City of Keene
New Hampshire

KEENE CITY COUNCIL
Council Chambers, Keene City Hall
November 17, 2016
7:00 PM

Roll Call
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- November 3, 2016

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Retirement Resolution - Melvin Thomas Patty

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

C. COMMUNICATIONS

1. Shana Davis/Hot Hogs BBQ - Request for Late Night Hours of Operation

D. REPORTS - COUNCIL COMMITTEES

1. Airport Forest Management Plan - Airport
2. Periodic Report - Bicycle Pedestrian Path Advisory Committee
3. Castle Street/Harper Acres Improvements – City Engineer and Keene Housing Authority
4. Driveway Code Review – Planning Department
5. Impact of Area Drought on Keene's Water Supply – Public Works Department
6. Discussion – Periodic Report- Airport Advisory Commission
7. Discussion - Letter of Advocacy request for Community Supported Solar Systems
8. College City Commission Final Report and Recommendations
9. Donation of Tree Lighting Supplies - Keene Kiwanis Club
10. Acceptance of Grant - NH Attorney General's Drug Task Force - Police Department
11. Acceptance of Donations to Library Renovation Project - Campaign Manager for the Next Chapter Campaign
12. Ambulance Service Contracts - Fire Department
13. Tax Deeds for Unpaid 2012 and 2013 Property Taxes - Finance Department

E. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. CITY MANAGER COMMENTS

F. REPORTS - BOARDS AND COMMISSIONS

1. Request to Amend the Surface Water Protection Ordinance

G. REPORTS - MORE TIME

H. ORDINANCES FOR FIRST READING

I. ORDINANCES FOR SECOND READING

J. RESOLUTIONS

1. Approving an Application for CDBG Funds
   Resolution R-2016-35

Non Public Session
Adjournment

A regular meeting of the Keene City Council was held Thursday, November 3, 2016. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: Carl B. Jacobs, Janis O. Manwaring, Terry M. Clark, Jay V. Kahn, Randy L. Filiault, Thomas F. Powers, Robert B. Sutherland, George S. Hansel, Gary P. Lamoureux, Stephen L. Hooper, Bettina A. Chadbourne, Philip M. Jones and Mitchell H. Greenwald were present. Councilors Robert J. O'Connor and David C. Richards were absent. Councilor Chadbourne led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the October 6, 2016 meeting with a correction to reflect that Councilor Sutherland was absent from the meeting. The motion passed with a unanimous vote in favor.

PRESENTATION – CASTLE STREET DISCONTINUANCE – CITY ENGINEER AND KEENE HOUSING AUTHORITY

The Mayor invited City Engineer Don Lussier, Executive Director of Keene Housing Josh Meehan, and Civil Engineer Brud Sanderson from Stevens and Associates to make a presentation relative to improvements at the Castle Street/Harper's Acres improvement project and the proposed discontinuance of Castle Street. Mr. Lussier explained the Castle Street Rehabilitation project is part of FY 2017 Capital Improvement Program. This project is in collaboration with Keene Housing. Castle Street serves only one property owner, Keene Housing.

Mr. Meehan reviewed improvements at their various facilities. He continued that Keene Housing launched a curb appeal initiative that included new business systems and increased investment in landscaping to enhance curb appeal at all their Keene Housing owned and managed properties. The plans for 2017 are to complete a LED lighting retrofit project; window replacement; and the repavement of Castle Street while creating new curbs and sidewalks with appropriate curb cuts, improved drainage and - in preparation for the future - conduit for fiber optics next to the road.

In terms of Castle Street improvements, Mr. Sundstrom stated the project is intended to improve the livability and walkability of the area. With the aid of several PowerPoint slides, Mr. Sundstrom depicted the current condition of the area. Improvements would include the installation of curbing to define the edge of the street, repaving sidewalks and reducing the amount of pavement for greater drainage. Mayor Lane stated he would be referring the subject of Castle Street improvements to the Municipal Services, Facilities and Infrastructure Committee for their further review.

CONFIRMATIONS – PARTNER CITY COMMITTEE

A motion was made by Councilor Greenwald and duly seconded to confirm the following nominations for the Partner City Committee: Frank Richter to serve as an alternate member for a term to expire December 31, 2019 and Lily Hart as an alternate member for a term to expire December 31, 2019. On a roll call vote, with 13 Councilors present and voting in favor the motion carried. Councilors O'Connor and Richards were absent.

MSFI REPORT – EFFORT TO SHOW SUPPORT FOR POLICE PERSONNEL – PUBLIC WORKS DEPARTMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending the authorization to paint a blue line on Marlboro St. from Optical Ave. to Main St. and to have this added to the contract for next year's striping to be completed at that time. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded. The motion passed with 12 voting in favor and Councilor Sutherland opposed.

PLD REPORT – PERIODIC REPORT – ZONING BOARD OF ADJUSTMENT

An informational report was received from the Planning Licenses and Development Committee recommending the periodic report from the Zoning Board of Adjustment be accepted as informational. The report was filed into the record as informational.

FOP REPORT – PERIODIC REPORT – TRUSTEES OF TRUST FUNDS

An informational report was received from the Finance, Organization and Personnel Committee recommending the periodic report on behalf of the Trustees of Trust Funds be accepted as informational. The report was filed into the record as informational.

FOP REPORT – SOLID WASTE FACILITY ENERGY OPTIONS REPORT – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read, recommending the City Manager be authorized to do all things necessary to pursue the preferred energy option as outlined in the Solid Waste Division Energy Options Report and, as applicable, utilize grant funds available from the EPA Climate Showcase Communities Grant to fund a portion of the cost associated with a selected energy option, which is option #3 – biofuel. A motion by Councilor Greenwald was duly seconded. With 11 Councilors voting in favor and Councilor Hooper and Jones opposed, the motion to carry out the intent of the report carried.

FOP REPORT – CHANGE ORDER #1 FOR WOODLAND CEMETERY WETLAND RESTORATION PROJECT CONSTRUCTION OVERSIGHT CONTRACT WITH GZA GEOENVIRONMENTAL INC. – PLANNING DEPARTMENT

Finance, Organization and Personnel Committee report read, recommending the City Manager be authorized to do all things necessary to negotiate and execute Change Order #1 with GZA GeoEnvironmental Inc. for an amount not to exceed $4,650 for construction oversight services for the Woodland Cemetery Wetland Restoration Project, bringing the total contract cost to $37,650 from $33,000. A motion by Councilor Greenwald was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – LADDER TRUCK 2 PURCHASE CONTRACT – FIRE DEPARTMENT

The Finance, Organization and Personnel Committee report was tabled until later in the meeting.

CITY MANAGER COMMENTS

The City Manager announced he hopes to have a water supply detailed report ready and available from the Water and Sewer Division. He commented he understands the City is in excellent shape. The City Manager reminded the City Council on Saturday, November 5, 2016, there will be an in depth detail discussion about the tree management plan that is being proposed to the airport. The City Manager alerted the Council there were 3 sets of LED lights installed on Marlboro Street. The intent was to display the 3 kinds for gathering input to the City as to which set of LED lights are the most pleasing.

MORE TIME

More time was granted for the following issues within committee: Safety Concern – Intersection of West Street and Bradford Road; Request for No Parking – South Side of Spring Street; Request for Two Hour Parking Limit – 50 Washington Street; Driveway Code Review – Planning Department; and Roxbury Street Crosswalk – Public Works Department.

PLD REPORT AND ORDINANCE O-2016-13: RELATNG TO THE MAIN STREET HISTORIC OVERLAY DISTRICT; ORDINANCE O-2016-14-A: RELATNG TO THE MAIN STREET HISTORIC OVERLAY DISTRICT; AND ORDINANCE O-2016-15: RELATNG TO ESTABLISHMENT OF ZONING OVERLAY DISTRICT – MAIN STREET HISTORIC DISTRICT

Planning, Licenses and Development Committee report read recommending to City Council the denial of the passage of O-2016-13, O-2016-14-A, and O-2016-15. The report was filed as informational. Ordinance O-2016-13: Relating to the Main Street Historic Overlay District; Ordinance O-2016-14-A: Relating to the Main Street Historic Overlay District; and Ordinance O-2016-15: Relating to the Establishment of Zoning Overlay District- Main Street Historic District were read for the second time. A motion by Councilor Jones to deny Ordinance O-2016-13, Ordinance O-2016-14-A and Ordinance O-2016-15 was duly seconded. On a roll call vote, with 13 Councilors present and voting in opposition, the motion carried. Ordinances O-2016-13, O-2016-14-A and O-2016-15 declared defeated.

PLD REPORT AND RESOLUTION R-2016-31: RELATNG TO COUNCIL POLICY: RELATING TO POLITICAL ADVERTISING ON CITY PROPERTY, PUBLIC RIGHTS-OF-WAY AND POLLING LOCATIONS

Planning, Licenses and Development Committee report read recommending to the City Council not to adopt Resolution R-2016-31. The report was filed as informational. Resolution R-2016-31: Relating to Council Policy: Political Advertising on City Property, Public Rights-Of-Way and Polling Locations was read for the second time. A motion by Councilor Jones to deny the Resolution was duly seconded. On a show of hands vote, with 13 Councilors present and voting in opposition, the motion carried. Resolution R-2016-31 declared defeated.

FOP REPORT AND RESOLUTION R-2016-32: RELATNG TO AN APPROPRIATION FOR PURCHASE OF A LADDER TRUCK

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2016-32. The report was filed as informational. Resolution R-2016-32: Relating to An Appropriation for Purchase of a Ladder Truck was read for the second time. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. On a roll call vote, with 13 Councilors present and voting in favor the motion passed. Resolution R-2016-32 declared adopted. Councilor O'Connor and Councilor Richards were absent.

FOP REPORT – LADDER TRUCK 2 PURCHASE CONTRACT – FIRE DEPARTMENT

The Finance, Organization and Personnel Committee report was taken off the table. Finance, Organization and Personnel Committee report read, recommending the City Manager be authorized to execute a contract for the purchase of Ladder 2 from Pierce Fire Apparatus for $900,000. A motion by Councilor Jacobs was duly seconded. The motion passed with a unanimous vote in favor.

ADJOURNMENT

At 8:06 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:

City Clerk

External Communication
Transmittal Form

November 17, 2016

TO: Mayor and Keene City Council

FROM: Patricia Little, City Clerk

ITEM: C.1.

SUBJECT: Shana Davis/Hot Hogs BBQ - Request for Late Night Hours of Operation

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ATTACHMENTS:

Description

Davis Communication

BACKGROUND:

The owner's of Hot Hogs BBQ seek permission to operate their food vending trailer past the hours permitted by Ordinance. City Council has the authority to grant such requests pursuant to City Code section 46-121 (d). The vendor is located on private property at 100 Emerald Street.

November 8, 2016

Dear Mayor and City Council,

Hot Hogs BBQ is located at 100 Emerald Street. We serve BBQ foods such as pulled pork, ribs, mac n' cheese, and fried dessert items. We are respectfully asking for you to consider allowing us to open late night hours a few evenings per week. Specifically, we would like the opportunity to be open Thursday, Friday and Saturday evenings till 1:30am.

Thank you for your time and consideration.

Sincerely,

Shana Davis

Ricky Davis

Owners of Hot Hogs BBQ

603-209-1295

City of Keene, N.H.
Transmittal Form

November 9, 2016

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.1.

SUBJECT: Airport Forest Management Plan - Airport

RECOMMENDATION:
On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the Airport Forest Management Plan as informational.

BACKGROUND:
Airport Director Jack Wozmak stated that he is here to give the MSFI Committee a sense of the work they have been doing at the Airport. He continued that when he began this job about eight months ago one issue was that for the past five years or so there have been trees in the area of the flight path causing a lot of discussion and disagreement. He said that his primary approach would be to encourage the development of an evidence-based, sustainable, forest management plan, a template for sustainable forest plans that the City should embrace for all of its forests. It is similar to when he was steward of the 450 acres of forest in Chesterfield and Westmoreland as the County Administrator. They will try to work the plan and balance the objectives against the operation of the airport and find a sustainable way to mitigate the damage and any issues they have with the forest. They had a public meeting on Saturday to gather input. They will produce a 100-page forest management plan, taking that information into account. The Airport is nearly 1000 acres. About a third is field, a third is pavement, and a third is forest. They mow most of the field and plow the paved areas. So far they have not done anything to manage the forest.

Mr. Wozmak showed the area in question on a poster on the easel. He noted that there are a lot of wetlands, 160 species of birds, and lots of other wildlife. It is important for the City Council to understand that this is an amazing habitat. They need to understand what this land has on it, so they can balance the objectives of what is also an airport. The area of greatest concern of the Edgewood neighbors is the area with many white pine trees, some quite old. He will basically focus on that area and some other areas identified as future development sites for aviation-related activities. Aside from establishing a forest management plan he has also been asked to create a development plan to increase the utilization of the airport and derive more economic benefit from it, and define compatible uses that they can put into the Airport Master Plan to set the stage for what they will do and how and where the money will come from, and that sort of thing. The Airport Master Plan, development plan, economic development plan, and forest management plan will all come together in the next few months.

Mr. Wozmak showed the area of the trees that has been the “hottest spot,” politically, for the past four or five years. There are also other areas that had been identified as potential development sites. The acreage has a lot of white pines, extending from 3 to 15 feet into the glide path of the 2-0 runway. He continued that when he came into this position the disagreement was over the proposed clear-cutting of that area, with a little less sensitivity to the neighborhood than he would have preferred. That is why he is encouraging this forest management plan by balancing the objectives of the forested land – which, by deed, is supposed to be maintained as a sustainable forest – and the fact that it is at the end of the runway. The plan is to remove the tall white pines, open the forest floor, and let natural regeneration replace the forest. There is no question that that area will look a lot different. The good news, from a forest management view, is that the white pines constitute about 20% of the viable forest there. There is a tremendous amount of good oak and beech diversified understory there that would love to flourish for the next 100 years. He continued that he instructed the foresters that as they move forward to remove the white pines, it must be a very selective process, do minimal damage to the understory, leave the area with pathways to the trails to enhance the recreational use, make it look nice and not leave slash behind like as is common with clear cuts, and be respectful. They have an interest in operating the airport, but they also bump up against the neighborhood and have to maintain the forest. His goal and interest is to find a compromise.

Mr. Wozmak continued that they are waiting to receive information from the consultants with results of the noise study. In his view, as they go through this selective cutting, they need to be thinking about and expending resources on vegetation, hedges, or trees that repair or replace the initial impact that this might have on the surrounding neighborhood. He does not know yet exactly what those look like. There is a 20 foot berm at the edge of the airport. He is open to having a discussion with neighbors who want a visual screen. Some of the foresters who have been there think natural reforestation are the way to go, but they want to think about doing something to replace the visual screen that some neighbors have.

Mr. Wozmak continued that he does not expect that the tree thinning operation will require any public funds. The cost is anticipated to be covered by the value of the timber, turned into pulp or chips or lumber. He is does not believed that it will cost the taxpayers anything. He hopes there is enough timber removed to create a fund to do the replanting. There will be a balance. This is a healthy forest underneath. It is good that they can let it reforest itself. He is trying to be as sensitive as he can be to the neighborhood concerns, but the obstructions are clearly a safety risk for aviation.

Councilor Hooper stated that he went to look at the forest and saw that the forest floor has a mass of deciduous leaves. He continued that he was expecting to see a mass carpet of pine needles. What that told him is that there is a healthy, smaller forest in there waiting to flourish once the pines are down. Yes, it will be a big change, but once the sun gets in there, there will be continual improvement over the years. It was a great tour and he appreciated seeing it. He echoes Mr. Wozmak's thoughts on looking for creative ways to soften the noise if the noise study says it is a concern there, and perhaps to have additional deciduous or conifers to help neighbors with the visual look. He thinks this is a several step plan and Mr. Wozmak has a good foundation of a plan. They can move very positively forward to maintain safety at the airport and be sensitive to the neighbors.

Chair Manwaring stated that she went on the tour as well. She continued that she was stunned when someone asked when the selective cutting would take place, Mr. Wozmak said by the end of the year. She thought they were not going to do anything until they have all of the reports in. It is not just visual, the forest has been protective – the neighbors have concerns about noise, air quality, and other issues.

Mr. Wozmak replied that the environmental assessment should be completed by the end of the year. He continued that the noise and visual impact will be addressed by the replanting of buffer material, whatever that is, regardless of the reports. When the reports come in they should be poised to that. He is eager to get the reforestation underway. If they wait until spring they would miss a strong growing season. He would hate to delay it by doing it mid-year when it is harder for the forest to recover. However, if there is something in the environmental assessment that says they should pause, they will pause. The reports will not say to not cut the trees and stop using the runway. The question is: if not now, when? To him, it is towards the end of the year when they have seen the environmental assessment and they have done the mitigating strategies that are feasible and practical. Time will not change anything. The issue with the trees, by now, is clear. They will have a clear 10-year forest management plan, and the results of the environmental assessment will be clear. Once they have all the information there is no reason to not move forward. Chair Manwaring replied that she is waiting for the information.

Chair Manwaring asked if any members of the public had questions.

John Dunnell, of 30 Linwood Ave in Keene, stated that he is a neighborhood resident but not along that back runway. He asked if the sustainable forest management plan exists right now, or if it is something being worked on. Mr. Wozmak replied that the plan is about 100 pages and he has seen a draft. He continued that it is not complete yet because they wanted to gather information from the public information session and use that as necessary. He thinks it will be done in November.

Mr. Dunnell asked if it will be part of the Airport Master Plan or separate. Mr. Wozmak replied that it might be in the Airport Master Plan or it may be on its own. He continued that it is integral to what the City Council does with respect to the airport and the events that take place. They want every decision to be taken into consideration by the City Council about the areas that surround it. For example, they would not want to engage in development that would interfere with the 160 species of birds on the southwest side of the airport. They want that sort of sensitivity. They want the City Council to clearly understand the impacts of the wetlands. The forest management plan is meant to be integral to decisions being made about the airport.

Mr. Dunnell asked, regarding planting a buffer after the fact, if part of the forest management plan will include further revenue so they could use those funds. He would think there is a lot of marketable timber on the airport property that does not affect neighbors like these white pines do. If the airport can provide money for the buffer, that would help. On the Internet he found information – a lot of communities are very proactive when it comes to the buffers, preparing for that in advance. He thinks that might have been the way to go. Mr. Wozmak replied that the selective tree removal operation should provide the resources necessary for the mitigation.

Mr. Dunnel stated that he was in the forest, too. He continued that the lower story is very immature. When you look up, it seems like 90-100% of that forest that will be gone. Many of the understory species are bushes. It will be quite a visual change. They should proactively look into the buffer.

Lindsey Cushing, of 7 Edgewood Avenue, stated that she was not at the forest meeting but she went to the meeting at the Airport. She continued that they are saying “selective cutting,” meaning all of the pine. At the Airport meeting there was more discussion of selective cutting of certain pines, in stages, so it would not be so dramatic, with less impact to the community. It sounds like that idea was taken off the table and she would like to hear about the reasons why. It sounds like more of a compromise. What Mr. Wozmak is now proposing does not sound like a compromise. It is deeded as a forest and needs to remain a forest. It sounds like he wants to do the minimum to keep it as a forest.

Mr. Wozmak replied that if they wanted a forest management plan backed by the science of forestry, doing selective cutting and leaving the “loser trees” would not be helpful. He continued that she is right, he started down that road. The foresters’ response was, “You asked for our science-based, evidence-based forest management plan, and a partial cut like that would not be good forest management.” Good management would be taking out all the pines and allowing natural regeneration to take place. They talked him out of it. He hired them to do science-based work, not emotional- or political-based work. They said not to do it piecemeal. Removing certain trees makes others more unstable. He was originally thinking the same thing; maybe they could clear the trees over a number of years. He was strongly rebutted by the forest management professionals.

Ms. Cushing asked how that compares with planting the new trees. Mr. Wozmak replied that the newly-planted trees always grow at a slower pace than the natural forest floor regeneration. He continued that he is not against planting the trees. Their advice was, let the forest reforest itself, which is why he was talking about how to mitigate the visual impacts. The foresters suggested Hemlock hedges, Rhododendron, and that sort of thing, which would buffer without interfering with the natural reforestation.

John Mason, of 24 Linwood Avenue, stated that he and Brenda Dunn, another resident, had questions about noise, especially at night. He continued that currently the forest stops the noise. If the trees are gone and people can use the airport anytime they want, there will be much more air traffic than right now. Once in a while now he and others hear C&S jets at 4:00 AM, which is fine occasionally, but to have three or four per night would be unbearable. The forest does them a favor. They want to see regular hours so they are not always being disturbed by this. Noise is a quality of life issue. Maybe they could be given super quiet windows by the City. He got his property reassessed about a year ago and the value went down. He is wondering about easements. He is far up the street but his neighbors tell him they saw his name on the easement list. He does not know why he would be included in that. An easement would decrease the value more.

Mr. Wozmak replied that he has been working with the FAA regarding the language in the easements. He thinks they will find language for the removal of obstructions only. There was Federal overreaching, offensive (in his opinion) language that was scary to property owners, legitimately, and he does not blame them for objecting. They are working towards simpler language that says: if a tree is in the way, they have permission to cut it. He is only concerned about trees that are in the way. He does not anticipate talking to someone about easements if they do not have trees in the way. Regarding the hours of operation, they currently have preferred hours of operation that encourage people to land on 2-0 when the wind is less than 8 knots and most aircraft can do that. As they go forward and make a more formal structure for pilots, it is highly conceivable that they could establish hours and keep track of who violates the rules. Some airports establish a fine structure, so if a plane comes in at 11:00 PM unnecessarily they fine them to send a message that they want to protect the hours.

Mr. Mason asked how they will know who is violating the hours and when, since the camera was taken away. Mr. Wozmak replied that they are working towards monitoring the traffic better. He continued that yes, the FAA had them take down a camera because they did not like the position of it, but they relocated it. He thinks they should move towards hours of operation. In general, pilots are respectful of such guidelines. They need to establish hours and spread the word to pilots. They can look at digital footage to try to identify planes.

Mr. Wozmak continued that regarding windows, there are times when the noise is so great that the FAA is prompted to offer funding. They do not think noise at Keene will rise to the level of being eligible for Federal funding. If it goes above a certain decibel, yes, they will provide protective windows. He would be surprised if the noise study leads in that direction. But they will do the mitigating plantings while forest regeneration takes place.

Dr. Ann Shedd, of 59 Greenwood Ave, stated that she appreciates the effort to come up with a comprehensive forest management plan for the whole airport property. She continued that she knows from her time on the Conservation Commission that there has been slow progress towards adding a conservation plan with forest management plans for many City properties. Many Conservation Commission members were present at the session on Saturday and found it helpful. She has a significant concern about the timing between the proposed operation and the completion of phase II of the environmental assessment. Vegetative obstructions were identified in the 2003 Airport Master Plan. The airport operated for 13 years without an issue. When the concerns arose about the 2012 proposal to do clearing, it kicked off a whole process that resulted in an environmental assessment. There was a public comment period in the spring of 2014, after which the New Hampshire Department of Transportation (NHDOT) said there needed to be a phase II of the environmental assessment to address noise impact, air quality, visual issues, and property value impacts. Stantec Consultants submitted a scope of work and said it would be completed by September 2015, which was over a year ago. The community did not hear anything until September 2016 when they were told the noise assessment would be done. The scope of work specifies that the noise assessment would be done in late winter or early spring with the leaves off, so it would be similar to the small, deciduous forest that would be left after the cutting. That was not fulfilled. It was done during a fully-leaved fall.

Dr. Shedd continued that her greater concern is air quality. Keene has had issues with air quality. A significant public health impact has been identified from micro-particulates, particularly PM 2.5. It can enter through the capillaries and into circulation and has significant health impacts. There is also documentation that jet take-offs and landings result in PM 2.5. Jet traffic is predicted to increase. There have also been studies from the US Forest Service's Northeast Division that urban forests filter PM 2.5 If the forest is not there for 10-30 years until when it regrows as a seasonal, deciduous forest, they will have a long interval of not having the PM 2.5 filtered. She thinks phase II of the environmental assessment should be done carefully and thoughtfully and she is not concerned with the work Stantec has done. She is concerned with the health of her neighbors. Vulnerable populations in the neighborhood include children and elderly people. Some people have lived there over 50 years. She would be dismayed if the clearing happened before phase II of the environmental assessment was completed with a thoughtful public comment period.

Mr. Wozmak replied that he does not disagree. He continued that however, it would be about 15 acres at most, out of the total acres. He is reluctant to wait when the right thing to do is clear. They should have done this work a long time ago and would have been a lot better off. They have to do this and will align it to the way it should be. The sooner they do it, the sooner they will have reforestation.

Councilor Hooper stated that it seems like small planes taking off are louder than jets, when they go over Boulder Street. He continued that the noise level is pretty disturbing. This is out of residents' control. Is there is any way to control planes' noise, like how cars have mufflers? Mr. Wozmak replied that he is not a pilot and he does not know the answer. He continued that he wants to clarify: there is now 15% more jet traffic and it is not C&S. Only about 40% of the jet traffic is C&S. That is just a note, to be fair to C&S.

Councilor Lamoureux stated that Mr. Mason talked about the property values decreasing. He continued that he knows there was a decrease in assessments across some neighborhoods. He wants to clarify that properties did not decrease due to the airport, it was just part of what had occurred throughout the city.

The City Manager stated that some properties remained the same, some increased, and some declined. He continued that many neighborhoods experienced a decline, not universally, and including ones nowhere near the airport. Calculating the tax rate is based on looking backwards when you do the assessment and trying to equalize it. It is based on physical assessment and going into the records to look at similar sales in areas they consider neighborhoods. In this sampling the neighborhood might be larger than Edgewood. They are looking backwards in time. The value they are setting in the assessment might not be what properties are selling for. The country has not totally climbed out of the recession. If you go backwards in time and think about what the real estate market has been like, recall that the residential properties have been assessing at 106% of sales value. That indicates a 6% drop in value. The actual experience will probably be less than that for people with properties that have dropped, although some have dropped more. It is not a value drop because it is near the airport. It is a value drop happening to some properties in many neighborhoods across the city.

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

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the Airport Forest Management Plan as informational.

City of Keene, N.H.
Transmittal Form

November 9, 2016

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.2.

SUBJECT: Periodic Report - Bicycle Pedestrian Path Advisory Committee

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RECOMMENDATION:
On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the Bicycle Pedestrian Path Advisory Committee's report as informational.

BACKGROUND:
Linda Rubin, BPPAC Chair, distributed handouts to the MSFI Committee. She stated that she is excited to be here tonight to talk about the Bicycle Pedestrian Path Advisory Committee (BPPAC). She continued that they celebrate South Bridge – it has been a project a long time in the making. The BPPAC will be working with a Mayor-appointed committee to create a celebration and ribbon-cutting for the spring.

Ms. Rubin continued that the BPPAC is a dedicated group. Through their work and with the assistance of staff liaison Will Schoefmann, they are almost finished coming up with prioritized projects, in the BPPAC Master Plan. They have been engaged in a planning process, and these processes take a while. She is happy to report that there are some things in the draft plan that MSFI members have a copy of that are already happening. The Committee continues working on things in the City that support the development of the bike and pedestrian network. The handout is a document that the committee worked on about 1.5 years ago, that has a vision and a big picture goal of increasing the accessibility, availability, and usage of a coordinated bicycle and pedestrian network for alternative transportation that is safe, convenient, and provides intermodal connections through a quality and well-maintained built environment. That is the goal of the plan.

Ms. Rubin continued that they came up with high level objectives, some strategies, and metrics to use to measure the implementation of the plan, and now they are in the process of taking what started out as about 40 projects that citizens thought were important to consider and prioritizing those. Shown in red font are the ones that are already happening. They have included some of the sample prioritized strategies that they have been working on for several months, such as a plan for making Main Street a Complete Street. The City adopted a Complete Streets set of guidelines that was followed by an ordinance that was passed not too long ago. Now part of the work is to start looking at the city's streets and see what needs to be done to make them more complete, particularly those that have more heavy foot traffic and/or safety issues for people using sidewalks or needs for other amenities to increase safety. They hope to return to the City Council with the updated plan that will have five priority projects. It does not mean losing any projects that are on the list, but coming up with five prioritized projects they hope to see completed in the next 3 to 5 years is something they feel would support alignment at community, City Council, and staff level for some of these active transportation projects.

Councilor Lamoureux thanked Ms. Rubin for the presentation. He continued that he was involved with Parking for a while and understands the issues of intermodal transportation. He asked if they have thought about bike lockers for the downtown area. Ms. Rubin replied that there are now more bike racks in the city because of a partnership between the City and the Southwest Regional Planning Commission (SWRPC). On their list is a plan for additional amenities, which would include bike lockers. She does not know where it would be on the priority list or if it would be in the top five. The more they can focus on amenities that make it possible for people to walk or bike, the better.

Chair Manwaring stated that she thinks the committee has someone from Pathways for Keene (PFK). Ms. Rubin replied yes, Charles (Chuck) Redfern and Emily Coey. Chair Manwaring replied that they are concerned with lighting some of the passages that are dark, especially at this time of year. She suspects PFK's priority will be lighting. Ms. Rubin replied yes, the BPPAC wants to have a plan for lighting and look at the high-need areas.

Chair Manwaring asked if they have had interns help them. Ms. Rubin replied that Keene State College (KSC) students have helped. Mr. Schoefmann stated that they have a student working with them, reviewing lighting questions on the trails. He continued that they try to work with the KSC Geography Department when they have junior/senior seminar projects. The City has had two other trails projects that students have produced valuable work on.

Chair Manwaring asked if any members of the public had questions. Hearing none, she thanked Ms. Rubin for her report and stated that they look forward to the next one.

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

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the Bicycle Pedestrian Path Advisory Committee's report as informational.

City of Keene, N.H.
Transmittal Form

November 9, 2016

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities, and Infrastructure Committee

ITEM: D.3.

SUBJECT: Castle Street/Harper Acres Improvements – City Engineer and Keene Housing Authority

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RECOMMENDATION:
On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to prepare and submit a Petition for the discontinuance of Castle Street and negotiate with the Keene Housing Authority for the rehabilitation of Castle Street to be incorporated into the Harper Acres improvement project.

BACKGROUND:
Don Lussier, City Engineer, stated that last week he and Josh Meehan, Executive Director of Keene Housing Authority (KHA) presented to the City Council on their proposed improvements to the Castle Street area. He continued that tonight the goal is to dig into the details. This project was included in the fiscal year 2017 CIP. It was envisioned as collaboration between the City and the KHA, with the concept being that the City would make the necessary repairs to the roadway and the KHA would make necessary repairs to the sidewalk and curb as part of their project. The KHA has now advanced their design. Staff from the Public Works Department met with them and reviewed their plan. Editorially, he thinks there are a lot of desirable features, like low impact for storm water management, and the effort to improve functionality and accessibility. He thinks it is a good, solid plan, and well-thought through. Unfortunately, the plan as conceived is difficult for them to implement with the City street being there as a City street. The City has a three rod wide right-of-way, which triggers all the zoning and code regulations that they would have to consider, like setbacks and driveway widths. It would be difficult for them to implement the plan. Castle Street serves one property. It is surrounded on three sides by one lot: the KHA Harper Acres project. That is important to keep in mind.

Mr. Lussier continued that having thought through this, staff thinks discontinuance is the best path forward for KHA. That has some benefits for the City as well. It allows KHA to pursue a development plan that they worked on and simplifies the City's responsibilities in coordinating the logistics of having a City construction project and KHA construction project at the same time. Also, down the road it takes the City out of the responsibility of plowing and maintaining that road. Staff thinks it is the right approach. They would retain easements for utilities and drainage. Those details and legal requirements have to be sorted out. They are asking for the MSFI Committee's input and what they think is the right approach, and the authority to expend staff resources on getting survey documents and preparing legal documents.

Josh Meehan, the Executive Director of Keene Housing Authority (KHA), stated that KHA supports the City's positon. He continued that it makes sense for both entities. KHA has been investing quite a bit in improving their properties all over the city. Harper Acres is sort of the last one on the list. The road desperately needs to be repaired. It has 112 units and many residents have mobility impairments and struggle to navigate this difficult road and curb. This is the right time. Having KHA's contractors and engineers doing part of the work and the City's contractors and engineers doing other work would be hard. It is really one project and that would not make sense. He continued that KHA would be happy to take on the maintenance and plowing.

Chair Manwaring asked who would pave it. Mr. Lussier replied that KHA would basically take lead on the project. He continued that along with the authority to prepare the legal documentation they are asking for the authority for the City Manager to negotiate with KHA about how that would all play out.

Councilor Lamoureux asked if that means the City would be funding part of the project. Mr. Lussier replied that the City will still have a financial piece and how that gets determined is part of the details they need to sort out. $114,000 of City money is already appropriated for this, to be used to fund the repairs on Castle Street. How it plays into the KHA project is what they need to discuss.

Councilor Lamoureux stated that he saw the plan at last week's presentation. He continued that he is concerned with their intent to narrow the street a bit. Parking would be closer to the street than today. He is concerned that emergency vehicles would be blocking traffic and emergency service personnel would be walking in the road. He asked if they could make plans to accommodate that. Mr. Meehan replied that he would have to defer to KHA's engineer. He continued that he is confident that the plan as it is put together is able to accommodate emergency vehicles. Councilor Lamoureux asked that they keep this in the back of their heads.

Mr. Lussier stated that when he was talking about nice features, he was being a little cryptic, and did not want to make it sound like staff had endorsed or approved the plan. He continued that it would still need to go through the normal site plan approval process. Public Works Director Kurt Blomquist replied that actually, because they are not changing the site, it is administrative, and it is not necessary to go through the Planning Board. But the road would no longer be a public way. Activities would be private activities. Emergency vehicles would not be in the way like they would be today with it being a public street. They are looking at 22-foot wide roadways. He does not think it would be an issue. They utilize emergency service people when designing projects; they would deal with any issues that come up. Mr. Lussier replied that staff has only seen a schematic plan. He continued that this would still be reviewed by staff in various departments.

Councilor Lamoureux asked if Castle Street will end at the beginning of that property, if they discontinue the road. Mr. Meehan replied that it would essentially become a big driveway.

Chair Manwaring asked if committee members or members of the public had questions or comments. Hearing none, she asked for a motion.

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

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to prepare and submit a Petition for the discontinuance of Castle Street and negotiate with the Keene Housing Authority for the rehabilitation of Castle Street to be incorporated into the Harper Acres improvement project.

City of Keene, N.H.
Transmittal Form

November 9, 2016

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities, and Infrastructure Committee

ITEM: D.4.

SUBJECT: Driveway Code Review – Planning Department

RECOMMENDATION:
On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends moving forward with option three as presented in the memorandum and that City staff is authorized to draft revisions appropriate to the selected option for the driveway permits and standards in the City Code, Chapter 70, Sections 135 through 137, related to the issuance and review of exceptions and appeals, notification of abutters, and temporary driveways.

BACKGROUND:
Planning Director Rhett Lamb stated that the MSFI Committee had questions about the nature of the status of a quasi-judicial process relative to the Driveway Code. He continued that at the last meeting they discussed three options, knowing that option one would be in conjunction with either of the other two. Option one is for abutter notification. Option two would leave the process the way it is today, with the Planning Board as the first grantor of an exception, and the City Council is an appeal body. The changes that would come under option two relate to establishing a process for a quasi-judicial review at the City Council level as is required by the nature of granting an appeal. Option three would establish the City Engineer as the primary permit grantor in the case of exceptions and the appeal process would go to the Planning Board.

Chair Manwaring asked for a review of the quasi-judicial process. She continued that it was clear that the MSFI Committee was not acting in a quasi-judicial manner when they considered the last appeal that came before them. The City Attorney, Tom Mullins replied that the MSFI Committee probably does not want to go with option two. He continued that part of the difficulty is that the City Council is a legislative body. Legislative bodies are not used to following a quasi-judicial procedure, like the Zoning Board of Adjustment (ZBA) and Planning Board are. Those two groups are used to not being able to talk about an issue outside of the meeting or collecting their own evidence or doing their own site visits. Legislative bodies are not set up like that.

The City Attorney continued that staff was careful in giving the committee three options to choose from, but he will tell them to please pick option three, because the process is much clearer. The statute says the Planning Board should and can consider these driveway issues. Option three would have the City Engineer look at it. Technical issues might come up and the Planning Board is used to listening to that technical information. The City Engineer makes a decision and goes to the Planning Board, and they are used to abutter notification and doing these hearings. They do most of these driveway petitions in the first place. The City Council does not get these appeals very often and it would require that every time these come before the City Council the City Council members would have to go through the re-training. It sets up the possibility of having arbitrary decisions because it becomes a political process and it is intended to not be that. In the State-level through the

Department of Transportation there was interesting case law that just came from a Superior Court decision. They have this kind of process. It goes to the Commissioner and then to an agency that is set up to weigh all the competing issues and make the technical determinations. That gets to the other point – because there is a State board created there is a very clear appeal process through the Administrative Procedures Act into the courts. Option three is centered within the Planning Board. He has to be cautious. It is not entirely clear under the Planning Board statutory authority with respect to the appeal of a driveway decision, but there is at least an appeals process laid out in the statute for decisions from the Planning Board, which takes it into the Superior Court. Then everyone has the opportunity to provide their evidence and testimonies and witnesses again. The Superior Court is used to this.

He continued that the bottom line is that the City Council is the legislative body and they make this decision (about which option to go with), but as the City Attorney he thinks the cleanest approach is option three. It provides everyone with a clear set of standards and a process for appealing to the Superior Court. The appeal process from a legislative action is much murkier. The courts do not like to second guess decisions from a legislative body, but because the City Council would be using a quasi-judicial process in this context, the court would have to make a determination (if there was some kind of action brought into the Superior Court) as to whether the legislative body acted appropriately under the standards that are associated with a judicial action. That becomes more problematic because the City Council is not used to it and it is easier to make procedural or substantive errors that the court can latch on to, like doing their own site visits or talking outside of the meetings. He suggests the MSFI Committee recommend to direct staff to develop the option three process.

Chair Manwaring asked if selecting option three means letting go of the concept of having a second driveway. The City Attorney replied no, they are choosing an option for how a decision is reviewed. He continued that option three does not prevent someone from applying for a permit for a second driveway. It takes the City Council out of the role of being the final step in the appeals process. Chair Manwaring stated that she thinks the MSFI Committee was unanimous that it was okay for the individual to have a second driveway. She asked if the person applying would still have a chance. The City Attorney replied yes, it just puts the process into the Planning Board and potentially into the Superior Court from there.

Councilor Filiault stated that he favored option two but he understands what the City Attorney is saying and has no problem with option three. He continued that the whole process for the Baker Street residents was very intimidating. The Planning Board process can be formal and intimidating for people who have never experienced it before. They did not know what to say and what to do. He would at least like to see, if a situation like that happens again, that someone from City staff sit down with the person and explain the situation, before they get there with the bright lights and attorneys and a room full of people who know what is going on when they do not. A staff member should explain what will happen, meet them at the door and help them find a seat, and so on and so forth. The reason these residents called the City Council is because they had no idea what was going on. He wants to see a better, smoother transition.

Mr. Lamb replied that he totally agrees. He continued that in this situation staff met with the individual from Baker Street three or four times. Staff made a strong effort and was surprised that the person was uncomfortable with the Planning Board process. There was a miscommunication somewhere. But he understands the point and they will continue to try and reach out to people. The City Attorney stated that they could easily put together a procedures form that staff can go over with when they meet with citizens.

Councilor Hooper stated he favors option three. Councilor Lamoureux stated that last time he was in favor of option three and he just heard more reasons why it is the best. He continued that it is important for City Council members to not have to say to a citizen, as they would have to in option two, “Sorry, I can’t talk to you about this.” He does not like to shut down anyone who wants to speak to them. Councilor Filiault agreed. The City Attorney replied yes, option three preserves the ability for the legislative body to have that kind of communication with their constituents. He continued that it helps people not feel shut down.

Mr. Lamb stated that staff has a recommended motion for the committee, as presented at the last meeting. It also covers a point he forgot to bring up tonight – the temporary driveways. The motion includes the revisions staff would bring forth for the MSFI Committee's review to include the provision for staff to grant driveways for activities that are temporary and for a temporary duration, such as logging activities.

Councilor Lamoureux asked, doesn't the Planning Board process already have the abutter notification in place? Mr. Lamb replied actually, no. He continued that they will include the requirement for abutter notification, which would be additional to the process as it exists today. Chair Manwaring asked if it would come back to this committee. Mr. Lamb replied yes, it would come back as a revision to Chapter 70 Section 135, through this committee.

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

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends moving forward with option three as presented in the memorandum and that City staff is authorized to draft revisions appropriate to the selected option for the driveway permits and standards in the City Code, Chapter 70, Sections 135 through 137, related to the issuance and review of exceptions and appeals, notification of abutters, and temporary driveways.

Councilor Lamoureux stated that he did not hear anything about option one. Mr. Lamb replied that the last line of the motion specifies abutter notification (which is option one).

City of Keene, N.H.
Transmittal Form

November 9, 2016

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities, and Infrastructure Committee

ITEM: D.5.

SUBJECT: Impact of Area Drought on Keene's Water Supply – Public Works Department

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RECOMMENDATION:
On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the report on Keene's water supply as informational.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the City Council declare a Stage 1 Water Conservation Alert and request that persons connected to the City water distribution system reduce water use by ten percent through water conservation measures.

BACKGROUND:
Donna Hanscom, Public Works Assistant Director, introduced George Holt, Senior Hydrogeologist from Aries Engineering. Mr. Holt stated that the Public Works Department asked Aries Engineering to evaluate Keene's water system relative to the 2016 drought. He continued that they looked at existing data that Keene has collected over time. He continued that he will give a slide show presentation, starting with slides of the well fields' locations and then go into existing data about pumping rates and the conclusions of Aries' work. Conclusions are to reduce pumping rates slightly in one well field and substantially increase in another, to reduce the amount of surface water used, to provide more storage through the winter so they might accumulate more surface water.

Mr. Holt showed a slide of a map of Keene, and pointed out the aquifer, which can be up to 100 feet or more in depth. He showed the wells on Court Street and West Street. He continued that around each well is a wellhead protection area, WHPA, which is an area in which any drop of rain that lands in it would potentially flow towards the well. In Court Street it is a 5 square mile area with an aquifer in it that is 1.2 square miles. The majority of water that flows in there flows into the little streams and then into the aquifer. The same is true for the West Street WHPA of 1.4 square miles, and 1.4 square miles of aquifer.

Mr. Holt showed the Court Street well field and the monitoring wells. He continued that the Ashuelot River also runs north/south in this area and encompasses an approximately 34-square mile water shed. The West Street well field has one well near the Ash Swamp Brook, which flows in a southeast direction and there are a series of monitoring wells on West Street. Aries looked at the results that Keene has been monitoring since 1998. They have good data. There is information about the average usage rates since 1998. The total water use peaked in about 2004 and has slowly declined to the present. The peak was 2.7 million gallons per day. It is about 2.1 million gallons per day now. Surface water use averaged about 1.6 million gallons per day. The Court Street well was pumping high from 2004 to 2008 and has reduced to about .1 million gallons per day. The West Street one has been pumping about .4 million gallons per day. It may not be a surprise that July through September is when the most water is used.

Mr. Holt continued, what does this all mean relative to the wells? There is a box of water that gets recharged through precipitation that comes from the sky, and it either runs off into the surface water and leaves the box of water, or it hits the ground and evaporates or gets transferred out of the ground by the plants, giving off water vapor. Water ends up in the ground water wells through recharge, from the precipitation down into the ground water, and you have your pumping. It is a balance. If you pump more water than is coming into the system you will empty your storage. If you have a lot of stream flow you will pump water out of the system and if you have a lot of precipitation the water will recharge and fill the system back up. You will have a constant pumping rate on wells but the recharge rate will vary through the seasons. He showed a hydrograph for the monitoring wells at the Court Street wells. He continued that there are annual spikes of groundwater elevations; there are wet seasons then dry seasons, and it goes back and forth. The chart shows 1998 to 2015. The average trend for the wells during that period is fairly neutral. In 2016 the groundwater elevation decreased in the wells. It might be in part to pumping but it is more likely related to the loss of precipitation coming into the system. The West Street monitoring wells had more of a decrease in 2016, also likely due to the decrease in the water level.

Mr. Holt continued that they look at how much available precipitation will come into that box versus how much that can be pumped out. With the Court Street well there is a small fraction of water that is being pumped out, on average, relative to the amount coming into that WHPA. In the West Street well, about 35%, on average, of the water coming in gets pumped out. So it seems that they are pumping at the maximum rate for that aquifer. If they over-pump the water levels will go down over time and that is a condition they want to avoid. In 2016 there was a drought with about 25% less rain than usual. Comparing the anticipated amount of recharge to the wells, Court Street is still doing well but West Street is pumping about 50% of its WHPA recharge (during the 2016 drought conditions). Aries recommends reducing that pumping slightly. They have excess capacity in the Court Street system and they recommend increasing there.

Mr. Holt showed a graph from 1930 to the present for annual precipitation. There are low periods, which are droughts. There was a substantial one in the 1960s and the one in 2016 is even lower. They are mostly balanced by recovery the following year. The overall trend is upwards, which is an interesting statistic. Climate change scientists discuss that. They anticipate more precipitation over time, but it will be warmer and that will cause problems. You would think that having more precipitation would recharge the groundwater but if it is warmer it might evaporate more. They will end up with warmer weather, more mini-droughts in the summers, less snow pack in the winter. They predict that the intensity of storms will increase significantly. Storms wash the water down the river and wells do not recharge.

Mr. Holt showed a hydrograph for the Ashuelot River. He showed a photo of low water conditions at Ash Swamp Brook. He continued that over the years since 1930, what this gauging station (which is at the foot of the water shed in West Swanzey) shows is that the water flow peaks in about April. This year it peaked in February or March because they did not have enough snow pack. The average flow in the summer is about 100 cubic feet per second (CFS) and they were down about 20 or 30 CFS. It means less water is flowing out of the system but at the same time they are not getting any recharge back into it. Aries recommends that they reduce the pumping rate in the West Street well field by about 25%, from .4 million gallons per day to .3 gallons per day. They also recommend increasing the rate from the Court Street well field from an average of .1 million gallons per day to about 1 million gallons per day. That will offset the surface water use and allow that to accumulate during the winter in case it is a dry season again, and allow that reservoir to recover.

Mr. Holt continued that they also looked at the drought monitoring program. The NH-USDA has a program that monitors and calculates the drought risk. They have different categories. He showed Keene on October 11, when it was classified as “abnormally dry.” They were in that category for much of the summer. Then it dropped into “moderate drought” on November 1. The City has a drought monitoring ordinance that has certain stages of action. It would be easy to enact those stages concurrent to whatever stage of drought happens. For example, a moderate drought would call for enacting stage one, the water conservation alert.

Mr. Holt continued, what does the future predict? It is hard to say. He showed the short term forecast from NOAA: in the northeast, there will be about average rain, more rain in the northwest, less in the south. The Old Farmer's Almanac says it will be wetter and colder this winter, but no one really knows. The takeaway is: long-term rain forecasts are for more storms, of higher intensity, but not retaining much groundwater. Water conservation will not go away. They will have to work on it continuously. They recommend an ordinance to protect and prevent the water from being contaminated. If there was a contamination at one well they would lose a fraction of the system and then if they lose another one, they would be relying on surface water.

Chair Manwaring thanked Mr. Holt. She asked if committee members had questions or comments.

Councilor Lamoureux asked if construction affects the West Street well field. Ms. Hanscom replied no. Councilor Lamoureux asked if they are looking at adding another well to their system. Ms. Hanscom replied that they have been looking at that and maybe will talk about it in a couple months. She continued that they thought they were in good shape with surface and ground water supplies and thought their future was in good shape but as they look at extremes in weather, they do not just look at averages. They own the Robertson Field. It is more or less the same area as the West Street well. They have been talking about other areas to add wells. They have preliminary information and will talk about it more with the MSFI Committee at another time.

Councilor Filiault asked what percentage would they guestimate the water level was at during the lowest point of the drought. Mr. Holt replied that the water levels came up a foot in the Court Street well system after that last rain event. He continued that there is a fair amount of interconnectivity between the surface water and the aquifer in that location. They will still be lower by a couple feet than they were in the spring. There is seasonal fluctuation that they will see on average. If there is another drought year it will stay low and eventually it will come back up again.

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

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the report on Keene's water supply as informational.

Ms. Hanscom stated that they have seen the average daily water demand dropping. In August there was a fairly high demand. She continued that it came down from about 2.9 million gallons per day in August to 1.8 million gallons last week. That is a significant decline. They hired Aries Engineering to look at this information. They can measure the elevation of the water and know approximately how many gallons they have stored based on that elevation. There is no gas gauge on the aquifers; it is not that simple. As they have been measuring the groundwater level it has been giving them an idea of what is going on and an understanding of how quickly levels come back after they get rain. There is enough water for what they are doing now and probably for what they will do in six months. Last year's winter was relatively dry, without a lot of snow. If that happens this year they are concerned that they would not have the surface water volume to make up for the lack of recharge in the well. The demand has gone down so they can juggle the supplies to stay in the recharge amount, but they thought it would be good to bring this to the community's attention. The State has been encouraging water conservation. The City has talked about ways to conserve water. They have about 140 days of water in Keene's water supply, or more, as the ordinance talks about, but this is a good time to talk about the stage 1 alert – voluntary water conservation. It means asking people to try using 10% less water. The Public Works Department has ideas about how to do that, a list of suggestions that they are ready to send to the community. They are asking the MSFI Committee to be the leader in this and ask the community to voluntarily reduce by 10%. They have been talking about how to help people understand what that volume is for them, because it is not always apparent on the water bill.

Chair Manwaring stated that she is willing to reduce her water consumption. She asked how people can understand what 10% per day is. Ms. Hanscom replied that that is the guidance they are putting together now.

She continued that it might mean doing one less load of laundry, or reducing one minute of your shower. Ten percent is not a lot, in the grand scheme of things. If the City Council makes this formal next week they will have the recommendations/guidance.

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

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the City Council declare a Stage 1 Water Conservation Alert and request that persons connected to the City water distribution system reduce water use by ten percent through water conservation measures.

City of Keene, N.H.
Transmittal Form

November 9, 2016

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.6.

SUBJECT: Discussion – Periodic Report- Airport Advisory Commission

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RECOMMENDATION:
On a vote of 4-0, the Planning, Licenses and Development Committee recommends the Periodic Report from the Airport Advisory Commission be accepted as informational.

BACKGROUND:
Clark Dexter, Chair of the Airport Advisory Commission, and Jack Wozmak, Airport Manager addressed the Committee. Mr. Dexter reported the Master Plan will be completed soon. The last time Mr. Dexter reported to the Committee seven of the hangars were empty; and added only two hangars are empty at this time. He continued the large hangar was in disrepair and not leased; it is now leased by Monadnock Aviation.

Mr. Dexter reported a TIF District was proposed by Jack Wozmak to improve the sewer and water infrastructure. Talks have commenced with Thomas Transportation to develop a transportation center. The design contract for Runway 14-32 had been announced along with a forestry management plan. Mr. Dexter reported there had been a tenfold increase in people traffic at the airport, much of it was due to the restaurant opening. Monadnock Aviation was also thriving with an increase in students being reported. Mr. Dexter also reported an increase in aviation traffic which he attributed in part to the political scene. Mr. Dexter also outlined the improvements made inside the terminal. Concluding his presentation Mr. Dexter advised there will soon be two vacancies on the Commission.

Chair Richards asked when the TIF District will be brought forward. Mr. Wozmak reported he just completed the document and has provided it to the City Manager and the Town of Swanzey. Mr. Wozmak outlined the process to be followed before it comes to Committee; he also noted the statutory timeline to start the process. Chair Richards commented it sounds like a lot of good things were going on there at the Airport, and he was happy to hear the news.

Councilor Jones commented this was the best Airport presentation the Committee has had. Councilor Jones also noted the amount of potential development needed for a TIF District to come about; he asked if that development was there. Mr. Wozmak replied in the affirmative. Referring to the two hangar vacancies (source of revenue) Councilor Jones asked if those filled had planes registered in Keene. Mr. Wozmak replied in the affirmative noting the statutory requirement to register a plane in New Hampshire if you are hangaring a plane in New Hampshire. Mr. Wozmak reported the planes that filled the hangars came from Nashua and Laconia; mostly because Keene was more cost competitive. Councilor Jones asked if the installation of cameras would help us increase the landing fees if we know who was coming in at night. Mr. Wozmak replied in the negative noting it would help us determine more accurate numbers for the level of operations. Mr. Wozmak noted he had not been able to determine the formula used to determine the previous numbers reported. Mr. Wozmak had worked with the Airport consultant to make the numbers a little more believable with a formula attached to it. Mr. Wozmak also noted the landing fees were relatively small as they were at other airports.

Chair Richards asked if the FBO gets the landing fees. Mr. Wozmak explained the City receives the landing fees and

Monadnock Aviation receives a stipend to collect those fees. He continued Monadnock Aviation receives revenue for the services they provide and the City gets a percentage of gross revenue from the business.

Councilor Chadbourne commented positively on the renovated area and asked if there were plans to renovate the bathrooms. Mr. Wozmak replied in the affirmative noting this was part of a CIP he submitted to the City Manager. Mr. Wozmak also noted the bathrooms were not ADA compliant. Councilor Chadbourne also asked how the restaurant was doing. Mr. Wozmak commented he thinks the Flight Deck was doing very well.

Chair Richards asked for additional Committee questions or comments.

Councilor Hansel asked if the potential development was within the Airport footprint or on outlying properties the City owns. Mr. Wozmak noted the transportation center being discussed would abut the terminal parking on one side or the other. Mr. Wozmak also reported three people have approached him about a boutique hotel; he noted this could be done in the southern area closer to the property. Continuing he also noted someone was interested in building a million dollar hangar. Many of these sites have been previously identified in the Airport Master Plan but nothing had been done with the properties. In response to Councilor Hansel, Mr. Wozmak indicated these would be land leases as they provide the most value.

Councilor Chadbourne asked a two part question; were there plans to build more hangars and were some of the hangars rented or owned. Mr. Wozmak reported there were no plans to build additional t-hangars. The City owns a couple of the leased t-hangars and Monadnock Aviation owns one of the hangars paying a land lease to the City. Councilor Chadbourne also asked if the number of employees had increased with the increased activity at the Airport. Mr. Wozmak noted one part-time position was increased to full-time. They borrow from other departments when it snows, and they had outsourced some of the mowing. He would have to look at the numbers to see if hiring a seasonal employee is warranted.

Chair Richards asked for comments/questions from the public.

Ann Shedd, of 59 Greenwood Avenue, and a member of the Airport Master Plan Update Committee noted she had raised this question a number of times over the past two years without response. She continued the State Aviation Master Plan of 2014 made a recommendation that Keene change its status from a regional to a national airport. Ms. Shedd asked if this has never been discussed by the City. Chair Richards commented he did not think so. Ms. Shedd suggested this was something Council should take under consideration. Ms. Shedd commented she had provided the documents to two Airport Directors in a row and she would be happy to provide them to City Council. Mr. Wozmak noted the question did come up sometime before his time in office. Mr. Wozmak agreed the question should be asked and answered; he was not sure it should be addressed in this Airport Master Plan because in 10 years things could change again. Mr. Wozmak also noted he did not know the difference between regional and national airports. He also noted there had not been any discussion on this topic.

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 Jones.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends the Periodic Report from the Airport Advisory Commission be accepted as informational.

City of Keene, N.H.
Transmittal Form

November 9, 2016

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.7.

SUBJECT: Discussion - Letter of Advocacy request for Community Supported Solar Systems

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RECOMMENDATION:
On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the City Council draft 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.

BACKGROUND:
Ann Shedd, Chair of the Cities for Climate Protection Committee reported the Committee voted to bring this to Council because it was consistent with the goals of the 2010 Comprehensive Master Plan, the 2004 Climate Action Plan, and the 2007 Climate Adaptation Plans. For brevity Ms. Shedd read a statement from the Comprehensive Master Plan that pulled this all together. She continued expanding the availability of renewable energy in the community would require diverse funding alternatives and there was a potential for much of that funding to come from local, private investors. There were only a finite number of accredited investors locally. Ms. Shedd commented models such as that utilized with the Monadnock Food Coop would allow more local investors and smaller scale investors from within the community to participate. Ms. Shedd introduced John Kondos, of the Monadnock Sustainability Network who was heavily involved in the installation of the solar system at the Monadnock Food Coop. Mr. Kondos will be sharing information regarding the constraints on having local investors involved.

Mr. Kondos, of Chesterfield noted the Monadnock Sustainability Network is a 501c3 intended to promote sustainable initiatives throughout the region. He provided the website greenmonadnock.org for those wishing to learn more about it. Mr. Kondos indicated the problem encountered when developing the Coop project was that there were a finite numbers of investors that can participate. Small investors such as him were not allowed to participate. Mr. Kondos referred to the restrictions at the federal level that prohibit participation along with the New Hampshire limit of 25 accredited investors.
Continuing he noted these restrictions create a very small pool of investors which would be able to fund these types of projects. Referring to the video on his website Mr. Kondos noted there were many rooftops available for these projects including churches. Mr. Kondos addressed the solutions to the problem noting they had begun working State Representatives to remove the accredited recommendation. Mr. Kondos noted they were also working with Senator Shaheen's office to learn how to understand the passive income law. Mr. Kondos also mentioned putting a fee on carbon. Mr. Kondos concluded by noting the Committee's support would really help to encourage changes.

Ms. Shedd shared another project that would had been completed faster with easier regulation around financing a solar project; the Unitarian Universalist Church. After additional comments Ms. Shedd commented she realized this request was challenging as you were not being asked to support a particular piece of legislation as was typical. Ms. Shedd indicated she would come back if further support was needed for amending any specific regulations. She made note of the large chains (Target and Walmart) making investments in solar energy.

Chair Richards noted the Committee did not have a letter. Rhett Lamb, ACM/Planning Director advised that Ms. Chalice had a handout for the Committee that includes the motion that was originally provided by the CCP Committee report and was introduced to City Council. The item went on more time to accommodate schedules. The motion can be used if the Committee was inclined to support the motion.

Chair Richards asked for Committee questions/comments.

Councilor Hansel referred to the three recommendations 1) change the passive income rule, 2) limit to the number of investors, and 3) change the accreditation rule. Councilor Hansel asked if these rules were independent things that would just be helpful or were they reliant on other changes. Mr. Kondos replied the passive income was being addressed at the Federal level and the other two issues were State issues. Mr. Kondos also agreed any one of these changes could be helpful. Councilor Hansel asked if Mr. Kondos had an idea of what was behind the limit on investors and the accreditation. Mr. Kondos noted these rules go back to the 1920's and were designed to protect investors.

Chair read the original recommended motion made by the Cites for Climate Protection Committee. "Mr. Dick Cornelius made a motion for the Cities for Climate Protection Committee to ask City Council to 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." Chair Richards commented this was narrower than the grander discussion and was in support of the request.

Councilor Jones asked staff which would be better a letter or a resolution. Ms. Chalice replied in this case they specifically used the tool, a letter to advocate for specific aspects. She also noted this was the mechanism that had been used by the Committee recently. Ms. Fox also concurred a letter provides the opportunity to articulate the interests of the community. Ms. Fox also suggested a benefit may be that the Council does not have to do all the wordsmithing and it can be in more straightforward English.

Referring to the recommendation Councilor Hansel said it was pretty broad and stipulates the intent of the community. Councilor Hansel was also in support of the recommendation.

Carl Jacobs, Councilor Ward 2 commented he thinks this was a great thing to do. Noting he did not want to see this go around a few cycles, Councilor Jacobs asked if there was a way to have the letter ready when it comes to Council. Ms. Chalice reported in the past staff had written drafts for signature by the Mayor. Chair Richards asked if we could have this letter for the Council noting this would not be a draft. Ms. Fox said we can work towards that.

Chair Richards asked for further questions from the Committee and/or the public.

Peter Hansel, of 61 Bradford Road noted he worked with the Steering Committee to get this initial project started. Mr. Hansel said he wanted to emphasize two things 1) we are setting new ground here in the Monadnock Region for an organization for a type of process that has not been followed in many other parts of New Hampshire so this is an attempt to involve the community in a community supported solar project. For this reason Mr. Hansel suggests it was important to have a letter come from Keene. Mr. Hansel shared he was involved in recruiting the initial investors for that project. He also agreed with Mr. Kondos comments regarding limited investors. He further explained they wanted to include as many different people and all different tax appetites as we could. Another thing they found out as they moved along in the Food Coop project was that there was sort of a precedent that had been set, almost an exception that Food Coops for instance were allowed to qualify to allow a broad range of investors. Mr. Hansel concluded there had been other ways of doing this type of investments if enough people see the value of it.

Marge Shepardson, State Representative from Marlboro commented that besides being interested in this because it had come to us in Concord she had an interest because a church in Marlboro was thinking about something similar. Ms. Shepardson indicated this would be something very useful to different groups. She also noted she appreciates the Committee's support.

Both Chair Richards and Councilor Chadbourne noted their support for the request.

There being no questions from the Committee 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 that the City Council draft 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.

City of Keene, N.H.
Transmittal Form

November 9, 2016

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.8.

SUBJECT: College City Commission Final Report and Recommendations

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RECOMMENDATION:
On a vote of 4-0, the Planning, Licenses and Development Committee recommends to the full Council that the College City Commission Report and Recommendations be accepted as informational.

BACKGROUND:
Tara Kessler, Planner noted she was joined by Dr. Chris Cusack and Dr. Bart Sapeta both members of the College City Commission, and both who were employees of Keene State College. The Commission was formed in 2015 by Mayor Lane and President Huot. The Commission began to address issues of mutual concern including housing, communication and relationships, behavioral norms and expectations, alcohol and substance misuse, parking and infrastructure, property and the preservation of the tax base.

Ms. Kessler continued the Commission hopes this report, which outlines short-, medium-, and longer-term recommendations for how to address the issue areas described above, will provide food for thought, incentive for policies and programs, and most importantly, a model for collaboration between the College and the City into the future. In fact, the benefits of improved communication and collaboration between the College and City are evident today. Since the Commission began work in early 2015, many of the recommendations identified had been acted on or are in the early stages of implementation.

Ms. Kessler shared the College's involvement in the community and the initiation of the mandatory off-campus orientation program. She also noted the part-time Student Coordinator position is now a full-time position held by Robin Picard. Ms. Kessler shared additional efforts by the City and College with activities that have caused noticeable changes in the community. She noted the statistics were included in the report.

Ms. Kessler concluded by noting into the future, the Commission will continue to address issues and opportunities of shared interest past the release of this report, and will routinely evaluate the community's progress at implementing its many recommendations. Ms. Kessler also commended the work of the Commission members noting both Councilor Jones and Councilor Chadbourne serve on the Commission.

Dr. Cusack commended Ms. Kessler for her tremendous efforts in support of this Commission.

Chair Richards asked for questions from the Committee.

Councilor Hansel commented he appreciates the level of detail and the breakdown of the report. Councilor Hansel also plans to use this document as a reference moving forward.

Councilor Jones welcomed Dr. Sapeta back from sabbatical and thanked Dr. Cusack for stepping in.

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

Chair Richards asked for additional Committee comments.

Councilor Chadbourne made the following motion which was seconded by Councilor Hansel.
On a vote of 4-0, the Planning, Licenses and Development Committee recommends to the full Council that the College City Commission Report and Recommendations be accepted as informational.

City of Keene, N.H.
Transmittal Form

November 10, 2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.9.

SUBJECT: Donation of Tree Lighting Supplies - Keene Kiwanis Club

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RECOMMENDATION:
On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Council accept property pertaining to tree lightings supplies and allow Kiwanis Club access to those supplies when necessary.

BACKGROUND:
Ms. Peg Bruce of the Kiwanis Club stated the Club has been managing the tree lighting for the past four years. She indicated a request was made to the City for the Club to store their tree lighting supplies at its Marlboro Street facility. In September permission was granted for this storage. Subsequent to receiving permission, the Kiwanis Club made a request to the City to waive the requirement to waive the Club from having to carry an insurance policy which would be a cost of nearly $400. This would significantly reduce on the cost of what the Club would be saving by closing the storage shed. The matter was referred to City staff which suggested the Club could donate the supplies to the City so it would negate the need to carry an insurance policy.

Councilor Powers asked why the Club is being required to carry this policy. Attorney Mullins stated it is up to the council – they can always waive the need to carry this policy. The Attorney added the policy is not about the Christmas lights it is about any injury that may occur to someone by going in and out of the facility.

Chair Greenwald asked whether the Kiwanis Club was agreeable with this donation. Ms. Bruce stated the Board met last week and they are agreeable to this donation. They will provide the City with an inventory of the supplies which will be stored.

Councilor Kahn asked whether any precedence is being set with this request. The City Manager compared this request to the organization which previously stored books in the facility behind the Police Department, which came before the Council each year with a similar request. He stated this is the only organization which asked for storage space from the City. He felt this seems to be the best solution for both the City and the Club. There hasn't been many other requests come before the City but should there be they will be looked at individually. Mr. Kopczynski talked about the storage of vehicles that have happened in the past but this area is now being used by Keene Ice.

Attorney Mullins noted these are supplies that are now being donated to the City which the Council always has the right to turn down.

Councilor Clark clarified the City's liability insurance would cover anyone who goes on City property. Attorney Mullins stated the City's liability insurance would cover the City if there was negligence. He added if the City was not negligent and someone was hurt that person would sue the Kiwanis Club in the first instance and then the City because it was on City property. At that point the insurance company would appear under the Reservation of Rights and may not pay out if there was no negligence on the part of the City.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Council accept property pertaining to tree lightings supplies and allow Kiwanis Club access to those supplies as necessary.

City of Keene, N.H.
Transmittal Form

November 10, 2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.10.

SUBJECT: Acceptance of Grant - NH Attorney General's Drug Task Force - Police Department

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RECOMMENDATION:
On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a grant award from the State of New Hampshire Department of Justice for $40,000 in overtime reimbursement expense for City fiscal year 2017.

BACKGROUND:
Police Chief Brian Costa stated this is a grant because the Police Department has one of its officers assigned to the Drug Task Force. The amount of money being awarded has changed over the years; ten years ago it was about $10,000. The grant amount has changed because the drug problem communities are facing today. This money is used for overtime reimbursement.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a grant award from the State of New Hampshire Department of Justice for $40,000 in overtime reimbursement expense for City fiscal year 2017.

City of Keene, N.H.
Transmittal Form

November 10, 2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.11.

SUBJECT: Acceptance of Donations to Library Renovation Project - Campaign Manager for the Next Chapter Campaign

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RECOMMENDATION:
On 5-0 vote, the Finance, Organization and Personnel Committee recommends the acceptance of the donations of $347,443.45 listed in the August and September statements of the Cambridge Trust Bank to be deposited into the Library Renovation Temporarily Restricted City Trust as part of the Next Chapter Campaign Drive.

BACKGROUND:
Ms. Patty Farmer, Capital Campaign Manager for the Library Renovation Project stated she was before the Committee requesting that they accept $347,443.45 as listed in the August and September statements of the Cambridge Trust Bank to be deposited into the Library Renovation Temporarily Restricted City Trust as part of the Next Chapter Campaign Drive.

Ms. Farmer stated the campaign has now reached its public phase and the community is responding very positively. She indicated the pledges to date equal approximately 72% of the five million dollar goal.

Chair Greenwald recognized some of the donations.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the acceptance of the donations of $347,443.45 listed in the August and September statements of the Cambridge Trust Bank to be deposited into the Library Renovation Temporarily Restricted City Trust as part of the Next Chapter Campaign Drive.

City of Keene, N.H.
Transmittal Form

November 10, 2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.12.

SUBJECT: Ambulance Service Contracts - Fire Department

RECOMMENDATION:
On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute the contract for Ambulance Service with the towns of Chesterfield, Nelson, Roxbury, Sullivan, Surry and Westmoreland.

BACKGROUND:
Fire Chief, Mark Howard stated he was before the Committee regarding contracts for Ambulance Service with the towns of Chesterfield, Nelson, Roxbury, Sullivan, Surry and Westmoreland which are set to expire in March 2017. Chief Howard stated city staff has worked in reviewing the existing contracts and the only change being recommended is a change to a three-year contract.

Councilor Powers asked whether there was language in the contract to cover rate changes. Chief Howard answered in the affirmative and added rates are reviewed in the spring.

Councilor Jacobs asked about another contract which came before the Council a few months ago. Chief Howard stated that contract was the Advanced Life Support Intercept Agreements the City has with three communities for intercept service. This is a separate one year agreement.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute the contract for Ambulance Service with the towns of Chesterfield, Nelson, Roxbury, Sullivan, Surry and Westmoreland.

City of Keene, N.H.
Transmittal Form

November 10, 2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.13.

SUBJECT: Tax Deeds for Unpaid 2012 and 2013 Property Taxes - Finance Department

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RECOMMENDATION:
On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to waive tax deeding of the listed properties until January 06, 2017.

BACKGROUND:
Tax Collector, Mary Alther stated she was before the Committee regarding 19 properties, which are left on the list. She requested the City Manager be authorized to waive tax deeds until January 2017 to give staff more time to assess these properties.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to waive tax deeding of the listed properties until January 06, 2017.

City of Keene, N.H.
Transmittal Form

November 10, 2016

TO: Mayor and Keene City Council

FROM: Conservation Commission

ITEM: F.1.

SUBJECT: Request to Amend the Surface Water Protection Ordinance

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RECOMMENDATION:
A motion was made by Councilor Manwaring that the Conservation Commission seek approval from City Council to initiate the ordinance amendment process for the Surface Water Protection Ordinance (Sections 102-1480 - 102-1496 of the Keene Zoning Ordinance). The motion was seconded by Councilor Hansel and was unanimously approved.

BACKGROUND:
The Conservation Commission established a subcommittee in August of 2014 to review the Surface Water Protection Ordinance (Sections 102-1480 to 102-1496 of the City of Keene Zoning Ordinance) and make recommendations to the Conservation Commission for addressing identified inconsistencies and propose potential changes to the Ordinance.

The Surface Water Protection Ordinance was adopted by the City in 2012, with the goal of protecting the functions and values of surface waters, and in particular, the vegetated buffers associated with these resources, which reduce hte rate and volume of runoff.

After two years of work, the subcommittee has shared and discussed their recommendations with the Conservation Commission. At its meeting on September 19, 2016, the Conservation Commission voted unanimously to approve the amendments proposed by the subcommittee and to seek approval from City Council to initiate the ordinance amendment process. The minutes from the September 19, 2016 meeting are included below.

"Ms. Kessler indicated that she spoke with the City Engineer to clarify #1 under Section 102-1486. There was concern at the last meeting that “maintenance and vegetative control of the buffer,” was too broad. The City Engineer included that because he wants to ensure that the City can maintain tax ditches and to protect property owners along those channels. He did not mean to imply that all property owners should have maintenance and vegetative control of the buffer. He suggested the following edit: “Maintenance and vegetative control of the buffer required to protect and maintain structures and utilities.” Ms. Kessler was unsure if the new passage fully addresses the concern for more clarification.

Mr. Lacey noted the Commission has been working on this revision for a long time and part of the process was getting comments from the City Engineer and Public Works Director. Those suggested changes were not all accepted. He said this proposed addition from the City Engineer is not something the Surface Water Committee would support. Councilor Manwaring agreed. Mr. Lacey said they addressed this initially by changing the definition of buffer. They modified the definition to remove the phrase “in an undisturbed and natural condition.” This modification would allow the City to maintain the buffer. Another reason to eliminate the phrase “undisturbed and natural condition,” was because City homeowners should be able to maintain the buffer in practical ways. He said there is no reason to make it more specific and that it should stay broad. He suggested leaving it as “maintenance and vegetative control of the buffer.”

Ms. Kessler stated that the Commission is welcome to make any proposed amendments. However, as City Staff, she thinks that broadly allowing for maintenance and vegetative control of the buffer, without further clarification, will undermine the intent of the Ordinance and allows subjectivity as to how and in what manner buffers can be managed. She questioned how something so subjective can be enforced, without allowing for all forms of vegetative control, including mowing of all vegetation to the edge of the surface water. Mr. Lacey commented that enforcement is already an issue in this Ordinance. He said this is one of the most subjective ordinances. Ms. Kessler suggested being more specific or removing number one entirely.

Ms. Kessler noted that she thought the purpose of the buffer was to provide a vegetative area that slows stormwater runoff and reduces the amount of pollutants that enter surface water. She questioned the utility of the ordinance if anyone can mow or remove vegetation to the water line. Mr. Lacey added that keeping it in a natural state is not a practical requirement either. Ms. Kessler said the buffer could be managed but the types of management activities should be clearly defined. One type of activity could be allowing for the removal of dead and diseased trees. Mr. Lacey added that these changes can be made but if someone comes in for a Conditional Use Permit, as the Planning Board still has the ability to decide what activities are allowed within the buffer area.

Mr. Lacey questioned if the intent of the Ordinance is to gradually make everything a natural area through restriction of use. Ms. Kessler replied that it is her opinion that the intent of the Ordinance was to create a vegetated buffer on the edge of water bodies. She agreed with Mr. Lacey that the original Ordinance did not successfully delineate or prioritize wetlands areas or surface waters in the community. Mr. Lacey stated that he does not think that writing the Ordinance in a way that allows for vegetative maintenance in the buffer area will lead people to begin mowing right up to the edge of wetlands. Councilor Manwaring noted there are businesses that are directly adjacent to the Branch River, and she said this is not unusual. Mr. Lacey added that the same thing happens many residential areas.

Chair Haynes questioned how to finalize the wording of amendments to the Ordinance. Mr. Lacey replied that the City can maintain buffers and ditches the way they always have if number one is removed because the definition of buffer just says it has to remain vegetative. Councilor Hansel added that removing number one would make any maintenance of vegetation subject to a Conditional Use Permit. Mr. Lacey replied that this is what the Ordinance currently requires. Mr. Lacey said the Ordinance is currently unenforceable and is not being adequately enforced.

The Commission agreed to move forward with item number one written as “Maintenance and vegetative control of the buffer,” and “required to protect and maintain structures and utilities,” will be removed. Ms. Kessler noted this is the version that will go before City Council for an amendment change.

Councilor Manwaring made a motion to adopt the amendments reviewed and discussed at the September 19, 2016 meeting to the Surface Water Protection Ordinance and to seek approval from City Council to initiate the ordinance amendment process. The motion was seconded by Councilor Hansel and carried unanimously.

Councilor Hansel asked what the agricultural activities and operations defined in the RSA consist of. Ms. Kessler replied that is likely mowing as long as best management practices are used in compliance with State and local laws. Councilor Manwaring said it could also be fertilizer use, etc. not just mowing.

Mr. Lacey stated that he is confident this amendment straightens out a lot and will make the Ordinance better.

External Communication
Transmittal Form

November 14, 2016

TO: Mayor and Keene City Council

FROM:

THROUGH: Patricia A. Little, City Clerk

ITEM: J.1.

SUBJECT: Approving an Application for CDBG Funds

ATTACHMENTS:

Description

Keene Housing Communication

Resolution R-2016-35

BACKGROUND:

Linda Mangones, CDBG Administrator of Keene Housing has submitted a Resolution which authorizes an application for CDBG funds to the NH Community Development Finance Authority. If approved, the application would provide $500,000 to the Community Kitchen for improvements to its building at 37 Mechanic Street.

Keene Housing

831 Court Street, Keene, NH 03431

PHONE & TTD – 603.352.6161
FAX – 603.352.6845

TO: The Honorable Mayor and Members of the City Council

FROM: Linda Mangones, CDBG Administrator

THROUGH: Medard Kopczynski, City Manager

RE: Proposed Application for CDBG funds:
Improvements to the Community Kitchen building

DATE: November 14, 2016

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

Proposed application: The proposal is to request $500,000 in CDBG funds which would be used by the Community Kitchen for improvements to its building at 37 Mechanic Street. The Community Kitchen would also contribute to the project by paying associated costs.

The proposed improvements include:

1. A freight elevator to move pallets of food from the first floor to the second floor, making the movement of food and use of staff much more efficient.
2. Structural work for the second floor to allow it to handle large quantities of food and also level out the existing floor.
3. Energy saving improvements including more insulation and installation of LED lights.
4. Small additions to the sprinkler system to comply with current codes.
5. Replacement of old refrigeration units.

Public Hearing and Schedule: The CDBG application is due on January 23, 2017. There is a public hearing scheduled on November 29 for the following purposes:

1. Mid-grant public hearing for two other CDBG projects:
   a. Keene Housing: Rehabilitation of the men's shelter
   b. Monadnock Economic Development Corporation: Loan to Tree Free Greetings.
2. Public hearing for the Community Kitchen project
3. Public hearing to reaffirm the City's Housing and Community Development Plan as updated.
4. Public hearing to re-adopt the Anti-Displacement and Relocation Assistance Plan.

CITY OF KEENE

R-2016-35

In the Year of Our Lord Two Thousand and Sixteen

A RESOLUTION APPROVING AN APPLICATION FOR CDBG FUNDS

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

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

WHEREAS, The Community Kitchen provides hot meals and a pantry program to persons with low and moderate incomes in need of food assistance; and

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

WHEREAS, the Community Development proposal would provide up to $500,000 to be subgranted to the Community Kitchen and used for improvements to its building at 37 Mechanic Street;

NOW, THEREFORE, BE IT RESOLVED that the City Council approve and support the City's grant application to the New Hampshire Community Development Finance Authority for an amount up to $500,000 in Community Development Block Grant funds to be used by the Community Kitchen for improvements to its building; that the Council reaffirm the Housing and Community Development Plan as amended; that the City will re-adopt the Residential Anti-Displacement and Relocation Assistance Plan; that the City will accept the grant if it is approved and enter into a contract with the New Hampshire Community Development Finance Authority; and, further, that the City Manager is authorized to execute any documents which may be necessary for the contract.

Kendall W. Lane, Mayor

PASSED