



City of Keene
New Hampshire

**FINANCE, ORGANIZATION
AND PERSONNEL COMMITTEE
AGENDA
Council Chambers B
February 14, 2019
5:30 PM**

Mitchell H. Greenwald
Carl B. Jacobs
Terry M. Clark
Thomas F. Powers
Bettina A. Chadbourne

-
1. Nancy Sheldon/Shaldu, Ltd. - Acquisition of the Rail Spur that Bisepts Two Parcels of Property - Corner of Ralston and Emerald Streets
 2. Dubois & King Airport Management Contract - Airport Manager
 3. Acceptance of Donation - Monadnock Squares - Parks, Recreation and Facilities Department
 4. License Fees for Events Requiring Staff Protocols - City Clerk
 5. Marlboro Street - Transportation Alternatives Grant - Public Works Department
 6. Relating to the Conservation Commission
Ordinance O-2019-01
 7. Relating to Human Rights and the Martin Luther King, Jr./Jonathan Daniels Committee
Resolution R-2019-04
 8. Capital Improvement Program
Economic Development & Vitality, Flood and Storm Water Management, Community Development and General Operations, Facilities and Infrastructure

MORE TIME ITEMS:

- A. Future Consideration of 12 Gilbo Avenue - Parks, Recreation and Facilities Department

Non Public Session
Adjournment



Transmittal Form

February 1, 2019

TO: Mayor and Keene City Council

FROM: Nancy Sheldon/Shalldu, Ltd.

THROUGH: Patricia A. Little, City Clerk

ITEM: 1.

SUBJECT: Nancy Sheldon/Shalldu, Ltd. - Acquisition of the Rail Spur that Bisects Two Parcels of Property - Corner of Ralston and Emerald Streets

COUNCIL ACTION:

In City Council February 7, 2019.

Referred to the Finance, Organization and Personnel Committee, and the Bicycle, Pedestrian Path Advisory Committee.

ATTACHMENTS:

Description

Communication_Shalldu, Ltd

Backup_Shalldu, Ltd.

BACKGROUND:

Nancy Sheldon, Shalldu, Ltd., is seeking to acquire the rail spur that bisects two parcels of her property on the corner of Ralston and Emerald Streets.

Shalldu, Ltd.

‰ Nancy Sheldon
262 Central Park West
New York, NY 10024

February 1, 2019

Mayor Kendall W. Lane
and Keene City Council
3 Washington Street
Keene, NH 03431

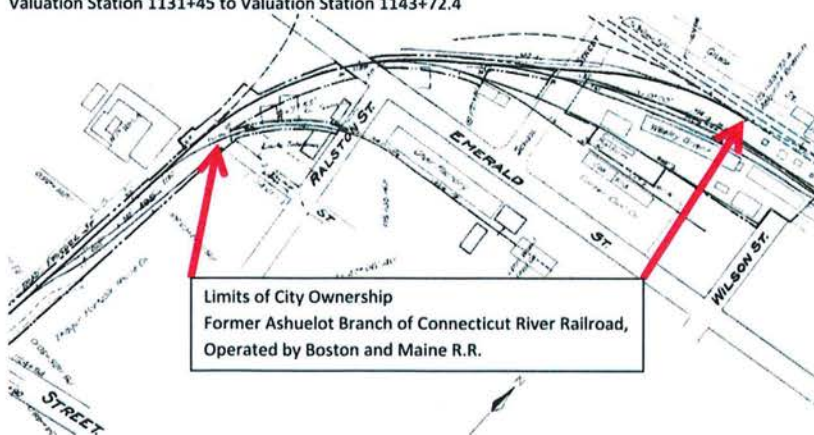
Honorable Mayor and City Council:

We write to request that the proposal described below be included in the agenda at the next meeting of the City Council and/or its appropriate committee. My family owns the property at 1 Ralston Street through Shalldu, Ltd. Our deceased father, Harry B. Sheldon, Jr., purchased the 0.66 acre parcel in 1974. He subsequently sold half the property to Braden Printing. Over the last several years my siblings and I have been thinking about developing our lot at the corner of Ralston and Emerald Streets. While we have not settled on a specific plan we are confident that the City would like to see the site improved.

The properties are bisected by a rail spur that runs between our lot and the Braden lot at 19 Ralston Street. Shalldu wishes to acquire the spur in anticipation of development. We have periodically corresponded with Al Braden on this topic and we would cooperate with him to the extent he is interested in a portion of the spur.

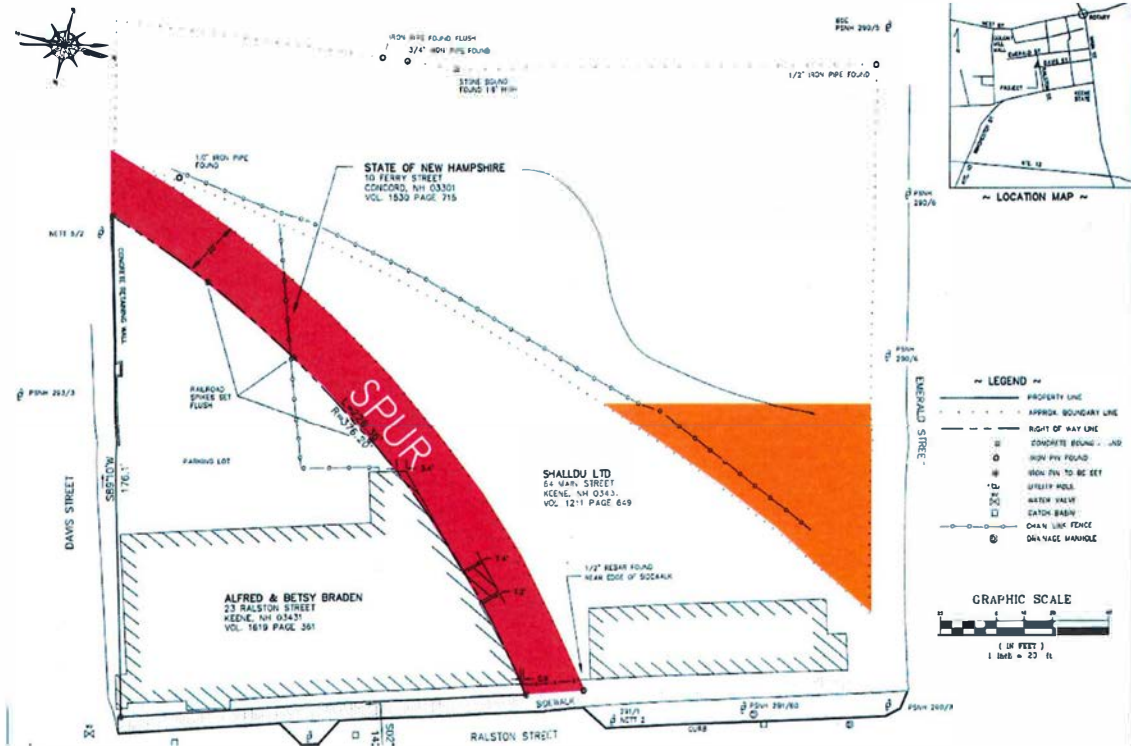
The City of Keene was granted certain pieces and parcels of land by the State of New Hampshire under a Quitclaim Deed in September 1988 and recorded in the Cheshire County Registry. I have attached a copy of the 1988 Deed. The map below shows the area of land granted by the State to the City.

V42.5/22 Ashuelot Branch
Ownership Limits – City of Keene, Cheshire County Registry of Deeds Book 1259 Page 0808
Valuation Station 1131+45 to Valuation Station 1143+72.4



Hon. Kendall W. Lane
and Keene City Council
Page 2
February 1, 2019

The map below is a closeup of the properties and the red spur that is the subject of this request.



Our family (through Shalldu, Ltd.) wishes to acquire the rail spur that bisects the properties. We look forward to hearing from you.

I can be reached by email: [REDACTED] or by phone at 212.724.09844 or 646.765.7807.

Thank you for your consideration.

Sincerely yours,

In City Council February 7, 2019.
Referred to the Finance, Organization and Personnel Committee,
and the Bicycle, Pedestrian Path Advisory Committee.

City Clerk

010219

08 SEP -7 PM 3:10

REC'D SEP 7 1988
CLERK OF DEEDS
LYONS HUSAL

609

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CHESHIRE COUNTY

REGISTRY OF DEEDS
KEENE, NEW HAMPSHIRE

SEP - 7 1988

Received _____
at 3:10 o'clock _____
P M

Recorded in Vol. 1259 Page 808
Attest *Elizabeth M. ...*
Register

(131)

Handwritten signature

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QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS that the State of New Hampshire, hereinafter referred to as "Grantor", for consideration paid, grants to the City of Keene, New Hampshire, with quitclaim covenants, all of its right, title and interest in and to those pieces or parcels of land situated in the City of Keene, Cheshire County, New Hampshire and bounded and described as follows:

- (a) All parcels shown on Boston and Maine Railroad Valuation Plan V39.1NH31 entitled "Right-of-Way and Track Map, Fitchburg R.R. Co.", dated June 30, 1914, between Station 1603+95 and Station 1623+20 thereon; and
- (b) All parcels shown on Boston and Maine Railroad Valuation Sheet Number V39.1NH S.L. 32, entitled "Station Map-Lands, Fitchburg R.R. Co.", dated June 30, 1914 between Stations 1623+20 and Station 1676+00 thereon; and
- (c) Those parcels shown on Boston and Maine Railroad Valuation Sheet Number V39.1NH33, entitled "Right-of-Way and Track Map, Fitchburg R.R. Co.", dated June 30, 1914 between Station 1676+00 and Station 1709+70, being the eastern boundary of Parcel No. 23; and
- (d) Those parcels shown on Boston and Maine Railroad Valuation Plan V42.5/SL22, entitled "Station Map-Lands, Connecticut River R.R. Co.", dated June 30, 1914, between approximately Station 1131+45, being the northeast boundary of Parcel No. 9, and Station 1143+72.4.

The Grantor also expressly releases any right or interest in the above-described properties created by statute under RSA 228:60-a, RSA 228:60-b, and RSA 228:60-c.

TO HAVE AND TO HOLD the above-described premises, with all the privileges and appurtenances thereto belonging, to the City of Keene, New Hampshire, its successors and assigns, to its own use and behoof forever.

IN WITNESS WHEREOF the said State of New Hampshire has caused these presence to be executed in its name, by the Commissioner of Transportation, thereunto duly authorized, this 23rd day of August, 1988.

THE STATE OF NEW HAMPSHIRE
Department of Transportation

By: Wallace E. Stickney
Wallace E. Stickney, Commissioner

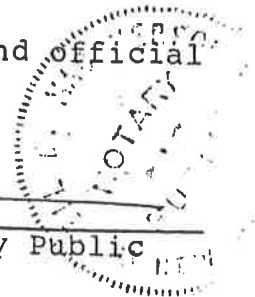
STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK, SS.

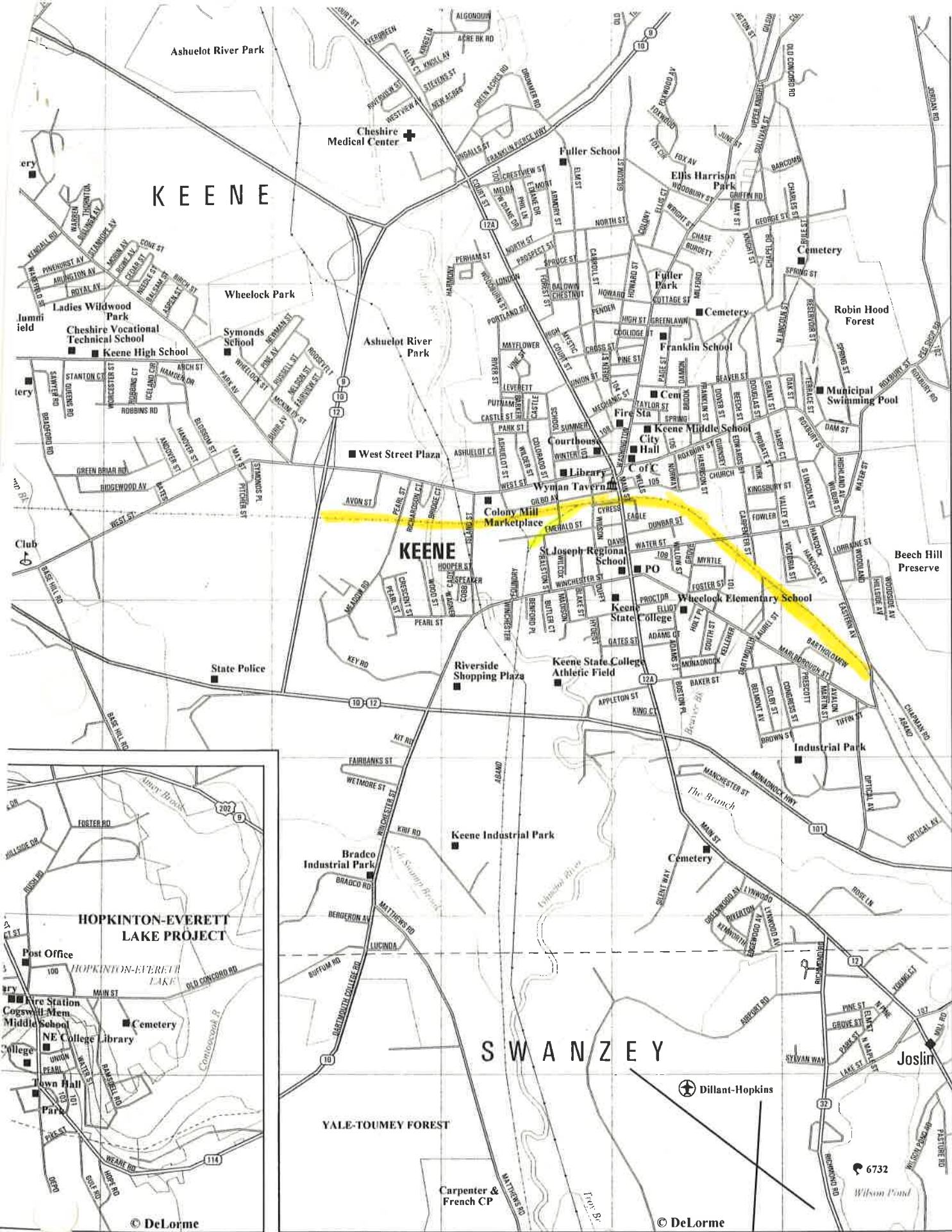
On this the 23rd day of August, 1988, before me, the undersigned officer, personally appeared WALLACE E. STICKNEY, Commissioner of the New Hampshire Department of Transportation, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he, being authorized to do so, has executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Neil D. MacPherson
Justice of the Peace/Notary Public

NEIL D. MacPHERSON, Notary Public
My Commission Expires April 9, 1991





KEENE

KEENE

SWANZEY



1" = 0.4 mi (0.6 km)

**STATE OF NEW HAMPSHIRE
INTER-DEPARTMENT COMMUNICATION**

From: Louis A. Barker
Railroad Planner

Date: October 17, 2011

At: Dept. of Transportation
Bureau of Rail and Transit

thru: Christopher Morgan, Administrator, Bureau of Rail & Transit

SUBJECT: State-owned Ashuelot Branch Railroad Corridor, Keene
Ownership

TO: Mike Pillsbury
Deputy Commissioner

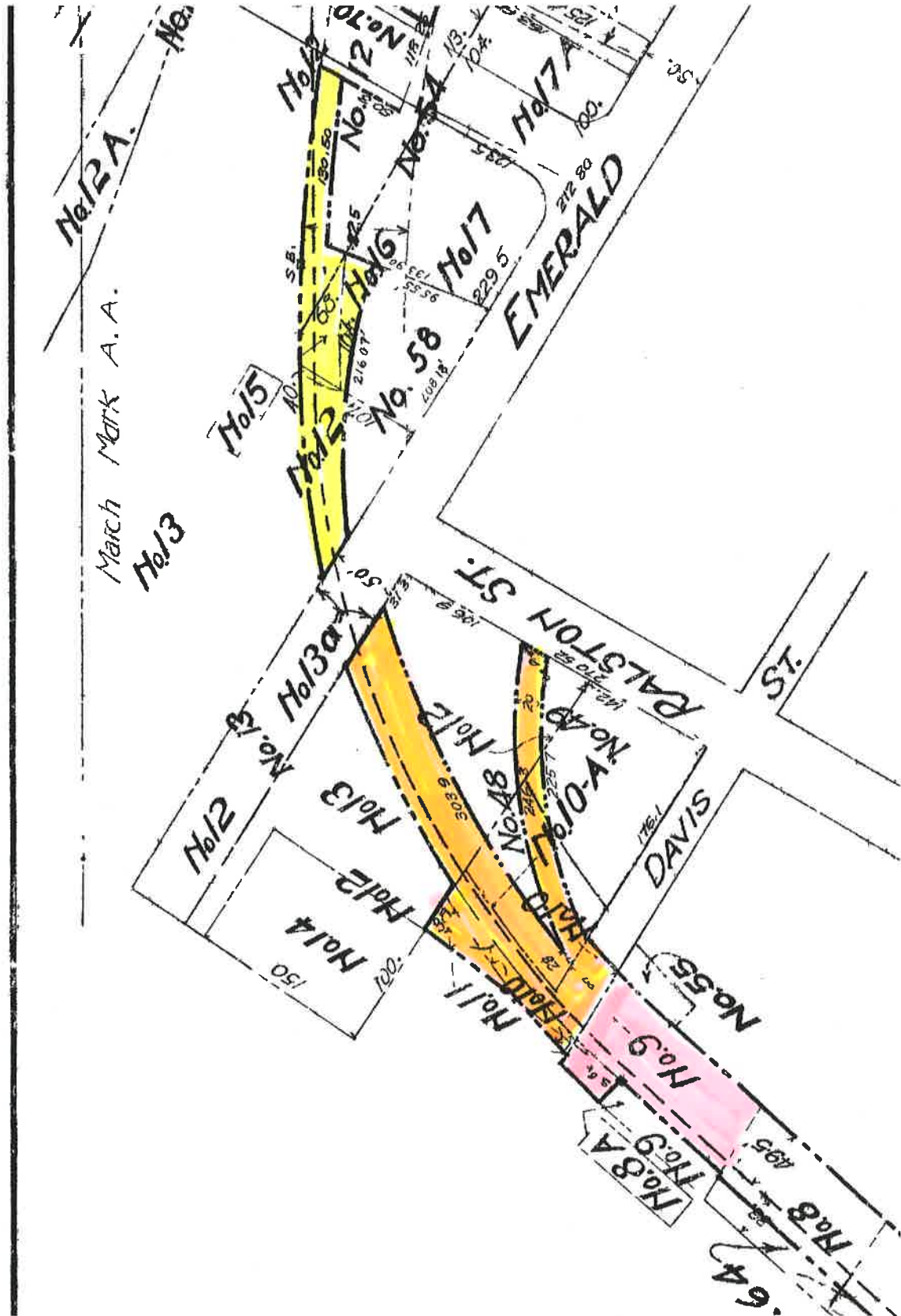
Please find attached a copy of the Quitclaim Deed dated August 23, 1988 from the State of New Hampshire, Grantor, to the City of Keene for segments of the State-owned Cheshire and Ashuelot Branch Railroad Corridors in Keene. Also, I have attached excerpts from the Ashuelot Branch Valuation Section 42.5/SL22, 42.5/22 and the City Tax Map.

In researching recent property request regarding railroad property I compared paragraph (d) to the valuation maps on file in the Bureau of Rail & Transit. It is my opinion that the State's ownership actually ends at what is known as Davis Street. This disagrees with what it shown the City of Keene tax maps therefore two property requests were referred by the City to this office.

Unless there are other steps necessary I request permission to inform the City of Keene of this finding and to redirect the property requests to the City of Keene as well.

Please review, comment and if acceptable I will prepare correspondence to the City of Keene and to the applicants.

Attachments



42.5 / 5L22



City of Keene, N.H.
Transmittal Form

February 12, 2019

TO: Finance, Organization and Personnel Committee

FROM: Jack Wozmak, Airport Manager

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 2.

SUBJECT: Dubois & King Airport Management Contract - Airport Manager

RECOMMENDATION:

Authorize the City Manager to do all things necessary to enter into a management contract with Dubois & King for up to one-year to provide day to day management of airport operations, in accordance with the Scope of Services, for an amount not to exceed \$100,000. and to allow the use of airport budget personnel wage and benefit lines to fund this contract.

BACKGROUND:

This interim management proposal from Dubois & King fits within the existing budget structure for airport management and will allow the City Manager (and City Council) to continue to act upon the Master Plan for the Airport, the Keene Capital Improvement Plan (CIP) and the NHDOT/FAA Airport Improvement Plan (AIP), without interruption while a new Airport Manager is vetted and hired. At existing funding levels, this proposal is budget neutral. This management proposal will provide for on-going, as needed daily oversight of issues and activities while monitoring the tight federal funding timelines that will allow the airport to continue to take advantage of a variety of federal funding opportunities.

Guy Rouelle will serve as the primary person in the performance of the work. Guy Rouelle is the former Aeronautics Administrator for the State of Vermont, Agency of Transportation. In his former position, Mr. Rouelle oversaw the planning, engineering, operations, maintenance, property management, etc., at the ten State-owned Airports.

The Scope of Services includes:

1. Until a permanent, full-time Airport Manager is hired by the City, D&K staff will provide the management and coordination of the above projects in lieu of a permanent Airport Manager. D&K, as interim airport manager, will facilitate the continued progress on each of the noted projects above— Airport Development Plan and the Airport Capital Improvement Plan—that are essential to developing the airport. Note that for the airport to achieve full compliance with Part 139, it must have a full-time Airport Manager.
2. At or near the time of Part 139 compliance, DuBois & King would use its contacts and resources in airports across the nation to assist the City in the search for and vetting of a qualified, permanent full-time Airport Manager. DuBois & King has substantial expertise and knowledge of the qualities necessary for an Airport Manager. As airport activity increases, airport enplanements will grow. With a goal of 10,000 enplanements, the airport's annual FAA entitlement funding has the potential of increasing from the current \$150,000 to

\$1,000,000.

3. DuBois & King would provide on-site administrative/clerical support for the purposes of invoice processing, file management, email correspondence and tenant support, etc. D&K understands that our performance will be directly supervised and we will report to City Manager Elizabeth Dragon or her designee. D&K will work closely with and cooperate with other members of City staff. D&K duties will include the following activities:

a. Continue the work associated with economic development, educational, recreational, and social opportunities to tenants, government agencies, and the greater community, and serve as the primary point of contact for tenant/customer relations, FAA/NHDOT, and other parties for issues related to airport business operations, marketing, planning, development, and capital projects.

b. Continue the oversight of airport development projects including grant-funded activities and coordinate directly with the City Manager on the development of long range capital improvement plans, historically negotiated each July with NHDOT.

c. Participate in the evaluation of the Airport Operations Manager, as appropriate, to be determined by the City Manager or her designee.

d. Prepare and submit for implementation capital grant applications in cooperation with other City staff, in accordance with grant assurances. Coordinate and cooperate with City Public Works, Planning, and Airport Operations personnel as necessary to oversee grant-funded airport projects. D&K will attend City Council meetings as necessary and participate in the airport budget process.

e. Participate in the evaluation and implementation of the Airport Master Plan. Make recommendations to the City Manager on recommended changes.

f. Implement marketing and promotional activities to build public awareness and increase the visibility and utilization of the airport and the adjacent City-owned property.

g. Identify and advance development opportunities related to aviation and non-aviation uses of the airport.

h. Coordinate planning, evaluation, and implementation activities related to airport runway obstruction removal projects, and develop maintenance requirements including tree cutting, tree removal, tree replacement or other mitigation efforts. Identify the need to secure aviation easements as necessary.

i. Coordinate the efforts of the Airport Marketing and Development Committee, in cooperation with other City staff, providing professional guidance regarding aviation matters including master plan implementation, communications, marketing and public relations.

j. Communicate regularly with key airport users as development concepts are formulated.

k. Coordinate a variety of meetings with aviation, economic development, and community stakeholders in the City of Keene and the Town of Swanzey.

l. Maintain airport user and tenant relationships on an ongoing basis, and coordinate the activities of various City departments, advancing contracting development, execution and ongoing airport safety compliance.

m. Stay abreast of current and emerging airport development trends and technologies, monitoring legislative issues that may impact the airport as a municipal enterprise, and recommend appropriate action.

n. Seek grant funding for proposed update to the 2012 Airport Market Study.

o. Provide the City Manager or her Designee a monthly report of activities conducted under this agreement. This report will be submitted to the City along with the monthly invoice.

4. DuBois & King engineers, planners and other technical and management staff would be on site on a schedule sufficient to maintain the orderly management of airport operation, maintenance and development as outlined in the Scope of Services.

The level of effort will vary from week to week, and will be directly dependent on the assigned tasks. We anticipate that the performance of the tasks outlined in the Scope of Services will require Mr. Rouelle and Mark Goodrich to provide a total of 2 to 3 days per week on-site and virtually 24/7 remote contact, as needed. This time will be spent executing the duties of the scope of services working at the Dillant-Hopkins Airport to facilitate, coordinate, and communicate with Airport Operations and to afford access to necessary records/files or sites.

Mr. Rouelle will report directly to Elizabeth Dragon, City Manager. D&K will provide (weekly, monthly, written, verbal, to be determined) reports to the City Manager or her Designee.

The City Manager anticipates that the length of this agreement will be adequate to complete the hiring process for an employee-based Airport Manager whose search will begin immediately. Consequently, while this Agreement shall be effective for the period of February 15, 2019, to February 29, 2020 this agreement can be extended for a period of one year upon mutual agreement of the two parties or terminated earlier than one year if a new airport manager is successfully hired.



City of Keene, N.H.
Transmittal Form

February 11, 2019

TO: Finance, Organization and Personnel Committee

FROM: Andy Bohannon, Parks, Recreation and Facilities Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 3.

SUBJECT: Acceptance of Donation - Monadnock Squares - Parks, Recreation and Facilities Department

RECOMMENDATION:

Move that the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept the donation of \$300.00 from the Monadnock Squares and that the money is used for any improvements needed at the Keene Recreation Center.

BACKGROUND:

The Monadnock Squares dance club has provided a square dance program at the Recreation Center since the early 1960's. The club has at various times participated in some way in the upkeep or improvement of the building. The club holds classes every Wednesday night and larger club events every other Saturday night.



City of Keene, N.H.
Transmittal Form

February 12, 2019

TO: Finance, Organization and Personnel Committee

FROM: Patricia A. Little, City Clerk

ITEM: 4.

SUBJECT: License Fees for Events Requiring Staff Protocols - City Clerk

RECOMMENDATION:

Move to recommend that the Finance, Organization and Personnel Committee report out Councilor Manwaring's communication on license fees as informational.

BACKGROUND:

In March of 2018, Councilor Manwaring submitted a communication to the Council in which she raised the issue of whether license fees should account for the staff resources that attend protocol meetings. Councilor Manwaring had participated in several protocol meetings on a footrace license application for the 4 on the 4th road race and she was aware that the applicable license fee was only \$25.00. The Committee placed her communication on more time to consider whether an increase in license fees to reflect the staff efforts at these protocol meetings was warranted.

During the FOP Committee's review of the communication, the City Clerk provided an overview of the various types of licenses that might require protocol meetings. They include events open to the public such as fireworks displays, outdoor periodic events, competitive races, street fairs, and community events.

Over the past year, representatives from the Police, Fire, and Public Works Departments and the City Clerk's Office have met with the City Manager. Pertinent provisions under State Law, City Ordinances, City Council Policies and Administrative Directives were reviewed.

State law stipulates that fees or charges for licenses and permits shall not exceed an amount reasonably calculated to cover the regulatory, administrative, and enforcement costs of the activity. The City's fiscal policy provides that fees and charges shall be set at something less than full cost recovery when there is no intended relationship between the amount paid and the benefit received. All of the various license applications that might involve a protocol review are activities that benefit the community at large and are generally sponsored by nonprofit organizations for charitable purposes.

Referring back to State Law for guidance, the only administrative activity that is contemplated in the license fee is the attendance of staff from the City Clerk's Office to facilitate the issuance of the license. Representatives from the Community Development, Police, Fire, and Public Works Departments are present at these protocol meetings to make recommendations for public safety within the scope of their official responsibilities. Acknowledging the time spent by the City's public safety staff in a license fee would not be permitted under State Law.

The City process of holding a protocol meeting is determined by the Emergency Management Director.

Several factors are considered, including the location, any closures of public ways, the expected attendance, whether the event is timed and competitive, and what other activities might be occurring at the same time. Some license applications require a protocol and some do not. Sometimes a protocol is required for the first few years and then, if the event scope remains static, the protocol meetings are no longer required.

Although there was some thought of establishing a separate fee for each protocol meeting held and to send an invoice to the applicant after the event; this concept is problematic because of the discretion that goes into determining whether to require a protocol meeting in the first instance and the uncertainty by the applicant of knowing the full charge for the license at the point of application. In addition, there would be an administrative cost to prepare invoices and collect payments.

What does appear to be reasonable is to establish a license application fee for the two types of licenses, which do not have any established fee. They include a license for the general use of City property and a street/fair community event license. The latter had a license fee which was eliminated by the City Council at the request of Center Stage Cheshire County, which was the event producer for the Pumpkin Festival. In addition, the remaining licenses for events open to the public would be incrementally adjusted to reflect the administrative efforts for the license preparation.

Two side issues that were raised during the meetings will be handled separately by the City Manager. They include a discussion regarding the level of City services provided to specific events and whether it would be helpful in discerning the difference between a license type and a funding scenario. It is recommended that the term “community events” be replaced with “community sponsored event” during future budget discussions.

The discussion prompted by Councilor Manwaring has given staff a good understanding of the statutory limits to fees and charges and it has shown some disparity in the existing fee structure. It would be our intent to review the City Code’s provisions for the events open to the public and to recommend appropriate fee adjustments for consideration by the Planning, Licenses and Development Committee. It is recommended that Councilor Manwaring’s communication be reported out as informational.



City of Keene, N.H.
Transmittal Form

February 11, 2019

TO: Finance, Organization and Personnel Committee

FROM: Donald R. Lussier, P.E., City Engineer

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 5.

SUBJECT: Marlboro Street - Transportation Alternatives Grant - Public Works Department

RECOMMENDATION:

Move that the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept and execute a Transportation Alternatives Program (TAP) grant from the New Hampshire Department of Transportation (NHDOT) and to execute a Memorandum of Understanding for bicycle, pedestrian, streetscape, and roadway improvements on Marlboro Street corridor, including the construction of a connection to the Cheshire Rail Trail in the vicinity of Bartholomew Court.

Move that the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a professional service contract with DuBois & King for engineering and technical services for Grant-funded pedestrian, bicycle, streetscape and roadway improvements on the Marlboro Street corridor for an amount not to exceed \$119,6000 with funding to come from the Marlboro Street and Utilities Reconstruction Project.

Move that the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute easements and access agreements required for the construction of pedestrian, bicycle, streetscape and roadway improvements on the Marlboro Street corridor.

BACKGROUND:

The City's FY 2019 Capital Improvement Program (CIP) appropriated funds for a variety of work in the Marlboro Street corridor. The work included water and sewer utility improvements, spot repairs to the drainage system, sidewalks and curbing repairs. The CIP included funds for minimal "complete streets" corridor improvements. These funds were intended to implement some of the interim improvements identified in the 2015 Marlboro Street rezoning and land use study.

In the fall of 2018, staff submitted an application for a Transportation Alternatives Program (TAP) grant. The application proposed using appropriated funds in the Marlboro Street and Utility Improvement project as the 20% match for a larger complete streets scope of work. On January 23, 2019 the City was notified that we had been awarded the grant.

The total grant amount is \$598,000 (\$478,000 Fed/State - \$119,600 City) which will allow crosswalk improvements at Grove Street and Baker Street, bike lanes, sidewalk improvements, traffic calming measures,

and the creation of a formal connection between Marlboro Street and the Industrial Heritage Trail through the Public Works complex.

Dubois & King was selected through a competitive Request For Proposal (RFP) process in 2018 for the design of the utility work and the interim complete streets measures. The utility work is nearing design completion and will be advertised in the coming weeks. With the award of the TAP grant, some of the complete street work that was planned as part of the utility project will be moved and undertaken as part of a larger complete street and streetscape project. Due to their extensive work on this corridor, D&K is best positioned to complete the design of the grant-funded work. It is recommended that the City Manager be authorize to negotiate and execute a professional service contract with Dubois & King in an amount not to exceed \$119,600. Since the TAP Grant was for construction only the design will be 100% funded by the City.

Finally, it is anticipate that the construction of sidewalks, traffic calming measures, etc. may require the City to obtain permission from adjacent property owners for temporary access. Therefore, we request the City Manager be authorized to negotiate with property owners for these rights.



February 5, 2019

TO: Mayor and Keene City Council

FROM: The Conservation Commission

THROUGH: Rhett Lamb, Planning Director

ITEM: 6.

SUBJECT: Relating to the Conservation Commission

COUNCIL ACTION:

In City Council February 7, 2019.

Referred to the Finance, Organization and Personnel Committee.

RECOMMENDATION:

At its meeting of January 15, 2018, Councilor Hansel moved for the Conservation Commission to recommend that City Council accept updates to Sec. 2-774 of the City Code of Ordinances related to Conservation Commission powers, duties, and guidelines. Mr. Haynes seconded the motion, which the Conservation Commission carried unanimously.

ATTACHMENTS:

Description

Ordinance O-2019-01

BACKGROUND:

Mr. Lamb noted there were a few remaining scrivener's errors such as improperly labeled titles, which are not substantive. Mr. Lamb continued explaining the remaining substantive changes for Commission approval:

Mr. Lamb stated in Sec. 2-774 (4) – to change “Prevent a drastic alteration of natural topography, drainage, and scenery without review and public approval,” to “Develop Land Management Plans for City conservation lands to prevent a drastic alteration of natural topography, drainage, and scenery.”

Mr. Lamb noted the original intent of the language was to ensure that development of conservation lands went through some kind of review process, whether by the Commission or Planning Board, etc. However, it might have been misleading and made it seem like the Commission is responsible for holding public hearings about changes to any land of conservation interest. The new language makes clear that it is the Commission's responsibility to develop Land Management Plans, but only for City owned conservation lands as opposed to all private properties subject to permitting at the state level. This is not limited to conservation easements. This does not apply, for example, to the airport or surface water reservoirs in Roxbury.

The Commission discussed if the language should be edited to state more explicitly that this only applies to City-owned lands zoned for conservation. Mr. Lamb recalled it is the Committee's purview to make any changes;

this is just draft language staff suggests. He thinks the Commission evaluates large conservation lands where drastic alterations are considered. The Commission discussed whether “*drastic*” is the appropriate word choice because it often has a negative connotation; they discussed alternatives such as *significant* and *substantial*. The Commission agreed initially to change the word *drastic* to *significant*. Following further discussion, however, the Commission concluded that the real intent of this duty is to prevent negative changes to these properties; some significant changes are positive ones. The Commission agreed to maintain the language as written, with the word *drastic*. The Commission discussed redundancies between this paragraph (4), which is about Land Management Plans, and paragraph (7), which is more about maintaining an index of lands. The Commission considered combining the two paragraphs, or moving (7) to precede (4). Ultimately, the Commission agreed to delete paragraph (7) and revise paragraph (4) to read: “Develop Land Management Plans and maintain an index for City conservation lands to prevent a drastic alteration of natural topography, drainage, and scenery.”

Regarding Sec. 2-774 (12) – Mr. Lamb stated change “Act as a publicizing agent bringing Commission programs and problems of Commission management and control to the notice of the public,” to “Inform the public about Commission programs and areas of concern.”

Mr. Lamb stated the intent is to make this duty more about public involvement and education than reporting problems and concerns. The new language is a more general statement to ensure the Commission informs the public about their programs and actions.

The Commission agreed the new language as written is an appropriate, more concise change.

Mr. Lamb continued with Sec. 2-774 (20) – he stated change “Appear before state and federal agencies to request financial assistance, or to advocate changes in state laws and federal regulations as they affect the ability of the Commission to carry out its functions,” to “Advise City Council on matters pertaining to the City’s interest at the state and federal level in conservation/wetlands law and policy.”

Mr. Lamb said the new language clarifies the Commission’s responsibilities to evaluate and comment on conservation matters to state government. Other City committees have altered this language, so Mr. Lamb used the language from the Energy and Climate Committee’s new guidelines, which the City Attorney suggested. The City should speak with one voice and this new language ensures that any Commission recommendations go before Council before rising to the state level.

Mr. Lamb stated this will require the Commission to be proactive, though the Council review process is more efficient than it used to be. The Commission should plan for a three week cycle for Council and Standing Committees to review a recommendation; if a matter is time sensitive, the Council can vote to act at the next meeting. The Commission agreed with the new language as written.

To follow through on these duties, the Commission requested a full list of City-owned conservation lands so they know what parcels they are responsible for developing Land Management Plans. Mr. Lamb recalled that as a part of their charge the Commission can choose what parcels to be involved with. Some parcels like Wheelock Park are already actively managed by the Parks & Rec Department, while parcels north of the park in the floodplain may need management. There is a map of City conservation lands (which is always changing with new parcel acquisitions) that Mr. Lamb will share with the Commission. Councilor Hansel suggested adding it to the Commission webpage as it may be of interest to the public. The map includes the tax map parcel numbers for each property.

Mr. Reilly asked for an example of Sec. 2-774 (8). Mr. Lamb said this regards the Commission receiving gifts of money or property in the City’s name. State statute allows commissions to accept gifts of cash and land. As written, this paragraph ensures any gifts are subject to the Council acceptance process. Mr. Reilly said this seems like an extra step and asked about instances when someone wants to donate land to the Commission but

not the City. Mr. Lamb said the solution in such cases is a restriction on the use of the donation stipulating the City will own the land only for the purpose of conservation; this has happened in the City historically. Councilor Hansel added that having a donation go through the Council process allows the public to see what donations are being accepted and why. Mr. Lamb agreed and noted that the Commission must follow the Council approval process to use the Land Use Change Tax Fund to purchase land or assist with easement acquisition. Money the Commission uses from the annual operating budget does not require Council approval.

Councilor Hansel moved for the Conservation Commission to recommend that City Council accept updates to Sec. 2-774 of the City Code of Ordinances related to Conservation Commission powers, duties, and guidelines. Mr. Haynes seconded the motion, which the Conservation Commission carried unanimously.

Mr. Lamb will process this recommendation, which will progress through the Council approval process before the February Commission meeting.



CITY OF KEENE

O-2019-01

Nineteen

In the Year of Our Lord Two Thousand and

Relating to – Conservation Commission

AN ORDINANCE

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

That the City Code of the City of Keene, New Hampshire, as amended is hereby further amended by deleting Division 7 “Conservation Commission” of Article V “Boards and Commissions” of Chapter 2 entitled “Administration” in its entirety and inserting a new Division 7, as follows:

DIVISION 7. CONSERVATION COMMISSION

Sec. 2-771. - Membership.

The conservation commission shall consist of seven regular voting members, one of whom shall be a member of the city council.

Sec. 2-772. - Terms.

Each member of the conservation commission shall have a three-year term. Terms of the members shall be staggered so that two members shall be appointed in January of each year.

Sec. 2-773. - Relation to department head.

The Community Development Department will provide staff support to the conservation commission. Other departments may be called upon as necessary.

Sec. 2-774. - Powers, duties and guidelines.

In accordance with the provisions of applicable law, the powers, duties and guidelines in this section are hereby established for the conduct of the conservation commission. The commission shall:

- (1) Promote the stewardship of natural resources in the city and the protection of watershed resources of the city.

Sec. 2-774. - Powers, duties and guidelines. (continued)

(2) Preserve the best of the city's physical and natural resources, while welcoming well-planned expansion or redevelopment.

(3) Regard land as an extremely important asset, whose use should be consistent with the long-range community values.

(4) Maintain an index and Develop Land Management Plans for City conservation lands and open areas to prevent a drastic alteration of natural topography, drainage, and scenery.

(5) Ensure sound commission practices by providing adequate open space, accesses, wooded areas, meadows, swamps, ponds, trails, paths and brooks in keeping with constructive property management.

(6) Conduct research into the city's local land areas and seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work.

(7) Receive gifts of money or property, both real and personal, in the name of the city with the prior approval of the city council. Such gifts are to be managed and controlled by the commission for the purposes of this subsection. The commission may acquire, with the approval of the city council, by gift, purchase, grant, bequest, devise, lease, or otherwise, the fee in such land or water rights, or any lesser interest, development right, easement, covenant, or other contractual right, including conveyances with conditions, limitations or reversions, as may be necessary to acquire, improve, protect, limit the future use of, or otherwise conserve and properly utilize open spaces and other land and water areas within the city, and it shall manage and control such. The city shall not have the right to condemn property for these purposes, except insofar as permitted by other statutes.

(8) Receive appropriations from the city council for establishing and maintaining the conservation commission to promote the development and better utilization of our natural resources. The whole or any part of money appropriated by the city council in any year may be placed in a commission fund and allowed to accumulate with interest, from year to year. All funds of the commission shall be accounted for by the city through the finance director and the trustees of trust funds. Money may be expended from such fund for the purpose of this division by the commission, with the approval of the city council.

(9) Hear citizen comments about the operation of the commission and the matters in the office of the Community Development Director concerned with commission practices.

Sec. 2-774. - Powers, duties and guidelines. (continued)

- (10) Advise the city manager, planning director and city council in all matters in accordance with this chapter.
- (11) Inform the public about commission programs and areas of concern .
- (12) Have charge and general management over the commission functions in the city as far as is consistent with the Charter, this Code, and state statutes.
- (13) Assist in developing and stating objectives and goals for community improvement.
- (14) Pursue the means for achieving the determined goals for improvement.
- (15) Designate a member of the commission to appear before other boards or city council committees to testify on matters of concern to the commission.
- (16) Develop active regional cooperation on commission programs.
- (17) Support and promote the goals outlined in the city's climate action planning documents and the comprehensive master plan as they relate to land use.
- (18) Study and recommend methods of financing proposed improvements in the commission functions of the city.
- (19) Advise City Council on matters pertaining to the City's interest at the State and Federal level in conservation/wetlands law and policy.
- (20) Maintain and oversee the monitoring of any city-held conservation easements within the city.
- (21) Perform such other related functions as required by the city council or requested by the city manager.

Kendall W. Lane, Mayor

In City Council February 7, 2019.
Referred to the Finance, Organization
and Personnel Committee.


Patricia Castle





City of Keene, N.H.
Transmittal Form

February 5, 2019

TO: Mayor and Keene City Council

FROM: Mayor Kendall W. Lane

ITEM: 7.

SUBJECT: Relating to Human Rights and the Martin Luther King, Jr./Jonathan Daniels Committee

COUNCIL ACTION:

In City Council February 7, 2019.

Referred to the Finance, Organization and Personnel Committee.

RECOMMENDATION:

That Resolution R-2019-04 be referred to the Finance, Organization and Personnel Committee for consideration.

ATTACHMENTS:

Description

Resolution R-2019-04

BACKGROUND:

This Resolution is introducing my recommendation that the name and mission of the Martin Luther King, Jr./Jonathan Daniels Committee be expanded to explore issues of diversity and social justice. This expanded mission has been shared with the current membership of the MLK/JD Committee and they are supportive. Upon passage of the Resolution, an Ordinance will be introduced to codify these changes.



CITY OF KEENE

R-2019-04

Nineteen

In the Year of Our Lord Two Thousand and
Relating to Human Rights and the Martin Luther King, Jr. /Jonathan Daniels

A RESOLUTIONCommittee.....

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

WHEREAS: The Martin Luther King, Jr. /Jonathan Daniels Committee’s mission is to promote the principles of social justice, non-violence, equality, and multiculturalism through educational programs, community service and public events; and

WHEREAS: The City of Keene Comprehensive Master Plan encourages outreach and education to all citizens to create an ethic of tolerance and general respect for others; and

WHEREAS: The City of Keene has gone on record in support of human rights for all and in opposition to social intolerance and discrimination against any person in regard to any invidious classification, including race, color, creed or sexual orientation; and

WHEREAS: The City of Keene has gone on record in support of gender identity protections, and in support of equal rights for immigrants; and

WHEREAS: The City of Keene has a long and rich history of welcoming and successfully integrating diverse groups of people, including immigrant groups into its civic life; and

WHEREAS: Immigrants can, in particular, contribute essential skills as employees and entrepreneurs, thereby strengthening our local economy and our cultural diversity; and

WHEREAS: A diverse and sustainable workforce is necessary for the future economic development of our community;

Now, therefore, the Martin Luther King, Jr. /Jonathan Daniels Committee's focus and mission will be updated to reflect "human rights" in its name, together with the following charges:

- To celebrate and honor the significance of the lives of Martin Luther King, Jr. and Jonathan Daniels;
- To promote the principles of social justice, non-violence, equality, and multiculturalism through education programs, community service and public events;
- To encourage the elimination of barriers which may exist within the Keene community that discourage a more diverse and inclusive community.
- To reassure and support minorities who may feel unwelcome in Keene.
- To educate the community on the advantages of a more diverse and inclusive community.

Kendall W. Lane, Mayor

In City Council February 7, 2019.
Referred to the Finance, Organization
and Personnel Committee.


City Clerk