



KEENE CITY COUNCIL  
Council Chambers, Keene City Hall  
November 1, 2018  
7:00 PM

Roll Call  
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- October 4, 2018

**A. HEARINGS / PRESENTATIONS / PROCLAMATIONS**

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

1. Nomination  
Martin Luther King, Jr./Jonathan Daniels Committee
2. Confirmation  
Energy and Climate Committee

**C. COMMUNICATIONS**

1. KeeneSnoRiders Snowmobile Club - Request to Use City Property
2. Nancy Gillard & Suzanne Butcher - New Energy Goals for the Community
3. John Croteau, Jr. - Syd's Carpet & Snooze Road - Request for Loading Zone - 41 James Street
4. Todd Tousley - Request for the Installation of a Sidewalk - Chapman Road

**D. REPORTS - COUNCIL COMMITTEES**

1. Community Center Discussion-Parks, Recreation and Facilities Director
2. Draft Ordinance: Relating to the Purchase, Use, and Possession of Tobacco Products - City Attorney
3. FAA Land Lease - Memorandum of Agreement – Airport Manager
4. Donna Forte – Lodging House License Renewal – 57 Winchester Street
5. Acceptance of NH Network Diversion Funding - Youth Services
6. Acceptance of Holiday Family Sponsorships - Finance Department
7. Acceptance of NH Highway Safety Agency Grant - Police Department
8. Acceptance of Bulletproof Vest Partnership Grant Program - Police Department
9. Acceptance of Drug Forfeiture Distribution - Police Department
10. Woodward Dam Improvements - Permit Application Fees - Public Works Department

11. Design Change Order – Goose Pond Dam Improvements Project - Public Works Department
12. Construction Change Order - Babbidge Reservoir Dam Improvements - Public Works Department

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

1. City Manager Comments

**F. REPORTS - BOARDS AND COMMISSIONS**

**G. REPORTS - MORE TIME**

1. Monadnock Conservancy - Conservation Easement Fees for 105 Daniels Hill Road Property
2. Future Consideration of 12 Gilbo Avenue - Parks, Recreation and Facilities Department

**H. ORDINANCES FOR FIRST READING**

**I. ORDINANCES FOR SECOND READING**

1. Relating to Parking  
Ordinance O-2018-19

**J. RESOLUTIONS**

1. In Appreciation of James F. McLaughlin Upon His Retirement  
Resolution R-2018-31
2. In Appreciation of Timothy P. Clark Upon His Retirement  
Resolution R-2018-32
3. 79-E Community Revitalization Tax Relief Incentive District Expansion Resolution  
Resolution R-2018-33

Non Public Session  
Adjournment

10/04/2018

A regular meeting of the Keene City Council was held Thursday, October 4, 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, Gary P. Lamoureux, Bettina A. Chadbourne, Philip M. Jones, David C. Richards, and Mitchell H. Greenwald were present. Councilor Stephen L. Hooper was absent. Councilor Powers led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the September 20, 2018, regular meeting was duly seconded. The motion passed with a unanimous vote in favor.

#### ANNOUNCEMENTS – MAYOR

The Mayor reminded City Councilors that they have been invited to attend the annual Fire Prevention Parade on Sunday, October 7, 2018. The viewing stand will be located on Railroad Square. In addition, Councilors are invited to attend the Annual Inspection Dinner at Central Station on October 11, 2018.

Mayor Lane continued that the October 18, 2018 City Council meeting is being canceled because he and several City Councilors will be in Einbeck, Germany with our Sister City Delegation. The Standing Committee meetings scheduled for October 10 and 11, 2018 are canceled as well. He added that looking forward into November and December, the Standing Committee meetings of November 21 and 22 will move to November 28 and 29, 2018 to accommodate the Thanksgiving Holiday. We will also be canceling the Standing Committee meetings on Dec. 26 and 27, 2018. Also related to the schedule of meetings, the Mayor stated that there will be a City Council Workshop on the right-to-know on January 3, 2019. This would have been our first meeting in 2019, however with the previous week's Standing Committees canceled; January 3rd has been repurposed as the date for the workshop. He noted the workshop will start at 6:00 PM, and New Hampshire Municipal Association staff attorneys will be presenting on the subject.

The Mayor went on to announce that the City has recently begun an initiative to enhance its efforts to recruit new members to fill several vacancies on City Boards and Commissions that will be opening up at the end of the year. This was prompted by a request from Councilors Rice and Sapeta to pursue diversity in those participating on City public bodies. To assist with this effort, staff has created a new volunteer submittal form that can be found on the City website, along with a listing of boards with upcoming vacancies. In addition, staff has created a promotional video that, along with the web form, will be shared on various social media platforms including Facebook, Instagram and Twitter. Mayor Lane noted he wants to emphasize that this is a great way to engage and become involved in the community, and a commitment of one meeting per month can make a huge impact.

Finally, the Mayor stated that a recent online auction the City participated in to in an effort to buy back the key to the City of Keene that was given to Robin Williams was unsuccessful. The Mayor noted this key was given by former Mayor Bill Lynch in 1994 after the filming of Jumanji had concluded. The key was purchased for \$2,000.00, well over what was anticipated.

#### PROCLAMATION – TRICK OR TREAT

The Mayor presented a proclamation to Parks, Recreation and Facilities Director Andy Bohannon proclaiming October 31, 2018 from 5:00 PM to 7:00 PM as Trick or Treat Day in the City of Keene.

#### PROCLAMATION – FRIENDS OF THE KEENE PUBLIC LIBRARY FALL BOOK SALE

The Mayor presented a proclamation to Friends of the Keene Public Library member David Meader proclaiming October 19<sup>th</sup> to October 21<sup>st</sup> as Friends of Keene Public Library Week in the City of Keene and announcing that the Fall Book Sale will be held on Friday, October 19<sup>th</sup> from 9:00 AM to 6:00 PM, Saturday, October 20<sup>th</sup> from 9:00 AM to 5:00 PM, and Sunday, October 21<sup>st</sup> from 9:00 AM to 2:00 PM.

#### PROCLAMATION – FIRE PREVENTION WEEK

The Mayor presented a proclamation to Fire Chief Mark Howard proclaiming October 7<sup>th</sup> to October 13<sup>th</sup>, 2018 as Fire Prevention Week in the City of Keene.

#### PRESENTATION OF RETIREMENT RESOLUTION – ELIZABETH SAYRE

The Mayor presented a Resolution to Elizabeth Sayre in honor of her recent retirement. The Resolution noted her many accomplishments during her tenure with the City and expressed gratitude for her years of service.

#### NOMINATION – ENERGY AND CLIMATE COMMITTEE

The following nomination was received from the Mayor: Kenneth M. Dooley to serve as a regular member of the Energy and Climate Committee, with a term to expire December 31, 2018. The nomination was tabled until the next regular meeting.

#### MSFI REPORT – ROXBURY STREET BRIDGE REPLACEMENT – SELECTION OF A PREFERRED ALTERNATIVE

Municipal Services, Facilities and Infrastructure Committee report read recommending that the rigid frame structure, as presented, be selected as the preferred alternative for the replacement of the Roxbury Street Bridge over Beaver Brook, and that the “accelerated bridge construction” be selected as the preferred construction method. The report further recommended that the City Manager be authorized to do all things necessary to implement the preferred structure type and construction method for the replacement of the Roxbury Bridge over Beaver Brook. A motion by Councilor Filiault to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

#### MSFI REPORT – CHESHIRE COALITION FOR TOBACCO FREE COMMUNITIES – RAISING THE LEGAL MINIMUM AGE FOR THE SALE AND POSSESSION OF ALL TOBACCO AND NICOTINE PRODUCTS

Municipal Services, Facilities and Infrastructure Committee report read recommending to full

Council that staff draft an ordinance to change the age of sale and possession of all tobacco and nicotine products from 18 years-old to 21 years-old for review and consideration by the MSFI Committee. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded. After a period of lengthy discussion, the motion passed with 12 in favor and Councilors Rice and Sutherland opposed.

#### CITY MANAGER COMMENTS

The City Manager expressed that the Radically Rural Conference was held on last Thursday & Friday was a success. There were approximately 500 people from all over visiting the downtown area. The downtown became a walking conference center using various buildings for different sessions. In addition to the robust speakers and opportunity to network, the restaurants and hotels saw a visible boost in activity. The Mayor, Councilor Greenwald, Councilor Hansel, and Councilor Jacobs participated. The Main Street educational tract was her focus. The speakers told the importance of our downtown in our overall economic development strategy; innovative ways to support development in the downtown; the importance of art and culture; as well as the role of historic buildings in downtown vibrancy.

The City Manager announced the Plan NH conference will be held in Keene this year. It is occurring on October 18<sup>th</sup> and 19<sup>th</sup> at the Courtyard. The conference focus is on the importance of local businesses and local economies in supporting healthy vibrant communities.

The City Manager informed the Council that she participated in a 3 hour charrette like session facilitated by the States consultant, Fourth Economy on September 28, 2018. The session focus was on the rural economy. It took a closer look at the State's rural economy as it relates to small business, connectivity and access, community assets and infrastructure. These build sessions are part of the State's effort to take input and build strategy and actions into the State's 10 year economic development plan, which is expected to be rolled out in January.

The City Manager expressed October 5, 2018 is Energy Efficiency Day. In keeping with the spirit of the day, she announced that in City Hall the lobby lighting has been converted to LED's. She continued that the City Hall lobby is still a work in progress. Lighting upgrades was the first of the planned changes. There were new attractive signage added on all four levels and are in the process of setting up a digital display television, for scrolling notices and announcements. Next will to have the area painted in a warmer taupe color and to add some plants and other greenery. The Council's mailboxes will be moved to the other side of the room so a small waiting area can be set up. In the future, the plan is to add an additional payment drop box to the exterior front door.

The City Manager announced that Rebecca Landry, Assistant City Manager/IT Director, attended a meeting regarding school funding issues. The State has a constitutional duty to pay for the cost of an adequate education for grades K-12. The State Legislature has enacted comprehensive standards for an adequate education, but the amount of aid the State provides to meet these standards is woefully insufficient. While the average annual per pupil cost is over \$15,000 per year the State's main adequacy grant provides only \$3,636 per year. More than 70% of the costs are shifted to the local tax payer and the exact amount differs wildly from

community to community depending on each community's ability to pay. In addition, the State is gradually eliminating stabilization funding at 4% per year for the next 22 years. The property tax rate would need to increase \$0.08 per thousand for the next 22 years just to keep level funding for education. Legislative efforts to increase the State's amount of funding for our school system are something that she will continue to monitor and advocate for.

The City Manager stated the City is close to signing the final agreements with Revision for the Marlboro Street solar project. Work is anticipated to begin next week with some delivery of equipment and installation of racking. Currently a final inspection of the project is anticipated in early December and operation shortly after. This project will install approximately 2,100 solar panels to create a 600 KW solar array providing power to the City's Public Works and Police Departments' facilities.

The City Manager announced a healthy discussion with over 50 attendees gathered at the Recreation Center on October 3, 2018. Participants were able to review the schematic design of space and flow from architects BH & A for the future consideration of a collaboration between the Keene Senior Center and the City of Keene. The design showcased a total of additional 5500 square foot for the Senior Center, and an expansion of 5700 square foot to the gymnasium space and outlined additional shared space in the existing building. The design team will return for a further discussion on Wednesday, October 10, 2018 at 6:00 PM at the Recreation Center and will be reporting back to the Municipal Services, Facilities and Infrastructure Committee on October 24, 2018.

The City Manager communicated that the Public Works Department is participating in the national *Imagine a Day Without Water* campaign on October 10, 2018. There will be an Open House at the Keene Drinking Treatment Plant on Wednesday, October 10<sup>th</sup> from 10:00 AM – 5:00 PM. This is the chance to see where Keene gets its water and how it is made safe for drinking.

#### MEMORANDUM – UTILITIES MAINTENANCE MANAGER AND ASSISTANT PUBLIC WORKS DIRECTOR – WEST STREET WELL REPAIRS

A memorandum was received from the Utilities Maintenance Manager and the Assistant Public Works Director relating to West Street well repairs. A motion by Councilor Greenwald to suspend Section 26 of the Rules of Order to act upon the memorandum was duly seconded. On a roll call vote, with 14 Councilors present and voting in favor, the Rules of Order were suspended. Councilor Greenwald noted this was necessary because of upcoming meeting cancellations that would have delayed these needed repairs.

A motion by Councilor Greenwald that the City Manager be authorized to reallocate unspent project balances to replace the pump and motor at the West Street Well with \$22,000 to be reallocated from the Disinfection By Products II project (05079) and \$5,000 be reallocated from the Water Supply Protection project (05011) was duly seconded. The motion passed with a unanimous vote in favor.

10/04/2018

MEMORANDUM – COMMUNITY DEVELOPMENT DIRECTOR – MONADNOCK  
CONSERVANCY – CONSERVATION EASEMENT FEES FOR 105 DANIELS HILL ROAD  
PROPERTY

A memorandum was received from the Director of Community Development relative to the use of Land Use Change Tax funds by the Monadnock Conservancy for the Domina Property Conservation easement project. The memorandum was referred to the Finance, Organization and Personnel Committee.

ADJOURNMENT

At 8:03 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:



Patricia Little  
City Clerk



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

October 26, 2018

**TO:** Mayor and Keene City Council

**FROM:** Kendall W. Lane, Mayor

**ITEM:** B.1.

**SUBJECT:** Nomination

**RECOMMENDATION:**

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

Martin Luther King, Jr./Jonathan Daniels Committee

Nancy Salwen, Slot 1                      Term to expire December 31, 2021  
42 Douglass Street

-

**ATTACHMENTS:**

Description

Background - Salwen



October 3, 2019

Dear Mayor Lane,

A few friends asked me to attend a meeting of the Martin Luther King / Jonathan Daniels committee, which I did and enjoyed. It was exciting to learn about the mission of the committee and your intention of developing it more explicitly into a Human Rights Committee — what a wonderful statement about the city of Keene!

I would be honored to be selected to serve on this committee. My parents were civil rights activists in the 1950s and I see this as an opportunity to contribute in a small way to their intention towards creating communities that are fair and equitable for all people.

I moved to Keene from New York City in 1979, when I was 20 years old, and appreciate how our town has grown and developed over the years into a place of more diversity, of many different kinds. I enjoy these changes and it's very important to me that all people, with all their differences, are welcome and able to prosper here.

A little bit about who I am, what I've done, and what I do now:

I grew up in New York City. I am Jewish (mostly non-practicing), and although I've rarely experienced antisemitism here in New Hampshire, I am aware of being part of a sometimes targeted minority. I'm sure this has an effect on my perspective on issues of civil rights, and is related to why I'm enthusiastic about the possibility of being on the Martin Luther King / Jonathan Daniels committee.

Shortly after moving here I began attending Keene State, and graduated in 1985 as an art major. During college I worked as an assistant teacher and a substitute teacher in preschools, and waitressed. After graduating I worked as a typesetter on a magazine for the company IDG (International Data Group) in Peterborough, and during that time I started my own business making jewelry, which is how I supported myself for 10 years. A year or two after having my first child I changed careers so I wouldn't have to travel so much, and became a graphic designer. Then in 2008, I set foot on a new path, and started a second business as a music teacher, with a focus on singing. Although I still take the occasional graphic design job, I'm now mainly a music teacher. I teach early childhood music in family classes and in area preschools; I lead singing workshops and give singing lessons both locally and in New York City and California, and I lead music-based team-building workshops for businesses and organizations. I've also written a book called "The Fear of Singing Breakthrough Program; Learn to Sing Even if You Think You Can't Carry a Tune!"

I'm thrilled that I get to do for a living what I love most, and I feel grateful to the support I've found in here in Keene, from places like the Hannah Grimes Center and the Keene Chamber of Commerce, among others. For me, this is an ideal community in which to be an entrepreneur!

Please let me know if you need any more information or have any questions.  
Thank you so much for your consideration,  
Nancy Salwen

42 Douglass Street  
Keene, NH 03431  
603-721-1492





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

October 2, 2018

**TO:** Mayor and Keene City Council

**FROM:** Kendall W. Lane, Mayor

**ITEM:** B.2.

**SUBJECT:** Confirmation

**COUNCIL ACTION:**

In City Council October 4, 2018.

Tabled until the next regular meeting.

**RECOMMENDATION:**

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

Energy and Climate Committee

Kenneth M. Dooley, Jr., slot 1

Term to expire Dec. 31, 2018

**ATTACHMENTS:**

Description

Background - Dooley

**Kenneth M. Dooley Jr.**

Director of Buildings and Grounds  
Keene School District SAU 29  
77 Arch Street  
Keene, NH

I was born and raised in Cheshire County and graduated from Keene High School. I attend Unity College in Unity Maine where I graduated in 2006 with a Bachelor of Science in Conservation Law Enforcement and associates in Wildlife Biology.

During college I worked for the US Army Corps of Engineers and then after college I worked for the Cheshire County Department of Corrections for almost five years. In 2011 I changed careers and began working for the Keene School District as the Supervisor of Custodial Services. Then in the summer of 2013 I changed roles in the School District and was hired as the Director of Buildings and Grounds.

Over the past 5 years as the Director I have overseen a variety of different energy projects. From simple energy contracts to complex renovations of existing buildings. Below is just a sample of some of these projects.

- Securing heating oil / propane contracts annually
- Installation of new energy management systems district wide
- Developed a district energy benchmarking program – using SchoolDude Utility Direct
- High School parking lot LED conversion (2017)
- High School Café LED conversion (2017)
- High School hallway LED conversion (2018)
- High School gym LED conversion (2018)
- Fuller Life safety and energy project (2015)
- Symonds Elementary Life Safety and energy project (2016-2017)
- Franklin Elementary Life safety and energy project (2018-2019)
- Alumni Field electric service and baseball lights (2016)

Although a majority of the project I've worked on are related to lighting I also have experience in fuel tank management and the purchasing of energy efficient equipment district wide. I bid out the district propane and heating oil each year. I'm directly involved in the decisions across the school district involving energy management and projects that have an impact on the districts energy usage.

My involvement in the School District's energy procurement, projects, and management of systems makes me a perfect representative from the Keene School District to serve on the Keene Energy and Climate Committee.



External Communication  
*Transmittal Form*

October 26, 2018

**TO:** Mayor and Keene City Council

**FROM:** Ron Robbins, Trail Administrator

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

**ITEM:** C.1.

**SUBJECT:** KeeneSnoRiders Snowmobile Club - Request to Use City Property

**RECOMMENDATION:**

**ATTACHMENTS:**

Description

Communication - Robbins

**BACKGROUND:**

KeeneSnoRider2018 is requesting access to a portion of Old Gilsum Road and use of the right-of-way along Winchester Street and crossings of Winchester Street and Production Avenue during the 2018/2019 winter snowmobile season.



KEENESNORIDERS  
PO BOX 1511  
KEENE NH 03431

Oct.10, 2018

To the Mayor and City Council:

The KeeneSnoRiders Snowmobile club is seeking renewal for permission to run snowmobiles in the right of way along Krif Road from the Ashuelot Rail Trail to Winchester Street, crossing Winchester Street to the property of Perry Kiritsy at 471 Winchester Street. The time frame would run from December 15<sup>TH</sup> 2017 through March 30<sup>th</sup> 2018 snow permitting.

**We currently have permission from the following property owners:**

Emile J. Ledger 460 Winchester Street	Tax Map: 84-02-001
Kiritsy LLC. 471 Winchester Street	Tax Map: 911-26-043
Emile Bergeron OFF Base Hill	Tax Map: 911-26-055
State of NH	Tax Map: 911

**We are asking renewals of license for permission to cross the following City of Keene properties:**

Access to portion of Old Gilsum Rd. approximate one mile to Gilsum town line.  
Crossing of Winchester St. at Krif Road  
Crossing of Production Avenue approximately 200 ft. South of Route 9  
Tax Map: 909-05-012                      Off Route 10 by three mile reservoir  
Tax Map: 911-26-015                      Off Wetmore Street  
Tax Map: 909-03-210                      See Note Below

This is 50 feet of Keene property Tax Map 909-03-210000 to access onto power line from location were our trail groomer is located. We have been giving permission from Paul Gagnon from the Society for the Protection of New Hampshire Forests where he has stated that this is acceptable in regards to the easement on property. Contact him with any questions.

We are available to answer any concerns you may have.

Thank You,

Ron Robbins  
Trail Administrator  
603-209-1344



External Communication  
*Transmittal Form*

October 26, 2018

**TO:** Mayor and Keene City Council

**FROM:** Nancy Gillard and Suzanne Butcher

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

**ITEM:** C.2.

**SUBJECT:** Nancy Gillard & Suzanne Butcher - New Energy Goals for the Community

**ATTACHMENTS:**

Description

Communication - Gillard\_Butcher

**BACKGROUND:**

Nancy Gillard and Suzanne Butcher are submitting a draft resolution for the Council's consideration that would set new goals that call for all electricity consumed in the City come from renewable energy sources by the year 2030 and that 100% of all thermal energy and energy used for transportation come from renewable energy sources by the year 2050.

October 25, 2018

Honorable Mayor Lane and City Councilors,

As citizens of Keene, we are proud that our city was an early leader in addressing the challenge of climate change, becoming a member of Cities for Climate Protection in the year 2000 and adopting a Climate Action Plan in 2004 and a Climate Adaptation Plan in 2007. Those plans were incorporated into Keene's Comprehensive Master Plan in 2010, after extensive community stakeholder engagement.

The 2004 Climate Action Plan set targets for reducing greenhouse gas emissions by 2015. With the City's assessment of our emissions in 2017 and as the challenges presented by climate change have become even more apparent, it is time to set new, ambitious, achievable goals for our community.

We propose that the City of Keene establish a goal that 100% of energy consumed in the City come from renewable sources, for electricity by the year 2030 and for heating/cooling and transportation by 2050. The need is clear. Existing and emerging technologies make this goal achievable and offer economic opportunities. Currently 89 cities across the U.S. have already set similar goals.

We look forward to working with you to develop and adopt a resolution along the lines of the attached draft.

Sincerely,



Nancy Gillard  
72 Reservoir St.  
Keene, NH

603-357-0213



Suzanne Butcher  
44 Felt Road  
Keene, NH

603-313-5773

10/25/18

## DRAFT Sustainable Energy Resolution for Keene

WHEREAS, The City of Keene has formally recognized the challenges of Climate Change since the year 2000 when it became a participant in the Cities for Climate Protection Program and

WHEREAS, The City of Keene then developed and implemented a Climate Action Plan in 2004 and a Climate Adaptation Plan in 2007 and incorporated the Climate Action and Adaptation Plans into its 2010 Comprehensive Master Plan after extensive community stakeholder engagement and

WHEREAS, The State of New Hampshire 2009 Climate Plan set a goal of reducing Greenhouse Gas Emissions by 80% from 1990 to 2050 and

WHEREAS, the challenges presented by Climate Change have become increasingly apparent in the intervening years, as reported in the Congressionally-mandated National Climate Assessments (see reference below) and

WHEREAS, the combustion of fossil fuels accounts for as much as 76% of US Greenhouse Gas Emissions (see US EIA citation below) and

WHEREAS, energy efficiency measures that drive down energy demand are the most cost-effective means to reduce fossil fuel consumption, and clean energy sources such as solar, wind, and small hydro may now be cost-competitive with fossil fuel sources and

WHEREAS, local, distributed generation of energy can provide resilience to weather-related interruptions of energy supply and economic disruptions of energy pricing while reducing air pollution and associated public health risks, and

WHEREAS, clean, renewable energy is one of the nation's fastest-growing employment sectors and represents an enormous economic opportunity for Keene to create jobs in the emerging industry, fulfilling the vision of a vibrant economy outlined in the Comprehensive Master Plan and the Economic Development Action Plan and

WHEREAS, economically disadvantaged residents, older people and children, people who are homeless, people with disabilities or health conditions, and members of other under-represented minorities experience the impacts of climate change disproportionately and

WHEREAS, cities across the nation have made commitments to transition to 100 percent clean energy and Keene strives to remain a leader among its peer cities,

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Keene that:

1. It is the goal and policy of the City of Keene that all electricity consumed in the City will come from renewable energy sources by the year 2030 and that 100% of all thermal energy and energy used for transportation come from renewable energy sources by the year 2050. This goal will apply to the entire Keene community, not just municipal government operations.
2. The City of Keene develop a strategic plan by April, 2020 to meet this renewable energy goal through a transparent and inclusive stakeholder process.





External Communication  
*Transmittal Form*

October 26, 2018

**TO:** Mayor and Keene City Council

**FROM:** John Croteau, Jr.

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

**ITEM:** C.3.

**SUBJECT:** John Croteau, Jr. - Syd's Carpet & Snooze Road - Request for Loading Zone - 41 James Street

**ATTACHMENTS:**

Description

Communication - Croteau

**BACKGROUND:**

Syd's Carpet & Snooze Room is requesting a loading dock in front of their business at 41 James Street. The loading dock would be used to facilitate deliveries to their business and would be safer for their customers when picking up merchandise.

**Syd's Carpet & Snooze Room**  
43 St. James Street \* Keene, NH 03431  
Phone (603) 352-4315 \* Fax (603) 352-4398

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CITY OF

OCT 18 2018

OFFICE OF  
CITY CLERK

October 18, 2018

The Honorable Kendall Lane  
Mayor, City of Keene  
Keene City Council Members  
3 Washington Street  
Keene, NH 03431

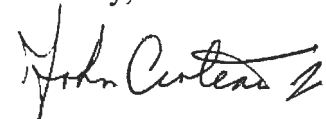
Gentlemen and Ladies:

I am writing to respectfully request that you consider putting a loading zone space at the entrance to Syd's Carpet & Snooze Room at 41 St. James Street.

The street gets quite congested with the Sentinel deliveries and pick-ups and we have UPS, FedEx, DSL and the US Post Office delivering daily and sometimes twice a day. Also, it would be much safer for our customers, when picking up merchandise, to load and unload their cars without crossing the street.

Thank you for your consideration.

Sincerely,



John Croteau, Jr.



External Communication  
*Transmittal Form*

October 26, 2018

**TO:** Mayor and Keene City Council

**FROM:** Todd Tousley

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

**ITEM:** C.4.

**SUBJECT:** Todd Tousley - Request for the Installation of a Sidewalk - Chapman Road

**ATTACHMENTS:**

Description

Communication - Tousley

**BACKGROUND:**

Mr. Tousley is requesting the installation of a sidewalk along Chapman Road behind Robin Hood Park. He notes that this is a popular walking route for pedestrians and is quite narrow near the Water Treatment Facility.

10/18/18

To the Keene City Council,

On Sept. 27 I emailed this letter to the mayor but never got a response. Would you kindly bring it up for conversation? I think it is something that is in dire need for the neighborhood.

Thank you!

Todd Towsley  
708 Roxbury Rd.  
(603) 209-3188

## Dangerous walking conditions on upper Roxbury Street

Todd Tousley

Thu 9/27/2018, 3:39 PM

To: mayor@ci.keene.nh.us <mayor@ci.keene.nh.us>

Hi!

I recently moved from Baker St to Roxbury Street up behind Robin Hood Park. I have been continually awed at the amount of people who walk the Chapman Road route which takes them up (or down) the hill behind Robin Hood. At this point it becomes very narrow right by the water treatment facility. My wife started walking it and is quite scared every time she reaches this section. There is no way to get out of the way of cars coming and going. I don't know if you've ever noticed this? But it's so popular that maybe we should look into putting a sidewalk there. The first thing that comes to mind is:

1. Is it feasible? Can it be done?
2. If so, how do we pay for it?

I think that if we find out it is feasible, so many people enjoy walking this route we can set up a GoFundMe page or take donations kind of like what they did for the bike path. I sent an email to Mitch Greenwald about this because he is the councilor for this ward and he said to write a formal letter to you to start the process moving forward. Is this something you can bring in front of the council?

Thank you for your time!

Todd Tousley  
708 Roxbury Road  
Keene

Sent from [Mail](#) for Windows 10



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

October 24, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** D.1.

**SUBJECT:** Community Center Discussion-Parks, Recreation and Facilities Director

**RECOMMENDATION:**

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure recommends that the discussion on the community center be accepted as informational.

**BACKGROUND:**

Chair Manwaring welcomed Andy Bohannon, Parks, Recreation and Facilities Director.

Mr. Bohannon explained this process started approximately one year ago through a selection committee. The selection committee consisted of members from the Keene Senior Center and City staff. He said they began with focus groups in January and February to discuss a possible collaboration between the Keene Senior Center and the Recreation Center. In April and May they conducted a data collection, a survey and national market information through a consultant. During the months of August and September they met with architect, Joel Bargmann of Bargmann Hendrie + Archetype Inc., a Boston-based firm. In addition, they created a long range planning committee that consisted of Keene Senior Center staff and City staff. The committee worked on the design that was based on the results from the focus groups and survey. On October 3, 2018, Mr. Bohannon reported they held their first discussion with the public discussing the concept.

Mr. Bohannon explained that the purpose of this agenda item was to explore if the Keene Senior Center (KSC) could coexist with the Recreation Center in the same building. He said the goal was that the scope of the work would provide a comprehensive study into the Capital Improvement Plan for future consideration. In addition, they also looked at the Comprehensive Master Plan as well as the Active and Passive Recreation Management Plan.

Mr. Bohannon then introduced Joel Bargmann of Bargmann Hendrie + Archetype Inc.

Mr. Bargmann began by stating his appreciation in being given the opportunity to work with the City. He explained that the purpose of the project is to see if the KSC could coexist with the Recreation Center. In addition, look at what programs may evolve over the next decade. He stated that part of the work was to look at the existing KSC building, which he noted has a number of issues including a lack of parking. The inside of building was described as an older building on the inside that has nice character on the outside.

Mr. Bargmann then displayed a picture of the KSC dining area and multipurpose room. He pointed out that the wall partition in the multipurpose room is from the 1960's. Mr. Bargmann stated the generation of input has been lost in the building and needs to be upgraded. However, he stated it is rather difficult to update in this particular setting because this building is designed as a residence and not as a full-fledged senior facility.

Mr. Bargmann then displayed a picture of the fitness and quilting rooms in the basement at KSC. He explained

that access is an issue along with natural light. The next picture presented by Mr. Bargmann presented showed how the KSC staff is tucked into the one small corner of the building.

During Mr. Bargmann's study last winter they found that the programming for seniors could expand to address the younger age group of seniors 65-75 years old.

Mr. Bargmann then reported that the demographics of communities are trending toward older citizens that want to stay active and stay in their homes. He noted the services provided by the KSC are becoming more acute and important.

Mr. Bargmann reported they put together a program for the seniors and coincidentally the program went through the Recreation Department. The task was to then evaluate these programs at the Recreation Department and to see if other programs could be added. Mr. Bargmann stated the one key asset at the Recreation Department is the wonderful large gym that is great for all ages. He noted the gym is already set up for pickle ball that is a great program for seniors. Mr. Bargmann reiterated that a gym with senior programming is a luxury. He reported there are only two projects in New England that currently have that luxury. These projects also have walking programs and other athletic events.

Mr. Bargmann stated the Recreation Department has a 4,500 square foot multipurpose room and several thousand square feet of program rooms that have not been renovated since the building was built. He noted the lighting, heating and cooling system, Wi-Fi and audio visual need to be improved. Another component that needs to be brought into the equation is the difference in aesthetics. The KSC building is a home and the Recreation Center is a concrete block building.

Mr. Bergman reported that back in January, Ballard King was brought in to do their assessments. Ballard King's assessment discussed the trends nationally and in New England. He stated there is a growing trend to move away from the traditional senior center model for older seniors and expand the age group to 65 and older. Adults are staying active longer and in order to address the needs of this population, many centers are increasing their programming. Mr. Bargmann stated the programs should also focus on the good things that the KSC does today.

Mr. Bargmann stated that Ballard King reported this is not an absorption of the KSC into the Recreation Center but is a colocation. In addition, he stated they would be able to expand program offerings that are beneficial not to just seniors. He reported the community was concerned about the green space in front of the Recreation Center. This is the area where the Veteran's Park is located and seen as a treasured resource. Mr. Bargmann noted they are not interested in changing the front of the building.

The rear part of the building behind the gym is used for overflow parking. Mr. Bargmann explained that this area might be used for an expansion of the Recreation Center. He then displayed an image indicating the location for the potential area for additional parking. In addition, the image showed the additions possible on the east and west side of the Recreation Center. He noted the orange rectangle on the diagram is important green space and maintained as existing "park" space.

Mr. Bargmann stated there are some areas on the side of the building that are naturally expandable for two 6,500 square foot additions. There is an area in the back that can accommodate parking that would make for a very accommodating plan if these two additions were added.

The next image Mr. Bargmann displayed is the proposed site plan. Mr. Bargmann indicated the existing Recreation Center is indicated in white on the plan and noted the two saddle bags on the plan. The first addition is on the east side of the building and second is on the west side. He noted the additions that could be done at the same time or the addition for the recreation addition could be done at a later phase. He noted these additions would provide additional programs that would be beneficial for the Recreation Center over the next twenty or

thirty years. The program additions that would go into the building would serve not only seniors but also the wider population.

Mr. Bargmann presented the Ballard King Program Additions and Renovations as follows:

1. “Commercial” or Community Kitchen
2. Dedicated Lounge and Administrative Offices
3. Sectional Meeting Room (2,500 sf)
4. Meeting Room Storage (500 sf)
5. Gym Expansion with Walking Track (7,500)
6. Improve current Multi-Purpose Room
7. Adapt under used Locker Rooms
8. Convert 2nd Floor MPR into Fitness
9. Improve Lobby: common entry point for Seniors and Recreation

Mr. Bargmann then displayed the first floor plan. The middle area in blue is the existing building that would be renovated and be brought up to standard. He noted these renovations would add another 30-40 years to the life cycle of the building. On the right side of scheme is where one of the 6,500 square foot additions would added. This is the senior component that houses their administrative offices, meets and greets area, dining area, lounge area and community kitchen.

The lavender color on the plan consists of two rooms that is another 6,500 square foot addition. Mr. Bargmann noted there would be storage underneath due to the slope of the land. In addition, this area will have another multipurpose room and a kid’s gym. He stated that one of the goals was to have a single entry. Due to parking the site did not accommodate that goal. Mr. Bargmann stated that putting parking and an entry for seniors would be ideal. He explained this entry point would consist of a security point, administration point and a lobby lounge area.

Mr. Bargmann then displayed a picture of a community kitchen at another center. He noted this is a commercial kitchen but is simplified so that anyone can use that range. The counter in the middle of the kitchen can be used for high school students taking cooking classes or for the Meals on Wheels program. Mr. Bargmann noted that this type of a kitchen is much more of a flexible kitchen compared to a kitchen in a typical senior center.

Mr. Bargmann stated the synergy and benefits for all comes out in the scheme for new multipurpose rooms that are very flexible and adaptable. The 4,500 square foot multipurpose room would have curtains, acoustic and lighting. In addition, the room could be used for a variety of purposes and not limited to just senior activities.

Mr. Bargmann proceeded to discuss the project on the second floor. He explained the existing area on the second floor is 32, 475 square feet. The proposed area is 43,855 square feet, with the total added being 11,380 square feet.

It was noted that one of the important things being done in the building, not senior related is to make the entry lobby more welcoming. He noted they would expand the lobby by removing the one of the multipurpose rooms so that the recreation community space is more visible. The gym could be set-up for kid’s activities and set up for yoga or any number of programs. Mr. Bargmann noted the existing gym is a wonderful space that could be renovated to add additional programs.

Mr. Bargmann discussed what was left out of the plan followed by the cost summary.

### **What was left out of the project and why?**



1. Gym Expansion with Walking Track (7,500 square feet)
  - Insufficient site area for expansion
  - Bearing walls surrounding existing gym make expansion difficult
  - Do not want to duplicate other community offerings
  - Program opportunities exist for reaching other uses with auxiliary gym
  
2. Common Entry point for Senior and Rec
  - Parking expansion only works at rear of existing building
  - Existing entry is remote from even existing parking

### **Cost Summary**

1. Total Project (Recreation and Senior Center Additions and Renovations)
  - Construction Cost \$7.4 Million
  - Total Project Cost \$9.2 Million
  
2. Recreation Addition and Renovation
  - Construction Cost \$5.3 Million
  - Total Project Cost \$6.6 Million
  
3. Senior Center Addition and Renovation
  - Construction Cost \$5.1 Million
  - Total Project Cost \$6.4 Million
  
4. Renovation Only
  - Construction Cost \$2.8 Million
  - Total Project Cost \$3.5 Million

Mr. Bargmann noted that the building systems require upgrade for age, lifecycle and code changes. The goal is to refurbish the infrastructure for the next 25-30 years.

Mr. Bargmann stated they think the plan meets the needs of today's vision of the needs for seniors. He noted that the KSC has a need to expand programs to meet the younger senior. In closing, Mr. Bargmann stated the proposed renovations and additions joining the KSC with the Keene Recreation Center will result in a multi-generational facility that includes retired citizens working with the afterschool programs, volunteering to organize sports leagues and providing job training and coaching.

Mr. Bohannon then invited the Keene Senior Center Director, Cameron Tease to speak before the Committee. Cameron Tease, 21 Grant Street, stated that he is proud to be the Director of the Keene Senior Center. He has been the executive director for about one year. During that time he has learned a lot about the proud history of the KSC that goes back 60 years. He noted that at least 56 of those years the KSC was located at 70 Court Street. He stated that he as well as many others love this building at Court Street and what it stands for.

He noted that space is one of the issues with the current building. Mr. Tease stated that the programs today are doing alright and they have opportunities for collaboration with the YMCA and Recreation Center. He reported they have 500 members and that half of these members are active. Mr. Tease noted that on any given day 60-80 seniors come to participate.

In looking ahead to the next ten years, Mr. Tease stated there are going to be many more seniors. He reported this number was projected to be at 30% of the population in Cheshire County, 65 and older. Mr. Tease stated

they do not have the space for this anticipated increase or enough space currently. In addition, he noted that there is not enough parking. Currently, they have 22 parking spaces and the current needs are not being met. In many instances seniors will not come to the KSC because they are unable to find a parking space and do not want to deal with parking on Court Street.

Mr. Tease stated that he came into job with the Board stating that he did not needed to take a certain position on this proposal. He stated the fact is that there has been discussion dating back 20 years that proposed collocating with the City. In addition, he noted the needs and advantages of doing this have been long recognized. Mr. Tease stated that he came in telling members many of whom love the current location that want to stay there, that he was neutral. He explained that after being there this year he realizes the need for additional space and programming. Mr. Tease stated now that he has seen the concept it is so viable and exciting. He stated that he is now a supporter of this proposal. However, he stated there are a lot of details that are unknown such as how the KSC would cover the cost being an independent 501c3. Mr. Tease stated that this concept is viable and meet the needs of the future.

Mr. Tease reported the KSC has been open on Saturday's since August in order to reach out to those seniors that may be socially isolated and lonely. He asked the Committee to think about how many seniors may be alone or need a place to go.

Mr. Tease reported they are already collaborating with the Keene Community Kitchen, Keene State College, Antioch, YMCA, and Cheshire Medical Center. He believes that the idea of a community center that is multigenerational is for the whole community. In closing, Mr. Tease stated the he looks forward to continuing the process and continuing the KSC legacy.

Chair Manwaring asked for comment from the Board.

Councilor Filiault stated this is a \$9.2 million project. He asked where the revenue was projected to come from and how this is intended to be funded. Mr. Bohannon replied that the concept was to look at the need and to see if the KSC could fit and collaborate with the Recreation Center. He explained this number was presented from Mr. Bargmann's firm. He noted there was a whole other process that would need to take place. Another architect would take this concept that Mr. Bargmann has developed and draw it out. Mr. Bohannon noted that this was when hard costs would be put to this project. He continued to explain that additional revenue would come from and increase in the program numbers, rural grants such as CPG, the KSC and the City.

Councilor Hooper stated he likes the idea of selling the idea to the community as a multigenerational facility. He stated that he thinks to sell this as a senior center it might run into more push back. Councilor Hooper stated this is a great idea and that cost would need to be looked at so works for the community as well.

Councilor Sutherland stated that he is concerned on a number of levels. First, he commented that Mr. Bohannon is on the Board for the KSC and that he finds this as a conflict of interest. He stated that is it hard to know if Mr. Bohannon's interest is with the City of Keene or KSC. Councilor Sutherland stated that he thinks Mr. Bohannon needs to resign from the KSC Board to clearly demonstrate his position as working for the City of Keene.

Secondly, Councilor Sutherland stated that the KSC is important for seniors and recognizes the need to have a more space. In addition, he noted that he understands their current building is in need of repair. Councilor Sutherland stated that he also understands the \$60/year fees for members is not something that even come close to covering the costs of adding a private organization under a City's building.

Councilor Sutherland stated that in the community, we continue to build new. He noted to look across the community at places such as the YMCA who they have not approached. He stated that he feels the YMCA is most underutilized when the KSC has most of its programming during the times of 8 AM- 3 PM. In addition,

he noted that the Recreation Center is already underutilized. Councilor Sutherland stated that he is concerned about cost, timing, location and tax payers. He noted there has already been a 2 million renovation into the new expansion of a library. Councilor Sutherland then noted the library is another building that is going to be underutilized from 9AM until 2 PM. He stated that the KSC needs to consider getting more creative.

Lastly, Councilor Sutherland stated that he wanted to remind everyone that last year the City Council went through the CIP and this project not listed. He stated there was a presentation from the Director of Finance who demonstrated that by the year 2022, there will finally be decline in the debit surface. He stated that by adding this addition is kicking the can again. Councilor Sutherland acknowledged there is a growing population but thinks that people need to start getting creative. He referred to the public transportation that takes people to the YMCA and all the way down to Market Basket. He stated a need for looking at the possibility of new resources for the two entities.

Chair Manwaring welcomed public comment.

Richard Nicoletti, resident of Stoddard 210 North Shore Road, Stoddard-Mr. Nicoletti stated that he has an office at 81 Court Street. He stated that he is a part time instructor at the CALL program at Keene State College. Mr. Nicoletti stated there is no doubt with the concept as presented would be extremely helpful. He stated that he is also a member KSC and there is no doubt KSC can use more services and space. Mr. Nicoletti stated the Recreation Center is clearly one of those spaces for that purpose. He said the problem is that the present concept with respect to financing is unfair to the tax payers of Keene. He stated that he wishes more attention would be put toward the potential financing of this wonderful project that has been proposed.

Martha Curtis, 19 Carrol Street, Keene-Ms. Curtis stated that she is a senior and also a member of the KSC. She stated this is a wonderful origination and that Mr. Tease runs an amazing program for seniors. Her family also takes advantage of the Recreation Center. She noted that Mr. Bohannon and Ms. Spaulding do a phenomenal job. She stated that she is not against either organization. Ms. Curtis stated that she sees the limitations of the KSC such as parking and size of rooms. However, she stated that she is also a tax payer and that Keene has the 3rd highest taxes in the state. She said that when she looks at the cost of a 9 million dollar project it is getting to be ridiculous. She asked how the City can focus on attracting new businesses to Keene with a high tax rate. In addition, she asked how the City could attract young people to live here. Ms. Curtis reiterated that the tax rate is ridiculous. She said if the City really wants to build something nice for the seniors they should consider not taxing them out of their homes.

With no further comment. Chair Manwaring asked for a motion.

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

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure move to recommend that this item be accepted as informational.



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

October 24, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** D.2.

**SUBJECT:** Draft Ordinance: Relating to the Purchase, Use, and Possession of Tobacco Products - City Attorney

**RECOMMENDATION:**

On a vote of 4-1, the Municipal Services, Facilities and Infrastructure recommends that staff be directed to introduce an ordinance for 1st reading relating to the purchase, use, and possession of tobacco products. Councilor Sutherland voted in opposition.

**BACKGROUND:**

Chair Manwaring recognized the City Attorney.

The City Attorney stated that after the last series of meetings, the intent was to introduce a discussion with the proposed Ordinance with respect to the sale and possession of tobacco products. He stated they have provided this Ordinance through the Chair. He noted the Ordinance does not have an ordinance number on it yet. The City Attorney said the intention is to present and allow the Committee and other parties to comment. The Ordinance does look similar to the one that was submitted to the City of Dover and is fairly simple. The Ordinance states the increase of the possession and sale to 21 years of age and does include tobacco products and e-cigarettes vaping activity. The City staff will present alternatives from other organizations that have appeared before the Body. The City Attorney stated they did review those alternatives and have had a conversation with the Tobacco 21 group. The conversation was fruitful and the City Attorney did tell them they were going to introduce the Ordinance tonight.

The City Attorney stated the ordinance presented is a model with two major issues. First, it basically restated a lot of the material that is already in state law. Secondly, in respect to the City Manager's comment that the Ordinance did impose more administrative tasks on the City.

The City Manager stated the Ordinance put forward by the Tobacco 21 group was hefty in terms of workload that would be placed on the City. She stated the Ordinance talked about unannounced inspections and the role of the Health and Code Department. She stated this was not something that they were necessary looking to change as the rule remained with the state. She said regarding the City of Dover Ordinance seemed to be the best route because it is already in place. In addition, she stated that it does not do a lot in terms of changing our responsibilities and duties at the City.

Chair Manwaring asked if the Chief of Police wished to comment.

Chair Manwaring asked if he wished to speak in terms of work load to police. Chief Russo stated there will be

no added work load.

Councilor Sutherland asked Chief Russo if police witnessed a minor purchasing cigarettes there would be fines for the seller and buyer. Chief Russo replied that is correct. Chief Russo stated that the seller, which according to the Ordinance would not be the business owner and would be the clerk. Chief Russo explained that it still gives police the option, depending on the person's age to use state statute. He explained the state statute has a piece in there where it could be community service or an education component if available in the area. He noted the Ordinance does not specify.

Councilor Sutherland asked if under these terms what would happen if a minor was caught possessing cigarettes and chose not to pay the fine. Chief Russo replied that under the City Ordinance the action would be to bring the individual to civil court. A City ordinance is a civil issue and state statute becomes a violation of an offense.

The City Attorney stated that even though a violation is not generally viewed at the criminal level. He explained that even under the City's Ordinance and state statute a violation still goes through the circuit court on the criminal side of the house. He stated that violation level does not result in potential incarceration and are purely based on fines. Although the City Attorney stated that in this statute all this Ordinance is doing is changing the age.

The City Attorney stated that potentially the penalties under RSA 126-K flow to businesses and the individual. He said often times they will focus on the person who is doing the sale but there is the potential for the business to be liable as well. The City Attorney stated a business could lose their license if clerks are not following the direction of their employer, in regards of how they go about sales.

Councilor Sutherland stated this is more of a statement that we have the ability to raise the age above 21 in the interest of health. He then asked why not raise the age to 99. Councilor Sutherland stated that people 18-21 years of age are not dying from tobacco use and usually die much later in life. He reported that 5% of alcohol related deaths in NH are related to drivers between the ages of 15 and 18. Councilor Sutherland then reported that 15% of deaths are caused from consuming alcohol between the ages of 18-21. He concluded by stating that this Ordinance is going to do nothing.

With no further comment from the Committee, Chair Manwaring welcomed public comment.

Daniel Cavallero, Owner of Monadnock Vapors, 341 Court Street- Mr. Cavallero stated that he thinks this Ordinance accomplishes absolutely nothing. He stated that the Committee has helped contribute to a black market and that police have a lot more on their hands than looking for the underground vape market. He noted that vaping does not kill people. Mr. Cavarello stated the Committee should know if they did their research. He stated that the Committee was clearly ignoring research because they are pushing an agenda for one person. Chair Manwaring asked Mr. Cavarello to not personalize his statements and to state his case of why the Ordinance should not pass. He stated this is an attack on his business. Mr. Cavarello stated that he is selling his shop and opening a new store in a neighboring town.

Kate McNally, 36 Cross Street, Marlow- Ms. McNally stated that she works as the Program Manager for the Cheshire Coalition for Tobacco Free Communities. She stated that in regards to the Ordinance she wanted to make sure that the definition of nicotine and electronic cigarette is consistent with RSA 126-K. The reason is because some of the devices are being used with other things in them and it is important to not say specifically with nicotine. She stated the definition of an electronic cigarette is that they are a device composed with a mouth piece that provides a vapor of purred nicotine. She noted this may open door for devices to be used with other things in them.

Ms. McNally stated that she does appreciate the effort of the City. In addition, Ms. McNally referred to

Ordinance language that states “No person under age 21 shall”. She stated (b) “No person or business shall” should be removed. The City Attorney noted the correction.

Ms. McNally stated that she is aware they will be following state laws and that there are certain penalties for retailers that are outlined. She asked if this violation refers to the person in possession or person selling. The City Attorney replied that it would be both. He explained that because they are incorporating the statute that incorporates all of the other definitions of the statute.

Ms. McNally commented that if the age of alcohol possession was not raised to 21 the mortality rate of drunk driving would be greater. She informed the Committee that there are efforts all around the region to make this change at the state level. In addition, she stated that by passing this Ordinance, it is sending a strong message that we really do care about our teens. Also, it decreases the ability for teens to gain access to these products in schools. Ms. McNally reported the rates of the use of electronic devices in the schools in this region are stunning.

In closing, she asked that attention is paid to the content of the Ordinance in regards to devices. She explained that she did not want the door to be open for someone to say a device does not have nicotine in it so they are not breaking the law.

The City Attorney stated that the definition comes from statute and it can be altered to an extent. He asked if her concern is that instead of stating pure nicotine is that someone may say it is an adulterated product or a product that contains nicotine plus other substances. Ms. McNally responded that it was other substances or a device that provides vapor to the user. City Attorney noted if cannabis were to become a legal substance in the state the definitional structure of what is in a vape would be difficult to enforce. Ms. McNally replied that she would agree but to limit it to nicotine you are binding the hands of anyone that wants to enforce it.

Councilor Sutherland stated in relation law the City has to follow law from state law. The City Attorney stated this is one of statutes that are seldom run across in the state of New Hampshire. He stated this statute does specifically provide the municipality with the right to be more restrictive. The City Attorney noted that this is one of the conversations he had with the Tobacco 21 Group. He explained his assessment of that right is not as broad as they would like and that the statute cannot be rewritten. The City Attorney stated they can change some definition structure with regards to e-cigarettes. He also noted that this is new territory for him. The City Attorney stated this is a smoking and tobacco related ordinance and statute in which it is based on the idea of nicotine. He noted that nicotine still needs to be in there somehow because it is the primary substance.

Councilor Sutherland appreciates the efforts of Ms. McNally. He added that the health and education are important and is equally beneficial in trying to improve the health of the population. However, he stated that he disagrees and thinks that Concord should be dealing with this issue.

Councilor Filiault stated he is content with the way the Ordinance has been written. He referred to the comments made by Mr. Cavarello about the Committee not doing their homework. He stated that he did do his homework and came prepared to vote against this Ordinance. Councilor Filiault explained that after he did his homework he realized the whole intent was going after middle school age students. He noted that this is reason why the FDA has raided many of these shops.

Councilor Filiault then referred to Mr. Cavarello’s comment about moving his shop to another town. He reported that he has been speaking with other selectman from surrounding towns. Councilor Filiault reported they are waiting to see how the City of Keene moves forward with this Ordinance. He noted that this will be a domino effect.

Councilor Filiault stated that he does agree this should be handled at the state level.

Councilor Filiault reported that he was with Congresswoman Annie Kuster at Keene State College and that vaping was a hot topic. He stated that students admitted this is an epidemic on the college campus. Councilor Filiault reported that most students admitted to vaping because they thought it was cool. With that said, Councilor Filiault stated that he fully supports the Ordinance the way it is written.

Councilor Lamoureux referred to the comment made by Mr. Cavarello in regards that there is going to be a black market system if this Ordinance is passed. He stated that it was his understanding in today's statute that if someone over the age of 18 sells to a minor that is a violation. He asked if someone over the age of 21 is selling to someone under 21 years of age, the same statute will still stay in effect and that person will be held with a violation. The City Attorney replied that is correct and is why the statute is written in manner.

Councilor Hooper stated that he wanted to agree with Councilor Filiault. He stated that he has done the homework and has decided to support this initiative. He referred to the recent FDA report that was a great form of information. Based on this report Councilor Hooper reported that this swayed him to be in support. Councilor Hooper stated that he was on fence but after the research it became a no brainer.

David Souther, Meadow Road, Keene-Mr. Souther asked about the definition of liquid nicotine noting that it is made from propylene nicotine. He asked if pure nicotine was made without propylene glycol under this definition it could mean that someone could sell this because of the definition. Mr. Souther asked if propylene glycol would need to be included in the definition. The City Attorney stated this was straying outside his knowledge or expertise. He explained they did adopt this definition from the statute and noted that everyone should be careful to some extent about doing lab testing of these products. However, the City Attorney noted that this is up to the Council to put in some other language. Chair Manwaring added that you can address it anyway but it is still nicotine.

City Councilor Carl Jacobs, Ward 2- Councilor Jacobs stated that he thinks this is another tool in the toolbox to promote public health. He stated that he does not think this is the only tool that is needed to fight this addiction of nicotine. Councilor Jacobs said he is glad there are other recovery services. He stated that the larger problem is the sale to 18-21 years old and does not want to lose sight of this problem. He stated that he is grateful for all of the efforts to help fight addiction in the community.

Todd Silverstein, 21 Kings Lane, Keene –Mr. Silverstein stated that he wanted to commend everyone for taking a stand to move Keene in a position to lead the State in reducing nicotine products.

The City Attorney stated that he wanted to note that propylene glycol is a substitute for ethylene glycol and propylene glycol is considered to be non-toxic antifreeze.

Chair Manwaring stated that by passing this Ordinance it is sending the message that no one can use nicotine safely.

The City Attorney stated that prior to the Committee voting on the Ordinance there are a couple of scrivener errors. He explained that when he gives the Ordinance back to the Committee it will have some small changes.

Councilor Filiault stated the rule was to allow any scrivener's errors to be changed without a committee recommendation.

Chair Manwaring asked for a motion.

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

On a vote of 4-1, the Municipal Services, Facilities and Infrastructure move to direct staff to introduce an ordinance for 1st reading relating to the purchase, use, and possession of tobacco products. Councilor

Sutherland voted in opposition.





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

October 24, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** D.3.

**SUBJECT:** FAA Land Lease - Memorandum of Agreement – Airport Manager

**RECOMMENDATION:**

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the City Manager do all things necessary to execute the memorandum of agreement with the Federal Aviation Administration in order to renew the existing four land leases at Dillant-Hopkins Airport and consolidate those leases into one memorandum of agreement.

**BACKGROUND:**

Vice-Chair Jones welcomed Jack Wozmak, Airport Manager. Mr. Wozmak explained the Federal Aviation Administration is requesting the current 4 lease agreements be consolidated into one single agreement. Mr. Wozmak stated that the consolidated lease will not change any of the current expectations or conditions; this is merely a housekeeping procedure.

Vice-Chair Jones asked for Committee questions or comments.

Councilor Hansel asked if there are any liabilities associated with this. Mr. Wozmak replied that it is really that straight forward. The FAA is given access cards to the airport for any maintenance issues associated with their equipment and they come and go as necessary. This arrangement has been going on like this for decades. All this request is doing is to consolidate the 4 leases into one agreement for tracking abilities on both sides.

Vice-Chair Jones asked for public questions or comments.

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

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the City Manager do all things necessary to execute the memorandum of agreement with the Federal Aviation Administration in order to renew the existing four land leases at Dillant-Hopkins Airport and consolidate those leases into one memorandum of agreement.



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

October 24, 2018

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

**SUBJECT:** Donna Forte – Lodging House License Renewal – 57 Winchester Street

**RECOMMENDATION:**

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that a lodging house license be granted to Donna Forte to engage in the operation of a lodging house at 57 Winchester Street, Keene, New Hampshire. This license is conditional upon:

- Compliance with all applicable laws, ordinances, codes, rules and regulations.
- No more than 16 persons may reside on the premises.
- No less than 8 vehicular parking spaces must be provided on the premises.
- The names, home addresses, and motor vehicle registrations of the residents of the licensed premises shall be available on the premises at all times for inspection upon request by the Police, Code Enforcement or Fire Departments.
- Continued violation of the City parking ordinances by residents of the premises or their guests, as determined by the Police or the Code Enforcement Departments may be grounds for suspension or revocation of the license.
- No alcoholic beverages may be sold on the premises except by written permission of the New Hampshire Liquor Commission.
- Loud noises or other disturbances after 10:00 PM that continue after warning by the Police Department may be grounds for suspension or revocation of the license.
- Access to the common areas of the licensed premises shall be granted to the Police, Code Enforcement, Fire and Health Departments of the City of Keene at all reasonable times.
- The cellar space does not meet the qualifications for public assembly and therefore cannot be used as a gathering space.
- The continuation of the license is subject to and conditioned upon successful passage of two inspections to be conducted by the City.
- Compliance with any recommendations of City staff.

In addition, the owner shall notify City staff of any changes in building operator; failure to do so may be grounds for suspension or revocation of this license. This license expires on the 20th day of October, 2019 and may be revoked by the City Council in accordance with Sec. 46-590 “Suspension or Revocation”.

**BACKGROUND:**

The Vice-Chair Jones welcomed Tracy Parkhurst, co-owner of 57 Winchester Street to come forward. Mr. Parkhurst explained this is a renewal after the first year. Vice-Chair Jones asked what the relationship was with Donna Forte and Mr. Parkhurst. Mr. Parkhurst explained that Ms. Forte was his common-law wife and they owned the property together. He is the one who handles the City processes, licenses and inspections.

Councilor Hansel asked if there were any changes planned for this year, in terms of the number of people. Mr. Parkhurst explained that everything is the same as it was last year. Councilor Hansel followed up with nothing significant has changed. Mr. Parkhurst agreed that nothing has changed, just a little maintenance and cleanup; new flooring inside, new kitchen, and so forth. The number of bedrooms is the same.

Councilor Sapeta commended Mr. Parkhurst on the work they have done in the past year to make the property cleaner and more appealing. He also would like to have this be continued throughout this year as well. Mr. Parkhurst agreed.

Vice-Chair stated that he is assuming that Mr. Parkhurst has met with Code and the Fire Departments to ensure that the property has passed the necessary inspections. Mr. Parkhurst stated there were some small issues like insulation around a vent, he had removed the insulation around the vent.

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that a lodging house license be granted to Donna Forte to engage in the operation of a lodging house at 57 Winchester Street, Keene, New Hampshire. This license is conditional upon:

- Compliance with all applicable laws, ordinances, codes, rules and regulations.
- No more than 16 persons may reside on the premises.
- No less than 8 vehicular parking spaces must be provided on the premises.
- The names, home addresses, and motor vehicle registrations of the residents of the licensed premises shall be available on the premises at all times for inspection upon request by the Police, Code Enforcement or Fire Departments.
- Continued violation of the City parking ordinances by residents of the premises or their guests, as determined by the Police or the Code Enforcement Departments may be grounds for suspension or revocation of the license.
- No alcoholic beverages may be sold on the premises except by written permission of the New Hampshire Liquor Commission.
- Loud noises or other disturbances after 10:00 PM that continue after warning by the Police Department may be grounds for suspension or revocation of the license.
- Access to the common areas of the licensed premises shall be granted to the Police, Code Enforcement, Fire and Health Departments of the City of Keene at all reasonable times.
- The cellar space does not meet the qualifications for public assembly and therefore cannot be used as a gathering space.
- The continuation of the license is subject to and conditioned upon successful passage of two inspections to be conducted by the City.
- Compliance with any recommendations of City staff.

In addition, the owner shall notify City staff of any changes in building operator; failure to do so may be grounds for suspension or revocation of this license. This license expires on the 20th day of October, 2019 and may be revoked by the City Council in accordance with Sec. 46-590 "Suspension or Revocation".



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

October 25, 2018

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

**SUBJECT:** Acceptance of NH Network Diversion Funding - Youth Services

**RECOMMENDATION:**

On 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept and administer funds provided by New Hampshire Juvenile Court Diversion Network for Youth Services programs.

**BACKGROUND:**

Parks Recreation and Facilities Director, Andrew Bohannon and Elisabeth Brown from the Youth Services Department stated they were before the Committee regarding funding for the Juvenile Court Diversion Network for Youth Services programs. Last year this program received \$22,692 in funding and this year that amount has been reduced to \$8,000 – the city receives \$250 for every case they close up to \$8,000. These funds will be used to fund the part time case worker.

Councilor Jacobs asked for added explanation about closing a case. Ms. Brown stated when a case is successfully closed it means the youth has successfully gone through the program. However, should he or she reoffend or don't follow through the case is referred to the juvenile prosecutor.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to accept and administer funds provided by New Hampshire Juvenile Court Diversion Network for Youth Services programs.



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

October 25, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** D.6.

**SUBJECT:** Acceptance of Holiday Family Sponsorships - Finance Department

**RECOMMENDATION:**

On 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to accept donations associated with the City's 2018 Holiday Family Sponsorship Program.

**BACKGROUND:**

Natalie Darcy Acting Manager for the Human Services Department stated she was before the Committee regarding acceptance of donations for the 2018 holiday sponsorship program. Ms. Darcy explained the goal is to provide holiday food items and gifts for those in need so they use their resources to maintain their housing and other such needs. This past year donations came from local businesses, city staff, local clubs, families and individuals who were able to help 350 individuals. This program started with just 12 sponsors 15 years ago and has grown to 52 sponsors as of last year.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to accept donations associated with the City's 2018 Holiday Family Sponsorship Program.



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

October 25, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** D.7.

**SUBJECT:** Acceptance of NH Highway Safety Agency Grant - Police Department

**RECOMMENDATION:**

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the grant from the New Hampshire Highway Safety Agency to fund Highway Safety Grant - Keene.

**BACKGROUND:**

Police Captain Todd Lawrence stated the Police Department has applied for and has received funding from the NH Highway Safety grant for the past nine years. This grant used to be separated into DWI, enforcement and bicycle and pedestrian patrol; however, this year the agency has combined those three items into one grant. The goal of the grant is to deter DWI and DUI related arrests.

This campaign runs from October 1, 2018 through September of 2019. The allocation of the funds would be \$13,073 for sustained traffic patrol, \$5,916 for bicycle and \$12,560 for pedestrian patrol, for a total of \$31,549. The entire amount will be reimbursed by the NH Highway Safety Agency, which would also include payroll deductions.

Councilor Clark asked whether this patrol includes overtime. Captain Lawrence stated this patrol is done on an overtime basis. Councilor Clark asked on what routes this patrolling takes place. Captain Lawrence stated operation safe commute is done on the Route 101 corridor, but the rest can happen wherever the City chooses to patrol.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the grant from the New Hampshire Highway Safety Agency to fund Highway Safety Grant - Keene.



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

October 25, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** D.8.

**SUBJECT:** Acceptance of Bulletproof Vest Partnership Grant Program - Police Department

**RECOMMENDATION:**

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept \$3,492.50 from the Bulletproof Vest Partnership Grant Program funds of the US Department of Justice, Bureau of Justice Programs.

**BACKGROUND:**

Captain Lawrence stated this grant is to help outfit all the officers with bullet proof vests. This is done as part of the collective bargaining agreement. The department also budgets about \$3,950 for this item. This grant will match about 47% of the total expense which will be about \$7,742 and the grant is for \$3,492. The vests will go to all new officers and to replace those vests that are over five years old (the warranty is five years).

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept \$3,492.50 from the Bulletproof Vest Partnership Grant Program funds of the US Department of Justice, Bureau of Justice Programs.



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

October 25, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** D.9.

**SUBJECT:** Acceptance of Drug Forfeiture Distribution - Police Department

**RECOMMENDATION:**

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a monetary State drug forfeiture distribution in the amount of \$697.50

**BACKGROUND:**

Captain Lawrence stated during a narcotics investigation, drug related paraphernalia and cash were seized. The case was ultimately disposed of a year ago and the city's portion of the funds is \$697.50.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a monetary State drug forfeiture distribution in the amount of \$697.50





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

October 25, 2018

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

**SUBJECT:** Woodward Dam Improvements - Permit Application Fees - Public Works Department

**RECOMMENDATION:**

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council reallocate \$6,000 from the Babbidge Dam Rehabilitation Project (05034-B) to the Woodward Dam Rehabilitation Project (05039-C) for the purpose of paying required permit application fees.

**BACKGROUND:**

City Engineer Don Lussier was the next to address the Committee. He indicated staff is in the process of designing the Woodward Dam. The City is ready to submit the design to the State. The design work came in on budget but there are additional funds required for the permitting work in the amount of \$6,000; however, the Babbidge project is going to be coming in under budget and staff is asking to re-appropriate funds from the Babbidge Dam project to the Woodward Dam project.

Councilor Powers asked whether these fees are not included in the project budget. Mr. Lussier stated permitting fees are not included as this would add a 15% markup to the fee – these fees are paid directly.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council reallocate \$6,000 from the Babbidge Dam Rehabilitation Project (05034-B) to the Woodward Dam Rehabilitation Project (05039-C) for the purpose of paying required permit application fees.



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

October 25, 2018

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

**SUBJECT:** Design Change Order – Goose Pond Dam Improvements Project - Public Works Department

**RECOMMENDATION:**

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a design change order with Dubois & King, Inc. of Randolph, VT in an amount not to exceed \$22,700.

**BACKGROUND:**

This item is related to Goose Pond Dam and this project is also in the design stage. For this item, staff is requesting a design change order for the consultant's work. Mr. Lussier explained during the wetland delineation, it was discovered the access road passed through a couple of vernal pools which is a valuable area for wildlife habitat and which is given a lot of scrutiny with DES. This required a lot of meetings for the consultants with DES and a new access road was required to be found. Another issue was the in pond design work which required extra time for field work.

Councilor Clark asked how much a consultant charges per hour. Mr. Lussier stated an average cost would be \$125 per hour but a junior engineer could charge about \$85 an hour. Councilor Clark expressed concern as to the number of hours this extra cost is covering.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a design change order with Dubois & King, Inc. of Randolph, VT in an amount not to exceed \$22,700.



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

October 25, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** D.12.

**SUBJECT:** Construction Change Order - Babbidge Reservoir Dam Improvements - Public Works Department

**RECOMMENDATION:**

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a construction change order with Kingsbury Companies, LLC of Waitsfield, VT in an amount not to exceed \$68,176.00.

**BACKGROUND:**

The last item Mr. Lussier talked about was work to the Babbidge Reservoir Dam – during course of construction organic muck on the stilling basin was discovered which had to be removed. The other item was for work inside the valve chamber – the pipe leading to this chamber was leaking significantly and this work had to be done by specialty divers. The final item was a request from DES to relocate the outlet for the tow drains. The engineering company for this job is Dubois & King. Mr. Lussier added the original contract and this change order will still be under budget, by about \$50,000.

Chair Greenwald asked when this money will get returned to the general fund. Mr. Lussier stated this money comes out of the water fund and the plan is to have this money be re-appropriated to the Woodward Pond Dam project. Re-appropriation will happen once there is a determination there is no other expense related to the Babbidge Reservoir Dam.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a construction change order with Kingsbury Companies, LLC of Waitsfield, VT in an amount not to exceed \$68,176.00.a



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

October 25, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** G.1.

**SUBJECT:** Monadnock Conservancy - Conservation Easement Fees for 105 Daniels Hill Road Property

**RECOMMENDATION:**

On 4-0 vote, the Finance, Organization and Personnel Committee recommends placing the request from Monadnock Conservancy on more time.

**BACKGROUND:**

The City Manager stated that the Community Development Director is away and this item has been moved to the November 8 agenda. The Conservation Commission is scheduled to be at that meeting and asked that this item be put on more time.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends putting this item on more time.



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

October 25, 2018

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

**SUBJECT:** Future Consideration of 12 Gilbo Avenue - Parks, Recreation and Facilities Department

**RECOMMENDATION:**

On 3-1 vote, the Finance, Organization and Personnel Committee recommends the discussion on the future of 12 Gilbo Avenue be placed on more time so City staff could continue working on a concept for 12 Gilbo Avenue as a public restroom, a welcome center while retaining the current tenant. Councilor Clark voted in opposition.

**BACKGROUND:**

Parks, Recreation and Facilities Director Andrew Bohannon stated a group of concerned citizens had approached the MSFI Committee a while ago for the location of a downtown restroom. Mr. Bohannon noted in 2012 the City did have restrooms downtown which were closed due to various reasons. The MSFI Committee had recommended downtown restrooms be shown in the next CIP program, which has been done.

12 Gilbo Avenue is the location being considered. The Director reviewed the status of the current leases at that location. The Yolo lease is up in April 2019 (1,300 square feet). The Taco Odelay lease expires May 2019 (595 square feet) and Senator Shaheen's office lease expires in January 2021 (348 square feet). Mr. Bohannon stated this project however, could impact the space occupied by Taco Odelay. This space has been vacant for the past two years, but the tenant has been keeping up with the terms of the lease and intends to renew the lease and create a new business plan and obtain new permits.

The option of a Portland Loo was also explored, but this was considered as a less desirable option and a more permanent solution was explored.

Chair Greenwald asked whether there was anyone on staff who could work on a floor plan to include the Yolo space as well as a welcome center. Mr. Bohannon stated there is no one on staff who has this expertise, but an architect has been retained to work on some preliminary designs.

Councilor Clark referred to the past problems that have occurred with a public restroom. He asked why a Portland Loo was considered to be less desirable. The City Manager stated the cost of a Portland Loo installation will be \$132,000 and staff felt it would be prudent to look at a permanent installation in the transportation center. The Manager referred to the discussions being pursued for bringing in added bus routes to the City. She continued the transportation center is in a very visible location and this would also be a good location for a welcome center where a volunteer can staff this location – all of this gives the city many options. The Manager added the Portland Loo is also not heated and the restroom option gives a year round usage option.

Sandra Whipple, one of the individuals who were part of the earlier discussion, talked about the option for a welcome center as well as the Portland Loo not being a heated location. She noted her group was interested in working with the City and she felt having a real restroom could give this location a much better feel to it. She also felt the bad behavior referred to is much different to what goes on in other cities.

Mr. Ash Sheehan owner of Taco Odelay stated his plan is to open a brewery. He noted his restaurant is popular and brings in a good amount of clientele. He stated bathrooms are important but this is a great location for retail and he has plans to use this space.

Chair Greenwald felt perhaps there is room for both uses to happen. He also noted if the brewery was already in use this discussion would not be taking place right now. He added what is advantageous to the City is always something that should be considered.

Councilor Powers asked whether staff was looking for the committee to make a decision one way or the other. The City Manager stated it is difficult for the committee to make a decision today as they don't have all the pertinent information. What staff is looking for is to figure out whether public restrooms are something the Council would consider and is 12 Gilbo Avenue the location the Council would like to consider so the tenant can be properly advised.

Councilor Jacobs stated he has met a few times with the group which has brought this matter forward and for someone who walks around downtown, a public bathroom does sound appealing. With respect to managing a public restroom, he agreed it is a space that could be misused and the city is going to have to figure out a way to manage it. Ms. Dragon stated this is the kind of information staff will bring forward with the capital plan. She felt this discussion should be brought forward because of the tenant's desire to use the space.

Councilor Powers noted the city is constantly talking about economic vitality downtown and not having public restrooms downtown is an issue. He felt this is a need that requires to be identified and staff should be directed to do so.

Councilor Jacobs stated there could be other downtown properties which could also be looked at. Ms. Dragon stated staff is also willing to look for alternate space for this tenant; the reason this space would be more appropriate is because of the bus stop at this location. A welcome center right at a parking lot and bus stop works much better. Councilor Powers talked about the possibility of offices in this location moving elsewhere.

Councilor Clark felt if the City was talking about a welcome center, then it is talking about a project that is going to cost a few million dollars. He stated the reason the bathrooms were closed down in 2012 was because of behavior. Since that time many municipalities have tried to design bathrooms that would deter abhorrent behavior and there are solutions that have been determined. He felt if the discussion centers around these safety issues, the location of the bathroom might not happen for a few more years. The Councilor felt a public bathroom is something that is needed right away and is not something that needs to be folded into the larger concept.

With respect to 12 Gilbo Avenue, the city has considered tearing the building down and selling it. There have been no plans regarding economic development or bus routes. He felt it was wrong to dismiss options like the Portland Loo; he felt it was a simple solution that should also be considered.

The Chair asked Mr. Bohannon how long it will take to hear back from the architect. Mr. Bohannon stated he could find out what the timeframe might be but felt they could be back before the Committee in a cycle or two. The Chair agreed he did not want this to be a multi-year effort.

Chair Greenwald made the following motion which was seconded by Councilor Powers.

On 3-1 vote, the Finance, Organization and Personnel Committee recommends the issue be placed on more time so city staff could continue working on a concept for 12 Gilbo Avenue as a public restroom, a welcome center while retaining the current tenant.  
Councilor Clark voted in opposition.



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

October 25, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** I.1.

**SUBJECT:** Relating to Parking

**RECOMMENDATION:**

On 3-1 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2018-19 with an effective date of January 1, 2019.

**ATTACHMENTS:**

**Description**

Ordinance O-2018-19\_redlined

Ordinance O-2018-19

**BACKGROUND:**

Mr. Medard Kopczynski addressed the Committee and began by pointing out that the City has hired a new Parking Operations Manager who starts their employment with the city next week. He stated about a year ago he was asked to look at integrated parking management by the City Council.

He noted there are some recommendations that staff was waiting on presenting until this new individual was brought on board. However, there are some quick changes related to financing that would be brought forward. He noted the ordinance before the committee addresses certain scrivener's errors as well as adding certain streets where parking was added – these streets have now been added into the ordinance (Norway Avenue and Emerald Street). Emerald Street would have a three hour limit and Norway Avenue would be permit parking.

With respect to parking fees, the Ordinance includes a provision to increase on street and parking garage fees from 30 cents to 35 cents. This rate is consistent with what was suggested by the Finance Director and is a number which has been included in the operating budget and the CIP.

Mr. Kopczynski continued that off-street parking would go from 75 cents to 85 cents and surface parking would go from \$135 per quarter to \$145.

Wells Street covered parking would go from \$155 to \$200 per quarter – for many who rent these spaces, they get the use of these spaces 24/7.

The next rate increase is to the price of parking tickets. The current rate is if a \$5 ticket is not paid in 14 days the rate increases to \$15, then after 28 days it goes to \$35.

The recommendation is to go from \$15 after 30 days and then \$30 after 60 days and a final cap at \$60.

Mr. Kopczynski stated these rates compare to Dover, Rochester, Portsmouth, Concord, and Nashua. The



intent of parking tickets is to move vehicles.

Chair Greenwald referred to ticket rates from surrounding cities and Keene at \$5 was the least expensive. The Chairman asked Mr. Kopczynski to go over the purpose of the parking fund. Mr. Kopczynski stated this fund is funded by parking tickets and meter fees and the primary purpose is to enforce parking regulations and to increase the flow of traffic, coordinate parking for the downtown and to maintain parking facilities.

Mr. Kopczynski stated the last time parking rates were adjusted was when Brian Costa was the police chief and before that it was 12 years ago.

Chair Greenwald noted unless the downtown parking is to be supported by the tax payer, the parking fund needs to be healthy. He added turnover is critical and even though these increases might seem steep they are necessary.

Councilor Jacobs added the reason the city got into the parking fee business is at the request of the merchants so vehicle turnover could be maintained downtown.

Councilor Clark stated this is a revenue stream for the city. He felt those who use our city need to chip in and the parking fees are one way to ensure that.

Councilor Powers stated this is the cost of doing business and agreed the rate needs to be increased which should have happened a while ago.

The Councilor referred to Leased Spaces - Section 94-151 (a) asked whether the term "all revenue" should be change to "all rental". Attorney Mullins stated they are trying not to emphasize the term "rental".

Chair Greenwald stated there was discussion about changing the hours of operation. Mr. Kopczynski stated this discussion will happen once the new staff person comes on board.

He referred to the different new uses that are coming downtown which also needs to be considered. Councilor Jacobs stated he hoped merchants would be educated about the parking areas their customers can use throughout the city, such as the lot on Gilbo Avenue.

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

That the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2018-19 with an effective date of January 1, 2019.

Attorney Mullins identified several scrivener errors in the Ordinance and noted that he agrees with Councilor Powers where the wording should say "rental" in 94-151.

In Section 94-151, paragraph (a) (2) last sentence "being permitted" instead of "rented".

Paragraph 3, second to last sentence, change the words "rentals shall be from" to "permits shall be from." The last sentence to read as "anyone occupying a parking space shall be permitted ....." Attorney Mullins noted these were scriveners errors and hence the ordinance did not need to come in as an A version.

Chair Greenwald made an amendment to the motion to change Section 94-181 – to change the initial ticket to \$10 instead of \$15. The motion was seconded by Councilor Powers.

Councilor Clark asked what the projection would be should the amendment be accommodated. Staff did not have this information. However, if the number of 20,000 tickets which is the number of tickets issued in 2017 is taken, the difference between \$10 and \$15 would be a difference of \$100,000. Chair Greenwald stated his motivation for the amendment was to be sensitive to the rest of the council and the public (the ticket just tripled in rate). The amendment failed on a 1-3 vote, with Chair Greenwald voting in favor.

The original motion carried on a 3-1 vote, with Chair Greenwald voting in opposition.

Eighteen

Relating to Parking

That the City Code of the City of Keene, New Hampshire, as amended is hereby further amended by removing the stricken text and inserting the bolded text to the following provisions in Article III, "Parking", of Division 2, "Specific Streets", of Sections 94-93 and 94-94, of Division 4, Leased Spaces of Section 94-151. Leased parking lot spaces and Section 94-152, Public street parking spaces, Division 5, Penalties and Towing of Section 94-181 Established and Division 6. Parking Rates of Section 94-211 Meter Rates and Appendix B, Chapter 94, Traffic, Parking and Public Ways as follows;

**Division 2. Specific Streets**

**Sec. 94-93. No Parking.**

(a) Specific Streets. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device, in any of the following places:

Court Street, West side, from the southwest corner of the driveway of 70 Court Street for a distance of 20 feet southerly.

**Sec. 94-94. Restrictions.**

(a) *Two-hour zones.* It shall be deemed ~~unreasonable~~ **a violation** if a vehicle is left standing for more than two hours at any time between 8:00 a.m. and 5:00 p.m., Monday through Saturday, along the curb on the following streets:

Marlboro Street, south side in metered areas.

(b) *Three-hour zones.* The following street is designated as a three-hour parking zone:

Main Street, east side, from a point 150 feet south of Marlboro Street to a point 200 feet south of Baker Street.

Main Street, west side from a point 285 feet south of Winchester Street to a point 55 feet from Appleton Street.

**Emerald Street, north side from Main Street to Wilson Street.**

(c) Miscellaneous parking.

(1) *Marlboro Street.* It shall be a violation if a vehicle is left standing for more than 30 minutes at any time between the hours of 8:00 a.m. and 5:00 p.m., Monday through Saturday, along the curb on the northerly side of Marlboro Street from a point 645 feet southeast of its intersection with Main Street, a distance of 384 feet in a southeasterly direction to Grove Street.

(2) *Marlboro Street.* It shall be a violation if a vehicle is left standing for more than 30 minutes at any time between the hours of 8:00 a.m. and 5:00 p.m., Monday through Saturday, along the curb on the southerly side of Marlboro Street from a point 787 feet southeast of its intersection with Main Street, a distance of 121 feet in a southeasterly direction to Adams Street.

#### DIVISION 4. LEASED SPACES

##### **Sec. 94-151. Leased parking lot spaces.**

(a) All ~~rental~~ **revenue** of parking spaces in public parking lots shall be for a minimum period of three months and at a quarterly rental rate as set forth in the schedule of fees in appendix B to this Code. The number of permits to be issued each month shall be at the discretion of the city manager. Rentals shall be from 8:00 a.m. to 5:00 p.m., Monday through Saturday, in all city lots except for the Elm Street Lot. Rentals in the Elm Street lot shall be from 7:30 a.m. to 6:00 p.m. for daytime reserved parking spaces, Monday through Saturday, and 6:00 p.m. to 7:30 a.m. for nighttime reserved spaces, each day of the week. Anyone occupying a parking space leased to another shall be subject to the penalty set forth in section 94-181. The terms and conditions of existing leases of parking spaces shall not be subject to the provisions of this division.

(b) Areas so designated in the Commercial Street Lot, Gilbo Avenue West Lot and the Wells Street Parking Garage for overnight permit parking shall not be subject to the rates set forth in subsection (a) of this section. Permits will be issued for these areas at a rate as set forth in the schedule of fees in appendix B to this Code. These permit rentals shall have no time limit and vehicles may remain parked around the clock seven days a week. Maintenance of this area will be minimal; users will be responsible for dealing with wind rows and ice left by minimal snow plowing.

(c) Leases of bulk portions of unused public parking areas may be issued on such terms as negotiated and approved by the city council.

~~(d) An exception to the standard quarterly rental rate and timeframe set forth in subsection (a) of this section shall be 43 designated reserved spaces on the upper level of the Wells Street parking structure. These rentals shall have no time limit and remain around the clock seven days a week at a fee determined by the city.~~

~~(e) An exception to the standard quarterly rental rates specified in subsections (a) and (b) of this section shall be for designated spaces in the lower level of the Wells Street parking structure~~

**Sec. 94-152. Public street parking spaces.**

(a) ~~Leased spaces~~ **Short term parking space permits.**

(1) Notwithstanding other sections of this chapter, parking spaces may be ~~rented~~ **permitted** on a daily basis for funerals or weddings, for special drives or events, and for construction or remodeling in which the work being accomplished necessitates work vehicles to be placed adjacent to where the construction is taking place and there is no other proximate area to locate the vehicle or vehicles. The decision of the city manager or parking services shall be final with respect to granting such parking space ~~rentals~~ **permits**. ~~Rental~~ **Space permit** payments shall be made in advance to the city in the amount as set forth in the schedule of fees in appendix B to this Code.

(2) For funerals and weddings, application may be made in advance to the city for billings to be sent out at intervals of no greater than once a year. In such case, the applicant shall furnish in advance an estimate to the city of the proposed use over the interval to be billed. Prior to the agreed upon billing date, the applicant shall furnish the city a log of actual usage during the interval. Bills will then be sent out based on actual use; if less than one full day or a partial day, rates may be determined by the city. The responsibility for appropriate marking and removal of the marking of the space ~~permittedbeing rented~~ shall be with the person having the permit forrenting the space.

(3) On street parking spaces may be ~~leased~~ **issued a permit for periods of less than 90 days** in accordance with rates as set forth in the schedule of fees in appendix B to this Code. Designation of on street ~~leased~~ **permit** spaces shall be determined by the city council. ~~PermitsRentals~~ shall be from 7:30 a.m. to 6:00 p.m., Monday through Saturday. Anyone occupying a parking space ~~permittedleased~~ to another shall be subject to the penalty set forth in section 94-181.

The following shall be designated as on street ~~leased~~ **permit** parking spaces:

Center Street - Three consecutive spaces on the north side of Center Street beginning west of Court Street.

Elm Street - Five consecutive spaces on the west side of Elm Street beginning north of Mechanic Street.

Mechanic Street (west) - Four consecutive spaces on the south side of Mechanic Street beginning east of Court Street.

Mechanic Street (east) - Two consecutive spaces on the south side of Mechanic Street beginning west of Washington Street.

Mechanic Street (east) - Two consecutive spaces on the north side of Mechanic Street beginning west of Washington Street.

**Norway Avenue – Five consecutive spaces on the west side of Norway Avenue beginning north of Church Street.**

**Norway Avenue – Six consecutive spaces on the east side of Norway Avenue beginning north of Church Street.**

Summer Street - Ten consecutive spaces on the south side of Summer Street beginning west of Court Street.

Vernon Street - Two consecutive spaces on the south side of Vernon Street beginning west of Washington Street.

## **DIVISION 5. PENALTIES AND TOWING**

### **Sec. 94-181. Established.**

(a) *Penalty.* Unless a penalty for the violation is otherwise specified, any person violating the provisions of this chapter shall be subject to a fine of not more than \$100.00 for each offense, which shall be collected under the following procedures, and may also be subject to the towing or immobilization of the motor vehicle as provided in section 94-183.

(b) Fine schedule and summons.

(1) Within ~~14~~**30** days of the time when a notice of violation of parking regulations was attached to the vehicle, the registered owner of any vehicle parked in violation of this chapter, or the registered owner's designated agent, shall pay to the city by mail or by depositing in the appropriate receptacles a fine payment according to the following schedule:

a. For each violation of subsections 94-94(a) through (c) and (e), \$15.00.

b. For each fire lane parking violation of subsection 94-66(11), \$75.00.

c. For each handicap parking violation of subsection 94-66(21), \$250.00.

d. For each violation of all other sections, \$15.00.

(2) If payment has not been made within ~~14~~**30** days of the notice of violation, the registered owner of the vehicle shall pay to the city a fine according to the following schedule:

a. For each violation of subsections 94-94(a) through (c) and (e), ~~\$15~~**30**.00.

b. For each violation of all other sections, \$35.00.

(3) If payment has not been made within ~~28~~**60** days of the notice of violation, the registered owner of the vehicle shall pay to the city a fine according to the following schedule:

a. For each violation of subsections 94-94(a) through (c) and (e), ~~\$35~~ **60.00**.

b. For each violation of all other sections, \$75.00.

(4) If the registered owner of the vehicle fails to make payment within an additional five working days, a summons may be issued to the owner who shall be charged with a violation under RSA 625:9 and shall be subject to a fine of not more than \$100.00 plus court fees, costs and penalty assessment.

(5) Multiple violations. Any operator or registered owner who parks in violation of subsection 94-94(a) pertaining to two-hour zones in excess of six consecutive hours shall pay to the city a fine of \$25.00. This fine is in addition to the fine for the underlying violations.

(c) Civil collection.

(1) The city may, at its option, seek to collect the fine payments specified under subsection 94-181(b) by civil process commenced through the district court small claims process under RSA 503:1, et seq., at any time before the expiration of three years from the date of the issuance of the notice of violation.

(2) The commencement of the civil process as provided in this section may occur if payment of the fine has not been made by the registered owner or designated agent within 28 days of the date of the issuance of the notice of violation.

(3) The civil process for the collection of the fine payment specified under subsection 94-181(b), and the collection of court costs and fees, shall be in accordance with the procedures established for small claims litigation under RSA 503:1, et seq.

## **DIVISION 6. PARKING RATES**

### **Sec. 94-211. Meter rates.**

(a) The meter rates set forth in this chapter pertain to all single space parking meters, multi-space meters and any other payment technologies.

(b) Parking rates.

(1) On street parking is defined as any metered space directly accessed from the roadway, except for Roxbury Plaza.

| a. Rate of parking is ~~75~~ **\$0.85** cents for one hour of time.

(2) Off street parking includes Elm Street, Commercial Street, **Wells Street lot**, Gilbo East **and West**, parking lots, City Hall and Wells Street Parking Garages and any other assigned location.

| b. Rate of parking is ~~30~~ **\$0.35** cents for one hour of time.

**APPENDIX B**

**FEE SCHEDULE**

Chapter 94. Traffic, Parking and Public Ways

§ 94-151(a). Public parking lot space ~~rental~~ **permit**, quarterly (surface lots) ..... ~~\$130.00~~ **145.00**

Public parking lot space ~~rental~~ **permit**, quarterly (garage) ..... ~~155.00~~ **\$200.00**

| Per day ..... ~~\$~~ **\$5.00**

§ 94-151(b). Commercial Street parking lot, Elm Street parking lot, Gilbo Avenue east parking lot and Wells Street Parking Garage overnight parking permit fees:

| Per twenty-four-hour period ..... ~~\$~~ **\$5.00**

§ 94-152(a). Public street parking space ~~rentals~~ **permits**:

| Metered spaces, per day per space ..... ~~\$~~ **\$15.00**

| Unmetered spaces, per day per space ..... ~~\$~~ **\$15.00**

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Kendall W. Lane, Mayor





# CITY OF KEENE

O-2018-19

Eighteen

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

Relating to Parking

AN ORDINANCE .....

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

That the City Code of the City of Keene, New Hampshire, as amended is hereby further amended by removing the stricken text and inserting the bolded text to the following provisions in Article III, "Parking", of Division 2, "Specific Streets", of Sections 94-93 and 94-94, of Division 4, Leased Spaces of Section 94-151. Leased parking lot spaces and Section 94-152, Public street parking spaces, Division 5, Penalties and Towing of Section 94-181 Established and Division 6. Parking Rates of Section 94-211 Meter Rates and Appendix B, Chapter 94, Traffic, Parking and Public Ways as follows;

**Division 2. Specific Streets**

**Sec. 94-93. No Parking.**

(a) Specific Streets. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device, in any of the following places:

**Court Street, West side, from the southwest corner of the driveway of 70 Court Street for a distance of 20 feet southerly.**

**Sec. 94-94. Restrictions.**

(a) *Two-hour zones.* It shall be deemed ~~unreasonable~~ **a violation** if a vehicle is left standing for more than two hours at any time between 8:00 a.m. and 5:00 p.m., Monday through Saturday, along the curb on the following streets:

Marlboro Street, south side in metered areas.

(b) *Three-hour zones.* The following street is designated as a three-hour parking zone:

Main Street, east side, from a point 150 feet south of Marlboro Street to a point 200 feet south of Baker Street.

Main Street, west side from a point 285 feet south of Winchester Street to a point 55 feet from Appleton Street.

**Emerald Street, north side from Main Street to Wilson Street.**

(c) Miscellaneous parking.

(1) *Marlboro Street.* It shall be a violation if a vehicle is left standing for more than 30 minutes at any time between the hours of 8:00 a.m. and 5:00 p.m., Monday through Saturday, along the curb on the northerly side of Marlboro Street from a point 645 feet southeast of its intersection with Main Street, a distance of 384 feet in a southeasterly direction to Grove Street.

(2) *Marlboro Street.* It shall be a violation if a vehicle is left standing for more than 30 minutes at any time between the hours of 8:00 a.m. and 5:00 p.m., Monday through Saturday, along the curb on the southerly side of Marlboro Street from a point 787 feet southeast of its intersection with Main Street, a distance of 121 feet in a southeasterly direction to Adams Street.

#### DIVISION 4. LEASED SPACES

##### **Sec. 94-151. Leased parking lot spaces.**

(a) All rental of parking spaces in public parking lots shall be for a minimum period of three months and at a quarterly rental rate as set forth in the schedule of fees in appendix B to this Code. The number of permits to be issued each month shall be at the discretion of the city manager. Rentals shall be from 8:00 a.m. to 5:00 p.m., Monday through Saturday, in all city lots except for the Elm Street Lot. Rentals in the Elm Street lot shall be from 7:30 a.m. to 6:00 p.m. for daytime reserved parking spaces, Monday through Saturday, and 6:00 p.m. to 7:30 a.m. for nighttime reserved spaces, each day of the week. Anyone occupying a parking space leased to another shall be subject to the penalty set forth in section 94-181. The terms and conditions of existing leases of parking spaces shall not be subject to the provisions of this division.

(b) Areas so designated in the Commercial Street Lot, Gilbo Avenue West Lot and the Wells Street Parking Garage for overnight permit parking shall not be subject to the rates set forth in subsection (a) of this section. Permits will be issued for these areas at a rate as set forth in the schedule of fees in appendix B to this Code. These permit rentals shall have no time limit and vehicles may remain parked around the clock seven days a week. Maintenance of this area will be minimal; users will be responsible for dealing with wind rows and ice left by minimal snow plowing.

(c) Leases of bulk portions of unused public parking areas may be issued on such terms as negotiated and approved by the city council.

~~(d) — An exception to the standard quarterly rental rate and timeframe set forth in subsection (a) of this section shall be 43 designated reserved spaces on the upper level of the Wells Street parking structure. These rentals shall have no time limit and remain around the clock seven days a week at a fee determined by the city.~~

~~(e) — An exception to the standard quarterly rental rates specified in subsections (a) and (b) of this section shall be for designated spaces in the lower level of the Wells Street parking structure~~

**Sec. 94-152. Public street parking spaces.**

(a) **Leased spaces Short term parking space permits.**

(1) Notwithstanding other sections of this chapter, parking spaces may be rented **permitted** on a daily basis for funerals or weddings, for special drives or events, and for construction or remodeling in which the work being accomplished necessitates work vehicles to be placed adjacent to where the construction is taking place and there is no other proximate area to locate the vehicle or vehicles. The decision of the city manager or parking services shall be final with respect to granting such parking space ~~rentals~~ **permits**. ~~Rental~~ **Space permit** payments shall be made in advance to the city in the amount as set forth in the schedule of fees in appendix B to this Code.

(2) For funerals and weddings, application may be made in advance to the city for billings to be sent out at intervals of no greater than once a year. In such case, the applicant shall furnish in advance an estimate to the city of the proposed use over the interval to be billed. Prior to the agreed upon billing date, the applicant shall furnish the city a log of actual usage during the interval. Bills will then be sent out based on actual use; if less than one full day or a partial day, rates may be determined by the city. The responsibility for appropriate marking and removal of the marking of the space permitted shall be with the person having the permit for the space.

(3) On street parking spaces may be leased **issued a permit for periods of less than 90 days** in accordance with rates as set forth in the schedule of fees in appendix B to this Code. Designation of on street ~~leased~~ **permit** spaces shall be determined by the city council. Permits shall be from 7:30 a.m. to 6:00 p.m., Monday through Saturday. Anyone occupying a parking space permitted to another shall be subject to the penalty set forth in section 94-181.

The following shall be designated as on street ~~leased~~ **permit** parking spaces:

Center Street - Three consecutive spaces on the north side of Center Street beginning west of Court Street.

Elm Street - Five consecutive spaces on the west side of Elm Street beginning north of Mechanic Street.

Mechanic Street (west) - Four consecutive spaces on the south side of Mechanic Street beginning east of Court Street.

Mechanic Street (east) - Two consecutive spaces on the south side of Mechanic Street beginning west of Washington Street.

Mechanic Street (east) - Two consecutive spaces on the north side of Mechanic Street beginning west of Washington Street.

**Norway Avenue – Five consecutive spaces on the west side of Norway Avenue beginning north of Church Street.**

**Norway Avenue – Six consecutive spaces on the east side of Norway Avenue beginning north of Church Street.**

Summer Street - Ten consecutive spaces on the south side of Summer Street beginning west of Court Street.

Vernon Street - Two consecutive spaces on the south side of Vernon Street beginning west of Washington Street.

## **DIVISION 5. PENALTIES AND TOWING**

### **Sec. 94-181. Established.**

(a) *Penalty.* Unless a penalty for the violation is otherwise specified, any person violating the provisions of this chapter shall be subject to a fine of not more than \$100.00 for each offense, which shall be collected under the following procedures, and may also be subject to the towing or immobilization of the motor vehicle as provided in section 94-183.

(b) Fine schedule and summons.

(1) Within ~~14~~**30** days of the time when a notice of violation of parking regulations was attached to the vehicle, the registered owner of any vehicle parked in violation of this chapter, or the registered owner's designated agent, shall pay to the city by mail or by depositing in the appropriate receptacles a fine payment according to the following schedule:

- a. For each violation of subsections 94-94(a) through (c) and (e), \$15.00.
- b. For each fire lane parking violation of subsection 94-66(11), \$75.00.
- c. For each handicap parking violation of subsection 94-66(21), \$250.00.
- d. For each violation of all other sections, \$15.00.

(2) If payment has not been made within ~~14~~**30** days of the notice of violation, the registered owner of the vehicle shall pay to the city a fine according to the following schedule:

- a. For each violation of subsections 94-94(a) through (c) and (e), ~~\$15~~**30.00**.
- b. For each violation of all other sections, \$35.00.

(3) If payment has not been made within ~~28~~**60** days of the notice of violation, the registered owner of the vehicle shall pay to the city a fine according to the following schedule:

- a. For each violation of subsections 94-94(a) through (c) and (e), ~~\$35~~**60.00**.

b. For each violation of all other sections, \$75.00.

(4) If the registered owner of the vehicle fails to make payment within an additional five working days, a summons may be issued to the owner who shall be charged with a violation under RSA 625:9 and shall be subject to a fine of not more than \$100.00 plus court fees, costs and penalty assessment.

(5) **Multiple violations.** Any operator or registered owner who parks in violation of subsection 94-94(a) pertaining to two-hour zones in excess of six consecutive hours shall pay to the city a fine of \$25.00. This fine is in addition to the fine for the underlying violations.

(c) **Civil collection.**

(1) The city may, at its option, seek to collect the fine payments specified under subsection 94-181(b) by civil process commenced through the district court small claims process under RSA 503:1, et seq., at any time before the expiration of three years from the date of the issuance of the notice of violation.

(2) The commencement of the civil process as provided in this section may occur if payment of the fine has not been made by the registered owner or designated agent within 28 days of the date of the issuance of the notice of violation.

(3) The civil process for the collection of the fine payment specified under subsection 94-181(b), and the collection of court costs and fees, shall be in accordance with the procedures established for small claims litigation under RSA 503:1, et seq.

## **DIVISION 6. PARKING RATES**

### **Sec. 94-211. Meter rates.**

(a) The meter rates set forth in this chapter pertain to all single space parking meters, multi-space meters and any other payment technologies.

(b) **Parking rates.**

(1) On street parking is defined as any metered space directly accessed from the roadway, except for Roxbury Plaza.

a. Rate of parking is ~~75~~ **\$0.85** cents for one hour of time.

(2) Off street parking includes Elm Street, Commercial Street, **Wells Street lot**, Gilbo East **and West**, parking lots, City Hall and Wells Street Parking Garages and any other assigned location.

b. Rate of parking is ~~30~~ **\$0.35** cents for one hour of time.

## **APPENDIX B**

**FEE SCHEDULE**  
Chapter 94. Traffic, Parking and Public Ways

§ 94-151(a). Public parking lot space ~~rental~~ **permit**, quarterly (surface lots) ..... ~~\$130.00~~ **145.00**

Public parking lot space ~~rental~~ **permit**, quarterly (garage) ..... ~~155.00~~ **\$200.00**

Per day ..... \$5.00

§ 94-151(b). Commercial Street parking lot, Elm Street parking lot, Gilbo Avenue east parking lot and Wells Street Parking Garage overnight parking permit fees:

Per twenty-four-hour period ..... \$5.00

§ 94-152(a). Public street parking space ~~rentals~~ **permits**:

Metered spaces, per day per space ..... \$15.00

Unmetered spaces, per day per space ..... \$15.00

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Kendall W. Lane, Mayor



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

November 1, 2018

**TO:** Mayor and Keene City Council

**FROM:** Beth Fox, ACM/Human Resources Director

**THROUGH:** Elizabeth Dragon, City Manager

**ITEM:** J.1.

**SUBJECT:** In Appreciation of James F. McLaughlin Upon His Retirement

**RECOMMENDATION:**

That Resolution R-2018-31 be adopted by the City Council.

**ATTACHMENTS:**

Description

R-2018-31

**BACKGROUND:**

Mr. McLaughlin retires from the Keene Police Department's Bureau of Investigations Department effective October 31, 2018, with 37 years of service.



# CITY OF KEENE

In the Year of Our Lord Two Thousand and Eighteen

A RESOLUTION In Appreciation of James F. McLaughlin Upon His Retirement

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

- WHEREAS: James F. McLaughlin began his career as a Patrol Officer with the Keene Police Department 4 October 1981; was transferred to the Investigations Division 7 December 1988, was promoted to Sergeant 31 May 2009, and was made Commander of the Bureau of Criminal Investigations as its Lieutenant 1 June 2011; where he has contributed to education, enforcement, and prevention regarding all serious crimes within our community; and
- WHEREAS: Constantly monitoring new and relevant case law—which he shares with co-workers with specific applicability to department operations—Jim's knowledge of legal developments is deemed unmatched throughout the state, and it is not uncommon for him to be consulted about the appropriateness and applicability of charges; and
- WHEREAS: Jim's conviction rate can be attributed to his excellent analytical reasoning, ability to focus on fact without bias in difficult and emotional situations, thorough investigations and interviews, skill at establishing productive rapport with suspects, viewing obstacles as challenges, never losing sight of the multijurisdictional law enforcement collaboration required; and courtroom preparedness and presentation; and
- WHEREAS: Both a criminal investigator and a bureau manager, his unit's solvability ratio is supported by his service as a leader, role model, and mentor to his detectives; his full understanding of their caseloads, his knack for prioritization of work; his going out of his way to help train and develop them; holding them to his own high standards, and keeping a balance between his own caseload and his assistance to them; and
- WHEREAS: With his outstanding investigative contributions recognized and valued at the national and international level, Jim has received accolades that include the *Congressional Law Enforcement Award*, the *Police Lifetime Achievement Award* from the NH Police, Fire, & EMS Foundation, the *KPD Investigator of the Year Award*, a *Top 10 Cops* designation from the National Association of Police Organizations, and appreciation from other federal, state, and local governments and organizations, as well as citizens; and
- WHEREAS: Jim has consulted, lectured, instructed, and authored to a variety of criminal justice, human service, college, healthcare, civic and other audiences concerning abuse, exploitation and other topics, serving as an expert resource around this country and elsewhere; and
- WHEREAS: Jim has coordinated the arrest of over 850 felony level crimes for those involved in the sexual exploitation of children, these arrests occurring in all 50 states and 17 foreign countries; and
- WHEREAS: Jim retires from the City of Keene effective 31 October 2018 with just over 37 years of honorable service;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Keene hereby extends its sincere thanks to James F. McLaughlin for his dedication to the City of Keene and wishes him the very best through all his retirement years; and

BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Jim in appreciation for his many years of service to the residents of Keene, the Monadnock Region, the State of New Hampshire, and society in general.

PASSED

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Kendall W. Lane, Mayor





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

November 1, 2018

**TO:** Mayor and Keene City Council

**FROM:** Beth Fox, ACM/Human Resources Director

**THROUGH:** Elizabeth Dragon, City Manager

**ITEM:** J.2.

**SUBJECT:** In Appreciation of Timothy P. Clark Upon His Retirement

**RECOMMENDATION:**

That Resolution R-2018-32 be adopted by the City Council.

**ATTACHMENTS:**

Description

Resolution R-2018-32

**BACKGROUND:**

Mr. Clark retires from the Keene Fire Department effective October 31, 2018, with 20 years of service.



# CITY OF KEENE

In the Year of Our Lord Two Thousand and Eighteen

A RESOLUTION In Appreciation of Timothy P. Clark Upon His Retirement

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

**WHEREAS:** Timothy P. Clark began his career with the City of Keene September 30, 1998, when he was hired as a Firefighter and one of the original four Paramedics with the Keene Fire Department; and

**WHEREAS:** A paramedic with very high skills and standards—impressive at taking patient histories, thorough in his assessments, and timely with treatments—Tim has a true passion for providing quality emergency medical services and played an important role in bringing the level of EMS care provided by Keene Fire Department to a high standard; and

**WHEREAS:** Having a strong understanding of medications and their use, Tim was responsible for reviewing and making recommendations regarding all state patient care protocols, as well as taking an active role with Cheshire Medical Center to choose and justify which medications should be carried for Advanced and Basic Life Support services; and

**WHEREAS:** Tim stayed current with the latest trends and techniques in the medical field—even before they hit the state of New Hampshire—and became a BLS instructor, helping others improve their knowledge, tutoring them for the National EMS Certification exam, training them on new equipment, and assisting with making new programs available for our medics; and

**WHEREAS:** Tim's forte has been to continually work to improve quality of service, diligently gathering feedback from the hospital's emergency physicians about how treatment affected patient outcomes to learn what could be done differently in future so the department always advances its EMS care; and

**WHEREAS:** Tim not only has acted as the department's Unit Controlled Drug Coordinator—dealing with secure narcotics and paramedic medications—but has volunteered to serve on every committee connected to EMS—the Ambulance Committee, the Defibrillator Committee, and the EMS Committee, which he chaired—and was a member of the Hazardous Materials Team and the Health and Wellness Committee; and

**WHEREAS:** Tim excelled in the areas of putting patients, fire victims, and members of the public at ease; of being a team player able to work alongside all members on shift regardless of experience or dynamics who both asks questions and offers suggestions; of taking on whatever challenges the day has to offer; and of guiding newer department members in emergency medical services and firefighting; and

**WHEREAS:** Having a gift for educational initiatives, Tim participated in many projects and programs, such as Kids' Safety Day, Fire Prevention Open Houses, Safe Kids New Hampshire, Fire Safety Camp, CPR in Schools, Get Alarmed, Recovery Coach, and the State Drug Diversion Task Force, as well as public presentations; and

**WHEREAS:** Tim retires from the City of Keene effective October 31, 2018, with over 20 years of honorable service;

**NOW THEREFORE, BE IT RESOLVED,** that the City Council of the City of Keene hereby extends its sincere thanks to Timothy P. Clark for his dedication to the City of Keene and wishes him the very best through all his retirement years; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution, properly engrossed, be presented to Tim in appreciation for his many years of service to the residents of Keene and the Monadnock Region.

PASSED

Kendall W. Lane, Mayor



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

October 25, 2018

**TO:** Mayor and Keene City Council

**FROM:** M.K. Kopczynski, Director-Economic Development, Initiatives and Special Projects

**THROUGH:** Elizabeth A. Dragon, City Manager

**ITEM:** J.3.

**SUBJECT:** 79-E Community Revitalization Tax Relief Incentive District Expansion Resolution

**RECOMMENDATION:**

That Resolution R-2018-33 relative to revision and readopting of the provisions of 79-E “Community Revitalization Tax Relief Incentive” with a revised map be referred to the Planning, Licenses, and Development Committee for consideration and a recommendation back to City Council.

**ATTACHMENTS:**

**Description**

Expansion Map

Resolution R-2018-33

**BACKGROUND:**

Staff has had several recent conversions with property owners in the Central Business District where they have expressed a desire to utilize 79 E incentives. Staff believes that this expansion could make possible the renovation of some underutilized buildings within the Main Street corridor and further our economic development and expansion goals. The issue was discussed at the Planning, Licenses and Development Committee August 29, 2018 and the City Council directed staff September 6, 2018 unanimously to draft a resolution.

The attached map shows the inclusion of the Central Business District, parts of the Central Business Limited District, and within the Historic District; part of the High Density, part of the Commerce District; and part of the new Residential Preservation district. To be included in the area utilizing a 79 E process the land must be a public benefit 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.




The small portion of Residential Preservation included is the only section that logically fits a downtown definition, bridging the existing and proposed 79 E districts. Any application in this district for a 79 E incentive must meet goals of returning or maintaining owner occupancy and increasing energy sustainability in conformance to the adopted City Greenhouse Gas initiative. Examples of the types of improvements expected would include envelope improvements (windows/doors/infiltration), roofs with insulation, solar energy production, insulation and upgraded energy efficient heating and cooling systems and lighting. The mechanism to measure the starting condition and the proposed final condition uses the Home Energy Score. Developed by the Department of Energy and its national laboratories, a Home Energy Score of at least six (6) would have to be met and demonstrated carbon emission reduction of at least 10%.



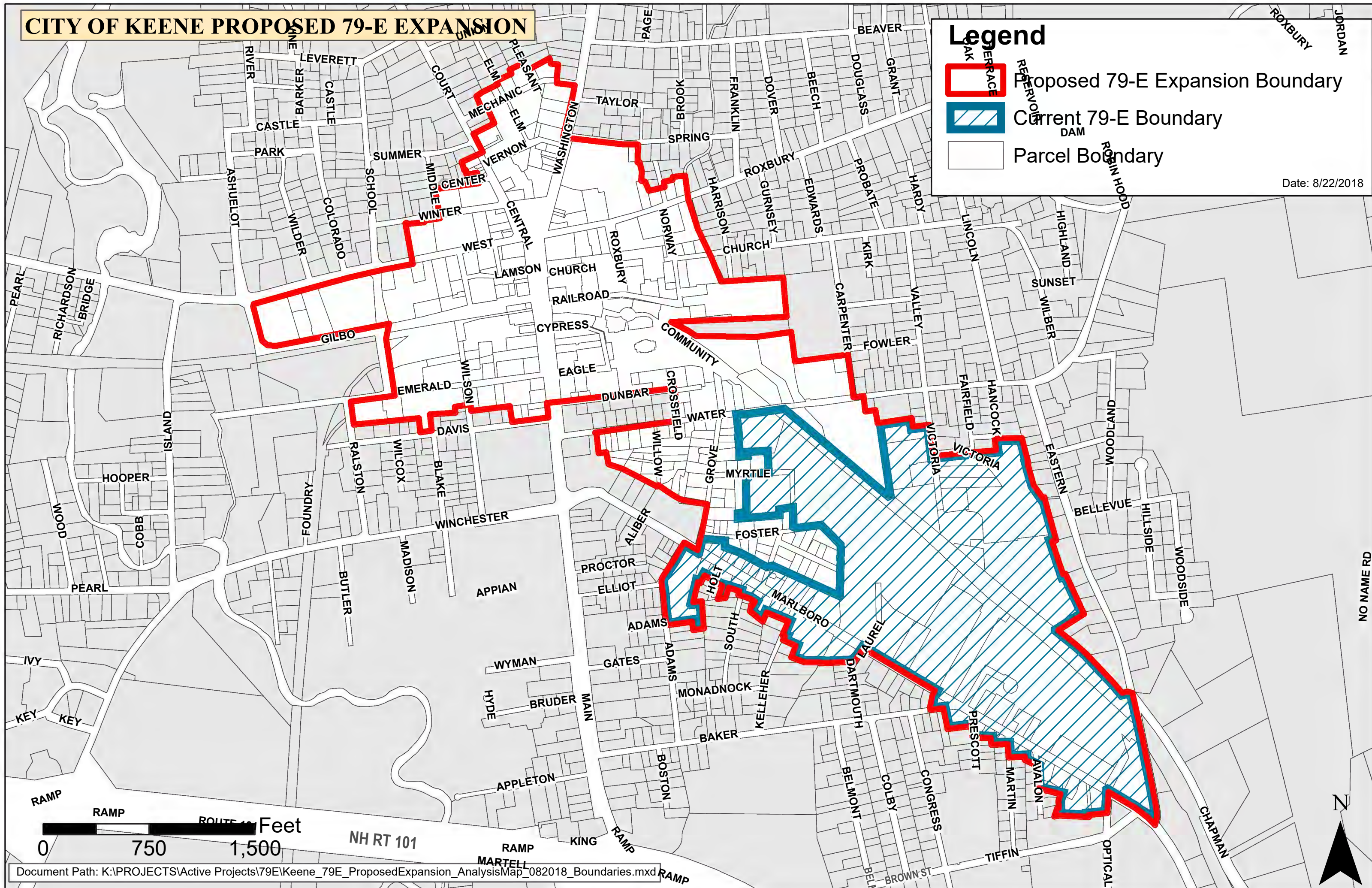


# CITY OF KEENE PROPOSED 79-E EXPANSION

### Legend

-  Proposed 79-E Expansion Boundary
-  Current 79-E Boundary
-  Parcel Boundary

Date: 8/22/2018







# CITY OF KEENE

R-2018-33

In the Year of Our Lord Two Thousand and Eighteen

A RESOLUTION ..... RELATING TO ADOPTING THE PROVISIONS OF RSA 79-E  
"COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE"

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

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

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

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

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

WHEREAS, on December 21, 2017 the City Council adopted RSA 79-E within certain districts located within the City as defined in R-2017-41; and

WHEREAS, the City Council hereby rescinds R-2017-41, and readopts and expands RSA 79-E in accordance with this Resolution;

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

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

PASSED

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

- I. It enhances the economic vitality of downtown areas;
- II. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located;
- III. It promotes the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation;
- IV. It promotes efficient design, safety, and a greater sense of community in a manner consistent with the Keene Comprehensive Master Plan;
- V. It will add to the City's employment base by creating at least one new, full-time job in Keene's downtown area;
- VI. It directly supports the integration of public art in the downtown; or
- VII. It promotes development of a sustainable building stock in the downtown that achieves a nationally or internationally recognized green building standard (e.g. LEED, Green Globes, National Green Building Standard, and International Green Construction Code).
- VIII. It maintains owner occupancy of a residential building or it returns a residential building to owner occupancy;
- IX. It results in an increase in energy sustainability in conformance with the City adopted greenhouse gas initiatives as determined by a home energy score of at least six (6), and demonstrated carbon emission reduction of at least 10%.

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

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

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

benefits listed above may be granted a tax relief period of up to two years, and a qualifying project that provides three or more public benefits may be granted a tax relief period of up to five years; provided, however, that in determining what, if any, tax relief duration to provide, the City Council may consider the impact the proposed substantial rehabilitation will have on existing, or required, City infrastructure.

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

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

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

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

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

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

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

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

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

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Kendall W. Lane, Mayor