



KEENE CITY COUNCIL  
Council Chambers, Keene City Hall  
January 19, 2017  
7:00 PM

Roll Call  
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- December 15, 2016

**A. HEARINGS / PRESENTATIONS / PROCLAMATIONS**

1. Winchester Street Preferred Alternative - Ad hoc Winchester Street Reconstruction Project Steering Committee
2. Presentation - FY 2018-2023 Proposed Capital Improvements Program – Review of Document Content and Layout - Finance Director

**B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS**

1. Confirmations  
Agricultural Commission  
Airport Advisory Commission  
Bicycle Pedestrian Path Advisory Board  
Cities for Climate Protection  
Trustees of Trust Funds and Cemetery Trustees
2. Nominations  
Planning Board  
Conservation Commission  
Partner City Committee
3. Re-Appointment of Special City Manager Recruitment Committee

**C. COMMUNICATIONS**

1. Resignation - Joseph Hoppock - Zoning Board of Adjustment
2. David Crawford - Optional Firearm Requirement for Police Officers
3. Monadnock Travel Council - Request to Use City Property - Ice & Snow Festival
4. Councilor Terry M. Clark - Solar LED Streetlight Demonstration as Part of Marlboro Street LED Demonstration Project
5. Mayor Lane - Amendment to the Rules of Order - Communications

**D. REPORTS - COUNCIL COMMITTEES**

1. Airport Forestry Management Plan - Airport Manager

2. Creation of an Arts Policy - Taryn Fisher
3. Request to Remove Trees - United Church of Christ - Public Works Department
4. Acceptance of Donation - Parks, Recreation and Facilities Department
5. Acceptance of Donations to Library Renovation Project - Campaign Manager for the Next Chapter Campaign
6. Acceptance of Donation - Police Department
7. Acceptance of Case Number 2015117128 Forfeiture - Police Department
8. Acceptance of Bureau of Justice Assistance Ballistic VestPartnership Grant - Police Department
9. Waste Management Transportation and Disposal Contract - Public Works Department
10. Reallocation of Road Rehabilitation Funds - Roxbury Street Crosswalk, Church and Emerald Street Sidewalks - Public Works Department

**E. REPORTS - CITY OFFICERS AND DEPARTMENTS**

1. CITY MANAGER COMMENTS

**F. REPORTS - BOARDS AND COMMISSIONS**

1. Relating to Zone Change - West Surry Road (Ordinance O-2016-18) and Relating to an Amendment to the Zoning Ordinance - High Density 1 (Ordinance O-2016-19)

**G. REPORTS - MORE TIME**

**H. ORDINANCES FOR FIRST READING**

1. Relating to Parking Meter Rates - Holidays  
Ordinance O-2017-01
2. Relating to Two Hour Parking - Washington Street  
Ordinance O-2017-02

**I. ORDINANCES FOR SECOND READING**

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

**J. RESOLUTIONS**

1. In Appreciation of Diane L. Flagg Upon Her Retirement  
Resolution R-2017-04
2. Relating to the Alteration of Wyman Road  
Resolution R-2017-05

Non Public Session  
Adjournment

A regular meeting of the Keene City Council was held Thursday, December 15, 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, Randy L. Filiault, Thomas F. Powers, Robert B. Sutherland, George S. Hansel, Gary P. Lamoureux, Stephen L. Hooper, Bettina A. Chadbourne, Philip M. Jones and Mitchell H. Greenwald were present. Councilor Terry M. Clark and David C. Richards were absent. Councilor Lamoureux led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the December 1, 2016 meeting was duly seconded. The motion passed with a unanimous vote in favor.

The Mayor announced as provided by the Rules of Order, he was declaring a vacancy for an at-large City Council position. The filing period will start at 8:00 on Monday, January 23 and will continue until 4:30 PM Tuesday, January 31, 2017. The election by the City Council will be held at the regular meeting on February 2, 2017.

PRESENTATION – LAND USE CODE UPDATE/DEVELOPMENT REGULATION  
ASSESSMENT – TOWN PLANNING AND URBAN DESIGN COLLABORATION

The Mayor invited Tara Kessler, City Planner, up for the presentation. Ms. Kessler introduced the team at Town Planning & Urban Design: Brian Wright, Project Principal; Sandrine Thibault, Project Director; and Bill Wright, Coding Director. Mr. Bill Wright explained there are 2 phases to a comprehensive update of the City's Zoning Code and Land Use Regulations. He noted they are currently in Phase 1, which is the development regulation assessment stage and heading into Phase 2, which is an update code and regulations. During the first phase, they took input from the public, officials, staff and stakeholders. They evaluated the strengths and weaknesses of current regulations and considered alternative regulatory approaches and revision strategies. The issues that were discovered in the City's land use regulations were that they were complex, with many layers and fragmented regulations. Currently, there are 11 different City Code Chapters including the Zoning Ordinance with 19 zoning districts & 8 overlay districts; as well as site plan and subdivision regulations; and development standards. The regulations have internal inconsistencies and conflicting provisions to the Comprehensive Master Plan. The focus of the current land use regulations is a separation of uses and development types; nothing the standards do not assure high quality development. The Keene codes represent a patchwork of amendments with a reliance on variances, special exceptions and overlays. In general, the land use regulations contain subjective development standards with an extensive discretionary site plan and subdivision review process. Mr. Wright noted the City's land use regulations and not user friendly and are unclear.

Mr. Wright continued with the solutions to the issues currently on hand. The first option is Euclidean, which separates uses with no intended development outcome. The second option is Performance-Based, which regulates external impacts of development with no intended development outcome. The third option is Form-Based, which is concerned principally with form and character of a built environment and regulates use. The last option is Hybrid, which is a combination of 2 or more types of other regulatory approaches.

Mr. Wright went on to the strategies and recommendations for the City. He expressed that each preceding strategy includes the prior strategy. Strategy 1: Correct and identify technical errors

and inconsistencies. Strategy 2: Reorganize and identify misplaced provisions. Strategy 3: Improve readability, understandability and usability. Strategy 4: Make procedural enhancements; streamline procedures, assist City and developers. Mr. Wright noted this strategy is called for by the Comprehensive Master Plan. Strategy 5: Make substantive improvements, with objective standards. Strategy 6: Create a Unified development ordinance; which would be the best overall code to addresses all issues and create a document which has a heightened ease of use and efficiency, however it is the most costly of all.

In terms of options, Mr. Wright noted the Euclidean option may be adequate for existing neighborhoods with the Form-based option resulting in a more readable/useable document. The Performance-based option would be useful for certain regulated items and the Incentive-based option may be useful where mandatory regulation is not practical or legal. Mr. Wright noted the Hybrid option may be most practical.

The Mayor thanked the presenters for the information they provided to the Council.

NOMINATIONS – AGRICULTURAL COMMISSION – AIRPORT ADVISORY COMMISSION – BICYCLE PEDESTRIAN PATH ADVISORY BOARD – CITIES FOR CLIMATE PROTECTION – TRUSTEES OF TRUST FUNDS AND CEMETERY TRUSTEES

The following nominations were received from the Mayor: Aaron Moody to serve as a regular member on the Agricultural Commission with a term to expire December 31, 2019; Megan Straughen to serve as a regular member on the Agricultural Commission with a term to expire December 31, 2019; Mitchell Greenwald to serve as a regular member on the Airport Advisory Commission with a term to expire December 31, 2017; Sam Hawkes to serve as an alternate member on the Bicycle/Pedestrian Path Advisory Committee with a term to expire December 31, 2019; Christopher Brehme a to serve as a regular member on the Cities for Climate Protection with a term to expire December 31, 2017; and Susan Silver to serve as a regular member on the Trustees of Trust Funds and Cemetery Trustees with a term to expire December 31, 2019. The nominations were tabled until the next regular meeting.

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 ADJUSTMENTS

A motion was made by Councilor Greenwald and duly seconded to confirm the following nominations: Jenna Spear O'Meara as a regular member on the Ashuelot River Park Advisory Committee with a term to expire December 31, 2019; John T. Newcombe as a regular member on the Assessors Board with a term to expire December 31, 2019; Rita Johnson as a regular member on the Assessors Board with a term to expire December 31, 2018; Dillon A. Benik to serve as an alternate member on the Bicycle/Pedestrian Path Advisory Committee with a term to

expire December 31, 2019; Charles Redfern to serve as a regular member on the Bicycle/Pedestrian Path Advisory Committee with a term to expire December 31, 2019; Linda Rubin to serve as a regular member on the Bicycle/Pedestrian Path Advisory Committee with a term to expire December 31, 2019; Christopher Brehme to serve as a regular member on the Bicycle/Pedestrian Path Advisory Committee with a term to expire December 31, 2019; Katie Sutherland to serve as a regular member on the Board of Appeals with a term to expire December 31, 2019; Malcolm Katz to serve as a regular member on the Board of Appeals with a term to expire December 31, 2019; Steven Walsh to serve as a regular member on the Board of Appeals with a term to expire December 31, 2019; Peter Hansel to serve as a regular member on the Cities for Climate Protection with a term to expire December 31, 2019; Andrew Madison to serve as a regular member on the Conservation Commission with a term to expire December 31, 2019; Denise Burchsted to serve as a regular member on the Conservation Commission with a term to expire December 31, 2019; Rose Carey to serve as a regular member on the Heritage Commission with a term to expire December 31, 2019; Nancy Proctor to serve as a regular member on the Historic District Commission with a term to expire December 31, 2019; Katie Sutherland to serve as a regular member on the Housing Standards Board of Appeal with a term to expire December 31, 2019; Malcolm Katz to serve as a regular member on the Housing Standards Board of Appeal with a term to expire December 31, 2019; Steven Walsh to serve as a regular member on the Housing Standards Board of Appeal with a term to expire December 31, 2019; Jerrold Kaufman to serve as a regular member on the Juvenile Conference Committee with a term to expire December 31, 2019; J.B. Mack to serve as a regular member on the Keene Housing with a term to expire December 31, 2021; Mandy Slate 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 to serve as a regular member on the Partner City Committee with a term to expire December 31, 2019; Irene Davis to serve as a regular member on the Partner City Committee with a term to expire December 31, 2019; Will Schoefmann to serve as a regular member on the Partner City Committee with a term to expire December 31, 2019; Pamela Russell Slack to serve as a regular member on the Planning Board with a term to expire December 31, 2019; Christine Weeks to serve as a regular member on the Planning Board with a term to expire December 31, 2019; Michelle Howard 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 to serve as an alternate member on the Zoning Board of Adjustment with a term to expire December 31, 2018; Elena Brander to serve as a regular member on the Zoning Board of Adjustment with a term to expire December 31, 2019; and Josh Gorman to serve as a regular member on the Zoning Board of Adjustment with a term to expire December 31, 2019. On a roll call vote, with 12 Councilors present and voting in favor the motion carried. Councilors Clark and Richards were absent.

#### APPOINTMENT – SPECIAL COMMITTEE ON CITY MANAGER RECRUITMENT

The following appointment to the Special Committee on City Manager Recruitment was received from the Mayor: Councilor George S. Hansel. A motion by Councilor Greenwald was duly seconded to accept the Mayor's appointments. The motion passed with a unanimous vote in favor.

## COMMUNICATION –TARYN FISHER – CREATION OF AN ARTS POLICY

A communication was received from Taryn Fisher requesting the City Council to 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. The communication was referred by the Chair to the Municipal Services, Facilities and Infrastructure Committee.

## FOP REPORT – DEVELOPMENT AGREEMENT – LIBRARY RENOVATION PROJECT- LIBRARY DIRECTOR, KPL TRUSTEES AND KPL FRIENDS

The Mayor brought forward the Finance, Organization and Personnel Committee report for action. Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to enter into 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. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. Councilor Greenwald provided a background of the renovation project and requested that an explanation of the new market tax credits be provided prior to action upon the Committee recommendation. The Councilor did recognize the fundraising activities which is currently 73% towards their goal and upwards of \$4,000,000 either collected or as pledges.

As an introduction, the City Manager stated essentially there is a transfer of value with the City putting money into the fund through the issue of a bond. In addition, there is a funding mechanism relating to tax credits that increases the value of bond and expands the ability of the City to increase the project. The payback of that goes through the tax increment financing district, for the most part.

The Mayor recognized Jack Dugan from MEDC and Steve Thornton, the Finance Director. Mr. Dugan explained the New Market Tax Credits which is a Federal program through the Community Development Finance Institution (CDFI) and which has been in effect for over a decade. It was just re-authorized for an additional 5 more years. It promotes economic and community development in low income census tracks across the country by inducing development through the offering of a tax credit to a project equal to 39% of the entire project.

In terms of the library renovation project at the annex, the total project costs includes the construction costs for the annex building renovations as well as the connector and the associated site work, a value that is attributed to the property, which they will purchase, any furniture, fixtures and equipment costs as well as soft costs relating to the development and other development costs for a total project cost of \$13,697.616 for the Heberton Hall/Annex redevelopment project

Mr. Dugan continued to explain a 39% Federal tax credit on a \$13,700,000 and then MEDC sells these tax credits to investors. The standard industry price currently is \$0.85 on the dollar, which would realize over \$4.5 million of other people's money to help pay for the project. He went on to say they were excited to move project forward because this project has gained the favor of a community development entity which has these tax credits right now and they have found an investor who is willing to pay premium, which is another penny and one-half. In the scope of a 13.7 million project getting \$0.865 versus \$0.85 amounts to a couple of \$100,000 to help complete the project.

Mr. Dugan continued they will combine the new market tax credits with some of the fundraising efforts of the library and affiliated entities as well as a potential for a small amount of historic tax credits (both the Pond Mansion and the Heberton Hall Annex qualify for history tax credit funding) and the proceeds from the \$2,000,000 bond from the City. Mr. Dugan continued that after the new market tax credit recapture period expires after 7 years, the City will get ownership of the Annex back for the payment of \$1 and the repayment of the outstanding balance on the bond. Any tax credit investors have realized all of their returns and they go away and the structure unwinds. Mr. Dugan concluded that this will result in the City getting a \$13,700,000 project for a \$2,000,000 bond.

Mr. Thornton explained the budgetary impact. From the last Council budgetary process approved a \$2,000,000 bond as the City's contribution to the project and the bond has been issued. In the coming 20 years there will be debt service on the bond that will appear in the budget. Also as part of the financing agreement, Heberton Hall will be sold to a LLC and it will be subjected to property taxes. The City will be paying property taxes as part of this arrangement. The other cost would be a management fee for the running of the project and an audit fee for a specialized firm to audit the LLC for each year it is in existence. This would be funded by the Tax Increment Fund District. The dollar amount of the budget impact will vary year by year, but it would be in the vicinity of about \$500,000 per year (primarily for the property taxes) funded through the TIFD.

The City Attorney stated there was legal counsel of behalf of the various interested parties to make certain everything works right. In addition, a preliminary review of the entire project was conducted by bond counsel to satisfy bonding requirements. Now that the project is near final form, he would be seeking that review from bond counsel again with respect to financing; although he doesn't anticipate any changes in that opinion.

Councilor Hansel requested the Finance Director clarify his reference to \$500,000 in the budget. The Director responded that the \$500,000 annual expense will be offset by \$500,000 funds raised through the TIF. Of that, in the first year, expecting \$290,000 of that will be property taxes, which are raised to fund the costs of the TIF District.

Councilor Sutherland inquired of the impact of any decline in assessed value on the TIF District and whether the development on Washington Street had been included in the TIF district. The Mayor stated the TIF district was expanded to include the former Middle School several years ago. The City Manager stated that from the standpoint of commercial property there was no

decline in property tax value. The Finance Director added that property values within the TIF had increased by one-third of 1% as a result of the revaluation. He continued that there would need to be a loss of a lot of property value in order to impact the TIF. The Director noted the City would have to lose a lot of value in the TIF district to be unable to pay their current obligations.

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.

MSFI REPORT – WINTER SNOWPLOWING OPERATIONS – PUBLIC WORKS DEPARTMENT

An informational report was received from the Municipal Services, Facilities and Infrastructure Committee recommending the presentation on winter snowplowing be accepted as informational. The report was filed into the record as informational.

MSFI REPORT – ROXBURY STREET CROSSWALK – PUBLIC WORKS DEPARTMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending 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. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

MSFI REPORT – SAFETY CONCERN AT INTERSECTION OF WEST STREET AND BRADFORD ROAD – PUBLIC WORKS DEPARTMENT

An informational report was received from the Municipal Services, Facilities and Infrastructure Committee recommending the update about the safety concerns at the intersection of Bradford Road and West Street be accepted as informational. The report was filed into the record as informational.

MSFI REPORT – SPEEDING ON JORDAN ROAD – REQUEST FOR SPEED HUMPS – PUBLIC WORKS DEPARTMENT

An informational report was received from the Municipal Services, Facilities and Infrastructure Committee recommending the update on Jordan Road be accepted as informational. The report was filed into the record as informational.

MSFI REPORT – NO PARKING – SPRING STREET, SOUTH SIDE - POLICE DEPARTMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending the request for the south side of Spring Street to be designated as “no parking” be denied. A motion



by Councilor Manwaring to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

MSFI REPORT – TWO-HOUR PARKING, WASHINGTON STREET NORTH OF VERNON STREET - POLICE DEPARTMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending 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. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

PLD REPORT – PERIODIC REPORT – PLANNING BOARD

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

PLD REPORT – AMENDMENT TO THE SURFACE WATER PROTECTION ORDINANCE – CONSERVATION COMMISSION

An informational report was received from the Planning, Licenses and Development Committee recommending the memorandum from the Conservation Commission on the surface water protection ordinance be accepted as informational and that the minutes be forwarded to the Planning staff for further discussions on the land use code update. The report was filed into the record as informational.

FOP REPORT – ACCEPTANCE OF DONATION – POLICE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept a donation of up to \$2,000.00 for the purchase of new emergency lighting for the Police Department's Special Response Vehicle. 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 – ACCEPTANCE OF DONATION – PARKS, RECREATION AND FACILITIES DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept a donation of up to \$1,000.00 and that the money be used by the Parks, Recreation and Facilities Department. 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 – ACCEPTANCE OF DONATION – YOUTH SERVICES DEPARTMENT

Finance, Organization and Personnel Committee report read recommending 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 the use by Youth Services. 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 – ACCEPTANCE OF NH JUVENILE COURT DIVERSION FUNDING - YOUTH SERVICES DEPARTMENT

Finance, Organization and Personnel Committee report read recommending 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. 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 – TRANSFER OF FUNDS – PRESIDENTIAL ELECTION – CITY CLERK’S OFFICE

Finance, Organization and Personnel Committee report read recommending 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. 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 – RECOMMENDATION TO WAIVE PARKING METER RATES – THANKSGIVING HOLIDAY

Finance, Organization and Personnel Committee report read recommending that staff introduce an Ordinance authorizing a parking holiday waiving meter rates for the full Thanksgiving weekend while enforcing the two hour limit. A motion to carry out the intent of the report by Councilor Greenwald was duly seconded. With 11 Councilors voting in favor and Councilor Filiault opposed, the motion to carry out the intent of the report carried.

FOP REPORT – CHARTER OFFICER EVALUATION PROCESS – COUNCILOR CLARK AND ACM/HUMAN RESOURCES DIRECTOR

Finance, Organization and Personnel Committee report read recommending the endorsement by the City Councilors of the evaluation process and flowchart as discussed in Committee. A motion to carry out the intent of the report by Councilor Greenwald was duly seconded. A brief discussion took place. A motion by Councilor Sutherland to amend the recommendation to add an opportunity to have feedback of the evaluation process provided to the Council was duly seconded. With 2 Councilors voting in favor and Councilors Jacobs, Manwaring, O’Connor, Filiault, Powers, Hansel, Lamoureux, Hooper, Chadbourne and Jones. The motion to amend

failed to carry. With 10 Councilors voting in favor and Councilors Sutherland and Chadbourne opposed, the motion to carry out the intent of the report carried.

#### CITY MANAGER COMMENTS

The City Manager thanked the Council on the behalf of employees for attending the Employee Recognition Holiday Luncheon at the Michael EJ Blastos Community Room. 47 employees were recognized for more than 715 years of service to the City. This was a range from 5 to 55 years; 55 years of service was from Robert Diluzio Sr. In addition, the employee achievement award was extended to Morgan Bartley from the Water and Sewer Operations Division. Tyler Hutton, Matt Barnes and David Harris were recognized for demonstrating creativity and innovation for the use of City's Video Inspection Camera System which resulted in capital project savings in more than \$600,000. He thanked Sondra Miller, Human Services Department, for organizing our food drive. This effort resulted in the donation of \$100.25 and the collection of 177 non-perishable food items. The Manager continued the Public Works Department had issued a weather warning with a public service announcement regarding the cold weather. They request the help on checking on the elderly to ensure their warmth and safety. Please keep pets inside and not to leave them in vehicles. The Keene Public Library is open from Monday thru Thursday from 9 AM to 9 PM; Fridays from 9 AM to 6 PM; and Saturdays 9 AM to 1PM.

#### LAND USE CODE UPDATE PHASE 1 REPORT

A memorandum from Tara Kessler, City Planner, was received recommending the City Council direct 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 report. The report was referred to the Joint Planning Board/Planning, Licenses and Development Committee.

#### MORE TIME

More time was granted for the following issue within committee: United Church of Christ – Request to Remove Trees in Front of the Church.

#### MEMORANDUM – MAYOR AND ORDINANCE O-2016-21: RELATING TO THE COLLEGE CITY COMMISSION

A memorandum was received from the Mayor recommending the Ordinance which would establish a College City Commission be introduced and referred to the Finance, Organization and Personnel Committee for their review and consideration. Ordinance O-2016-21 was read for the first time. The memorandum and Ordinance O-2016-21 were referred to the Finance, Organization and Personnel Committee.

#### FOP REPORT AND ORDINANCE O-2016-20: WATER AND SEWER UTILITY CHARGES

Finance, Organization and Personnel Committee report read recommending the adoption of Ordinance O-2016-20. The report was filed as informational. Ordinance O-2016-20: Water and Sewer Utility Charges was read for the second time. A motion by Councilor Greenwald for

12/15/2016

adoption of the Ordinance was duly seconded. On a roll call vote, with 12 Councilors present and voting in favor the motion passed. Ordinance O-2016-20 declared adopted with an effective date of January 1, 2017.

PLD REPORT AND ORDINANCE O-2016-09: RELATNG TO DORMITORY, LODGING OR ROOMING HOUSES AND RESIDENTIAL BOARD AND CARE

Planning, Licenses and Development Committee report read recommending 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 complete. The report was filed as informational. Ordinance O-2016-09: Relating to Dormitory, Lodging or Rooming Houses and Residential Board and Care was read for the second time. A motion by Councilor Jones to deny Ordinance O-2016-09 was duly seconded. On a roll call vote, with 12 Councilors present and voting in opposition, the motion carried. Councilors Clark and Richards were absent. The At Large Council seat was vacant. Ordinance O-2016-09 declared defeated.

ADJOURNMENT FOR COLLECTIVE BARGAINING STRATEGY

At 9:05 PM, the Mayor announced that the Council would be adjourning for collective bargaining strategy. Discussion was limited to the subject matter. The session concluded at 9:22 PM.

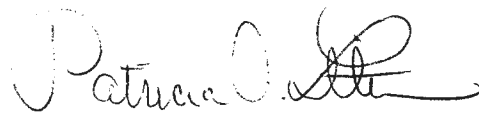
COLLECTIVE BARGAINING AGREEMENT – KEENE POLICE DEPT. - SUPERVISORS

The Mayor recognized Councilor Greenwald. Councilor Greenwald motioned that the City Manager be authorized to do all things necessary to execute the negotiated contract with Keene Police Department Supervisors, ATF-NH, AFT Local #6305, and AFL-CIO to be effective July 1, 2015 through June 30, 2018.

ADJOURNMENT

At 9:23 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:



City Clerk



**From:** Aaron Moody [REDACTED]  
**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**

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**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 [REDACTED]  
**Sent:** Wednesday, December 07, 2016 5:56 PM  
**To:** [mflane@ci.keene.nh.us](mailto:mflane@ci.keene.nh.us)  
**Cc:** Michele Chalice  
**Subject:** Keene Agriculture Commission

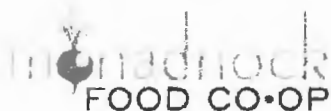
Dear Mayor Lane,

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

  
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: 442-4601



City of Keene, N.H.  
*Transmittal Form*

December 29, 2016

**TO:** Keene City Council  
**FROM:** Kendall W. Lane, Mayor  
**ITEM:** B.2.  
**SUBJECT:** Nominations

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**RECOMMENDATION:**

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

**ATTACHMENTS:**

Description

Background for new member

**BACKGROUND:**

**PLANNING BOARD**

Martha Landry, Slot 6  
Keene, NH 03431

Term expires December 31, 2019

David Webb, alternate, slot 13  
Keene, NH 03431

Term expires December 31, 2019

**CONSERVATION COMMISSION**

Eloise Clark, alternate, slot 8  
Keene, NH 03431

Term expires December 31, 2019

**PARTNER CITY COMMITTEE**

Gary P. Lamoureux, City Councilor

Term expires December 31, 2017

## Helen Mattson

---

**Subject:** FW: Planning Commission

*Helen*

Helen K. Mattson  
Executive Assistant to the  
City Manager and the Mayor  
3 Washington St.  
Keene, NH 03431  
(603) 357-9804  
[hmattson@ci.keene.nh.us](mailto:hmattson@ci.keene.nh.us)

---

**From:** Mayor Kendall Lane  
**Sent:** Tuesday, December 27, 2016 11:53 AM  
**To:** Helen Mattson  
**Subject:** FW: Planning Commission

Perhaps he could be an alternate on the Planning Board.

Kendall


---

**From:** David Webb ]  
**Sent:** Wednesday, December 14, 2016 4:47 PM  
**To:** Mayor Kendall Lane  
**Subject:** Planning Commission

Good afternoon Kendall,

I am sending this e-mail in showing my interest towards the Keene Planning Commission. I have experience as I was on the Vernon Planning Commission from 2012 to 2014 during a crucial time in Vernon, Vermont as we were writing a town plan in the midst of the VY plant closing. I work with George Hansel at Filtrine Manufacturing and he shared with me the possibility of getting on. If you have room for an alternate or a full member I ask that you would consider me as I am very interested.

Best Regards,

David Webb  




City of Keene, N.H.  
*Transmittal Form*

January 13, 2017

**TO:** Keene City Council

**FROM:** Kendall W. Lane, Mayor

**ITEM:** B.3.

**SUBJECT:** Re-Appointment of Special City Manager Recruitment Committee

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**RECOMMENDATION:**

I hereby appoint the following individuals to continue their work of recommending a process and initiating the search for the new City Manager:

**BACKGROUND:**

**Special Committee for Recruitment of the City Manager**

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Mitchell H. Greenwald, City Councilor  
Janice O. Manwaring, City Councilor  
Carl B. Jacobs, City Councilor  
David C. Richards, City Councilor  
Thomas F. Powers, City Councilor  
George S. Hansel, City Councilor

**Staff Support:**

Patty Little, City Clerk  
Elizabeth Fox, ACM/Human Resources Director



External Communication  
*Transmittal Form*

December 21, 2016

**TO:** Mayor and Keene City Council

**FROM:** Attorney Joseph Hoppock

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.1.

**SUBJECT:** Resignation - Joseph Hoppock - Zoning Board of Adjustment

---

**ATTACHMENTS:**

Description

Hoppock Communication

**BACKGROUND:**

Attorney Joseph Hoppock is submitting his resignation from the Zoning Board of Adjustment because he is moving out of Keene. Attorney Hoppock has been a member of the ZBA since January of 2012.

**LAW OFFICES OF JOSEPH S. HOPPOCK, P.L.L.C.**

**16 Church Street, Suite 3A  
Keene, New Hampshire 03431-3872**

**Telephone (603) 357-8700**

**Facsimile (603) 357-8750**

**www.hoppocklaw.com**

Joseph S. Hoppock, Esquire

19 December 2016

Honorable Kendall W. Lane, Esq.  
Mayor of Keene  
3 Washington Street  
Keene, NH 03431

Dear Honorable Mayor Lane:

This letter serves as my resignation as a member of the Keene Zoning Board of Adjustment. My reasons for resigning are as follows:

A great deal has been happening of late, all very quickly but to come to the point of this letter, as of the end of this year, I will no longer be a resident of Keene, therefore no longer eligible to sit on the ZBA. It is my understanding that my residency status will preclude my further participation on the Keene Zoning Board of Adjustment. Accordingly, since that status will change by 31 December 2016, it is incumbent upon me to resign my position on the Board immediately. I would therefore request that the City Council accept my resignation for the reasons provided; please note I will serve until this letter is acted upon by council.

I realize that the timing here is not great, but it is beyond my control at this point.

I thoroughly enjoyed my service on the Board and wish it and its members and the staff that assist it, all of the best. They are a great team. Thank you for the privilege of being on this Board.

Very truly yours,

  
Joseph S. Hoppock, Esq.



External Communication  
*Transmittal Form*

January 3, 2017

**TO:** Mayor and Keene City Council

**FROM:** David Crawford

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.2.

**SUBJECT:** David Crawford - Optional Firearm Requirement for Police Officers

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**ATTACHMENTS:**

Description

Crawford Communication

**BACKGROUND:**

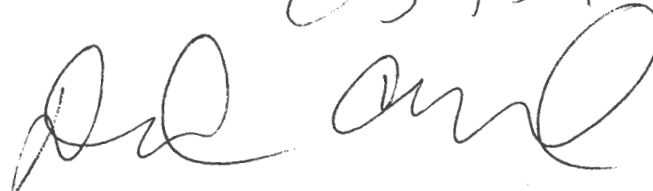
Mr. Crawford is recommending that firearms be optional for Keene Police Officers and that it not be a mandatory requirement.

To Mayor Laine and the City Council

This communication is asking that firearms  
be Optional for Keene police officers.

So that it be the individual officers'  
Choice to wear or not wear a firearm  
on a given day, and that it not  
be Mandatory to wear a firearm.

David Crawford  
38 Marlboro St # 7  
Keene N.H.

03431  


Jan 3 2017





City of Keene, N.H.  
*Transmittal Form*

January 17, 2017

**TO:** Mayor and Keene City Council

**FROM:** Jim Narkiewicz, Monadnock Travel Council

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.3.

**SUBJECT:** Monadnock Travel Council - Request to Use City Property - Ice & Snow Festival

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**ATTACHMENTS:**

Description

Monadnock Travel Council Communication

**BACKGROUND:**

Jim Narkiewicz, Chair of the Keene Ice & Snow Festival and a member of the Monadnock Travel Council has submitted their annual request for the Ice & Snow Festival. This community event is scheduled to take place on February 7, 2017.

RECEIVED  
CITY OF KEENE

JAN 09 2017

OFFICE OF  
CITY CLERK



January 6, 2017

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

Dear Mayor Kendall Lane and City Council,

Last year on Saturday, February 6, 2016 the Monadnock Travel Council produced the 14th Annual Keene Ice & Snow Festival in downtown Keene. The Monadnock Travel Council has submitted the paper work for Community Event Funding for this coming year's 2017 Keene Ice and Snow Festival. I would like to request the permission for the Monadnock Travel Council to produce and a license be issued to hold the 15th Annual Keene Ice & Snow Festival on Saturday, February 4, 2017 in downtown Keene, New Hampshire.

The Keene Ice & Snow Festival has been a community event in downtown Keene for many years and provides a free day of family packed fun. Thank you for your consideration in allowing this annual event to continue through the Monadnock Travel Council.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Markiewicz".

Jim Markiewicz, Committee Chair Keene Ice & Snow Festival  
Lifetime Board Member Monadnock Travel Council  
P.O. Box 358  
Keene, NH 03431  
(603) 313-8585



External Communication  
*Transmittal Form*

January 5, 2017

**TO:** Mayor and Keene City Council

**FROM:** Councilor Terry M. Clark

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** C.4.

**SUBJECT:** Councilor Terry M. Clark - Solar LED Streetlight Demonstration as Part of Marlboro Street LED Demonstration Project

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**ATTACHMENTS:**

Description

Clark Communication

**BACKGROUND:**

Councilor Clark is recommending a solar-powered lighting element be included in the Marlboro Street project.



Terry M. Clark

City Councilor, Ward 3

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January 5, 2017

Mayor and City Councilors,

The Keene Public Works Dept. is currently holding an LED Streetlight Demonstration Project on Marlboro St.

I write to see if the PLD committee of the City Council would recommend adding a solar-powered lighting element to this project.

Respectfully,

Terry M. Clark  
City Councilor - Ward 3  
661-8347  
14 Barrett Avenue  
Keene, NH 03431



External Communication  
*Transmittal Form*

January 17, 2017

**TO:** Keene City Council

**FROM:** Mayor Kendall W. Lane

**ITEM:** C.5.

**SUBJECT:** Mayor Lane - Amendment to the Rules of Order - Communications

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**RECOMMENDATION:**

To amend Section 33 the City Council's Rules of Order to codify the practice that communications submitted to the Council Committee for initial consideration shall be placed on more time for a minimum of one committee cycle to allow City Staff sufficient time to review the communication and to make appropriate recommendations to the committee, except that City Staff may recommend immediate action on communications that will not require review prior to City Staff recommendation.

**ATTACHMENTS:**

Description

Rules of Order Amendment

**BACKGROUND:**

It is common practice for City staff to request that a new communication on a Committee agenda be placed on more time to allow an opportunity for staff to develop a recommendation. The expectation is that at the Committee meeting, the petitioner shares more details of their request and responds to preliminary questions.

City staff is present to listen to the petitioner in order to gain a better understanding of the request. It is not unusual that staff may need to meet with other departments and review ordinances and regulations to determine any parameters that need to be taking into consideration. In an effort to provide the Committee with the very best possible recommendation, City staff needs to be given the time to research the request and prepare a recommendation. Therefore, it is recommended that the Rules of Order be amended to provide that communications be placed on more time for a minimum of one committee cycle, excepting that staff may recommend action on those communications that will not require review prior to a recommendation.

**SECTION 33. REPORT BY COMMITTEE.** All matters referred to a committee must be reported out of that committee at the next regular meeting of the Council except a matter which is the subject of a pending public hearing or unless otherwise ordered by a majority of the Council Committee members present. **Communications submitted to a Council Committee for initial consideration shall be placed on more time for a minimum of one committee cycle to allow City Staff sufficient time to review the communication and to make appropriate recommendations to the committee, except that City Staff may recommend immediate action on communications that will not require review prior to City Staff recommendation.** Written testimony with regard to a public hearing shall be accepted by the City Clerk up until 1:00 PM on the Tuesday immediately preceding the committee meeting. Written testimony with regard to any other business before the committee shall be accepted by the City Clerk up until 4:00 PM on the Tuesday immediately following the committee meeting in order to be included in the agenda of the City Council meeting. A matter which is the subject of a public hearing must be reported out of a committee at the next regular meeting after the hearing unless otherwise ordered by a majority of the Council Committee members present. If not reported as above, or if immediate actions is required, a motion by the City Council to call the matter out of committee will then be in order. Passage of that motion will place the matter before the Council for consideration. When the Chair of the Committee or the designee offers a motion to carry out the intent of the Committee report, a brief explanation of the committee's recommendation shall be verbally shared with the Council. Moving to carry out the intent of the committee report does not restrict the maker of the motion from speaking against the recommendation of the committee.



City of Keene, N.H.  
*Transmittal Form*

January 11, 2017

**TO:** Mayor and Keene City Council

**FROM:** Municipal Services, Facilities, and Infrastructure Committee

**ITEM:** D.1.

**SUBJECT:** Airport Forestry Management Plan - Airport Manager

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**RECOMMENDATION:**

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

**BACKGROUND:**

Airport Manager Jack Wozmak introduced himself and presented a map to show the location of the area that would be discussed in the meeting. Mr. Wozmak said the Airport consists of approximately 900 acres. When accepting the position of Airport Manager nine months ago, he recommended the City move in the direction of having a forest management plan so there would be an organized approach to land management. Mr. Wozmak noted of the 900 acres there are 235 acres that were forested. He said the forest management plan was conducted and that the plan would be implemented this month.

Mr. Wozmak continued there were some trees at Runway 20 that were obstructions to aviation and in prior administrations there was the threat of clear cutting in order to re-move those obstacles. He said it was fair to state the neighborhood rejected to the concept of clear cutting. Mr. Wozmak noted he also rejected the idea of clear cutting and that was the primary reason he was interested in the sustainable forest management plan. He indicated the neighborhood area on the map where the cutting would occur. Mr. Wozmak said that area should be treated with respect and everything possible would be done to mitigate the impact that the Airport has on the neighborhood.

Mr. Wozmak said the forest management plan was constructed to identify the areas and specific activities that were intended to take place and to remove the obstructions to aviation. He said the plan was to remove the white pines in that area, which were the tallest trees that created the obstruction to aviation. He continued there was a plan to leave the understory trees so the forest could regenerate. Mr. Wozmak explained they have gone to a great extent to find the best balance between the needs of aviation and the interest of the neighborhood to preserve the forest for generations.

Mr. Wozmak continued explaining the area off the end of the runway, which was known as the Edgewood neighborhood, was the area where the white pines would be removed. He said the white pines along the boundary of the City owned property would be re-moved and that selective cutting would occur in the bog areas. Mr. Wozmak said all of the trees along Airport Drive would remain as is and that the trees in the wetland area would be cut down by hand and with no use of heavy equipment.

He explained the goal of the forest management plan was to create a scenario where the forest was strong and

balanced as much as possible. Mr. Wozmak said one of his purposes as the Airport Manager was to develop the Airport. He continued there were areas next to the terminal building that would be a clear cut because it was the prime location to build a hangar. He indicated other areas on the map within the Airport that could be cleared for development purposes.

Mr. Wozmak introduced Forester Jeremy Turner, who created the forest management plan. He said Mr. Turner would explain how he marked the trees, his approach to cutting and the sensitivity of efforts to mitigate the impact. Mr. Wozmak said he understood the neighbors would rather not have any trees cut down, but that was not where the best interest of the Airport stood. He said he believed the City was moving toward as much compromise as possible.

Jeremy Turner, Managing Forester of Meadowsend Timberlands, 420 Main Street, New London said several months were spent reviewing the obstacle area for aviation and that his efforts continued to be on the area of the Edgewood neighborhood. Mr. Turner said that the format of his proposal on the ground followed the forestry plan that was to be put in place. He continued within the aviation zone there would be an area where the machinery would cut and remove the trees. He noted the operation center would be located along the town road. Mr. Turner explained they would be working west of the lowland shrub wetland system and working westerly around young vegetation. He noted there was a helpful component to the forest stand, which was 25-30 year old hardwoods and mixed wood that interrupted the clearing path from the Edgewood neighborhood to the flight fields. Mr. Turner said they were also working around the natural obstacle in favor of younger growth in order to reduce the visual impacts. He explained that approach celebrated younger age classes of trees that were already in that area.

Mr. Turner said the white pines were a 70 year old stand system of trees that stood 70-90 feet in height. Mr. Turner explained what they were doing long term was an important correction for the decades ahead. The goal is adjusting the forest community from a pine system that consisted of a tall growing tree, which he noted was the problem, to a northern red oak hardwood system. He noted the northern red oak trees usually topped at around 70 feet or under.

Mr. Turner said he spent time with the County Forester and the New Hampshire Cooperative Wildlife Extension to look over the site and try to highlight the strengths that could be built upon. He noted there was a lot of attention to detail conducted toward the site and progressive thinking for ecology.

The Airport Manager asked Mr. Turner to discuss the plantation area. Mr. Turner explained the plantation to the west was arguably the highest recreational use area with the most linear trail mileage. He said that he identified the point of focus by gathering data by reviewing field data, measurements, tabulations, site suitability and the type of species located in the area.

Mr. Turner continued he had focused several man hours on the other high priority areas outside the Memorial Forest area. He noted both were ten acre areas that were located on both sides of the road. Mr. Turner explained those areas were noted high priority due to the level of risk of there being very large trees that were failing through health and vigor.

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

James T. Dunn, 1 Riverton Street, Keene said that he lived at that residence for 22 years. Mr. Dunn indicated on the map where the tree cuttings would occur. He continued it was explained that everything would be great again because in 30 years it would not look like it did after the area was cut. Mr. Dunn said he was 75 years old and asked if he would be around to see what the area looked like in 30 years. He continued as far as he knew all of the land in discussion was at one time under water. He said it seemed the area was not able to sustain a lot of high growth hardwood trees. Mr. Dunn continued that the land was white pine territory and if the white pines were cut down, how would oak trees come up that were 14 feet high with a lack of food.



He continued he was concerned about what the Airport was about. Mr. Dunn said the FAA had spent millions to make the Airport what is was today and that the airport would not be any more than what it would be in 30 years. He said there would not be any more people who are going to come into the area with airplanes. Mr. Dunn explained there will probably not be a lot of industries that are interested in bringing in their jets to Keene. He explained it was not because of the pine trees.

Mr. Dunn stated he had lived in the community since the 1960's and he had not seen any change in the Airport. He asked what the purpose was for all of the cutting because it would not amount to much. Mr. Dunn explained there would still be the same number of jets and airplanes. He continued he did not care how many trees or houses were taken because it was not going to change. Mr. Dunn said he loves Keene the way it is and did not like the ideas that some people have about what Keene could become. He concluded by asking when would it be realized that Keene was a beautiful New England community, committed to what it is and not to what it might become.

John Dunnell, 30 Lynwood Avenue, Keene, he said he has lived at his residence for 62 years. Mr. Dunnell asked Mr. Turner to provide the number of trees to be cut in the Edgewood area. Mr. Turner replied there was no record. Mr. Dunnell asked Mr. Turner to provide an estimate. Mr. Turner replied there were standing estimates of trees per acre in the forest management plan, that involved trees that were two inches and up. He continued that was one level of recording of trees per acre and the other was a count of seed-ling stock below the two inch stem which was the understory stalk. Mr. Dunnell said he thought the understory stalk would not be cut. Mr. Turner explained it was a matter of going through the stand data, looking at the overstory trees and then tabulating the numbers.

Mr. Wozmak explained this number has yet to be determined. He continued when a re-porter asked the same question the response was that no one had gone out and actually counted all of the trees to determine how many thousands of white pines there would be. Mr. Dunnell explained on the Internet other airports clearly identified the number of trees that would be cut as well as the number of trees to be replanted.

Mr. Dunnell asked Mr. Turner that when considering that we are dealing with a pine forest, how oak trees would survive in an acid soil environment as compared to pine trees. Mr. Turner replied there was an assumption the lowland system around the drainage in the Keene area was pine. He continued that was somewhat accurate and that the pine natural communities were a natural component of the out washed sandy plain. Mr. Turner said pine trees were shade intolerant and were pioneers. He noted pine trees came up very quickly with high heat levels at acidic soils and in Southwestern New Hampshire northern red oak, white oak, hickory, and black oak are a component of that out wash system. Mr. Turner explained when walking the Airport forest land he saw a lot of pine overstay and there were systems that were abandoned for agriculture reasons 70-100 years ago. Mr. Turner explained that pine trees would rise and fall together making an even aged community. He continued it was common where there was pine understory that regenerated underneath pine overstory and that pine would come back up. Mr. Turner continued within that there was an oak variant that was very common and grew in and amongst the Edgewood Neighborhood as well as the Airport lands. He noted the area was also transitioned toward a red oak system and red oak preferred an acidic substrate.

Mr. Dunnell asked what kind of cutting would be intended in the plantation area. He explained in his mind he viewed this as a clear cut allowing some trees to remain. Mr. Turner replied everything on the ground was done through written prescribing, engaging highly skilled reputable people that understood excellent forestry. He continued the forestry done on the ground was planned and implemented through a high directive. Mr. Turner explained the directive on the ground was panning trees for cutting, flagging trees for retention, flagging sensitive sites to prohibit machinery, boundaries, etc. He noted all of these details were laid out in a high level architecture on the ground so things were not just done right, but done very well.

Mr. Turner said the Memorial Forest in the forest management plan talked about enhancement of site suited

species. He continued the plan talked about the removal of the genetically poor quality trees that were not site suited. Mr. Dunnell asked if to the west of the power line road would there be selective cutting. Mr. Turner replied the cutting would be very selective and that he was highly sensitive to the sense of place.

Dwight Anderson, 103 Greenwood Avenue, Keene, said Mr. Turner did a 20% cruise of the area and that Mr. Turner came up with approximately 180,000 board to foot of timber out of the area. He asked if that number was the total or just in one area. Mr. Turner re-plied he thought that number was for that one particular area of priority. He pointed out to Mr. Anderson that the 20% was actually a 20 factor prism.

Mr. Anderson said that it was stated in the forestry management plan cost was \$3,000 and noted that seemed unreasonable. He continued in discussions with Mr. Turner it was explained Mr. Turner would also be paid an amount per thousand per board foot. Mr. Anderson asked what the amount was per thousand board foot. Mr. Turner replied it was a percent of stumpage and was between 15% and 25%.

The Airport Manager explained the intention was to pay \$3,000 to have Mr. Turner's company create the forestry management plan. He continued the percentage that Mr. Turner received from the trees that were cut was also reflective of the days and weeks he would spend marking, plotting and verifying loggers were cutting the appropriate trees. Mr. Wozmak said he was happy to pay that fee and that it transitioned from having a plan created to paying Mr. Turner to oversee the implementation.

Mr. Anderson asked if it was Mr. Turner's company or his associates that would be doing the logging. Mr. Turner replied no and that the name of the logging company was D H Hardwick & Sons.

Mr. Anderson said at a previous meeting the Airport Manager said he would commit the money from the logging of the project of the twelve plus acres to the mitigation. He asked the Airport Manager if that was still the case. Mr. Wozmak replied yes.

Dr. Ann Shedd, 59 Greenwood Avenue, Keene said she came from the home of the for-ester that founded and operated the Keene Forestry Association. She noted her family also planted most of the trees in the neighborhood. Dr. Shedd said she wanted to acknowledge the involvement Councilor Manwaring and Councilor Hooper had with the Airport and Edgewood neighborhood. She also wanted to recognize the professionalism of Mr. Wozmak and the foresters.

Dr. Shedd said in the forest management plan there was a statement that the Edgewood forest was not recognized or maintained by the City as a park or recreation area. She continued the last time she checked, the Parks and Recreation Department Master Plan did list the Keene Forestry Park as one of the properties in its domain. Dr. Shedd said the Keene Forestry Park as a City entity did exist and approximately 22 acres were donated by the Keene Forestry Association, 12 acres were donated by the Edgewood Civic Association which was in existence since 1942.

She continued she was appreciative of a response from the Airport Manager to an email she had sent. She said the email was about whether the boundaries that conveyed the 12 acres had been established in the recent course. Dr. Shedd addressed the Airport Manager stating from her understanding his reply the boundary between the forest and the abut-ting properties was established. She asked what boundaries of the 12 acre parcel had not been established. Mr. Wozmak replied he was not quite sure how to answer the question and would need to reference the Airport Master Plan that was done 10 years ago. Ms. Shedd explained it would be helpful to have that information because the number of acres impacted had varied from 8 acres to 18 acres. She noted the numbers seemed to be in flux. She asked the Airport Manager to prepare an overlay of the area impacted. Dr. Shedd explained having the overlay available might help the neighborhood to see exactly what areas were impacted.

Dr. Shedd said the characterization of soil types in that area were characterized as Type C Soil, washed out

sand and gravel, droughty and less fertile. She noted the area was known to support trees that were shade tolerant and soft woods. She continued there were oak trees creeping in on the edges. Dr. Shedd said she was confused by the discrepancies of the characterizations of what soils would support and what was foreseen to support. She said she was concerned about the longevity of the trees that were foreseen to be moved into the area.

Dr. Shedd suggested there needed to be a specific plan to address the issue as well as the issue of the invasive species. She continued that issue should fall within the purview of the Committee not to lose that sight in the shuffle of things.

She continued she had a personal attachment to the trees that were about to be cut down because some of the trees were planted by her family. Dr. Shedd said she wanted to encourage a systems thinking approach and not to consider the trees just as obstructions.

Mr. Dunnell said there were some recent discussions about mitigation and what concerned him were the finances. He continued using an example found on the Internet about the replanting of trees in Beaufort County, North Carolina. He noted the cost of replanting the shrubs and trees in that area was \$450,000. Mr. Dunnell asked how far the cost would go for replanting. The Airport Manager replied that it was important to wait until the work was completed to begin replanting. He continued the mitigation effort would focus particularly on the property lines that were affected.

Mr. Dunnell said his concern was that talk was cheap and that once the work was over it would be difficult to reach City staff. He said he felt that there should be a commitment that every effort would be made with follow through. Mr. Wozmak said he would be filled with shock and awe if any of the City Councilors would abandon those conversations. Chair Manwaring said that she and Councilor Hooper were very committed to ensure the barriers and reforests were addressed.

Mark Meess, 59 Greenwood Avenue, Keene, said he noticed walking through the forest the trees with the pink flags looked almost as tall as the pines that were coming up. He asked how long it would be before some of the hardwoods would need to be removed. Mr. Turner replied the trees with the pink flags were designated as retention trees for screening, aesthetics and visual. He noted those trees were phototropic and grow as long as they have sun whereas pine were geotropic and kept growing as tall as they could.

Mr. Dunn asked what the end result would be when all the trees were whacked. He said he spoke with pilots every day and no one had a problem coming into and exiting the Airport. Mr. Dunn said he spoke with the pilots at C&S and they said they did not have a problem. He noted the FAA said there was a problem and that someone needed to look at the FAA and say most of the people who come to the Airport do not have a problem.

Gerry Frederickson, 675 Main Street, Keene, said that the Airport Manager said something about when the trees came down the airport would be able to do night landings. She continued that it was explained there would be a school where the helicopters could do night landings. Ms. Frederickson said that is very concerning and that there would be more pollution and noise. She said that would be the answer to Mr. Dunn's question.

Jennifer Meyers, 77 Greenwood Avenue asked for a rough estimate on the percentage of retention of trees. Mr. Turner replied he would not sugar coat the answer and said it was a small percentage. He continued the majority of overstory trees were getting cut and the understory stock trees were going to be retained as much as possible.

Ms. Meyers asked Mr. Turner what he would consider as a clear cut and what was not considered a clear cut. Mr. Turner replied a clear cut was considered an all stem sever on a given piece of acreage. The Airport Manager indicated on the map the location of the small terminal building that was considered to be a clear cut

and said that area would be mowed in the spring. He noted that area was a development site for a hangar.

The Airport Manager explained a clear cut was where every tree goes, every stump goes and the land was smoothed out afterwards. Ms. Meyers asked if one tree left would still be considered a clear cut and felt the definition of clear cut had been misleading up until this meeting. She continued she did not understand how one tree left would not be considered a clear cut and said that it was a misrepresentation.

Mr. Turner read the definition of a clear cut from the forestry management plan. He continued a clear cut was a spaciouly large area and all stems were severed. Mr. Turner said in the forestry management plan the silver culture prescription was far from a clear cut and was called a modified overstory removal.

Chair Manwaring said unfortunately the term clear cut was used three years ago and had left a bad feeling with everyone. She thanked Mr. Turner for his clarification.

Mr. Anderson asked if there was a different definition of a clear cut on the West coast verses the East coast. He continued on the West coast forestry did clear cuts that were 30-40 acre blocks and all they would take down was the soft wood. Mr. Anderson said that was defined as a clear cut even though there were trees left behind. Mr. Turner re-plied that to be technical a clear cut was usually at least 20-30 acres in size.

Mr. Anderson said it would be 20-30 years before some people in the Edgewood neighborhood had any kind of block to the Airport. He continued he had researched sound barriers to airports and that one row of trees would not make a difference with sound. Mr. Anderson explained it would take three rows of trees and then some brush to even have a tiny bit of mitigation to the sound. He said the City would need to do a substantial amount of planting.

Chair Manwaring asked from a cost perspective would it be cheaper to do a clear cut verses selective cutting. Mr. Turner replied it would be cheaper by letting an operator cut whatever. Chair Manwaring asked Mr. Turner to explain how these trees would be taken.

Mr. Turner replied the directives were a high level from a systems approach. He continued the machine cutting the trees was a feller-buncher that had a cutting mechanism that held the tree and then laid the tree down. Mr. Turner said the gentleman running the machines was known as the best operator in the Northeast. The Airport Manager asked if trails would be established so the equipment knew where they were going. Mr. Turner replied yes and stating this was clearly determined.

Leanne Anderson, 103 Greenwood Avenue, Keene, said she wanted to reiterate that she noticed when the Edgewood neighborhood was talked about, that the concerns discussed were always visual. She noted visual was important but the barrier those trees provided for noise, vegetation, animals, birds and air quality was extremely important to the whole area. She said she did not want people to think all they cared about was the visual. Ms. Anderson said there was more to the story about the changes with the Airport than just the one area of discussion.

Linda Piekarski, 15 Edgewood Avenue, Keene, said Ms. Anderson was the first one to mention air quality at the meeting. Ms. Piekarski said what she wanted to understand was how planting hardwood deciduous trees that had stems rather than tree branches would help during the winter. Mr. Wozmak replied if the air quality was about carbon sequestration. Ms. Piekarski replied no that it was about the dirt in the air. She continued if all the trees were taken down this would only get worse. Mr. Wozmak said the air would clearly be different but that he was not qualified to explain how the air would travel through differently. Ms. Piekarski noted these were deciduous trees and would not do anything in the winter. Mr. Turner replied there were still soft wood pines that would be left.

Dr. Shedd explained that the sources of air pollutants and greenhouse gases had a huge overlap in terms of

fossil fuel sources. She continued greenhouse gas emissions and the EPA criteria air pollutants were two different lists. Dr. Shedd noted airports were a significant source of air pollutants. She shared two articles from the US Forest Northeast Division, a Federal agency. Dr. Shedd said one article was on the air pollution removal and she explained how based on the article tree canopies did remove air pollutants.

Dr. Shedd asked the Airport Manager when the Environmental Assessment Phase II public comment began. The Airport Manager replied he believed it started as of today's date since this was posted and online. Dr. Shedd noted that the Environmental Assessment Phase I public comment was extended because some of the City Committee's that may have had an interest in commenting would not have enough time to put on their agenda before the next meeting. She asked for consideration in extending the public comment of Phase II.

Chair Manwaring asked if Committee members had any further questions.

Councilor Hooper said this discussion was an education on forestry and he had asked a lot of questions. He continued he appreciated the response from the Airport Manager and had spoken to a majority of the neighbors. Councilor Hooper said he was trying to take look at everything with a balanced approach. He said aviation safety was a concern due to the height of the trees. Councilor Hooper noted the trees were getting to high 10-15 years ago. He said there was truly some neighborhood safety due to the height of the trees should a pilot ever have to come down. Councilor Hooper said that he came to the conclusion the trees would need to be cut for safety purposes.

He recommended the City and neighborhood groups come together in civil discourse to work on ways to best mitigate the situation. He continued the trees were going to come down and perhaps they should have been better managed in the past. Councilor Hooper explained the past was the past it was time to move forward and work together. He suggested coming up with good solutions on noise mitigation as well as visual mitigation.

The Councilor suggested a plan going forward to ensure the community there would be a consistent way the forest would grow as healthy as possible.

Councilor O'Connor asked if there could be a spreadsheet that showed the calculations of board to foot. Mr. Turner replied absolutely.

Councilor Lamoureux commented there was a lot time and effort put into the project not only by City staff but also members of the community. He said he could ensure the community that the City Councilor's would make sure the neighborhood was taken care of in the future. Councilor Lamoureux said he understood the cutting of trees was difficult and was hopeful everyone could work together on the process.

Councilor Manwaring said she was committed to making sure the neighborhood was taken care of and their concerns were heard. She noted the mention from Dr. Shedd about the invasive species and hoped that the Conservation Commission would be involved in the project.

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

Mr. Dunn said what he would like to see before the cutting was a plan for mitigation. He wanted to see what the City had in mind to mitigate what they wanted to do and not give the promise that some little twig would grow up to be a massive tree that would protect his property. Mr. Dunn said he would like to see what the City had in mind to protect from pollution, air pollution, noise and the whole aggravation at the Airport.

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

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



City of Keene, N.H.  
*Transmittal Form*

January 11, 2017

**TO:** Mayor and Keene City Council

**FROM:** Municipal Services, Facilities, and Infrastructure Committee

**ITEM:** D.2.

**SUBJECT:** Creation of an Arts Policy - Taryn Fisher

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**RECOMMENDATION:**

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the letter from Ms. Fisher be accepted as informational and recommended that the letter be forwarded to the Land Use Code Update Committee.

**BACKGROUND:**

Taryn Fisher of, 302 Court Street, Keene, said she recently moved to Keene and that she was an Assistant Professor at Antioch University. She continued since working at Antioch she had been approached on several occasions by local artists in the community who expressed an interest for a vibrant arts community in Keene. Ms. Fisher said she enjoyed living in Keene and thought the community was vibrant.

Ms. Fisher continued she attended a meeting at Hannah Grimes and there was a conversation around the topic of public art. She said one of the outcomes of the conversation was that it would be beneficial to the City of Keene to develop a complete arts policy that worked similar to how the Complete Streets policy worked. Ms. Fisher said she was thinking she could work with a number of interested parties that included Arts Alive, Hannah Grimes, Chamber of Commerce and other interested stakeholders in the community. She continued they would work through a systemized process to determine what an ideal arts policy would look like.

Ms. Fisher said her letter to the City Council was simply to state there was interest in the community to create an arts policy. She noted she attended a Planning Board meeting on the development of Emerald Street and used the example as a great case study to see how the arts policy could work. Ms. Fisher said she brought up the idea of the arts policy at the Planning Board meeting and the response that an arts policy was a good idea.

She continued what she was proposing was to gather a number of like minded folks together to have a cross functional conversation that involved perspectives from multiple stakeholders.

Councilor Lamoureux thanked Ms. Fisher for bringing the idea forward and noted this was something that had been discussed in the past. He asked if Ms. Fisher had heard of Arts Alive. She replied yes and that they had agreed to collaborate. Ms. Fisher said that she would rely on organizations that existed and did not want to create something out of nothing.

The City Manager said he would like to see artists recognize that there were public places that displayed art. He continued there should be more arts and culture within the Central Business District. The City Manager said he would love to see sculpture gardens and more plays in Keene. He continued the arts policy conversation was

something that needed to take place and that there would need to be a discussion of what role the City would have. The City Manager said the role of the City would be either from making property available or from an ordinance standpoint.

He continued it was time the City started connecting with other groups and organizations to begin pushing an arts policy as much as possible.

Ms. Fisher said her first step would be to take an inventory of what organizations existed, available space and what City streets would be available. She said she wanted an approach that was not limited to visual but also performing art. Ms. Fisher continued the idea was to do the research and then to make a proposal.

Councilor Manwaring said that this evening the Committee would likely accept Ms. Fisher's report as informational and then have Ms. Fisher return with a product for the Committee. Ms. Fisher said there was already a discussion of putting together a project plan and the information gathering process could take a few months. She asked if the next step would be to come back to the Committee when they were ready to put something forth for discussion. Councilor Manwaring replied yes.

Councilor Jacobs said he was the former Chair of the Board for Arts Alive. He continued Ms. Fisher's idea was great and that the more art the better. Councilor Jacobs said that art was not only good for the soul, but also for the economy. He said that he was proud the community had an awareness of the importance of art.

Councilor Jacobs said there was a group called the Friends of Public Art that was under the wing of Arts Alive. He noted this group had done some wonderful projects such as the black and white murals in downtown Keene. Councilor Jacobs said they were also hoping to get involved in creating a policy. He said a statement of overall support would be a good thing from the City's point of view.

Councilor Jacobs noted Filtrine Manufacturing was going to be putting a piece of public art in Central Square and was a water bottle filling station. He offered to be a liaison in terms of his knowledge of how the City worked and experience from Arts Alive.

Councilor Hansel thanked Ms. Fisher for bringing in the idea and noted this was a conversation that was needed. He said he wanted to bring this conversation into the conversations with the Comprehensive Economic Development Committee by finding niches in the area to market them. Councilor Jacobs said there were a lot of unknown artists in the area as well as the quality of art that was in Keene.

He continued using the example of the community in Burlington, Vermont. Councilor Hansel said they encouraged public art along their rail trails around Lake Champlain. He said that attracted more art and tourism to the area which contributed to their economy.

Councilor Hansel suggested the City embrace public art because it could lead to economic development. He also made the recommendation Ms. Fisher's idea was brought before the Land Use Code Update to see if any other ideas existed.

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

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the letter from Ms. Fisher be accepted as informational and recommended that the letter be forwarded to the Land Use Code Update Committee.



City of Keene, N.H.  
*Transmittal Form*

January 11, 2017

**TO:** Mayor and Keene City Council

**FROM:** Municipal Services, Facilities, and Infrastructure Committee

**ITEM:** D.3.

**SUBJECT:** Request to Remove Trees - United Church of Christ - Public Works Department

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**RECOMMENDATION:**

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the United Church of Christ be granted permission to remove the two trees at the head of the square at their expense and further that the Church reimburse the City \$1900 for the cost of replacing the two trees.

**BACKGROUND:**

Kürt Blomquist, Public Works Director, said they were back from additional time for the request of United Church of Christ (UCC)'s for removing trees from their facility.

Linda Mangones, UCC member, said the UCC was providing a complete renovation of the steeple and painting of the building and the steeple's façade. The project will require months of scaffolding, starting in early spring. Ms. Mangones noted there were two trees in front of the UCC that needed to be cut down. She said during a meeting last December they spoke with Mr. Blomquist and came up with a plan that UCC be allowed to remove the trees at the expense of UCC.

Mr. Blomquist said that in discussion with UCC that while the trees would need to come down, the City would need to ensure the safest work environment for both the contractors and for the traveling public. Mr. Blomquist said from his perspective he recommends healthy trees only be removed for very few reasons. He noted the request of UCC was one of those reasons. He continued UCC had agreed to replace the two trees and that an estimate of the two trees was \$1900. Mr. Blomquist said the replacement of trees would consist of trees that would be 10-15 feet tall and the trees would be more urban oriented. He noted the cost estimate was based on the fact that each tree would take a half of work day to plant. Mr. Blomquist said that he was not stating trees would be go back in that area but it was appropriate UCC did provide that funding.

He continued there were some questions asked such as if the contractors working on the project would hold insurance. Mr. Blomquist said the City of Keene had an encumbrance and excavation permitting process that said anyone who did work within a right away within the City would need a permit. He continued the permit requirement was to ensure the appropriate levels occurred such as providing a traffic control plan to show how traffic would move throughout and how the applicant would provide accommodations for pedestrians. He also noted a bond would be required for any damage that might occur. Mr. Blomquist said there was a process in place that dealt with answers to these types of questions. He noted these permits would be pulled from the UCC's contractor. He said what the Committee would be approving at the meeting would be the removal of the two trees.



Councilor Lamoureux asked if that work included removal of the stumps. Mr. Blomquist replied yes and that the stumps would be ground down to below grade.

Councilor Jacobs said he recalled there was a discussion about whether the trees would be replaced as well as the visual impact. He asked when and how the decision would be made when the trees would be replaced. Mr. Blomquist said that was a good question and there would be a discussion with the Mayor about downtown. He noted that was in effect if there was no other discussion the trees would be replaced in that approximate location. He continued he had a sense a larger discussion would take place. Mr. Blomquist said that was the reason they asked UCC to provide the funding for the tree replacement or other landscaping in the immediate area of the church. He continued there was no expectation from UCC if the trees were not planted they would not be refunded. Chair Manwaring asked Ms. Mangones if that was true. Ms. Mangones replied that was true and that everyone at UCC felt that arrangement was fair. She continued no one at UCC wanted trees of that size to be replanted and the entire purpose of the project was beautiful architecture and to enhance the landscape.

The City Manager explained a lot of the planting of the trees were not suitable for where they were located and part of discussion was planting the right tree at the right place. He said if people wanted downtown to be open and inviting that allowed public art and sidewalk cafes a balancing discussion would need to take place. He said he did not see these trees being replaced immediately but they would be replaced in accordingly to a plan from a Committee the Mayor was currently putting in place.

Chair Manwaring asked if there were any comments from the public.

Kathy Blair of, 175 West Surry Road Keene, member of the UCC wanted to thank Ms. Mangones for her work on the project. She continued the UCC had worked really hard to get the point of the request where there was a contractor ready to do the work. Ms. Blair said the project would add value to downtown. She said by the end of summer the steeple would be bright white instead of gray. Ms. Blair said UCC hoped to move forward with all of the permits and procedures so they are on schedule for the work to be conducted in April.

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

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the United Church of Christ be granted permission to remove the two trees at the head of the square at their expense and further that the Church reimburse the City \$1900 for the cost of replacing the two trees.



City of Keene, N.H.  
*Transmittal Form*

January 12, 2017

**TO:** Mayor and Keene City Council

**FROM:** Finance, Organization and Personnel Committee

**ITEM:** D.4.

**SUBJECT:** Acceptance of Donation - Parks, Recreation and Facilities Department

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**RECOMMENDATION:**

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept a donation of \$100.00 and that the money is used by the Parks, Recreation and Facilities Department.

**BACKGROUND:**

Parks, Recreation and Facilities Director, Andy Bohannon stated this donation is for \$100 from Kevin Dremel for use of the Summer Knight Chapel for the music series he conducts. To-date they have raised \$9,861 for the upkeep of the chapel.

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

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept a donation of \$100.00 and that the money is used by the Parks, Recreation and Facilities Department.



City of Keene, N.H.  
*Transmittal Form*

January 12, 2017

**TO:** Mayor and Keene City Council

**FROM:** Finance, Organization and Personnel Committee

**ITEM:** D.5.

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

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**RECOMMENDATION:**

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends the donations of \$511,320.70 listed in the October, November and December statements of the Cambridge Trust Bank to be deposited into the Library Renovation Temporarily Restricted City Trust as part of the Next Chapter Campaign Drive.

**BACKGROUND:**

Patty Farmer, Capital Campaign Manager for the Library Renovation Project, stated that to-date community members have contributed \$4,079,456 which is 81% of the five million dollar goal. Ms. Farmer stated the campaign has received word of an anonymous donor who has offered a \$400,000 matching challenge for all new gifts and increase to pledges already made to see the pledge realized. Councilor Jacobs asked what kind of impact this \$400,000 pledge would have on the campaign. Ms. Farmer stated this would come very close to closing their gap.

Councilor Powers asked whether there was a timeframe for the match. Ms. Farmer answered in the negative. Councilor Jacobs noted how remarkably generous this community is.

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

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends the donations of \$511,320.70 listed in the October, November and December statements of the Cambridge Trust Bank to be deposited into the Library Renovation Temporarily Restricted City Trust as part of the Next Chapter Campaign Drive.



City of Keene, N.H.  
*Transmittal Form*

January 12, 2017

**TO:** Mayor and Keene City Council

**FROM:** Finance, Organization and Personnel Committee

**ITEM:** D.6.

**SUBJECT:** Acceptance of Donation - Police Department

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**RECOMMENDATION:**

On vote of 3-0, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept a donation of \$100 from the Groth family of Old Walpole Road.

**BACKGROUND:**

Police Chief Brian Costa stated the first donation before the Committee is a donation of \$100 from the Groth family in Keene, NH. Chief Costa stated the department received this donation and a nice note of gratitude from the family for services the family received from the Police Department involving one of their children.

The copy of the note was placed in the folders of the officers involved. Councilor Jacobs asked whether the Chief would like to identify the officers. It was Officer Jamie Phillips and Officer Tim Peloquin.

The City Manager recognized the quality work the Police Department does and this incident is just another example.

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

On vote of 3-0, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept a donation of \$100 from the Groth family of Old Walpole Road.



City of Keene, N.H.  
*Transmittal Form*

January 12, 2017

**TO:** Mayor and Keene City Council

**FROM:** Finance, Organization and Personnel Committee

**ITEM:** D.7.

**SUBJECT:** Acceptance of Case Number 2015117128 Forfeiture - Police Department

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**RECOMMENDATION:**

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept forfeiture funds, in the amount of \$1,762.60, awarded to the Keene Police Department from the New Hampshire State Attorney General's Office.

**BACKGROUND:**

Chief Costa stated the forfeiture amount of \$1,762.60 consists of two separate items; one was for \$1,355 and the other was for \$406.80. The Chief went on to explain a while ago he was before the Committee regarding a Lexus which the Police Department received through the forfeiture process. The \$1,355 was part of that seizure. The \$406.80 is from an individual who was arrested again two years later because of a distribution incident.

Councilor Jacobs asked what these funds can be used for. Chief Costa stated they have very narrowly described uses as defined by the Department of Justice; potential uses include recovery programs, overtime, or equipment. He added \$5,000 has been taken from this account and used for recovery programs during this past year.

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

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept forfeiture funds, in the amount of \$1,762.60, awarded to the Keene Police Department from the New Hampshire State Attorney General's Office.



City of Keene, N.H.  
*Transmittal Form*

January 12, 2017

**TO:** Mayor and Keene City Council

**FROM:** Finance, Organization and Personnel Committee

**ITEM:** D.8.

**SUBJECT:** Acceptance of Bureau of Justice Assistance Ballistic Vest Partnership Grant - Police Department

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**RECOMMENDATION:**

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept a Fiscal Year 2016 Bureau of Justice Assistance Bulletproof Vest Partnership grant of \$6,032.50.

**BACKGROUND:**

Chief Costa stated this 50/50 match program is for replacement of bullet proof vests used by officers. These vests are guaranteed for a five-year period by the manufacturer. Usually there are about eight to twelve vests replaced each year including any new hires. The Chief added anyone in uniform is required to wear these vests. Councilor Clark asked how much these vests cost. Chief Costa stated they cost about \$800.

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

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept a Fiscal Year 2016 Bureau of Justice Assistance Bulletproof Vest Partnership grant of \$6,032.50.



City of Keene, N.H.  
*Transmittal Form*

January 12, 2017

**TO:** Mayor and Keene City Council

**FROM:** Finance, Organization and Personnel Committee

**ITEM:** D.9.

**SUBJECT:** Waste Management Transportation and Disposal Contract - Public Works Department

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**RECOMMENDATION:**

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to execute a contract with Waste Management New Hampshire (WMNH) to provide transportation and disposal services for refuse received at the Keene Transfer Station for a period of five (5) years with options to renew for additional years.

**BACKGROUND:**

Asst. Public Works Director/Solid Waste Manager Duncan Watson stated the City has been under contract with Waste Management since 2010. The most recent contract was signed in 2013 and was good for five years. However, Waste Management approached the City because of certain market share issues they were experiencing, which was affecting the waste they brought from outside of Keene.

Waste Management is under contract with the City to transport and dispose of solid waste and they are required to bring in 18,000 tons per year from outside of Keene. Mr. Watson stated Waste Management has asked the City to look at some lesser tonnage which he indicated could work for Keene for the exchange for a lower price. He added the contract before the Committee should not be referred to as an amendment as per the City Attorney but should be called a contract instead and in the current year, which is year three, staff is suggesting entering into a new five-year contract with an option to renew. He stated this would give the City time to look at their business model at the end of the five years and decide how to move forward.

Councilor Jacobs stated he did not understand why there was an issue if less than 18,000 tons came into the city. Mr. Watson stated the reason is because the City makes a tipping fee based on the tonnage and what is paid to haul the waste away versus what is paid to support the operations at the transfer station. The Councilor asked whether the less tonnage equates to people being more careful with the waste they are disposing of. Mr. Watson stated it probably wasn't.

Councilor Powers asked about the price reduction mentioned in the Memorandum. Mr. Watson stated the tipping fee the City is charging will be reduced to meet the revenue gap.

Councilor Clark clarified if they bring in 17,000 tons whether they still get charged for 18,000 but are only paid for what they take out. Mr. Watson agreed. Mr. Watson added they are managing to bring in the 18,000 tons but are going to have difficulty going forward; this is the reason they are negotiating with the City. Their estimation is the amount will go down about 1,000 tons per year over the next five years. The Councilor asked how much the City would lose by stopping this contract and starting a new contract. Mr. Watson stated he did not have

that figure – he felt it would be less than \$100,000. The Councilor expressed concern about cancelling this contract and felt the City does not get out of contracts and asked whether this would be the best option for Keene. Mr. Watson felt this would be the best option for the City at this time. Councilor Powers noted the business model is built around a certain amount of tipping fee and not having that would make it more difficult.

Councilor Jacobs felt if staff had a better option, what is before the Committee would not be proposed. Mr. Watson agreed.

The City Manager stated what staff is asking for is some extra time to explore other options while maintaining the relationship and staff believes this is the best solution for the present time. Councilor Jacobs asked why it could not be for a shorter period than five years. Mr. Watson stated the number would not work with a two-year agreement and what is before the City would work with the current business model.

Mr. Darryl Masterson of Willow Street asked what percentage of the 18,000 tons belonged to the City of Keene. Mr. Watson stated 18,000 tons represents 40% of what comes into the transfer station overall, but represents a fraction of the profit.

Councilor Jacobs clarified the taxpayers were not subsidizing towards the solid waste fund. Mr. Watson answered in the affirmative.

With reference to the motion, Councilor Clark asked whether language needed to be added so that the elimination of the current contract is reflected. Mr. Watson stated this is outlined in the “Whereas” portion of the agreement.

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

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to execute a contract with Waste Management New Hampshire (WMNH) to provide transportation and disposal services for refuse received at the Keene Transfer Station for a period of five (5) years with options to renew for additional years.





City of Keene, N.H.  
*Transmittal Form*

Janaury 12, 2017

**TO:** Mayor and Keene City Council

**FROM:** Finance, Organization and Personnel Committee

**ITEM:** D.10.

**SUBJECT:** Reallocation of Road Rehabilitation Funds - Roxbury Street Crosswalk, Church and Emerald Street Sidewalks - Public Works Department

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**RECOMMENDATION:**

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to allocate \$127,000 of unspent funds from previously appropriated Roadway Rehabilitation projects (90018) as follows: to the Roxbury Street Crosswalk project \$35,000; to the Church Street Sidewalk project (90278) \$45,000; and, to the Emerald Street Sidewalk project (90032-17) \$47,000.

**BACKGROUND:**

City Engineer Don Lussier stated he was before the committee to discuss reallocating funds from the road rehabilitation program. Last summer we put out two construction contracts for road work and paving. These two contracts together encompassed everything that was left from the FY16 project list that had not been done yet, as well as everything in the FY17 project list, with the exception of Water Street. He continued that Water Street we are treating differently because it also includes sidewalk, curbing and some drainage work as well. Water Street will be a separate contract coming out this summer.

Mr. Lussier continued that at the close of this construction season, we have done all of the work that was proposed in the CIP for FY 16 and FY 17. After closing out these contracts and completing that work, there is still \$277,000 that was appropriated for those projects which hasn't been spent and is no longer designated to a specific purpose. He continued that there are projects we are working on that are in need of these funds. He is asking for reallocation of these funds to three specific purposes. The projects being proposed are as follows:

1. Roxbury Street crosswalk - this request came from a resident - went through the MSFI Committee and the Committee approved one of the options proposed by staff for this crosswalk. The estimate for this work would be about \$35,000 to get rid of two sub-standard crosswalks and build one ADA compliant, well-marked pedestrian activated crosswalk.
2. Church Street - Council has appropriated \$74,000 for sidewalk and curbing repair, as well as spot repair along Church Street. This plan is still valid and the budgeted amount will get this work done, however, staff is requesting additional funding to add to this scope of work for paving work between 93rd Street and Norway Avenue up to the Harrison Street intersection (600 feet).
3. Emerald Street sidewalk - \$209,000 for new concrete sidewalk between School Street and Main Street. Staff is proposing to expand the scope to add some streetscape amenities. Staff has met with residents and

businesses and there is more work which staff needs to do to move Emerald Street towards the Complete Street plan which the city has adopted.

Councilor Powers felt if it is being done it should be done right. He asked what kind of paving would happen on Church Street. Mr. Lussier stated it would be mill and overlay.

He added Emerald Street was a good idea but wasn't sure whether the Council should wait for better numbers before anything is approved. Mr. Lussier stated once the design is finalized this project would go back before the MSFI Committee providing for added public input but costs cannot be estimated until the design work is done and he didn't want to spend staff time until he knows Council agrees that this is something they are interested in seeing happen.

Councilor Clark stated he would like the work on Emerald Street to be done and agreed there was good input received at the last public forum. He asked the Emerald Street work dovetail with the downtown beautification/reconfiguration work being proposed.

With respect to the Roxbury Street, the Councilor agreed the new crosswalk would be necessary especially with the Moco Arts new building coming up at this location. He added he however, could not understand adding a crosswalk for "dancers" but removing one that is used by the elderly; he stated he would like to see the third crosswalk. Mr. Lussier stated he would rather see one well lit, well-marked crosswalk rather than three mediocre crosswalks in close proximity where driver behavior and compliance become an issue.

Public Works Director Kurt Blomquist asked when the Emerald Street work is to be completed. Mr. Lussier stated the plan was for spring 2017 construction, work to begin on May 1, 2017. Mr. Blomquist stated he does not see any conflict between the work being proposed for Emerald Street versus to what is being planned. He referred to the new businesses being proposed for Emerald Street and felt any improvement to Emerald Street would be appreciated by these new businesses.

Councilor Jacobs stated there might be projects in the CIP that might not represent today's thinking and he hoped as the City looks at the CIP it is looking at projects and costs that represent today's thinking without carrying it forward from previous years. Mr. Lussier stated Emerald Street is an example of exactly that type of plan; there was plan which was adequately funded, but before the plan was funded staff stepped back to evaluate whether this actually met the City's current needs.

Councilor Clark expressed concern about the narrowing of Emerald Street from Main Street. Mr. Lussier stated he looked at this with the design engineer and felt minimal changes could be done to the radius while still meeting the project goals and objectives.

Councilor Powers noted Account 90018 being referred to here shows no balance. Finance Director Steve Thornton stated in August bonds was issued for FY16 and 17 and this money will be transferred to this account. Councilor Powers stated when working on Harrison Street which is now a dead end street, he asked that it be made obvious it is a dead end street.

Mr. Lussier added the undesignated amount is \$277,000 however, what he is requesting is \$127,000; Mr. Lussier is working with the Finance Director to come up the plan for an expeditious use of these remaining funds.

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

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to allocate \$127,000 of unspent funds from previously appropriated Roadway Rehabilitation projects (90018) as follows: to the Roxbury Street Crosswalk project \$35,000; to the Church Street Sidewalk project (90278) \$45,000; and, to the Emerald Street Sidewalk project (90032-17) \$47,000.



City of Keene, N.H.  
*Transmittal Form*

January 17, 2017

**TO:** Mayor and Keene City Council

**FROM:** Rhett Lamb, ACM/Planning Director

**ITEM:** F.1.

**SUBJECT:** Relating to Zone Change - West Surry Road (Ordinance O-2016-18) and Relating to an Amendment to the Zoning Ordinance - High Density 1 (Ordinance O-2016-19)

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**RECOMMENDATION:**

A motion was made by George Hansel that the Planning Board find that Ordinances O-2016-18 and O-2016-19 – Relating to Zoning Changes consistent with the Master Plan. The motion was seconded by Nathaniel Stout. The motion failed on a 0-6 vote.

A motion was made by Councilor Chadbourne that the Planning, Licenses and Development Committee recommend the Mayor set a public hearing on Ordinances O-2016-18 and O-2016-19 – Relating to Zoning Changes. The motion was seconded by George Hansel and carried on a unanimous vote.

**BACKGROUND:**

Mr. Jack Franks of Avanru Development Group and Jocelyn Beiswenger from Sheehan Phinney addressed the Committee. Ms. Beiswenger stated she represents Avanru Development Group for this proposal. Ms. Beiswenger stated she felt this request for change from low density to HD-1 is consistent with the master plan as it encourages mixed uses within a neighborhood, and would allow for more than just single family homes and will allow for vertical development which in turn would make green space possible on this parcel. Additionally the lots developed are within the secondary growth area and is in the Court Street activity center which again encourages mixed used development within this parcel.

Additionally, the change from Low Density to HD-1 increases walkability in the community; it is close to the Keene Middle School, YMCA and other new development in the area (Dunkin Donuts and a new bank). According to the zoning map, the area consists of commerce, high density, low density, rural, agricultural; there are single-family homes, gas station, a bank, condo association and a mobile home park

Ms. Beiswenger stated the applicant does understand the change from Low Density to HD-1 will have impact on surrounding areas, but this parcel which consists of 12 acres has a significant amount of wetlands (45%) which cannot be developed. She agreed there will be an increase to traffic but because of the area that cannot be developed this impact is going to be significantly compared to the maximum possible units of 174.

As far as the ingress and egress, the applicant has been in contact with NHDOT and they agree there will be good visibility for 12A and Old Walpole Road coming out of this parcel and stated they will work with NHDOT to get their further input. Ms. Beiswenger stated she understands the Committee is not looking at any specific project at this time but eventually things like traffic, buffer impact would be looked at by the Planning Board.

Planner Michele Chalice was the next to address the Committee. Ms. Chalice stated she was before the Committee to give them an overview of the relationship of the applicant's request to the existing ordinances. Ms. Chalice referred to the roundabout on Court Street, Old Walpole Road and West Surry Road. There are single family homes, Stone Arch Village has a variety of complexes (to the southeast), The Court located in the High Density District has about 80 two-bedroom condominiums, Tanglewood Estates with manufactured homes, The Pines with apartments, Dinsmoore Woods along Maple Avenue, commercial development - Savings Bank of Walpole, Dunkin Donuts, Seven Eleven and two other mixed use buildings.

Ms. Chalice referred to a second map which showed Summit Road, Maple Avenue and Park Avenue where there is an HD-1 District which contains an apartment complex consisting of three story buildings and they have quite a setback – this is a unique aspect of HD-1. She noted to a handout which refers to the building sizes permitted in Low Density (two stories) and HD-1 (three stories). There is certainly the ability for maximum percentage occupied by structure in the HD-1 district. Minimum building setback are much broader in HD-1. Minimum greenspace for HD-1 is ten feet but this is not a requirement in Low Density.

Ms. Chalice referred to a second handout which lists allowable primary uses:

Accessory Dwelling Units are allowed by conditional use permit – permit approved from the Planning Board.

Bed and Breakfast with dining facilities – Special Exception with HD-1 – application by Planning Board.

Single family, duplex and multi-family – allowed in both zones

Institutional Uses – is also allowed in HD-1 but needs Special Exception in Low Density.

Ms. Chalice said there is a substantial wetland on the property; staff hasn't seen a full report on this wetland. It compasses 5.7 acres right in the middle of the property. Board standards required a 30 foot setback for construction to happen near a wetland. This does decrease the buildable area and may require NH Environmental Wetlands Permit.

Vehicle trips – page 23 – Southwest Regional Planning Commission has given their professional opinion as to what the increase to vehicle trips would be should this potential 12 acre parcels was to be developed. In low density it could be about 32 trips which would yield about 306 trips daily trips. HD-1 without the wetland could be up to 174 units in that scenario this would yield about 1,157 trips.

Master Plan – there are substantial aspects this application is coherent with the master plan.

Smart Growth – talks about concentrating development in places close to existing utilities, jobs, educational institutional used. This parcel has that but the challenge in this case it is trying to balance potential impacts and how those impacts outweigh how coherent a zoning request change like this would be.

Chair Jones asked if the special exception and conditional use permit requests require public notice. Ms. Chalice stated both of the processes would require abutter notice and added any permit request requires abutter notice.

Chair Spykman asked if the “maximum percentage occupied by structure” considered only in the portions that would be buildable. Ms. Chalice stated for subdivision it is only the area that could be developed and her understanding it is over the entire area. Chair Spykman clarified in that case the entire area not covered by structure in this case could be developed. Ms. Chalice agreed and added it has to be within the appropriate setbacks within the maximum percent of lot in impermeable – they cannot cover more than 75% but the minimum open space is comparatively less in HD-1 (25%) and in low density it is 55%.

Mr. Stout felt this area might be appropriate for a Conservation Residential District (CRD) and asked whether it

would be allowed either in the proposed or existing zoning. Ms. Chalice stated this is a separate zoning and would have to be a separate request from the applicant. Mr. Stout asked for added information on CRD. Mr. Lamb stated since the adoption of the CRD 12 years ago there have been two approved projects. He said it was meant for the Rural District and LD and this area wouldn't see a CRD if this area was changed to HD-1 as there would be no reason to do it, as the HD-1 is much more concentrated than a CRD.

Mr. Barrett asked what kind of development could be expected if this area remained in Low Density keeping in mind the wetland area, and asked whether perhaps 10 – 15 single family homes could be expected. Ms. Chalice stated it is hard to be specific as staff doesn't have a final report on the wetlands. In the staff report it calls for 306 vehicle trips for approximately 30 units which could be reduced if there were only 10 -15 single family homes. Ms. Chalice agreed. Mr. Lamb stated he understands the Board is trying to whittle down the numbers based on what they think might be developed but felt this could be risky – waivers to alteration to wetland buffers happen regularly.

Councilor Sutherland noted that one of the permissible uses is institutional use and recalled the recent property on Wyman Road – Hillside Development and noted depending on the formation of institutional use there could be no tax revenue coming into the city.

Chair Jones felt there was a big difference between traffic for LD and HD-1 (306 versus 1,100). He added the intersection of Maple Avenue and Route 12, the route many would travel which at one time was a failed intersection because of the construction of C&S and YMCA. When the Middle School was constructed this roadway was widened but during school hours this is a failed intersection again and felt this could be a concern when project eventually gets developed. Ms. Chalice felt this would be a concern if there was an institutional use constructed here versus residential where traffic go back and forth.

Councilor Sutherland referred to the vagueness of the master plan as it relates to this project. Mixed use neighborhood are encouraged – there is not market, but you could purchase jelly donuts, pizza and alcohol and do some banking. He added language in the master plan also talks about fitting in with each neighborhood scale and density goals. The Councilor stated he has not heard anyone indicate they were looking to increase the density in their neighborhood; this is something that is seen in the downtown. He asked whether this is something the City should be considering adding – high density – given this argument.

Ms. Chalice stated this is an area in the master plan identified as a secondary growth area not a primary growth area. The primary growth is centered around downtown. This is what is referred to one of three nodes in the master plan. When the master plan was written in 2010 it was with the hope that the City would develop a neighborhood plan for each of these nodes. Councilor Sutherland stated the city has not articulated what the density target is for each of these nodes and felt there has been a lot of development in this particular area recently and asked when city planning decides when it stops. Ms. Chalice felt this was a challenging question as the city does not decide when this stops but the city provides sufficient information to a body such as this to balance the advantage versus impact – there are no exact numbers to go by.

Councilor stated this neighborhood already has density with the new development, single family homes, and manufactured homes.

Chair Spykman noted there are a number of large residential developments in this area (southeast) and under proposed zoning change and allowable uses, asked how similar a full build out would look to some of the existing larger developments in this area. Ms. Chalice felt the aesthetic would be similar to for instance Stone Arch Village but as well as to the Court Street condominiums and apartment building. Mr. Lamb stated Ms. Chalice is referring to multi-family uses but it is not clear what a future owner might do with this property with HD-1 zoning designation. Ms. Chalice stated in the most extreme example, it would be coherent with what exists in this area.

Ms. Russell-Slack stated the master plan does encourages mixed use but nothing has been stated about walkability or using a bicycle. Ms. Russell-Slack felt this was a very unsafe area to walk. There is no sidewalk on West Surry Road and there is no room to walk on Old Walpole Road. She asked where Dinsmore Woods and the forested area are located in relation to this property, as no-one has talked about wildlife. Ms. Chalice referred to Old Walpole Road and noted the forested area starts near Sesame Street and extends the length of Old Walpole Road, where as Dinsmore Woods begins close to the roundabout. Ms. Chalice noted beyond the forested area is completely surrounded by a residential area and did not feel there was any corridor opportunities for wildlife movement in a coherent strip through the residential area. This concluded the staff presentation.

Chair Jones stated tonight's workshop is a communication tool only. This body does not have the ability to change the zoning. What the Planning Board can vote on tonight is whether this request is consistent with the Master Plan and what the PLD Committee can do is to request the Mayor to schedule a public hearing. Even if both votes come out in the negative the petitioner still has the right to a public hearing for which hearing abutter notice will be provided. The Chairman felt a public hearing won't happen until February.

The Chair asked for public comment.

Dr. Carey Bluhm of 44 West Surry Road addressed the Committee first. Dr. Bluhm stated as the Planning Director indicated assumptions are not being made about development on this property but if HD-1 is made density will increase and many more uses can be added. He noted there were seven streets identified which could accommodate HD-1 but West Surry Road and Old Walpole Road are not on the list. Dr. Bluhm stated he has heard the term spot zoning and felt the change could bring in that type of zoning. He agreed Court Street has developed quite a bit but it has not existing neighborhoods.

He agreed the Master Plan emphasizes mixed use but "livability" for everyone was important. He felt this area is an entirely different world and don't want to see the area degraded. He noted to the wild life that cross this area even through people's backyards but this probably won't be the case if this area is densely developed. Dr. Bluhm noted to the number of people who are in attendance today; close 60 citizens – the Master Plan encourages citizen involvement and when the time comes to talk about how to define these neighborhoods there are many people who would be happy to work with the City on it.

Councilor Jones stated the City could suggest different zones for different portions of the city, but a petitioner always has the right request to change a zoning in any neighborhood.

Mr. Robert McNichols of 1 Glen Road began by noting to the different wildlife in his backyard. He stated his primary concern is traffic – two weeks ago it took him 15 minutes to go from his home to the hospital. Mr. McNichols stated there is traffic currently which comes in from Walpole and Vermont that come down Old Walpole Road and added to this there is also going to be the elderly housing on Wyman Road. Travelling from Wyman Road via Route 12 can be dangerous so this traffic will also now be using Old Walpole Road and Maple Avenue. He added the current traffic situation is already very dangerous.

Chair Jones clarified from staff the issue about traffic will be addressed during site plan review. Mr. Lamb agreed that this is an item which would be discussed with a more precise estimation but added this is a proper line of analysis for the Joint Committee as well to decide if they wish to change the zoning.

Mr. Dick Hamilton of 14 Southview Drive thanked the Joint Committee for their work. Mr. Hamilton stated single family is part of mixed use and added this neighborhood has already seen a lot of density happen overtime. He felt if this application is approved it invites additional applications along the two roads being addressed today. He asked the Committee to use the roundabout as the transition point between high density and low density as it exists today.

Traffic is a challenge right now and the roundabout is small. Mr. Hamilton felt the wetland area needs to be

preserved. In closing, he asked that the Committee to deny the request for zoning change and use the roundabout as a buffer between low density and HD-1.

Joseph Allsop of 41 West Surry Road stated he purchased his home a year and half ago after retiring from the military. He purchased his home because of the serene nature of the neighborhood. He felt the request before the Committee will benefit the petitioner but not the neighborhood. He felt today's turnout speaks volumes to have the neighborhood feels about this request. Mr. Allsop talked about the issues with traffic and the lack of sidewalk on West Surry Road. He felt HD-1 would wreck the neighborhood.

He noted the Master Plan says zoning change needs to be smart and blend seamlessly but did not feel the change being requested would do that for this neighborhood and could affect the integrity of the neighborhood.

Mr. Allsop talked about the brain injury he suffered during his time in the military and this is one of the reasons he chose to live in this quiet neighborhood and did not feel this quiet neighborhood would continue with the requested change.

Ms. Christine Parshell of 28 Old Walpole Road began by thanking the Committee for the questions that I have posed so far which has helped tremendously. She stated as follows:

*I am here tonight to voice my opposition to the proposed zoning changes at 32 West Surry Road from low density to HD-1 and the accompanying zoning changes to road frontage on Old Walpole Road and West Surry Road.*

*I would like to preface my remarks by briefly stating that I understand and appreciate the need for affordable housing in our community. My husband and I have benefited from affordable private market rentals, HUD supported workforce housing, and we used a NH first time home buyer's loan to purchase our home on Old Walpole Road.*

*I also appreciates the unique character of our city; Keene's Master Plan recognizes the importance of parks, greenways, and other open spaces. By establishing areas of primary growth closer to the city's core, and lower density development around its edges there is an attempt to limit sprawl which would make Keene look like too many other places I have been.*

*The neighborhoods north of the Maple Avenue rotary consist of low density housing. Creating a new HD-1 zone here disrupts this pattern and disturbs the character of the surrounding community. The fact that higher density development exists south of the rotary on Court Street is not a reason to extent such development on West Surry Road and Old Walpole Road. This is an invitation to further sprawl. I was not surprised when this parcel of land went up for sale, but I'd always imagined that any development taking place across the street from my home would be in keeping with existing housing.*

*Even here on the city's edge, Old Walpole Road is a very busy road, though thanks to the snowfall today, this morning was one of those rare times when the road was quiet. During the summer, conversations stop as motorcycles speed by, and sleep is disturbed. We keep our front windows closed year round because of the noise and road dust. When I heard the increase to the number of trips it was very disturbing to her.*

*I have a number of concerns about increased traffic on Old Walpole Road. I walk out into the road daily to get my mail, and on days like today, as I shovel my driveway and mailbox, I must constantly watch for passing cars. This bit of road and the area around the rotary are prone to fog even when it is clear a short way down Court Street and the rotary itself can be quite icy. I worry that these conditions will make driving more hazardous with an increase in traffic. It will certainly make it harder for me and my neighbors to safely leave our own driveways. It is also likely that drivers wishing to bypass the rotary will use side streets such as Sesame Street which have no sidewalks and were not meant to serve as thoroughfares.*

Ms. Parshell stated she loves the idea of walkable community but right now the only the only thing she could walk to is junk food and alcohol and agreed the master plan does not dictate what business could locate in a particular area but this node is of not much use to her.

With respect to the wetland is not contiguous to the other greenways but the animals don't know that. In closing asked that the Committee not consider this zoning change and take into consideration the impact t would have on the neighborhood.

Ms. Susan Landers Gilbert of 8 Southview Drive submitted a letter to the Committee. She further stated the roundabout in this neighborhood came about because of certain grant monies and was not meant for the traffic we are going to see if this HD-1 zoning is approved. She further stated traffic from the new Hillside Village Retirement community is likely to use Old Walpole Road as well to access the hospital.

Ms. Landers Gilbert referred to the following language from the Master Plan  
Neighborhoods - *Our neighborhoods – whether urban, suburban, or rural – provide a variety of opportunities. These include diversity in age, housing choice, income levels, lifestyles, economic opportunities, and transportation connections. There are even opportunities for preservation of culture and heritage in each of these neighborhood areas.*

Ms. Landers Gilbert felt they have satisfied this requirement in their area and don't need to develop anymore with HD-1 for what the master plan is requiring. She felt changing this area to HD-1 would be detrimental to the neighborhood and once it is changed you can't go back and as a result commercial activity will increase and the character and charm of the area will change. Properties north of the rotary will decrease and hoped this area will not be rezoned.

Ms. Leah Garrapy 41 West Surry Road talked about the Green Wagon Farm the neighborhood utilizes and expressed concern over the extra density that would cause added pollution to be sent downstream to this farm. Ms. Garrapy stated she was also concerned about traffic which makes it difficult for her children to play outside and referred to the blind corner close to where she lives. She talked about the already developed properties that have still not be utilized and asked that they be looked at first before more housing is added.

Ms. Daniel Prial of 67 Forest Street stated he is not an abutter to this property but heard about it at the Friends of Open Space meeting. He indicated the reason they choose to live off Court Street is so that they can walk to downtown where there is activity. However, there are also people who are looking for more peace and quiet and felt this zoning does not match either of those two dreams. He indicated this is not the type of housing he will be looking for and not something he is in support of.

Mr. Michael Smeltz of 11 Bergeron Avenue stated he is not an abutter to this property. Mr. Smeltz stated he wanted to speak against the ecological damage that could happen to the wetlands and wildlife should this zoning be approved. Mr. Smeltz stated it has been recognized there is a need for high density housing but hoped this would be concentrated in the core of the city as noted in the Master Plan.

Ms. Sarah Harpster of 32 Old Walpole Road addressed the Committee next. Ms. Harpster stated she purchased her home five years ago and was looking for a place close to the community but something on the rural side as well. Ms. Harpster stated they have a corridor that is utilized by wildlife and across her home is a forested area which also houses wildlife. Traffic is also of concern to her. Ms. Harpster talked about the property values and talked about a house that was recently occupied for more than the market value yet her property went down in value. She felt if a high density was approved on this land they would look to vacate their home but could be locked in because the value of their property would have decreased. She thanked the Committee for their time and to consider the neighborhood when making their decision as well as including them in this process and could help to define the character of this neighborhood.



Ms. Eloise Clark of 1185 Roxbury Road, Keene read into the record the following letter as a representative of the Friends of Open Space.

*At the December 7, 2016 meeting of the Friends of Open Space in Keene Board members passed a resolution in strong opposition to the proposed zoning change for the Kingsbury property located at the juncture of Old Walpole and West Surry Roads.*

*Friends of Open Space members feel the change from Low Density to High Density is inappropriate for the site. This bucolic 12-acre property currently serves as an attractive gateway at the north approach to Keene. Past Open Space Master Plans have emphasized the desirability of attractive "view sheds" within the City. This property certainly qualifies! This 12-acre site also supports a wetlands complex that would be subject to the Surface Water Protection Ordinance and possible wetland remediation measures.*

*The Kingsbury property is surrounded on all sides by residential areas. When change comes to this corner it should be in keeping with the current neighboring developments. Change to High Density usage would be out of character for the area. No doubt it would decrease neighboring property values while increasing traffic woes on the principal roads. High density housing in this area might also increase school enrollment in a part of the City that as recently seen the neighboring school close. What might be the implications of that for City taxpayers?*

*The 2012 Master Plan does not designate this area for High Density use. There are other options on seven other City streets more compatible with High density use. As you know there are currently several high-density housing options being built or under consideration in Keene. Making a zoning exception for this site could be construed as "spot zoning" and be subject to legal challenges.*

*Thank you for your careful consideration of this issue.*

Ms. Eileen Dahl of 51 West Surry Road stated she moved to Keene from a densely populated area in Florida. She stated she is familiar with urban sprawl and inappropriate use of land. Ms. Dahl stated the reason they located north of Keene was to live in a more rural area. She felt any type of high density use would be a detriment to property values and the neighborhood that exists here and would change the character of this neighborhood. She noted trying to get out of her driveway is already very difficult and any more traffic would only make this situation worse.

Mr. John McGinnis of 2 Southview Drive addressed the Committee next and stated he has been a resident of Keene since the mid-80s. Mr. McGinnis expressed concern about the traffic and pointed out that the rotary that exists here is the smallest rotary in this city and HD-1 would only add to this issue. Any institutional use would add more truck traffic to this rotary which is already hard to navigate. He asked the Committee to consider the impact of traffic for this proposal.

Mr. Quinn Farrar of 67 West Surry Road stated he relocated to Keene about 12 years ago. He indicated he was given the opportunity to relocate to 12 different communities but they chose Keene. He indicated HD-1 does not fit in this area and would have a dramatic impact on this neighborhood. He felt the city as ample opportunity for high density development but this is not one of those areas.

Ms. Jan Lyndes of 44 West Surry noted the HD-1 zone has the capacity to provide for institutional use. She also indicated she has heard commentary that this 12.9 acres could provide for 174 homes causing 1,174 trips at full build out but because of wetlands it could be reduced but it was also stated the wetlands is only 44%. She asked that these numbers be looked at more closely

Mr. Lucius Parshall of 28 Old Walpole Road stated in the last few years the rear portion of his property has seen a change to zoning and now houses a duplex and questioned where this ends. Mr. Parshall asked who

decides on the number of curb cuts. Chair Jones this is an issue that would be decided by the Planning Board.

Chair Jones stated the Committee is in receipt of letters from the following individuals:

Eloise Clark on behalf of Friends of Open Space

Tim and Talu Robertson

Brian and Renette Riley

Carey Bluhm

Jill Cielinski

Catherine Snow and Paul Ladelle

Vernon Peter and Geraldine Hogg

Francis Gooding

Robert Nichols

Mimi Barber

Mr. Lamb stated these letters along with the Staff Report will be moved forward to the City Council.

With no further comment, the Chairman closed the public hearing.

Ms. Russell-Slack asked the Chairman to explain the composition of the Joint Committee to those present tonight and the next step in the process.

Chair Jones stated this Body consists of members from the Planning Board and five Councilors who consist of the Planning, Licenses and Development (PLD) Committee. After tonight a report will go to the Mayor (2 cycles of the Council meeting). He will set a date for public hearing before the City Council (the Body who would vote on this change). That hearing would happen sometime in February. A butter hearing will be sent for this hearing. The Mayor will then send the item to the PLD Committee where public testimony is not taken and then sent back to the City Council for a vote.

Jocelyn Beiswenger from Sheehan Phinney addressed the Committee again and stated she appreciated the concerns raised tonight. She went on to say the 45% wetlands does include the buffer area. She noted even with the wetlands there could be about 25-30 single family homes constructed on this property. Ms. Beiswenger added with the zoning change what could be expected is a diverse housing options and affordable housing options which would be consistent with the master plan. Mr. Jack Franks from Avanru Development added the applicant has a taken a long time to pull this application together which would suit the city's needs. He indicated they have heard a lot of concerns and this is something they will address. He talked about the 25-30 single family homes they could construct under the current zoning. With respect, to traffic – Mr. Franks stated they would address the city's concerns in the best possible manner.

Councilor Hansel stated zoning change request is always difficult because it is always difficult to see what the proposed development would look like. He stated that once you change the zone it is changed forever. The Councilor stated the city has approved such zoning changes with a development in mind but have seen something entirely different and hence he moves very cautiously with such requests. He felt it is up to the petitioner to tie this request to the master plan and he has not seen this properly addressed. The master plan talks about this type of development should be considered if it fits with the neighborhood scale and density goals. While this is a concept that has not been developed as a city, from the testimony heard tonight, that is not something that is apparent. The Councilor felt as a result he would consider this as not being consistent with the master plan. He also added a public hearing will be scheduled on this item regardless of what the vote is tonight and even though there are individuals on this body who would vote in affirmative to set a public hearing it does not necessarily mean they are in favor of this zone change.

Mr. Barrett stated he agrees with Councilor Hansel and the portion of the master plan the councilor referred to is what he has been focusing on. Because the city has not developed goals and density for this area it is up to the

Committee to listen to the neighborhood who have made it abundantly clear in their view this rezoning will not fit their neighborhood density goals and as a result he would have difficult time finding this change consistent with the master plan.

Chair Jones reminded the Committee that the master plan is a template that is subject to interpretation. This is the reason the City has a Planning Board and not a Planning Czar.

Dr. Cusack felt unless there is an institutional use brought into this property he can't see this as being considered a mixed use. He felt there is a distinction between the area south of the roundabout and north of the roundabout. This parcel is surrounded by low density on all side and hence wasn't convinced this was the best option for this parcel of land.

Councilor Sutherland stated the master plan is six years old and some of the data in it is dated as well. The Councilor stated before the roundabout was constructed the intersection of Court Street, Maple Avenue and West Surry Road was considered to be the seventh as far as accidents were concerned. He referred to a recent incident where traffic coming south bound off the roundabout would not yield to children trying to cross this intersection. He felt there are a number of other challenges to address in this node and increasing the density would not be the way to do this.

Councilor Chadbourne stated she appreciated all the people who came to speak on behalf of this neighborhood and letting us know the quality of life will be negatively impacted by this change. The Councilor felt the change would negatively impact the quality of life in this neighborhood. She went on to say that she values what the neighbors say and her vote is dependent on that. Safety and traffic is also alarming and was stated by Councilor Sutherland and added as a person who rides a bicycle on West Surry Road, this is already a dangerous street and couldn't imagine what more traffic would do.

Mr. Stout stated he agrees with what has already by said but also recognizes property rights that should also be considered. Mr. Stout agreed this is a beautiful part of Keene. He went on to say there has been no mention of addressing the congestion that occurs in this part of the city. With respect to the wildlife corridor, he felt this is a viable argument as well.

Chair Jones asked whether a buffer zone is possible with an HD-1 zone. Mr. Lamb stated the only other area the City could look at for an option such as this would be the other end of Maple Avenue (Maple & Park) where HD-1 exists now. This area already has relatively high density development already. He felt this is something the Committee could consider but added there are some internal setbacks already built into it (50-foot setback) especially if there are Low Density Districts that abut this parcel.

Chair Spykman asked for the difference between High Density and High Density- 1. Ms. Chalice referred to page 20 of the Staff Report refers to some of the differences. For instance the three-story structure set back of 50 feet exists in High Density-1 but does not exist in High Density. High Density has a minimum lot size of 6000 square feet and 2 acres for High Density-1. The minimum lot size per dwelling unit is 5,000 square feet for High Density and 3,000 square feet for High Density-1. The building setback for high density is 15 feet and High Density-1 it is 50 feet.

A motion was made by George Hansel that the Planning Board find that O-2016-18 and O-2016-19 – Relating to Zoning Changes consistent with the Master Plan. The motion was seconded by Nathaniel Stout. The motion failed on a 0-6 vote.

A motion was made by Bettina Chadbourne that the Planning, Licenses and Development Committee recommend the Mayor to set a public hearing on O-2016-18 and O-2016-19 – Relating to Zoning Changes. The motion was seconded by George Hansel and carried on a unanimous vote.



City of Keene, N.H.  
*Transmittal Form*

January 16, 2017

**TO:** Mayor and Keene City Council

**FROM:** Ginger Hill, Parking Services Manager

**THROUGH:** Brian Costa, Police Chief

**ITEM:** H.1.

**SUBJECT:** Relating to Parking Meter Rates - Holidays

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**RECOMMENDATION:**

That Ordinance O-2017-01, Relating to Parking Meter Rates - Holidays, be referred to the Finance, Organization and Personnel Committee for their consideration and a recommendation back to City Council.

**ATTACHMENTS:**

Description

Ordinance O-2017-01

**BACKGROUND:**

In response to former Councilor Kahn's request that the City consider waiving parking meter rates during the Thanksgiving Holiday, staff has prepared the attached Ordinance. This Ordinance also includes the list of City observed Holidays as part of the amendment in response to a suggestion from Councilor Powers.



# CITY OF KEENE

O-2017-01

Seventeen

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

Relating to Parking Meter Rates – Holidays

AN ORDINANCE .....

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

That the City Code of the City of Keene, New Hampshire, as amended is hereby further amended by adding the bolded underlined text and deleting the strike through text to the following provisions of Article III, "Parking", of Chapter 94, entitled "TRAFFIC, PARKING AND PUBLIC WAYS" Division 4, "Leased Spaces", Section 94-153 "Exceptions to parking regulations" as follows:

Sec. 94-153. - Exceptions to parking regulations.

The following vehicles shall be exempt from parking regulations as specified herein;

- (6) During the period seven days immediately preceding the Christmas Day holiday each year meter fees will be suspended at every metered space in the city, however established time limits will remain in effect.
- (7) During the period starting the day of Thanksgiving and extending through the entire Holiday Weekend each year meter fees will be suspended at every metered space in the city, however established time limits will remain in effect.**
- (8) On the following holidays and observed holidays: New Year's Day, Martin Luther King/Jonathan Daniels Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day and Christmas Day, each year meter fees will be suspended at every metered space in the city, however established time limits will remain in effect.**
- ~~(9)~~ **(9)** During any defined period where suspended by a vote of the city council under such terms and conditions as it may require.

\_\_\_\_\_  
Kendall W. Lane, Mayor



City of Keene, N.H.  
*Transmittal Form*

January 6, 2017

**TO:** Mayor and Keene City Council

**FROM:** Ginger Hill, Parking Services Manager

**THROUGH:** Brian Costa, Police Chief

**ITEM:** H.2.

**SUBJECT:** Relating to Two Hour Parking - Washington Street

---

**RECOMMENDATION:**

That Ordinance O-2017-02, be referred to the Municipal Services, Facilities and Infrastructure Committee for consideration and a recommendation back to City Council.

**ATTACHMENTS:**

Description

Ordinance O-2017-02

**BACKGROUND:**

In response to a request from attorney, Mary Lou Caffrey, of Bradley and Faulkner Law Firm, the attached ordinance would allow for two hour parking on the west side of Washington Street, north of Vernon Street. Two parking meters will be installed in that location.



# CITY OF KEENE

O-2017-02

Seventeen

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

Relating to Two Hour Parking Zone – Washington Street

AN ORDINANCE .....

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

That the City Code of the City of Keene, New Hampshire, as amended is hereby further amended by adding the bolded underlined text and deleting the strike through text to the following provisions of Article III, “Parking”, of Chapter 94, entitled “TRAFFIC, PARKING AND PUBLIC WAYS” Division 2, “Specific Streets”, Section 94-94 “Restrictions” as follows:

Sec. 94-94. - Restrictions.

(a)

*Two-hour zones.* It shall be deemed unreasonable if a vehicle is left standing for more than two hours at any time between 8:00 a.m. and 5:00 p.m., Monday through Saturday, along the curb on the following streets:

Washington Street, ~~both sides~~, **west side**, from Central Square to a point ~~intersecting~~ **north of** Vernon Street, except where otherwise posted.

**Washington Street, east side, from Central Square to Spring Street, except where otherwise posted.**

\_\_\_\_\_  
Kendall W. Lane, Mayor



City of Keene, N.H.  
*Transmittal Form*

January 12, 2017

**TO:** Mayor and Keene City Council

**FROM:** Finance, Organization and Personnel Committee

**ITEM:** I.1.

**SUBJECT:** An Ordinance to Establish a College City Commission

---

**RECOMMENDATION:**

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2016-21-A.

**ATTACHMENTS:**

Description

Ordinance O-2016-21-A

Ordinance O-2016-21-A Redlined

**BACKGROUND:**

Planner Tara Kessler began by introducing Mayor Kendall Lane and Darryl Masterson of the College City Commission. Ms. Kessler stated this commission was created two years ago by the Mayor. The Commission's membership was formed by Mayor Lane and Dr. Huot to address concerns of mutual interests. They have addressed topics such as housing, parking and infrastructure, citizenship, and tax base. They have conducted research, invited experts to address topics and have put together a report. One of the recommendations in the report was to formalize this Commission through an Ordinance.

Mayor Lane stated the model used to create this commission is the same model used to create other special committees. However, this commission has members appointed by the College President and members appointed by the Mayor and hence it did not fit the model they have tried to make it fit into. Hence, creating a separate ordinance would be a better way to structure this commission. The Mayor went on to say the relationship between Keene State and the City has been extremely positive and he did not feel that relationship should be dependent upon who sits as the Mayor or the President and he felt this positive relationship should be continued into the future.

He stated he would like to amend language in this ordinance in Section 2-1114, where it talks about the Planning Department providing staff support. The Mayor stated the Planning Department has been providing staff support in the past but the Manager has been looking at the organization of the city and he felt if the language said "the city would provide staff support as it is available", it would be preferable.

Mr. Masterson felt there are three entities involved with this commission; the city, the college as well as city residents who are also represented on the commission, working together to better the community. Councilor Jacobs asked whether Mr. Masterson was comfortable with the wording. Mr. Masterson answered in the affirmative. The Councilor noted language in the ordinance calls for the college to provide staff support and



asked whether the city could mandate the college to provide this support. Mayor Lane stated it was not a mandate, but Keene State is providing this support as well the City of Keene; this is the contribution both entities are making toward this commission. Councilor Clark asked whether there was going to be a Memorandum of Understanding with the college regarding membership. Currently there are 14 members on the commission with three vacancies and asked whether 14 was going to be the membership number. Ms. Kessler stated there are 14 members currently and noted perhaps the city website had not been updated and stated she would check. There was a student who resigned from the commission due to his class schedule. The Mayor stated once this ordinance is approved by the city, Keene State would also pursue a similar ordinance, once that is complete a Memorandum of Understanding will be signed by all parties.

Councilor Powers stated he was in favor of this ordinance but raised concern with the term “commission” as he felt this implies a certain amount of authority. Councilor Clark stated he did not have an issue with this term and went on to say this is something that should have been done a long time ago because of the interaction the City and college have had. He felt it is time to formalize this process. Councilor Jacobs agreed with Councilor Clark and extended his appreciation for bringing this item forward. He felt the relationship the City and college have had recently has been positive.

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

On a vote of 3-0, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2016-21-A.



# CITY OF KEENE

0-2016-21-A

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 City will provide staff support as it may be available to the College City Commission. 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 recommendation
- (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

## Sixteen

## Relating to the College City Commission

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:

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**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.

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- (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-

- 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~~ City 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:

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- (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 recommendation
- (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*

January 19, 2017

**TO:** Mayor and Keene City Council

**FROM:** Elizabeth A. Fox, Assistant City Manager/Human Resources Director

**THROUGH:** Medard K. Kopczynski, City Manager

**ITEM:** J.1.

**SUBJECT:** In Appreciation of Diane L. Flagg Upon Her Retirement

---

**RECOMMENDATION:**

That Resolution R-2017-04 be adopted by the City Council.

**ATTACHMENTS:**

Description

Resolution R-2017-04

**BACKGROUND:**

Mrs. Flagg retired from the Public Department's Solid Waste Division effective December 17, 2016, with 21 years of service.



# CITY OF KEENE

In the Year of Our Lord Two Thousand and Seventeen

A RESOLUTION In Appreciation of Diane L. Flagg Upon Her Retirement

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

WHEREAS: Diane Flagg began her career with the City of Keene as a Custodian in the Parks, Recreation and Facilities Department, caring for the former Public Works headquarters on Main Street until August 15, 1997, and returning as a “temporary” employee September 23, 1997, until she joined the Public Works Solid Waste Division as a Recycler I/Weighmaster August 31, 1998; and

WHEREAS: Licensed by the State of New Hampshire’s Division of Weights and Measures as a Public Weighmaster, Diane has served as gatekeeper for the City’s solid waste and recycling management programs, carrying out her responsibilities to monitor and track inbound and outbound materials to the Transfer Station and Recycling Center and

WHEREAS: Diane has seen the functions of recycling and solid waste management evolve from the chasm called “the dump,” to the addition of a small building, to the construction and startup of the full professional facility the City now has, which processes an annual tonnage exceeding those of the much larger cities of Concord and Manchester; and

WHEREAS: Her excellent knowledge, good judgment, sound advice, great integrity, special insight, and meticulous work have allowed her to be responsive to the smallest, largest, and unusual needs of the public; to get the job done correctly the first time; and to take immediate action to correct any unsafe condition; and

WHEREAS: Starting with a mission to provide great customer service, her positive, pleasant and humble manner led her to greet her customers with a smile, to “know” her customers’ unique needs, and to hail them by name—some driving up just to chat with her if she didn’t have a line of vehicles—and to her being well-liked by almost everyone with whom she came in contact;

WHEREAS: Many a dog will miss getting its biscuit from her, as she was, in fact, a Pavlovian response; and

WHEREAS: Diane retired from the City of Keene December 17, 2016, with 21 years of honorable service to the City of Keene;

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

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

PASSED

\_\_\_\_\_  
Kendall W. Lane, Mayor



External Communication  
*Transmittal Form*

January 18, 2017

**TO:** Mayor and Keene City Council

**FROM:** Attorney Thomas R. Hanna

**THROUGH:** Patricia A. Little

**ITEM:** J.2.

**SUBJECT:** Relating to the Alteration of Wyman Road

---

**ATTACHMENTS:**

**Description**

Hanna Communication

Petition to Alter Layout of Wyman Road

Request for Waiver of Section 70-87(a)(2)

Warranty Deed

Resolution R-2017-05

Return of Alteration of Layout of Wyman Road

**BACKGROUND:**

Attorney Thomas R. Hanna is submitting a petition on behalf of the Prospect-Woodward Home for the alteration of Wyman Road in connection with the proposed development of Hillside Village.



THOMAS R. HANNA  
ATTORNEY  
41 SCHOOL STREET  
KEENE, NEW HAMPSHIRE 03431

Thomas R. Hanna  
F. Barrett Faulkner

Tel. (603) 352-9030  
Fax (603) 352-9021

January 18, 2017

HAND DELIVERED

Keene City Council  
City of Keene  
3 Washington Street  
Keene, New Hampshire 03431

Re: The Prospect-Woodward Home - Proposed Development of "Hillside Village"  
on Wyman Road, Tax Map Parcel #919-8-3 and Parcel #919-9-24


Ladies and Gentlemen:

The purpose of this letter is to request that the City Council go forward with The Prospect-Woodward Home's Petition to Alter Layout of Wyman Road at the Council's meeting on January 19<sup>th</sup>, even though it is my understanding that the remaining documents submitted with my letter of January 13<sup>th</sup> will not be on the Council's agenda until February 2<sup>nd</sup> to allow time for review of those documents by the City Attorney and the City Engineer. The Prospect-Woodward Home is hoping to have a final decision on the layout by March, if possible, to accommodate the timing of financing on the Hillside Village project. Given that notice of the layout and a hearing are required prior to the Council's vote, we would like to get the layout process started as soon as possible.

The Prospect-Woodward Home respectfully requests that the City Council go forward with the Petition to Alter Wyman Road at its January 19<sup>th</sup> meeting, and consider the remaining documents submitted to the City Council by The Prospect-Woodward Home at the Council meeting on February 2<sup>nd</sup>.

Your consideration in this matter is appreciated.

Sincerely,

  
Thomas R. Hanna *by Tss*

TRH/tss

cc: Kimball B. Temple, M.D.  
Edward J. Kelly  
James Phippard  
Rob Hitchcock

## PETITION TO ALTER LAYOUT OF WYMAN ROAD

### TO: THE HONORABLE MAYOR AND CITY COUNCIL FOR THE CITY OF KEENE

Your petitioner, THE PROSPECT-WOODWARD HOME, a New Hampshire non-profit corporation with a principal address of 194-202 Court Street in the City of Keene, County of Cheshire, and State of New Hampshire, (the "Petitioner"), respectfully petitions the City Council for the City of Keene to alter the layout of a section of Wyman Road, a Class V highway in the City of Keene, County of Cheshire, State of New Hampshire, and respectfully represents that there is occasion for said alteration, and in support thereof says the following:

1. For the accommodation of the public it is desirable to alter a section of the street known as Wyman Road over land owned by Kendall W. Lane and Molly B. Lane (the "Lane Property") in the City of Keene pursuant to New Hampshire Revised Statutes Annotated 231:7 and 8, as shown on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates (the "Alteration Plan"), a copy of which plan is attached hereto.

2. The Lane Property is comprised of two parcels: a 37.5 acre parcel at 99 Wyman Road, located on the east side of the road and identified on the Keene Tax Maps as Parcel #919-09-024; and a 12.6 acre parcel at 0 Wyman Road, located on the west side of the road and identified on the Keene Tax Maps as Parcel #919-08-003. Kendall W. Lane and Molly B. Lane ("the Lanes") acquired the Lane Property by deed from the legatees of Mary R. Dodds, dated August 9, 1997, and recorded at Book 1613, Page 317 of the Cheshire County Registry of Deeds.

3. The Petitioner will be acquiring the Lane Property for development as a Continuing Care Retirement Community known as "Hillside Village." The development of Hillside Village includes improvements to Wyman Road and the proposed alteration (widening) of Wyman Road, pursuant to Planning Board site plan review and approval in #SPR-11-16. The latest version of the construction plans (the "Construction Plans") showing all utilities and improvements to be made to Wyman Road are attached hereto.

4. The section of Wyman Road to be altered extends from the southerly boundary of the Lane Property to the northerly boundary of the Lane Property. The alteration involves widening Wyman Road over three narrow strips of land on the Lane Property shown as Areas "A," "B" and "C" on the Alteration Plan.

5. Wyman Road will be improved from a point just north of Black Brook Road northerly to the northerly boundary of the Lane Property.

6. Improvement and alteration of Wyman Road will accommodate the traffic levels

that will be generated by Hillside Village, address safety concerns with existing roadway conditions, improve the radius and slope of the horizontal curve near the north end of the project site, improve the line of sight at that curve and improve public safety.

7. The Petitioner, as successor in interest to the Lanes after purchasing the Lane Property, will deliver a warranty deed conveying a highway easement to the City of Keene over Areas "A," "B" and "C" shown on the Alteration Plan, which areas constitute the proposed location of the altered layout of Wyman Road. A copy of the proposed Warranty Deed is attached hereto.

8. At the recommendation of the City Engineer, the Petitioner is requesting a waiver from the requirements of Sec. 70-87(a)(2) of the City Code of Ordinances to allow for the conveyance of a highway easement to the City rather than fee title, because the land under the existing Wyman Road right of way is not owned by the City in fee. The City Engineer has advised the Petitioner that "the City would not want to take fee-simple ownership of small discontinuous 'slivers' of land." A copy of the Request for Waiver is attached hereto.

9. As shown on the Alteration Plan and the Construction Plans, a 10' wide slope easement related to the improvement of Wyman Road passes over:

Tax Map Parcel #919-09-025

Owned by:

Jeremy L. Lory and Nancy S. Lory,

Trustees of The Lory Family Revocable Trust

By virtue of a deed from Jeremy L. Lory and Nancy S. Lory dated May 5, 2014, recorded at Book 2867, Page 960 of the Cheshire County Registry of Deeds; and

10. Jeremy L. Lory and Nancy S. Lory, as Trustees of The Lory Family Revocable Trust, their successors or assigns, will convey the 10' wide slope easement to the City of Keene after the Petitioner has acquired title to the Lane Property.

11. As shown on the Alteration Plan and the Construction Plans, a slope easement and drainage easement (extending 30' from the centerline of Wyman Road in some areas and 60' from the centerline in other areas) related to the improvement of Wyman Road passes over:

Tax Map Parcel #919-08-004

Owned by:

Spofford Stage Real Estate, LLC,

By virtue of a deed from Blackbird Fields Real Estate, LLC, dated January 4, 2007, recorded at Book 2408, Page 939 of the Cheshire County Registry of Deeds.

12. Spofford Stage Real Estate, LLC, will convey a slope easement and drainage easement to the City of Keene after the Petitioner has acquired title to the Lane Property.

13. As shown on the Alteration Plan and the Construction Plans, a slope easement and

drainage easement for a riprap apron related to the improvement of Wyman Road passes over:

Tax Map Parcel #919-09-026.0100

Owned by:

Monadnock Economic Development Corporation

By virtue of a deed from Richard S. Pastore, Trustee of Black Brook Trust, dated July 29, 1998, recorded at Book 1658, Page 874 of the Cheshire County Registry of Deeds.

14. Monadnock Economic Development Corporation will convey a slope easement and drainage easement for a riprap apron to the City of Keene after the Petitioner has acquired title to the Lane Property.

15. The Petitioner, as successor in interest to the Lanes after purchasing the Lane Property, will also enter into an agreement with the City granting the City the right to drain stormwater runoff from Wyman Road onto the Hillside Village property and into the Hillside Village on-site drainage system, and the right to maintain that portion of the Hillside Village on-site drainage system (e.g. swales and pipes) that receives and conveys drainage away from Wyman Road in the event that the on-site system is preventing the drainage of Wyman Road. Under the terms of the proposed agreement, the City would have the right, but not the obligation or responsibility, to maintain the drainage system for stormwater runoff.

16. The cost of construction of the altered layout and the improvements to Wyman Road will be borne by the Petitioner.

WHEREFORE, your Petitioner respectfully requests that:

A. The City Council, in accordance with the provisions of RSA 231:9-11, conduct a hearing on the proposed alteration of layout of Wyman Road;

B. Following such hearing, the City Council vote to waive the requirement in Sec. 70-87(a)(2) for a warranty deed conveying fee title, and vote to accept a warranty deed from the Petitioner conveying an easement for highway purposes over the altered portion of Wyman Road to be laid out, upon the condition that Petitioner has acquired title to the Lane Property prior to delivering such a deed to the City;

C. The City Council vote to alter the layout of Wyman Road as a public street to include a highway easement over the following parcels of property as shown on the Alteration Plan, such alteration of layout to be conditioned upon the Petitioner's acquisition of the Lane Property:

AREA "A"

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a stone bound set on the westerly right of way line of Wyman Road at the southerly boundary of land now or formerly of Kendall W. Lane and Molly B. Lane and the northerly boundary of Spofford Stage Real Estate, LLC;

Thence running S 84° 41' 40" W a distance of nine and forty-five hundredths (9.45) feet, more or less, to a stone bound;

Thence running N 8° 20' 05" W a distance of one hundred five and sixty-one hundredths (105.61) feet, more or less, to a stone bound set on the westerly right of way line of Wyman Road;

Thence running in a generally southerly direction along the westerly right of way line of Wyman Road to the stone bound at the point of beginning.

Containing four hundred forty-six (446) square feet, more or less.

Being shown as "Area 'A'" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, to be recorded at the Cheshire County Registry of Deeds.

#### AREA "B"

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a stone bound set on the westerly right of way line of Wyman Road at the northerly boundary of the above-described Area "A";

Thence following the arc of a curve to the right, the radius of which is 2421.72', and the chord of which is 126.29' along a long chord bearing of N 6° 50' 26" W, a distance of one hundred twenty-six and thirty hundredths (126.30) feet, more or less, to a point;

Thence running N 5° 20' 47" W a distance of one hundred thirty-four and eighty hundredths (134.80) feet, more or less, to a stone bound;

Thence running N 6° 36' 08" W a distance of two hundred two and twenty-one hundredths (202.21) feet, more or less, to a stone bound;

Thence running N 83° 23' 52" E a distance of six and sixty-five hundredths (6.65) feet, more or less, to a stone bound set on the westerly right of way line of Wyman Road;

Thence running in a generally southerly direction along the westerly right of way

line of Wyman Road to the stone bound at the point of beginning.

Containing three thousand four hundred eight (3,408) square feet, more or less.

Being shown as "Area 'B'" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, to be recorded at the Cheshire County Registry of Deeds.

#### AREA "C"

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a stone bound at the end of a stone wall on the easterly right of way line of Wyman Road, said point being just north of Station 23+37.46 on the Wyman Road layout;

Thence running N 6° 02' 17" W a distance of one hundred twenty-one and twenty-six hundredths (121.26) feet, more or less, to a stone bound;

Thence running N 6° 36' 08" W a distance of two hundred two and seventy-six hundredths (202.76) feet, more or less, to a stone bound;

Thence running S 83° 23' 52" W a distance of four (4.0) feet, more or less, to a stone bound;

Thence running N 6° 36' 08" W a distance of three hundred seventy-nine and thirty-six hundredths (379.36) feet, more or less, to a stone bound;

Thence running N 83° 43' 47" E a distance of four (4.0) feet, more or less, to a stone bound;

Thence following the arc of a curve to the right, the radius of which is 275.00' a distance of two hundred eleven and six hundredths (211.06) feet, more or less, to a stone bound opposite Station 13+90.02;

Thence running N 38° 02' 17" E a distance of ninety-seven and seventy-one hundredths (97.71) feet, more or less, to a stone bound opposite Station 12+92.31;

Thence following the arc of a curve to the left, the radius of which is 1151.50' a distance of seventy-six and sixty-six hundredths (76.66) feet, more or less, to a stone bound opposite Station 12+17.31;

Thence running N 34° 13' 24" E a distance of ninety-seven and sixteen hundredths (97.16) feet, more or less, to a stone bound opposite Station 11+20.15;

Thence following the arc of a curve to the right, the radius of which is 237.87' a distance of sixty-seven and eighty-seven hundredths (67.87) feet, more or less, to a stone bound opposite Station 10+45.15;

Thence running N 50° 34' 13" E a distance of two hundred eighty-two and nineteen hundredths (282.19) feet, more or less, to a stone bound at the northerly boundary of land now or formerly of Kendall W. Lane and Molly B. Lane and the southerly boundary of land now or formerly of the Bruce L. Borden Revocable Trust and the Phyllis R. Borden Revocable Trust;

Thence running N 37° 02' 34" W a distance of five and eighty-eight hundredths (5.88) feet, more or less, to a stone bound set on the easterly right of way line of Wyman Road;

Thence running in a generally southwesterly and southerly direction along the easterly right of way line of Wyman Road to the stone bound at the point of beginning.

Containing twelve thousand four hundred thirty-eight (12,438) square feet, more or less.

Being shown as "Area 'C'" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, to be recorded at the Cheshire County Registry of Deeds.

D. The City Council vote to authorize the City Manager to accept and record a warranty deed from Jeremy L. Lory and Nancy S. Lory, as Trustees of The Lory Family Revocable Trust, or their successors or assigns, to the City of Keene conveying a 10' wide slope easement related to improvements to Wyman Road, such vote to be conditioned upon the Petitioner's acquisition of the Lane Property prior to the acceptance of such a deed. The final form and content of the deed to be subject to review and approval by the City Attorney.

E. The City Council vote to authorize the City Manager to accept and record a warranty deed from Spofford Stage Real Estate, LLC, its successors or assigns, to the City of Keene conveying a slope easement and drainage easement related to improvements to Wyman Road, such vote to be conditioned upon the Petitioner's acquisition of the Lane Property prior to the acceptance of such a deed. The final form and content of the deed to be subject to review and approval by the City Attorney.

F. The City Council vote to authorize the City Manager to accept and record a

warranty deed from Monadnock Economic Development Corporation, its successors or assigns, to the City of Keene conveying a slope easement and drainage easement for a riprap apron related to improvements to Wyman Road, such vote to be conditioned upon the Petitioner's acquisition of the Lane Property prior to the acceptance of such a deed. The final form and content of the deed to be subject to review and approval by the City Attorney.

G. The City Council vote to authorize the City Manager, on behalf of the City, to enter into an agreement with The Prospect-Woodward Home, as successor in interest to Kendall W. Lane and Molly B. Lane, which agreement will grant the City the right to drain stormwater runoff from Wyman Road onto the Hillside Village property and into the Hillside Village on-site drainage system, and the right to maintain that portion of the Hillside Village on-site drainage system (e.g. swales and pipes) that receives and conveys drainage away from Wyman Road in the event that the on-site system is preventing the drainage of Wyman Road, provided that under the terms of the agreement the City would have the right, but not the obligation or responsibility, to maintain the drainage system for stormwater runoff. The final form and content of the agreement to be subject to review and approval by the City Attorney.

DATED this 13<sup>th</sup> day of January, 2017.

Respectfully submitted,

THE PROSPECT-WOODWARD HOME  
By Its Attorney:

Law Office of Thomas R. Hanna

By: Thomas R. Hanna

Thomas R. Hanna, Esq.  
41 School Street  
Keene, NH 03431  
(352-9030)



**REQUEST FOR WAIVER OF SEC. 70-87(a)(2)  
OF THE CITY CODE OF ORDINANCES  
RE: ALTERATION OF LAYOUT OF  
WYMAN ROAD, KEENE, NEW HAMPSHIRE**

**TO: THE HONORABLE MAYOR AND CITY COUNCIL FOR THE CITY OF  
KEENE**

The Prospect-Woodward Home, the Petitioner in a Petition to Alter Layout of Wyman Road, hereby requests a waiver from the requirements of Sec. 70-87(a)(2) of the City Code of Ordinances to allow for the conveyance of a highway easement to the City of Keene rather than fee title.

The land under the existing Wyman Road right of way is not owned by the City in fee. The City has only a right of way for highway purposes over the existing Wyman Road.

The City Engineer has advised the Petitioner that “the City would not want to take fee-simple ownership of small discontinuous ‘slivers’ of land,” given that the City does not own the existing Wyman Road.

DATED this 13<sup>th</sup> day of January, 2017.

THE PROSPECT-WOODWARD HOME  
By Its Attorney:

Law Office of Thomas R. Hanna

By: Thomas R. Hanna

Thomas R. Hanna, Esq.  
41 School Street  
Keene, NH 03431  
(352-9030)

## WARRANTY DEED

THE PROSPECT-WOODWARD HOME, a New Hampshire non-profit corporation with a principal address of 194-202 Court Street in the City of Keene, County of Cheshire, and State of New Hampshire, for consideration paid, grants to the CITY OF KEENE, a municipal corporation duly established under the laws of the State of New Hampshire, with a principal place of business at 3 Washington Street, Keene, Cheshire County, New Hampshire 03431, with WARRANTY covenants, the following:

An easement for highway purposes over certain tracts of land situated in Keene, Cheshire County, New Hampshire, said easement areas being bounded and described as follows:

### AREA "A"

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a stone bound set on the westerly right of way line of Wyman Road at the southerly boundary of land now or formerly of Kendall W. Lane and Molly B. Lane and the northerly boundary of Spofford Stage Real Estate, LLC;

Thence running S 84° 41' 40" W a distance of nine and forty-five hundredths (9.45) feet, more or less, to a stone bound;

Thence running N 8° 20' 05" W a distance of one hundred five and sixty-one hundredths (105.61) feet, more or less, to a stone bound set on the westerly right of way line of Wyman Road;

Thence running in a generally southerly direction along the westerly right of way line of Wyman Road to the stone bound at the point of beginning.

Containing four hundred forty-six (446) square feet, more or less.

Being shown as "Area 'A'" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, to be recorded at the Cheshire County Registry of Deeds.

#### AREA "B"

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a stone bound set on the westerly right of way line of Wyman Road at the northerly boundary of the above-described Area "A";

Thence following the arc of a curve to the right, the radius of which is 2421.72', and the chord of which is 126.29' along a long chord bearing of N 6° 50' 26" W, a distance of one hundred twenty-six and thirty hundredths (126.30) feet, more or less, to a point;

Thence running N 5° 20' 47" W a distance of one hundred thirty-four and eighty hundredths (134.80) feet, more or less, to a stone bound;

Thence running N 6° 36' 08" W a distance of two hundred two and twenty-one hundredths (202.21) feet, more or less, to a stone bound;

Thence running N 83° 23' 52" E a distance of six and sixty-five hundredths (6.65) feet, more or less, to a stone bound set on the westerly right of way line of Wyman Road;

Thence running in a generally southerly direction along the westerly right of way line of Wyman Road to the stone bound at the point of beginning.

Containing three thousand four hundred eight (3,408) square feet, more or less.

Being shown as "Area 'B'" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, to be recorded at the Cheshire County Registry of Deeds.

#### AREA "C"

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a stone bound at the end of a stone wall on the easterly right of way line of Wyman Road, said point being just north of Station 23+37.46 on the Wyman Road layout;

Thence running N 6° 02' 17" W a distance of one hundred twenty-one and twenty-six hundredths (121.26) feet, more or less, to a stone bound;

Thence running N 6° 36' 08" W a distance of two hundred two and seventy-six hundredths (202.76) feet, more or less, to a stone bound;

Thence running S 83° 23' 52" W a distance of four (4.0) feet, more or less, to a stone bound;

Thence running N 6° 36' 08" W a distance of three hundred seventy-nine and thirty-six hundredths (379.36) feet, more or less, to a stone bound;

Thence running N 83° 43' 47" E a distance of four (4.0) feet, more or less, to a stone bound;

Thence following the arc of a curve to the right, the radius of which is 275.00' a distance of two hundred eleven and six hundredths (211.06) feet, more or less, to a stone bound opposite Station 13+90.02;

Thence running N 38° 02' 17" E a distance of ninety-seven and seventy-one hundredths (97.71) feet, more or less, to a stone bound opposite Station 12+92.31;

Thence following the arc of a curve to the left, the radius of which is 1151.50' a distance of seventy-six and sixty-six hundredths (76.66) feet, more or less, to a stone bound opposite Station 12+17.31;

Thence running N 34° 13' 24" E a distance of ninety-seven and sixteen hundredths (97.16) feet, more or less, to a stone bound opposite Station 11+20.15;

Thence following the arc of a curve to the right, the radius of which is 237.87' a distance of sixty-seven and eighty-seven hundredths (67.87) feet, more or less, to a stone bound opposite Station 10+45.15;

Thence running N 50° 34' 13" E a distance of two hundred eighty-two and nineteen hundredths (282.19) feet, more or less, to a stone bound at the northerly boundary of land now or formerly of Kendall W. Lane and Molly B. Lane and the southerly boundary of land now or formerly of the Bruce L. Borden Revocable Trust and the Phyllis R. Borden Revocable Trust;

Thence running N 37° 02' 34" W a distance of five and eighty-eight hundredths

(5.88) feet, more or less, to a stone bound set on the easterly right of way line of Wyman Road;

Thence running in a generally southwesterly and southerly direction along the easterly right of way line of Wyman Road to the stone bound at the point of beginning.

Containing twelve thousand four hundred thirty-eight (12,438) square feet, more or less.

Being shown as "Area 'C'" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, to be recorded at the Cheshire County Registry of Deeds.

Being an easement upon premises conveyed to the within grantor by deed from Kendall W. Lane and Molly B. Lane dated \_\_\_\_\_, 2017, recorded at Book \_\_\_\_\_, Page \_\_\_\_\_, of the Cheshire County Registry of Deeds.

It is intended by the parties that the delivery of this deed by the Grantor and its acceptance by the City of Keene will constitute the alteration of a public highway known as Wyman Road by dedication and acceptance according to New Hampshire law.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2017.

THE PROSPECT-WOODWARD HOME

By: \_\_\_\_\_  
Kimball B. Temple  
Its Duly Authorized President

STATE OF NEW HAMPSHIRE  
COUNTY OF CHESHIRE

The foregoing instrument was acknowledged before me, this \_\_\_\_ day of \_\_\_\_\_, 2017, by Kimball B. Temple, as the duly authorized President of The Prospect-Woodward Home, he being personally known to me, or satisfactorily proven, to be the person signing the foregoing document on behalf of The Prospect-Woodward Home.

\_\_\_\_\_  
Notary Public  
Comm. Exp. \_\_\_\_\_  
Seal

ACCEPTANCE

On \_\_\_\_\_, 2017, the Keene City Council voted to accept the foregoing highway easement and authorized the City Manager to accept and record a warranty deed therefor. The warranty deed is hereby accepted and the recording of same is hereby authorized.

DATED the \_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF KEENE

By: \_\_\_\_\_  
Medard Kopczynski, City Manager



# CITY OF KEENE

R-2017-05

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

A RESOLUTION .....Relating to the Alteration of Wyman Road.....

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

**WHEREAS:** Wyman Road is a public highway in the City of Keene; and

**WHEREAS:** There is now occasion to alter the location of Wyman Road by widening the existing Wyman Road and accepting new sections of Wyman Road as part of the public highway as shown on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates;

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Keene:

That the City Council of the City of Keene hereby accepts the following new sections of road identified as Areas "A," "B" and "C" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, to become part of the public street known as Wyman Road:

AREA "A"

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a stone bound set on the westerly right of way line of Wyman Road at the southerly boundary of land now or formerly of Kendall W. Lane and Molly B. Lane and the northerly boundary of Spofford Stage Real Estate, LLC;

Thence running S 84° 41' 40" W a distance of nine and forty-five hundredths (9.45) feet, more or less, to a stone bound;

Thence running N 8° 20' 05" W a distance of one hundred five and sixty-one hundredths (105.61) feet, more or less, to a stone bound set on the westerly right of way line of Wyman Road;

Thence running in a generally southerly direction along the westerly right of way line of Wyman Road to the stone bound at the point of beginning.

Containing four hundred forty-six (446) square feet, more or less.

Being shown as "Area 'A'" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, to be recorded at the Cheshire County Registry of Deeds.

AREA "B"

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a stone bound set on the westerly right of way line of Wyman Road at the northerly boundary of the above-described Area "A";

Thence following the arc of a curve to the right, the radius of which is 2421.72', and the chord of which is 126.29' along a long chord bearing of N 6° 50' 26" W, a distance of one hundred twenty-six and thirty hundredths (126.30) feet, more or less, to a point;

Thence running N 5° 20' 47" W a distance of one hundred thirty-four and eighty hundredths (134.80) feet, more or less, to a stone bound;

Thence running N 6° 36' 08" W a distance of two hundred two and twenty-one hundredths (202.21) feet, more or less, to a stone bound;

Thence running N 83° 23' 52" E a distance of six and sixty-five hundredths (6.65) feet, more or less, to a stone bound set on the westerly right of way line of Wyman Road;

Thence running in a generally southerly direction along the westerly right of way line of Wyman Road to the stone bound at the point of beginning.

Containing three thousand four hundred eight (3,408) square feet, more or less.

Being shown as "Area 'B'" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, to be recorded at the Cheshire County Registry of Deeds.

AREA "C"

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a stone bound at the end of a stone wall on the easterly right of way



line of Wyman Road, said point being just north of Station 23+37.46 on the Wyman Road layout;

Thence running N 6° 02' 17" W a distance of one hundred twenty-one and twenty-six hundredths (121.26) feet, more or less, to a stone bound;

Thence running N 6° 36' 08" W a distance of two hundred two and seventy-six hundredths (202.76) feet, more or less, to a stone bound;

Thence running S 83° 23' 52" W a distance of four (4.0) feet, more or less, to a stone bound;

Thence running N 6° 36' 08" W a distance of three hundred seventy-nine and thirty-six hundredths (379.36) feet, more or less, to a stone bound;

Thence running N 83° 43' 47" E a distance of four (4.0) feet, more or less, to a stone bound;

Thence following the arc of a curve to the right, the radius of which is 275.00' a distance of two hundred eleven and six hundredths (211.06) feet, more or less, to a stone bound opposite Station 13+90.02;

Thence running N 38° 02' 17" E a distance of ninety-seven and seventy-one hundredths (97.71) feet, more or less, to a stone bound opposite Station 12+92.31;

Thence following the arc of a curve to the left, the radius of which is 1151.50' a distance of seventy-six and sixty-six hundredths (76.66) feet, more or less, to a stone bound opposite Station 12+17.31;

Thence running N 34° 13' 24" E a distance of ninety-seven and sixteen hundredths (97.16) feet, more or less, to a stone bound opposite Station 11+20.15;

Thence following the arc of a curve to the right, the radius of which is 237.87' a distance of sixty-seven and eighty-seven hundredths (67.87) feet, more or less, to a stone bound opposite Station 10+45.15;

Thence running N 50° 34' 13" E a distance of two hundred eighty-two and nineteen hundredths (282.19) feet, more or less, to a stone bound at the northerly boundary of land now or formerly of Kendall W. Lane and Molly B. Lane and the southerly boundary of land now or formerly of the Bruce L. Borden Revocable Trust and the Phyllis R. Borden Revocable Trust;

Thence running N 37° 02' 34" W a distance of five and eighty-eight hundredths (5.88) feet, more or less, to a stone bound set on the easterly right of way line of Wyman

Road;

Thence running in a generally southwesterly and southerly direction along the easterly right of way line of Wyman Road to the stone bound at the point of beginning.

Containing twelve thousand four hundred thirty-eight (12,438) square feet, more or less.

Being shown as "Area 'C'" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, to be recorded at the Cheshire County Registry of Deeds.

This acceptance is conditioned upon, and shall take effect upon, acquisition of the Lane Property by The Prospect-Woodward Home, and upon certification by the City Manager of the City of Keene that the City Engineer of the City of Keene has confirmed that the new section of the road has been constructed to City of Keene standards.

**BE IT FURTHER RESOLVED:**

That the Petitioner's Request for Waiver from the requirements of Sec. 70-87(a)(2) of the City Code of Ordinances to allow for the conveyance of a highway easement to the City rather than fee title, is hereby granted.

**BE IT FURTHER RESOLVED:**

That the City Manager be, and hereby is, authorized to accept and record a warranty deed from The Prospect-Woodward Home, as successor in interest to Kendall W. Lane and Molly B. Lane, for a highway easement over the new sections of Wyman Road, with the recorded deeds to serve as evidence of satisfaction of the conditions of acceptance of the new sections of the road.

**BE IT FURTHER RESOLVED:**

That the Petitioner seeking the acceptance of the new sections of Wyman Road is charged with the construction of such new sections of the public street in conformance with City of Keene standards.

**BE IT RESOLVED FURTHER:**

That the City Manager be, and hereby is, authorized to accept and record a warranty deed from Jeremy L. Lory and Nancy S. Lory, as Trustees of The Lory Family Revocable Trust, or their

successors or assigns, to the City of Keene conveying a 10' wide slope easement related to improvements to Wyman Road. The final form and content of the deed to be subject to review and approval by the City Attorney.

This vote is conditioned upon acquisition of the Lane Property by The Prospect-Woodward Home.

**BE IT RESOLVED FURTHER:**

That the City Manager be, and hereby is, authorized to accept and record a warranty deed from Spofford Stage Real Estate, LLC, its successors or assigns, to the City of Keene conveying a slope easement and drainage easement related to improvements to Wyman Road. The final form and content of the deed to be subject to review and approval by the City Attorney.

This vote is conditioned upon acquisition of the Lane Property by The Prospect-Woodward Home.

**BE IT RESOLVED FURTHER:**

That the City Manager be, and hereby is, authorized to accept and record a warranty deed from Monadnock Economic Development Corporation, its successors or assigns, to the City of Keene conveying a slope easement and drainage easement for a riprap apron related to improvements to Wyman Road. The final form and content of the deed to be subject to review and approval by the City Attorney.

This vote is conditioned upon acquisition of the Lane Property by The Prospect-Woodward Home.

**BE IT FURTHER RESOLVED:**

That the City Manager be, and hereby is, authorized to enter into and record an agreement with The Prospect-Woodward Home, as successor in interest to Kendall W. Lane and Molly B. Lane, which agreement will grant the City the right to drain stormwater runoff from Wyman Road onto the Hillside Village property and into the Hillside Village on-site drainage system, and the right to maintain that portion of the Hillside Village on-site drainage system (e.g. swales and pipes) that receives and conveys drainage away from Wyman Road in the event that the on-site system is preventing the drainage of Wyman Road, provided that under the terms of the agreement the City would have the right, but not the obligation or responsibility, to maintain the drainage system for stormwater runoff. The final form and content of the agreement to be subject to review and approval by the City Attorney.

This vote is conditioned upon acquisition of the Lane Property by The Prospect-Woodward Home.

Dated: \_\_\_\_\_

\_\_\_\_\_, Mayor, Pro Tem

## RETURN OF ALTERATION OF LAYOUT OF WYMAN ROAD

A petition requesting the alteration of the layout of Wyman Road having come on for hearing before the Mayor and City Council, and their having considered the same, all parties having been heard and the owners of the land over which such highway will pass having waived their right to damages, it is hereby ordered and adjudged that:

1. Public exigency and convenience require that a highway be and the same is hereby laid out, taken and appropriated over three parcels of property situated in Keene, Cheshire County, New Hampshire, shown as Areas "A," "B" and "C" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, recorded herewith, or to be recorded in the Cheshire County Registry of Deeds, bounded and described as follows:

### AREA "A"

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a stone bound set on the westerly right of way line of Wyman Road at the southerly boundary of land now or formerly of Kendall W. Lane and Molly B. Lane and the northerly boundary of Spofford Stage Real Estate, LLC;

Thence running S 84° 41' 40" W a distance of nine and forty-five hundredths (9.45) feet, more or less, to a stone bound;

Thence running N 8° 20' 05" W a distance of one hundred five and sixty-one hundredths (105.61) feet, more or less, to a stone bound set on the westerly right of way line of Wyman Road;

Thence running in a generally southerly direction along the westerly right of way line of Wyman Road to the stone bound at the point of beginning.

Containing four hundred forty-six (446) square feet, more or less.

Being shown as "Area 'A'" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, to be recorded at the Cheshire County Registry of Deeds.

### AREA "B"

A certain tract of land situated in Keene, Cheshire County, New Hampshire,

bounded and described as follows:

Beginning at a stone bound set on the westerly right of way line of Wyman Road at the northerly boundary of the above-described Area "A";

Thence following the arc of a curve to the right, the radius of which is 2421.72', and the chord of which is 126.29' along a long chord bearing of N 6° 50' 26" W, a distance of one hundred twenty-six and thirty hundredths (126.30) feet, more or less, to a point;

Thence running N 5° 20' 47" W a distance of one hundred thirty-four and eighty hundredths (134.80) feet, more or less, to a stone bound;

Thence running N 6° 36' 08" W a distance of two hundred two and twenty-one hundredths (202.21) feet, more or less, to a stone bound;

Thence running N 83° 23' 52" E a distance of six and sixty-five hundredths (6.65) feet, more or less, to a stone bound set on the westerly right of way line of Wyman Road;

Thence running in a generally southerly direction along the westerly right of way line of Wyman Road to the stone bound at the point of beginning.

Containing three thousand four hundred eight (3,408) square feet, more or less.

Being shown as "Area 'B'" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-Woodward Home" dated January 6, 2017, prepared by SVE Associates, to be recorded at the Cheshire County Registry of Deeds.

#### AREA "C"

A certain tract of land situated in Keene, Cheshire County, New Hampshire, bounded and described as follows:

Beginning at a stone bound at the end of a stone wall on the easterly right of way line of Wyman Road, said point being just north of Station 23+37.46 on the Wyman Road layout;

Thence running N 6° 02' 17" W a distance of one hundred twenty-one and twenty-six hundredths (121.26) feet, more or less, to a stone bound;

Thence running N 6° 36' 08" W a distance of two hundred two and seventy-six hundredths (202.76) feet, more or less, to a stone bound;

Thence running S 83° 23' 52" W a distance of four (4.0) feet, more or less, to a stone bound;

Thence running N 6° 36' 08" W a distance of three hundred seventy-nine and thirty-six hundredths (379.36) feet, more or less, to a stone bound;

Thence running N 83° 43' 47" E a distance of four (4.0) feet, more or less, to a stone bound;

Thence following the arc of a curve to the right, the radius of which is 275.00' a distance of two hundred eleven and six hundredths (211.06) feet, more or less, to a stone bound opposite Station 13+90.02;

Thence running N 38° 02' 17" E a distance of ninety-seven and seventy-one hundredths (97.71) feet, more or less, to a stone bound opposite Station 12+92.31;

Thence following the arc of a curve to the left, the radius of which is 1151.50' a distance of seventy-six and sixty-six hundredths (76.66) feet, more or less, to a stone bound opposite Station 12+17.31;

Thence running N 34° 13' 24" E a distance of ninety-seven and sixteen hundredths (97.16) feet, more or less, to a stone bound opposite Station 11+20.15;

Thence following the arc of a curve to the right, the radius of which is 237.87' a distance of sixty-seven and eighty-seven hundredths (67.87) feet, more or less, to a stone bound opposite Station 10+45.15;

Thence running N 50° 34' 13" E a distance of two hundred eighty-two and nineteen hundredths (282.19) feet, more or less, to a stone bound at the northerly boundary of land now or formerly of Kendall W. Lane and Molly B. Lane and the southerly boundary of land now or formerly of the Bruce L. Borden Revocable Trust and the Phyllis R. Borden Revocable Trust;

Thence running N 37° 02' 34" W a distance of five and eighty-eight hundredths (5.88) feet, more or less, to a stone bound set on the easterly right of way line of Wyman Road;

Thence running in a generally southwesterly and southerly direction along the easterly right of way line of Wyman Road to the stone bound at the point of beginning.

Containing twelve thousand four hundred thirty-eight (12,438) square feet, more or less.

Being shown as "Area 'C'" on a plan entitled "Road Layout & Widening Plan, Wyman Road, Keene, New Hampshire, Prepared for The City of Keene & The Prospect-

Woodward Home” dated January 6, 2017, prepared by SVE Associates, to be recorded at the Cheshire County Registry of Deeds.

2. There is occasion and necessity for such layout.

3. The highway laid out hereby become part of Wyman Road.

4. These findings and orders shall be recorded in the City Clerk's office in City Hall, Keene, New Hampshire.

Dated: \_\_\_\_\_  
\_\_\_\_\_, Mayor Pro Tem

Approved as to description:

Approved as to form:

\_\_\_\_\_  
City Engineer

\_\_\_\_\_  
City Attorney