City of Keene
New Hampshire

KEENE CITY COUNCIL
Council Chambers, Keene City Hall
December 15, 2016
7:00 PM

Roll Call
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- 12/01/2016

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Presentation - Land Use Code Update/Development Regulation Assessment - Town Planning and Urban Design Collaborative

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Nominations

   Agricultural Commission
   Airport Advisory Commission
   Bicycle Pedestrian Path Advisory Board
   Cities for Climate Protection
   Trustees of Trust Funds and Cemetery Trustees

2. Confirmations

   Ashuelot River Park Advisory Committee
   Assessors Board
   Bicycle/Pedestrian Path Advisory Committee
   Board of Appeals
   Cities for Climate Protection
   Conservation Commission
   Heritage Commission
   Historic District Commission
   Housing Standards Board of Appeal
   Juvenile Conference Committee
   Keene Housing
   Martin Luther King, Jr./Jonathan Daniels Committee
   Partner City Committee
   Trustees of Trust Funds and Cemetery Trustees
   Zoning Board of Adjustment

3. Appointment - Special Committee on City Manager Recruitment

C. COMMUNICATIONS

1. Taryn Fisher - Creation of an Arts Policy

D. REPORTS - COUNCIL COMMITTEES

1. Winter Snowplowing Operations – Public Works Department
2. Roxbury Street Crosswalk – Public Works Department
3. Safety Concern at Intersection of West Street and Bradford Road – Public Works Department
4. Speeding on Jordan Road – Request for Speed Humps – Public Works Department
5. No Parking - Spring Street, South Side – Police Department
6. Two-hour Parking, Washington Street North of Vernon Street – Police Department
7. Periodic Report – Planning Board
8. Amendment to the Surface Water Protection Ordinance – Conservation Commission
9. Acceptance of Donation - Police Department
10. Acceptance of Donation - Parks, Recreation and Facilities Department
11. Acceptance of Donation - Youth Services Department
12. Acceptance of NH Juvenile Court Diversion Funding - Youth Services Department
13. Development Agreement - Library Renovation Project - Library Director, KPL Trustees and KPL Friends
14. Transfer of Funds - Presidential Election - City Clerk's Office
15. Recommendation to Waive Parking Meter Rates - Thanksgiving Holiday
16. Charter Officer Evaluation Process - Councilor Clark and ACM/Human Resources Director

E. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. CITY MANAGER COMMENTS

F. REPORTS - BOARDS AND COMMISSIONS

1. Land Use Code Update Phase I Report

G. REPORTS - MORE TIME

1. United Church of Christ – Request to Remove Trees in Front of the Church

H. ORDINANCES FOR FIRST READING

1. An Ordinance to Establish a College City Commission
   Ordinance O-2016-21

I. ORDINANCES FOR SECOND READING

1. Relating to Water and Sewer Utility Charges
   Ordinance O-2016-20
2. Relating to Dormitory, Lodging, or Rooming Houses and Residential Board and Care
   Ordinance O-2016-09

J. RESOLUTIONS

Non-Public Session
Adjournment

A regular meeting of the Keene City Council was held Thursday, December 1, 2016. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: Carl B. Jacobs, Janis O. Manwaring, Robert J. O'Connor, Terry M. Clark, Jay V. Kahn, Randy L. Filiault, Thomas F. Powers, Robert B. Sutherland, George S. Hansel, Stephen L. Hooper, Bettina A. Chadbourne, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Councilor Gary P. Lamoureux was absent. Councilor Hansel led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the November 17, 2016 meeting was duly seconded. The motion passed with a unanimous vote in favor.

APPOINTMENTS AND NOMINATIONS – ASHUELOT RIVER PARK ADVISORY COMMITTEE - ASSESSORS BOARD – BCYCLE/PEDESTRIAN PATH ADVISORY COMMITTEE - BOARD OF APPEALS - CITIES FOR CLIMATE PROTECTION – CONSERVATION COMMISSION - HERITAGE COMMISSION – HISTORIC DISTRICT COMMISSION – HOUSING STANDARDS BOARD OF APPEAL – JUVENILE CONFERENCE COMMITTEE – KEENE HOUSING – MARTIN LUTHER KING, JR./JONATHAN DANIELS COMMITTEE/ PARTNER CITY COMMITTEE – TRUSTEES OF TRUST FUNDS AND CEMETERY TRUSTEES – ZONING BOARD OF ADJUSTMENTS

The following nominations were received from the Mayor: Jenna Spear O'Meara reappointed to serve as a regular member on the Ashuelot River Park Advisory Committee with a term to expire December 31, 2019; John T. Newcombe appointed to serve as a regular member on the Assessors Board with a term to expire December 31, 2019; Rita Johnson appointed to serve as a regular member on the Assessors Board with a term to expire December 31, 2018; Dillon A. Benik appointed to serve as an alternate member on the Bicycle/Pedestrian Path Advisory Committee with a term to expire December 31, 2019; Charles Redfern reappointed to serve as a regular member on the Bicycle/Pedestrian Path Advisory Committee with a term to expire December 31, 2019; Linda Rubin reappointed to serve as a regular member on the Bicycle/Pedestrian Path Advisory Committee with a term to expire December 31, 2019; Christopher Brehme reappointed to serve as a regular member on the Bicycle/Pedestrian Path Advisory Committee with a term to expire December 31, 2019; Katie Sutherland appointed to serve as a regular member on the Board of Appeals with a term to expire December 31, 2019; Malcolm Katz reappointed to serve as a regular member on the Board of Appeals with a term to expire December 31, 2019; Steven Walsh reappointed to serve as a regular member on the Board of Appeals with a term to expire December 31, 2019; Peter Hansel reappointed to serve as a regular member on the Cities for Climate Protection with a term to expire December 31, 2019; Andrew Madison appointed to serve as a regular member on the Conservation Commission with a term to expire December 31, 2019; Denise Burchsted reappointed to serve as a regular member on the Conservation Commission with a term to expire December 31, 2019; Rose Carey reappointed to serve as a regular member on the Heritage Commission with a term to expire December 31, 2019; Nancy Proctor appointed to serve as a regular member on the Historic District Commission with a term to expire December 31, 2019; Katie Sutherland appointed to serve as a regular member on the Housing Standards Board of Appeal with a term to expire December 31, 2019; Malcolm Katz reappointed to serve as a regular member on the Housing Standards Board of Appeal with a term to expire December 31, 2019; Steven Walsh reappointed to serve as a regular member on the Housing Standards Board of Appeal with a term to expire December 31, 2019; Jerrold Kaufman reappointed to serve as a regular member on the Juvenile Conference Committee with a term to expire December 31, 2019; J.B. Mack reappointed to serve as a regular member on the Keene Housing with a term to expire December 31, 2021; Mandy Slate reappointed to serve as a regular member on the Martin Luther King, Jr./Jonathan Daniels Committee with a term to expire December 31, 2019; John Mitchell reappointed to serve as a regular member on the Partner City Committee with a term to expire December 31, 2019; Irene Davis reappointed to serve as a regular member on the Partner City Committee with a term to expire December 31, 2019; Will Schoefmann appointed to serve as a regular member on the Partner City Committee with a term to expire December 31, 2019; Pamela Russell Slack reappointed to serve as a regular member on the Planning Board with a term to expire December 31, 2019; Christine Weeks reappointed to serve as a regular member on the Planning Board with a term to expire December 31, 2019; Michelle Howard reappointed to serve as a regular member on the Trustees of Trust Funds and Cemetery Trustees with a term to expire December 31, 2019; Louise Zerba appointed to serve as an alternate member on the Zoning Board of Adjustment with a term to expire December 31, 2018; Elena Brander appointed to serve as a regular member on the Zoning Board of Adjustment with a term to expire December 31, 2019; and Josh Gorman appointed to serve as a regular member on the Zoning Board of Adjustment with a term to expire December 31, 2019. The nominations were tabled until the next regular meeting.

COMMUNICATION – MARCIA PASSOS DUFFY – RESIGNATION – AGRICULTURE COMMISSION

A communication was received from Marcia Passos Duffy resigning her position on the Agriculture Commission. On motion by Councilor Greenwald, voted unanimously to accept the resignation with regret and appreciation for service.

COMMUNICATION –KATHRYN BLAIR – UNITED CHURCH OF CHRIST – REQUEST TO REMOVE TREES IN FRONT OF THE UNITED CHURCH OF CHRIST

A communication was received from Kathryn Blair requesting to remove trees in front of the United Church of Christ for their steeple restoration. The communication was referred by the Chair to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – COUNCILOR CLARK – CHARTER OFFICER EVAULATION PROCESS

A communication regarding an alternative to the Charter Officer evaluation process was received from Councilor Clark and was tabled until later in the meeting.

COMMUNICATION – COUNCILOR JAY KAHN – RESIGNATION – AT LARGE CITY COUNCILOR

A communication was received from Councilor Jay Kahn resigning his position as an At-Large City Councilor. The Mayor recognized Councilor Kahn for his farewell remarks. The Councilor stated that it was with regret that he submits his resignation effective December 14th. He continued that 15 months ago he looked at his retirement from KSC and reflected back on a conversation he had with former Mayor Patricia T. Russell nearly 20 years ago when she was enlisting candidates for a Council vacancy. Although he did not apply for that vacancy, a seed was planted. Upon election to the Council last November he fulfilled a keep component of his retirement plan, applying his workplace skills in a volunteer capacity.

The Councilor continued that he believes his year on the City Council has been useful. He noted his belief that he contributed to the Council's financial transparency initiatives by helping transform the annual audit presentation and consolidating its budget process within its financial guidelines into a two-page document. Both of these changes will produce fiscal information that is more easily referenced by the City Council and the public. He referenced his efforts to assist the Council to follow through with their goal on fiscal restraint by proposing an amendment to have any budget increase in the 2017 budget kept to less than a 2 % increase. With the recent property re-assessment factor, the annual tax increase is 1.56 percent, which is the lowest in the past seven years.

The Councilor continued that if he were sitting on the Council for another year he would be working with the other Councilors to establish a clearer set of guidelines for capital improvement spending to define what more typically fits into operating versus capital and bonded expenditures

Councilor Kahn continued that he has several thoughts about the transition from local to state office. He continued that he has always considered community service as a sideline, but once he opened up that opportunity, that sideline opened up other doors, such as State Senate. He encouraged the Council to consider that he is just one of many people where community service has led to extended careers and transitions that instill new energy and utilize seasoned skills. He added that there's a potential to cultivate career transitions among the community's retirees. The graying of our community can in fact be an asset. In addition, when he ran for Council that this Council he assumed they would set a leadership course in the transition to the next City Manager and as good as they feel about the guidance that they are receiving from the current City Manager they need to have steps to transform their City into a long term vision.

For as long as he has been in Keene, economic development has been the major issue and he regrets not being here to implement the economic development plan. He encouraged the Council to focus on the big picture, stay out of the weeds, and make certain that the plan defines a big problem. Most people outside of Keene have this positive impression, which is well deserved, but they don't see unusual economic development problems in the City. The Councilor noted that defining and agreeing on the problem to be solved is essential to setting the right goals. When setting the economic development goals, make them meaningful, measureable and moveable. It is going to take a consistent and concerted effort to implement that plan. Look to annual steps and identify the parties in City government who will be responsible to implement the action steps that will lead to fulfilling that goal.

In conclusion, Councilor Kahn stated it occurs to him that he is leaving the Council on the same basis upon which he was attracted – a resignation leading to vacancy that the Council needs to fill. This is an unusual opportunity to attract interest from highly qualified people who just need an encouraging phone call and the seed planted. Recruiting a strong pool will not only have the affect to fill an immediate vacancy, but it could have a downstream affect for other Committees and further Council service. Over the last year, he has learned that the Mayor and City Councilors are dedicated individuals who are returning great value to the City. He encouraged the Council to continue holding Council workshops to understand issues and share their perspectives with each other. The Councilor thanked the Charter Officers and the Departments Directors and their staff for their daily efforts. They consistently articulate and demonstrate their mission to support Keene's residents. Additionally, every week City staff prepares materials that enable the Council and many Committees to perform their duties. This effort exceeds the ability of any professionals who has worked with.

The Councilor stated as your State Senator and along with the State Representatives he hopes there is an opportunity to interact with the City Council in workshop settings to synchronize their efforts. In the end, they are all elected officials who share a mission to create a stronger future for the region and its residents. The Councilor thanked the citizens of Keene and the citizens of the 14 towns surrounding Keene for placing their trust in him as their next State Senator.

On motion by Councilor Greenwald, voted unanimously to accept the resignation with regret and appreciation for his service. The Mayor noted that he would announce the filing period at the December 15th City Council meeting.

COMMUNICATION –COUNCILOR KAHN – RECOMMENDATION TO WAIVE PARKING METER RATES – THANKSGIVING HOLIDAY

A communication was received from Councilor Kahn suggesting that the City Council consider waiving the parking meter rates for the full Thanksgiving weekend to allow downtown businesses to be more competitive with stores outside of the downtown. The communication was referred by the Chair to the Finance, Organization and Personnel Committee.

FOP REPORT – RELINQUISHMENT OF EASEMENT TO PARKING SPACES ON RAILROAD PROPERTY ON BEHALF OF MONADNOCK FOOD CO-OP – PLANNING DEPARTMENT

A report was received from the Finance, Organization and Personnel Committee reporting out the more time item Relinquishment of Easement to Parking Spaces on Railroad Property. The report was filed into the record as informational.

FOP REPORT – NGM CROSSWALK PROJECT – PUBLIC WORKS DIRECTOR

An informational report was received from the Finance, Organization and Personnel Committee recommending the report be accepted as informational. The report was filed into the record.

FOP REPORT – 2016 TAX RATE UPDATE – FINANCE DIRECTOR

An informational report was received from the Finance, Organization and Personnel Committee recommending the report be accepted as informational. The report was filed into the record.

FOP REPORT – PRIMEX CONTRIBUTION ASSURANCE PROGRAM – PROPERTY & LIABLITY – ACM/HUMAN RESOURCES DIRECTOR

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to enter into and execute an agreement extending participation with Primex in a multi-year Contribution Assurance Program through FY20 that has provided predictable contributions and stable property and liability insurance coverage. A motion to carry out the intent of the report by Councilor Greenwald was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – PRIMEX CONTRIBUTION ASSURANCE PROGRAM – WORKER'S COMPENSATION – ACM/HUMAN RESOURCES DIRECTOR

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to enter into and execute an agreement extending participation with Primex in a multi-year Contribution Assurance Program (CAP) through calendar year 2019 providing mitigation, in the event of adverse experience, and assurance of predictable premium contribution for worker's compensation insurance. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

CHARTER OFFICER EVALUATION PROCESS – ACM/HUMAN RESOURCES DIRECTOR AND OFF THE TABLE COMMUNICATION – COUNCILOR CLARK – CHARTER OFFICER EVALUATION PROCESS

An informational report was received from the Finance, Organization and Personnel Committee relative to the Charter Officer evaluation process. Councilor Greenwald moved to suspend the Rules of Order to allow consideration of the Committee report. On roll call vote, 14 Councilors were present and voting in favor. Councilor Lamoureux was absent. The Rules were declared suspended. Councilor Greenwald moved to amend the Committee report to adopt the Charter Officer Evaluation Process as presented. The Mayor requested that the ACM/Human Resources Director come forward to review the packet of information placed on the Councilors' desks. Councilor Greenwald explained the background on the history of the evaluation process for Charter employees and the development of the evaluation process. The Mayor pulled the tabled communication from Councilor Clark and recognized him for comment. The Councilor stated he did not agree with how the evaluation process as recommended and suggested that the discussion and development should have occurred through a more public process. He also disagreed with the intent that the 3 Standing Chairs serve as an evaluation team, which exempted them as a public body. The Councilor continued he was suggesting another alternative that would meet the needs and the concerns that we have with the process, but it needs to be discussed in public. The Councilor moved to refer both his proposal and the collaborative proposal back to the Finance, Organization and Personnel for discussion at a public meeting. A roll call vote resulted in a tie with seven Councilors voting in opposition and Councilors O'Connor, Clark, Filiault, Sutherland, Hooper, Chadbourne and Jones voting in favor. The Mayor broke the tie with a vote to refer the matter back to Committee.

CITY MANAGER COMMENTS

The Assistant City Manager, Rhett Lamb, invited the City Councilors to the annual Holiday Luncheon on Thursday, December 8, 2016, from 11:30 AM to 1:30 PM in the Michael E.J. Blastos Community Room. He asked that everyone bring a non-perishable food item to benefit the Keene Community Kitchen. The Assistant City Manager advised Engine 1 has been placed in service as of Friday, November 18th. All personnel completed training on the unit before it was placed in service and all needed equipment has been added to the truck. This completes a two year process by the Fire Department staff to review the needs of the truck, safety systems and ability to maintain and service the truck. The Assistant City Manager went on to the Wastewater Treatment Plant dewatering equipment replacement project and noted this project is progressing well. The new screw presses are on site and one of the old belt filter presses has been completely removed through a temporary access port in the block well. The access port is covered up and insulated and will be used again for removing the second press and bringing the new presses inside. The old drum thickeners have been completely removed and their concrete pads demolished. The new polymer and air scrubber units have been mounted on their new concrete pads. The contract calls for substantial completion in August 2017, but it should be completed in late spring of 2017. The Assistant City Manager continued with the water supply drought update. He explained that the City has been using 2 of the Court Street wells for the majority of the water supply over the past couple weeks to let the reservoirs fill. The recent rain and some leakage from Woodward Reservoir into Babbage has allowed Babbage's level to increase enough that it's overflowing, allowing it into service. The plan is to use it judiciously over the next few weeks or until it freezes, to lower the water level a little for the winter.

MEMORANDUM –FINANCE DIRECTOR AND ORDINANCE O-2016-20: WATER AND SEWER UTILITY CHARGES

A memorandum was received from the Finance Director regarding changes to the water and sewer utility charges. Ordinance O-2016-20 was read for the first time. The memorandum and Ordinance O-2016-20 were referred to the Finance, Organization and Personnel Committee.

FOP REPORT AND RESOLUTION R-2016-35: APPROVING AN APPLICATION FOR CDBG FUNDS

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2016-35. The report was filed as informational. Resolution R-2016-35: Approving an Application for CDBG Funds 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 14 Councilors present and voting in favor the motion passed. Resolution R-2016-35 declared adopted. Councilor Lamoureux was absent.

ADJOURNMENT

At 8:25 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:

City Clerk

City of Keene, N.H.
Transmittal Form

December 1, 2016

TO: Keene City Council

FROM: Kendall W. Lane, Mayor

ITEM: B.1.

SUBJECT: Nominations

RECOMMENDATION:
I hereby nominate the following individuals to serve on the following Boards or Commissions.

ATTACHMENTS:
Description
Background for new members

BACKGROUND:
AGRICULTURAL COMMISSION
Aaron Moody, slot 1 Term expires December 31, 2019
Keene, NH

Megan Straughen, slot 5 Term expires December 31, 2019
Monadnock Food Coop

AIRPORT ADVISORY COMMISSION
Mitchell Greenwald, slot 3 Term expires December 31, 2017
Keene, NH

BICYCLE/PEDESTRIAN PATH ADVISORY COMMITTEE
Sam Hawkes, alternate, slot 9 Term expires December 31, 2019
Keene, NH

CITIES FOR CLIMATE PROTECTION
Christopher Brehme, slot 6 Term expires December 31, 2017

TRUSTEES OF TRUST FUNDS AND CEMETERY TRUSTEES
Susan Silver, slot 4 Term expires December 31, 2019
Keene, NH

From: Aaron
Sent: Monday, November 28, 2016 6:51 PM
To: Mayor Kendall Lane
Subject: Agriculture Commission Openings?

Mr. Lane,

Hello, my name is Aaron Moody. I am a Keene resident, fledgling farmer and soon to be Past President of the Board of Directors for Stonewall Farm. I work as a teacher at KMS and also run a small landscape business.

I recently learned that there may be an opening on the Agriculture Commission for the City of Keene. As I rotate off the Board at Stonewall Farm and continue to build my beef and hay business, I would be interested in learning more about the Commission and if it would be a good fit for me and the City in the future. I have spoken with Mark Florenz, a current commissioner, on a couple of occasions about the Commission.

Please let me know any next steps that I might take to learn more about how to join the Commission if you deem it appropriate.

Respectfully yours,

Aaron Moody

Helen Mattson

From: Michele Chalice
Sent: Thursday, December 08, 2016 9:43 AM
To: Mayor Kendall Lane; Helen Mattson
Subject: FW: Keene Agriculture Commission

FYI

From: Megan Straughen, Monadnock Food Co-op
Sent: Wednesday, December 07, 2016 5:56 PM
To: mlane@ci.keene.nh.us
Cc: Michele Chalice
Subject: Keene Agriculture Commission

Dear Mayor Lane,

I am writing to ask for your consideration in joining the Agriculture Commission for the City of Keene. I am deeply invested in both the City of Keene and our local farmers and food system. I am passionate about creating a sustainable and thriving food system in our town and region for many reasons, including ensuring our economy supports our farmers and provides them an outlet for selling their products and crops, reducing our carbon footprint and sequestering carbon in healthy soils, and ensuring that all members of our community have access to healthy, affordable foods for themselves and their families.

I feel so fortunate to have the ability to engage with the community about these issues every day in my job at the Monadnock Food Co-op. I joined the Cities for Climate Protection Committee about a year ago and have enjoyed working with such dedicated colleagues on similar issues. It would be an honor to serve the City on the Agriculture Commission as well.

Thank you for your time.

All the best,
Megan Straughen

Megan Straughen
Events, Education &
Sustainability Coordinator
Board Administrator
Monadnock Food Co-op
34 Cypress St · Keene, NH · 03431
Direct Line: (603) 283-5401

[redacted]
Keene, NH 03431

Dec 1, 2016

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

Dear Mayor Lane,

I'm currently on the board of the Monadnock Cycling Club with the mission to integrate the goals of the club with city goals to improve the environment for cycling in Keene.

I recently discussed the BPPAC with Mr. William Schoefmann, and he indicated there were openings for members on that committee who could stand-in when a quorum was needed.

I would like very much to serve as a stand-in member and appreciate your favorable consideration of this request.

Yours truly,

Sam Hawkes

Susan Silver-Brief Bio

After graduating from Keene High School, I attended Whittier College where I achieved a Bachelor of Arts Degree.

As a lifelong resident of the Keene area, I am very devoted and dedicated to the community where I live and work so I am an active participant. Currently, I am Secretary of the Greater Keene Chamber of Commerce Board of Directors and on the board of Friends of the Arboretum at Ashuelot River Park. I am also a long time member and past President of the Keene Lion's Club.

I began my banking career in 1996. In 2007, I joined Connecticut River Bank which was acquired by Mascoma Savings Bank. Mascoma Saving Bank is a mutually owned bank which allows us to focus on what is best for our customer and our community. I am currently Vice President/Branch Manager of our Keene Branch.

Keene, NH 03431

Work: 442-4001

City of Keene, N.H.
Transmittal Form

November 29, 2016

TO: Keene City Council

FROM: Kendall W. Lane, Mayor

ITEM: B.2.

SUBJECT: Confirmations

COUNCIL ACTION:
In City Council December 1, 2016.
Tabled until the next regular meeting.

RECOMMENDATION:
I hereby nominate the following individuals to serve on the following Boards or Commissions.

ATTACHMENTS:

Description

Background for new members

BACKGROUND:
Ashuelot River Park Advisory Committee
Jenna Spear O'Meara, Reappointment, slot 2
Term expires December 31, 2019

Assessors Board
John T. Newcombe, slot 1
Term expires December 31, 2019

Rita Johnson, regular member, slot 2
Term expires December 31, 2018

Bicycle/Pedestrian Path Advisory Committee
Dillon A. Benik, alternate, slot 8
Term expires December 31, 2019

Charles Redfern, Reappointment, slot 3
Term expires December 31, 2019

Linda Rubin, Reappointment, slot 4
Term expires December 31, 2019

Christopher Brehme, Reappointment, slot 6
Term expires December 31, 2019

<u>Board of Appeals</u>
Katie Sutherland, slot 1
Term expires December 31, 2019

Malcolm Katz, Reappointment, slot 2
Term expires December 31, 2019
Steven Walsh, Reappointment, slot 4
Term expires December 31, 2019

<u>Cities for Climate Protection</u>
Peter Hansel, Reappointment, slot 5
Term expires December 31, 2019

<u>Conservation Commission</u>
Andrew Madison, slot 2
Term expires December 31, 2019

Denise Burchsted, Reappointment, slot 7
Term expires December 31, 2019

<u>Heritage Commission</u>
Rose Carey, Reappointment, slot 3
Term expires December 31, 2019

<u>Historic District Commission</u>
Nancy Proctor, slot 5
Term expires December 31, 2019

<u>Housing Standards Board of Appeal</u>
Katie Sutherland, slot 1
Term expires December 31, 2019

Malcolm Katz, Reappointment, slot 2
Term expires December 31, 2019

Steven Walsh, Reappointment, slot 4
Term expires December 31, 2019

<u>Juvenile Conference Committee</u>
Jerrold Kaufman, Reappointment, slot 6
Term expires December 31, 2019

Keene Housing
J.B. Mack, Reappointment, slot 1
Term expires December 31, 2021

Martin Luther King, Jr./Jonathan Daniels Committee
Mandy Slate, Reappointment, slot 6
Term expires December 31, 2019

Partner City Committee
John Mitchell, Reappointment, slot 5
Term expires December 31, 2019
Irene Davis, Reappointment, slot 8
Term expires December 31, 2019

Will Schoefmann, slot 9
Term expires December 31, 2019

Planning Board
Pamela Russell Slack, Reappointment, slot 3
Term expires December 31, 2019
Christine Weeks, Reappointment, slot 6
Term expires December 31, 2019

Trustees of Trust Funds and Cemetery Trustees
Michelle Howard, Reappointment, slot 3
Term expires December 31, 2019

Zoning Board of Adjustment
Louise Zerba, alternate, slot 7
Term expires December 31, 2018

Elena Brander, slot 4
Term expires December 31, 2019

Josh Gorman, slot 2
Term expires December 31, 2019

Helen Mattson

From: Nancy Proctor
Sent: Monday, November 07, 2016 3:36 PM
To: Mayor Kendall Lane
Cc: Helen Mattson
Subject: Historic commission

Dear Kendall,
I am seeking to become a fulltime member of the Historic District Commission.

I have worked as a realtor at The Masiello Group for over 38 years and have been actively involved in housing in Keene since then.

I have sold many historic homes over the years and have been involved in the marketing of the Railroad St. condominiums. I have been involved in many tours of Keene to prospective homeowners relocating and have been proud to showcase our downtown area.
This is an area in which I have interest and hope I could serve the city in this capacity.
Thank you for your consideration.

Sincerely,
Nancy
Nancy Proctor
Sales Director
69A Island Street
Keene, NH 03431
Office Phone (603) 352-5433
Direct Phone (603) 283-1930
Cell Phone (603) 361-5897
Fax (603) 357-2772
www.masiello.com

Helen Mattson

:om: Elena M Brander [redacted]
Sent: Thursday, November 03, 2016 8:55 AM
To: Helen Mattson
Subject: FW: Zoning Board Request

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Mattson:

I wanted to reach out to you regarding my interest in joining the City of Keene Zoning Board of Adjustment. I am a new lawyer at Bragdon and Kossayda, P.C. in Keene. As of early September, I am a resident of Keene.

I grew up by the beach in Hull, Massachusetts, where land-use and zoning often seemed to be a conversation topic (particularly as relates to beach access/ownership). After my first year of law school, during which I completed a property law course, I was a volunteer summer intern in the Civil Bureau of the New Hampshire Attorney General's Office. At the Attorney General's Office, I gained exposure to land-use/zoning law through my work on an administrative/litigated matter involving the Department of Environmental Services and private individuals. During my final year of law school, I completed a course entitled Real Estate Transactions, in which I learned to navigate the registry of deeds and perform basic title research.

My interest in joining the Board stems from my desire to become more involved with the Keene community, and to ontinue learning about land-use/zoning and real estate law. I believe that my legal education and my background, including having served as President of a student organization at my law school, enables me to bring immediate value to the Board. I understand the importance of having a competent and impartial board, and would look forward to joining the Zoning Board of Adjustment if given the opportunity to do so.

Please feel free to contact me directly with any questions at [redacted] hank you for your time and consideration.

Sincerely,

Elena Brander

Dear Mayor Lane,

I am writing to inform you of my interest in serving as an alternate member of the Bicycle Pedestrian Path Advisory Committee. As an avid cyclist, homeowner, and father of two young children here in Keene, I am very interested in the future development of our pathways and cycling/pedestrian areas. I live in close proximity to the rail trail and use it frequently; it's truly a great perk for the community. I hope I would add some value as an alternate.

Thank you for your consideration.

Sincerely,

Dillon A. Benik

PEOPLE'S Linen Service

KEENE, NEW HAMPSHIRE

DILLON A. BENIK
Delivery Manager

Tel: (603) 352-2038
Fax: (603) 352-9851
Toll Free: (800) 225-4654

Dee Fedorowicz

From:	Katie Sutherland [redacted]
Sent:	Thursday, November 03, 2016 6:16 AM
To:	Helen Mattson
Cc:	Mayor Kendall Lane; Gary Schneider; Dee Fedorowicz
Subject:	RE: Housing Standard Board of Appeals and Building Code Board of Appeals
Attachments:	KatieResume(2016).pdf

Good morning Helen,

Thanks for getting back to me. Here is a little intro paragraph at me, and also a resume is attached.

Katie Sutherland is a local architect, licensed in New Hampshire and Massachusetts, with an office in Keene. She founded her own office in January 201S, and since that time has worked on office space for NHPR in Concord, NH, a fitness center renovation for Liberty Mutual Insurance, and a new building for MoCo on Roxbury Street, in addition to other commercial and residential projects. Prior to founding her own firm, Katie was an Associate Architect at Scully/Architects in Keene, NH for twelve years, during which time she was the Project Architect for the Monadnock Food Co-op, Raynor Dental Offices, Sophia's Hearth Family Center, and the Mason Elementary School, as well as many award-winning residential projects. Before coming to New Hampshire, Katie worked extensively in New York City, Amsterdam, Netherlands, and Osaka, Japan, and brings a world view to her work. Katie holds a Master of Architecture from Yale University, is a LEED-Accredited Professional, and a member of NCARB. The office offers a range of architectural services to both public and private clients, designing projects big and small. Katie has won numerous design awards throughout her career, and specializes in thinking creatively and adaptively, architecturally responding to each project in its own right.

Please let me know if that intro will suffice, (from my linked in page).

Many thanks,
Katie

Katie Cassidy Sutherland AIA LEED AP
KCS Architects
310 Marlboro Street, 2nd Floor
Keene, NH 03431

(603) 439-6648 - Office
[redacted]

From: Helen Mattson [mailto:hmattson@ci.keene.nh.us]
Sent: Tuesday, November 01, 2016 8:50 AM
To: Katie Sutherland
Cc: Mayor Kendall Lane <klane@ci.keene.nh.us>; Gary Schneider <gschneider@ci.keene.nh.us>; Dee Fedorowicz <dfedorowicz@ci.keene.nh.us>
Subject: RE: Housing Standard Board of Appeals and Building Code Board of Appeals

Hello, Katie – Thank you very much for letting us know you are interested in filling a slot on the Board of Appeals. By copy of this email I am letting the Mayor know. Can you send us a brief background – just a paragraph is fine.

City of Keene, N.H.
Transmittal Form

December 12, 2016

TO: Keene City Council

FROM: Kendall W. Lane, Mayor

ITEM: B.3.

SUBJECT: Appointment - Special Committee on City Manager Recruitment

RECOMMENDATION:
I hereby appoint the following individual to serve on the following Committee:

Special Committee for City Manager Recruitment

George S. Hansel, City Councilor

External Communication
Transmittal Form

December 13, 2016

TO: Mayor and Keene City Council

FROM:

THROUGH: Patricia A. Little, City Clerk

ITEM: C.1.

SUBJECT: Taryn Fisher - Creation of an Arts Policy

ATTACHMENTS:

Description

Fisher Communication

BACKGROUND:

Taryn Fisher is requesting the City Council consider the creation of an Official Arts Policy that would require that the City to consider the arts and culture when making improvements to existing infrastructure or when building new projects.

December 7, 2016

Keene City Clerk
Keene City Hall
3 Washington Street
Keene, NH 03431

To Whom It May Concern,

I request that the City of Keene explore the creation and adoption of an official Arts Policy.

The objective of such a policy would do for the arts and culture in the City of Keene what the Complete Streets Policy does in terms of modes of transportation and safety considerations.

Ideally, an Arts Policy would require that the City of Keene consider the arts and culture when making improvements to existing infrastructure or when building new projects. In addition, an Arts Policy would encourage the role of the arts and culture be considered in terms of both regional economic development and residential and commercial quality of life.

Ideally, an Arts Policy would provide guidance regarding the inclusion of the arts and culture as it relates to zoning, street and parking design, and land use.

In addition, an Arts Policy would serve as a resource for City of Keene staff when planning, designing, rehabilitating, constructing / reconstructing, or maintaining the public right of way, and it would inform residents, businesses, and other stakeholders about the role of the arts and culture in the community's well-being, and it would offer insight in terms of how various forms of art, for example, sculpture, street theatre, film, and festivals can enhance the vibrancy of the City as well as attract visitors, businesses, and others to the region.

I look forward to further discussion with you and others on this topic.

Best Regards,

Taryn Fisher

Taryn Fisher
302 Court Street
Keene, NH 03431

978-985-4720

City of Keene, N.H.
Transmittal Form

December 7, 2016

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities, and Infrastructure Committee

ITEM: D.1.

SUBJECT: Winter Snowplowing Operations – Public Works Department

---

RECOMMENDATION:
On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the presentation on winter snowplowing be accepted as informational.

BACKGROUND:
Assistant Public Works Director Duncan Watson introduced himself and Highway Superintendent William Byrnes. Mr. Watson stated that the primary concern, in winter snowplowing operations, is safety for the operators and the public. He continued that if you are behind a snowplow and cannot see the operator's mirrors, the operator cannot see you. These are extremely heavy vehicles that have good brakes, but they do not stop on a dime. He asks people to give them a wide berth as much as possible. It will save you damage to your vehicle and risk of injury if you take a little extra time for your commute. He wants to remind people that when there is any kind of precipitation event that requires the City to do snow and ice control, the event requires operators' same level of effort whether it is one inch or ten inches of snow.

Mr. Byrnes gave a slide show presentation. He stated that the Highway Division utilizes staff from other departments and divisions to accomplish the goal: provide safe traveling for vehicles and pedestrians on streets and sidewalks, parking facilities and other structures in the city. He showed an organizational chart – the Public Works Director, Kürt Blomquist, heads the winter operations, utilizing Public Works administrative staff, and staff from the Highway Division, Airport, Utility Facilities, Parks and Recreation and Cemeteries, and Fleet Services.

Mr. Byrnes continued that the Highway Division has 26 people for winter operations, six of whom are from other divisions and departments. There are 126 miles of roadways and over 52 miles of sidewalks, 26 pieces of equipment, five surface lots, and two parking structures. Parks & Rec requires six staff members, to plow cemeteries, various city facilities and parking lots, access roads, and Robin Hood and Wheelock Parks. The Airport has two full time staff members and one temporary, part time employee. They plow runways, taxiways, and ramps. They have large equipment - a snow blower, power brooms, and plows. The Waste Water/Water Treatment Plant requires a staff of three. They have 12 facilities throughout the city.

My. Byrnes explained how they prepare for upcoming snow events. He stated that for example, they heard that there is possibly snow coming this weekend, so tomorrow staff will check the equipment and Fleet Services can do any repairs on Friday as necessary. They then have a training day for operators from other divisions involved with winter operations – the insurance company, Primex, gives a presentation on winter safety, nutrition, sleep, reminders on pre-trip tripping hazards, and ice control. Then Public Works staff takes them to the vehicle storage area and reviews pre-trips on the equipment, and gives a refresher on how to use the computer controls for salt and the plow and wing. The frontline operators review their plow routes and see if anything has changed, such as a person putting up a fence that was not there last year. They will mark hazards such as rock piles with a stake so the plows do not hit them.

Mr. Byrnes continued that priority setting was developing due to lack of staffing. Winter snowplowing operations became a city-wide effort, using staff from various divisions. Priority 1 is for all streets to be plowed by the end of the storm, along with airport runways, taxiways, and ramps; the Fire Department; the Police Department; parking lots and structures. Clearing the parking lots generally takes two nights. Priority 2, during the 1-4 days after the storm, is to clear the sidewalks, pump stations, and 750 fire hydrants, and do snow removal. If another storm event comes in while they are in the process of doing snow removal, everything goes back to priority 1. Priority 3 is clearing outlying access roads, the roads in the cemeteries that were not plowed first, the wastewater treatment areas on the outskirts of town, and so on and so forth.

Mr. Byrnes explained the response: for example, there is a storm maybe coming on Sunday, which is information the Public Works Department received via the two weather monitoring services they subscribe to. They monitor information about the predicted temperatures during and after the storm, the duration, type of precipitation, road temperatures, and things of that nature. No two storms are alike. One could be an early winter storm or a late winter/early spring storm; that snow is usually heavy and wet and hard to push. They could have light, fine precipitation due to colder temperatures. They might have freezing rain. They try to make everyone aware, via press releases, Facebook, and the website. 98% of the time they leave the snow on the road to absorb freezing rain, because if they plowed the snow first and then there was freezing rain, it would create black ice.

Mr. Byrnes continued that the 750 fire hydrants are quite a task; they are often where the big snow banks are. The hydrants use a lot of equipment to open up. The FAA has strict regulations for Airport areas that need to be maintained. All snow has to be removed within two hours, even if it is just an inch. The Parks and Recreation Department handles a lot of facilities, and the Public Works Department handles some.

Mr. Byrnes continued that recovery and clean up gets tricky. They have to plow the snow downtown and play with it. Most of that work is done during the night. The Gilbo Avenue parking lots can have snow removal operations during the day, but the other areas are too congested to make it possible during the day. The parking facilities basically take two nights. During the first day they open all the runways and travel lanes they can, and then a crew of two comes at night to finish up the parking lots. Alternate night parking allows them to do the job. The next night, they push the snow into piles and then remove the piles. The Airport has an enormous snow blower to move the windrows back. If there is a substantial amount of snow they have to do snow removal on the streets, too. There is a photo of a snowplow that pulls a row of snow from a snow bank onto the street so they can remove it. If the snow banks are too large the sidewalks cannot be plowed. For a "normal" event it takes approximately two nights to remove the snow/clean up.

Mr. Watson stated that this overview is based on the assumption of adequate and available personnel and equipment. He continued that if either or both are not available it affects their ability to do snow removal operations.

Councilor Lamoureux asked how many hours it takes to do one pass around the City. Mr. Byrnes replied that the average is six hours per route, on the streets. He continued that the sidewalks take about 8 hours without snow blowers and about 12 hours with. If it is during the day the plowing increases to approximately 8 or 9 hours for one pass through the City. Many times they try to get the roads open as best they can during the day and then come back at midnight when there is less traffic. If there are parked vehicles in the way the Police Department helps to get those vehicles towed. The sidewalks are a very challenging task.

John Therriault, of 76 Bradford Road, stated that last spring he sent a letter to the City Council asking how much the plowing and snow removal on city streets costs. He continued that he was given an average of about $10,000 per winter. There are 52+ miles of sidewalk. He has lived in nine different places including MA, FL, NY, TX, and VA. He has seen a lot of municipalities and Keene is the only one he knows that clears the snow from all sidewalks. He sees that towns would be responsible for clearing downtown and where they charge people to park, but he thinks clearing all residential sidewalks is a waste of tax payer money and most of the sidewalks are only in wards one and two and residents of the other wards thus "subsidize those two wards." He thinks property owners should be responsible for clearing their own sidewalks and fire hydrants. The City could save money by putting the responsibility back on property owners.

Mr. Blomquist stated that he appreciates that thought but as the City Council knows they can only do what State law allows. In about 1868, Manchester passed an ordinance requiring businesses to clear their own sidewalks. A businessman sued, claiming it was double taxation since property taxes include highway maintenance. The Supreme Court ruled that the businessman was correct and municipalities cannot require residents to clear sidewalks. In about 2004, there was another lawsuit in the east coast, maybe in Bedford, from a man with a disability who used a motorized device to get to the store and was unable to do so in the snow when the town decided to not clear certain sidewalks. He sued on the Americans with Disabilities Act (ADA) and went to the Superior Court, which ruled yes, municipalities had to clear the sidewalks because of the ADA. That is not necessarily applied statewide because the Supreme Court has not decided on it, but the general feeling of staff is that if that similar argument were to come forward in this community the City would most likely lose. Yes, it would be great if they could give that responsibility to property owners but in the State of NH they cannot.

Councilor Filiault stated that about a decade ago the City did a thorough look at where they could cut costs. He continued that they considered cutting back on snow removal. Their phones rang off the hook. Citizens were loud and clear about not wanting that.

Councilor Hooper asked if there is a measurement of snow that has to fall before they clear the roads or sidewalks. Mr. Byrnes replied about three inches for roads. He continued that for the sidewalks it depends on the duration of storm, staffing, and the weather after the event. Many times they just do the main and secondary sidewalks and then when the streets are complete the operators come at midnight to do the final plowing on sidewalks. Otherwise, plowing the streets just pushes more snow on sidewalks, so it is less effective if they clear the sidewalks before the streets are cleared.

Councilor Terry Clark asked why fire hydrants are not priority 1, since they are a safety issue. Mr. Byrnes replied that operators would be out for more than 15 hours. They do not have enough personnel to include fire hydrants in priority 1. Councilor Lamoureux stated that many times when there is a lot of snow the Public Works Department asks for the KFD's assistance and the KFD will go out and help clear hydrants. Mr. Byrnes replied yes, the KFD helps many times. Mr. Watson stated that they welcome having people "adopt" fire hydrants and assist with clearing them. Councilor Lamoureux agreed and stated that he thinks it is working well when there is coordination between the Public Works Department and residents who assist with clearing hydrants – in his neighborhood, plows put the snow to the side of fire hydrants instead of burying them, so residents can clear the hydrants more easily. Mr. Byrnes replied that there are many people in the City who help clear fire hydrants and drains and they very much appreciate it.

Mr. Watson stated that he knows people get frustrated when the City plows a lot of snow into their driveways on their way by, and he assures them that the operators are not trying to do that and there is no real way to avoid it. They have to do their work. He continued that they want to discourage people from blowing snow onto the street because it creates a hazard. If a contractor is doing that work it is against the City ordinance. They need to put the snow in a different place. Mr. Byrnes replied that they can push snow into the street and then into the existing snowbanks, but they cannot be left in the road or on the sidewalks. If there are big piles of snow on the sidewalks due to residents putting it there, it slows down City snow removal operations.

The City Manager stated that somehow the contractors, when they are clearing, will also block the sidewalks and then operators have to return and do more work and/or deal with complaints from citizens. He continued that it helps a lot when people do not do this so operators do not need to go back to the same area many times. Cooperation helps a lot.

Chair Manwaring asked how citizens can sign up for weather alerts. Mr. Watson replied that they are available on the Facebook page and via press releases. Mr. Blomquist replied that the storm announcements can also be found on Twitter, the website, or the City email list. They are also working on getting the updates onto Instagram. He continued that on Mondays and Thursdays Mr. Byrnes is on the radio with Dan Mitchell at 7:10 AM to talk about what is happening that week.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the presentation on winter snowplowing be accepted as informational.

City of Keene, N.H.
Transmittal Form

December 7, 2016

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities, and Infrastructure Committee

ITEM: D.2.

SUBJECT: Roxbury Street Crosswalk – Public Works Department

RECOMMENDATION:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the City Manager be authorized to do all things necessary to implement the improved pedestrian crosswalk as presented by the City Engineer in the vicinity of 32 Roxbury Street, and abandon the crosswalks at 21 and 37 Roxbury Street; and further, that the funding of the proposed improvements be forwarded to the Finance, Organization, and Personnel Committee.

BACKGROUND:

Don Lussier, City Engineer, stated that they first talked about this issue at the October 26 meeting. He continued that they considered four different locations for a crosswalk. Option 1 was improving the existing one, option 2 was straightening out the crosswalk, option 3 was terrible, and option 4 was putting a crosswalk directly across the street and adjacent to the City garage exit. They came to consensus that options 2 and 4 were preferred. The petitioners expressed a strong interest in option 2. The committee asked staff for more detailed analysis and review, specifically in regards to option 4. The City Manager suggested moving option 4 a little to the west to alleviate concerns about pedestrians crossing the exit drive. This was a good idea. Mr. Lussier showed this option on a drawing on the easel. He continued that it would be perpendicular to traffic, with better visibility by eliminating a few parking spaces. They could make it work but the curbing has a 3- to 4-inch reveal and when the street gets rehabilitated staff would have to make the curb the standard 8 inches and it would not comply with the ADA anymore. In the graphic you can see the existing crosswalk markings that used to service the YMCA facility. They talked about reconstructing it at that location. They looked at moving it about 25 feet to the west, to be on the opposite side of the City Hall parking garage exit, which he calls option 4B. That idea worked out well. It still has the advantages of not affecting parking in either direction, and it moves the crosswalk away from the business's front door. They would not have problems with curb ramps affecting access to the business. The disadvantage with either version of option 4 is that the tree on the corner would have to be removed. He thinks that 4B is the preferred option.

Yvonne Gilbertson, of Central Square Terrace, asked if the crosswalk would lead to the parking lot across the street. Mr. Lussier replied no, it would be within the hatched area shown in the drawing; you can see that the drive aisle is further to the west. He continued that it lines up nicely with the facility across the street. Ms. Gilbertson stated that they discussed people hanging out in front of the building. If the crosswalk is on the exitway, it will cause a lot of problems. City folks and residents try to come out, and people take the shortcut because they do not want to go around the circle, and all of those youth will go under the parking garage. They come out if they do not want to walk all the way down and around. They will go through the parking garage where people park and that will cause a lot of problems. They already have problems with bicyclists and a lot of people. City employees need to use it, too; as it is where they park their vehicles.

Mr. Lussier asked if she means children using MoCo Arts. Ms. Gilbertson replied yes. Mr. Lussier asked if she thinks the increase in pedestrian traffic will be affected by the location of the crosswalk or if it will just be a result of the MoCo Arts development. Ms. Gilbertson replied that she is not sure and wants to say "both." She continued that she is concerned about someone getting hit, because there will be so many people in the area. Mr. Lussier asked if she thinks the volume of pedestrians using the crosswalk would be less if they went with option 2. Ms. Gilbertson replied that she prefers where it is now but she cannot get what she wants, because it is a lot of people. Healthwise, the City is choosing the best option, but she is concerned about the area under the parking garage and people trying to get out. Someone hit a bicyclist and it was the bicyclist's fault.

Chair Manwaring asked if there will be a sidewalk further down where MoCo Arts will be. Mr. Lussier replied yes, MoCo Arts is proposing (and has been approved) to improve and reconstruct the sidewalk in front of their facility, with an ADA-compliant ramp so people can cross the driveway. There is already a walkway along the side of the building. You can take sidewalks in almost any direction from this area.

Ms. Gilbertson asked if the Roxbury Street crosswalk will have lights like the ones on West Street. Mr. Lussier replied that Public Works recommends a push-button, pedestrian-activated signal with flashing lights like at the crosswalk on West Street.

The City Manager stated that there is no perfect solution to this. He continued that all options have problems one way or another. The City Engineer has to look at the ability to build this and to make sure it meets standards and the ADA. He also has to look at sight line distances so people can reasonably see what is in the crosswalk. The development occurring on the property adjacent will likely generate additional foot traffic. He is balancing the constructability of the sidewalks and crosswalks and the safety factor. What he is advising is the best option based on safety, sightlines, and the ability to construct. Other options would work, too, but not as well.

Councilor Filiault stated that he agrees and wants to point out that this will leave the MSFI Committee and go to the Finance, Organization, and Personnel (FOP) Committee for more extensive review. No matter how much they talk about it tonight, it will still get that extra review. The topic is far from over.

Councilor Lamoureux asked, if the MSFI Committee recommends option 4B, would the FOP Committee only be considering the cost of the lights? Mr. Lussier replied that the FOP Committee would be considering the entire project costs.

Councilor Clark asked how many crosswalks they are talking about, at the end of the project. Mr. Lussier replied that his recommended motion has the MSFI Committee granting authority to install one and remove two, including the one in front of Central Square Terrace.

Councilor Clark stated that the City has goals about walkable, safe streets. He continued that he wonders how having fewer (instead of more) sidewalks meets those goals. Mr. Lussier replied that they are talking about crosswalks, not sidewalks. He continued that mid-block crosswalks are problematic from a pedestrian safety perspective. Vehicles travel slower at intersections and they want pedestrians to cross at intersections as much as possible. That is not always feasible. Staff recommends one improved, highly-visible, well-signalized, mid-block crossing, instead of two that meet standards but are not very well designated. Councilor Clark replied that that makes sense and he knows they are using the Manual of Uniform Traffic Control Devices (MUTCD) as guidance. Those rules and tonight's conversation are based on the idea that "cars are king," and he thought Keene was not talking about that anymore and were talking about making streets more walkable, especially downtown, and the mindset of multi-modal transportation, including bicycles, wheelchairs, and legs. He continued cars are not king and they do not dictate policy anymore. How will they get to the safe streets goal unless they start taking steps to do so? How will the mindset ever change? They should have more crosswalks and take steps to slow down traffic and encourage multiple modes of transportation instead of using the

MUTCD guidebook, which is based on old ways of thinking.

Councilor O'Connor asked about construction time. Mr. Lussier replied that this is a spring project.

Councilor O'Connor stated that it is difficult to cross, where the crosswalks are now. He thinks people have a hard time seeing him when he crosses. People try to speed up to get through the light, or they speed up to try and get by the pedestrians. That is why he is not in favor of having many crosswalks. People do not want to keep stopping every 20 feet to let pedestrians go by. Unfortunately, yes, when a car is coming at you the car is king – it is 3000 pounds of metal, plastic, and fuel and he is not going to step in front of it, but they are still trying to make crosswalks and streets safer.

Mr. Lussier stated that traffic engineers know that multiple mid-block crossings lead to less compliant driver behavior. He continued that the reason they are trying to consolidate crosswalks is not because they think cars are king, but because they want to make the interactions between cars and pedestrians safer. They are not trying to prioritize vehicles; they are trying to give pedestrians better facilities by moving it to a location where parked vehicles are not a problem and they can have better sightlines, signalization, and visibility. He does not see the recommended improvements as prioritizing vehicular traffic; he sees it as prioritizing pedestrians' and bicyclists' safety.

Ms. Gilbertson asked about the loading zone. Mr. Lussier replied that in option 2 the loading zone would have to be decreased to allow the opening up of the sightlines. He continued that with option 4, if someone standing on this side has unobstructed views to the west and there is no parking (existing or proposed) so there are no sightline obstructions and there is no need to decrease the loading zone. Ms. Gilbertson asked if emergency vehicles are fine to park there then. Mr. Lussier replied yes. Ms. Gilbertson replied that in that case, she is all set and understands now.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the City Manager be authorized to do all things necessary to implement the improved pedestrian crosswalk as presented by the City Engineer in the vicinity of 32 Roxbury Street, and abandon the crosswalks at 21 and 37 Roxbury Street; and further, that the funding of the proposed improvements be forwarded to the Finance, Organization, and Personnel Committee.

City of Keene, N.H.
Transmittal Form

December 7, 2016

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities, and Infrastructure Committee

ITEM: D.3.

SUBJECT: Safety Concern at Intersection of West Street and Bradford Road – Public Works Department

---

RECOMMENDATION:
On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the update about the safety concerns at the intersection of Bradford Road and West Street be accepted as informational.

BACKGROUND:
Mr. Lussier stated that last time they spoke about this, Sabrina Lee mentioned some concerns with visibility of Bradford Road for vehicles traveling east bound on West Street trying to turn onto Bradford Road and not being able to see the sign and make the turn. He continued that they put the item on more time and staff reviewed this situation. They agree that there is a problem with the sign's location and vehicles approaching from the west cannot see the sign until they are about 25 feet away. The Public Works Department will relocate the sign to the south side of the street so it is visible from a greater distance. They will also install an "Intersection ahead" warning sign. There is some tree-trimming work they can do in the right-of-way to improve visibility. All of that work is within the Public Works Director's authority and they do not need the City Council's permission for this.

Mr. Lussier continued that to address the Lees' request for speed reduction measures, the Manual of Uniform Traffic Control Devices, MUTCD gives universal standards for when it is appropriate to have a multi-way stop. Staff studied the area and found that the average speed in both directions was 28 mph, which is below the 30 mph limit. The 85th percentile speed was measured at four miles per hour over the posted speed limit. That means 85% of the vehicles traveling there go at or below 34 mph. The speed limit is the speed limit, but from an engineering perspective this is not a speeding problem. The MUTCD indicates that for an intersection of this volume the 85% percentile speed would need to be 10 mph or more over the speed limit for them to consider a four-way stop. Staff does not see this as a speeding issue and does not recommend a stop sign or a speed table.

John Therriault of 76 Bradford Road stated that he goes through this intersection two or three times a day. He continued that he applauds the proposed improvement to the intersection. There is a hedgerow along the northern side of the street on the west side of the Bradford Road interchange. There is a stone wall that abuts one of the properties and there is a lot of tall vegetation that makes it impossible to see traffic when you are trying to turn off of Bradford Road onto West Street, when the leaves are out. Trimming that would greatly improve safety and visibility. Several times he has had near-misses here because of this issue. Mr. Lussier replied that they plan on clearing this. There are low-hanging branches that overhang on Bradford Road that keep you from seeing the stop sign. Mr. Therriault replied that he thinks this is a bigger hindrance – the brush line on the stone wall along West Street. Mr. Lussier replied that they will trim it to the right-of-way, which is basically the stone wall.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the update about the safety concerns at the intersection of Bradford Road and West Street be accepted as informational.

City of Keene, N.H.
Transmittal Form

December 6, 2016

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities, and Infrastructure Committee

ITEM: D.4.

SUBJECT: Speeding on Jordan Road – Request for Speed Humps – Public Works Department

---

RECOMMENDATION:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the update on Jordan Road be accepted as informational.

BACKGROUND:

Mr. Lussier stated that last time, Liberty Ebright and her children were here and talked about speeding on Jordan Road and wanting to be able to safely ride bicycles. He continued that the topic went on more time and staff collected data during a three week period, with six different sets of measurements. They observed that the average speed was 26 to 32 mph and the 85th percentile speed was up to 36 mph. It is a little bit faster than West Street, but only slightly. There were a few outlier vehicles with speeds in excess of 40 mph. He explained that the large majority of vehicles, about 9% of the traffic, exceeded 30 mph and about 1.5% exceeded 40 mph. The top speed measured was 57 mph, which is not appropriate for Jordan Road. For two weeks they measured it with the display boards turned off, so drivers did not get feedback about their speeds. They turned it on the third week. The statistics reflected a decline from 9% of vehicles going over 30 mph to 5% to 6%. There was a little improvement.

Mr. Lussier continued that the equipment recorded the speeds and their times of day. They looked to see what times of day vehicles were speeding. A spike in the graph shows that a large portion of speeding happens during the 6 AM to 9 AM commute. There is another spike in the afternoon but it is most noticeable in the morning. They shared this information with the KPD. The KPD replied that when they get a request for a Police presence in a neighborhood, they perform "targeted patrols" – an increased presence in the neighborhood as staff is available. Jordan Road was already on their docket for targeted patrols and that will continue. Hopefully now that they understand the times of day better, they can focus the patrols even further. Seeing the small number of outliers and the very specific window when the behavior is happening, they think there should be an enforcement solution instead of a physical barrier solution.

Mr. Lussier continued that Jordan Road is scheduled to be improved in 2017. When that happens he recommends adding fog and center lines. They will also install additional speed limit signage. There is currently no signage in the middle, just the beginning and end of the street. Hopefully they will see the average speeds lowered a bit. With striping added, drivers feel that the travelway is restricted and slow down. The cost of the striping would add to the City's operating budget - about $1,500 per year to maintain them - but he believes there would be benefit. The Manual of Uniform Traffic Control Devices, MUTDC does not address when traffic calming measures are indicated but the State has developed guidelines: if the 85th speed is 10 mph over the posted speed limit, then a physical barrier (speed tables) would be added. Staff does not see the need for that here and they are not recommending that.

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

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the update on Jordan Road be accepted as informational.

City of Keene, N.H.
Transmittal Form

December 7, 2016

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities, and Infrastructure Committee

ITEM: D.5.

SUBJECT: No Parking - Spring Street, South Side – Police Department

---

RECOMMENDATION:
On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the request for the south side of Spring Street to be designated as "no parking" be denied.

BACKGROUND:
Captain Steve Russo, Keene Police Department, introduced himself and Ginger Hill, Parking Services Manager. Captain Russo stated that the Planning Board required a person who sought permission to build on Spring Street to petition the City Council to make the southeast side of Spring Street no parking. He continued that the petitioners came to the MSFI Committee with the request in October and it was placed on more time. Staff from the Public Works and Planning Departments and Keene Police Department met and reviewed it and walked the entire area. They got input from the Keene Fire Department, too. Their recommendation is to go forward with this and have staff draft an ordinance. There is also signage on Spring Street that needs to be cleaned up. He asks that the MSFI Committee recommend that staff draft an ordinance amendment. With the assistance of the Public Works Department, the Police Department would put an electronic message board out there to let the public know about upcoming changes.

Chair Manwaring asked if they talked with residents. Captain Russo replied that they did not see any at the time, but one resident from Brook Street emailed Planning Director Rhett Lamb to ask why they were out there.

The City Manager stated that the advantage of using the electronic message board for this purpose is many residents on Spring Street are renters. He continued that this notification will not trap the City in a notification process that is not really described by statute, but it alerts everyone who uses Spring Street that there is this consideration so they can really get the input they need.

Councilor Lamoureux asked if they know how many cars are parking on that side of the road and where they will be displaced to. Ms. Hill replied that they did daily counts for about a month at different times during the day and there were never cars on the south side and there were between four and eight on the north side. Chair Manwaring asked if parking is allowed on the north side. Ms. Hill replied for a good portion of the street, yes.

Bob Beauregard, of 47 Spring Street, stated that he physically walked the area today and the street will lose 14 parking spaces if this goes through. He continued that he lives on the south side of the street and is quite familiar with this. The problem is that any parking on Spring Street will be pushed to Franklin or Brook Streets. He disagrees with the traffic study that was done for the middle school project; it was not done at the correct times of day. The Unitarian Universalist Church has a tremendous group that uses that facility. In addition, Spring Street is a major cut-through from Washington Street. It will increase the cut-throughs from Franklin Street if parking is eliminated on the south side of Spring Street. He will be losing a parking space in front of his building, and other residents will, too. They are losing parking spaces all over the place because of the project in the former middle school site. He has no parking for guests; they have to park on the street. Spring Street is unique and needs more study. It is not a straight shot like other streets. There are features like a pinch point at the top of the hill. He asks that they study this more instead of recommending an ordinance tonight. People who live in that area will be affected, particularly elderly residents who have visiting nurses and who need a place to park.

Councilor Filiault asked if the study included evening or overnight hours. Ms. Hill replied no, it was all done during the day. Councilor Filiault stated that it sounds like cars are parking on the south side at night. Ms. Hill replied that that could be.

Capt. Russo stated that they have read all the Planning Board minutes and notes and he understands the concerns. He continued that here they are mixing two points. He has read the parking study that was done and he agrees the times when it is used the least were mid-day, and yes, they probably should study it at more times. However, he does not think there would be 14 spots eliminated because there are not even 14 spots today.

Councilor Filiault asked if the only reason this is before the MSFI Committee is because the Planning Board required the developer to request the no parking. He asked if the Planning Board's request/requirement will be fulfilled even if the committee says "no". The City Manager replied that the Planning Board's requirement was for the builder to request that the City Council address parking on Spring Street. Staff looked at it and had things they noticed and made recommendations about. Regardless of what action the City Council takes, unless there needs to be an ordinance change, the KPD sees signage issues to clean up (some things are mis-signed). Whether or not the City Council wants to do anything about parking on Spring Street is entirely up to the City Council.

Chair Manwaring stated that one of the committee's concerns was what the residents think. They were all aware that many residents are renters. She thinks the variable message board is a good idea. She continued that she is concerned that they have not heard from residents other than Mr. Beauregard.

Councilor Lamoureux replied that they had this same issue with Summer Street – the ordinance reads that if any of your part of your vehicle is parked on the roadside it is illegally parking. A problem in neighborhoods is that it is not possible to get a parked car to fit on the grassbelts without being in the roadway. The question is whether they clean that up. It would be an issue all over the city. Do they have to address it now, because it is before the City Council? He understands Mr. Beauregard's concerns; yes, it is sometimes difficult to get through there if there are vehicles on the side of the road. During the daytime it sounds like there is no one parking there. From November to May there is no overnight parking allowed. They are thus looking at from 5:00 PM when Parking Enforcement goes home to 1:00 AM, to see what parking issues are there.

Councilor Filiault stated that it seems like they are trying to fix a problem that does not exist. He continued that if the Planning Board had not asked them to look at this, they would not be here talking about it. He will say no to the petitioner's request, which the petitioner brought forward because he does not think this is a problem. It is an old neighborhood, where what used to be a one-family residence is now a 2- or 3-family residence and there is not enough parking and people park on the street. Maybe there is a signage problem, but the City can handle that administratively. The City Council does not need to do anything about parking.

Councilor Lamoureux replied that he agrees – the petitioner fulfilled the obligation to the Planning Board by asking, even if the City Council decides not to eliminate parking. This whole area will be under review with regards to parking, due to upcoming development, and he thinks it would make sense to leave this alone for now and wait for that full scale review. Spring Street, Brook Street, and many other streets would be involved in that process.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the request for the south side of Spring Street to be designated as “no parking” be denied.

City of Keene, N.H.
Transmittal Form

December 7, 2016

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities, and Infrastructure Committee

ITEM: D.6.

SUBJECT: Two-hour Parking, Washington Street North of Vernon Street – Police Department

---

RECOMMENDATION:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that staff be instructed to introduce an ordinance for a first reading which would provide for a two-hour parking zone on the west side of Washington Street from Central Square to a point north of Vernon Street, except where otherwise posted.

BACKGROUND:

Mary Lou Caffrey, from Bradley and Faulkner Law Firm, introduced herself and Sam Bradley, Senior Partner at the law firm. She stated that they were here a few cycles ago. She was pleased to read the staff recommendation and she hopes they are willing and able to put two parking meters in front of 50 Washington Street.

Steve Russo, Captain with the Keene Police Department (KPD), introduced himself and Ginger Hill, Parking Operations Manager. As an overview, staff is looking at a variety of parking issues that will take some time. They found this request reasonable and doable and they recommend having the MSFI Committee recommend a 2-hour parking zone on the west side of Washington Street for about 80 feet. This would give the law firm immediate relief while the KPD does their more comprehensive review. They feel the law firm should not have to wait several months.

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

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that staff be instructed to introduce an ordinance for a first reading which would provide for a two-hour parking zone on the west side of Washington Street from Central Square to a point north of Vernon Street, except where otherwise posted.

City of Keene, N.H.
Transmittal Form

December 7, 2016

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.7.

SUBJECT: Periodic Report – Planning Board

RECOMMENDATION:
On a vote of 5-0, the Planning, Licenses and Development Committee moves to recommend the periodic report from the Planning Board be accepted as informational.

BACKGROUND:
Gary Spykman, Chair of the Planning Board stated the Planning Board costs of 9 members, including the Mayor, an administrative official of the City, a City Council and six members appointed by the Mayor. He continued the Board is tasked with three spheres of activity – planning, legislative, and regulatory review.

Per state statute, the Board has the duty to prepare and periodically amend the City's Master Plan to establish a vision for the future of the community and guide development. Keene's current Comprehensive Master Plan was adopted in 2010. In 2016, the Board has been working with the PLD, as a Joint Committee, to prioritize implementation strategies of the Master Plan. The top priorities include:

o Identifying and facilitating more options for workforce housing
o Focusing on Keene as an intermodal transportation hub
o Pursuing funding for a community-wide weatherization program
o Identifying ways to retain younger individuals in the community
o Supporting economic development and redevelopment
o Enhancing and improving broadband infrastructure and access

The legislative role of the Board involves reviewing proposed changes to the zoning ordinance to determine consistency with the Master Plan, and enacting or amending land use regulations, such as the subdivision and site plan regulations and the Planning Board's Development Standards.

The final sphere of responsibility related to a regulatory function. In this vein, the Board relies on these regulations as part of its review and approval of subdivisions and site plans for new or modified development.

In 2016, the Planning Board reviewed approved: 14 Site Plan, 3 Subdivisions, 2 Driveway applications, 28 Administrative Approvals, 4 Boundary Line Adjustment and 2 Conditional use Permits. Mr. Spykman reviewed a number of a new development projects including the Savings Bank of Walpole on Court Street, the Keene Public Library Renovation, the Washington Park Apartments at the site of the former Middle School, the Continuing Care Retirement Community on Wyman Road (Hillside Village), and the new MoCo Arts Building on the site of the former YMCA on Roxbury Street.

The proposed MoCo Arts Building is a great example of a new development within our downtown that supports many Master Plan goals/principles: It will keep a community arts organization in the downtown, promote walkability, serve as an event and education space, and it models a contemporary / more modern design while drawing off of and being compatible with the surrounding historic buildings and site features.

With respect to regulatory changes, the Board dealt with a request to zone the parcel occupied by the KPL Library Annex/Heberton Hall from Office to Central Business District was approved by City Council; the Board voted on the Main Street Historic District – Request to establish a second historic district in Keene, on the area of Main Street between NH Route 101 and the Marlboro/Winchester/Main roundabout and will soon have a public workshop on a rezoning proposal for a parcel at 32 West Surry Road from Low Density to High Density 1.

In terms of special projects, the City hired a consultant to conduct a review of existing land use regulations and educate the City on various approaches/strategies for conducting an update or rewrite of the Land Use codes/regulations. Phase I is nearing completion. There will be a presentation by the Consultant before the Council on Dec. 15th. The Marlboro Street Re-zoning initiative has been at the public workshop phase since April of this year. After two years of studying the issue, three new zoning districts - Business Growth and Reuse, Neighborhood Business and Neighborhood Preservation have been proposed. The Joint Committee is still reviewing and addressing the proposed districts. Once their work is done a public hearing will be held before City Council.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee moves to recommend the periodic report from the Planning Board be accepted as informational.

City of Keene, N.H.
Transmittal Form

December 7, 2016

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.8.

SUBJECT: Amendment to the Surface Water Protection Ordinance – Conservation Commission

---

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the memorandum from the Conservation Commission on the surface water protection ordinance be accepted as informational and that the minutes are forwarded to the Planning staff for further discussions on the land use code update.

ATTACHMENTS:

Description

Tad Lacey Handout

BACKGROUND:

Thomas Lacey, of 241 Daniels Hill Road addressed the Committee and distributed the following handouts.
o Map- Proposed Surface Water Protection Ordinance Coverage by Zone
o Map- Draft City of Keene Current and Historical Tax Ditch Locations
o Map- Overlay of Streams Needing Regular Maintenance
o Map- same as #3 without being overlaid on the City streets
o Email between Rob Hitchcock, of SVE Associates and James Donison (former City Engineer). This email was part of an application; it states the exemption the applicant was requesting and was subsequently granted.
o Current Sec. 102-1485- Exemptions – to be used as a reference sheet during discussion.

Mr. Lacey stated the goal of the Surface Water Protection Ordinance is to address inconsistencies that have arisen in the maintenance of buffers along brooks and streams now that they are no longer subject to agreement with Federal agencies and to eliminate inconsistencies in the interpretation of streams in regard to man-made water ways.

Mr. Lacey then began his discussion of each handout. He noted the purpose of #3 will be used to try and figure out the maintenance of these streams and still have the Surface Water Ordinance work. Mr. Lacey said this action was prompted by an application in 2014. Southwestern Community Service was on an accelerated timeframe for a Senior Housing project located on a property with considerable footage on Beaver Brook. Mr. Lacey drew attention to the area with the concrete structure. Mr. Lacey explained he thought this was a good project on paper, and had no reason to oppose it. Mr. Lacey also noted the applicant was in compliance with the Surface Water Ordinance.

What raised a red flag for Mr. Lacey was when Karen Purinton, of the Planning Department stated it was public knowledge that Beaver Brook is exempt. Mr. Lacey continued Beaver Brook was the poster child for why the

Ordinance should pass. Mr. Lacey contacted the Planning Department stating his opinion and received a response of not only is Beaver Brook manmade, it is also a tax ditch. Mr. Lacey indicated this was new to him. Mr. Lacey noted the actions he then took which resulted in the maps provided as handouts.

As a member Mr. Lacey then approached the Conservation Commission. Mr. Lacey read from Conservation Commission minutes (no date provided) where he pointed out there was no mention of Beaver Brook being a tax ditch in any of the public forums held. Mr. Lacey continued reading and noting the Conservation Commission voted to pursue amendments to the Surface Water Protection Ordinance specifically around the definition of Beaver Brook and other places classified as tax ditches. Mr. Lacey also pointed out the Conservation Commission also agreed to convene a subcommittee (Jan Manwaring, Thomas Lacey, and Matthew Walton) to develop the language for these amendments. Mr. Lacey outlined the process noting it took two years; primarily due to a lack of quorum at several of their scheduled meetings. Mr. Lacey explained it was apparent the primary concern of City staff was maintenance of the existing ditches. Mr. Lacey also noted the tax ditch maintenance agreement expired in 2011; he suggests this in itself is another reason to revise this Ordinance so it matches what is happening. In his research reading the easements (Ashbrook) Mr. Lacey discovered the City had the right to maintain the buffers and the land owners had the right to do whatever they wanted; they also had to leave 10 feet of grass. It did not obviate any other use. By accepting the miles of tax ditches, the City is also accepting the fact that all of those property owners are potentially not subject to the Surface Water Protection Ordinance.

At this point Mr. Lacey provided a history of the Ordinance for Councilor Sutherland as he is a new Councilor. Mr. Lacey then picked up his discussion with Sec. 102-1485- Exemptions noting #1 and #7 as problematic. Mr. Lacey reiterated the surprise of some when the West Mill Senior Housing project was granted an exemption from the Surface Water Protection Ordinance, in August 2014, by virtue of the ruling from the Zoning Administrator that Beaver Brook is manmade and also a tax ditch. Mr. Lacey also shared the subcommittee's efforts in developing the language for the amendments.

Chair Richards commented he had a couple of concerns and questions for the Planning Department. As to how to proceed, Chair Richards suggested this would be part of the land use code update. Chair Richards shared his concern the Planning Department has so much on its plate right now; and he asked if this is not similar to the prior issue of the lodging house license and the fact that staff was recommending that the land use code update occur before changes to the lodging house ordinance were adopted. Chair Richards suggested this be rolled into the land use code update. Rhett Lamb, Planning Director agreed it makes sense to put this into the land use code update and that definitions are one of the big challenges. Both Chair Richards and Mr. Lamb agreed Mr. Lacey's issues are valid. Mr. Lamb also noted one of the biggest changes is that we are no longer under official obligation to maintain these tax ditches.

Councilor Sutherland commented he doesn't know why it is we have this overlay with such restrictions. He shared that he knows someone who lives in the rural Keene who dug a pond on their property. If this individual wanted to put a porch on his house he would have to get a variance because he is too close to the water he created. Mr. Lamb provided the rationale for tax ditches noting the City was under obligation to Federal agencies for 50 years to maintain those ditches. He continued if we are running the lawnmower down the edge of that brook every summer it made no sense to us that we would tell a landowner they could not build a gazebo in that buffer. Mr. Lamb also explained it made no sense for us to be putting a limit on the property owner to use their property. Without having the agreement anymore we have not given up the maintenance obligation because we have land owners who now depend on these tax ditches as part of an important drainage system. Mr. Lamb also noted he agrees this issue should be evaluated as part of the land use code update. Councilor Sutherland also suggested flood mitigations should be looked at; citing improvements to Washington Street and the Middle School project he commented he does not know if the ordinance looks at the amount of additional water we are putting into these major waterways. Mr. Lamb clarified the Ordinance itself is just about the buffer, the development review and introduction of storm water through the development is handled through the Planning Board process.

Chair Richards noted he voted against the Ordinance and commented as part of the land use update they will look at the whole thing again. If this Committee goes that way can the notes of this meeting be provided to say here are our concerns? Mr. Lamb replied in the affirmative and added thanks to the Conservation Commission the staff has been made aware of this issue.

Councilor Hansel agreed there are several issues with this and he thanked Mr. Lacey for bringing this forward. He continued there are a couple of issues here; there is the issue of fairness because you have property owners that happen to be next to tax ditch or a main waterway that is not really subject to the same regulations as people in rural areas with a little brook. Then there is just a fundamental flaw in the application of this Ordinance where the regulation is not matching the intent. Councilor Hansel also pointed out there is a lot of administrative costs associated with this Ordinance such as Conditional Use Permits. Councilor Hansel emphasized we need to take a serious look at this and address there is an ongoing cost not only to the environment but also to the City. Mr. Lamb noted anytime you have regulations there will be administration. The question is what is the incremental change? Mr. Lamb suggested they are relatively minor at this point. Ms. Kessler provided the statistics noting there have been four (4) Conditional Use Permits issued since 2012.

Chair Richards asked Mr. Lacey if he was good with this. Mr. Lacey commented he does understand the land use code review and that this may be put off. He also noted the proposed changes were relatively simple and cost saving for the City. Chair Richards noted his concern that Mr. Lacey felt this was being put off. Mr. Lacey agreed put off was the wrong wording and clarified he understood why the issue would not be acted upon tonight. Mr. Lacey commented another fundamental flaw he has always had with this Ordinance is that there never was an overall assessment of the need. It was basically (and referred to in the minutes) no, we do not need to do that, we will deal with them one at a time as they come in the door. Mr. Lacey said he thinks this causes confusion for property owners. He continued it is hard enough to approach the City with something you might like to do and that philosophy makes it harder. Mr. Lacey suggested this is one of the Codes that are hard to navigate. Mr. Lamb explained there was no intent to make the Ordinance difficult to navigate.

Councilor Jones asked staff if the motion is to initiate the Ordinance process or deny it. Chair Richards and Mr. Lamb agreed this could be accepted as informational as there is no Ordinance before the Committee. Chair Richards added he would make the motion to accept as informational with the minutes of the meeting forwarded to the Planning Staff for inclusion in the land use code.

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

Toby Tousley, of 499 Washington Street commented he expects that most people who are gung-ho for this Ordinance are not even affected by it. Mr. Tousley noted he is affected by it and feels it is overburdening. Addressing the differences in rural and in town buffers Mr. Tousley commented if there were a 75 foot buffer in town that would encompass entire properties. Mr. Tousley pointed out the only yard he has is within the 30 foot buffer at his Washington Street property. Mr. Tousley commented it sounds like the Conservation Commission is saying he can never mow that area. He added what is happening with this Ordinance is paramount to the City taking this property. Mr. Tousley is against Ordinances being more restrictive. Mr. Lacey assured Mr. Tousley the proposed revisions were addressing that very issue; allowing more uses in the buffer not less, and to make it more aligned with how people actually use the property.

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

Councilor Chadbourne made the following motion which was seconded by Chair Richards.

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the memorandum from the Conservation Commission on the surface water protection ordinance be accepted as informational and that the minutes are forwarded to the Planning staff for further discussions on the land use code update.

only be required for those areas within the overlay district that are not covered by the state and/or federal permits.

(d) Standards and requirements established herein shall be superimposed over all other zoning districts, or portions thereof, within the City of Keene. Any use permitted in the portions of the zone so overlaid shall only be permitted, subject to all provisions of this article.

(e) The provisions herein shall apply in addition to all other applicable ordinances and regulations. When the standards contained herein are different from standards listed in other sections of the zoning ordinance or planning board regulations, those standards which provide a greater level of protection of the surface water functions and values shall apply.

(Ord. No. O-2012-07-B, 8-1-2013)

NOW

Sec. 102-1485. - Exemptions.

The following surface water areas shall not be included in the Surface Water Protection Overlay District:

(1) Man-made ditches and swales.

(2) Man-made sedimentation/detention/retention basins or ponds constructed to manage stormwater from a development project and/or streets, roads and highways.

(3) Man-made agricultural/irrigation ponds.

(4) Fire ponds and cisterns.

(5) Septage or manure lagoons.

(6) Silage pits.

(7) Ditches, streams or waterways that have been constructed or altered to manage drainage and/or flooding and that are under a management, use and maintenance agreement with state and/or federal agencies (commonly referred to as "tax ditches").

(Ord. No. O-2012-07-B, 8-1-2013)

Sec. 102-1486. - Permitted uses within the Surface Water Protection Overlay District.

The uses listed in this section are permitted without a conditional use permit within the district, subject to any provisions specified in this article.

(1) Agricultural activities and operations as defined in RSA 21-34-a and governed by RSA 430 subject to i) Best Management Practices for agriculture as defined in this article; ii) compliance with all related state and local laws; and exceptions listed below.

only be required for those areas within the overlay district that are not covered by the state and/or federal permits.

(d) Standards and requirements established herein shall be superimposed over all other zoning districts, or portions thereof, within the City of Keene. Any use permitted in the portions of the zone so overlaid shall only be permitted, subject to all provisions of this article.

(e) The provisions herein shall apply in addition to all other applicable ordinances and regulations. When the standards contained herein are different from standards listed in other sections of the zoning ordinance or planning board regulations, those standards which provide a greater level of protection of the surface water functions and values shall apply.

(Ord. No. O-2012-07-B, 8-1-2013)

Sec. 102-1485. - Exemptions.

The following surface water areas shall not be included in the Surface Water Protection Overlay District:

(1) Man-made ditches and swales.

(2) Man-made sedimentation/detention/retention basins or ponds constructed to manage stormwater from a development project and/or streets, roads and highways.

(3) Man-made agricultural/irrigation ponds.

(4) Fire ponds and cisterns.

(5) Septage or manure lagoons.

(6) Silage pits.

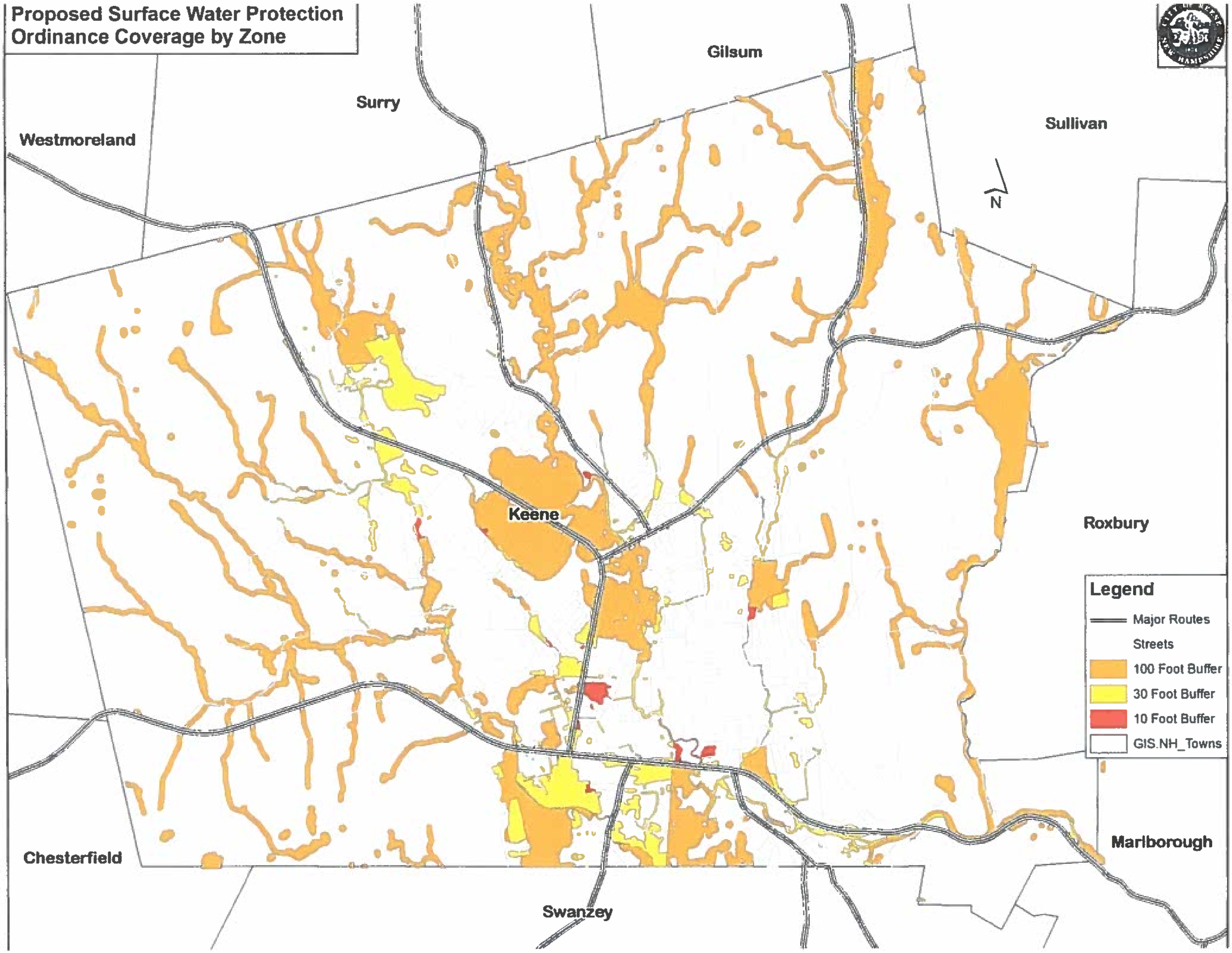
(7) Ditches, streams or waterways that have been constructed or altered to manage drainage and/or flooding and that are under a management, use and maintenance agreement with state and/or federal agencies (commonly referred to as "tax ditches").

(Ord. No. O-2012-07-B, 8-1-2013)

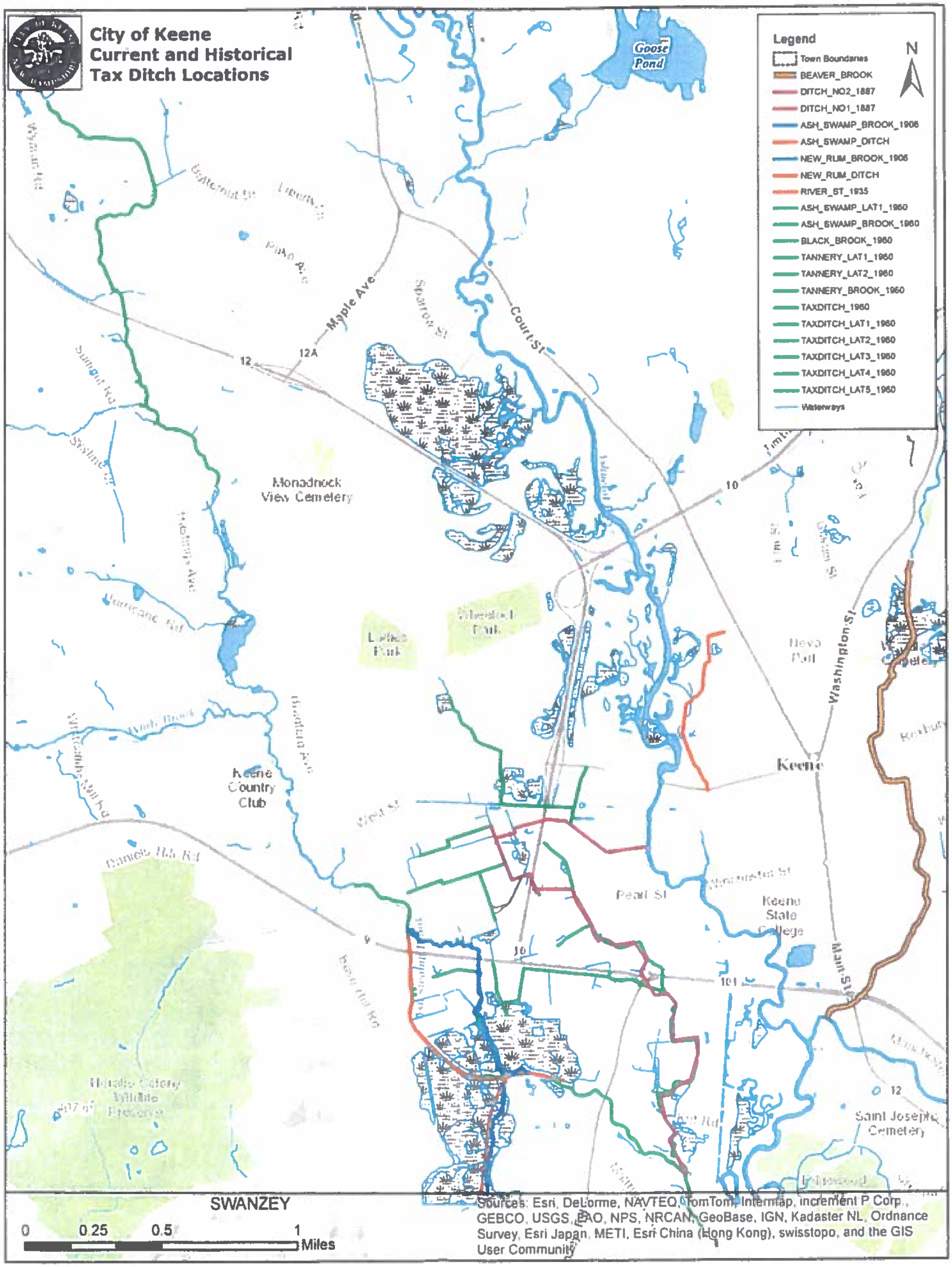
Sec. 102-1486. - Permitted uses within the Surface Water Protection Overlay District.

The uses listed in this section are permitted without a conditional use permit within the district, subject to any provisions specified in this article.

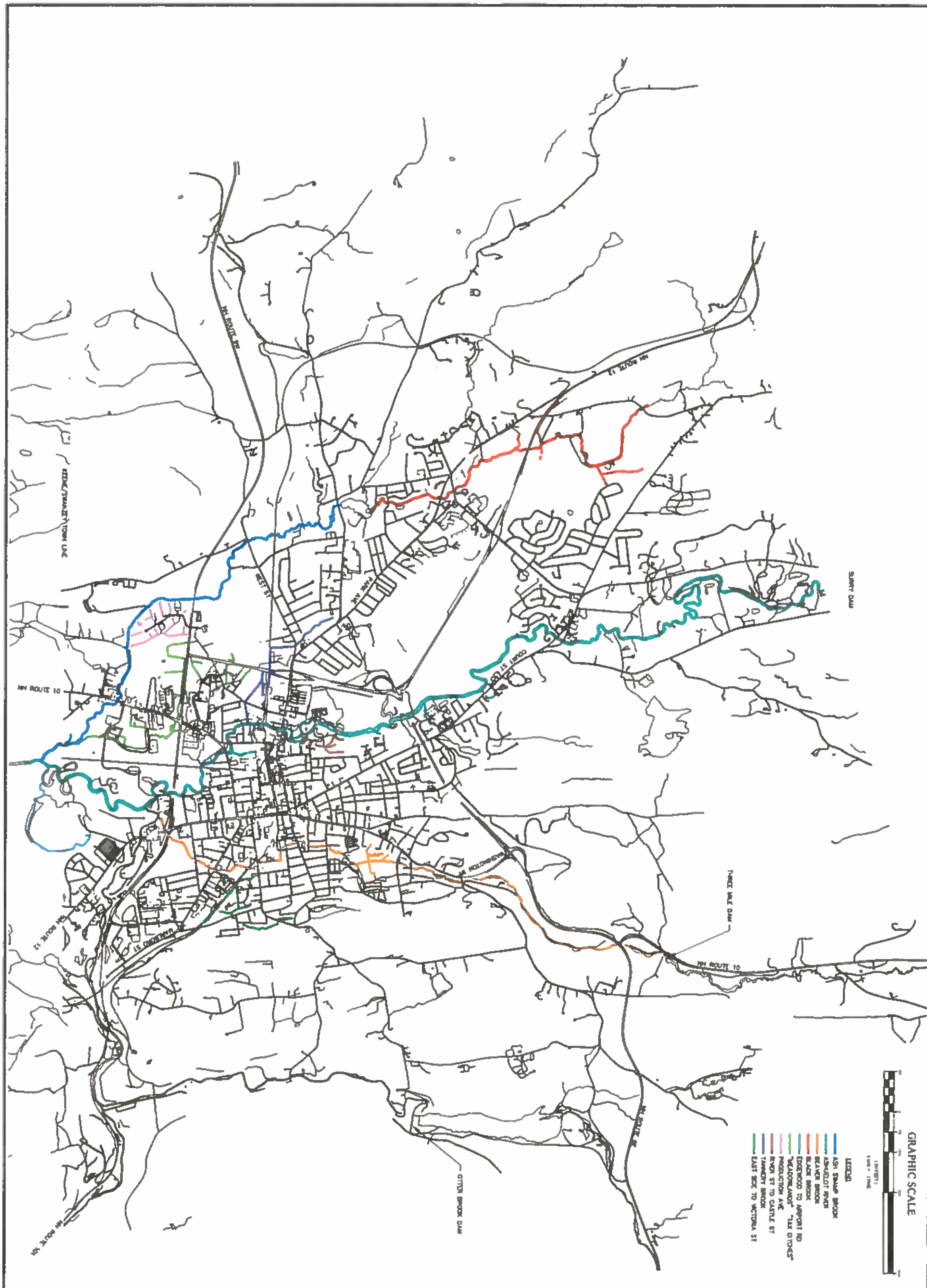
(1) Agricultural activities and operations as defined in RSA 21-34-a and governed by RSA 430 subject to i) Best Management Practices for agriculture as defined in this article; ii) compliance with all related state and local laws; and exceptions listed below.


Proposed Surface Water Protection
Ordinance Coverage by Zone
Gilsum
Surry
Westmoreland
Sullivan
N
Keene
Roxbury
Legend
Major Routes
Streets
100 Foot Buffer
30 Foot Buffer
10 Foot Buffer
GIS.NH_Towns
Marlborough
Chesterfield
Swanzey

DRAFT



City of Keene
Current and Historical
Tax Ditch Locations
Legend
Town Boundaries
BEAVER_BROOK
DITCH_NO2_1887
DITCH_NO1_1887
ASH_SWAMP_BROOK_1906
ASH_SWAMP_DITCH
NEW_RUM_BROOK_1906
NEW_RUM_DITCH
RIVER_ST_1935
ASH_SWAMP_LAT1_1960
ASH_SWAMP_BROOK_1960
BLACK_BROOK_1960
TANNERY_LAT1_1960
TANNERY_LAT2_1960
TANNERY_BROOK_1960
TAXDITCH_1960
TAXDITCH_LAT1_1960
TAXDITCH_LAT2_1960
TAXDITCH_LAT3_1960
TAXDITCH_LAT4_1960
TAXDITCH_LAT5_1960
Waterways
N
Goose Pond
Maple Ave
Court St
Monadnock View Cemetery
Keene Country Club
Keene
Pearl St
Keene State College
Washington St
Main St
Saint Joseph Cemetery
SWANZEY
0
0.25
0.5
1
Miles
Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, and the GIS User Community



CITY OF KEENE
INVENTORY OF WATERWAYS WHICH REQUIRE REGULAR MAINTENANCE

KEENE, NEW HAMPSHIRE

CITY OF KEENE
NEW HAMPSHIRE
ENGINEERING DIVISION

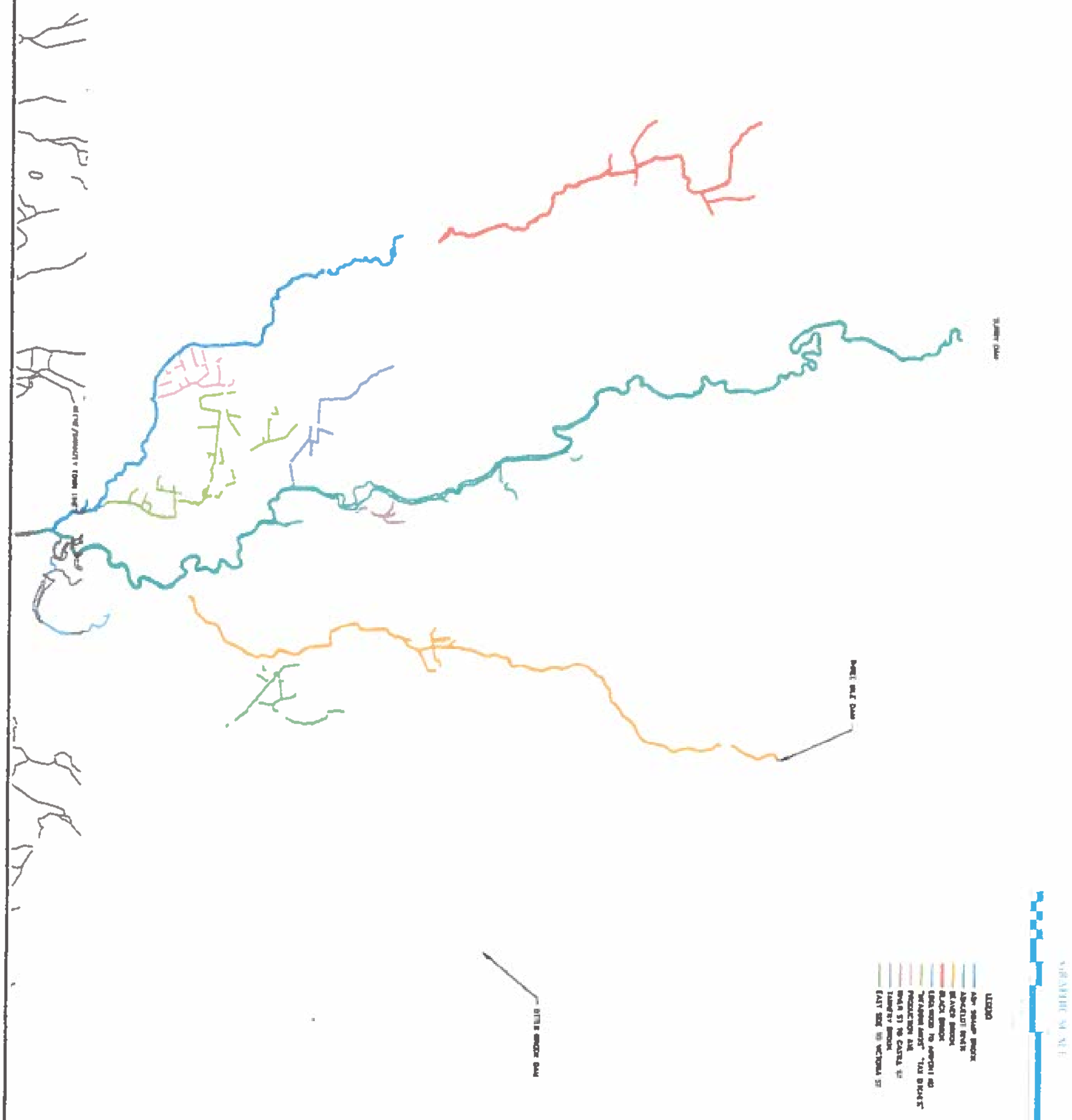
Drawn by: LJD
Designed by: N/A
Checked by: [illegible], City Engineer

EXISTING CONDITION:

SHEET 01

REVISIONS

1		[illegible]
2		
3		
4		
5		
6		



CITY OF KEENE
NEW HAMPSHIRE
ENGINEERING DIVISION

CITY OF KEENE
INVENTORY OF WATERWAYS WHICH REQUIRE REGULAR MAINTENANCE
KEENE, NEW HAMPSHIRE

REVISIONS

EXISTING CONDITIONS

SHEET 10

Rob Hitchcock

From: James Donison [jdonison@ci.keene.nh.us]
Sent: Monday, June 16, 2014 9:36 AM
To: Rob Hitchcock
Subject: RE: Beaver Brook at Harrison Street

yes

From: Rob Hitchcock [
Sent: Monday, June 16, 2014 9:33 AM
To: James Donison
Subject: Beaver Brook at Harrison Street

Jim,

Am I correct in stating Beaver Brook at Harrison is a manmade channel and was just recently dredged?

Rob

Rob Hitchcock, P.E.
SVE Associates
47 Marlboro Street
Keene, NH 03431
603-355-1532
603-381-4667 cell

City of Keene, N.H.
Transmittal Form

December 8, 2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.9.

SUBJECT: Acceptance of Donation - Police 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 accept a donation of up to $2000.00 for the purchase of new emergency lighting for the Police Department's Special Response Vehicle.

BACKGROUND:
Lt. Steven Tenney stated he was before the Committee regarding a donation from the Fenton Family Dealership in the amount of $2,000 for the purpose of installing blue lights on the department's new crime scene van. He indicated the department was just given the ambulance which the Fire Department retired from service. This vehicle replaces the crime scene van they recently retired.

Lt. Tenney went on to say in 2015 the crime scene was taken out 20 times for various calls. In 2016 it has been used 15 times.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a donation of up to $2000.00 for the purchase of new emergency lighting for the Police Department's Special Response Vehicle.

City of Keene, N.H.
Transmittal Form

December 8, 2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.10.

SUBJECT: Acceptance of Donation - Parks, Recreation and Facilities 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 accept a donation of $1000.00 and that the money is used by the Parks, Recreation and Facilities Department.

BACKGROUND:

Parks, Recreation and Facilities Director Andrew Bohannon stated this donation is from the Kiwanis Club for $1,000 for the purchase of new toddler play equipment. The goal is to reach $6,000 of which they have reached $2,000 so far. The Kiwanis Club has indicated they would donate another $1,000 one the City reaches the $5,000 mark.

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 donation of $1000.00 and that the money is used by the Parks, Recreation and Facilities Department.

City of Keene, N.H.
Transmittal Form

December 8, 2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.11.

SUBJECT: Acceptance of Donation - Youth Services 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 accept an award from the Cheshire Children's Museum in the amount of $25 for use by Youth Services.

BACKGROUND:

Youth Services Manager Elizabeth Brown addressed the Committee next and stated the Youth Services Department is in receipt of $25 from the Children’s Museum from their recent fundraiser. They were raising monies for agencies that work with youth and families.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept an award from the Cheshire Children's Museum in the amount of $25 for use by Youth Services.

City of Keene, N.H.
Transmittal Form

December 8, 2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.12.

SUBJECT: Acceptance of NH Juvenile Court Diversion Funding - Youth Services 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 accept and administer funds provided by New Hampshire Juvenile Court Diversion Network for Youth Services programs.

BACKGROUND:
Ms. Brown stated the department is in line to receive a grant from the New Hampshire Juvenile Court Diversion Network which would be a two year grant in the amount of $22,691. With this funding the plan is to hire a part-time case manager to help with the Juvenile Court Diversion program.

Councilor Clark asked Ms. Brown to explain how this money will help the department.
Ms. Brown stated this money will help them do outreach work with the police departments, substance use assessment tool for every youth that comes through the program, which will be sent to the Center for Excellence in Concord to reaffirm the diversion program in the State. This will help with the pilot program they are trying to put in place for screening.

Ms. Brown stated currently her work load is 40 youth and having some help is something she needs. Councilor Powers stated this is something this community needs but expressed concern that a lot of progress is going to be made and the grant money will then run out. The Councilor felt working with youth is a priority and is a priority the Council needs to take into account. He felt the case load won't get any smaller.

Councilor Kahn added this is something that will start getting attention at the state and federal level.

Councilor Jacobs noted this type of program helps the City save money.

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 accept and administer funds provided by New Hampshire Juvenile Court Diversion Network for Youth Services programs.

City of Keene, N.H.
Transmittal Form

December 8, 2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.13.

SUBJECT: Development Agreement - Library Renovation Project - Library Director, KPL Trustees and KPL Friends

---

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 a Development Agreement with Monadnock Economic Development Corporation (MEDC), or its assigns, the Library Trustees and the Friends of the Keene Public Library, together with all other necessary documents and agreements in a form acceptable to the City Attorney, including but not limited to purchase and sale agreements, deed(s) of transfer, financing documents, and leases, for the purpose of financing, constructing, operating and maintaining the Library Renovation Project.

BACKGROUND:
City Manager, Med Kopczynski began by saying that he wanted to remind the public about the importance of this project. This project has had a long history of cooperation between the City, Friends of the Library, Trustees of the Library and City Council. We are now at the point of beginning the construction of the project. He felt this project will contribute to the vitality of the downtown.

Library Director, Nancy Vincent began by introducing Kathleen Packard, President of the Board of Trustees and Jane Pitts, President of the Friends of the Library. Ms. Vincent stated they have been working together on this project since 2013 and informally a year before that. The next step is important to the project.

Ms. Kathleen Packard of 19 Terrace Street, President of the Board of Trustees stated she wanted to give the Committee a brief background on this project and how they got to where they are today. Ms. Packard stated the Trustees, Friends and the City have been working on this renovation project since the Keene Annex Advisory Committee was formed in 2013. In March 2014, the parties entered into a Memorandum of Understanding for the possible expansion of the library and annex. This public/private partnership is what has enabled this project to move forward. With joint funding coming from the Trustees, Friends and the City, the City contracted with Tappe Architects which is currently in the construction documents phase of the work with a targeted completion date of January 2017.

Here are some of the approval steps that have been accomplished: Capital Improvement Program for 2017-2022 that included funding for the library campus development, Historic District Commission approval of the design, zoning change for the annex, a Resolution the tax increment financing district to include library buildings, Planning Board site plan approval, and a Resolution for appropriation of funds for the project.

Ms. Packard stated with all these approvals obtained they are now in the phase of fundraising. With that Ms. Packard turned the presentation over to Jane Pitts.

Ms. Jane Pitts of 15 Acrebrook Road stated she was the Committee to talk about the capital campaign fund drive. Ms. Pitts stated in 2014 the City Council approved a Memorandum of Understanding between the City, Friends and the Trustees for a temporarily restricted Trust Fund to accept and expend funds for this project. Because of the value of the project to the community the Friends of the Library decided to provide the needed funding for personnel, materials and running of the next chapter capital campaign. The Friends are very invested in this project and to date have contributed $336,000 towards this project.

Ms. Pitts stated since her last reporting many groups have been hard at work with fundraising effort of five millions dollars. This fall the campaign went public there have also been many grants submitted, a campaign website with donation capabilities was created, print and radio advertisements, targeted mail campaigns and social media are being used for the campaign drive. In October the community was invited to view a 3D model of the project which is currently on display at the library. This model is collaboration between a trustee and an architectural student from Keene State College.

Ms. Pitts stated to date the Next Chapter Capital Campaign has received pledges and donations from over 240 donors and has received $4,004,151 which is 80% of the five million dollar goal. She indicated they are encouraged by the generosity of the community since the campaign began in January.

In addition to fundraising, another important component to this fundraising is the application for state and federal new market tax credits. Ms. Pitts stated they have been working with Jack Dugan of MEDC on this issue and approval to negotiate and execute a development agreement with MEDC is crucial to this project.

Mr. Jack Dugan of Monadnock Economic Development Corporation (MEDC) began by circulating a document which outlined the uses and sources of funds that would help accomplish this project.

The construction costs represent renovating the annex but also to complete the site work for the development of the property and the construction of the connector. Engelberth has been selected to be the Construction Manager for this project.

The purchase price has been assigned a value of 2.5 million dollars to the existing annex and in addition to purchasing the building and the land MEDC is also going to purchase close to $750,000 worth of furniture and equipment for use in the renovated buildings.
The next is soft costs which are reimbursing costs already incurred with the architect and paying him through construction oversight of the project, as well as various permits and owner's contingencies.

Last but not least legal and financing fees, which brings the total project use to complete this project to an amount of $13,697,616.

Mr. Dugan went on to say the largest source of funding for this project comes from the sale of new market tax credits and the expected amount MEDC is planning on deriving from the sale of new market tax credits which is close to four million dollars. The next is historic tax credits – even if the building cannot be placed on the Historic Register the building still qualified for 10% tax credits. The same group that purchases the new market tax credits will also be purchasing the historic tax credits.

Mr. Dugan went on to say the next item is the City bond of two million dollars which is the only loan for the entire 13.5 million dollar project. The last is the sale price of the building and land – MEDC has to purchase this building and land from the City to be able to gain tax credits and invest in the project. MEDC has a loan agreement and a promissory note with the City for 2.5 million dollars until the end of the recapture period of the new market tax credits.

Mr. Dugan was invited to attend the next Council meeting to help explain this transaction to the City Council.

Chair Greenwald asked who purchases the new market tax credit and historic tax credit. Mr. Dugan stated the US Bank purchases them, is the primary bank is often involved in this type of purchase. The Chairman asked how the banks make their money. Mr. Dugan stated the bank purchase these tax credits at a discount (85 cents on the dollar). During the seven year recapture period they are also an investor in the project and during these seven years they also get the benefits of all the tax benefits.

Councilor Powers clarified all the money raised by the Friends and the Trustees go toward the annex project. Finance Director, Steve Thornton answered in the affirmative. Mr. Dugan stated the way he understands the project is the goal of the fundraising is five million, of which the first three million would go into the annex project and the balance would go into the existing library renovation. The City Attorney clarified the City bond would go in its entirety toward the annex project. Mr. Dugan and Mr. Thornton agreed.

Councilor Jacobs asked what portion of the project the agreement in front of the Committee today would cover. Mr. Dugan stated as far they are concerned, they were involved with the connector, annex and the site work but there is now the potential for MEDC to complete both buildings under one new market tax credit umbrella. Regardless of how this is worked out, the City would only be involved in a two million dollar bond.

The Manager stated the renovations to the existing library, at least in concept, have only been a review by the architect's engineer and assigning some numbers to that – there has been no design work done. The understanding is that with the new market tax credit and the donations there would be a funding stream to be able to take care of the library renovations. What Mr. Dugan is saying today is that these renovations might be able to be accomplished as part of this project with the new market tax credits available. If that turns out to be true and the Council approves it, a development agreement will be formulated and a validation of design would need to be completed.

The Chairman asked for the City Attorney's comments. Attorney Mullins stated the motion before the Committee accomplishes all these possibilities. Initially when this matter came forward, the City had to make sure the library project and the annex project were kept separate. What Mr. Dugan is saying today is that the new market tax credit could sweep in the entire project. Hence, the development agreement would take either one or the other track depending on Mr. Dugan's negotiations. The Committee's motion contemplates all of these possibilities.

Councilor Kahn felt the progress made today is really impressive and needs to be commended. However, what is unclear is the ownership of the main library and the use of new market tax credits on that work. Mr. Dugan responded the main library needs to be owned by the City of Keene and it cannot be transferred to anyone else. He continued MEDC would enter into a cross use agreement that would allow library patrons to utilize the annex and vice versa. The CDE would accept that as evidence that patrons who use the annex could utilize the services of the library and vice versa. This could bring in an additional $400,000 in tax credits.

The City Manager stated the City would like to be clear on the costs and asked the Finance Director to explain those costs. Mr. Thornton explained last spring staff came before the Council to expand the tax increment financing district to include the library and qualify for new market tax credit cost estimates were presented. At that time property taxes and debt service on the two million dollar bond was included.

He noted that Heberton Hall will leave City ownership and transferred to a private entity which will pay taxes into the TIF District. When all costs are calculated the budgetary impact would be about $500,000 per year for the seven year life of the new market tax credit project. This would be funded through the Wells Street TIF District. Mr. Thornton referred to the $140,000 figure on the document he circulated to Committee which is the amount of the debt service. This is an amount the City would have incurred for work on the library regardless of the project.

The City Manager added there will be costs that will be borne for the time of the loan, but the majority of the costs are paid out of the increase in tax value of the TIF District.

Mr. Dugan continued what MEDC would have is a True Net Lease with the City; the City will pay MEDC rent which is an interest only payment based on the debt service – two million dollar bond, interest (3%), annual interest $60,000 and MEDC is required to charge 1.25 times that which would be $75,000 per year for the 7 year period. This goes through the process and once fees are deducted $60,000 goes back to the City as an interest payment. Because it is a True Net Lease, the City will be responsible for repairs, utilities, property taxes and everything associated with maintaining this structure.

Attorney Mullins stated this was vetted through Bond Counsel last year and their opinion is the City would have no problem going forward with a tax exempt bond; however, now that the structure is in place he will have the Bond Counsel review this again.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a Development Agreement with Monadnock Economic Development Corporation (MEDC), or its assigns, the Library Trustees and the Friends of the Keene Public Library, together with all other necessary documents and agreements in a form acceptable to the City Attorney, including but not limited to purchase and sale agreements, deed(s) of transfer, financing documents, and leases, for the purpose of financing, constructing, operating and maintaining the Library Renovation Project.

City of Keene, N.H.
Transmittal Form

December 8, 2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.14.

SUBJECT: Transfer of Funds - Presidential Election - City Clerk's Office

---

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommend the transfer of $1500 from account 00201-62107 to account 00201-61307 and $4,273 from account 00200-62710 to account 00001-61307 to complete the data entry associated with the Presidential Election and to reimburse the payroll expenses accrued with the use of minute taking staff to support the election process.

BACKGROUND:

City Clerk Patty Little stated she was before the Committee regarding transfer of funds from surplus in her election budget. She noted that for national election there is a significant amount of data which needs to be reconciled into the State database under a very tight timeframe. For the Presidential election the City has 2,722 new voters who registered that day and 12,887 voters who participated in the election. All of this data needs to be entered into the State database.

Ms. Little stated prior to the election, the department was inundated with absentee ballot requests which has a same day turnaround time. To be able to complete this work, her office requested some of the minute takers to help with this work. The request before the Committee is to replenish the minute taker account which is under the City Council Cost Center as well as transfer from the election worker account to the part-time election worker account.

Councilor Powers clarified the reason the Clerk is before this Committee is because one of these accounts is an operating account. He continued that he did not believe that the postage account had as much funds available as being indicated. Ms. Little responded she believed the postage account had a surplus of $4,273 and suggested that this account included a supplemental appropriation.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommend the transfer of $1500 from account 00201-62107 to account 00201-61307 and $4,273 from account 00200-62710 to account 00001-61307 to complete the data entry associated with the Presidential Election and to reimburse the payroll expenses accrued with the use of minute taking staff to support the election process.

City of Keene, N.H.
Transmittal Form

December 8, 2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.15.

SUBJECT: Recommendation to Waive Parking Meter Rates - Thanksgiving Holiday

---

RECOMMENDATION:
On 5-0 vote, the Finance, Organization and Personnel Committee recommends that staff introduce an Ordinance authorizing a parking holiday waiving meter rates for the full Thanksgiving weekend while enforcing the two hour limit.

BACKGROUND:
Councilor Kahn noted Thanksgiving weekend is one of the busiest shopping times and those downtown merchants who choose to be located downtown should not have to deal with metered rates. He stated he observed an abundance of people downtown but also an abundance of ticket writing downtown. He indicated parking in excess of four hours could inhibit the turnover, but he hoped parking services could offer some type of compromise.

Councilor Kahn stated he has heard from downtown merchants who feel this is suggestion is a good idea. This request is for the waiving of rates from Thursday through Sunday.

Chair Greenwald noted that City Hall was closed on Thursday and Friday so there were no tickets issued on those two days. He added when parking meters are waived this does not waive the two-hour limit. The only two days the Council needs to consider are Saturday and Sunday and added he has also noticed when there is free parking downtown, there are still people who feed the meter. The Chairman asked what the lack of revenue would be if this proposal was granted. Parking Services Manager, Ginger Hill stated just for Saturday it would be $1,500 just in coins.

Councilor Powers stated the Ordinance dictates the meters are not in effect on Sunday and there are also certain holidays where the meters are exempt. Ms. Hill noted the Downtown Group has also requested four weekends each year and there is also free parking seven days prior to Christmas (12 free days in all).

Councilor Clark stated the weekend of Thanksgiving is when most merchants make about 50% of their annual revenue. The Councilor asked whether the $1,500 was an average – Ms. Hill answered in the affirmative. The Councilor agreed with Councilor Kahn that downtown merchants are at a disadvantage with metered rates. He felt sometime in the future the City should probably be re-evaluating this system – to go to a taxed zoned; people who own the buildings downtown pay a little extra to provide parking but keeping the two-hour limit. He stated he was in favor of this request to support commerce downtown.

Councilor Jacobs stated it was the merchants who asked for the parking meters, the reason being people were using these spaces to park all day and customers who could access the businesses. He added this money goes into a separate fund to support parking infrastructure.

The Chairman stressed if this request is granted the two-hour limit will still continue.

Councilor Clark noted the free parking for the 12 days throughout the year will have a revenue loss of $18,000 and stated he would like to find out from Ms. Hill what impact this amount would have on the parking fund.

The Chair asked for public comment.

Mr. Ted McGreer of Main Street stated there is nothing downtown that people can't buy from the comfort of their own home. He stated it is not about the big box stores that downtown merchants are in competition with, but rather the World Wide Web. Mr. McGreer stated the loss of merchants' downtown would be a terrible blow to the downtown and he thanked the Council for their consideration of this request.

Mr. Chuck Redfern of Colby Street stated he monitors the WKBK News Channel and in the last week or so the number one subject has been the health of the downtown. He agreed these merchants are competing with the Black Friday events and he felt Saturday is a crucial day for shopping. He also noted to a caller from downtown who had received a ticket and was questioning if she would ever shop downtown in the future.

Councilor Powers noted what is going to be done is to insert these days into the existing ordinance relative to this matter. The Councilor felt the City needs to be consistent as to what it tells the public; by providing this free parking, the City will be reinforcing what they have attempted to do when providing free parking during Christmas week.

The Manager thanked the Councilor for recognizing there is a balance that needs to be struck about maintaining the downtown as well as attracting people to the downtown. He agreed this was a difficult balance but it needs to work for everyone.

The Chairman thanked city staff for expediting this issue so a quick fast decision could be made on it.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that staff introduce an Ordinance authorizing a parking holiday waiving meter rates for the full Thanksgiving weekend while enforcing the two hour limit.

City of Keene, N.H.
Transmittal Form

December 8, 2016

TO: Mayor and Keene City Council

FROM: Finance Organization and Personnel Committee

ITEM: D.16.

SUBJECT: Charter Officer Evaluation Process - Councilor Clark and ACM/Human Resources Director

---

RECOMMENDATION:

On a vote of 5 – 0, the Finance Organization and Personnel Committee recommends the endorsement by the City Councilors of the evaluation process and flowchart as discussed.

On a vote of 5 – 0, the Finance Organization and Personnel Committee recommends the acceptance of Councilor Clark's recommendation of the Charter Officer's evaluation process.

ATTACHMENTS:

Description

Charter Employee Review Process Flow Chart

BACKGROUND:

Chair Greenwald explained that the City's Charter Officers are the City Clerk, City Manager and the City Attorney. He reviewed the most recent history of the item with the informational report being referred back to the Committee along with a communication from Councilor Clark. The Chairman stated he would address both items at the same time.

Chair Greenwald recognized Councilor Clark to address his letter.

Councilor Clark stated that there has never been a formal procedure to evaluate the Charter Officers. The City Council never stipulated specific goals during their yearly evaluation. The evaluation process being recommended provides for short term goals to guide the senior staff forward.

Councilor Clark stated in July 2016, something related to this item was on the FOP agenda and the item was put on more time, but it never came back until recently and at that point the proposal identified the three Standing Chairs as the evaluation team.

He noted Section 22 of Council Rules indicate the FOP is charged with dealing with personnel matters of the city. However, this proposal took the evaluation out of the hands of the FOP Committee and placed it in the hands of the Chairs of the three Standing Committees and the Mayor. This change removes the process out of the public realm because the evaluation team was not a public body. Councilor Clark stated he understands the change but it takes away from the honest and open relationship the Council is supposed to have with the public. Councilor Clark stated he disagrees taking it out of FOP and placing it in the hands of the three Chairs and the Mayor.

The second item the Councilor referred to is the flow chart where it calls for the FOP Chair Greenwald to circulate blank evaluation forms to the Council and the employees to complete and provide comments through the Standing Chairs. He stated how this is different from how things were done in the past is that it puts Councilors at a disadvantage because it does not give the Councilors the value of seeing the completed self-evaluation of the employee and any goals they are recommending.

Chair Greenwald noted the evaluation of the charter officers is a process that has been designed by the Chair of the FOP Committee for as far back as he can remember. Sometimes the evaluation was done just by the Chairman, sometimes by the entire Committee and at times by the full City Council. However, this review has always been non-public. He added this process was designed to give good input to the employee and to extract good information from the Council. The process is not a secret but it is for privacy required for the charter officers.

Chair Greenwald went on to say that when the flow chart was reviewed an error noted; and he distributed corrected copies the flowchart.

The Chairman went on to say he felt completing this review just by the Finance Committee provides for a very narrow view and it’s his hope that the Committee Chairs would work very closely with their Committees and extract the feedback their Committee membership. He felt the recommended process was less formal and this was appropriate.

Councilor Clark asked how the Committee Chairs are going to work with their individual Committee members without the need for a quorum. Chair Greenwald stated it would be on a one on one basis. The Councilor felt the three Chairs with the Mayor meeting would have no accountability to the public. He added minutes would not be kept under the recommend evaluation process.

Councilor Jacobs stated there seems to be a conflict between the Right to Know law and the right to privacy for the employee. The Councilor felt this process should embrace the right to privacy and also include input from the rest of the Council. He felt if Councilors don’t take the opportunity to make comment it is on them and not on the structure and he did not feel the proposed structure is going to keep anyone from being heard. The Councilor felt he might not be at the final table with the employee, but there comes a time when you have to believe someone else will properly represent you. He stated he was comfortable with the process being proposed and preferred the formality of the process rather than how evaluations have been handled in the past.

Councilor O’Connor addressed the Committee next. He felt it was important for the charter officers to have a process that is streamlined and he felt what is being proposed meets that objective. The Councilor felt the last evaluation process was a long drawn out process. Councilor O’Connor asked who prepared the packet of information that the Council was given as he found it confusing. The Chair responded the Human Resources Director provided the packet of information, which is an evolving process. Hopefully this will work and perhaps it could become part of the City Council’s Rules of Order.

Mayor Lane addressed the Committee and stated what his being proposed is an experimental process. There is no proposal to include this into the Ordinances at this time. The Mayor noted there has been reference made to Section 22 but noted there is nothing in the rules regarding the evaluation of the Charter Officers. Charter Officers are not personnel of the City; they are hired by the City Council and hence have a different role and a different category of employment.

Councilor Jones stated he was never happy with the process which was in place as he felt it was not fair to the Charter Officers. He felt the people who work for the City work for the citizens of the City, but each of them is entitled to a private evaluation with their superior. This is no difference for the Charter Officers excepting they are being evaluated by the Council. A non-public session does not always guarantee privacy because there are minutes kept. He thanked Chair Greenwald for this proposal but suggested one change - Item 4. E. "Mayor convenes the Standing Committee Chairs" and suggested adding the words "or designee" should one of the members not be available for this evaluation.

Councilor Chadbourne addressed the Committee and stated she appreciated this matter coming back to the Committee. She agreed that the Charter Officers are entitled to a fair and respectful process; however, she indicated she does not agreed that the HR Director should be involved in this process as the HR Director is hired and fired by the City Manager and she felt this could be a conflict of interest. The Councilor felt Primex was a great resource and they could be used more in the evaluation process.

The Councilor felt the Council has an obligation to the public to make sure the Charter Officers are performing their duties. She agreed it is probably more comfortable and constructive for this process to happen in front of a smaller group. However, she felt the Council should meet as a body after the self-evaluation is completed. The City Council acts as a body and somewhere in this process, we should consider a full Council meeting.

The Councilor felt there should be minutes retained. These charter officers have a lot of power and responsibility and they deserve respect and they do have the right to privacy, but not when it usurps the Council's responsibility. There is something that could be gained by having the full City Council involved. She felt if the Council was leaning towards the three Chairs she suggested two more Councilors be added which would require minutes to be taken. The Councilor indicated her preference for the FOP Committee to administer the process. Here again the Councilor suggested Primex or a paralegal be hired. The Councilor stressed the responsibility the Council has to the public, which should never be lessened.

Chair Greenwald asked the City Attorney about bringing in an outside minute taker. Attorney Mullins stated bringing someone from the outside to take minutes is problematic. The City has minute takers who are City employees who participate in non-public sessions. The more you open the door the more there could be an issue. Attorney Mullins added the Charter Officers are not in favor of taking minutes for each other, but the Councilor could always do this or a recorder can be used for later transcription. He discouraged the Council from stepping outside City employees. Councilor Chadbourne stated she has been a minute taker and was willing to take minutes or use a recorder.

Councilor Powers suggested getting back to basics and to not complicate the process anymore. He felt the reference to goals is getting complicated. He continued when the City Council adopts the recommended goals from the Special Committee on City Council Goals, the Charter Officers could be directed to implement certain of those goals. The goals that are referenced in this evaluation process are their personal goals. He felt this evaluation process should be tried. Having 15 Councilors and the Mayor doing the evaluation doesn't work. If a Councilor has a question it has to be brought up to the Charter Officer then and not waiting for an evaluation.

Mr. Charles Redfern of 9 Colby Street began by thanking Councilor Clark for giving the other Councilors and the public to participate in this process. What is being proposed formalizes the process and it is a better process. Mr. Redfern spoke to his concern with the balance of power, as the Mayor appoints the Chairs of the Standing Committees. He questioned if this evaluation is shifted from the FOP to the three Standing Chairs what role the Mayor has. Chair Greenwald stated the Mayor never has had a role in the evaluation process. Mr. Redfern stated he was comfortable with the three Standing Chairs performing this evaluation. Councilor Clark stated Item e. does make a reference to the Mayor to "schedule and facilitate." Mayor Lane stated his role in the process is purely ministerial and the Mayor has no substantive role in the evaluation process.

Councilor Chadbourne stated she understands the concern that Mr. Redfern has brought forward. She stated most of the Councilors serve on other boards outside of the City Council. She referred to a Non-City Board that she is aware of with 18 or so members on the Board with an executive committee. The employee does a self-evaluation which is shared with the whole board which discusses it and the executive committee meets with the employee. She encouraged the Council to think as a board in this instance.

Councilor Clark suggested the Committee move forward with his suggested process. The Chair responded that the Committee would be making any recommendation on the evaluation process referenced in the FOP informational report, but did refer back to the one correction in the flowchart which would have the FOP Chair sending the Charter Officer's self-evaluation to the City Councilors with an invitation for their input.

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

That the Finance, Organization and Personnel Committee recommend to the City Council the endorsement of the process and flow chart as presented this evening.

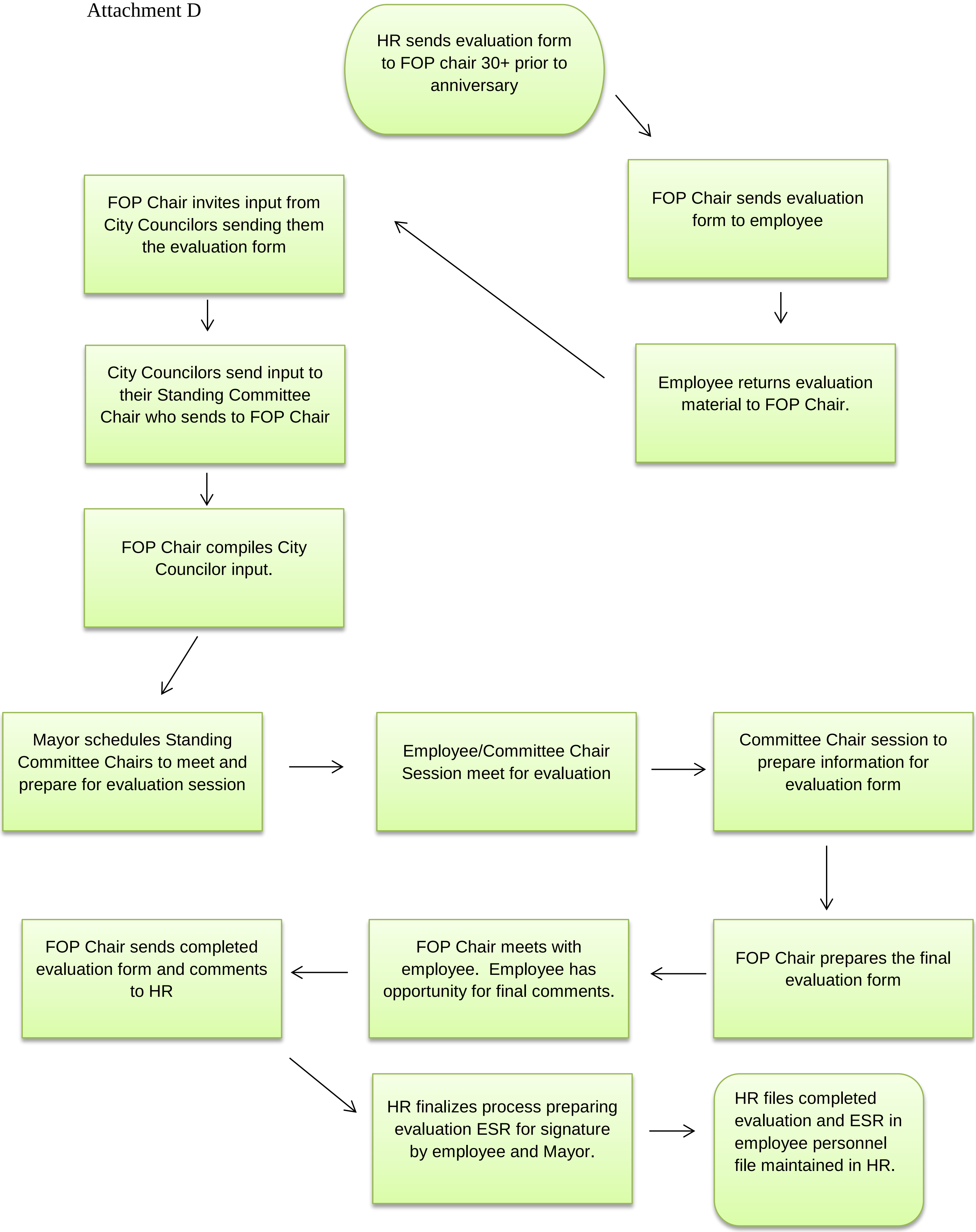
Councilor Kahn felt this process has been through a lot of review and even though there might not be consensus, it is a process that is going to be voted on by the entire Council. He felt there is justification for the Committee Chairs to be included in the process, but if it is seen the Councilors' comments are not moved forward, it can always be changed.

Councilor Clark felt this has been a robust conversation. He stated he will support the motion.

On a vote of 5 – 0, the Finance Organization and Personnel Committee recommends the endorsement by the City Councilors of the evaluation process and flowchart as discussed.

On a vote of 5 – 0, the Finance Organization and Personnel Committee recommends the acceptance of Councilor Clark's recommendation of the Charter Officer's evaluation process.

Attachment D



City of Keene, N.H.
Transmittal Form

December 9, 2016

TO: Mayor and Keene City Council

FROM: Land Use Code Update Think Tank

THROUGH: Tara Kessler, Planner

ITEM: F.1.

SUBJECT: Land Use Code Update Phase I Report

RECOMMENDATION:

On November 21, 2016, the Land Use Code Update Think Tank reviewed the final report produced by Town Planning and Urban Design Collaborative for Phase I of the Land Use Code Update project. The Think Tank recommends the City Council directs staff to develop scopes of work and procure cost estimates for strategies #4, 5, and 6, which are described in the report, prior to pursuing phase II of the project.

BACKGROUND:

How the City of Keene looks and feels, now and into the future, is largely determined by our Code of Ordinances and land use regulations. These regulations and standards govern a broad range of activities including permissible land uses, building densities, aesthetics, setbacks, street widths, parking requirements, natural resource protection etc. They are a critical tool for guiding growth and development in a manner consistent with our community vision and to encourage economic development and job opportunity. While the City has made many changes to its regulations to address goals related to housing, economic development, environmental protection, stormwater management, and transportation, it has been over 40 years since a comprehensive review has been undertaken. In order to stay responsive to our community's changing needs, the effectiveness of our regulatory framework must be periodically evaluated.

This need to review and update the City's land use regulations was identified by the community as the top priority in the 2010 Comprehensive Master Plan. Recognizing this need for a review/update, the City Council approved the use of $200,000 to fund this action item through the City's Capital Improvement Program. In the summer of 2016, the City contracted with the consulting firm, Town Planning and Urban Design Collaborative, to assess the City's current land use regulations and conduct a review of options for revising the existing regulatory framework. A Think Tank was formed, composed of a diverse cross-section of community members, to provide oversight and guidance to City staff and the selected consultant on Phase I of the Land Use Code Update Project.

The work of the consultant and Think Tank was intended to be the first of a two-phase initiative. The second phase of this project will involve the preparation of draft regulatory changes for consideration by City Council. It is anticipated that the work performed by the consultant in the first phase will be used to guide the revisions proposed in the second phase. This first phase is an opportunity for the City to confirm the purpose and intent of the project, seek public input and support, and consider changes in the community since the project was first identified in 2010, before embarking on the task of writing comprehensive code changes.

The following hyperlink will direct you to the final report and recommendations produced by the consultants for the

first phase of this project:
http://ci.keene.nh.us/sites/default/files/FINAL%20Keene%20Report%20%20FULL%20120516.pdf.

A hard copy of this report has been placed in each Councilor's mailbox and is on file at the Planning Department and City Clerk's office. City staff and members of the Land Use Code Update Think Tank have worked closely with the consultant to review their observations, findings, and recommendations as they have developed. While the Think Tank agrees with and endorses the proposed strategies described in the report for conducting phase II of the project, they feel more information (e.g. cost estimates) is needed before the City would be able to move forward. The Think Tank encourages the City to develop scopes of work and procure cost estimates for strategies #4, 5, and 6, which are described in the report.

City of Keene, N.H.
Transmittal Form

December 7, 2016

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities, and Infrastructure Committee

ITEM: G.1.

SUBJECT: United Church of Christ – Request to Remove Trees in Front of the Church

---

RECOMMENDATION:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the request from the United Church of Christ to remove trees in front of the church steeple be placed on more time for one cycle.

BACKGROUND:

Dale Pregent, member of United Church of Christ (UCC)'s fundraising committee for the resurrection and reconstruction of the steeple at the head of the square, introduced himself and Linda Mangones, UCC member who has been working on the project.

Ms. Mangones stated that the project, which is scheduled for next year includes the complete rehabilitation of the steeple and painting of the building and the steeple's façade. She continued that this may be the biggest project done since the steeple was built. It will require four months of scaffolding, starting early in the spring. There will be very little interruption to the City except when the scaffolding is going up and down. They need full access to the steeple and the façade. There are two trees on the sidewalk with branches that are completely touching and covering the entire façade. It would be impossible to put scaffolding up or down with the trees there. In theory, the branches could be cut back drastically. The UCC has talked with the Public Works Department about the church being allowed to remove the trees and making a financial contribution to the City's tree fund so they could be replaced, according to whatever plan the City has.

Mr. Pregent stated that about a year ago Rick Zucker asked him to join this organization and help raise the money to resurrect the steeple. He continued that recently people may have seen the work they have been doing. They will have musicals and concerts to raise money. They received a donation from LCHIP and others and need to raise about $80,000 more. He held up a photo showing the church before the trees were blocking it. They are not asking to go quite as far as making it as clear as the photo shows. They would love to work with the City. He read their request out loud: "Working with the Public Works Director and City Engineer, we would like to propose: the United Church of Christ seeks permission from the City to remove the two trees at our cost." Mr. Pregent continued that he wants to emphasize that any work done would be at the cost of the church, not the City. If the City pays for something, the UCC would reimburse the money. The UCC would give a contribution to the tree fund or do whatever the City wants them to do. It is important for the trees not be there, for protection of the scaffolding and people on and under it. The work will also involve a crane and the area needs to be clear for that. The trees in front rub against the church and they rub the paint off very quickly. The plan is to start the work in the spring of 2017. They want to work with the City Engineer and Public Works Department to schedule this so it does not hold up their planned work in the spring.

Councilor Filiault stated that he agrees that the trees should come down, not just because they are a hindrance to the painting. He continued that he would like to not replace them, and maybe do landscaping in the front. The steeple is a landmark and he would like it to remain open. It would be beautiful to be able to see the church more clearly when you come up Main Street. People get upset when you remove trees downtown, but in this case, he thinks they can get along well with two fewer trees downtown.

Ms. Mangones stated that when she moved here in 1973, she was astounded at how beautiful the church was. She agrees that it would be great to have that view again.

Mr. Pregent stated that the committee did just what Councilor Filiault stated . They set it up so it becomes a community project. He continued that people from all over drive into Keene and expect to see the beautiful steeple at the head of the square. He, too, would like to see it as open as possible.

Councilor O'Connor stated that he is in favor of not replacing the trees. He continued that they would grow and eventually need to be removed again. Not having trees is also helpful for maintenance purposes, so they do not create mold or rub the paint off.

Councilor Hooper stated that he agrees that the trees should be removed. He continued that over the years when he photographed the church he used to be able to get great shots from far away but then he needed to get closer and closer with special lenses, and now he cannot get any good shots because the trees are in the way. The view to the church should be kept open.

Mr. Blomquist stated that he appreciates the committee's comments about what should happen afterwards. He continued that the downtown was designed specifically. There are folks who enjoy the trees. This evening the focus of the discussion is about whether to allow the church to remove the trees for their purposes. From his perspective it is appropriate for the church to pay for replacement trees, as the City would require of anyone removing City infrastructure. What the City decides to do after the trees are removed is something to discuss down the line. Staff will come back, over time, with recommendations about that. This project will take about 12 to 18 months to get through and planting would not occur until the spring of 2018, so there is plenty of time to talk about what will happen when the church's project is done.

Councilor Lamoureux stated that there is funding put aside to do a survey about the downtown area and look at its revitalization. He continued that he thinks they should hold off until those studies are completed. If trees needed to be replaced they could be planted either there or another location. Coming up Main Street, you used to see that church clearly, and now you cannot see it at all. He is in favor of removing these trees, even if other trees went in, maybe a different type of tree that would not grow that tall.

Chair Manwaring stated that the Savings Bank of Walpole on Marlborough Street has a photo of downtown and it shows the church right in the middle. She continued that she is not sure what year it is but the trees are small. It is a very different view.

The City Manager stated that normally, newly introduced items to the committee are placed on more time. He asked if this item will be placed on more time so the Public Works Department can work out the details and bring back more information. That was the understanding he had.

Councilor Filiault asked if they need to bring this back a second time. Chair Manwaring asked if they could have it handled administratively. Mr. Blomquist replied that City Code states that if someone is removing a healthy tree they need permission from the Mayor and the City Council. He continued that staff does not have a recommended motion for tonight. Putting it on more time would be appropriate since the committee is hearing this for the first time tonight.

Councilor Filiault stated that this is not rocket science and they know what decision they want to make and they can do this tonight. He continued that the City Council can send it back if they want, if they disagree with the MSFI Committee.

Councilor O'Connor stated that he thinks it should go to the Mayor and the Public Works Department for more discussion.

Councilor Lamoureux stated that he did not see what the total expected cost is for the project. Ms. Mangones replied $330,000. She continued that the steeple work is $300,000 and the rest has to do with the trees. Prior to going to the public, the church, between the LCHIP and others, had raised $50,000. There has been an additional $100,000 since the public campaign started. A generous donation came from the Putnam Foundation. They still need $80,000 and that fundraising will continue.

Councilor Lamoureux stated that he applauds the church for doing this. He continued that this is a great investment, keeping the church looking nice, improving the infrastructure of downtown, and he appreciates it. This type of investment is what they are looking for to keep the downtown area vital. Ms. Mangones replied that it is very energizing to hear that. She continued that that is what they like to hear and she hopes it inspires the community to give contributions.

Chair Manwaring asked how Councilor Hooper feels. Councilor Hooper replied that he would like to see this go on more time for one cycle.

The City Attorney stated that he understands Councilor Filiault's position, but from his perspective there are details not heard yet that need to be answered, such as whether the City removes the trees or the church does, what the relationship is between those parties, how traffic flow will be handled, and so on and so forth. He continued that there should be some agreement. They will be doing work in the right-of-way and that requires some sort of licensure and insurance provision. If this was on private property they would not need to think about this. He would like to see the protections in place via a written agreement between the parties. Councilor Filiault could make a motion saying the MSFI Committee approves this subject to all of that.

Councilor Filiault replied yes, he was going to do that – say that the MSFI Committee recommends approval in conjunction with City staff. He continued that if staff said next week at the City Council meeting that they need more input, fine, but he does not see why they would have to come back to this meeting to say the same thing twice. He is frustrated when every topic is placed on more time and the committee cannot do anything on the fly. Even simple things have to be placed on more time. He cannot imagine opposition as long as they allow for the church to work in conjunction with staff.
Councilor O'Connor stated that he would like to see this go on more time for one more cycle. He continued that no, this is not rocket science, but it is an involved project and it would be important to have a Memorandum of Understanding in place.

Councilor Lamoureux asked the City Attorney if it works if the MSFI Committee recommends approving this request if it involves the City Manager negotiating and executing an agreement with the UCC. The City Attorney replied that that would help. He continued that the reason they were looking for staff to have more opportunity to consider this is: yes, it is an involved project with a fair amount of work in the City's right-of-way. There should be some kind of protocol meeting to hammer out all the issues. They can do it in the way Councilor Filiault suggests but the law of unintended consequences comes into play and it might take even more time if it has to get sent back again. It is normal to have a protocol meeting with the entity before finalizing everything. Chair Manwaring asked if it can be done in one cycle. The City Attorney replied yes.

Councilor Lamoureux asked if this has to be done in the next month, considering the trees would not be moved until the spring. Ms. Mangones replied that if City Council approved this next week, and weather permitted, and the agreement they discuss with Public Works is for the church to remove the trees (and, she always assumed there would be an agreement), the UCC could remove the trees in about a week after that. If approval is in January they would probably have to wait until spring to remove the trees.

Councilor Filiault made a motion for the Municipal Services, Facilities, and Infrastructure Committee to recommend granting approval to the United Church of Christ, in conjunction with the input and approval of City staff, including the City Manager and the City Attorney, to remove two trees in front of the United Church of Christ at their expense, to allow the restoration and repair of the historic steeple. Councilor Lamoureux seconded the motion.

Councilor Lamoureux stated in the past that taking a little time gives the City staff time to look at it to make sure they are covered liability-wise and make sure they can complete the project. The City has a tree removal person they trust, and he would like to see if that person can be used even if the City is not paying for it. There is no reason why the trees would have to come down before January. He would like to give staff more time with this. Based on what he has heard from the City Attorney's comments he wants to place this request on more time.

Councilor O'Connor asked, if this was approved next week, is it that simple? What is the process for hiring a company to cut the trees down?

Mr. Blomquist replied, if it is a City project and there are on-call people for doing tree removals that are a public hazard, they would follow the City's purchasing process – if the cost is above a certain number they would get three quotes, and if the cost is above a higher number (he does not know the number) it requires a more formal process. This would probably be expensive, maybe $2,500 per tree, due to the trees being on Central Square and the use of cranes. He has not really talked with the UCC about whether it makes sense for the City to do this or if the UCC should do it. These are the kinds of discussions the City Attorney was saying they should have.

Chair Manwaring called for a vote on the motion. The motion failed with a vote of 1-4. Chair Manwaring, Councilor O'Connor, Councilor Lamoureux, and Councilor Hooper were opposed.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the request from the United Church of Christ to remove trees in front of the church steeple be placed on more time for one cycle.

City of Keene, N.H.
Transmittal Form

December 8, 2016

TO: Keene City Council

FROM: Kendall W. Lane, Mayor

ITEM: H.1.

SUBJECT: An Ordinance to Establish a College City Commission

RECOMMENDATION:
That the proposed Ordinance O-2016-21 to establish a College City Commission be introduced and referred to the Finance, Organization, and Personnel Committee for their review and consideration.

ATTACHMENTS:

Description

Ordinance O-2016-21

BACKGROUND:
In the months leading to the fall of 2014, Mayor Lane and Keene State College President Dr. Huot met to discuss the formation of a joint committee of the College and the City. The College City Special Commission was formed in November of 2014, with the charge of facilitating long range planning and developing short- and long-term recommendations to Keene State College and the City of Keene on issues of mutual concern. Following a community meeting in March of 2014 at Heberton Hall, four areas of focus were identified: Housing and Neighborhoods, Infrastructure and Parking, Citizenship, and Property / Tax Base.

Throughout 2015 and 2016, the Commission explored and discussed each of these issues in detail. Commission members consulted with subject matter experts, researched existing plans and studies focused on these topic areas, and contracted the assistance of New Hampshire Listens. The work of New Hampshire Listens included facilitated discussions with stakeholders and Keene citizens in the spring of 2015 around these topic areas and other related themes.

In the fall of 2016, the Commission released a final report, which outlined short-, medium-, and longer-term recommendations for how the College and the City can address these topic areas and provides guidance for future coordination and collaboration between the College and City. One of the recommendations of this report is to formalize the membership and operation of the Commission.

As the Commission has proven to be a successful model for coordination and collaboration since beginning work in early 2015, it is of interest to the City and to Keene State College to formalize its structure and functions. The attached ordinance establishes a College City Commission by amending the "Administration" section in Chapter 2 of City Code to include College City Commission to the list of standing Boards and Commission and by adding Division 23, which establishes the purpose, membership, and powers, duties and guidelines of the Commission.

If the Commission were to become a formal City Committee, it would be responsible for: evaluating the progress made at implementing the proposed recommendations in the recently released report; exploring new areas of focus as directed by the Mayor and College President; and, helping to foster the relationship between the College and City communities.

ORDINANCE

CITY OF KEENE

0-2016-21

In the Year of Our Lord Two Thousand and Sixteen

AN ORDINANCE Relating to the College City Commission

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

That the Ordinances of the City of Keene, as amended, are hereby further amended by including Division 23 in the listing of boards in Sec. 2-594 and inserting a new Division 23 to Article V Boards and Commissions of Chapter 2 entitled "Administration" as follows:

Division 23. College City Commission

Sec. 2-1111. Purpose.

The College City Commission is created to facilitate long range planning and develop short- and long-term recommendations to the College and the City on issues of mutual concern. It is intended to serve as a model for how a city and college collaborate effectively and engage each other in the resolution of the most pressing issues and to create a framework to address emergent opportunities.

Sec. 2-1112. Membership.

(a) The College City Commission shall consist of fourteen regular voting members. No more than four alternate members may be appointed. The Mayor and the President of Keene State College shall each appoint seven voting members and two alternates. No less than two of the College's seven voting members shall be students of Keene State College.

(b) All appointed citizens to the Commission must represent a cross section of interests in the City and College communities.

(c) The Mayor and the President of Keene State College shall each be an ex-officio member of the Commission without a vote.

(d) The Commission shall be governed by two chairpersons. The Mayor and the President of Keene State College shall each appoint a chairperson from the seven members they appoint to represent the interests of the City and the College, respectively, and to provide leadership to the Commission.

(e) Membership is not restricted to residents of Keene.

Sec. 2-1113. Terms.

(a) Initial terms of Commission members shall be staggered. Of the seven members appointed by the Mayor, two shall have a one-year term, two shall have a two-

PASSED

year term, two shall have a three-year term, and one shall have a four-year term. Of the seven members appointed by the President of Keene State College, two shall have a one-year term, two shall have a two-year term, two shall have a three-year term, and one shall have a four-year term. After these initial terms, all members shall have three-year terms.

(b) Regular voting members that are Keene State College students shall have one-year terms.

(c) In the event of a vacancy, interim appointments may be made to complete the unexpired term and shall be appointed by the original appointing authority.

Sec. 2-1114. Relation to department.

The Planning Department will provide staff support as it may be available to the College City Commission. Other City Departments may be called upon as necessary. Keene State College will provide staff support to the Commission through the President's Office.

Sec. 2-1115. Powers, Duties and Guidelines.

The functions and guidelines in this section are established for the conduct of the College City Commission. The Commission shall:

(a) Conduct activities to promote, enhance, and encourage improved relationships between the College and City communities.

(b) Research and evaluate topics of shared concern or interest between the City and Keene State College.

(c) Consult with the Mayor and Keene State College President on a periodic basis.

(d) Develop reports and recommendations to the City and Keene State College with respect to issues of shared concern or interest, and measure progress at implementing these recommendations.

(e) Promote communication and collaboration among community groups and organizations, City staff and departments, and Keene State College staff and departments with an interest in College/City relations.

(f) Publicize and report on its activities.

(g) Hold meetings and hearings necessary to carry out its duties.

____

Kendall W. Lane, Mayor

City of Keene, N.H.
Transmittal Form

December 8, 2016

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: I.1.

SUBJECT: Relating to Water and Sewer Utility Charges

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2016-20 with an effective date of January 1, 2017.

ATTACHMENTS:

Description

Ordinance O-2016-20

BACKGROUND:

Mr. Thornton stated this Ordinance provides for a change to the water and sewer rates. These rates are for the purpose of funding the budget. There is a fixed component based on meter size to recover principal and interest on debt and the second is a volume rate for ongoing operation and capital costs. Operational costs went up by about $3,400 and capital costs went up by $286,000 for a total increase of about $289,000. Based on these increases, a residential customer would see an increase between 2.89% - 3.2% and a commercial customer would see an increase between 3.49% - 3.77%.

Councilor Kahn felt it was important for the public to be informed of water quality and how the City treats that important resource.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2016-20 with an effective date of January 1, 2017.

ORDINANCE

CITY OF KEENE

O-2016-20

In the Year of Our Lord Two Thousand and Sixteen

AN ORDINANCE Water and Sewer Utility Charges

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

That Appendix B Fee Schedule of the Ordinances of the City of Keene, as amended, are hereby further amended by deleting the effective 2016 text and inserting the bolded text under effective 2017 in the accompanying rate schedule in Section 98-511 (a) and in Section 98-512 (a) of Appendix B so that Section 98-511 (a) and Section 98-512 (a) would read as follows:

Appendix B

Section 98-511 (a). Water Meter Rates	effective **2016**	effective **2017**
Volume Rate ($ per hcf)	~~3.65~~	**3.96**
Fixed Quarterly Charge (meter size in inches)		
5/8 inches	~~6.89~~	**6.89**
3/4 inches	~~9.93~~	**9.93**
1 inch	~~17.65~~	**17.65**
1 1/2 inches	~~39.71~~	**39.71**
2 inches	~~70.60~~	**70.60**
3 inches	~~158.84~~	**158.84**
4 inches	~~282.39~~	**282.39**
6 inches	~~635.38~~	**635.38**

PASSED

Section 98-512 (a). Sewer Rates	**2016**	**2017**
Volume Rate ($ per hcf)	~~5.69~~	**5.74**
Fixed Quarterly Charge (meter size in inches)		
5/8 inches	~~55.15~~	**55.15**
3/4 inches	~~79.42~~	**79.42**
1 inch	~~141.19~~	**141.19**
1 1/2 inches	~~317.67~~	**317.67**
2 inches	~~564.75~~	**564.75**
3 inches	~~1270.69~~	**1270.69**
4 inches	~~2259.01~~	**2259.01**
6 inches	~~5082.76~~	**5082.76**

Kendall W. Lane, Mayor

City of Keene, N.H.
Transmittal Form

December 7, 2016

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: I.2.

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

---

RECOMMENDATION:
On a vote of 5-0, the Planning, Licenses and Development Committee recommends the denial of Ordinance O-2016-09 with the understanding that further amendments to the lodging house license ordinance will be introduced after the Land Use Code rewrite project is completed.

ATTACHMENTS:

Description

Ordinance O-2016-09

BACKGROUND:
Patricia Little, City Clerk provided the following background information. During the previous discussions of this Ordinance, the PLD Committee expressed its interest in having an opportunity to place conditions on any lodging house license. Staff was instructed to prepare an amendment to Ordinance O-2016-09 that would return the responsibility for issuing an initial license to the jurisdiction of the City Council and any subsequent licenses issued administratively by the City Clerk’s Office.

In advance of drafting that amendment, City staff met to consider whether any provisions in Ordinance O-2016-09 should be incorporated into Chapter 46 such as an expanded definition to include “residence house.” In addition, staff believes it would be important that any further amendment should reconcile the definition references and other provisions that relate to a lodging house in Chapter 102 the Zoning Ordinance and in Chapter 18 Building Regulations.

Recognizing that there is an ongoing initiative to rewrite the land use code ordinances, which includes both Chapter 102 and Chapter 18; staff is recommending that further revisions to this license be deferred until the land use code rewrite is completed. Chair Richards asked if the Committee needed to defeat the Ordinance or report it out. The City Clerk clarified the intent is for the Committee to recommend the denial of the Ordinance.

Chair Richards asked for questions from the Committee.

Councilor Chadbourne commented she agrees the timing is not right and they should wait for the land use code update is completed. Councilor Chadbourne added she was in favor of denying this Ordinance. Chair Richards also noted his support for defeating the Ordinance.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the denial of Ordinance O-2016-09 with the understanding that further amendments to the lodging house license ordinance will be introduced after the Land Use Code rewrite project is completed.

ORDINANCE

CITY OF KEENE

O-2016-09

In the Year of Our Lord Two Thousand and Sixteen

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

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

That the Ordinances of the City of Keene, as amended, are hereby further amended by deleting Article X, Lodginghouses, of Chapter 46, Licenses and Permits, in its entirety, and adding a new Article VI, Dormitory, Lodging or Rooming Houses and Residential Board and Care, to Chapter 42, Fire Prevention and Protection, as follows:

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

DIVISION 1. - GENERALLY

Sec. 42-135. – Definitions.

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

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

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

Sec. 42-136. – Enforcement officer.

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

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

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

PASSED

Sec. 42-138. – Resident agent.

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

Sec. 42-139. – Penalties.

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

DIVISION 2. - PERMIT

Sec. 42-140. – Required.

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

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

Sec. 42-141. – Certificates of compliance.

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

Sec. 42-142. – Expiration.

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

Sec. 42-143. – Display.

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

Sec. 42-144. – Suspension or revocation.

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

Sec. 42-145. – Fee.

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

Kendall W. Lane, Mayor

In City Council July 7, 2016.
Referred to the Planning, Licenses and Development Committee.

Patricia Jette

City Clerk