



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
August 2, 2018
7:00 PM

Roll Call
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- July 19, 2018

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmation
Ashuelot River Park Advisory Board
2. Appointment – Ad hoc Winchester Street Reconstruction Project Steering Committee
3. Appointment - Ad Hoc Comprehensive Economic Development Committee

C. COMMUNICATIONS

1. Daron Friedman - Request to Acquire Property - Washington Street
2. Janet Lincoln - Service Complaint with Spectrum Cable TV

D. REPORTS - COUNCIL COMMITTEES

1. Councilors Hansel, Hooper, & Manwaring – Installation of Receptacle for Lead Fishing Tackle Disposal – Keene Transfer Station
2. Tillie's Restaurant - Request to Serve Alcohol - Sidewalk Cafe License
3. Hazard Mitigation Plan - Public Works Department
4. Acceptance of Donation - Fire Department
5. Acceptance of Donations to Library Renovation Project - Campaign Manager for the Next Chapter
6. Acceptance of the FY2018 Byrne Justice Assistance Grant - Police Department
7. Marlboro Street Corridor Improvements - Consultant Selection - Public Works Department
8. Main Street Bridge over Beaver Brook - Increase in Project Budget - Public Works Department
9. Main Street Bridge over Beaver Brook - Engineering Change - Public Works Department
10. Winchester Street Reconstruction Project - Public Works Department
11. Municipal Solar Array- 350-400 Marlboro Street - Public Works Department

E. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. CITY MANAGER COMMENTS

F. REPORTS - BOARDS AND COMMISSIONS

G. REPORTS - MORE TIME

1. Kate Schwerin – Proposal for Permanent Public Art Installation – Airport Property
2. Katie McNally/Cheshire Coalition for Tobacco Free Communities – Raising the Legal Minimum Age for the Sale and Possession of all Tobacco and Nicotine Products
3. Peg Bruce/Kiwanis Club of Keene - Request to Use City Property - Tree Lighting Event
4. Susan Gilbert - 48 Stanhope Avenue – Release of Easement – Public Works Department

H. ORDINANCES FOR FIRST READING

I. ORDINANCES FOR SECOND READING

J. RESOLUTIONS

1. Relating to the Appropriation of Funds for the Fire Department
Resolution R-2018-20
2. Relating to Fiscal Policies - FY 2018-2019
Resolution R-2018-26
3. Relations to the Use of the City Park Lands
Resolution R-2015-30
Resolution R-2018-27
4. Relating to Interim City Treasurer
Resolution R-2018-29

Non Public Session
Adjournment

A regular meeting of the Keene City Council was held Thursday, July 19, 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, Robert B. Sutherland, George S. Hansel, Bettina A. Chadbourne, Stephen L. Hooper, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Gary P. Lamoureux was absent. Councilor Rice led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the July 5, 2018 regular meeting was duly seconded. The motion passed with a unanimous vote in favor.

ANNOUNCEMENTS

The Mayor announced that on Monday, July 23rd at 11:30 AM, there will be a dedication for the Patricia T. Russell Park at the former Carpenter Field. The Mayor announced the summer break will include the week of August 8th and 9th for the Standing Committees and the August 16th City Council meeting. The August 22nd and 23rd Standing Committee meetings will be moved to the last week of the month on August 29th and 30th. The City Council will be back to its normal meeting cycle on September 6th.

PRESENTATION – BUILDING BETTER TOGETHER: EXPLORING UPDATES TO KEENE’S DOWNTOWN ZONING DISTRICTS – A BRIEF PROJECT UPDATE

The Mayor invited Director of Economic Development Initiatives and Special Projects Medard Kopczynski and Senior Planner Tara Kessler forward to address the Council. Ms. Kessler explained they would be providing a brief update on Building Better Together, a project to update Keene’s land use regulations to enhance economic opportunities while maintaining the City’s unique character. Ms. Kessler went over the goals of the project, which are to update the land use regulations to be easier to navigate and more efficient, to identify opportunities to streamline and improve permitting processes, and to examine and update downtown zoning. About a year ago the Council agreed to move forward on this approach and this evening the consultant will be speaking on the work they are about to pursue relative to the downtown zoning update. Ms. Kessler ended her comments by providing a brief update on the project as a whole. She noted there have been two community forums related to this initiative, and there are two more upcoming that will be held on July 26 at Stone Arch Village, and August 1 at Antioch. She added they have launched a website for the project which has more information and ways to stay involved. They have also been meeting with the Joint Committee to present different topics and questions related to our regulations, and to propose certain changes moving forward.

Mr. Kopczynski added that he and Ms. Kessler have been actively meeting with individuals and groups in the community and will continue to do so. They have also offered to meet with Councilors and will continue to update the Council on the goals and progress of the project as it moves forward because it is such a complicated process and some of these ideas could become lost if we do not keep the communication going. The conversations so far have been very beneficial and have provided an opportunity for both staff and the public to learn. The pace and pulse of this project is picking up rapidly and has a lot of momentum. He went on to introduce the consultants that are assisting with the downtown zoning component of the project.

Project consultants Chris Jennette and Arista Strungys from Camiros Ltd. began by introducing themselves and providing their credentials, experience and other communities they have worked for nationwide. Mr. Jennette went on to say they are excited to add New Hampshire to their map. They have experience in a variety of disciplines including zoning, sustainable development, master plans, and downtown plans, and they have done a variety of projects like this one. They are able to take the experiences they have across the country and are able to take best practices and apply them where they make the most sense for a particular community. Mr. Jennette went on to state their role in Keene will be to assist the City with creation of a unified development ordinance that aligns with the current Comprehensive Master Plan, and to create a form based (or character based) downtown district. The end goal will be that the City and the development community have a tool to assist with guiding development and not a code that contains onerous regulations that aren't necessary. He explained that they will focus on what makes the downtown unique and then apply regulations that address the most critical character and development issues in as simple a manner as possible. The regulations will seek to enhance the quality of the built environment while maintaining a level of flexibility that allows development to take place.

Mr. Jennette went on to talk in more detail about form based zoning or character base zoning which is a little different than traditional zoning. He noted that traditional zoning establishes a set of uses for a piece of private property as well as a set of dimensional requirements. It identifies setbacks and height restrictions to create a box in which the building can exist on the lot and then identifies the uses that can go on within that box. The difference with form based zoning is that it starts to shape what is happening in a more intentional way to blend it into the fabric of the community through layers of regulations to get at each individual aspect. He went on to describe some of the building blocks that create a character based zoning code including the setback and siting standards to control where a building sits on a lot. These elements can reinforce and create vibrant, pedestrian oriented places within the downtown. The buildings in Keene's downtown that come up to the sidewalk with no setback create a sense of intimacy and activity at the ground level. Height standards control the minimum and maximum heights of buildings as well to create building forms that complement one another in the context they are located in and provide a good transition to lower intensity uses and residential areas. Mr. Jennette continued one of the key components of a form based approach is the idea of building articulation, which controls building facades through required ground floor and upper story windows and public entry design to reinforce the pedestrian-oriented environment. This approach allows shopfront windows and broken up facades to add a sense of visibility and comfortability for those walking on the sidewalk.

Mr. Jennette went on to state they have some main goals that are in-line with the City's Comprehensive Master Plan. Those goals are not focused strictly on design, though they do want things to be complimentary to the existing fabric of downtown and to blend well. This will include encouraging mixed use, accommodating additional density and height where appropriate, and addressing infill development that focuses on form, not architecture and that will be complementary versus monotonous. He continued they want to allow a diversity of building types, and they also want to simplify and clarify the regulations. He went on to discuss the current zoning designations and overlays in the downtown, noting they tend to muddle the intent of the zoning in this area. Through this process they hope to gain clarity and create regulations that will allow that vision to be achieved. They are just at the beginning of this process. He noted

the steps that have occurred which include downtown stakeholder interviews, site analysis and a survey of downtown. Moving forward they will do a technical review and collect some feedback through public engagement in order to move forward into the drafting stage of the process. They will do a public release draft when it is ready and conduct open houses. After that they will align and integrate form based elements, with a goal of completion of the process in the spring of 2019. At this point Ms. Kessler and Mr. Kopczynski joined the presenters to answer questions from the Council.

Councilor Jones asked if the consultants if they have done a project where they have worked both form based and Euclidean zoning into one project. Mr. Jennette stated the types of zoning projects they do are precisely that – a combination of each that works best for the community and uses the right tool for whatever the issue is. Most of the ordinances they have written are hybrid codes that take more than one approach.

Councilor Clark wondered if the scope of this is going to entail adjusting some of the zoning boundaries so there will be less need for requests for variances where a use makes sense but is not permitted. Mr. Kopczynski stated whether the boundaries change or not is subject to discussion; however, as we look at the central business district, if the zones are candidates for expansion of the form based concept then that would be discussed. There is no specific plan to change the district boundaries, but we will be looking at the actual uses in each district as well as the intent statements in each district to ensure that they are up-to-date, modern, clear and transparent. Mr. Kopczynski stated there will likely be some uses that the public will suggest be looked at and possibly amended or deleted as part of the process. We do not have preconceived notions as to what those changes might be. We are aware there are some uses that are old fashioned and outdated or ill defined.

Councilor Sutherland asked about some of the requirements in the character based areas in terms of things like number of windows and opacity, etc. and how those are balanced against the changing environment of the retail industry as more and more are retail organizations are folding. This may necessitate a change in use of some of these storefront businesses, and those uses may not want as much light coming in for those working on computers or certain security or privacy concerns and glass is not beneficial for them. Ms. Strungys answered that is a concern because when you think “shopfront” you think retail, and with the Amazon effect there is an impact on local shopping. She noted restaurants downtown are doing well and benefit from that transparency, but there is a balance to strike and that may not be best for office uses. They may lend themselves to upper level floors of buildings. In a geographic area like Keene’s downtown it is not just one district, and as you branch off onto the side streets that character based format can be made more flexible to allow these other uses to exist.

Councilor Sapeta spoke about preserving the character of downtown and the City at-large and noted this was really crucial and important. He went on to state there also needs to be some flexibility to allow for innovation because this community has been fairly stagnant in terms of population growth over the last 30 years. He hopes that this will change and more, younger people will come into the area. Downtown is a magnet for that population as well. He said we have a tendency to put zoning regulations into place and then not change them for years. He hopes this will be a start to creating zoning regulations that can evolve on a continual basis.

The Mayor thanked Mr. Jennette and Ms. Strungys for their presentation.

PRESENTATION – REVISION ENERGY – 350-400 MARLBORO STREET – MUNICIPAL SOLAR ARRAY

The Mayor recognized Assistant Public Works Director Duncan Watson who stated this will be an overview presentation on this project which they have been working on for the better part of a year. It started off with a request for proposals to see if the City could attract a vendor to do an energy project on City property. We are now at the point where we have a proposed project that will be provided tonight, with a more detailed discussion to occur before the Finance, Organization and Personnel Committee at their next meeting. Mr. Watson went on to introduce the representatives from ReVision Energy to make their presentation regarding the installation of 2,100 solar panels on City property located at 350-400 Marlboro Street.

Mr. Sam Lavalley and Mr. Elijah Garrison of ReVision Energy came forward to address the Council. Mr. Garrison stated he is the Director of Commercial and Institutional Sales and Mr. Lavalley is the Director of Finance. He continued by explaining that a one-page summary of the project has been provided to the Council to provide some information on the project. He stated they wanted to start by introducing the Council to their company and providing some information on their experience. They are a Certified B Corporation which means they committed their organization to standards of transparency and the People, Planet, Profits accounting framework. They are also a fully employee owned organization that has installed over 8,000 solar systems throughout northern New England. They are a mission driven organization with the goal to accelerate the transition to clean energy sources that are procured locally and sustainably produced. He went on to go over some of the holistic solutions they have employed in their projects and identifies some of their clients in the public and private sector.

Mr. Lavalley spoke about the financing mechanisms for solar municipal projects. He explained that the challenge is that cities cannot access solar incentives such as Federal tax credits of 30% and bonus depreciation which covers another 20 to 25% of project costs. Tax paying entities are able to recoup up to half the cost of these projects. The challenge for municipalities, schools and non-profits is that they cannot directly monetize those tax incentives. The solution they use, and that is widely used in the industry, is a power purchase agreement with a third party that is a tax paying entity. That third party entity purchases, owns and operates the solar project on behalf of the City and sells power to the City at or below the current market electricity rate for a period of 20 to 25 years. What that looks like for the City is zero upfront cost because you are leasing use of the roof space to the third party to allow them to locate the solar project on your rooftop. In turn the City agrees to buy all the power generated by the solar project. Mr. Lavalley continued that beginning in year six or seven there is an opportunity for the City to buy out the solar project because in the tax code the initial owner has to own the infrastructure for years, but after that (when the tax benefit has been monetized) an ownership transfer can take place. If the City were to do that they would be buying the project at usually 60 to 70 cents on the dollar. This scenario allows the City to indirectly benefit from the available tax structure.

He went on to provide a visual representation of how the power purchase agreement works. He noted they have been doing power purchase agreements for over 10 years and they have done about 100 projects using this financing mechanism. The City's project would be about a half a megawatt project. He went on to review NH municipalities that they have done this project for in order to demonstrate this is tested and proven.

Mr. Lavalley stated the City project would be about 660 kilowatts, and he went on to show an image of what the expanse of roof would look like with the panels installed. He noted they are maximizing the use of the rooftop with this project and this will be a full load offset for the building. He went on to show a photograph of a ballasted roof mounted system, noting they do not make holes in the roof to install the system. He went on to show a financial summary comparing the cost of utility electricity over a 40 year span (including anticipated increases in cost), as compared to the cost of the solar power purchase agreement proposal with buyout option that is being proposed. The 40 year savings equated to \$3.71 million dollars. He went on to show a graphical representation of the savings versus utility over time, and a lifetime cost of energy versus utility.

Mr. Garrison stated that they will provide interactive education events in conjunction with the project if the City would like them to do so. This would be things like school involvement, public walkthroughs, etc. They can also set up real-time monitoring that is visible to the public to demonstrate the energy savings. Finally, they can also arrange for public events to publicize and unveil the project. He ended by providing the annual greenhouse gas equivalents that come with this installation of this project.

Councilor Sutherland stated the lifespan of solar projects is usually 20 years. He added he would like to see Honeywell involved in this process.

Mayor Lane thanked the presenters for coming in and stated this will be discussed in far greater detail next week.

CONFIRMATIONS

A motion was made by Councilor Greenwald and duly seconded to confirm the following nominations: Jennifer Alexander to serve as a regular member of the Library Board of Trustees, with a term to expire June 30, 2021; and Don Wilmeth to serve as a regular member of the Library Board of Trustees, with a term to expire June 30, 2021. On a roll call vote, with 14 Councilors present and voting in favor the nominations were confirmed. Councilor Lamoureux was absent.

COMMUNICATION – JENNA SPEAR O'MARA – RESIGNATION – ASHUELOT RIVER PARK ADVISORY BOARD

The Chair brought forward a communication from Jenna Spear O'Mara resigning from the Ashuelot River Park Advisory Board. A motion by Councilor Greenwald to accept the resignation with regret and appreciation of service was duly seconded. The motion passed with a unanimous vote in favor.

NOMINATION

The following nomination was received from the Mayor: Dave Whaley to serve as a regular member of the Ashuelot River Park Advisory Board, with a term to expire December 31, 2019. The nomination was tabled until the next regular meeting.

COMMUNICATION – CHARLES REDFERN – RESIGNATION – ASHUELOT RIVER PARK ADVISORY BOARD

The Chair brought forward a communication from Charles Redfern resigning from the Ashuelot River Park Advisory Board. A motion by Councilor Greenwald to accept the resignation with regret and appreciation of service was duly seconded. The motion passed with a unanimous vote in favor.

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

A communication was received from Councilor Clark requesting permission for the use of City property for their annual Tree Lighting Event on November 23, 2018. The communication was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – SUSAN GILBERT – RELEASE OF EASEMENT – STANHOPE AVENUE

A communication was received from Councilor Clark requesting that the City release its interest in the right-of-way that is located between 54 Stanhope Avenue and her property located at 48 Stanhope Avenue. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – KATE MCNALLY/CHESHIRE COALITION FOR TOBACCO FREE COMMUNITIES – RAISING THE LEGAL MINIMUM AGE FOR THE SALE AND POSSESSION OF ALL TOBACCO AND NICOTINE PRODUCTS

A communication was received from Councilor Clark requesting that the City consider the adoption of an Ordinance that raises the legal minimum age for the sale and possession of all tobacco and nicotine products from 18 to 21. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – WEST STREET HYDRO, INC. – HYDROPOWER PROJECT AT WEST STREET DAM

A communication was received from Ken Stewart, West Street Hydro, Inc., noting that after considerable research they have concluded that their planned hydropower facility on the West Street Dam is not feasible and that therefore, they are giving notice to the City that they are discontinuing their project. The communication was filed into the record.

COMMUNICATION – TILLIE’S RESTAURANT – REQUEST TO SERVE ALCOHOL –
SIDEWALK CAFÉ LICENSE

A communication was received from Stephen Bentley and Tabatha Eisner, owners of Tillie’s Restaurant, requesting permission to serve alcohol at their Sidewalk Café located at 9 Court Street. The communication was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – KATIE SCHWERIN – PROPOSAL FOR PERMANENT PUBLIC ART
INSTALLATION – AIRPORT PROPERTY

A communication was received from Katie Schwerin requesting permission for a permanent public art installation to be placed on the Dillant-Hopkins Airport property. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – COUNCILORS HANSEL, HOOPER & MANWARING –
INSTALLATION OF RECEPTACLE FOR LEAD FISHING TACKLE DISPOSAL – KEENE
TRANSFER STATION

A communication was received from Councilors Hansel, Hooper and Manwaring requesting that a lockbox for disposal of lead fishing tackle be made available to the public at the Keene Transfer Station for proper disposal of these items, which are hazardous when ingested by local wildlife. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

MSFI REPORT – PRESENTATION – BROADBAND STUDY – IT DEPARTMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending acceptance of this item as informational. The Chair filed the report into the record as informational.

PLD REPORT – LET IT SHINE – USE OF CITY PROPERTY – 2018 PUMPKIN FESTIVAL

Planning, Licenses and Development Committee report read recommending 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 there will be no food vendor set-ups at the event with the exception of any currently licensed Sidewalk Cafes, which will be able to operate within the parameters of their existing license barring any public safety concerns;
- The Petitioner agrees to limit the number of pumpkins to 5,000;

- 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;
- That the Petitioner cooperates with the decision of the City Council to endorse the intent of the City Emergency Services to review all applications for other activities requested to occur on October 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.

A motion by Councilor Richards to carry out the intent of the report was duly seconded. The motion passed with 13 votes in favor. Councilor Powers voted in opposition.

PLD REPORT – KEVIN DREMEL – USE OF CITY PROPERTY – KEENE MUSIC FESTIVAL

Planning, Licenses and Development Committee report read recommending that The Keene Music Festival be granted a street fair license to use downtown City rights-of-way for purposes of conducting merchant sidewalk sales, as well as use of downtown City property on Central Square, Railroad Square, and designated parking spaces on Main Street to conduct the Keene Music Festival on Saturday, September 1, 2018 from 9:00 AM to 10:30 PM. In addition, the applicant is permitted to close off a portion of Railroad Street, from Main Street to the westerly entrance of the Wells Street Parking Garage, and a portion of Church Street from Main Street to

the entrance of the Vision Financial parking lot. The applicant is further permitted to host a block party from 10:00 AM to 8:00 PM, which will include the closure of two lanes of traffic on Main Street on the northbound side from Eagle Court to Cypress Street. This permission is granted subject to the customary licensing requirements of the City Council, submittal of a signed letter of permission from City Tire for use of their property, and compliance with any recommendations of City staff. In addition, the petitioner is granted use of the requested parking spaces free of charge under the provisions of the Free Parking Policy. The Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated in the FY 19 Community Events Budget. A motion by Councilor Richards to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF GRANT FUNDS – NH DIVISION OF HISTORICAL RESOURCES CERTIFIED

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept and execute a \$2,950 grant award from the NH Division of Historical Resources Certified Local Government Grant Program for the Heritage Commission’s 2018 and 2019 Workshop Series. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF DONATION – MAINTENANCE – MAPLE AVENUE/COURT STREET ROUNDABOUT – PARKS, RECREATION AND FACILITIES DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept a donation of landscaping and maintenance of the Maple Avenue and Court Street roundabout by the Savings Bank of Walpole. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF LAW ENFORCEMENT OPIOID ABUSE REDUCTION GRANT – POLICE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept the NH Department of Safety 2018/2019 Law Enforcement Opioid Abuse Reduction Grant in the amount of \$30,000. 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 344-346 WEST STREET – FINANCE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to convey 344-346 West Street to the former owner upon payment per RSA 80:90 and with the condition the former owner continues to comply with City Code Chapter 18, Article III, Division 2, Property Standards; section 18-241, Division 3, Housing Standards, sections 18-250 through 18-264; and with the prohibition on maintaining a nuisance under RSA 318-B: 16. 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 – COUNCILOR CLARK – PROCESS FOR A CITY COUNCILOR TO REQUEST INFORMATION FROM STAFF

Finance, Organization and Personnel Committee report read recommending acceptance of this item as informational. The Chair filed the report into the record as informational. Councilor Clark indicated that several City Councilors had indicated a desire to speak to the issue at the Council meeting. The Mayor responded that although there was no recommendation he would accept comments on the matter. Councilor Filiault stated that many Councilors are not sure where they stand on this very important issue and that he would like to either see the report returned back to committee for further discussion or a workshop be scheduled. A motion by Councilor Filiault to refer the report back to Committee for further discussion was duly seconded. Upon further discussion, Councilor Filiault withdrew his motion and made a motion to schedule a workshop to allow for further discussion. Councilor Filiault moved that the City Council hold a workshop on the process for a City Councilor to request information from Staff was duly seconded. The motion passed with a 9 voted in favor and Councilors Manwaring, Sutherland, Hansel, Chadbourne and Greenwald were in opposition.

CITY MANAGER COMMENTS

The City Manager indicated that she wanted to respond to a point that was made during the presentation on the solar array project. She continued that the City had hired a 3rd party to review the submitted proposals and to hire ReVision Energy to review all of the proposals to select ReVision and negotiate the he proposal with Revision energy and assistance in negotiating the Power Purchase Agreement. The financing component for this agreement is very complicated and the staff wanted to make certain they did this process very carefully.

The Manager announced the Community Night will be held on Wednesday, August 22, 2018 from 5:00 PM to 8:00 PM at the Public Works and Police Department Complex on Marlboro Street. She encourages everyone to attend. There will be informative displays from the city departments, city equipment will also be on display, and the IT Department will have digital display inside the Michael E. J. Blastos Community Room to bring people inside the building to interact with the administrative departments who don't necessary have the cool equipment to attract people but have great information to share just the same.

The City Manager continued that next Thursday several staff members are traveling to Maine to tour an innovated waste water treatment plant energy project.

The City Manager congratulated the Public Works Department for their "Fill a Truck" event held on May 21-25th. They collected a total of 384 pounds of food that was then donated to the Keene Community Kitchen, St. Vincent's DePaul Society and the Monadnock Understands Childhood Hunger Programs.

The City Manager went on to let the Council know that as of July 1st, the City has implemented our building inspection program for rental assistance. As part of the eligibility process for rental assistance through the human services department, each rental unit will be subject to a city inspection. The purpose of this inspection process is to ensure that all tenants in the City of Keene properties live in rental units that meet the property and housing standards. She thanked John Rogers in the Community Development Department and Liz Sayre in Human Services for working together over the last few months to put the procedures in place to make this happen.

MEMORANDUM – FIRE CHIEF AND RESOLUTION R-2018-20 RELATING TO THE APPROPRIATION OF FUNDS FOR THE FIRE DEPARTMENT

A memorandum was received from the Fire Chief along with Resolution R-2018-20. The memorandum was filed into the record. Resolution R-2018-20 was referred to the Finance, Organization and Personnel Committee.

MSFI REPORT AND RESOLUTION R-2018-22: RELATING TO THE ACCEPTANCE AND PLACEMENT OF PUBLIC ART

Municipal Services, Facilities and Infrastructure Committee report read recommending the adoption of Resolutions R-2018-22. The report was filed as informational. A motion by Councilor Manwaring for adoption of Resolution R-2018-22 was duly seconded. On a show of hands vote, with 14 Councilors voting in favor the motion carried. Resolution R-2018-22 declared adopted.

RESOLUTION R-2018-23: IN APPRECIATION OF ELIZABETH A. UHAS UPON HER RETIREMENT

Resolution R-2018-23: In Appreciation of Elizabeth A. Uhas Upon Her Retirement was read by title only. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. The motion carried with a unanimous vote in favor.

RESOLUTION R-2018-24: IN APPRECIATION OF MARK J. BEAUREGARD UPON HIS RETIREMENT

Resolution R-2018-24: In Appreciation of Mark J. Beauregard Upon His Retirement was read by title only. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. The motion carried with a unanimous vote in favor.

MSFI REPORT AND RESOLUTION R-2018-25: RELATING TO RENAMING OF THE CARPENTER STREET FIELD TO THE PATRICIA T. RUSSELL PARK

Municipal Services, Facilities and Infrastructure Committee report read recommending the adoption of Resolution R-2018-25. The report was filed as informational. A motion by Councilor Manwaring for adoption of the Resolution was duly seconded. On a show of hands vote, with 14 Councilors present and voting in favor, the motion carried. Councilor Lamoureux was absent. Resolution R-2018-25 declared adopted. The Chair sent Resolution R-2015-30 and

07/19/2018

Resolution R-2018-27 back to the Municipal Services, Facilities and Infrastructure Committee for further discussion.

MEMORANDUM – FINANCE DIRECTOR AND RESOLUTION R-2018-26 RELATING TO FISCAL POLICIES – FY 2018-2019

A memorandum was received from the Finance Director along with Resolution R-2018-26. The memorandum was filed into the record. Resolution R-2018-26 was referred by the Chair to the Finance, Organization and Personnel Committee.

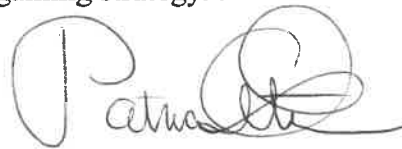
RESOLUTION R-2018-28: IN APPRECIATION OF ROBERT S. THORNTON UPON HIS RETIREMENT

Resolution R-2018-24: In Appreciation of Robert S. Thornton Upon His Retirement was read by title only. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. The motion carried with a unanimous vote in favor.

ADJOURNMENT FOR COLLECTIVE BARGAINING

At 8:35 PM, on motion by Councilor Greenwald, the Council voted unanimously to adjourn their meeting for the purposes of collective bargaining strategy. .

A true record, attest:

A handwritten signature in cursive script, appearing to read "Patricia", written in black ink.

City Clerk



City of Keene, N.H.
Transmittal Form

July 12, 2018

TO: Mayor and Keene City Council

FROM: Mayor Kendall W. Lane

ITEM: B.1.

SUBJECT: Confirmation

COUNCIL ACTION:

In City Council July 19, 2018.

Tabled until the next regular meeting.

RECOMMENDATION:

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

Ashuelot River Park Advisory Board

Dave Whaley, slot 2

70 Dickinson Road

Term to expire Dec. 31, 2019

ATTACHMENTS:

Description

Background - Whaley

DAVE WHALEY

Keene, New Hampshire 03431 ♦ 954.235.7210 ♦ [REDACTED]

SUMMARY OF QUALIFICATIONS

Operations Director with over 20 years experience in both large scale field operations management and corporate strategic initiatives. Decisive, strategically focused, with track record of delivering sustained financial results and service quality. Versatile leader repeatedly recruited to turn around sub-par operations. Plans and executes large dollar initiatives with sustained results. Experienced in building strong management teams and creating cultures of accountability and continuous improvement. Calm and focused in high pressure situations.

KEY STRENGTHS

- Profit Development
- Successful P&L Management
- Compliance Assurance
- Cost Reduction & Control
- Productivity Improvement
- Strong Leadership, Personnel Development
- Strategic Planning
- Customer Relationship Management
- Industrial Engineering / Lean Management
- Change Management

PROFESSIONAL EXPERIENCE

DHL EXPRESS

1990 – 2009

(DHL Express is a division of Deutsche Post World Net. DHL is the largest logistics and shipping corporation in the world, delivering to over 230 countries worldwide.)

Director, Operations - Corporate Strategic Initiatives (2002 – 2009) [Corporate Office, Plantation, Florida]

Initiated, directed, and executed corporate business agenda to remove post-integration redundancies and enhance service and compliance among national field operations ensuring timely, maximum, and sustained results.

- Led Profit Improvement Initiative resulting in removal of \$22M of cost through application of industrial engineering practices and related productivity improvements.
- Enhanced revenue and yield improvement resulting in \$12M annually through development, execution, and follow-up of program, improving package reweigh and dimensions capture through field compliance.
- Removed \$7M from field operations supply costs through collaboration with Procurement and field operations. Eliminated waste, emphasized appropriate use, employed recycling, and other methods.
- Improved billing capture resulting in \$1.7M through improved quality and field turn-in compliance.
- Directed team of 21 managers which improved international operations and service performance by 6.7%.
- Managed \$10.7M rebranding project to install and distribute uniforms to 24,000 employees.
- Co-designed and managed Field Incentive Program - \$9.1M annual budget - which improved incentive equity and meaningfully reduced cost, enhanced productivity, and improved service and safety.
- Led audit team resulting in improved operational and legal compliance and data integrity.
- Worked with select team of engineers to plan and implement the smooth and efficient integration of the DHL and Airborne U.S. networks, optimizing synergies; also led teams in facility closures.

Regional Service Director (1998 – 2002) [Wilmington, Massachusetts]

Directed operations supporting \$200M annual revenue; 30 locations in 13 states; multiple air and truck nodes; approximately 800 employees, 75 subordinate management.

- Led region to #1 national standing – criteria: growth, cost, service, safety - two years through active leadership, effective communication, training, recognition, accountability, and follow-up.
- Maximized revenue growth and quality through active collaboration with sales – team selling, density selling, customer retention and penetration initiatives.
- Actively engaged industrial engineering, financial planning & analysis, human resources, fleet, building & facilities, real estate and loss prevention resulting in reduced cost and risk reduction - enhancing profit.
- Developed customer focus among all personnel, increasing customer satisfaction and brand integrity.

DHL EXPRESS, *Regional Service Director*, continued.

- Improved management performance and bench strength through active training and succession planning.
- Drove progressive and sustained savings through engineering based process improvement, development and adherence to work methods, training, and damage reduction. Sustained results through tracking and follow-up of weekly, monthly, and year over year elemental results.
- Instituted MBC / TSM to optimize, control, and continually improve all components of performance.
- Improved morale and personnel engagement through regular station visits, open forums, one on ones, personal accessibility, consistent application of recognition and accountability, and training.
- Prioritized competency based selection which elevated workforce quality and reduced turnover.

Area Service Manager (1995 – 1998) [Houston, Texas]

P&L responsibility for \$48M in annual revenue, 9 locations.

- Rebuilt management team and front line workforce to yield greater productivity, quality, and morale.
- Managed and improved efficiency within Just-In-Time logistics and Airfreight operations.
- Reduced cost and drove profitability through implementation of engineering efficiencies and lean management practices and working with sales, customers, and employees by improving service quality.
- Engineered facility consolidation resulting in lower vehicle and personnel cost and better service.

Area Service Manager (1993 – 1995) [Indianapolis, Indiana]

P&L responsibility for \$20M in annual revenue, 6 locations.

- Progressive improvement in cost, safety, turnover, service; relocated two facilities for cost improvement.
- Managed customer call center and dispatch operations – reduced customer wait times.
- Developed, managed, improved service and reduced costs from 3rd party vendors.

Service Center Manager (1990 – 1993) [Los Angeles, California]

Managed operations in three locations, improving productivity and service quality in each.

- Collaborated with sales resulting in enhanced revenue from Asia Pacific banking centers.
- Developed store-front DHL Business Center and drop-off point in downtown Los Angeles.

UNITED PARCEL SERVICE, Los Angeles, California**Prior to 1990*****Service Center Manager***

(UPS is a \$51.5B global corporation. It is the largest package delivery company, serving more than 200 countries and territories worldwide.)

- Managed two 55 car operations with Teamster labor; improved productivity service, and morale.
- Selected to attend nine month Industrial Engineering & Lean Management training, becoming proficient in elemental time study, volume projections, facility design, and practical use of Management by Commitment to identify, optimize, and sustain productivity and service opportunities.
- Selected to work with a special management team to open operations in Vancouver, British Columbia.

EDUCATION

Bachelor of Arts (BA), California State University, Northridge, California (GPA: 3.50)

PROFESSIONAL DEVELOPMENT

Industrial Engineering (nine months) · Supervisor Basic Training · Labor Management
Peoples' Workshop · Recipient and Trainer of Dimensions of Leadership



City of Keene, N.H.
Transmittal Form

July 26, 2018

TO: Keene City Council

FROM: Kendall W. Lane, Mayor

ITEM: B.2.

SUBJECT: Appointment – Ad hoc Winchester Street Reconstruction Project Steering Committee

RECOMMENDATION:

That the City Council confirms the Project Steering Committee for the Winchester Street Reconstruction Project.

BACKGROUND:

Committee Charge: To provide planning, guidance and general direction for the Winchester Street Reconstruction Project, in partnership with affected residents, local business interests, the city staff and the New Hampshire Department of Transportation. The Committee will specifically focus on balancing the needs of all the various project stakeholders and provide a conduit for the concerns of interested parties to be addressed during the design process. The Committee will provide advice to the City's consultant in areas such as project phasing and traffic control, pedestrian and bicycle amenities, streetscape features, lighting and landscaping.

I hereby reappoint the following individuals who were members of the original Winchester Street Reconstruction Project Steering Committee.

Ad Hoc Winchester Street Reconstruction Project Steering Committee

Thomas Powers, City Councilor
Gary Spykman, Planning Board
Frank Mazzola, Keene State College
April Buzby, Housing Authority
Tom Bogar, Autex Mazda
Kate Jennings, Ivy Drive
David Souther, Meadow Road
William Hope, Pearl Street
Joseph, Bendzinski, Island Street



City of Keene, N.H.
Transmittal Form

July 30, 2018

TO: Keene City Council

FROM: Kendall W. Lane, Mayor

ITEM: B.3.

SUBJECT: Appointment - Ad Hoc Comprehensive Economic Development Committee

RECOMMENDATION:

That the City Council confirms the appointment of the Ad Hoc Comprehensive Economic Development Committee.

BACKGROUND:

Committee Charge: To take an inventory of economic development efforts in Keene and the Monadnock Region and provide guidance and encourage collaboration and planning for comprehensive economic development efforts.

I hereby appoint the following individuals to serve on the following Committee:

Ad Hoc Comprehensive Economic Development Committee

Kendall Lane, Mayor
Mitchell H. Greenwald, Chair
Gary Lamoureux, City Councilor
George S. Hansel, City Councilor
Timothy Murphy, Southwestern Region Planning Commission
Phil Suter, Keene Chamber of Commerce
Jack Dugan, Monadnock Economic Development Corporation
Joseph Walier, Walier Chevrolet of Keene
Jordan Benik, People's Linen
George Foskett, BHG Masiello Real Estate
Bill Hutwelker, BHG Masiello and Swanzy Selectman
Keith Thibault, Southwestern Community Services
Chris McIntosh, Clark-Mortenson Insurance
Rebecca Hamilton, Machina Arts

Med Kopczynski, Staff Liaison



City of Keene, N.H.
Transmittal Form

July 31, 2018

TO: Mayor and Keene City Council

FROM: Daron Friedman

THROUGH: Patricia A. Little, City Clerk

ITEM: C.1.

SUBJECT: Daron Friedman - Request to Acquire Property - Washington Street

ATTACHMENTS:

Description

Communication - Friedman

BACKGROUND:

Mr. Friedman is requesting the ability to acquire the rear portion of property located at 527 and 529 Washington Street that was acquired by the City through a tax lien.

Daron Friedman
2 W Diane Dr.
Keene, NH 03431

City of Keene
Mayor's office
3 Washington St
Keene, NH 03431

Keene, July 25, 2018

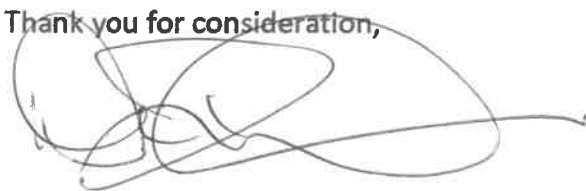
Dear Honorable Mayor and City Council,

I presently own 527 and 529 Washington Street in Keene, NH. After meetng with Rhett Lamb and Andy Bohannon (both city of Keene employees,) I would ike to acquire a part of land that abutts to the rear of both properties.

Presently the land is part of a city park, but my acquisition would in no way interfere with the use of the park.

It is my understanding that the land was acquired by the City of Keene through a tax lien.

Thank you for consideration,

A handwritten signature in black ink, appearing to be 'Daron Friedman', written over the text 'Thank you for consideration,'.

Daron Friedman

603.462-0268



City of Keene, N.H.
Transmittal Form

July 31, 2018

TO: Mayor and Keene City Council

FROM: Janet Lincoln

THROUGH: Patricia A. Little, City Clerk

ITEM: C.2.

SUBJECT: Janet Lincoln - Service Complaint with Spectrum Cable TV

ATTACHMENTS:

Description

Communication - Lincoln

BACKGROUND:

Janet Lincoln is sharing her dissatisfaction with the service which she received from Spectrum Cable TV.

7/26/18

To Mayor & City Council,

Re: Spectrum.

Recently I had 2 disturbing weeks with Spectrum's service. 9 trouble calls - My TV was Black. No Picture. Had to BOOT IT UP Constantly. Techs came 4 times. All spoke against the Company, what one said the next one denied. Couldn't believe any in person or on phone. Got a huge pun around. BLOOD Pressure rose.

If I went to the "Store" I waited in line 40-50 minutes. There is a steady stream of people.

One tech told me they're going up to \$200 a month, sounds like a disaster to me.

Please investigate before

Permitting a 10 year contract, They didn't even print up lists of stations as changes are made daily. They didn't like Time Warner "BOXES". Now They do. One fellow quit + said all others are leaving. Can't deal with mass confusion.

One tech told me the Company didn't give them "boxes", Three minutes later went to his truck + brought one in. Really. I thought mine had been damaged with electrical storm. Then he installed it + guaranteed it would carry me thru their Act. Change-over - The next Desk Clerk told me NO. IT WILL BE OBSOLETE.

Who Do you Believe?

Please be cautious.

Jarret Lincoln



City of Keene, N.H.
Transmittal Form

July 25, 2018

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities & Infrastructure Committee

ITEM: D.1.

SUBJECT: Councilors Hansel, Hooper, & Manwaring – Installation of Receptacle for Lead Fishing Tackle Disposal – Keene Transfer Station

RECOMMENDATION:

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends the request to locate a receptacle for the disposal of lead fishing tackle be granted subject to any recommendations of City staff.

BACKGROUND:

Kurt Blomquist, Public Works Director, said he received the request from Councilors Hansel, Hooper, and Manwaring concerning placement of collection devices for lead based fishing tackle. Loons are threatened in NH and lead fishing equipment they mistake for pebbles can kill them. He spoke with Duncan Watson, Assistant Public Works Director, and staff supports this request. He suggested collection at more than just the transfer station, but also potentially City Hall, Parks & Recreation, sporting goods stores, etc. He suggested the Committee recommend staff handle this administratively, place the collection devices, and handle the public relations efforts to advertise their locations.

Councilor Hooper added that loons are coming back to NH and he showed a picture of one catching a 10” bass in a nearby lake. Loons are in every water body of NH so it is important to have lead receptacles and he appreciates the City endorsing it and participating.

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

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends the request to locate a receptacle for the disposal of lead fishing tackle be granted subject to any recommendations of City staff.



City of Keene, N.H.
Transmittal Form

July 25, 2018

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: D.2.

SUBJECT: Tillie's Restaurant - Request to Serve Alcohol - Sidewalk Cafe License

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses and Development Committee recommend that Tillie's Restaurant be granted permission to serve alcoholic beverages in connection with their Sidewalk Café License, subject to the customary licensing requirements of the City Council, and compliance with the requirements of Sections 46-1191 through 46-1196 of the City Code. In addition, the petitioner is granted permission to extend their Sidewalk Café beyond their storefront onto space in front of the adjacent property, subject to submittal of a signed letter of permission from the adjacent property owner. This license shall expire on March 1, 2019.

BACKGROUND:

Stephen Bentley, of 9 Court Street, was present. John Rogers reported a new plan had been included in their agenda packet that would allow the six foot requirement for pedestrian movement. In addition, they will maintain a space along the curb line for people exiting their vehicles. They are waiting to hear from the Church with regards to one table. Chair Richards noted the letter from the Church is in the packet. Mr. Rogers recommended approval of their application, as amended.

Chair Richards asked for questions/comments from the Committee or public.

Terry Clark, Ward 3 Councilor suggested it might be time for this Committee to think about the way we permit this and start charging a per foot fee. He noted over the past few years these requests have started expanding outside their own footprints. Chair Richards said this has been discussed and will be reviewed this year. Rhett Lamb commented he is unsure if there is a plan to review the fee schedule as they are brought back on a regular basis. Chair Richards commented he sees no reason not to approve this request.

Councilor Sapeta posed a question similar to Councilor Clark's. Mr. Bentley clarified the additional table is not around the corner. Chair Richards noted you can expand beyond your footprint as long as you have permission from the abutters. Councilor Sapeta asked if you could then go beyond your abutters. Mr. Lamb noted his understanding of the City Code is you can expand onto the adjacent abutter with permission of the owner. Both Mr. Lamb and Chair Richards were unsure if you could go past the immediate abutter. Mr. Bentley commented that would be too much to keep control over; he would need staff out there constantly. Councilor Sapeta asked why the licenses expire in March. Mr. Lamb explained they (all licenses) were setup on a calendar basis for renewal. Mr. Rogers commented on Councilor Clark's point noting there is an additional charge if you go in front of an abutter. Councilor Jones noted there is no provision for prorating the license fee for those applying later in the year.

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommend that Tillie's Restaurant be granted permission to serve alcoholic beverages in connection with their Sidewalk Café License, subject to the customary licensing requirements of the City Council, and compliance with the requirements of Sections 46-1191 through 46-1196 of the City Code. In addition, the petitioner is granted permission to extend their Sidewalk Café beyond their storefront onto space in front of the adjacent property, subject to submittal of a signed letter of permission from the adjacent property owner. This license shall expire on March 1, 2019.



City of Keene, N.H.
Transmittal Form

July 25, 2018

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.3.

SUBJECT: Hazard Mitigation Plan - Public Works Department

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the adoption of the City of Keene Hazard Mitigation Plan 2018 update and that the City Manager be authorized to do all things necessary to implement the Plan.

BACKGROUND:

Kurt Blomquist, Public Works/Emergency Management Director addressed the Committee. Mr. Blomquist gave a PowerPoint presentation to cover the highlights of the Hazard Mitigation Plan 2018 Update. He described what a hazard mitigation plan is (risks and vulnerabilities the City is subject to) and noted the City's last update was in 2013. This review is done on a five year increment in accordance with Federal regulations. The adoption of the plan is a condition of receiving FEMA grant funding (pre-disaster). These funds have been used for the property on Church Street and if approved for replacement of the City Hall generator; in addition to other projects. Mr. Blomquist noted these grants are an 80/20 splits. The generator projects will be CIP projects. Mr. Blomquist outlined the process including the formation of a Hazard Mitigation Committee. Mr. Blomquist encouraged the Committee to read through the document and then began discussing Chapters 1 through 10.

Councilor Rice commented she sees civil disorder is a low risk and asked what that entails. Mr. Blomquist replied this could be any time you have an event that could cause a general disruption to the general pattern of the community. It is a risk, but something the Police Department does not feel has a high level of occurring.

Councilor Jones asked if the Committee looked at past events and critiqued their response such as the gas/oxygen incident three years ago. Mr. Blomquist said these incidents were in the backs of our minds; but this is not an operational plan. This means we are not looking at how we responded; this was a utility incident and we look at the probability of it reoccurring.

Chair Richards commented the plan is very comprehensive adding we know where the issues are- with flooding being number one. He also commented the plan was well thought out. Chair Richards referred to Page 12 National Flood Insurance Program (NFIP) and asked if the \$5,370,563 if this is what the City or people have paid for. Mr. Blomquist confirmed this is what people have paid for since 1978. He added the government looks at how you reduce the potential for future loss. Chair Richards asked about the 10% discount on flood insurance. Mr. Blomquist commented he believes this is automatic and outlined the Community Rating System (CRS) and how better ratings equal lower costs for property owners. He noted another example of this is the

ISO the Fire Chief talks about.

Continuing Chair Richards commented that they have talked about flooding a few years ago and inquired whether there are projects in the CIP that address flood issues. Mr. Blomquist replied absolutely. For example we have funding in there for the hydro analysis of Beaver Brook, and we are replacing the lower Main Street Bridge right now. We also have Winchester and Roxbury Streets in the program, along with our drain cleaning program. Adding to Mr. Blomquist' comments Mr. Lamb noted there are storm water improvement programs that run several years into the CIP including Roxbury Street, in addition to a vulnerability analysis.

Councilor Hansel commented this plan is interesting. He asked if the other entities involved in our efforts have access to this funding and are there any collaborative efforts with them. Mr. Blomquist said this is available to any of the partners we have identified. He noted collaborative efforts with Cheshire Medical and the Fire Department. Mr. Blomquist commented the county adds to our challenges because they do not own a lot of infrastructure. They add challenges because of the facilities they own. Mr. Blomquist said often unseen is the interaction between us and these entities.

Councilor Jones noted the unnumbered resolution and asked Mr. Blomquist if this was a template and he would be building from that. Mr. Blomquist replied the template comes from SWRPC and they are used to dealing with Select Boards (towns). The wording will be adjusted.

Councilor Rice thanked Mr. Blomquist for going above and beyond with the human cause hazards because we really do want to be prepared to minimize loss of life.

Councilor Sapeta commented this seems like a very good tool for planning and it is good to see it in the CIP. He then asked if there were statistics on what percentage of the budget is being used for mitigation per year. Mr. Blomquist listed the various types of work that try to minimize risks- he cited the Fire Department as an example; adding a good percentage of your budget goes to minimize the loss of life/property. Mr. Blomquist agreed with Councilor Sapeta, and added it is hard for the public to see and understand because it is hard to measure. Mr. Lamb commended the Council for addressing resiliency in the day to day activities for the past 10 years. Councilor Jones agreed some of this would be hard to quantify because it is in the CIP and our operating budget. Councilor Hansel testified anecdotally that insurance rates in Keene seem to be lower than other places in the state. Mr. Blomquist attributes this to our CSR and ISO ratings.

Chair Richards asked for public questions or comments.

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

Councilor Rice made the following motion which was seconded by Councilor Jones.

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the adoption of the City of Keene Hazard Mitigation Plan 2018 update and that the City Manager be authorized to do all things necessary to implement the Plan.



City of Keene, N.H.
Transmittal Form

July 26, 2018

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.4.

SUBJECT: Acceptance of Donation - Fire Department

RECOMMENDATION:

On 4-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept a donation of \$200.00.

BACKGROUND:

Fire Chief Mark Howard addressed the Committee and stated this donation is from Fran S. Szmít with a note that read “heartfelt thanks” for the care provided to her husband on May 30, 2018.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept a donation of \$200.00.



City of Keene, N.H.
Transmittal Form

July 26, 2018

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.5.

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

RECOMMENDATION:

On 4-0 vote, the Finance, Organization and Personnel Committee recommend acceptance of donations in the amount of \$452,386.28 as listed in the May 12, 2018 – July 18, 2018 Cambridge Trust report with the donations deposited into the Library Renovation Temporarily Restricted City Trust as part of the Next Chapter Campaign Drive.

BACKGROUND:

Judy Putnam Co-Chair of the Library Capital Campaign stated she was before the Committee to request acceptance of \$452,386.28 as listed in the May 12, 2018 – July 18, 2018 Cambridge Trust report. To date \$1,000,099 has come into this account which means they are right on target for pledge receipts. Ms. Putnam noted the construction phase of the project is in full swing.

Councilor Chadbourne stated it is commendable how much has been raised and it is a great testament to this community.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend acceptance of donations in the amount of \$452,386.28 as listed in the May 12, 2018 – July 18, 2018 Cambridge Trust report with the donations deposited into the Library Renovation Temporarily Restricted City Trust as part of the Next Chapter Campaign Drive.



City of Keene, N.H.
Transmittal Form

July 26, 2018

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.6.

SUBJECT: Acceptance of the FY2018 Byrne Justice Assistance Grant - Police Department

RECOMMENDATION:

On 4-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to co-apply with Cheshire County, and to accept, the U.S. Department of Justice - Office of Justice Programs FY2018 Edward Byrne JAG grant in the amount allocated to the City of \$6,958.00, and to negotiate and execute a Memorandum of Understanding with Cheshire County for the allocation of the City funds for the purposes stated in the Grant.

BACKGROUND:

Police Captain Steve Stewart addressed the Committee and stated he was before the Committee regarding the Justice Assistance Grant in the amount of \$6,958. This is the second fiscal year the department has received this grant to purchase smart phones for their cruisers.

Councilor Jacobs asked whether the County is eligible for any portion of this money. Captain Stewart stated the amount before the Committee is the city's portion – the actual amount is double this amount.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to co-apply with Cheshire County, and to accept, the U.S. Department of Justice - Office of Justice Programs FY2018 Edward Byrne JAG grant in the amount allocated to the City of \$6,958.00, and to negotiate and execute a Memorandum of Understanding with Cheshire County for the allocation of the City funds for the purposes stated in the Grant.



City of Keene, N.H.
Transmittal Form

July 26, 2018

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.7.

SUBJECT: Marlboro Street Corridor Improvements - Consultant Selection - Public Works Department

RECOMMENDATION:

On 4-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a professional service contract with DuBois & King for engineering and technical services required for the rehabilitation of Marlboro Street and associated utility improvements in an amount not to exceed \$130,800.

BACKGROUND:

City Engineer Don Lussier stated this item is regarding a professional services contract for the Marlboro Street corridor project. The total project balance is 2.2 million dollars but it is mostly a utilities project with 1.1 million in water upgrades and \$650,000 of repairs to the sewer system. A request for proposal was sent out and three responses were received, the scores the applicants received from the interview committee were very close. Mr. Lussier noted the selected candidate was a little less expensive than the others which bid on the job and there was also a lot of emphasis placed on community engagement.

Councilor Jacobs asked whether the \$130,800 is included in the figure on the chart. Mr. Lussier agreed this amount is included in the project balance and 2.2 million is the project balance to include all aspects.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a professional service contract with DuBois & King for engineering and technical services required for the rehabilitation of Marlboro Street and associated utility improvements in an amount not to exceed \$130,800.



City of Keene, N.H.
Transmittal Form

July 26, 2018

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.8.

SUBJECT: Main Street Bridge over Beaver Brook - Increase in Project Budget - Public Works Department

RECOMMENDATION:

On 4-0 vote, the Finance, Organization and Personnel Committee recommend that the City Council authorize the use of accumulated interest, \$30,865.81 in the Main Street Bridge Capital Reserve (T0617-B) for the Main Street Bridge Replacement Project.

BACKGROUND:

Mr. Lussier began by saying he is very happy with the way the project is moving along. The project is on schedule and according to reports received things have moved along very well.

The Engineer went on to say the first item is to request an increase to the budget. The appropriation by Council was \$493,189.20. This is the city's share of the 80/20 match with the State. Based on this split, this gives the City the opportunity to match up to 2.65 million. At the present time the City is under that budget, but staff is expecting items to come in which is likely to push the budget over the amount. What staff is asking is for an increase to the total project budget, specifically to appropriate the interest which has accumulated in the bridge capital reserve.

Councilor Powers agreed this project has proceeded well so far.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend that the City Council authorize the use of accumulated interest, \$30,865.81 in the Main Street Bridge Capital Reserve (T0617-B) for the Main Street Bridge Replacement Project.



City of Keene, N.H.
Transmittal Form

July 26, 2018

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

SUBJECT: Main Street Bridge over Beaver Brook - Engineering Change - Public Works Department

RECOMMENDATION:

On 4-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a contract change order with Louis Berger Group, Inc. for construction administration services associated with the Main Street / Route 12 Bridge Replacement Project in an amount not to exceed \$38,508.00, subject to New Hampshire Department of Transportation (NHDOT) approval.

BACKGROUND:

Mr. Lussier stated this is a change order he alluded to in the previous item for construction services. The original proposal was for about \$980,000. This change order is for \$30,000 which exceeds the City Manager's authority for change order approval. Mr. Lussier stated some of the assumptions made with this project were not correct; one of those is the concrete pre-caster which fabricates the different components of the bridge. The on-site engineer has been spending a few long days on site. Even though the project has not exceeded the budget yet, it is expected it will before the end of the project.

Councilor Clarke asked whether the City has a contract with the concrete pre-caster. Mr. Lussier stated they did not, but the City's contract is with the construction contractor and the City does not control the schedule. He went on to explain the contractor is required to meet a certain schedule and right now the substantial completion date is September 27.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a contract change order with Louis Berger Group, Inc. for construction administration services associated with the Main Street / Route 12 Bridge Replacement Project in an amount not to exceed \$38,508.00, subject to New Hampshire Department of Transportation (NHDOT) approval.



City of Keene, N.H.
Transmittal Form

July 26, 2018

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.10.

SUBJECT: Winchester Street Reconstruction Project - Public Works Department

RECOMMENDATION:

On 4-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a professional services contract with McFarland Johnson, Inc. of Binghamton, New York for the Preliminary Engineering and right-of-way phases of the Winchester Street Reconstruction Project (90266), for an amount not to exceed \$663,999.02, subject to New Hampshire Department of Transportation (NHDOT) approval.

BACKGROUND:

Mr. Lussier stated the Winchester Street reconstruction project will be starting back up in September. The engineer submitted the engineering study to DOT where it identified a total project cost of about seven million dollar. The construction costs estimated by the City exceeded what DOT had set aside for this project. It has been identified over the course of this project that the Island Bridge work was supposed to have been part of this bridge work and that cost was not carried by DOT. Because of research done by staff, DOT has agreed to put more money into this project. The City is ready to move forward with the two roundabouts and the Island Street bridge work. The motion is to allow the City to award the next phase of the design.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a professional services contract with McFarland Johnson, Inc. of Binghamton, New York for the Preliminary Engineering and right-of-way phases of the Winchester Street Reconstruction Project (90266), for an amount not to exceed \$663,999.02, subject to New Hampshire Department of Transportation (NHDOT) approval.



City of Keene, N.H.
Transmittal Form

July 26, 2018

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.11.

SUBJECT: Municipal Solar Array- 350-400 Marlboro Street - Public Works Department

RECOMMENDATION:

On 4-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager to do all things necessary to negotiate and execute a contract with ReVision Solar to install and maintain a solar array at 350-400 Marlboro Street to provide renewable energy for City of Keene facilities through a power purchase agreement whereby the City can purchase renewable power at a cost equal to, or below, expected utility prices for electrical services.

BACKGROUND:

Asst. Public Works Director Duncan Watson began by circulating to the committee the project consultant's recommendation to move forward with a contract with Revision Energy. With that Mr. Watson introduced Sam LaValley and Elijah Garrison of Revision Energy.

Mr. Garrison felt this project offers a significant opportunity for community engagement and leadership with the environment as the City moves into clean energy.

Mr. LaValley stated Revision Energy is a solar energy installation contractor from Maine and Massachusetts, employing 250+ people. They have installed close to 8,000 solar energy and other renewable energy technology systems. Their mission is to electrify everything and then use solar to make the electrification renewable. Mr. LaValley went over some of their clients to include Dartmouth College, Plymouth State and the Nature Conservancy to name a few. Last week the City of Dover's City Council approved a 900 kilo watt roof mounted solar equipment. The City of Claremont has something similar.

Revision Energy is ranked #1 for solar in New England and #14 in the US.

Mr. LaValley then went over the Power Purchase Agreement (PPA) Financial Overview. Solar energy has become very popular mostly because of a very generous tax credit (30% of project costs) as well as asset depreciation of 100%. With these two combined savings, a for profit entity would qualify for 50% off the cover price of a solar energy project.

The challenge for non-profits is that they cannot directly monetize these tax benefits so the PPA is the widely used workaround.

Cities like Keene will essentially lease use of its roof space to a third party to build, own and operate the solar array and sale power to the City for a minimum of six years, which enables the investor to monetize the tax benefit which the City could not. At year seven the City could purchase the solar equipment at a discount. The

Agreement is written for 25 years.

Mr. LaValley stated Revision Energy has done about 100 of these PPA's, 60 of them are owned and operated by Revision and the others bring in a third party investors. Councilor Jacobs asked how many have taken the opportunity at year seven to purchase the equipment. Mr. LaValley stated during his first year of projects, eight signed up and seven have purchased while the 8th is in the process of transacting.

Councilor Clark asked who the City will contact for maintenance issues. Mr. LaValley stated these investors want to own the asset, but they don't want to maintain it and they will hire Revision to do the work. Councilor Chadbourne asked for the life cycle of this equipment. Mr. LaValley stated they have a warranty of 25 years, at that point there could be a request made to remove the equipment or an extension requested for two, five-year terms or purchase it at salvage value. If the City chooses to buy the equipment (which the City would be able to do after seven years, this would be an annual option. After seven years, the City has two options. The first option is to stay within the remaining agreement and continue to purchase power from a third party. The second option would be to terminate the agreement with the investor and buy the equipment.

Mr. LaValley referred to a few renderings of rooftop equipment. Councilor Powers asked whether the rooftop the City was considering was secure. Mr. LaValley stated they had a structural engineer and a roofing manufacturer check the condition of the roofs being considered and they are very confident of the roofs.

Mr. LaValley then went over the financial overview:

If the city was to purchase the equipment outright, the cost would be 1.2 million, but the City would have zero up front cost as the investor will be paying the 1.2 million dollars.

The term of the agreement would be 25 years, the rate would be .092 cents kwh, with a 2% rate escalator starting in year two and a year seven early buyout price of \$896,881.

The year one savings is \$13,500 compared to the current rate of 11.5 cents for supply and transmission. Ten year savings is \$167,000 and the 25 year savings is \$589,000. There is an eight year payback on the buyout investment. The environmental benefit is an annual co2 offset of 804,992 pounds which is equal to 77 passenger cars removed from the road or 63,409 gallons of propane not burned or 8,784 coal not burned.

Mr. LaValley referred to a graph energy information administration data – this shows that energy prices are erratic, solar takes out this erratic pricing. With solar there is the possibility of locking in energy price certainty (locked in at a 2% escalator). Current prices rise erratically.

Mr. LaValley went on to say currently the City is importing 700 kw hours energy from the Public Works Police Station site at a price of 11.5 cent per kw hour, which will be a cost of \$90,000 of solar for that building. If solar is installed 760,000 of that 780,000 kw hours will be produced on the City's rooftop. The City will consume 300,000 kw hours behind the meter and export 460,000 kw hours. The utility will credit the city for those 460,000 hours.

As far as the Forward Capacity Market benefit, if the City were to bid the capacity into the market (there is vendor that will do this for the City) the City would save \$4,500 per year in bidding. This will be done as a byproduct of producing enough energy that can be re-sold to the grid operator, which will pay that portfolio of solar projects when electricity is at its highest use.

In closing, Mr. LaValley stated they see this as a very exciting project for the City and a good community engagement process, as well as having the City save significantly on its energy bill.

Councilor Powers stated to Mr. Watson it would be important to make sure this project does not interfere with the radio project the Police Department is going to be undertaking. Mr. Watson stated the Police Department

was consulted about their radio project. That project is going to be in location which will not be suitable for solar panels and the solar project would be far enough from what the Police Department is contemplating. Councilor Powers felt the construction might not interfere but felt the consultant should be consulted about RF interference.

Councilor Clark stated he is excited about this project; not only is the City saving money on energy but is also reducing its carbon footprint.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager to do all things necessary to negotiate and execute a contract with ReVision Solar to install and maintain a solar array at 350-400 Marlboro Street to provide renewable energy for City of Keene facilities through a power purchase agreement whereby the City can purchase renewable power at a cost equal to, or below, expected utility prices for electrical services.



City of Keene, N.H.
Transmittal Form

July 25, 2018

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities & Infrastructure Committee

ITEM: G.1.

SUBJECT: Kate Schwerin – Proposal for Permanent Public Art Installation – Airport Property

RECOMMENDATION:

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommend that the proposal for a permanent public art installation be placed on more time.

BACKGROUND:

Chair Manwaring welcomed Katie Schwerin (27 Hayward Drive, Gilsum) who is proposing an art installation on the Dillant-Hopkins Airport property. The proposed installation is a freeform labyrinth of 4’-6’ high boulders which mimics the profile of Mt. Monadnock. She said the proposed location is a good one because there is a pull-off area where people can stop, as well as an entrance to the woods. She shared photos that demonstrate the basic design. This initial proposal is for the maze structure and she anticipates returning with an additional proposal for sculptures to add to the pathway (three initially; she has artists she wants to work with). She hopes to move the boulders to the location with equipment and then engage the community in placing the rocks and creating the form. She demonstrated the location using an aerial image of Airport Road (right side of Airport Road if coming from RT-32). It is a natural area where the trees and topography create a small amphitheater. The area is mostly sand and will need minimal maintenance. Per Councilor Hooper’s request, the Airport Manager explained the proposed location currently has picnic tables and the nearby pine trees slope up into the woods; the boulders will be on flat ground, not the hillside. Councilor Hooper thinks it is a perfect location.

Councilor Filiault asked if there will be any effort to promote the history of the airport. Ms. Schwerin replied she anticipates more of an experience of this region—of climbing Mt. Monadnock when you cannot.

Councilor Sutherland thanked Ms. Schwerin for the presentation and noted the City is trying to welcome art in the community. There is a new resolution that states requirements the City is looking for with regard to permanence. He expressed concern about the cost, maintenance, and security of the future sculptures. Ms. Schwerin replied the sculptures will be a separate request because she does not know what they will be yet. She plans to propose them separately so she can return and present them to the Committee. She does not seek any financial input from the City. Regarding maintenance, the Airport Manager replied the location was previously hydro-seeded, there are no FAA funds for non-aviation activity on airport property, and based on current treatment, this proposed use should require less maintenance.

Councilor Filiault said he is initially in favor, but he thinks the Committee needs more information. He recommended the Committee place this on more time. Councilor Sutherland agreed and asked if there is an administrative process so a department director can present that this project meets all City requirements and the Committee can clearly vote. The City Manager replied that the resolution is written so that a project manager is

based on the location of the art; so, in this instance, the project manager will be the Airport Manager. In other instances the project manager could be the Public Works Director or Director of Parks, Recreation & Facilities. They will both likely still be involved making sure this project is ready to present to Council. She agrees there needs to be an administrative review and approval to ensure everything is done correctly. The last thing she wants to do, however, is discourage this great idea.

Rick Blood (Sparrow Street, Keene) commented that it looks like a wonderful project, but he is against anything at this location that is not aviation or veteran related.

Councilor Carl Jacobs said this is thrilling proposal because the City just passed the art installation resolution. He added he has been at other airports and has seen art displayed and he thinks it is a great way to welcome people to the community and indicate Keene's community values.

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

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommend that the proposal for a permanent public art installation be placed on more time.



City of Keene, N.H.
Transmittal Form

July 25, 2018

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities & Infrastructure Committee

ITEM: G.2.

SUBJECT: Katie McNally/Cheshire Coalition for Tobacco Free Communities – Raising the Legal Minimum Age for the Sale and Possession of all Tobacco and Nicotine Products

RECOMMENDATION:

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends that more time be granted to allow City staff to investigate the process that the City of Dover utilized in adapting a similar ordinance that would raise the legal minimum age for the sale and possession of all tobacco and nicotine products.

BACKGROUND:

Chair Manwaring welcomed Kate McNally (36 Cross Street, Marlow), a Tobacco Treatment Specialist, and Program Manager of the Cheshire Coalition for Tobacco Free Communities at Dartmouth-Hitchcock Keene. She and the Coalition are asking the City to consider their proposal to increase the legal age of purchase and possession of tobacco and nicotine to 21 years old. She said she takes this issue seriously and that it is not political to her. It is about preventing chronic disease and illness. She shared the story of her mother who had emphysema and said if the laws had been different then, her mother may not have developed that illness. She submitted a letter to the Mayor and City Council outlining how this proposal would reduce addiction to tobacco and nicotine, and reduce the number of high schoolers who report smoking and vaping. Adoption of the Ordinance would also reduce adult smokers, and prevent youth from initiating use of tobacco in vapes. The Dover City Council recently overwhelmingly passed a similar ordinance, joining 330 localities in 21 states (including five states with this policy statewide).

Ms. McNally continued that she is aware of the concern about the burden this can place on retailers. She reported results of studies on this topic:

- American Journal of Public Health – maximum initial loss of sales from 2-4%
- Institute of Medicine – only 12% sales reduction expected between 18-20 year olds (0.05% reduction in total sales)

Ms. McNally continued that the Coalition is confident the benefit of reducing tobacco related illnesses in our communities far outweighs the potential loss of revenue. Ms. McNally continued presenting research and statistics that support increasing the minimum legal age:

- Centers for Disease Control – NH’s annual health care costs due to smoking related illness exceed \$735 million, of which \$139 million are in Medicaid costs. This leads to an annual state and federal tax burden of \$175/year/household. Ms. McNally said these proposed preventative measures will benefit tax payers.

- Portland, ME Retailer Survey – 3 of out 15 retailers who responded to the survey reported negative feedback from customers, one reported mixed feedback, and the rest reported no issues. Only one reported a loss of revenue at the time from passing this resolution.
- Institute of Medicine – if enacted, Tobacco 21 is expected to reduce overall smoking rates by 12% and decrease smoking initiation 25% among youth.
- Letter from Director of Economic Development in Needham, MA – indicated no convenient stores went out of business because of the city’s tobacco regulations passed in 2005, nor have convenience stores there gone out of business after its Board of Health restriction on the sale of flavored tobacco products in 2016.
- A veteran non-partisan organization supports this resolution because it improves combat readiness and the military supports this resolution because illnesses are a burden on the Department of Defense and Veterans Affairs. She said this is an argument against those who say if military can serve their country at 18 they should be able to buy a pack of cigarettes.
- She said she respects the intent of electronic nicotine devices (ENS) to help people quit smoking, but a Georgia study showed no evidence that ENS help people quit at higher rates. “Absent any meaningful changes, ENS used among adult smokers is unlikely to be a meaningful solution to increase population quit rates.” Ms. McNally said this resolution is not to get people to quit smoking, but to prevent youth from smoking and using tobacco products (a preventative policy).
- Dartmouth Study – 168,000 people who never smoked cigarettes would initiate smoking due to the use of ENS even though 2,070 smoking-age adults may quit. Researchers concluded that ENS use is more harmful than beneficial.
- 75% of adults surveyed favor increasing the minimum legal age, including 7/10 smokers. Most smokers (70%) want to quit and 85% wish they never started.
- 2017 Youth Risk Behavior Survey – youth report getting their vapes and other products from social sources, not stores or the internet. 46.7% of youth report borrowing vapes, 15.3% report buying them in a store, and 5.7% buy them on the internet.
- Keene Sentinel – reported that the high school says the vape devices are prevalent and the school resource officer is often taking them away.

Ms. McNally continued listing what the Coalition will do for the community if this resolution passes:

- Offer materials to educate and inform customers (e.g., window clings, table tents)
- Compliance checks for alcohol and tobacco with the Monadnock Alcohol and Drug Abuse Coalition

Ms. McNally concluded that the City feared businesses would lose revenue when they adopted the smoke-free dining ordinance in 2002, but the opposite happened. She said she knew some local retailers offered their customers points for coming to this meeting in opposition; she said she did not have points to give, but that she can offer healthier youth. She wants to give kids and the community a chance. She thanked the Committee for their time and consideration.

Councilor Sutherland asked staff if the City has a license for the sale of tobacco within City limits or if it comes from the state. The City Attorney replied he was unsure; Ms. McNally said retailers get licenses from the State. She said like Dover, the City does have the authority to restrict sale. Councilor Sutherland replied that in that case, the City could also regulate opioid prescriptions; Chair Manwaring asked to stay on topic.

The City Attorney said it also surprised him that the City has the authority to do this, but it is a part of the Youth Access to Tobacco Products statute. Councilor Sutherland replied asking why stop at 21 or 25, when the Affordable Care Act recognizes children until age 26. Ms. McNally said they want to parity alcohol laws because they are already established.

Chair Manwaring recognized Katherine Unger (44 Stanley Avenue, Columbus, OH) who said the Institute of Medicine looked at the effect of changing to various minimum ages. They found that increasing the minimum age to 21 had the most impact on youth aged 13-17, which is what this ordinance is trying to prevent.

John Schlegelmilch a retired physician said he was there when the Coalition was formed in 1996. He said the first thing to do for general health of the population is tobacco prevention. His patients always agreed they started when they were young. He said the chances of someone initiating nicotine use after 21 are small, there has been a lot of loss in this community from tobacco, and increasing the age will benefit the community. He said reasons were presented in the past for why restricting tobacco would fail that turned out to be untrue. He said continuous efforts at tobacco prevention are necessary with a tobacco industry that is constantly trying to get people more addicted to their products.

Dan Cavallero (341 Court Street, Keene), Owner of Monadnock Vapor, asked Ms. McNally how this ordinance will not affect his business. He said he knows this would affect a high percentage of his business. He asked why young adults old enough to vote and die for their country cannot choose between vapor and smoke. Why is it up to the opinion of a small group of people to make this decision for taxpayers, military, and retailers. He added that if this ordinance passes, he will have to fire one of his employees.

Chair Manwaring clarified that the Committee would not be voting on an ordinance at this meeting; the City Attorney will work with staff to draft an ordinance to present to the Committee at another public meeting. Still, she said she was willing to hear from more members of the public.

Chair Manwaring recognized Jane Scanzey (62 Christian Hill Road, Swanzey), Substance Abuse Prevention Coordinator with Center for Population Health at Cheshire Medical Center. Ms. Scanzey read a statement, in which she stated that:

- She supports the Tobacco 21 ordinance both because of her profession and because of the loss of her grandmother who died due to lung cancer.
- Tobacco kills more people than all other substances combined.
- By age 24, the odds are 20-1 that someone will begin smoking.
- The emergence of new nicotine devices and advertising has led to more youth using tobacco.
- An evidence-based way to reduce smoking age deaths is to increase the legal smoking age.
- Use of one substance often leads to use of other substances; substance abuse occurs for many reasons. Reducing youth access to tobacco can prevent other problems developing. Youth brains are vulnerable as they are developing until age 25.
- Passing this ordinance would be a response to the increasing demand for the City to do something about the drug crisis. Keene will increase protective factors and reduce risk factors for youth.

Mr. Cavallero said he does not see the correlation between drug addiction and nicotine use. He said he does not want vaping pooled into the same category as tobacco products. They do not combust, and they only contain nicotine, vegetable glycerin, and propylene glycol. He said there are 70.3 million nicotine users in this country and only 980,000 heroin addicts. If only 1.43% of the people who use nicotine also use heroin then he does not think that seems like a gateway drug. He said nicotine does not lead to opioid addiction.

Chair Manwaring recognized Polly Morris (Lakeshore Drive, Winchester), a certified Prevention Specialist, who said risky behavior; leads to many things (e.g., drug use, alcohol use, violence, crime) and children are predisposed to risky behavior. Things like smoking and vaping look cool to these impressionable children. She said she understands the risks because she is currently undergoing treatment for throat cancer. She said they cannot prove smoking caused her cancer but it is one of the two risk factors. They cannot prove vaping does not cause cancer because there is insufficient research. She said if there is a way to keep children safer longer, the City should do it.

Nathan Taruck (47 Washington Avenue, Keene), Assistant Manager of Monadnock Vapor, said changing the age restriction in Keene will not change the problem, it will just send people to Swanzey and other surrounding towns. He said changing the age in Keene will not change the problem at all.

Councilor Philip Jones said Keene is a part of the Healthy Monadnock team. He is the only municipal politician recognized by Cigar Aficionado Magazine as a politician against smoking. He supported being the first City in NH to vote against smoking in restaurants, which led to the state statute. He said the City needs to take the lead and he asked for a yes/no vote from the Committee at this meeting so staff can draft an ordinance for Council to review.

Ms. Unger said this effort is not just one woman, it is evidence-based. She said research shows the people do not seek retailers in adjacent towns when this ordinance is enacted; in another City there were 46% smoking reduction rates. She said the Juul vape and many e-cigarettes contain chemicals, like formaldehyde, which are unsafe. She added that one Juul pod is the equivalent of one pack of cigarettes; they contain extremely addictive levels of nicotine.

Todd Silverstine (Cardiologist at Cheshire Medical Center) thanked Ms. McNally for inviting him to this meeting and said he spends his days talking about the risks of cigarette addiction. He said anything that increases the likelihood of young people not starting to smoke will enhance general population healthcare and decline work-related illnesses. He said reducing tobacco at the high school level makes sense considering sugary drinks are restricted in schools and seatbelts are mandated in cars. He said sometimes we need the help of elected officials to institute modalities to ensure public health.

Mr. Cavallero shared research from England and a similar report in the NE Journal of Medicine that say the formaldehyde in e-cigarettes is negligible. Tests that showed high levels of formaldehyde used a machine that puffed the e-cigarette at maximum power levels a human never could. If used in that way the e-cigarette would, "exceed formaldehyde levels in a cigarette between five and 15 times."

Councilor Terry Clark said Ms. McNally spent time defending her proposal against the effect on business. He asked if the Committee members ran for office to protect the health and well-being of the citizenry or to protect business profits.

Councilor Sutherland asked why this proposal was referred to this Committee. The City Manager replied it was because this issue has to do with public safety. The City Attorney said this Committee seemed logical because this is not about finance or licensing.

Councilor Sutherland noted Dartmouth-Hitchcock Keene provides smoking cessation products, which contain nicotine. If this ordinance passed, he thinks it would impact the hospitals ability to distribute those products. The City Attorney said he thinks there is an exception for smoking cessation products in the proposed ordinance and it can be drafted that way.

Councilor Hooper said he has more questions after this meeting about the economy, business, and other complex issues the City needs time to investigate. He suggested a motion to place this on more time.

Councilor Filiault said he understands both sides of this issue because he lost his mother to tobacco use, but he was also in the military and appreciates that right because you lose many other rights when you sign a military contract. It concerns him that businesses will just go to Swanzey and he agrees with Councilor Hooper that many questions still need to be resolved.

Chair Manwaring said she wants to know more about how Dover passed this ordinance. She said she is not ready to vote because this effort was new to her and she is uncertain about what her constituents think about this. When Ms. McNally returns, Chair Manwaring hopes she will share education efforts to help the general public understand.

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

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends that more time be granted to allow City staff to investigate the process that the City of Dover utilized in adapting a similar ordinance that would raise the legal minimum age for the sale and possession of all tobacco and nicotine products.



City of Keene, N.H.
Transmittal Form

July 25, 2018

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: G.3.

SUBJECT: Peg Bruce/Kiwanis Club of Keene - Request to Use City Property - Tree Lighting Event

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the request from the Keene Kiwanis Club to use downtown City rights-of-way for the Annual Tree Lighting Ceremony be placed on more time to allow City staff to hold protocol meeting(s) with the petitioner.

BACKGROUND:

Peg Bruce, of 15L Windsor Court reported that their license request is pretty much the same as last year. She continued this year the license for the event also includes their request to install holiday lights in October and remove them in April. Chair Richards confirmed the motion is to place this item on more time to allow protocol meetings to take place.

Chair Richards asked for Committee questions or comments.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends the request from the Keene Kiwanis Club to use downtown City rights-of-way for the Annual Tree Lighting Ceremony be placed on more time to allow City staff to hold protocol meeting(s) with the petitioner.



City of Keene, N.H.
Transmittal Form

July 25, 2018

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities & Infrastructure Committee

ITEM: G.4.

SUBJECT: Susan Gilbert - 48 Stanhope Avenue – Release of Easement – Public Works Department

RECOMMENDATION:

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends the request for release of an easement be placed on more time.

BACKGROUND:

The City Attorney said he visited the property with the City Engineer and he is asking for more time because of the time period for repurchase possibilities for this property. The City did take this property by Tax Deed and an abutting property owner invited the City to look at an easement that abuts both properties. He and the City Engineer will return to the Committee with a recommendation to release the easement, but no action should take place until the repurchase period for the property.

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

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends the request for release of an easement be placed on more time.



City of Keene, N.H.
Transmittal Form

July 26, 2018

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: J.1.

SUBJECT: Relating to the Appropriation of Funds for the Fire Department

RECOMMENDATION:

On 4-0 vote, the Finance, Organization and Personnel Committee recommend the adoption of Resolution R-2018-20.

ATTACHMENTS:

Description

Resolution R-2018-20

BACKGROUND:

Chief Howard stated the Fire Department personnel cost centers are projected to exceed the budgeted by \$56,174 for FY17/18 budget. This increase in revenue is from exceeding our projections for revenue in the ambulance revenue account and they would like to carry this forward. There are a number of reasons that lead us to this shortfall, including, but not limited to, medical leave whether work and non-work related, being at full staffing level for a majority of the year, and level funded overtime accounts for various types of earned leave as well as operational call backs.

Councilor Jacobs stated he did not understand the phrase “increased revenue in the ambulance services revenue”. Chief Howard stated the department exceeded the revenue in the ambulance revenue account. He added what the Finance Director is proposing is use this added revenue to offset this shortfall. The City Manager explained there is an appropriation of additional funds and the offset for that is the ambulance increase revenue which the department did not budget for. The Chief stated he is working hard to make sure his budget stays on track. Councilor Powers noted not the entire Fire Department budget is over the budgeted amount. He added this was an extraordinary year for on the job injuries and what workers compensation compensates is shown on the bottom line. The Councilor stated this is not something that happens too often.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend the adoption of Resolution R-2018-20.



CITY OF KEENE

R-2018-20

Eighteen

In the Year of Our Lord Two Thousand and

A RESOLUTION Relating to the Appropriation of Funds for the Fire Department

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

That, pursuant to Section 31 of the Rules of Order, the sum of fifty six thousand and three hundred and seventy five dollars (\$56,375) is hereby appropriated in the 2017/2018 fiscal year for personnel costs associated with the operations of the City of Keene Fire Department, and that the sum of fifty six thousand and three hundred and seventy five dollars (\$56,375) be added as increased revenue from ambulance services revenue.

FY 17/18 Fire Department Expenditure

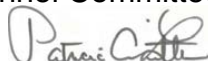
<u>Account#</u>	<u>Description</u>	<u>FY17/18 Budget</u>	<u>Additional Request</u>	<u>Revised Budget</u>
08010-61304	General Personnel	\$ 592,298	\$ 56,375	\$ 648,673

FY 17/18 Fire Department Revenue

<u>Account#</u>	<u>Description</u>	<u>Budget</u>	<u>Request</u>	<u>Revised Budget</u>
08010-44123	Ambulance Svcs	\$ 975,000	\$ 56,375	\$ 1,031,375

Kendall W. Lane, Mayor

In City Council July 19, 2018.
Referred to the Finance, Organization
and Personnel Committee.


City Clerk



City of Keene, N.H.
Transmittal Form

July 26, 2018

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: J.2.
SUBJECT: Relating to Fiscal Policies - FY 2018-2019

RECOMMENDATION:

On 4-0 vote, the Finance, Organization and Personnel Committee recommend the adoption of Resolution R-2018-26.

ATTACHMENTS:

Description

Resolution R-2018-26

BACKGROUND:

Finance Director Steve Thornton stated on July 17 there was a fiscal policies workshop to address some minor changes. These changes had to do with terminology and changes to the fees and charges section.

Councilor Richards noted the City is in an economic boom, but he would not want to see the general fund balance of 8.7 million go down any further. He asked the IT Director whether there is an anticipation of big IT purchases in the forecast because the IT Replacement fund is currently at 150%. Ms. Landry stated the department upgrades Microsoft Office on 300 computers every 5-7 years and during that time a \$100,000 balance needs to be built. She noted this fund will be drastically reduced this year and the balance will be at the realm of the usual fund balance.

Councilor Powers stated he had the same concerns Councilor Richards addressed and felt it was time to have a discussion as to where the City is and where it is headed to and how long are things going to be left to deteriorate etc.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend the adoption of Resolution R-2018-26.



CITY OF KEENE

R-2018-26

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

A RESOLUTION **Relating to FISCAL POLICIES**

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

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

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

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

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

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

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

PART 1 – Budgetary Policies

I. Budget

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

PASSED

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

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

H. Property Taxes.

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

II. Capital Improvement Program

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

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

PART 2 - Financial Policies

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

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

II. Revenues

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

III. Fees and Charges

- A. Certain services provided by the City of Keene will be assigned a fee or charge for the users of the service, dependent upon how the community benefits from the provision of those services.
 - 1) In the case of general governmental services (such as fire protection, law enforcement, or general street maintenance) there will be no user fee or charge assessed.
 - 2) In the event that the service benefits a finite and definable sector of the community then that group will be assessed a fee or charge for provision of the service.

B. Cost Recovery standard for fees and charges:

- 1) Cost recovery should be based on the total cost of delivering the service, including direct costs, departmental administration costs, and organization-wide support costs (e.g. accounting, human resources, data processing, insurance, vehicle maintenance, and regulatory and enforcement costs).

C. Exceptions to cost recovery standard for fees and charges:

1. Fees and Charges may be set at something less than full cost recovery when:

- a) A high level of cost recovery will negatively impact the delivery of service to low-income groups.
- b) Collecting the fees and charges is not cost effective.
- c) There is no intended relationship between the amount paid and the benefit received (e.g. social service programs).
- d) There is no intent to limit the use of the service (e.g. access to parks and playgrounds).
- e) Collecting the fees would discourage compliance with regulatory requirements and adherence to said requirements is self-identified, and as such, failure to comply would not be readily detected by the City of Keene.

2.) Fees and Charges may be set at, or above, full cost recovery when:

- a) The service is also provided, or could be provided, by the private sector.
- b) The use of the service is discouraged (e.g. fire or police responses to false alarms).
- c) The service is regulatory in nature and voluntary compliance is not expected (e.g. building permits, plans review, subdivisions).
- d) When the fee or charge for the use of City property or resources is incurred by a commercial entity.

3.) Ambulance:

- a) Service fees shall be set at two hundred fifty percent (250%) above the Medicare-determined usual and customary charge.
- b) A fee will be implemented for those instances when responses that involve the use of drugs or specialized services are provided but there is no transport.
- c) There may be no charge for responses determined by the Fire Department to be "public assists."

D. The method of assessing and collecting fees should be made as simple as possible in order to reduce the administrative and support costs of collection.

E. The City will periodically utilize the services of a collection agency when all other reasonable efforts to collect fees and fines have been exhausted; fees for such services to be paid from amounts collected.

F. Rate structures should be sensitive to the market price for comparable services in the private sector or other public sector entities.

G. All fees and charges shall be adopted by the City Council.

H. Fees and charges shall be reviewed in accordance with a schedule developed by the City Manager that has each fee reviewed biannually.

Recommended changes will be reviewed and approved by the City Council.

IV. Debt

- A. The City of Keene will periodically incur debt to finance capital projects. All issuances of debt are subject to State of New Hampshire Statutes, RSA 34 and 162-K.
- B. Debt may be issued to fund projects with a public purpose of a lasting nature or as otherwise allowed by State law.
- C. Debt will not be issued to provide for the payment of expenses for current maintenance and operation except as otherwise provided by law.
- D. The City of Keene shall not incur debt that exceeds any limits set by State law.
- E. All bonds shall be authorized by resolution of the City Council and require a two-thirds (2/3) vote.
- F. The City of Keene may use the services of a financial advisor to assist in preparing for, and executing, any sale of bonds. Said services shall be obtained as the result of a Request for Proposals (RFP) process, which shall be conducted at a minimum of every five (5) years.
- G. The City of Keene shall acquire the required services of bond counsel as the result of a Request for Proposals (RFP) process, which shall be conducted at a minimum of every five (5) years.
- H. Form. The City of Keene issues three types of bonds:
 - 1) General Obligation Bonds – repayment is backed by the full taxing power of the City of Keene.
 - 2) Tax Increment Financing Bonds – repayment is first backed by the revenue stream generated by increased revenues created within an established Tax Increment Financing District. To the extent that the increased revenues created within the district are not adequate, the repayment of the bonds would then be backed by the full taxing power of the City of Keene.
 - 3) Refunding Bonds – these bonds are issued to refinance outstanding bonds before their term in order to either remove restrictions on the original bonds and/or to take advantage of lower interest rates. Repayment is backed by the full taxing power of the City of Keene.
- I. Competitive sale is the preferred method of sale; however, negotiated sales may occur for a current or advance refunding, or for other appropriate reasons.
- J. Term.
 - 1) Debt will be incurred only for projects with a useful life of at least five (5) years.
 - 2) The term of any debt incurred by the City shall be limited to no greater than the expected useful life of the improvement.
- K. The use of short-term financing, lease, or lease-purchase agreements shall be kept to a minimum.
- L. Other funding sources – to the extent they are available, the City of Keene will actively pursue:
 - 1) Grants that reduce the City's initial investment in project/improvement.
 - 2) Grants that contribute to the on-going debt service for city project(s).
 - 3) Other financing tools such as tax credits that leverage the City's initial investment in a project.

V. Capital Assets

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

infrastructure.

VI. Fund Balance Classification Policies and Procedures

- A. Fund Balance: Fund balance represents the difference between current assets and liabilities and shall be comprised of non-spendable, restricted, committed, assigned, and unassigned amounts defined as follows:
- 1) Non-spendable fund balance - includes amounts that are not in spendable form such as inventory or prepaid expenses or are required to be maintained intact such as perpetual care or the principal of an endowment fund.
 - 2) Restricted fund balance - includes amounts that can only be spent for specific purposes stipulated by external resource providers such as grantors or, as in the case of special revenue funds, as established through enabling legislation.
 - 3) Committed fund balance - includes amounts that can be reported and expended as a result of motions passed by the highest decision making authority, the City Council.
 - 4) Assigned fund balance - includes amounts to be used for specific purposes including encumbrances and authorized carry forwards or fund balance to be used in the subsequent fiscal year.
 - 5) Unassigned fund balance - includes amounts that are not obligated or specifically designated and is available in future periods.
- B. Spending Prioritization: when an expenditure is incurred that would qualify for payment from multiple fund balance types, the City uses the following order to liquidate liabilities: restricted, committed, assigned, and unassigned.
- C. Net assets: net assets represent the difference between assets and liabilities. Net assets invested in capital assets, net of related debt, consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any borrowing used for the acquisition, construction, or improvement of those assets. Net assets are reported as restricted when there are limitations imposed on their use either through enabling legislation adopted by the City or through external restrictions imposed by creditors, grantors, laws or regulations, or other governments. All other net assets are reported as unrestricted.

VII. Stabilization Funds

- A. Unassigned Fund Balance.
- 1) That portion of available funds within each fund that can be used to offset emergency expenditures, a downturn in collection of significant revenues, or other unforeseen events.
 - a) Unassigned fund balance for the General Fund will be maintained at between seven percent (7%) and ten percent (10%) of the sum of the total of the General Fund annual operating budget and the property tax commitment for the school (both local and State) and the county.
 - b) Fund balances in all other budgeted funds should be maintained at between five percent (5%) and fifteen percent (15%) of the annual operating budget for that fund.
- B. Self-funded health insurance.
- 1) The City shall retain funds for its self-funded health insurance

program. The intended purposes for these funds are to provide a measure to smooth rate fluctuations, to accommodate an unforeseen increase in claims, and to provide financial protection from run-out costs in the event the City moves toward a fully insured plan. The amount retained shall not exceed three (3) months of estimated claim costs.

C. Capital Reserves.

- 1) Capital Reserves, classified as committed funds, are reserves established under State of New Hampshire law, invested by the Trustees of Trust Funds, for several purposes that include the construction, reconstruction, or acquisition of a specific capital improvement, or the acquisition of a specific item or of specific items of equipment, or other purposes identified in NH RSA 34, relating to Capital Reserve Funds for Cities.
- 2) The City of Keene has established the following capital reserves:
 - a) Fire Equipment Capital Reserve – for the acquisition or significant rehabilitation of fire apparatus.
 - b) Ambulance Capital Reserve – for the acquisition or significant rehabilitation of ambulances
 - c) Intersection Improvements Capital Reserve – for the rehabilitation or reconstruction of existing intersections.
 - d) Hazardous Waste Site Capital Reserve – for the clean-up, mitigation and testing associated with the Old City Landfill located at 580 Main Street.
 - e) Transfer/Recycling Center Capital Reserve – for the repair and replacement of existing infrastructure, systems, and equipment.
 - f) City Hall Parking Deck Capital Reserve – for the repair and replacement of existing infrastructure, systems and equipment.
 - g) Wells Street Parking Facility Capital Reserve – for the repair and replacement of existing infrastructure, systems, and equipment.
 - h) Landfill Closure Capital Reserve – for the closure and post-closure costs associated with the City Landfill located at Route 12 North.
 - i) Wastewater Treatment Plant Capital Reserve – for the repair and replacement of major components of plant, including equipment and building.
 - j) Martel Court Pumping Station Capital Reserve – for the repair and replacement of major components of station, including equipment building.
 - k) Sewer Infrastructure Capital Reserve – for the repair and replacement of existing infrastructure, systems and equipment including pump stations and the collection system.
 - l) Water Treatment Facility Capital Reserve – for the repair and replacement of major components of facility including pumps, controls, chemical systems, etc., and building components.
 - m) Water Infrastructure Capital Reserve – for the repair and replacement of major components of existing infrastructure, systems and equipment including wells, lift stations, tanks,

- etc., and the distribution system.
- n) Fleet Equipment Capital Reserve – for the replacement of vehicles and equipment under the management of Fleet Services.
 - o) Bridge Capital Reserve – for the construction, reconstruction, and rehabilitation of bridges.
 - p) Downtown Infrastructure and Facility Improvement Capital Reserve – for infrastructure and facility improvements in the downtown.
 - q) Transportation Improvements Capital Reserve - to fund, wholly or in part, improvements in the transportation system including roads, bridges, bicycle and pedestrian facilities, and intermodal facilities, except for parking.
- D. The City Council may create and fund through annual operating budget appropriations various expendable trust funds as it deems necessary for the maintenance and operation of the City; and any other public purpose that is not foreign to the City's institution or incompatible with the objects of its organization. The trust funds will be administered by the Trustees of the Trust Funds.

VIII. Deposits of Excess Funds

- A. Objectives (in priority order):
- 1) Safety – the safety of principal is the foremost objective.
 - 2) Liquidity – investments shall remain sufficiently liquid to meet the operational cash needs of the City of Keene.
 - 3) Yield – taking in to account the priority objectives of safety of principal and liquidity, a market rate of return.
- B. Authorized Investments:
- 1) US Treasury obligations.
 - 2) US government agency and instrumentality obligations.
 - 3) Repurchase agreements with New Hampshire Banks acting as principal or agent, collateralized by US Treasury/Agency obligations.
 - 4) Certificates of Deposits in New Hampshire Banks (collateralized).
 - 5) New Hampshire Public Deposit Investment Pool.

Kendall W. Lane, Mayor

In City Council July 19, 2018.
Referred to the Finance, Organization
and Personnel Committee.


City Clerk



City of Keene, N.H.
Transmittal Form

July 25, 2018

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities & Infrastructure Committee

ITEM: J.3.

SUBJECT: Relations to the Use of the City Park Lands

RECOMMENDATION:

On a vote of 4-1, the Municipal Services, Facilities & Infrastructure Committee recommends that R-2015-30 be rescinded and R-2018-27: Relating to the Use of City Parklands be adopted.

ATTACHMENTS:

Description

Resolution R-2015-30

Resolution R-2018-27

BACKGROUND:

Chair Manwaring recalled there were questions about these resolutions at the last meeting. Councilor Sutherland said the last line of the resolution states the City can request a charge for instructional recreation uses that equals 20% of collected registration fees. He feels that all fees related to recreation should be housed in one place, publically available, and consistent for all parties. They have only been specifically applied to camps, which he thinks is discriminatory. He understands the argument and history that led to this fee to match use. He has reviewed the state laws, which enable the City to enter into contracts. He said fees should not be a percentage of registration (which could include coaching fees, jersey's, equipment, etc.), which has nothing to do with use. State law says fees should be reasonably in line with use and maintenance. He suggested striking the last line of the Resolution R-2018-27 and separately reviewing fees, addressing them specifically based on hours, days, and participants. An appropriate fee schedule can be determined regarding use to appropriately reimburse the City for that type of use. He thinks this would be most appropriate and applies to all parties who use something consistently.

The City Manager said she has learned since the last meeting that there are more organizations other than camps that this applies to (like yoga and health classes). It applies to any organization using fields that are fee based. She looked at other communities (like Portsmouth and Concord) which also charge these fees based on registration. The City Council reviewed all recreation programming fees in 2017. She thinks the Council can look at additional language for a possible resolution in the future, but this language has been applied to various organizations since 2002 and she thinks it has been applied consistently. An organization that the City is considering a memorandum of understanding type agreement with, as Councilor Sutherland suggested, is the Cal Ripkin program because over time they have invested in facilities instead of paying fees. Still, this system has worked in Keene and other communities.

Councilor Lamoureux made a motion to recommend that R-2015-30 be rescinded and R-2018-27: Relating to

the Use of City Parklands be adopted, which was seconded by Councilor Filiault.

Councilor Sutherland asked, then, if the last sentence of R-2018-27 was not going to be removed. He argued this line of the resolution is not being applied to all necessary parties, as the City Manager suggested, because Mr. Bohannon said he has only applied this to two organizations in recent time. He said many non-profits lease these lands and fees are not applied, which is discriminatory. He thinks these fees should be public and tied to use. If an organization charges nothing but uses the land extensively then the City will not get what they need. He said this is not articulated well and the City can do this better.

Mr. Bohannon said at the last meeting he mentioned this was strictly for camps and that was incorrect. This also includes fitness classes, tennis lessons, etc. and the City is consistent in how it is applied. The City only seeks the 20% of registration fees for camps, lessons, and instruction based programs. The fee is based on use of the facility and number of participants so that the fee is consistent with the size of the class/activity. He said this is how the process was explained to him in 2004, so he has continued working in that manner. Councilor Sutherland said if someone is not charged a high registration fee and destroys a field, the City will not get reimbursed; he thinks the City should think more about this.

On a vote of 4-1, the Municipal Services, Facilities & Infrastructure Committee recommends that R-2015-30 be rescinded and R-2018-27: Relating to the Use of City Parklands be adopted. Councilor Sutherland opposed.



CITY OF KEENE

R-2015-30

Fifteen

In the Year of Our Lord Two Thousand and

A RESOLUTION Relating to Use of City Park Lands

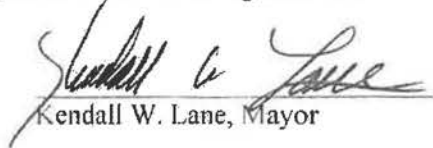
Resolved by the City Council of the City of Keene, as follows:

- WHEREAS: It is understood that while all parklands are available to the general public; there are uses for portions of these parks that would result in exclusive availability for specific groups for periods of time through the issuance of a reservation at the discretion of the Parks, Recreation and Facilities Director; and
- WHEREAS: Any portion of any park not reserved for a group's exclusive use must be kept accessible to the general public during that use; and
- WHEREAS: It will not be acceptable for any group or individual reserving an area to deny the general public the use of all paths, walks or roadways available that connect with an unreserved park area; and
- WHEREAS: City park lands are under the authority and control of the Parks, Recreation and Facilities Department in accordance with Chapter 2 "Parks, Recreation and Facilities;" and
- WHEREAS: Central Square Common and Railroad Square are subject to the rules and regulations contained in Resolution R-2015-29: Relating to Central Square and Railroad Square and Article XXI "Use of Central Square Common and Railroad Square" of Chapter 46, "Licenses and Permits."

NOW THEREFORE BE IT RESOLVED THAT

The City Council agrees that charitable solicitation, educational, instructional recreational or recreational activities, whether non-profit or commercial, are acceptable uses for exclusive use determined by the Parks, Recreation and Cemeteries Director for portions of the Ashuelot River Park, Carpenter Street Field, Court Street Stone Arch Bridge parklands, Edgewood Avenue Park, Ellis Harrison Park, Hickey Desilets Park, Fuller Park, Keene Skate Park, Ladies Wildwood Park, Robin Hood Park, Water Street Basketball Courts and Wheelock Park.

AND BE IT FURTHER RESOLVED that necessary charges for any reservations for any permitted activities shall be set by the Director of the Keene Parks, Recreation and Facilities Department to reflect the City's expense for maintenance for each event and to cover costs for wear and tear on City property. In addition to such charges, fee based, instructional recreational uses shall pay the City of Keene twenty (20) percent of collected registrations.


Kendall W. Lane, Mayor

A true copy;
Attest:



City Clerk

ED July 2, 2015
In City Council July 19, 2018.
Referred to the Municipal Services, Facilities
and Infrastructure Committee.


City Clerk



CITY OF KEENE

R-2018-27

Eighteen

In the Year of Our Lord Two Thousand and

Relating to Use of City Park Lands

A RESOLUTION

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

WHEREAS: It is understood that while all parklands are available to the general public; there are uses for portions of these parks that would result in exclusive availability for specific groups for periods of time through the issuance of a reservation at the discretion of the Parks, Recreation and Facilities Director; and

WHEREAS: Any portion of any park not reserved for a group's exclusive use must be kept accessible to the general public during that use; and

WHEREAS: It will not be acceptable for any group or individual reserving an area to deny the general public the use of all paths, walks or roadways available that connect with an unreserved park area; and

WHEREAS: City park lands are under the authority and control of the Parks, Recreation and Facilities Department in accordance with Chapter 2 "Parks, Recreation and Facilities;" and

WHEREAS: Central Square Common and Railroad Square are subject to the rules and regulations contained in Resolution R-2015-29: Relating to Central Square and Railroad Square and Article XXI "Use of Central Square Common and Railroad Square" of Chapter 46, "Licenses and Permits."

NOW THEREFORE BE IT RESOLVED THAT

The City Council agrees that charitable solicitation, educational, instructional recreational or recreational activities, whether non-profit or commercial, are acceptable uses for exclusive use determined by the Parks, Recreation and Facilities Director for portions of the Ashuelot River Park, Church Street Park, Patricia T. Russell Park, Court Street Stone Arch Bridge parklands, Edgewood Avenue Park, Ellis Harrison Park, Hickey Desilets Park, Fuller Park, Keene Skate Park, Ladies Wildwood Park, Robin Hood Park, Water Street Basketball Courts and Wheelock Park.

AND BE IT FURTHER RESOLVED that necessary charges for any reservations for any permitted activities shall be set by the Director of the Keene Parks, Recreation and Facilities Department to reflect the City's expense for maintenance for each event and to cover costs for wear and tear on City property. In addition to such charges, fee based, instructional recreational uses shall pay the City of Keene twenty (20) percent of collected registrations.

Kendall W. Lane, Mayor

In City Council July 19, 2018.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

PASSED



CITY OF KEENE

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

A RESOLUTIONRelating to Interim City Treasurer.....

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

That Merrie B. Howe be appointed as the interim City Treasurer to perform those duties as prescribed by NH RSA 48:16.

Kendall W. Lane, Mayor