



City of Keene
New Hampshire

KEENE CITY COUNCIL
Council Chambers, Keene City Hall
October 20, 2016
7:00 PM

Roll Call
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- October 6, 2016

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Relating to the Establishment of the Main Street Historic Overlay District
Ordinances O-2016-13, O-26-14-A and O-2016-15
2. Benchmarking of Property Taxes with other New Hampshire Communities
3. City of Keene Revaluation Update

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Nomination - Partner City Committee

C. COMMUNICATIONS

1. Jeananne Farrar - Regarding the Establishment of the Main Street Historic District
2. Sabrina and Chris Lee - Safety Concern - Intersection of West Street and Bradford Road
3. Tony Marcotte/Washington Park at Keene, LLC - Request for No Parking - South Side of Spring Street
4. Attorney Mary Louise Caffrey/Bradley & Faulkner, PC - Request for Two Hour Parking Limit - 50 Washington Street

D. REPORTS - COUNCIL COMMITTEES

1. Update on the State of Recycling in the City of Keene
2. Acceptance of Law Enforcement Opioid Abuse Reduction Initiative Grant – Police Department
3. Acceptance of NH Highway Safety Agency Grant - E-Ticket Equipment Grant – Police Department
4. Acceptance of Forfeiture Funds - Case #UG02BS14UG003 - Police Department
5. Acceptance of Forfeiture Funds - Case #MEP-M-16-A44-P-831692 - Police Department
6. Acceptance of 2016 Homeland Security HazMat Grant - Fire Department

7. Acceptance of Sponsorship Funds - Youth Basketball Sponsorship - Parks, Recreation and Cemeteries Department
8. Sole Source Provider - Amer Electric - Police Department
9. Airport Road Culvert Rehabilitation - Construction Change Order - Public Works Department

E. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. CITY MANAGER COMMENTS

F. REPORTS - BOARDS AND COMMISSIONS

G. REPORTS - MORE TIME

1. Speeding on Jordan Road – Request for Speed Humps
2. Councilor Jones – Effort to Show Support for Police Personnel
3. Advocacy Letter Request – NH Community Solar – Cities for Climate Protection

H. ORDINANCES FOR FIRST READING

1. Amendment to the Zoning Ordinance - High Density 1
Ordinance O-2016-19

I. ORDINANCES FOR SECOND READING

J. RESOLUTIONS

1. Council Policy: Political Advertising on City Property and Rights-of-Way
Resolution R-2016-31
2. Relating to the Early Replacement of Ladder Truck 2
Resolution R-2016-32
3. In Appreciation of Melvin Thomas Patty Upon His Retirement
Resolution R-2016-33
4. In Appreciation of Satum Siek Upon Her Retirement
Resolution R-2016-34

Non Public Session
Adjournment

A regular meeting of the Keene City Council was held Thursday, October 6, 2016. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: Carl B. Jacobs, Janis O. Manwaring, Robert J. O'Connor, Terry M. Clark, 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 Jay V. Kahn was absent. Councilor Richards led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the September 15, 2016 meeting was duly seconded. The motion passed with a unanimous vote in favor.

PROCLAMATION – HALLOWEEN TRICK OR TREAT

The Mayor invited the Parks, Recreation and Facilities Director to come forward to receive a proclamation for Halloween Trick-or-Treat. The Mayor designated Monday, October 31st from 5:30 PM and 7:30 PM as Trick or Treat Day in the City of Keene. Mr. Bohannon wished everyone a Happy Halloween and for children to wear bright clothes and bring flashlights.

PROCLAMATION – LIBRARY BOOK SALE – FRIENDS OF THE PUBLIC LIBRARY

The Mayor invited Library Trustee Jane Pitts to come forward to receive a proclamation designating October 21st to October 23rd as Friends of the Keene Public Library Day. Jane Pitts extended an invitation for everyone to come to the fall book sale.

COMMUNICATION – COUNCILOR JONES – EFFORT TO SHOW SUPPORT FOR POLICE PERSONNEL

A communication was received from Councilor Jones recommending that, in an effort to show support and respect for the services provided by Police Department personnel, that a blue line be painted in between the no passing yellow lines along the length of Marlboro Street from Eastern Avenue to Main Street. The communication was referred by the Chair to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – LIBERTY EBRIGHT – SPEEDING ON JORDAN ROAD – REQUEST FOR SPEED HUMPS

A communication was received from Liberty Ebright expressing her concern regarding the excessive traffic speeds on Jordan Road and requesting the installation of speed humps as a traffic calming measure. The communication was referred by the Chair to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – ANDREW GRAHAM – RESIGNATION – CITIES FOR CLIMATE PROTECTION

A communication was received from Andrew Graham resigning his position on the Cities for Climate Protection as he no longer resides in the City. On motion by Councilor Greenwald, voted unanimously to accept the resignation with regret and appreciation for service.

COMMUNICATION – KEENE KIWANIS CLUB – INSURANCE REQUIREMENTS AND TERM OF LICENSE – STORAGE OF TREE LIGHTING SUPPLIES

A communication was received from Margaret Bruce on behalf of the Keene Kiwanis Club relative to the customary insurance requirements and term of the license. The communication was referred to the City staff to be handled administratively.

COMMUNICATION – JOHN HAYES – NAMING THE PEDESTRIAN MULTI-USE BRIDGE OVER ROUTE 101

A communication was received from John Hayes recommending that the new multi-use bridge over Route 101 be named in honor of the efforts of Charles Redfern who played a central role in the development of Keene's bike system. The Mayor noted he was referring the communication to District 4 of the State of NH, Department of Transportation as they are responsible for the multi-use bridge.

MSFI REPORT – PERIODIC REPORT - PARTNER CITY COMMITTEE

An informational report was received from the Municipal Services, Facilities and Infrastructure Committee regarding the periodic update on the activities of the Partner City Committee. The report was filed into the record as informational.

MSFI REPORT – FINAL REPORT – DRUG ADDICTIONS SOLUTIONS COMMITTEE

An informational report was received from the Municipal Services, Facilities and Infrastructure Committee regarding the final report from the Drug Addictions Solutions Committee. The report was filed into the record as informational.

PLD REPORT – AGRICULTURE IN CHESHIRE COMMISSION

An informational report was received from the Planning Licenses and Development Committee recommending the presentation from the Agriculture Commission be accepted as informational. The report was filed into the record as informational.

FOP REPORT – CHARTER COMMUNICATIONS

An informational report was received from the Finance, Organization and Personnel Committee recommending the presentation from Charter Communications be accepted as informational.

FOP REPORT – ACCEPTANCE OF DONATION – PARKS, RECREATION AND FACILITIES DEPARTMENT

Finance, Organization and Personnel Committee report read, recommending the City Manager be authorized to do all things necessary to accept the donation of \$792.00 and that the money be used by the Parks, Recreation and Facilities Department. A motion by Councilor Greenwald was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF DONATIONS – HUMAN RESOURCES DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept donations associated with the City's 2016 holiday family sponsorship program. A motion by Councilor Greenwald was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF HOMELAND SECURITY EXERCISE AND EVALUATION PROGRAM GRANT – POLICE DEPARTMENT

Finance, Organization and Personnel Committee report read, recommending the City Manager be authorized to do all things necessary to accept a grant of up to \$3710.13 from the FY 2017 Homeland Security Grant Program for the Keene Police Department to participate in a State-wide training event. A motion by Councilor Greenwald was duly seconded. With 14 Councilors voting in favor and Councilor Clark opposed, the motion to carry out the intent of the report carried.

FOP REPORT – ACCEPTANCE OF NEW HAMPSHIRE HIGHWAY SAFETY GRANTS 2017 – POLICE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept three 2017 grants from the New Hampshire Highway Safety Agency, specifically a \$13,136.00 bicycle and pedestrian grant, a \$15,237.76 for a sustained traffic enforcement grant, and a \$11,822.40 impaired driving grant. A motion by Councilor Greenwald was duly seconded. With 14 Councilors voting in favor and Councilor Clark opposed, the motion to carry out the intent of the report carried.

FOP REPORT – ACCEPTANCE OF ATHLETIC BUSINESS CONFERENCE FUNDS – PARKS, RECREATION AND FACILITIES DEPARTMENT

Finance, Organization and Personnel Committee report read, recommending the City Manager be authorized to do all things necessary to accept professional development funds for the Parks, Recreation and Facilities Director to attend the Athletic Business Conference from November 16-19, 2016. A motion by Councilor Greenwald was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – HAYING MAINTENANCE AGREEMENT – PARKS, RECREATION AND FACILITIES DEPARTMENT

Finance, Organization and Personnel Committee report read, recommending the City Manager be authorized to do all things necessary to enter a two year agreement, expiring October 31, 2018 for a haying maintenance agreement with Rocky Knoll Farm. A motion by Councilor Greenwald was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – TAX DEEDS FOR UNPAID 2012 AND 2013 PROPERTY TAXES –
FINANCE DEPARTMENT

The Mayor filed the report into the record and noted that the Councilors have received an updated memorandum from the Tax Collector. The City Manager stated the main difference is that 3 of the properties under consideration have actually paid their taxes. On motion by Councilor Greenwald voted unanimously to extend the deed waiver on the properties (outlined in the memorandum dated October 6, 2016) with outstanding 2012 and 2013 property taxes through Nov. 1, 2016 and authorize the Revenue Collector to take by deed the property 0 off Wetmore Street.

FOP REPORT – LED STREETLIGHT DEMONSTRATION PROJECT – PUBLIC WORKS
DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to contract with Tanko Lighting and Affinity Lighting to supply and install a total of twenty five light emitting diode (LED) streetlights on Marlboro Street for a total estimated cost of \$6,891 to be funded by the street lighting operating budget. A motion by Councilor Greenwald was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – REALLOCATION OF PROJECT FUNDING – PUBLIC WORKS
DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the reallocation of unobligated project balance from the Runway 2/20 Rehabilitation Project (90274) to the Runway 14/32 rehabilitation Project (90802). A motion by Councilor Greenwald was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF GRANT APPLICATION FOR RUNWAY 14/32
RECONSTRUCTION – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel committee report read recommending the City Manager be authorized to do all things necessary to accept and execute a grant offering from the New Hampshire Department of Transportation, bureau of Aeronautics for the design phase of the Runway 14/32 Reconstruction Project at Dillant-Hopkins Airport. A motion by Councilor Greenwald was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – PROFESSIONAL SERVICES AGREEMENT FOR THE RUNWAY 14/32
RECONSTRUCTION PROJECT – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to negotiate and do all things necessary to execute a professional services agreement with Ballantine Aviation Consulting Services, PLLC for the Runway 14/32 Reconstruction Project at the Dillant-Hopkins Airport in an amount not to \$411,617.01. A motion by Councilor Greenwald was duly seconded. The motion passed with a unanimous vote in favor.

CITY MANAGER COMMENTS

The City Manager spoke about the City's Health Fair theme "Be Proactive, Prepare, Prevent and Protect"; an estimated 100 City employees and retirees participated in the Health Fair that attracted about 35 vendors. He went on to express that Edwin Chester Hopkins will be returning home from Pearl Harbor on Friday, October 14, 2016. Mr. Hopkins was a Navy Fireman 3C who died on the USS Oklahoma when it was sunk during the Japanese attack on Pearl Harbor. The funeral service will be at the airport on Saturday, October 15, 2016 at 1pm. The burial will take place at Woodlawn Cemetery in Keene immediately after the funeral. The City Manager announced there was an even score at a hockey game at Keene Ice with the Keene Fire Department and the Keene Police Department. They raised \$10,064.84 for the children at Cedarcrest. The City Manager expressed the City Clerk is looking for some volunteers to work at the polls for the upcoming election being held on Tuesday, November 8, 2016. The City Manager commented on the continual efforts of downtown cleanup by Bill Byrne, Mitchell Smith, Garrett Greerly, Josh Burns, Orvis Rollins, Mark Allen, Markus Beauregard and Will Dornaday. He recognized this project is part of their regular duties, but they have put a ton of heart into the project. The City Manager stated the various memos he had received from the City Engineer regarding projects throughout the City. The City Manager thanked the Keene Sentinel regarding the coverage on Operation Warm. This was hundreds of local children ages 3-11 to have a warm coat, raising \$20,400 and purchased 600 coats.

ADVOCACY LETTER REQUEST – NH COMMUNITY SOLAR

A report was received on behalf of the Cities for Climate Protection asking that the City Council write a letter to the New Hampshire Legislature, Governor, and the Public Utilities Commission, asking for changes to the Federal and State Securities rules that preclude local citizens from owning, profiting from and controlling community supported solar projects. Refer to the Planning, Licenses and Development Committee.

WITHDRAWAL PROPOSED MAIN STREET HISTORIC DISTRICT ORDINANCE

A report was received on behalf of the Historic District Commission expressing their request to withdraw the ordinances associated with the establishment of a Main Street Historic District ordinance (O-2016-13, O-2016-14, and O-2016-15). The Mayor announced that the scheduled Public Hearing scheduled for October 20th would continue as the public notices have been sent.

RECRUITMENT OF A CITY MANAGER – SPECIAL COMMITTEE

A report was received from the Special Committee for the recruitment of a city Manager recommending that the City Manager be authorized to negotiate and execute an agreement with Novak Consulting Group for the purpose of services associated with recruitment a City Manager. On motion by Councilor Greenwald, voted unanimously to carry out the intent of the report.

10/06/2016

MORE TIME

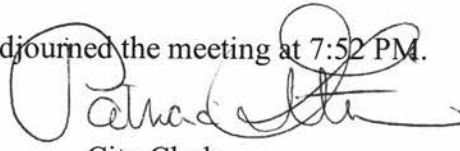
More time was granted for the following issues within committee: request for a raised crosswalk at 21 Roxbury Street; request for a lodging house license at 85 Winchester Street; and the Ordinance on dormitory, lodging or rooming houses and residential board and care.

MEMORANDUM & RESOLUTION R-2016-31: POLITICAL ADVERTISING ON CITY PROPERTY AND RIGHTS-OF-WAY

A memorandum was received from the City Clerk recommending that Resolution R-2016-31 be referred to the Planning, Licenses and Development Committee for their review and recommendation.

As there was no further business, the mayor adjourned the meeting at 7:52 PM.

A true record, attest:


City Clerk



Notice of Public Hearing

Notice is hereby given that a Public hearing will be held before the Keene City Council relative to the establishment of a Main Street Historic Overlay District. Specifically, **Ordinances - O-2016-13, O-2016-14-A, O-2016-15** would amend the City Code by creating a historic district in the area of Main Street between NH Route 101 and the intersection of Main, Winchester, and Marlboro Streets, Proctor Court and King Court, and would amend the City of Keene Zoning Map to recognize the boundaries of the proposed overlay district. The parcels of land affected by this request total an area of 31 acres.

The Ordinances and background material are available for public review on the City's webpage under "Public Notices" or in the City Clerk's Office, City Hall, 3 Washington Street, Keene, NH 03431.

HEARING DATE: October 20, 2016

HEARING TIME: 7:00 pm

HEARING PLACE: Council Chambers, Keene City Hall

Attest:


City Clerk



City of Keene, N.H.
Transmittal Form

October 17, 2016

TO: Keene City Council

FROM: Kendall W. Lane, Mayor

ITEM: B.1.

SUBJECT: Nomination - Partner City Committee

RECOMMENDATION:

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

PARTNER CITY COMMITTEE

Frank Richter, alternate slot 14
Keene, NH

Term expires December 31, 2019

Lily Hart, alternate, slot 12
Keene, NH

Term expires December 31, 2019

BACKGROUND:

Frank Richter is a city employee who has been a past supporter of the Partner City Committee by participating in the soccer exchanges between Keene and Einbeck.

Lily Hart is a prior member who has recently moved back to Keene. Her membership is being reinstated.



External Communication
Transmittal Form

October 18, 2016

TO: Mayor and Keene City Council

FROM:

THROUGH: Patricia A. Little, City Clerk

ITEM: C.1.

SUBJECT: Jeananne Farrar - Regarding the Establishment of the Main Street Historic District

ATTACHMENTS:

Description

Farrar Communication

Sentinel Editorial

BACKGROUND:

In her communication, Jeananne Farrar provides a background on the formation of the Heritage Commission and the Historic District Commission and recognizes the role that the City of Keene has had throughout the State in protecting his historical resources. She expresses her opinion that it would be a disservice to the community to abandon the tremendous groundwork that has been laid and work that has been accomplished in this area.

Mayor Lane, City Councilors, City Manager:

Community Voices

“Growth is inevitable and desirable, but destruction of community character is not. The question is not whether your part of the world is going to change. The question is how.” *Edward T. McMahon*

(Mr. McMahon, is a nationally renowned authority on sustainable development, land conservation, urban design, and historic preservation. He was a guest speaker in Keene at the invitation of the Heritage Commission in 2001. The above quote resonates with the work of many members of the Keene community.)

The following is some background and history that may help our community in understanding the reasons for the establishment of the Heritage Commission and the Historic District Commission in the city. With that in mind, I reference John McGauley’s article in The Keene Sentinel, Sunday, August 14, 2016.

The Heritage Commission was formed as a result of a two-year (1998-1999) intensive study by the Architectural Review Study Group, ARSG, a 15-member blue ribbon committee appointed by the late Mayor Patricia Russell. It was represented by a cross-section of citizens – builders, property owners, developers, architects, the Chamber of Commerce, business leaders, city planners, councilors, the Mayor, and three members of the general public. Their charge was to find a way to protect the \$20 million public/private investment in the recently renovated downtown.

The committee recommendation was forwarded to the Keene City Council as follows:

“That the City Council establish a Heritage Commission with responsibility to:

- 1) establish a local Historic District for Downtown and
- 2) work with the City Council and the Planning Board to establish a city-wide design review committee and design review guidelines to be incorporated into the Planning Site Plan Review authority.”

Both of these objectives have been accomplished.

The work of the Heritage Commission continues as an advisory commission, and differs from the Historic District Commission, which has by law, quasi-legal authority over all HDC's established in the city. The recommendation was passed by City Council and is followed as directed by State law.

The establishment of the Keene Heritage Commission and the Historic District Commission has been of important value to the Keene community. We have been recognized nationally through the National Trust for Historic Preservation as one of their “Dozen Distinctive Destinations”. As a result, the Advisory Council on Historic Preservation, a White House initiative, invited Keene to apply for Preserve America *Community* status. We were honored with both of those designations in 2003 and 2005, respectively, because we value our history and care for the protection of our historical resources. This has resulted in our ability to apply for grants that have assisted in local preservation projects, and national recognition for our beautiful community.

Keene has been hailed throughout the state of New Hampshire for its steps in protecting its historical resources. The New Hampshire Division of Historical Resources has named the proposed area – the Keene Main Street Historical Area – as “unparalleled in New Hampshire”. This was based on the work of three professional preservation consultants and many volunteers. The work that has been done by the commissions is important work that has been entered into the State historical database, created to identify, study, inventory and continue to protect our historical resources *throughout* the State of New Hampshire. While helping to protect the character of our community, this work goes far beyond that.

The Heritage Commission and the Historic District Commissions are composed of members as directed by State and Federal law. They may consist of historians, architects, preservation builders, lawyers, engineers and community members *who have a proven interest in historic preservation*.

The community members on these commissions have assisted applicants in making changes that they have wished to make and still keep within the guidelines that have been agreed upon. They volunteer many hours of their time and have worked tirelessly to be of service to the people of this community. Historic Commissions have an appeals process and a hardship clause protecting all from undue demands on their rights.

Historical areas are desirable places in which to visit and to live in. They are usually attractive, pleasant, pedestrian friendly, definitely unique and protected

from intrusion by undesirable changes or buildings as well as municipal, state or federal projects that would adversely affect them.

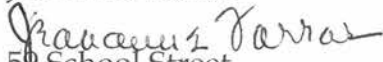
This effort fits our Master Plan and our efforts for Smart Growth. Historic Preservation is Smart Growth. It has been strongly supported by four mayors, city planners, the State of New Hampshire Division of Cultural and Historical Resources, the New Hampshire Preservation Alliance and past city councilors.

In my opinion, it would be a disservice to this community to abandon the tremendous groundwork that has been laid and work that has been accomplished in helping to keep this city the fabulous hometown All-America City it was named in 1965!

Volunteers are always welcome to serve on these commissions and help in projects that they undertake.

Sincerely,

Jeananne Farrar


59 School Street

Keene, New Hampshire 03431

FYI: Farrar was a member of the ARSG; Chair of the Heritage Commission for its first six years; member, consultant, and liaison for five years; member of the Historic District Commission for six years; board member of the New Hampshire Preservation Alliance for six years; and a participant in a pilot program at Plymouth State University in Historic Preservation which is now a regular course of study. She also wrote applications for the "Dozen Distinctive Destinations" designation and the Preserve America Community designation. She served on the Stone Arch Bridge committee and wrote the grant for the assessment of the bridge.

Keene Sentinel
June 1999

editorial

How things look

Of the many changes in Keene's downtown in recent years, the most pleasing include removal of a garish blue Sears facade from Central Square and the disappearance of a huge Woolworth's sign from the former five-and-dime on Main Street.

Keene needs guiding principles for downtown architecture.

The Sears-facade design — American bathroom architecture with a Chippendale twist — interrupted a neighborhood of Victorian Romanesque buildings. And the plastic-looking Woolworth's sign would have been more at home in a

Midwestern shopping center than in a brick New England downtown. Quite clearly, neither fit in with Keene's heritage.

Alarming, other than good taste, there's nothing to prevent the same things from going up in downtown Keene today. There's no meaningful architectural design standard written into Keene law, and there are no rules or regulations about what can or cannot happen to the appearance of existing downtown buildings.

Recognizing Keene's exposure to the whims of commercial design, particularly at a time when some national retail enterprises with fixed ideas about image consistency are discovering downtowns, a city-appointed panel is looking at ways to safeguard the flavor of Keene's center. Among the possibilities: an architectural review board.

There's little easy about this. After all, the Woolworth's sign that was taken down just a few years ago grew out of a respectable historical context; it evolved from a five-and-dime design that was once shared by many retailers, including, in Keene, M.H. Fishman's, J.J. Newbury's and S.S. Kresge's.

What's more, design standards that are too narrow or burdensome assure a boring sameness — either that, or court suits because they're too restrictive, or invalidation by city councils bombarded with constituent complaints about the rules. On the other hand, design standards that are too broad mean nothing.

The panel hasn't set any standards yet, but word is it's not likely to go as far as specifying which paint colors will be allowed on windowsills. So far, the committee's main accomplishment has involved geography — it decided that the downtown area deserves a special focus, to be followed by possibly different standards for five streets leading to the city's core.

The committee will likely come up with firm standards, after discussions with property owners in the affected areas. Before those proposals are sent to the city council for consideration, they ought to be shaped and promoted to win wide community support. Ten years ago, responding to complaining property owners, the council axed an architectural review board that had operated successfully since the late 1960s, but ran into controversy over the application of design criteria.

Keene's downtown, where millions of dollars in private and public money has been invested in recent years, can't afford to be without the protection of design standards. But those rules and mechanisms must be widely accepted — by the public and the courts — so they can withstand the inevitable pressures from those who feel that any law that restricts or guides how things look should be ignored or scrapped.



External Communication
Transmittal Form

October 18, 2016

TO: Mayor and Keene City Council

FROM:

THROUGH: Patricia A. Little, City Clerk

ITEM: C.2.

SUBJECT: Sabrina and Chris Lee - Safety Concern - Intersection of West Street and Bradford Road

ATTACHMENTS:

Description

Communication Sabrina and Chris Lee West St and Bradford Rd. intersection

BACKGROUND:

This communication from Sabrina and Chris Lee is expressing their concern over safety at the Bradford Road and West Street intersection and suggesting that there is a lack of signage at the intersection that needs to be addressed.

October 4, 2016

Mayor Kendall Lane & Keene City Council
3 Washington Street
Keene, NH 03431

Dear Mr. Lane and Keene City Council:

We are writing to alert you to a grievous lack of signage in Keene which, if not corrected, will no doubt eventually result in someone being hurt. This concern is in addition to concerns about the substantial damage to property that has occurred and will continue to occur over the years. Six months ago we bought the house at 693 West Street, on the corner of West and Bradford, and apparently the fence is crashed into about once a year by a driver who is turning north on Bradford Road. It has already happened once since we have been living here. (Additionally, I was walking to get my mail recently when someone took the turn too abruptly and to be sure – if there had been ice – I would not be here to write this letter.) It is to the point where we are afraid for our son to walk along that side of the house.

I propose that you have someone evaluate the intersection at West and Bradford, particularly for those headed East on West Street – coming from the new roundabout. We recognize we are not experts in these matters, but it is easy to see how the following ideas might be potential solutions: adding a stop sign on West for those traveling east (on West) or changing the speed limit there to 15 or 20 mph. (Within one month you would likely accumulate enough revenue from speeding tickets to fund this signage 10 times over). Finally, in addition to the one of the other measures, moving the Bradford Road sign to the south a few feet would likely help, as at the moment both the sign and the turn-off for Bradford are largely concealed. The last person who hit the fence told us that he did not realize Bradford Road was there until he was upon it, and then took the turn before he had a chance to slow down.

Please let us know how the city would like to proceed. When an accident happens in the same place with such consistent frequency, it is obviously a product of insufficient signage in this area. We would like to resolve this before further damage to property – or much worse, a person – results.

Thank you for your attention to this.

Best,
Sabrina and Chris Lee



406.223.4959
406.223.4961
693 West Street
Keene, NH 03431



External Communication
Transmittal Form

October 18, 2016

TO: Mayor and Keene City Council

FROM:

THROUGH: Patricia A. Little, City Clerk

ITEM: C.3.

SUBJECT: Tony Marcotte/Washington Park at Keene, LLC - Request for No Parking - South Side of Spring Street

ATTACHMENTS:

Description

Marcotte Communication

BACKGROUND:

Tony Marcotte, the Senior Project Manager for Washington Park at Keene, LLC is requesting to limit parking to the north side of Spring Street. This parking restriction was included as a condition to the Planning Board approval of the SPR-08-16 - Washington Park Apartments of Keene 17 Washington Street - Site Plan.

**Washington Park of Keene, LLC
9 Old Derry Road
Hudson, NH 03051**

October 5, 2016

Mayor Kendall W. Lane
Chairman - Keene City Council
3 Washington Street
Keene NH 03431-3191

RE: Spring Street request for parking on one side only

Dear Mr. Mayor and Council Members,

Washington Park of Keene, LLC recently was granted Planning Board approval for the renovation of the existing building at 17 Washington Street and for the construction of a new 135 unit apartment building on the property. The Planning Board listed a condition of approval that we petition the Council to limit parking to one side of the Spring Street for the entire length. Parking on one side of Spring Street was also a recommendation requested by the Fire Department.

Based on the existing parking signage, it would seem appropriate to limit parking to the north side of the street. Parking is not currently allowed on the south side of Spring Street along the frontage of our property. .

The Planning Board approval letter is attached for reference.

Please contact us at 603-886-5021
any questions.

. if you have

Sincerely,



Tony Marcotte, PE
Senior Project Manager
Washington Park at Keene, LLC



External Communication
Transmittal Form

October 18, 2016

TO: Mayor and Keene City Council

FROM:

THROUGH: Patricia A. Little, City Clerk

ITEM: C.4.

SUBJECT: Attorney Mary Louise Caffrey/Bradley & Faulkner, PC - Request for Two Hour Parking Limit -
50 Washington Street

ATTACHMENTS:

Description

Mary Louis Caffery Two Hour parking limit 50 Washington Street

BACKGROUND:

Attorney Mary Louise Caffrey is requesting that a two hour parking limit be established in front of 50 Washington Street to encourage turnover in the parking spaces.

BRADLEY & FAULKNER, PC

ATTORNEYS AT LAW

Homer S. Bradley, Jr.
Rand S. Burnett
Gary J. Kinyon
Douglas F. Green
Mary Louise Caffrey
George R. Freund, Jr., *Of Counsel*
Kerry K. O'Neill

50 WASHINGTON STREET
P.O. BOX 666
KEENE, NEW HAMPSHIRE 03431-0666
(603) 352-2030

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mlcaffrey@bradleyfaulkner.com
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www.bradleyfaulkner.com
DIRECT DIAL
(603) 352-2295 EXT. 128

October 12, 2016

HAND DELIVERED

Mayor Kendall W. Lane, Esq.
Keene City Councilors
Attn.: Patricia A. Little, City Clerk
City of Keene
3 Washington Street
Keene, New Hampshire 03431

Re: Request for two hour parking limit in front of 50 Washington Street, Keene, NH

Dear Honorable Mayor Lane and City Councilors:

Please consider this as a formal request by Bradley & Faulkner, P.C. and the members of 50 Washington Street, LLC to install signage in front of 50 Washington Street limiting parking to two (2) hours.

We have many elderly and handicapped clients who are unable to find parking nearby. There are a number of vehicles that park in front of our office all day and sometimes overnight thus limiting access for our clients.

Please let me know if you need any additional information or have any questions.
Thank you for your kind consideration.

Very truly yours,


Mary Louise Caffrey

MLC/djw



City of Keene, N.H.
Transmittal Form

October 12, 2016

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.1.

SUBJECT: Update on the State of Recycling in the City of Keene

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the presentation on the State of Recycling in Keene be accepted as informational.

BACKGROUND:

Duncan Watson, Assistant Public Works Director, noted he was asked to report back to the Committee on the state of recycling in Keene.

With the aid of a PowerPoint presentation, Mr. Watson noted the City has long held the goal to manage waste by reducing, reusing and recycling commodities and not spoiling the environment. Several decades ago, the City of Keene started managing their waste rather than burying it.

With Keene serving as the economic hub of the region, it is also the focal point of solid waste activity for the county. Mr. Watson continued the Solid Waste Fund is a Special Revenue Fund meaning there is no impact on the property tax rate to operate the transfer station.

Revenue is derived from the disposal of waste products and the sale on the commodities market. Expenses are approximately equal to the revenue received. Mr. Watson described the operation as a public/private partnership. 8 full and 5 part-time employees are employed at the transfer center. The City has a contract with Waste Management to transport and dispose of material which is hauled to Rochester, NH and buried in a landfill there. The recyclables are sold on the commodities market – worldwide.

Curbside collection is handled by private contractors. Individuals can also transport their waste directly to the recycling center. Since 1994 when the recycling center was constructed, the City made its transition to a materials recovery facility, which uses a conveyor and mechanized sorting. The recycling center has processed 200 million pounds of material. The economic aspect of this effort is the avoided disposal costs of \$12,000,000 and total revenue received since 1994 of approximately \$4,000,000.

Referring to a graph, Mr. Watson noted that since 2011 there has been a 50% decline in revenue from the sale of commodities. The primary reason is the “green fence” established in China in the last few years. Before 2011, China’s economy was growing fast and they were gobbling up all of the resources discarded by the US. Often there was a mixing of the materials in the recycling bale which was not the specified commodity. This caused some environmental issues in China with 20% to 30% of the bale “off specifications”. As a result China established the “green fence.” Now if any material in a bale of recyclables is not to specifications, the bale and the shipping container is rejected and sent back to the point of origin at a tremendous cost.

The other fact which has resulted in a cost decline in recyclables is the evolution in packaging. There has been a dramatic shift towards light weight packaging. Although this has impacted the revenue stream it has been good for the environment in terms of greenhouse gas emission.

In Keene, the estimated recycling rate is 25%, though that is not an exact number because recycling and waste comes from outside of Keene as well. The forecast for Keene's recycling cost for the next year is projected at \$545,000. With \$357,000 projected as revenue, the cost for recycling is projected at \$30.50 per ton. This compares to the per ton cost for disposal at \$70.00 per ton. Commodity pricing will continue to be depressed and the gap between the cost of recycling and the cost of transporting will continue to narrow.

Mr. Watson continued that Keene continues to rely on previous generation technology and there needs to be either a change in technological improvements in our own system or we need to start relying on others and Keene becomes a spoke in a much bigger wheel of resource management.

He continued that although what is happening in Keene is good and justifiable, a 25% recycling rate is just not enough. There needs to be a greater focus on discarded products as a recourse not realized. Mr. Watson referred to synergistic technologies where "eco hubs" are being proposed and the end markets are located on the same campus as the recycling operation. This eliminates the long distance shipping costs. If this "eco hub" succeeds then there may be other regional hubs that Keene could take advantage of. Mr. Watson stated that although Keene will never be the site of an "eco hub" they have always taken a leadership position in this area and will continue to do so.

In terms of plastic bags, Mr. Watson stated his research revealed that 100 billion single-use plastic bags are used early. 95.5% of those bags are currently captured meaning they make their way into a disposal outlet. Plastic lumber companies use recycled plastic bags for decking. He continued that because the material is so light weight; it does cause problems with the separation and mechanical systems used to process it. Shifting to paper isn't necessarily a solution because its carbon footprint is worse than plastic.

What is currently being done is all of the major grocery stores as well as Target and Walmart offer single use plastic bag takebacks. One thing that could be done is to further promote the existing infrastructure in the community. Using the same ratio between plastic bags created and those recycled, it is reasonable to project that 35,000 plastic bags in Keene are making their way into the environment. In conclusion, Mr. Watson stated that encouraging more use of the existing network of single use recycling bag takeback programs might be the best way for the City to assist in the greater recycling of this product.

At the conclusion of Mr. Watson's presentation Chair Richards asked for Committee questions.

Councilor Sutherland asked what percentage of the waste stream could be composted. Mr. Watson replied possibly 20% of the waste stream was organic and could be composted. He continued saying they have encouraged backyard composting over the years and continue to offer composters for sale at the Recycling Center. Mr. Watson noted he had been approached by a number of students over the years regarding commercial composting ventures. What has always vexed the students is the transportation from point A to point B; and the issues of critical mass and storage. Mr. Watson noted Keene does have a permit to allow for food waste composting (not oils and meats) but very few people take advantage of this. Councilor Sutherland noted he wasn't aware the composters were sold at the Recycling Center and suggested perhaps the City could highlight that and its impact more. Mr. Watson said more would be added to their Facebook page and the City website.

Councilor Hansel asked if the City completely relies on users to sort their waste. Mr. Watson explained the department does a dual stream sort at our facility; 95% of Keene residents have curbside pickup. He continued haulers are required to sort out two different fractions of the waste stream; the fiber material and the containers. The containers are mixed (bottles, cans, and plastic containers); City resources do the sort on the bottles and cans as part of a quality control process. Waste received in bags goes to Rochester; there is no ripping open of the bags to get to a recyclable that is bagged with other waste.

Councilor Sutherland asked if we recycle batteries. Mr. Watson explained used batteries (such as A, AA, C, D are usually alkaline and can now be thrown in the trash as they no longer contain mercury. He also noted the rechargeable batteries are a different story and the Recycling Center does have recycling outlets for them. Councilor Hansel asked about lithium batteries. Mr. Watson explained there are containers for them as they are rechargeable; he also suggested placing them in small plastic bags to help prevent fires.

There being no further Committee comments or questions, Chair Richards asked for public comments.

Danielle Baudrand, 19 Bridge Court, asked Mr. Watson if he saw maybe going to a zero waste facility and charging for the

trash bags. Noting the 25% recycling rate, Ms. Baudrand asked how you get people to go through their trash and put things in the right bin. Mr. Watson said that is the \$64,000 question; he added there are tools in the toolbox to help increase recycling rates and there is no better tool than the economic incentive to get people to change a social behavior. Mr. Watson noted we have a quasi “pay-as-you-throw” system in Keene now. He also noted this benefit is not witnessed as much by those who have curbside pickup. Mr. Watson stated that we are at the end of the pipe trying to control what happens at the beginning of the pipe. Ms. Baudrand then asked Mr. Watson if he had been able to research the companies making products with the plastic bags. Mr. Watson responded saying all the facilities do the same thing; all the stores collect single-use plastic bags and backhaul them to their warehouse. There are two outlets for low density polyethylene plastic; one is Trek which makes plastic lumber. Mr. Watson reiterated previous testimony regarding trying to store plastic bags in Keene. Ms. Baudrand then asked Mr. Watson if the City planned to initiate an educational program for children addressing refusing, reusing, and recycling. Mr. Watson said we have done a lot of programs on that score trying to get people to understand the hierarchy reduce, reuse, and recycle. He also noted we are in discussions with a contractor to do some additional outreach in our school systems. Mr. Watson also noted the Department will be doing educational programs because they do help and they do make a difference. Ms. Baudrand also asked if the local schools were recycling. He replied saying the schools are doing some recycling and it varies from school to school adding there are diversion programs in the School Districts but he has not looked at them in a while.

There being no 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 Sutherland.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the presentation on the State of Recycling in Keene be accepted as informational.



City of Keene, N.H.
Transmittal Form

October 12, 2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.2.

SUBJECT: Acceptance of Law Enforcement Opioid Abuse Reduction Initiative Grant – Police Department

RECOMMENDATION:

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the 2017 New Hampshire Department of Safety Law Enforcement Opioid Reduction Initiative Grant award in the amount of \$18,128.

BACKGROUND:

Police Chief Brian Costa stated the Keene Police Department is in receipt of a grant in the amount of \$18,128 from the New Hampshire Department of Safety. He explained when this grant came about the department applied for \$18,128 and was awarded that amount. Chief Costa stated they estimate this amount is approximately the amount it would cost in manpower for intelligence gathering and overtime detail. There is an anonymous tip line which has been set up to receive information from citizens. The department has the responsibility to correlate this information and put together a case.

Councilor Kahn asked for the phone number for the tip line. Chief Costa stated it is accessed via the City website (Keene Police Department as well as on the Keene Police Department Facebook page; it is not a phone number. The Chief thanked the IT Director for providing the added ability to upload photos.

Councilor Clark stated he appreciated this grant, but hopes the State would provide additional funding for treatment beds.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the 2017 New Hampshire Department of Safety Law Enforcement Opioid Reduction Initiative Grant award in the amount of \$18,128.



City of Keene, N.H.
Transmittal Form

October 13, 2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.3.

SUBJECT: Acceptance of NH Highway Safety Agency Grant - E-Ticket Equipment Grant – Police Department

RECOMMENDATION:

On 4-0 vote, the Finance, Organization and Personnel Committee recommend that the City Council authorize the City Manager to do all things necessary to accept the grant from the New Hampshire Highway Safety Agency to fund the E-Ticket Equipment Grant.

BACKGROUND:

Police Captain Steve Russo stated he was before the Committee seeking authorization to accept a grant from the NH Department of Transportation in the amount of \$9,000. This funding will be used to provide E-Ticket equipment in the department's ten marked cruisers. This is a thermal printer installed in cruisers, a scanner which will provide the ability to scan bar codes on licenses and a GPS unit which will mark its location when you go into reports management system. The State Police and three other towns have been on the pilot program for at least three years and the State is now implementing the J1 Program (Justice 1 Program) to manage all stops electronically. This will cut down on the amount time motor vehicle stops usually take as well increase accuracy with these stops – making it easier to interpret an officer's handwriting.

Captain Russo explained the Keene Police Department, typically handles 443 summonses, and at five minutes per summons the grant would save about 187 work hours per year. Vice-Chair Jacobs referred to the following language from the background notes *The City of Keene's cost of this program is approximately \$900.00 to install the equipment in all of the cruisers* and clarified the cost will actually be \$9,000. Captain Russo stated it is \$900 to install the equipment and this is the cost to the City and the cost of operation would be approximately \$150 per year which is the cost of the thermal paper which would also be a cost saving for the department.

Councilor Clark stated he would like staff to report back as to where the \$900 is coming from.

John Therriault of 76 Bradford Street felt the 150 man hours will offset the \$900 cost to the City. He felt it should be accepted but accepted with a clause there will be no addition to the Police budget as a result. Councilor Clark added his understanding is that no additional monies are going to be added to this budget. Captain Russo agreed.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend that the City Council authorize

the City Manager to do all things necessary to accept the grant from the New Hampshire Highway Safety Agency to fund the E-Ticket Equipment Grant.



City of Keene, N.H.
Transmittal Form

October 13, 2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.4.

SUBJECT: Acceptance of Forfeiture Funds - Case #UG02BS14UG003 - Police Department

RECOMMENDATION:

On 4-0 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 \$13,395.08, awarded to the Keene Police Department from the United States Department of Justice, Homeland Security Office.

BACKGROUND:

Chief Costa stated on December 10, 2015 the New Hampshire Attorney General's Drug Task Force investigated the sale and distribution of heroin in Keene which resulted in the arrest of Christopher Foster Jr. The Keene Police detective assigned to the State's Drug Task Force was the lead investigator for this investigation. The search of Mr. Foster's residence revealed substantial quantities of both heroin and crack cocaine, along with \$20,532.00 in cash. It was determined this cash was directly associated with the sale of narcotics and hence was forfeited. The Keene Police Department's portion of this seizure is \$13,395.08.

Councilor Powers asked whether this was the same residence where a large amount of garbage was taken from by the City. Chief Costa stated this is the property across the street from that property and specifically the location was at the Valley Green Motel.

Councilor Kahn clarified this is the type of incident which would not qualify for treatment and hence this individual was sentenced. Chief Costa answered in the affirmative and added at the time of his arrest this individual was also out on bail from the Massachusetts State Police and unfortunately treatment is not going to help him. Councilor Kahn asked the Chief to convey the Committee's appreciation to the lead detective involved in this matter.

Vice-Chair Jacobs asked which account this money goes into. Chief Costa stated it goes into the Federal Drug Forfeiture which is not part of the City budget and has specific parameters surrounding it as to what it can be spent on, such as training on how to handle the drug problem. One of the recent expenses was \$4,000 to the Cheshire County Addiction Recovery Program.

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

On 4-0 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 \$13,395.08, awarded to the Keene Police Department from the United States Department of Justice, Homeland Security Office.



City of Keene, N.H.
Transmittal Form

October 13, 2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.5.

SUBJECT: Acceptance of Forfeiture Funds - Case #MEP-M-16-A44-P-831692 - Police Department

RECOMMENDATION:

On 4-0 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 \$441.58, awarded to the Keene Police Department from the United States Department of Justice, Drug Enforcement Agency.

BACKGROUND:

Chief Costa stated this item is in reference to an award in the amount of \$441.58 from the United States Department of Justice, Drug Enforcement Agency.

Chief Costs explained because of distribution of heroin in the Claremont, NH community it resulted in a cash seizure of \$8,000.00. The investigation revealed the cash was directly associated with the sale of narcotics and was forfeited to the United States Department of Justice. As the Keene Police Department continues to support the State's Drug Task Force by way of assignment of one of its detectives to the Unit, the Department's portion of this seizure is \$441.58.

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

On 4-0 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 \$441.58, awarded to the Keene Police Department from the United States Department of Justice, Drug Enforcement Agency.



City of Keene, N.H.
Transmittal Form

October 13, 2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.6.

SUBJECT: Acceptance of 2016 Homeland Security HazMat Grant - Fire Department

RECOMMENDATION:

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a grant in the amount of \$24,364.40 from the 2016 State of New Hampshire Homeland Security Program (SHSP) HazMat Grant.

BACKGROUND:

Fire Chief Mark Howard stated on September 23, 2016, the City of Keene Fire Department was approved by the City Manager to apply for the 2016 State of New Hampshire Homeland Security Program (SHSP) HazMat Grant. All of the funds and equipment awarded by this grant are 100% funded by the program with no local contribution. On September 29, 2016, the department was notified by the Grants Management Unit the Keene Fire Department has been awarded \$24,364.

The Chief listed some of the items that would be purchased using these funds.

Councilor Kahn commended the Chief for acquiring these funds and asked whether the Department intended to purchase these types of supplies he just listed going regardless of whether this grant was received. Chief Howard stated because Keene is one of the State's Haz Mat teams and over the last ten years similar to the City's CIP plan they forecast their equipment needs. The equipment listed are items they would struggle to purchase through the operating budget and at times they become part of the CIP.

Within the current operating budget for small equipment, the department spends \$500 - \$1000 just on maintenance of this equipment, but over the last years they have received well over a million dollars in equipment.

Vice-Chair Jacobs asked when the department responds to Haz Mat calls, whether a bill is sent out. Under State law, the City has the authority to bill the spiller for Haz Mat related incidents and they have been successful with this. It is done for small or large scale incidents.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a grant in the amount of \$24,364.40 from the 2016 State of New Hampshire Homeland Security Program (SHSP) HazMat Grant.



City of Keene, N.H.
Transmittal Form

October 13, 2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.7.

SUBJECT: Acceptance of Sponsorship Funds - Youth Basketball Sponsorship - Parks, Recreation and Cemeteries Department

RECOMMENDATION:

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a sponsorship of \$3000.00 from Yankee Lanes and that the money is used to purchase youth basketball jerseys.

BACKGROUND:

Parks, Recreation and Cemeteries Andrew Bohannon stated this item is in reference to acceptance of sponsorship funds in the amount of \$3,000 for the purchase of youth basketball uniforms.

Councilor Kahn noted a couple of months ago there was a Sponsorship Agreement brought before this Committee and asked whether the agreement has been executed with Yankee Lanes. Mr. Bohannon answered in the affirmative – these Agreements get executed through his office as a one year agreement.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a sponsorship of \$3000.00 from Yankee Lanes and that the money is used to purchase youth basketball jerseys.



City of Keene, N.H.
Transmittal Form

October 13, 2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.8.

SUBJECT: Sole Source Provider - Amer Electric - Police Department

RECOMMENDATION:

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to do all things necessary to designate Amer Electric of Keene, NH, as a "sole-source" provider for all work to be performed at the Keene Police Department which requires a licensed electrician.

BACKGROUND:

Captain Russo addressed the Committee again and stated in 2009 staff was before the Committee to recommend Amer Electric be the sole source provider which was approved and the contract was brought back again in 2012 for approval. The last contract expired in August 2015. The advantage of retaining the services of Amer is their members are already cleared to work and they don't have to be escorted around the facility.

Vice-Chair Jacobs asked for clarification of the following sentence from the Background Notes "*This sole source status, does not mean that we are obligated to use Amer Electric exclusively, but it does give us the option if they can provide needed services competitively with other similar companies.*"

Captain Russo stated the way he understands this is if you are a sole source contractor you don't have to bid on contracts. He added however, any work the Keene Police Department would hire Amer to do does not come anywhere close to a bid contract. He stated he believes if the facilities staff wanted to do a more expensive project they could put it out to bid. Having a sole source provider also helps with grant purchases without going out to bid.

Mr. Therriault clarified since this is a multi-year rapid reaction kind of contract, there is an explicit labor rate for each year of the contracts and that the contractor is being paid for time and material as they do work. Captain Russo stated there is no contract, they submit an estimate for work which needs to be done and the City can accept it or not. Mr. Therriault stated when this sole source contract is approved Amer Electric would be paid for work regardless of their labor rate. Captain Russo agreed this would be the case. Mr. Therriault felt in order to protect the City a year by year fixed labor rate should be negotiated with the City. He also questioned whether any other vendors were contacted? He added his experience has been multi-year labor and material contracts when competing vendors are brought in you could get a 15% reduction in rate.

Chief Costa stated because the City is asking to have Amer Electric designated to be the sole source provider doesn't bind the City to use them; if the City gets a quote that is not in line it won't be accepted. The fact is the Police Department has been working with Amer Electric since they have been in this building but as

administrators it would be up to the Captain in charge to keep track of those charges.

Councilor Powers stated these are small maintenance jobs and felt it was cost effective to go with Amer Electric.

Vice-Chair Jacobs asked what the threshold for a project to go through the bidding process. Captain Russo stated if a project is \$5,000 or above the department is required to get three estimates if it is \$20,000 and above you are required to get three bids.

The City Manager stated the Police Department usually uses Amer Electric for very minimal projects such as installing an electronic monitor, fixing a lock etc. Mr. Therriault asked what the cost to Amer Electric has been for this past year. Captain Russo stated in the last 8-12 months they provided chips for the electronic keys staff uses, which could be approximately \$1,000.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to do all things necessary to designate Amer Electric of Keene, NH, as a "sole-source" provider for all work to be performed at the Keene Police Department which requires a licensed electrician.



City of Keene, N.H.
Transmittal Form

August 13, 2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.9.

SUBJECT: Airport Road Culvert Rehabilitation - Construction Change Order - Public Works Department

RECOMMENDATION:

On 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute a construction change order with Ted Berry Company for an amount not to exceed \$21,159.53 for the Airport Road Culvert Rehabilitation Project.

BACKGROUND:

City Engineer, Donald Lussier stated this item is a change order on the Airport Road culvert project. The project is complete, unfortunately at the final step of the project it was realized the amount estimated for grout to fill in the pipe was incorrect. The request tonight is for \$21,159.53 this is the cost to purchase the additional grout for this space.

Councilor Clark noted this project is complete. Mr. Lussier stated it was and he does not like to come before the Committee after the fact but because of the type of work once the project was started it needed to be completed. Vice-Chair Jacobs clarified this estimate was done by the engineering department but it was incorrect. Mr. Lussier agreed.

Councilor Kahn asked for the total project cost – the original contract price was \$78,850 after the previous change orders the current contract price was \$108,313.40 with this charge order it will be a little less than \$130,000. The Council appropriate \$135,000 for this project. Councilor Kahn asked whether design fees are included here as well. The project was designed in-house. Councilor Kahn asked whether there was a lesson learned here. Mr. Lussier stated he would have liked to have figured out the volume of the void space before the estimate was provided. Councilor Powers noted this project started about two years ago and many were involved with this project.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute a construction change order with Ted Berry Company for an amount not to exceed \$21,159.53 for the Airport Road Culvert Rehabilitation Project.



City of Keene, N.H.
Transmittal Form

October 12, 2016

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: G.1.

SUBJECT: Speeding on Jordan Road – Request for Speed Humps

RECOMMENDATION:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the communication requesting speed humps on Jordan Road be placed on more time for two cycles while City staff gathers information.

BACKGROUND:

Liberty Ebright, of 312 Jordan Road, introduced herself and her children. Ms. Ebright stated that she and her family moved here last summer and they enjoy living in the semi-rural area. She continued that the speed limit is 30 miles per hour on Jordan Road. People frequently cut through at really fast speeds. The City is repaving Roxbury St. and she was hoping Jordan Road would be up next. She continued that they are asking to have speed humps installed, like the ones on North Lincoln Street. There are a lot of families that have moved in in the past few years with small children. It is not uncommon for people tailgate her rather aggressively when she is driving the speed limit.

Ms. Ebright asked if the City can monitor the speeds of vehicles on Jordan Road to get an accurate reading of how fast people are driving. She continued that she would be happy to gather signatures from other people on the street in support of her request.

Don Lussier, City Engineer, stated that the petitioners raised a couple of issues, of which speed is primary. He continued that he would like to get measurements, collect data, and see what the speed issues are. When they do have the measurement data they will see if the speeding is at a certain time of day, which would suggest the need for an enforcement approach, or if it is across the board, which would require a different approach. He wants time to look at the situation more carefully, review the collected data and talk with law enforcement, so he can come back with recommendations.

Acting Chair Filiault asked how many cycles he needs. Mr. Lussier replied two meeting cycles. Acting Chair Filiault stated to Ms. Ebright that in about a month, this will come back to the MSFI Committee and someone will notify her of that meeting.

Mr. Lussier stated that Jordan Road is scheduled, in the Capital Improvement Plan (CIP) for FY18, to be repaved. He continued that it would be any time after next July.

Ms. Ebright stated that she saw a speed monitoring device on a utility pole on Jordan Road. She asked if that was put up by the City or someone else. Mr. Lussier replied that his staff put that up just in the last couple of days in response to Ms. Ebright's letter. He continued that they have started collecting the data and will

continue to collect it for a longer period of time. Ms. Ebright replied that the location of the device is at the sharpest turn on the street, at the top of a hill, and it is probably where people are driving the slowest because of that. She continued that the City might not get an accurate/broad picture because of that. Mr. Lussier replied that he will take a look.

Councilor Hooper asked how much the speed indicators cost. Public Works Director Kürt Blomquist replied between \$5,000 and \$6,000, and years ago they bought two for the Keene Police Department (KPD) and two for the Public Works Department.

Mr. Lussier stated that they can be operated in two different modes – either displaying the vehicles' speeds, or just recording the speed data without displaying it. The KPD tends to use the speed indicators more as a deterrent and corrective measure, by displaying the speeds to drivers, whereas the Public Works Department does not display speeds to drivers when they are collecting data like this, because that tends to slow drivers down.

Acting Chair Filiault asked if there were any more questions or comments. Hearing none, he asked for a motion.

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

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee placed the request requesting speed humps on Jordan Road be placed on more time for two cycles while City staff gathers information.



City of Keene, N.H.
Transmittal Form

August 12, 2016

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: G.2.

SUBJECT: Councilor Jones – Effort to Show Support for Police Personnel

RECOMMENDATION:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the communication regarding showing support for the Keene Police department by painting a blue line on Marlboro Street be placed on more time for one cycle.

BACKGROUND:

Councilor Jones stated that many communities are showing support for their police departments and this movement is happening all over the country. He continued that the thin blue line is a way of showing the police personnel that the community appreciates the job they do. Councilor Jones shared pictures of other efforts.

The movement started as a third grade class project in Tennessee. Children started painting lines all over the place and the City said it needed to be more structured. The first community to officially do this was in Ohio. Wayne, NJ was the first community in NJ to do it. Since then, 72 communities in NJ have done it. Most do it on Main Street but that is not feasible in Keene due to the median. He suggests Marlboro Street, since that is where the police station is. Before and after each shift, Police Officers will travel Marlboro Street. This support would be important to the Police Officers, but even more so to their families. Councilor Jones indicated this should not be an expense to the City because all that is needed is to add blue tint to their paint. He suggested show of support just be on Marlboro Street though others have suggested the street where the State Police Barracks is located. He continued that someone had asked about the Fire Department, but suggested the street is too narrow for a line down the middle. They could probably do it for the West Keene Fire Department, but he does not know what color they would use. So he is keeping it simple by just requesting Marlboro Street. They could look at other places later on.

Acting Chair Filiault stated that this would cost \$100 or less. He continued that he would like to see contributions, to show support, instead of just having this money taken out of the general fund. Councilor Jones stated that he thinks it is a good idea – it would show even more appreciation.

Councilor O'Connor stated that he found out that NJ has the most lines like this. He continued that Waterville, NJ has red lines for the Fire Department and he recommends looking into that. Councilor Jones replied that in some places, a red line symbolizes a location of racial conflict where blood was spilled. He hopes they would separate from that if they do red paint.

Acting Chair Filiault stated that since this is brand new he suggests they stick with just Marlboro Street and then expand later if it goes well. He asked for staff comment.

Police Chief Brian Costa stated that since he first became aware of Councilor Jones's letter he has been trying to find the correct words to convey his and the entire department's appreciation for this thought. He continued that he cannot find the perfect words but he thanked Councilor Jones. Something he wants to share, which speaks to the morale of the KPD and the relationship they have and value with the community, is something he wrote and said to the entire Police Department in the morning when he returned from Washington, D.C. "the Thursday before the events in Dallas:"

This was the first message I received this morning when I awoke – *'Welcome home, I hope you had a good trip. Please know that we are keeping all of our officers in our thoughts and prayers during this difficult week. We are very thankful for the KPD and also for our community.'* Chief Costa noted this message was from a long time citizen in Keene without any direct ties to law enforcement. Chief Costa continued that he sent this email to his entire department with these additional words: *"The above sentiment is shared by many more in this community than not. This did not happen by itself. It is because of how we carry out our respective duties on a daily basis even when it is not enjoyable to do so. This is yet another tough week for law enforcement, which we will get through by continuing to support each other and our community. More than ever, we will cling to our department's mission statement, which is to protect life and property, maintain order in the city, while ensuring the fair and respectful treatment of everyone. Know that these difficult jobs that you have chosen are ones that add value to the lives of many. Your efforts and your performance of your duties and responsibilities are appreciated more than is often articulated. Be safe, God bless."*

Chief Costa continued that they value their relationship with the community. Councilor Jones's project is very much appreciated. The point he wants to bring up to the City Council is that the Police Department recognizes the support they have, but what happens when another worthwhile organization, like for breast cancer awareness, comes to the City Council and asks for a similar display?

Mr. Blomquist stated that he understands Chief Costa's perspective. He continued that yes, this is something that can be done. He understands the difficulty Chief Costa was saying about only going so far. There are many worthwhile organizations out there, like the Red Cross helping with flooding, the National Guard, and so on and so forth. The only advice he can give tonight is: the City can accomplish this work. The question is how they will determine, at the end of the day, whether they are only going to have this blue line or how other requests will be handled.

Councilor Clark stated that there must be a code book that the Public Works Department uses. He continued that lines, signs, directions on the street, etc. are there for public safety. He asked if there are any limitations to putting marks on the street that do not have anything to do with public safety. Is that allowable? If so, should they do it? Could it in any way confuse people? Everyone here knows that they do appreciate the KPD and they are very lucky that much of what is going on in other places in the country is not happening here because Keene has a very professional police department. He does not want to start doing something for well-intended reasons that would cause problems down the road.

Mr. Blomquist stated that the MUTCD is the guidelines that the City of Keene uses. He continued that lines and colors of lines mean certain things and they are consistent throughout the country. There is nothing specifically that prohibits the blue line. The MUTCD does not specify what goes between the lines. Other communities have limited this to a small area, such as Main Street. Boston puts the shamrock on the streets when there is the marathon, for example. Other communities have placed different symbols on their streets. Usually it is local and limited in area. That would be the concern – having a blue line on Marlboro Street, red line somewhere else, pink line somewhere else, and so on and so forth. This would certainly get confusing because it is not the norm that people are used to seeing when they are driving. It is not prohibited, but he recommends the blue line be in a limited area, with a limited scope, so people recognize that it is something special.

Councilor Hooper stated that there are months that are set aside for recognizing certain causes, like Black History Month. He continued that maybe they could have a blue line for a special week or month that deals

with Police safety or Police recognition. The line would designate respect for the KPD for that week or month but not be permanent.

Councilor Lamoureux thanked Councilor Jones for bringing this forward and starting the conversation. He continued that across the country law enforcement and emergency personnel are being targeted, which is a change of lifestyle for everyone. Not just law enforcement, but other municipal personnel are “taking some of the wrath of the community.” Many of the people he has spoken with really do support Keene’s emergency services. Police Officers, Firefighters, and everyone else in emergency services do a great job. Councilor Lamoureux noted that although he loves the idea of this; he is concerned about what would happen across the City. Walier Chevrolet put a sign up thanking police. Having signage across the city would give more coverage than a line. He thinks there are alternatives to do the same thing, to start the conversation, and allow people to understand that the City has really good emergency services. Hopefully nothing here will happen like what is happening across the states.

Councilor O'Connor stated that every May is Memorial Police Week. He continued that that is something to look at. They have services in Washington, D.C., and a memorial in Concord. May 13 is the national date and May 20 is the NH date.

Councilor Jones stated that Mr. Blomquist is correct – there could be other organizations asking for colors, but they could set precedence by putting in the background notes that this is a City department they are doing this for. He continued that it would make it more significant. He thinks Keene would be the first in NH and if Keene does this it will start showing up in other communities around the state. Small departments still face danger. You just never know what it is like to be out on a job. He thinks the City Council should show appreciation for the job the Police Department does by painting the blue lines down Marlboro Street.

Conan Salada, of 132 Kennedy Drive, Keene, stated that for the record, he served four years of active duty in the Army. He continued that people tell him “thank you for your service” all the time. He does not support this proposed effort. It could send the wrong message to law enforcement officers and the community: that all Police Officers, regardless of their actions, are heroes. Heroes, to him, are people who perform selfless acts of courage and bravery. There are heroes in the KPD. They should be recognized personally. They should not broad stroke them all as heroes just because they wear the uniform. Law enforcement officers who perform badly should also be recognized individually so the whole department is not demonized. Law enforcement officers know what they are getting into. It is a dangerous job, although some other professions are even more dangerous. Officers are trained and paid accordingly. That should be the thanks enough. Individuals who go above and beyond should be called out and appreciated, but not the entire force. They should all be held to the highest standard because of the immense authority they wield. The blue line would serve as a reminder that they *always* have the support of the community and that is the wrong message. It is like giving a participation trophy to every person on a team, which sets people down the wrong path. This also brings up the question, as others have said, of “Where does it end?” Teachers might want a colored line of their own. Lots of organizations do good work, like the Fire Department and the Red Cross. There are heroes in every profession. Before you know it the whole city could be painted like rainbows.

Chair Filiault stated that he agrees with Councilor Jones and thinks he is correct. He continued that he thinks they are overthinking the issue of everyone wanting something. They do not have to treat everyone the same, or always think, “What are others going to think?” This particular request has already been done, although this would be the first in NH. He tries to ride with the Police four to five times a year and can say that this is not a sleepy town. The KPD is a very professional department. He does not think painting the blue line would have negative effects. Some people will not like it, but the City Council cannot please everyone. There are other things to look at, like what Mr. Blomquist and Chief Costa were talking about. They cannot do this tonight. He wants this to be on more time so staff can answer some questions. Cost is not an issue. If there are no objections he asks for a motion for more time for one cycle so staff can answer questions and Chair Manwaring will be back so they can fully discuss it.

Acting Chair Filiault asked if any members of the public had further comments.

Mr. Blomquist asked which questions, specifically, the MSFI Committee wants staff to report back on. Acting Chair Filiault replied the actual cost, and a bit of research about other communities that have done this and whether the results were positive or negative.

Thomas Mullins, City Attorney, stated that he is not overly familiar with how the Public Works Department does painted lines and where they go. He asked if the City has the independent authority to do this, should the City Council request it, or if there are code requirements. Mr. Blomquist replied that no action from the City Code is needed. He continued that the City has the authority, through the Public Works Department staff's interpretation of the MUTCD. From the City Council perspective it is about the policy of where the lines would go. Other communities have symbols on the road in limited areas for special events. They would want to make sure the City is clear on this – lines would be in a limited area, so there are not lines all over the place. It would be confusing.

The City Attorney asked if he is saying: one thing they might do is look at other communities and see how they have formalized this, through a policy, resolution, or declaration. Mr. Blomquist replied that that is correct. He continued that his sense is that it is limited scope, in areas like “the downtown,” not all over. He does not recommend this for large areas. It is about trying to control who, where, and what. It could become problematic if schools and other organizations started putting lines everywhere.

Acting Chair Filiault asked for further comment. Hearing none, he asked for a motion.

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

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the communication regarding showing support for the Keene Police department by painting a blue line on Marlboro Street be placed on more time for one cycle.



City of Keene, N.H.
Transmittal Form

August 12, 2016

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: G.3.

SUBJECT: Advocacy Letter Request – NH Community Solar – Cities for Climate Protection

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses and Development Committee recommends the Advocacy Letter Request regarding NH Community Solar be placed on more time.

BACKGROUND:

Rhett Lamb, ACM/Planning Director, reported the CCP Committee asked for this to go on more time. Mr. Lamb explained the individual who provided the presentation was not available for this meeting. Mr. Lamb noted he would advise the Committee when this is ready to come back.

Councilor Jones asked if the presenter, John Kondos, was a member of the CCP Committee. Mr. Lamb explained Mr. Kondos is not a member of the Committee; he is local expert in this field.

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

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends the Advocacy Letter Request regarding NH Community Solar be placed on more time.



City of Keene, N.H.
Transmittal Form

October 18, 2016

TO: Mayor and Keene City Council

FROM:

THROUGH: Patricia A. Little, City Clerk

ITEM: H.1.

SUBJECT: Amendment to the Zoning Ordinance - High Density 1

ATTACHMENTS:

Description

Ordinance O-2016-19

Applicaiton to amend the Zoning Ordinance

BACKGROUND:

Jack Franks, President and CEO of Avanru Development Group Ltd. is submitting a companion Ordinance to Ordinance O-2016-18 that would rezone property on the West Surry Road. This Ordinance would add the necessary street locations to the High Density 1 District to allow the petitioner to proceed with the zoning map change.



CITY OF KEENE

O-2016-19

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

AN ORDINANCERelating to High Density-1 District – Permitted Streets.....

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

That Section 102-451 of the Zoning Ordinance of the City of Keene, as amended, is hereby further amended by adding the bolded text to the street locations to the high-density-1 (HD-1) district, as follows:

Sec. 102-451. - Intent.

The intent of the high density-1 (HD-1) district is to provide for a high density/high intensity residential development in buildings up to three stories in height. City water and city sewer is required for all uses. The district must have frontage on the following list of street locations, and all vehicle access, other than gated emergency access, must be from these streets. Commercial/industrial uses are excluded from this zone. The street locations on which frontage is required are as follows:

- (1) Court Street, on the west side from Westview Street to Maple Avenue and on the east side from Evergreen Avenue to Maple Avenue.
- (2) Maple Avenue.
- (3) Marlboro Street, from Main Street to Eastern Avenue.
- (4) **Old Walpole Road, on the east side from the Court St./Maple Ave/Old Walpole Rd/ W. Surry Rd. roundabout 1,635' north**
- (5) Park Avenue.
- (6) Washington Street.
- (7) West Street, from Central Square to Park Avenue.
- (8) **West Surry Road, on the west side from the Court St./Maple Ave/Old Walpole Rd/ W. Surry Rd. roundabout 810' north**
- (9) Winchester Street.

Kendall W. Lane, Mayor



APPLICATION TO AMEND THE ZONING ORDINANCE

Petitioner AVANRU DEVELOPMENT GROUP LTD Date OCT 18, 2016

Address P.O. Box 1015, WALPOLE, NH 03608

Telephone 802-249-2900 JACK FRANKS

(877) 410-5499 EXT. 1 Email: _____

Existing Section Reference in Chapter 102, Zoning Ordinance 102-451

Does the amendment change the existing "Minimum Lot Size" Yes ☐ No ☒

Does the amendment change the existing "Permitted Uses" Yes ☐ No ☒

Brief Description of Proposed Change SEE ATTACHED


Petitioner's Signature President/CEO
AVANRU DEVELOPMENT GROUP LTD.

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, and such change includes 100 or fewer properties, the Petitioner shall submit a notarized list of property owners affected by the zoning amendment. If the proposed amendment changes the boundary of a zoning district, the Petitioner shall submit a notarized list of all property owners within the zoning district directly affected by the proposed boundary line change, and of all property owners outside of the zoning district that abut the proposed boundary line change.

- 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. Two sets of mailing labels shall be provided.

Date Received by City Clerk 10/18/2016 Fee Received \$ 100.00

Ordinance # O-2016-19 On City Council agenda 10/20/2016

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.

Narrative – Application to Amend the Zoning Ordinance

The purpose of the proposed amendment is to amend Section 102-451 of the zoning ordinance to add West Surry Road, on the west side from the Court Street/Maple Avenue/Old Walpole Road/West Surry Road roundabout 810' north and Old Walpole Road, on the east side from the Court Street/Maple Avenue/Old Walpole Road/West Surry Road roundabout 1,635' north to the street locations on which frontage is required in the HD-1 District. Amending the zoning ordinance to include the above described street locations will allow the Petitioner to apply to amend the zoning map so that 32 West Surry Road will be in the High Density-1 District. The Petitioner has submitted the application to amend the zoning map for consideration herewith.



City of Keene, N.H.
Transmittal Form

October 12, 2016

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: J.1.

SUBJECT: Council Policy: Political Advertising on City Property and Rights-of-Way

COUNCIL ACTION:

RECOMMENDATION:

On a vote of 3-1, the Planning, Licenses and Development Committee recommends the approval of Resolution R-2016-31. Councilor Sutherland voted in opposition.

ATTACHMENTS:

Description

Resolutin R-2016-31

BACKGROUND:

Patricia Little, City Clerk, provided the introduction of the Resolution noting that the Resolution is being introduced in response to a recent opinion from the New Hampshire Attorney General's (AG's) Office with respect to political signs on City property, public rights-of-way and polling locations. The Resolution specifies where political signs cannot be placed, while indicating the desire to permit the placement of political signs in all other areas of public rights-of-way. The Resolution also recognizes the statutory authority of a municipality to make bylaws regulating the distribution of campaign materials or electioneering or any activity which affects the safety, welfare, and rights of voters at any election. The City Clerk continued by saying that prior to the State Primary, the Clerk's office received a complaint about political signs at a polling location. In discussions with the City Attorney, they agreed that the AG's Office should be contacted to get their latest opinion on this particular statute, which is not clear on a municipality's authority to either grant permission or restrict political signs on public property. The last time this issue was discussed with the AG's Office was in 2008. At that point in time, the AG's Office indicated that a municipality did not have the right to give permission for political signs to be on public property. The AG's Office has changed its position on this Statute and their office is now recommending that before the City can remove a political sign in response to a complaint, that the City Council should specify locations where political signs are not permitted. Hand-held signs are not restricted by this Resolution.

In addition, the City Clerk also noted the Resolution clarifies the issue of posted political signs at the City's polling locations on Election Day. RSA 659:43 prohibits the posting of any political signs at the polling location. The Resolution clarifies that this restriction applies to the entire polling location property excepting for the area within the public right-of-way. Hand-held signs at a polling location on Election Day are not restricted by this Resolution excepting for a ten foot wide corridor that extends from the entrance to the polling location and for a distance determined by the Ward Moderator. The City Clerk said she appreciates the opportunity to clarify this matter as it has been a point of confusion both for candidates and election officials over the years.

Chair Richards asked for Committee questions/comments.

Councilor Sutherland noted the City Clerk's comment that this was initiated by a complaint and asked for the circumstances of the complaint. The City Clerk noted the location was on a public piece of property (the Recreation Center) several weeks before Election Day. She reiterated, at that time staff was not certain they had the authority to remove it. Councilor Sutherland continued by saying the governing body is now saying we have a little more leeway at the local level, and the state laws have not changed. The City Clerk verified the state laws have not changed; and the current staff attorney in charge of elections from the Attorney General's Office has a differing opinion about the municipality's authority. The City Clerk added it is a poorly worded statute.

Chair Richards asked for clarification that we are saying no electioneering can take place closer than 75 feet. The City Clerk clarified saying it is no more than 75 feet or less than 25 feet for the electioneering of handheld signs. Chair Richards clarified so 75 feet from the door you have to leave people alone, no signs no nothing. The City Clerk said handheld signs have to be at a certain distance so the voter does not have to walk through a gauntlet of political signs. This Resolution does not address that section; it is only talking about unattended signs at a polling place on Election Day. Chair Richards then asked who would be doing the policing.

Attorney Mullins said in general what happens now if there are signs in prohibited areas, the Public Works Department will collect them and store them for the candidate to come and retrieve. Attorney Mullins continued this would also be true for public property, including polling places on non-Election Day. As an example, signs would not be permitted on Recreation Center property, not even in the right-of-way. Attorney Mullins noted some latitude would be permitted on Election Day. Chair Richards commented so the day after Election Day all the signs are gone.

Councilor Hansel said he was curious as to the net effect of time saved by not having these signs in some of these areas. Kurt Blomquist, Public Works Director, explained the difficulty these signs can create in certain areas, for example when mowing. Mr. Blomquist added by having to remove each individual sign the time is increased by approximately 25%. Mr. Blomquist also noted retrieving the signs is a little easier noting he picks them up on trips back and forth to City Hall this takes less time than trying to do maintenance around them. Councilor Hansel asked if Public Works was in favor of this Resolution. Mr. Blomquist explained the difference between the 2008 decision and this Resolution noting now we are allowed to specify areas without getting into arguments with people.

Noting the different interpretations over the years Councilor Sutherland said he was in favor of sticking with the state law and having the City Clerk's office advising people of the City's preferences. He asked the City Attorney to help him understand why this Resolution would be more beneficial to the City of Keene, and why we have to have our own rules compared to every other municipality. Noting he did not agree with the interpretation in 2008, and keeping in mind we are not talking about the Attorney General but, the individual who holds this particular spot at a particular time, Attorney Mullins indicated the turnover is fairly frequent. Attorney Mullins noted his opinion in 2008 reflects what the current opinion is; you have to read the statute in its entirety. He noted in particular that does argue in favor of having a standard that everybody can see, and everybody can read, and there is no political underpinnings necessitated by it that people have to follow. After additional comments by Attorney Mullins, Chair Richards agreed this sounds a little better than in 2008.

Councilor Hansel noted he had a question about the language in the Resolution; he read from the Resolution and asked for clarification we are only talking about public property. Attorney Mullins replied in the affirmative noting on private property you can put your sign where you want. Councilor Hansel then asked if the language could be adjusted to make that clear. Attorney Mullins noted it does not apply under the statute.

Councilor Jones referred to a policy of no campaign signs at the roundabout and noted a letter received from Peter Bradshaw asking that the medians in that area also be included. He continued at the time there was a reason why we could not. The City Clerk noted this was the same time period when the Attorney General said we did not have the authority to do that. She also noted at that time there was a discussion going on about the definition of a splitter island. Councilor Jones also asked if non-political signs fall under the same requirements. Attorney Mullins noted they fall under the Sign Code. Mr. Blomquist noted an object within the right-of-way is considered an obstruction unless permission has been given through the Public Works office.

Councilor Clark noted he is totally in favor of this Ordinance. Councilor Clark shared his experiences over the years. He likened this issue to that of putting lines on streets. Councilor Clark also referred to the interpretation indicating the problem is because the politicians are the ones breaking the law and putting their signs in public ways; he added there is no actionable penalty for this behavior. After additional comments Councilor Clark recommended taking advantage of this Attorney General's opinion before they change their mind.

Councilor Sutherland noted he feels this is too restrictive on speech, and is part of the political process so he will be voting against this Resolution.

Councilor Hansel said he does not see this as a big deal; he added people are realizing what little affect these signs actually have especially with social media and other ways of getting yourself out there. Councilor Hansel is in favor of making it easier for Public Works and the people who maintain these grounds.

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

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

On a vote of 3-1, the Planning, Licenses and Development Committee recommends the approval of Resolution R-2016-31 Councilor Sutherland voted in opposition.



CITY OF KEENE

R-2016-31

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

A RESOLUTIONCOUNCIL POLICY: RELATING TO POLITICAL ADVERTISING ON CITY
PROPERTY, PUBLIC RIGHTS-OF-WAY AND POLLING LOCATIONS.....

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

WHEREAS: The establishment of policies relating to the City's land, rights-of way, and buildings provides greater awareness of the policy and ensures consistency; and

WHEREAS: RSA 31:41-c authorizes municipalities to make bylaws regulating the distribution of campaign materials or electioneering or any activity which affects the safety, welfare and rights of voters at any election; and

WHEREAS: RSA 664:17 prohibits the placement or affixing of political advertising on public property or highway rights of way without the owner's consent, which advertising includes, but is not limited to political campaign signs, and which authorizes the removal of non-permitted political advertising by the City; and

WHEREAS: RSA 659:43 prohibits the posting of any campaign material at a polling place on Election Day; and

WHEREAS: The City desires to prohibit the placement or affixing of political advertising in the locations specified herein, but desires to permit the placement or affixing of such advertising on all other City rights-of- way to the extent that such placement or affixing does not interfere with maintenance of the location, obstruct the safe visibility of, or safe passage of, bicyclists, pedestrians, or motor vehicles, or otherwise impair public safety.

NOW THEREFORE BE IT RESOLVED: That political advertising is prohibited on the Main Street, Marlboro Street, Winchester Street Roundabout and splitter islands, Court Street, Maple Avenue, and East Surry Road Roundabout and splitter islands, Court Street, Allen Court and the hospital entrance Roundabout and splitter islands, Island Street, Pearl Street, and Winchester Street intersection and splitter island, Ashbrook Road median, Base Hill Road and NH Route 12 intersection medians, Winchester Street median, Maple Avenue median in front of the Middle School, Washington Street and Old Concord Road intersection, Main Street right of way (east and west side) and median north from the Main Street, Marlboro Street, and Winchester Street Roundabout to Central Square, the Central Square Common and splitter islands, and on medians or islands within the Commercial Street, Elm Street, Gilbo East and Gilbo West Parking lots or within any City park, City cemetery, or at any City facility and its adjacent rights of way other than polling locations on Election Day .

BE IT FURTHER RESOLVED: That all political advertising shall be hand-held at all polling places on Election Day except for the area within the public right-of-way, where political signs are permitted to be placed.

Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

October 14, 2016

TO: Mayor and Keene City Council

FROM: Mark F. Howard, Fire Chief

THROUGH: Medard Kopczynski, City Manager & Steve Thornton, Finance Director

ITEM: J.2.

SUBJECT: Relating to the Early Replacement of Ladder Truck 2

RECOMMENDATION:

That the City Council refer Resolution R-2016-32, appropriating \$900,000 for the purchase of a Fire Department ladder truck, to the Finance, Organization, and Personnel Committee (FOP) for consideration, discussion, and a recommendation back to City Council. The purchase is to be funded with an appropriation from the Fire Equipment Capital Reserve in the amount of \$498,196, and through an appropriation from the General Fund unallocated fund balance in the amount of \$401,804.

ATTACHMENTS:

Description

Resolution R-2016-32

BACKGROUND:

Ladder 2 was manufactured by Emergency One in September 2000 and was placed in service by the City of Keene in February 2001. The unit is a 75-foot Aerial, with a 2000 GPM pump and carries 500 gallons of water. The unit is the first due fire unit assigned to Station 2 in West Keene. Over the last five years (July 1, 2011- June 30, 2016 the unit has responded to 3,244 responses. Annually on average the unit responded to 649 incident responses. This response unit provides West Keene with a dual purpose aerial ladder and fire engine ability for all of our high hazard occupancies including four Keene Schools, Black Brook Industrial Park, Cedar Crest Facility, Langdon Place and seven large residential complexes (more than 12 units). The unit is also assigned to provide coverage to the rest of city and other high hazard occupancies in collaboration with Ladder 1.

The unit is scheduled currently for replacement in the FY18 CIP budget. The current mileage is 87,986 and 7,173 engine hours. Ladder 2 has been out of service since September 6, 2016 and will remain out of service due the cost of repairs, current overall condition and assessments provided by equipment repair facilities over the last three weeks. See the following information that provides evaluations of the problem with Ladder 2.

On September 6, 2016, Ladder 2 (L2) went to Fleet Services for a State Inspection. It failed the State Inspection due to cracks in the right frame rail and was immediately taken out of service under the recommendation of Jim Mountford.

On September 9, 2016, L2 went to Twin State Truck Service in West Chesterfield to verify the failed inspection and to render a professional opinion on what caused the cracks. Twin State confirmed there were three cracks in the right frame rail up to 24-inches long due to "rust-jacking" between the frame rails and sent documentation from the State Inspection form that indicated the vehicle failed inspection due to cracks in the frame.

On September 12, 2016, Greenwood Emergency Vehicles (Local E-One Dealership) was sent pictures of the

cracked frame and indicated in a phone conversation that the "Lifetime Warranty" on the frame is only for manufacturer's defects and not for rust. Greenwood sent a quote of \$61,010.00 to replace the cracked frame with a Galvanized frame. The company also reported that the lead time was 8-10 weeks to get the frame rails and then the work would be scheduled when frame rails were received which was estimated at 6 weeks once it could be scheduled.

On September 20, 2016 Lakes Region Fire Apparatus, Inc. from Tamworth, NH came to look at L2 at our central station. Lakes Region stated that the truck will not pass a state inspection without replacing the frame rails which could run \$50,000 - \$60,000. They also indicated that it was their opinion that even with the replaced frame rails, with the present condition of the truck, the truck would only be worth \$40,000 - \$50,000. Lakes Region indicated that they were not interested in performing the work required to fix L2.

On September 20, 2016 Valley Fire Equipment from Bradford, NH came to look at L2. They indicated that the truck will not pass NH State inspection and they felt it would not be cost effective to replace the frame.

On September 27, 2016 Minuteman Fire & Rescue Apparatus, Inc. from Walpole, MA met with us about fixing and possibly replacing L2. Minuteman indicated that the cracks appeared to be caused by rust being built up between the two frame rails causing the frame to split "rust jacking." They also indicated that it would cost \$60,000 - \$80,000 to replace the frame rails and recommended a complete aerial test before and after the work is completed.

Under the CIP Apparatus Capital Reserve Account, Ladder 2 is due to be replaced in July 2017. There is an estimated \$498,000 in the fire department CIP Apparatus Capital Reserve Account. Currently with the cracked frame, the trade-in value is the price of scrap which is estimated at \$4,000- \$6,000 (verbal from Jeff Fournier-President Minuteman Fire App.). If the frame was fixed, due to the age, engine hours and mileage on the apparatus the trade-in value is the same as it was a year ago at \$40,000 (See attached email from Minuteman).

Note: we are told that when apparatus reaches 15 years old and has mileage exceeding 93,000 miles the trade in value drops remarkably.

We have explored other financing options for this purchase. They included only a partial pre-payment and also lease options. After reviewing those options the recommendation is to make the purchase as requested, as it is the most cost effective method. The purchase of the apparatus will be through Houston- Galveston Area Council (H-GAC). We have used the H-GAC purchasing program successfully for the purchases of Ambulance 1 and Engine 1, this program provides the most competitive pricing we have been able to obtain.



CITY OF KEENE

R-2016-32

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

A RESOLUTIONRelated to an appropriation for purchase of a ladder truck.....

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

That the sum of nine hundred thousand dollars (\$900,000) is hereby appropriated in the 2016-2017 fiscal year for the purpose of providing funding for the purchase of a ladder truck.

Said appropriation to be funded by the Fire Equipment Capital Reserve (\$498,196) and General Fund unassigned fund balance (\$401,804).

Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

October 18, 2016

TO: Mayor and Keene City Council

FROM: Beth Fox, ACM/Human Resources Director

THROUGH: Medard Kopczynski, City Manager

ITEM: J.3.

SUBJECT: In Appreciation of Melvin Thomas Patty Upon His Retirement

RECOMMENDATION:

That Resolution R-2016-33 be adopted by the City Council.

ATTACHMENTS:

Description

Resolution R-2016-33

BACKGROUND:

Mr. Patty retires from the Public Works Department's Fleet Services Division effective October 31, 2016.



CITY OF KEENE

Sixteen

In the Year of Our Lord Two Thousand and

A RESOLUTION In Appreciation of Melvin Thomas Patty Upon His Retirement

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

WHEREAS: Melvin Thomas Patty was hired June 15, 1998, as a Mechanic I; was reclassified as a Mechanic II June 7, 2002; was called to active duty, while serving in the National Guard, for Operation Iraqi Freedom starting the end of 2004; and, upon his return, was reinstated to his position January 22, 2006; and

WHEREAS: Respected as a well-rounded mechanic with wide mechanical repair knowledge who adapted to ever-changing technology, Tom consistently produced work of clean and high-quality workmanship, completed the numerous repair and maintenance jobs in a timely manner to retain fleet service in-house, and brought increased knowledge to the Fleet Division and the Public Works Department through his active service in the National Guard; and

WHEREAS: During his tenure, Tom demonstrated expertise with all the systems of our heavy equipment—from electrical to hydraulic to drive train—and maintained an outstanding knowledge of the City's varied fleet of 258 vehicles and pieces of equipment, as well as attended regular training to keep his skills up to date; and

WHEREAS: He displayed his commitment to teamwork by understanding how the Fleet Services Division should complete its work objectives, by being a positive force on the shop floor, and by his willingness to help when and where needed to keep things moving when schedules got busier; and

WHEREAS: Tom has dedicated himself to taking care of his customers' concerns effectively and efficiently—carrying out his own inspections rather than relying solely on what is reported as problematic—resulting in repair jobs that stood the test of time and, when he served as support personnel during winter storm events, decisions were made correctly and promptly so snow fighting could continue; and

WHEREAS: Tom's reliability also carries through in his attention to safety for himself and his coworkers, in his high level of understanding of personal and professional ethics, in his acceptance of change that affected division operations positively, and in his ability to accept assistance in stressful or overloaded workflow situations; and

WHEREAS: Tom retires from the City of Keene October 31, 2016, with over 18 years of honorable service to the City of Keene;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Keene hereby extends its sincere thanks to Melvin Thomas Patty for his dedicated service and wishes him the very best through all his retirement years; and

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

PASSED

Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

October 18, 2016

TO: Mayor and Keene City Council

FROM: Beth Fox, ACM/Human Resources Director

THROUGH: Medard Kopczynski, City Manager

ITEM: J.4.

SUBJECT: In Appreciation of Satum Siek Upon Her Retirement

RECOMMENDATION:

That Resolution R-2016-34 be adopted by the City Council.

ATTACHMENTS:

Description

Resolution R-2016-34

BACKGROUND:

Ms. Siek retired from the Parks, Recreation & Facilities Department effective September 9, 2016.



CITY OF KEENE

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

A RESOLUTIONIn Appreciation of Satum Siek Upon Her Retirement.....

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

WHEREAS: Satum Siek began her career caring for the Keene Public Library building on a part-time basis May 4, 1983, and transitioned to full-time responsibilities March 1, 1999; and

WHEREAS: Satum has devoted her attention to the cleanliness, comfort, safety, and appearance of all areas of this community center, including its adjacent building, Heberton Hall, for the sake of patrons and co-workers alike; and

WHEREAS: Working independently in the afternoons and evenings for the best part of her tenure, she also has set up for and cleaned up after innumerable groups and public meetings held at the Library, responsible for securing the rooms and the buildings as necessary; and

WHEREAS: Her positive and pleasant manner have enabled her to be responsive to the smallest needs in her quest to provide great customer service, to take immediate action to correct any unsafe condition, and to be well-liked by just about anyone with whom she comes in contact; and

WHEREAS: A hard-working, dependable, and loyal individual, Satum consistently demonstrated initiative and thoroughness in her accomplishments, as well as a willingness to carry out requests promptly and to assist other custodial personnel to allow for continuity of facility operations when required; and

WHEREAS: Appreciative of the camaraderie and caring demonstrated by her co-workers, she showed this by making and sharing what came to be known at holiday luncheon and other employee events as "Satum's famous spring rolls;" and

WHEREAS: Satum retired from the City of Keene September 9, 2016, with almost 33½ years of honorable service to the City of Keene;

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

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

PASSED

Kendall W. Lane, Mayor