



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
September 6, 2018
7:00 PM

Roll Call
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- August 2, 2018

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Nomination - Zoning Board of Adjustment

C. COMMUNICATIONS

1. Sean Wallin - Resignation - Zoning Board of Adjustment
2. John P. Rab - Resignation - Zoning Board of Adjustment
3. Pamela Russell Slack - Resignation - Partner City Committee
4. Attorney Homer S. Bradley, Jr. - Request to Unmerge Lots - 15 and 19 Giffin Street
5. Cameron Tease/Keene Senior Center - Elimination of a Parking Space on Court Street
6. Steve Piispanen/Keene Auto Body - Request to Discharge Fireworks
7. Christine and Edward Sweeney - Offer of Donation to the City - Land at 0 Apollo Avenue
8. Sandra Whippie/Monadnock Interfaith Project - Correction to the Public Record
9. Councilor Mitchell H. Greenwald - In Support of the Expansion of the 79E District
10. Councilors Greenwald and Richards - Use of Remaining Fund Balances at the End of the Fiscal Year

D. REPORTS - COUNCIL COMMITTEES

1. 48 Stanhope Avenue – Release of Easement – Public Works Department
2. Daron Friedman - Request to Acquire Property - Washington Street
3. 79-E Community Revitalization Tax Relief Incentive District Expansion - Economic Development, Initiatives & Special Projects
4. NHMA Legislative Policies - City Manager
5. Pressure Reducing Valve Replacement at the Water Treatment Facility - Public Works Department

6. Mixers at the Wastewater Treatment Plant - Public Works Department

E. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. CITY MANAGER COMMENTS

F. REPORTS - BOARDS AND COMMISSIONS

1. Land Acquisition Request – Beauregard Property off Chapman Road (TMP# 241-018-000 000-000) - Conservation Commission

G. REPORTS - MORE TIME

H. ORDINANCES FOR FIRST READING

1. Relating to the Tax Lien Process
Ordinance O-2018-11

I. ORDINANCES FOR SECOND READING

J. RESOLUTIONS

Non Public Session
Adjournment

A regular meeting of the Keene City Council was held Thursday, August 2, 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, Randy L. Filiault, Bartolmiej K. Sapeta, Margaret M. Rice, Robert B. Sutherland, George S. Hansel, Gary P. Lamoureux, Stephen L. Hooper, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Bettina A. Chadbourne arrived at 7:01 PM and Councilor Terry M. Clark arrived at 7:05 PM. Councilor Sapeta led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the July 19, 2018, regular meeting was duly seconded. The motion passed with a unanimous vote in favor.

ANNOUNCEMENTS

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. The Mayor addressed the Council regarding the passing of Christine Weeks, sending his condolences to the family and announced the arrangements for her services.

PRESENTATION – RETIREMENT RESOLUTION – MARK J. BEAUREGARD

The Mayor invited Mark J. Beauregard from the Highway Division of the Public Works Department forward to present him with a Retirement Resolution. The Mayor went on to express the City's gratitude to Mr. Beauregard for his dedication, and went on to detail his history of employment with the City of Keene. Mr. Beauregard thanked the Mayor for the acknowledgement of his years of service. Mr. Beauregard also thanked the City employees for all of their support over the years.

PRESENTATION – RETIREMENT RESOLUTION – ROBERT S. THORNTON

The Mayor invited Robert S. Thornton, Finance Director forward to present him with a Retirement Resolution. The Mayor went on to express the City's gratitude to Mr. Thornton for his dedication, and went on to detail his history of employment with the City of Keene. The Mayor read a letter from the Library Trustees appreciating the service Mr. Thornton provided to them over the years and most recently with the renovation project. Mr. Thornton thanked the Mayor for the acknowledgement of his years of service. Mr. Thornton also thanked the City employees for all of their support over the years.

CONFIRMATION

A motion was made by Councilor Greenwald and duly seconded to confirm the following nomination: Dave Whaley to serve as a regular member of the Ashuelot River Park Advisory Board, with a term to expire December 31, 2019. On a roll call vote, with 15 Councilors present and voting in favor the nominations were confirmed.

APPOINTMENT – AD HOC WINCHESTER STREET RECONSTRUCTION PROJECT STEERING COMMITTEE

The following were appointed by the Mayor to the Ad Hoc Winchester Street Reconstruction Project Steering Committee: Councilor Thomas Powers, Gary Spykman, Frank Mazzola, April Buzby, Tom Bogar, Kate Jennings, David Souther, William Hope and Joseph Bendzinski. This committee is being charged 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 various project stakeholders and provide a conduit for the concerns of interested City's consultant in areas such as project phasing and traffic control, pedestrian and bicycle amenities, streetscape features, lighting and landscaping. A motion by Councilor Greenwald to accept the Mayor's appointments was duly seconded. The motion passed with a unanimous vote in favor.

APPOINTMENT – AD HOC COMPREHENSIVE ECONOMIC DEVELOPMENT COMMITTEE

The following were appointed by the Mayor to the Ad Hoc Comprehensive Economic Development Committee: Mayor Kendall Lane, Councilor Mitchell H. Greenwald, Councilor Gary Lamoureux, Councilor George S. Hansel, Timothy Murphy, Phil Suter, Jack Dugan, Joseph Walier, Jordan Benik, George Foskett, Bill Hutwelker, Keith Thibault, Chris McIntosh, and Rebecca Hamilton. This committee is being charged 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. A motion by Councilor Greenwald to accept the Mayor's appointments was duly seconded. The motion passed with a unanimous vote in favor.

COMMUNICATION – DARON FRIEDMAN – REQUEST TO ACQUIRE PROPERTY – WASHINGTON STREET

A communication was received from Daron Friedman, 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. The communication was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – JANET LINCOLN – SERVICE COMPLAINT WITH SPECTRUM CABLE TV

A communication was received from Janet Lincoln, sharing her dissatisfaction with the service which she received from Spectrum Cable TV. The communication was referred to the City Manager to be handled administratively.

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

Municipal Services, Facilities and Infrastructure Committee report read recommending the request to locate a receptacle for the disposal of lead fishing tackle be granted subject to any recommendations of City staff. A motion by Councilor Manwaring to accept the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

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

Planning, Licenses and Development Committee report read recommending 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- 191 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. A motion by Councilor Richards to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

PLD REPORT – HAZARD MITIGATION PLAN – PUBLIC WORKS DEPARTMENT

Planning, Licenses and Development Committee report read recommending 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. 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 DONATION – FIRE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept a donation of \$200.00. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF DONATIONS TO LIBRARY RENOVATION PROJECT
- CAMPAIGN MANAGER FOR THE NEXT CHAPTER

Finance, Organization and Personnel Committee report read recommending the 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. 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 THE FY2018 BYRNE JUSTICE ASSISTANCE GRANT
– POLICE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending 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. 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 – MARLBORO STREET CORRIDOR IMPROVEMENTS – CONSULTANT SELECTION – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending 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. 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 – MAIN STREET BRIDGE OVER BEAVER BROOK – INCREASE IN PROJECT BUDGET – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending 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. 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 – MAIN STREET BRIDGE OVER BEAVER BROOK – ENGINEERING CHANGE – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending 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. 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 – WINCHESTER STREET RECONSTRUCTION PROJECT – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending 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. 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 – MUNICIPAL SOLAR ARRAY – 350-400 MARLBORO STREET – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending 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. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

CITY MANAGER COMMENTS

The City Manager wanted to add a few comments about Steve Thornton. To make good decisions we need to have good financial information, it is our foundation. Steve Thornton is one of the most competent, professional Finance Directors that she had a pleasure to work with and felt she always had good accurate information to make decisions. She thanked him again. The City Manager went on to recognize Kurt Blomquist for finding the documentation for the Winchester/Island Street bridge project. The City Manager wished the Council a wonderful break.

MORE TIME

More time was granted by the Chair for the following items in Committee: Katie Schwerin – Proposal for Permanent Public Art Installation – Airport Property; Kate McNally/Cheshire Coalition for Tobacco Free Communities – Raising the Legal Minimum Age for the Sale and Possession of all Tobacco and Nicotine Products; Peg Bruce/Kiwanis Club of Keene – Request to Use City Property – Tree Lighting Event; and Susan Gilbert – 48 Stanhope Avenue – Release of Easement – Public Works Department.

FOP REPORT AND RESOLUTION R-2018-20 RELATING TO THE APPROPRIATION OF FUNDS FOR THE FIRE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2018-20 Relating to the Appropriation of Funds for the Fire Department. The report was filed into the record. Resolution R-2018-20 was read for the second time. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. On roll call vote, 15 Councilors were present and voting in favor. Resolution R-2018-20 declared adopted.

FOP REPORT AND RESOLUTION R-2018-26 RELATING TO FISCAL POLICIES – FY 2018-2019

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2018-26 Relating to Fiscal Policies – FY 2018-2019. The report was filed into the record. Resolution R-2018-26 was read for the second time. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. On showing of hands, 14 Councilors were present and voting in favor, one opposed. Councilor Sutherland in opposition. Resolution R-2018-26 declared adopted.

MSFI REPORT AND RESOLUTION R-2018-27: RELATIONS TO THE USE OF CITY PARK LANDS

Municipal Services, Facilities and Infrastructure Committee report read recommending the Resolution R-2015-30: Relating to Use of City Park Lands be rescinded and R-2018-27: Relating to the Use of City Park Lands be adopted. The report was filed as informational. A motion by Councilor Manwaring for rescission of Resolution R-2015-30 and the adoption of Resolution R-2018-27 was duly seconded. On showing of hands, 15 Councilors were present and voting in favor. Resolution R-2015-30 was rescinded and Resolution R-2018-27 declared adopted.

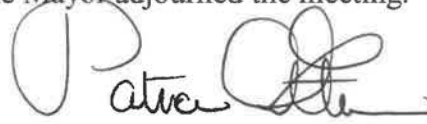
RESOLUTION R-2018-29: RELATING TO INTERIM CITY TREASURER

Resolution R-2018-29: Relating to Interim City Treasurer was read for the first time. A motion by Councilor Greenwald to adopt Resolution R-2018-29: Relating to Interim City Treasurer was duly seconded. On showing of hands, 15 Councilors were present and voting in favor. Resolution R-2018-29 declared adopted.

ADJOURNMENT

At 8:01 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:


Patricia A. Steiner
City Clerk



City of Keene, N.H.
Transmittal Form

September 4, 2018

TO: Mayor and Keene City Council

FROM: Mayor Kendall W. Lane

ITEM: B.1.

SUBJECT: Nomination - Zoning Board of Adjustment

COUNCIL ACTION:

In City Council September 6, 2018.
Tabled until the next regular meeting.

RECOMMENDATION:

I hereby nominate the following individual to serve on the designated Board or Commission:

Zoning Board of Adjustment

Joshua A. Greenwald, slot 5 Term expires Dec. 31, 2020
39 Concord Hill Drive

ATTACHMENTS:

Description

Background - Greenwald

Joshua A. Greenwald
39 concord hill drive, Keene
Jg@greenwaldrealty.com
603-721-9266

Licensed NH Real Estate Broker since 2003

2018 President Monadnock Board of Realtors

2017 Vice President Monadnock Board of Realtors

Co-Owner Greenwald Realty Associates

Chairperson of Keene Board of Assessors

Member of Keene Board of Assessors since 2015

Multi-Family Property owner in Keene

Renovating Properties in Keene since 2004

Born and raised in Keene, graduated KHS in 1994.

Bachelors of Science in Economics and Marketing, graduated 1998

Resides in Keene with wife and two children.

Dancing with the Keene Stars winner 2017 & 2018



External Communication
Transmittal Form

August 10, 2018

TO: Mayor and Keene City Council

FROM: Sean Wallin

THROUGH: Patricia A. Little, City Clerk

ITEM: C.1.

SUBJECT: Sean Wallin - Resignation - Zoning Board of Adjustment

COUNCIL ACTION:

In City Council September 6, 2018.

Voted unanimously to accept the resignation with regret and appreciation for service.

ATTACHMENTS:

Description

Communication - Wallin

BACKGROUND:

Sean Wallin has submitted his resignation to the Zoning Board of Adjustment. He was a member since December of 2017.

In City Council September 6, 2018.
Voted unanimously to accept the resignation
with regret and appreciation for service.

Patricia Castle

John,

I am writing this message to inform you I will no longer be capable of sitting on the Zoning Board of Adjustments. Due to changes in my personal life I have had to return to Laconia. I do sincerely apologize to you, the staff and members of the board for the inconvenience . I have valued my time on the board and wish you all the best.

Sincerely,

Sean Wallin

Sean Wallin 8-9-18



External Communication
Transmittal Form

September 4, 2018

TO: Mayor and Keene City Council

FROM: John P. Rab

THROUGH: Patricia A. Little, City Clerk

ITEM: C.2.

SUBJECT: John P. Rab - Resignation - Zoning Board of Adjustment

COUNCIL ACTION:

In City Council September 6, 2018.

Voted unanimously to accept the resignation with regret and appreciation for service.

ATTACHMENTS:

Description

Communication - Rab

BACKGROUND:

John Rab is submitting his resignation as a member of the Zoning Board of Adjustment. Mr. Rab has served several terms on the Board - the most recent which started in June of 2016.

AUG 23 2018

John P. Rab
234 Court Street
Keene, NH 03431

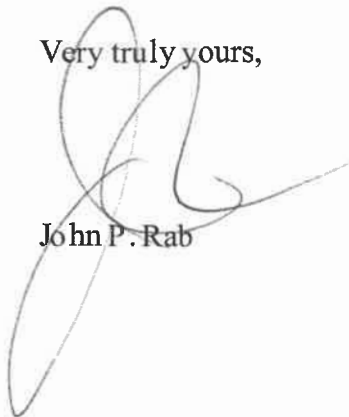
August 20, 2018

Kendall Lane
City of Keene
3 Washington Street
Keene, NH 03431

Dear Mayor Lane,

This letter will confirm my resignation from the City of Keene Zoning Board.

Very truly yours,



John P. Rab

In City Council September 6, 2018.
Voted unanimously to accept the resignation
with regret and appreciation for service.



Patricia Castle
City Clerk



City of Keene, N.H.
Transmittal Form

September 4, 2018

TO: Mayor and Keene City Council

FROM: Pamela Russell Slack

THROUGH: Patricia A. Little, City Clerk

ITEM: C.3.

SUBJECT: Pamela Russell Slack - Resignation - Partner City Committee

COUNCIL ACTION:

In City Council September 6, 2018.

Voted unanimously to accept the resignation with regret and appreciation for service.

ATTACHMENTS:

Description

Communication - Slack

BACKGROUND:

Pamela Russell Slack is submitting her resignation from the Partner City Committee. Ms. Slack was an original member of the Partner City Committee with her most recent term starting in November 2015.

September 4, 2018

Good afternoon Mayor Lane:

It is with regret that I must resign from the Partner City Committee effective October 1, 2018. It has been my pleasure to serve on the Committee; however, I have decided to step down due to an increase in work responsibilities. I wish nothing but the best for the Partner City Committee for the future.

Sincerely

A handwritten signature in cursive script that reads "Pamela Russell Slack".

Pamela Russell Slack

In City Council September 6, 2018.
Voted unanimously to accept the resignation
with regret and appreciation for service.

A handwritten signature in cursive script that reads "Patricia C. Smith".
City Clerk



External Communication
Transmittal Form

July 31, 2018

TO: Mayor and Keene City Council

FROM: Attorney Homer S. Bradley, Jr.

THROUGH: Patricia A. Little, City Clerk

ITEM: C.4.

SUBJECT: Attorney Homer S. Bradley, Jr. - Request to Unmerge Lots - 15 and 19 Giffin Street

COUNCIL ACTION:

In City Council September 6, 2018.

Referred to the Planning, Licenses and Development Committee.

ATTACHMENTS:

Description

Communication - Bradley

BACKGROUND:

Pursuant to NHRSA 674:39-aa; Attorney Bradley is submitting a request to unmerge two lots at 15 and 19 Giffin Street.

BRADLEY & FAULKNER, PC

ATTORNEYS AT LAW

Homer S. Bradley, Jr.
Rand S. Burnett
Gary J. Kinyon
Douglas F. Green

50 WASHINGTON STREET
P.O. BOX 666
KEENE, NEW HAMPSHIRE 03431-0666

(603) 352-2030

FAX
(603) 357-9334

E-MAIL
sbradley@bradleyfaulkner.com

WEBSITE
www.bradleyfaulkner.com

DIRECT DIAL
(603) 352-2031

Kerry K. O'Neill
Ashley L. Noyes

July 19, 2018

City of Keene
Honorable Mayor/Members of the City Council
3 Washington Street
Keene, NH 03431

Re: Russell W. Wilber and Patricia A. Wilber – 15 & 19 Giffin Street

Honorable Mayor and Members of the City Council:

I am submitting herewith an Application by Russell W. Wilber and Patricia A. Wilber to unmerge lots identified as 15 Giffin Street and 19 Giffin Street on Tax Map 532 as Lot 68. This request is made pursuant to RSA 674:39-aa.

The land identified as 15 Giffin Street and the land with the buildings thereon at 19 Giffin Street have always been described in the deeds as separate parcels.

I am submitting herewith, in addition to the application, photocopies of all of the deeds in the chain of title. As you will see, the deed which Leslie and Evelyn Wilber (later Evelyn Ruby Dziengowski) received from Charles A. Pierce to the land now identified as 15 Giffin Street was not recorded and is now lost. Nevertheless, Mrs. Dziengowski and her son, Russell Wilber, have paid the taxes on the land identified as 15 Giffin Street since about 1930.

Very truly yours,



Homer S. Bradley, Jr.

HSB/amp
cc: Board of Tax Assessors, City of Keene
Mr. and Mrs. Russell W. Wilber

P.S. I am very embarrassed that, after all these years, I spelled Russell W. Wilber's name incorrectly in the most recent deed.

In City Council September 6, 2018.
Referred to the Planning, Licenses and Development Committee.


City Clerk

CITY OF KEENE

APPLICATION FOR RESTORATION OF INVOLUNTARILY MERGED LOTS
PURSUANT TO RSA 674:39-aa

Name of property owner(s): Russell W. Wilber and Patricia A. Wilber

Mailing Address: 173 Joslin Road, Surry, New Hampshire 03431

Telephone #: 603-352-4466

Email address: sbradley@bradleyfaulkner.com

Street Location of Parcels affected by the requested Restoration:

15 Giffin Street
19 Giffin Street

Properties Requested to be Restored (attach additional sheet if needed):

Parcel 1:

Current Deed Reference (book & page):

Book 3031, Page 987

Date Recorded: July 10, 2018

Book 2692, Page 619

Date Recorded: May 9, 2011

Tax Map: 532

Lot Number: 68

Please state when you believe the involuntary merger took place: Unknown

19 Giffin Street and 15 Giffin Street have always been described as separate lots.

Signature: Russell W. Wilber Name: Russell W. Wilber Date: 7-20-18

Signature: Patricia A. Wilber Name: Patricia A. Wilber Date: 7-20-18

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Regulation of Subdivision of Land

Section 674:39-aa

674:39-aa Restoration of Involuntarily Merged Lots. –

- I. In this section:
 - a. "Involuntary merger" and "involuntarily merged" mean lots merged by municipal action for zoning, assessing, or taxation purposes without the consent of the owner.
 - b. "Owner" means the person or entity that holds legal title to the lots in question, even if such person or entity did not hold legal title at the time of the involuntary merger.
 - c. "Voluntary merger" and "voluntarily merged" mean a merger under RSA 674:39-a, or any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line.
- II. Lots or parcels that were involuntarily merged prior to September 18, 2010 by a city, town, county, village district, or any other municipality, shall at the request of the owner, be restored to their premerger status and all zoning and tax maps shall be updated to identify the premerger boundaries of said lots or parcels as recorded at the appropriate registry of deeds, provided:
 - a. The request is submitted to the governing body prior to December 31, 2021.
 - b. No owner in the chain of title voluntarily merged his or her lots. If any owner in the chain of title voluntarily merged his or her lots, then all subsequent owners shall be estopped from requesting restoration. The municipality shall have the burden of proof to show that any previous owner voluntarily merged his or her lots.
- III. All decisions of the governing body may be appealed in accordance with the provisions of RSA 676.
- IV. Any municipality may adopt local ordinances, including ordinances enacted prior to the effective date of this section, to restore previously merged properties that are less restrictive than the provisions in paragraph I and II.
- V. The restoration of the lots to their premerger status shall not be deemed to cure any non-conformity with existing local land use ordinances.



External Communication
Transmittal Form

September 4, 2018

TO: Mayor and Keene City Council

FROM: Cameron Tease, Executive Director of the Keene Senior Center

THROUGH: Patricia A. Little, City Clerk

ITEM: C.5.

SUBJECT: Cameron Tease/Keene Senior Center - Elimination of a Parking Space on Court Street

COUNCIL ACTION:

In City Council September 6, 2018.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

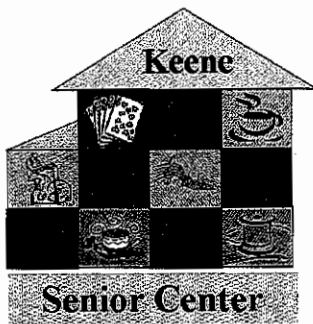
ATTACHMENTS:

Description

Communication - Tease

BACKGROUND:

Cameron Tease, Executive Director of the Keene Senior Center is requesting the elimination of a parking space on Court Street in front of their building to accommodate a bus stop.



Keene Senior Center

Since 1957

70 Court St.

Keene, NH 03431

www.thekeeneseniorcenter.org

352-5037

In City Council September 6, 2018.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

City Clerk

August 27, 2018

Board Members

Harry Ahern, President

Carol Sorterup,
Vice President

Lee Taylor, Treasurer

Lindsey Austin-Davis,
Secretary

Jocelyn Beiswenger

Steve Bergeron

Marilou Blaine

Andy Bohannon

Pricilla Brisson

Mike Forrest

David Meader

Ed Morenz

Sally Rinehart-Boyce

Helene Mogridge

Cameron Tease
Executive Director

Keene Senior Center is a vibrant community of older adults, serving the Monadnock Region.



Ms. Patty Little
City Clerk
City of Keene
3 Washington Street
Keene, NH 03431

Dear Ms. Little,

I have been Executive Director at Keene Senior Center for one year, and during that time I have considered options to improve our limited parking lot capacity, as well as safety issues leaving our lot because of visibility issues looking up Court Street. After discussions, including Home Healthcare Hospice and Community Services which operates the Friendly Bus and City Express, and appropriate city officials, I am respectfully asking that the City of Keene consider the following requests which would improve both concerns.

The limited parking lot capacity (22 spaces) is a major reason the Keene Senior Center, with over 500 members, is part of the feasibility study currently underway with the City considering co-locating at the recreation center. The consultant's final report is due by the end of September; however, the parking space and safety concerns require immediate action, especially as our senior center continues to grow and expand programming.

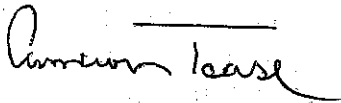
A partial solution to the lack of parking is to promote increased use of the Friendly Bus, City Express, ride sharing, and using other transportation options. A bus stop in front of the senior center would be of great benefit in promoting several of these. Currently the Friendly Bus has to back up (when headed south on Court Street) to discharge and pick-up riders at the walkway in front of the senior center. If the first parking space in front of the senior center was eliminated and made part of a bus zone, vehicles could more easily and safely pull into the space. The senior center could then more effectively promote use of alternative transportation and our parking lot would be used less.

Eliminating the parking space would also improve visibility northward for cars leaving the parking lot and improve vehicle safety. I often hear the screeching of tires and horn blowing as drivers inch their way out to seeing around parked cars in front of the senior center. The elimination of one parking space, which is often occupied by a vehicle whose driver is not using the senior center, would greatly improve visibility and safety.

I appreciate the fact that Tara Kessler, Kurt Blomquist, Rhett Lamb and Med Kopcznski met with me on July 31 to discuss the senior center's parking and safety concerns, and ways to improve them. One of the options discussed was to make the parking space in question part of a loading/unloading zone; however, in considering this further, I am concerned that that would make visibility even worse looking north and also cause a safety issue when a bus or other vehicle needed to use the space when it was used by a large delivery van. I am therefore requesting that the space be made part of a drop off zone/bus stop.

Thank you for forwarding this request through the proper channels of City government for consideration. I would be pleased to provide more information to further the decision-making process. Please let me know how we can help as our needs are immediate and pressing.

Sincerely,



Cameron Tease
Executive Director



External Communication
Transmittal Form

September 4, 2018

TO: Mayor and Keene City Council

FROM: Steven Piispanen, Owner - Keene Auto Body

THROUGH: Patricia A. Little, City Clerk

ITEM: C.6.

SUBJECT: Steve Piispanen/Keene Auto Body - Request to Discharge Fireworks

COUNCIL ACTION:

In City Council September 6, 2018.

Referred to the Planning, Licenses and Development Committee.

ATTACHMENTS:

Description

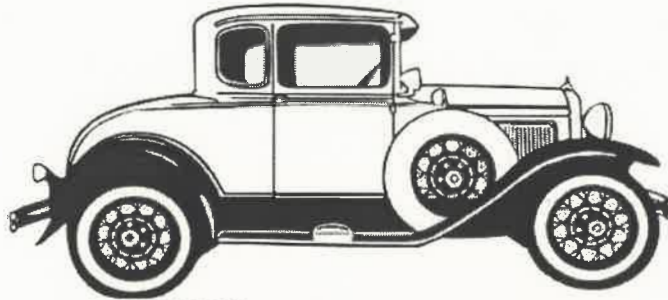
Communication - Piispanen

Property Owner's Permission

Certificate of Insurance

BACKGROUND:

Keene Auto Body is celebrating their 90th anniversary on September 29 and would like to have a fireworks display as part of the celebration.



KEENE AUTO BODY INC.

543 MAIN STREET

KEENE, NH 03431

(603) 352-3103

FAX (603) 352-9130

August 28, 2018

City of Keene
Keene City Council
3 Washington St
Keene, NH 03431

City Council Members:

Per this letter, Keene Auto Body, Inc request our approval to host a Class B Fireworks display on September 29th. The fireworks will be at the end of our 90th Anniversary Celebration, taking place at approximately 9pm.

The fireworks will be set up at 80 Silent Way, property is owned by Steven Walsh. I have attached a letter of approval from Mr. Walsh and also an Insurance Rider naming the City of Keene as a co-insured. Thank you in advance for your consideration

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Piispanen". The signature is written in a cursive style and is followed by a long horizontal line that extends across the page.

Steven Piispanen
Owner/President
Keene Auto Body, Inc.

In City Council September 6, 2018.
Referred to the Planning, Licenses
and Development Committee.

A handwritten signature in black ink, appearing to read "Patricia Cottle". The signature is written in a cursive style.

City Clerk

August 28, 2018

City of Keene
Keene City Council
3 Washington St
Keene, NH 03431

City Council Members:

I give permission for Keene Auto Body to use 80 Silent Way, Keene NH for their Class B Fireworks display on September 29th. The fireworks will be at the end of their 90th Anniversary Celebration, taking place at approximately 9pm.

Sincerely,

Steven Walsh
Owner
80 Silent Way

A handwritten signature in cursive script that reads "Steven Walsh". The signature is written in black ink and is positioned below the typed name and address.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
07/24/2018

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

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


PRODUCER FEDERATED MUTUAL INSURANCE COMPANY HOME OFFICE: P.O. BOX 328 OWATONNA, MN 55060		CONTACT NAME: CLIENT CONTACT CENTER PHONE (A/C, No, Ext): 888-333-4949 FAX (A/C, No): 507-446-4664 E-MAIL ADDRESS: CLIENTCONTACTCENTER@FEDINS.COM	
INSURED 381-295-5 KEENE AUTO BODY INC 543 MAIN ST KEENE, NH 03431-4038		INSURER A: FEDERATED MUTUAL INSURANCE COMPANY INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	NAIC # 13935

COVERAGES **CERTIFICATE NUMBER: 18** **REVISION NUMBER: 0**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	N	N	9325641	09/01/2018	09/01/2019	EACH OCCURRENCE	\$1,000,00
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$100,00
							MED EXP (Any one person)	EXCLUDE
							PERSONAL & ADV INJURY	\$1,000,00
							GENERAL AGGREGATE	\$2,000,00
							PRODUCTS - COMP/OP AGG	\$2,000,00
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY	N	N	9325641	09/01/2018	09/01/2019	COMBINED SINGLE LIMIT (Ea accident)	\$1,000,00
							BODILY INJURY (Per person)	
							BODILY INJURY (Per accident)	
							PROPERTY DAMAGE (Per accident)	
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION	N	N	9325643	09/01/2018	09/01/2019	EACH OCCURRENCE	\$2,000,00
							AGGREGATE	\$2,000,00
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N	N / A				PER STATUTE	OTH-ER
							E.L. EACH ACCIDENT	
							E.L. DISEASE - EA EMPLOYEE	
							E.L. DISEASE - POLICY LIMIT	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER 381-295-5 18 0 CITY OF KEENE 3 WASHINGTON ST KEENE, NH 03431-3124	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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External Communication
Transmittal Form

September 4, 2018

TO: Mayor and Keene City Council

FROM: Christine and Edward Sweeney

THROUGH: Patricia A. Little, City Clerk

ITEM: C.7.

SUBJECT: Christine and Edward Sweeney - Offer of Donation to the City - Land at 0 Apollo Avenue

COUNCIL ACTION:

In City Council September 6, 2018.

Referred to the Finance, Organization and Personnel Committee.

ATTACHMENTS:

Description

Communication - Sweeneys

BACKGROUND:

The Sweeneys are offering to donate to the City a small tract of land that has been in their family for years and which contains wetlands, which have become larger due to the flow of surface water. The property is located at 0 Apollo Avenue.

In City Council September 6, 2018.
Referred to the Finance, Organization
and Personnel Committee.

Patricia C. Cuth

RECEIVED
CITY OF KEENE

AUG 20 2018

OFFICE OF
CITY CLERK

August 28, 2018

To the Honorable Mayor and City Council
City of Keene
3 Washington Street
Keene, NH 03431

Re: 0 Apollo Ave
TMP: 509/020/000/000/000

Dear Mayor and City Council:

The above identified property is currently owned by The Christine M. Sweeney,
Revocable Trust of 2009, Christine M. Sweeney, Trustee, and Edward C. Sweeney, III.

The property has been in the family for years. It is a small tract of land and is partially wetlands. The wetlands portion of the property is becoming bigger due to the flow of surface water and the use of adjacent property owners of their adjacent property. We do not believe the above property is capable of being developed. Property taxes have been paid for years with no or little hope of using or selling it. We have come to a conclusion that we would like to convey the property to the city for use as a local park or whatever use the City of Keene might make of it. We would expect no payment from the city.

Very truly yours,

Christine M. Sweeney
Christine M. Sweeney, *as Trustee*

Edward C. Sweeney III
Edward C. Sweeney, III

P.S. Apologies for the informality of this letter. Please consider our proposal and advise us at your earliest convenience.

*651 Park Avenue, Apt. 68
Keene, N. H. 03431-1597
(603) 357-3205*



External Communication
Transmittal Form

September 4, 2018

TO: Mayor and Keene City Council

FROM: The Reverend Sandra Whippie

THROUGH: Patricia A. Little, City Clerk

ITEM: C.8.

SUBJECT: Sandra Whippie/Monadnock Interfaith Project - Correction to the Public Record

COUNCIL ACTION:

In City Council September 6, 2018.
Communication filed as informational.

ATTACHMENTS:

Description

Communication - Whippie

BACKGROUND:

The Monadnock Interfaith Project had previously written the City Council about the need for public toilets. In their communication a reference was made that a Denis Vaillancourt was representing the Monadnock Humane Society and was working on this effort. That representation is not accurate and the Monandock Interfaith Project is rquesting that the public record be corrected.

RECEIVED
CITY OF KEENE

AUG 03 2018

OFFICE OF
CITY CLERK



Monadnock Interfaith Project

Building Inclusion to the Community for Community, Understanding and Respect

MonadnockInterfaith.Wordpress.Com

MonadnockInterfaith@Gmail.Com

July 5, 2018

Keene City Council
3 Washington St
Keene, New Hampshire
03401

Dear Council,

On May 3, the Monadnock Interfaith Project (MIP) presented a letter to the Keene City Council advocating on the issue of public toilets in the City of Keene.

In the letter, persons were listed who have been working on this project with MIP, including Denis Vaillancourt who was identified in the letter as associated with the Monadnock Humane Society. In recent communications, the Monadnock Humane Society (MHS) has expressed to MIP that Mr. Vaillancourt does not have authority to represent MHS and should not have been identified in this way.

MIP regrets this misrepresentation and wishes to correct the record by requesting this letter of clarification be attached to the original letter from MIP on file in the records of the council. We also request that this letter of clarification be read orally into the record at next City Council meeting so that it may be reflected in the official minutes.

Thank you for your assistance with making this clarification.

Sandra J. Whippie

Re: Sandra J. Whippie
Chairperson, Guiding Council
Monadnock Interfaith Project

In City Council September 6, 2018.
Communication filed as informational.

Patricia Castle

City Clerk



External Communication
Transmittal Form

August 14, 2018

TO: Mayor and Keene City Council

FROM: Councilor Mitchell H. Greenwald

THROUGH: Patricia A. Little, City Clerk

ITEM: C.9.

SUBJECT: Councilor Mitchell H. Greenwald - In Support of the Expansion of the 79E District

COUNCIL ACTION:

In City Council September 6, 2018.
Communication filed as informational.

ATTACHMENTS:

Description

Communication - Greenwald

BACKGROUND:

Councilor Greenwald is indicating his support for the expansion of the 79E Economic Revitalization District to encourage improvement and rehabilitation of the downtown.



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

August 14, 2018

Re: Expansion and Implementation of 79E

To: Mayor and Council

One of the goals identified by the Economic Development Committee that I chaired in 2016 was to adopt and implement the program. This will encourage the improvement and rehabilitation of downtown Keene properties, by means of short term property tax assessment relief.

It is my desire to expand the program to additional areas of the downtown, and include residential single and multifamily dwellings, as allowed by the NH State legislation.

I look forward to attending the committee meetings when this matter will be discussed to speak to the issue.

Sincerely,

Mitchell Greenwald

In City Council September 6, 2018.
Communication filed as informational.

City Clerk



External Communication
Transmittal Form

September 4, 2018

TO: Mayor and Keene City Council

FROM: Councilor Mitchell H. Greenwald & Councilor David C. Richards

THROUGH: Patricia A. Little, City Clerk

ITEM: C.10.

SUBJECT: Councilors Greenwald and Richards - Use of Remaining Fund Balances at the End of the Fiscal Year

COUNCIL ACTION:

In City Council September 6, 2018.

Referred to the Finance, Organization and Personnel Committee.

ATTACHMENTS:

Description

Communication - Greenwald and Richards

BACKGROUND:

Councilors Greenwald and Richards are requesting that the City Council consider allocating 50% of fund balances remaining at the end of a fiscal year to the reserve fund and 50% to reducing the bonding for the next year's CIP projects budget.

To the City of Keene

August 9, 2018

From:

Mitchell Greenwald

Chair Finance, Organization and Personnel

David Richards

Chair Planning, Licenses and Development

RE:

Monthly/Annual Fund balances

We request that the Mayor forward this request for discussion to the FOP committee.

As we have discussed in the past these are two issues that that have come to the attention of the City Council:

Fund balances and Bond debt

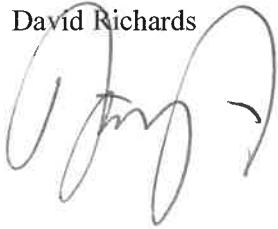
We would like to review moving any fund balances remaining at the end of the fiscal year to the following:

- 50% to be sent to the reserve fund
- 50% to be sent to reducing the bonding for the next years CIP projects budget

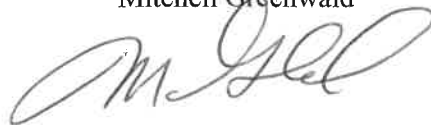
We feel that by doing this we could both help in reducing bond indebtedness and grow the fund balances.

Thank you for your consideration.

David Richards



Mitchell Greenwald



In City Council September 6, 2018.

Referred to the Finance, Organization
and Personnel Committee.



Patricia Cuthbert
City Clerk



City of Keene, N.H.
Transmittal Form

August 29, 2018

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities & Infrastructure Committee

ITEM: D.1.

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

COUNCIL ACTION:

In City Council September 6, 2018.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to release an easement across 48 Stanhope Avenue.

BACKGROUND:

The City Attorney said the applicant, Ms. Gilbert, was not at the meeting, but requested the Committee proceed in her absence. Attorney Mullins continued that the City took 54 Stanhope Avenue (which directly abuts 48 Stanhope Avenue) by tax deed earlier this year, so this process was delayed while that came to conclusion. The deed included a mutual easement for both of those properties; the intent of the easement was to provide a common driveway space between the two houses. When 54 Stanhope Avenue changed owners, they made additions to the property that negated the need for the easement because they shifted their driveway to the other side of the building. He and the City Engineer visited the property and confirmed there is no longer a requirement for the easement; additionally releasing the easement will reduce tensions between the two neighbors. He recommended the City Manager be authorized to do all things necessary to release this easement.

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

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to release an easement across 48 Stanhope Avenue.



City of Keene, N.H.
Transmittal Form

August 29, 2018

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

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

COUNCIL ACTION:

In City Council September 6, 2018.

Referred back to the Planning, Licenses and Development Committee.

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that the portion of City owned property located to the rear of 527 and 529 Washington Street, and to the West of Beaver Brook, being an unused part of Ellis-Harrison Park, be declared surplus property for purposes of Resolution R-2010-31, and that the request to purchase the property be referred to the Finance, Organization and Personnel Committee for further recommendation.

BACKGROUND:

Rhett Lamb, ACM/Community Development Director introduced the applicant Daron Friedman. Mr. Friedman explained he acquired the 529 Washington Street property last year and discovered he only owns about eight feet past his building. The abutting property is a City park. Mr. Lamb referred to the slide depicting the properties. Mr. Lamb confirmed for Chair Richards the property under discussion is a designated City Park. He continued the park property is to the east side of Beaver Brook with a park facility and access off of 93rd Street. The area Mr. Friedman is interested in is the back of the two properties which is mainly floodplain, steep slope, and undeveloped treed area. It is not accessed for park purposes in any way. Mr. Lamb noted the City acquired the property in the 1960's through a tax deed process.

Mr. Lamb referred to Resolution R-2010-31 Relating to the Sale of City owned Real Property and explained the two step process:

- Council determines whether or not the property is surplus
- If Council determines the property is surplus a report/appraisal/evaluation of special circumstances is prepared and sent through the City Manager to the FOP Committee. The FOP Committee would determine if the property could be sold and under what circumstances.

Mr. Lamb advised we are here tonight to discuss the first step; to determine whether or not the property is surplus. Chair Richards asked what could be built there. Mr. Lamb indicated the location is not something the City would consider for development. He pulled up the slide depicting the floodplain layer in the area. Andy Bohannon, Parks & Recreation Director concurred with Mr. Lamb's comments adding we stay in the maintained area (George Street side) and do not go on the other side of the Brook at all. Mr. Lamb commented there are four to five abutters to this property and the City has no access to this land from Washington Street.

Chair Richards asked the City Attorney about the rules when something is dedicated as a park. Attorney Mullins noted the research he did and that he prepared an internal memo today for staff. Attorney Mullins reported there is an applicable State Statute which he explained for those present. He continued the process is the same as a discontinuance of a highway. This is a process Council is aware of and will have to run if the property is determined to be surplus. Attorney Mullins also noted this would be only a partial discontinuance of the Park. He also explained a public hearing is part of the process.

Chair Richards asked for Committee questions or comments.

Councilor Rice asked if the public hearing had to happen first. Attorney Mullins indicated Council could make the determination but the public hearing would have to happen before the transfer.

Councilor Hansel asked if the section of the stream was in a natural state and is there any reason the City would have to go in there, in the future, to make improvements. Mr. Lamb replied he is not aware of any improvements in this section like there are further downstream. He continued in this area it would be easy to conclude it is a natural stream.

Councilor Jones asked if we can consider it parkland if we do not have access to it. Attorney Mullins replied in the affirmative. He pointed out there is a 15-foot reserved Right-of-Way and we are researching its underlying intent and who has access to it. The City does have some drainage issues with this property so we would want to retain some kind of right of access or easement. There are still things we need to look at he added. Councilor Jones asked about Planning Board steps. Mr. Lamb indicated one part of the process would be approval of a subdivision plan or boundary line adjustment. He also noted the importance of having the survey information prepared before the transfer. Councilor Jones asked if this is where the public would weigh-in on flooding. Mr. Lamb suggested the flooding issue would probably come up at the public hearing prior to the Planning Board step(s). Attorney Mullins confirmed the discontinuance notice would include abutters.

Councilor Hansel commented in most cases the property would be put on the open market. He then asked if that would be the case here. The City Manager commented in this case, because of the location restrictions it is really only valuable to the abutters. One of the things we were looking at doing in the future is an amendment to the Resolution for Tax Deeded Property. There is some language not yet adopted locally that would make the process easier to go through. For this instance we were talking about making sure the abutters were notified and that they have the opportunity to weigh-in if they have interest in the property. Because of the restrictions and access this was not something we were recommending to be open to the general public. Taking it a little further Attorney Mullins commented this is going to be interesting; all three Committees of the City Council will be taking a look at this thing. You are here tonight to make a recommendation on whether or not it should be surplus property. He reiterated the process that would take place after the determination. He also noted because this property has been in the City's possession for over 10 years it is not subject to any of the other rules otherwise associated with tax deeded property. Mr. Lamb also pointed out if and when this portion of the property is severed it would no longer have frontage on a Class V highway so arguably it would not comply with the zoning ordinance as a free-standing lot. This goes to the City Manager's comment that it is only really usable by abutters.

Councilor Sapeta asked if it would be possible to sell it to a non-profit entity that wants to preserve it forever. Mr. Lamb replied he believes that would be possible if it complied with the zoning ordinance unless it was established as purely conservation use. Councilor Sapeta said he is looking at it from the perspective is it fair to open this for only one person to buy. He does concur with the environmental issues. Mr. Lamb noted these things can be part of the report provided to the City Manager and then onto the appropriate Committees. Chair Richards noted we will be doing a site visit for this thing to move forward. Attorney Mullins reiterated the steps in the process and confirmed the land would stay as a park if it fails at any one of the steps. Chair Richards commented he is in favor as far as let's see what else happens. Councilor Jones asked if step three would be the

discontinuance, site visit by City Council, and a public hearing. Attorney Mullins replied in the affirmative.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that the portion of City owned property located to the rear of 527 and 529 Washington Street, and to the West of Beaver Brook, being an unused part of Ellis-Harrison Park, be declared surplus property for purposes of Resolution R-2010-31, and that the request to purchase the property be referred to the Finance, Organization and Personnel Committee for further recommendation.



City of Keene, N.H.
Transmittal Form

August 29, 2018

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.3.

SUBJECT: 79-E Community Revitalization Tax Relief Incentive District Expansion - Economic Development, Initiatives & Special Projects

COUNCIL ACTION:

In City Council September 6, 2018.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that City Council authorize City staff to draft a Resolution to expand the existing NH RSA 79-E district.

BACKGROUND:

Medard Kopczynski, Economic Development Director reported Staff has had several recent conversations with property owners in the Central Business District where they have expressed a desire to utilize 79E property tax incentives. The existing 79E district adopted in December 2017, is limited to the area along the Marlboro Street corridor within the "Business Growth and

Redevelopment" and the "Neighborhood Business" Zoning districts. An expansion of the area covered by RSA 79E could provide an economic incentive to renovate some underutilized buildings within the downtown Main Street corridor and further our economic development and expansion goals. Mr. Kopczynski specifically noted Zack Luce and Patty Moreno as interested parties. After conversations with Rhett Lamb and the City Manager he would like to recommend expansion of the district. Mr. Kopczynski confirmed tonight we are only requesting authorization to create the resolution.

Mr. Kopczynski referred to the attached map provided in the Committee packet and noted the map shows an expansion to support economic development in the downtown. To be eligible for 79E, the proposed project must meet public benefit criteria to enhance downtowns and town centers with respect to economic activity, cultural and historic character, sense of community, and in town residential uses that contribute to economic and social vitality. In addition, RSA 79E states that it is a public benefit to encourage the rehabilitation of the many underutilized structures in urban and town centers as a means of encouraging growth of economic, residential, and municipal uses in a more compact pattern, in accordance with RSA 9-B. The expanded area shown on the map is consistent with a logical definition of downtown Keene and when combined with the existing 79E district, which currently covers the Marlboro Street corridor, creates a defined downtown ready for redevelopment. The renovation and restoration of historic structures is a clear goal of 79E. Mr. Kopczynski continued, in addition to the Central Business District, parts of the Central Business Limited District, and a small portion of the Residential Preservation District on both sides of Grove Street is included, which is the only residential area that logically fits a downtown definition; bridging the existing and proposed 79 E districts.

Noting previous discussions Chair Richards asked why this would be a benefit now. Mr. Kopczynski replied specifically to the inquiries we received in the Downtown District. He also noted there were no inquiries from Marlboro Street. Mr. Kopczynski noted his intent to send a mailer out to the property/business owners in the Marlboro Street District (in process). The City Manager noted previous concern about overlaying in the TIF District adding nothing in the TIF District will be jeopardized. She continued we now understand the financing mechanisms in place and the timing is right.

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

Councilor Sapeta commented this is good news and noted his interest in expanding to the south. He asked if it was possible to get the mailers out faster to obtain more feedback. The City Manager replied tonight is our first step and we fully expect to have more conversations about the boundaries. She also noted we are limited to some degree based on our zoning map. Staff wants to be more responsive and efficient this time because we do have some willing participants who could make significant investments in our downtown.

Councilor Hansel commented this is an important adjustment to make; he sees this as a natural and timely adjustment to our plans. Councilor Hansel explained this is still an experimental thing. He noted his work on a similar idea based around housing and suggested getting experience on the commercial side is a good thing.

Councilor Jones clarified this is not a tax break, but a tax deferral on the improvements made. He addressed Councilor Sapeta's question noting this is coming back to us as a draft at which time we can change it. Councilor Jones added he likes the way the motion is written and looks forward to passing this. Chair Richards clarified we cannot change it anyway we want; it depends on what has been designated. With that said when this comes back we will see what the parameters of what could be done versus where we are; then we will know better how this will progress. Councilor Jones clarified he meant that would be the time to ask for the changes. Mr. Lamb commented we would be happy to review the options with the Committee. Councilor Sapeta asked if there was a timeline. Mr. Kopczynski commented the mailers are going out to the district already established; they really have nothing in particular to do with this. He explained we are trying to get business owners excited about what the City is doing. Mr. Kopczynski added he was surprised they have little knowledge about what the City is doing.

Carl Jacobs, asked what BGR meant. Mr. Lamb explained it is a zoning district created around Marlboro Street (Business, Growth, and Redevelopment). It is a combination of industrial and commercial districts that used to exist there.

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that City Council authorize City staff to draft a Resolution to expand the existing NH RSA 79-E district.

The City manager commented she wanted to recognize the work Mr. Lamb, Mr. Kopczynski, Ms. Kessler, and Ms. Landry are doing around economic development and redevelopment. She continued this is working in large part due to City Council approving the plan we put forward.



City of Keene, N.H.
Transmittal Form

August 29, 2018

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.4.

SUBJECT: NHMA Legislative Policies - City Manager

COUNCIL ACTION:

In City Council September 6, 2018.
Report filed as informational.

RECOMMENDATION:

On a vote of 5-0, the Planning, Licenses and Development Committee accepted the memorandum from the City Manager on the 2019-2020 NHMA Legislative Policies as informational.

BACKGROUND:

The City Manager referred to the informational memo in the packet noting she is also looking for feedback from the Committee. The NHMA will be voting on its 2019-2020 legislative policies at their Legislative Policy Conference on Friday, September 14th. The policy recommendations reflect three focus areas: General Administrative and Governance, Finance and Revenue, and Infrastructure, Development and Land Use. In each category there are three types of policies:

Action Policy Recommendations, which, if adopted, would be drafted by staff for introduction in the 2019-2020 legislature session, Priority Policy Recommendations, which may be developed into legislation depending on staff resources and other factors and Standing Policy Recommendations, which give guidance to NHMA staff if legislation is submitted by others. Included in the packet are the final recommendations that are going forward. Each municipality's voting delegate will be asked to vote on the policy recommendations. Beth Fox, who is a member of the Board of Directors of NHMA, will be the City's voting delegate. The City Manager noted staff members are present to answer any questions. Staff has already provided their feedback. Included in the packet are floor policies and a letter the Mayor has signed onto in regards to some energy bills. The General Court is expected to convene on September 13 to consider overriding the governor's vetoes on several bills. Two of the bills are important to municipalities. SB 446, which would increase the maximum allowable capacity for net-metered renewable energy projects from one megawatt to five megawatts and SB 365, which would require electric distribution companies to buy energy from six eligible biomass facilities and one waste-to-energy facility, all located in New Hampshire.

Chair Richards asked for Committee questions or comments.

Councilor Hansel commented it looks pretty straight forward. Councilor Sapeta also commented he feels if this goes through the Council there is a better possibility of disseminating information to the public. Councilor Sapeta encouraged the City Manager to look for ways of getting this to the Council so they can weigh-in. The City Manager agreed as more important bills come through we will do that. Councilor Jones added one or two

of these are already supported by our Comprehensive Master Plan/Economic Development Plan so we have a good starting point to take a position on this.

Chair Richards asked for public questions or comments.

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

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

On a vote of 5-0, the Planning, Licenses and Development Committee accepted the memorandum from the City Manager on the 2019-2020 NHMA Legislative Policies as informational.



City of Keene, N.H.
Transmittal Form

August 30, 2018

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.5.

SUBJECT: Pressure Reducing Valve Replacement at the Water Treatment Facility - Public Works Department

COUNCIL ACTION:

In City Council September 6, 2018.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City's purchasing requirements be waived and the City Manager be authorized to do all things necessary to sole source purchase a Pressure Reducing Valve (PRV) and strainer from CLA-VAL for an amount not to exceed \$25,274.

BACKGROUND:

Public Works Operations Manager, Aaron Costa and Asst. Public Works Director, Donna Hanscom addressed the Committee first and made reference to an amendment to the motion language. He asked that the words "sole source" be added to the suggested motion. Mr. Costa explained the pressure reducing valve is located at the water treatment facility on Roxbury Road. This valve is designed to reduce pressure to incoming water because the reservoirs on Roxbury Road are on a higher elevation than the water treatment facility (90 psi). The facility is not designed to treat water at this pressure level.

Mr. Costa stated this valve was originally constructed in 1993 and turbines were installed in 2011 to create electricity. Since the turbines were installed there have been some operational issues at the treatment facility. In 2016 the city contracted with Hoyle Tanner Associates to look at the pressure fluctuations of these valves. Hoyle Tanner, after its review, is recommending a 12-inch cla-val which will be better for the city's operation. This work was budgeted for in the 2019 CIP at a cost of \$86,000. However, because this valve is a direct replacement and staff can do the work, it will save the city about \$57,000 and the contractor is offering the valve for a 90-day trial. He added if the city was to go out to bid, additional engineering specifications would be required. He further stated even though the city will be moving from the one-valve system, this new system will be able to handle either the one turbine or both turbines while they are in operation.

Vice-Chair Jacobs asked where the savings of \$57,000 comes from. Mr. Costa stated this comes from not having to install two pressure reducing valves.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City's purchasing

requirements be waived and the City Manager be authorized to do all things necessary to sole source purchase a Pressure Reducing Valve (PRV) and strainer from CLA-VAL for an amount not to exceed \$25,274.

August 30, 2018

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.6.

SUBJECT: Mixers at the Wastewater Treatment Plant - Public Works Department

COUNCIL ACTION:

In City Council September 6, 2018.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 3-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to sole source purchase two Anco Mixers from Enviropax, Inc. for an amount not to exceed \$42,925.00.

BACKGROUND:

Mr. Costa requested a change to the motion language for this item as well to add the words "sole source". Mr. Costa went on to explain the wastewater treatment facility is a conventional activated sludge treatment facility and uses micro-organisms to breakdown wastewater. It is a rectangular tank which holds 1.6 million gallons of water and is divided into eight, 200,000 gallon cells and four of those cells require mixing. Two of them are ready to be replaced. They use 30hp motors, they are 30-years old and are no longer energy efficient.

Mr. Costa went on to say the Anco mixers being recommended use 3 hp motors, and will save the city close to \$3,700 a year in electrical costs and about \$500 a year in oil. Funding for this project was recommended through the 2017 CIP program and the recommendation is to sole source and purchase two Anco mixers for an amount not to exceed \$42,925.

Councilor Powers asked who will install these mixers. Mr. Costa stated they will be installed by staff. The Councilor asked how old the existing mixers are. Mr. Costa stated one is about 12 years old and the other is about eight years old.

Vice-Chair Jacobs noted 30hp down to 3hp seems striking and asked whether they were over designed the first time. Ms. Hanscom stated this is a different treatment process than what the city had which required a bigger mixer.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to sole source purchase two Anco Mixers from Enviropax, Inc. for an amount not to exceed \$42,925.00.



City of Keene, N.H.
Transmittal Form

August 31, 2018

TO: Mayor and Keene City Council

FROM: Conservation Commission

ITEM: F.1.

SUBJECT: Land Acquisition Request – Beaugard Property off Chapman Road (TMP# 241-018-000 000-000) - Conservation Commission

COUNCIL ACTION:

In City Council September 6, 2018.

Referred to the Finance, Organization and Personnel Committee.

RECOMMENDATION:

To recommend that City Council authorize the City Manager to do all things necessary to negotiate the purchase of 27.5 acres of land off Chapman Road belonging to the Beaugard family.

Motion made by Dr. Denise Burchsted and seconded by Councilor, which carried unanimously, at the August 20, 2018 Conservation Commission meeting.

BACKGROUND:

At its meeting on August 20, 2018, the Conservation Commission received a presentation from Mr. Bill Beaugard regarding his interest in having the City purchase a 27.5-acre parcel of land off Chapman Road on Beech Hill (TMP# 241-018-000 000-000, which abuts three City owned parcels that compose the Beech Hill Conservation Area. The Conservation Commission unanimously moved to recommend the City Council authorize the City Manager to do all things necessary to negotiate the purchase of this parcel. The portion of the August 20, 2018 meeting minutes for this agenda item/discussion topic are included below.

Conservation Land Purchase Request – Beaugard, Chapman Road/Beech Hill Parcel

Mr. Beaugard referred to the letter in the meeting packet he submitted to the Commission. He is the executor of his father's (Robert A. Beaugard) estate. Before passing, his father had extensive conversations with the Commission and the City about acquiring his 27.5 acres of land that fronts Chapman Road, adjacent to the Beech Hill conservation area, which the City already owns. There is 2,700 feet of common boundary. There is an old wood road on the property, which leads to an outlook on Beech Hill that the City has maintained for many years with his father's permission. He shared photos to demonstrate that the property spans the whole face of Beech Hill, making it a prominent visual feature when driving into Keene. The Community Development Director and the Director of Parks, Recreation & Facilities suggested he gauge the Commission's level of support for acquiring the land before he explores development interest.

Dr. Reilly asked about steep slopes on the property. Mr. Beaugard replied that page 14 of the meeting packet demonstrates the slopes, particularly on the northern part of the property. Ms. Chalice noted that 25-45 degree

slopes cover the whole property, meaning the City Hillside Protection Ordinance would preclude development on this site without a variance.

Councilor Hansel recalled when the Commission discussed this property previously and decided this was the most appropriate use of Land Use Change Tax funds, particularly because it is adjacent to City-owned conservation land. Mr. Beauregard noted that there was a time in the past when the Conservation Commission had previously voted to proceed with purchase of the land. The City Council had approved money for appraisal of the land, and they were discussing terms of sale before his father passed.

Mr. Walker asked the Commission's purpose in this situation. Ms. Chalice replied that the Commission needs to determine if they want to recommend the City Council proceed with purchasing this land. The Land Use Change Tax funds would be the funding source for this acquisition, if the Council approves it. There is currently approximately \$148,000 in the Land Use Change Tax fund.

Councilor Hansel and other members agreed that this purchase would be consistent with themes the Commission has prioritized in recent years, particularly: wildlife corridors, watershed protection, continuity of conservation land, and greenways/recreation.

Dr. Bergman asked the physical condition of the land. Mr. Beauregard replied it is wooded and forested heavily; there are ledges and a significantly utilized trail network (unmaintained) that connects to the Beech Hill trails. Mr. Beauregard confirmed the physical condition of the land has not changed since the Commission voted to support acquisition of the property in 2010 (e.g., no logging, etc.). Mr. Bergman asked if there is competing land acquisitions the Commission should consider. Ms. Chalice replied no. Additionally, she shared the April 5, 2010 Commission motion to negotiate purchase of the land via email.

Vice Chair Madison said his primary concern is steep slopes; if logged or cut there would be significant impacts on the Beaver Brook watershed.

Mr. Bergman asked about maintenance if the City buys the land. Ms. Chalice replied the Commission could add it to a list of parcels for conservation plans. Councilor Hansel replied the City has maintained the watershed historically but does no other maintenance on the property currently. He continued that these opportunities are rare and align well with City conservation initiatives. This opportunity makes sense to him based on the funding source, a tax to mitigate development impacts. Dr. Reilly agreed because if the next owner decided to log it, there would be a significant visual impact in the City. Dr. Burchsted noted it is important to remind Council that the Commission arrived at this same conclusion once before.

Dr. Burchsted moved to recommend that City Council authorize the City Manager to do all things necessary to negotiate the purchase of 27.5 acres of land belonging to the Beauregard family, which Councilor Hansel seconded and the Conservation Commission carried unanimously."



City of Keene, N.H.
Transmittal Form

August 20, 2018

TO: Mayor and Keene City Council
FROM: Thomas P. Mullins, City Attorney
ITEM: H.1.
SUBJECT: Relating to the Tax Lien Process

COUNCIL ACTION:

In City Council September 6, 2018.
Referred to the Finance, Organization and Personnel Committee.

RECOMMENDATION:

That the attached Ordinance O-2018-11, Relating to the Tax Lien Process, be referred to the Finance, Organization and Personnel Committee for review and recommendation back to the City Council.

ATTACHMENTS:

Description

Ordinance O-2018-11

BACKGROUND:

In certain circumstances, NH RSA 80:80, Transfer of Tax Lien, provides an alternative to the disposition of tax deeded property other than through a request for quotes or formal bid process. For tax deeded properties that are not favorable for sale in an open market, they may be disposed of to an abutter or by another non-conventional means of disposition. The attached Ordinance provides flexibility to proceed as necessary.



CITY OF KEENE

O-2018-11

Eighteen

In the Year of Our Lord Two Thousand and

Relating to the Tax Lien Process

AN ORDINANCE

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

That the Ordinances of the City of Keene, as amended, hereby are further amended by deleting the stricken text and inserting the bolded text in Section 86-28, Lien Process, of Chapter 86, Taxation and Assessments, Article II, Property Taxation, as follows:

Sec. 86-28. - Lien process.

~~The city adopts the provisions of state statutes applicable to the tax lien process in the collection of delinquent taxes.~~

- (a) **The city adopts the provisions of state statutes applicable to the tax lien process in the collection of delinquent taxes.**
- (b) **The mayor, through delegation to the city manager, may dispose of a lien or tax deeded property as justice may require, and such authority shall continue indefinitely, until rescinded.**

Kendall W. Lane, Mayor

In City Council September 6, 2018.
Referred to the Finance, Organization
and Personnel Committee.


City Clerk