



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
September 21, 2017
7:00 PM

Roll Call
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- 09/07/2017

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

C. COMMUNICATIONS

1. Cecile Chickering - Request for No Parking - Foundry Street
2. Councilor Greenwald - Conflict of Interest - Emerald Street Sidewalk Project
3. Mayor Lane - Requesting that the Council Consider Adopting an Ordinance for Disorderly Residences

D. REPORTS - COUNCIL COMMITTEES

1. Department Presentation – Solid Waste Division – The Evolving Ton
2. Petition – 50 Signatures – Extending Walk Signal of Traffic Lights
3. Department Presentation – Fleet Division – Rolling, Rolling, Rolling
4. Beaver Street Speed Complaint Follow-Up – Police Department
5. Key Road Speed Bump Request – Follow-Up - Police Department
6. Friends of Open Space – Creation of Pocket Park – City Property – 238 Church Street
7. Request for Letter/Resolution – ATV Use on Rail Trails – Planning Department
8. Danya Landis/Machina Arts, LLC – Request to Use City Property – Railroad Square
9. Kenneth Chamberlain, Jr. – Proposal to Utilize Local Residents in Fixing Up Homes on the Tax Deed List
10. Councilor Manwaring – Reconsideration of License – The Pumpkin Festival Brought to You by the Children of SAU 29
11. Department Presentation - Career Span Within the City of Keene - Human Resources Department
12. Acceptance of Donation - Pickle Ball - Parks, Recreation and Facilities Department
13. Law Enforcement Opioid Abuse Reduction Grant - Police Department

14. Emerald Street Sidewalk Project - Public Works Department
15. Airport Land Lease - Norton Air LLC - Airport Department
16. Airport Lease Amendment - Monadnock Aviation - Airport Department
17. Airport Disadvantaged Business Enterprise (DBE) Plan - Airport Department
18. Airport Lease Renewal - Hexagon Hangar - Airport Department
19. Airport Land Lease Renewal - Dwight Klepacki - Airport Department
20. Airport - New Land Lease - Dwight Klepacki - Airport Department

E. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. CITY MANAGER COMMENTS

F. REPORTS - BOARDS AND COMMISSIONS

G. REPORTS - MORE TIME

1. Kiwanis Club of Keene – Request to Use City Property – Tree Lighting Event

H. ORDINANCES FOR FIRST READING

1. Driveway Code Update
Ordinance O-2017-15
2. Relating to the Building Permit Fee Increase
Ordinance O-2017-09

I. ORDINANCES FOR SECOND READING

1. Relating to Yield Signs – Public Works Department
Ordinance O-2017-14

J. RESOLUTIONS

1. CIP Advancement for Police Communications System Replacement
Resolution R-2017-33
2. Black Brook Water Storage Tank Repair
Resolution R-2017-34
3. Library Pledge Bridge Funding
Resolution R-2017-31
4. Relating to Embracing Diversity and Denouncing Activities of Hate, Intolerance, and Intimidation
Resolution R-2017-35

Non Public Session
Adjournment

A regular meeting of the Keene City Council was held Thursday, September 7, 2017. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: Carl B. Jacobs, Janis O. Manwaring, Robert J. O'Connor, Terry M. Clark, Bartolmiej K. Sapeta, Randy L. Filiault, Thomas F. Powers, Robert B. Sutherland, George S. Hansel, Gary P. Lamoureux, Stephen L. Hooper, Bettina A. Chadbourne, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Councilor Hooper led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the August 3, 2017 regular meeting was duly seconded. The motion passed with a unanimous vote in favor. The Mayor recognized the passing of Janice Coates, a longtime City employee who returned to work after her retirement as a volunteer in the City Clerk's office.

ANNOUNCEMENTS

The Chair advised the Council of the Opioid Crisis Forum scheduled for September 12, 2017 at the Keene High School auditorium.

COMMUNICATION – AMANDA SLATE – RESIGNATION – MARTIN LUTHER KING, JR./JONATHAN DANIELS COMMITTEE

A communication was received from Amanda Slate resigning from the Martin Luther King, Jr./Jonathan Daniels Committee. A motion by Councilor Greenwald to accept the resignation with regret and appreciation for years of service was duly seconded. The motion passed with a unanimous vote in favor.

COMMUNICATION – DANYA LANDIS/MACHINA ARTS, LLC – REQUEST TO USE CITY PROPERTY – RAILROAD SQUARE

A communication was received from Danya Landis, Machina Arts, LLC, requesting to use City property to erect a temporary metal sculpture in Railroad Square for a one year period. The communication was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – FRIENDS OF OPEN SPACE – CREATION OF A POCKET PARK – CITY PROPERTY – 238 CHURCH STREET

A communication was received from Friends of Open Space in Keene, requesting the consideration of a pocket park on City property at 238 Church Street. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – KIWANIS CLUB OF KEENE – REQUEST TO USE CITY PROPERTY – TREE LIGHTING EVENT

A communication was received from Kiwanis Club of Keene, requesting to use City property for the 2017 Tree Lighting Event. The communication was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – PETITION – 50 SIGNATURES – EXTENDING WALK SIGNAL OF TRAFFIC LIGHTS

A communication was received from Terri Croteau, which contained a petition asking that the walk signals be extended for traffic signals at various intersections in the City. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee and Downtown Revitalization Committee.

COMMUNICATION – KENNETH CHAMBERLAIN, JR. - PROPOSAL TO UTILIZE LOCAL RESIDENTS IN FIXING UP HOMES ON THE TAX DEED LIST

A communication was received from Kenneth Chamberlain, Jr., proposing to utilize local residents in fixing up homes on the tax deed list. The communication was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – LOUIS KOLIVAS AND COUNCILOR CLARK – TRAINING COLLABORATION – GENERAL FIELD OF AVIATION AND AERONATICS AT DILLANT-HOPKINS AIRPORT

A communication was received from Louis Kolivas and Councilor Clark, which contained information from various colleges and universities around the country regarding aviation programs. The communication was referred to the Airport Advisory Commission.

COMMUNICATION – COUNCILOR GREENWALD – ENCOURAGING A RESOLUTION AGAINST BIGOTRY, WHITE SUPREMACY, NEO-NAZIS, ANTI-SEMITISM AND OTHER HATE GROUPS

A communication was received from Councilor Greenwald, requesting consideration of a Resolution that would state that bigotry, white supremacy, neo-Nazis, anti-Semitism and other hate groups are contrary to the values of the City. The communication was referred to the City Attorney for the drafting of a Resolution.

COMMUNICATION – COUNCILOR MANWARING – RECONSIDERATION OF LICENSE – THE PUMPKIN FESTIVAL BROUGHT TO YOU BY THE CHILDREN OF SAU 29

A communication was received from Councilor Manwaring, as notice of her intent to move for the reconsideration of the license granted by the City Council at their August 3, 2017 regular meeting. A motion by Councilor Manwaring to reconsider the license was unanimously adopted. The communication was referred to the Planning, Licenses and Development Committee.

MSFI REPORT – DEPARTMENTAL PRESENTATION – ANIMAL CONTROL – POLICE DEPARTMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending acceptance of the presentation on animal control as informational. The Chair filed the report into the record as informational.

PLD REPORT – ALAN STROSHINE/ELM CITY ROTARY CLUB – REQUEST TO USE CITY PROPERTY – 40TH ANNUAL CLARENCE DEMAR MARATHON AND 4TH ANNUAL DEMAR HALF MARATHON

Planning, Licenses and Development Committee report read, recommending that The Elm City Rotary Club be granted permission to sponsor the Clarence DeMar Marathon on September 24, 2017, subject to the customary licensing requirements of the City Council, and compliance with any recommendations of City staff. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 18 Community Events Budget, and agrees to remit said payment within 30-days of the date of invoicing. A motion by Councilor Richards to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

PLD REPORT – ALBERT GRAUER – REVISED LODGING HOUSE LICENSE APPLICATION – 85 WINCHESTER STREET

Planning, Licenses and Development Committee report read, recommending that a lodging house license be granted to Albert Grauer for property located at 85 Winchester Street for a period of one year from the date of issuance. Said license is conditional upon the following:

1. No more than 8 persons may reside on the premises.
2. No less than 4 vehicular parking spaces must be provided on the premises.
3. Compliance with all applicable laws, ordinances, codes and rules and regulations.
4. The continuation of the license is subject to and conditioned upon successful passage of two inspections to be conducted by the City.
5. Owner shall notify City staff of any change in building operator; failure to do so may be grounds for suspension or revocation of this license.

This license expires on the 7th day of September, 2018 and may be revoked by the City Council in accordance with Sec. 46-590 "Suspension or Revocation." A motion by Councilor Richards to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

PLD REPORT – REQUEST TO USE CITY PROPERTY – FALL FESTIVAL

Planning, Licenses and Development Committee report read, recommending that the request from the Keene Music Festival be granted a street fair license to use downtown City rights-of-way on Saturday, September 30, 2017 from 7:00 AM to 8:00 PM for purposes of conducting merchant sidewalk sales and music venues, as well as use of City property on Central Square, Railroad Square, and designated parking spaces on Main Street to conduct the 2nd Annual Monadnock Fall Festival. In addition, the applicant is permitted to coordinate a one-mile Road Race with Ted's Shoe and Sport to be held from 7:00 AM to 9:30 AM. A comprehensive barrier plan has been drafted by City staff to include the following street closures: Lamson Street from Main Street to Federal Street; Railroad Street from Main Street to Wells Street; and Railroad Street from Main Street to 93rd Street (during the Road Race portion of the Festival only). The applicant is further granted permission to

place up to five hay bale sculptures on City property with the duration, location and safety considerations subject to approval by City staff. This permission is granted subject to the customary licensing requirements of the City Council, submittal of signed letters of permission from any private property owners for the use of their property, and compliance with any recommendations of City staff. Be it further recommended that free parking be granted under the provisions of the free parking policy in the downtown area and adjacent parking lots on the day of the event. The cost of any City services provided shall be paid using the City funding allocated in the Mayor's budget in support of the 2nd Annual Monadnock Fall Festival. A motion by Councilor Richards to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – NH LOTTERY COMMISSION – REQUEST TO PLACE KENO ON 2017 MUNICIPAL GENERAL ELECTION BALLOT

Finance Organization and Personnel Committee report read, recommending the ballot question to allow the operations of Keno games in Keene be placed on the Municipal Ballot on November 7th and that a Public Hearing be scheduled for October 19. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor. On showing of hands, 15 Councilors were present, 13 voted in favor and two opposed, the motion carried. Councilors Sutherland and Jones voted in opposition. The Mayor set a Public Hearing on October 19, 2017 at 7:00 PM.

FOP REPORT – ACCEPTANCE OF DONATIONS TO LIBRARY RENOVATION PROJECT – NEXT CHAPTER CAMPAIGN CHAIRS

Finance Organization and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept donations of \$641,721.10 as listed in the July Cambridge Trust statement and the July - August 23rd donor list to be deposited into the Library Renovation Temporarily Restricted City Trust as part of the Next Chapter Campaign Drive and a \$100,000 grant from the New Hampshire Charitable Foundation currently held in escrow by the City. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – NEW MARKET TAX CREDITS AND A LIBRARY UPDATE – PARKS, RECREATION AND FACILITIES DEPARTMENT

Finance Organization and Personnel Committee report read recommending acceptance of this item as informational. The Chair filed the report into the record as informational.

FOP REPORT – ACCEPTANCE OF THE 2017 BYRNE JUSTICE ASSISTANCE GRANT – POLICE DEPARTMENT

Finance Organization and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept the U.S. Department of Justice - Bureau of Justice Assistance FY2017 JAG grant in the amount of \$7,242.00. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF STATE DRUG FORFEITURE MONIES – POLICE DEPARTMENT

Finance Organization and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept a drug forfeiture payment from the State of New Hampshire in the amount of \$625.05. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – PROJECT AGREEMENT – MONADNOCK ALLIANCE FOR SUSTAINABLE TRANSPORTATION & SOUTHWEST REGION PLANNING COMMISSION COMPLETE STREET MINI GRANT – PLANNING DEPARTMENT

Finance Organization and Personnel Committee report read, recommending the City Manager be authorized to do all things necessary to execute the Project Agreement with Southwest Regional Planning Commission for the award of the Monadnock Alliance for Sustainable Transportation's (MAST), Complete Streets Mini Grant and accept the grant in the amount of \$10,000.00 for complete streets improvements to Main Street and Central Square. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor. On showing of hands, 15 Councilors were present, 14 voted in favor and one opposed, the motion carried. Councilor Jones voted in opposition.

FOP REPORT – STATION 2 – JOINT USE AGREEMENT – FIRE DEPARTMENT

Finance Organization and Personnel Committee report read, recommending that the City Manager be authorized to execute the amended Joint Use Agreement between the City of Keene and the State of New Hampshire – The Adjutant General's Department for 110 Hastings Ave. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – UNIFORM FEE SCHEDULE FOR PROVIDING COPIES OF GOVERNMENTAL RECORDS – CITY CLERK'S OFFICE

Finance Organization and Personnel Committee report read, recommending that the Council adopt a uniform fee schedule for providing copies of governmental records responsive to requests made under NH RSA Ch. 91-A, also known as the right to know law for a reasonable fee of fifty cents (\$0.50) for the first page and twenty-five cents (\$0.25) for each additional page. Further recommending that the City Council recognizes and adopts the following exemptions from charging fees for providing copies for: record requests from other governmental entities; recent meeting minutes of a public body; the individual requesting the record is the subject of the record or the requester's legal rights are directly implicated by the information in the record. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – REALLOCATION OF DRAINAGE CLEANING FUNDS – PUBLIC WORKS DEPARTMENT

Finance Organization and Personnel Committee report read, recommending the City Council reallocate \$160,000 from the Drain Cleaning program (90221) to the Stormwater Spot Repair program (90022). A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor. On showing of hands, 15 Councilors were present, 14 voted in favor and one opposed, the motion carried. Councilor Hansel voted in opposition.

FOP REPORT – EMERGENCY BRIDGE REPAIRS – WHITCOMB’S MILL ROAD AND WINCHESTER STREET

Finance Organization and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute a sole-source Construction Contract with Cold River Bridges, LLC of Walpole, NH for the repair of bridge curb and railing posts on Whitcomb’s Mill Road bridge over White Brook for an amount up to \$31,850.00, subject to the approval of funding; and that the City Manager be authorized to do all things necessary to negotiate and execute a sole-source Construction Contract with CWS Fence & Guardrail, LLC of Andover, NH for the installation of bridge railings on Winchester Street/Route 10 bridge over Ash Swamp Brook for an amount up to \$14,287.50, subject to the approval of funding. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

CITY MANAGER COMMENTS

The City Manager recognized and welcomed Deacon Kenneth Swymer who is the new Fire Department Chaplain in the special services division. Deacon Swymer is a Deacon at St. Bernard’s Church on Main Street in Keene and also a religion teacher at St. Joseph’s School on Wilson Street in Keene. The City Manager updated the Council on Fire Safety Inspections. The first year inspections program looked at multi-family buildings and up. The Fire Department had inspected 117 buildings which 1417 living units and 25 businesses. These inspections were for Fire Life Safety. It was estimated a year ago, this program would take the Fire Department four years to inspect 1360 occupancy, commercial and residential as a cycle. The inspection pace accelerated and been successful compared to the estimate.

REQUEST FOR LETTER /RESOLUTION – ATV USE ON RAIL TRAILS

A memorandum was received from Will Schoefmann, Mapping Technician recommending the City Council write a letter requesting that Federal guidelines for ATV use on New Hampshire’s Improved rail trails remain unchanged with regards to Senator Shaheen’s amendment to allow them; and, to support a resolution opposing ATV use on the Cheshire and Ashuelot Rail Trails in Keene, NH. The memorandum was referred to the Municipal Services, Facilities and Infrastructure Committee.

JOINT PB/PLD REPORT - RELATING TO CHAPTER 103 – ZONING – ACCESSORY DWELLING UNITS

A memorandum was received from Rhett Lamb, Assistant City Manager/ Planning Director reporting that the Planning Board finds Ordinance O-2017-10-A in compliance with Comprehensive Master Plan; and, requesting a Public Hearing to be scheduled. The memorandum was filed. The Mayor set the public hearing for October 5, 2017 at 7:00 PM.

JOINT PB/PLD REPORT – O-2016-01-C MARLBORO STREET REZONING PROJECT

A memorandum was received from Rhett Lamb, Assistant City Manager/ Planning Director reporting that the Planning Board finds Ordinance O-2016-01-C in compliance with the Master Plan; and, requesting a Public Hearing to be scheduled. The memorandum was filed. The Mayor set the public hearing for October 5, 2017 at 7:05 PM.

ORDINANCE O-2017-14: RELATING TO YIELD SIGNS

A memorandum was received from the City Engineer along with Ordinance O-2017-14. The memorandum was filed into the record. Ordinance O-2017-14 referred by the Chair to the Finance, Organization and Personnel Committee.

RESOLUTION R-2017-32: IN APPRECIATION OF KEVIN F. KNUEPFER UPON HIS RETIREMENT

Resolution R-2017-32: In Appreciation of Kevin F. Knuepfer Upon His Retirement was read by title only. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. The motion carried with a unanimous vote in favor.

FOP REPORT AND RESOLUTION R-2017-29: RELATING TO AN APPROPRIATION OF FUNDS FOR THE SOLID WASTE FUND

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2017-29. The report was filed as informational. A motion by Councilor Greenwald to suspend the Rules of Order to act on Resolution R-2017-29 was seconded. On a roll call vote, with 15 Councilors present and voting in favor, the motion carried. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. On a roll call vote, with 15 Councilors present and voting in favor, the motion carried. Resolution R-2017-29 declared adopted.

FOP REPORT AND RESOLUTION R-2017-27-A: RELATING TO THE REALLOCATION OF BOND PROCEEDS FROM THE FY 15 REHABILITATION PROJECT (90249) FOR EMERGENCY BRIDGE REPAIRS

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2017-27-A. The report was filed as informational. Resolution R-2017-27-A was read for the second time. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. On a roll call vote, with 15 Councilors present and voting in favor, the motion carried. Resolution R-2017-27-A declared adopted.

FOP REPORT AND RESOLUTION R-2017-26: RELATING TO FISCAL POLICIES

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2017-26. The report was filed as informational. Resolution R-2017-26 was read for the second time. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. On a roll call vote, with 15 Councilors present and 12 voted in favor and three opposed, the motion carried. Councilors Clark, Powers and Sutherland voted in opposition. Resolution R-2017-26 declared adopted.

NON-PUBLIC SESSION

At 8:35 PM, a motion by Councilor Greenwald to go into non-public session for the purposes of discussion of land matters under RSA 91-A:3 II(d) was duly seconded. On a roll call vote, 15 Councilors were present and voted in favor. Discussion was limited to the subject matter. The session concluded at 8:42 PM. A motion by Councilor Greenwald to keep the minutes in non-public session was duly seconded. On a roll call vote, 15 Councilors were present and voting in favor.

ADJOURNMENT

At 8:42 PM, there being no further business, the Mayor adjourned the meeting.



A true record, attest:

Deputy City Clerk



City of Keene, N.H.
Transmittal Form

September 18, 2017

TO: Mayor and Keene City Council

FROM: Cecile Chickering

THROUGH: Patricia A. Little, City Clerk

ITEM: C.1.

SUBJECT: Cecile Chickering - Request for No Parking - Foundry Street

ATTACHMENTS:

Description

Communication - Chickering

BACKGROUND:

Cecile Chickering is requesting no parking on Foundry Street. Ms. Chickering owns a business at 38 Foundry Street. Trucks, which need to turn into her business, are unable to make the turn because of cars parking on the street.

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Cecile Chickering
41 Sweeney Road
KEENE, NH 03431
(603) 352-0396

September 8, 2017

Mayor Kendall Lane
Keene City Council
Central Square
Keene, NH 03431

Dear Honorable Mayor and City Council,

We would like to submit a request to have some NO PARKING signs placed on Foundry Street. Foundry Street is a dead end street off Winchester Street and runs parallel to the railroad bed. This street is used by several businesses that need road access for big trucks to be able to drive down and back up on the street, and turn around.

My property on 38 Foundry Street needs to have access from the street for trucks to turn into the property. They are unable to make the turn into our property because of cars parked along the road.

We believe they are students staying at the Mills Apartments that are parking there. We have asked them not to park there but their reply was there are no signs to say they can't. It was my understanding when the apartments were built that they had the required number of parking spaces needed.

I rent to a business, single family home and two duplexes on the street. I provide parking for my tenants. When the properties are rented they are only allowed as many vehicles on the property as they have space for and or not allowed to park on the street.

Thank you for your consideration in this matter.

Sincerely,



Cecile Chickering



External Communication
Transmittal Form

September 19, 2017

TO: Mayor and Keene City Council

FROM: Councilor Mitchell H. Greenwald

THROUGH: Patricia A. Little, City Clerk

ITEM: C.2.

SUBJECT: Councilor Greenwald - Conflict of Interest - Emerald Street Sidewalk Project

ATTACHMENTS:

Description

Greenwald Communication

BACKGROUND:

Councilor Greenwald is requesting to abstain from the Emerald Street sidewalk project.

Heather Fitz-Simon

From: Councilor Mitchell Greenwald
Sent: Tuesday, September 19, 2017 1:39 PM
To: Patty Little
Subject: Emerald Street Project

At the FOP meeting, I requested to be recused from the vote concerning the modification to the sidewalk and curb project on Emerald Street.

My request was granted. Vice Chair Jacobs conducted the discussion and vote.

Previously, it has been viewed that as a public street project, a Councilor who owns adjacent property is not receiving financial benefit, and can participate in the discussion and vote.

However, in the interest of transparency I request that the Council vote to allow that I be recused from this issue.



Mitchell H Greenwald
Keene City Councilor, Ward 2
Chairman, Finance, Organization, Personnel Committee



City of Keene, N.H.
Transmittal Form

September 19, 2017

TO: Keene City Council

FROM: Kendall W. Lane, Mayor

ITEM: C.3.

SUBJECT: Mayor Lane - Requesting that the Council Consider Adopting an Ordinance for Disorderly Residences

RECOMMENDATION:

Request that the City Council adopt a disorderly residence ordinance.

ATTACHMENTS:

Description

Communication - Mayor Lane

City of Keene
New Hampshire

September 19, 2017

TO: Keene City Council
FROM: Kendall W. Lane, Mayor
SUBJECT: Disorderly Residence Ordinance

A handwritten signature in black ink, appearing to read "Kendall W. Lane", is written over the "FROM:" line of the memo.

Request that the City Council adopt a disorderly residence ordinance.



City of Keene, N.H.
Transmittal Form

September 13, 2017

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.1.

SUBJECT: Department Presentation – Solid Waste Division – The Evolving Ton

RECOMMENDATION:

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends the acceptance of the presentation from the Solid Waste Division as informational.

BACKGROUND:

Chair Manwaring welcomed Allen Austin, Kipper Brown, Joe Martino, and Donny Tebaldi of the Solid Waste Division to present on the City of Keene Recycling and Transfer Station. The Assistant Public Works Director happily introduced the presenters, whom the public may rarely hear about. He said the presenters had put a lot of effort into this presentation for the Committee and public.

Mr. Martino began providing an overview of operations at the Recycling and Transfer Station. The first step of recycling is receiving the materials including: comingle (plastic, aluminum, and glass), mixed paper, books and magazines, and cardboard. Following public or commercial drop-off of materials, the next step is to process fibers. Mr. Martino explained this process for cardboard: it is pushed up into large piles, loaded onto a conveyor belt, and packaged into bales. Mr. Martino continued explaining comingle, which unlike cardboard or paper, takes more effort to process; sorting the comingle demands 75% of a day's work. He showed photos of different areas of the Station, the process, and dock where trucks are loaded with recycled bales.

Mr. Austin spoke about loss of efficiency at the Station, where they receive 4,000lbs of trash per day, 20,000lbs per week, and 1,040,000lbs (520 tons) each year. The main problem is plastics that the Station cannot recycle, such as bulky plastics. A trash hopper must come to the Station four times per day to load approximately 1,000lbs of trash and take it away; it requires 7-25 minutes of employee time to empty these hoppers. Mr. Austin said if less waste were going into the recycling system, it could save that time for processing comingle.

Mr. Austin explained that another problem is obstructions in sorting; if something large, like a plastic lawn chair, gets into the system material does not flow properly, slowing the whole process. Often, unfortunately, these items are not visible to the operators before they enter the system.

The third problem at the Station that Mr. Austin explained was contamination. If, for example, propane tanks enter the recycling line they would get sorted with steel cans, causing a safety issue. This is usually caused by items that should not be in the recycling line: propane tanks, bottles/recyclables with food contaminants remaining, greasy pizza boxes, household trash etc. Mr. Austin clarified that the Keene Station can only recycle Number 1 & 2 plastics; there is no market for the higher numbers in this area. He said in the end they try to

recycle as much as possible and limit waste, but there is only so much they can do.

Mr. Brown continued discussing contaminants. He showed a photo of the tipping floor, which holds 12 trailer loads (300 tons) of material, including household waste and dirty demolition waste. He explained the average trash bag weighs 17lbs and one trailer can hold 3,200 bags; he loads six trailers (175 tons) per day and 1,560 trailers (42,120 tons) per year. In addition to loading trailers, once or twice weekly he loads construction and demolition debris; those trailers average 20 tons of material. It is among these loads that he deals with contaminants such as: tires, refrigerators, stoves, and air conditioners, all of which are unacceptable at the landfill and have to be relocated to the proper locations in the facility.

Mr. Austin explained the three problems at the Station are largely due to lack of proper education; more creative ways are needed to educate the public because cleaner material coming into the Station allows staff to be more efficient and has a greater positive impact on the environment, which is a City goal.

Councilor Lamoureux asked if there is anywhere nearby that accepts plastics numbered higher than two. Mr. Tebaldi replied the Monadnock Food Co-Op accepts plastics three-seven. Councilor Lamoureux asked where pizza boxes should go. Mr. Tebaldi replied they should go in regular household trash if contaminated by grease; if part of the box is not contaminated by grease, it can be recycled.

Councilor O'Connor asked if it is too complicated to monitor each vehicle that drops off material. Mr. Tebaldi replied that he usually asks to see the load if he cannot see it inside the car; in some cases this requires calling management if it appears something is being hidden, which is a common occurrence.

Chair Manwaring asked if there is a list posted at drop off that shows customers the cost of items and where certain items are prohibited. Mr. Tebaldi replied he created a pamphlet with that information to give to residents and new visitors; additionally, in 2015 he created a calendar for residents that included the prices. This information is also available on the website.

The City Attorney asked why some commercial to-go cups can be recycled and some cannot. Mr. Tebaldi explained that in most cases it is because recyclable cups are more expensive. Additionally, paper cups meant to hold hot liquids cannot be recycled because they are contaminated.

Chair Manwaring recognized Daniel Prial, 67 Forest Avenue. Mr. Prial asked about the kind of education program the presenters think is needed; he asked because he has done outreach for other waste management organizations. Mr. Austin replied something more creative is needed, perhaps with use of the website or Public Works Facebook page. He also suggested informational videos. He said part of the problem is that other towns bring material to Keene and the word needs to get out to those communities.

Councilor Manwaring asked if they educate construction companies. Mr. Brown replied he is not sure how they could but he will consider reaching out to hauling contractors so they can pass the information on to their customers.

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

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends the acceptance of the presentation from the Solid Waste Division as informational.



City of Keene, N.H.
Transmittal Form

September 13, 2017

TO: Mayor and Keene City Council
FROM: Municipal Services, Facilities and Infrastructure Committee
ITEM: D.2.

SUBJECT: Petition – 50 Signatures – Extending Walk Signal of Traffic Lights

RECOMMENDATION:

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends the acceptance of the petition for extending walk signal of traffic lights as informational and that any issues raised to be handled administratively.

BACKGROUND:

Chair Manwaring welcomed Terri Croteau, 29 Pearl Street. Ms. Croteau explained she initiated this petition after a woman was hit by a car near the Hannah Grimes crosswalk on Roxbury Street; her arm was broken and Ms. Croteau is fighting for compensation for her injuries. She explained this petition is for extended walk lights at crosswalks, particularly at the lights on Winchester Street/Key Road and West Street/Island Street. She said sometimes the crosswalk buttons have to be pushed three times before a person can cross. Additionally, the time allotted for someone to cross the street is too short, especially for the elderly who cannot cross as quickly.

The Police Chief explained the City Clerk's office received a letter in August about this matter. The Traffic Light Technician contacted Ms. Croteau to explain this is how the system works; Ms. Croteau said she does not like how the system works. The Police Chief said that in the City, seven lights have crossing signals; they are designed to provide a walk signal for approximately five seconds, followed by an additional 16-35 seconds flashing red to finish crossing. They are intended to encourage people not to leave the sidewalk while the red hand is flashing, but to provide enough time to finish crossing for those who already have. The Traffic Light Technician checked the lights in question and both are working properly.

Councilor Filiault noted the question of having to push the button multiple times before they walk signal begins; he asked if they are made to come on immediately and if it goes through a light cycle before the walk signal begins. The Police Chief replied the loops in the road control the traffic lights, so there must be some kind of combination of that happening; an automatic walk signal after pushing the button cannot be expected. Ms. Croteau said she does not expect an automatic walk signal, but at West Street/Island Street it takes several times and there is still no walk signal; she said she walks a lot and it should not take that long. The Police Chief will look into it further to ensure they are functioning correctly; he can consider making them longer but does not know what that will do to traffic on West Street. He said all lights meet monthly traffic control device checks and operating guidelines but that does not mean it will fit every person in the town. Ms. Croteau said her biggest objection is there is not enough time for older residents to cross. The Police Chief will investigate further and try to report back at the next MSFI meeting.

The City Manager noted that because of discussion on traffic signals Downtown at the last City Council meeting, this issue will be on the upcoming agenda of the Ad Hoc Downtown Revitalization Committee as well. He said signalization is crucial Downtown and the City gets many complaints about it. Part of the complaints is not knowing how the system works, the fact that it is an old system, maintenance, etc. So, a discussion is needed. The Police Chief will check-in with that Committee as well.

Chair Manwaring recognized James Griffin, 195 Key Road. Mr. Griffin said he crosses at Winchester Street/Key Road daily and the light is very short as a quick walker. He also said on the Walmart side there are two buttons and it has never been clear which one works, if either. He added the elderly living nearby cannot cross at that intersection quickly enough. He said more police presence is needed at that intersection for people running red lights as well; Ms. Croteau agreed.

Councilor Filiault suggested a motion to investigate and handle this matter administratively, especially at the Winchester Street/Key Road intersection. Chair Manwaring asked the Police Chief to prepare a presentation on lights and crosswalks in the near future for public education purposes. The City Manager is in favor of administratively looking at these lights and the matter might come back to the MSFI Committee. He said scheduling this discussion before the next Downtown Revitalization Committee meeting will take time and he does not know what the results will bring. He said it might be best to combine all of this information into a discussion on how signalization works.

Councilor Lamoureux noted that at City Council, both the Downtown Revitalization Committee and MSFI were referred to; he asked the City Attorney if this needs to remain open so the Downtown Committee can bring back their referral. The City Attorney replied it is up to the Committee to make that decision; the way the City committees have been structured usually means action is deferred until the Committee it has been referred to have an opportunity to review the matter and make a recommendation.

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

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends the acceptance of the petition for extending walk signal of traffic lights as informational and that any issues raised to be handled administratively.



City of Keene, N.H.
Transmittal Form

September 13, 2017

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.3.

SUBJECT: Department Presentation – Fleet Division – Rolling, Rolling, Rolling

RECOMMENDATION:

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends the acceptance of the Fleet Division presentation as informational.

BACKGROUND:

The Assistant Public Works Director introduced Chad Guyette, Mechanic II with the Fleet Service Division. He explained some things the public might not know about the Fleet Division: they manage over 200 vehicles and equipment, they are full service, and they not only work on vehicles but specialty equipment as well.

Mr. Guyette said the Fleet Division maintains an inventory of replacement parts to keep equipment downtime to a minimum. He displayed photos of Fleet operations which include bays where police cars and fire trucks are washed, bays for medium-duty trucks and cars, and a small parts room kept fully stocked so vehicles can be quickly repaired during emergencies. He provided examples of how Fleet uses machine shop equipment to create, fix, or replace equipment versus purchasing new equipment.

Mr. Guyette continued that when a problem arises, Fleet Services often fabricates a solution that cannot be bought, either because a part is not available, is not manufactured, or production has been discontinued; many things are built because they cannot be bought elsewhere or are very expensive. The things created by Fleet Services are often stronger and better than the more expensive alternatives. He provided photo examples of equipment improvements they have made. He noted all City vehicles are fixed and improved in-house. All fleet personnel are able to fabricate and are proficient with cutting torches and various types of welding equipment; everyone working there can do every job. He provided an example of in-house efforts to fix the snow pusher at the airport. He explained the personnel can make repairs and fix equipment in the field to avoid towing back to Fleet, when possible; this saves time and money. Any oil waste from field repairs is brought back to the Fleet building to dispose of properly. Personnel also work to document damage and schedule repairs for City vehicles involved in accidents. They also mount and balance all City vehicle tires. The City also owns a wrecker, which is used to recover City vehicles when stuck and often to assist the Highway Department in pulling logs out of rivers. Fleet Services also maintains and manages fuel sold internally and externally, for example to local government agencies such as the school district and home health care; the City is licensed to run this. Additionally, Fleet Services handles repairs of all City equipment from large dump trucks, to vehicles, and lawnmowers; all with the help of a 10 ton crane allowing fast and safe truck repair.

Mr. Guyette continued that Fleet coordinates with the Purchasing Department to buy new and used equipment and dispose of retired equipment. A lot of money is saved buying used equipment when parts for old

equipment cannot be found. Fleet tries to do this as often as possible to save money. Older police cars, for example, are reused when cops have to spend a long time at construction sites or just sitting with lights running, so that detailed cars can be maintained. Additionally, all electronic and mechanical issues in City equipment are fixed in-house, including fire trucks; he used photos to demonstrate the complexity of this work. Fleet Services records all vehicle information from manufacturers into the Computerized Fleet Analysis (CFA) program. This is also where work orders and parts numbers are stored so that, for example, if there were failure during an overnight snowstorm, they can find anything needed in the system.

Chair Manwaring asked what happens on the weekends. Mr. Guyette replied there is an on-call phone that circulates between the four mechanics. Someone is on call at all times. Also, if plowing is happening, there is always someone in the building because of breakdowns.

Chair Manwaring recognized James Griffin, 195 Key Road, who asked if there is a system in place to buy vehicles locally, when possible. Mr. Guyette replied there is a program set-up for purchasing vehicles at Fleet, but there is difficulty working with Keene dealerships to sell to Fleet. There is a state bid process and if a dealer cannot meet a certain price the City cannot purchase that vehicle and some of those prices are too low for dealerships in town.

Chair Manwaring asked how much money the City saves doing all of this work in-house. Mr. Guyette replied he does not know how much but it is a lot. All mechanics are smart and when working they strive to make sure they will save money or they do not start the process. The Public Works Director said it is really about cost avoidance and he will report back the savings at budget time.

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

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends the acceptance of the Fleet Division presentation as informational.



City of Keene, N.H.
Transmittal Form

September 13, 2017

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.4.

SUBJECT: Beaver Street Speed Complaint Follow-Up – Police Department

RECOMMENDATION:

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends the acceptance of the follow-up on the Beaver Street speed complaint as informational.

BACKGROUND:

The Police Chief noted this was a follow-up to a complaint brought forward in August. He recalled there was a July communication about speeding on Beaver Street, the police department used radars and directed patrols to investigate, and the statistics showed no demonstrated ongoing problem on Beaver Street. Per request of the MSFI Committee, police monitoring continued and there has still not been a statistical increase in speed, vehicle stops, or accidents.

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

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends the acceptance of the follow-up on the Beaver Street speed complaint as informational.



City of Keene, N.H.
Transmittal Form

September 13, 2017

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.5.

SUBJECT: Key Road Speed Bump Request – Follow-Up - Police Department

RECOMMENDATION:

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends the acceptance of the follow-up on the Key Road speed bump request as informational.

BACKGROUND:

The Police Chief recalled that on June 12, James Griffin sent a communication to the City asking for a speed bump on Key Road. The police department used radars (unlit) and direct patrols day and night from August 5-September 3 and found only one vehicle traveling over 30mph. Of the 36 directed patrols there since July 20 there were seven stops, two summonses, and five warnings. There was one other stop for impaired driving, not speeding. He said in the past it was known the area was used by a younger demographic but that activity has not been seen in a while. The department works to continue monitoring, and some sound may be carrying over from Route 12.

Mr. Griffin said since the last meeting, whatever the police department did has solved the problem. There has only been one incident of speeding since the last meeting. The activity seems to have moved to the bypass and the old truck inspection station. He said the situation has improved and the police have done a great job toward solving the problem.

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

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends the acceptance of the follow-up on the Key Road speed bump request as informational.



City of Keene, N.H.
Transmittal Form

September 13, 2017

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.6.

SUBJECT: Friends of Open Space – Creation of Pocket Park – City Property – 238 Church Street

RECOMMENDATION:

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends the approval of the pocket park concept as shown.

BACKGROUND:

Chair Manwaring welcomed Margaret Kasschau, 40 N. Lincoln Street. Last Spring, Ms. Kasschau discovered a vacant piece of land at 238 Church Street that is owned by the City. It was a FEMA project; therefore, the rules and regulations state only open space and/or building with no sides. She is on the Board of the Friends of Open Space, where she suggested a pocket park at this site. She began working with the Director of Parks and Recreation who was enthusiastic about the project. An inexpensive and simple design was drafted including:

- (4) Four-foot long benches - \$2,000
- (9) Medium-height fruit bearing ornamental shrubs - \$450
- (2) Swamp white oak for wet soil - \$350
- (1) Crab apple tree - \$135
- (3) Tree watering bags - \$75 (for easier maintenance during the first year)
- Total estimated cost - \$3,010

The trees and shrubs will be planted across the back of the property away from the street, and 3-4 foot boulders (donated by Hillside Village) will line the front of the property to keep people from driving on the property and create a play area. The Friends plan to fundraise the total cost and both she and Eloise Clark have met with most neighbors, who are interested in the project. The Friends hope to receive approval from this Committee to move forward and begin fundraising. They believe it could be a model park in the City.

Councilor Hooper said he thinks it is a fantastic idea and credited Ms. Kasschau and Ms. Clark for trying to beautify Keene. He asked how the park will be maintained. Ms. Kasschau replied because it is City land, presumably Parks and Recreation will maintain it. The Friends plan to help get it started in the first year and hope the City will maintain mowing after that. The Director of Parks and Recreation agreed. He continued that he has worked with the Friends and other departments and the most important thing is visibility, especially knowing the proximity to and some issues at Carpenter Field. Moving forward, work will continue with the police to ensure safety and visibility; this includes no trees or shrubs at the front of the property for visibility and four foot benches to discourage sleeping. With that, a few key features were discussed: 1) keeping the price low because this is donated by a group of citizens, 2) keeping the park simple to reflect the area, and 3) maintenance. The main purpose of the park is to improve the neighborhood and promote wanted behavior.

Councilor O'Connor asked if there will be restricted hours. The Director of Parks and Recreation replied it will be closed from dusk until dawn with alcohol prohibited as at other City parks.

Councilor Filiault applauded the neighbors for investing their time in this City park and policing it. He is disappointed there cannot be shrubbery because of visibility and that things like bench length now have to be considered.

Councilor Lamoureux asked if the total budget includes installation or if the City will do that. The Director of Parks and Recreation replied that benches include installation; they will be made of recycled plastic like the ones at the Recreation Center and Robin Hood Park and have a 50 year warranty. The company that makes them installs for a minimum fee. He continued thanking a neighbor who has been mowing the land, despite it being owned by the City; the City is now keeping up with that maintenance.

Chair Manwaring recognized Yvonne Demay, 269 Church Street, who said this is a fantastic idea. She asked how much of the overgrown vegetation will be removed along the perimeter of the property; she also suggested a fence by the dumpsters to separate it from the adjacent property. The Director of Parks and Recreation said the City will take care of the overgrown vegetation. Ms. Cashaw said fencing is expensive and she fears it becoming a dog park if it is totally fenced. Ms. Demay said she thinks a fence on that one side would be much better for aesthetics.

Chair Manwaring recognized Beth Zinn, 242 Church Street. She expressed concern about the benches but thinks the boulders are a great idea. She also likes that the trees will help soak up water that currently pools there. She likes the idea of a fence because the adjacent property uses it as their yard. She likes the idea of it being nicer than it currently is but has concern about the benches because they are taken in other parts of the City when people loiter on them; she does not want loitering in her back yard.

Chair Manwaring recognized Frank Richter, 22 Valley Street, who is in favor of the park. He thinks it would be a nice feature on Church Street as other parts of the street are being improved. He agrees with a fence on the apartment side because it will be better aesthetically. He has not yet seen cars, people, or trash there and he thinks the neighbors will volunteer to help monitor and maintain it.

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

Councilor Lamoureux asked the price of fencing and if the Friends will be able to fundraise that extra amount. The Director of Parks and Recreation will work with a local fence installer, he has an idea that can be easily maintained, and he will bring it to City Council next week.

Ms. Kasschau asked the neighbors if boulders could be used instead of a fence; all agreed a fence is preferred.

Chair Manwaring recognized Daniel Prial, 67 Forest Avenue who asked the neighbors if they will not support the park without a fence; all agreed they would still support the park if there is no fence. Chair Manwaring recognized Shawn Zinn, 242 Church Street, who said there was a fence when the building was still there but it was demolished at the same time.

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends the approval of the pocket park concept as shown.



City of Keene, N.H.
Transmittal Form

September 13, 2017

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.7.

SUBJECT: Request for Letter/Resolution – ATV Use on Rail Trails – Planning Department

RECOMMENDATION:

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends a resolution on ATV use on the rail trails be introduced.

BACKGROUND:

Chair Manwaring welcomed Chuck Redfern, 9 Colby Street, and Will Schoefmann, City of Keene Mapping Technician. Mr. Schoefmann explained that he is the staff liaison for the Bicycle/Pedestrian Path Advisory Committee (BPPAC) and there is also a staff liaison to the Conservation Commission in the Planning Department. Mr. Redfern attended meetings of both Committees in the last month to present his case; this request for a letter/resolution is a joint request from both Committees.

Mr. Redfern explained this began when the City of Claremont sent a letter to the Federal Delegation of Senators and Congresswomen to request allowance of ATV's on rail trails throughout the state of NH and the country; a few other towns added their support to this request. Mr. Redfern expressed his concern, as President of the NH Rail Trail Coalition.

As a response to the Claremont letter, Senator Shaheen reported the following amendment:

“Balanced Consideration of Use-Exemption Requests for Trails – As the FHWA considers requests for exceptions under 23 U.S.C.217(h), the Committee encourages the agency to give due consideration to the local economy and community input. In particular, the agency should weigh the role motorized vehicles play in the local economy and should seek feedback from trail users.”

Mr. Redfern continued that Keene does not have a neglected rail bed; this has been a multi-million dollar project over the last 20 years, of mostly federal money matched by City funds and private dollars. The only reason the whole system is not paved is because of consideration to taxpayers cost, and snowmobilers were not in favor. It seemed reasonable to save money and allow snowmobilers because they are allies and do not damage the trails. He said ATV's, however, are four-wheel drive vehicles that get larger and faster each year, some up to 90mph. He cited the following concerns with ATV's on the rail trails: public safety for those cycling or walking on the trails, erosion and trail deterioration, and the need to widen the gates. He explained he attended the annual National Convention of ATV Riders last month and found they eventually want to be able to use four-wheel drive jeeps on the trails, which would destroy the trails in less than two seasons. He said the state has spent millions on an ATV park in Berlin and there are already 1,000 miles of trails open to ATV's in NH, while there are only 500 miles of rail trail. He said he wants to protect Keene's trails in partnership with Pathways of Keene,

BPPAC, and the NH Rail Trail Coalition. He said Keene should speak up as the City of Andover did to say we do not want this to happen in our community. Before the Committee was a recommended resolution endorsed by the NH Rail Trail Coalition and each interested City was asked to submit this resolution to the Congressional Federal Delegation.

(Chair Manwaring left the meeting briefly and Councilor Filiault acted as Chair)

Mr. Redfern added that ATV's have a strong lobby in the country and commonly ask for small changes over time to accommodate the increased speed. He requested for the resolution to be approved and Mr. Schoefmann will send a memo to City Council with recommendations from the Conservation Commission and BPPAC and background information.

Chair Filiault asked if this matter had been assigned an administrative number. Mr. Schoefmann replied no, it likely will after going to City Council.

(Chair Manwaring returned)

Chair Manwaring said she thought there were more than the seven miles of trails listed. Mr. Redfern replied it is only the rail trail; it does not include the Jonathan Daniels Trail, Appleway, etc.

Councilor Lamoureux asked if there is the expectation that ATV's can use bridges as well, like the new North Bridge. Mr. Redfern replied they cannot use the North Bridge because there is a city ordinance preventing motorized vehicles there. However, the South Bridge is a state facility, multi-use bridge, so if the federal government allows this language in the law and the NH Trails Bureau grants this, there is a possibility. He said the NH Trails Bureau is dependent on funding from snowmobiles and ATV's so they are sympathetic to the lobby.

Councilor O'Connor noted that he has seen many trails destroyed in Roxbury because of off-road vehicles and he does not want that to happen to the trails in Keene. He said a lot of money went into these trails for mixed use – walking, biking, horses, and snowmobiles – and thanked Mr. Redfern for his efforts.

Councilor Lamoureux asked who drafted this resolution. Mr. Redfern replied the NH Rail Trail Coalition, who wanted to keep it simple despite this being such a complex issue. Councilor Lamoureux asked for procedure to accept this resolution. The Assistant City Manager replied staff will work on the resolution and if approved by this Committee it may get a number assigned by the City Clerk/Attorney.

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

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends a resolution on ATV use on the rail trails be introduced.



City of Keene, N.H.
Transmittal Form

September 13, 2017

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: D.8.

SUBJECT: Danya Landis/Machina Arts,LLC – Request to Use City Property – Railroad Square

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that Machina Arts be granted permission for the use of City property on Railroad Square at a location to be determined with City staff for the placement of a painted steel pinwheel art piece that is 11 feet tall by 3 feet wide for a period of one year from the date of installation, subject to the following conditions: the signing of a revocable license and indemnification agreement and submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene as an additional insured; and that the Petitioner complies with all requirements of City Staff with respect to the installation, ongoing maintenance and repair, facility removal, and site restoration.

BACKGROUND:

Danya Landis, of 433 Elm Street addressed her request for use of City property, noting Nora Breen, a public artist from New York City, has gifted a large pinwheel to Machina Arts so it could be placed in downtown Keene as a temporary public sculpture. The pinwheel is painted steel and will not rust. The pole is 11 feet tall and the wheel is 3 feet wide. Ms. Landis described the installation that Machina Arts would be responsible for. She noted Machina Arts believes public art is an important part of a vital, thriving city and that Keene will benefit from having this unique, fun, piece on display.

Chair Richards asked for Committee questions or comments.

Councilor Sutherland asked if the City has any policies regarding the installation of art on City lands; and is this something they need to be thinking about. Mr. Kopczynski advised the City has no specific policy. Mr. Kopczynski suggested perhaps a policy will be needed in the future; adding there is a lot to discuss when talking about public art. Councilor Sutherland asked if it should be set up as an administrative policy rather than coming through this Committee.

Councilor Hansel noted this is a temporary display and he sees this as an experiment to get the public hyped up on public art. He commended Ms. Landis for her efforts. Councilor Hansel said he is in favor of this display as long as it has been reviewed by City staff and there are no safety concerns.

Councilor Jacobs noted he was a member of Friends of Public Art. He explained the group is trying to develop a list of questions to present to the City for future displays so they do not have to reinvent the wheel, so to speak, each time one of these projects comes up.

Councilor Sapeta also thanked Ms. Landis for bringing this forward. He asked if there was a policy or initiative

where artists are given a utility box within the City to paint. Rhett Lamb reported they have started several discussions with Eversource in this regard. He continued although they know of no local projects, they are aware of other cities that are doing this. Councilor Sapeta hopes this could be incorporated into a future policy if one is developed. Ms. Landis commended the Committee for being open to these ideas.

Chair Richards asked if all City requirements had been met. Kurt Blomquist replied in the affirmative.

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

Councilor Hansel made the following motion, which was seconded by Councilor Sapeta. On a vote of 4-0, the Planning, Licenses and Development Committee recommends that Machina Arts be granted permission for the use of City property on Railroad Square at a location to be determined with City staff for the placement of a painted steel pinwheel art piece that is 11 feet tall by 3 feet wide for a period of one year from the date of installation, subject to the following conditions: the signing of a revocable license and indemnification agreement and submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene as an additional insured; and that the Petitioner complies with all requirements of City Staff with respect to the installation, ongoing maintenance and repair, facility removal, and site restoration.



City of Keene, N.H.
Transmittal Form

September 13, 2017

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.9.

SUBJECT: Kenneth Chamberlain, Jr. – Proposal to Utilize Local Residents in Fixing Up Homes on the Tax Deed List

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses and Development Committee recommends the communication from Mr. Chamberlain regarding properties on the tax deed list be accepted as informational.

BACKGROUND:

Kenneth Chamberlain informed the Committee that he would like to purchase one of the homes on the tax deed list. He is suggesting a match-up between people who need help and properties which need help. Chair Richards said this is a generous idea, but that he is uncertain what the City can do. He asked Mr. Chamberlain what is looking for the City to do for him. Mr. Chamberlain replied that he would like the City to allow him to buy a home.

Medard Kopczynski commented that staff thought it was important for the Committee to hear Mr. Chamberlain's request, and give staff a chance to talk with him. He continued arrangements will be made to speak with Mr. Chamberlain after this meeting. Mr. Kopczynski also pointed out there are an awful lot of hurdles to be discussed. Mr. Kopczynski noted there are several staff members here to speak to this issue. Often times when these properties reach the tax deed list the question is whether or not they are even salvageable. He also pointed out the difficulty in obtaining clear title.

John Rogers provided background information on properties the City took back last year. He reported two of three properties taken were not salvageable; the third one was eventually sold. Mr. Rogers explained the City is required to sell these properties for as much as they can to recoup taxes and the profits go back to the former owner. Mr. Rogers echoed Mr. Kopczynski's comments. He also noted the City's efforts to help these people keep their properties.

Mary Alther, Revenue Collector explained the tax lien process noting it takes approximately three years to complete. She said they will continue to work with the owners to help keep them in their homes. Ms. Alther reiterated clear title is often a problem.

Chair Richards clarified staff is willing to sit down with Mr. Chamberlain to see if options are available. Mr. Kopczynski reiterated the practical realities are very often impossible to overcome, and that sitting down with Mr. Chamberlain might be helpful.

Councilors Sapeta and Hansel thanked Mr. Chamberlain for bringing this idea to the Committee. Councilor

Sapeta suggested there may be other partners such as the local colleges.

Chair Richards asked Mr. Kopczynski to reach out to Mr. Chamberlain. Mr. Kopczynski reported staff have already reached out and will continue to do so. Councilor Hansel said staff will continue to work positively with Mr. Chamberlain. He also encouraged Mr. Chamberlain to stay involved in this issue.

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

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends the communication from Mr. Chamberlain regarding properties on the tax deed list be accepted as informational.



City of Keene, N.H.
Transmittal Form

September 13, 2017

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: D.10.

SUBJECT: Councilor Manwaring – Reconsideration of License – The Pumpkin Festival Brought to You by the Children of SAU 29

RECOMMENDATION:

On a vote of 2-2, the Planning, Licenses and Development Committee recommended a license be granted to Let It Shine for the Keene Pumpkin Festival Brought to You by the Children of SAU 29 under the same conditions as previously voted upon.

BACKGROUND:

Chair Richards noted the MSFI Committee meeting was still going on and that Councilor Manwaring could not leave that meeting to address her letter. Councilor Hansel recommended moving forward as Councilor Manwaring could join the meeting when she finished her Committee's meeting. The City Attorney suggested the motion to reconsider came from the City Council and he felt the public and this Committee had the right to move forward if they wished to. The Attorney added this is essentially a brand new issue.

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

Tim Zinn, of 43 Grove Street said he was confused. He asked if the whole plan needed to be discussed or was the discussion relative to why this issue was referred back. Chair Richards commented he has seen reconsideration used maybe five times in his career. Chair Richards then outlined the reconsideration process explaining they are starting from scratch again. Councilor Hansel noted his interest in the reconsideration is really to get an update. Councilor Hansel added he felt it would behoove the petitioner to speak on how they have been interacting with staff and other stakeholders since the license was approved. Noting he also had a lot of questions; Mr. Zinn advised he would like to address them. Chair Richards asked if Mr. Zinn understood the reconsideration; Mr. Zinn replied in the affirmative.

At this point Councilor Manwaring arrived to address her letter. Councilor Manwaring said she put forth the motion to reconsider due to concerns expressed by the Police Chief and Fire Chief and Keene State College.

Councilor Manwaring asked the Committee to listen seriously to what these individuals have to say.

Mr. Zinn clarified the Chair would like an update as to where Let It Shine is in this process. Mr. Zinn said they originally proposed this festival for SAU29 children only with the thought of splitting up Railroad and Central Square. After protocol meetings were held they came up with the idea of closing Central Square and worked to flush out those details keeping the festival simple and their communications accurate. They also had a goal of 5,000 pumpkins to keep this controllable. There would be no vendors, and they expect fewer than 10,000

people to attend. The goal was to start the healing process and move forward.

Councilor Sutherland clarified nothing has changed; other than fewer pumpkins. Mr. Zinn replied in the affirmative adding the time was changed to 1:00 PM to 7:00 PM.

Councilor Sapeta said he did not know this was competing with an event in Swanzey when this license was previously voted on. He asked Mr. Zinn if he had attempted to work with that event's promoters. Mr. Zinn commented the Swanzey event was born out of the ashes of 2014. Mr. Zinn then read Let It Shine's feelings from a prepared statement.

"The long history of our Festival earns it the right for a spot in the community. We have no ill will to other festivals, we advertise willingly for them on our website. Our Festival is unique in its history and traditions. Providing pumpkins for school kids and their families to carve in the schools goes to the heart of what it has always been about. This festival was designed from day one to offer something special to the community, but uniquely special to Keene in its offer of healing and second chances. We have worked for months to communicate this with supporters, businesses, donors, the City and the previous college Administration. We are following the suggestions of Councilors in 2014 to come back smaller and give the City time to heal and improve."

Mr. Zinn added they reached out to the College in the beginning and at that time they were not interested in working with us; but things have since changed. Mr. Zinn then asked if he was allowed to read his opening statement and ask questions throughout this process. Chair Richards advised against three-way conversations and suggested Mr. Zinn read his statement and ask his questions.

Mr. Zinn continued with his prepared statement and questions.

"Let It Shine has stayed the course with this smaller, no vendor, community focused, clearly communicated festival. We turned down Disney, and the Travel magazine editors. We have consistently praised KSC improvements. "Kids, Smiles, Pure Pumpkins" is our theme. This event is close to 1/10th the size of our signature events, both in terms of pumpkins and projected attendance. We hope the discussions tonight will help us understand how things changed so rapidly and drew so much media attention to what was quietly moving towards a win for all of us. We have some specific questions we are looking to get answers to. Our board members and followers deserve it."

Please clarify if these memos from the two Chiefs were requested or offered. Chair Richards commented the Councilors were provided information; adding anyone can send a memo to the City. Mr. Zinn inquired whether this same information was provided to the Committee or Council prior to their initial votes, noting that their event has not changed in scope since the original vote. Finally Mr. Zinn inquired whether there was an analytics on the social media chatter. Specifically, what is the quantity of social media posts and what was the tone as compared to 2014, when the tone was quite aggressive?

Mr. Zinn stopped reading at this point. Chair Richards advised Mr. Zinn he would have the opportunity to speak again. Chair Richards asked if anyone else would like to speak.

Fire Chief Howard opened his comments by outlining this year's process and what Mr. Zinn referred to as the protocol meetings. The protocol meetings were productive and Mr. Zinn stayed the course with the scope for the event the displaying of pumpkins. Chief Howard explained the concerns from early on were the name of the event, the fact that the location was not a closed venue and the attendance. Chief Howard explained all large gatherings are a concern for public safety, and open venues create other logistical concerns.

To answer Mr. Zinn's question on what has changed, Chief Howard clarified this is not about Mr. Zinn or any one event. When they receive information about a potential threat to public safety they have to review it.

Information regardless of when it comes in it has to be reviewed. Chief Howard shared information regarding the Jaffrey fireworks festival that was cancelled due to a credible threat. Chief Howard said he hopes the Committee looks beyond a title, as they look at large gatherings, He continued they want all events to occur and be safe for everybody.

Police Chief, Steve Russo echoed Chief Howard's comments. He said there are so many unknowns that the Police Department is always concerned with large gatherings. Chief Russo said to him what has changed is everything that happens cannot be planned for or known. Unfortunately there is something attached to the Pumpkin Festival. They went through planning the event with Let It Shine; but since then some chatter on social media has arrived that caused some concern. Chief Russo explained they do not have a good capability of monitoring social media both from a perspective of software and personnel. They will be working with the College to try and gather chatter on social media. He clarified there really is no way to quantify and document the chatter they have seen. Chief Russo noted this is something we have to look at for any event.

Chief Howard added what changed is they did not have this information at previous Committee or Council meetings. They were not raising a red flag until there was evidence of concerns; this is what has changed. The City Manager asked the two Chiefs to provide a memo addressing their concerns.

Chair Richards asked for questions or comments from the Committee.

Councilor Sutherland clarified they have received no elevated threats; just concerns that social media people are excited about the Pumpkin Festival. Councilor Sutherland said it seems like the name is the concern; he added it does not matter what they call it because the press will call it the Pumpkin Festival. Noting he is concerned about the safety of City employees, Councilor Sutherland asked what has been the sense of the problematic neighborhoods near the College since the Pumpkin Festival. Chief Russo replied there are large gatherings every Thursday through Saturday, but nothing that they would call significant. Chief Howard added regardless of the neighborhood when they go to a large gathering they are at heightened awareness. He noted complaints against the Police and Fire Chiefs in 2014 for not being prepared; adding they did prepare. They do have plans to deal with just about anything, any day; but they do have limited resources from a personnel standpoint. Chief Howard commented one of our weak links daily is the landlords; he added they need their help. Chief Howard noted collaboration with the College along with changes they have made since 2014 that continue to this day.

Councilor Sapeta asked if there were differences in preparation for the Fall Festival and the Pumpkin Festival. Chief Howard noted the Fire Department looks at all events based on estimated size and venue. He outlined how resources are allocated for all events. Chief Russo commented the Police Department looks at it the same way. Chief Russo reiterated unfortunately there is a history unfairly attached to this event that they just cannot ignore. Councilor Sapeta continued by asking if a closed venue versus an open venue for this event would make a difference in your preparations. Chief Russo replied a closed venue almost always makes an event safer and more controllable than on city streets. He continued they have discussed this with Let It Shine and felt that they can handle that part; it is the associated activities that they cannot plan for and have no idea what will happen.

To that point Councilor Sutherland said the concerns are not necessarily within the footprint. He added he could not imagine 10,000 people within the proposed footprint and suggested Gilbo Avenue as a venue. Councilor Sutherland's fear is that they are cowering in fear with the possibilities and asked if they do this with everything. He noted the effects on economic development and suggested they are closing the doors to the outside which is wrong. Councilor Sutherland said it is not about the Pumpkin Festival; it is about who we are and how we deal with these situations. Chair Richards responded to Councilor Sutherland's comments by noting they do not pick where the event is going. Suggestions were presented and turned down by the applicant. Chair Richards said he would wait for the rest of his comments and asked who else would like to speak to this.

Melinda Treadwell, Interim President of Keene State College read her prepared statement as follows:

“Good evening. I am Melinda Treadwell, Interim President of Keene State College, and I am grateful to have the opportunity to address this body. Thank you.

I have been in this role for five weeks; however, I have lived and been a member of this community for 22 years and am raising two children to be active in the community.

I am a scientist and so I approach challenges by asking questions. As such, I offered two questions when I learned a short time after my support of for the Keene Pumpkin Festival license request, that there was a second and similar event planned a week before the proposed Let It Shine Pumpkin Fest and just 2.5 miles away, and that we began to see limited social media buzz with a small subset of our students and alumni.

- *First, can our region (families, organizations, individuals alike) support two Pumpkin Festivals within less than 10 days of another? This is the question that I think is being overlooked – two similar events within 10 days.*

- *Second, are there risks we can anticipate and mitigate to avoid potential reputational harm for Keene State and the City of Keene while supporting our community and the celebrations that could serve to bring us together?*

To pursue these questions, I requested a meeting on September 1. I have been impressed by Mr. Zinn’s leadership and passion and grateful for his time and engagement. Yet, I have been absolutely shocked to experience the emotion tied to the Keene Pumpkin Festival and the negative perceptions of Keene State College in the past several days as this community grappled with the question of how we will celebrate and join in community together.

To understand my concerns about reputation, it is important to put the events of 2014 and the stability of Keene State College into a more realistic context and perspective:

- *155 Keene State students (of our nearly 5,000 at the time) received disciplinary action for either on campus or off campus violations as a result of Pumpkin Fest 2014. Over 4,800 students had nothing to do with the irresponsible actions of this minority; however Keene State College and the students I serve are still somehow the center of public ire about the actions of the weekend in 2014.*

- *Beyond reputation, 2014 was costly as Keene State College paid out nearly \$40,000 to the City of Keene for damages incurred.*

- *Since that event, Keene State College has worked diligently with property owners, landlords, our public safety professionals, and our students, to raise our expectations and to hold students to standards of conduct both on and off campus. I will continue to support and champion this work as essential and ongoing.*

- *I assumed this role to stabilize my alma mater as an institution that matters greatly to the City of Keene and the region. As you have been reading recently, our enrollment has declined precipitously, beginning with the public perception of our college after the 2014 Pumpkin Festival. You have heard about our financial challenges. These exist because the campus did not right size its operation in the face of the enrollment decline. In the past several weeks the campus has begun this work. We will achieve our budget targets for this fiscal year and secure a balanced budget for the campus reflecting our new enrollment reality going forward. We are pairing our organizational realignment with recruitment and retention efforts for the College —reputation matters greatly here and this is why I have expressed concerns about a Keene Pumpkin Festival.*

- *As the public deliberations about the future of the Keene Pumpkin Festival have advanced, our College*

and her students have been viewed very negatively and unfairly.

Should the Main Street Pumpkin Festival move forward, and should there be disruptive behaviors demonstrated by any member of the Keene State community, the College stands ready to take severe disciplinary action. I will declare an aggravating circumstance under our conduct policy justifying enhanced student sanctions, and we will work diligently to communicate expectations and consequences to inspire but hold accountable the community I serve.

But my point is this – once it comes to reporting and adjudicating disruptive actions, it is too late. The risk to the College's and to the City's reputation is sealed if a handful of college-aged individuals behave badly and are captured on film given the attending media attention we can anticipate with this branded event. Adverse media will add significant harm to this beautiful community and Keene State College.

So my question, why would we incur this risk if we could collaborate with an event not on our city streets or adjacent to our neighborhoods?

I would like to end my statements with a few facts about Keene State that I hope will create broader awareness of who we are and how we give back to this community. You have a gem here in your city limits and I need your help to change the perception of the gifts of this campus—it is clearly not all about the Keene Pumpkin Festival, but it starts here.

- In the most recent report issued by US News and World Report, Keene State College continues to hold its enviable position among the top-ranked schools of the Regional Universities of the North, and in fact, continues its upward progression among its peers now holding 71st place out of 145 institutions.*
- Educate to Career ranks the College among the top 100 colleges for the best value. We are 86th out of nearly 1200 institutions ranked.*
- Zippia has named Keene State #1 in the state and 18th in the country for our students' employability.*
- We are on the Princeton Review's list of best regional colleges.*

Beyond these accolades we all should be proud of, we give back and engage:

- In the 2014-2015, academic year, our students delivered nearly 120,000 hours of public service to the Monadnock Region.*
- In the 2016-2017 academic year, approximately 120 Keene State students were involved in semester long local service-based internships, contributing approximately 16,400 hours.*
- In addition, there were approximately 55 courses that included some kind of service or civic engagement project.*
- We have instituted mini-grants to faculty to increase the number of courses that feature a service learning component. At this time, 170 students will offer 5,761 hours of service with local non-profit community partners.*
- In recognition of our record of service to the community, on October 2nd Keene State College will accept the 2017 Washington Center Higher Education and Civic Engagement Award.*

Lastly, let me share with you some of the results of Economic Impact Study conducted last year for the institutions comprising the University System of New Hampshire. These figures represent the impact that

Keene State College had in this region over the 2014- 2015 year:

- *As one of the largest employers in the region, the financial impact of the College added \$72.6 million dollars in income to the region as a result of day to day operations.*
- *As a result of research programs at the College, another \$2.7 million dollars were added to the income of the area.*
- *Spending in the area by visitors attending College events increased income to the area by \$650,000.*
- *Student spending on groceries, rent, and transportation contributed approximately \$4.4 million dollars to the local economy.*
- *Keene State's lengthy history and its thousands of graduates who come from this area and choose to remain here to pursue their careers contributed another \$55.5 million dollars to the area during this time.*
- *While these figures include only a small percentage of the number of services hours our students contributed during this timeframe, the College's overall financial impact to the local Keene area exceeded \$136 million dollars – or the equivalent of over 4,000 jobs.*

It is clear that our students, faculty and staff have, and continue, to demonstrate their commitment to being engaged citizens of the City of Keene and contributors to its economy.

The presence of the College and the value of the work that our students, faculty, staff, and alumni do on behalf of this region, its businesses, and its citizens is a significant driver of economic vitality.

We ultimately will respect the decision of this leadership council, and will stand ready to do all that we can to support and sustain successful community events in our region. I hope we can find ways to work together for a bright and successful future for our community to create celebrations that enhance our reputation and limit reputational risk. I ask for you all to help me improve the perception of Keene State College and our incredible students in this city. The tone of this public discourse should give us all a moments' pause about how we might work to understand and support one another more fully."

Chair Richards asked for Committee questions.

Councilor Sutherland thanked Dr. Treadwell noting he appreciates the position Keene State College has with regards to accolades and awards, et cetera. He continued with this and the comments from Chief Howard and Chief Russo, and with the way things have calmed down he sees this as an opportunity for Keene State College to stand up and say that is not who we are, this is who we are. Ms. Treadwell agreed and offered with the realization that we have the opportunity to have the Pumpkin Festival in a closed venue; it is the reputation that will harm us. The social media chatter we picked up was limited and immediately after the media announced the Pumpkin Festival was returning. Although it has quieted down, Ms. Treadwell anticipates it will pick up again. She also made note of the event 10 days before another Pumpkin Festival that offers the same ability to celebrate.

David Crawford, of Marlboro Street reacted to Ms. Treadwell's comments noting students could not have been treated too sternly or they would not be trying to stir things up again. Ms. Treadwell replied the student's talking about returning for Pumpkin Fest are not the ones who stirred it up; it is not the Finnirage group. The risk is not about public safety harm; it is about partying and that being captured suggesting Keene State is a party school. She continued we are working very hard to change that reputation. So again, the concern here is about our reputation and what we are branded as.

Brad Hanson, of 25 Graves Street introduced his daughter Ava Fox who read a prepared statement in support of the Pumpkin Festival. Ms. Fox read:

“My name is Ava Fox and I am nine years old. I go to Franklin School. I think the Pumpkin Festival should be in Keene because I know a lot of people that like to walk there with their families and the point is to have fun and watch the pumpkins. I like the pumpkin tower. It is awesome to see friends and family in their costumes. Another thing is the costume parade; people love it even grownups. Each year we get to see the new costumes. That is why I think Pumpkin Festival should be in downtown Keene. Thank you.”

Councilor O’Connor stated he is a graduate of Keene State College; and added Keene State College is very important to the City. The problem was not all Keene State College; a lot of those parties happened off-campus. Councilor O’Connor noted reputation is important. Another big hit to the College’s enrollment would be a problem for the College and would impact the City. His questioned why did SAU29 give permission for that name to be attached to the Pumpkin Festival; how did that come about.

Bradford Hutchinson, of Marlboro Street noted his support for the Pumpkin Festival. Mr. Hutchinson reported he obtained copies of the letters from Chief Howard, Chief Russo, and Ms. Treadwell but has not read them in their entirety. He commented the Pumpkin Festival is the best thing Keene has ever done and the worst thing Keene ever did was not have a Pumpkin Festival in 2015. He commended the success of the Pumpkin Festival under Let It Shine. The Pumpkin Festival is for children of all ages, he continued, especially little kids. Mr. Hutchinson believes the Pumpkin Festival should happen downtown. He made note of what he witnessed during the festival in 2014 and shared his assumptions of actions taken by the City. He also indicated the College party scene has calmed down since then. Additionally, he suggested the riots were not caused by Pumpkin Fest but that the rioters used Pumpkin Fest as an excuse to riot. Mr. Hutchinson noted he liked Councilor Sutherland’s comments. Mr. Hutchinson wants to see this Committee keep Pumpkin Festival moving forward.

Darryl Masterson, of 44 Willow Street said the concerns expressed by Chief Howard, Chief Russo, and President Treadwell should mean something to the members of this Committee. He added we as adults should take into consideration what could happen.

Jim Gardner, of 27 Birch Street read a prepared statement into the record.

“A logical argument for denial of license for Pumpkin Festival 2017: Keene, NH, Code of Ordinances, Ch. 46, Art. II, Div. 3, Sec. 46-92 states regarding licensing that “licenses shall be granted only if the proposed activity can be carried out in accordance with the applicable laws, safely, and without posing hazard or inconvenience to the public.”

Reading an excerpt from the March 25, 2015 PLD minutes, he referred to remarks from Councilor Chadbourne who noted sitting in her role the first thing that what comes to mind is public safety. Continuing, Councilor Chadbourne explained even though the riots happened outside the Pumpkin Festival footprint; for City Councilors the footprint is the City.”

Dr. Melinda Treadwell, Interim President at Keene State College, states in her communication (dated September 7, 2017) regarding Pumpkin Festival, that “Despite all efforts, it is my opinion that an open Main Street venue does not provide the security that an event of this nature demands...I am deeply concerned that Keene and Keene State are not prepared should the Main Street event swell beyond projections or if this motivation to gather creates the environment for unruly behavior within the city limits.

Police Chief Russo in his September 3, 2017 memorandum regarding security concerns related to the Pumpkin Festival 2017 stated that “my primary question would be why would we want to host an event in which we have to plan for rioting?”

Fire Chief Howard in his September 7, 2017 memorandum regarding public safety concerns related to the Pumpkin Festival 2017 stated that "I concur with the history concerns that Chief Russo has provided related to the 2017 Pumpkin Festival...Specifically to the Fire/EMS concerns it comes down to resources and ability to deploy...What we lack are the personnel to respond when dealing with large events, gatherings and incidents."

Mr. Gardner asked that the Committee please consider these statements from key players in this process, as well as the prohibition contained in City Ordinance 46-92 of licensing any proposed event which poses hazard or inconvenience to the public. Mr. Gardner asked that the Committee please deny the license."

Councilor Chadbourne said the two things she has heard here are safety concerns and economic vitality. She reiterated the reasons why this came before Council for reconsideration. Councilor Chadbourne indicated that colleges across the country are seeing a decline based on a number of factors which she outlined. Noting this community is co-dependent, Councilor Chadbourne said these are very serious concerns that have been very negatively impacted by what happened at the Pumpkin Festival. She did not hear any of those speaking to their letters that said no to the Pumpkin Festival; it was just a strong suggestion that it be in a contained, controlled environment. She agreed this is a serious concern. Councilor Chadbourne would like to see the applicant work with staff on another venue.

Jenna Schiffelbein, of 74 Beech Street shared the story of how she came to live in Keene; which was because of the Pumpkin Festival. Ms. Schiffelbein noted her disappointment in watching this process.

There being no further first time speakers, Chair Richards asked if there was anyone wishing to speak for the second time.

Tim Zinn, of Let It Shine noted how hurtful it is to be hearing all this again and having to go through this process again. Mr. Zinn continued to read from his statement with regards to the suggestion of a name change.

"Information age makes it irrelevant in our opinion. Media would have tagged the two together. Proud of Keene, Volunteers, History of KPF. We did change the name, by adding the phrase brought to you.... If you have ill will for that, Jacolantern Jamboree isn't going to really matter. . At some point people need to make a stand, bad guys don't get everything, they took enough already. This re-vote has created more media attention than the name. Changing the name now will just add more media attention and fuel to the fire."

Mr. Zinn continued *"What are the new tools, new approaches, lessons learned by the city from 2014? The college has major new tools in place, what is the city doing differently to protect its festivals? What new legislative tools have been created to deal with unauthorized large assemblies? Shouldn't we by now have created stronger tools and messages that address those that assemble in large numbers with ill intentions? Shouldn't hosts of these gatherings be held financially and legally liable to the City vs. Festivals doing good at the other end of the spectrum? I am less concerned with college students at this point than other things going on in society today. Why do festivals go through months of protocol meetings purchase liability insurance, yet ill-intentioned events are not held accountable? Finnerage and their hosts that stirred the social media should have paid the surrounding communities the overages in 2014."*

Mr. Zinn continued *"I approached this committee approximately a year and a half ago with a proposal to consider how we manage large group gatherings specifically large scale parties in the college neighborhoods. Why do they get large, what can we do to reduce them. There was good discussion around the idea of reducing the assembly ordinance from 100 to 50. The college was supportive and interested in investigating this potential tool further. I described it as a sledgehammer only needed for specific jobs at the time. The proposal went to a vote and was accepted as informational and no further action was taken. If explored further, this could have been used on an as needed, where needed basis, downtown City Festivals*

might be a good example. If this isn't the right tool, what is, what else has been added to our toolbox?" Mr. Zinn paused for a response, but not before noting the College has put huge tools in place; he outlined efforts by the College since 2014.

Chair Richards noted he would answer this question with his ending comments. Mr. Zinn said he would then make his closing statements. He continued to read from his prepared statement. *"Let It Shine has worked to present to this community, the opportunity to rally around 3200 of our most pure of heart citizens and perhaps turn a new page of healing, second chances, inspiration, and courage that is uniquely needed in Keene. We do not ask to blindly move forward regardless of risk. We ask for all parties to look in the mirror and ask if they have and are giving 100% to this effort. Are we bringing all tools available to create an expectation of accountability and inspiration? Are ALL leaders in our community reaching out to students to set the expectation and accountability for good behavior? Are we motivating our entire community to rally behind KSC students and encourage them to Shine the brightest of everyone at this Festival? Are each of us talking directly with students about not only the stakes and risks, but the incredible opportunity to change the conversation and future course of history?"*

Mr. Zinn shared the story of introducing Nancy Sporborg to ten college students in his backyard, and the connection made there. Every leader in the community needs to get down on the campus and encourage students towards "Wisdom to make a difference".

David Crawford, of Marlboro Street said he was in favor of the Pumpkin Festival and hopes the Committee votes for it.

Jim Gardner, of 27 Birch Street urged the Committee to give careful consideration to all they have heard to make a finely nuanced decision about their recommendation to City Council. He reiterated the things he would like the Committee to consider. He also advised the Committee to be very careful with their decision.

Bradford Hutchinson, of Marlboro Street shared conversations he had with sorority members after the 2014 event. Mr. Hutchinson suggested the naysayers are not taking into consideration the facts about Keene State students. He would like to see the Keene State College Administration move forward with the idea we are going to have Pumpkin Festival. Mr. Hutchinson commented let's put this thing on and make it a success.

There being no further comments Chair Richards moved onto Committee comments.

Chair Richards asked the City Attorney about the motion needed. The City Attorney suggested the Committee has several options available to them; 1) use the same motion originally used when the license was granted (as if nothing has changed), 2) you could decide things have changed and add additional conditions, and 3) you could vote that the license not be granted. Chair Richards continued the Committee usually makes motions in a positive light. He suggested a motion to grant the license as previously stated would be an appropriate motion; the City Attorney agreed.

Councilor Hansel said he appreciates Dr. Treadwell's position and the fact she came forward to state her convictions. For him tonight was important to give fair voice to people who wanted to address whatever concerns they may have. He always sticks to the side of fairness of process and for that reason would support the original recommendation. Councilor Hansel said he heard no additional evidence that would require additional conditions to the license they had.

Councilor Sapeta said this is obviously a very complex issue. He wondered if this is really about a now or never situation. He suggested looking at it to see if it is worth delaying it for a year, gather more evidence, and let the public really participate. Councilor Sapeta commended Mr. Zinn for bringing this forward. Councilor Sapeta said he had not been aware of the festival being held the week before just down the street. This fact may have swayed his previous yes vote for this license. He feels this is unhealthy competition. Councilor Sapeta

referred to Ms. Treadwell's comments regarding the College's reputation. He suggested taking a pause and giving this more thought. He asked the City Attorney if a vote was necessary today. Chair Richards replied in the affirmative.

Councilor Sutherland commented he appreciates the concerns addressed this evening. He added we have had time to think about this since 2014. The approach was to scale it down and try to bring it back. Councilor Sutherland pointed out how important this event was to local fundraising. Noting it is important for the community to recover from 2014, Councilor Sutherland said he thinks Let It Shine and the City have been working collaboratively to determine how that will happen. So far tonight he has not seen anything that has dramatically changed since the license was approved; we have no threats, we have concerns. He encouraged Let It Shine to continue to work with the City if the license is granted again and that City staff consider changes that could happen to increase the safety.

Noting he is not living in fear, Chair Richards commented he voted for the Pumpkin Festival in 2014 when we knew the crowds were growing. He continued the College and City were not to blame for what happened. Rather social media was to blame. The City is responsible for ambulance service, Fire, and Police. Despite what was said the Police and Fire Departments were nothing but heroic. Nobody within the footprint knew there was trouble around the corner. It got so big so fast that it got out of control. We paid a price for it and we continue to pay a price for it. How many people have been ambulated away from any of the other events we have? Nobody can plan for a riot. Chair Richards mentioned changing the venue and the applicant's response; he continued there are a lot of things that could be done that are not being done. He made note of all the events going on that are keeping Keene's downtown vibrant.

Councilor Hansel said the goal in this is to keep City's role in this in perspective. We have a petitioner, it is their event and it is not a City sponsored event. With that being said we need to protect the integrity of the process.

Councilor Sapeta agreed with Councilor Hansel's comments regarding the integrity of the process. He also reiterated earlier comments regarding the reputation of the College. There being no further comments from the public or the Committee, Chair Richards asked for a motion.

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

On a vote of 2-2, the Planning, Licenses and Development Committee recommended a license be granted to Let It Shine for the Keene Pumpkin Festival Brought to You by the Children of SAU 29 under the same conditions as previously voted upon. Chair Richards and Councilor Sapeta voted in opposition.

The City Attorney clarified this will move forward to City Council without a recommendation.



City of Keene, N.H.
Transmittal Form

September 14, 2017

TO: Mayor and Keene City Council

FROM: Finance Organization and Personnel Committee

ITEM: D.11.

SUBJECT: Department Presentation - Career Span Within the City of Keene - Human Resources
Department

RECOMMENDATION:

On 5-0 vote, Finance Organization and Personnel Committee accepted this report as informational.

BACKGROUND:

Beth Fox Assistant City Manager/Human Resources Director, Sherryl Zinn, Administrative Assistant and Vicki Flanders, Human Resources Assistant addressed the Committee.

The HR department's mission is to work in partnership and support of an engaged and highly skilled workforce to provide services and amenities that enhance the quality of life for those who live, learn, work in, as well as enjoy the City of Keene.

The HR Department interacts with the more than 386 regular, seasonal, temporary and contract employees. She used a hypothetical employee "M" to explain some of the tasks of the department. This employee for instance started working for the city as a part-time employee, moved to full-time, had a couple of promotions during his career, and retired after 33 years. Then he became a city volunteer. At this point Ms. Zinn spoke about the career span of this hypothetical employee.

Ms. Zinn noted that if M had been hired today his application would have been one of about 750 employment applications received during a typical fiscal year. This excludes Police Officers and Parks & Rec seasonal positions, for which HR does not coordinate recruitment. If hired today, M would have been one of about 120 people coming on board during a given year. 30 years ago applications were handled manually; today applications are processed online for greater efficiency.

M received a job description and was placed on one of the city's 11 different pay schedules. After he became a full-time employee (one of about 223 as of today) he was placed on a different pay schedule. After achieving regular status, M was in a position governed by a collective bargaining agreement, one of six in the City and was moved to a third schedule. Ms. Flanders went on to speak about the various benefits afforded to hypothetical employee M.

Ms. Flanders explained that M was also enrolled in the NH Retirement System and chose to contribute to a 457(b) account, received paid leave benefits, enrolled in health and dental insurances. During his time with the city his life status changed which required updates to his benefits; one of at least 150 processed by HR each year. If he had left the city before he could retire, M he would have been eligible to receive COBRA benefits.

Ms. Fox added that HR often has to interpret policies to employees – performance discipline, grievances, formal complaints which at times require Human Resources to conduct investigations with findings that require a policy be updated to clarify employee conduct needs.

The presentation moved forward where the group talked about the multiple jobs this hypothetical employee had with the city and the training and development opportunities he received. Those opportunities may have ranged from policy training to safety training to improving his performance. There were various trainings this employee might have had to help him move forward in his career. They added it is never known when such training will benefit an employee and referred to the Active Shooter training received through the city which assisted an employee in Tuesday's incident in Lebanon.

They went on to talk about a sustained a serious injury employee M received which required him to have some time away from work to recuperate. Reports were coordinated, the accident was investigated, and payment was made by the city's worker's compensation insurance carrier. Because the accident involved a vehicle, a post-accident drug test was coordinated, as well. His injury caused a review of similar accidents to determine whether organization-wide retraining might be needed. This employee was one of about 12 worker's compensation injuries that incurred greater than \$5,000 in claims during the year.

The group described what kind of leave status an employee like M would have received under the Family & Medical Leave Act.

It was stated as the city focuses on priorities; Washington and Concord are making critical government-affairs decisions on the legislative, regulatory and judicial fronts that will affect the city's day-to-day operations in Human Resources.

When this employee decided to retire he was one of 120 terminations of employment processed that year for various reasons. A retirement resolution was drafted, approved, and submitted to City Council. The department provided this employee and his family the guidance they required through this process.

Now that this employee has retired, he joins the City's approximately 358 retirees.

Ms. Flanders, Ms. Fox and Ms. Zinn talked about the experiences other employees have had and have shared working for the city and how honored they are to be part of this organization. They went on to say that Human Resources align its work with the City of Keene's vision, values, and priorities. Moving forward they have many challenges and multiple strategies to meet the community's vision.

This department is in transition as they focus on recruiting, retaining, and retraining to meet the community's vision and priorities.

Employee performance, motivation and success are influenced by the importance the organization places on them. Providing a positive employee culture, in which employees are valued, involved and appreciated, promotes a strong city government and helps ensure excellent public service. In this changing world, an organization's employees are its ambassadors. This concluded the HR Department presentation.

Chair Greenwald stated this was one of the most creative presentations and noted this department deals with a lot of complex issues.

Councilor Clark asked how many applications the city receives in any given year. Ms. Zinn stated 750 a year is the number they came up with but this also depends on the type of job. The higher level positions will have more skills that are geared towards that position and may not have as many applications but an administrative position could bring in about

30 to 40 applications. Councilor Clark asked whether the city has a policy regarding promoting from within the city. Ms. Fox stated with the exception of the Public Works positions which are covered by the AFSCME Agreement, all other positions are posted internally and externally concurrently. The AFSCME Agreement has a clause that requires the city to post positions just to the bargaining units first and then externally.

The City Manager stated one of the tasks of the manager is to work closely with Human Resources. He indicated one of the challenges for the organization is succession planning that they have to start doing; retaining and retraining is one of the most important tasks – some of the positions the city has can be hard to fill at times, especially with those specialized positions.

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

On 5-0 vote, Finance Organization and Personnel Committee accepted this report as informational.



City of Keene, N.H.
Transmittal Form

September 14, 2017

TO: Mayor and Keene City Council

FROM: Finance Organization and Personnel Committee

ITEM: D.12.

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

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the donation of \$600.00 for pickle ball lines at the Recreation Center from St. James Episcopal Church for the purpose of growing the activity.

BACKGROUND:

Parks, Recreation and Facilities Director Andrew Bohannon stated he is before the Committee with a donation of \$600 from St. James Episcopal Church for the support of pickle ball. Mr. Bohannon stated this activity grew considerably at the Rec. Center last year and the department has been approached by Ron Farina about placing permanent lines on the floor. He noted this is a sport that seems to be embraced by many in the community mostly for the social aspect of it.

Ron Farina of Fairview Street stated Rich Collage who is the individual who introduced this sport to this area recently turned it over to Mr. Farina. As of this morning Mr. Farina has recruited his 100th member to this sport in this area. He noted there are 5,000 pickle ball courts throughout the United States and it is the fastest growing recreational sport today.

Councilor Jacobs asked whether these lines won't conflict with other lines on the courts. Mr. Bohannon stated the Recreation Center currently has basketball and volley ball lines. Unfortunately, volley ball is not something that has caught on. This will enable them to put down brighter lines for the pickle ball players who might have some line distraction, but when the courts are re-sanded in a few years this issue will be corrected and the volley ball lines will be eliminated.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the donation of \$600.00 for pickle ball lines at the Recreation Center from St. James Episcopal Church for the purpose of growing the activity.



City of Keene, N.H.
Transmittal Form

September 14, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.13.

SUBJECT: Law Enforcement Opioid Abuse Reduction Grant - Police Department

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the NH Department of Safety 2017/2018 Law Enforcement Opioid Abuse Reduction Grant in the amount of \$25,000.

BACKGROUND:

Police Captain Steve Stewart stated he was before the Committee regarding the Opioid Reduction Grant in the amount of \$25,000. This grant is for the goal of reducing overdoses in Keene and the crimes connected to opioid use. These funds will be used for police overtime operations.

Councilor Clark stated he is glad the Police Department is getting these funds but hoped the State will invest money in treatment, prevention and recovery.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the NH Department of Safety 2017/2018 Law Enforcement Opioid Abuse Reduction Grant in the amount of \$25,000.



City of Keene, N.H.
Transmittal Form

September 14, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.14.

SUBJECT: Emerald Street Sidewalk Project - Public Works Department

RECOMMENDATION:

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a construction change order with Twin State Utilities, Corp. for an amount not to exceed \$40,326 for the Emerald Street Sidewalk Project, with funding to be taken from the unspent balance of the Norway & 93RD Street Infrastructure Project (90268). Councilor Greenwald abstained.

BACKGROUND:

Chair Greenwald asked to be recused from this item because he owns property on Emerald Street.

A motion was made by Councilor Powers to recuse Chair Greenwald from this item. The motion was seconded by Councilor Jacobs and was unanimously approved.

Vice Chair Jacobs took over as Chair.

City Engineer Don Lussier stated he was before the Committee regarding expanding the scope of the Emerald Street sidewalk project. This project was originally going to be new sidewalk installation on the north side of Emerald Street (School Street to Main Street). Last winter staff came forward to augment this scope of work to add streetscape to keep with the newly adopted complete streets policy. During the public outreach process, recommendation came forward from a property owner to add curbing on the south side of Emerald Street (between School Street and Wilson Street). The idea was justified but staff wasn't sure whether this extra work could be fit within the project budget.

The project as currently scoped has been fully funded and construction will begin next week, this will include sidewalk, streetscape and drainage improvements. There is an opportunity with some completed infrastructure work which has been closed out (93rd and Norway), which projects were under budget to use those funds to do this curbing work on the south side.

Vice-Chair Jacobs asked why curbing was not included in the original plan as curbing is a preferred method for new sidewalk work. Mr. Lussier stated the original scope of work was new sidewalk with granite curbing on the north side of Emerald Street and this work is already in the scope. What is being referred to now is the south side of Emerald Street.

Vice-Chair Jacobs asked what streetscape improvements mean. Mr. Lussier explained these are things like

green spaces, curb extensions, planters etc. between the roadway and the proposed sidewalk.

Councilor Powers asked whether there will be any overlay added here as well. Mr. Lussier stated it won't be for the entire road, there will be some pavement work to replace the drainage or structures on the edges of the curb. Also some of the curb cuts on the north side would also be closed down and some would be formalized with some definite elements.

Councilor Clark asked about the artscape that was discussed for this stretch of the road. Mr. Lussier stated there was an individual who had expressed interest in some public art in the green space area being proposed and an area has been created for public art to be placed.

The City Manager felt this work will provide for some connectivity to Main Street and spur some economic activity on Main Street.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a construction change order with Twin State Utilities, Corp. for an amount not to exceed \$40,326 for the Emerald Street Sidewalk Project, with funding to be taken from the unspent balance of the Norway & 93RD Street Infrastructure Project (90268).

Chair Greenwald rejoined the Committee.



City of Keene, N.H.
Transmittal Form

September 14, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.15.

SUBJECT: Airport Land Lease - Norton Air LLC - Airport Department

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute a new land lease with Christopher Norton, d/b/a Norton Air, LLC on city-owned land currently leased to Carland Betty Thomas.

BACKGROUND:

Airport Manager Jack Wozmak stated this is the second time this item has been before the Council; the first time it came before the Committee, staff had asked for an assignment of the land lease. However, it has been realized an assignment of the lease for the short term is inconsistent with the long term depreciation of the financing schedule. Hence, staff is requesting that the assignment be deleted and a 15-year lease be put in place. This would be more consistent with the depreciation and renovations.

They will surrender the old lease and the legal department will draft a new one.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute a new land lease with Christopher Norton, d/b/a Norton Air, LLC on city-owned land currently leased to Carland Betty Thomas.



City of Keene, N.H.
Transmittal Form

September 14, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.16.

SUBJECT: Airport Lease Amendment - Monadnock Aviation - Airport Department

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute an amendment to the current lease with Monadnock Aviation.

BACKGROUND:

Mr. Wozmak stated it was discussed previously as to the renovation of the former baggage handling area so some revenue could be earned from this space. The work is nearly complete - Monadnock Aviation is the current fixed based operator who runs a number of locations out of the airport and would like to lease this space. This would be a modification of her existing lease, which would take a small room she already leases (approximately 90 square feet) and replace it with this larger area. There would be a net increase of about 300 to 400 square feet.

Mr. Wozmak stated this benefits the client as it provides her with some extra space and it benefits the airport as it provides them with some extra revenue and takes some unusable space and puts it to good use. Chair Greenwald asked about the term of this lease. Mr. Wozmak thought it was about ten years and stated he would confirm this.

Councilor Clark asked because this is new space whether it needs to go out to bid. Mr. Kopczyński stated it is an internally created space, it is within the guidelines of the FAA and the space is being expanded for an existing tenant, which he did not think compels the City to put it out to bid.

Councilor Chadbourne asked how the city would go about finding a person for the new space. Mr. Wozmak stated there is someone interested in this space; the Civil Air Patrol was displaced when the space was renovated. The Civil Air Patrol was being given this space to use for no charge and they have been using it in such a manner for decades. Mr. Wozmak stated his recommendation would be to invite them back into this space when the work is completed so they can continue with their training.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute an amendment to the current lease with Monadnock Aviation.



City of Keene, N.H.
Transmittal Form

September 14, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.17.

SUBJECT: Airport Disadvantaged Business Enterprise (DBE) Plan - Airport Department

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council accept the Airport Disadvantaged Business Enterprise (DBE) Plan as informational.

BACKGROUND:

Mr. Wozmak stated for decades because of FAA requirements the airport has had a Disadvantage Business Enterprise Plan. When a project accepts federal dollars comes the airport reaches out to as many vendors as possible and identify as many woman owned or minority owned businesses. This plan calls for 3.3% of contractors to be minority or women owned. In the past the percentage has been around 3.5%.

Chair Greenwald felt the city is doing well in that the airport's fbo is owned by a woman.

Chair Jacobs asked whether the restaurant being owned by a woman would have any bearing on this. Mr. Wozmak felt it could if there was a project that required catering services and they wanted to submit a bit. He did not feel the runway reconstruction being proposed would require any such catering services.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council accept the Airport Disadvantaged Business Enterprise (DBE) Plan as informational.



City of Keene, N.H.
Transmittal Form

September 14, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.18.

SUBJECT: Airport Lease Renewal - Hexagon Hangar - Airport Department

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a multi-year lease renewal with Hexagon Hangar, LLC.

BACKGROUND:

Mr. Wozmak stated this is another land lease renewal. This is for the hexagon hangar constructed about 40 years ago but the city now owns it. The city renewed the lease on this hangar a few years ago. This hangar is owned by an LLC and the tenants and the LLC are the same. Nothing has changed from the prior lease. The \$4,000 is for the land and buildings.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a multi-year lease renewal with Hexagon Hangar, LLC.



City of Keene, N.H.
Transmittal Form

September 14, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.19.

SUBJECT: Airport Land Lease Renewal - Dwight Klepacki - Airport Department

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a land lease renewal with Dwight Klepacki relative to Lot #18 at the airport.

BACKGROUND:

Mr. Wozmak stated this is another lease renewal and this one is for Dwight Klepacki who has been an owner of this hangar for a number of years. This 15 year lease is about to expire.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a land lease renewal with Dwight Klepacki relative to Lot #18 at the airport.



City of Keene, N.H.
Transmittal Form

September 14, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.20.

SUBJECT: Airport - New Land Lease - Dwight Klepacki - Airport Department

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a new, additional land lease with Dwight Klepacki of approximately 10,000 square feet for construction of a new aircraft hangar.

BACKGROUND:

This item is for Mr. Klepacki as well and this one is for the construction of a new hangar. This hangar would be located on the side of where the Fire Station used to be. It would be 60' x 60'. This would be the first new hangar at the airport in a while.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a new, additional land lease with Dwight Klepacki of approximately 10,000 square feet for construction of a new aircraft hangar.

Mr. Kopczynski stated the next item would be his last item as the City Manager and stated he couldn't think of a better item to end his career on.



City of Keene, N.H.
Transmittal Form

September 13, 2017

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: G.1.

SUBJECT: Kiwanis Club of Keene – Request to Use City Property – Tree Lighting Event

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that request from the Kiwanis Club be placed on more time to allow City staff to hold a series of protocol meetings with the petitioner.

BACKGROUND:

Peg Bruce, of 15L Windsor Court said the Keene Kiwanis Club is present to request a license to produce the 2017 Tree Lighting Event. The proposed date and time of the event is November 24, 2017, 5 p.m. to 8:30 p.m. This is the fifth year they are managing this event. They plan to do the decorating on a Saturday early in the month of November and to take the decorations down by the beginning of February 2018. They will apply for a separate license for the light posts this year. In light of the damage that squirrels did to the lights on the City tree last year they would also like permission to set out Have-a-Heart cages several weeks before they put up the decorations to see if they can allay that happening again this year by relocating any resident squirrels.

Chair Richards asked for Committee or public for questions or comments.

Councilor Greenwald asked if the roundabout was also being done. Ms. Bruce replied in the affirmative explaining they would once again like to decorate the Bandstand on Central Square with wreaths and lights, decorate the City tree on Central Square and, like last year, put up a second tree with battery operated mini lights at the roundabout at the Marlboro Street and Winchester Streets intersection.

Brad Hutchinson, of Marlboro Street noted Keene also has a lot of chipmunks which may need to be considered when putting the squirrel traps out.

Councilor Chadbourne asked if anything other than the traps had been considered; she suggested Vaseline on the tree bottoms. Ms. Bruce replied in the affirmative noting other methods have been unsuccessful and she had not heard about using Vaseline.

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

Councilor Sapeta made the following motion, which was seconded by Councilor Hansel.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that request from the Kiwanis Club be placed on more time to allow City staff to hold a series of protocol meetings with the

petitioner.



City of Keene, N.H.
Transmittal Form

August 31, 2017

TO: The Honorable Mayor and Keene City Council

FROM: Donald R. Lussier, P.E., City Engineer

THROUGH: Medard Kopczynski, City Manager

ITEM: H.1.

SUBJECT: Driveway Code Update

RECOMMENDATION:

That Ordinance O-2017-15, Relating Driveway Permits and Standards, be referred to the Municipal Services, Facilities and Infrastructure Committee for consideration with a recommendation back to City Council.

ATTACHMENTS:

Description

Ordinance O-2017-15

Redline version of Driveway Code

BACKGROUND:

On November 17, 2016, City Council authorized City staff to draft revisions to the City Code with respect to driveway permits and standards, specifically, the Council selected "Option 3" as the preferred approach. This option would authorize the City Engineer to grant exceptions to the driveway standards, in certain cases, with appeals referred to the Planning Board.

Ordinance O-2017-15, represents the staff's recommended revisions to Sec. 70-135 and 70-136. The proposed language would make the following changes to the driveway permitting process:

- The City Engineer may grant permits for duplexes, shared drives, second drives and temporary drives, or may refer these to the Planning Board.
- The Planning Board may grant permits for Multi-family, Commercial and Industrial drives.
- Creates a process for temporary driveways.
- Provides a process for requesting exceptions from the driveway standard and appealing decisions of the City Engineer.
- Specifies notification requirements for applications seeking exceptions.



CITY OF KEENE

O-2017-15

Seventeen

In the Year of Our Lord Two Thousand and

AN ORDINANCE Relating to Driveway Permits and Standards

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 text to the following provisions in Article I, "In General", Section 70-1 "Definitions" in Chapter 70, entitled "PUBLIC IMPROVEMENT STANDARDS" as follows;

Sec. 70-1. - Definitions.

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

Abutter means Abutter, as that term is defined in Sec. 102-2.

Driveway means the travel surface that provides vehicular access to the public way.

Duplex means Duplex/Two-Family Dwelling, as that term is defined in Sec. 102-2.

Earth-Disturbing Activity or Earth-Disturbing Events means actions taken to alter the existing vegetation and/or underlying soil of a site, such as timber harvesting, clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils.

Multi-family means Multi-Dwelling Structure, as that term is defined in Sec. 102-2.

Single-family means Single Family Dwelling, as that term is defined in Sec. 102-2.

Temporary Driveway is a driveway created for discrete event or activity and will be in place for a period exceeding seven days but less than six months.

Further, that the City Code of the City of Keene, New Hampshire, as amended is hereby further amended by deleting the provisions in Article III, "Design and Construction of Streets and Utilities", Division 3, "Standards", Sections 70-135 "Driveway permit and standards" and Section 70-136 "Driveway permit exceptions", in Chapter 70, entitled "PUBLIC IMPROVEMENT STANDARDS" and replacing the deleted sections with the following bolded text;

Sec. 70-135. - Driveway permit and standards.

- (a) **A driveway permit must be obtained from the city prior to the construction or alteration (which changes grade, length or width) of any driveway, entrance, exit or approach within the right-of-way of any city street, including temporary driveways, except when the driveway or its alteration is approved as part of a subdivision or site plan by the city planning board.**

- (b) An application for a permit to construct or alter a driveway shall be submitted on forms provided by the City and shall include payment of an application fee, as established by planning board.
- (c) Issuing Authority:
 - (1) The city engineer or his designee shall have the authority to review, and approve or disapprove driveway permit applications for single-family or duplex residential driveways, single family shared drives, single-family or duplex residential second driveways, agricultural driveways, or temporary driveways.
 - a. The city engineer may refer a driveway permit application to the planning board for review if, in his sole discretion, the city engineer determines that the facts and circumstances warrant such referral.
 - (2) The planning board shall have the authority to review, and approve or disapprove all driveway applications for, multi-family, industrial, and commercial driveways.
 - a. The planning board shall consult with the city engineer prior to rendering a decision on any driveway permit application.
 - b. The planning board shall consult with the city engineer prior to acting upon any driveway proposals that are included on a subdivision or site plan.
 - (3) The Issuing Authority shall issue a driveway permit whenever an applicant has demonstrated compliance with all standards listed in Sec. 70-135(e).
- (d) It is the intent of these standards to:
 - (1) Promote the safe passage of bicycles, pedestrians and vehicles;
 - (2) Locate driveways so as to ensure adequate sight distances;
 - (3) Avoid disruption of existing drainage systems;
 - (4) Ensure that drainage from new driveways is properly channeled;
 - (5) Avoid the creation of hazardous traffic conditions;
 - (6) Ensure that city sidewalks are preserved; and
 - (7) Ensure that roadways and intersections are not overly burdened by improperly located or excessive numbers of driveways.
- (e) The following standards shall apply to all driveways installed or modified after April 28, 1989, as determined by the city engineer based on a review of aerial photographs of the City of Keene taken on that date:
 - (1) If the installation of a driveway requires disrupting an existing sidewalk, the sidewalk must be restored or replaced in compliance with section 70-127.
 - (2) Driveways must be placed so as to ensure that vehicles entering and exiting the driveway have an all season safe sight distance in all directions not only of the road, but also of bicycle and pedestrian traffic on the sidewalk. For purposes of this section, an all-season safe sight distance shall be at least 200 feet in all directions within which there are no visual obstructions.
 - (3) For commercial and industrial activities, the use of service roads and/or common driveways is encouraged.
 - (4) There shall be no more than one driveway access for each residential lot.
 - (5) No more than two single-family homes can share a common driveway.
 - (6) Driveways must not block the flow of drainage in gutters or drainage ditches or pipes.

- (7) Driveways must not direct stormwater across sidewalks or onto city streets, except that the portion of a driveway within the public right of way may drain towards the street.
- (8) Driveways for single-family homes and duplexes, including shared drives, shall not be more than 20 feet wide at the property line and 30 feet wide at the curbline.
- (9) Industrial, commercial, agricultural, multifamily residential or temporary driveways shall not be more than 25 feet wide at the property line and 50 feet wide at the curbline, unless additional width or lanes are required as the result of a traffic study and/or geometric analysis prepared by an engineer licensed in the State of New Hampshire.
- (10) New driveways must be placed so as not to conflict with existing driveways.
- (11) Driveways on opposite sides of the street shall be aligned or offset sufficiently, so as to avoid turning conflicts.
- (12) Driveways with a slope greater than 15 percent shall be prohibited. Driveways longer than 300 feet must meet the following standards:
 - a. Driveway width shall be limited to ten feet, in order to minimize site disruptions.
 - b. Every 300 feet there shall be an improved turnout, which is eight feet wide and 15 feet long.
 - c. Every driveway of more than 300 feet in length shall include at its terminus a vehicular turnaround as described for dead-end streets in Sec. 70-124(3) & (4).
 - d. For driveways with a slope greater than ten percent, the first 20 feet from the public road must be at a slope of five percent or less.
 - e. For driveways located in or crossing prohibitive and precautionary slopes as defined in section 102-1401 of the Keene Code of Ordinances the following standards shall apply:
 1. Driveway route shall follow the natural contours of the existing slope to minimize disturbance of vegetation and soils.
 2. Cutting and filling of slopes to construct a driveway shall comply with applicable grading standards of section 102-1408.
 3. Shared driveways shall be used to avoid entering into or crossing precautionary slope areas and to reduce grading, paving and site disturbance.
- (13) All driveways shall be constructed to standards approved by the city engineer. Portions of a driveways lying outside of the public right-of-way shall additionally comply with the design standards described in section 102-794.
- (14) When the installation of a driveway requires the cutting of trees or the disturbance of stone walls which are within the public right-of-way, separate permission for such cutting or disturbance must be obtained, in accordance with sections 82-158 and 82-187 of this Code, section 472:6 of New Hampshire Revised Statutes Annotated, or other applicable law.
- (15) Temporary Driveways used for earth-disturbing activities or events shall be constructed with a temporary construction exit complying with the requirements of the New Hampshire Stormwater Manual, Volume 3, as may be amended.
- (16) Temporary Driveways shall be restored to original condition at the conclusion of the activity or event for which they are installed.

- (a) Except for any standard or requirement arising under City Code, Chapter 102, requests for exceptions shall be made in writing to the permit issuing authority, as defined in Sec. 70-135(c), which shall have authority to approve or disapprove a requested exception of the standards listed in section Sec. 70-135(d)1 through 12..
- (1) A written request for exception shall be accompanied shall include the following:
- a. A typed or neatly printed narrative explaining the purpose, need and justification for the proposed exception.
 - b. A plan or figure depicting the proposed driveway location in relation to existing driveways, drainage features, visual obstructions, sidewalks and the road network.
 - c. A list of abutting properties, including the property owner's name and address. This list shall include the tax map number and address of each abutter, and must be current to within ten days of submittal.
 - d. Payment equal to the cost of notification, as determined by the issuing authority.
- (2) In determining whether to approve or disapprove an exception request, the issuing authority shall evaluate the exception request using the following criteria:
- a. Issuance of the exception will not adversely affect the safety of pedestrians, bicyclists and vehicles using adjacent streets and intersections.
 - b. Issuance of the exception does not adversely affect the efficiency and capacity of the street or intersection.
 - c. There are unique characteristics of the land or property which present a physical hardship to the requestor.
 - d. In no case shall financial hardship be used to justify the granting of the exception.
- (3) It shall be the responsibility of the requestor to demonstrate compliance with these criteria.
- (b) Within 7 days of the receipt of a written request for an exception as provided above, the issuing authority shall notify abutting property owners of the requested exception.
- (1) Such notice shall include the address of the request and the standard(s) to which an exception is requested
 - (2) The notice shall instruct potentially affected property owners to submit comments in writing to the issuing authority.
- (c) The issuing authority shall wait a minimum of 14 calendar days following the issuance of abutter notification before making a final determination.
- (1) If, after reviewing all submitted comments, the issuing authority finds that the requestor has met all criteria in subsection (a), the requested exception shall be granted.
 - (2) Otherwise, the requested exception shall be denied.
- (d) An applicant or abutter may appeal any decision of the city engineer relative to a driveway permit application.

- (1) Appeals shall be submitted in writing to the planning board within 30 days of the decision of the city engineer or his designee. The planning board shall have final jurisdiction over all such appeals

Kendall W. Lane, Mayor

DRAFT

Sec. 70-1. - Definitions.

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

Abutter means Abutter, as that term is defined in Sec. 102-2.

Driveway means the travel surface that provides vehicular access to the public way.

Duplex means Duplex/Two-Family Dwelling, as that term is defined in Sec. 102-2.

Earth-Disturbing Activity or Earth-Disturbing Events means actions taken to alter the existing vegetation and/or underlying soil of a site, such as timber harvesting, clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils.

Multi-family means Multi-Dwelling Structure, as that term is defined in Sec. 102-2.

Single-family means Single Family Dwelling, as that term is defined in Sec. 102-2.

Temporary Driveway is a driveway created for discrete event or activity and will be in place for a period exceeding seven days but less than six months.

Sec. 70-135. - Driveway permit and standards.

(a) A driveway permit must be obtained from the city prior to the construction or alteration (which changes grade, length or width) of any driveway, entrance, exit or approach within the right-of-way of any city street, including temporary driveways, except when the driveway or its alteration is approved as part of a subdivision or site plan by the city planning board.

(b) An application for a permit to construct or alter a driveway shall be submitted on forms provided by the City and shall include payment of an application fee, as established by planning board.

(c) Issuing Authority:

(1) The city engineer or his designee shall have the authority to review, and approve or disapprove driveway permit applications for single-family or duplex residential driveways, single family shared drives, single-family or duplex residential second driveways, agricultural driveways, or temporary driveways.

a. The city engineer ~~or~~ may refer ~~said a driveway permit applications~~ to the planning board for ~~de novo~~ review if, in his sole discretion, the city engineer ~~or his designee~~ determines that the facts and circumstances warrant such referral.

(2) ~~An applicant may also request de novo review by the planning board of any decision of the city engineer or his designee relative to a driveway permit application. All requests for de novo review shall be submitted to the planning department, in writing, within 30 days of the decision of the city engineer or his designee and the decision of the planning board subsequent to review shall supersede the prior decision of said city engineer or his designee.~~ The planning board shall have the authority to review, and approve or disapprove all driveway applications for ~~shared drives, multiple curb cuts, driveways for duplexes, multi-~~

DRAFT

family, industrial, driveways, and commercial driveways, and long or steep driveways.

a. ~~and~~ The planning board shall consult with the city engineer prior to rendering a decision on any driveway permit application.

a.b. The planning board shall consult with the city engineer ~~or his designee~~ prior to acting upon any driveway proposals that are included on a subdivision or site plan.

(3) The Issuing Authority shall issue a driveway permit whenever an applicant has demonstrated compliance with all standards listed in Sec. 70-135(e).

~~(b)~~(d) It is the intent of these standards to:

- (1) Promote the safe passage of bicycles, pedestrians and vehicles;
- (2) Locate driveways so as to ensure adequate sight distances;
- (3) Avoid disruption of existing drainage systems;
- (4) Ensure that drainage from new driveways is properly channeled;
- (5) Avoid the creation of hazardous traffic conditions;
- (6) Ensure that city sidewalks are preserved; and
- (7) Ensure that roadways and intersections are not overly burdened by improperly located or excessive numbers of driveways.

~~(c)~~(e) The following standards shall apply to all driveways installed or modified after April 28, 1989, as determined by the city engineer based on a review of aerial photographs of the City of Keene taken on that date:

- (1) If the installation of a driveway requires disrupting an existing sidewalk, the sidewalk must be restored or replaced in compliance with [section 70-127](#).
- (2) Driveways must be placed so as to ensure that vehicles entering and exiting the driveway have an all season safe sight distance in all directions not only of the road, but also of bicycle and pedestrian traffic on the sidewalk. For purposes of this section, an all-season safe sight distance shall be at least 200 feet in all directions within which there are no visual obstructions.
- (3) For commercial and industrial activities, the use of service roads and/or common driveways is encouraged.
- (4) There shall be no more than one driveway access for each residential lot.
- (5) No more than two single-family homes can share a common driveway.
- (6) Driveways must not block the flow of drainage in gutters or drainage ditches or pipes.
- (7) Driveways must not direct stormwater across sidewalks or onto city streets, except that the portion of a driveway within the public right of way may drain towards the street.
- (8) Driveways for single-family homes and duplexes, including shared drives, shall not be more than 20 feet wide at the property line and 30 feet wide at the curblin.
- (9) Industrial, commercial, agricultural, and multifamily residential or temporary driveways shall not be more than 25 feet wide at the property line and 50 feet wide at the curblin, unless additional width or lanes are required as the result of a traffic study and/or geometric analysis ~~by the planning board~~ prepared by an engineer licensed in the State of New Hampshire.
- (10) New driveways must be placed so as not to conflict with existing driveways.
- (11) Driveways on opposite sides of the street shall be aligned or offset sufficiently, so as to avoid turning conflicts.

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- (12) Driveways with a slope greater than 15 percent shall be prohibited. Driveways longer than 300 feet must meet the following standards:
- a. Driveway width shall be limited to ten feet, in order to minimize site disruptions.
 - b. Every 300 feet there shall be an improved turnout, which is eight feet wide and 15 feet long.
 - c. Every driveway of more than 300 feet in length shall include at its terminus a vehicular turnaround ~~sufficient in size and design to allow city fire equipment to turn~~ as described for dead-end streets in Sec. 70-124(3) & (4).
 - d. For driveways with a slope greater than ten percent, the first 20 feet from the public road must be at a slope of five percent or less.
 - e. For driveways located in or crossing prohibitive and precautionary slopes as defined in section 102-1401 of the Keene Code of Ordinances the following standards shall apply:
 1. Driveway route shall follow the natural contours of the existing slope to minimize disturbance of vegetation and soils.
 2. Cutting and filling of slopes to construct a driveway shall comply with applicable grading standards of section 102-1408.
 3. Shared driveways shall be used to avoid entering into or crossing precautionary slope areas and to reduce grading, paving and site disturbance.

(13) All driveways shall be constructed to standards approved by the city engineer. Portions of a driveways lying outside of the public right-of-way shall additionally comply with the design standards described in section 102-794.

~~(13)~~ (14) When the installation of a driveway requires the cutting of trees or the disturbance of stone walls which are within the public right-of-way, separate permission for such cutting or disturbance must be obtained, in accordance with sections 82-158 and 82-187 of this Code, section 472:6 of New Hampshire Revised Statutes Annotated, or other city ordinances applicable law.

(15) Temporary Driveways used for earth-disturbing activities or events shall be constructed with a temporary construction exit complying with the requirements of the New Hampshire Stormwater Manual, Volume 3, as may be amended.

(16) Temporary Driveways shall be restored to original condition at the conclusion of the activity or event for which they are installed.

(Code 1970, § 2708.18; Ord. No. O-98-7, § 2708.19, 4-2-1998; Ord. No. O-2005-21A, 10-6-2005; Ord. No. O-2008-24, 10-2-2008; Ord. No. O-2009-07, § 3, 12-17-2009)

Sec. 70-136. - Driveway permit exceptions.

(a) Except for any standard or requirement arising under City Code, Chapter 102, requests for exceptions shall be made in writing to the ~~planning board which permit issuing authority, as defined in Sec. 70-135(c), which~~ shall have authority to approve or disapprove a requested exception of the standards listed in section Sec. 70-135(e) ~~1~~ through ~~12~~.

(1) A written request for exception shall be accompanied shall include the following:

DRAFT

- a. A typed or neatly printed narrative explaining the purpose, need and justification for the proposed exception.
- b. A plan or figure depicting the proposed driveway location in relation to existing driveways, drainage features, visual obstructions, sidewalks and the road network.
- c. A list of abutting properties, including the property owner's name and address. This list shall include the tax map number and address of each abutter, and must be current to within ten days of submittal.
- d. Payment equal to the cost of notification, as determined by the issuing authority.

~~(1)~~(2) In determining whether to approve or disapprove an exception request, the ~~planning board~~issuing authority shall evaluate the exception request using the following criteria:-

- a. Issuance of the exception will not ~~reduce~~adversely affect the safety of pedestrians, bicyclists and vehicles using adjacent streets and intersections.
- b. Issuance of the exception does not adversely affect the efficiency and capacity of the street or intersection.
- c. There are unique characteristics of the land or property which present a physical hardship to the requestor.
- d. In no case shall financial hardship be used to justify the granting of the exception.

~~(2)~~(3) It shall be the responsibility of the requestor to demonstrate compliance with ~~these~~se criteria:-

~~(b)~~ After a finding that the all of the criteria in subsection (a) have been met, Within 7 days of the receipt of a written request for an exception as provided above, the ~~planning board~~issuing authority shall notify abutting property owners of the requested exception.

- (1) Such notice shall include the address of the request and the standard(s) to which an exception is requested
- (2) The notice shall instruct potentially affected property owners to submit comments in writing to the issuing authority.

~~(c)~~ The issuing authority shall wait a minimum of 14 calendar days following the issuance of abutter notification before making a final determination.

(1) If, after reviewing all submitted comments, the issuing authority finds that the requestor has met all criteria in subsection (a), ~~grant~~the requested exception shall be granted.

~~(3)~~(2) Otherwise, the requested exception shall be denied.

~~(d)~~ An applicant or abutter may appeal any decision of the city engineer relative to a driveway permit application.

(1) Appeals shall be submitted in writing to the planning board within 30 days of the decision of the city engineer or his designee. The planning board shall have final jurisdiction over all such appeals

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~~(4) Appeals of planning board decisions made under subsections (a) and (b) shall be made in writing to the city council for de novo review of the exception as it was originally submitted to the planning board. City council shall have final jurisdiction over all such appeals.~~

~~-(Code 1970, § 2708.20; Ord. No. O-2005-21A, 10-6-2005; Ord. No. O-2008-24, 10-2-2008)~~



City of Keene, N.H.
Transmittal Form

September 13, 2017

TO: Mayor and Keene City Council

FROM: John Rogers, Acting Health Director

THROUGH: Medard Kopczynski, City Manager

ITEM: H.2.

SUBJECT: Relating to the Building Permit Fee Increase

RECOMMENDATION:

That the Mayor and City Council refer the attached ordinance change relating to Appendix B Fee Schedule Building Permit Fees to the Planning, Licenses and Development Committee.

ATTACHMENTS:

Description

Ordinance O-2017-09

BACKGROUND:

A primary function of the Code Enforcement Department is receiving, reviewing, issuing and inspecting any and all construction projects in the City of Keene. The range of work covered by permits includes commercial and residential new buildings, additions, and alterations, plumbing, electrical, and mechanical. The Department collects fees to offset the costs based on the value of the construction project. The current minimum permit fee is \$75.00 which covers the first \$2,400 of improvement value. Above this amount, a fee of \$8.00 per thousand, rounded up to the nearest thousand, is calculated to the minimum fee. A 40% discount is given for any commercial project reviewed by a third party plans examiner and a 15% discount is given for any single family project designed by an architect. The last revision to this fee schedule was in 2009.



CITY OF KEENE

Ordinance O-2017-09

Seventeen

In the Year of Our Lord Two Thousand and

Relating to the Building Permit Fees

AN ORDINANCE

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

That the Ordinances of the City of Keene, as amended, are hereby further amended by inserting the bolded text and deleting the stricken text in APPENDIX B - FEE SCHEDULE Chapter 18. Building Regulations Article II Technical Codes Division 7 Fee Schedule Permit fee schedule as follows:

Chapter 18 Building Regulations

Article II. Technical Codes

Division 7 Fee Schedule

Permit fee schedule.

In addition to the minimum fee as required under subsection (a) (1) hereof, a fee shall be assessed and paid at the rate of \$8.00 per thousand of improvement value rounded up to the nearest thousand **when over \$5,000 for permits issued under the scope of work as described in the International Residential Code as adopted under the State Building Code. Also in addition to the minimum fee as required under subsection (a) (1) hereof, a fee shall be assessed and paid at the rate of a fee of \$10.00 per thousand of when over \$5,000 for permits issued under the scope of work as described in the International Building Code as adopted under the State Building Code.** ~~If fire department plans review is required, an additional fee shall be assessed and paid at the rate of \$1.00 per thousand of improvement value.~~ A copy of a signed contract will be submitted to verify the value of the work to be performed by a contractor. Whenever during the time that the permit is active, and the scope changes, when that change increases the value the fee will be adjusted. For noncontract work, such as when a homeowner furnishes his own or has furnished free labor, but purchases the materials, the fee shall be based on the actual cost of all material with a multiplier of two applied. When there is a disagreement between the applicant and the department on the value of permit fees, the department may use any recognized method including but not limited to similar projects, nationally recognized construction value tables, or any other source relevant to determining improvement value.

- (a) Permit fees shall be in accordance with the following schedule:
 - (1) The minimum permit fee shall be ~~\$75.00~~ **100.00**
 - (2) Substantial modifications to active permits shall require a separate application and fee. Substantial modifications are changes that result in project cost increase greater than 25 percent, or the creation of additional square footage greater than 25 percent, whichever is less. When there is a substantial

modification to a permit application, a fee shall be estimated for the work completed in addition to the new work proposed in the modification.

- (3) The permit fee for a modular home installation shall be based on the cost to install the unit as determined by the department.
- ~~(4) The fee for a certificate of occupancy permit for a new use of existing buildings shall be \$100.00. Permit fees for alterations required to meet the codes shall be in accordance with the permit fee schedule.~~
- ~~(5) An educational surcharge of 1.5 percent shall be calculated from the permit fee. This surcharge shall be deposited into an educational fund established for the ongoing education of code enforcement department staff directly involved in decisions regarding permit and inspections.~~

~~(b) Bureau of fire prevention permit fee schedule:~~

- ~~(1) Fire prevention permits for new construction or alterations such as fire detection systems, fire protection systems, special hazard systems, oil burner equipment installation, gas burner equipment installation, oil and LPG tank storage are all included in the \$1.00 fee per thousand improvement value as stated in [this fee schedule].~~

- (24) Applications for permits shall be issued from the code enforcement department. Completed applications together with all necessary supporting documentation shall be submitted to the Keene Fire Department Prevention Bureau which shall complete the permit, conduct inspection and issue final approvals.

(b) Additional fees:

Projects completed without a permit, projects begun prior to the issuance of a permit, failure to cure problems raised in plans examination critiques, failure to complete work prior to inspection, and work not done in compliance with permitted plans or in violation of the codes result in, increased cost, diminished efficiency and error. This cost and inefficiency have not been reflected in the fee schedule contained herein and therefore the following additional fees shall be assessed to defray said costs.

- (a)(1) Work commenced prior to permit issuance: 25 percent of the permit fee for the first violation, 50 percent of the permit fee for the second, and 100 percent of the permit fee for the third and all subsequent violations or \$100.00 whichever is greater.
- (b)(2) On individual projects: Permit plans rejected by the department three times: ~~Forfeiture of application fee, requiring a new application and fee required.~~ **Will incur a penalty of 10 percent of the original permit fee.**
- (e)(3) Re-inspection fee: \$50.00 for each inspection of an element of construction after the second rejection.

(c) Incentives:

Permit application and plans, which are professionally prepared by licensed architects or engineers, require less effort by staff to review plans for permit. Therefore, the following incentives are created to facilitate the use of licensed architects or engineers.

Plan Reviews:

- (a)(1) Whenever requested by an owner or owners authorized representative, and **when required by the Code Enforcement Department on** ~~for all~~ plan reviews for projects larger than 5,000 square feet or any complex project shall be reviewed by a third party entity approved by the department and permit fees will be reduced by 40 percent. ~~Subsection (c) below does not apply for plans reviewed by third parties.~~
- (b)(2) The fee for any permit for a project shown on any plan prepared by a licensed architect or engineer where state law does not require such preparation shall be reduced by 15 percent.
- (3) **The fee for any permit for a project that has a licensed electrician and/or plumber where state law does not require such work to be performed by a licensed trade person shall be reduced by 10 percent per trade, maximum of 20 percent reduction allowed.**
- (c)(4) ~~Any plans review where the initial review is not completed in accord with the adopted department level of service standard as promulgated and amended from time to time by the department, shall receive a discount of one percent per day in excess of service level A. Incomplete applications shall be rejected.~~

Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

September 13, 2017

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: I.1.

SUBJECT: Relating to Yield Signs – Public Works Department

RECOMMENDATION:

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends the adoption of Ordinance O-2017-14 Relating to Yield Signs

ATTACHMENTS:

Description

Ordinance O-2017-14

BACKGROUND:

The Public Works Director reported that the MSFI Committee recommended a yield sign at Mountain View/Darling Roads, which required adding a regulatory sign to the code. He recommended the Committee recommend adoption of this Ordinance.

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

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends the adoption of Ordinance O-2017-14 Relating to Yield Signs.



CITY OF KEENE

O-2017-14

Seventeen

In the Year of Our Lord Two Thousand and

AN ORDINANCE Relating to – Yield Signs

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 Italic text to the following provisions in Article IV, "Specific Street Regulations", of Division 6, "Yield Streets", of Section 94-346 "Yield Signs" in Chapter 94, entitled "TRAFFIC, PARKING AND PUBLIC WAYS" as follows;

Sec. 94-346. – Yield signs.

In accordance with state law a yield right-of-way sign is hereby ordered erected and maintained at the intersection of the following public ways:

Mountain View Drive and Darling Road for eastbound traffic on Mountain View Drive.

Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

September 8, 2017

TO: Mayor and Keene City Council

FROM: Steven Russo, Police Chief

THROUGH: Medard Kopczynski, City Manager; Steven Thornton, Finance Director

ITEM: J.1.

SUBJECT: CIP Advancement for Police Communications System Replacement

RECOMMENDATION:

That Resolution R-2017-33, related to an appropriation for the Police Communications System Replacement be forwarded to the Finance, Organization, and Personnel Committee for consideration and a recommendation back to City Council.

ATTACHMENTS:

Description

Resolution R-2017-33

BACKGROUND:

Keene Police Department has a police radio system that is critical to its function of public safety. The system itself is somewhat complicated, comprising numerous components that must all work together to form solid, dependable, radio communications between the dispatch center, police portable radios, vehicle mobile radios, and other first responder dispatch centers. The current system was installed when the Department moved into the then new 400 Marlboro Street building in January 2006, but some components pre-date that time. The system is now almost 12 years old, or older, and is failing.

In 2016, KPD experienced significant radio transmission and reception problems that prevented our officers from having reliable communications between KPD dispatch and themselves, as well as other dispatch centers and law enforcement agencies with which we assist or assist us as needed. Those issues were documented in a 2016 grant application submitted in an attempt to receive Federal / State funding to immediately replace the system. That grant was subsequently denied.

The issue has been temporarily resolved through a series of preventive maintenance inspections and repairs, including borrowing components of the system from other agencies due to the fact that the components are no longer produced due to the age of the system. Since then, we have experienced intermittent radio reliability issues that affect not only officer safety but citizen safety.

As a continuation of these radio system malfunctions, one of the major components, a voting station, located at the Monadnock View Cemetery failed on or about June 29, 2017. Repair costs totaled over \$1,900 to remove it, repair it, and replace it. Extenuating this breakdown was the fact that while removing it for repairs it was noted that the current location no longer suffices due to vegetation growth and other radio system requirements.

This voting system was subsequently repaired and reinstalled at the same location but once the entire system is replaced, this location will need to be changed.

Beginning about the first week of August of this year, KPD has experienced significant radio interruptions and outright failure. On two occasions in August, KPD had to switch to a temporary repeater system as our primary communications means. This portable repeater is not manufactured or intended to be a primary communications system but rather a portable repeater system to be used for emergency incidents or localized preplanned City events. The worst part of these malfunctions is that we have not been able to isolate the issue(s) and fix them. In this regard, KPD has been monitoring frequencies, testing components, and maintaining a log of failed transmissions in an attempt to identify the causes. The difficult part of identifying a specific cause is the complexity of the system, meaning issues can be caused by radio equipment failures ranging from microphones to a radio itself, mechanical / electrical issues, phone line failure or partial failure (portions of the current system operate over conventional FairPoint phone lines of which we have no direct ownership or control), atmospheric interference, and finally operator error (such as not holding the transmission button down long enough).

The current plan of the above listed actions and diagnostics of the phone lines has still not identified any issues. There had been several times in August when back up officers had to be dispatched to the last known location of an officer to ensure their safety after communications with them failed, and where officers had to resort to the use of cell phones to communicate with KPD dispatch. This is an unacceptable risk to our officers and the citizens we serve.

In summary, the current system is antiquated, has multiple components, many of which are not under City control or able to be secured by us, and replacement parts are no longer available for much of the system.

As approved for 2020, the new system will discard phone lines and operate from either a combination of City-owned fiber optics and microwave antennas, or solely by City-owned fiber optic lines (this is still being worked out). We also plan to install all components that are currently in public locations to locations owned, controlled, and securable by either the City of Keene, the State of New Hampshire, and / or SAU 29.



CITY OF KEENE

R-2017-33

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

A RESOLUTION Related to an appropriation for the Police Communications System
Replacement.....

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

That the sum of three hundred fifty three thousand dollars (\$353,000) is hereby appropriated in the 2017-2018 fiscal year for the purpose of funding the replacement of the Police Communications System.

Said appropriation to be funded by the General Fund unassigned fund balance (\$353,000).

Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

September 13, 2017

TO: Honorable Mayor and City Council

FROM: Donna Hanscom, Assistant Public Works Director, and Aaron Costa, WWTP and WTF Operations Manager

THROUGH: Medard Kopczynski, City Manager

ITEM: J.2.

SUBJECT: Black Brook Water Storage Tank Repair

RECOMMENDATION:

Refer Resolution R-2017-34 to the Finance, Organization and Personnel Committee.

ATTACHMENTS:

Description

Resolution R-2017-34

BACKGROUND:

All of the City's water storage tanks are subject to regular internal and external inspections. Every three to five years, a specialized team of divers cleans and inspects all six (6) of the City's water storage tanks and in 2013 Tighe and Bond evaluated the tanks' exteriors to allow the City to identify and schedule ongoing maintenance tasks.

During the October 2015, internal tank inspection, divers reported that five (5) of the six (6) water storage tanks were in acceptable condition, but noted a significant increase in the deterioration of the interior coating in the Black Brook water storage tank compared to the previous inspection. The deterioration has worsened such that the tank is in need of repair to prevent further damage. This repair is urgent because the tank's interior will continue to deteriorate if not repaired in the next few months, but is not an emergency because it will not fail immediately.

Constructed in 1996, the 380,000-gallon Black Brook water storage tank is a pre-cast concrete tank that provides water to the Black Brook pressure zone, including the Black Brook Industrial Park.

The diver's inspection report provided a general overview of the tank's deficiencies; but to thoroughly inspect the interior and identify the level and cost of repair, the tank needed to be taken offline, drained, and cleaned. Because the tank was not designed to be taken offline and continue to supply water and fire protection to its customers, over the past year City staff made a series of modifications to the tank's pumping station that allow the Black Brook pressure zone to operate without interruption while the tank is offline. Staff made a presentation of these modifications to the MSFI committee on June 7, 2017.

In June 2017, staff emptied the tank and invited three qualified tank repair vendors to inspect the interior,

develop a scope of work, and provide cost estimates to repair the tank’s interior and exterior. All three vendors submitted cost proposals based on their own onsite evaluation. Repair work identified in the 2013 Tighe and Bond evaluation for the tank’s exterior and currently scheduled in the City’s FY20 and FY22 CIP program was included in the proposals. After evaluating the proposals, it became obvious the vendors’ repair costs were higher than expected and were high enough to be subject to the City’s purchasing rule requiring formal bid solicitations.

The following table is a summary of the proposals received and associated cost estimates.

Firm Name	Quote
DN Concrete Tank Services	\$83,885
Comm Tank	\$102,705
Utility Service Company	\$190,022

Staff believes that bidding this work would not result in a lower cost because the three vendors that provided cost proposals for the tank repair represent the major tank repair companies and each knew it was competing against other vendors. In addition, the effort required to take the tank offline again to allow prospective bidders the opportunity to inspect its condition before creating a bid would delay the work even longer.

DN Tank, had a more comprehensive work scope at a lower cost than the other two vendors, therefore staff recommends contracting with them for this work and requests the City Council waive the solicitation of competitive bids for this work using the authority found in section 2-1336 of the City’s Purchasing regulations.

The cost of this repair is not contained in the FY18 budget because it was received after the budget planning cycle. To fund the repair work, staff proposes using two funding sources: the balance of a previous capital improvement project and the Water Infrastructure capital reserve.

A balance of \$56,535 remains in a previous Water Storage Tanks Upgrade project because in-house staff completed most of the work and the higher cost items were re-evaluated by the tanks’ manufacturers who advised against the work.

The remaining \$47,678 required for the Black Brook tank repairs can be appropriated from the Infrastructure Capital reserve fund and will be offset by a reduction in spending on the Black Brook project in FY22. Because the work described in the proposals includes all the work included in the future capital improvement project except for the electrical upgrade, performing the work now will reduce the scope of the FY20 and 22 projects from \$96,929 to approximately \$35,000.

Staff requests the Finance, Organization and Personnel committee recommend the City Council waive the bidding requirement and authorize the City Manager to execute a contract with DN Concrete Tank Services and to fund the contract through a reallocation of the remaining project balance in project 05053, Water Storage Tanks Upgrade and through an appropriation of capital reserve funds.



CITY OF KEENE

R-2017-34

Seventeen

In the Year of Our Lord Two Thousand and
Relating to the Reallocation of funds from the FY07 Water Storage Tanks
A RESOLUTION Upgrade Project (05053) and from the Water Infrastructure Capital Reserve
.....
(05019) for repairs to the Black Brook water storage tank.

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

That the sum of fifty six thousand, five hundred thirty five dollars (\$56,535) be allocated from the FY07 Water Storage Tanks Upgrade Project Account (05053) and forty seven thousand, six hundred seventy eight dollars (\$47,678) from the Water Infrastructure Capital Reserve fund (05019) for repairs to the Black Brook water storage tank.

Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

September 14, 2017

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: J.3.
SUBJECT: Library Pledge Bridge Funding

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2017-31.

ATTACHMENTS:

Description

Resolution R-2017-31

BACKGROUND:

Asst. Finance Director Merri Howe addressed the Committee next. Ms. Howe stated this item was read at the September 2017 meeting of the City Council and referred back to the FOP. She explained there is a 1.8 million cash flow for the library project.

The partners of this project, MEDC, the Library Trustees and the Friends of the Library attempted to secure a bridge loan for this project but were unsuccessful. This Resolution will provide the 1.8 million in funding through the General Fund assigned fund balance ending realization of pledges.

Ms. Howe stated there are some risks – the pledges that come in will be applied on a monthly basis which will reduce the amount owed. There are pledges in the amount of about 79% scheduled to come in between September 2017 through May 2018 and anything additional will be applied against the balance.

Councilor Clark asked what percentage of pledges won't be collected.

Ms. Judy Putnam Co-Chair of the Capital Campaign stated they have been receiving money for two years and so far no one has missed a payment. They continue to get new pledges and felt the risk is low. Chair Greenwald clarified they have a plan for non-collectable pledges. Ms. Putnam stated they will keep raising the money.

Councilor Jacobs asked for the reason the bridge loan was not successful. Ms. Putnam stated it is because the Attorney General did not permit the use of pledges as collateral. Councilor Powers stated he has no reservation providing this money because of the names on the list who have provided these pledges and felt if something comes up short they would take care of it.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2017-31: Related to an Appropriated for the Library Campus Development Project..

On behalf of the Finance Committee the Chair thanked Mr. Kopczynski for his service as the City Manager.



CITY OF KEENE

R-2017-31

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

A RESOLUTION Related to an appropriation for the Library Campus Development Project

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

That the sum of one million eight hundred thousand dollars (\$1,800,000) is hereby appropriated in the 2017-2018 fiscal year for the purpose of providing interim bridge funding for the Library Campus Development Project.

Said appropriation to be funded by the General Fund unassigned fund balance (\$1,800,000).

Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

September 18, 2017

TO: Mayor and Keene City Council

FROM: Thomas P. Mullins, City Attorney

ITEM: J.4.

SUBJECT: Relating to Embracing Diversity and Denouncing Activities of Hate, Intolerance, and Intimidation

RECOMMENDATION:

Please find attached Resolution R-2017-35, Relating to Embracing Diversity and Denouncing Activities of Hate, Intolerance, and Intimidation for review and consideration by the City Council.

ATTACHMENTS:

Description

Resolution R-2017-35

BACKGROUND:

On September 7, 2017, the City Council directed this office to draft a resolution stating that bigotry, white supremacy, neo-Nazism, anti-Semitism, and other hate groups would not be tolerated and are contrary to the values of the citizens of the City of Keene.



CITY OF KEENE

R-2017-35

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

A RESOLUTION Embracing Diversity and Denouncing Activities of Hate, Intolerance,
and Intimidation

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

WHEREAS, the United States was founded by immigrants, many fleeing persecution, who threw off the yoke of tyranny, and who enshrined justice and freedom into the nation's fundamental legal and ethical principles; and

WHEREAS, while the United States Constitution guarantees the right to free speech, which is a bedrock value underpinning our system of government, some groups have chosen to use their free speech rights to promote agendas that are in irreconcilable conflict with our nation's foundational principles of liberty and justice for all; and

WHEREAS, the message of these groups, including racial and social intolerance, has led to senseless acts of violence that terrorize members of the nation's ethnic, racial, and religious communities; and

WHEREAS, throughout the course of our nation's history, acts of hatred and violence have been used to intimidate and repress individuals solely on the basis of their race, ethnicity, religion, sexual orientation, and immigration status; and

WHEREAS, this nation fought a global war against such hate, persecution, and ethnic cleansing from which there can be no retreat or surrender; and

WHEREAS, the City of Keene, through the martyrdom of Jonathan Myrick Daniels, knows full well the sacrifices made and endured to secure the civil rights of all Americans, and to protect those who are powerless to protect themselves; and

WHEREAS, the tragic events that took place on August 12, 2017, in Charlottesville, Virginia, prove that acts of hate and violence remain very real threats to the social and political fabric of this Great Nation; and

WHEREAS, at such times it is incumbent on all people of good will to speak up and to denounce in the strongest terms those who perpetrate and espouse hatred, intimidation, and discrimination.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Keene does for itself, and on behalf of the citizens that we serve, hereby resolve, determine, and state as follows:

1. The City of Keene strongly and unequivocally reaffirms its commitment to be an inclusive, tolerant, respectful, and just City that is proud of its mosaic of people of diverse cultures, faiths, beliefs, and identities.
2. The City of Keene is committed to making Keene an inviting, equitable, just, and safe community for everyone, and to celebrate both our individuality and our commonality.
3. The City of Keene condemns, in the strongest possible language, the totalitarian impulses, violent terrorism, xenophobic biases, and bigoted ideologies that are promoted and acted upon by hate groups.
4. The City of Keene calls upon leadership at the local, state, and federal levels to act in a manner that provides no quarter, no endorsement, and no safe haven for groups that are antithetical to the principles upon which this Great Nation was founded, and who besmirch the lives of those who have sacrificed all to protect those principles.

Kendall W. Lane, Mayor