



City of Keene
New Hampshire

**PLANNING, LICENSES AND
DEVELOPMENT COMMITTEE
AGENDA
Council Chambers A
December 13, 2017
7:00 PM**

David C. Richards
Philip M. Jones
George S. Hansel
Robert B. Sutherland
Bartłomiej K. Sapeta

-
1. Vicki Bacon, Body & Soul Road Runners - Request to Use City Property - Red Cap Run
 2. Hannah Pelkey, Atlas PyroVision - Request to Discharge Class C Fireworks - Atlas Pyro Vision
 3. Renewable Energy Advocacy Letters to NH Legislature - Cities for Climate Protection
 4. Airport Advisory Commission - Change of Name and Responsibilities - City Manager
 5. Relative to Adopting the Provisions of RSA 79-E "Community Revitalization Tax Relief Incentive"
Resolution R-2017-41
 6. Mayor Lane - Proposed Amendments to the City Council Rules of Order

Non Public Session
Adjournment



Transmittal Form

December 4, 2017

TO: Mayor and Keene City Council

FROM: Vicki Bacon

THROUGH: Patricia A. Little, City Clerk

ITEM: 1.

SUBJECT: Vicki Bacon, Body & Soul Road Runners - Request to Use City Property - Red Cap Run

COUNCIL ACTION:

In City Council December 7, 2017.

Referred to the Planning, Licenses and Development Committee.

RECOMMENDATION:

ATTACHMENTS:

Description

Communication - Body & Soul

BACKGROUND:

The Body & Soul Road Runners' Club is seeking permission for the use of City property for the 4th annual Red Cap Run on February 10, 2018. This event was granted community event status.

Body & Soul Road Runners' Club

303 Park Avenue

Keene, NH 03431

November 20,2017

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

Dear Mayor Lane & City Council Members,

I am writing to request permission to hold this year's 4th annual Red Cap Run on February 10th in downtown Keene. The course has been modified from previous years as suggested by the council. We will not run on Community Way.

It is my understanding that as the race has been granted Community Event Status we will need to attend a PLD meeting and the typical protocol meeting. Our hope is that we are on track for the PLD meeting scheduled for the evening of December 13th.

Thank you,



Vicki Bacon – Road Runners President

On behalf of the Body and Soul Road Runners

& Sara Alderfer – RCR race director



External Communication
Transmittal Form

December 7, 2017

TO: Planning, Licenses and Development Committee

FROM: Hannah Pelkey, Atlas PyroVision on behalf of Megan Burke Kidder

THROUGH: Patricia A. Little, City Clerk

ITEM: 2.

SUBJECT: Hannah Pelkey, Atlas PyroVision - Request to Discharge Class C Fireworks - Atlas PyroVision

ATTACHMENTS:

Description

Atlas PyroVision Communication

BACKGROUND:

Atlas PyroVision has been approached by Ms. Kidder about having a private Class C fireworks display on her property at 361 Chesterfield Road. City Code requires governing body permission for the discharge of fireworks within City limits.



December 6, 2017

City of Keene
Attn: Mayor Kendall Lane & City Council
3 Washington Street
Keene, NH 03431

RE: Fireworks display 12/23/2017

To Whom It May Concern:

Atlas PyroVision has been contracted to produce a Class C fireworks display for a private party at 361 Chesterfield Road on December 23rd. The display will be held in a field 200' from the sponsors house, on their land. The property owner is Megan Burke Kidder and Atlas has listed her on our certificate of insurance. The display will be at 5:00pm and the duration will be between 5-6 minutes. The State Notification Form has been submitted to Keene Fire for their approval as well.

If you have any further questions please feel free to contact our office at 603-532-8324.

Sincerely,

Hannah Pelkey
Atlas PyroVision Entertainment Group, Inc.



**STATE OF NEW HAMPSHIRE
DEPARTMENT OF SAFETY
OFFICE OF THE STATE FIRE MARSHAL**
33 Hazen Drive, Concord, NH 03305
(603) 223-4289 - FAX (603) 223-4294



NOTIFICATION FOR DISPLAY OF PERMISSIBLE FIREWORKS

NOTE: This application is for displays of permissible fireworks by other than a consumer.

Please note the following:

- Notify the local Fire Chief in writing at least **5 business days prior** to the intended date of the display.
- All notifications shall be submitted to the Office of the State Fire Marshal at least **3 business days prior** to the intended date of the display.

12/5/2017

Date of Application.

Megan Burke Kidder 603-352-3532

Name of company or sponsoring organization and contact number

field behind house 361 Chesterfield Road, Keene NH 03431

Physical location / address of display.

Megan Burke Kidder 361 Chesterfield Road, Keene NH 03431 603-352-3532

Name, address and contact number of property owner

12/23/2017 5:00pm

Intended date and time of display, including rain date, if any.

Scott Leary

Name of individual firing / responsible for the display, including date of birth

Shall submit the following with this form:

- Proof of appropriate liability insurance for the display.**
- Site plan – 200 feet from any audience, building, tent/canvas structure.**
- Inventory list of all permissible fireworks utilized during the display.**
- Written permission from the land owner.**
- Attach local permit, if one is required.**

Chief of Fire Department

Date

- Approved** – Shall comply with all ordinances and requirements established by the Fire Chief.
- Denied** – Does not meet local requirements.

Approved and completed applications can be submitted by email to fmo.fireworks@dos.nh.gov, or mailed to the Fireworks Safety & Enforcement Unit, 33 Hazen Drive, Concord, NH 03305.

**ALL ACCIDENTS, FIRES, PROPERTY DAMAGE AND INJURIES SHOULD BE REPORTED
IMMEDIATELY TO (603) 223-4381 Ext. 0**



Permit # _____
 Min Fee _____
 Permit Fee _____
 Total _____

City of Keene PERMIT APPLICATION

Fire Prevention Bureau
 31 Vernon Street
 Keene, New Hampshire
 603-757-1863/603-283-5668 (fax)

Property Information – Where improvements are proposed – MANDATORY FIELD

Street # 361 Unit/Apt # _____ Street Name Chesterfield Road

Owner Information – Who owns the property where the improvements are proposed – MANDATORY FIELD

Name: Megan Burke Kidder Address: 361 Chesterfield Road Phone # 603-352-3532

City/State: Keene, NH Zip Code 03431 E-mail: meganburkekidder@myfairpoint.net

Installer/Applicant Information – If the applicant is not the owner – MANDATORY FIELD

Company Name: Atlas PyroVision Entertainment Group Address: 136 Old Sharon Road Phone # 603-532-8324

City/State: Jaffrey, NH Zip Code 03452 E-mail: hannah.pelkey@atlaspyro.com

Name of Contact Person for this Project: Hannah Pelkey Fax # 603-532-4530

Application Information – Describe the proposed improvements

Anticipated Date for work to begin: 12/23/2017

- Fire Permit:** Fire Alarm System Cutting/Welding Fire Alarm Access (Annual) New Tenant Fit Up
 Storage Tanks (indicate type – Oil, LP etc. in description of work below) Gas Burner Oil Burner
 Assembly Kitchen Hood Fire Suppression In House Modification (Annual) Other fireworks display
Building Use: Single Family Multi-Family Commercial Other _____ # of Stories _____
Work Type: New Addition Renovation Move Modification

Description of Work (required): Fireworks display for private party held on 12/23/2017
 Attach description if needed

Sub-contractors – Signature indicates responsibility for compliance with laws and codes

(Check all that apply. For each contractor complete license, name, address and signature fields below)

- Electrical** **Plumbing** **Gas Fitter** **Welding** **Pyrotechnical**
- State License #: 409 Name: Scott Leary Address: 29 Spindleback Lane
 City New Ipswich State NH Zip 03071 Phone #: 603-966-5099
 E-mail address: trck52@gmail.com License Holders Signature: [Signature]
- State License #: _____ Name: _____ Address: _____
 City _____ State _____ Zip _____ Phone #: _____
 E-mail address: _____ License Holders Signature: _____
- State License #: _____ Name: _____ Address: _____
 City _____ State _____ Zip _____ Phone #: _____
 E-mail address: _____ License Holders Signature: _____
- State License #: _____ Name: _____ Address: _____
 City _____ State _____ Zip _____ Phone #: _____
 E-mail address: _____ License Holders Signature: _____

****No work shall begin until the required KFD permit is posted on-site where work is being completed****

I hereby certify that as the applicant for permit, I am the owner of this property _____, or the owners authorized agent _____ (check one). I hereby declare that the statements and information contained in this application and submitted in conjunction with said application are true and accurate to the best of my knowledge. I understand that I am responsible to ensure that all construction or other work will be completed in accord with all Federal, State and Local laws, code and ordinances, including but not limited to the State Building Code NHRSA 155-A. I understand that I am responsible to ensure that all inspections will be completed as required by the City, and no structure will be used in violation of Federal, State and Local laws, code and ordinances. The making of a false statement on this form shall constitute a criminal offense.

Attest: _____ Date: _____
 Signature of Applicant

State of New Hampshire
DEPARTMENT OF SAFETY
DISPLAY OPERATOR

NAME: SCOTT LEARY

LIC #: 409

DOB: _____ SEX: M

HEIGHT: 5'11" WEIGHT: 180



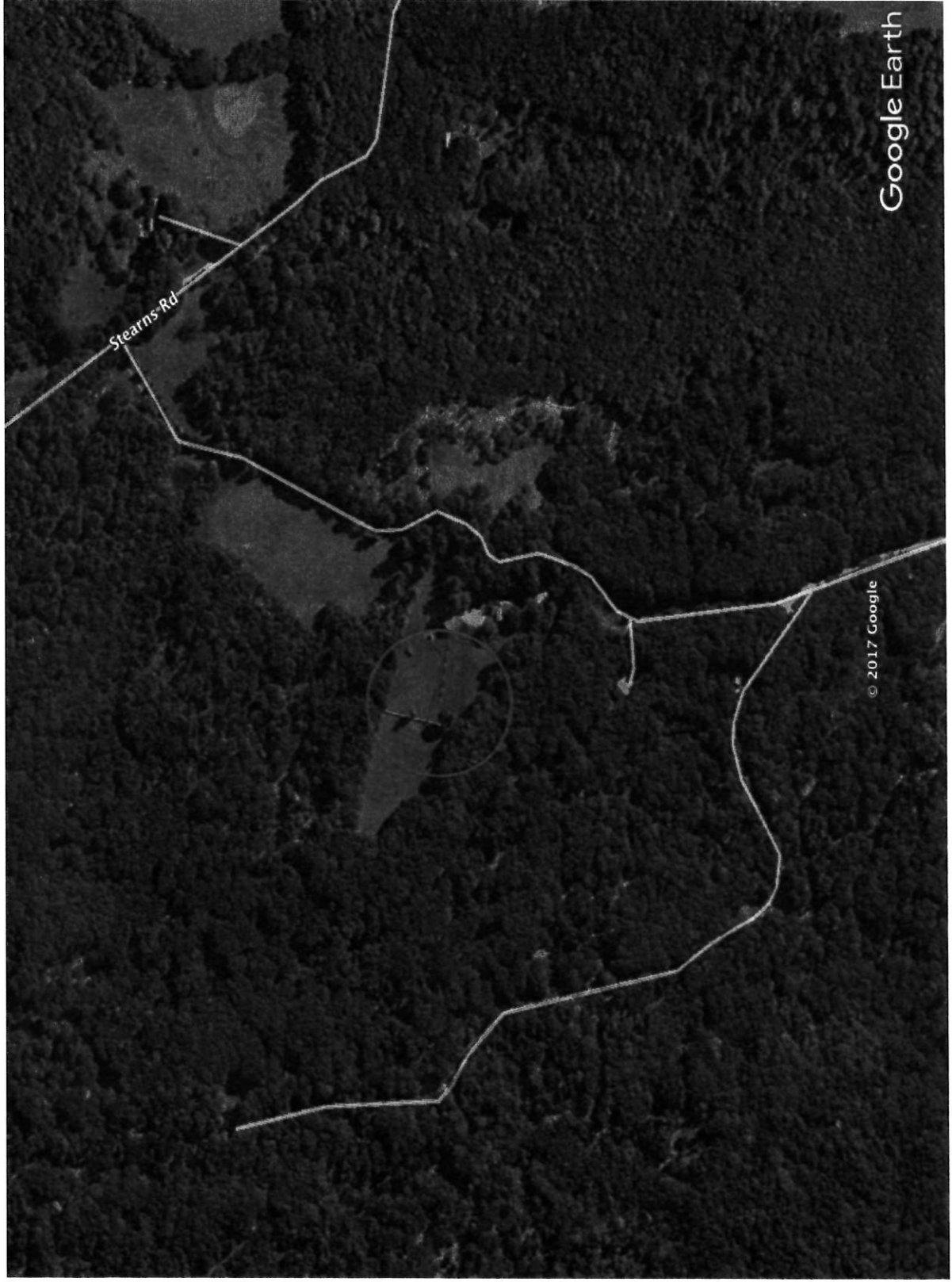
Director Signature: _____



ENDORSEMENTS

Display Op.	Expires: 12/20/2019
Flame Effects:	Expires: __/__/__
Pyrotechnic:	Expires: __/__/__
Special Effects:	Expires: __/__/__
Apprentice:	Expires: __/__/__

361 Chesterfield Road - Keene, NH
200' radius circle – 1.4G cakes





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/5/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER FIAI/Cross Insurance 1100 Elm Street Manchester NH 03101	CONTACT NAME: Carrie Morgan PHONE (A/C, No, Ext): (603) 669-3218 E-MAIL ADDRESS: cmorgan@crossagency.com	FAX (A/C, No): (603) 645-4331
	INSURER(S) AFFORDING COVERAGE	
INSURED Atlas PyroVision Entertainment Group Inc 136 Old Sharon Road Jaffrey NH 03452	INSURER A: Lexington Ins Co	NAIC # 19437
	INSURER B: National Indemnity Company	
	INSURER C: Riverport Ins Co c/o Berkley Risk	
	INSURER D:	
	INSURER E:	

COVERAGES **CERTIFICATE NUMBER:** 17-18 All Lines **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> \$5,000 Deductible <input checked="" type="checkbox"/> Contractual Liability GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:		015375109	3/15/2017	3/15/2018	EACH OCCURRENCE \$ 2,000,000
		DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000				
		MED EXP (Any one person) \$ 10,000				
		PERSONAL & ADV INJURY \$ 2,000,000				
		GENERAL AGGREGATE \$ 4,000,000				
		PRODUCTS - COMP/OP AGG \$ 4,000,000				
		\$				
B	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		70APB001757 Incl Hired Phys Damage Includes MCS-90 Comprehensive \$500 Collision \$500	3/15/2017	3/15/2018	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
		BODILY INJURY (Per person) \$				
		BODILY INJURY (Per accident) \$				
		PROPERTY DAMAGE (Per accident) \$				
		Hired Physical \$ 90,000				
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000		015375094	3/15/2017	3/15/2018	EACH OCCURRENCE \$ 10,000,000
		AGGREGATE \$ 10,000,000				
		\$				
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A NHARP302019 (3a.) NH, CT & VT Includes Longshoreman's & Harbor Work Comp Act	6/13/2017	6/13/2018	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER
		E.L. EACH ACCIDENT \$ 500,000				
		E.L. DISEASE - EA EMPLOYEE \$ 500,000				
		E.L. DISEASE - POLICY LIMIT \$ 500,000				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Fireworks display on 12/23/2017 in Keene, NH. Megan Burke Kidder and the City of Keene, NH are included as additional insured with respects to the General Liability as per written contract.

CERTIFICATE HOLDER State of New Hampshire Division of Fire Safetyg State Fire Marshals Office 110 Smokey Bear Blvd. Concord, NH 03305	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE R Kittle, LPCS, CLCS/ <i>Rolvin Kittle</i>

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ATLAS PYROVISION ENTERTAINMENT GROUP, INC.**BILL TO:**

Megan Burke Kidder
 Stearns Road
 Keene, NH 03431

Ship To: Keene NH
 Show Date:12/23/2017
 Rain Date:
 Contract #:
 Technician: Leary

Show Notes:

Trailer 1:

Trailer 2:

Quantity	Product ID	Description
49	01MJG-500-18	MJG 5 Meter Igniters
3	AF001	Pyro Fest
3	BP2120/G	Luck O' The Irish
3	BP2448	Silver Screen
3	BP2587	Night Flight
3	C031	Redneck
3	FB2041	Waterfall
3	FB2560	Slam!
3	LBM-85	Tag You're It
3	LBM-136	Firefall
3	LBM-167	Really Roar-Cous
1	M1024	Amazing Pyro
3	M1030	True Legend
3	M1040	Neon Jungle
3	M1053	Summer Cocktail
2	NF106	Seagreen Peony & Mine (ZZ Fan)
2	NF109	Brocade w Red Strobe & Mine (Fan)
3	NF504	Brocade w Seablue
2	NF505	Double Time Rain

TOTAL

Class C: 49
 Ematch: 49

MEGAN BURKE KIDDER
STEARNS ROAD
KENNE, NH 03431

Atlas Advanced Pyrotechnics

PO Box 498

Jaffrey, NH 03452

Att. Shawn Allison

Dear Shawn,

Thank you so much for coming up to our home and assessing what would be the best place to present the fireworks display here on the 23rd of December. The location is at the End Of 361 Chesterfield Road.

We're very excited to have your company here creating a memorable evening for family and friends this holiday season.

Many thanks for your help and if you need to contact me again you now have my email and the number is 352-3532.

Hope all your holidays are festive and fun.

Megan Burke Kidder



City of Keene, N.H.
Transmittal Form

December 7, 2017

TO: Mayor and Keene City Council

FROM: The Cities for Climate Protection Committee

ITEM: 3.

SUBJECT: Renewable Energy Advocacy Letters to NH Legislature - Cities for Climate Protection

COUNCIL ACTION:

In City Council December 7, 2017.

Referred to the Planning, Licenses and Development Committee.

RECOMMENDATION:

Move that the Cities for Climate Protection Committee recommend that the Keene City Council send a letter of support/comment to the New Hampshire (NH) legislature regarding HB-592 to:

1. Support NH remaining in Regional Greenhouse Gas Initiative (RGGI),
2. Oppose moving the RGGI funding from 20% energy efficiency programs to 100% bill-payer rebates,
3. Increase the percentage of RGGI funds that go towards energy efficiency project/program funding to 100%, or at the very least, to maintain the percentage at its current 20%.

Move that the Cities for Climate Protection Committee recommend that the Keene City Council send a send letter of support/comment to the NH legislature regarding HB 114 to encourage retaining the prior language of the bill raising the renewable energy standard in 2018 from 6% to 15%.

ATTACHMENTS:

Description

NH House Panel Votes to Eliminate RGGI Energy Efficiency Funds

BACKGROUND:

“HB-592: The committee briefly mentioned the failure of HB 559-FN which would have increased the percentage of R funds to energy efficiency and renewable energy projects and programs dedicated to municipal, school district, local government and low-income residential projects. They then discussed the status of HB-592 referred to in the recent NH Business Review article: “(NH) House Panel Votes to Eliminate RGGI Energy Efficiency Funds, Committee Also Supports Lessening Renewable Energy Standard” (see attachment). This legislation would originally have repealed N participation in the RGGI. It was amended by the NH House Energy (Science, Technology and Energy-STE) Commit that NH remain in RGGI, but would instead assign all NH RGGI income to monthly consumer rebates rather than dire even the current ~20% of funds into energy efficiency and renewable energy initiatives in the state. This amendment was recommended by the House Energy (STE) Committee for adoption by the full House in its 2018 session.

Vice Chair Hansel made a motion to request that the Keene City Council send letters of support/comment to the NH legislature regarding HB-592: to support NH remaining in RGGI but to oppose moving the RGGI funding from ~20% energy efficiency and renewable energy programs to 100% bill-payer rebates; rather to increase the percentage of RGGI funds that go towards energy efficiency and renewable energy programs to 100%, or at the very least, to maintain the percentage at its current ~20%. The motion was seconded by Councilor Clark and passed unanimously.

HB 114: The committee then discussed HB 114 brought to their attention by the NH Sustainable Energy Association which is regarding the Renewable Portfolio Standard (RPS). The House Energy (STE) Committee recommended freezing the requirement that state utilities include renewable energy sources, leaving the RPS at its current 6% instead of its scheduled increase to 15% (the vote was split 11-10). This bill will be voted on by the full House in January, and it would mean that it would fail to meet its goal of 25% renewable energy by 2025.

Vice Chair Hansel motioned to ask Keene City Council to send a letter to the NH legislature regarding HB 114, to encourage retaining the prior language of the bill raising the renewable energy standard in 2018 from 6% to 15%. The motion was seconded by Councilor Clark and passed unanimously.”

REFERENCE INFORMATION: SURROUNDING STATE’S RENEWABLE ENERGY GOALS

Massachusetts:

“... more than 50 Massachusetts legislators have co-sponsored legislation that sets a goal for the Commonwealth to use 100 percent renewable electricity by 2035 and 100 percent renewable energy by 2050 in all sectors, including housing and transportation....” Mar 17, 2017

Vermont:

“The VT Public Service Department produced a new Comprehensive Energy Plan in 2011, which calls for 90% of the state's energy needs (electric, heating, and transportation) to be met with renewable energy resources by 2050.”

New York:

“New York Adopts Historic “50 by '30” Renewables Goal. ... 50 x '30: New York's utilities and other electricity suppliers will be required to obtain 50 percent of New York's electricity from truly renewable and pollution-free energy resources—including solar, land-based and offshore wind power and hydropower—by 2030. Aug 1, 2016”

ATTACHMENTS: “(NH) House Panel Votes to Eliminate RGGI Energy Efficiency Funds, Committee Also Supports Lessening Renewable Energy Standard”, NH Business Review, dated Nov. 10, 2017.

House panel votes to eliminate RGGI energy-efficiency funds

Committee also supports lessening renewable energy standard

BY BOB SANDERS

The NH House Science Technology and Energy Committee narrowly voted Tuesday to gut energy-efficiency funding through the Regional Greenhouse Gas Initiative and roll back the state's renewable energy standard, in a move that one Republican denounced as partisan and a Democrat called "nuts."

But most Republicans backed the legislation, which they argued would decrease "subsidies" to programs designed to reduce fossil fuel usage.

"It's easy to spend other people's money," said Rep. Michael Vose, R-Epping, who introduced a last-minute amendment to gut RGGI funding. "But nobody knows how to spend money better than the person that manages it, and this will benefit ratepayers."

Vose's measure, House Bill 592, originally would have repealed New Hampshire's participation in RGGI – an eight-state program that requires power producers to pay for every ton of carbon emitted. The proceeds go back to the states, with the intention, but not the requirement, that they be spent on energy-efficiency programs.

That's what New Hampshire did when it first joined RGGI in 2009, but since 2012, all but the first dollar spent on RGGI has been rebated to the customer.

Vose's amended bill rebates all of the money to ratepayers, meaning no money would go toward energy-efficiency programs.

"Right now we get four out of five dollars back," said Vose. "All this would do would make it five out five, minus administrative costs."

Those voting against the amendment argued energy efficiency is environmentally and economically beneficial and the cheapest way to lower peak demand and save on transmission and generation costs that benefit all customer more than the extra rebate.

"This eliminates any reason to participate," said Bob Backus, D-Manchester. "You would be paying the cost of RGGI without the benefits. Its a very foolish idea."

"If this is a new Republican way, I don't know what I'm going to do," said Herbert Richardson, R-Lancaster, the committee's vice chair. "I can't believe people are coming in here to upset the apple cart. It's all political. I'm ashamed of my party."

And Rep. John Mann, D-Alstead said that it would drive away young people who care about their children's future other states like Vermont. "This is crazy. This is nuts," he said.

The committee voted, 11-10, on the amendment and the bill, recommending it to the full house when it meets in January.

System benefits charge

By the same 11-10 vote, the committee defeated HB 559, which would have directed a larger portion of energy-efficiency funds toward low-income homeowners and programs that benefit towns and municipalities.

Vose proposed an amendment to HB 317 that would cut a larger source of energy-efficiency funding – an increase in the system benefits charge to meet the Public Utilities Commission's Energy Efficiency Resource Standard.

Vose's amendment would allow businesses to opt out of paying the energy-efficiency portion of the SBC while forgoing the benefits. But utilities and regulators opposed the bill at a public hearing, arguing that it would let companies who take advantage of the program, or and who might in the future, collect the benefits without paying for them.

Vose asked that a vote on his amendment be delayed to address these concerns.

The committee also voted by 11-10 to recommend HB 114, which would roll back the requirement that state utilities include 15 percent new renewable energy source, like wind and solar, by 2025.

"They are a tax and they cost money and we should terminate the program," said Herbert Vadney, R-Meredith.

Supporters of the existing standard argued that the requirement helps the fast-growing clean tech industry and reduces reliance on fossil fuels. They asked for a delay in any action until a study on the program is completed next year.



City of Keene, N.H.
Transmittal Form

December 11, 2107

TO: Planning, Licenses and Development Committee

FROM: Elizabeth A. Dragon, City Manager

ITEM: 4.

SUBJECT: Airport Advisory Commission - Change of Name and Responsibilities - City Manager

RECOMMENDATION:

Move that City staff be instructed to introduce an Ordinance for 1st reading that would change the name of the Airport Advisory Commission to the Airport Development and Marketing Committee with the charge of the Committee to be to take a proactive role in the development of the Keene Dillant-Hopkins Airport by collaborating with other City and local economic development efforts to implement the airport master plan. In addition, the committee members would also serve as ambassadors for the airport both locally and regionally.

BACKGROUND:

The Airport Advisory Commission was created to take a proactive role in the development of the Keene Dillant-Hopkins Airport by actively striving for the implementation of the adopted master plan. It shall also review the master plan from time to time to ensure responsiveness to changing conditions. It also currently has the primary responsibility in developing and implementing various marketing and public relations programs regarding the benefits of the airport and aviation. These efforts should be aggressive and ongoing.

Prior to the arrival of our current Airport Director-Jack Wozmak the commission and their monthly meetings were utilized for review of items that were more administrative in nature. In my opinion, this is not where we most need assistance from our volunteers. The proposed charge for the committee makes it clear that the focus of the committee will be to assist with the development and marketing of the airport. It is one of my goals, as City Manager, to integrate development of the airport into the larger regional and state economic development initiatives. To do this effectively we need the help of the committee members.

Therefore, to bring focus to the airport committee- we are proposing a name change and a much simplified direct charge for the committee members.



City of Keene, N.H.
Transmittal Form

December 1, 2017

TO: Mayor and Keene City Council

FROM: Tara Kessler, Planner

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 5.

SUBJECT: Relative to Adopting the Provisions of RSA 79-E “Community Revitalization Tax Relief Incentive”

COUNCIL ACTION:

In City Council December 7, 2017.
Report filed as informational.

RECOMMENDATION:

That Resolution R-2017-41 relative to adopting the provisions of 79-E “Community Revitalization Tax Relief Incentive” be referred to the Planning, Licenses, and Development Committee for consideration and a recommendation back to City Council.

ATTACHMENTS:

Description

Resolution R-2017-41

BACKGROUND:

The City Council, at its November 16, 2017 meeting, voted unanimously to authorize City staff to draft a resolution for the local adoption of NH RSA 79-E the Community Revitalization Tax Relief Incentive.

City staff have drafted and submitted this Resolution (R-2017-41), which is attached, for a first reading before City Council.



CITY OF KEENE

R-2017-41

Seventeen

In the Year of Our Lord Two Thousand and

RELATING TO ADOPTING THE PROVISIONS OF RSA 79-E

A RESOLUTION "COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE"

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

WHEREAS, RSA 79-E "Community Revitalization Tax Relief Incentive" (hereinafter "RSA 79-E) declares it a public benefit to enhance downtown and town centers with respect to economic activity, cultural and historic character, sense of community, and in-town residential uses that contribute to economic and social vitality; and

WHEREAS, RSA 79-E further declares it a public benefit to encourage the rehabilitation of underutilized structures in urban and town centers as a means of encouraging growth of economic, residential, and municipal uses in a more compact pattern, in accordance with RSA 9-B.; and

WHEREAS, RSA 79-E also declares it a public benefit to provide short-term property assessment tax relief and a related covenant to protect public benefit in order to encourage substantial rehabilitation and use of qualifying structures, or in certain cases, the replacement of qualifying structures, as described herein; and

WHEREAS, RSA 79-E:3 permits municipalities to adopt modifications of the provisions of RSA 79-E, as set forth within the Statute.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Keene that the Council hereby adopts and implements the provisions of RSA 79-E, with certain modifications, as follows:

A. For purposes of administering a RSA 79-E program within Keene, the City hereby defines that a "qualifying structure" shall mean a non-residential building or mixed use building with residential uses occupying less than 50% of the gross living area that is located within the area depicted on the map labeled "City of Keene Community Revitalization Tax Relief Incentive (RSA 79-E) District" dated December 2017 attached hereto and made part of this Resolution.

B. For purposes of administering a RSA 79-E program within Keene, the City Council shall ensure that the proposed substantial rehabilitation provides one or more of the following public benefits, or that the proposed replacement provides one or more of the public benefits to a greater degree than would substantial rehabilitation of the same qualifying structure

- I. It enhances the economic vitality of downtown areas;
- II. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either

- independently or within the context of an historic district, town center, or village center in which the building is located;
- III. It promotes the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation;
 - IV. It promotes efficient design, safety, and a greater sense of community in a manner consistent with the Keene Comprehensive Master Plan;
 - V. It will add to the City's employment base by creating at least one new, full-time job in Keene's downtown area;
 - VI. It directly supports the integration of public art in the downtown; or
 - VII. It promotes development of a sustainable building stock in the downtown that achieves a nationally or internationally recognized green building standard (e.g. LEED, Green Globes, National Green Building Standard, and International Green Construction Code).

C. "Substantial Rehabilitation" shall mean rehabilitation of a qualifying structure which costs at least \$75,000 and, in certain cases, replacement of a qualifying structure which costs at least \$75,000;

D. "Tax Relief Period" shall mean that for a period of up to five (5) years the property tax on a qualifying structure shall not increase as a result of the substantial rehabilitation or reconstruction thereof, beginning only upon completion of substantial rehabilitation or, in the case of a replacement structure, upon completion of its construction;

E. In accordance with RSA 79-E:5, the duration of the tax relief period for applications filed in Keene shall be considered in the context of each specific application and shall only provide that level of tax relief necessary in the discretion of the City Council to effectuate the specific targeted public benefit(s) outlined as determined by the City Council. By way of example, a qualifying project that is deemed by the City Council to provide one or two of the public benefits listed above may be granted a tax relief period of up to two years, and a qualifying project that provides three or more public benefits may be granted a tax relief period of up to five years;

BE IT FURTHER RESOLVED that a property owner, as a condition of being granted such tax relief, shall

A. Document the proposed public benefit(s) at the time of the application for tax relief under the Keene RSA 79-E program; and

B. Provide the City promptly with all information and documentation that the City may deem relevant for review of the application for such tax relief, as well as for review of the rehabilitation or replacement project under federal, state, and local laws, codes and regulations, as may be applicable; and

C. Grant to the City a Covenant ensuring that the structure shall be maintained and used in a manner that furthers the public benefit(s) for which the property tax relief was granted and shall require the property owner to obtain casualty insurance, and flood insurance, if appropriate, for twice the term of the tax relief granted; and

D. Grant to the City a lien against the property for the purpose of ensuring proper restoration or demolition of damaged structures and property; and

E. Maintain the property as taxable, regardless of whether the property owner is otherwise subject to property taxes under RSA Chapter 72; and

BE IT FURTHER RESOLVED that if the Covenant is terminated for any reason, the City shall assess all current and arrears taxes, with interest, to the property owner as though no tax relief was granted in accordance with RSA 79-E:9,II; and

BE IT FURTHER RESOLVED that the City Manager or her or his designee, is hereby authorized to execute all documents and undertake all actions as may be required to implement this resolution.

This resolution shall take effect upon sixty (60) days following approval by City Council.

Kendall W. Lane, Mayor

In City Council December 7, 2017.

Referred to the Planning, Licenses and

Development Committee.



City Clerk



City of Keene, N.H.
Transmittal Form

December 3, 2017

TO: Mayor and Keene City Council

FROM: Mayor Kendall W. Lane

ITEM: 6.

SUBJECT: Mayor Lane - Proposed Amendments to the City Council Rules of Order

COUNCIL ACTION:

In City Council December 7, 2017.

Referred to the Planning, Licenses and Development Committee.

RECOMMENDATION:

Refer the proposed changes to the City Council's Rules of Order to the Planning, Licenses and Development Committee for their review and recommendation.

ATTACHMENTS:

Description

Rules of Order Amendments

BACKGROUND:

In preparation of the 2018-2019 City Council term, the Charter Officers and Mayor have reviewed the City Council's Rules of Order over several meetings. The majority of the proposed changes to the Rules of Order are housekeeping and are meant to clarify language or recognize current processes. Those changes that are more significant include:

- Restricting use of electronic devices during the Council and Committee meetings
- Adding new responsibilities for the Planning, Licenses and Development Committee and the Finance, Organization and Personnel Committee
- Clarifying the current opportunity for direct referral of communications by the City Manager to City staff
- Adjusting the timeline for submittal of proposed amendments to the annual operating budget
- Adjusting the timeline for filling City Council vacancies
- Transferring responsibility for updates to Council Policies to the City Manager

APPENDIX A - RULES OF ORDER OF THE CITY COUNCIL ^[1]

COUNCIL MEETINGS

SECTION 1. REGULAR COUNCIL MEETING. Regular meetings shall be held on the first and third Thursdays of each month (~~holidays~~ holidays, and summer City Council vacation excepted). The meetings shall take place in the City Council Chambers, City Hall, unless otherwise authorized by vote of the Council. The City Council shall meet at least once per month.

(Amended 3-20-1986)

SECTION 2. SPECIAL MEETINGS. Special meetings may be called by the Mayor, or at his or her refusal or absence from the City, by five (5) or more members of the Council, subject to Section 4, "Quorum," of these Rules of Order. The City Clerk shall prepare a notice of the special session stating time, place, and object, and this notice shall either be mailed or sent by cell phone text message at least forty-eight (48) hours before the time of the meeting, or in an emergency as determined by the Mayor, it shall be served personally upon each member of the Council, or left at their usual place of residence at least two (2) hours before the time of the meeting. It shall also be the duty of the City Clerk, immediately upon receipt of a request to do so, to make diligent effort to notify each member of the Council by telephone or otherwise of such special session.

(Amended 2-7-1980, 8-2-1984)

SECTION 3. ADJOURNED SESSIONS. Any session of the Council may be continued or recessed from day to day, or for more than one (1) day, but no recess shall be for a longer period than until the next regular meeting thereafter.

SECTION 4. QUORUM. The majority of the Councilors elected shall constitute a quorum. Roll call attendance will be taken before the start of all meetings of the City Council. In case that a less number than a quorum shall convene at a regular or special meeting, ~~the majority of the members present are authorized to send for all absent members~~ the meeting shall be rescheduled by the Mayor or the temporary chairman.

(Amended 8-2-1984)

OFFICERS

SECTION 5. PRESIDING OFFICER. The Mayor shall take the chair at the hour appointed for the Council to meet, and shall immediately call the members to order. The roll shall then be called by the Clerk, who shall enter in the minutes of the meeting the names of the members present. The name of any member entering after roll call shall be entered in the minutes.

SECTION 6. TEMPORARY CHAIRMAN. In case of the absence of the Mayor, the Clerk shall call the Council to order and call the roll of the members. If a quorum is found to be present, the Council shall proceed to elect a Councilor, by a majority vote of those present, as chairman of

the meeting to act until the Mayor appears. The temporary chairman shall have the obligation to vote in accordance with Section 14, "Voting and Conflict of Interest," of these Rules of Order.

SECTION 7. CITY CLERK. The City Clerk shall be the Clerk of the Council and shall perform such other duties as the Mayor and a majority of the Council may prescribe.

(Amended 2-7-1980)

SECTION 8. CITY ATTORNEY. The City Attorney shall attend all meetings of the Council unless excused by the Council or Mayor. Any member of the Council or the Mayor may at any time call upon the City Attorney for an opinion as to law, ordinances, or parliamentary procedure, but the final decision as to any matter of parliamentary procedure shall be the responsibility of the presiding officer, subject to the provisions of Section 12, "Right of Appeal," of these Rules of Order.

SECTION 9. CITY MANAGER. The City Manager shall attend all meetings of the City Council unless excused by the City Council or Mayor. The City Manager shall have all of the rights and restrictions for participation in City Council meetings as defined by the City Charter, applicable state law, and the Rules of Order.

(Amended 4-20-1972)

SECTION 910. DECORUM AND ORDER. The presiding officer shall preserve decorum and if a member transgresses the rules of the Council, the presiding officer shall, or any member may, call him or her to order, in which case he or she shall be seated, subject to the member's right to appeal under Section 12, "Right of Appeal," of these Rules of Order. ~~There shall be no smoking within the Council Chamber while the Council is in session.~~ Appropriate dress during regular meetings of the City Council shall consist of professional business attire. The Mayor and Council members shall refrain from engaging in electronic communications and general web browsing while Council meetings are in session. This includes but is not limited to phone calls, text messaging, emailing and posting to online social media platforms."

(Amended 2-20-1975)

DUTIES AND PRIVILEGES OF MEMBERS

SECTION 101. RIGHT OF FLOOR. When recognized by the Chair, a member shall rise in his or her place, respectfully address the presiding officer, shall confine himself or herself to the question under debate, avoid personalities, and refrain from impugning the motives of any other member's or participant's argument, stated position or vote. No member of the Council may speak for or against a petition at a public hearing thereon, but he or she may ask questions concerning the petition or answer questions if he or she has special knowledge concerning the petition.

(Amended 6-5-1975)

SECTION 112. EXCUSAL DURING MEETING. No member may leave the Council Chamber ~~while in regular session-~~ after the call for a vote without permission from the presiding officer. There shall be, at a convenient point to be selected by the Mayor or presiding officer in the absence of the Mayor, a recess of approximately (5) minutes, after the Council has been in session for two (2) hours, including hearings.

SECTION 123. RIGHT OF APPEAL. Any member may appeal to the Council a ruling of the presiding officer. If the appeal is seconded the member making the appeal may briefly state his or her reason for the same, and the presiding officer may briefly explain his or her ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the members present vote in the negative, the ruling of the Chair is overruled; otherwise, it is sustained. Such a vote shall be by roll call. The Chair shall not have a vote.

SECTION 134. LIMITATION OF DEBATE. No member shall be allowed to speak more than once upon any one question until every other member choosing to speak thereon shall have spoken, and no member shall speak more than ~~twice-~~ three times on any one question, nor for a longer time than ten (10) minutes in all, without leave of the Council.

(Amended 2-7-1980)

SECTION 154. VOTING AND CONFLICT OF INTEREST. Every member present when a question is put shall vote thereon, except when the member has a conflict of interest in the matter as defined by Section 25, "Conflicts of Interest," of the Charter of the City of Keene. A conflict may exist when a Councilor's spouse, ~~civil union partner,~~ parent, child, or other member of the Councilor's immediate family has a conflict. A conflict shall also exist when a business or individual has a matter before the Council and a Councilor is employed by the business, or is otherwise a party in interest. If the conflict becomes known prior to a Council meeting, the Councilor shall file with the City Clerk the written particulars of the conflict of interest for inclusion on the Council agenda. If the conflict becomes known to a Councilor during a meeting, the Councilor should immediately disclose the particulars of the conflict of interest. The question of whether or not a conflict exists will then be decided by a majority vote of the Councilors present. ~~The Councilor claimed to have the conflict of interest shall not vote.~~ When such a conflict is determined by the City Council to exist, the member having the conflict shall be prohibited from participating in the discussion and voting. Except at a duly noticed public hearing, or a public meeting, in which the public is allowed to speak, no Councilor having a conflict of interest may discuss the issue in which he or she has a conflict with any other Councilor in any other place or any other time. If a Councilor with a conflict of interest wishes to speak at a public hearing, or in a public meeting, the Councilor shall do so from the audience section of the meeting.

Any Councilor having reasonable grounds to believe that another Councilor has a conflict of interest may raise the issue on his or her own motion. The question will then be decided as set forth above.

(Amended 6-5-1975, 4-15-1976, 4-20-1978, 4-17-1980, 6-18-1981, 8-2-1984, 4-18-1991, 2-17-2005, 6-5-2008)

SECTION 156. DEMAND FOR ROLL CALL. Upon the demand of any member, made before the ~~negative vote~~ has been ~~put~~called for, the roll shall be called for yeas and nays upon any question before the Council. It shall not be in order for members to explain their vote during the roll call.

SECTION 167. MOTIONS. A long or complex motion shall be reduced to writing if the Chair so directs; or if any member of the Council requests it. When a main motion is under debate, the Mayor may receive the following subsidiary motions, which have their proper position in the order, taking precedence over the motions that rank below it and yielding to motions that rank above it.

Lay on the table	2nd required	Simple majority	Not debatable	Not amendable
Previous question	2nd required	2/3 majority	Not debatable	Not amendable
Limit or extend debate	2nd required	2/3 majority	Not debatable	Amendable
Postpone definitely	2nd required	Simple majority	Debatable	Amendable
Refer	2nd required	Simple majority	Debatable	Amendable
Amend	2nd required	Simple majority	Debatable	Not amendable
Postpone indefinitely	2nd required	Simple majority	Debatable	Not amendable
Main motion	2nd required	Simple majority	Debatable	Amendable

In addition to subsidiary motions, the Mayor may receive the following incidental and restoratory motions, which have no rank:

Adjourn	2nd required	Simple majority	Not debatable	Not amendable
Recess	2nd required	Simple majority	Not debatable	Not amendable

Division of the question	2nd required	Simple majority	Not debatable	Amendable
Suspend Rules of Order	2nd required	2/3 majority	Not debatable	Not amendable
Take from the table	2nd required	Simple majority	Not debatable	Not amendable
Reconsider	2nd required	Simple majority	Debatable	Not amendable
Appeal from a decision of the Chair	2nd required	2/3 majority	Debatable only between Mayor and the member making the appeal	Not amendable
Call from Committee	2nd required	Simple majority	Debatable	Not amendable
Point of Order	None	Ruling by the Chair	Not debatable	Not amendable

(Amended 6-5-2008, [11-21-2013](#), [11-19-2015](#))

SECTION 1876. PERMISSION REQUIRED TO ADDRESS COUNCIL. Persons other than the Mayor, members of the Council or the City Manager shall not be permitted to address the Council except upon introduction by and permission of the the Mayor, ~~or a Council member~~ and only after the person's name and address has been clearly stated. ~~If any Councilor objects to the person being permitted to address the Council, he or she shall be permitted to speak only by a majority vote of the Council.~~

SECTION 1987. MOTION TO ADJOURN. A motion to adjourn shall be in order at any time, except as follows:

1. When repeated without intervening business or discussion
2. When made as an interruption of a member while speaking
3. When the previous question has been ordered
4. While a vote is being taken.

A motion to fix the time to which to adjourn is debatable only as to the time to which the meeting is adjourned.

[\(Amended 11-21-2013\)](#)

SECTION 20198. RECONSIDERATION. After the decision of any question, any member who voted with the prevailing side may move for reconsideration for that action at the next regular meeting of the Council. For the purposes of this Rule, the next regular meeting of the Council shall be the next regularly scheduled meeting of the City Council which is at least ten (10) days after the meeting of the Council at which the decision to be reconsidered occurred. The Councilor shall submit a written notice and the question shall be placed on the agenda in accordance with these rules. A motion to reconsider shall require a majority vote of the Councilors present.

After a motion for reconsideration has once been acted on, no other motion for a reconsideration thereof shall be made. If the original vote is sustained at the next regular meeting as defined herein, the Council shall have no further right of reconsideration on the question.

(Amended 4-20-1972, 8-19-1993, 1-5-1995)

SECTION 210. TIE VOTE. In case of a tie vote on any proposal, ~~except an election by ballot vote,~~ the presiding officer shall cast his or her vote to dissolve the tie vote.

SECTION 224. SPECIAL COMMITTEES. All Special Committees of the Council such as the Council may establish, shall be appointed and announced by the Mayor. The appointment by the Mayor shall also include an indication of any funds or staff time to be utilized by such Special Committees and, if any, such funds and staff time to be approved by the City Council. Special Committees shall continue to exist until their charge has been completed or one year from the date of establishment, whichever comes first.

(Amended 4-20-1972, 7-17-1974, 12-16-1976, 2-7-1980, 3-26-1980, 2-15-1990, 4-18-1991, 11-20-1997, 6-5-2008, [11-19-2015](#))

SECTION 232. STANDING COMMITTEES. At the commencement of each municipal year, the following Standing Committees of the Council shall be appointed by the Mayor. All Standing Committees of the Council shall consist of five (5) members. No member shall serve on more than one Standing Committee of the Council at the same time. The first member named on each Committee to be Chairman; the second member named on each Committee to be Vice-Chairman. Items referred to Committee shall be in accordance with their areas of concern as set forth below:

Finance, Organization, and Personnel Committee

Assessment, budget, cable franchise, claims, purchase and sale of real property and its disposition, elections, finances, information technology, insurance, leases and lease management, organization, personnel, purchasing, and taxes.

Municipal Services, Facilities and Infrastructure Committee

Cemeteries, intermodal transportation facilities, infrastructure management and planning, fire, public health, human services, library, parks, police, recreation, public safety, trail system, traffic control, and youth services.

Planning, Licenses and Development Committee

Airport, Airport leases, Airport land use planning, broadband, college/city relations, enforcement of codes easements, economic development, floodplain, development, housing, intergovernmental relations, land use, permits, legislative review, licensing, management of open space, conservation, planning, Rules of Order, wetlands, and zoning.

A Councilor who is not a member of the Committee may ask questions and participate in the discussion, but may not participate in the deliberations after a motion and 2nd has been made concerning an item on a Committee agenda. If the Committee votes to remove a matter from more time, it shall be placed on the agenda for the next scheduled committee meeting and prior notice shall be provided to all interested parties. If the Committee votes to go into non-public session, only the members of the Committee, and required City Staff, shall attend the session. Non-public sessions by a Committee are discouraged, and shall only occur in extraordinary circumstances.

All Standing Committees, except Finance, Organization and Personnel, shall normally meet on the Wednesday following a regularly scheduled Council meeting. The Finance, Organization and Personnel Committee shall normally meet on the first Thursday following the regularly scheduled Council meeting. Items to be submitted for the agenda packet must be filed with the City Clerk by 1:00 p.m. on the Tuesday before the Committees hold their regular meetings. A majority of each Committee shall constitute a quorum. The City Manager and those department heads ~~needed~~ requested by the City Manager ~~respective committees~~ shall normally attend the regularly scheduled Standing Committee meetings. The City Manager may designate a department head or other suitable person to represent him or her unless he or she is requested by the Committee to attend a particular meeting, but the Committee Chairmen will make arrangements to avoid conflicting demands on the City Manager's time.

(Amended 8-3-1972, 2-1-1979, 3-15-1979, 10-1-1981, 5-17-1990, 6-7-1990, 11-20-1997, 11-18-1999, 6-5-2008; 11-1-2012, 2-18-2016)

SECTION 243. ORDER OF BUSINESS. The business of all regular meetings of the Council shall be transacted in the following order, unless directed by the Mayor or presiding officer.

1. Call to order
2. Roll call of attendance

3. Pledge of allegiance
4. Acceptance of minutes of the preceding meeting.
5. Public Hearings, proclamations and presentations
6. Nominations/confirmations/appointments
7. Communications
8. Reports of Committees/Boards/Staff
9. City Manager Comments
10. Legislation (Ordinances/Resolutions)
11. Non-Public Session
11. Adjournment

(Amended 8-2-1984, 6-5-2008, [11-19-2015](#).)

~~**SECTION 24. ITEMS OF BUSINESS – OUT OF ORDER.** The presiding officer may permit any item of business to be taken up out of the regular order unless there is an objection by a Council member in which case a majority of the Council may vote to take the item out of order.~~

SECTION 25. COMMUNICATIONS. Communications to be introduced to the City Council or directly to the City Manager, must be signed by the person introducing the same and must give his or her residential address, mailing address, if different, at which he or she can be reached to be notified of committee meetings, etc. Communications containing a scanned image of the person's actual signature may be submitted electronically. Communications not containing all of the above will not be accepted by the City Clerk and will not be directed to the City Manager or placed on the agenda of the City Council. Communications addressed to a Councilor of a personal or argumentative nature shall not be introduced in Council.

(Amended 10-2-1980, 9-7-1981, 8-2-1984, 4-18-1991, [11-19-2015](#).)

SECTION 26. REVIEW OF ITEMS OF BUSINESS. Every Ordinance, Resolution, Committee Report, and any other document to come before the Council for consideration must be filed with the City Clerk by 4:00 PM on the Tuesday before the Thursday on which the Council holds its regular meeting. ~~Ordinances, Resolutions, and documents, except Committee reports, to come before the Council for consideration shall be personally hand signed by those submitting same.~~

As soon as practicable after receipt of items of business by the City Clerk, the City Clerk shall review the items of business with the Mayor and City Manager. Items of business determined by the Mayor or Manager to be routine City business, or easily resolved by the City staff, or of a nature that investigation by the City would be desirable in order to better determine how to proceed with that item of business, or of a nature that the matter be dealt with confidentially under applicable law, shall be referred, as appropriate, to the City officer, department, City Council, Council Committee, or other agency for disposition. In such cases, the sponsor of the

item of business shall be given written notification of the referral of the matter and such other pertinent information as the Mayor or City Manager shall determine to be appropriate. The Council shall be provided with a summary of these items of business and their disposition. The City Manager shall take reasonable measures to insure that these referrals are followed up. Items of business not resolved to the satisfaction of their sponsor, shall be placed upon the Council agenda by the Mayor, any member, or the City Manager.

All items appearing on the Council agenda for the first time shall be referred by the Mayor to a Committee or Committees in accordance with its or their areas of concern as set forth in Section 22, Standing Committees, hereof for its or their consideration and report for the next meeting of the Council, unless more time is granted by the Council. Any item appearing on the Council agenda for the first time shall not be debated, and shall have no final action without suspension of the rules. ~~All petitioners, communications, reports and documents appearing before the Council shall be ordered filed with the records of the Council by the Mayor unless, after inquiry, he or she hears objection by any Councilor to that procedure. If there is objection, a motion as to disposition will be in order. After filing, motions will be in order for referral, for more time, or for such other action as the Council deems appropriate.~~ Once more time has been granted on a matter, it shall remain on more time until placed on the committee agenda for action or a motion to call it out of committee passes. Notwithstanding any other provisions of these rules, Resolutions of a congratulatory, aspirational or ceremonial nature and items referred directly to a committee under this Section and then reported out may be debated and acted upon when they first appear on the Council agenda without suspension of the rules.

(Amended 6-5-2008, 11-1-2012, [11-21-2013](#), [2-18-2016](#))

~~**SECTION 27. REVIEW AND INTRODUCTION OF ORDINANCES AND RESOLUTIONS.** All proposed Ordinances and Resolutions shall be introduced to the Council with the name of the Councilor introducing same being announced by the Clerk.~~

~~(Amended 3-15-1979, 2-7-1980, 4-18-1991)~~

SECTION 278. READINGS OF ORDINANCES AND RESOLUTIONS. Resolutions calling for the appropriation of unbudgeted funds and all Ordinances shall be read twice. The first and second readings to be by title only. On the announcement of a second reading, the question shall be voted on by a roll call vote. Such documents are to be posted on the public bulletin board in the City Hall entry way for one (1) week following each reading in Council. No item which has been the subject of a public hearing may be considered by Council on the same day as the hearing.

(Amended 6-21-1973, 2-7-1980)

SECTION 289. AMENDED ORDINANCES. If an Ordinance is amended in Committee, it shall be reported as an amended Ordinance. The Committee report shall explain the recommended amendments.

(Amended 2-15-1990)

SECTION 2930. VOTES ON ORDINANCES OR RESOLUTIONS. On passage of a Resolution calling for the appropriation of funds, or on the passage of any Ordinance, the vote shall be taken by roll call and entered in full upon the record. Every member shall be required to vote unless excused for ~~cause~~ conflict of interest by vote of the Council. The vote shall be for or against a pending Ordinance or Resolution and not on the report of the committee thereon.

SECTION 301. ANNUAL APPROPRIATION. If a Councilor wishes to make an amendment to the proposed annual operating budget during the budget adoption process, the Councilor shall submit the text of the proposed amendment, including the line item(s) to be amended, to the City Clerk for inclusion on the Council agenda no later than ~~five (5) days~~ 4:00 p.m. on the Tuesday prior to the Council meeting scheduled for the adoption of the annual budget. After the annual appropriation has been passed, subsequent expenditures shall not be authorized for any purpose without special appropriation therefore by affirmative vote of a majority of City Council. In such case said subsequent expenditure creates a City debt the affirmative vote of two-thirds of City Council shall be required. All such votes shall be taken by roll call.

(Amended 6-5-2008, [11-19-2015](#))

SECTION 312. APPROPRIATION OF UNBUDGETED FUNDS. After adoption of the budget, Resolutions calling for the appropriation of funds shall not be accepted by the City Clerk, unless accompanied by an explanation of the purpose of the appropriation and the funds to which it is to be charged.

(Amended 4-20-1972, 3-15-1979, 2-7-1980)

SECTION 323. REPORT BY COMMITTEE. All matters referred to a committee must be reported out of that committee at the next regular meeting of the Council except a matter which is the subject of a pending public hearing or unless otherwise ordered by a majority of the Council Committee members present. Written testimony with regard to a public hearing shall be accepted by the City Clerk up until 1:00 p.m. on the Tuesday immediately preceding the committee meeting. Written testimony with regard to any other business before the committee shall be accepted by the City Clerk up until 4:00 p.m. on the Tuesday immediately following the committee meeting in order to be included in the agenda of the City Council meeting. A matter which is the subject of a public hearing must be reported out of a committee at the next regular meeting after the hearing unless otherwise ordered by a majority of the Council Committee members present. If not reported as above, or if immediate action is required, a motion by the City Council to call the matter out of committee will then be in order. Passage of that motion will place the matter before the Council for consideration. When the Chair of the Committee or the designee offers a motion to carry out the intent of the Committee report, a brief explanation of the committee's recommendation shall be verbally shared with the Council. Moving to carry out the intent of the committee report does not restrict the maker of the motion from speaking against the recommendation of the Committee.

(Amended 12-16-1976, 11-15-2012; [11-21-2013](#), [2-18-2016](#))

SECTION 334. RESUBMISSION OF ITEMS ONCE CONSIDERED. Once a final vote has been taken by the Council regarding the disposition of an item of business submitted to it, except for a reconsideration vote under these rules [or the City Charter](#), the identical subject matter to that in the item of business so decided shall not be taken up again by the Council as an item of business during that calendar year, unless the circumstances pertinent to the item of business have changed substantially and a likelihood exists that a different disposition from that previously determined by the Council will result. During the course of review of items of business submitted to the City Clerk for presentation to the City Council, the Mayor shall, with the assistance of the City Manager, determine whether any of the items have previously been disposed of by the Council as set forth in this section and whether or not changed circumstances are present. In the event that the Mayor determines that an item of business has been previously disposed of by the City and circumstances are substantially unchanged, he or she shall refer the matter to the City Clerk for filing. The Council shall be so notified as in the case of other referrals under Section 26, "Review of Items of Business," of these Rules. Unless the Council shall cause additional action to be taken regarding the items of business so referred, the City Clerk shall notify the sponsor of the item of its disposition.

SECTION 345. NON-PUBLIC SESSION. As provided for in RSA 91-A:3, the vote on any motion to enter non-public session shall be by roll call, and shall require the affirmative vote of the majority of members present. All persons present except the Mayor, City Council, the City Manager, City Attorney and City Clerk, unless any are excused, shall leave the meeting, unless specifically requested to remain. [A motion to seal the minutes of a non-public session shall be by roll call vote and shall require a two-thirds majority vote in favor.](#)

(Amended 6-5-2008)

SECTION 356. SUSPENSION OF THE RULES. Any provision of these rules not governed by the Charter, Statute, or Ordinance, may be temporarily suspended at any meeting of the Council, by a two-thirds vote of all members present. The vote on any such suspension shall be taken by roll call and entered upon the records.

(Amended 6-5-2008)

SECTION 367. TO AMEND RULES. These rules may be amended or new rules adopted by a two-thirds vote of all members elected. Any such alterations or amendments shall be submitted in writing at the preceding regular meeting and shall be referred to the Planning Licenses and Development Committee. This requirement shall be waived only by unanimous consent, with a recorded vote of all members elected. Changes shall become effective upon passage.

(Amended 11-20-1997)

SECTION 378. PROCEDURE TO FILL VACANCY. In the event that a vacancy occurs in the City Council or Office of the Mayor from any cause, the following procedure shall be followed to fill the vacancy.

- A. When a vacancy occurs, the Mayor or temporary chairman (in the case of a vacancy in the office of the Mayor), in accordance with Sections 8, "Vacancies," and 19, "Mayor," of the City Charter, shall declare the office vacant at the City Council meeting immediately following the discovery of the vacancy.
- B. When a vacancy is declared to exist, the Mayor or temporary chairman (in the case of a vacancy in the office of the Mayor) shall set a filing period no earlier than eight (8) days after the declaration. The Mayor shall cause publication notice of the vacancy in a newspaper of general circulation in the City and establish an ~~eight~~fourteen ~~(8)~~(14) day period exclusive of the date of publication within which time candidates may file notice of their intent to seek election to the vacant office. The filing period shall end at the close of business of the City Clerk's office on the fourteenth day.
- C. ~~Following the declaration of the vacancy by the Mayor, the City Council shall choose a qualified person at the next regular meeting of the City Council~~ after the close of the filing period, at which time an election shall be held. ~~Following the declaration of the vacancy by the temporary chairman (in the case of a vacancy in the office of Mayor), the City Council shall choose a qualified person at the meeting after the next regular meeting of the City Council at which time an election shall be held.~~

The following procedure shall be followed on the date of the election:

- 1. The Mayor, or temporary chairman in the case of a vacancy in the office of the Mayor (see Section 6, "Temporary Chairman," of the Rules of Order), shall declare the field of candidates for the vacancy.
- 2. Each candidate will be given five (5) minutes to address the City Council relative to his/her candidacy. No questions will be asked of the candidates by the City Council and immediately upon completion of the last candidate's presentation, the City Council will proceed with the process of filling the vacancy.
- 3. In the event that there are more than two candidates, there shall be a primary vote of the City Council to narrow the field of candidates to two (2). The two candidates receiving the highest number of votes following an initial vote will be declared the finalists for election.
- 4. —The final vote will be conducted and the candidate receiving the votes of a majority of the elected City Council will be declared the winner.
- 5. Voting shall be by roll call vote, each City Councilor stating the name of his/her choice. In the event that a City Councilor does not wish to vote for any candidate, he/she shall vote "No."

In the event that no candidate for the vacancy receives a majority vote of the elected City Council, then the Mayor or temporary chairman shall establish an

additional ~~eight~~fourteen (~~8~~14) day period within which candidates may file notice of their intent to seek election to the vacant office, and an election shall be held as provided above, -including publication notice.

6. Following the successful result of an election, the prevailing candidate shall take the oath of office.

(Amended 4-17-1997, 11-1-2012)

SECTION 389. RULES OF ORDER. "Roberts Rules of Order," as amended, shall govern points of order not covered herein.

SECTION 3940. COUNCIL POLICIES. Policies to be introduced to the City Council governing the operations of the City Council shall be in the form of a Resolution and, upon its adoption; they shall be indexed and appended to the Rules of Order for ease of reference. A Council policy shall remain effective until superseded by a vote of the City Council. When an issue comes before the City Council, which it believes has merit, but which is inconsistent with an adopted policy, the City Council shall first consider an amendment to the policy before considering the issue at hand. The City Council shall annually review ~~20% of all~~ adopted policies selected and presented by the City Manager to be certain that the intent of the policy remains valid, and if not, the City Council may vote to rescind the policy.

(Amend. of 2-2-2006)