



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
August 3, 2017
7:00 PM

Roll Call
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- 07/20/2017 Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Parcel Mapping Presentation - Assessing Department

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

C. COMMUNICATIONS

1. Councilor Randy Filiault - Taking Back our Streets - Opiate Epidemic
2. NH Lottery - Request to Place Keno on Ballot
3. Tim Zinn - Urging Support for Pumpkin Festival License
4. Megan Straughen - Resignation - Cities for Climate Protection & Agricultural Commission
5. Alan Stroshine/Elm City Rotary Club - Request to Use City Property - 40th Annual Clarence DeMar Marathon and 4th Annual DeMar Half Marathon

D. REPORTS - COUNCIL COMMITTEES

1. Joan Roelofs – Speeding Concerns – Beaver Street
2. Request for Stop Sign – Darling Road/Mountain View Road Intersection – Public Works Department
3. 2017 Pumpkin Festival License – Public Works/Emergency Management
4. Tools for Keene’s Economic Toolbox: The Community Revitalization Tax Relief Incentive (RSA 79-E) & Economic Revitalization Zones – Planning and Assessing Departments
5. Acceptance of Donations to Library Renovation Project - Parks, Recreation and Facilities Department
6. Cheshire TV - Expenses Associated with Interim Relocation - Parks, Recreation and Facilities Department
7. NH Department of Justice 2017 Grant - Police Department
8. Tax Deed Waiver Request for 2013 & 2014 - Finance Department
9. Greater Goose Pond Forest Stewardship Plan Consultant Selection - Planning Department

10. Contract Change Order - Bridge Design - Public Works Department
11. Wells Street Parking Structure - Contract Change Order - Public Works Department

E. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. CITY MANAGER COMMENTS

F. REPORTS - BOARDS AND COMMISSIONS

G. REPORTS - MORE TIME

1. James Griffin – Speeding Concerns – Key Road
2. New Market Tax Credits and a Library Update - Parks, Recreation and Facilities Department & Library Renovation Construction Contract - Parks, Recreation and Facilities Department

H. ORDINANCES FOR FIRST READING

I. ORDINANCES FOR SECOND READING

J. RESOLUTIONS

1. Relating to Fiscal Policies
Resolution R-2017-26
2. Relating to the Reallocation of Bond Proceeds for Emergency Bridge Repairs
Resolution R-2017-27

K. TABLED ITEMS

1. Relating to Change of Zones - Marlboro Street Project Area and Parcels
Ordinance O-2016-02-A

Non Public Session
Adjournment

A regular meeting of the Keene City Council was held Thursday, July 20, 2017. In the absence of the Mayor, the meeting was called to order by the City Clerk at 7:00 PM. Roll called: Janis O. Manwaring, Robert J. O'Connor, Terry M. Clark, Randy L. Filiault, Thomas F. Powers, George S. Hansel, Gary P. Lamoureux, Stephen L. Hooper, Bettina A. Chadbourne, Philip M. Jones and David C. Richards were present. Carl B. Jacobs, Bartolmiej K. Sapeta, Robert B. Sutherland and Mitchell H. Greenwald were absent. A motion by Councilor Jones to appoint Councilor Richards as the temporary Chair was duly seconded. The motion passed with a unanimous vote in favor. Councilor Jones led the Pledge of Allegiance. A motion by Councilor Jones to accept the minutes from the July 6, 2017 regular meeting was duly seconded. The motion passed with a unanimous vote in favor.

ANNOUNCEMENTS

The Chair announced the Fiscal Policies Workshop was rescheduled to August 1, 2017 at 6:30 PM. He also reminded the Council that August 3, 2017 would be the last meeting prior to the summer break. The August 17, 2017 City Council Meeting will be canceled as well as the August 9 and 10 and August 23 and 24 Committee Meetings. The Committee meeting cycle will begin on August 30 and 31 followed by a City Council meeting on September 7, 2017.

PRESENTATION – TOOLS FOR KEENE’S ECONOMIC TOOLBOX: THE COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE (RSA 79-E) & ECONOMIC REVITALIZATION ZONES

The Chair recognized Rhett Lamb, Assistant City Manager/Planning Director, and Dan Langille, City Assessor, for the presentation. This presentation is about 2 tools from the economic toolbox that came out of the Economic Development Action Plan. The tools are the Community Revitalization Tax Relief Incentive (RSA 79-E) and Economic Revitalization Zones; both are State programs set up for communities to encourage investment in private property and economic activity. The programs require local involvement and can work in tandem in a comprehensive economic development strategy.

Mr. Langille explained that the 79-E is a temporary property tax relief program that seeks to encourage investment in “downtowns” and to rehabilitate under-utilized buildings in these areas. The temporary tax relief may be allowed up to 5 years for substantial rehabilitation. For new residential units, the tax relief will increase by another 2 years. The affordable residential unit projects and historic structures will add an additional 4 years to the benefit. The qualifying properties would need to be in designated areas and must provide a public benefit. The qualifying properties would be in or in close proximity to downtowns, town centers or village centers and would be on the State or National Historic Places Registry. The City has the opportunity to add restrictions as to what is an eligible structure, such as age, condition, occupancy and use.

The public benefit could be to enhance downtown economic vitality, or to enhance culturally or historically important structures. The benefit also extended to promoting preservation and the reuse of existing buildings, or promoting development of the downtown and/or increase residential housing in downtown. The City can also add additional criteria to the public benefit.

79-E may be used to replace existing structures, but cannot be used to develop vacant land. All applications must be approved by the governing body and will require a public hearing. The relief only applies to work that occurs after the application is approved.

Mr. Langille continued there are other communities in NH which have adopted 79-E. The communities are: Allenstown, Belmont, Berlin, Claremont, Concord, Derry, Durham, Exeter, Farmington, Franklin, Goffstown, Greenfield, Northumberland, Hampton, Hillsborough, Hooksett, Hopkinton, Laconia, Lebanon, Lisbon, Marlow, Moultonborough, Nashua, Newmarket, Peterborough, Pittsfield, Rochester, Somersworth, Stratham, Warner, Winchester and Wolfeboro. They are not all communities actively using 79-E. Of the 13 NH cities that have adopted the statute, only Manchester, Dover, Portsmouth and Keene have not.

Mr. Langille referred to some examples of how 79-E has helped in other communities. In Exeter, the New Sea Dog Brewing Co. Restaurant has qualified for 9 years of tax relief. It is anticipated an investment of \$1.4 million with about \$10,000 relief annually. This property is located in the Historic District. In Somersworth, the 44 Market Street Rehabilitation has qualified for 7 years of tax relief. It is a pub-style restaurant with 2nd floor apartments. In Newmarket, the old mills have 3.5 years of tax relief. The rehabilitation created 120 residential units with a combined commercial and retail space of 35,000 square feet. The pre-construction assessed value is \$1.8 million. In Concord, the Smile Office Building has 5 years of tax relief. It has been transformed from a 2 story building into 5 stories consisting of 100,000 square feet of commercial space and 50,000 square feet of residential space. This is an investment of \$26 million.

Mr. Lamb went on to explain where Keene may apply 79-E. He continued Keene has been using a variety of tools for many years like the Tax Increments Financing District and the CDBG program. The areas outside of the existing Tax Increments Financing District would be ideal due to the way the use of the TIF and 79-E. The areas determined to be qualifying properties are in the underutilized areas, areas ripe for redevelopment, the extension of downtown, as well as areas in need of historic preservation.

Mr. Lamb outlined policy considerations that the Council should think about. When infrastructure needs to happen in order to have development, then TIF is appropriate. The TIF builds the infrastructure to make the investments necessary to have development. The areas that have infrastructure currently with roads and utilities then 79-E is appropriate in that area. The 79-E gives the increment back to owner to re-develop the property. The tax break occurs for a temporary time.

In response to a question as to whether 79-E can be applied to more than one geographic area; Mr. Lamb stated it is an open question at this point. Recalling when the Mayor referred back the Marlboro Street Ordinances to be considered as part of the "downtown", Mr. Lamb noted the current thinking is to expand the downtown to this area. He continued the definition of what is our "downtown" may also change to be consistent with our Comprehensive Master Plan and other planning documents. In areas in and around the downtown it will be easier to apply the 79-E. And if we try to stretch this to other areas not connected to the downtown or areas that are not

developed, the City would need to rely on other types of programs outlined in the Comprehensive Master Plan such as a neighborhood activity centers or village activity centers.

In response to the question what are we trying to incentivize; Mr. Lamb noted the City should be focusing on business growth and job creation. These are the types of investment in our community that will benefit everyone and not just taxable value to the City. The Kingsbury property is a great example where there is a premium on redevelopment because of the circumstances of that property.

With respect to using 79-E for housing if it is related to the downtown area, such as Water Street or Dunbar Street, which are close enough to the downtown, but are only residential in nature; research to date has not found a community that has done exclusive residential neighborhoods, but that does not mean that it is not possible.

As mentioned by the City Assessor, criteria and policies will need to be developed for the 79-E process. Issues such as application standards, and whether or not there are thresholds that owners would need to clearly identify such as job development or square footage of the amount of change that is taking place. Also the period of the tax relief will need to be established by the City Council.

Mr. Lamb went on to discuss Economic Revitalization Zone. This statute was created to stimulate economic redevelopment by expanding the commercial and industrial base, jobs creation and increase tax revenues. The zone with a contiguous boundary that has within it: unused or underutilized industrial parks or vacant land or structures previously used for industrial, commercial, or retail purposes. The designation is completed by the City.

A business would apply for the ERZ Tax Credit. \$825,000 is designated statewide annually for ERZ Tax Credit. The maximum credit a business would be \$240,000 over a 6 year period. To qualify a business must: create at least 1 new full-time (35 hours/week) job; be physically located in the ERZ; and make investment and create a job within a calendar year. The more jobs they create the more of a credit they will receive. Once an ERZ is created the City is hands off and it is between the State agency and the business owner.

In New Hampshire, there are 200 ERZ's in 66 municipalities. Keene currently has 2 ERZ's: Black Brook Corporate Park and Black Brook North Park and adjacent properties. Swanzey has an active ERZ program.

Councilor Clark noted that the Black Brook is in the ERZ, and inquired if someone would be able to take advantage of more than one program, 79-E and ERZ. Mr. Lamb responded that he did not see any reason why both programs would not be able to operate cooperatively. 79-E is completed locally while ERZ is completed by the state.

Councilor Jones asked about ERZ getting private companies, such as gas companies, electric companies, etc., they all put an incentive package. Mr. Lamb stated they will need to do more research if it is something that can be done.

Councilor Hansel commented about the importance of both of these programs to encourage businesses to come to the area.

The Chair referred this presentation to the Planning, Licenses and Development Committee.

COMMUNICATION – JAMES GRIFFIN – SPEEDING CONCERNS – KEY ROAD

A communication was received from James Griffin requesting the installation of a speed hump on Key Road to address a problem of drag racing on Key Road. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – JOAN ROELOFS – SPEEDING CONCERNS – BEAVER STREET

A communication was received from Joan Roelofs requesting the installation of a speed hump on Beaver Street to respond to speeding concerns. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

MSFI REPORT – GOOSE POND DAM IMPROVEMENTS – PRELIMINARY DESIGN CONCEPTS – PUBLIC WORKS DEPARTMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending the City Manager be authorized to do all things necessary to implement the Goose Pond Dam Improvement Project as presented. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

MSFI REPORT – DEPARTMENT PRESENTATION: POLICE RECRUITING AND HIRING – POLICE DEPARTMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending the report from the Police Chief be accepted as informational. The Chair filed the report into the record as informational.

MSFI REPORT – DEPARTMENT PRESENTATION: SCIENCE AND EQUIPMENT TROUBLESHOOTING REQUIRED TO OPERATE AND MAINTAIN WASTEWATER SYSTEMS – PUBLIC WORKS DEPARTMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending the Public Works Department presentation be accepted as informational. The Chair filed the report into the record as informational.

PLD REPORT – KEVIN DREMEL – REQUEST TO USE CITY PROPERTY – KEENE MUSIC FESTIVAL

Planning, Licenses and Development Committee report read, recommending the Keene Music Festival be granted a street fair license to use downtown City rights-of-way for purposes of conducting merchant sidewalk sales, as well as use of City property on Central Square, Railroad

Square, and designated parking spaces on Main Street to conduct the Keene Music Festival on Saturday, September 2, 2017 from 9:00 AM to 10:30 PM. In addition, the applicant is permitted to close off a portion of Railroad Street, from Main Street to the westerly entrance of the Wells Street Parking Garage, and a portion of Church Street from Main Street to the entrance of the Vision Financial parking lot. This permission is granted subject to the customary licensing requirements of the City Council, submittal of a signed letter of permission from City Tire for use of their property, and compliance with any recommendations of City staff. In addition, the petitioner is granted use of the requested parking spaces free of charge under the provisions of the Free Parking Policy. The Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated in the FY 18 Community Events Budget. A motion by Councilor Jones to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

PLD REPORT – PEG BRUCE/KIWANIS CLUB OF KEENE – REQUESTING PERMISSION TO DECORATE LIGHT POLES ON THE CENTER MEDIAN OF MAIN STREET

Planning, Licenses and Development Committee report read, recommending the Keene Kiwanis Club be granted permission to decorate the City light poles in the center median from the flag pole to the roundabout with LED lights from mid-October to early April, 2018. This permission is granted subject to the signing of a revocable license and indemnification agreement and the furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured and that the Kiwanis Club assume responsibility for the maintenance of the lights during the display period. A motion by Councilor Jones to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

PLD REPORT – RON ROBBINS/KEENESNORIDERS- REQUEST TO USE CITY PROPERTY

Planning, Licenses and Development Committee report read, recommending the KeeneSnoRiders be granted permission to use the following locations on City property for a snowmobile trail: the right-of-way along the north side of Krif Road from Krif Court to Winchester Street; City property identified by tax map numbers 911-26-015, 909-04-012, 909-03-210 and 707-02-009; the crossing of Winchester Street at Krif Road; and, The crossing of Production Avenue approximately 200 +/- feet south of NH Route 9. As well as access to the Class VI Portion of the Old Gilsum Road starting approximately one mile from the Gilsum Town Line and going north, (“Premises”) for the following purpose: for a snowmobile trail, and under the following conditions:

Said use shall commence on December 15, 2017, and expire on March 30, 2018, and is subject to the following conditions: the signing of a revocable license and indemnification agreement; and the submittal of a certificate of liability insurance in the amount of \$1,000,000, naming the City of Keene as an additional insured.

In addition, the KeeneSnoRiders, Inc. will be responsible (including cost) for the installation and maintenance of all signage/markings, which will be in accordance with Snowmobile Trail Standards published by NH Department of Resources and Economic Division of Parks and Recreation; that all signage/markings installed shall be removed from the City right-of-way and

City property when there is no longer any snow cover, no structures, including buildings, shelters, lights, displays, walls, etc. shall be permitted with the City right-of-way or on City property; no parking of motor vehicles or trailers and no catering servicing activities of any kind shall be permitted within the City right-of-way or on City property; grooming shall not extend outside the right-of-way of Krif Road, snow windows shall be groomed to provide adequate sight distances and a gentle sloping approach at all road and driveway intersections; no part of the City Street (paved surfaces) may be used by off-highway recreational vehicles (OHRV) or their operators for any purpose, other than direct crossing; and that KeeneSnoRiders, Inc. shall be responsible for the repair of any damage (including costs) and the City right-of-way and property shall only be used when there is snow cover. A motion by Councilor Jones to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

PLD REPORT – LAND USE CODE UPDATE PHASE II - PLANNING BOARD/PLANNING, LICENSES AND DEVELOPMENT COMMITTEE

Planning, Licenses and Development Committee report read, recommending the City Council move forward with phase 2 of the Land Use Code Update including an RFQ for the creation of a Unified Development Ordinance and the development of a Form-Based Zoning District in the downtown. A motion by Councilor Jones to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

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

Finance Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept a donation of \$264.00 and that the money be used by the Parks, Recreation and Facilities Department. A motion by Councilor Powers to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – CLEANING SERVICE CONTRACT – PARKS, RECREATION AND FACILITIES DEPARTMENT

Finance Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to execute a contract with S.J. Services, Inc. for custodial services at multiple City facilities. Funds are available from Accounts: 01328, 01329, 01335, 11000, 10000 and 08006-62201. The base amount of this contract (not including floor care) is \$77,964.00 with a second year option at the same pricing. A motion by Councilor Powers to carry out the intent of the report was duly seconded. On showing of hands, 11 Councilors were present, 8 voted in favor and three opposed, the motion carried. Councilors Clark, Filiault and Richards voted in opposition.

FOP REPORT – BANKING SERVICES CONTRACT - FINANCE DEPARTMENT

Finance Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to negotiate and execute a banking services agreement with Mascoma Savings Bank to provide general banking services to the City for five years, with a two

year extension at the City's sole option. A motion by Councilor Powers to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – AIRPORT ENGINEERING, PLANNING & ARCHITECTURAL SERVICES
– CONSULTANT SELECTION – PUBLIC WORKS DEPARTMENT

Finance Organization and Personnel Committee report read recommending that DuBois & King Inc. be designated as the City's Airport Engineer of Record for various projects and other technical support at the City's Airport. A motion by Councilor Powers to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – MONADNOCK FAMILY SERVICES/MONADNOCK COMMUNITY
SERVICES CENTER PROPERTY – PUBLIC WORKS DEPARTMENT

Finance Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to develop and execute a purchase and sale agreement with Monadnock Family Services/Monadnock Community Services Center for the property at 11 93rd Street for \$38,000. A motion by Councilor Powers to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – DEPARTMENTAL PRESENTATION: BEHIND THE SCENES – IT
DEPARTMENT

Finance Organization and Personnel Committee report read recommending the acceptance of the presentation of “behind the scenes” from the IT Department as informational. The Chair filed the report into the record as informational.

FOP REPORT – HANGAR LEASE - AIRPORT DEPARTMENT

Finance Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to assign the current land lease agreement of Carl B. Thomas and Betty L. Thomas to Christopher J. Norton. A motion by Councilor Powers 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 thanked the IT Department for their “behind the scenes” presentation. It was interesting on how they keep the City safe from the standpoint of intrusion and making the computer systems continue to operate. The City Manager went on about the revitalization of the Downtown area. There are 3 more trees that will need to be removed in front of Citizen's Bank next to Timoleon's. The process that will occur would be to remove the trees and to remove the curbing to put in pavers, pending no issues are found. Conversations with property owners will occur. The City Manager went on to the needed repair of crosswalks with a similar style in front of City Hall, pending the cost.

MORE TIME

More time was granted by the Chair for: Paula Sousa – Overnight Parking on Middle Street.

ORDINANCE O-2017-10: RELATING TO CHAPTER 102 - ZONING ORDINANCE –
ACCESSORY DWELLING UNIT

A memorandum was received from the Acting Health Director along with Ordinance O-2017-10. The memorandum was filed into the record. Ordinance O-2017-10 referred by the Chair to the Joint Planning Board/Planning, Licenses and Development Committee.

FOP REPORT AND ORDINANCE O-2017-12: RELATING TO PERSONNEL
PROCEDURES – PERFORMANCE BONUS

Finance, Organization and Personnel Committee report read recommending the adoption of Ordinance O-2017-12. The report was filed as informational. Ordinance O-2017-12 was read for the second time. A motion by Councilor Powers for adoption of the Ordinance was duly seconded. On a roll call vote, with 11 Councilors present and voting in favor, the motion carried. Ordinance O-2017-12 declared adopted. Councilors Jacobs, Sepata, Sutherland and Greenwald were absent.

FOP REPORT AND RESOLUTION R-2017-12: RELATING TO THE REALLOCATION OF
BOND PROCEEDS FROM THE FY 15 REHABILITATION PROJECT (90249)

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2017-12. The report was filed as informational. Resolution R-2017-12 was read for the second time. A motion by Councilor Powers for adoption of the Resolution was duly seconded. On a roll call vote, with 11 Councilors present and voting in favor, the motion carried. Resolution R-2017-12 declared adopted. Councilors Jacobs, Sepata, Sutherland and Greenwald were absent.

ADJOURNMENT

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

A true record, attest:



City Clerk



City of Keene, N.H.
Transmittal Form

July 24, 2017

TO: Mayor and Keene City Council

FROM: Councilor Randy L. Filiault

THROUGH: Patricia A. Little, City Clerk

ITEM: C.1.

SUBJECT: Councilor Randy Filiault - Taking Back our Streets - Opiate Epidemic

ATTACHMENTS:

Description

Councilor Filiault

BACKGROUND:

Councilor Filiault refers to recent events in the City of Keene relative to the opiate epidemic. He is recommending that the Mayor schedule a forum to allow citizens and City officials to continue their discussions and achieve a mutual consensus about how to address the problem.

To: Hon. Mayor Kendall Lane and the Keene City Council
Re: Taking Back Our Streets
Date: July 24, 2017

Recently, our city has been besieged by serious crimes, by drug dealers taking advantage of our generous community, and by those who seek to intimidate our fellow citizens. In the past few weeks we have been subject to various violent and intolerable incidents. A recent robbery perpetrated by drug dealers not from this area lead to shootings and arrests. This past weekend, a social media photograph went viral, depicting two subjects involved in a drug transaction, in broad daylight, in a park frequented by adults and children and located across the street from the Keene Fire Department. Incidents like these are becoming too common in Keene, but nonetheless remain reprehensible.

As Keene's elected officials, we *must* take steps *immediately* to reverse this troubling trend. We acknowledge the opiate epidemic impacts virtually every community in the nation. However, *our* responsibility is protecting Keene. Accordingly, I hereby respectfully request Mayor Lane set a date, time and location for a community forum in which citizens and city officials alike can discuss this serious situation and achieve a mutual consensus about how to address this problem.

It is time we all come together and take back our streets!

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Randy L. Filiault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Randy L. Filiault
Keene City Councilor



City of Keene, N.H.
Transmittal Form

July 26, 2017

TO: Mayor and Keene City Council

FROM: Charles R. McIntyre

THROUGH: Patricia A. Little, City Clerk

ITEM: C.2.

SUBJECT: NH Lottery - Request to Place Keno on Ballot

ATTACHMENTS:

Description

Communication - NH Lottery

SB 191

BACKGROUND:

SB 191 authorizes municipalities to place a ballot question on the November General Election ballot that would allow the operation of keno games to fund kindergarten.



Nearly \$2 Billion and Counting for our Schools

GOVERNOR Christopher T. Sununu
CHAIRMAN Debra M. Douglas
COMMISSIONER Paul J. Holloway
COMMISSIONER David L. Gelinis
EXECUTIVE DIRECTOR Charles R. McIntyre

July 26, 2017

Mayor Kendall W. Lane
Members of the City Council
City of Keene
3 Washington Street
Keene, NH 03431

Dear Mayor Lane and Members of the City Council,

I respectfully request to be placed on the agenda of the Keene City Council meeting scheduled for August 3, 2017 to discuss the newly-passed Senate Bill 191, relative to Keno and the funding of full-day kindergarten in New Hampshire.

The bill, attached for your reference, requires that cities and towns must vote on whether to allow the operation of keno games within their municipality. My intention is to answer any questions you or the public may have about the game, discuss the anticipated revenues and benefits to education and local business owners, and to determine the process for placing the question on the ballot for the city's November 7 election.

I am available to answer any questions that you may have prior to the City Council meeting, and appreciate the opportunity to appear before the body to discuss the initiative and the process going forward.

Sincerely,

A handwritten signature in black ink that reads "Charles R. McIntyre".

Charles R. McIntyre
Executive Director

CRM/cn

Enclosure



Live Free or Die

New Hampshire Lottery Commission 14 Integra Drive Concord, New Hampshire 03301
TEL 603.271.3391 FAX 603.271.1160 TDD 1.800.735.2964 www.nhlottery.com

CHAPTER 229
SB 191-FN - FINAL VERSION

03/30/2017 1190s
4May2017... 1516h
1Jun2017... 2022h
06/22/2017 2369CofC

2017 SESSION

17-0138
04/06

SENATE BILL ***191-FN***

AN ACT establishing keno and relative to funding for kindergarten.

SPONSORS: Sen. Watters, Dist 4; Sen. D'Allesandro, Dist 20; Sen. Feltes, Dist 15; Sen. Hennessey, Dist 5; Sen. Kahn, Dist 10; Sen. Lasky, Dist 13; Sen. McGilvray, Dist 16; Sen. Reagan, Dist 17; Sen. Soucy, Dist 18; Sen. Ward, Dist 8; Sen. Woodburn, Dist 1; Rep. Gile, Merr. 27; Rep. Grenier, Sull. 7; Rep. Bates, Rock. 7

COMMITTEE: Education

AMENDED ANALYSIS

This bill establishes keno in New Hampshire and establishes a program to provide grants to kindergarten students.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 229
SB 191-FN - FINAL VERSION

03/30/2017 1190s
4May2017... 1516h
1Jun2017... 2022h
06/22/2017 2369CofC

17-0138
04/06

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT establishing keno and relative to funding for kindergarten. .

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 229:1 New Subdivision; Keno. Amend RSA 284 by inserting after section 40 the following new
2 subdivision:

Keno

4 284:41 Definition. In this subdivision, “keno” means any game where a player purchases a
5 ticket from a field of 80 numbers and selects a specific amount of numbers. A random number
6 generator employed by the lottery commission chooses 20 numbers at random and the player is paid
7 out against his or her original wager.

8 284:42 Administration and Enforcement. The lottery commission shall administer and enforce
9 this subdivision in any town or city that has voted to allow such gaming.

10 284:43 Rulemaking. The lottery commission shall adopt rules, pursuant to RSA 541-A, relative
11 to:

- 12 I. The application procedure for keno licenses.
13 II. Information to be required on license applications.
14 III. Procedures for a hearing following the revocation of a license.
15 IV. The operation of keno games, including types and amounts of wagers.
16 V. Information required and forms for submission of financial reports.
17 VI. Guidelines for licensees under this subdivision to set transaction limits for daily,
18 weekly, and monthly play of keno for individual keno players.

19 284:44 License Fees.

20 I. The license fee for a commercial premises keno license issued under RSA 284:46 shall be
21 \$500 per year. Such fee shall be submitted to the lottery commission at the time the application is
22 made and shall be refunded if the application is denied.

23 II. All net proceeds collected by the lottery commission under this section shall be deposited
24 in the education trust fund established in RSA 198:39.

25 284:45 License Applications.

26 I. Applications shall be submitted to the lottery commission by the licensee. Proof of
27 authority to submit the application on behalf of the licensee may be required.

28 II. Applications shall be made only on the forms supplied to the licensee by the lottery

CHAPTER 229
SB 191-FN - FINAL VERSION
- Page 2 -

1 commission.

2 III. The application form shall be fully completed by the licensee.

3 IV. Applicants for commercial premises keno licenses shall be submitted at least 30 days
4 before the first game date.

5 V. The applicant shall certify under oath that:

6 (a) The information provided on the application is accurate.

7 (b) Neither the applicant nor any employee will operate keno games if such person has
8 been convicted of a felony within the previous 10 years which has not been annulled by a court, or a
9 misdemeanor involving falsehood or dishonesty within the previous 5 years which has not been
10 annulled by a court, or has violated the statutes or rules governing charitable gaming in this or any
11 state.

12 (c) The applicant and any employee who will be participating in the operation of the
13 keno games is aware of all statutes and rules applicable to the operation of keno games.

14 VI. To be eligible for licensure under this subdivision an applicant shall:

15 (a) Document that it is one of the following:

16 (1) A restaurant or hotel holding a valid liquor license under RSA 178:20, II,
17 RSA 178:21, II(a) or (b), or RSA 178:22, V(q).

18 (2) A brew pub holding a valid liquor license under RSA 178:13.

19 (3) A ballroom holding a valid liquor license under RSA 178:22, V(c).

20 (4) A veterans' club, private club, or social club holding a valid liquor license under
21 RSA 178:22, V(h).

22 (5) A convention center holding a valid liquor license under RSA 178:22, V(i).

23 (6) A hotel holding a valid liquor license under RSA 178:22, V(k).

24 (7) A racetrack holding a valid liquor license under RSA 178:22, V(n).

25 (8) A sports recreation facility holding a valid liquor license under RSA 178:22, V(v).

26 (b) Document that the keno games will only be operated in towns and cities that have
27 voted to allow the operation of keno games pursuant to RSA 284:51.

28 (c) Maintain a current list of employees.

29 (d) Document that no minor under the age of 18 shall be allowed to purchase or redeem
30 a keno ticket.

31 VII. A suspension or revocation of a liquor license shall result in the immediate suspension
32 of the keno license issued under this chapter.

33 284:46 License; Issuance.

34 I. Upon receipt of an application under RSA 284:45 the lottery commission shall review the
35 application and shall, in writing, grant or deny the application within 45 days of receipt.

36 II. The lottery commission shall deny a license application for any one of the following
37 reasons:

CHAPTER 229
SB 191-FN - FINAL VERSION
- Page 3 -

1 (a) The license of the applicant has been previously revoked by the commission.

2 (b) The applicant has been convicted of a crime provided for in this chapter or in any
3 other chapter for any gaming offense.

4 (c) The applicant loses his or her liquor license after submitting the application.

5 III. No person who has been convicted of a felony or class A misdemeanor within the
6 previous 10 years which has not been annulled by a court, or a class B misdemeanor within the past
7 5 years which has not been annulled by a court, or who has violated any of the statutes or rules
8 governing charitable gambling in the past in this or in any other state shall be licensed under this
9 subdivision, or rent, lease, sublease, or otherwise provide any hall or keno paraphernalia for the
10 conduct of keno licensed under this subdivision.

11 IV. The lottery commission shall only issue a license for an eligible location where keno
12 tickets shall be sold and the game played within the area apportioned to distribute beverages
13 pursuant to RSA 284:45. The lottery commission shall control the installation of the keno ticket
14 terminals and ensure that the sale of the tickets is limited to the area apportioned to distribute
15 beverages pursuant to RSA 284:45.

16 284:47 Operation of Keno Games.

17 I. A licensee may operate keno games at its business between the hours of 11 a.m. and 11
18 p.m.

19 II. A licensee may retain 8 percent of the proceeds from keno games. Of the remaining 92
20 percent:

21 (a) One percent shall be paid to the department of health and human services to
22 support research, prevention, intervention, and treatment services for problem gamblers.

23 (b) The remainder, less the administrative costs of the lottery commission and prize
24 payouts, shall be deposited in the education trust fund established in RSA 198:39.

25 III. No person who has been convicted of a felony or class A misdemeanor within the
26 previous 10 years which has not been annulled by a court, or a class B misdemeanor within the past
27 5 years which has not been annulled by a court, or who has violated any of the statutes or rules
28 governing charitable gambling in the past in this or any other state shall operate a keno game
29 licensed under this subdivision, or rent, lease, sublease, or otherwise provide any hall or keno
30 paraphernalia for the conduct of keno licensed under this subdivision.

31 IV. No one under the age of 18 years shall be allowed to purchase or redeem a keno ticket.

32 284:48 Financial Reports and Inspection Required.

33 I. Any person which has been licensed to conduct keno games shall submit a complete
34 financial report to the lottery commission for each license issued under RSA 284:46 within 15 days
35 after the expiration of each license, provided, however, a complete monthly financial report shall be
36 submitted in a timely fashion to the commission for each month covered by a license issued under
37 RSA 284:46 on a form to be approved by the lottery commission.

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- Page 4 -

1 II. All licensees shall maintain a separate checking account for the deposit and
2 disbursement of all income relating to keno, except cash prizes awarded at the games. All expenses
3 shall be paid by check, and all prizes of \$500 or more shall be paid by check. No keno funds shall be
4 commingled with other funds of the licensee. The licensee shall retain all canceled checks for the
5 payment of expenses and prizes for at least 2 years from the date of the check. The licensee shall
6 not cash checks which it issues.

7 III. All financial reports filed by the licensee shall be maintained by the lottery commission
8 for a period of one year from the date of filing and shall be open to public inspection.

9 IV. All financial records pertaining to the operation of keno games shall be maintained by
10 the licensee and shall be made available to representatives of the lottery commission or of the
11 commissioner of the department of safety upon request.

12 V. A licensee which has been licensed to conduct keno games shall maintain complete and
13 accurate documentation of all revenues and expenses contained in the financial reports for at least 2
14 years from the date the financial report is filed.

15 284:49 Suspension; Revocation. The commission may suspend or revoke the license of any
16 licensee who violates any provision of this subdivision. Any licensee whose license is revoked shall
17 not be eligible for licensure for a period of up to one year from the date of revocation.

18 284:50 Rehearing and Appeal. Any person aggrieved by a decision of the commission to deny or
19 revoke a keno license may apply to the commission for a rehearing within 15 business days of the
20 decision. Rehearings and appeals shall be governed by RSA 541.

21 **284:51 Local Option.**

22 **I. Any town or city may allow the operation of keno games according to the provisions of**
23 **this subdivision, in the following manner:**

24 (a) In a town, the question shall be placed on the warrant of an annual town meeting
25 under the procedures set out in RSA 39:3, and shall be voted on a ballot. **In a city, the legislative**
26 **body may vote to place the question on the official ballot for any regular municipal election,** or, in
27 the alternative, shall place the question on the official ballot for any regular municipal election
28 upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

29 **(b) The selectmen, aldermen, or city council shall hold a public hearing on the question**
30 **at least 15 days but not more than 30 days before the question is to be voted on. Notice of the**
31 **hearing shall be posted in at least 2 public places in the municipality and published in a newspaper**
32 **of general circulation at least 7 days before the hearing.**

33 **(c) The wording of the question shall be substantially as follows: "Shall we allow the**
34 **operation of keno games within the town or city?"**

35 **II. If a majority of those voting on the question vote "Yes," keno games may be operated**
36 **within the town or city.**

37 **III. If the question is not approved, the question may later be voted upon according to the**

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- Page 5 -

1 provisions of paragraph I at the next annual town meeting or regular municipal election.

2 IV. A municipality that has voted to allow the operation of keno games may consider
3 rescinding its action in the manner described in paragraph I of this section.

4 V. The lottery commission shall maintain a list of municipalities where keno is available.

5 229:2 Application of Receipts; Education Trust Fund. Amend RSA 6:12, I(b)(65) to read as
6 follows:

7 (65) Money received under RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B,
8 RSA 83-F, **RSA 284:44 and RSA 284:47**, and from the sweepstakes fund, which shall be credited to
9 the education trust fund under RSA 198:39.

10 229:3 Education Trust Fund; Keno Profits Added. Amend RSA 198:39, I(k) to read as follows:

11 (k) **Funds collected and paid over to the state treasurer by the lottery**
12 **commission pursuant to RSA 284:44 and RSA 284:47.**

13 (l) Any other moneys appropriated from the general fund.

14 229:4 New Section; School Money; Kindergarten Grants. Amend RSA 198 by inserting after
15 section 48-b the following new section:

16 198:48-c Kindergarten Grants.

17 I.(a) For fiscal year 2019, in addition to any funds received pursuant to RSA 198:40-a, in
18 the first year that a school district or chartered public school that operates an approved full-day
19 kindergarten program, the commissioner of the department of education shall calculate and
20 distribute a grant of \$1,100 per kindergarten pupil based on the enrollment number of eligible full-
21 day kindergarten pupils on the first day of the school year. The superintendent, or designee, shall
22 certify the enrollment number of kindergarten pupils to the commissioner.

23 (b) For fiscal year 2019, once pupils enrolled in an approved full-day kindergarten
24 program have been counted in the school district's average daily membership in attendance as
25 defined in RSA 198:38, I, a school district, or a chartered public school based on its kindergarten
26 average daily membership enrollment number, shall receive, in addition to any funds received
27 pursuant to RSA 198:40-a, an additional grant of \$1,100 per kindergarten pupil attending a full-day
28 kindergarten program. The commissioner shall certify the amount of the grant to the state
29 treasurer and direct the payment thereof from the education trust fund established in RSA 198:39
30 to the school district or chartered public school.

31 (c) Grants shall be disbursed to a school district pursuant to the distribution schedule in
32 RSA 198:42 and to a chartered public school pursuant to the distribution schedule in RSA 194-B:11,
33 I(c).

34 (d) The amount necessary to fund the grants under this section is hereby appropriated
35 to the department from the education trust fund. The governor is authorized to draw a warrant
36 from the education trust fund to satisfy the state's obligation under this section.

37 II. A school district or chartered public school that operates an approved full-day

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- Page 6 -

1 kindergarten program for which it receives funding under this section shall permit a pupil to attend
2 kindergarten for a half-day.

3 III.(a) For fiscal year 2020 and each fiscal year thereafter, in addition to any funds received
4 pursuant to RSA 198:40-a, the department of education shall distribute a total kindergarten grant,
5 pursuant to RSA 198:40-a, for the remaining 1/2 of each average daily membership not counted
6 under RSA 198:40-a to each school district or chartered public school that operates an approved full-
7 day kindergarten program. If the amount of revenue raised through keno is insufficient to fully
8 fund the distribution of grants under this section, the revenue shall be prorated proportionally
9 based on entitlement among the districts entitled to a grant. The prorated portion of this grant
10 shall not be less than the per pupil amount disbursed under paragraph I(b).

11 (b) Grants shall be disbursed to a school district pursuant to the distribution schedule
12 in RSA 198:42 and to a chartered public school pursuant to the distribution schedule in RSA 194-
13 B:11, I(c).

14 (c) The amount necessary to fund the grants under this paragraph is hereby
15 appropriated to the department from the education trust fund. The governor is authorized to draw
16 a warrant from the education trust fund to satisfy the state's obligation under this section.

17 229:5 Applicability. Kindergarten grants pursuant to RSA 198:48-c as inserted by section 4 of
18 this act shall not be disbursed before July 1, 2018.

19 229:6 Effective Date. This act shall take effect July 1, 2017.

Approved: July 12, 2017
Effective Date: July 01, 2017



City of Keene, N.H.
Transmittal Form

July 31, 2017

TO: Mayor and Keene City Council

FROM: Tim Zinn

THROUGH: Patricia A. Little, City Clerk

ITEM: C.3.

SUBJECT: Tim Zinn -Urging Support for Pumpkin Festival License

ATTACHMENTS:

Description

Communication - Tim Zinn

BACKGROUND:

Mr. Zinn is requesting the City Council support Let It Shine's request for a license to hold the "Keene Pumpkin Festival Brought to you by the Children of SAU 29".

Dear City Council,

On behalf of Let It Shine, I would like to forward a few thoughts as you consider your position on the upcoming vote scheduled for August 3rd. I have connected with some but not all of you during PLD and Protocol meetings, and would like to be sure to connect with each of you.

It is our hope that all parties concerned can use this event to both learn from and move past the challenges of 2014. We are proud and honored to partner with the SAU29 school system in this much smaller scale event: Keene Pumpkin Festival brought to you by the Children of SAU29!

Within the theme of "Kids, smiles, and Pure Pumpkins" are many meaningful messages that we think can have a positive impact on our children, college students, community and beyond. Those messages include lessons on accountability (actions have consequences), persistence, forgiveness, working through issues and finding solutions, teamwork and compromise. The Festival itself may be much smaller, but the underlying messages are as big as or bigger than ever.

Lastly, we would like to offer our thoughts on why we have confidence this event can be held without incident:

- We are three years removed from 2014. Only the freshman class remains as part of the 2014 KSC student body. As seniors, we hear that many of them are looking for a second chance to make things right and live their motto "Wisdom to make a difference".
- The Social media frenzy and Finnarage involvement in 2014 was the result of decades of KSC party culture. It was that culture that attracted Finnarage and "outside" elements. I have been a home owner at 43 Grove St. for the past 27 years. Speaking from experience, the decades of decline in KSC student accountability and escalating party culture reached its peak in 2014. Since then, KSC has worked hard to create a new culture of accountability through off campus orientation programs and code of conduct policies. Communication between the College and City has improved and closes the loop on issues. Police data collection supports signs of this continued improvement.
- Convictions after the riots removed any expectations of anonymity. Any student or outsider hosting a major party in the future will understand they will be held fully accountable to both the College and the City.
- We designed this Festival as a reasonable first step for all concerned. It is much more predictable in size and pumpkin count. It is focused on "Kids, smiles, and Pure Pumpkins". While nonprofit vendors would be great, we have opted to keep things simple and not include them. The Sunday date helps to minimize out of State visitors and college issues. We are committed to market and communicate this as a much smaller, school based event.

We hope you will agree that there is potential for much more amazing in this festival than there is for problems. Our goal is for everyone to shine along with the Children of SAU29.

Sincerely,

Tim Zinn





City of Keene, N.H.
Transmittal Form

July 28, 2017

TO: Mayor and Keene City Council

FROM: Megan Straughen

THROUGH: Patricia A. Little, City Clerk

ITEM: C.4.

SUBJECT: Megan Straughen - Resignation - Cities for Climate Protection & Agricultural Commission

ATTACHMENTS:

Description

Communication - Straughen

BACKGROUND:

Megan Straughen is resigning from the Cities for Climate Protection Committee and the Agricultural Commission. Megan has been a member of the CCP Committee since February 2016 and a member of the Agricultural Commission since January 2017.

July 26, 2017

Dear Mayor Lane,

I regretfully request resignation from my positions on the Cities for Climate Protection Committee as well as the Agricultural Commission. It has been a privilege to serve on these committees for the City of Keene and I would not be resigning if it were not for an upcoming out-of-state move. My sincerest gratitude for the opportunity to serve on these committees.

All my best,



Megan D. Straughen
26 Court St Apt 1
Keene, NH 03431

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CITY CLERK



City of Keene, N.H.
Transmittal Form

July 28, 2017

TO: Mayor and Keene City Council

FROM: Alan Stroshine

THROUGH: Patricia A. Little, City Clerk

ITEM: C.5.

SUBJECT: Alan Stroshine/Elm City Rotary Club - Request to Use City Property - 40th Annual Clarence DeMar Marathon and 4th Annual DeMar Half Marathon

ATTACHMENTS:

Description

Communication - Elm City Rotary

BACKGROUND:

On behalf of the Elm City Rotary Club, Alan Stroshine is submitting the annual request for use of City property for the 40th Annual Clarence DeMar Marathon and 4th Annual DeMar Half Marathon. The events will take place on September 24, 2017.



July 20, 2017

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

Re: 40th Annual Clarence DeMar Marathon and 4th Annual DeMar Half Marathon
Request for City Event permit

Dear Mr. Mayor and City Councilors,

The Keene Elm City Rotary Club respectfully requests an event permit for our official Community Event; the annual Clarence DeMar Marathon and DeMar Half Marathon to be held on Sunday, September 24th 2017. A part of our event includes the Kids DeMar Marathon and Super Senior DeMar Marathon programs.

I invite all members of city government and staff to join us on the quad at Keene State College to experience the energy and personal accomplishment of so many people on race day.

I am available for any questions you might have.

Yours in service,

A handwritten signature in black ink, appearing to read "Alan Stroshine".

Alan Stroshine, Race Director
Member, Keene Elm City Rotary Club

Keene Elm City Rotary
PO Box 1786
Keene, NH 03431

Clarence DeMar Marathon Corp is a 501c3 organization – Tax ID: 02-0454040



City of Keene, N.H.
Transmittal Form

July 26, 2017

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.1.

SUBJECT: Joan Roelofs – Speeding Concerns – Beaver Street

RECOMMENDATION:

On a vote of 4-0, the Municipal Services, Facilities and Infrastructure Committee accepted the information from the Public Works Department and Police Chief as informational and referred the matter to staff to be handled administratively.

BACKGROUND:

Chair Manwaring recognized Joan Roelofs, 69 Beaver Street. Ms. Roelofs said she has lived in this location for 38 years and she believes the speeding problem has worsened in recent years. Cars speed and inadequate mufflers on trucks and motorcycles are very noisy, disturbing neighbors. She said this dangerous activity destroys the quality of life on Beaver Street. There is also expressed concern from Social Services about mental health based on the noise. She is unsure if speed humps should be installed or if the speed limit should be lowered but asks that the City addresses this concern.

Chair Manwaring recognized April Weed, 28 Damon Court. Ms. Weed agreed with Ms. Roelofs and said she thinks the problem occurs because Beaver Street is a primary connecting street between the Lincoln Street area and Main Street. She just saw a truck and motorcycle drag racing the other day; she feels that Beaver Street invites these activities. She said that either a speed hump or more frequent stop signs could slow people down and that more frequent police monitoring could help as well. She thinks that summer time may be worse than in the winter but her primary concern is for kids walking to and from school; the crossing guards have expressed the danger and concerns as well.

The City Manager asked what times of day seem to be the worst. Ms. Weed said she notices it in the morning but also in the evenings during the summer. Chair Manwaring recognized Harry Bove, 69 Beaver Street. Mr. Bove said there is a speeding problem and occasional racing problems, but never when police are around; there are also a lot of motors/mufflers in poor condition in the neighborhood and unfortunately, motorcycles are built that way.

The Police Chief stated that the City speed limit is 30mph, unless otherwise posted. He continued providing activity statistics for Beaver Street:

1. Since July 1, 2017:
 - a. Five directed police patrols (on the roll-call sheet for officers during their patrol)
 - i. The Keene Police Department (KPD) is currently understaffed, so this ability is resource driven
 - b. No motor vehicle stops

2. Since January 1, 2016:
 - a. 21 motor vehicle stops
 - i. 19 warnings
 - ii. 2 summonses
 - b. 3 accidents
 - c. *None of these citations or accidents were due to speed

The same radar equipment used to collect statistics can be used to show people their speed as they pass; they are usually left off when collecting data so that they can collect the most accurate data. Two of these devices were placed on Beaver Street for a one week period from July 19-27, 2017. These devices report for every hour of the day on how many cars passed and what speed they were traveling up to 100mph. He acknowledged this is just statistical data and the perception if you live there and experience dangerous activity may be different. To him, however, the statistics do not show a problem:

1. West Bound Data:
 - a. Busiest times: 12:00 PM and 9:00 PM
 - b. 9,672 total cars in that week
 - i. 3.294% traveling 36-40mph
 - ii. 19% traveling 31-35mph
 - iii. 77% at or below the speed limit
2. East Bound Data:
 - a. Busiest times: 1:00 PM and 5:00 PM
 - b. 8,555 cars in that week
 - i. Speeding statistics similar to west bound data

The Public Works Director said historically, data was collected on Beaver Street in 2013 and then 97% of vehicles were traveling at 30mph or less; the highest speed recorded at that time was 50mph at 9:00 PM (he acknowledged the fact that there will always be outliers – people who do not follow the rules.) Another study was conducted in 2012 in the spring and average speed at that point was 24 mph and 85% of vehicles were traveling 29mph. The data right now does not suggest that there is a speeding issue despite the fact that there will always be outliers. He thinks many of the other comments are regarding environmental issues such as noise, which are not necessarily speed related. Beaver Street is a collector street and sometimes has heavier truck movement; these are difficult issues to address. The Police Chief added that sometimes the sound of a particular vehicle can make it seem as though the vehicle is traveling at a much faster speed. Similar data was collected in August 2016 with similar results. The Public Works Director continued that per state law, 25 mph is the lowest possible speed to post in urban areas, which 55% of vehicles are currently traveling at or below.

The Public Works Director acknowledged a difference between different seasons and months. For example, the 2013 data was collected in September and showed 11,937 vehicles east bound, as opposed to the 8,555 in July 2017. Still, the statistical driving habits are very similar and most cars travel at or below the speed limit.

The City Manager asked if there is anything KPD can do to address these noise complaints. The Police Chief replied he does believe sound meters are used any more, per City ordinance. He and the City Manager will look into this.

Councilor Filiault noted that speed complaints come in from all over Keene and all residents wish for speed humps in their neighborhood. He added that while the radar devices are usually left off to collect data, it is good to turn them on occasionally because it can often lead people to slow down when they see their speed; Councilor Hooper agreed. Councilor Filiault questioned how many of these devices the City owns. The Police Chief replied six total – two permanently mounted in identified problem areas, two mobile held by KPD, and two mobile held by the Public Works Department. They have developed a rotation pattern to help people understand the speed they are going. He said a challenge is that even if people are going the speed limit, if someone is standing on the side of the road it will seem they are going much faster. The City Engineer is

working to collect baseline data in different neighborhoods so the statistics are available when issues like this come up in the future. Councilor Filiault asked if having one actively displaying speed on Beaver Street is a possibility in the near future and The Public Works Director replied yes. The Police Chief said that all devices are always being utilized somewhere in the City, unless they are brought in to charge or for repair. The Public Works Director said the strategy is to put them out temporarily because most traffic is redundant and they lose their effectiveness when someone has driven past them multiple times.

Councilor Lamoureux addressed regulations on where stop signs can and cannot be placed. The Public Works Director said that stop and yield signs are controlled by the Manned Uniform Traffic Devices, which have a series of warrants or criteria for placing a stop sign. Critically, criteria say that stop signs are not to be used for speed control. People roll through stop signs if they are not where they are needed to control traffic, what they are intended to do. If one is placed and it is unwarranted, it is a liability, and it is proven they do little to control speed.

Ms. Roelofs said she spends a lot of time in her front yard gardening and observes the traffic. She notices the worst speeders are those going west, not east. She also consistently sees a red pick-up truck speeding. She said even if it is only 2-3% of vehicles, it is still destroying the neighborhood.

Chair Manwaring recognized Chuck Weed, 28 Damon Court. He said he has lived there since 1979. He suggested the City purchases portable speed humps, like those at the hospital. He thinks it would be a good City investment that could be used in many problem locations. He would like to see traffic calming wherever possible and this is one option. The Public Works Director said the City has looked at this possibility before but they are expensive at \$8,000-\$15,000 each; if that is something the City is interested in, it can be addressed in the budget process.

Chair Manwaring recognized Mr. Griffin who agreed with the Public Works Director that stop signs are useless to control speed. In response to the noise complaints, he suggested the City issue an ordinance that prohibits truck engine breaks within City limits because there is no real need for them at the City posted speed; many other cities have done this and it could help noise throughout the City.

Councilor Filiault encouraged using the lit radar devices on Beaver Street and the Public Works Director agreed to make that effort. Councilor Lamoureux asked if officers will continue to monitor Beaver Street. The Police Chief said it will remain on directed patrol for a few more weeks and when resources are available, it will be monitored as much as possible.

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

On a vote of 4-0, the Municipal Services, Facilities and Infrastructure Committee accepted the information from the Public Works Department and Police Chief as informational and referred the matter to staff to be handled administratively.

Chair Manwaring explained to the public that there is little the Committee can do at this time but it will be brought up in the budget process. She empathizes with their frustration.



City of Keene, N.H.
Transmittal Form

July 26, 2017

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.2.

SUBJECT: Request for Stop Sign – Darling Road/Mountain View Road Intersection – Public Works Department

RECOMMENDATION:

On a vote of 4-0, the Municipal Services, Facilities and Infrastructure Committee recommends that an ordinance be drafted to install a Yield Sign at the intersection of Mountain View Road with Darling Road.

BACKGROUND:

The City Engineer noted this request came to City Council in May 2017 and was investigated from the end of May until the first week of July using radar/traffic monitoring devices on both roads. Devices were placed away from the intersection to collect data on how traffic behaves approaching the intersection. Data showed:

1. 423 trips per day on Mountain View Road
2. 429 trips per day on Darling Road
3. Average seven trips per home per day
4. 85% of vehicles traveled at or below 19mph on Darling Road and 16mph on Mountain View Road
 - a. This suggests that vehicles likely do not come to a complete stop at the intersection, which is not always necessary

The City Engineer said a stop sign may be required where there is crash or excessive speed data; intersections where the normal rules of the road would not produce the desired driver behavior; those kinds of instances to not apply to Darling Road. Instead, the Public Works Department recommends, based on the behavior suggested by the petitioner (that people do not look to see incoming traffic in the right-of-way) and the likelihood that people do roll into that intersection, that an Ordinance be drafted for a yield sign. This does not require stopping but is an appropriate reminder that oncoming traffic has the right-of-way.

Councilor Filiault asked about documented accidents at that intersection. The City Engineer replied there have been none at the intersection itself in the last three years. The Public Works Department studied sight distances at the intersection, which was satisfactory in all directions.

Councilor Hooper asked the cost of the radar devices. The City Engineer replied \$5,000 each.

Chair Manwaring recognized John McGinnis, President of the Woodgate Views Association, which encompasses Mountain View Road planned unit development. They have their own set of bylaws, covenants, and private roads off Mountain View Road. He has lived there since 2010 and has seen no accidents at the intersection. As a 53-home community, they are more than willing to give the yield sign a place on their private property, but asked if that property is legally in the purview of the KPD in terms of ticketing and investigations.

He added that a problem is weed-infested woods near this intersection, which make it difficult to see oncoming traffic in the right-of-way. He said the City cleared of one of these areas a few years back and if would help if the City continued that effort.

The City Engineer replied the yield sign will be placed on the Mountain View Road side of Darling Road very close to the intersection, which would be in the right-of-way, avoiding that legal complication mentioned by Mr. McGinnis. He said if the Association is interested in hosting a sign, it might be beneficial to have a “Yield Ahead” sign further from the intersection. Mr. McGinnis agreed that is a good idea and suggested the Association may be willing to sponsor that sign and cover its cost; the Public Works Director said that cost is approximately \$150.

In response to a question from Councilor Lamoureux, the Public Works Director recalled that the yield sign will be in the public right-of-way so the City is not regulating on any private streets. Nothing here is illegal as that intersection is patrolled as a part of the right-of-way. If the Association is willing to host an accompanying warning sign, there is no legal issue.

Chair Manwaring recognized Councilor Terry Clark who expressed he is happy to see the City thinking outside the box and finding a way to regulate this problem.

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

On a vote of 4-0, the Municipal Services, Facilities and Infrastructure Committee recommends that an ordinance be drafted to install a Yield Sign at the intersection of Mountain View Road with Darling Road.



City of Keene, N.H.
Transmittal Form

July 26, 2017

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: D.3.

SUBJECT: 2017 Pumpkin Festival License – Public Works/Emergency Management

RECOMMENDATION:

On a vote of 3-1, the Planning, Licenses and Development Committee recommends that a license be granted to Let It Shine, Inc. to use Downtown City rights-of-way on Sunday, October 29, 2017 to hold a “Keene Pumpkin Festival Brought to you by the Children of SAU 29” subject to the following provisions:

- This license is granted based upon the event scope presented to City staff during protocol meetings held to date, changes or additions to the license may require that an amended license be issued by the City Council and no changes to this license or the associated protocol documents will be accepted after September 1, 2017.
- The Petitioner agrees to absorb all cost of any City services provided, and agrees to remit said payment within 30-days of the date of invoicing;
- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement and associated protocol documents;
- That the agreed upon footprint and layout for the event shall encumber Central Square, including the traveled portion of the road requiring the following road closures: Central Square, West Street from Federal Street to Central Square, Roxbury Street from Roxbury Plaza to Central Square, Washington Street from Vernon Street to Central Square, and Court Street from Winter Street to Central Square;
- That the Petitioner is permitted to place 10 porta-potties in City parking spaces located at the base of Washington Street from Friday, October 27, 2017 to Sunday October 29, 2017, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That the Petitioner provide a list of the individuals in charge of the various focus areas associated with running the event, including contact information and specific responsibilities;
- That the Petitioner submit to staff a list of volunteers that will assist during the event and post-event, specific responsibilities and any other information as requested by staff;
- That a mandatory meeting of all volunteers be held prior to the event date and in conjunction with City staff;
- That the actual event will be held from 1:00 PM to 7:00 PM with the times for set up and clean up to be established with City staff;
- That the Petitioner assumes responsibility for full clean-up of the footprint, returning the area to the same condition that it was in prior to the event and allowing the opening of all streets to traffic on October 29, 2017;
- That the Petitioner is responsible for a Public Address System adequate to cover the entire footprint, which shall be tested and approved by City Emergency prior to commencement of the event;

- That Public Safety personnel remain once the event has ended to ensure proper coverage for post event issues during clean-up activities;
- That the Petitioner agrees to provide a contingent of volunteers and /or personnel from their organization adequate to carry out the set-up, operation, and post event clean-up to include one person in charge of each segment of the event, whom will be equipped with communication equipment capable of contacting the overall event coordinator;
- Failure by the Petitioner to promptly close the event, the lack of adequate personnel and/or volunteers as determined by the Emergency Management Director or his representative, delays in opening the streets to traffic, or failure to complete final clean-up, or complete the event in the identified timeframe may result in additional costs that will be the responsibility of Let It Shine, Inc.;
- That the Petitioner cooperates with the decision of the City Council to endorse the intent of the City Emergency Services to review all applications for other activities requested to occur on October 29, 2017 to determine if a public safety concern exists. If a public safety concern is found to exist, said license will not be granted. This would apply to the following activities: hawkers and peddlers on private property, itinerant vendors on private property, outdoor periodic events on private property, walk-a-thons, parades, bike and foot races on public property, general uses of public property, and sidewalk obstructions and sidewalk café licenses on public property;
- That free parking be granted under the provisions of the free parking policy for City parking spaces on Washington Street needed for storage of equipment from Friday, October 27, 2017 to Sunday October 29, 2017, and spaces within the event footprint on the day of the event; and
- That the Petitioner complies with any other recommendations of City staff.

BACKGROUND:

The Public Works Director noted this license request comes from Let It Shine, Inc. for the annual Pumpkin Festival. Staff has been meeting with the applicants since the request first came to Council and has been developing protocol documents for the event. Staff feels the application is at a point to be before the Committee again to grant the license with various conditions. Meetings with Let It Shine are expected to continue in order to finalize protocols.

The proposed festival will be held on Sunday, October 29 and operate for the public between 1:00-7:00 PM; with set-up beginning at 6:00 AM and clean-up ending at approximately 9:00 PM. There is currently no plan for vendors and SAU 29 will provide the pumpkins. The only evidence of the event will be portable bathrooms, which will be pre-staged on Friday, October 27 on Washington Street.

Chair Richards welcomed Tim Zinn, 43 Grove Street, representing Let It Shine, Inc. Mr. Zinn said no entertainment is currently scheduled, though they are working on that actively; all events would be family-friendly, like music and pumpkin bowling. They are committed to the regulation of 5,000 pumpkins or less and SUA 29 has agreed to supply 3,200 pumpkins. Mr. Zinn welcomed questions.

Councilor Jones said the last time Mr. Zinn was here as a petitioner, it was asked if this event could be combined with the Fall Festival. Mayor Lane, the petitioner for Fall Festival, said that would not work as the events are not at the same time of the month or during similar hours of the day. He asked for clarification that this will not be a part of the Fall Festival. Mr. Zinn replied there were initial conversations about the feasibility of combining the events but it seemed the two events are too distinct and the idea would not work.

Councilor Sapeta noted the lengthy list of regulations from the City for the proposed event and asked Mr. Zinn how comparable those regulations are to previous years. Mr. Zinn said he is newer to this event and unsure; The Public Works Director said the regulations are less than in the past because previous festivals engaged more than 30,000 people and a much larger footprint in the City. This event will only be on Central Square and the conditions before the Committee are appropriate for the size of the event.

Chair Richards said he is concerned about calling this event Keene Pumpkin Festival; the public may not fully realize this is a children's event and not the large-scale festival that has taken place in previous years, and it could lead to similar problems encountered in the past. This is why he hoped it would be combined with the Fall Festival. He asked the City cost of closing down Central Square, etc. for this event and if those costs will be recovered. The Public Works Director replied this was prepared based on protocol developed to date and with a maximum 5,000 pumpkins, less than 8,000 attendees are expected, comparable to other regularly held events in the City. The current estimated cost is \$14,000 for Police, Fire, and Public Works. Without food vendors, for example, there are fewer costs for inspections, etc. If it appears there will be increased activity closer to the event, there could be additional cost that Let It Shine would be responsible for. Staff has also encouraged Let It Shine to carefully consider the name of the event and whether they actually want to do a count, especially since this is geared toward schools.

Councilor Sapeta asked if there has been effort to coordinate with Keene State College (KSC). Mr. Zinn replied he has reached out to them multiple times for their input and he highlighted improvements they have made, including their newer Off-Campus Conduct Policy. The hope is that having the event on a Sunday will help keep the event family-friendly as well and encourage less college and out of state traffic. There seems to be a genuine interest on the part of college students to do the right thing with this event. He thinks there was a build-up of unbecoming activity on the part of students leading up to the 2014 Pumpkin Festival. He said this year there is more accountability, and the student culture seems to be changing. Let It Shine is trying to do their part to help the community begin to feel comfortable with this idea again on a small scale.

Councilor Jones asked, because it is a daytime event, if the pumpkins will still be lit. Mr. Zinn replied yes, they will begin lighting the pumpkins at 4:00 PM and sunset should be at approximately 5:45 PM. They have compromised on how late the event should go based on children having class the next day. Councilor Jones noted a private citizen registered the name Keene Pumpkin Festival with the Attorney General after the 2014 event so others would not be able to use it; he is unsure if it is still registered because it must be done every year. Mr. Zinn said he is familiar with that and will look into it further to confirm. He said Let It Shine is proud of Keene and the Keene Pumpkin Festival, so changing the name may give into distracting behavior that occurred in 2014.

Councilor Hansel said he does not have a problem with the festivals, per se, he thinks they are a great way to highlight the community and he has met people who were introduced to Keene through these festivals. He mentioned concern about potential "festival fatigue" because there are so many that time of year; he said time may sort that out but he sees this as an experiment to determine if the City can support that many festivals in such a short period of time.

Councilor Sapeta thanked Mr. Zinn for taking the opportunity to stick with this event and trying to work out many of the issues with the City in the hopes this can be successful. It has been a highlighting event in the community for many years and he thinks it is time to try again and hopefully advance it to the next level in the future. Mr. Zinn said this event is much smaller than previous events but the message is important; tensions and emotions were high in 2014 and this is about forgiveness and moving forward. He thinks it is a good message for the children on how to work through problems, communicate, compromise, and find ways to move forward. He thanked the Superintendent and the school system for taking this brave step to see the potential here. It is about forgiveness for the college students because after 2014 many generalized stereotypes were placed on the KSC community as a whole; in reality it was a small subset of that community that acted out in 2014. There are a lot of underlying good messages we can send by giving this another try.

Chair Richards recognized Councilor Randy Filiault who agreed that there could be an issue, especially in the media, with naming this event Keene Pumpkin Festival. He said even though there was a problem with college students in 2014, there were many people contributing to the problem from out of town who saw the social media. He is concerned that could happen again. He expressed another concern that although Let It Shine has planned additional money in the budget in case of cost overrun, when issues arose in 2014, there was not

enough in the budget to cover those costs and KSC had to step in. He was on the FOP Committee at the time, and in his opinion Let It Shine still owes the City that money because it was never paid. Even though KSC paid that difference, he would like to know where that money will come from if there is another cost overrun; he hopes that will not happen but knows the potential with social media.

Councilor Jones asked if this has community event status. The Public Works Director replied this does not have community event status and the City will not be paying for any services; all costs are Let It Shine's responsibility and they have been given the estimate of \$14,000. Councilor Jones asked why that estimate is not listed in the recommended motion. The Public Works Director said it is not customary to include that figure because that could make it appear that will be their only responsibility; the motion states that Let It Shine will pay all services within 30 days of receiving an invoice, including any cost overrun.

Councilor Hansel asked how Let It Shine will raise those funds. Mr. Zinn replied they are aggressively fundraising right now and have deadlines set to do so. There will be no fee to enter the event.

The City Manager said additional information that may be helpful to the Council is available on the Pumpkin Festival website. Mr. Zinn addressed the relationship with KSC and he asked the City to help move those discussions forward in everyone's best interest to set those expectations together.

The Police Chief said that his department has been and will continue to be in contact with KSC to help secure this event and help deter possible problems. He said there is no way to control the size of a crowd, even with a smaller footprint; people cannot be turned away or charged fees on public property. Everything is a guess; it could be a small event and positive day but there are possible repercussions from social media. The Police Chief agreed that KSC has worked to implement many new policies and procedures since 2014 and he is hopeful; but issues resulting from social media cannot be controlled and are the biggest unknown.

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

On a vote of 3-1, the Planning, Licenses and Development Committee recommends that a license be granted to Let It Shine, Inc. to use Downtown City rights-of-way on Sunday, October 29, 2017 to hold a "Keene Pumpkin Festival Brought to you by the Children of SAU 29" subject to the following provisions:

- This license is granted based upon the event scope presented to City staff during protocol meetings held to date, changes or additions to the license may require that an amended license be issued by the City Council and no changes to this license or the associated protocol documents will be accepted after September 1, 2017.
- The Petitioner agrees to absorb all cost of any City services provided, and agrees to remit said payment within 30-days of the date of invoicing;
- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement and associated protocol documents;
- That the agreed upon footprint and layout for the event shall encumber Central Square, including the traveled portion of the road requiring the following road closures: Central Square, West Street from Federal Street to Central Square, Roxbury Street from Roxbury Plaza to Central Square, Washington Street from Vernon Street to Central Square, and Court Street from Winter Street to Central Square;
- That the Petitioner is permitted to place 10 porta-potties in City parking spaces located at the base of Washington Street from Friday, October 27, 2017 to Sunday October 29, 2017, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That the Petitioner provide a list of the individuals in charge of the various focus areas associated with running the event, including contact information and specific responsibilities;
- That the Petitioner submit to staff a list of volunteers that will assist during the event and post-event, specific responsibilities and any other information as requested by staff;
- That a mandatory meeting of all volunteers be held prior to the event date and in conjunction with City staff;

- That the actual event will be held from 1:00 PM to 7:00 PM with the times for set up and clean up to be established with City staff;
- That the Petitioner assumes responsibility for full clean-up of the footprint, returning the area to the same condition that it was in prior to the event and allowing the opening of all streets to traffic on October 29, 2017;
- That the Petitioner is responsible for a Public Address System adequate to cover the entire footprint, which shall be tested and approved by City Emergency prior to commencement of the event;
- That Public Safety personnel remain once the event has ended to ensure proper coverage for post event issues during clean-up activities;
- That the Petitioner agrees to provide a contingent of volunteers and /or personnel from their organization adequate to carry out the set-up, operation, and post event clean-up to include one person in charge of each segment of the event, whom will be equipped with communication equipment capable of contacting the overall event coordinator;
- Failure by the Petitioner to promptly close the event, the lack of adequate personnel and/or volunteers as determined by the Emergency Management Director or his representative, delays in opening the streets to traffic, or failure to complete final clean-up, or complete the event in the identified timeframe may result in additional costs that will be the responsibility of Let It Shine, Inc.;
- That the Petitioner cooperates with the decision of the City Council to endorse the intent of the City Emergency Services to review all applications for other activities requested to occur on October 29, 2017 to determine if a public safety concern exists. If a public safety concern is found to exist, said license will not be granted. This would apply to the following activities: hawkers and peddlers on private property, itinerant vendors on private property, outdoor periodic events on private property, walk-a-thons, parades, bike and foot races on public property, general uses of public property, and sidewalk obstructions and sidewalk café licenses on public property;
- That free parking be granted under the provisions of the free parking policy for City parking spaces on Washington Street needed for storage of equipment from Friday, October 27, 2017 to Sunday October 29, 2017, and spaces within the event footprint on the day of the event; and
- That the Petitioner complies with any other recommendations of City staff.

Chair Richards opposed. He said his son never knew Keene without a Pumpkin Festival and he is sad to have had to vote against it. He said if the name were not Keene Pumpkin Festival, he would be in support; he is too concerned about the potential social media repercussions. He said if it is really about the school and kids, he wishes the name would reflect that.

Councilor Jones said this is a big task and he thanked Mr. Zinn. He noted the sentimental value of this event. Because the City is not offering money as a community event the Committee has no say in the naming. He asked Mr. Zinn to strongly consider the name and concerns about that.



City of Keene, N.H.
Transmittal Form

July 26, 2017

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: D.4.

SUBJECT: Tools for Keene's Economic Toolbox: The Community Revitalization Tax Relief Incentive (RSA 79-E) & Economic Revitalization Zones – Planning and Assessing Departments

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses and Development Committee recommends to place the subject of RSA 79-E on more time.

On a vote of 4-0 the Planning, Licenses and Development Committee recommends that an ordinance be drafted regarding Economic Revitalization Zones.

BACKGROUND:

Chair Richards welcomed The Planning Director and Daniel Langille, City Assessor, to talk about tools the City has been looking at for economic development. He said the goal is to begin a conversations and better understand the direction the City may want to go in with these tools, specifically how to proceed with RSA 79-E, where property tax relief is provided to a property owner who substantially rehabilitates that property. In other communities, this relief can range from \$10,000-\$100,000. For the owner to receive the tax relief, the City must determine a defined public benefit such as: enhancing economic vitality, preserving and reusing existing buildings, and preserving historical structures. The statute provides guidelines for where to start and how to address these matters; it also provides opportunity for the City to have some say in how they want this to take place. At this meeting they hope to gain insight into what the City wants these opportunities to look like.

The Planning Director said the intent is to begin a discussion of larger policy questions; they are not suggesting any specific motions. The reason to suggest further consideration of this is to have better policy direction from the Council. He continued outlining the policy questions:

1. Where should RSA 79-E apply? The statue provides a lot of guidance, including a term effectively defining the purpose of the statute to preserve Downtown's/ town centers. Keene has a clear Downtown and discussions are occurring right now to better define where and what Downtown Keene is, including a Committee led by Mayor Lane. The Planning Director suggested taking a closer look at the actual definition of Downtown and the intent of the district to provide stimulus for underutilized lands, structures, and buildings; places where we do need to provide some economic stimulus in order for things to happen. Clearly this statute should apply in or near our Downtown, while avoiding interfering with currently identified Tax Increment Financing (TIF) districts, and where the trade-off is appropriate to result in public benefit and incentives for owners to do something bigger and better with their property. The Planning Director demonstrated the different areas on a map. Within the TIF district, properties that make investments contribute to development in the TIF to support new projects; such as the Railroad Square developments where the City took care of necessary infrastructure. RSA 79-E is the opposite, the increment is not taxed and the value stays with the owner for

private development. There seems to be a conflict between applying RSA 79-E where there is already TIF in place and the suggestion is to not combine those things. So far, staff has seen RSA 79-E as an economic development tool to encourage investment on private property, enhancing the economic vitality of the area; outside the TIF districts in Downtown this statute is highly applicable and there are many qualifying properties and structures there. Staff recommends that RSA 79-E is applied in the area now being considered for change of zone, business growth and redevelopment, and neighborhood business.

Chair Richards asked why the rest of Main Street to the bypass would not be considered as those old homes possibly become businesses, like on Court Street. The Planning Director said it may be a possibility in that area and this is one reason this is being brought before this Committee; if that is the wish of the Council he will work to bring that back to them. Councilor Sapeta agreed with Chair Richards as it takes effort to keep old homes up-to-date and they have a tremendous value economically and sentimentally to the community.

Councilor Sapeta asked if it is possible to have something in the regulations to keep TIF districts and RSA 79-E from conflicting; to only be able to choose one or the other. Mr. Langille replied the TIF districts are already defined and properties cannot be eliminated or added to that district; those properties are assessed according to the current market value and staff differentiates between what that increment is. RSA 79-E would be something a property owner has to apply for.

Councilor Jones said he is unsure it is a conflict but more about where the money is going; the TIF district money goes toward paying bonds at the full value of the property, whereas RSA 79-E taxes are paid at what the value of the property was for up to five years after development. He sees RSA 79-E being more attractive to developers. The Planning Director said developers would likely want both, in a TIF district, the developer does not have to pay to make their development happen and the incremental value is used to make that happen. He is suggesting both cannot be used in the same location.

Councilor Hansel asked if historic structures that qualify would have to adhere to certain criteria. Mr. Langille said eligible historic structures would have to qualify for the state or national Historic Registry, but do not actually have to be on that registry. The applicant would be asked to go through that process of review for historic value. Councilor Hansel asked if there is an estimate of how many properties on Lower Main Street would qualify. The Planning Director said he believes most would. There is another section of the ordinance aimed at redevelopment of under-utilized buildings and it is difficult right now to determine if that part of town would qualify as under-utilized; it is aimed at areas where there is a lot of disinvestment and deterioration of buildings and neighborhoods. Caution should be taken in applying this statute to large areas for that reason and because of its proximity to Downtown. There may be residential areas closer to Downtown, such as Dunbar Street, where there is both underutilization and close proximity to Downtown.

Councilor Hansel said that is a key point and as a proponent of this he thinks it is important to focus on a small area to try this; this is meant to encourage developers to take-on problematic properties and we do not want to saturate the market with those that already qualify for these incentives. Chair Richards agreed.

The City Manager said that while the Planning Director is open to suggestions, based on his opinion he is telling the Committee this is the best fit. Lower Main Street may not be the best fit and that is a conversation to have. The history of Marlboro Street was more like Downtown and calling it a part of Downtown is not a stretch, especially in promoting revitalization for areas that used to be economic drivers for the City. He agreed with Councilor Hansel to be cautious about where this applied and to perhaps not apply this to many different areas at once.

Chair Richards asked if areas near Marlboro Street that are not a part of the rezoning should be considered (behind the Post Office). The Planning Director said exact zoning lines do not have to be followed but a reason that would not be included is because there is less need and incentive there for building improvements. RSA 79-E is being recommended in the Neighborhood Business District on Marlboro Street; wherever there is a

combination of business development and mixed-use. This is not currently being proposed in residential areas but that could be a part of additional phases of implementing the statute in the future. Councilor Hansel agreed with currently limiting this application to business growth and reuse. He is cautious of making the code more confusing by layering these zones and he wants to be able to justify to developers why these things are in place where they are. Keeping it small and congruent to changes in zoning makes that explanation easier. If this results in a development boom in this area, there could be organic redevelopment in the areas that connect this to Main Street because the value of the area will increase.

Councilor Jones asked if recommendations that have come before the Council for infrastructure revitalization would be included. The Planning Director replied those included several different Capital Improvement Projects for roads and several of those do overlap with this area proposed for RSA 79-E. Councilor Jones asked if Proctor Street and Elliot Court are included and the Planning Director replied not currently because they are in the Residential Preservation area.

The City Manager said the Marlboro Street project, as presently conceived, includes a lot of infrastructure work (pipes, drainage, sewer, water, sidewalks, etc.) but it is unknown how much of the Marlboro Street/Complete Streets plan can be implemented; ideally the goal is to accomplish as much of that plan as possible, which would provide for both infrastructure and aesthetic improvements. Baker Street is also in line for improvement this year. He thinks it makes sense to talk about the extension of RSA 79-E up to the roundabout and he thinks areas that connect Water Street to Marlboro Street should also be considered; we need to look at potential development patterns in conjunction with work already set to take place.

Councilor Sapeta asked if the cleanliness of just having this in one district is a more philosophical than practical solution, because the Marlboro corridor will be developed over the next decade. Having this tool only apply to something that will not benefit the City in the short-term may not be the best solution and perhaps the area should be wider in the beginning to see the response. He asked if a TIF district would be more appropriate for the Marlboro Street area. The Planning Director said in his experience, the TIF district has been used for new infrastructure, not the replacement of existing infrastructure. In order to make a development viable and more significant than what is there today is the appropriate use of a TIF district; for example, the corporate park in West Keene where there were no sewers or water in place. Where there is infrastructure already relatively complete and may need upgrading is a better place for RSA 79-E, especially when considering the need for redevelopment of the land. Chair Richards agreed and noted plans are expected in summer 2018 for Marlboro Street with construction the following year.

The City Manager said it is much harder to broaden this approach at first and then rein it in later. Once this is laid out it will be harder to take it away than to expand it. Also, he has found just changing the zoning district alone does not work. Just doing the infrastructure alone helps, but does not work entirely on its own either. This is why the City has been careful when doing infrastructure work to recognize the development potential. He thinks this a good combination of things that could result in some positive outcomes to best determine if and where this could work in other parts of the City.

Councilor Jones said that if TIF were used in that district, the school and county would have to sign-off saying they will not take money from that district anymore until the infrastructure is paid for. They are already providing services and getting money, so it would be hard to get them to sign-off on.

2. What are the criteria? This becomes critical because of the process; the body that grants this tax relief status once an eligible property has made an application is the City Council. According to the statute, “upon receiving the application the governing body [City Council] shall hold a duly noticed public hearing to take place no later than 60 days from receipt of the application to determine whether the structure at issue is a qualifying structure, whether the proposed rehabilitation qualifies as a substantial rehabilitation, and whether there is a public benefit to granting the request for tax relief, and if so, for what duration.” Determining if an application is qualifying and eligible can probably be done by staff, whereas the Council will likely want defined criteria for the other things

listed, which are fairly general: enhance the economic vitality of Downtown, enhance and improve a structure that is culturally or historically important, preserve or reuse an existing building, etc. The Council will want to be able to clearly say yes or no in some cases depending on defined criteria. The Planning Director shared with the Committee criteria the town of Durham added to their RSA 79-E, which bring in other aspects they see as public benefit. Keene can structure criteria based on what the City sees as a public benefit. Staff recommends more time to develop criteria and bring them before City Council for discussion.

Chair Richards said the Keene Master Plan and community goals should be used for this and Councilor Hansel agreed. Chair Richards asked the level of complexity in applying for RSA 79-E benefits. The Planning Director said it is different in every town. The state provides template forms for determining eligibility criteria – particularly a qualifying or historic structure. Mr. Langille said he has reviewed other applications from Concord, Manchester, and Durham and most ask: planned use of the building, cost layout for improvements, and the public benefit based on criteria. Additionally, once this is in place, an applicant can appeal decisions made by Council if they feel they do meet these criteria. Council should ensure what they want in the ordinance is there from the beginning.

Chair Richards asked which City department will receive these applications before they come to Council. The Planning Director replied that has yet to be determined. However, an application like this would likely be subject to some kind of City plan review as well.

Councilor Sapeta asked if the spirit of this legislation is to use the public dollars to benefit the public. The Planning Director said in effect the collection of taxes that would go to other City priorities will be deferred in favor of the private development, which raises the value of an existing building. It benefits the owner and gives them incentive to do something with their building, which in general, has a public benefit. Councilor Sapeta said his philosophical concern with just applying RSA 79-E to this one district is benefitting property owners in a narrow sense, while there are many other properties in town that could use those benefits as well. He is concerned about narrowing the area as it seems to him that the City is favoring specific potential developers versus the public. Chair Richards replied that we know this zone on Marlboro Street needs to be developed and needs money coming to it. This tool places incentives to develop in that area; he is not opposing the idea of a wider area but thinks this has great potential in this area as a start. NH does not have tax incentives for certain development as many other states do; this is a way for the state to promote redevelopment. Councilor Sapeta said he is not arguing we should not focus on this area, but that it will be a long time before it happens there, while there are perhaps other properties in the City that could benefit from this right away. Chair Richards said if implemented in this district people around it will see the benefits and have greater incentive to work on their properties; implementing this everywhere would result in a significant loss of tax dollars.

Councilor Hansel said he understands Councilor Sapeta's point and one reason he is comfortable with this area is because of his experience on the Council and knowing that there is general Council consensus on the desire to revitalize that area. This has been a concept brewing for years to almost unanimous support. He thinks this is an important and good test of some of these economic development tools. Councilor Jones agreed this has been a Council concern for many years.

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends to place the subject of RSA 79-E on more time.

The Planning Director continued explaining Economic Revitalization Zones (ERZ). ERZ is a state statute with a similar intent to provide incentive for underutilized or vacant commercial and business buildings; this will not have any residential focus, it is specifically for businesses with employees. It is a NH Business Tax Relief program; businesses apply for this if they are in a designated ERZ, though a state agency. The City would designate these areas and businesses within those areas could apply for tax relief. The Planning Director

demonstrated the current ERZ eligible corporate parks in the City on a map. ERZ's in other communities are generally applied to all corporate, industrial, or business oriented zoning districts. Keene has many districts that apply: Office, Central Business, Central Business Limited, Commerce, Commerce Limited, Corporate Park, Industrial, and Industrial Park. He sees no reason why all of these districts cannot be labeled as ERZ's; nothing in the statute says we cannot. Although the statute does state that they must be contiguous, it does not say there cannot be more than one. He will confirm these possibilities with the City Attorney. There is staff consensus that this is a straight forward application to the state for designation and that the City is likely ready to bring back an ordinance for consideration if that is the desire of this Committee. Once approved, the districts would have to be reestablished every five years through a letter issued for extension of the districts.

Chair Richards asked if this will effect what the City receives in tax dollars. The Planning Director replied there would be no effect.

Councilor Jones said state-wide these only result in \$825,000/year, which is not a lot of money. The Planning Director replied he is not a judge of that but the more employees hired, the higher the benefit will be and he is sure it is a competitive process at the state agency level.

Councilor Hansel said this has also been a very successfully utilized state program and there are frequent discussions about raising the amount of money put in that fund. He sees no downside to this because the City does not have to administer it, it is just a benefit that companies looking at Keene might be able to utilize; beyond that it is something the City can highlight. The Planning Director said he and his staff can work on drafting an ordinance to bring back for Committee review.

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

On a vote of 4-0 the Planning, Licenses and Development Committee recommends that an ordinance be drafted regarding Economic Revitalization Zones.



City of Keene, N.H.
Transmittal Form

July 27, 2017

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.5.

SUBJECT: Acceptance of Donations to Library Renovation Project - Parks, Recreation and Facilities Department

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City accept donations of \$513,832.96 listed in the April, May and June statements of the Cambridge Trust Bank to be deposited into the Library Renovation Temporarily Restricted City Trust as part of the Next Chapter Campaign Drive.

BACKGROUND:

Co-Chair, Next Chapter Library Capital Campaign Judy Putnam and Jane Pitts member of the Campaign Cabinet were the first two speakers. Ms. Putnam stated she is before the City requesting acceptance of a donation in the amount \$513,832.96 for the library renovation project. Ms. Putnam stated this campaign started in December 2015, when the Friends of the Library provided funding for the administration of the campaign and Patty Farmer campaign manager was hired. Ms. Farmer completed her contract and now Julie Dickson has been hired as a part-time Gifts Administrator. The Friends also funded the marketing arm of the campaign. 15 community members served as the campaign committee. Ms. Putnam stated soliciting money for such a project is difficult but these individuals worked hard on this project because they believed in it. To date, 94% or 4.7 million dollars of the 5-million-dollar goal has been raised. This project has a lot of support in the community, bringing in nearly 400 donors. Ms. Putnam also extended her appreciation to the partners; the City, the Library Trustees and the Friends.

Jane Pitts addressed the committee next. Ms. Pitts thanked all the partners of this project and as the project gets closer to completion she is realizing some of the reasons she got involved in the project in the first place; a community space that will be enhanced to allow for free and universal access to technology for everyone in the community is important. She also extended her appreciation to the city for its dedication to this project. She also thanked the Trustees, the Friends, Monadnock Economic Development Corporation and Patty Farmer.

Mr. Ken Jue of 23 Ridgewood Avenue Keene stated his background is in mental health. The Center for Disease Control has for years said that a connected community is a healthier community and he felt this project is a prime example of how our community works together. He thanked the City Manager and City Attorney for their support.

Chair Greenwald stated this group has been doing an amazing job with their fundraising efforts.

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 accept donations of \$513,832.96 listed in the April, May and June statements of the Cambridge Trust Bank to be deposited into the Library Renovation Temporarily Restricted City Trust as part of the Next Chapter Campaign Drive.



City of Keene, N.H.
Transmittal Form

July 26, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.6.

SUBJECT: Cheshire TV - Expenses Associated with Interim Relocation - 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 negotiate and execute a temporary lease agreement with Cheshire TV for the studio relocation during Library Restoration project for an amount of \$1,000.00 per month.

BACKGROUND:

Parks, Recreation and Facilities Director Andrew Bohannon stated the Library Annex building is being renovated and Cheshire TV, which occupies that space, is looking to move. The Trustees and Friends have agreed to Cheshire TV temporarily moving into the Kay Fox Room. Staff has looked at Cheshire TV's average electric bill (six-month period) averages out to be \$251.21. The monthly rent they pay for the annex space is \$1,458.60. Based on the reduced space they are going to have at the Kay Fox Room and to support Cheshire TV, staff has determined a new rental rate of \$1,000 is appropriate.

The City Manager stated it was always been the understanding the renovation and relocation will not be at the cost of the taxpayer and that another mechanism he looked at, was preferably a reduction in rent. Staff also looked at whether the cable franchise fee could be utilized. However, the reduction in rent is what seemed to make the most sense. City Clerk, staff and Cheshire TV have been talking about the issue of raising the franchise fee, which is a discussion which will happen in the future. An upgrade of the digital cameras in Council Chambers will be a CIP project. The Manager noted the current analog camera system is likely to no longer be supported under the City's agreement with Granicus.

Councilor Jacobs asked whether the renovations required to Kay Fox Room has also been calculated. The City Manager agreed and added the reduction in rent the City is offering is not likely to cover those expenses Cheshire TV will be incurring.

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

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 temporary lease agreement with Cheshire TV for the studio relocation during Library Restoration project for an amount of \$1,000.00 per month.



City of Keene, N.H.
Transmittal Form

July 27, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.7.

SUBJECT: NH Department of Justice 2017 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 a grant of \$80,000 from the New Hampshire Department of Justice to assist in the costs associated with the City's participation in the New Hampshire Drug Task Force.

BACKGROUND:

Police Captain, Todd Lawrence stated he was before the Committee regarding a grant from the NH Drug Task Force. Captain Lawrence stated this grant is to cover the costs associated when the assigned officer works for the patrol division. The grant is a two-year grant meant to cover \$40,000 per year.

Chair Greenwald stated he has been approached by a member of the public regarding a neighborhood watch and asked whether Captain Lawrence could see if there was any funding available.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a grant of \$80,000 from the New Hampshire Department of Justice to assist in the costs associated with the City's participation in the New Hampshire Drug Task Force.



City of Keene, N.H.
Transmittal Form

July 27, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.8.

SUBJECT: Tax Deed Waiver Request for 2013 & 2014 - Finance Department

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to waive tax deeding for the list of properties identified in the memorandum from the Tax Collector until October 13, 2017.

BACKGROUND:

Revenue Collector Mary Alther stated the request from staff is that the Committee authorize the City Manager to waive the tax deed for the properties outlined in her memorandum until October 13, 2017. Ms. Alther explained once a lien is placed on a property, the property owner has two years and a day before it is deeded to the City. Staff works with property owners so these properties don't have to be taken and this request is to extend the time for those discussions to occur.

Chair Greenwald stated he has concern about some of the properties on this list as there are commercial properties and multi-families that seem to be using and abusing the system. The Chairman clarified there is interest charged on these properties. Ms. Alther answered in the affirmative.

Councilor Jacobs stated ultimately the goal is for the City not to own these properties. Ms. Alther agreed and added five properties have already come off the list.

Mr. Kopczynski stated the City needs to to do their due diligence which includes title searches and searching down people who might have an interest in these properties, as well as looking for hazardous waste located on the property etc. Should the City take any of these properties, the City wants to be able to act on them.

Councilor Clark felt the list seems longer this year. Ms. Alther stated there are about five or six more on this list compared to last year.

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 waive tax deeding for the list of properties identified in the memorandum from the Tax Collector until October 13, 2017.



City of Keene, N.H.
Transmittal Form

July 27, 2017

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.9.

SUBJECT: Greater Goose Pond Forest Stewardship Plan Consultant Selection - Planning Department

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager do all things necessary to negotiate and execute a professional services contract with Moosewood Ecological, LLC for professional services for the Greater Goose Pond Forest Stewardship Plan in an amount not to exceed \$30,000. In the event that a satisfactory contract and fee cannot be agreed upon, the City Manager is authorized to negotiate with the next highest ranked firms in turn.

BACKGROUND:

Planner, Tara Kessler was the next person to address the Committee. Ms. Kessler stated in April of this year the City Council authorized the Conservation Commission to use up to \$30,000 of the Land Use Change Tax Fund for the preparation of the Goose Pond Forest Stewardship Plan. Ms. Kessler explained in 2009, a Conservation Easement was placed on this property's 1,044 acres. A requirement of this easement was the development of a Land Management Plan. Any land management activity that takes place on this land would need to be identified in this Plan. The Conservation Commission has been working on a scope of work to look at timber harvest, forest health, and management of recreation activity.

In June of this year, the City issued an RFQ and received two submissions. The Committee which reviewed the submissions ranked Moosewood Ecological, LLC as the top ranking firm. Staff is now looking to negotiate with this firm and enter into a contract price.

Councilor Clark asked how much is left in the Land Use Change Tax Fund. Ms. Kessler stated as of a few weeks ago it was \$97,504 there is another \$25,000 due to come into the fund for this fiscal year.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager do all things necessary to negotiate and execute a professional services contract with Moosewood Ecological, LLC for professional services for the Greater Goose Pond Forest Stewardship Plan in an amount not to exceed \$30,000. In the event that a satisfactory contract and fee cannot be agreed upon, the City Manager is authorized to negotiate with the next highest ranked firms in turn.



City of Keene, N.H.
Transmittal Form

July 27, 2017

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.10.

SUBJECT: Contract Change Order - Bridge Design - Public Works 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 change order with CHA, Inc. for an amount not to exceed \$11,000 for the Engineering Study phase of the bridge design project.

BACKGROUND:

City Engineer Don Lussier stated this item is a request for a change order for a professional services contract for work connected with the Winchester Street/Route 10 bridge over Ash Swamp Brook. This is one of the 14 red listed bridges in the City and it is in the State program for bridge replacement. The project is currently in the engineering study phase.

As part of their Engineering Study scope of work, Clough Harbour and Associates (CHA) had to submit a Request for Project Review to the New Hampshire Division of Historical Resources (NHDHR). The NHDHR responded to the submission with a request to complete a historical inventory of the bridge. This work was not anticipated and is outside the scope of CHA's current contract, and is required to be completed before NHDOT will authorize the City to proceed with the next phase of design. Therefore a contract change order is required.

Mr. Lussier reminded the Committee because this is a State project, the funding would be an 80/20 split.

The change order will exceed the 10% of the contract value, so it will exceed the City Manager's authority. Chair Greenwald clarified \$11,000 is being approved but only \$2,200 is expected to be spent. Mr. Lussier answered in the affirmative. Councilor Jacobs asked whether this amount is within what the project was anticipated would cost. Mr. Lussier agreed.

Chair Greenwald asked when the project will start. Mr. Lussier stated because the Route 12 bridge got delayed by a construction cycle, the City needs to work out with DOT how these two projects phases would interact in terms of traffic impact. It was anticipated to be summer of 2018, but this has not been finalized yet.

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

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 change order with CHA, Inc. for an amount not to exceed \$11,000 for the Engineering Study phase of the bridge design project.



City of Keene, N.H.
Transmittal Form

July 27, 2017

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.11.

SUBJECT: Wells Street Parking Structure - Contract Change Order - Public Works 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 change order with Desmond Associates Inc. for the construction administration for the Wells Street parking structure repair project in an amount not to exceed \$16,519.

BACKGROUND:

Mr. Lussier stated this change order is to amend a professional services contract with Desmond Associates. Desmond Associates was the firm the City hired to design and oversee the construction on the Wells Street parking deck in fall of 2015. One of the items addressed was installing a new membrane and a wearing surface on the bridge deck. Shortly after construction was completed, some deterioration on the liner system was noticed. For the past year staff has been negotiating with the contractor, engineer and manufacturer as to what the repair should be. The contractor has started doing this repair under the City's warranty and there won't be any cost to the City for this work. However, the warranty does not cover an engineer to be on site while this work is being done.

The contract change order would cover this engineering work. Mr. Lussier stated at the time this memorandum was drafted, staff did not have a fee negotiated with the engineer. The amount in the memo is what is left in this capital account and staff does not expect the actual cost will be \$16,000. Chair Greenwald asked whether the cost would be known by next week in time for the Council meeting. Mr. Lussier stated it would be available by that time.

Councilor Clark asked whether this was the same membrane that had issues a few years ago at the City Hall parking deck. Mr. Blomquist stated this had a different membrane system which had failed because of age. This was replaced with just a sealer which is applied every few years. The Wells Street deck membrane had an installation issue which is under warranty. The issue was discovered in spring 2016 for which the contractor has taken responsibility.

Councilor Powers asked about the portion not being covered under the warranty. Attorney Mullins stated his understanding is what the City is doing this time is to hire an engineer to make sure the work is being done properly, if that's the case that money won't come out of the contractor. Mr. Blomquist stated the City does not have the expertise to pay for this type of supervision.

Councilor Jacobs noted Desmond Associates was overseeing a project that was done wrong but now the city

is paying them to oversee the project to be done right. Mr. Blomquist stated the issue is not in the entire system but in certain areas – inspection is done only for 32 hours (4 days a week) and it could have been during times when they were not there. There is now an additional five year warranty on this work.

Mr. Kopczynski clarified neither one of these decks has a roof. Mr. Lussier answered in the affirmative. The Manager asked if the decks had roofs whether these issues would exist. Mr. Lussier stated if the decks had roofs they wouldn't need a water proofing membrane.

Councilor 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 change order with Desmond Associates Inc. for the construction administration for the Wells Street parking structure repair project in an amount not to exceed \$16,519.



City of Keene, N.H.
Transmittal Form

July 26, 2017

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: G.1.

SUBJECT: James Griffin – Speeding Concerns – Key Road

RECOMMENDATION:

On a vote of 4-0, the Municipal Services, Facilities and Infrastructure Committee recommends more time to allow staff to investigate and prepare a recommendation for the Key Road speeding request.

BACKGROUND:

Chair Manwaring recognized James Griffin, 195 Key Road. Mr. Griffin explained he has lived at this location for a year and a half and has seen a continuous speeding problem, drag racing, etc. Along with the residents, business owners have expressed serious concern and upset. Most of Key Road is not residential, with the exception of residences at the dead end. The residents are mostly elderly and disabled, there are no sidewalks, it is poorly lit, and there are some dangerous blind curves. Last week there was so much smoke from vehicles doing donuts that he could not see across the street. He has also seen drug deals occurring. Neighbors that have lived there for many years say it has always been a problem; the police do their best but cannot be there all night. The neighbors feel that speed humps along Key Road could help deter this problem and he requests that the City consider this possibility.

The Police Chief said preliminary statistics in the week since this request came forward, show no calls for service and no complaints, but that does not mean it is not happening. In the last year there has been one ticket and one DWI issued on this road. He would like to place radar devices there to obtain accurate speed and vehicle counts, along with directed patrol for several weeks at specific times. He requested more time to obtain accurate statistics needed to further address possible solutions.

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

On a vote of 4-0, the Municipal Services, Facilities and Infrastructure Committee recommends more time to allow staff to investigate and prepare a recommendation for the Key Road speeding request.

Mr. Griffin added that it may be helpful if the Public Works Department were to place more “No Outlet” signs along the road because he sees many cars turn around daily that think Key Road connects to Route 9; the only one there now is not visible.



City of Keene, N.H.
Transmittal Form

July 27, 2017

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: G.2.

SUBJECT: New Market Tax Credits and a Library Update - Parks, Recreation and Facilities Department & Library Renovation Construction Contract - Parks, Recreation and Facilities Department

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends placing the update on the new market tax credits and the library renovation construction contract on more time.

BACKGROUND:

Chair Greenwald asked that these items be put on more time because of additional details that need to be worked out.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends placing the update on the new market tax credits and the library renovation construction contract on more time.



City of Keene, N.H.
Transmittal Form

July 27, 2017

TO: Mayor and Keene City Council

FROM: Steve Thornton, Finance Director

THROUGH: Medard Kopczynski, City Manager

ITEM: J.1.

SUBJECT: Relating to Fiscal Policies

RECOMMENDATION:

That Resolution R-2017-26, relating to fiscal policies, be introduced and read at the August 3, 2017, meeting of the City Council and be referred to the Finance, Organization, and Personnel Committee (FOP) for consideration, discussion, and a recommendation back to City Council.

ATTACHMENTS:

Description

Resolution R-2017-26

Resolution R-2017-26 Redlined

BACKGROUND:

One of the most elemental functions of municipal fiscal management is to establish policies to guide an organization through both good and difficult times.

The City of Keene, like many municipalities, faces many fiscal challenges. Two of these are 1) the difficulty of balancing local budget realities with decreased revenues, increased service demands and the costs of unfunded state and federal mandates, and, 2) the cost of infrastructure and associated costs. Fiscal policies establish standards for fiscal management and decision making, and guidelines for monitoring and assessing fiscal condition while addressing those challenges.

Additionally, bond rating agencies give a higher score to communities with clearly established policies, because these agencies recognize the value measurable and enforceable policies lend to reduced investment risk.

R-2016-25, Relating to Fiscal Policies, was adopted by the City Council on August 4, 2016. Resolution R-2017-26, advances several staff proposals for amendments to the fiscal policies.

The proposed amendments, for the most part, seek to promote long term asset and financial planning to provide for the orderly and financially sustainable maintenance, preservation, and replacement of City equipment, facilities and infrastructure.

The Fiscal Policy Workshop is scheduled for August 1, 2017, at 6:30 p.m. in the Council Chambers.



CITY OF KEENE

R-2017-26

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

A RESOLUTION **Relating to FISCAL POLICIES**

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

WHEREAS: the National Advisory Council on State and Local Budgeting (NACSLB) has developed a comprehensive set of recommended practices on budgeting; and

WHEREAS: one key component of those recommended practices calls for the adoption of fiscal policies by the local legislative body to help frame resource allocation decisions; and

WHEREAS: the Government Finance Officers' Association (GFOA) has endorsed the recommended practice developed by the NACSLB; and

WHEREAS: it is the intent of the City Council, by this resolution, to articulate this financial blueprint as clearly and completely as possible.

NOW, THEREFORE, BE IT RESOLVED that the fiscal policy should be reviewed and adopted by the City Council on an annual basis in the month of July, and

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Keene that its fiscal policies are as follows:

PART 1 – Budgetary Policies

I. Budget

- A. The City shall annually adopt and appropriate budgets for the following funds
 - 1) General Fund
 - 2) Parking Fund
 - 3) PC Replacement Fund
 - 4) Solid Waste Fund
 - 5) Sewer Fund
 - 6) Water Fund
 - 7) Equipment Fund
- B. All appropriated budgets shall be balanced.
- C. All appropriations for annual operating budgets (exclusive of capital projects) shall lapse at fiscal year-end unless encumbered by a City of Keene purchase order that is recorded in the financial system on or before June 30th of any year, or as authorized by the City Manager in writing, on a case-by-case basis. Those encumbrances shall be reported to the City Council in an informational memorandum by the first week of September each year.
- D. The budget document shall provide multi-year projections of revenues and expenditures/expenses including property taxes and utility (water and sewer) rates.
- E. The budget will take into consideration the City's Policies on unassigned Fund Balance at the end of June,
- F. The City of Keene will contain its General Fund debt service and current

revenue capital outlay appropriations, on a five (5) year average, at or less than fifteen percent (15%) of the General Fund operating budget.

G. Upon completion of any project, any residual funds shall be returned to the fund that provided the original appropriation.

H. Property Taxes.

- 1) The City shall limit its property tax revenue increases to a rolling three (3) year average of the Boston CPI, (as of June 30th) net of expenditures required by law, and debt service payments. The City chooses to utilize the CPI, not because it reflects inflation in the City's costs, but because it reflects the overall inflation in what citizens purchase. This manages City spending such that increases in a citizen's tax bill are in line with increases in all of their other expenses. The goal is to have the cost of City services as a percentage of a taxpayer's total expenses remain constant.
- 2) Property Tax Credits and Exemptions. All exemptions and credits will be reviewed with the City Council every three (3) years unless there are legislative changes that cause a review to occur on a more frequent basis.
- 3) The State has chosen to solve its revenue problem by downshifting expenses to the local communities and tapping into the broad based property tax at the local level. Downshifting is an effective strategy for the State; however, it is unsustainable at the local level and would quickly lead to a significant reduction in City services. The City is sensitive to these added expenses to the taxpayers and will attempt to limit the impact; however, as a State expense, the City will pass through the State downshifting to the taxpayers.

II. Capital Improvement Program

- A. The City of Keene shall prepare a capital improvement program (CIP) with a span of six (6) years.
- B. The CIP shall be updated annually. All capital projects or equipment purchases that have an estimated cost of at least \$20,000 and an estimated useful life of at least five years will be included in the capital improvement program (CIP) planning process. These projects may include capital asset preservation projects (designed to preserve the functionality and condition of major infrastructure systems and City facilities) with an estimated cost of at least \$20,000 and which increase the useful life of the asset by at least five years.
- C. The CIP shall contain revenue projections and rate impacts that support estimated operating costs as well as the proposed capital program. Expenditures included in each year of the CIP (operations, debt service and capital) will be equal to estimated revenue available to finance proposed activity in each year of the CIP. Cost and revenue estimates in projected years will be presented for planning purposes, and are based upon the then current best available information.
- D. Each project funding-request shall originate from a City department and shall include the following information (as applicable):
 - 1) A description of the project.
 - 2) A cost estimate and funding profile.
 - 3) A project time line.

- 4) An estimate of the operating budget impact.
 - 5) A reference to alignment with City Council Goals.
 - 6) A reference to alignment with the Comprehensive Master Plan (Focus Area).
- E. CIP Funding Methodology
- 1) Whenever possible, CIP projects will be funded with available resources, examples of which are current revenues, grants, donations, and reserves, but not debt.
 - 2) Appropriate uses of debt include project such as:
 - a) One time nonrecurring investments (ex. the construction of a new asset, or the expansion or adaptation of an existing asset to provide added service delivery capacity or to meet changing community needs.
 - b) Projects necessary due to regulatory requirements (ex. water treatment plant expansion due to EPA permit changes) when resources other than debt are not available.
- F. c) Projects necessary due to asset or system operational failure or obsolescence when resources other than debt are not available. The CIP shall be reviewed by the Finance, Organization and Personnel Committee and the Planning Board.
- G. The CIP will be the subject of a public hearing before adoption.
- H. The funding requests in the first year of the adopted CIP will be included in the next annual budget document.
- I. Upon project completion, any residual funds shall be returned to the fund that provided the original appropriation unless otherwise directed by the City Council.

PART 2 - Financial Policies

- I. Fund Structure
- A. All funds are intended to be self-supporting, with no subsidies from one fund to another required for operations or capital outlay.
 - B. The City will continue to conduct its financial activities through the use of the following funds:
 - 1) Governmental Funds
 - a) General Fund – shall be used to account for those governmental activities that are not recorded in one of the other City Funds.
 - b) Special Revenue Funds:
 - i. Grants Fund – shall be used for those activities that are funded in part or in whole by contributions from other entities.
 - ii. Parking Fund – shall be used to account for the operations, maintenance and capital outlay needs of the municipal parking areas.
 - iii. PC Replacement Fund – shall be used to account for the on-going replacement of PC's, certain peripherals, and desk top software utilized by all City departments.
 - iv. Solid Waste Fund – shall be used to account for the activities of the transfer and recycling operations and for post-closure costs associated with the landfill.

- c) Capital Projects Fund – shall be used to account for the capital projects funded by any of the governmental funds.
- 2) Proprietary Funds
 - a) Enterprise Funds
 - i. Sewer Fund – shall be used to account for the operations, maintenance, and capital outlay needs of the sewer collection and treatment systems.
 - ii. Water Fund – shall be used to account for the operations, maintenance, and capital outlay needs of the water treatment and distribution systems.
- 3) Internal Service Funds
 - a) Equipment Fund – shall be used to account for the operations, maintenance, and capital outlay needs of fleet services.

II. Revenues

- A. One-time revenues. One-time revenues will only be applied toward one-time expenditures; they will not be used to finance on-going programs or services. On-going revenues should be equal to, or greater than, on-going expenditures.
- B. Diversity. The City will diversify its revenues by maximizing the use of non-property tax revenues such as payments in lieu of taxes and user fees and charges.
- C. Designation of Revenues.
 - 1) Each year, the City shall designate and set aside \$25,000 for conservation purposes, funded through the allocation of the Land Use Change Tax (LUCT). If the prior years' LUCT revenues are less than \$25,000, the General Fund will provide the difference from general revenues to ensure an annual contribution of \$25,000. Additionally, in the years when the LUCT revenues exceed \$25,000, fifty percent (50%) of the amount over \$25,000 will be designated for conservation purposes, with the total annual designation not to exceed \$100,000. Expenditure of funds to be made upon approval of the City Council. Balance of said sum not to exceed \$500,000.
 - 2) Direct reimbursements from other entities shall be used to offset the appropriate City expense.
 - 3) Except for the provisions stated above, or as provided otherwise by Federal, State law, or by local Code of Ordinances, no unanticipated revenues shall be designated for a specific purpose(s) unless directed by the City Council.

III. Fees and Charges

- A. Certain services provided by the City of Keene will be assigned a fee or charge for the users of the service, dependent upon how the community benefits from the provision of those services.
 - 1) In the event that the benefit is community-wide there will be no user fee or charge assessed.
 - 2) In the event that the service benefits a finite and definable sector of the community then that group will be assessed a fee or charge for provision of the service.
- B. Cost Recovery

- 1) Cost recovery goals should be based on the total cost of delivering the service, including direct costs, departmental administration costs, and organization-wide support costs (e.g. accounting, human resources, data processing, insurance, vehicle maintenance).
- 2) Fees and Charges will be set at something less than full cost recovery when:
 - a) A high level of cost recovery will negatively impact the delivery of service to low-income groups.
 - b) Collecting the fees and charges is not cost effective.
 - c) There is no intended relationship between the amount paid and the benefit received (e.g. social service programs).
 - d) There is no intent to limit the use of the service (e.g. access to parks and playgrounds).
 - e) Collecting the fees would discourage compliance with regulatory requirements and adherence to said requirements is self-identified, and as such, failure to comply would not be readily detected by the City of Keene.
- 3) Fees and Charges will be set at, or above, full cost recovery when:
 - a) The service is also provided, or could be provided, by the private sector.
 - b) The use of the service is discouraged (e.g. fire or police responses to false alarms).
 - c) The service is regulatory in nature and voluntary compliance is not expected (e.g. building permits, plans review, subdivisions).
- 4) Ambulance:
 - a) Service fees shall be set at two hundred fifty percent (250%) above the Medicare-determined usual and customary charge.
 - b) A fee will be implemented for those instances when responses that involve the use of drugs or specialized services are provided but there is no transport.
 - c) There will be no charge for responses determined by the Fire Department to be "public assists."
- C. The method of assessing and collecting fees should be made as simple as possible in order to reduce the administrative and support costs of collection.
- D. The City will periodically utilize the services of a collection agency when all other reasonable efforts to collect fees and fines have been exhausted; fees for such services to be paid from amounts collected.
- E. Rate structures should be sensitive to the market price for comparable services in the private sector or other public sector entities.
- F. All fees and charges shall be adopted by the City Council.
- G. Fees and charges shall be reviewed in accordance with a schedule developed by the City Manager that has each fee reviewed biannually. Recommended changes will be reviewed and approved by the City Council.

IV. Debt

- A. The City of Keene will periodically incur debt to finance capital projects. All issuances of debt are subject to State of New Hampshire Statutes, RSA 34 and 162-K.
- B. Debt may be issued to fund projects with a public purpose of a lasting nature or as otherwise allowed by State law.

- C. Debt will not be issued to provide for the payment of expenses for current maintenance and operation except as otherwise provided by law.
- D. The City of Keene shall not incur debt that exceeds any limits set by State law.
- E. All bonds shall be authorized by resolution of the City Council and require a two-thirds (2/3) vote.
- F. The City of Keene may use the services of a financial advisor to assist in preparing for, and executing, any sale of bonds. Said services shall be obtained as the result of a Request for Proposals (RFP) process, which shall be conducted at a minimum of every five (5) years.
- G. The City of Keene shall acquire the required services of bond counsel as the result of a Request for Proposals (RFP) process, which shall be conducted at a minimum of every five (5) years.
- H. Form. The City of Keene issues three types of bonds:
 - 1) General Obligation Bonds – repayment is backed by the full taxing power of the City of Keene.
 - 2) Tax Increment Financing Bonds – repayment is first backed by the revenue stream generated by increased revenues created within an established Tax Increment Financing District. To the extent that the increased revenues created within the district are not adequate, the repayment of the bonds would then be backed by the full taxing power of the City of Keene.
 - 3) Refunding Bonds – these bonds are issued to refinance outstanding bonds before their term in order to either remove restrictions on the original bonds and/or to take advantage of lower interest rates. Repayment is backed by the full taxing power of the City of Keene.
- I. Competitive sale is the preferred method of sale; however, negotiated sales may occur for a current or advance refunding, or for other appropriate reasons.
- J. Term.
 - 1) Debt will be incurred only for projects with a useful life of at least five (5) years.
 - 2) The term of any debt incurred by the City shall be limited to no greater than the expected useful life of the improvement.
- K. The use of short-term financing, lease, or lease-purchase agreements shall be kept to a minimum.
- L. Other funding sources – to the extent they are available, the City of Keene will actively pursue:
 - 1) Grants that reduce the City's initial investment in project/improvement.
 - 2) Grants that contribute to the on-going debt service for city project(s).
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V. Capital Assets

- A. Capitalization of equipment, buildings, land and improvements other than buildings (if one or more of the following criteria are met):
 - 1) Cost (if known) or fair market value is greater than or equal to \$5,000 and useful life is greater than one (1) year for new or replacement items.

- 2) In the case of modifications and upgrades, cost is greater than or equal to \$5,000 for equipment, and \$10,000 for buildings and other improvements and the changes accomplish one or more of the following:
 - a) Prolongs the useful life of the asset
 - b) Adapts the asset to a new or different use
 - c) Substantially increases the value of the asset
 - d) Does not substantially replace a current asset
 - 3) All land acquisitions will be capitalized at cost (if known) or fair market value.
 - 4) The total cost of placing an asset into service condition will be capitalized.
- B. Capitalization of infrastructure
- 1) Cost greater than or equal to \$10,000, and useful life greater than five (5) years.
 - 2) The depreciation approach will be utilized for the reporting of all infrastructure.
- C. Depreciation: straight-line depreciation will be used to depreciate all depreciable capital assets over the estimated useful life of each asset, as determined by industry standards.
- D. Asset Classification: assets will be recorded within broad asset groups (e.g. land, buildings, etc.).
- E. Budgeting: the budgeting of capital assets will be in a manner that will facilitate the identification and recording of the asset in accordance with this policy.
- F. The City may develop, implement, and refine capital asset management programs (defined as an integrated business approach involving planning, engineering, finance, facilities management, utilities, technology and operations to effectively manage existing and new facilities and infrastructure to maximize benefits, manage cost, reduce risk, and provide satisfactory levels of service to community users in a socially, environmentally, and economically sustainable manner). The capital asset management plans should contain at least the following elements:
- 1) Periodic inventories and assessment of the physical condition of City capital assets and infrastructure.
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 - 3) Criteria to evaluate infrastructure and facility assets and set priorities.
 - 4) Financing policies to maintain a condition assessment system(s) and promote sufficient funding for capital asset preservation, repair, and maintenance.
 - 5) Monitoring and development of periodic plain language status reports on the various components of the City's capital assets and infrastructure.

VI. Fund Balance Classification Policies and Procedures

- A. Fund Balance: Fund balance represents the difference between current assets and liabilities and shall be comprised of non-spendable, restricted, committed, assigned, and unassigned amounts defined as follows:
- 1) Non-spendable fund balance - includes amounts that are not in spendable form such as inventory or prepaid expenses or are

- required to be maintained intact such as perpetual care or the principal of an endowment fund.
 - 2) Restricted fund balance - includes amounts that can only be spent for specific purposes stipulated by external resource providers such as grantors or, as in the case of special revenue funds, as established through enabling legislation.
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 - 5) Unassigned fund balance - includes amounts that are not obligated or specifically designated and is available in future periods.
- B. Spending Prioritization: when an expenditure is incurred that would qualify for payment from multiple fund balance types, the City uses the following order to liquidate liabilities: restricted, committed, assigned, and unassigned.
- C. Net assets: net assets represent the difference between assets and liabilities. Net assets invested in capital assets, net of related debt, consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowing used for the acquisition, construction, or improvement of those assets. Net assets are reported as restricted when there are limitations imposed on their use either through enabling legislation adopted by the City or through external restrictions imposed by creditors, grantors, laws or regulations, or other governments. All other net assets are reported as unrestricted.

VII. Stabilization Funds

- A. Unassigned Fund Balance.
 - 1) That portion of available funds within each fund that can be used to offset emergency expenditures, a downturn in collection of significant revenues, or other unforeseen events.
 - a) Unassigned fund balance for the General Fund will be maintained at between seven percent (7%) and ten percent (10%) of the sum of the total of the General Fund annual operating budget and the property tax commitment for the school (both local and State) and the county.
 - b) Fund balances in all other budgeted funds should be maintained at between five percent (5%) and fifteen percent (15%) of the annual operating budget for that fund.
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- C. Capital Reserves.
 - 1) Capital Reserves, classified as committed funds, are reserves

established under State of New Hampshire law, invested by the Trustees of Trust Funds, for several purposes that include the construction, reconstruction, or acquisition of a specific capital improvement, or the acquisition of a specific item or of specific items of equipment, or other purposes identified in NH RSA 34, relating to Capital Reserve Funds for Cities.

- 2) The City of Keene has established the following capital reserves:
- a) Fire Equipment Capital Reserve – for the acquisition or significant rehabilitation of fire apparatus.
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 - c) Intersection Improvements Capital Reserve – for the rehabilitation or reconstruction of existing intersections.
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 - n) Fleet Equipment Capital Reserve – for the replacement of vehicles and equipment under the management of Fleet Services.
 - o) Bridge Capital Reserve – for the construction, reconstruction, and rehabilitation of bridges.
 - p) Downtown Infrastructure and Facility Improvement Capital Reserve – for infrastructure and facility improvements in the

downtown.

- q) Transportation Improvements Capital Reserve - to fund, wholly or in part, improvements in the transportation system including roads, bridges, bicycle and pedestrian facilities, and intermodal facilities, except for parking.

D. The City Council may create and fund through annual operating budget appropriations various expendable trust funds as it deems necessary for the maintenance and operation of the City; and any other public purpose that is not foreign to the City's institution or incompatible with the objects of its organization. The trust funds will be administered by the Trustees of the Trust Funds.

VIII. Deposits of Excess Funds

A. Objectives (in priority order):

- 1) Safety – the safety of principal is the foremost objective.
- 2) Liquidity – investments shall remain sufficiently liquid to meet the operational cash needs of the City of Keene.
- 3) Yield – taking in to account the priority objectives of safety of principal and liquidity, a market rate of return.

B. Authorized Investments:

- 1) US Treasury obligations.
- 2) US government agency and instrumentality obligations.
- 3) Repurchase agreements with New Hampshire Banks acting as principal or agent, collateralized by US Treasury/Agency obligations.
- 4) Certificates of Deposits in New Hampshire Banks (collateralized).
- 5) New Hampshire Public Deposit Investment Pool.

Kendall W. Lane, Mayor

Seventeen

Relating to FISCAL POLICIES

WHEREAS: the National Advisory Council on State and Local Budgeting (NACSLB) has developed a comprehensive set of recommended practices on budgeting; and

WHEREAS: one key component of those recommended practices calls for the adoption of fiscal policies by the local legislative body to help frame resource allocation decisions; and

WHEREAS: the Government Finance Officers' Association (GFOA) has endorsed the recommended practice developed by the NACSLB; and

WHEREAS: it is the intent of the City Council, by this resolution, to articulate this financial blueprint as clearly and completely as possible.

NOW, THEREFORE, BE IT RESOLVED that the fiscal policy should be reviewed and adopted by the City Council on an annual basis in the month of July, and

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Keene that its fiscal policies are as follows:

PART 1 – Budgetary Policies

- I. Budget
 - A. The City shall annually adopt and appropriate budgets for the following funds
 - 1) General Fund
 - 2) Parking Fund
 - 3) PC Replacement Fund
 - 4) Solid Waste Fund
 - 5) Sewer Fund
 - 6) Water Fund
 - 7) Equipment Fund
 - B. All appropriated budgets shall be balanced.
 - C. All appropriations for annual operating budgets (exclusive of capital projects) shall lapse at fiscal year-end unless encumbered by a City of Keene purchase order that is recorded in the ~~Financial system-Department-computer system~~ on or before June 30th of any year, or as authorized by the City Manager in writing, on a case-by-case basis. Those encumbrances shall be reported to the City Council in an informational memorandum by the first week of ~~August~~ September each year.
 - D. The budget document shall provide multi-year projections of revenues and expenditures/expenses including property taxes and utility (water and sewer) rates.
 - E. The budget will take into consideration the City's Policies on unassigned Fund Balance at the end of June,

- F. The City of Keene will contain its General Fund debt service and current revenue capital outlay appropriations, on a five (5) year average, at or less than fifteen percent (15%) of the General Fund operating budget.
- G. Upon completion of any project, any residual funds shall be returned to the fund that provided the original appropriation.
- H. Property Taxes.
 - 1) The City shall limit its property tax revenue increases to a rolling three (3) year average of the Boston CPI, (as of June 30th) net of expenditures required by law, and debt service payments. The City chooses to utilize the CPI, not because it reflects inflation in the City's costs, but because it reflects the overall inflation in what citizens purchase. This manages City spending such that increases in a citizen's tax bill are in line with increases in all of their other expenses. The goal is to have the cost of City services as a percentage of a taxpayer's total expenses remain constant.
 - 2) Property Tax Credits and Exemptions. All exemptions and credits will be reviewed with the City Council every three (3) years unless there are legislative changes that cause a review to occur on a more frequent basis.
 - 3) The State has chosen to solve its revenue problem by downshifting expenses to the local communities and tapping into the broad based property tax at the local level. Downshifting is an effective strategy for the State; however, it is unsustainable at the local level and would quickly lead to a significant reduction in City services. The City is sensitive to these added expenses to the taxpayers and will attempt to limit the impact; however, as a State expense, the City will pass through the State downshifting to the taxpayers.

II. Capital Improvement Program

- A. The City of Keene shall prepare a capital improvement program (CIP) with a span of six (6) years.
- ~~B. The CIP shall be updated annually. The CIP will include all projects anticipated to be undertaken in the ensuing six (6) year period that have an estimated cost in excess of \$20,000 and an anticipated useful life of at least five (5) years.~~
- B. All capital projects or equipment purchases that have an estimated cost of at least \$20,000 and an estimated useful life of at least five years will be included in the capital improvement program (CIP) planning process. These projects may include capital asset preservation projects (designed to preserve the functionality and condition of major infrastructure systems and City facilities) with an estimated cost of at least \$20,000 and which increase the useful life of the asset by at least five years.
- C. The CIP shall contain revenue projections and rate impacts that support estimated operating costs as well as the proposed capital program. Expenditures included in each year of the CIP (operations, debt service and capital) will be equal to estimated revenue available to finance proposed activity in each year of the CIP. Cost and revenue estimates in projected years will be presented for planning purposes, and are based upon the then current best available information.
- D. Each project funding-request shall originate from a City department and shall

include the following information (as applicable):

- 1) A description of the project.
- 2) A cost estimate and funding profile.
- 3) A project time line.
- 4) ~~A priority ranking.~~
- 5)4) An estimate of the operating budget impact.
- 6)5) A reference to alignment with City Council Goals~~Community Goals~~.
- 7)6) A reference to alignment with the Comprehensive Master Plan (Focus Area).

E. CIP Funding Methodology

- 1) Whenever possible, CIP projects will be funded with available resources, examples of which are current revenues, grants, donations, and reserves, but not debt.
- 2) Appropriate uses of debt include project such as:
 - a) One time nonrecurring investments (ex. the construction of a new asset, or the expansion or adaptation of an existing asset to provide added service delivery capacity or to meet changing community needs.
 - b) Projects necessary due to regulatory requirements (ex. water treatment plant expansion due to EPA permit changes) when resources other than debt are not available.
 - c) Projects necessary due to asset or system operational failure or obsolescence when resources other than debt are not available.

E.F. The CIP shall be reviewed by the Finance, Organization and Personnel Committee and the Planning Board.

F.G. The CIP will be the subject of a public hearing before adoption.

G.H. The funding requests in the first year of the adopted CIP will be included in the next annual budget document.

H.I. Upon project completion, any residual funds shall be returned to the fund that provided the original appropriation unless otherwise directed by the City Council.

PART 2 - Financial Policies

I. Fund Structure

- A. All funds are intended to be self-supporting, with no subsidies from one fund to another required for operations or capital outlay.
- B. The City will continue to conduct its financial activities through the use of the following funds:
 - 1) Governmental Funds
 - a) General Fund – shall be used to account for those governmental activities that are not recorded in one of the other City Funds.
 - b) Special Revenue Funds:
 - i. Grants Fund – shall be used for those activities that are funded in part or in whole by contributions from other entities.
 - ii. Parking Fund – shall be used to account for the operations, maintenance and capital outlay needs of the municipal parking areas.

- iii. PC Replacement Fund – shall be used to account for the on-going replacement of PC’s, certain peripherals, and desk top software utilized by all City departments.
 - iv. Solid Waste Fund – shall be used to account for the activities of the transfer and recycling operations and for post-closure costs associated with the landfill.
 - c) Capital Projects Fund – shall be used to account for the capital projects funded by any of the governmental funds.
 - 2) Proprietary Funds
 - a) Enterprise Funds
 - i. Sewer Fund – shall be used to account for the operations, maintenance, and capital outlay needs of the sewer collection and treatment systems.
 - ii. Water Fund – shall be used to account for the operations, maintenance, and capital outlay needs of the water treatment and distribution systems.
 - 3) Internal Service Funds
 - a) Equipment Fund – shall be used to account for the operations, maintenance, and capital outlay needs of fleet services.

II. Revenues

- A. One-time revenues. One-time revenues will only be applied toward one-time expenditures; they will not be used to finance on-going programs or services. On-going revenues should be equal to, or greater than, on-going expenditures.
- B. Diversity. The City will diversify its revenues by maximizing the use of non-property tax revenues such as payments in lieu of taxes and user fees and charges.
- C. Designation of Revenues.
 - 1) Each year, the City shall designate and set aside \$25,000 for conservation purposes, funded through the allocation of the Land Use Change Tax (LUCT). If the prior years’ LUCT revenues are less than \$25,000, the General Fund will provide the difference from general revenues to ensure an annual contribution of \$25,000. Additionally, in the years when the LUCT revenues exceed \$25,000, fifty percent (50%) of the amount over \$25,000 will be designated for conservation purposes, with the total annual designation not to exceed \$100,000. Expenditure of funds to be made upon approval of the City Council. Balance of said sum not to exceed \$500,000.
 - 2) Direct reimbursements from other entities shall be used to offset the appropriate City expense.
 - 3) Except for the provisions stated above, or as provided otherwise by Federal, State law, or by local Code of Ordinances, no unanticipated revenues shall be designated for a specific purpose(s) unless directed by the City Council.

III. Fees and Charges

- A. Certain services provided by the City of Keene will be assigned a fee or charge for the users of the service, dependent upon how the community benefits from the provision of those services.

- 1) In the event that the benefit is community-wide there will be no user fee or charge assessed.
 - 2) In the event that the service benefits a finite and definable sector of the community then that group will be assessed a fee or charge for provision of the service.
- B. Cost Recovery
- 1) Cost recovery goals should be based on the total cost of delivering the service, including direct costs, departmental administration costs, and organization-wide support costs (e.g. accounting, human resources, data processing, insurance, vehicle maintenance).
 - 2) Fees and Charges will be set at something less than full cost recovery when:
 - a) A high level of cost recovery will negatively impact the delivery of service to low-income groups.
 - b) Collecting the fees and charges is not cost effective.
 - c) There is no intended relationship between the amount paid and the benefit received (e.g. social service programs).
 - d) There is no intent to limit the use of the service (e.g. access to parks and playgrounds).
 - e) Collecting the fees would discourage compliance with regulatory requirements and adherence to said requirements is self-identified, and as such, failure to comply would not be readily detected by the City of Keene.
 - 3) Fees and Charges will be set at, or above, full cost recovery when:
 - a) The service is also provided, or could be provided, by the private sector.
 - b) The use of the service is discouraged (e.g. fire or police responses to false alarms).
 - c) The service is regulatory in nature and voluntary compliance is not expected (e.g. building permits, plans review, subdivisions).
 - 4) Ambulance:
 - a) Service fees shall be set at two hundred fifty percent (250%) above the Medicare-determined usual and customary charge.
 - b) A fee will be implemented for those instances when responses that involve the use of drugs or specialized services are provided but there is no transport.
 - c) There will be no charge for responses determined by the Fire Department to be "public assists."
- C. The method of assessing and collecting fees should be made as simple as possible in order to reduce the administrative and support costs of collection.
- D. The City will periodically utilize the services of a collection agency when all other reasonable efforts to collect fees and fines have been exhausted; fees for such services to be paid from amounts collected.
- E. Rate structures should be sensitive to the market price for comparable services in the private sector or other public sector entities.
- F. All fees and charges shall be adopted by the City Council.
- G. Fees and charges shall be reviewed in accordance with a schedule developed by the City Manager that has each fee reviewed biannually. Recommended changes will be reviewed and approved by the City Council.

IV. Debt

- A. The City of Keene will periodically incur debt to finance capital projects. All issuances of debt are subject to State of New Hampshire Statutes, RSA 34 and 162-K.
- B. Debt may be issued to fund projects with a public purpose of a lasting nature or as otherwise allowed by State law.
- C. Debt will not be issued to provide for the payment of expenses for current maintenance and operation except as otherwise provided by law.
- D. The City of Keene shall not incur debt that exceeds any limits set by State law.
- E. All bonds shall be authorized by resolution of the City Council and require a two-thirds (2/3) vote.
- F. The City of Keene may use the services of a financial advisor to assist in preparing for, and executing, any sale of bonds. Said services shall be obtained as the result of a Request for Proposals (RFP) process, which shall be conducted at a minimum of every five (5) years.
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vehicles and equipment under the management of Fleet Services.

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- p) Downtown Infrastructure and Facility Improvement Capital Reserve – for infrastructure and facility improvements in the downtown.
- q) Transportation Improvements Capital Reserve - to fund, wholly or in part, improvements in the transportation system including roads, bridges, bicycle and pedestrian facilities, and intermodal facilities, except for parking.

D. The City Council may create and fund through annual operating budget appropriations various expendable trust funds as it deems necessary for the maintenance and operation of the City; and any other public purpose that is not foreign to the City's institution or incompatible with the objects of its organization. The trust funds will be administered by the Trustees of the Trust Funds.

VIII. Deposits of Excess Funds

A. Objectives (in priority order):

- 1) Safety – the safety of principal is the foremost objective.
- 2) Liquidity – investments shall remain sufficiently liquid to meet the operational cash needs of the City of Keene.
- 3) Yield – taking in to account the priority objectives of safety of principal and liquidity, a market rate of return.

B. Authorized Investments:

- 1) US Treasury obligations.
- 2) US government agency and instrumentality obligations.
- 3) Repurchase agreements with New Hampshire Banks acting as principal or agent, collateralized by US Treasury/Agency obligations.
- 4) Certificates of Deposits in New Hampshire Banks (collateralized).
- 5) New Hampshire Public Deposit Investment Pool.

Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

July 27, 2017

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: J.2.

SUBJECT: Relating to the Reallocation of Bond Proceeds for Emergency Bridge Repairs

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2017-27, Relating to the Reallocation of Bond Proceeds from the FY15 Rehabilitation Project (90249) for Emergency Bridge Repairs.

ATTACHMENTS:

Description

Resolution R-2017-27

BACKGROUND:

Public Works Director, Kurt Blomquist stated his request is for the reallocation of funds from a road project bond to some emergency bridge repair work. Mr. Blomquist explained the Baker Street bridge has a culvert failure and requires replacement. The estimated cost for this work is \$40,000 and this work would be done as part of the Baker Street rehabilitation project. He continued the Whitcomb's Mill Road bridge has also been closed since a routine inspection due to guardrail issues. The cost for this work is \$32,000 – this bridge is also on the state's red listed bridges. The Winchester Street bridge over Route 10 recently had an accident which has caused damage to the guardrail and this has reduced the lane width. Estimate for this work is approximately \$15,400. The driver of the vehicle was uninsured and the City's insurance does not cover guardrails. The total for all three bridges is about \$87,000.

The FY15 road rehabilitation bond funds are being asked to be repurposed to cover this work. As these are bond funds the repurposing needs to be approved by the City Council.

Councilor Clark asked whether the Whitcomb's Mill Road bridge will be reopened once the guardrail is constructed. Mr. Blomquist agreed, but added the bridge will need to be replaced at some point. Mr. Lussier added even though these bridges are part of the red-listed bridge program these emergency repairs won't be covered by State funding.

Councilor Jacobs asked how the Baker Street bridge will be made part of the Baker Street rehab work. Mr. Lussier stated the repairs were included in the bid documents and was listed as a bid alternative. Should the Council choose not to provide the funding it won't be part of the awarded contract.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2017-27, Relating to the Reallocation of Bond Proceeds from the FY15 Rehabilitation Project (90249) for Emergency Bridge Repairs.



CITY OF KEENE

R-2017-27

Seventeen

In the Year of Our Lord Two Thousand and
Relating to the Reallocation of Bond Proceeds from the FY15 Rehabilitation
A RESOLUTION Project (90249) for Emergency Bridge Repairs

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

That the sum of eighty-seven thousand and four hundred dollars (\$87,400) in bond proceeds be allocated from the FY15 Road Rehabilitation Project Account (90249) for emergency bridge repairs on the Baker Street Bridge, NH Rt. 10/Winchester Street Bridge and the Whitcombs Mill Road Bridge.

Kendall W. Lane, Mayor