel will be diverted very slightly, one or two feet, to the outside of the roadway. The parking width does not change. The plan is to create a 4-foot-wide painted island that will allow a visible safe zone for pedestrians. They also propose some lighting. There is one existing light at each crosswalk, but not at both sides of the street. With the crosswalk closer to the Westwood Center, the light is on the inbound side of Main St. On the Elliot St. crosswalk it is on the outbound side. They propose adding another light on the opposite side at each location. It would not affect infrastructure, as it would be in the grass belt.

Mr. Lussier continued that the more controversial part of the plan is the proposal to eliminate four parking spaces – 2 on the outbound side of Elliot St., one at the Westwood Center outbound side, and one at the inbound side. They recommend this because that is what is required to comply with the Manual on Uniform Traffic Control Devices guidance on sightlines and visibility for pedestrian crosswalks. Cars approaching can see pedestrians and pedestrians do not need to try and look over the hoods of cars. Because the island will be striped with solid yellow lines, it prohibits a left turn out of Elliot St. It is not a significant impediment to users on Elliot St. because the roundabout is just a few hundred feet up the street, so people intending to travel south on Main St. can use the roundabout to do that.

Councilor O'Connor asked what revenue loss would be with eliminating the four spaces. Mr. Lussier replied that he had not looked at that.

Councilor Lamoureux stated that a lot of people have talked about the possibility of rumble strips. He asked if they considered that for this area. Mr. Lussier replied that there will be “yield here to pedestrians” signs, although they will be a little distant from the travel lanes. They discussed rumble strips quite a bit. His personal recommendation is not to include them. They prove to be unpopular for nearby residents and there are maintenance concerns.

Councilor Lamoureux asked what the timing would be. Mr. Lussier replied that they expect to get this done by the end of September. If everything goes smoothly, they could complete the project before the new school year begins, but that is not guaranteed.

Councilor Hooper asked if the island will be painted and not raised. Mr. Lussier replied yes, this is an interim solution, and will have no hard infrastructure like raised curbs. He continued that a signpost will be in the center of Main St. with a “bear right” indication.

Councilor Lamoureux stated that the revenue is \$6.75 per day per space in that area but he thinks these meters are about 68% used.

Chair Manwaring stated that if it is just painted it seems like there is no protection while you are standing there in the middle of the road. Mr. Lussier replied that he would re-phrase that to say, they are not asking people to stand in the middle of the road, they are affording people an opportunity to have some sort of highly visible protection in the center of the road. He continued that it is not intended to be a crash barrier. It is for driver and pedestrian visibility.

Councilor Lamoureux stated that they definitely have a safety issue. He asked if they can eliminate the parking spaces immediately so they can open the area up. Mr. Lussier replied that they can do the signage right away, but the painting will take a bit longer.

Chair Manwaring asked for public comment.

Bob Silk, of 15 Liberty Lane, stated that he likes what he is seeing but he does not think paint will slow people down. He continued that it is a temporary fix. He thinks they need a permanent barrier or island there. He wonders if this is a trial for six months or a year and what will happen if it works. He has concerns about people standing there on a painted highway. Mr. Silk continued he knows someone who was almost hit there and he is scared of traffic on Main Street and pedestrian harm. Restricting left turns is a good idea, but Mr. Silk noted he thinks they should make this a good, solid plan and get it done once and for all. He knows it costs money but if this painted island works, he wants to know how fast they can get it to be a solid island to protect pedestrians more.

Mr. Blomquist stated that this is an interim change. He continued that Mr. Silk’s question is what they can do

for the long term, and yes, that is where the question lies. One issue is whether this is the right place for crosswalks. Staff put out speed signs to record speeds and numbers of vehicles. In this area north of Gates St., the average speeds were at or below the posted speed limit. Timing-wise, this is a bigger discussion with the community. As you start putting hard medians in, the question is where you can turn around, if you want to make a left turn. From Elliot St. there is the roundabout for people to use, but from other locations it is hard. There will need to be a bigger conversation. There is the Marlboro St. discussion, which includes the east side of Main St. They want to talk more with Keene State College (KSC) because they have a stake in this. KSC has done a lot of work in the area that has increased this. KSC changed their on-campus pathways. People used to cross everywhere on Winchester St. because the pathways from the buildings did not line up with the crosswalks. So they realigned the crosswalks and sidewalks, but now there are distracted pedestrians that can just follow the straight path. They are probably looking at about a year or so for a more permanent solution to this area. There is the budgeting process to consider but they also need to have the larger conversation first. He has questions about whether the crosswalks are appropriate in this location or maybe they need to be adjusted. They need to figure out how to put in the right crosswalks to encourage the pedestrian behavior they are looking for.

Mr. Blomquist continued that staff often talk about the fact that the City can make physical changes (to roadways and infrastructure), but they also need to have enforcement. Police are part of the process. Also, folks from KSC came to a couple meetings and they talked about what they can do to educate staff and students about awareness of crosswalks. There was a tragic incident that occurred there in May, but that was the first in ten years. There have been a lot of close calls, but from a statistical standpoint, it is relatively low. As they look at how to solve the problem they need to look at what it is they want to solve.

Mr. Blomquist continued that he is concerned about the paint. They talked about putting planters there, and maybe there are other things they could look at. He and other City staff members are looking for feedback. They encourage people to let them know how things are going. He likes the idea of planters, not as a barrier, but more of a visual barrier though Winter would be a challenge. He encourages people to recognize that this is a start. Other questions will start popping up once they start making changes. They sent letters to Elliot St. folks, but they have not heard a lot of feedback from them. They are curious to see how it will be once Wheelock School starts up again – parents might be surprised to find that they cannot turn left off of Elliot St. This whole process could take a year or more, depending on how discussions go.

Chair Manwaring stated that she likes the idea of planters. She continued that someone she knows hit a pedestrian. She would be concerned about stopping in the middle of the street, especially in the evening. The lights would help. Mr. Blomquist replied that if drivers are not paying attention, one lane of traffic stops and the other side might not see that. They are trying to create a space for a pedestrian to pause for a moment to make eye contact with the driver. Public education is so important and he cannot emphasize that enough. Yes, the NH law is for drivers to stop for pedestrians, but you still need to pause for a moment to make sure the drivers approaching you see you and are stopping. White lines are not magical barriers. This will be an experiment and they will need to modify it as needed.

City Attorney Thomas Mullins asked if a permanent “bear right” sign will be installed at the entrance of these painted safe zones. Mr. Lussier replied that they use breakaway sign posts; it is not something that will stop cars, but yes, it will be a sign post in the middle of the painted yellow island. The City Attorney asked if it would be lit. Mr. Lussier replied no, it would be reflective.

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

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the acceptance of the City Engineer’s memorandum and adoption of Ordinance O-2016-12.



CITY OF KEENE

O-2016-12

Sixteen

In the Year of Our Lord Two Thousand and

Relating to Vehicular Traffic and Public Ways

AN ORDINANCE

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

In City Council July 7, 2016.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

City Clerk



City of Keene, N.H.
Transmittal Form

7/14/2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: J.1.

TITLE: Relating to Refunding Bonds

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommend the adoption of Resolution R-2016-26.

ATTACHMENTS:

Description

Resolution R-2016-26

BACKGROUND:

Finance Director, Steve Thornton addressed the Committee and stated this Resolution will permit the City to refinance bonds issued in 2006, 2007 and 2008. Mr. Thornton explained the City is working on a bond sale for the middle of August and, as part of that, the City's financial advisor looked at the City's existing debt and determined money could be saved by refinancing bonds.

Interest rate is at an all-time low and the demand for tax-exempt municipal bonds is high. The refinancing will save the City about \$350,000 over the next 12 years. Under current market conditions the amount of bonds being refunded is \$3,666,000. The older bonds carry a current interest rate between 4% and 5% and the refinance will result in an interest rate between .8% and 2.1%. Mr. Thornton noted this refinancing will not extend the term of these bonds; they will be paid off according to the original terms of the bond. If market conditions become unfavorable in the next month or so the City will not proceed with the refinancing.

Mr. Thornton stated in talking to the City's financial advisor, they pointed out the City's fiscal policy authorizes the City to issue bonds on a competitive basis or on a negotiated basis. With a new bond issue it is always on a competitive basis and refinancing is always on a negotiated basis and this is because refinancing is interest sensitive.

Chair Greenwald stated what he understands from the Finance Director's report is that the City will take existing bonds and refinance them at a rate of .8% to 2.1% which would result in a \$350,000 saving over the next 12 years and the bonds will be paid off on the same end date and the payoff date will not be extended.

Councilor Kahn asked whether the City has done this in the past. Mr. Thornton stated the last time the City undertook a bond refinance was in 2013 and there are conditions written into the bond regarding refinancing times. The Councilor asked whether the new and old bonds are being merged together. Mr. Thornton answered in the affirmative.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2016-26.



CITY OF KEENE

R-2016-26

Sixteen

In the Year of Our Lord Two Thousand and
Relating to Refunding Bonds

A RESOLUTION

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

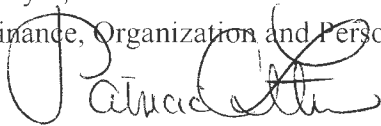
IT IS FURTHER RESOLVED that an Escrow Contract and such other documents as shall be required in connection with the issuance of the Refunding Bonds shall be signed on behalf of the City by the aforementioned individuals, or such other individuals as may be required by state law or as may be specified 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

In City Council July 7, 2016.

Referred to the Finance, Organization and Personnel Committee.

A handwritten signature in dark ink, appearing to read "Patricia Allen", written over the text "Referred to the Finance, Organization and Personnel Committee."

City Clerk



City of Keene, N.H.
Transmittal Form

7/14/2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: J.2.

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

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommend the adoption of Resolution R-2016-27.

ATTACHMENTS:

Description

Resolution R-2016-27

BACKGROUND:

Mr. Thornton stated these are older projects for which bonds were issued many years ago (2008 and 2011). The bond issued in 2008 was for the Victoria Street Extension project. Preliminary work was done but the project never quite moved forward. In the current CIP, some work is scheduled regarding this project. In the meantime there are these bonds which have been issued and should be utilized.

The second is the Railroad Land Infrastructure project for which bonds were issued in 2011. This bond was issued for all the infrastructure work on the Railroad property.

The City carried a balance for this project because Public Works was concerned about pollution on this site. This project balance was appropriated last year for work on the Wells Street parking deck; this project was completed under budget. There is now money from this Railroad Land Infrastructure project which is now left over from two projects and staff is requesting reallocation of those funds for road repair.

Chair Greenwald asked for added explanation on the Victoria Street project. Mr. Blomquist explained this project started in 2004 and, at that time, the Mayor appointed a Transportation Committee which issued a report. One of the recommendations was to look at extending Victoria Street from Marlboro Street. The Council approved a project which was split between design work and construction work. In 2008, a bond was issued for the design work and the City performed some preliminary design work and established agreements with some of the abutters. In 2010-2011 due to change in leadership, Victoria Street was taken off the books and the design work was stopped.

Since that time, the Kingsbury property went through bankruptcy and the Ford Dealership sold their property. Two years ago when the City went through the Marlboro Street rezoning, part of the issue that came up was Marlboro Street and the Victoria Street extension and the necessity for tractor trailer trucks to travel down Eastern Avenue (via residential neighborhoods). Hence, this project is back in the CIP for FY22 as a project

which needs to be looked at. These monies continue to remain as bond proceeds.

Mr. Blomquist went on to say what the Committee would see in the upcoming CIP for FY18-23, is an adjustment to the current project to add back the design work into the budget. Chair Greenwald clarified in 2008 there is an appropriation of \$163,000 for design work which was started and stopped and asked whether these are the funds which are remaining. Mr. Blomquist agreed and added there was a small amount of approximately \$15,000 spent on survey work.

Councilor Powers asked if a new account is established for road work which is bond funded how long the City has to spend the money. Mr. Thornton stated Public Works should be able to spend these funds immediately as they have a contract ready to go.

Councilor Kahn asked whether these bonds could be offset for other work. Mr. Thornton noted this money needs to be moved along. Councilor Kahn stated he understands these funds need to be moved along and also understands the City has deferred many maintenance items which these funds could be used on. However, those projects have not come before the Committee. Mr. Thornton explained Public Works had planned to use funds from their operating budget and the City has a large user surplus budgeted for FY16 (the year that just ended). The purpose here is to not use the funds from the operating budget and let that go into the fund balance and use the bond proceeds which need to be spent on the road work. Councilor Powers asked whether these bonds have to be used only for infrastructure related work. Mr. Thornton stated he was not quite sure of that.

Councilor Kahn noted \$800,000 was drawn from reserves to make this operating budget whole and asked whether this expenditure would reduce on that draw of reserves. Mr. Thornton stated it would and the unused funds from the operating budget for FY16 would go into the unassigned fund balance which would then move into FY17.

Chair Greenwald asked how much money is left over from the Railroad Street Infrastructure project and how much is left over from the Victoria Street project. Mr. Thornton stated \$186,000 is from the Railroad Street Infrastructure project and \$155,755 is left from the Victoria Street extension project.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2016-27.



CITY OF KEENE

R-2016-27

Sixteen

In the Year of Our Lord Two Thousand and

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

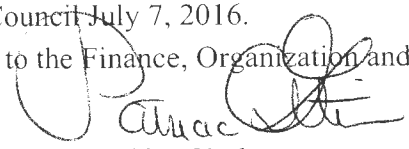
Resolved by the City Council of the City of Keene, as follows:

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

In City Council July 7, 2016.

Referred to the Finance, Organization and Personnel Committee.



City Clerk

PASSED



City of Keene, N.H.
Transmittal Form

7/13/2016

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: J.3.

TITLE: Relating to Eversource Energy's Petition to the PUC for Distribution Rate Tariff for Cost Recovery

RECOMMENDATION:

On a vote of 2 - 3 the Planning, Licenses and Development Committee failed to recommend that Resolution R-2016-28 be submitted to the City Council for their review and action. Councilor Chadbourne, Sutherland and Hansel voted in opposition.

ATTACHMENTS:

Description

Resolution R-2016-28

BACKGROUND:

Attorney Thomas Mullins provided the background information. He explained the Public Service Company of New Hampshire d/b/a Eversource Energy has petitioned the New Hampshire Public Utilities Commission (PUC) for approval of a gas infrastructure contract with Algonquin Gas Transmission, LLC relative to the proposed Access Northeast pipeline project (Docket No. DE 16-241). In its petition, Eversource requests that the PUC make a determination that the contract is in the public interest and consistent with New Hampshire law. Eversource's petition also requests that a distribution rate tariff be imposed to allow Eversource to recover the cost from electric utility users. The provided Resolution in opposition to Eversource's request was drafted as directed by the City Council at its meeting on June 16, 2016. Attorney Mullins noted the two components of the issue are 1) to enter into a contract for the purchase of gas over a 20-year period, and 2) allowing Eversource to bill the cost of that contract to the ratepayers. After reiterating comments from previous testimony the City Attorney suggested the issue (decision of the PUC) would end up in the Supreme Court. Should the New Hampshire Supreme Court decide Eversource has the authority to move forward with this the PUC will then have to decide whether or not this is in the public interest. If the New Hampshire Supreme Court says there is no authority here this will be the end of the story. Attorney Mullins continued it will either end at the Supreme Court or the Supreme Court will allow the process to continue. In any event what this Resolution is designed to do is to go to the PUC and say on behalf of the City Council, the City of Keene requests that you find that there is no legal authority in the first instance for Eversource to go forward with this contract. Attorney Mullins noted this would be placing us on the same side as the Consumer Advocate on that question.

Chair Richards asked for Committee questions.

Councilor Hansel indicated he had questions for the City Attorney and some comments.

1. Is it your personal legal opinion that the law does not allow for these types of contracts. Attorney Mullins

stated he was not prepared to answer that question.

2. Are we trying to offer a legal opinion as a Council? Attorney Mullins replied you are offering more of an opinion as a Council that you would prefer that the Public Utilities Commission not conclude that there was legal authority for them to do that.

3. Does the Council have a history of weighing in on these legal determinations? Attorney Mullins noted the Council in the past has issued Resolutions onto the State on certain questions. During Attorney Mullins tenure here this is the first time the Council has weighed in on a question before the Public Utilities Commission.

Councilor Hansel shared his experience meeting with a solar power developer last week. Councilor Hansel reported he discussed this issue with them; he noted in order to build these facilities they get contracts for 20 to 30 years in order to get the financing to build the solar farms. Councilor Hansel reported he was told this is standard practice across the nation and the energy industry. The question he asked himself was would the Keene City Council have the same objection if it was a large scale solar farm developer seeking a 20-year contract with Eversource. Councilor Hansel suggests thinking very carefully whether it is appropriate for the Council to be weighing in on these legal determinations; especially since our City Attorney is not prepared to offer an opinion whether the language explicitly excludes these contracts. Councilor Hansel noted the interpretation of the law needs to be fair and unbiased for everyone. He is not saying he agrees with the idea of applying rate tariffs to finance these projects, but he doesn't see how the Council's input will have the desired effect. Councilor Hansel also said if this reaches the Supreme Court will the City of Keene's decision weigh in on any judge's ruling.

Attorney Mullins commented the record being built is a public record for the PUC. If there were an appeal to the Supreme Court the way to influence the Supreme Court with respect to the legal issue would be to file a brief. He continued this doesn't mean the Supreme Court won't recognize the comments being submitted with respect to this. Attorney Mullins referred to the comments in the docket noting he had not read them all. Attorney Mullins reiterated the direction to draft something was given to him at the last Council meeting; this is not his personal opinion.

Councilor Jones suggested asking the Petitioner (Councilor Clark) if this meets his goals before going any further. Terry Clark replied in the affirmative and agreed it says to the PUC we don't want our constituents to be charged for a pipeline before it is built. He noted this is what we need to say; he also added we are not weighing in on a legal opinion.

Councilor Jones referred to comments on exclusivity made at the Council meeting by Councilor Jay Kahn and asked if that was included in the Resolution. Attorney Mullins asked for an explanation of exclusivity. Councilor Jones replied exclusive to that project and the funding for that project. Attorney Mullins noted it came up in the context of this particular project, however it seems to Attorney Mullins that if the PUC concludes that this particular contractual arrangement (Eversource with Algonquin) is acceptable as a matter of law that means that any other entity in a similar circumstance could also file. Attorney Mullins continued the legal question is broader than this.

Councilor Sutherland reiterated the history of this issue and asked if the PUC was appointed by the Governor. Attorney Mullins replied it is a statutory body and is a creature of the State Legislature. The PUC can propose rules that then go to the State Legislature for a review process. Attorney Mullins continued it is possible to influence the rules process through the legislative process. Councilor Sutherland asked if an amicus brief would then be filed through the Office of the Consumer Advocate. Attorney Mullins replied in the affirmative if it goes to the Supreme Court. Councilor Sutherland noted his understanding of the agreement between Eversource and Algonquin is not so much the issue as the tariff Eversource is seeking to apply from the costs of generation to the distribution (the gas would be for the generation of electricity). Attorney Mullins noted his understanding is that Eversource still has to buy the electricity to send out to everyone (they are no longer a producer). Referring to questions by the Consumer Advocate, such as why are you concerned about the cost of production if you're not a producer anymore. Attorney Mullins noted Eversource's response of being able to reduce future

costs by buying down the market. Discussion continued in this vein with Councilor Sutherland suggesting the tariff is on the distribution costs; Attorney Mullins noted his understanding that the tariff is on the gas production itself. After additional comments Councilor Sutherland commented he could buy his electricity from somebody else and the tariff could still hit his bill through Eversource's distribution costs. Attorney Mullins agreed. Councilor Sutherland reiterated his previous testimony regarding who can represent the consumer other than the City Council noting the Council has no authority and this letter is really just a "feel good". Attorney Mullins agreed it is a statement of aspiration.

Councilor Jones commented the Council sends a lot of opinions to the State Legislature every year; the only difference here is we're sending it to the PUC. Attorney Mullins agreed with Councilor Jones this is a common practice for the Council to take positions. Councilor Hansel noted his disagreement and opposition to the Resolution. Attorney Mullins provided additional information and reiterated the direction he was provided.

Councilor Clark referred to Councilor Hansel's comments regarding a solar company coming in with the same proposal noting he would be opposed to any industry making rate payers investors without their consent for private companies. Dialogue continued between Councilor Hansel and Councilor Clark. Councilor Sutherland suggested he was opposed to these tariffs as a means for mitigating the risks for private corporations. After additional comments Councilor Sutherland noted his opposition to the Resolution because he feels we're barking up the wrong tree. Chair Richards also shared his interpretation of the Resolution's intent.

There being no further questions from the Committee or public Chair Richards made the following motion.

Chair Richards moved to recommend submission of R-2016-28 to the City Council for review and action. Councilor Jones seconded the motion. The motion failed to carry on a vote of 3-2 with Councilor's Chadbourne, Sutherland, and Hansel voting in opposition.

Attorney Mullins pointed out this wasn't a Resolution before this Committee, he commented one way to look at this is that you failed to recommend moving forward with a Resolution to the PUC on this issue. The City Clerk clarified the motion failed to ask us to introduce the Resolution to City Council; she noted it stops here and won't go on the next Council agenda. She continued it is a Committee Report with no real resolution. The City Attorney suggested the Committee Report would be that the Committee failed to recommend moving forward with the Resolution. The City Clerk asked Chair Richards if it was his intent this be introduced to City Council. Chair Richards noted he would like this to be introduced to City Council; Councilor Chadbourne agreed. Attorney Mullins agreed Council needs to hear it and noted that could be done with a failed recommendation; he continued the Committee report would be the Committee failed to recommend the submittal of a Resolution to the PUC.



CITY OF KEENE

R-2016-28

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

A RESOLUTIONRELATING TO EVERSOURCE ENERGY'S PETITION TO PUBLIC UTILITIES
COMMISSION FOR DISTRIBUTION RATE TARIFF FOR COST RECOVERY.....

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

A Resolution in support of a finding by the New Hampshire Public Utilities Commission that New Hampshire law does not authorize the Petition for Approval of Gas Capacity Contract (DE 16-241) between Public Service Company of New Hampshire d/b/a Eversource Energy and Algonquin Gas Transmission, LLC:

WHEREAS, on or about February 18, 2016, a Petition for Approval of Gas Infrastructure contract between Public Service Company of New Hampshire d/b/a Eversource Energy ("Eversource") and Algonquin Gas Transmission, LLC ("Petition for Approval") was filed for review and approval by the New Hampshire Public Utilities Commission; and

WHEREAS, the Petition for Approval also seeks to allow Eversource the recovery of associated costs through a new distribution rate tariff, to be assessed on all Eversource customers; and

WHEREAS, the Public Utilities Commission is engaged in a review process to determine the following issues raised by the Petition for Approval:

- Whether Eversource has the corporate authority to enter into the Access Northeast Contract under RSA Chapter 374-A and RSA 374:57;
- Whether Eversource's entering into the Access Northeast Contract, development of the Electric Reliability Service Program ("ERSP"), and assessment of the Long-term Gas Transportation and Storage Contract ("LGTSC") would violate the Restructuring Principles of RSA Chapter 374-F, or any other New Hampshire law, or any federal law, including the Federal Power Act;
- Whether the LGTSC assessment would be permitted under RSA Chapter 374-A, RSA 374:57, and RSA Chapter 378, and Commission precedential standards for ratemaking, as just, reasonable, and in the public interest;
- Whether the RFP process presented by Eversource in support of its selection of the Access Northeast Contract comports with the requirements of N.H. Code Admin. Rules Puc 2100, Order No. 25,860, and the standards of prudence applied by the Commission for such contracting;

- Whether the assertions made by Eversource regarding expected benefits and costs of its participation in the Access Northeast Contract are supported by the evidence, including evidence of economic, engineering, and environmental costs, benefits, and feasibility;
- Whether ERSP and companion FERC tariff filing comport with relevant federal law, including the Natural Gas Act, and whether FERC approval should be a condition precedent for the enactment of any Commission approval; and

WHEREAS, the City Council, at a regular City Council meeting on June 16, 2016, voted to authorize the submission of a Resolution to the Public Utilities Commission stating the opposition of the Keene City Council to the Petition for Approval filed by Eversource, and urging the Public Utilities Commission to find that New Hampshire law does not provide Eversource with the corporate authority to enter into the proposed contract with Algonquin Gas Transmission;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Keene, New Hampshire, hereby requests that the New Hampshire Public Utilities Commission find, at the conclusion of its review process, that Public Service Company of New Hampshire d/b/a Eversource Energy does not have the corporate authority under New Hampshire law to enter into the proposed contract with Algonquin Gas Transmission, LLC, or for a recovery of costs through a new distribution rate tariff, and that the Petition for Approval be denied and that a copy of this Resolution be sent posthaste to the New Hampshire Public Utilities Commission.

Kendall W. Lane, Mayor