



KEENE CITY COUNCIL  
Council Chambers, Keene City Hall  
July 5, 2018  
7:00 PM

Roll Call  
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- June 21, 2018

**A. HEARINGS / PRESENTATIONS / PROCLAMATIONS**

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

1. Confirmation  
Zoning Board of Adjustment
2. Nomination  
Library Board of Trustees

**C. COMMUNICATIONS**

1. Antje Hornbeck - Resignation - Partner City Committee
2. Councilor Clark - Process for a City Councilor to Request Information from Staff
3. Tim Zinn - Let It Shine - Modified Request for Event License

**D. REPORTS - COUNCIL COMMITTEES**

1. Dog Warrant – City Clerk’s Office
2. Presentation – Broadband Study – IT Department
3. Peggy Schaffler/Country Life – Use of City Property – Sandwich Board Sign
4. 2018 Pumpkin Festival - Staff Recommendation – Public Works Department
5. Request to Solicit and Report on Donations – Human Resources
6. Woodland Cemetery Culvert – Parks, Recreation and Facilities Department
7. Professional Service Evaluation - Roxbury Road Water Storage Tank - Public Works Department
8. Records Storage and Management Services Rate Increases for Contracted Customers - City Clerk's Office

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

1. CITY MANAGER COMMENTS

**F. REPORTS - BOARDS AND COMMISSIONS**

**G. REPORTS - MORE TIME**

1. Ashuelot Court Homeowners – Request to Partner in the Installation of Water and Sewer Lines on Ashuelot Court, a Designated Private Road

**H. ORDINANCES FOR FIRST READING**

**I. ORDINANCES FOR SECOND READING**

1. Relating to Fire Department Call Personnel  
Ordinance O-2018-07
2. Relating to False Alarm Prevention - Payment of Costs  
Ordinance O-2018-10

**J. RESOLUTIONS**

1. Use of Capital Funds for Drummer Hill Water Storage Tank and Pump Station  
Resolution R-2018-21
2. Council Policy Relating to the Acceptance and Placement of Public Art  
Resolution R-2018-22

Non Public Session  
Adjournment

A regular meeting of the Keene City Council was held Thursday, June 21, 2018. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: Carl B. Jacobs, Janis O. Manwaring, Thomas F. Powers, Terry M. Clark, Randy L. Filiault, Bartolmiej K. Sapeta, Margaret M. Rice, George S. Hansel, Gary P. Lamoureux, Bettina A. Chadbourne, Stephen L. Hooper, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Robert B. Sutherland was absent. Councilor Lamoureux led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the June 7, 2018 regular meeting was duly seconded. The motion passed with a unanimous vote in favor.

#### ANNOUNCEMENTS

The Mayor announced that on Tuesday, July 17<sup>th</sup>, at 6:30 PM in Council Chambers, there will be a Fiscal Policy Workshop. The Mayor announced the summer break will include the week of August 8<sup>th</sup> and 9<sup>th</sup> for the Standing Committees and the August 16<sup>th</sup> City Council meeting. The August 22<sup>nd</sup> and 23<sup>rd</sup> Standing Committee meetings will be moved to the last week of the month on August 29<sup>th</sup> and 30<sup>th</sup>. The City Council will be back to its normal meeting cycle on September 6<sup>th</sup>.

#### PRESENTATION – 4<sup>TH</sup> GRADE WATER SCIENCE FAIR

The Mayor recognized Eric Swope, from Public Works and invited Jack Quarry, Emma Petrovich, and Alaria Clauss forward. The Mayor stated these were the top finishers at this year's City of Keene Water Science Fair. Jack Quarry, Wheelock School, finished third in the City of Keene Water Science Fair with his project titled "Suds the Hard and Soft of it". Jack explained differences between hard water and soft water and how one is better than the other for making suds. Jack went on to the State Fair and finished second. Emma Petrovich, Symonds School, finished second in the City of Keene Water Science Fair with her project on how the location of a pond affects its water quality. Emma collected samples of water from several of the area ponds, including some near homes and human activities and some from more isolated places. The ponds that were by forests were more protected from water quality problems. Emma received an honorable mentioned at the State Fair. Alaria Clauss finished first in the City of Keene Water Science Fair with her project on how diapers absorb water. She explained how the chemical structure of sodium polyacrylate is used to absorb many times its weight in liquid. She thoroughly impressed the judges with her knowledge and presentation. She went on to the State Fair and finished first there as well. The Mayor gave Alaria the trophy to take back to her home school, Fuller School. The Mayor thanked Eric Swope and the water department for their efforts for the City's Water Science Fair. He went on to state that the Keene Swampbats have designated Friday, June 22, 2018 as 4<sup>th</sup> Grade Water Fair night. The Swampbats donated family passes to all area 4<sup>th</sup> graders who completed the City of Keene Water Science Fair projects. The students will be invited to play games with Ribby on the field. Alaria and Ribby will throw out the first pitch.

#### PRESENTATION – 100% RENEWABLE ENERGY PLAN FOR KEENE

The Mayor invited Dr. Nora Traviss and Hannah Rettig forward. Ms. Rettig stated it is very easy to understand why a 100% renewable energy plan for Keene, through climate change, energy

security, sustainability resource moving forward, storage, energy independence, job benefits/creation, and human health would improve due the air quality improvement. Their vision would be to have Keene's residential sector 100% powered by solar. They did research on 4 areas to measure the use of energy: lighting and appliances; heating and cooling; hot water; and transportation. They then researched how much energy would be created by solar power and transferred the numbers into these areas to know much power would cover the energy usage. They determined that it would require 767 acres of land with solar panels.

Ms. Rettig went on to discuss energy justice. Distributional justice involves getting everyone the same opportunity to the resource. Recognition justice is to make sure that all the parties are involved and are part of the conversation. Renters and landlords make up about 50% of Keene and low income families/impoverished people make up another larger amount of the population in Keene. The plan is to use the Ready for 100% campaign and split into two groups, the rooftop solar and ground solar, by way of canvas to rooftop solar homes, hold open-sessions and create incentives and buddy programs that pair those who have the solar panels with those who do not to help guide them through the process.

Ms. Rettig continued with the political and economic forces that may make the process a little more challenging. Regional Greenhouse Gas Initiative (RGGI), New Hampshire State Energy Strategy, Energy Efficiency Resource Standard, Renewable Portfolio Standards, Cities for Climate Protection Committee and Exemption for Residential Property Taxes for the Assessed Value for Renewable System are all available for Keene. Based upon the research Keene can be at 100% use of renewable energy within the next 30 years.

Ms. Retting responded to questions to an inquiry from Councilor Clark who indicated that many people have raised the question as to whether it was even possible that Keene could ever be at 100% renewable energy and he appreciated the presentation showed how it was possible. The Councilor stated he believed Keene could do this so sooner than 30 years and it behooved the City to move forward. Councilor Jacobs noted there was other renewable energy sources and clarified that this study only focused on solar. Ms. Retting stated other resources could be considered and it would be easier to include other sources – such as water and wind. Councilor Sepata referred the recent decision regarding a sustainable energy coordinator and inquired whether that position would assist. Ms. Rettig responded that getting the residential side and having someone to work with community members would be good. Ms. Novak continued that a big part of the energy footprint was off-campus housing and having a good relationship with landlords it would be good to have someone in the city facility this effort and provide some sustainability to the programs as students come and go. The Mayor stated on of the issues in Keene is particulate matter which is largely caused by the use of wood stoves, which is an alternative energy source. Ms. Novak responded she has worked with SWRPC and with students to measure and monitor that. Consider the political bent of “live free or die” the Mayor brings up an excellent point. She doubts there would ever be any consideration to a wood stove ban, but there is woodstove change out programs available. She added the level of education in this area is pretty high and in working with SWRPC and KSC they want to engage in a citizen science program to try to get citizens to engage with real time mapping so when air inversions do occur they can opt out from burning their wood stove on a volunteer basis or ideally use better wood burning applies, switch to pellets or consider solar. Councilor Rice inquired how solar

panels would be installed in an area so as not to interfere with its use. Ms. Rettig responded mounting solar panels near the exterior tree lines would be one option or in parking lots the solar panels could be used as cover for parked cars. The Mayor thanked the presenters for their efforts and this is a good that many strongly favor and the real issue is getting from here to there.

## CONFIRMATIONS

A motion was made by Councilor Greenwald and duly seconded to confirm the following nominations: Paul Bocko to serve as a regular member of the Ashuelot River Park Advisory Board, with a term to expire December 31, 2020 and Richard Blood to serve as a regular member of the Airport Development and Marketing Committee, with a term to expire December 31, 2020. On a roll call vote, with 14 Councilors present and voting in favor the nomination was confirmed. Councilor Sutherland was absent.

## NOMINATION

The following nomination was received from the Mayor: Jane Taylor to serve as a regular member of the Zoning Board of Adjustment, with a term to expire December 31, 2022. The nomination was tabled until the next regular meeting.

## COMMUNICATION – ASHUELOT COURT HOMEOWNERS – REQUEST TO PARTNER IN THE INSTALLATION OF WATER AND SEWER LINES ON ASHUELOT COURT, A DESIGNATED PRIVATE ROAD

A communication was received from several residents on Ashuelot Court requesting that the City partner in the installation of water and sewer lines on Ashuelot Court, a designated private road. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

## PLD REPORT – CAROLYN SWEET/MACHINA ARTS – USE OF CITY PROPERTY – FIRST FRIDAY EVENTS

Planning, Licenses and Development Committee report read recommending the City Council grant permission to Machina Arts for the use of City property on Railroad Square to conduct a series of First Friday Arts events from 4:00 PM to 9:30 PM (inclusive of set up and break down) on the following dates: July 6, August 3, September 7, and October 5, 2018. Said permission is conditional upon the following: compliance with customary licensing requirements of the City Council; submission of signed letters of permission from any private property owner for the use of their property; obtainment of any necessary licenses or permits; and compliance with any recommendations of City staff. The staff reserves the right to bring back to Committee any changes of scope that warrant the City Council's approval. In addition, the Petitioner agrees to absorb the cost of any City services provided. 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 – ANTHONY & FANELLA LEVICK/GRANITE ROOTS BREWING –  
REQUEST TO SELL BEER AT KEENE FARMER’S MARKET

Planning, Licenses and Development Committee report read recommending that Granite Roots Brewing be granted permission to sell alcohol at the 2018 Keene Farmer’s Market of Keene. Said permission is contingent on the following: submittal of a signed letter of permission from the Farmer’s Market of Keene, obtainment of all necessary permits and licenses and compliance with all laws, including the requirements of NH RSA 179:44 II-a. 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 – JESSE O’BRYAN/BANCH AND BLADE BREWING COMPANY –  
REQUEST TO SELL BEER AT KEENE FARMER’S MARKET

Planning, Licenses and Development Committee report read recommending that Branch and Blade Brewing Company be granted permission to sell alcohol at the 2018 Keene Farmer’s Market of Keene. Said permission is contingent on the following: submittal of a signed letter of permission from the Farmer’s Market of Keene, obtainment of all necessary permits and licenses and compliance with all laws, including the requirements of NH RSA 179:44 II-a. 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 – CONNECTICUT NATIONAL GUARD – REQUEST TO CONDUCT AIR  
DROPS – DILLANT HOPKINS AIRPORT

Planning, Licenses and Development Committee report read recommending the City Manager be authorized to do all things necessary to enter into a Memorandum of Understanding with the State of Connecticut Military Department Air National Guard 103D Airlift Wing to conduct air-drop operations at the Dillant-Hopkins Airport. A motion by Councilor Jones to carry out the intent of the report was duly seconded. The motion passed with 13 voting in favor. Councilor Clark voted in opposition.

PLD REPORT – CLARENCE DEMAR MARATHON – REQUEST TO USE CITY  
PROPERTY

Planning, Licenses and Development Committee report read recommending that the Elm City Rotary Club be granted permission to sponsor the Clarence DeMar Marathon on September 30, 2018, subject to the customary licensing requirements of the City Council, and compliance with any recommendations of City staff. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 19 Community Events Budget, and agrees to remit said payment within 30-days of the date of the invoicing. 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 – DONATION FOR FUN TO READ INTERNSHIPS – KEENE PUBLIC  
LIBRARY

Finance, Organization and Personnel Committee report read recommending the City Manager do all things necessary to accept a \$1,000 donation from the Young Adult Library Services Association, a division of the American Library Association, to be used for hiring 3 teen interns for the Camp Fun To Read summer program. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – TAX DEED WAIVER REQUEST FOR 2015 – FINANCE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to waive tax deeding for an attached list of properties until November 2, 2018. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – REPURCHASE OF 18 IMPERIAL DRIVE – FINANCE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to convey 18 Imperial Drive to the former owner upon payment per RSA 80:90. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – REPURCHASE OF 62 SPARROW STREET – FINANCE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to convey 62 Sparrow Street to the former owner upon payment of the taxes and interest and cost of June 5, 2018. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – MONADNOCK REGION COMPLETE STREETS IMPLEMENTATION GRANT – PUBLIC WORKS

Finance, Organization and Personnel Committee report read recommending the City Manager do all things necessary to apply for, accept and execute a “Monadnock Region Complete Streets Implementation Grant” for the Marlboro Street Corridor. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – DOWNTOWN PAVER CROSSWALK REPAIRS – FOLLOW UP – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending Scope 2 Option B, which would call for the removal of the existing pavers and installation of new acrylic crosswalks, with reflective white acrylic stripes at the eleven locations proposed by City staff. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with 9 voting in favor and Councilors Clark, Filiault, Sapeta, Rice and Hooper opposed.

## CITY MANAGER COMMENTS

The City Manager announced there will be a regional issues series forum sponsored by the Greater Keene Chamber of Commerce on Thursday, June 28, 2018. Commissioner Taylor Caswell and Will Arvelo, Director of Economic Development, will be the speakers at Centennial Hall, Alumni Center, Keene State College. The City Manager also invited the Council to attend the grand opening of our Community Development Office on July 2, 2018 at 8 am. There will be a red ribbon to cut, symbolizing “cutting the red tape.”

## MORE TIME

More time was granted by the Chair for the following items in Committee: Kevin Dremel – Use of City Property – Keene Music Festival; Peggy Schaufli/Country Life – Use of City Property – Sandwich Board Sign.

## MEMORANDUM – ASSISTANT CITY MANAGER/HUMAN RESOURCES DIRECTOR AND ORDINANCE O-2018-07 RELATING TO FIRE DEPARTMENT CALL PERSONNEL

A memorandum was received from the Assistant City Manager/Human Resources Director along with Ordinance O-2018-07. The memorandum was filed into the record. Ordinance O-2018-07 was referred to the Finance, Organization and Personnel Committee.

## MEMORANDUM – POLICE CHIEF AND ORDINANCE O-2018-10 RELATING TO FALSE ALARM PREVENTION – PAYMENT OF COSTS

A memorandum was received from the Police Chief along with Ordinance O-2018-10. The memorandum was filed into the record. Ordinance O-2018-10 was referred to the Finance, Organization and Personnel Committee.

## FOP REPORT AND ORDINANCE O-2018-09 RELATING TO ADMINISTRATIVE DEPARTMENTS

Finance, Organization and Personnel Committee report read recommending the adoption of Ordinance O-2018-09 Relating to Administrative Departments. The report was filed into the record. Ordinance O-2018-09 was read for the second time. A motion by Councilor Greenwald for adoption of the Ordinance was duly seconded. On showing of hands, 14 Councilors were present and voting in favor. Ordinance O-2018-09 declared adopted effective July 1, 2018.

## FOP REPORT AND RESOLUTION R-2018-19 RELATING TO THE ACCEPTANCE OF LED STREET LIGHT PROGRAM REBATE AND USE OF FUNDS FOR DOWNTOWN CROSSWALK AND LIGHTING REPAIRS AND IMPROVEMENTS

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2018-19 Relating to the Acceptance of LED Street Program Rebate and Use of Funds for Downtown Crosswalk and Lighting Repairs and Improvements. The report was filed



06/21/2018

into the record. Resolution R-2018-19 was read for the second time. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. On showing of hands, 13 Councilors were present and voting in favor. Resolution R-2018-19 declared adopted.

MEMORANDUM – ASSISTANT PUBLIC WORKS DIRECTOR AND OPERATIONS MANAGER AND RESOLUTION R-2018-21 RELATING TO THE ALLOCATION OF FUNDS FROM THE WATER INFRASTRUCTURE CAPITAL RESERVE TO REPLACE THE DRUMMER HILL WATER PUMP STATION

A memorandum was received from the Assistant Public Works Director and Operations Manager along with Resolution R-2018-21. The memorandum was filed into the record. Resolution R-2018-21 was referred by the Chair to the Finance, Organization and Personnel Committee.

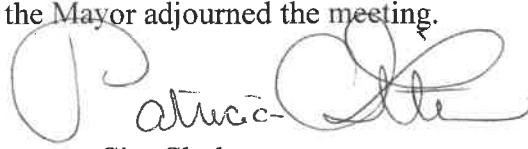
NON-PUBLIC SESSION

At 8:02 PM, a motion by Councilor Jacobs to go into non-public session for the purposes of discussion of a land matter under RSA 91-A:3 II(d) was duly seconded. On a roll call vote, 14 Councilors were present and voted in favor. Councilor Sutherland was absent. Discussion was limited to the subject matters. The session concluded at 8:35 PM. A motion by Councilor Greenwald to keep the minutes in non-public session was duly seconded. On a roll call vote, 14 Councilors were present and voting in favor. Councilor Sutherland was absent.

ADJOURNMENT

At 8:36 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:

  
Patricia  
City Clerk



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

June 15, 2018

**TO:** Mayor and Keene City Council

**FROM:** Mayor Kendall W. Lane

**ITEM:** B.1.

**SUBJECT:** Confirmation

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**COUNCIL ACTION:**

In City Council June 21, 2018.

Tabled until the next regular meeting.

**RECOMMENDATION:**

I hereby nominate the following individual to serve on the designated board or commission:

-  
Zoning Board of Adjustment

Jane Taylor, slot 4

Term to expire December 31, 2022

**ATTACHMENTS:**

Description

Background - Taylor

**Jane F. Taylor, Esq.**  
**24 Birch Street, Keene, New Hampshire 03431**  
**603-357-2099; 603-358-9393 (cell)** [REDACTED]

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June 15, 2018

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

Re: Zoning Board of Adjustment

Dear Mayor Lane:

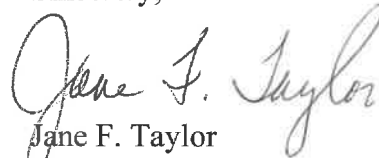
I am writing to let you know of my interest in serving as a regular member of the Keene Zoning Board of Adjustment. I have been a resident of Keene since 1984 and previously served as a member of the ZBA from 1996 through 2002. I recently retired as the Claremont City Attorney and would like the opportunity to serve my home community once again.

By way of additional background, I am a graduate of Tufts University and UNH Law School and am an active member of the New Hampshire Bar Association. I am also a former 4-term member of the New Hampshire House of Representatives. Locally, in addition to my previous service on the ZBA, I have also served as a member and chair of the Keene Conservation Commission, as well as membership on the 1992-93 Land Use Master Plan Subcommittee and the Airport Advisory Committee.

The Zoning Board of Adjustment can be a challenging assignment. I believe my background and experience provide a good foundation for service on this important Board.

Please let me know if you have any questions or need any additional information.

Sincerely,

  
Jane F. Taylor



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

July 2, 2018

**TO:** Mayor and Keene City Council

**FROM:** Mayor Kendall W. Lane

**ITEM:** B.2.

**SUBJECT:** Nomination

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**RECOMMENDATION:**

I hereby nominate the following individuals to serve on the designated Board or Commission.

Library Board of Trustees

Jennifer deCoste, slot 1                      Term to expire June 30, 2021  
re-nomination

Don Wilmeth, slot 2                              Term to expire June 30, 2021  
re-nomination



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

June 28, 2018

**TO:** Mayor and Keene City Council

**FROM:** Antje Hornbeck

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

**ITEM:** C.1.

**SUBJECT:** Antje Hornbeck - Resignation - Partner City Committee

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**ATTACHMENTS:**

**Description**

Communcation - Hornbeck

**BACKGROUND:**

Antje Hornbeck is submitting her resignation from the Partner City Committee. She has been a member of the Committee since December 2014.

Antje Hornbeck  
376 Old Chesterfield Rd  
Chesterfield, NH 03443

City of Keene  
c/o Helen Mattson  
3 Washington St  
Keene, NH 03431

**Einbeck Partner City Committee**

Dear Helen and PCC Chairs,

Chesterfield, June 13, 2018

It is with great regret that I need to inform you of my resignation from the Einbeck Partner City Committee.

My other commitments have become too great for me to be able to fulfill the requirements of my position on the committee, and I feel it is best for me to make room for someone with the time and energy to devote to the job.

Please consider my resignation effective September 1, 2018.

The connection with Einbeck is very valuable to Keene and the committee does terrific work in facilitating this partnership. I commend the committee members on their hard work and wish everyone the very best for the future! Thank you for the opportunity to serve on the PCC during these last few years.

Respectfully,



Antje Hornbeck



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

June 26, 2018

**TO:** Mayor and Keene City Council

**FROM:** Councilor Terry M. Clark

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

**ITEM:** C.2.

**SUBJECT:** Councilor Clark - Process for a City Councilor to Request Information from Staff

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**ATTACHMENTS:**

Description

Communication - Clark

**BACKGROUND:**

Councilor Clark is requesting that the City Council discuss the process for a City Councilor to obtain information from City staff.

June 26, 2018

To: Mayor Kendall Lane and Keene City Council,

Re: City Policy – Questions from a city councilor

I write to see how the Council would apply city policy to these questions:

What is the proper procedure for a city councilor to request information from city staff?

Under what circumstances is city staff justified to require a city councilor to file a right to know request for public information concerning a matter coming before the council, and when has this happened in the past?

Thank you,

A handwritten signature in cursive script, appearing to read "Terry M. Clark".

Terry M. Clark  
Keene City Councilor  
Ward 3  
14 Barrett Ave.  
Keene, NH 03431  
(603)661-8347





External Communication  
*Transmittal Form*

July 2, 2018

**TO:** Mayor and Keene City Council

**FROM:** Tim Zinn, Board Chair - Let It Shine

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

**ITEM:** C.3.

**SUBJECT:** Tim Zinn - Let It Shine - Modified Request for Event License

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**ATTACHMENTS:**

**Description**

Communication - Zinn

**BACKGROUND:**

Recognizing the input from the Planning, Licenses and Development Committee, Let It Shine is submitting a modified request which would remove food concessions from within the event footprint and eliminate their plan to include additional school children's pumpkins. This would return the event to the original scope as licensed in 2017.

Let it Shine!



KEENE PUMPKIN  
FESTIVAL

PumpkinFestival.org

214 Washington Street  
Keene, NH 03431



July 1, 2018

Honorable Mayor and City Council,

After reviewing input from the Wednesday evening PLD Committee meeting, Let it Shine would like to remove our request to add curbside concessions to this year's festival and withdraw our request to add additional school children's pumpkins.

We would like our event license request to be identical to 2017, reflecting input received from the PLD Committee.

The most important thing to Let it Shine is to know that school children can carve pumpkins and see them on display in the heart of downtown Keene in a celebration of art and community. "Kids, smiles, and pure pumpkins" remains our theme.

We hope this focus earns us the City leadership votes needed for the event license so our volunteers can continue to plan a wonderful event.

With our thanks,

Let it Shine

Tim Zinn, Chair of the Board

603-209-4179, [REDACTED]

*Sbaundi Rider photo, 2017*

*Statement of Purpose. The Pumpkin Festival is a community-hosted, family-friendly celebration of fall and of what is unique about New Hampshire. It is also a celebration of artistry and creativity and a demonstration of our commitment to non-profit efforts to serve those in need.*

*Let it Shine, Inc.*

501(c)(3) Non-Profit Corp. #27-4941779

*Directors*

Tim Zinn, Chair

Nancy Hickox, Ruth Sterling, Jenn Course

*Directors Emeriti* Mike Haines, Lisa Edwards, Ret. Chairs;

John Hayes, Alex Bates

*Honorary Board Members* Harry Boynton, Nancy Sporborg

*Incorporators* Nancy Sporborg, Daviel V. Scully, Timothy Garland





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

June 27, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** D.1.

**SUBJECT:** Dog Warrant – City Clerk’s Office

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**RECOMMENDATION:**

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends a warrant for unlicensed dogs pursuant to NHRSA 466:14 be issued and the Animal Control Officer be directed to issue a civil forfeiture to those dog owners who have failed to license their dog by April 30, 2018.

**BACKGROUND:**

The Assistant City Clerk, Terri Hood, explained she was there to ask for the annual authorization to issue a warrant for unlicensed dogs, which will result in a \$25 forfeiture for those dog owners who did not license their dog by April 30. So far in 2018, 2,300 dogs have been licensed and 355 owners and 437 dogs remain unlicensed. These numbers are comparable to previous years. Staff anticipates most owners will license their dogs in the next few weeks before fines are issued in July. Owners are notified by email (if provided), phone, postcard, and in local newspapers. This outreach is not required by State Statutes, but the Clerk’s office helps people to avoid fines if they can. The State requires dogs to be licensed at the City level to ensure dogs are vaccinated against rabies; to encourage spay and neutering, and to reunite lost dogs with owners when they are wearing their dog license tag. In Keene there are 1,400 licensed female dogs, 1,300 male dogs, and 90% are spayed or neutered. Dog licenses cost \$7.50 for spayed/neutered dogs, \$10 for unfixed dogs, and senior citizens receive a \$2 discount on their first dog.

Councilor Sutherland asked if the dog warrant list can be cross referenced with the homeowner’s database to see if any dog owners have moved out of Keene. The Assistant City Clerk will look into that and encouraged Councilor’s or staff to alert her if there are people on the list they know have moved. Councilor Filiault asked what happens if the dog has passed away in the last year. The Assistant City Clerk replied that veterinarians are prohibited from telling the City if a pet has passed away, so the owners have to make the Clerk’s office aware.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends a warrant for unlicensed dogs pursuant to NHRSA 466:14 be issued and the Animal Control Officer be directed to issue a civil forfeiture to those dog owners who have failed to license their dog by April 30, 2018.



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

June 27, 2018

**TO:** Mayor and Keene City Council

**FROM:** Planning, Licenses and Development Committee

**ITEM:** D.2.

**SUBJECT:** Presentation – Broadband Study – IT Department

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**RECOMMENDATION:**

On a vote of 5-0, the Planning, Licenses and Development Committee accepted the presentation on broadband as informational.

**BACKGROUND:**

Chair Richards invited Assistant City Manager/IT Director Rebecca Landry and Jack Maytum, Senior Business Analyst from WideOpen Networks forward. Ms. Landry stated Mr. Maytum's firm was hired to conduct a broadband study for the City. She continued she wanted to provide some context prior to the presentation relative to the problem we are trying to solve here. Keene cannot compete with other communities in other regions for businesses and residential buyers because those communities can rely on modern broadband services. Broadband expansion is a necessary component of economic development and that is the basis for why we need to look at our broadband problem and what we can do about it. Keene, unlike other communities in Cheshire County, Keene actually has a decent minimum broadband options and coverage. There are some areas that have no access, but they are the exception. However, Keene does not have many options for broadband providers. Competition is needed to drive prices down and improve services. Both residential and especially commercial services are available in Vermont and Massachusetts at a fraction of the cost that we are charged here, sometimes 75 to 80 percent less costly when you are looking at 50 or 100 megabyte service. The State of New Hampshire, unlike other states, provides little to no support for broadband development and relies instead on for-profit telecom companies to expand their infrastructure. This puts us behind others because large providers will invest their dollars where there is a higher population, cities like Boston and Manchester or Nashua. We do have some good infrastructure here, but it has been difficult to get this expanded.

Ms. Landry continued this study is meant to suggest some options to improve Keene's broadband landscape and to provide us with information to allow us to understand the cost and implications of a city broadband solution. Ms. Landry continued that WideOpen Networks has provided some theoretical examples including a downtown study prompted by the pending reconstruction of Marlboro Street, as well as a residential example for the Maple Acres neighborhood. The study does not provide a detailed plan for a city wide broadband network. The projects included are simply theoretical examples.

Mr. Maytum, of WideOpen Networks stated that he agrees with what the IT Director said previously. Keene is not the worst location they have seen in terms of broadband services. WideOpen Networks has authored about 250 reports in rural communities across the country. He has worked on several of them in places like Idaho, Texas, Ohio, and Virginia. What they are proposing are three pilot projects for the City of Keene. One of them

is the Marlboro Street area in conjunction with proposed construction there, which is an opportune time to install broadband conduit which would contain fiber that could then either be used directly by the City or leased out for use by other entities that would then offer services and pay the City a lease rate for that fiber. In addition, an area around the Middle School was looked at for residential. A wireless component was also provided for the new assisted living facility on Wyman Road, which would involve a wireless tower connected to fiber coming from the rest of the pilots that would be built.

Mr. Maytum continued they have costs in the study for these pilot programs but no estimates for a citywide project at this time. If after some discussion and evaluation this idea is determined to have merit, this could be done in the future. Draft copies of several pages of the study have been provided to the Committee and final copies of the report will be distributed once the final report is issued. He noted three maps have been provided to represent a mapping of existing assets in the city now which includes the Fast Roads network, the proposed Marlboro Street network and city owned fiber, as well as the Keene wireless link. He continued the second map contains more detail on the Marlboro Street network as well as locations where access points would exist on this network. The third map focuses on the neighborhood residential area around Marlboro Street. He noted they have broken out costs for the Marlboro Street backbone as well as the residential network that would come off of it. The third map shows that the proposed Marlboro Street fiber is very close to the Fast Roads fiber, which is one avenue to get internet access directly onto this network.

Mr. Maytum referenced the last few pages of the report which provided cost breakdowns for the proposed projects. He added that since Marlboro Street will be undergoing construction that would be a good opportunity for the City to consider installing conduit. Once installed, fiber can be inserted into the pipe. The conduit could support a couple dozen to several hundred or more fibers which can be added over time in response to demand. This could be leased out to a broadband provider that can then offer services to businesses and residences along the route. Alternately, the City could also use the infrastructure for their needs as well as sell the services. Mr. Maytum noted that do not recommend the city doing this, they recommend the City simply put in the conduit as an infrastructure improvement and that the private sector or some other entity sell services to potential broadband users along that route. They have projected there will be 3.1 miles of conduit installed during construction and potentially fiber as well. Hand holes would also be installed in the street where fiber can be installed and made accessible. They are projecting no subscribers on this network because it is simply an infrastructure project which would provide the means for a private entity to offer services. The take rate, or the estimated number of users that would seek out these services was estimated at about 50 percent of those along route. They are projecting the cost for this project to install conduit and fiber on Marlboro Street would be about \$300,000.

Mr. Maytum also provided revenue sources if they chose to lease out fiber to various providers. For instance the rates for leasing of empty conduit are generally .50 cents per foot per year. With fiber and conduit, the rate would be about \$75.00 per month per strand. He provided another option called an IRU or Irrefutable Right of Refusal which would essentially be a perpetual lease to the provider and is generally around \$3,500 per strand. He went on to provide information on maintenance costs that would be charged to someone leasing fiber noting there are figures included in the plan.

Chair Richards asked if there is fiber on Optical Avenue. Ms. Landry stated she was not sure. She believes there is some along Eastern Avenue, but she would need to investigate that. Chair Richards stated there are a lot of businesses in that area that would benefit from this, and asked if we have sought their support to offset any of these costs. Ms. Landry noted we have the information to make that projection, but have not approached these businesses at this time.

Councilor Hansel stated he thought the purpose of this study was to look at what assets currently exist in Keene and asked why current main providers were not asked about what they have in place. Ms. Landry commented we have that information. It can be easily obtained from Spectrum (Charter) because it is required in the franchise agreement, however Fairpoint (Consolidated Communications) will only provide minimal information

because they say it is protected. They have pretty good coverage but the cost for those services is the issue. There have also been issues in some places getting the services due to the cost associated with extending services to a particular location. The network needs to be more reliable and more affordable.

Mr. Maytum agreed it is hard to get any detailed information from incumbent providers for competitive reasons. Assets that are on public property are the only ones they are required to provide.

Councilor Hansel inquired was Consolidated Communications informed of this study taking place. Ms. Landry answered yes they were notified and we try to maintain a positive relationship with them because their partnership is important moving forward and we need their support.

Vice-Chair Jones stated Spectrum and Fairpoint are more self-serving whereas we want broadband where we can sell lanes on our broadband highway. It's good that these providers are here to service their private customers but they are not interested in sharing space on their infrastructure because it could create competition. Ms. Landry agreed stating that is one of the drivers of municipalities doing this.

Vice-Chair Jones referenced a Rural Development Plan that was brought forward long ago by the Merton Group to assist with financing these types of projects. He asked if this funding source is still available. Ms. Landry stated this is difficult because in New Hampshire it is hard to get onto the poles, and the funding opportunity back then was for communities with lower populations than ours. There are opportunities like this that pop up from time to time from the USDA Rural Development Association, but typically they would be loans for a community our size. One of the things in the report is that we need to have our antennae up looking for grant opportunities.

Mr. Maytum referred back to the Marlboro Street project stating the other aspect of it is the Marlboro Street neighborhood which comes off the Marlboro Street backbone fiber. He noted that this would be about 4.19 miles of conduit, 73 hand hole access points, and about 176 customers that would potentially subscribe to the network. The cost for that would be \$1,469,000 for a full network with the City owning the fiber and conduit and leasing access to providers with a monthly rental fee. Mr. Maytum referenced the last page of the report providing a 10-year financial overview on all proposals including all expenses that would be incurred and all potential revenues to be derived including connection fees, subscriber charges, services fees, etc. The idea would be that a half dozen or so providers would sell services on this network, each addressing a different type of market dependent on their needs and ability to pay.

Chair Richards asked where this goes from here. Ms. Landry stated that a telecom dig once policy or ordinance has been recommended, so that whenever construction is occurring it would be part of the project. It is important to understand that if we adopt a dig once policy specifically for telecom, we could need to consider budgeting capital funds on an annual basis to pay for these projects. This will take years – it will not happen overnight.

Ms. Landry added that this presentation was not meant to be a proposal but rather an overview of what it would take. The small steps that have come out of this are a dig once policy, to install conduit whenever we do our own road projects, and to look at budgeting funds in our CIP on an annual basis to chip away at this. Last year we began requiring telecom and other players to install city conduit when they dig up the roads. Any broadband expansion requires an investment and interconnections requires an investment.

Vice-Chair Jones asked if there are requirements that this be underground like it is of the cable company. Ms. Landry stated that would not apply.

Councilor Hansel asked how much this study cost, what was the scope and when was it approved. Ms. Landry stated in was prompted when Medard Kopczyński was City Manager and it came out of the Economic Development Action Plan as one of the recommendations. It was included in the IT Budget under the

Professional Services line item. The study fell under the \$20,000 threshold for a capital project. She added the cost for the study was about \$15,000.

Councilor Hansel stated this report raised some red flags for him. He spoke about the risk involved in building out this infrastructure. This report missed the mark for him because it is selling an idea not gathering ideas to make an assessment of our needs in the community. He added that some of the suggested mandates that might be included in the dig once policy would be a concern to him. This will need some fine tuning. He stated that adding requirements suggested in this study to proposed development in the City could also be an issue. He worries about mandating these requirements and adding to the costs borne by potential developers to comply. This comes down to a philosophical issue, and he feels this is a high risk venture, and it is not appropriate for the City to take this on. He would much rather see a collaborative effort and the city taking on the role as a facilitator to move this forward with current providers. Ms. Landry thanked Councilor Hansel for his feedback and reiterated this was called for by the Economic Development Action Plan, and was only meant to show what a project like this would entail and to provide context. She continued we are not in a position to recommend installing a multi-million dollar network; however, it does behoove us to look at this and consider taking small steps.

Chair Richards asked if the Mayor is going to reconstitute the Economic Development Committee. The City Manager answered she believes he is planning to create a new Economic Development Committee that may have different members, structure and focus than the previous iteration of the committee. The Chair said that would be good venue to hash out all these issues rather than a Council Standing Committee.

Councilor Sapeta stated we build roads and maintain them. It is important to have them for a variety of reasons. He sees broadband as another piece of infrastructure, road or connection. It is in our best economic development interest to follow a dig once policy and he thinks it should be included. The report gave him an idea of what could be done, but he is concerned about the cost. There are some concerns and red flags related to that. We need to gather this information and using the dig once policy will be important. He added an overlay on GIS would be helpful as well to let people know what is available here. We are in the 21<sup>st</sup> century and should be doing that. Ms. Landry stated mapping the current fiber and telecom services is a very contentious issue and current maps are terrible in terms of representing what is actually out there. She added there will be a meeting with Senator Kahn in the next few weeks to discuss this issue. She ended by reiterating that we cannot get reliable information from the incumbent providers.

Councilor Sutherland agreed the report missed the mark. He looked at some of the past experience the consultant had with other communities. The rates he looked at from these other communities did not seem that much less expensive than what we have here. Balancing that is a matter of how much do we spend to save 5 or 10 dollars per month on our internet bill. He added who will bail this out if it fails. He agrees we should be more of a facilitator. We should reach out to incumbent providers to offer help to ease the red tape involved in building out conduit if the providers want to install it, and keep the City and the taxpayers out of it. His biggest concern is if we had done these things 20 years ago we would have been putting out copper wire for dial up services. Technology is changing quickly. Why is a municipality investing and trying to keep up with emerging technologies?

Mr. Maytum responded just because they have a 10-year pro forma included in the report does not mean they are suggesting the City should do this, it was meant to provide the city with information. He continued that fifth generation wireless relies a great deal on fiber. All major telecom and cable companies are buying up backbone networks as fast as they can. The fact that some entities would be investing in fiber, this would safely be a 20 to 50 year investment. In terms of the obsolescence, he does not think that is the case. The network proposed in the report was a mix of fiber and wireless. Those that have chosen to integrate this in their construction are miles ahead. Small communities which started putting in conduit about 10 years ago are looking at this as a long term project. Over the cost of a road construction project, this would add 2 to 3 percent to the project. They are merely suggesting this is a good opportunity to include some broadband infrastructure in future projects.

Councilor Hansel stated one of the suggestions he liked from the report was the idea of an independent CIP fund for funding these activities. This would keep it separate and clear as to what is going towards this infrastructure.

Mr. Maytum commented that some communities are interested in this to get people off their roads by allowing them to telecommute. If they can get traffic off the roads one or two days a week it justifies this for them.

Ms. Landry commented on one of the first internet providers in Keene. MonadNet started because we needed internet here. They brought something to the community then stepped back when other entities came in and sold their infrastructure. Every ten years in this community we have had a broadband entity that has impacted the City and has been successful in spurring competition. She agrees this would not be just a city project, and would need partners across the table. They continue to talk to the incumbent providers in the spirit of cooperation.

Chair Richards pointed out this started the conversation and we need a group to start looking at the details. We do not know enough about the impact. We now have a better picture of what is going on and he would like to see this taken to the next step of looking for community partners etc. There are a lot of businesses that would benefit from this.

Zach Luce, 40B Stonehouse Lane explained he is the founder of Paragon Digital Marketing. He stated he appreciates the effort that went into this report. It is well worth it. He agreed that incumbent providers are not willing to provide information. He spoke to the survey that was done as part of the study. He noted that 90 to 100 percent of business respondents said this was critical to their success, and 77 percent said they need better internet. Small businesses and start-ups are the ones that need this most, not larger companies that can afford to pay high premiums for good service. Mr. Lewis noted that three years ago when they were at their location on the corner of Church and Main they could not get good enough internet to do a web meeting. It would have cost \$8,000 to get fiber to the building. They ended up having to move to get better internet. He pointed out issues getting service to businesses on Krif Road as well. To him City involvement to assist with covering costs to get infrastructure in the ground is important. He heard someone say the reason Fast Roads failed was because the backbone was built in Keene but none of the connections to residences and businesses were made. We need to do something about this because if we don't it will put us farther behind. It is crucial to businesses to do everything in the cloud. When internet is down they are at a standstill. In addition on the business side there were times they considered moving their business out of town. This is essential to attract and keep young people in the City. Mr. Luce ended that he hopes this will continue to be worked on as it is crucial to the future of our city.

Councilor Sapeta stated Vermont is realizing they have a good quality of life. They have good telecom, fast internet and they are providing incentives to people to move to their state and telecommute to work. We need to be thinking about this.

The City Manager stated the feedback and conversation was great. It helped her understand what people are thinking and the concerns people have. She added Ms. Landry deserves kudos for all her work on this. It was a very worthwhile effort that may have changed some councilor's perspectives on building our own network vs. placing conduit in the ground during construction projects.

Ms. Landry ended her comments by pointing out that we are currently spending \$350,000 on a Police communications system where we didn't have fiber between here and Troop C. That cost might have been reduced if this infrastructure existed.

Vice-Chair Jones noted there is an important connection to economic development. He noted issues he had with a skype session with people from China and the issues with his bandwidth as more people joined the



meeting.

Councilor Hansel made the following motion which was seconded by Councilor Sapeta:

On a vote of 5-0, the Planning, Licenses and Development Committee accepted the presentation on the broadband study as informational.



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

June 27, 2018

**TO:** Mayor and Keene City Council

**FROM:** Planning, Licenses and Development Committee

**ITEM:** D.3.

**SUBJECT:** Peggy Schaufler/Country Life – Use of City Property – Sandwich Board Sign

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**RECOMMENDATION:**

On a vote of 5-0, the Planning Licenses and Development Committee recommends that the request from Country Life Restaurant for placement of a sandwich board sign on city property on the corner of Main Street and Roxbury Street be denied as the request does not comply with City Code Section 46-960; and would otherwise be contrary to Section 102-1292 paragraph 13 of the City's Zoning Ordinance, which prohibits off-premises signs in every zoning district of the city.

**BACKGROUND:**

Peggy Schaufler, 15 Roxbury Street, Keene addressed her letter. She noted she is asking to put a sandwich board sign on Main Street at the corner of Roxbury Street to help people find their location and also list specials for the day.

The Chair recognized Assistant City Manager/Planning Director Rhett Lamb. Mr. Lamb explained that sign regulations can be complicated. Chapter 46 section 490 allows each business in the Central Business District to have a sign in front of their business. It does not address placing a sign in front of someone else's business or placing a sign on Main Street not directly in front of the business. Country Life could have a sign in front of their store on Roxbury Street under Section 46-490 of the code subject to some parameters. However, there is no other allowances for off-premises signs in the city. The fundamental premise of the sign code is that it does not allow this type of sign. This is because it could create a proliferation of signs in the City. There is a motion before the committee that states this request is not consistent with City Code. Staff has discussed this and there are a couple of other options that might work in this situation. One would be a city established wayfinding sign. This was recommended and first discussed in the 2010 Comprehensive Master Plan. There are two locations where signs have been placed by the City at the crossing by Railroad Square. Staff is suggesting that the wayfinding sign system be expanded, and this is a good answer for the desire for these types of signs. Parameters would need to be determined as to how far off of Main Street this would extend and who would have the opportunity to be included on the signs. Another option is a directional sign on the building which is permitted under the current Zoning code with property owner approval. The idea of wayfinding signs by the City is currently under discussion for implementation by staff and they are intending to come back with some parameters.

Chair Richards felt the request before the committee could be accommodated prior to those details being meted out. Mr. Lamb stated there will be some effort involved and they cannot promise a specific timeline but will work as quickly as possible to get this going.

Chair Richards asked Ms. Schaffler her thoughts on this proposal. Ms. Schaffler stated she would be very happy with the wayfaring sign. Chair Richards suggested that Country Life be the priority in terms of getting signage in place. Mr. Lamb stated they will go through the process and will likely need to come back to the Council with some cost details so that this can be moved forward.

Vice-Chair Jones suggested that the signs we have already installed are a little sterile and suggested we make our signs artistic so they become part of the character of the downtown. He wants to see some creativity. Mr. Lamb agreed but we also need to get this started and would not want that do delay the process. Over time we could invest more money in a comprehensive design.

Councilor Rice hoped the signs would be not only aesthetic but also large enough for motor vehicles to read.

Councilor Sapeta stated the Sign Code is very clear and this seems timely. Cohesion seems important and allowing creativity as well is important and this will require a balance. He thanked staff for providing a solution for the applicant.

Councilor Hansel suggested that Staff provide some research and justification for these wayfaring signs to sell this to the public because there are people who feel there is already a proliferation of signage in the downtown.

Chair Richards reiterated that Ms. Schaffler's wayfaring sign should be done as quickly as possible. Mr. Lamb stated hers will be a top priority. The Chair added there needs to be a balance between artistic license and utility.

Council Jones made the following motion which was seconded by Councilor Rice:

On a vote of 5-0, the Planning Licenses and Development Committee recommends that the request from Country Life Restaurant for placement of a sandwich board sign on city property on the corner of Main Street and Roxbury Street be denied as the request does not comply with City Code Section 46-960; and would otherwise be contrary to Section 102-1292 paragraph 13 of the City's Zoning Ordinance, which prohibits off-premises signs in every zoning district of the city.



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

June 27, 2018

**TO:** Mayor and Keene City Council

**FROM:** Planning, Licenses and Development Committee

**ITEM:** D.4.

**SUBJECT:** 2018 Pumpkin Festival - Staff Recommendation – Public Works Department

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**RECOMMENDATION:**

On a vote of 1-4, the Planning Licenses and Development Committee failed to recommend that a license be granted to Let It Shine, Inc. to use Downtown City rights-of-way on Sunday, October 28, 2018 to hold a “Keene Pumpkin Festival, In the HeART of Downtown Keene, NH” . Councilor Hansel voted in favor.

**BACKGROUND:**

EMD/Public Works Director Kurt Blomquist stated staff is back before the Committee this evening for the issuance of the Pumpkin Festival license to Let It Shine. He noted staff has had several meetings with the petitioner and are comfortable moving this forward. Some of the staff recommendations that have come out of those meetings are included in the background notes of the staff memorandum, and the motion has been shortened to make it more concise. He added the protocol review process is a give and take where the petitioner provides their event scope and staff identifies what support would be needed to make that happen. There may be some changes as the process unfolds based on staff suggestions.

George Hansel asked Mr. Blomquist if there are any significant changes from last year. Mr. Blomquist answered there are no significant changes, noting the footprint remains the same and staff felt the scope remained consistent with the prior event. Mr. Zinn can speak to some minor changes to activities within the footprint if he would like to elaborate on that piece.

Tim Zinn, identified himself as the Chairman of the Let It Shine Board of Directors. They are excited for this year’s event which is scheduled for Sunday October 28<sup>th</sup> from 1:00 PM to 7:00 PM. The Sunday event and the timing that was chosen were intended to keep the event small and local. They are proposing the same footprint and this will remain free to the public and locally focused. They are using careful marketing to ensure this remains a small event. He praised the current and past team members for helping to make this event happen last year. Mr. Zinn also thanked KSC students and staff as well as SAU students for their participation and support. They are focused on local school children and are hopeful to also engage the arts community in the event and use it as a means to inspire local school children. This could be an exciting addition for the kids. They are openly inviting teachers, artists, college students and others to lend their creative talents to the festival and become involved. They are also asking to raise the cap on the number of pumpkins to allow them to have 6,000 pumpkins rather than the 5,000 they were permitted to have last year. This is not a goal they are trying to meet, but rather is meant to put some scope and predictability to the event. They are in conversations with SAU 29 as well as SAU 93 and 60. Schools will continue to be the focus. They would like to continue to have some latitude to work with other schools should some of the ones they initially planned for drop out. They are also working to add four curbside refreshment stands inside the event footprint. Mr. Zinn explained that those would

be run by local restaurants working together with a non-profit of their choice with some of the proceeds going to the non-profit. They are currently in discussions with Luca's, Kristen's, Life is Sweet and the Keene Partner City Committee to provide the refreshment stands. They will continue to have games like pumpkin bowling etc. They also have the same plan for family friendly entertainment, music and photo opportunities. They would also like to incorporate a small display of hay sculptures like what was done at last year's Fall Festival. They would like to have the customary costume parade at 1:00 PM as well. There would continue to be a 500 pumpkin sign up online for home schooled and kids too young to participate. They would again hold aside pumpkins for City of Keene Employees as well. They still want to count the pumpkins, but it is not as a means to hit a target, and rather is meant to acknowledge participants and to provide logistical information for planning the clean-up etc. The event closes at 7:00 PM and they anticipate a quick clean-up with the goal to be completed by 10:00 PM.

Chair Richards stated that he does not support the addition of vendors and non-profits to this event. This represents an expansion to him and he wants to see this stay small and not change for a few years before we even consider these additions.

Councilor Rice asked why they expanded the number of pumpkins for this year when they did not even hit the 5,000 they had allotted for last year. Mr. Zinn responded that it gives them room to include some other schools that wanted to be part of event and could not be last year. He reiterated this is not a goal to hit; it is an attempt to include those that want to be part of the event.

Councilor Hansel commented Let It Shine does need to understand that they are partners with the City on this event. It is a community event that is subsidized with taxpayer dollars. We need to work together and have some give and take. He does not have a problem with this incremental change but wants to make sure this remains a partnership. He added he sees this as one of many smaller events downtown and hopes it stays that way.

Councilor Sapeta thanked Mr. Zinn for explaining the proposed changes. He stated he's concerned about the vendors and prefers they stay at the same level and scope as last year. There are plenty of restaurants that can provide refreshments in their establishments. He also agreed with Councilor Hansel about keeping this small, noting that smaller events that are nicely spaced out are the goal. He asked Mr. Zinn to elaborate on the vendors and why they want to add them. Mr. Zinn stated they have agreed to no more than five of these curbside refreshment stands and they want this addition because it provides a festive atmosphere and ambiance to the event. It also provides people who do not want to sit down at a restaurant other options, while incorporating support for non-profits in partnership with downtown businesses - so it is collaboration versus competition.

Councilor Rice agreed with Councilor Sapeta and said there is plenty of options downtown for people. She is not in favor of the curbside refreshment stands being added to the event.

Tracy Gunn, Eaton Road, Munsonville identified herself as Chair of the Keene Downtown Group and owner of Life is Sweet. She supports the festival and is confused why the prospect of curbside refreshments is so frightening. A downtown event that is happy and brings people downtown is important. She noted that as a downtown business, they lost \$15,000 in revenue annually when we lost the Pumpkin Fest. During the 2017 event they doubled their business on a Sunday and had a very good day. She personally does not want the City to be known for what happened in 2014. It was a lovely event. The current event is put on by people that are volunteers and who care about this community. Having businesses on Central Square participate seems reasonable and this has been done for other events.

Councilor Sapeta stated the festival grew to a level that was unsustainable and they are looking to keep this static for a while and see how it goes before we expand. This is a process of finding out where this will go and he appreciated Mr. Zinn's openness. He ended that he cannot support the addition of the vendors this year at this time.

Vice-Chair Jones thanked Mr. Zinn for all that he does and understands that a lot of the things that happened

associated with the event were before his time. He went on to say the issue he has with the event is that a few years back Let It Shine was given an invoice for \$60,000 and they said they could not pay it and made no offer to at least assist with the costs. KSC paid for the bill and asked that the Pumpkin Fest not continue. Branding of the event is also an issue for him, and feels that it could work against us to continue using the Keene Pumpkin Fest name for the event. If you Google Keene Pumpkin Fest the first thing that comes up is images and videos of the riots. He had suggested a rebranding and a new event name last year when the request initially came forward, and he made that suggestion because it could allow them a fresh start.

Mr. Zinn stated he wants to understand why the addition of a few food vendors is such an issue and wanted to understand what they are afraid of. Chair Richards said he does not think the vendors would change things that much, but his concern is that he does not want to see this get bigger - he wants to keep this event small. Until the City is no longer known for the difficulties associated with the prior event he has concerns. Mr. Zinn stated it seems this is more about what happened in the past in the periphery. Chair Richards agreed that has to be a concern to the City. Until we can get past the stigma attached to past events, he does not want to see this event grow.

Mr. Zinn Read the following from a prepared statement:

*I have prepared some thoughts that I would like to share with the City and fellow Citizens.*

*As a representative and spokesperson for Let It Shine, I continue to look for a respectful but open and frank dialogue about the Festival and related topics. Keep in mind that I have lived at 43 Grove Street since 1990 and offer my opinions from real life experience. I'd like to make a few honest comments and then make a suggestion in the spirit of continuous improvement. Given some of the challenges from last year, I think this is a needed conversation and one worth having.*

*I got involved in this discussion at many levels after 2014. To me, it was a pending perfect storm that came to a head that year. Decades of a lack of accountability for off campus student behavior, and a Pumpkin Festival growing in worldwide popularity were on a collision course.*

*I watched for more than two decades as the bar was consistently lowered for accountability. The college party culture began drawing "Outsiders" well before 2014. The Pumpkin Festival was simply the best day of the year for everyone to push the limits of what was going on throughout the school year.*

*I was pretty critical of both the city and college after the riot. I have not been someone to just point the finger and blame others; I have done what I can to make a difference in this conversation.*

*As I became involved and communicated with the college, I was honored when asked to be part of the off campus orientation program. Four residents including myself were part of a videotaped interview giving a residents perspective of the good, bad, and ugly of living in an off campus college neighborhood. The Southeast Keene Neighborhood Group deserves kudos for its persistence in highlighting those issues. I saw the college making very real efforts at culture change and accountability. A progressive discipline off campus code of conduct policy and new culture change expectations were making a big difference in the daily quality of life in my neighborhood.*

*Yet, I still had concerns about what I felt was the root cause of the riot of 2014 and other serious occurrences; very large gatherings of intoxicated college students and the "outsider" elements that behavior invites.*

*In my mind, we didn't bill the Red Sox in 2013, why would we bill organizers for unrelated college students hosting Finnerage, the "outsiders" they drew, and the chaos that ensued? Finnerage and the KSC students that hosted them should have been billed by the City in 2014 and made an example of. Justice still seemed to be lacking in my opinion.*

*About a year prior to our request for the 2017 Festival, I approached the City with a question as to why these parties are allowed to get so big, and what can we do to change things. I forwarded a YouTube video of a disturbing large drunken Spring Break party held not even a year after the riot. We had two very good discussions within the PLD committee, city staff was asked to investigate what other cities have for best practices.*

*Within those discussions, we learned that as a City, we have the option to enforce an assembly ordinance of either 50 or 100. A lot of the discussion revolved around the benefits and challenges of both. KSC was on board for serious consideration of the "50" ordinance. That is significant. The new college tools combined*

*with a new city tool could be a real deterrent when needed.*

*The discussion was eventually tabled as informational and no further action was taken.*

*In the course of preparing for this meeting, I was heartbroken to find additional YouTube videos of KSC Spring Break parties in both 2017 and just this year in 2018. They are easily found by doing a Keene State Spring Break search by anyone interested learning more. I struggled as to whether or not to dig up old wounds, but not going so would betray Let It Shine, the community, and much of why I got involved.*

*Video forwarded to PLD Council members: <https://www.youtube.com/watch?v=OYBIAcZcZsc>*

*2018 video mentioned but not provided: <https://www.youtube.com/watch?v=hfkXN768Ds0>*

*These are large scale parties, full of public drunkenness, students on rooftops, bottles and cans being thrown and smashed along with numerous other issues. You can sense the escalation in the videos and the potential for serious problems or injury. The videographer posts in one of them: "sorry for the ##### camera work, I was trying to avoid being hit by beer bottles and cans". It is a sad reminder of similar behavior from the past.*

*With all due respect, it is clear from the challenges over a handful of social media posts last year, the second round of voting, and these videos that we still do not have the right tools in the tool box. The college has implemented major policy changes; Let It Shine is doing its best to propose a simple festival. What is missing is the City of Keene's tool in the toolbox. All we ask is that each party learns from the past and makes a good faith effort to work on their piece of the puzzle. We need a proactive tool that communicates that unacceptable behavior in the City of Keene carries severe financial and legal consequences. Both individuals and hosts of large gatherings should be held fully accountable.*

*My suggestion is this: Can we reconsider the "50" assembly ordinance as an "as needed" tool? Can we implement it during festivals, spring breaks, or sports events as needed? Can it be used on a limited basis such as the day before, of, and after a festival? In the name of public safety, can it be used in a limited area of say a designated radius of any event? Can it carry full personal accountability with very real financial and legal consequences enforced by our City?*

*I have two pages of requirements to hold a family friendly pumpkin festival, what is required for a large scale Spring Break party involving alcohol?*

*For the safety of our college students, for the reputation of our college and city, this tool is needed regardless of our pumpkin festival. These videos do lasting damage to our City and college. More importantly, they highlight that more work is needed. While we can't stop videos from being posted, we can work to enact fixes for the root cause of the issue.*

*Rather than put artificial limits on our festivals and ourselves, let's learn from the past and move forward.*

*With the right tools in place, we can move forward with proactive measures that allow us to make decisions not based on fear, but what the citizens of Keene decide for themselves.*

*Let It Shine is committed to moving at a pace that supports what the citizens of Keene desire, and the culture change within Keene State College. We also commit to honest and productive conversation about underlying issues.*

*If it requires a resubmitting of this potential ordinance change to prompt further discussion, I would be happy to do so. I offer this suggestion in the spirit of continuous improvement and getting to a better place for all of us.*

*Other points if time allows:*

- *Downtown group and "Team Keene" coordinator, New Downtown coordinator, Culture change at KSC, 2017 Sentinel P Fest video all good publicity being negated by Spring Break videos and more importantly, the underlying danger.*
- *These videos speak volumes to potential college students and their parents, potential employers, the world. Fix the root cause, and the videos have no relevance (small gatherings don't draw outsiders or YouTube interest).*
- *4 years later, what is the City tool in the tool box?*
- *IS THE BEHAVIOUR IN THESE VIDEOS ACCEPTABLE AND SAFE WITHIN THE CITY OF KEENE OR NOT? IF NOT, WHAT ARE WE DOING TO FIX IT?*
- *2X with the Disorderly housing amendment, 1X with the Assembly discussion, both tabled, no changes.*

- *We turned away Disney and a Travel magazine last year to keep things low key. We are sacrificing those types of positive videos while not addressing the root cause of Spring Break videos."*

Councilor Hansel stated he would be okay with going forward with the current plan but he does not think the other members feel the same. He asked Mr. Zinn if he could come back with some sort of compromise to discuss. Mr. Zinn stated he would like to see the party issue taken up again. The Chair stated he would not entertain a discussion on that topic right now; it is not germane to the subject this evening.

Councilor Sapeta stated we cannot change the past, but we can design the future and that is what we are attempting to do. He went on to ask Mr. Zinn if they would be willing to scrap the idea of the vendors from the proposal. Mr. Zinn stated he would need to discuss that with their Board.

Vice-Chair Jones stated he would be for this if the event was rebranded with a new name and a new start.

Councilor Hansel stated he wants to see Let It Shine come to the table with ideas and responses to concerns that the Committee could work with. Mr. Zinn responded that they have already compromised, and spoke in reference to a road race they wanted to add this year and it was recommended they not do so. The City Manager stated staff has recommended any road race that day be handled as a separate license.

Councilor Rice made the following motion which was seconded by Councilor Hansel:

That a license be granted to Let It Shine, Inc. to use Downtown City rights-of-way on Sunday, October 28, 2018 to hold a "Keene Pumpkin Festival, In the HeART of Downtown Keene, NH" 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, 2018.
- The Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated in the FY 19 Community Events Budget, 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 26, 2018 to Monday October 29, 2018, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- 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;
- It is the intent of City Emergency Services to review all applications for other activities requested to occur on October 28, 2018 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 26, 2018 to Monday October 29, 2018, and spaces within the event footprint on the day of the event; and
- That the Petitioner complies with any other recommendations of City staff.

Councilor Sapeta proposed the following amendment which was seconded by Councilor Hansel:

Move to recommend that no vendors or refreshment stations are allowed at the event.

Discussion on the motion followed, with the other members stating they would not support the amendment and would rather that the petitioner returns with a revised scope. Councilor Sapeta withdrew his motion and Councilor Hansel withdrew his second.

In reference to the previous motion, on a vote of 1-4, the Planning Licenses and Development Committee failed to recommend that the license be granted. Councilor Hansel voted in favor.



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

June 28, 2018

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

**SUBJECT:** Request to Solicit and Report on Donations – Human Resources

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**RECOMMENDATION:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to solicit and accept donations from local and regional businesses and service vendors to be used as prizes or fundraisers for the Employee/Retiree Health Fair, the Annual Employee Recognition Event, and other HR related activities and promotions, including Community Night 2018 being organized by PAB and City Employee Groups.

**BACKGROUND:**

Assistant City Manager/Human Resources Director, Beth Fox addressed the Committee. Ms. Fox asked for authority to accept donations from local and regional businesses and service vendors to be used as prizes or fundraisers for the Employee/Retiree Health Fair, the Annual Employee Recognition Event, and other HR related activities and promotions.

In addition, Ms. Fox expressed her appreciation to the local businesses and vendors that have supported them for the prior year.

For the annual employee/retiree Health and Benefits Fair, held in the fall, coordinated by the Health Insurance Review Committee the following organizations donated as follows:

- Free nutrition counseling session from Smart Nutrition
- LL Bean Gift Card from MKS Performance Solutions
- Medium succulent plant from MKS Performance Solutions
- VALIC
- ConvenientMD
- Therapeutic massage from Keene Massage Therapy
- Benefit Strategies
- Primex
- Cheshire Coalition for Tobacco-Free Youth
- Northeast Delta Dental

And, for two career fairs held at Keene State College and at Keene High School the donations listed below:

- Gift card from Target
- Family-size pizza from Athens Pizza

- Gift certificates for a free \$5 sub from Subway
- 

Ms. Fox added that these donations are very important and helps generate interest.

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 solicit and accept donations from local and regional businesses and service vendors to be used as prizes or fundraisers for the Employee/Retiree Health Fair, the Annual Employee Recognition Event, and other HR related activities and promotions, including Community Night 2018 being organized by PAB and City Employee Groups.



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

June 28, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** D.6.

**SUBJECT:** Woodland Cemetery Culvert – Parks, Recreation and Facilities Department

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**RECOMMENDATION:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council adopt the recommendation by the Trustees of Trust Funds for the expenditure of \$86,675.00 for the purposes of replacing a culvert in Woodland Cemetery.

**BACKGROUND:**

Parks, Recreation and Facilities Director, Andy Bohannon stated that before the Committee, is a recommendation for something that has not been brought forward to the FOP in the past. He explained that in reading through the Monadnock Cemetery Trust Fund B, this was something that needed to be done.

Mr. Bohannon stated the purpose of the request is for a culvert in the Woodland Cemetery. The old culvert separates the Woodland Cemetery and the Woodland Northeast Division Cemetery. Last fall, Mr. Bohannon reported a family of beavers was discovered and removed from Beaver Brook. However, they noticed activity on the other side of the culvert. After an investigation, the activity was determined not be to the result of the beavers. Mr. Bohannon explained that at this time, water was rising to a level where the property owners on the end of Grant Street and Douglas Street noticed water rising to the edge of their property. He explained they created a siphon that was from one wetland area over to other. The Public Works Director, Kurt Blomquist had designed an old school method that worked. Mr. Bohannon reported as they were doing this process they discovered the culvert had collapsed. He explained that replacing the culvert was fairly complicated because many years ago burials were placed in that area. Mr. Bohannon continued to explain that they could not exhume the bodies and move them because they would have to go through the Attorney General's Office. He noted this would be a very long process.

After further investigation, they did find a connection area and installed a new culvert. He stated with that they went before the Trustees of Trust Funds to expend monies through Monadnock B Trust Fund. He noted the Board of Trustees gave that approval and when going through the review it came forward they would need to go before the FOP.

Councilor Jacobs asked Mr. Bohannon if the money to be used for the project is from the sale of the cemetery lots. Mr. Bohannon replied in the affirmative. He continued to explain that the sale of a lot is split 50/50 between Trust A and Trust B. Trust A goes toward the operating fund and Trust B is for income that is put aside for major projects. He noted this was the biggest project his department has done in quite some time.

Councilor Clark asked if the beavers still exist in this area. Mr. Bohannon replied that the beavers have been

removed.

Councilor Powers asked Mr. Bohannon to clarify if the Cemetery of Trustees and Trustees of Trust Funds are the same group of people. Mr. Bohannon replied in the affirmative.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that City Council adopt the recommendation by the Trustees of Trust Funds for the expenditure of \$86,675.00 for the purposes of replacing a culvert in Woodland Cemetery.



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

June 28, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** D.7.

**SUBJECT:** Professional Service Evaluation - Roxbury Road Water Storage Tank - Public Works  
Department

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**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 professional services contract with Tata and Howard Engineers to perform an evaluation of the City's 3 million gallon (MG) water storage tank and water system modeling for an amount not to exceed \$33,400.

**BACKGROUND:**

Operations Manager of Water and Wastewater Facilities Aaron Costa and Assistant Public Works Director, Donna Hanscom addressed the Committee next. Mr. Costa announced the Black Brook storage tank repairs have been completed. Last fall, they requested funds to repair the Black Brook water storage tank. The tank is 380,000 gallons and was constructed in 1996. Mr. Costa displayed an actual piece of the corrosion that was removed from the tank by divers.

Mr. Costa informed the Committee that he was happy to report the work to the interior and exterior of the tank is complete. The project was done on time and under budget. He reported the budget was approximately \$104,000 and the total cost came in around \$97,000.

Mr. Costa explained this was a complicated project because they had to figure out a way to provide water to that pressure zone.

Councilor Jacobs noted the piece from the tank Mr. Costa displayed was pretty substantial in size. He asked what causes the tank to deteriorate in such a manner. Mr. Costa replied that they are unable to provide an exact reason. However, he did explain when there are 380,000 gallons of water in a tank and it gets cold enough in the winter there is ice formation inside the tank. As the tank level lowers and rises as it is used, the ice scrapes the inside of the tank. Mr. Costa speculated this is what may have occurred.

Mr. Costa moved the discussion to the 3 MG water storage tank that is located on Roxbury Road. He stated this is a welded steel tank that was constructed in 1962. The last time the inside and outside of the tank was sand blasted and repainted was in 1998.

In 2013, the exterior of the tank was inspected by a professional engineering firm and in 2015 the interior was inspected by a team of specialized divers. Both inspections noted several deficiencies that included corrosion on the tank walls, delamination on the tank roof and breakdown of the interior and exterior coating system that

protects the tank from corrosion. The intent of the project is to perform a more in depth evaluation of the tank, to evaluate current and future water storage requirements, and to develop a business case on whether tank rehabilitation or replacement is the appropriate action. Funding for this evaluation was approved through the FY18 Capital Improvement Program (CIP) at a budget amount of \$35,000.

The City issued a Request for Proposals (RFP) and Tata and Howard was the only firm that submitted a proposal for the project. Mr. Costa stated that based on their experience with similar tank projects, staff recommends contracting with Tata and Howard to perform the evaluation. He noted Tata and Howard had performed over 21 tank projects over the past 5 years.

Mr. Costa reported that Tata and Howard included a recommendation to perform additional water system modeling to help determine system pressures, hydraulics and water age based on the existing and potential future tank size. The modeling was not included in the initial scope of the work but City staff recommends the additional task be performed. He explained the data generated will help confirm whatever option is selected and will service the City's current and long term storage requirements at this location.

Mr. Costa stated that since Tata and Howard was the only proposer, it is recommended that the \$7,000 be added to the \$26,400 proposal amount for a total contract of \$33,400.

Chair Greenwald asked Mr. Costa to explain water modeling. The Assistant Public Works Director, Ms. Hanscom replied that it is a computerized prediction. She explained they would put in information about the water system, pipe sizes, water consumption and then there is a prediction based on tank sizes. The computer then runs a model based on this information. She further explained that it takes all of these scenarios into consideration and runs through a series of calculations to determine what is the best fit is for the community.

Councilor Powers asked why there was only one respondent. Mr. Costa replied that it was not a big budgeted evaluation. He explained they have seen with similar small projects that it seems to take a lot of time and effort to put in proposals. As they go forward they are looking to package these small projects into a larger project. Councilor Powers asked if City staff was comfortable with Tata and Howard. Mr. Costa replied in the affirmative.

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

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 professional services contract with Tata and Howard Engineers to perform an evaluation of the City's 3 million gallon (MG) water storage tank and water system modeling for an amount not to exceed \$33,400.



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

June 28, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** D.8.

**SUBJECT:** Records Storage and Management Services Rate Increases for Contracted Customers - City Clerk's Office

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**RECOMMENDATION:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the proposed rate increases for contracted customers of the records center be approved with an effective date of July 1, 2018.

**BACKGROUND:**

The Records Manager/Deputy Record Clerk, William Dow addressed the Committee next. Mr. Dow stated during the operational budget process the Office of the City Clerk staff reviewed the record center operations and current fee schedule. He reported they came up with a recommendation to propose rate increases for clients that store at the Record Storage facility. He noted the proposed rate increases are in line with Consumer Price Index (CPI) for the past year. In addition, he stated the rate increases will help offset some of the increased expenses they have experienced at the warehouse.

Chair Greenwald asked if they investigated other record storage facilities to compare pricing. Mr. Dow replied that the City is the only municipality in the state that performs this service and rates are somewhat bound and limited based on state law. He explained it is difficult to compare their operation to the private market. Mr. Dow stated that prices stay competitive with alternative solutions in order to service the needs of customers.

Councilor Chadbourne asked how they determine how much to increase the prices, noting the amount was minimal. Mr. Dow replied they tried to stay in line with the CPI. For example, they are starting to see repairs on their HVAC system and their lighting needs to be forecasted for replacement. He explained they are working out those numbers for future increases.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the proposed rate increases for contracted customers of the records center be approved with an effective date of July 1, 2018.





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

June 27, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** G.1.

**SUBJECT:** Ashuelot Court Homeowners – Request to Partner in the Installation of Water and Sewer Lines on Ashuelot Court, a Designated Private Road

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**RECOMMENDATION:**

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the request to have the City partner in water and sewer lines on Ashuelot Court, a designated private road, be placed on more time.

**BACKGROUND:**

Chair Manwaring welcomed Rich Kalich, 16 N. Shore Road, Spofford. Mr. Kalich owns property on Ashuelot Court. He said this has been a private road for a long time and was originally a part of the Faulkner and Colony property. The road was bought and deeded to the Keene Housing Authority, which then conveyed it to the City in 1971. The water and sewer lines appear to be original, dating to the late 1800s. The sewer lines are root bound and compromised, so replacing the sewer line seems prudent. The water line is also at least 70 years old and it seems smart to replace the water and sewer lines at the same time. In 1993, the City Council was asked to take ownership of the utility lines under the road. The Council agreed with the stipulation that the homeowners participate, and that did not happen. Now, the homeowners group is ready and willing to contribute \$10,000 to the project in addition to the water and sewer fees they already pay.

The Public Works Director agreed the utility lines are very old and he agreed with the ownership history Mr. Kalich explained. He added that in the 1950s, the City was paid by property owners there to replace some sewer services; the City billed them and the homeowners paid. In 1993, the Council supported replacing the lines, offered \$8,000 toward the cost of the water line, and stipulated that the sewer line remain private. Additionally in the 1980s, the City did obtain ownership of 40ft of property under Ashuelot Court from the Keene Housing Authority during the Castle Street project. Ashuelot Court is still viewed as a private street.

The Public Works Director listed the following issues for the Committee to consider:

1. If the City takes over a street or utility, they must be brought up-to-date with standards. The water line there is 2in and a typical line today is 6in (water) or 4-8in (sewer). The preliminary cost estimate from a City-known contractor is \$27,000 for just the sewer line replacement; water line replacements will likely double that cost.
2. Should the taxpayers be participating in this process?
3. If taxpayers participate in this process, how much should they contribute? The homeowners are offering to pay a portion. There is a section of the Street Utility Standards that allows for a betterment assessment, in

which the City acts as a lender for projects on private property in the City (sidewalks, utilities). The City code allows this for up to 20 years with interest. This is not a loan to the property owner; it is a lien against the property.

The Public Works Director recommended placing this on more time so staff can get a final cost estimate, work with the City Attorney to ensure everything is valid, and work with the City Manager on an agreement. He is on vacation for a few weeks, but staff will address this promptly.

Councilor Filiault said he remembers the discussion about Ashuelot Court in 1993. He questioned if the City does this utility work and upkeep, if they should just own the street. The Public Works Director replied the same standard would apply to the street; it is currently gravel and would have to meet current standards at a high cost. Mr. Kalich said the homeowners agreed on \$10,000 toward utilities but did not discuss ownership of the road, for which participation would likely be low.

Councilor Lamoureux asked if homeowners have been paying the same water and sewer rate as other residents; to which the Public Works Director replied yes. Councilor Lamoureux asked if part of the water/sewer bill rate is for infrastructure. The Public Works Director replied no, residents pay to use water and for improvements in the system that brings them water, but not for future utility work.

Councilor Sutherland asked if every rate payer is responsible for the maintenance of pipes on their property. The Public Works Director replied yes, owners are responsible for sewer lines (from main to building) and water lines (from curb stop into house). Councilor Sutherland asked staff to look into the issues presented and any other times that the Committee has faced issues like this before. The City Attorney agreed more time is needed for him to review the process as well.

The Public Works Director and City Engineer, who will both be essential in this process, will both be away for the next few weeks; after which, the Council is on vacation for the month of August. So, this will likely take two Committee cycles to arrive at a solution. Mr. Kalich noted this is time sensitive because tree roots are growing into the sewer pipes again; he has Bradley Faulkner deed research he will share with the City Attorney.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the request to have the City partner in water and sewer lines on Ashuelot Court, a designated private road, be placed on more time.



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

June 28, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** I.1.

**SUBJECT:** Relating to Fire Department Call Personnel

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**RECOMMENDATION:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2018-07.

**ATTACHMENTS:**

Description

Ordinance O-2018-07

**BACKGROUND:**

Councilor Powers announced that he is not a paid member of the Call personnel. However, he shared that his son is a Call fire fighter. Councilor Powers asked if the Committee felt this is a conflict of interest. All members of the Committee agreed there is no conflict of interest.

Assistant City Manager/Human Resources Director, Beth Fox and Fire Chief Mark Howard addressed the Committee next. She stated they are before the Committee to discuss a final proposed amendment to the Chapter 62, "Salary" Ordinance section of the City Code. Ms. Fox stated in essence they are trying to enhance and integrate the Call fire fighters more strongly with the professional department. She then turned the meeting over to Chief Howard.

Chief Howard reported that in early fall of 2017, he met with command staff including Deputy Chickering, Call Deputy Szoc, the four shift commanders and the Department Administrator. He explained the meeting was in relation to the reorganization of the Call company members. He stated as Fire Chief he was concerned with the following areas:

- Payment of the stipend. He stated in his opinion payment of the stipend was broken. He explained that call personnel that respond to a handful of incidents still receives the base stipend of \$800. Chief Howard noted that this renders the attendance stipend as a motivator.
- The number of Call members that attend calls and training was declining rapidly.
- Training that is required twice a month and only provided on Monday nights creates an issue for members. He noted this caused members not to attend training sessions.
- The growing decline of call members due to retirement and also not having the ability to find new recruits.
- Call members not maintaining competences for assigned tasks due to missing training. He explained this was leading to safety concerns due to hazards of the profession.

In November of 2017, Chief Howard reported that he met with the call company officers to discuss concerns related to the organization. At this meeting Chief Howard discussed how he was considering the following changes:

- Discussion on how the call company consisted of two operational groups and the Call Special Services Group. He stated his proposal was to move the two groups to shifts. In theory, he stated full staff is at 20 people, 5 members would be assigned to four current career shifts. He noted these groups would operate under the captain. The special services committee which includes the chaplain, 2 department photographers and one personnel that assists with accountability. He noted these positions would also remain under the command of the Fire Chief.
- Training was discussed related to the lack of attendance.
- Elimination of call officer positions for Call Department was structured for 40-50 members in addition to career personnel. Currently there are 11 suppression members. He said from a span of control, the need for a deputy chief, captains and lieutenant to manage the second department was needed in prior years. Today, these positions are not needed for 11 people.
- Chief Howard discussed the proposal for call personnel to be paid at an hourly rate in place of stipend. In addition, he stressed to them the need for safety of staff, fairness amongst employees, efficiency and fiscally being responsible for the allocated funding for the department. He noted this was information well received from the call officers. Chief Howard reported that members commented specifically on the need to try something new to reenergize and attract new members.

In conclusion, Chief Howard stated that it is important to note the following:

- Call company personnel are not trained to replace career staff, they are trained at basic level of fire and rescue responses.
- The trends over the last five years are that no members have exceeded over 100 hours of training for call responses.
- The proposed budget is basing the cost on those numbers where they require 36 hours of annual training and an active member between 50-75 hours of responses.
- The hourly rate of \$18 at 100 hours equates to 27,000. He noted the current call budget is \$34,000.

Chief Howard clarified that the intent is not to replace career firefighters but to ensure that the emergency personnel are properly trained to supplement calls when needed.

Ms. Fox moved the discussion to the pay schedule for call personnel. She stated that Section 62-141 of the Ordinance proposes the first decision is that the call firefighters be paid an hourly wage. The hourly rate is based on skill set and occupation. She reported the pay scale ranges from \$10 for non-certified probationary and up to \$18 for Level II Firefighter. Ms. Fox stated the old rank structure system will be abandoned in order to capture more attendance. She stated in essence they are trying to enhance and integrate the call firefighters more strongly with the professional personnel in the department. In addition, she stated this would improve the quality of service and opportunities for call firefighters.

Ms. Fox reported that call personnel will be eligible for the call personnel retirement plan. For call personnel retiring after July 1, 2018 the call personnel retirement plan is based on an average of the last three years of call firefighter compensation, up to a maximum retirement payment of \$2,000 paid annually. For call personnel retired prior to July 1, 2018, the retirement plan shall continue on the same terms and conditions in effect at the time of retirement.

Ms. Fox concluded by stating the proposed changes will make the call company a much more attractive employment option.

Councilor Jacobs asked if people are paid for the training classes. Ms. Fox replied in the affirmative. Councilor Jacobs then asked if the retirement portion is funded. Ms. Fox replied it is a City funded program that is a line item on the Fire Department budget.

Chair Greenwald asked if there was a requirement for call members to work 36 hours of training on an annual basis. Chief Howard replied members were paid in the past based on their attendance and this went towards their attendance record. Now, training for members will be paid at an hourly rate and the goal is 3 hours per month for training.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2018-07.



# CITY OF KEENE

O-2018-07

Eighteen

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

Relating to Fire Department Call Personnel

AN ORDINANCE .....

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

That the Ordinances of the City of Keene, as amended, hereby are further amended by deleting the stricken text and inserting the bolded text in Section 62-141, "Salary;," by deleting Section 62-142, "Second Annual Stipend;" in its entirety and by deleting the stricken text and inserting the bolded text in Section 62-143, "Retirement Plan;," of Chapter 62 entitled, "Personnel," as follows:

Sec. 62-141. – Call firefighter hourly wage schedule.

**The hourly wage for** Fire department call personnel shall be **as follows:** ~~paid an annual stipend based on the chart included in this section. Call personnel shall only be paid for the actual time served, if less than one year. Annual payments, based on a calendar year, will be made during the first quarter of the year following the year of service for all call personnel in good standing. Call personnel are also eligible for hourly pay for special details approved by the fire chief. This pay shall be based on step 1 firefighter in the current labor contract.~~

### Hourly Wage Scale Effective July 1, 2018

CF1	Non-certified Probationary	\$ 10.00
CF2	Probationary Firefighter (Level I or II)	\$ 13.00
CF3	Special Services (Chaplain, Photographer & Aide)	\$ 14.00
CF4	Firefighter (Level I)	\$ 15.00
CF5	Firefighter (Level II)	\$ 18.00

	Effective FY '00	Effective FY '01
Call deputy chief	\$1,500.00	\$2,000.00
Call captain	775.00	950.00
Call lieutenant/company clerk	675.00	850.00

PASSED

Call firefighter	625.00	800.00
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Sec. 62-142. – Second annual stipend.

(a) ~~Fire department call personnel shall also be eligible for a second annual stipend which shall be based on attendance. Attendance shall be defined as participation in meetings, training, parades and emergency calls. Attendance of personnel will be kept, by calendar year, by the company clerks of each company. The maximum amount of this stipend shall be \$500.00. Annual payments of this stipend shall be made during the first quarter of the year following the year of service, at the same time the salary stipend is paid. The following scale shall be used to allocate this stipend:~~

Attendance	Amount Paid
90—100%	\$500.00
80—89%	475.00
70—79%	450.00
60—69%	400.00
50—59%	375.00
40—49%	300.00
30—39%	200.00
20—29%	100.00

(b) ~~Call personnel who fall below 20 percent attendance will not be eligible for the attendance stipend. This stipend shall be retroactive to January 1, 1996, and thereafter shall be administered on an annual basis.~~

Sec. 62-142. – RESERVED

Sec. 62-143. – Call firefighter retirement plan.

Fire department call personnel shall be eligible for the call personnel retirement plan if they serve the city in the capacity of a call firefighter for the number of years outlined in the following chart. **For call personnel retiring after July 1, 2018, the call personnel retirement plan is based on the annual salary received in the final year of employment an average of the last three years of call firefighter compensation, up to a maximum retirement payment of \$2,000 paid annually, and is not subject to cost of living increases. For call personnel retired prior to July 1, 2018, the retirement plan shall continue on the same terms and conditions in effect at the time of retirement.**

Years of Service	Retirement Pay
20	50% of <b>call firefighter compensation salary</b>
21—39	2.5% <b>additional</b> each year after 20
40	100% of <b>call firefighter compensation salary</b>

In City Council June 21, 2018.  
 Referred to the Finance,  
 Organization and Personnel  
 Committee.

  
 Patricia Castle  
 City Clerk

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



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

June 28, 2018

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

**SUBJECT:** Relating to False Alarm Prevention - Payment of Costs

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**RECOMMENDATION:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2018-10.

**ATTACHMENTS:**

Description

Ordinance O-2018-10

**BACKGROUND:**

Police Captain Steve Stewart addressed the Committee next. Captain Stewart stated that he was before the Committee to discuss a change to the Ordinance regarding fees or penalties for false alarms. Chair Greenwald asked if this was burglar or fire alarms. Captain Stewart replied burglar alarms for commercial and residential.

Captain Stewart explained that during the FY 2018-2019 budget preparation, administrative fees associated with the Police Department were reviewed. This was part of a process wherein every three to four years all fees will be reviewed and compared against fiscal policy and prevailing "market" rates for each service offered. In addition, he reported the last increase in false alarm fees was in 2015.

Captain Stewart reported they surveyed 7 other like municipalities and found they are below average compared to other municipalities. He stated the increase would be any owner or lessee of property having an alarm system on the premises. Captain Stewart noted that changes would include any user of alarm services or equipment designed and installed with the intent of eliciting an emergency response will now pay to the city a service charge of \$55.00. If more than ten alarms are received in a calendar year, the service charge will be \$125.00 for each and every alarm in excess of ten. If more than 20 alarms are received, the fine will be \$160.00 for each and every alarm received.

Chair Greenwald referred to the penalty for operating an alarm without a permit. He stated that he would assume these alarms are connected to a monitoring station to the police department. Captain Stewart replied that was incorrect. These alarms are operated through private services. Chair Greenwald commented that there are quite a few ads on television for monitoring alarms. He questioned if these alarms would require a permit. Captain Stewart replied these alarms would need a permit. Chair Greenwald stated that this needs to be communicated to the public. Captain Stewart stated that this can be communicated by the City's Facebook page.



Councilor Chadbourne referred to Section 34-57 (c) of the Ordinance and asked how the police department would know how a permit would be revoked. In addition, she asked why a permit would be revoked. Captain Stewart replied that he does not have answer to that question other than speculating nonpayment or fines.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2018-10.



# CITY OF KEENE

O-2018-10

Eighteen

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

Relating to – False Alarm Prevention - Payment of Costs

AN ORDINANCE .....

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

That the City Code of the City of Keene, New Hampshire, as amended is hereby further amended by deleting the struck out text and adding the bolded Italic text to the following provisions of Article II, "Alarm Systems", of Chapter 34, entitled "Emergency Services" as follows:

**Sec. 34-57. – False Alarm prevention, payment of costs.**

- (a) For use in this section, a calendar year shall be the city fiscal year, July 1 to June 30.
- (b) Any owner or lessee of property having an alarm system on the premises and any user of alarm services or equipment designed and installed with the intent of eliciting an emergency response shall pay to the city a service charge of ~~\$45.00~~ ***\$55.00*** for each and every false alarm to which emergency services respond in excess of the initial three alarms in a calendar year. If more than ten alarms are received in a calendar year, the service charge shall be ~~\$75.00~~ ***\$125.00*** for each and every alarm in excess of ten. If more than 20 alarms are received, the fine shall be ~~\$150.00~~ ***\$160.00*** for each and every alarm received.
- (c) Any central station, answering service or proprietary system that in any manner notifies the police department of an alarm signal from an alarm system of an alarm user who does not possess an alarm user's permit or whose permit has been suspended, revoked or denied shall be charged ~~\$100.00~~ ***\$125.00*** for each notification made to the city.

**Sec. 34-61. - Penalties.**

Penalties for violations of this division shall be as follows:

- (1) Operating an alarm without a valid permit ..... ~~\$100.00~~ ***\$125.00***
- (2) Operating an alarm when a permit has been suspended or revoked ..... ~~100.00~~ ***\$125.00***

In City Council June 21, 2018.  
Referred to the Finance, Organization  
and Personnel Committee.

  
City Clerk

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



June 28, 2018

**TO:** Mayor and Keene City Council  
**FROM:** Finance, Organization and Personnel Committee  
**ITEM:** J.1.

**SUBJECT:** Use of Capital Funds for Drummer Hill Water Storage Tank and Pump Station

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**RECOMMENDATION:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2018-21.

**BACKGROUND:**

The Assistant Public Works Director, Donna Hansom and Operations Manager of Water and Wastewater Facilities, Aaron Costa addressed the Committee next. Ms. Hanson explained they were before the Committee to talk about the Drummer Hill Water Storage tank. She explained that back in the winter the Committee was notified about a leak in the Drummer Hill Storage tank. Ms. Hanscom noted the tank has been taken off line for further evaluation and to determine next steps.

Ms. Hanscom reported the tank was installed 35 years ago and is a 100,000 gallon tank that provides water to a relatively small portion of Keene. She reported that the tank is filled by a small booster pump station that operates as needed. Both the tank and the pump station were built in 1987. Based on deficiencies identified in a 2013 evaluation, the tank is scheduled for replacement in FY24 and the pump station in FY27 when it is 40 years old.

She explained the tank has been taken off line and they have been using the pumping station and bypassing the tank to provide water for the area served. Ms. Hanscom reported the tank is providing adequate water, but it is not adequate fire protection. She noted there is not enough water pumping capability. The tank's deficiencies include leaking seals, lack of intrusion protection, a gap between the wall and the domed roof, and absence of a watertight cover and a sample station. She stated the tank is buried, making detailed inspection difficult, and it does not provide enough water pressure to all customers.

Ms. Hanscom reported they went through all the options on how to repair the tank and also looked at replacing the tank with a larger tank. In 2013, the current tank was deemed to not be large enough by fire suppression standards. They have a project scheduled in the CIP in fiscal 2024 but are seeking to move up the evaluation because they have to do something with this today. Ms. Hanscom stated the options are as follows:

1. Repair - Refurbish the existing tank in 2019 and replace the existing pump station in 2027. This solution doesn't address the tank's deficiencies, but does repair the leak, installs a new inlet and drain, and stabilizes the tank with grout.
2. Replace the existing tank with a larger tank.
3. Remove the tank and replace the existing pump station with a larger pump station.

Ms. Hanscom stated that by these rough cost estimates, it appears the solution is to remove the tank and install a larger pumping station now and not repair the existing tank at this time. She stated it is not only the lowest cost option, but also provides a significant positive impact to the water user through improved water quality, pressure, and fire suppression.

She stated that included in the memorandum before the Committee is the staff's estimated cost and scope of the 3 solutions. She continued the next step is to hire a consultant to review the options and determine if the assumptions made by staff are correct. Ms. Hanscom reported they will hire Tighe and Bond Engineers using the City Manager's purchasing authority for professional services. In addition, they will report back to Council in the fall for a final recommendation on how to proceed. In order to get funds to do this, they have spoken to the Finance Director about using fund from the Capital Reserve fund and it was determined there is enough in there to cover the cost and also continue to cover the six year CIP plan, however there would be little to no money left in the fund. The Finance Director has asked that they take a long look at the projects proposed in the six year plan to allow for adjustments to maintain a higher balance at the end of that timeframe.

Councilor Clark asked how much fire risk there is and how long this could go on without adequate fire protection in the event of a large fire. Ms. Hanscom and Mr. Costa stated they have not had the chance to speak with Chief Howard in order to discuss a plan.

Councilor Clark asked if putting in new a pump would be quicker. Ms. Hanscom replied that she was not sure if this was true. She explained that this would mean putting in a new system because the current system is below ground. Ms. Hanscom explained that an underground system is difficult to access, harder on equipment and ends up with corrosion.

Councilor Clark suggested the City Manager make sure there is an emergency fire plan. The City Manager stated that she would absolutely make sure there is plan.

Councilor Jacobs asked if the same water modeling for the tank on Water Street could be used for this area. Ms. Hanscom replied that this area is different because it has its own pressure zone because of the elevation.

Councilor Chadbourne asked how significant the leak is and if there is a lot of water being lost. Ms. Hanscom replied in the affirmative.

Ms. Chadbourne stated her concern with each proposal is the timing in FY19 through FY27, stating if there is a significant leak why not make repairs immediately. Ms. Hanscom replied there is no leak in the tank because it is not in use at this time, and they have a water small pump station running 24 hours a day to pump water to homes in that area. Mr. Costa added they cannot use the tank. This one is a precast concrete tank, but it was backfilled and built into a knoll, and the leak was from underneath the tank from the drain pipe. This caused the ground to be undermined rendering the tank unusable unless it is repaired.

Mayor Lane asked if there are any records that show why the tank was put in rather than increasing the size of pumping station. He stated he was on the City Council at the time and remembers the issue relating to elevation and water pressure. He asked if there are any records that indicate why that decision was made and whether this would impact the decision that is made today. Ms. Hanscom has not looked at records but has spoken with the Public Works Director, Kurt Blomquist. She stated that Mr. Blomquist commented that at that time the community seemed comfortable with storage tanks verse pump stations. She stated that Mr. Blomquist thought the larger tanks, in this case the fire pumps, would not be used and would sit around. Ms. Hanscom further explained that the pumps would not be in good condition in case of emergency.

Councilor Powers asked where the pump station is located. Mr. Costa replied this was at Meetinghouse Road on the bottom of hill on the right side.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2018-21.



# CITY OF KEENE

R-2018-21

Eighteen

In the Year of Our Lord Two Thousand and .....  
Relating to the Reallocation of funds from the Water Infrastructure Capital  
A RESOLUTION ..... Reserve to replace the Drummer Hill water pump station.

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

That the sum of eight hundred thousand dollars (\$800,000) be allocated from the Water Infrastructure Capital Reserve fund (05019) to replace the Drummer Hill water pump station.

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Kendall W. Lane, Mayor

In City Council June 21, 2018.  
Referred to the Finance, Organization  
and Personnel Committee.

  
City Clerk

PASSED



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

June 27, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** J.2.

**SUBJECT:** Council Policy Relating to the Acceptance and Placement of Public Art

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**RECOMMENDATION:**

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends a review and a recommendation of a Resolution relating to the acceptance and placement of public art.

**ATTACHMENTS:**

Description

Resolution R-2018-22

**BACKGROUND:**

Mr. Bohannon recalled the Committee has heard about public art several times and in April, they requested that staff to work on a resolution. City staff continued their research of other communities and worked with the City Attorney and Councilor Carl Jacobs to draft a resolution. The Comprehensive Master Plan outlines the need and calls for public art and suggested creating a commission to vet the resolution process. This draft resolution is before the Committee for review before a numbered resolution is created to send to Council on July 5.

Councilor Lamoureux asked about the insurance carrier. The City Attorney replied as a more solid framework is developed they will look into insurance more; any proposal brought forward for temporary art will have an insurance component.

Councilor Jacobs said they were not at the meeting to try to form an arts commission, which is not a part of the resolution but something that is a next step to benefit the City. This draft resolution can work with or without it. He noted a small change to the draft resolution: if someone donates public art to the City they must donate 1% of its value to maintain it and the establishment of a trust fund to handle that money.

Councilor Sutherland asked if art exhibitions can have a fundraising component like he has seen in other cities. Councilor Jacobs thinks the draft language enables that and it is something an arts commission could also work on. Mr. Bohannon agreed it would be great for economic development downtown.

Chair Manwaring asked about the difference between temporary and permanent art. The City Attorney replied that definition still needs to be decided. This draft resolution is for discussion and many details still need to be worked out. Councilor Jacobs said temporary art is still owned by someone; while permanent art is owned by the City to display as they wish. Chair Manwaring said she feels like maintenance is a grey area; and inquired how responsible will the City be? Mr. Bohannon said establishing the trust will guarantee maintenance, which is the only reason the City would take on ownership of any art.

Councilor Filiault noted a formal, numbered resolution will still have to come back again, which will require another Committee cycle.

Chair Manwaring recognized Jessica Gelter, Executive Director of Arts Alive, 74 Fuller Drive, Brattleboro. She supports this process and potential resolution. Arts Alive is engaged in this development process and works with others throughout the State on public art policies. She said it is great to see Keene supporting public art. Arts Alive would like to be involved if a commission is established.

Chair Manwaring recognized Councilor George Hansel who expressed support for this important effort for the City. He suggested the resolution be revisited every few years to cover a certain threshold for liability.

Chair Manwaring recognized Georgia Casavettas, 46 Centennial Road, Gilsum. She is in favor of the proposed resolution because it is important to have a document declaring the City's support for the arts and for economic development. She said people of her generation seek culture and outdoor learning environments. She started Friends of Public Art in 2014 and she hopes this Resolution will make it easier for the rest of Council to understand when projects like this come up in the future. She favors the idea of a commission and would be happy to serve on it.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends a review and a recommendation of a Resolution relating to the acceptance and placement of public art.

The City Attorney said he would submit a numbered resolution at the next Council meeting.





# CITY OF KEENE

R-2018-22

In the Year of Our Lord Two Thousand and Eighteen

A RESOLUTION COUNCIL POLICY: RELATING TO THE ACCEPTANCE AND PLACEMENT OF PUBLIC ART

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

WHEREAS: Public Art plays an important role in increasing the understanding and enjoyment of art by the community. Art is more accessible and visible to people when displayed in public areas. A key feature of Public Art is the importance of integrating art into the fabric of the community in order to enrich and enhance the physical attractiveness of the community. Public Art transforms spaces and provides a valuable contribution to the appreciation of the community and the quality of public places; and

WHEREAS: The City of Keene desires to participate in the promotion and display of Public Art to contribute to the unique identity of the City; enhance the City's economic and cultural vitality; and to encourage Public Art that is accessible to the public visually and physically.

NOW, THEREFORE, BE IT RESOLVED: Public Art may be located on public property in areas that are frequently visited, viewed, or accessed by the public. Locations may include public right-of-ways, intersections, City parks, City-owned property, and City-owned buildings, and

BE IT FURTHER RESOLVED: Artists and/or organizations wanting to create, provide, or develop Public Art shall submit a proposal to the Keene City Council that provides sufficient information for consideration of each proposal. When the City Council is considering Public Art, temporary or permanent, to be installed on, or in, property under City ownership or control it may consider:

- Whether the Public Art reflect aspects of the City's history, unique environment, cultural identity, or community at-large;
- Whether the Public Art aesthetically enhances public spaces or environments to which it relates or interacts;
- Whether the Public Art is commensurate in scale with its surroundings;
- Whether the Public Art is technically feasible to produce and to display;
- Whether the Public Art is unique and original and not mass produced or standardized;
- Whether the Public Art is durable, constructed of materials that will survive in the environment in which it will be placed, and reasonable to maintain in terms of time and expense;
- Whether the artist(s) and/or organization(s) submitting a proposal for Public Art can demonstrate that the artist(s) and/or organization(s) is (are) recognized by critics and peers as one who produces works of art;

- Whether the Public Art is in a location that allows for necessary maintenance;
- Whether the Public Art is designed to be reasonably protected from environmental degradation, damage, vandalism, or theft;
- Whether the Public Art is affixed to a structure or building and whether the structure or building is expected to remain in good condition for twenty (20) years;
- Whether the Public Art creates a public safety, health, or security concern.

BE IT FURTHER RESOLVED:

- Temporary Public Art is intended to not be owned by the City, to remain in the care, control, and ownership of the artist(s) and/or organization(s), to be easily installed and removed, to be displayed for a specific period of time or on loan for an undetermined period of time, and as specified in a Memorandum of Understanding between the artist(s) and/or organization(s) and the City Council prior to display.
- Permanent Public Art is intended to be owned by the City, is attached to a structure or property owned by the City, is of a size or type of construction that it cannot be easily removed, and which the artist(s) and/or organization(s) agree to relinquish and transfer all rights of ownership and control to the City of Keene.
- Public Art proposals will be in writing and shall include the following minimum information.
  - A description of the proposed Public Art, including but not limited to, the name of artist(s) and/or organization(s) involved, description of the experience of the artist(s) and/or organization(s) in the production of the type of artwork, and information establishing that the artist(s) and/or organization(s) is recognized by critics and peers as one who produces works of art.
  - Whether the Public Art will be temporary and on loan to the City, or permanent and owned by the City.
  - Identification of the location of the Public Art.
  - A description of the Public Art that includes a proposed design which is commensurate in scale with the intended location, the size to scale, the dimensions of the physical space required, the materials to be used, the intended theme or context, and if temporary, the length of time of the display, and how the Public Art will be accessible to the public for viewing and enjoying.
  - Whether utility hookups are required.
  - How the Public Art is funded.
  - The anticipated maintenance requirements of the Public Art, including recurring expenses.
  - If temporary, identify how the Public Art will be removed and how the space will be restored to its previous condition.

- How the Public Art will aesthetically enhance public spaces or environments to which it relates or interacts.
  - Provide appropriate certification that the Public Art does not infringe upon any copyright or trademark.
  - Provide documentation as required by the City with respect to construction or installation of the Public Art.
- 
- The artist(s) and/or organization(s) proposing Public Art shall provide appropriate insurance certificates and indemnification to the City during construction/installation, and/or during display, as determined by the City Council, through a license for temporary Public Art or in the construction documents for Permanent Public Art.
  - If the Public Art is not owned by the City, the artist(s) and/or organization(s) proposing the Public Art will be responsible for the expenses of monitoring, operation, maintenance, repair, and removal.
  - The City shall have the right, in its sole discretion, to determine when or if it is necessary that Public Art be removed from public display.
  - The City Council, in its sole discretion, shall determine whether Public Art is accepted for ownership by the City.
  - The City Manager is authorized to develop and administer rules and procedures to determine whether a proposal for Public Art is acceptable and complete for submission to the City Council for consideration; for the management, monitoring, installation, maintenance, repair, operation, and removal of Public Art, and to prepare appropriate and necessary documents for the transfer of the ownership of permanent Public Art to the City; and to adopt City Ordinances as may be necessary and appropriate.
  - The City will establish an expendable trust for expenses associated with commissioning, installation, monitoring, maintenance, repair, operation, and removal of Public Art.
  - For any Public Art intended to be owned by the City, the donor shall contribute to the City a sum equal to one percent (1%) of the construction cost of the Public Art, to be deposited into the expendable trust and used by the City for the monitoring, operation, maintenance, repair, upkeep, relocation, removal, or other requirements related to the Public Art.

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Kendall W. Lane Mayor