



KEENE CITY COUNCIL  
Council Chambers, Keene City Hall  
March 21, 2019  
7:00 PM

Roll Call  
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- March 7, 2019

**A. HEARINGS / PRESENTATIONS / PROCLAMATIONS**

1. Presentation of Retirement Resolution - Donna Hanscom
2. Community Revitalization Tax Relief Applicaton (79E) - Former Grace Methodist Church

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

1. Nominations  
Historic District Commission  
College City Commisson

**C. COMMUNICATIONS**

1. Attorney Gary Kinyon/372 Marlboro Street, LLC - Purchase Proposal for City Property - Adjacent to 372 Marlboro Street
2. Councilor Filiault - Request for Reconsideration - Ordinance O-2019-03

**D. REPORTS - COUNCIL COMMITTEES**

1. Bruce Bickford/Farmer's Market - Request to Use City Property - Gilbo Avenue
2. Weston Liu/New England Aerobatic Club - Request to Use City Property - Dillant Hopkins Airport
3. HB 365 "Relative to Net Energy Metering Limits for Customer Generators" - Energy and Climate Committee
4. Swanzey Dam Easement - Airport Department
5. Pathways for Keene - Acceptance of Donation - Solar Lights - Keene Bike Path
6. Acceptance of Donation - Cheshire Cats - Parks, Recreation and Facilities Department
7. Request for Approval to Solicit Donations to be used for a Safe Routes to School Event at Keene Middle School - Community Development Department
8. Acceptance of Local Source Water Protection Grant - Public Works Department
9. T-Hangar Lease Agreements - Airport Department

10. Goose Pond Dam Improvements Project - Construction Phase Services - Public Works Department
11. Rose Lane Wastewater Treatment Plant Site Closure Project - Change Order - Bazin Brothers - Public Works Department
12. Rose Lane Wastewater Treatment Plant Site Closure Project - Change Order- Loureiro Engineering - Public Works Department
13. Councilors Greenwald, Manwaring, & Richards – Tax Deeding - Kingsbury
14. Appropriation of Funds for the Drummer Hill Water Storage Tank and Pump Station Replacement and Contract with Tighe & Bond for Engineering Services - Resolutions R-2019-06 and R-2019-07
15. Capital Improvement Program - 2020-2025

**E. CITY MANAGER COMMENTS**

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

**G. REPORTS - BOARDS AND COMMISSIONS**

1. Capital Improvement Program - FY 2020-2025 - Planning Board

**H. REPORTS - MORE TIME**

1. Milone & MacBroom on Behalf of People's Linen - Request to Use City Property - Monitoring Well
2. Toby Tousley - Request to Purchase City Property - Adjacent to Bicycle/Pedestrian Path - 160 Emerald Street

**I. ORDINANCES FOR FIRST READING**

**J. ORDINANCES FOR SECOND READING**

**K. RESOLUTIONS**

1. Related to an Appropriation for the Main Street Crosswalk Improvements Project  
Resolution R-2019-13
2. Appropriation of Funds for Water/Sewer Rate Study  
Resolution R-2019-14

Non Public Session  
Adjournment

A regular meeting of the Keene City Council was held Thursday, March 7, 2019. 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, Margaret M. Rice, Robert B. Sutherland, George S. Hansel, Gary P. Lamoureux, Bettina A. Chadbourne, Stephen L. Hooper, Philip M. Jones, and Mitchell H. Greenwald were present. Bartolmiej K. Sapeta and David C. Richards were absent. Councilor Hansel led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the February 21, 2019 regular meeting was duly seconded by Councilor Jones. The motion passed with a unanimous vote in favor.

#### ANNOUNCEMENTS – MAYOR

The Mayor announced that copies of the audit report are on the Councilors' desks. The audit will be scheduled before the Finance, Organization and Personnel Committee for their on March 28, 2019.

#### PUBLIC HEARING – CAPITAL IMPROVEMENTS PROGRAM 2020-2025

The Mayor called the Public Hearing to order at 7:03 PM. The Notice of Hearing and Certificate of Publication were read. The Mayor recognized the City Manager, who began by explaining that the City's Capital Improvement Plan (CIP) is the community's planning tool for projects that exceed \$20,000 and have a useful life of five or more years. This document is reviewed and updated annually. It is a plan that is subject to change as the needs of the community become more defined and individual projects move through their planning and budgeting process. As a planning document, the CIP does not bind any public body to undertaking any project, but rather serves the Council as a tool to identify and schedule needed improvements and to forecast and plan for the impact of those improvements. The first year of the adopted plan is incorporated in the upcoming budget. Years two through six and appendix A and B of the CIP are for planning purposes. While these out years do not impact the current budget, it is important to discuss and consider these proposals with equal interest. Large projects take multiple years to finance and develop. If the community is not supportive of a project slated for future funding, it's important to know that early in the process. The City Manager used road funding as an example of how projects will change. In December the Council approved moving \$438,000 of unspent balances from fiscal year 18 road rehabilitation projects to fund work on Park Avenue so that it could be completed using a trail grant, and the Council moved Park Avenue funds in the CIP from fiscal year 21 to fiscal year 19. This allowed planned road work to be timed with trail work giving us an opportunity to receive more favorable bulk bids and disrupt the area only once rather than multiple times.

Ms. Dragon went on to explain the theme of the program, "Shaping the Future of Keene." She noted this plan was developed over several months, bearing in mind the City's Fiscal Policies, the Master Plan, Council Goals and the Economic Development Action Plan. The plan attempts to strike a balance between the needs and priorities of the City Council and the community. In recent years the priorities articulated have emphasized road and bridge systems, flood control, support for public safety, and a number of other initiatives such as the library annex project, and parks and facilities. The Manager continued that a future initiative included in this plan under parks is funding for the Patricia T. Russell Park. Design work is slated for fiscal year 2020, with construction in fiscal year 2022. She continued that last year she spoke about the importance of

the City's downtown and how it serves as the heart of our community by reflecting our health and vitality. A sometimes forgotten piece of that conservation is the needs that lay beneath the surface. The Downtown Revitalization Project is included in fiscal year 2020. Aging underground infrastructure in the downtown core has created the need for this project, which will disrupt the City's downtown that was developed some thirty years ago. Therefor the scope of the work proposed in 2020 would pick up where we left off continuing to involve the community in discussions on treatments, activities and functions needed for a vibrant downtown. If the roads are going to be disrupted it makes sense to determine how we should put those back together. The effective use of a CIP process provides for considerable advance project identification. The goal is to provide continued reinvestment in existing assets combined with investment in new assets which are essential to the City's future success. Keene must remain competitive if we are going to continue to attract investment, jobs and resultant increases in our tax base. Quality of life is a vital part of keeping the City competitive. The right balance between investment and affordability ensures the City will remain an attractive place to live, work and play. Tonight we will go through each section of our capital plan and hopefully you will agree that that we have met our goal to strike a balance between affordability and necessity.

The Mayor stated the CIP is a six-year plan that reflects the goals and aspirations of the City, and the direction the City is going to be moving in. This evening projects slated for first year funding will be highlighted. These projects would be funded as of July 1, 2019. Public comments will be accepted on any items in the CIP or items that anyone feels should be included going forward. The Mayor noted the City is composed of a number of departments and service areas. He went on to go through each proposed project, noting he would accept public comments at any point during the review regardless of whether he has highlighted a particular item or not.

Mayor Lane went on to review projects proposed in the Public Health and Safety Section which includes a number of departments recommended for inclusion in this year's operating budget. From the Fire Department: apparatus replacement, tanker replacement, replacement of portable radios. In addition, there is a proposal for replacement of portable radios for the Police Department.

The Mayor reviewed the Solid Waste section, which included: recycling equipment replacement, transfer station roof repairs, black brook storage tank repairs, the Chapman water tank repairs, \$1.8 million dollars for the Woodard Dam improvements, \$500,000 for water main cleaning and lining to extend the useful life and improve water quality in the City, \$93,000 for gate valve replacement in the water mains, \$75,000 to do an evaluation of West Street and Court Street well facilities. A large part of our water supply comes from these well facilities. He continued we have funding for the replacement and repair of the underdrain system and filter medium for each unit. There is also funding for the Water Supply Master Plan, something that was done back in the late 1980s and needs to be updated as to our current needs.

The Mayor then reviewed the Transportation section noting that Public Works is an area that most of us probably experience more than anything else. He noted the following under this section: \$1,256,581 for roadway preservation and rehabilitation to a variety of road resurfaces throughout the City, which is something we do every year. This section also includes \$65,000 for the repair and replacement of curbing throughout the City, \$44,000 for guardrail replacement,

and \$65,000 for sidewalk repairs. \$4,200,000 for the Winchester Street Reconstruction Project, of which the City's portion is \$854,000. This will result in the reconstruction of Winchester Street from Route 101 to Island Street and the replacement of the Island Street bridge.

Mayor Lane reviewed the Economic Development and Vitality areas. Public Works will be working on Downtown Revitalization and there is \$80,000 to develop and plan design work. He noted it is important to remember that the underground infrastructure is very old in the downtown and needs to be replaced, which will disrupt large areas of downtown. The issue will be how we put it back together to fit the needs of the 21<sup>st</sup> century. Also in this section is \$1,000,000 to fund the 560 Main Street assessment to provide funding for the removal of approximately 100,000 tons of contaminated soil. If anyone is wondering why we are spending this money on 560 Main Street, we created the problem by using this location as a dump for about 80 years. We now have an obligation to clean it up. The City Manager added to the Mayor's comments by stating that sometimes in the CIP we have projects like this identified as "other sources". This is one of those projects because it was anticipated that at some point a redevelopment project would come forward, which would assist with the clean-up of the site. We don't have funds currently identified for the clean-up of this site, but rather this is a placeholder. It is not actually impacting the tax rate. The Mayor added however, that we are going to have to come up with a way to do some of the work. Continuing on, the Mayor noted there is \$55,000 in the Community Development section for an update of aerial imagery of the City, and \$52,000 for maintenance of parking structures, primarily for the one behind City Hall. There is also funding for the reconstruction of the taxiway serving the main runway at the airport, and for pavement maintenance at the airport. He clarified that FAA funds will cover most of this work.

The Mayor went on to review the Flood and Storm Water Management section. There is \$500,000 included for design work and ongoing maintenance of the flood management system, which is critical to our flood management in the City of Keene. After the 2012 flood, the City started the process of cleaning and redesigning the storm water system. We also have \$66,000 for catch basin cleaning, as well as \$65,000 for improvements to the drainage system, and \$41,000 for identification of some low impact low cost changes we might be able to make to our storm water management system.

The Mayor went over the Community Development section which is Primarily Parks and Recreation. The first item is \$125,000 for the design and planning of upgrades to the Patricia T. Russell Park on Carpenter Street in the east side of Keene. There is also \$300,000 earmarked for the Skate park, most of which was raised privately with some City contribution.

Kathy Burke, 29 Grant Street stated she is the volunteer project coordinator for the Keene skate park. She believes there is an allocation of \$25,000 in City funds in the CIP. She spoke about their fundraising efforts and what they want to provide to the community. Their first goal is to meet the space needs of the skate boarding and BMX community by providing an adequate and safe skate park. The current park is not inviting due to its visual appearance and design flaws. Because of this boarders and BMX riders look for other places to ride and board. A new poured concrete facility designed by the users will get them off the streets and off private property. Their second goal is to create an aesthetically pleasing skate park for the entire community that is

visually appealing to all. Working with Spawn Ranch Designs, the intent is to create a park that reflects the culture and character of Keene, including incorporating public art that celebrates our community. The skate park is located in the heart of our community and we want to make it welcoming and beautiful. Their third goal is to provide a low maintenance skate park. Last year the City spent \$14,000 on maintenance of the current park. A poured concrete facility will require very little maintenance and would only cost about \$1,000 annually. Ms. Burke went on to say their fourth goal is to provide a supportive community space welcoming to all regardless of age, race or economic status. She spoke about the social importance to kids in having such a facility. It provides something for kids to do to avoid isolation, inactivity and juvenile delinquency after school. This will provide a supportive environment for kids to exercise. She noted their group has started a program called "Kids On Board" with the goal to give out 30 skate boards, helmets and guards to low income students on national go skateboard day. Ms. Burke went on to state that currently they have raised \$60,000 towards their goal of \$300,000. They were just notified that they have received money from the Tony Hawk foundation. In addition, Savings Bank of Walpole, Mascoma Bank and the Kiwanis Club have donated funds. In addition, there is one other \$10,000 grant that was awarded, but has not been received. They are on pace to have \$200,000 by the spring. Reaching this milestone will create enthusiasm for the project and encourage others to contribute and participate. They are working with MEDC on gaining some space from an adjacent property to enlarge the park as well. She noted that their research has revealed that most downtown businesses are generally supportive of their plans. Ms. Burke ended by saying this sport saves people from making poor decisions. 14-year-old males are the most common boarder, and 14 to 21-year-old white males are the most likely demographic to commit suicide. Skate parks can be a lifesaver for these young men, providing a free space to recreate and socialize. Skate parks also create resilient economy. The Nashua skate park has provided an economic boon to their community, and this would have the same impact in Keene. She urged the City of Keene to support this and provide funding.

Fin Callahan, 4 Pheasant Hill Road spoke about how the skate park has positively impacted him. He has been using the park since he was a child. What he loves about skate boarding is that it is an all-inclusive sport – anyone can do this. They spend hours and hours there, and it becomes a home to people in community. The park has been well used and was a good investment by City.

Shawn Zimmerman, 29 Grant Street said he has been using the skate park for about 2 years now on a daily basis. It is a second home to him. Other than biking the only other activity he does outside is skiing. This activity is great exercise, and it is a fun place to be. The group that uses the park regularly are very supportive. He's thankful that we have this and would love to see a new park built.

Kevin Brandolini, 39 Perham Street stated the skate park is a place he can go and get physical activity. It gets him outside. He feels it will attract more people to the City. It will also introduce the next generation of kids to skating.

Spencer Bryan, 50 Woodside Avenue has been going to the skate park for many years. There is a strong community surrounding the skate park, it is very welcoming. It's a great place and if the City gets behind it, this can be a real gem for the community.

Tom Atwood, 20 Wilson Pond Road in Swanzezy has been a skate boarder for over 20 years. Skate boarding is a positive outlet for him, sparking his creativity, and helping him to relieve stress. He is now at the point where he will start a family of his own and wants to share this experience with his children. There has been a decline in the condition of the park and although there is a strong community surrounding the park, but he does not see this surviving if things continue to deteriorate.

The Mayor went on to review General Operations, Facilities and Infrastructure. This section includes funds for replacement of carpeting and flooring in various facilities, and establishment of a welcome center facility in the downtown.

Tom Julius, Chair of Monadnock Interfaith Project spoke in support of funding in the amount of \$134,000 for a welcome center. He expressed appreciation to City officials for speaking to his group about this over the last several months. He is a resident of Gilsum, who for the last 34 years on a daily basis has shopped, worked, and spent time in Keene, and he knows the need for a rest facility in downtown Keene. This is an estimate of renovating restrooms that already exist in the former transportation center. Since that estimate was made, there have been other proposals for 24-hour freestanding restroom facilities. Although the City should weigh all options; a resolution of the immediate need should be implemented as soon as possible. A concern that has been expressed about this proposal is that the former facilities had to be closed eight years ago due to vandalism and crime. Since that time, our research has shown that urban planners have come up with successful solutions that address vandalism, accessibility, attractiveness and low maintenance. There are now restroom designs to deal with these issues. He ended that restrooms are essential for a vibrant community and a healthy downtown. This is a basic human need. The request should remain in the CIP, and the City should work with other stakeholders like his group to make this happen.

Carol Hill, 37 Ward Circle indicated she is involved with the Monadnock Interfaith Project, and in particular she was present for listening sessions at the Community Kitchen. She is also the coordinator of the community breakfast program which has provided her a lot of availability to discuss what we need and what would benefit the larger community. She does not think she needs to convince anyone in this room that there is a need for this rest facility. Ms. Hill noted she was at an RSVP meeting a couple months ago discussing this need, and many people at this meeting were surprised there was no restroom in Keene. She added that her husband and she were walking in Keene recently and a couple approached them asking where a public restroom was located and they had to send them to library. She would love to have been able to direct them to a public welcome center instead. She believes we can work together to manage and monitor a very attractive and welcoming bathroom.

Len Fleischer, of Spofford noted he is a former Keene resident and still works in Keene every day. He too is part of the Monadnock Interfaith Project, and wanted to thank the Council for hearing his testimony this evening on what is a basic human need. Mr. Fleischer indicated as part of the Project he serves on the Making a Difference Committee which has been meeting with those that are food and shelter insecure. He noted that he is a psychologist and explained there is a hierarchy of fundamental human needs that must be met to move toward self-actualization and dignity. At the base of this hierarchy are: a safe and warm place to sleep, adequate food and

nutrition, and a clean and private place for elimination and hygiene. For him these things are a given, but that is not the case for everyone. There are people who have to worry about this on a daily basis, and for whom these basic human needs are not a given. He has spoken to community members who have told him that they have been apprehended for public urination because they could not find a place to go. They were turned away by stores indicating their bathrooms are for customers only, or watched better dressed individuals permitted to use a restroom when they were denied that use because they were not “public” restrooms. There are those who have been shunned by others for want of soap and running water. Public bathrooms in Keene maintained for health and safety are a necessity. When our basic human needs are met we are encouraged to be our best selves and given the opportunity to live in dignity.

Sandra Whippie, 233 Pako Avenue came to Keene as a college student in 1953. She has lived in the area for many years. Ms. Whippie stated she taught school in Nelson, Westmoreland and Keene. She was also the Assistant Principal in Derry, New Hampshire and the Principal in Marlborough. She knows bathroom problems. Occasionally someone would urinate on the floor to misbehave, but that does not mean the bathrooms were locked – they could not be. When we work with the public teaching civic responsibilities, finding healthy and responsible solutions is part of that effort. People of Keene and surrounding towns deserve a decent public restroom in the downtown area, not in five years - but soon. They will continue to work on this with City Manager and the Facilities Director to determine the best option, whether it be a Portland Loo, a redesign of the former transportation center area, or an innovative agreement with a cooperative tenant. They have been doing a lot of research about creative ideas to ensure a public restroom is respected by its users and displayed a poster used in another community. She ended that the Monadnock Interfaith Project has been working on this for several years, and they support keeping that money in the budget. They would like to determine the best solution before the art corridor idea comes to fruition. Something safe, neat and perhaps incorporating public art into the space. They want people to be proud of our welcome center.

Bradford Hutchingson, 305 Marlboro Street has been at several of the Monadnock Interfaith meetings at the community kitchen. He also walks daily in downtown Keene in all hours of the day and night. He does not work for the Food Co-op but sits there regularly. He noted the Food Co-op has been very good about allowing homeless people to use their rest facilities. There have been some issues and the Co-op has had to deal with this. Particularly when the Hundred Nights in not open. He noted the Public Library is also used by the homeless when they are open, but they are not open on Sundays and holidays. He added that when he uses the bathroom at the Library he often sees evidence of public drinking in the restrooms. He cannot say we wouldn't have this issue in a public restroom, but there could be better video monitoring. He stated he believes downtown Keene is not as vibrant as we would like to assert. Day tourists would benefit from these restrooms too. He also feels the City should work harder on maintenance of downtown Keene. A public restroom is very needed, and should be fast tracked.

The Mayor went on to review under Facilities, there are funds for repairs to the rear wall of City hall, where there is a significant crack and we will be looking at what the options are for replacing it. He continued we have some IT projects to replace some existing equipment. We will also be purchasing new voting booths for the five voting locations in the City. Public Works has various equipment purchases, totaling about \$700,000 in the coming year.



The Mayor stated he has highlighted a number of projects that are slated for first year CIP funding in next year's operating budget, but there are well over 150 additional projects that contemplated in the CIP. He welcomed comments on anything currently funded, contemplated for future funding, or projects that should be contemplated in this 6-year plan.

As there were no further public comments, the Mayor closed the hearing to oral testimony at 7:58 PM. He explained that the hearing will remain open for written comments until 1:00 PM Tuesday, March 12, 2019. Written comments must be signed and submitted to the City Clerk by this deadline to be included in the official record. Councilors who wish to submit amendments to the CIP must do so in writing subject to the same submittal deadline previously mentioned.

A true record, attest:



City Clerk

#### CONFIRMATIONS

A motion was made by Councilor Greenwald and duly seconded by Councilor Jones to confirm the following nominations: Cauley Powell to serve as a regular member on the Heritage Commission with a term to expire December 31, 2021. On a roll call vote, with 13 Councilors present and voting in favor the nomination was confirmed. Councilors Sapeta and Richards were absent.

#### COMMUNICATION – DORRIE MASTEN – REQUESTING A DISCUSSION ABOUT DOWNTOWN PARKING OPTIONS

A communication was received from Dorrie Masten looking to have a discussion regarding downtown parking options. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

#### COMMUNICATION – MILONE & MACBROOM ON BEHALF OF PEOPLE'S LINEN – REQUEST TO USE CITY PROPERTY – MONITORING WELL

A communication was received from Charles Teale and Patrick Massicotte of Milone & MacBroom on behalf of People's Linen, requesting permission to install a groundwater monitoring well on City property at 300 North Lincoln Street adjacent to Beaver Brook. The request was referred to the Planning, Licenses and Development Committee.

#### COMMUNICATION – BRUCE BICKFORD/FARMER'S MARKET OF KEENE – REQUEST TO USE CITY PROPERTY – GILBO AVENUE

A communication was received from Bruce Bickford requesting the renewal of their annual license to use City property along Gilbo Avenue and in the Commercial Street Lot for the annual

Keene Farmer's Market from mid-April through October, 2019. The request was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – WESTON LIU/NEW ENGLAND AEROBATIC CLUB – REQUEST TO USE CITY PROPERTY – DILLANT-HOPKINS AIRPORT

A communication was received from Weston Liu of the New England Aerobatic Club, requesting a license to hold aerobatic practice sessions at the Dillant-Hopkins Airport on a monthly basis starting in May 2019. The request was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – TIM ZINN/LET IT SHINE – REQUEST FOR ADDITIONAL FUNDING – PUMPKIN FESTIVAL

A communication was received from Tim Zinn representing Let It Shine, requesting an additional \$2,000 in funding from the City in support of the Pumpkin Festival. The communication was referred to staff to be considered as part of the budget deliberations.

COMMUNICATION – COUNCILORS GREENWALD, MANWARING AND RICHARDS – TAX DEEDING – KINGSBURY PROPERTY

A communication was received from Councilors Greenwald, Manwaring and Richards requesting the City initiate the tax deeding process on the Kingsbury property. The communication was referred to the Finance, Organization and Personnel Committee.

COMMUNICATION – TOBY TOUSLEY – REQUEST TO PURCHASE CITY PROPERTY – ADJACENT TO BICYCLE/PEDESTRIAN PATH – 160 EMERALD STREET

A communication was received from Toby Tousley requesting to purchase City land that is situated between his building at 160 Emerald Street and the bicycle/pedestrian path. The communication was referred to the Finance, Organization and Personnel Committee.

PLD REPORT – PERIODIC REPORT FROM STANDING BOARDS AND COMMISSIONS: CONSERVATION COMMISSION

Planning, Licenses and Development Committee report read recommending the presentation be accepted as informational. The report was filed into the record as informational.

PLD REPORT – AUSTIN REIDA/STREET & SAVORY, LLC – REQUEST TO VEND ON GILBO AVENUE WHILE CHANGES TO VENDING ORDINANCES ARE BEING CONSIDERED

Planning, Licenses and Development Committee report read recommending that the City Clerk be authorized to amend the existing license issued to Austin Reida d/b/a Street and Savory to allow mobile food vending in city parking spaces at locations designated by City staff, excluding any usage during those times when said locations are licensed for other activities. Further,

pursuant to section 94-153 (9) of the City Code, the City Council suspends section 94-152 (b) (1) relating to parking time restrictions for metered spaces associated with this use. Be it further recommended that the petitioners request to be open until 10:00 PM be granted. A motion by Councilor Hansel to carry out the intent of the report was duly seconded by Councilor Jones. The motion passed with 12 in favor and Councilor Clark opposed.

**FOP REPORT – REQUEST FOR APPROVAL TO SOLICIT DONATIONS TO BE USED AS PRIZES FOR CITY OF KEENE FOURTH GRADE WATER SCIENCE FAIRS**

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to solicit and accept donations to be used as prizes for the Fourth Grade Water Science Fairs from local and regional businesses. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

**FOP REPORT – WORKPLACE LACTATION SUPPORT GRANT**

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept a worksite lactation mini-grant of up to \$5,000 through a partnership between Keene State College's Public Health Faculty, NH Department of Health and Human Services and the Centers for Disease Control and Prevention. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

**FOP REPORT – ACQUISITION OF PROPERTY – 0 CHAPMAN ROAD OWNED BY ROBERT BEAUREGARD REVOCABLE TRUST**

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to purchase the 27.5 acre property at 0 Chapman Road TMP# 241-018-000-000-000 from the Robert Beauregard Rev. Trust for an amount not to exceed \$58,000.00. A motion by Councilor Greenwald to carry out the intent of the report with funding to come from the Conservation Land Acquisition Fund, was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

**FOP REPORT – ATTORNEY THOMAS BURACK/560 MAIN STREET, LLC – EXPRESSION OF INTEREST IN ACQUIRING CITY PROPERTY – 560 MAIN STREET**

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate the subdivision and sale of a portion of City owned property located at 560 Main Street to 560 Main Street LLC. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

FOP REPORT – JEHOVAH’S WITNESS LAND LEASE – AIRPORT MANAGER

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to execute a land lease with the Jehovah's Witness Church for purposes of vehicle parking. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

FOP REPORT – MAYOR LANE – PUBLIC HEARING DATE ON THE OPERATING BUDGET

Finance, Organization and Personnel Committee report read recommending the accepting this item as informational. The report was filed into the record as informational.

ITEM TAKEN FROM TABLE – FOP REPORT – DUBOIS & KING AIRPORT MANAGEMENT CONTRACT

Finance, Organization and Personnel Committee report relative to the Dubois & King Airport Management Contract pulled from the table by the Chair. The report recommended the City Manager be authorized 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. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The Mayor recognized the City Manager for explanation.

The City Manager stated that this contract was time sensitive. She noted she had answered a few questions from two or three City Councilors over the past week and believes there are no outstanding questions that she was aware of that would necessitate delaying action. For the benefit of the other Councilors, she shared her answers. Jack Wozmak left employment with the City a couple of weeks ago. The contract is with Dubois & King, not a specific person. She had a meeting with the President of Dubois & King last week to discuss who will be assigned to this effort. Mark Goodrich and Jeff Adler from their aeronautics division will be assigned to this contract. The contract is funded using the dollars allocated in the budget for the airport manager, shifting what was being paid to Mr. Wozmak to this contract. No additional dollars are being requested. Rebecca Landry, IT Director and Assistant City Manager, has been assigned oversight of this contract. She will retain signatory approval. The contract length is up to one year, to provide ample time for a recruitment process for a permanent airport manager. Once a new manager is in place this contract would end. The City Manager continued that there are large projects in the works that need to stay on track with the taxiway A extension being one of them. There is also a large grant application due April 1<sup>st</sup> that will require significant effort and is tied to significant grant dollars. In addition to this pending deadline we have been contacted by someone interested in building a large new Jet hanger at the airport, and a request from the Town of Swanzy for an easement to facilitate work at the Wilson Pond Dam. The Manager noted the staff is also in the midst of subdivision of the Alps Lot to prepare it for sale. Assuming this contract is approved, the work will start the morning of Monday, March 11, 2019 with this firm

to move these and other airport projects and issues forward. In addition, the City Manager has tasked the firm to not only ensure our projects stay on track, be to also present at the airport, be available 24/7, deal with administrative tasks including lease management and completion of terminal improvements, assist as requested with the recruitment and completion of terminal improvements, assist as requested with the recruitment process for a new Airport Director, submit other capital grant applications, work with the airport committee, identify opportunities for aviation and non-aviation uses of the airport, and utilize their expertise in regards to the steps necessary to obtain Part 139 Compliance, which would allow small commercial plans in the future. Part of this effort is seeking funds to assist with a market study for the airport, the last one was completed in 2012. Discussion followed. The motion passed with 10 voting in favor and Councilors Clark, Chadbourne and Hooper opposed.

#### CITY MANAGER COMMENTS

The City Manager updated the Council regarding the Downtown Coordinator position. Eight interviews have been scheduled over the course of two days, March 12<sup>th</sup> and March 14<sup>th</sup>. The interview team is made up of the City Manager, Jack Dugan, Medard Kopczynski, and Councilor Hansel. They are optimistic that they will have a candidate to move forward in the process by the end of the second day.

The City Manager continued to provide an update on the Fire Department equipment. Ladder 1 went out of service for a safety concern on January 12, 2019. It was sent for evaluation of what was reported as excessive movement of the ladder. It was tested and determined that the movement is caused by wear of the rotational bearing; however, it is still within operation specifications. The shifts are retraining themselves so that they are comfortable with the changes with the ladder movement. Ladder 1 will go back to full service on March 8, 2019. Engine 2 went out of service on January 31, 2019 for a low antifreeze issue. The cause was determined to be a cracked piston sleeve in one of the cylinders. The cost for assessment and repair was \$12,730 and the truck went back into full service on February 27, 2019.

The City Manager updated the Council on the Arts and Culture Corridor. Monadnock Economic Development Corporation would like to redevelop a corridor from the intersection of School Street and Gilbo Avenue, across Main Street and through the railroad land to Water Street. The goal of the project is to enhance the presence of arts and culture in downtown Keene. Last week, Medard Kopczynski, in his Economic Development role, and the City Manager attended a meeting hosted by MEDC with possible funders for this project. In attendance were representatives of NH Business Finance Authority, NH Housing Authority, NH Community Development Finance Authority, NH Division of Economic Development. They are very interested in this project. In addition to considering funding sources like New Market Tax Credits, CDFA Tax Credits, and TIF District dollars, the potential of using the newly created opportunity zone was discussed. If so it could be the first opportunity fund investment project in the State of NH. There was a meeting held with various arts groups in the community to discuss this concept and gauge their interest.

03/7/2019

MEMORANDUM – CITY ASSESSOR – 79-E APPLICATION – 34 COURT STREET

A memorandum was received from the City Assessor recommending the Mayor set a public hearing regarding a 79-E Community Revitalization Tax Relief application for property owned by 34 Court LLC and submitted by Zachary Luse on behalf of Paragon Digital Marketing. The Mayor set the public hearing for Thursday, March 21, 2019 at 7:00 PM.

MEMORANDUM – ENERGY AND CLIMATE COMMITTEE – HB 365 “RELATIVE TO NET ENERGY METERING LIMITS FOR CUSTOMER GENERATORS”

A memorandum was received from the Energy and Climate Committee recommending the City Council draft a letter to the State Legislature stating they support HB 365 “Relative to net energy metering limits for customer generators.” The item was referred to the Planning, Licenses and Development Committee.

MORE TIME

More time was granted by the Chair for the following item in Committee: Zach Luse/Paragon Digital Marketing – Application for Community Revitalization Tax Relief Incentive (79-E) – Former Grace Methodist Church at 34 Court Street.

PLD REPORT AND ORDINANCE O-2019-03 RELATING TO VENDORS – TIME LIMITATIONS FOR CERTAIN ACTIVITIES

Planning, Licenses and Development Committee report read recommending the adoption of Ordinance O-2019-03 Relating to Vendors – Time Limitations for Certain Activities. The report was filed into the record. Ordinance O-2019-03 was read for the second time. A motion by Councilor Jones for adoption of the Ordinance was duly seconded by Councilor Hansel. Discussion ensued. A motion to amend the Ordinance to have no restrictions on hours of operation for all vendors was made by Councilor Filiault and duly seconded by Councilor Clark. Lengthy discussion occurred. Councilor Sutherland moved the question. The Mayor called for the vote on the amendment. Councilor Clark challenged the Mayor’s ruling not to require a vote. On showing of hands with 9 in favor and Councilors Clark, Filiault, Hooper and Jones opposed the motion to move the question carried. Relative to the motion on the floor to amend the Ordinance, with seven opposed and Councilors Jacobs, Clark, Filiault, Hooper, Jones and Greenwald in favor, the amendment failed. On roll call vote, with 12 Councilors voting in favor and Councilor Clark opposed the motion for adoption carried. Councilors Sapeta and Richards were absent. Ordinance O-2019-03 declared adopted.

MEMORANDUM – PUBLIC WORKS DIRECTOR/EMERGENCY MANAGEMENT DIRECTOR AND RESOLUTION R-2019-06 RELATING TO APPROPRIATION OF FUNDS FOR DRUMMER HILL WATER TANK AND PUMP STATION REPLACEMENT

A memorandum was received from the Public Works Director/Emergency Management Director along with Resolution R-2019-06: Relating to Appropriation of Funds for Drummer Hill Water Tank and Pump Station Replacement and Resolution R-2019-07: Relating to the reallocation of

03/7/2019

funds from the Water Infrastructure Capital Reserve. The memorandum was filed into the record. Resolution R-2019-06 and Resolution R-2019-07 were referred by the Presiding Chair to the Finance, Organization and Personnel Committee.

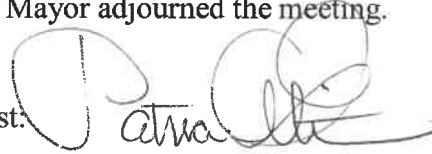
**FOP REPORT AND RESOLUTION R-2019-05: RELATING TO PROPERTY TAX EXEMPTION FOR SOLAR, WIND & WOOD HEATING ENERGY SYSTEMS**

Finance, Organization and Personnel Committee report read recommending the rescission of Resolution R-2017-18 and the adoption of Resolution R-2019-05. The report was filed into the record. Resolution R-2019-05 was read for the second time. A motion by Councilor Greenwald for rescission of Resolution R-2017-18 and the adoption of the Resolution R-2019-05 was duly seconded by Councilor Powers. On roll call vote, 13 Councilors were present and voting in favor. Councilors Sapeta and Richards were absent. Resolution R-2017-18 was rescinded and Resolution R-2019-05 declared adopted.

**ADJOURNMENT**

At 9:12 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:

A handwritten signature in cursive script, appearing to read "Patricia", written over a faint circular stamp or seal.

City Clerk



## PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing will be held before the City Council relative to an application for Community Revitalization Tax Relief under RSA 79-E:4 submitted on behalf of 34 Court LLC for property located at 34 Court Street and formerly known as the Grace Methodist Church.

The purpose of the Public Hearing is to determine whether the structure at issue is a qualifying structure; whether any proposed rehabilitation qualifies as substantial rehabilitation; and whether there is a public benefit to granting the requested tax relief and, if so, for what duration. 34 Court Street LLC is requesting the City Council consider the maximum relief of 5 years that would allow for their successful investment in downtown Keene through the reuse of the former Grace Methodist Church.

Copies of the application are available for review in the Office of the City Clerk during normal business hours. Per order of the Mayor and Councilors of the City of Keene, this seventh day of March, two thousand and nineteen.

HEARING DATE: March 21, 2019

HEARING TIME: 7:00 PM

HEARING PLACE: Council Chambers, Keene City Hall

Attest:

City Clerk





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

March 18, 2019

**TO:** Mayor and Keene City Council

**FROM:** Mayor Kendall W. Lane

**ITEM:** B.1.

**SUBJECT:** Nominations

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**RECOMMENDATION:**

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

Historic District Commission

Samuel Temple, slot 2  
15 Page Street

Term to expire Dec. 31, 2019

College City Commission

Peter Starkey, slot 2  
88 Howard Street

Term to expire Dec. 31, 2020

**ATTACHMENTS:**

**Description**

background\_Temple

background\_Starkey

# SAMUEL TEMPLE

15 Page St  
Keene NH 03431  
Telephone: 405 464 0983  
Email: stemple@umich.edu

## PROFESSIONAL SUMMARY

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European and environmental historian with research background on rural land use, landscape conservation, regional identity, and the built environment. Experienced archival researcher proficient in several database systems as well as GIS technologies. Extensive background in editing and writing consultation. Capable of presenting material to diverse audiences, including using mapping technologies to convey information clearly.

## KEY QUALIFICATIONS

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- Ten years of experience as historical researcher in environmental conservation
- Present information clearly to diverse audiences; Excellent writing and communication skills
- Organize conferences, workshops, and publications for academic and popular audiences
- Manage research database systems
- Proficient in GIS systems for research and teaching
- Published writer for both scholarly and general audiences; editorial experience

## EDUCATION

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2010 PhD in French History, University of Michigan  
1997 B.A in European History, Boston University

## PROFESSIONAL EXPERIENCE

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**2008-2017**

**Lecturer, Expository Writing Program, University of Oklahoma**

Design and teach writing-intensive seminars on current and historical environmental issues, including human-wildlife relations, urban and suburban built environments. Instruct students on how to use mapping technologies to conceptualize environmental change and conservation in the US and internationally.

Work closely with undergraduate students of diverse backgrounds to improve their written communication skills. Collaborate with colleagues on program-wide curriculum development; serve on editorial committee for annual student writing publication; lead writing pedagogy workshops.

**2012-2013**

**Editor and Visiting Fellow, Rachel Carson Center for Environment and Society (Munich,**

## Germany)

Served as editor at interdisciplinary center for research in environmental humanities. Collaborated with editorial team on conceptualizing and planning volumes for their journal *Perspectives*, aimed at diffusing specialized scholarship in the environmental humanities to broader audiences. Worked closely with translators, graphic designers, and digital portal managers to format individual volumes for both print and online publication. Ran training sessions for the editing team, helping to develop effective strategies for revising academic writing to communicate with the public.

## SELECT PUBLICATIONS

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“Unruly Marshes: Obstacles or Agents of Empire in French North Africa?” *RCC Perspectives* 3 (2015): 11–18.

“Forestation and its Discontents: The invention of an uncertain landscape in southwestern France, 1850–Present.” In *Trees: Themes in Environmental History*. Edited Sarah Johnson. White Horse Press, 2015. Reprint.

“The Natures of Nation: State-building and the Politics of Environmental Marginality in Southern France, 1850–1950” (PhD diss., University of Michigan, 2010).

“The Natures of Nation: Negotiating Modernity in the Landes de Gascogne.” *French Historical Studies* 32:3 (2009): 419–446.

## TALKS AND PRESENTATIONS

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**2015** “Dreaming in the Ditch: Engineers, hydrology, and colonial agency in French North Africa.” American Society for Environmental History, Washington DC, 18–22 March.

**2014** “Unruly Marshes: Obstacles or Agents of Empire in French North Africa?” Unruly Environments Workshop (co-organizer), New Delhi, India, 13–14 February.

**2013** “The Fog of Empire: Miasma, malaria, and environmental uncertainty in French Algeria.” European Society for Environmental History, Munich, Germany, 20–24 August.

“Climate Control: Engineering nature and constructing risk in nineteenth-century France and Algeria.” American Society for Environmental History, Toronto, Canada, 3–6 April.

**2012** “Parachutists and Truffle Hunters.” Roundtable on Environmental History and France, Society for French Historical Studies, Los Angeles, 22–24 March.

“Changes in the Air: The politics of climate in imperial France.” Research Colloquium Series, Rachel Carson Center for Environment and Society, Munich, Germany, 2 October.

**2011** “Risky Business: Fires, floods and the engineering of nature in southern France.” French Culture Workshop, University of Oklahoma, 26 April.

## **AWARDS**

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### **2012–2013**

Visiting Fellow, Rachel Carson Center for Environment and Society, Munich, Germany

### **2006**

Fellow in-Residence, Camargo Foundation, Cassis, France.

## **PROFESSIONAL REFERENCES**

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George Cusack, Director of the Expository Writing Program, University of Oklahoma  
405-325-5565  
**gcusack@ou.edu**

Christof Mauch, President of the European Society for Environmental History and Director of the Rachel Carson Center for Environment and Society  
+49 (0) 89 / 2180-72352  
**mauch@lmu.de**

Katie Ritson, Managing Editor, Rachel Carson Center for Environment and Society  
+49 (0) 89 / 2180 – 72374  
**katie.ritson@carsoncenter.lmu.de**

Joshua Cole, Associate Professor of History, University of Michigan  
734-763-4159  
**joshcole@umich.edu**

# Peter A. Starkey

Versatile and innovative non-profit executive, skilled at seeing the big picture while maintaining a focus on the details. Dedicated to forming partnerships, identifying unique strengths of team members, and streamlining processes to build dynamic, high-performing teams that surpass organizational goals.

88 Howard Street  
Keene, NH 03431  
603-303-7242

## EXPERIENCE

### **Executive Director, Monadnock Peer Support**

Keene, NH | January 2018 - Present

- Direct all aspects of operations; including human resources, marketing, budgeting, utilization review, cost control, quality improvement, community/government relations, and risk management/safety.
- Advocate on behalf of agency constituents to local, state, and federal representatives and government agencies
- Supervise recruitment, training, and professional development of all staff
- Collaborate with staff and membership to develop & promote programming
- Responsible for financial stability and development of growth strategies from multiple revenue streams, including grant funding, fundraising, event management, and annual appeal
- Cultivate relationships with external audiences to form partnerships
- Accounting and fiscal management included preparation and presentation of financial reports for Board of Directors and governmental entities.
- Serve as media and community spokesperson.

### **Student Affairs Coordinator, School for International Training**

Brattleboro, VT | August 2014 - December 2017

- Assessment of global risks (civil unrest, epidemics, terrorism) from various sources for a portfolio of worldwide programs in order to ensure student safety
- Manage undergraduate student mental health and wellbeing, formulate wellness plans, and work with students and staff when issues of psychological distress arise
- Coordinate crisis management response, in collaboration with designated staff and senior leadership, while communicating appropriate measures being executed to stakeholders (parents and schools)
- Primary point of contact as an approachable resource to parents and students for all wellness related questions, concerns, and issues
- Collaborate across the academic institution to design and implement specific resources and trainings to meet the needs of international staff and diverse students
- Aptitude toward identifying opportunities for improvement and utilizing current technology, in an effort to create more streamlined and efficient communication
- Overhaul policies & procedures to establish standards of excellence for the college

## SKILLS

- Policy development
- Government relations
- Budget development
- Fundraising/Grant Writing
- Crisis/Risk Management
- Staff development & training
- Conflict Resolution
- Microsoft Office and Google
- Database management
- Social Media (Facebook, Twitter, Instagram)

## LEADERSHIP

*Member, Board of Directors*  
NH Peer Voice

*Vice-President,*  
Greater Keene Rotaract

*TEDx Speaker,*  
TEDxKeene 2018

*50 Under \$50K Honoree*  
BuzzFeed/Bank of America

*2019 Trendsetter Award*  
The Keene Sentinel

## EDUCATION

George Washington University, Washington, DC  
B.A. International Affairs - Aug. 2010- May 2014



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

March 12, 2019

**TO:** Mayor and Keene City Council

**FROM:** Attorney Gary Kinyon

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

**ITEM:** C.1.

**SUBJECT:** Attorney Gary Kinyon/372 Marlboro Street, LLC - Purchase Proposal for City Property -  
Adjacent to 372 Marlboro Street

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**ATTACHMENTS:**

Description

Communication - Kinyon

**BACKGROUND:**

Attorney Gary Kinyon is representing 372 Marlboro Street, LLC, the new owners of the former Knights of Columbus property. His client is interested in purchasing two parcels of City property adjacent to 372 Marlboro Street.

MAR 6 - 2019

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# BRADLEY & FAULKNER, PC

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ATTORNEYS AT LAW

Homer S. Bradley, Jr.

Rand S. Burnett

Gary J. Kinyon

Douglas F. Green

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

(603) 352-2030

FAX  
(603) 357-9334

E-MAIL  
gkinyon@bradleyfaulkner.com

WEBSITE  
www.bradleyfaulkner.com

DIRECT DIAL  
(603) 352-2940

March 6, 2019

Honorable Mayor and City Council  
City Hall  
3 Washington Street  
Keene, NH 03431

Re: Marlboro Street Purchase Proposal – Land Adjacent to 372 Marlboro Street

Ladies and Gentlemen:

I represent 372 Marlboro St, LLC, the owner of real estate at 372 Marlboro Street (the former Knights of Columbus building) which abuts the City's 350 Marlboro Street property. My client acquired title to the land by deed recorded October 12, 2018 and recorded in Book 3043, Page 810 of the Cheshire County Registry of Deeds. In researching the title history to the property, it was discovered that Knights of Columbus formerly owned a small, rectangular abutting parcel containing 3,770 square foot. Knights of Columbus subdivided the 3,770 square foot parcel in 1983 and conveyed that small parcel to Wetterau, Inc. by deed dated October 28, 1983 (Book 1048, Page 770). Enclosed for reference is the subdivision plan showing both parcels, with the 3,770 foot parcel highlighted in yellow. The City acquired this smaller parcel (along with the other abutting Wetterau real estate) by deed dated January 29, 2002 and recorded at Book 1869, Page 841.

In addition, there is another small parcel of land abutting (and east of) the 372 Marlboro Street parcel, between the 372 Marlboro Street parcel and the most easterly access into 350 Marlboro Street.

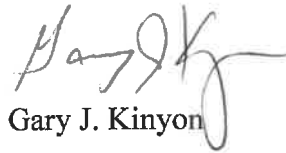
Please accept this letter as the request of 372 Marlboro St, LLC to purchase from the City the 3,770 SF parcel and the parcel east of 372 Marlboro Street, with the plan to annex either or both to, and utilize either or both with, the 372 Marlboro Street parcel. This proposal to purchase would not include the acquisition of the access easement reserved to the City which abuts the 3,770 SF parcel. Any proposed purchase would be with the expectation that any costs and expenses related to the sale would be borne by the buyer.



Honorable Mayor and City Council  
March 6, 2019  
Page 2

Thank you for your consideration of this request.

Very truly yours,



Gary J. Kinyon

GJK/bas  
Enclosure  
cc: Thomas Mullins, Esq.  
Client

IN THE CITY OF KEENE  
 PLAN OF SUBDIVISION FOR  
 KNIGHTS OF COLUMBUS HOME ASSOCIATION

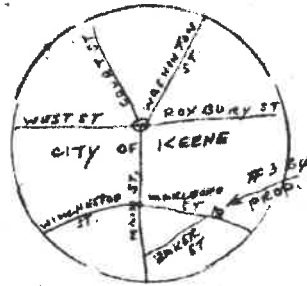
SCALE: 1 in. = 50 ft.

APPROVED KEENE PLANNING BOARD  
 Chairman: *Nick Russell*  
 Date: *April 18, 1983*

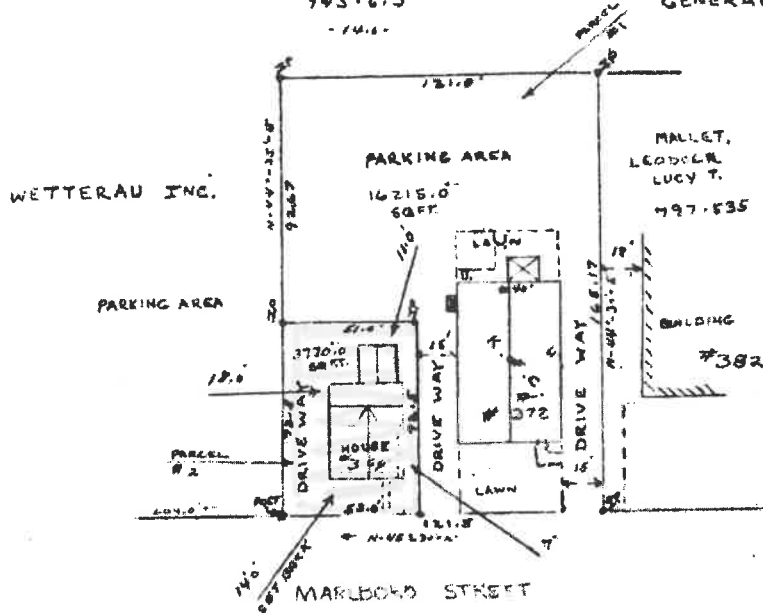
The approval to subdivide this land is on the basis of the information furnished by WETTERAU INC.  
 The property or other interests in which is indicated by all W  
 The date of this plan is as shown hereinafter.

*Recorded 5/11/83*

838-865  
 838-344  
 914-21  
 944-710  
 945-613  
 - 1411 -



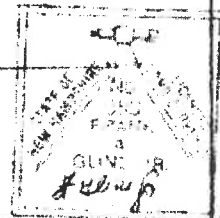
GENERAL LOCATION



I hereby certify that we are the sole owners of all the land contained herein.

*1. Victor Dentone President*

*48-748 City 5-11-83 Keene Assessors*





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

March 19, 2019

**TO:** Mayor and Keene City Council

**FROM:** Councilor Randy L. Filiault

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

**ITEM:** C.2.

**SUBJECT:** Councilor Filiault - Request for Reconsideration - Ordinance O-2019-03

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**ATTACHMENTS:**

Description

Communication - Filiault

**BACKGROUND:**

Councilor Randy L. Filiault is requesting under the Rules of Order, Section 20, Reconsideration of Ordinance O-2019-03: Relating to Vendors - Time Limitation for Certain Activities. Ordinance O-2019-03 was approved at the March 7, 2019 regular meeting.

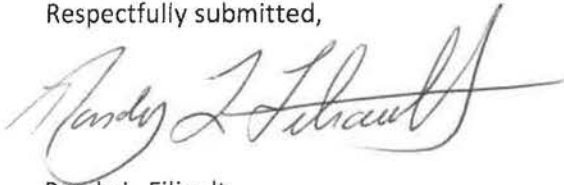
March 19, 2019

From: City Councilor Randy Filiault

To: Honorable Mayor Lane and Keene City Council

Pursuant to the Keene City Council Rules of Order, Section 20, Reconsideration; I hereby request reconsideration of Ordinance O-2019-03: Relating to Vendors – Time Limitation for Certain Activities.

Respectfully submitted,

A handwritten signature in black ink, reading "Randy L. Filiault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Randy L. Filiault  
Keene City Councilor



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

March 13, 2019

**TO:** Mayor and Keene City Council

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

**ITEM:** D.1.

**SUBJECT:** Bruce Bickford/Farmer's Market - Request to Use City Property - Gilbo Avenue

---

**RECOMMENDATION:**

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the Farmer's Market of Keene be granted permission to use 22 parking spaces along Gilbo Avenue on Tuesdays from May 7, 2019 to October 29, 2019, from 3:00 PM to 8:00 PM, and 22 parking spaces along Gilbo Avenue as well as an additional 18 spaces on the other side of the median strip in the Commercial Street parking lot on Saturdays from April 20, 2019 to October 26, 2019, from 8:00 AM to 2:00 PM. In addition, the petitioner is granted use of the median area for placement of picnic tables with the understanding that the pedestrian path may not be obstructed. Said permission is granted subject to the following conditions: compliance with the customary licensing requirements of the City Council; the receipt of a total rental fee of \$932.00 (payable on the first day of every month at \$155.00 per month); obtainment of a city food license from the Health Department; and compliance with any recommendations of City staff. Access to City electrical shall also be provided at a fee of \$60.00 for the season. It is further recommended that the Farmer's Market of Keene be allowed to erect sandwich board signs on City property prior to the start of sales, subject to review and approval by City staff with respect to the number and location. The signs must be removed immediately after the sales have concluded.

**BACKGROUND:**

Bruce Bickford, of Walpole, representing the Farmer's Market advised the Committee of a couple of potential changes to benefit the Market.

- They would like to open two Saturdays earlier (Earth Day) than previous years
- They want to change the Tuesday hours (at same location) to 4:00 PM – 7:00 PM instead of operating in the morning

Acting Chair Jones referred to the prepared motion and asked Mr. Bickford if the date, April 20th, covers his request. Mr. Bickford replied in the affirmative.

Acting Chair Jones asked for Committee questions or comments.

Councilor Rice asked if the Tuesday start time would be moved up into April. Mr. Bickford replied in the negative explaining they would not start the Tuesday hours until May.

Councilor Hansel referred to the picnic tables in the prepared motion asking if this was new. Mr. Bickford indicated he knew nothing about the picnic tables. The City Manager commented this is a carryover from last year. Mr. Bickford said maybe the tables could go on the grassy area. Councilor Hansel asked if they would be taking the tables away between markets or would they stay there. Acting Chair Jones confirmed the City is

authorizing the Farmer's Market to put the tables there so they would be responsible for them. Rather than changing the prepared motion Acting Chair Jones suggested Mr. Bickford could submit a new letter if he wanted the tables to stay permanently.

The City Manager pointed out there are no times mentioned in the prepared motion. The City Attorney recommended "on Tuesdays from May 7, 2019 to October 29, 2019, 4:00 PM to 7:00 PM, and then from April 20, 2019 to October 26, 2019 from 9:00 AM to 1:00 PM". He then asked Mr. Bickford if those were the same times they wanted to keep on Saturdays. Mr. Bickford also noted the hour before and after for setup and breakdown asking if that needed to be in the motion also. The City Attorney clarified the hours to be from 8:00 AM to 1:00 PM on Saturdays and 3:00 PM to 7:00 PM on Tuesdays.

Councilor Rice also asked if Mr. Bickford needed an hour for breakdown. Mr. Bickford replied in the affirmative. Councilor Rice clarified the hours would then be 3:00 PM to 8:00 PM, and 8:00 AM to 2:00 PM. The City Attorney concurred.

Acting Chair Jones asked if the footprint had changed. Mr. Bickford replied in the negative.

Acting Chair Jones asked for public comments or questions.

Carl Jacobs, Ward 2 Councilor asked if there was a mechanism in place to address any potential scheduling conflicts during the evening. The City Manager reported this was discussed during the staff meeting and it was determined there would not be many, if any Tuesday nights the Colonial would be impacted. She suggested the impact would be to the parking.

Britney McNaught thanked the Committee for listening to the Farmer's Market. She commented on the benefits of the Farmer's Market for the community. She noted the higher levels of excitement with this year's vendors. Ms. McNaught asked the Committee to support the requested changes.

Emerald Levick addressed the downturn in sales at the Farmer's Market over the past couple of years noting this is why the Tuesday evening changes are essential. She added this is when the Farmer's Market needs to be accessible to its customers. Ms. Levick is also the Marketing Manager for the Food Co-op. Ms. Levick reported if the hours are not changed Mr. Bickford may be the only vendor there; but if the hours are changed there are six or seven other vendors who will probably be there.

Putting a plug in for the Farmer's Market the City Attorney noted his appreciation for the availability of fresh vegetables and bread.

Councilor Rice noted she was in favor of the time change on Tuesdays.

There being no questions from the Committee or public Acting Chair Jones asked for a motion.

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 the Farmer's Market of Keene be granted permission to use 22 parking spaces along Gilbo Avenue on Tuesdays from May 7, 2019 to October 29, 2019, from 3:00 PM to 8:00 PM, and 22 parking spaces along Gilbo Avenue as well as an additional 18 spaces on the other side of the median strip in the Commercial Street parking lot on Saturdays from April 20, 2019 to October 26, 2019, from 8:00 AM to 2:00 PM. In addition, the petitioner is granted use of the median area for placement of picnic tables with the understanding that the pedestrian path may not be obstructed. Said permission is granted subject to the following conditions: compliance with the customary licensing requirements of the City Council; the receipt of a total rental fee of \$932.00 (payable on the first day of every month at \$155.00 per month); obtainment of a city food license from the Health Department; and

compliance with any recommendations of City staff. Access to City electrical shall also be provided at a fee of \$60.00 for the season. It is further recommended that the Farmer's Market of Keene be allowed to erect sandwich board signs on City property prior to the start of sales, subject to review and approval by City staff with respect to the number and location. The signs must be removed immediately after the sales have concluded.



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

March 13, 2019

**TO:** Mayor and Keene City Council

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

**ITEM:** D.2.

**SUBJECT:** Weston Liu/New England Aerobatic Club - Request to Use City Property - Dillant Hopkins Airport

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**RECOMMENDATION:**

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends that the City Council authorize the use of the Dillant-Hopkins Airport by Chapter 35 of the International Aerobatic Club from the date of issuance through December 31, 2019, subject to the execution of a Revocable License and Indemnification Agreement, the receipt of an insurance certificate in the amount of at least \$1 million naming the City as an additional insured and all other requirements of City staff including but not limited to the following restrictions: compliance with any requirements of the FAA, limit practice sessions to not more than 5 for the year, there will be no Sunday practice sessions, aerobatic activity shall not occur below 1,500 MSL, limit aerobatic activity to the southern portion of the aerobatic box established by the FAA, restrict use of the aerobatics box until after 10:00 AM, and invite neighbors to the mandatory safety briefings held on practice days.

**BACKGROUND:**

Weston Liu, of New England Aerobatic Club addressed the Committee noting there were no changes in the request from previous years. Mr. Liu said he would be happy to answer any questions.

Rebecca Landry, ACM/IT Director congratulated Mr. Liu on being a top ten finisher in the National Aerobatics competition last year.

There being no questions or comments from the Committee Acting Chair Jones asked for public comments or questions.

Mitch Greenwald, Ward 2 Councilor who also serves on the Airport Marketing and Development Committee noted the Committee's full support and encouragement for the event. He added there were no negative comments from last year's event.

Acting Chair Jones said there was a reason why there could not be a public notice about this event. Mr. Liu replied it is an FAA requirement that we cannot invite the public. The former Airport Director used to send out a news item saying there would be aerobatics.

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

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



On a vote of 4-0, the Planning, Licenses, and Development Committee recommends that the City Council authorize the use of the Dillant-Hopkins Airport by Chapter 35 of the International Aerobatic Club from the date of issuance through December 31, 2019, subject to the execution of a Revocable License and Indemnification Agreement, the receipt of an insurance certificate in the amount of at least \$1 million naming the City as an additional insured and all other requirements of City staff including but not limited to the following restrictions: compliance with any requirements of the FAA, limit practice sessions to not more than 5 for the year, there will be no Sunday practice sessions, aerobatic activity shall not occur below 1,500 MSL, limit aerobatic activity to the southern portion of the aerobatic box established by the FAA, restrict use of the aerobatics box until after 10:00 AM, and invite neighbors to the mandatory safety briefings held on practice days.



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

March 13, 2019

**TO:** Mayor and Keene City Council

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

**ITEM:** D.3.

**SUBJECT:** HB 365 “Relative to Net Energy Metering Limits for Customer Generators” - Energy and Climate Committee

---

**RECOMMENDATION:**

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends that the City Council draft a letter to the State Legislature stating they support HB 365 “Relative to net energy metering limits for customer generators”.

**BACKGROUND:**

Peter Hansel, of the Energy and Climate Committee reported that House Bill 365 passed one of the sub-committees this morning with a positive recommendation. It still has to go through the full House Mr. Hansel said. He also noted there is a Senate version out there as well. This bill would raise the net metered cap for net metered projects from 1 megawatt to 5 megawatts. It would require utilities to account for net metered power in such a way that maximizes the ratepayer savings and minimizes the ratepayer costs. He continued it would allow large energy users like municipalities, schools, and businesses to invest in renewable energy projects that are properly sized for their needs. Mr. Hansel pointed out the one thing that affects Keene specifically – the wastewater treatment plant is one of the largest energy users in our region. If they were to install a solar project that would take care of their energy needs it would probably need to be larger than 1 megawatt. If the cap is raised above 1 megawatt it would allow the City to invest in projects like that. Mr. Hansel said there are over 70 solar installations in our community today. Last year a similar Bill passed both Houses and was vetoed by the Governor. He sees this as part of reaching our goal of becoming 100 percent renewable and noted the importance of showing our support.

Acting Chair Jones asked if this letter should go to just local Representatives or all of the Representatives. The City Manager indicated it would be sent to all Representatives. Continuing Acting Chair Jones said if we do this he would suggest we show supporting documents such as our Master Plan and Climate Action Plan. We should show background on why the City should be involved.

Acting Chair Jones asked for Committee questions or comments.

Councilor Hansel agreed showing supportive materials was a good idea. He also agreed weighing in on this Bill was appropriate. He stated his reasons noting net metering was established to protect the utilities and their investments. Councilor Hansel said it is up to us to determine when that bar gets moved. He also agreed it is time for the City to say it is time to move the cap.

Councilor Sapeta also expressed his support for the request. He commented net metering is used to offset a situation where there is not enough sunlight to generate the needed energy or put energy back to the grid. With

the advent of energy storage is this something that will replace the need for net metering. Mr. Hansel replied the country in general is starting to move in that direction. The State has one prototype in Lebanon, but it has not really caught on in our state yet.

There being no further questions or comments from the Committee or public Acting 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 Council draft a letter to the state legislature stating they support HB 365 "Relative to net energy metering limits for customer generators".

Committee members agreed supporting documents should accompany the letter.



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

March 13, 2019

**TO:** Mayor and Keene City Council  
**FROM:** Planning, Licenses and Development Committee  
**ITEM:** D.4.  
**SUBJECT:** Swanzey Dam Easement - Airport Department

---

**RECOMMENDATION:**

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends that the City Council authorize the City Manager to do all things necessary to negotiate and execute an easement with the Town of Swanzey for the rehabilitation and long term maintenance of a Wilson Pond dam.

**BACKGROUND:**

Rebecca Landry, ACM/IT Director reported we have an opportunity to enter into an easement agreement with the Town of Swanzey. There is a small dam at lower Wilson Pond on Route 32 in Swanzey with associated facilities on Keene Airport property. The dam is in need of rehabilitation for which the Town of Swanzey is responsible. In order to tend to an outlet pipe and other associate dam facilities, the Town of Swanzey is requesting an easement for both short term rehabilitation and long term maintenance purposes. It is recommended that the easement be negotiated and executed for these purposes.

Acting Chair Jones commented this work has been being done for years; we are just doing it legally now is that correct. Ms. Landry indicated she was not sure as this is the first she has heard of an easement being necessary for this purpose.

Acting Chair Jones asked for Committee questions/comments.

Councilor Sapeta asked if there would be any restrictions on our part. Ms. Landry replied that is part of the negotiation process.

Acting Chair Jones pointed out the motion reads to negotiate and execute so this will not be coming back to us.

Acting Chair Jones asked for public comments/questions.

Mitch Greenwald, Ward 2 Councilor noted the Scribner's error in the motion asking if Route 132 means Route 32. Ms. Landry concurred.

Councilor Rice commented in a hypothetical scenario if we were not to grant this easement, and the dam was not repaired, would that negatively impact our property. Ms. Landry replied in the affirmative.

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

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 the City Council authorize the City Manager to do all things necessary to negotiate and execute an easement with the Town of Swanzey for the rehabilitation and long term maintenance of a Wilson Pond dam.



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

March 14, 2019

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

**SUBJECT:** Pathways for Keene - Acceptance of Donation - Solar Lights - Keene Bike Path

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**RECOMMENDATION:**

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to accept the donation of solar lights and poles to be installed along various locations along the bike path as determined by the Parks, Recreation and Facilities Director.

**BACKGROUND:**

William Faulkner, President of Pathways for Keene and Ted McGreer of Keene were the first two speakers who stated that Pathways for Keene would like to present the City of Keene with 33 installed solar lights along the bike path (location to be determined by the Parks, Recreation and Facilities Director). Mr. Faulkner indicated one of the goals of Pathways for Keene is to improve the bike path and as a result of fundraising from last year they are able to make this donation to the City. They are working with Lumens for Less which is a local company.

Mr. McGreer stated the poles are made in Fitzwilliam. He added they are a fiber glass pole and noted this is the second phase of the lighting installation. Last year 40 lights were installed along the bike path. Mr. McGreer indicated they like the safety feature these lights provide. Councilor Jacobs clarified these lights are the exact same lights as from phase one.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to accept the donation of solar lights and poles to be installed along various locations along the bike path as determined by the Parks, Recreation and Facilities Director.

Mr. Faulkner encouraged everyone to join them for the 4 on the 4th event.



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

March 14, 2019

**TO:** Mayor and Keene City Council

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

**ITEM:** D.6.

**SUBJECT:** Acceptance of Donation - Cheshire Cats - Parks, Recreation and Facilities Department

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**RECOMMENDATION:**

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the donation of \$527.39 from the Cheshire Cats and that the money is used towards program equipment and travel expenses for future tournaments.

**BACKGROUND:**

Parks, Recreation and Facilities Director Andy Bohannon addressed explained the Cheshire Cats is a jump rope team that uses the Recreation Department and attends various competitions. During youth basketball season they organize bake sales and this year they raised \$527.39 to be used for program equipment and travel expenses for future tournaments. Mr. Bohannon stated two of the girls qualified for the national team this year – participants in this team are between the ages of 7 and 13 years old.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the donation of \$527.39 from the Cheshire Cats and that the money is used towards program equipment and travel expenses for future tournaments.

Mr. Bohannon thanked Pathways for Keene for their donation.



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

March 14, 2019

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

**SUBJECT:** Request for Approval to Solicit Donations to be used for a Safe Routes to School Event at Keene Middle School - Community Development Department

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**RECOMMENDATION:**

On 3-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to solicit and accept donations to be used for a Safe Routes to School event at the Keene Middle School in May 2019.

**BACKGROUND:**

Asst. City Manager/Community Development Director Rhett Lamb stated he was before the Committee regarding acceptance of donations to be used for a Safe Routes to School event at the Keene Middle School scheduled for May 2019. Mr. Lamb stated a program has been created to encourage bicycling and walking to school and this is done in cooperation with the Middle School. He indicated there will be a series of events scheduled during that particular week and the week will culminate with an event geared towards safety for bicycling and walking to school. This is a partnership between the city and school and money for this program comes from a grant received in 2016.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to solicit and accept donations to be used for a Safe Routes to School event at the Keene Middle School in May 2019.





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

March 14, 2019

**TO:** Mayor and Keene City Council

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

**ITEM:** D.8.

**SUBJECT:** Acceptance of Local Source Water Protection Grant - Public Works Department

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**RECOMMENDATION:**

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and execute a Local Source Water Protection Grant from the New Hampshire Department of Environmental Services (NHDES) in the amount not to exceed \$14,500 for the installation of security fencing in the Court Street Well Field.

**BACKGROUND:**

Treatment Facilities Operations Manager Aaron Costa stated the city operates four groundwater wells, three of which are located on Court Street behind the Green Wagon Farm. These wells provide water for residents and businesses in Keene. Mr. Costa noted the city applied and has received a grant in the amount of \$14,500 from NHDES to provide security fencing and signage.

Mr. Costa stated the grant award is conditional on the city adhering to NH purchasing requirements, and to share photos of completed fence and signage with NHDES. He noted the following items will not be covered by the grant and they are, marking out buried water lines in vicinity prior to fence installation, clearing trees and vegetation prior to fence installation, creating signage, and purchasing and installation of fencing around Court Street Corrosion Control Facility. These expenses will be paid through the Water Supply Protection Capital Project.

Councilor Powers asked whether this work will be done for the West Street Well as well. Mr. Costa stated the West Street Well already has a fence and this well is on private property.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept and execute a Local Source Water Protection Grant from the New Hampshire Department of Environmental Services (NHDES) in the amount not to exceed \$14,500 for the installation of security fencing in the Court Street Well Field.



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

March 14, 2019

**TO:** Mayor and Keene City Council  
**FROM:** Finance, Organization and Personnel Committee  
**ITEM:** D.9.  
**SUBJECT:** T-Hangar Lease Agreements - Airport Department

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**RECOMMENDATION:**

On 3-0 vote, the Finance, Organization and Personnel Committee recommend the City Manager be authorized to do all things necessary to negotiate and execute Keene Airport t-hangar leases with David Wallace and Food Harvest For America, and that the City Council authorize the City Manager to do all things necessary to negotiate and execute future Keene Airport t-hangar leases.

**BACKGROUND:**

Asst. City Manager/IT Director Rebecca Landry stated the airport had three T-Hangars available as of last week and since that time interest has been expressed in two of the Hangars. Because these are new leases and not renewals staff is requesting approval from the Council for the City Manager to be able to negotiate and execute these new leases. She noted the motion has been drafted so these leases can be handled administratively in the future.

Chair Greenwald asked whether Food Harvest For America was a new company in town. Ms. Landry stated they are not a local company – they have an out of town address.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommend the City Manager be authorized to do all things necessary to negotiate and execute Keene Airport t-hangar leases with David Wallace and Food Harvest For America, and that the City Council authorize the City Manager to do all things necessary to negotiate and execute future Keene Airport t-hangar leases.



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

March 14, 2019

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

**SUBJECT:** Goose Pond Dam Improvements Project - Construction Phase Services - Public Works Department

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**RECOMMENDATION:**

On 3-0 vote, the Finance, Organization and Personnel Committee recommends the waiving of the professional service purchasing requirements and that the City Manager be authorized to do all things necessary to negotiate and execute a professional services contract with Dubois & King, Inc. of Randolph, VT for the engineering, technical, and administrative services for the construction phase of the Goose Pond Dam Improvements Project (90228-17) for an amount not to exceed \$140,916.

**BACKGROUND:**

City Engineer Don Lussier stated this item is in reference to the Goose Pond dam improvement project scheduled to happen this summer. The project was put out to bid and a bid came in under budget. He indicated the requested professional services contract is for the design consultant to continue into the construction phase. Mr. Lussier stated under the city's permit the engineer of record is required to complete certain tasks and make certain certifications to the Department of Environmental Services. Mr. Lussier stated the city would like to continue with this consultant as they have done a great job with the design.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends the waiving of the professional service purchasing requirements and that the City Manager be authorized to do all things necessary to negotiate and execute a professional services contract with Dubois & King, Inc. of Randolph, VT for the engineering, technical, and administrative services for the construction phase of the Goose Pond Dam Improvements Project (90228-17) for an amount not to exceed \$140,916.



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

March 14, 2019

**TO:** Mayor and Keene City Council

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

**ITEM:** D.11.

**SUBJECT:** Rose Lane Wastewater Treatment Plant Site Closure Project - Change Order - Bazin Brothers - Public Works Department

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**RECOMMENDATION:**

On 3-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to execute Change Order No. 2 with Bazin Brothers Trucking, Inc. for an amount not to exceed \$162,650 for Contract 01-16-08, Rose Lane Wastewater Treatment Plant Site Closure Project.

**BACKGROUND:**

Mr. Aaron Costa addressed the Committee again and stated this item is for a change order of \$162,650 to Bazin Brothers to finish a project at Rose Lane. He noted the city's first wastewater treatment facility was located on Rose Lane around 1934 and remained there until 1985. Past practices on this site included disposal of wastewater sludge on site, in 2007 New Hampshire Department of Environmental Services (NHDES) required the permanent closure of the site. The city has been working with Loureiro Engineering who performed the design modifications and the construction on the monofill portion of the site was completed in June 2018 with the exception of the fencing and there is money left in the Rose Lane Closure project.

Mr. Costa stated there are still remnants of the old wastewater plant's sludge drying beds located outside the sludge monofill area. This work with Bazin Brothers will completely grade the remaining portion of the property as well as install chain link fencing along the roadside of Rose Lane to provide security.

Councilor Jacobs clarified this is not work which was originally planned but because there is money left over staff is proposing this work. Mr. Costa agreed and added the city was only required to close the monofill but there is leftover money and there is still remnants of the old wastewater plant.

Councilor Powers asked how much property is located on this site. Mr. Costa stated there is approximately 11 acres but the open portion is about three acres and added this work would make the property look more attractive and the fence will keep the public out of the site.

Councilor Jacobs clarified this land is different to the site discussed at the last meeting where a portion of city land is being requested to be used by an applicant.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to execute Change Order No. 2 with Bazin Brothers Trucking, Inc. for an amount not to exceed \$162,650 for Contract 01-16-08, Rose Lane Wastewater Treatment Plant Site Closure Project.



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

March 14, 2019

**TO:** Mayor and Keene City Council  
**FROM:** Finance, Organization and Personnel Committee  
**ITEM:** D.12.

**SUBJECT:** Rose Lane Wastewater Treatment Plant Site Closure Project - Change Order- Loureiro Engineering - Public Works Department

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**RECOMMENDATION:**

On 3-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to execute Change Order No. 5 with Loureiro Engineering for additional engineering and administrative services in an amount not to exceed \$4,999 for Rose Lane Wastewater Treatment Plant Site Closure Project, Contract 04-16-04.

**BACKGROUND:**

Mr. Costa stated this item is for the change order for approximately \$5,000 for Loureiro Engineering to oversee construction of phase 2 with Bazin Brothers.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to execute Change Order No. 5 with Loureiro Engineering for additional engineering and administrative services in an amount not to exceed \$4,999 for Rose Lane Wastewater Treatment Plant Site Closure Project, Contract 04-16-04.



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

March 14, 2019

**TO:** Mayor and Keene City Council  
**FROM:** Finance, Organization and Personnel Committee  
**ITEM:** D.13.

**SUBJECT:** Councilors Greenwald, Manwaring, & Richards – Tax Deeding - Kingsbury

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**RECOMMENDATION:**

On 2-1 vote, the Finance, Organization and Personnel Committee recommends that the City Manager and appropriate city staff be directed to initiate the tax deeding process with respect to unpaid property taxes subject to tax deeding for property located at 80 Laurel Street, tax map number 589 017 000 000 000. Councilor Powers voted in opposition.

**BACKGROUND:**

Councilor Jan Manwaring stated this item is to request the City Council to initiate the tax deed process on the Kingsbury property. She stated the city has done a lot to assist the current owner in developing this property (rezoning, Brownsfield process). The Brownsfield process phase 2 requires going on site and performing borings, which requires the signature of the owner and this is not being done. Nor has any development efforts taken place on the property.

The Councilor stated since starting this process she has learned the current owner owes close to a million dollars in taxes to the city and felt it was time to do something as the current owner doesn't seem sincere in wanting to develop this property.

Chair Greenwald stated there is a great need for the city to improve Marlboro Street and this site is a significant portion of Marlboro Street and felt the city needs to move forward with this. He added he has been astounded at the number of people who are urging the city to move forward with this property. The Chairman stated his first choice is to not take this property and would like the owner of record to payoff what he owes. The Chairman stated if this tax bill was paid there are numerous things that can be done with this money and hoped the tax bill will eventually be paid. He referred to the chronology included in the Committee packet from the Manager. The Chairman asked staff to outline the next step in the process

The City Manager stated should the council want to move forward with the tax deed process the owner will be notified of the taxes owed, and as of March 11, 2019 it was \$778,957.03 The owner would have thirty days and then it will come back to the Council to accept the tax deed.

The City Attorney stated once the property is taken by tax deed, then at that time the city owns the property and there are steps in reference to the environmental issues which the city is aware of and will have to decide how the city wants to proceed. The Attorney added if the owner even after the tax deeding process wants to pay taxes plus interest and penalties, he can still do so but noted it would be in the owner's benefit to pay the taxes before the tax deed process. The Chairman clarified this is not an instantaneous process and clarified the owner is aware of what the city is planning on doing. Ms. Dragon stated she had spoken to him just this week

and had informed him of what the Council Chairs were planning on doing. She stated the owner is not present but Mr. Jim Phippard is present to address the Committee. Attorney Mullins noted the individual the city is dealing with is Mr. Thibault but the property is owned by a limited liability company.

The Chairman read into the record a letter from Councilor Clark as follows – the Councilor asked the letter be made part of the record:

“As I have said to my colleague several times over the past nine years, I do not believe the owner of the former Kingsbury property has been serious about marketing the property for development and the tax payers of the city have carried the burden for much too long. Since only governmental bodies may receive Brownsfield grants to clean up contamination on the property, I believe it is well past the time to take the property by tax deed to recoup the monies owed to the city in back taxes and move forward with its placement once again on the tax rolls. I do not support trading a portion of the property for what is owed in back taxes as has been suggested in the past.”

The Chairman asked for public comment.

Mr. Toby Tousley urged the city not take this property by tax deed and agreed the ability to extend Victoria Street as well as work on the brook under this property would be great. He reminded the committee of the tax deed it took on the Robert Hart property which was a fraction of the size of this property and noted to the amount the city had to spend on cleaning up the contamination that existed on the property. Mr. Tousley added the \$700,000 owed in back taxes will never be recovered and this property will not be put back on the tax rolls and will be off the tax role for decades. He urged the city to work with the owners to get something out of the owner on the back taxes.

Mr. Tousley talked about the expansion the city has pursued with the acquisition of the Police Department property, the Fire Department property and this will be another property the city owns. He urged the city not to take this property by tax deed.

Mr. Jim Phippard of Brickstone Landuse Consultants 185 Winchester Street addressed the Committee and stated he has been working for Kingsbury Acquisition LLC for two years to find a use for this property. Mr. Phippard stated as a contaminated site, it is a limiting factor to perform redevelopment. He indicated Mr. Thibault understands phase 2 needs to be completed and a request has been made to schedule a meeting with city staff. Mr. Phippard stated the owner wants to continue the discussion that was started with the prior city manager and also plans on making payment on the taxes. Mr. Phippard stated this action has got the owner's attention and stated he would like to show what has been happening on this site behind the scenes.

He stated this is a property that needs to be redeveloped and it will be, but it will take a decade before anything happens because the cleanup will take quite a few years. It has taken 20 years to clean up the contamination.

Mr. Phippard went on to refer to a plan – he referred to this as version 5 of the concept plan. Mr. Phippard stated development of industrial land is becoming difficult but he does get calls from other regions about relocating to this area. However, with this site the first issue is the contamination but there are portions that are not contaminated which could be developed and this is what he is trying to do first. Unless there is an interest for this owner who is not a developer it does not make sense to build and then hope it could be sold.

He referred to the plan and stated Mr. Thibault has agreed to extend Laurel Avenue to Victoria Street which is the center portion of the plan. He is also in agreement about providing flood storage in areas immediately around the Beaver Brook area – this would also allow the portion of this property in the flood zone to be able to be developed. He referred to the area of this property where it abuts Myrtle Street, noting the city's rezoning does not allow for residential use, it has to be a mixed use. The applicant is going to ask for this portion in the future once it is cleaned up to be redeveloped to residential use.

Mr. Phippard noted the easterly portion of the site is not in the flood plain and felt this portion could be subdivided today and could be a development site. He stated they are trying to get developers interested in this site. This could bring in the necessary revenue to pay the taxes and remove the existing building on site. He noted the building is about 300,000 square feet in size, the building contains asbestos which needs to be addressed before the building can be demolished – asbestos removal is about \$3.00 a square foot which could cost close to two million dollars. Mr. Phippard stated he agrees with Mr. Tousley as a tax payer he does not want the city to take this property because he knows what the cost can be and what can go wrong; as a tax payer he does not want to be stuck with it and would like the owner to pay what he owes. He went on to say now that the city has the owner's attention, he hopes the city can pursue the conversation with him and get the tax issue settled.

Chair Greenwald for the benefit of the public stated what is happening today is not a Planning Board review, a site plan issue but just a discussion as to what could happen with this site. He went on to say he is impressed as to the work that has been going on which he was not aware of. The Chairman stated in his experience if you want an eviction to happen you need to get the clock started which is similar to that of a tax deed – he stated he is in favor of starting the clock but it can be stopped should the owner come through. Mr. Phippard asked the committee to put this item on more time for one cycle (two weeks), to give opportunity for the owner to meet with staff and see what comes out of that meeting.

Councilor Powers clarified the city has a handle on this property and would always get its money under State law. Ms. Dragon agreed as long as it stays in private hands the taxes won't go away they will remain with the property. The Councilor felt this owner has been given ample opportunity to contact not just this City Manager but the City Manager prior to that as well. He went on to say he does not want the city to take on a contaminated site and added the city just spent a quarter of a million dollars to clean up a site the city contaminated and another one which was discussed a few weeks ago. He however, felt this discussion needed to happen and felt the council needs to hear this item and give the Manager some sort of direction as to how she should move forward.

Councilor Jacobs stated he is impressed someone is thinking about this property and felt it is important for a conversation to happen with the city. The Councilor stated he doesn't want the city to own this property; in the long run it wouldn't be the best solution. He stated he would like the current owner to pay the taxes and develop this site. He did not feel waiting one more cycle would be detrimental especially if this would bring about a new relationship with the owner.

Ms. Dragon asked whether this was the same plan that was prepared three years ago which the city helped fund to determine storage for that facility. Mr. Phippard stated this is a different version of that plan but it is similar to where it started. The Manager stated there is still the outstanding issue with the owner signing the access agreement to continue the Brownsfield work – the Manager stated when she spoke to Mr. Thibault this week he had indicated this was not something he was likely to do which would mean the funds received to continue the environmental work would not be able to go forward while Mr. Thibault owned the property.

Ms. Dragon went on to say this property was recently cited for violation on a portion of the property which was being used without a certificate of use. At that time when an inspection was done there were some serious structural concerns with the building and a notice was provided to the owner that this building cannot be used without a certificate of use. The current occupants are supposed to be vacating the building by the end of March. Ms. Dragon stated when Mr. Phippard talked about demolition this is something she would like to discuss further as the building is beginning to show some serious structural concerns. Ms. Dragon stated she had urged Mr. Thibault to attend today's meeting and address some of these concerns – Chair Greenwald stated Mr. Thibault's presence today would have been meaningful to him.

Mr. Tousley stated with a landlord they always have the option of stopping an eviction if a tenant was to start paying on any back rent but noted he wasn't sure if the same would be true for the city and cautioned the city



about forging ahead should the owner be able to pay some of the taxes. Chair Greenwald stated with a residential tax deed process the tax collector has been able to extend the process when partial payment and conversation with the owner resumes and stated the process can always be stalled.

Ms. Dragon stated once this notice is given the property owner can talk about and sign an acceptable payment arrangement – this would be something that would go before the Council but there is another step where the Council will vote to take the property. Today is a recommendation staff is providing to the Council. The Chairman felt this matter should move forward and if there is a need it can be put on hold later in the process.

Attorney Mullins stated he feels it necessary to address the committee as his name has been mentioned a few times with reference to this item. The Attorney stated the city has had numerous conversations with Mr. Thibault; a number of plans and options were presented to him and this was over three years ago but for whatever reason those discussions did not come to fruition. Attorney Mullins stated he did not want the committee to feel what is presented tonight is something new – these are issues that have been discussed over the years and only when this type of effort happens does the city get action from the owner. He further stated that one of the reasons the city has not taken this property is because of the contamination that exists on this property, but at some point something needs to be done.

Councilor Manwaring stated it is never the intention of the city to take property and it is never the city's first choice. She stated it concerns her the owner is not cooperating with the city and stated she does not understand why Mr. Thibault won't permit phase 2 of the Brownsfield work to continue. She asked the committee to move this forward to the council as there is always a way to stop the process should there be a need.

The Chairman stated if he feels there is substantial activity happening from the owner he will at the next council meeting ask that the matter be sent back to the Finance Committee.

Councilor Powers stated he will not support the motion as he does not want the city to own another hazardous site.

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

On 2-1 vote, the Finance, Organization and Personnel Committee recommends that the City Manager and appropriate city staff be directed to initiate the tax deeding process with respect to unpaid property taxes subject to tax deeding for property located at 80 Laurel Street, tax map number 589 017 000 000 000. Councilor Powers voted in opposition.



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

March 14, 2019

**TO:** Mayor and Keene City Council

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

**ITEM:** D.14.

**SUBJECT:** Appropriation of Funds for the Drummer Hill Water Storage Tank and Pump Station Replacement and Contract with Tighe & Bond for Engineering Services - Resolutions R-2019-06 and R-2019-07

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**RECOMMENDATION:**

On 3-0 vote, the Finance, Organization and Personnel Committee recommends placing Resolutions R-2019-06 and R-2019-07 on more time.

On 3-0 vote, the Finance, Organization and Personnel Committee recommends the waiving of the professional services purchasing requirements and the City Manager is authorized to do all things necessary to negotiate and execute a professional services contract with Tighe & Bond to perform engineering, technical and administrative services for the design and construction oversight for the Drummer Hill Water Storage Tank and Pump Station Replacement Project for an amount not to exceed \$307,681.

**BACKGROUND:**

Mr. Costa addressed the Committee next. He was joined by Public Works Director Kurt Blomquist and Asst. Public Works Director Tom Moran. Mr. Costa stated there is no vote staff is looking for tonight, staff is here to provide background with reference to the Drummer Hill Water Storage Tank. This tank and the booster station were constructed in 1987 and was slated to be replaced in the capital improvement program for FY24 (tanks) and FY27 (station). The tank however, sprung a leak in February 2018 which required the project to be moved up. The tank has been offline since that time. The last time this project came before council was in July 2018 and at that time staff requested \$800,000 in capital reserve funds.

Since that time the city contracted with Tighe & Bond Engineering Services and noted the committee has in its packets the advantages, disadvantages and cost outlined by this consultant. Mr. Costa stated even if the tank is refurbished there will still be issues with the tank such as water quality. Staff also considered getting rid of the tank completely and just operating with a booster station. This would address the water quality issues, it will improve water pressure, it will meet ISO Standards for fire flow, and it will remove the tank and remove the necessity for inspections. However, the disadvantages would be the relocation of the pumping station, the Elm Street distribution lines that feed Timberlane would have to be lined and cleaned (they date back to the 1920's), and it would require a larger backup generator.

What staff is recommending is to replace the existing tank with a larger tank and replace the existing pump station. This will improve water quality and pressure and would improve compliance with water main flushing and fire suppression requirements. It won't require immediate lining and cleaning of Elm Street distribution lines that feed Timberlane and the pumping station closer to Elm Street will not require replacement. It will be easier to operate and it will be more energy efficient. The total cost of this project will be 2.2 million dollars. Staff's

recommendation is also to continue working with Tighe & Bond Engineering to perform the design and construction oversight administration.

Mr. Blomquist addressed the Committee to talk about the finances. Mr. Blomquist stated there is about a 1.4 million dollar differential compared to what was originally appropriated. He stated they would like to place the item on more time to give Public Works time to work with the Finance Department.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends placing Resolutions R-2019-06 and R-2019-07 on more time.

The Chair explained to the public the two Resolutions address financing and those two items are being place on more time.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends the waiving of the professional services purchasing requirements and the City Manager is authorized to do all things necessary to negotiate and execute a professional services contract with Tighe & Bond to perform engineering, technical and administrative services for the design and construction oversight for the Drummer Hill Water Storage Tank and Pump Station Replacement Project for an amount not to exceed \$307,681.



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

March 14, 2019

**TO:** Mayor and Keene City Council

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

**ITEM:** D.15.

**SUBJECT:** Capital Improvement Program - 2020-2025

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**RECOMMENDATION:**

On a vote 3-0 vote, the Finance, Organization and Personnel Committee recommends the City Council approve, as amended, the Capital Improvement Program which moves \$134,000 for the Welcome Center - Facilities from FY20 to FY21, and amends the footnotes for aerial imagery update project and the voting booths project to identify the use of fund balance.

**BACKGROUND:**

Chair Greenwald explained the Capital Improvement Program 2020-2025 discussion has happened with all city departments going over the various projects listed in this program. There has been a public hearing and the public has addressed the committee with their comments on the program. The Chairman thanked the public that attended and especially those who addressed the skate park issue. There was also discussion about the public restrooms and Welcome Center and the council received a communication from the Monadnock Interfaith project, Tom Julius encouraging the committee to go forward with this. The Chairman noted there was discussion about eliminating the restroom from the CIP because of the uncertainty that surrounds Gilbo Avenue. The Chairman noted he would be making a motion to leave this item in the CIP but to move it from 2020 to 2021.

The Chairman went on to say because a public hearing has already happened the public will not be able to make any further comments, the Councilors however, can still make comments. The Chairman asked for comments from the City Manager.

Ms. Dragon stated there is a Memo regarding staff's recommendation for funding of the aerial imagery update project for \$55,000 and the voting booths for \$32,088 – the original proposal was to use FY19 carryover funds but the proposal today is to use fund balance. She noted this was Councilor Powers' recommendation and she agrees with that recommendation.

Chair Greenwald made a motion for the adoption of the Capital Improvement Program 2020 – 2025 as submitted. The motion was seconded by Councilor Powers.

Councilor Powers made a motion to amend the foot notes for aerial imagery update project and the voting booth project for the use of fund balance. The motion was seconded by Councilor Jacobs and carried on a 3-0 vote.

Chair Greenwald made a motion (Page 184 – Welcome Center facilities) that the project cost of \$134,000 to be moved from FY20 to FY21. The motion was seconded by Councilor Powers.

The Chairman stated he sees a definite need for these restrooms. He felt it was important to keep this item in the CIP but \$134,000 will not be spent in FY2020. The Manager noted this project was to be funded through the Downtown Capital Reserve Account.

Councilor Jacobs stated he will not support the amendment. He stated there is money available and if there is a way to address this issue. The Councilor stated individuals like the Interfaith Group would like to see the city start working on it.

The motion carried on a 2-1 vote, with Councilor Jacobs voting in opposition.

Councilor Powers made a motion to adopt the 2020-2025 Capital Improvement Program as amended. The motion was seconded by Councilor Jacobs and carried on a 3-0 vote

The Chairman stated this item will go before the City Council next Thursday – March 21st. There was a question raised as to whether Councilors need to submit their comments before the 21st. The City Attorney noted that requirement is only for the operating budget. With that the Chairman thanked everyone for their hard work on this budget.

On a vote 3-0 vote, the Finance, Organization and Personnel Committee recommends the City Council approve, as amended, the Capital Improvement Program which moves \$134,000 for the Welcome Center - Facilities from FY20 to FY21, and amends the footnotes for aerial imagery update project and the voting booths project to identify the use of fund balance.



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

March 21, 2019

**TO:** Mayor and Keene City Council

**FROM:** Rhett Lamb, ACM/Community Development Director

**ITEM:** G.1.

**SUBJECT:** Capital Improvement Program - FY 2020-2025 - Planning Board

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**RECOMMENDATION:**

A motion was made by Gary Spykman that the Planning Board recommend the City Council adopt the 2020-2025 Capital Improvement Program. The motion was seconded by Vice Chair Chris Cusack and was unanimously approved.

**BACKGROUND:**

Mr. Lamb introduced Finance Director Merri Howe. Mr. Lamb stated the Board's role is advisory to the City Council as it relates to the CIP. The Board is included in the review of the CIP in its draft form when it comes out in December. The Board's role is to review the CIP as it goes to a public hearing and adoption by the Council on March 7. The task of preparing the CIP in the City of Keene has been that of City staff even though the RSA says the Board is responsible for preparing the CIP but the City has done it this way for many years.

Ms. Howe addressed the Board next. She stated she was before the Board to present the 2020-2025 Capital Improvement Plan. She noted this CIP is in alignment with the goals and priorities outlined in the 2010 Comprehensive Master Plan and those of the City Council. The City staff is tasked with meeting these goals and priorities while staying within the budgetary guideline.

The CIP covering FY 2020 to FY2025 represents \$93 million worth of investment in the City and its infrastructure with the majority of money spent on road and by-pass projects, drainage infrastructure, and water and sewer improvements. Ms. Howe noted other items included in the CIP is the Master Plan update, parks, repairs and maintenance to City facilities, City fleet and safety equipment.

Ms. Howe went on to say that many of these projects have a large impact on the citizens of Keene and the community. The Winchester Street reconstruction project is slated to begin in FY20. This project will include the reconstruction of the Winchester Street at the Key Road Intersection and Island Street/Pearl Street intersection and replacement of the red listed Island Street Bridge. The second phase of this project is the reconstruction of lower Winchester Street from the route 101 roundabout to the Swanzey town line.

If the CIP is adopted, the east side of the City is scheduled to see design work begin on the Patricia T. Russell Park located on Carpenter Street along Beaver Brook in FY20.

She noted this multi-generational park will include a playground, multiple seating opportunities, walking trail, parking, pavilion, connection to the rail trail, and an athletic field. Gilbo Avenue is the site of the proposed skate park. The skate park group has been actively raising funds for the construction of this park and anticipates raising enough money for construction in FY20 if approved.

Ms. Howe then went over the new projects in this year's CIP:

1. Airport fuel tank removal and replacement (20 year old tank);
2. Resolving the issue with the old town brook that runs beneath City Hall causing a crack in the rear wall;
3. Replacement of municipal building aging roofs;
4. Robin Hood Dam Repair;
5. OpenSpace Trail maintenance and rehabilitation;
6. Aerial Imagery Update.

This concluded Ms. Howe's presentation.

Mr. Lamb stated there are two items that came out of the Community Development Department and they are an update to the Comprehensive Master Plan which is set to be funded over a two year period and would be engaging the services of consultants to do this work – evaluating the goals of the City is one of the items that would be looked at. During the 2008-2009 update of the Community Goals included a lot of public outreach which brought in close to 2,000 community members and this is going to be updated.

Aerial Photography is the next project which is on a ten year cycle. Mr. Lamb said there is also a proposed interim fly over in spring 2020 to provide for a better basis for the Assessing Department revaluation project.

The other item Mr. Lamb referred to is the manner in which the City's traffic signals work. The existing signals are at least, thirty years old and they don't talk to each other. The new technology would be able to detect the presence of a vehicle rather than rely on the magnetic strip on the road. Barry Hilton is the staff person assigned to maintain these signals and he faces significant challenges in maintaining these signals.

Mayor Lane began by noting the standard of review of the Planning Board is very different to that of the Council; the Board's role is not connected to finances but to look at the long term goals and where the City should be in six years – it is a planning function for the Board. The Mayor stated he has many issues with the CIP. He stated he is glad to hear about the traffic signals but expressed concern it is being taken in isolation of other functions. The Mayor felt the downtown revitalization might drastically change the traffic signals and replacing these signals is not the direction the City might be going.

He also referred to items included in the Appendix which usually would be current projects but have been placed in the appendix instead, such as Victoria Street and the Recreation Center. The Mayor also noted to the Manager beginning negotiation regarding development of a portion of 560 Main Street, however, the City has the salt shed located at this site and there is no plan how to deal with this.

The Mayor did not feel this CIP properly reflects where the City is going in the future; it shows what is happening today and this is not what the Planning Board review should consist of as this document would determine if the City is moving forward or backwards.

Mr. Lamb in response to 560 Main Street said the City has taken the approach that the sale of land would generate income to make improvements and offset the cost of moving operations. He added the plan to move portions or all of the activity has already been done but agreed this is not included in the CIP.

Vice-Chair Cusack referred to Pat Russell Park and agreed this would be a great addition to east Keene and asked if any thought has been given to locate a pedestrian bridge over Beaver Brook from the bike trail to the field. The Vice-Chairman felt this is something that would be heavily used. Mr. Spykman stated this connection is part of the plan.

Chair Barrett asked whether the skate park would have any effect on the east west corridor. Mr. Lamb stated he was not well versed on this item. He further stated the issue with the bridge had a lot of positive input during the

east-side forum in 2015.

The Chairman asked what the Board should provide with reference to the CIP. Mr. Lamb stated a motion recommending the adoption of the CIP is what the Board typically does.

Mr. Spykman noted according to the RSA the CIP process is supposed to start with the Board but this role has been given over to City staff and added the staff is doing the work for the Board.

A motion was made by Gary Spykman that the Planning Board recommend the City Council adopt the 2020-2025 Capital Improvement Program. The motion was seconded by Chris Cusack.

Mr. Burke stated if the Board is looking for more involvement perhaps the Board should get involved earlier in the process. Mr. Lamb stated this has been an issue for a while – as to how to get the Board involved in this process sooner. The Board is invited to attend a presentation which happened this year on February 26. However, if the Board is interested it can be done.

Mayor Lane stated the Finance Committee of the Council does a project by project review of the CIP. If the Board wants more involvement the Board would have to do the project by project review as well and this would need to be set up earlier with the Manager. Over the years the Board has given up this role to the City Council.

Mr. Lamb stated as the projects are presented staff is required to look at the Master Plan and find out if their projects fit into the Master Plan and make reference to it and if it does not fit with the plan such projects are not included in the CIP.

Mr. Burke stated he understands how it is being done but seems like he is signing his name to something he has not had an opportunity to provide input. Mr. Lamb agreed this is not the best way but the City has not figured out a better way. He felt as the Comprehensive Master Plan is looked at for each project, he felt it is being done reasonably.

Mr. Burke stated he did make it to the CIP presentation and asked whether there is a plan for the dam next to Starbucks. Mr. Lamb stated since 2011 the City has been working with a third party to repair the dam and to assist the City with the reconstruction as required by DES. However, the City was notified recently that this expense was too substantial for the third party and they have withdrawn their proposal. Public Works has now included a number in the CIP as the cost to repair the dam (FY25). He added there is progress through with the Conservation Commission with other entities to conduct a public process to determine what can be done with this dam.

Chair Barrett asked how other communities handle the CIP process. Staff did not have an answer.

The motion made by Mr. Spykman was unanimously approved.





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

March 13, 2019

**TO:** Mayor and Keene City Council

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

**ITEM:** H.1.

**SUBJECT:** Milone & MacBroom on Behalf of People's Linen - Request to Use City Property - Monitoring Well

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**RECOMMENDATION:**

On a vote of 4-0, the Planning, Licenses and Development Committee recommends this issue be placed on more time to allow staff to review the application.

**BACKGROUND:**

Charles Teale, of 2 Cote Lane, Bedford addressed the request to authorize the installation of a proposed groundwater monitoring well on the northwestern portion of the 300 N. Lincoln Street property, adjacent to Beaver Brook, to aid in the characterization process for the People's Linen facility at 9 Giffin Street (the "Site") regarding tetrachloroethylene (PCE) impacted groundwater from historic dry cleaning operations. He said this environmental investigatory work is being requested in accordance with the New Hampshire Department of Environmental Services (NHDES). Environmental work to date has involved creating a network of on-Site groundwater monitoring wells to demarcate the extents of the PCE impacted groundwater; however, the down-gradient extent has not yet been delineated. Hence our proposed efforts to install a groundwater monitoring well on the City of Keene property (300 N. Lincoln Street), just south of the 43 George Street residence. Access for drilling the proposed well would be through a People's Linen-owned undeveloped lot (Parcel 535-025), located adjacent to 43 George Street, using a track-mounted ATV drill rig. The plan would be to have the well installed during this 2019 winter season, if possible, while the ground is frozen to alleviate impacts to the ground surface by the drill rig. The groundwater monitoring well would be completed with a 3± foot vertical, 4± inch diameter steel standpipe to protect the 2-inch diameter polyvinyl chloride (PVC) well pipe at the ground surface. Sampling of the well would likely be conducted in the spring and fall of each year in accordance with an anticipated Groundwater Management Permit (GMP) to be issued by the NH DES for the Site. The well would likely be included in the GMP sampling program for a number of years until such a time when groundwater impacts at the Site are observed to be below the state regulations for PCE impacted groundwater. The NH DES would ultimately decide when sampling should cease, as well as the frequency of the sampling. It should also be noted that once this groundwater monitoring well is no longer needed, as determined by the NH DES, the well can be decommissioned, which involves the removal of the well components and filling the associated borehole with bentonite, a water absorbent clay material used as a plug to prevent other media from entering the subsurface at this location.

Acting Chair Jones clarified this well does not have its own monitoring system. Mr. Teale advised that was correct.

Acting Chair Jones asked for Committee questions/comments.

Councilor Sapeta asked if the data would be available to the public. Mr. Teale replied in the affirmative noting it is posted on the NH DES website. Mr. Teale also advised he has no problem emailing the results to the City before the actual report is generated.

Councilor Hansel wanted to know how long the monitoring will be required. Mr. Teale replied if it turns out to be a clean well probably just a couple of years. On the other hand, if we do have PCE in that well it will be on the monitoring list for many years. Councilor Hansel asked what happens when it ceases to be a monitoring well. Mr. Teale replied the well would be decommissioned and outlined that process.

Acting Chair Jones asked if People's Linen was doing this for their own protection or if it was an EPA requirement. Mr. Teale replied it is a requirement of NHDES that we can delineate the entire groundwater area that has been impacted. This is the last portion we need to delineate. Mr. Teale also reiterated the other locations where they could not obtain permission for the well noting this is a fallback position.

Acting Chair Jones asked for public questions or comments.

Andy Bohannon, Parks & Recreation Director addressed the Committee noting he has not had a chance to review any of the information on this proposal; and he would like the opportunity to do so. Acting Chair Jones commented it sounds like this should be a more time issue and asked if there were any time restrictions. Mr. Teale replied in the negative noting it could be done in the spring time. Mr. Teale offered to provide Mr. Bohannon any information he might need.

There being no further questions from the Committee or public Acting 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 this issue be placed on more time to allow staff to review the application.

Acting Chair Jones advised Mr. Teale this would stay on the Committee's agenda until a report is received from Mr. Bohannon.



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

March 14, 2019

**TO:** Mayor and Keene City Council

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

**ITEM:** H.2.

**SUBJECT:** Toby Tousley - Request to Purchase City Property - Adjacent to Bicycle/Pedestrian Path - 160 Emerald Street

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**RECOMMENDATION:**

On 3-0 vote, the Finance, Organization and Personnel Committee recommends putting this item on more time.

**BACKGROUND:**

Mr. Toby Tousley of 499 Washington Street stated this item is in reference to the purchase of property, which item was before the Committee last month. Mr. Tousley stated in 2011 when this matter came forward there were issues regarding ownership; he stated his request did go in front of the Bike Path Committee who recommended the parcel be sold to Mr. Tousley.

He noted there are some issues that came forward and the first was in reference to the extension of Foundry Street which takes about nine feet off the northern portion of Emerald Street. He felt extending Foundry Street will eliminate the bike path and did not feel this was a realistic possibility.

Chair Greenwald asked staff whether the city needs a sign off from the State for this transfer to happen. City Manager Elizabeth Dragon stated when staff looked at the Shalldu issue, that ownership belonged to the city. However, the piece Mr. Tousley is referring to has not gone through the same review process and the first determination has to come from the State indicating this property belongs to the city. Chair Greenwald felt this item also needs to be reviewed by the Bicycle Pedestrian Committee who might have some interest in it as well. Mr. Tousley stated when this was reviewed by Shalldu it was determined real property from Davis Street north was owned by the city and this information was provided to the city at its last meeting. Attorney Mullins stated the city was given a Quitclaim Deed from the State for certain property but the city has not been able to determine that deed was for this specific property. The City has been looking at the 1920's BMW Maps with respect to this as to where all the spin offs were but this process has not been completed. He noted the manner in which the Railroad properties came into the BMW Railroad and transferred out is complicated and staff needs more time to determine if Mr. Tousley should go before the State. Attorney Mullins went on to say even if the ownership cannot be properly determined the Commissioner of the Department of Transportation could provide a Quitclaim Deed.

Chair Greenwald assured Mr. Tousley this was not an effort to stall the process but as the City Attorney has explained, the city is required to go through certain review to determine ownership and the item will stay on the agenda so it can be revisited once the issues are resolved. Ms. Dragon added hearing from the Bike Path Committee would be important and this would be the next step after determining ownership.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends putting this item on more time.



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

March 13, 2019

**TO:** Mayor and Keene City Council

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

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

**ITEM:** K.1.

**SUBJECT:** Related to an Appropriation for the Main Street Crosswalk Improvements Project

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**RECOMMENDATION:**

That Resolution R-2019-13, Related to an Appropriation for the Main Street Crosswalk Improvements Project, be referred to the Finance, Organization and Personnel Committee for consideration with a recommendation back to City Council.

**ATTACHMENTS:**

Description

Resolution R-2019-13

**BACKGROUND:**

In the FY19-24 Capital Improvement Program (CIP), the City Council identified the need to improve the interim crosswalks between Elliot Street and the Westwood Center on Main Street. The proposed project includes the installation of a median with granite curbing, construction of bump out areas at the crosswalks and the installation of pedestrian activated flashing signals. The project was scheduled for completion in FY23.

In the spring of 2019, Keene State College expressed an interest in moving this work forward. Keene State College came forward and offered to donate to the City, half of the cost of this project up to \$120,000, if the project could be moved forward to the 2018 construction season. The estimated cost of the project was \$240,000. On June 7<sup>TH</sup>, 2018, the Council voted unanimously to appropriate \$120,000 for the project in the FY18.

On July 26, 2018, the City received one bid for the construction work. The total bid price was \$398,460. Staff recommended against awarding the contract at that time. During the Fall and winter of 2018-2019, the Engineering Division revised the plans to lower construction cost while still achieving the goals of the project. The work was rebid and on February 19<sup>TH</sup>, we received one bid. The bid price was \$343,009.

On March 6, Keene State College pledged an additional \$55,000 towards the project. The requested appropriation (\$55,000) will fund the current bid and provide a small contingency (\$6,991) for use under the City Manager's authority.



# CITY OF KEENE

R-2019-13

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

A RESOLUTION ..... Related to an Appropriation for the Main Street Crosswalk Improvements Project.....

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

That the sum of fifty five thousand dollars (\$55,000) is hereby appropriated in the 2018-2019 fiscal year for the purpose of providing funding for Lower Main Street crosswalk improvements.

Said appropriation to be funded by the Downtown Infrastructure Capital Reserve (\$55,000).

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



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

March 15, 2019

**TO:** Mayor and Keene City Council

**FROM:** Aaron Costa, Operations Manager

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

**ITEM:** K.2.

**SUBJECT:** Appropriation of Funds for Water/Sewer Rate Study

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**RECOMMENDATION:**

Forward Resolution R-2019-14, relating to reallocation of funds from the Sewer Infrastructure Capital Reserve to fund a Water/Sewer rate study, for first reading and referral to the Finance, Organization and Personnel Committee.

**ATTACHMENTS:**

Description

Resolution R-2019-14

**BACKGROUND:**

Water and sewer fees provide the primary source of revenue for the Water and Sewer utility enterprise funds. The current rate structure is based on meter size and volume. The last time the City performed a rate study was in 2004. The purpose of this study is to ensure the utility rates cover the true cost of providing water and sewer services to the City's customers.

This study takes into account all aspects of the water/sewer utility services including costs associated with treatment, operations and maintenance, equipment repair and replacement, maintaining appropriate working capital and cash balances, debt services requirements as well as identify capital improvement needs.

In addition, the City completed a Water Facilities Evaluation in 2013, an Asset Management Plan for the water system in 2016 and will be completing with an Asset Management Plan for sewer and storm systems in 2019. The proposed rate study is intended to build off of those reports and develop a sustainable rate structure.

The total estimated cost for this project is \$110,000. The City received an Asset Management Planning Grant from the State of New Hampshire's Department of Environmental Services for \$20,000 for this important rate study. \$50,000 is recommended to come from two existing water fund capital projects with the remaining \$40,000 being reallocated from the Sewer Infrastructure Capital Reserve fund.



# CITY OF KEENE

R-2019-14

Nineteen

In the Year of Our Lord Two Thousand and .....  
Relating to the Reallocation of funds from the Sewer Infrastructure Capital  
A RESOLUTION ..... Reserve to fund a portion of a water/sewer rate study.

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

That the sum of forty thousand dollars (\$40,000) be allocated from the Sewer Infrastructure Capital Reserve fund (08024) to fund a portion of a water/sewer rate study.

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Kendall W. Lane, Mayor