



KEENE CITY COUNCIL  
Council Chambers, Keene City Hall  
April 4, 2019  
7:00 PM

Roll Call  
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- March 21, 2019

**A. HEARINGS / PRESENTATIONS / PROCLAMATIONS**

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

1. Nominations  
Agricultural Commission  
Building Board of Appeal  
Housing Standards Board of Appeal
2. Confirmations  
Historic District Commission  
College City Commission

**C. COMMUNICATIONS**

1. Anthony & Fanella Levick/Granite Roots Brewing - Request to Sell Beer at Keene Farmers' Market
2. Pablo Fleischmann/Keene Music Festival - Request for Additional Community Sponsored Event Funding - Keene Music Festival
3. Magical History Tour - Request to Use City Property - Walldogs Mural Festival
4. Petition - Requesting the Removal of the Kiosk - West Side of Central Square
5. Councilor Filiault - Operating Hours for Food Vendors

**D. REPORTS - COUNCIL COMMITTEES**

1. Dorrie Masten - Requesting a Discussion About Downtown Parking Options
2. Notification of Drawdown-Goose Pond Dam Improvements Project - Public Works Department
3. Tim Zinn/Let it Shine - Request to Use City Property - 2019 Pumpkin Festival
4. Milone & MacBroom on Behalf of People's Linen - Request to Use City Property - Monitoring Well
5. Melanson & Heath - Audit for Fiscal Year Ended June 2018
6. Application and Acceptance of Grant - Taxiway A Reconstruction and Extension - Public Works

Department

7. Homeland Security Grant Program - Police Department
8. Acceptance of Drug Forfeiture Distribution - Police Department
9. Request to Accept a Monetary Donation - Police Department
10. Attorney Gary Kinyon/372 Marlboro Street, LLC - Purchase Proposal for City Property Adjacent to 372 Marlboro Street
11. Zach Luse/Paragon Digital Marketing - Application for Community Revitalization Tax Relief Incentive (79-E) - Former Grace Methodist Church at 34 Court Street
12. Acquisition of the Rail Spur that Bisects Two Parcels of Property - Corner of Ralston and Emerald Streets

**E. CITY MANAGER COMMENTS**

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

**G. REPORTS - BOARDS AND COMMISSIONS**

1. SB 165 "Relative to net energy metering by low-moderate income community solar projects"

**H. REPORTS - MORE TIME**

**I. ORDINANCES FOR FIRST READING**

1. Membership on the Energy and Climate Committee  
Ordinance O-2019-07

**J. ORDINANCES FOR SECOND READING**

1. Relating to Vendors - Time Limitations for Certain Activities  
Ordinance O-2019-03

**K. RESOLUTIONS**

1. Relating to an Appropriation for the Main Street Crosswalk Improvements Project  
Resolution R-2019-13
2. Appropriation of Funds - Water/Sewer Rate Study & Acceptance of Grant  
Resolution R-2019-14
3. Approving an Application for CDBG Funds

**L. TABLED ITEMS**

1. Councilors Greenwald, Manwaring, & Richards – Tax Deeding - Kingsbury

Non Public Session  
Adjournment

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

#### ANNOUNCEMENTS – MAYOR

The Mayor announced Tuesday, April 2, 2019 at 6:00 PM, the Legislative Delegation Meeting will be held in the Council Chambers.

#### PRESENTATION OF RETIREMENT RESOLUTION – DONNA L. HANSCOM

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

#### PUBLIC HEARING – COMMUNITY REVITALIZATION TAX RELIEF APPLICATION (79E) – FORMER GRACE METHODIST CHURCH

The Mayor called the Public Hearing to order at 7:10 PM. The Notice of Hearing and Certificate of Publication were read. The Mayor recognized Medard Kopczynski, the City's Economic Development Director. Mr. Kopczynski stated that this is very exciting for the City. Mr. Luse has submitted our first application under 79-E. Hopefully this is the first of many. He will explain the project tonight, but in essence he is rehabilitating a historic church in downtown Keene to be used as a center of business and employment. Mr. Kopczynski stated this is a marvelous project. He continued this Public Hearing is required by Statute. There have been many meetings with the applicant to get to this point. For the benefit of the public, Mr. Kopczynski explained the purpose of RSA 79-E. This is a community revitalization tax relief incentive, intended to encourage development and redevelopment of qualifying structures within defined 79-E tax relief districts. What this can do is provide tax relief for up to five years on the incremental value generated by projects, in exchange for projects that meet stated goals of public benefit. Both the City Council and staff has taken great pains to flesh out these definitions.

This process was originally adopted by Resolution in 2017 and was for the Marlboro Street area. In December of 2018, the district was expanded to include the downtown area. He noted a map of the district has been provided to the Council for their reference. Mr. Kopczynski continued the application process was developed with the assistance of the Planning Department along with the City Attorney, ensuring that the process was clear and the steps were outlined for the public and the City Council. He noted the address of this particular application is 34 Court Street, which was formerly the Grace Methodist Church. The proposed use is Paragon Digital Marketing. Their application is 74 pages long, and is quite lengthy and quite thorough thanks to the diligence of Mr. Luse and City staff. The application has been reviewed by the Community Development Department. Within the checklist of the application it gives the specific

information that was reviewed. It was also reviewed by an internal committee consisting of Mr. Kopczynski, as well as the City Assessor and the Community Development Director. The application was received on February 11, 2019 and was reviewed to ensure the criteria had been met. This Public Hearing will allow the applicant to give the City Council an overview of what they plan to do. This will then go to the Finance, Organization and Personnel Committee for further review and discussion. The Council will need to decide if the project meets the criteria for 79-E and the tax relief is justified in relation to the proposed public benefit. The factors that might be considered include: rehabilitation of an existing historic structure, additional jobs, upgrades and changes to residential units, etc. This could allow the City Council to grant two to five years of tax relief depending on the number of perceived benefits of the project. This process is on track to be before the FOP on March 28<sup>th</sup>, and should be back to City Council for final decision on April 4, 2019.

Zach Luse 317 Court Street, stated he is the owner of Paragon Digital Marketing, a 13-person digital marketing and web development company. They are currently operating on Washington Street above the Bank of America and are outgrowing their space. Mr. Luse explained that they have a very ambitious growth plan to go from 13 employees to over 40 in the next five to ten years. They have clients all over the country and are bringing revenue into the region. Being a service based business, most of that revenue goes back into the community through local wages. Mr. Luse noted he acquired the church at 34 Court Street in September of 2018. It is the last of the three historic churches that once graced the end of Court Street. The other two were demolished in the 1960's. He continued the building is on the National Register of Historic Places and was on the NH Preservation Alliance's list of "Seven to Save." It stands much the same today as it did in 1869 with few modifications to the outside. His intention is to move the Paragon offices into first floor so they can grow, but also stay in downtown Keene while adding to the economic vitality and vibrancy of downtown. He is excited at the opportunity to save this historic landmark and adapt it for modern use. They will maintain the historic elements of the building as much as possible when upgrades are done while also making it a viable building for their use. He noted the majority of the improvements contemplated in the budget is going toward the biggest issue with the building, which is energy efficiency. The current heating costs are not viable for most uses. A 34.7 kilowatt Solar array will be installed on the roof to power air source pumps to heat and cool the space, significantly reducing their use of fossil fuels. They will also be replacing the first floor windows with modern, energy efficient windows, however they will not be modifying any of the stained glass windows. They will be doing extensive air sealing and insulating, and adding internal partition walls and other minor changes to the interior.

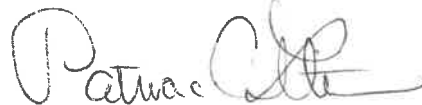
Mr. Luse noted that have received Historic District Commission approval for the exterior changes, and are working with the CDFA on the financing. He stated this project aligns nicely with Keene's recent Resolution to switch to 100% renewable energy. The project will save thousands of gallons of fossil fuel from being burned each year. He continued these improvements satisfy six out of the nine public benefit criteria for 79-E. It enhances the economic vibrancy and integrity of downtown, improves a structure that is historically important, promotes the preservation and use of existing building stock, aligns with several of the goals in the Master Plan, provides good, full time jobs in downtown Keene, increases energy sustainability and reduces greenhouse gases. Although he would like to have attained LEAD or Green Building certification; they were not able to meet the certification with their current budget. They will do all they can to make the building as sustainable and energy efficient as

possible. Five years of tax relief under this program would go a long way towards ensuring this is a successful project and allowing them to grow and invest in their people and their space in downtown Keene. Mr. Luse ended by thanking staff for their support and guidance through this process.

Mr. Kopczynski stated that these types of projects are generally very successful and he feels we will see more of them coming forward. He added that Mr. Luse has been a strong partner and a very helpful partner in making this successful both for himself and the City. From staff's perspective, he wanted to thank Mr. Luse for his diligence, as well as his flexibility and the ease with which they have been able to work together on this project.

The Mayor thanked Mr. Luse for his willingness to invest and expand in downtown Keene and looked forward to his success. He went on to ask for comments from the public. There being none, the Mayor closed the hearing to oral testimony at 7:25 PM. He noted the hearing would remain open for written public comments until Tuesday, March 26, 2019 at 1:00 PM. Comments must be signed and submitted to the City Clerk by the noted deadline to be included in the record.

A true record, attest:



City Clerk

#### NOMINATIONS

The following nominations were received from the Mayor: Samuel Temple to serve as a regular member of Historic District Commission with a term to expire December 31, 2019. With respect to a position on the College City Commission for which he wanted to make a nomination; the Mayor declared a vacancy in slot 2 on the College City Commission and nominated Peter Starkey to serve as a regular member with a term to expire December 31, 2020. The nominations were tabled until the next regular meeting.

#### COMMUNICATION – ATTORNEY GARY KINYON/372 MARLBORO STREET, LLC – PURCHASE PROPOSAL FOR CITY PROPERTY – ADJACENT TO 372 MARLBORO STREET

A communication was received from Attorney Gary Kinyon, on behalf of 372 Marlboro Street, LLC, expressing his interest in purchasing two parcels of City property adjacent to 372 Marlboro Street. The request was referred to the Finance, Organization and Personnel Committee.

#### COMMUNICATION – COUNCILOR FILIAUT – REQUEST FOR RECONSIDERATION – ORDINANCE O-2019-03

A communication was received from Councilor Filiault, 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 adopted on March 7, 2019. A motion by Councilor Filiault to reconsider Ordinance O-2019-03 was duly seconded by Councilor Jones. A brief discussion took place. The motion passed with eight in favor and 5 opposed. Councilors

Manwaring, Rice, Hansel, Lamoureux, and Richards were opposed. Ordinance O-2019-03 was reconsidered and was referred to the Planning, Licenses and Development Committee.

**PLD REPORT – BRUCE BICKFORD/FARMER’S MARKET – REQUEST TO USE CITY PROPERTY – GILBO AVENUE**

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

**PLD REPORT – WESTON LIU/NEW ENGLAND AEROBATIC CLUB – REQUEST TO USE CITY PROPERTY – DILLANT HOPKINS**

Planning, Licenses and Development Committee report read recommending 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, no Sunday practice sessions, the 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. A motion by Councilor Jones to carry out the intent of the report was duly seconded by Councilor Hansel. The motion passed with a unanimous vote in favor.

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

Planning, Licenses and Development Committee report read recommending 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.” A motion by Councilor Jones to carry out the intent of

the report was duly seconded by Councilor Greenwald. The motion passed with a unanimous vote in favor.

**PLD REPORT – SWANZEY DAM EASEMENT – AIRPORT DEPARTMENT**

Planning, Licenses and Development Committee report read recommending 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 the Wilson Pond dam. A motion by Councilor Jones to carry out the intent of the report was duly seconded by Councilor Hansel. The motion passed with a unanimous vote in favor.

**FOP REPORT – PATHWAYS FOR KEENE – ACCEPTANCE OF DONATION – SOLAR LIGHTS – KEENE BIKE PATH**

Finance, Organization and Personnel Committee report read recommending 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. 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 – ACCEPTANCE OF DONATION – CHESHIRE CATS – PARKS, RECREATION AND FACILITIES DEPARTMENT**

Finance, Organization and Personnel Committee report read recommending 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 be used towards program equipment and travel expenses for future tournaments. 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 – REQUEST FOR APPROVAL TO SOLICIT DONATIONS TO BE USED FOR A SAFE ROUTES TO SCHOOL EVENT AT KEENE MIDDLE SCHOOL – COMMUNITY DEVELOPMENT DEPARTMENT**

Finance, Organization and Personnel Committee report read recommending that 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. 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 – ACCEPTANCE OF LOCAL SOURCE WATER PROTECTION GRANT – PUBLIC WORKS DEPARTMENT**

Finance, Organization and Personnel Committee report read recommending 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. 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 – T-HANGAR LEASE AGREEMENTS - AIRPORT DEPARTMENT**

Finance, Organization and Personnel Committee report read recommending that 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. 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 – GOOSE POND DAM IMPROVEMENTS PROJECT – CONSTRUCTION PHASE SERVICES – PUBLIC WORKS DEPARTMENT**

Finance, Organization and Personnel Committee report read recommending that 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. 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 – ROSE LANE WASTEWATER TREATMENT PLANT SITE CLOSURE PROJECT – CHANGE ORDER – BAZIN BROTHERS – PUBLIC WORKS DEPARTMENT**

Finance, Organization and Personnel Committee report read recommending that 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. 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 – ROSE LANE WASTEWATER TREATMENT PLANT SITE CLOSURE PROJECT – CHANGE ORDER – LOUREIRO – PUBLIC WORKS DEPARTMENT**

Finance, Organization and Personnel Committee report read recommending that 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. 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 – COUNCILORS GREENWALD, MANWARING & RICHARDS – TAX DEEDING - KINGSBURY**



Finance, Organization and Personnel Committee report read recommending 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. The Mayor tabled the Finance, Organization and Personnel Committee report until the next regular City Council Meeting.

**FOP REPORT – APPROPRIATION OF FUNDS FOR THE DRUMMER HILL WATER STORAGE TANK AND PUMP STATION REPLACEMENT AND CONTRACT WITH TIGHE & BOND FOR ENGINEERING SERVICES – RESOLUTION R-2019-06 AND R-2019-07**

Finance, Organization and Personnel Committee report read recommending placing Resolutions R-2019-06 and R-2019-07 on more time; and the waiving of the professional services purchasing requirements and that the City Manager be 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. 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.

**PLANNING BOARD RECOMMENDATIONS – CIP FY 2020-2025**

Planning Board report read requesting that the City Council adopt the 2020-2025 Capital Improvement Program. The report was filed into the record as informational.

**FOP REPORT – CAPITAL IMPROVEMENT PROGRAM – 2020-2025**

Finance, Organization and Personnel Committee report read recommending that the City Council approve, as amended, the Capital Improvement Program with the footnotes for aerial imagery update project and the voting booths project for the use of fund balance, removes \$134,000 for the Welcome Center - Facilities from FY20 and adds to FY21. 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.

**CITY MANAGER COMMENTS**

The City Manager announced a new ambulance, A3, was placed in service on February 20, 2019. This was the FY 19 CIP project for ambulance replacement and was completed on time and just under budget. The Fire Chief and the members of the department would like to thank the City Council and City staff that approved the funding and assisted in many ways with this project. The public is welcomed to go to Central Station to view the new ambulance.

The City Manager updated the Council on the Police Radio Project. The radio system and installation work is currently in progress. Most of the work has been completed at one of the four locations. The Police Department work is about halfway done for both equipment and

antennas. This leaves the other three locations for work to be completed. The installation is on track for a schedule of mid-April switch over to the new system.

The City Manager continued with the Airport Development and Marketing Committee update. The Dubois & King contract has been executed and Mark Goodrich began his work. The Airport Development and Marketing Committee will be starting back with the first meeting next week on Tuesday, March 26, 2019 at 9 AM.

The City Manager stated there is a Home Energy Workshop. The Cities Energy and Climate Committee and Monadnock Progressive Alliance Clean Energy Team invites everyone to attend the workshop on Tuesday, March 26, 2019 at 7:00 PM in the Michael E. J. Blastos Community Room. Ted Styles is an energy auditor will be discussing home energy efficiency and weatherization strategies as well as financial incentives and rebates with the New Hampshire Saves Program, and how to use the program to reduce energy consumption in your home.

The City Manager continued that Dr. Treadwell will be inaugurated on Friday, April 5, 2019 at 2 PM and will be the 11<sup>th</sup> President of Keene State College.

The City Manager informed the Council of the meeting that she and the Mayor had with Franklin Pierce University President, Kim Mooney, at the Franklin Pierce University campus. She recognized that FPU is a wonderful asset to the Monadnock Region. It was a great opportunity to meet that turned into a brainstorming session about retaining and connecting our workforce from our students graduating from FPU, Antioch, KSC and River Valley. One of those ideas was a workforce connect event where students and businesses would be matched. In addition, they talked about a workshop for businesses about company benefits structures. If we would like to attract and retain younger generation, then we need to understand what benefit packages are important to them.

The City Manager stated that a letter was received from the Library Board of Trustees really praising the work of our City Attorney, Thomas Mullins. The letter talks about the excellent work that he has done with legal assistance during the Keene Public Library Renovation Project.

The City Manager went on to share some information about Public Works Department. New Hampshire Department of Transportation will be putting in place a detour beginning on Monday, March 25, 2019 for a replacement of a bridge just east of Granite Gorge in Sullivan. Anyone going to Concord should plan for extra time to make the travel.

#### MORE TIME

More time was granted by the Chair for the following items in Committee: Milone & MacBroom on Behalf of People's Linen – Request to Use City Property – Monitoring Well; Toby Tousley – Request to Purchase City Property – Adjacent to Bicycle/Pedestrian Path – 160 Emerald Street.

MEMORANDUM – CITY ENGINEER AND RESOLUTION R-2019-13 RELATING TO AN APPROPRIATION FOR THE MAIN STREET CROSSWALK IMPROVEMENTS PROJECT

03/21/2019

A memorandum was received from the City Engineer along with Resolution R-2019-13: Relating to An Appropriation for the Main Street Crosswalk Improvements Project. The memorandum was filed into the record. Resolution R-2019-13 referred by the Chair to the Finance, Organization and Personnel Committee.

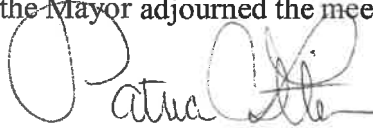
MEMORANDUM – PUBLIC WORKS OPERATIONS MANAGER AND RESOLUTION R-2019-14 RELATING TO AN APPROPRIATION OF FUNDS FOR WATER/SEWER RATE STUDY

A memorandum was received from the Public Works Operations Manager along with Resolution R-2019-14: Relating to An Appropriation of Funds for Water/Sewer Rate Study. The memorandum was filed into the record. Resolution R-2019-14 referred by the Chair to the Finance, Organization and Personnel Committee.

ADJOURNMENT FOR LEGAL ADVICE

At 8:18 PM, there being no further business, the Mayor adjourned the meeting for legal advice.

A true record, attest:



City Clerk



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

April 3, 2019

**TO:** Mayor and Keene City Council

**FROM:** Mayor Kendall W. Lane

**ITEM:** B.1.

**SUBJECT:** Nominations

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**COUNCIL ACTION:**

In City Council April 4, 2019.

Tabled until the next regular meeting.

**ATTACHMENTS:**

**Description**

Background - Wadsworth

Background - Brown

**BACKGROUND:**

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

Agricultural Commission

Kira Wadsworth, slot 7

32 Colorado Street

Term to expire Dec. 31, 2021

Building Board of Appeal

Housing Standards Board of Appeal

Doug Brown, slot 3

46 Edgewood Avenue

Term to expire Dec. 31, 2021

# Kira Wadsworth

[kyeomans@antioch.edu](mailto:kyeomans@antioch.edu)

(714) 470-8801

## SKILLS

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- Strong Interpersonal Communication
- Works Independently
- Collaboration and Teamwork
- Community Building & Outreach
- Group Facilitation
- Task Prioritization
- Social Marketing

## EDUCATION

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**MS in Environmental Studies/Advocacy for Sustainability and Social Justice**  
*Antioch University New England*                      *Keene, New Hampshire (Aug 2018)*

**BA in Environmental Studies/Ecology and Conservation Science**  
*Humboldt State University*                      *Arcata, California (May 2015)*

## WORK EXPERIENCE

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**Owner/Founder**    *(June 2018-current)*  
*Elm City Compost*

**Bar Manager**    *(October 2017-current)*  
*Machina Arts*

**Board Member-Volunteer**  
*New Hampshire Peace Action*                      *(Jan 2018-current)*

**UNH Sustainability Fellow**                              *(May 2018-September 2018)*  
*NH Food Bank*

**Civic Engagement Fellowship, Provost Office**  
*Antioch University*                                      *(Oct 2017-May 2018)*

**Assistant Sustainability and Social Justice Coordinator**  
*Sustainability and Social Justice Committee (SSJ) at AUNE*                      *(Aug 2016-May 2018t)*  
-Community organizing, sustainable practices monitoring, group facilitation and organization on politics, race, and gender inclusion, symposium organizing

**Development Coordinator**

*Center for Tropical Ecology and Conservation at AUNE* (Aug 2016-May 2017)

-Fundraising, organizational development, symposium organizing

**Office Manager**

*Positive Change Consulting* (Dec 2015-Jun 2016)

-Bookkeeping and Office organizing/management

-Managing Quick books

**Scientific Aid/Fish Biologist**

*California Department of Fish and Wildlife* (Nov 2011-Dec 2015)

-Data Collection, public outreach in resource management

-published article in quarterly newsletter

**ACCOMPLISHMENTS**

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- Organized/co-facilitated *Unpacking Systemic Racism* 4-part workshop series in Keene NH, 2018
- Co-organized for the *CTEC Symposium* and *Mindfulness and Social Change Institute* 2017
- Created Social Media platform for recycling materials within a community
- Presented a paper in social and environmental justice at the *California Geographical Society* meeting, May 2015
- Lead a workshop in slow violence and privilege in the Environment at the *Social Justice Summit* at Humboldt State University, March 2014

**REFERENCES**

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Danya Landis  
Owner, Machina Arts

(603) 205-0135  
danya@machinaarts.org

Kelly Walsh

(802) 498-5551

SSJ coordinator

[Kwalsh1@antioch.edu](mailto:Kwalsh1@antioch.edu)

Will Hopkins  
NHPA Executive Director

(603) 254-4727  
[will@nhpeaceaction.org](mailto:will@nhpeaceaction.org)

## **Douglas M. Brown**

Doug has been in the construction business for over thirty years having started out as a laborer for Pizzagalli Construction of Burlington, VT, immediately after receiving a BA in economics from the University of Vermont. In 1986 he went to work for The MacMillin Company of Keene and progressed through field clerk, carpenter, and assistant field supervisor, eventually working in the office as an estimator and project manager. In 1997 he joined Monadnock Economic Development Corporation in Keene and managed the construction of seven projects ranging from downtown renovations to office/industrial parks worth over twenty million dollars. Since 2004 Doug has estimated and managed projects for Bergeron including the St. Bernard Convent office renovations (\$800,000) and Warwick Meadows Elderly Housing (\$1.9 million), Spofford Fire Station (\$1.5 million), Carlisle Wide Plank Floor plant additions (\$2.5 million), Meadow Road Senior Housing apartments in Newport, NH (\$3.1 million), renovations to 7 Emerald Street (\$1 Million), renovations to Vision Financial Corporation (now Selman) in Downtown Keene \$300,000, BNA Corporation in Downtown Keene (\$250,000), CIJ Containment Project Markem-Imaje, Keene (\$170,000) EAI Analytical Labs in Swanzey (\$300,000), numerous residential projects up to \$600,000, and recently the interior trims and casework at the Hermitage Club Base lodge in Wilmington, Vermont (\$750,000) .

Doug's community service includes being past President of the Keene Rotary Club, past Chairman of the Board of the Colonial Theatre, past Chairman of the Board of the Keene Health Alliance, Past Chairman of the building committee for Cheshire Medical Center, and Past President of the Board of Directors of the Cheshire YMCA. He currently serves on the Board of Trustees of the Historical Society of Cheshire County.





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

March 18, 2019

**TO:** Mayor and Keene City Council

**FROM:** Mayor Kendall W. Lane

**ITEM:** B.2.

**SUBJECT:** Confirmations

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**COUNCIL ACTION:**

In City Council April 4, 2019.

Voted unanimously to confirm the nominations.

In City Council March 21, 2019.

The Mayor declared slot number two on the College City Commission as vacant. Nominations tabled until the next regular meeting.

**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 25, 2019

**TO:** Mayor and Keene City Council

**FROM:** Anthony & Fanella Levick - Granite Roots Brewing

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

**ITEM:** C.1.

**SUBJECT:** Anthony & Fanella Levick/Granite Roots Brewing - Request to Sell Beer at Keene Farmers' Market

---

**COUNCIL ACTION:**

In City Council April 4, 2019.

Referred to the Planning, Licenses and Development Committee.

**ATTACHMENTS:**

**Description**

Communication - Levick

Communication\_Keene Farmer's Market

**BACKGROUND:**

Granite Roots Brewing is submitting their annual request to sell beer produced by them at their nano brewery at the Farmers Market of Keene. They plan to have 16 oz and 22 oz bottles of beer and 16 oz cans for sale this year and would like to offer small 4 oz samples. The Liquor Commission requires that the governing body give permission for this sale every year.

In addition, the Farmers Market of Keene has indicated their support for this activity.

Granite Roots Brewing  
244 N Main St  
Mailing address 545 West Hill rd, Troy, NH 03465  
Troy, NH 03465


The City of Keene  
City Hall  
Attention Heather Fitz-Simon  
Keene, NH 03431

March 25, 2019

To Whom it may concern,  
Granite Roots Brewing is writing once again to request permission to sell our beer at the Farmers Market of Keene for the 2019 season.  
We will have 16 oz and 22 oz bottles of beer and 16 oz cans for sale this year.  
We would also like to be able to offer small 4 oz samples in a designated sample area attached to our market stall.

The State of NH Liquor Commission has been informed of our request at the farmers market for this season 2019.

Sincerely yours,

  
Anthony D Levick  
Fenella D Levick

In City Council April 4, 2019.  
Referred to the Planning,  
Licenses and Development  
Committee.

  
City Clerk



## Heather Fitz-Simon

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**From:** Frank Hunter & Kim Peavey <hillsidespringsfarm@gmail.com>  
**Sent:** Monday, April 01, 2019 7:15 AM  
**To:** Heather Fitz-Simon; Anthony Levick  
**Subject:** Granite Roots

Dear Ms. Heather Fits-Simon,

I am writing to you on behalf of the Farmers' Market of Keene. The Farmers Market of Keene wants Granite Roots to be able to sell their beer at the market again this season.

They will be selling in 16 oz and 22 oz bottles along with 16 oz cans. They would also like to offer small 4 oz samples of their beer.

If you have any questions please let me know.

Board Treasurer,  
Frank Hunter

--

Hillside Springs Farm  
Frank Hunter and Kim Peavey  
32 Comerford Rd  
PO Box 233  
Westmoreland NH 03467  
603-399-7288  
[www.hillsidespringsfarm.com](http://www.hillsidespringsfarm.com)  
[hillsidespringsfarm@gmail.com](mailto:hillsidespringsfarm@gmail.com)



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

April 3, 2019

**TO:** Mayor and Keene City Council

**FROM:** Pablo Fleischmann/Keene Music Festival

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

**ITEM:** C.2.

**SUBJECT:** Pablo Fleischmann/Keene Music Festival - Request for Additional Community Sponsored Event Funding - Keene Music Festival

---

**COUNCIL ACTION:**

In City Council April 4, 2019.

Referred to the Finance, Organization and Personnel Committee to be considered during budget deliberations.

**ATTACHMENTS:**

Description

Communication\_Fleischmann

**BACKGROUND:**

The Keene Music Festival is asking for an additional \$3,000.00 as community sponsored event funding to cover an expanded footprint for the event to encompass a "block party" on the north side of Main Street between Eagle Court and Cypress Street.



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

Honorable Mayor and City Councilors,

I am writing as a representative of the Board of the Keene Music Festival, to request additional funding from the City of Keene for this year's Keene Music Festival, to be held on Saturday August 31, 2019. Since 2001, The Keene Music Festival has provided a free event for our local community, which is typically held on the Saturday of Labor Day Weekend.

With these many year's behind us, we have shown our ability to successfully pull off a family-friendly, business-friendly event, and this year we are hoping to expand a bit by creating a portion of the event as a "block party" on the block of Main Street in front of the Good Fortune Block (North side of Main Street, between Eagle Court and Cypress Street). We have met with City Staff who support this expansion and Staff has indicated that additional costs would be in the range of \$2,500.00 to \$3,000.00.

We would respectfully request the the City add \$3,000.00 to the already generous monies budgeted for this event.

For the Board,

A handwritten signature in black ink that reads "Pablo". To the right of the name is a large, stylized flourish or scribble.

Pablo Fleischmann

In City Council April 4, 2019.  
Referred to the Finance, Organization and Personnel  
Committee to be considered during budget deliberations.

A handwritten signature in black ink that reads "Patricia Cottle".  
City Clerk



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

April 1, 2019

**TO:** Mayor and Keene City Council

**FROM:** Judy Rogers and Peter Poanessa

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

**ITEM:** C.3.

**SUBJECT:** Magical History Tour - Request to Use City Property - Walldogs Mural Festival

---

**COUNCIL ACTION:**

In City Council April 4, 2019.

Referred to the Planning, Licenses and Development Committee.

**ATTACHMENTS:**

Description

Communication\_Rogers

**BACKGROUND:**

Ms. Rogers and Mr. Poanessa, representing the Magical History Tour, are requesting a license to hold the Walldogs Mural Festival in downtown Keene from June 19-23, 2019.

April 02, 2019

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

Dear Mayor Lane and Council Members,

In the Spring of 2018, representatives from the Magical History Tour came to the City Council to announce that Keene had been chosen to host the 2019 Walldogs Mural Festival, and obtained the Council's endorsement of the concept so that planning efforts could continue. Since that time, Magical History Tour has been hard at work preparing to host this amazing event. So what have we been doing? The list is long! Some of the major planning has included: working with the community and local historians to choose mural subject matter; obtaining permission for the use of private property to locate murals and host activities; navigating any potential issues with the City's historic district regulations with respect to mural locations; and arranging for up to 250 artists to come to the area.

The event is scheduled for a four-day period from June 19th to the 23<sup>rd</sup>, during which time 16 originally designed large outdoor murals showcasing the culture and history of Keene will come to life. In addition to the mural painting happening at various sites, the following activities will be occurring in the downtown area:

- A local artisan market in the alley next to Miller Brothers on Thursday, Friday and Saturday
- Daily guided tours of mural sites on Thursday, Friday and Saturday
- Display of donor recognition banners and directional signage
- Use of various locations on private property including but not limited to: approved mural locations, 83 Emerald Street for an artist camping area (in self-contained RV's), the NGM dirt lot for volunteer parking, Property of the Monadnock Food Co-op and MEDC, County property located at 12 Court Street and property behind the UCC Church
- Use of various locations on City sidewalks for downtown businesses
- Use of Railroad Square for non-profit displays and family activities Wed-Sunday
- A Block Party on Court Street in the area between Winter and Vernon Street on Friday and Saturday from 11 AM to 11 PM, including music, activities and food trucks

We understand that some of these activities will require City approval, as well as City services for safety and security. Representatives from the Magical History Tour have been meeting with staff to go over the details and are ready to move forward with a request for permission to use City property on June 19th through the 23rd, 2019 to host this event and associated activities. Specifically, we are asking for a license to encumber City property where needed to paint the murals, as well as the use of City property located at Railroad Square, various locations on City sidewalks, the closure of a portion of Court Street to host the Block Party, and Council approval to waive parking meter fees for encumbered spaces during the festival.

Thank you in advance for your continued support!

Sincerely,

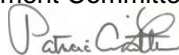


Peter Poanessa, Project Leader



Judy Rogers, Project Community Coordinator

In City Council April 4, 2019.  
Referred to the Planning, Licenses and  
Development Committee.

  
Patricia Castle  
City Clerk



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

April 2, 2019

**TO:** Mayor and Keene City Council

**FROM:**

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

**ITEM:** C.4.

**SUBJECT:** Petition - Requesting the Removal of the Kiosk - West Side of Central Square

---

**COUNCIL ACTION:**

In City Council April 4, 2019.

Petition filed into the record as informational.

**ATTACHMENTS:**

Description

Petition

**BACKGROUND:**

A petition has been received with 84 signatures requesting the replacement of the parking kiosk on the west side of Central Square with traditional coin operated parking meters.



**PETITION from the public opposing the continued operation of the parking kiosk located on Central Square in Downtown Keene, NH.**

**To the Keene City Council:**

We, the undersigned residents of Keene, downtown Keene businesses owners and employees thereof, and customers of downtown Keene merchants, draw the attention of the Council to the following:

**THAT** the City of Keene Parking Department installed a device known as the 'parking kiosk' (the 'Kiosk') on the west side of Central Square Downtown Keene in 2017;

**THAT** the Kiosk replaced coin operated parking meters for more than ten (10) parking spaces;

**THAT** the installation of the Kiosk has caused persistent negative impact on downtown Keene businesses;

**THAT** this Kiosk is not user-friendly and is difficult for the common person to operate;

**THAT** the Kiosk regularly malfunctions, or otherwise is unusable, causing users to be issued erroneous fines;

**THAT** many concerned users of the Kiosk have expressed displeasure with the continued operation of the Kiosk to their City Councilors.

**THEREFORE, your petitioners call upon City Council to take the following actions:**

1. To immediately order the cessation of the Kiosk;
2. To immediately reinstall the traditional coin operated parking meters at the parking spots currently affected by the Kiosk.

SIGNATURE	NAME	ADDRESS	
	Rosemary Mastrogiovanni	67 Main St. Keene, NH 03431	Corner news
	Anne Miller	87 Main St Keene NH 03431	Mon Amie
	Miller Bros	105 MAIN ST	MILLERBROS
	Ted's Sport	115 MAIN ST	TELS
	Clark Mortenson	102 Main Street	Clark U.
	Kings Garden	Keene	KINGS GARDEN
	LOCAL	82 Main St	LOCAL BURGER
	Ashley Sheehan	64 Main St	MONAIS IMAGE
	Cherie Ladeau	44 MAIN ST, ODELAT	WINDY Furniture
	George Benik	70 CENTRAL Sq (STAGE)	
	Jason Robson	36 Central Sq (Creative Ink)	

34 signatures

In City Council April 4, 2019.  
Petition filed into the record as informational.

City Clerk

*not  
this use*

# PETITION from the public opposing the continued operation of the parking kiosk located on Central Square in Downtown Keene, NH.

## To the Keene City Council:

We, the undersigned residents of Keene, downtown Keene businesses owners and employees thereof, and customers of downtown Keene merchants, draw the attention of the Council to the following:

**THAT** the City of Keene Parking Department installed a device known as the 'parking kiosk' (the 'Kiosk') on the west side of Central Square Downtown Keene in 2017;

**THAT** the Kiosk replaced coin operated parking meters for more than ten (10) parking spaces;

**THAT** the installation of the Kiosk has caused persistent negative impact on downtown Keene businesses;

**THAT** this Kiosk is not user-friendly and is difficult for the common person to operate;

**THAT** the Kiosk regularly malfunctions, or otherwise is unusable, causing users to be issued erroneous fines;

**THAT** many concerned users of the Kiosk have expressed displeasure with the continued operation of the Kiosk to their City Councilors.

## THEREFORE, your petitioners call upon City Council to take the following actions:

1. To immediately order the cessation of the Kiosk;
2. To immediately reinstall the traditional coin operated parking meters at the parking spots currently affected by the Kiosk.

SIGNATURE	NAME	ADDRESS
<i>[Signature]</i>	Jim Hefner	39 Central Sq. # 306 LAND FOR GOOD
<i>[Signature]</i>	Kristen Chamberlin	39 Central Sq # 202, <sup>LOHSTEIN</sup> GUERRIERO
<i>[Signature]</i>	DORRIE MASTEN	39 Central Sq # 300, KEENEARTS
<i>[Signature]</i>	Alex Faulkner	90 Main St, AMILCI'S PIZZA
<i>[Signature]</i>	ALEX FAULKNER	45 Central Sq - Pedrazas
<i>[Signature]</i>	JON LESSER	20 Congress St. LESSER'S 4 PEARLS
<i>[Signature]</i>	Kathleen Derlin	39 Central Sq. #303 - CASA
<i>[Signature]</i>	Luca Paris	10 Central Sq LUCAS <sup>Ruck Park</sup> <sup>Sci 2015</sup>
<i>[Signature]</i>	Kelly Darling	1 Central Square # 1 Keene
<i>[Signature]</i>	Anja Washer	1 Main St Mirandason Main.
<i>[Signature]</i>	GARY TATEOSIAN	5 MAIN ST KEENE, NH 03431 <sup>Synergy</sup>
<i>[Signature]</i>	TIM LEON	KEENE



**PETITION from the public opposing the continued operation of the parking kiosk located on Central Square in Downtown Keene, NH.**

**To the Keene City Council:**

**We, the undersigned residents of Keene, downtown Keene businesses owners and employees thereof, and customers of downtown Keene merchants, draw the attention of the Council to the following:**

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**THEREFORE, your petitioners call upon City Council to take the following actions:**

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2. To immediately reinstall the traditional coin operated parking meters at the parking spots currently affected by the Kiosk.

SIGNATURE	NAME	ADDRESS
	Deborah M Piel	16 Church St Keene NH
	CESAR PEREZ	39 CENTRAL SQ UNIT #102 Keene NH Creative Ink
	Arnold Fish	15 Ridgeway Road SWANZEE NH
	Jocelyn Hedent	Beeble Rd Loudon 03207 FISH CONTRACTING
	Reg Dickinson	10 PHEASANT RUN, Pembroke NH 03275
	Peggy Schaufler	15 Roxbury St. Keene, NH
	Philip Hitchcock	29 Hancock St Keene NH 03431
	Callie Poirser	543 Washington St. Apt. 29, Keene
	Lindsay Harrington	32 Washington St Apt 33 Keene
	EDWARD v Solomon	2245 GILSUM RD, Sullivan 03445
	Stephanie Thomas	17 Ashuelot Ct, Keene, NH 03431

**PETITION from the public opposing the continued operation of the parking kiosk located on Central Square in Downtown Keene, NH.**

**To the Keene City Council:**

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SIGNATURE	NAME	ADDRESS
	Pajika Voravittayathorn	118 Main St. Keene, NH 03431
	Peera Voravittayathorn	118 Main St. Keene, NH 03431
	Kristen Weishaup	36 Crescent St Keene, NH 03431
	Todd Miller	119 High St Keene NH 03431
	Cori Lunnington	263 Fitzwilliam Rd Richmond NH 03470
	Jason Weishaup	36 Crescent St Keene
	Gary Patterson	44 Central Sq. Apt 307 Keene 03431
	Patricia O'Brien	326 Gilsum Mine Rd Alstead 03602
	James O'Brien	326 Gilsum Mine Rd Alstead NH 03602
	Maura O'Brien	326 Gilsum Mine Rd, Alstead, NH 03602
	Brianna Croteau	34 Woodburn St. Keene, NH 03431
	Trisha Moore	19 Spruce St Keene NH 03431
	Manager-ACU Above	39 Central Sq. Keene NH 03431

**PETITION from the public opposing the continued operation of the parking kiosk located on Central Square in Downtown Keene, NH.**

**To the Keene City Council:**

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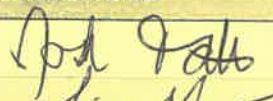

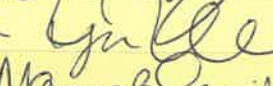

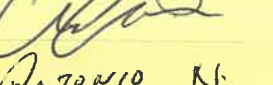
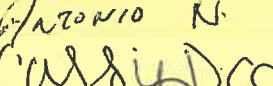
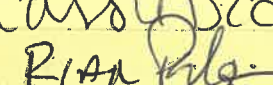
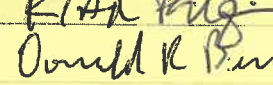
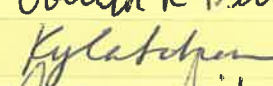
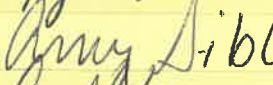
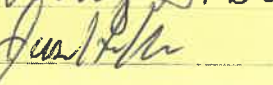
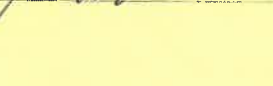
**THAT** this Kiosk is not user-friendly and is difficult for the common person to operate;

**THAT** the Kiosk regularly malfunctions, or otherwise is unusable, causing users to be issued erroneous fines;

**THAT** many concerned users of the Kiosk have expressed displeasure with the continued operation of the Kiosk to their City Councilors.

**THEREFORE, your petitioners call upon City Council to take the following actions:**

1. To immediately order the cessation of the Kiosk;
2. To immediately reinstall the traditional coin operated parking meters at the parking spots currently affected by the Kiosk.

SIGNATURE	NAME	ADDRESS
	Joshua Tata	joshuatata90@gmail.com
	Lisa Day	lisaday014@gmail.com
	Ryan Ulrich	rullrich90@gmail.com
	Maura Garowke	n/a
	Craig Faulkner	Faulknerdir@hotma.il-com
	ANTONIO NUÑEZ	44 CENTRAL SQUARE
	Cassie Dodd	POUR HOUSE
	Rain Pezowski	Pour House
	Donald R. Bensit	56 Magnadnock Highway
	Kyla Scheck	22 Greenlawn St Keene
	Amy Sibley	547 Marlboro St Keene
	Justin Hobbs	44 Central Square Apt 308 Keene



**PETITION from the public opposing the continued operation of the parking kiosk located on Central Square in Downtown Keene, NH.**

**To the Keene City Council:**

We, the undersigned residents of Keene, downtown Keene businesses owners and employees thereof, and customers of downtown Keene merchants, draw the attention of the Council to the following:

**THAT** the City of Keene Parking Department installed a device known as the 'parking kiosk' (the 'Kiosk') on the west side of Central Square Downtown Keene in 2017;

**THAT** the Kiosk replaced coin operated parking meters for more than ten (10) parking spaces;

**THAT** the installation of the Kiosk has caused persistent negative impact on downtown Keene businesses;

**THAT** this Kiosk is not user-friendly and is difficult for the common person to operate;

**THAT** the Kiosk regularly malfunctions, or otherwise is unusable, causing users to be issued erroneous fines;

**THAT** many concerned users of the Kiosk have expressed displeasure with the continued operation of the Kiosk to their City Councilors.

**THEREFORE, your petitioners call upon City Council to take the following actions:**

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SIGNATURE	NAME	ADDRESS
	Hannah Woodward	76 Butternut Dr Keene NH 03431
	Crystal Brooks	485 Braun St Winchendon MA 01475
	Addison Brooks	45 chaselane winchendon ma 01475
	Liz Allard	Swanzey <sup>Acute Address</sup> Central Sq. Keene NH 03431
	Tim Crabtree	Swanzey
	Katie Shaw	Swanzey
	Kim Sullivan	03431
	Courtney Renny	Chesterfield
	Cassie Dodd	Pour House
	Tom Plasser	76 Butternut Dr Keene NH
	Brian Bergegard	76 Butternut Dr Keene NH
	Peter Spedden	76 Butternut Dr Keene NH

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1. To immediately order the cessation of the Kiosk;
2. To immediately reinstall the traditional coin operated parking meters at the parking spots currently affected by the Kiosk.

SIGNATURE	NAME	ADDRESS
	Kevin Sytynski	k5910@yahoo.com
	Jim Cutter	349 Main St., Dublin NH
	Deb Cutter	349 Main St Dublin NH
	John Ayer	710 Main St, Keene, NH
	Dave Rioux	11 Lisbon Lane Nashua NH
	Maria Bunker	130 Hastings Ave Keene, NH
	Gary Moreau	326 Matthews Rd Swanzey NH
	McKenzie Leach	37 Middle St Keene, NH
	Abbigale Buchanan	20 Congress St Keene NH
	Bri Hardy Fleck	16 Middle St, Keene, NH
	Brittany Lepore	16 Middle St. Keene NH 03431
	Susan Dunne	Royal Seize



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

April 1, 2019

**TO:** Mayor and Keene City Council

**FROM:** Councilor Randy L. Filiault

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

**ITEM:** C.5.

**SUBJECT:** Councilor Filiault - Operating Hours for Food Vendors

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**COUNCIL ACTION:**

In City Council April 4, 2019.

Communication filed into the record as informational.

**ATTACHMENTS:**

Description

Communication - Filiault

**BACKGROUND:**

Councilor Filiault is requesting that Ordinance O-2019-03 be amended to allow for unrestricted hours of operation for vendors operating in Keene.

April 1, 2019

TO: Honorable Mayor and City Council  
SUBJECT: Hours of Operation - Mobile Vendors  
FROM: Councilor Randy Filiault

In January I submitted a letter suggesting that the City not regulate the hours of operation for Hawkers and Peddlers, and allow these establishments the freedom to set their own hours.

It is my intent to amend Ordinance O-2019-03: Relating to Vendors - Time Limitations for Certain Activities to allow for unrestricted hours of operation for vendors operating in Keene.

A large, stylized handwritten signature in black ink, likely belonging to Randy Filiault, is written across the page. The signature is slanted upwards from left to right and consists of several loops and sharp points.

In City Council April 4, 2019.  
Communication filed into the record  
as informational.

  
City Clerk



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

March 27, 2019

**TO:** Mayor and Keene City Council

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

**ITEM:** D.1.

**SUBJECT:** Dorrie Masten - Requesting a Discussion About Downtown Parking Options

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**COUNCIL ACTION:**

In City Council April 4, 2019.

Referred to the Finance, Organization and Personnel Committee.

**RECOMMENDATION:**

On a vote of 4-1 the Municipal Services, Facilities and Infrastructure move that the City Council recommend that the City remove the kiosk on the western side of Central Square, and replace it with meters that are still in stock by the City; and, that the whole issue of parking be followed up by the City Manager with a report back to City Council.

**BACKGROUND:**

Chair Manwaring recognized Dorrie Masten of 326 Matthews Road Swanzey, NH and Jared Goodell of 14 Skyview Circle, Keene. Mr. Goodell stated that he was representing several businesses owned and operated by Ms. Masten. He stated the businesses are Pedraza's, The Pour House and Keene Apartments. Mr. Goodell explained this discussion is in regards to the continued discussion concerning the parking kiosks installed on the west side of Central Square. He stated that Ms. Masten would like to extend appreciation to the Committee for their prompt attention to this matter.

Mr. Goodell stated in 2017 the Parking Department took a bold step in installing a parking kiosk on the west side of Central Square. He noted that with any new technology there is a learning curve and some growing pains. However, he stated the pains caused by the Central Square parking kiosk have had a lasting impact on at least two businesses that include Pedraza's and The Pour House. Mr. Goodell stated that it is worth noting the parking kiosks in Keene have never provided a positive impact to Keene, its residents, visitors or businesses. He stated dating back to 2012, when the Parking Department ran a 90 day trial of parking kiosks that serviced the northern most parking spots on Main Street, Police Chief Kenneth Meola suspended the trial run just after 40 days. Mr. Goodell quoted that Chief Meola cited "numerous mechanical difficulties, users found the technology difficult to operate, unfriendly to customers of downtown businesses; constant complaints were reported by downtown business owners about kiosks and a downturn in business."

Mr. Goodell stated that it appears the past has repeated itself. He stated the kiosks installed on the west side of Central Square have caused a persistent negative impact to Keene's downtown. The businesses he represents tonight have seen a significant decline in sales as a result of the parking kiosks. In addition, he stated that complaints about the kiosks have also increased tenfold. Mr. Goodell explained the decrease in business could have a negative implication for the City as a whole. He noted this includes the loss of these two locally owned



businesses that collectively employ 26 local residents. Mr. Goodell added that it not difficult to find stories of residents and visitors that come to Keene that have had negative interactions with the kiosks. In addition, Ms. Masten and her employees hear complaints regularly. Mr. Goodell noted the numerous letters written to the editor of the Keene Sentinel and the negative comments about the kiosks mentioned on the Dan Mitchell radio show on WKBK.

Mr. Goodell explained that unlike traditional parking meters that are placed in front of a specific parking spot, the parking kiosks are sometimes located a significant distance from the parking spot it services. He noted this forces people to walk a distance just to pay for parking. Mr. Goodell continued explaining that when users reach the kiosk they are forced to enter their license plate on the screen. He stated that a common complaint is that people forget their license plate number. Mr. Goodell stated that users are then forced to walk back to their vehicle to get their license plate number. In addition, he noted the screen on the kiosk that is required for its operation is difficult to see due to the glare from the sun.

Mr. Goodell stated that Keene's downtown is seen as a barometer for the region's economy. He noted that many storefronts have recently sat empty for extended periods of time. Mr. Goodell stated that while advancing the City's operation with technology should be encouraged, the timing of such implementations is important. He stated the current kiosk has been shown to deter customers from visiting businesses on the west side of Central Square thus negatively impacting two businesses operations. He stated any further negative impact could cause a business to shutter. In addition, he stated that a loss of just one more store on Main Street may send a negative message throughout the area. He stated the results are clear that now is not the right time for Keene to have parking kiosks like the one installed on Central Square. Over the past week Ms. Masten has circulated a petition to downtown merchants, their employees and others experiencing a negative impact due to the kiosks. Mr. Goodell stated the petition respectfully asks that the City Council remove the kiosk and reinstall the previous parking meters.

Mr. Goodell reported that Ms. Masten will be submitting this petition to the City Clerk later this week. In the meantime, Mr. Goodell stated they are asking the Committee to be a champion for locally owned small business. He asked the Committee to recommend to full Council that the kiosks on Central Square be promptly removed and the previous meters be reinstalled.

Chair Manwaring asked how many people signed the petition. Mr. Goodell responded that over 50 people signed the petition and the majority are local business owners and employees.

Councilor Sutherland asked if the request is to have the old parking meters reinstalled or for the City to have a broader based strategy put in place. Mr. Goodell responded that time is of the essence, especially with what Ms. Masten and other businesses have endured for something that was supposed to be a trial period. He stated there needs to be a better strategy such as placing a trial run meters in a location that does not see as much traffic as Central Square.

Chair Manwaring asked for comment from Ms. Masten. Ms. Masten stated that as with everything the City of Keene does, in order to get a smart meter a Committee would have to decide which meter is best. In addition, she noted that it would then need to go before the Finance Department and would be another years' worth of time. She stated that her business is suffering and is the reason why she is asking for a quick answer tonight. Ms. Masten requested the City put back the coin meters until the best solution is determined.

With no further comment, Chair Manwaring opened the meeting for other public comments.

Philip Hitchcock of Hancock Street, Keene stated that he used to be the volunteer chef at the Keene Community Kitchen for five years. He stated that he is present to speak about a restaurant on Roxbury Street that has been there for 31 years. Mr. Hitchcock explained that many people are not aware of this restaurant because there are only roughly five parking spaces on the left hand side of where the restaurant is located. He

noted there is no parking on the other side of the street and people drive by without ever knowing the location of the restaurant. Mr. Hitchcock reported the City has issued tickets for two minutes of the meter running out. He stated that parking in the City of Keene is tough. Mr. Hitchcock stated that he attended school in New York City and that Keene does not have its act together like New York City.

Mr. Hitchcock stated in that the City of Keene there are certain meters on certain streets and certain kiosks that work one way. He stated there are people who have never been to Keene that do not understand how to use the kiosks. In addition, he noted that people will not want to come back to Keene if they get a ticket. Mr. Hitchcock stated that Keene has a big situation with parking and is something that should be looked at in a timely manner.

Councilor George Hansel stated that any decision made involving parking is not going to make everyone happy. He stated that what really needs to be looked is to how the City can make things equitable for all merchants, be transparent and clear. Councilor Hansel stated that he does not think the City has those things as it stands today. In addition, he noted that the City has not made the decision to go to smart meters yet. Councilor Hansel stated that this is not placing blame on anyone and is just a conversation that needs to take place.

Councilor Hansel stated that he does not think there is an equitable situation for all the merchants on Main Street. He explained that if he was Ms. Masten he would be making the same complaint. Councilor Hansel added that he thinks if people are going around Central Square and are used to putting coins in the meter they will go to next area where a coin meter is located because they are used to those meters.

Councilor Hansel stated that he is not opposed to something the City could do to in order to make it equitable for everyone, while figuring out the grand parking master plan.

Peggy Schaffler of 15 Roxbury Street, Keene stated that she is the owner of Country Life and is a supporter of small businesses. She stated that when moved to Keene she went downtown, got a twice ticket and the ticket turned into \$30 because she forget about the ticket. Ms. Schaffler explained that her answer was not to shop downtown and has not done so for 20 years. However, now that she owns a business downtown and is on the other side of the issue. She noted the main topic of discussion when people come into the restaurant is trying to find parking. Ms. Schaffler stated the answer for quite a few customers is for them not to come. She reported that 5 of her customers have been towed and numerous customers have received tickets. Ms. Schaffler reiterated that her customers answer is not to come. She explained that when she goes on vacation, a number of cities that do not have meters are warm and friendly towns. She asked if the meters are for businesses or the City and how it is equitable. Ms. Schaffler understands there are a lot of issues but she also understands that her business suffers. In addition, she noted that other businesses suffer because she does not spend money downtown due to her concern about getting a ticket.

Chair Manwaring noted the conversation is not about the big parking question and is only in regard to the kiosk on the west side of the Square .

Councilor Terry Clark stated the history of the kiosk located at Central Square was asked for by a merchant. He understands not addressing the whole parking conversation but cannot avoid doing so. Councilor Clark referred to the comments made by Councilor Hansel about making things equitable and Ms. Schaffler's comments about her experience with other cities. Councilor Clark asked if the parking is about the merchant or really about the customer. He asked if the City wants to have parking that is convenient for the merchants or for the people that visit downtown. Councilor Clark noted that businesses are going to do better if it is easier for customers to come downtown. He stated that he has been saying for years the answer is to tear down the parking meters and have a tax district support whatever money is needed to pay for parking spots. Councilor Clark explained this would be paid for by the people that benefit from it and would make things easier for customers to come downtown. Councilor Clark noted this is done at the malls by folding this expense into rent which seems to work.

Councilor Clark stated the kiosk being placed at Central Square should have never happened and should have been part of a bigger plan. He stated that Ms. Masten wanted the kiosk there and has now changed her mind. Councilor Clark stated that he spoke with Ms. Masten and she admitted she was wrong. He noted when thinking about a decision to think about the customers and how the City needs to be friendly to people. Councilor Clark recommended not doing anything with the kiosk on Central Square until there is a bigger plan.

Councilor Bettina Chadbourne stated there is a larger discussion to be had about parking. She stated the issue at hand is simple and referred to the comment Councilor Hansel made regarding a level playing field. Councilor Chadbourne noted there is not level playing field right now. She reported that that she has received phone calls from people complaining about the kiosks. Councilor Chadbourne stated that she encouraged them to attend this meeting to speak or to write letters. She noted that neither has occurred. Councilor Chadbourne reported that one of the complaints was from a woman that went into Amidon's to complain about the kiosk. The woman now parks down the street if she has to do business in order to avoid the kiosk. Councilor Chadbourne stated that until a bigger conversation takes place, the request to return the meters makes sense.

The City Manager thanked Ms. Masten for attending the meeting and understands her concerns. She stated the City needs a larger plan for parking and this was discussed a little bit during the CIP process. The City Manager explained that in the Capital Plan there is some money currently planned for fiscal 2024 for smart meters. She continued explaining they have been discussing whether this makes sense and where the kiosks make sense. She stated that she does understand when the kiosk was installed on Central Square it began at a request for some additional outside dining. She noted there was also some drainage issues in that area that needed to be addressed on the City side. The City Manager stated she thinks the request to treat Central Square as equitable makes sense. However, she has heard from other businesses around Central Square that are interested in having a kiosk installed in order to have additional space for outdoor eating. The City Manager added that before any money be expended or before the City tears up sidewalks there should be a larger conversation with all property owners and merchants around Central Square. She explained that her plan was to schedule a meeting and invite everyone in, and those that cannot attend could submit their recommendations by email. The City Manager stated that her recommendation is for the communication to be accepted as informational and that the City proceed along as intended with a meeting with downtown merchants and property owners and come back with a plan for Central Square. The next step thereafter would be to come back with a plan for all of the parking in the City of Keene.

The City Manager stated that one of things they have been struggling with is smart technology. She stated that no matter the solution it will not be perfect for everyone. In addition, she noted there are technology issues that need to address because the smart meters are using a service that is not a great cellular service here in Keene. The City Manager reported there are lots of things they are looking at in order to address concerns. She reiterated that her recommendation is to accept this as information and allow them to continue to on the plan they are proposing.

Councilor Sutherland responded to the City Manager that it seems like a reasonable solution but thinks that it eliminates the signatures that Ms. Masten has gathered. He reported that as he was driving down Gilbo Avenue yesterday he saw six people huddled around the kiosk. Councilor Sutherland noted this is an issue and is problematic. He stated the City needs to think about the bigger picture and address this as soon as possible in a short amount of time. Councilor Sutherland stated he does think part of the issue is the larger strategy and where to put the kiosks. He added that to his knowledge there are a number of different types of kiosks in the City and one kiosk that only covers four parking spaces. Councilor Sutherland stated that he would like to see a bigger strategy down the road but thinks there is a need address this issue as soon as possible.

Councilor Hooper concurred with Councilor Sutherland adding that it is a two prong approach in his opinion. He stated that he is glad to hear the City discussing this and coming up with consistency to make sure everything around town is consistent. He stated that he thinks it is important to be consistent with the owners but that it also goes back to the constituents in Keene. He noted that older people are having a difficult time

getting used to the situation and in cold weather it is tough for them to go back to their car to a get license number. Councilor Hooper has also viewed people huddled around the kiosks trying to figure things out. He stated he would like to see a short term solution for business owners having problems with people parking near their establishments. Councilor Hooper stated that he is not satisfied fully with the long term solution discussions and would like to see something done short term.

Councilor Lamoureux noted that statistical information is kept on parking. He asked if there is statistical information available on parking prior to the kiosks and what it is today. Police Chief Steve Russo reported they do have these statistics but do not have them tonight. He stated they have the hand counts and with the technology they can gather some through the kiosks to get the hand counts. Parking Operations Manager Wendy Walker added that they have coin use and the credit card use verses the mobile payment, which is a convenient feature with the kiosks. She noted that this is important to share because different kiosks have a higher percentage of credit card transactions.

Councilor Filiault asked the City Manager if the replacement meters are at Public Works. The City Manager responded that the meters are there but does not know how many or the condition of the meters.

Councilor Filiault referred to the City Manager's comment about tearing things up. He stated that he does not think digging up a few holes for parking meters is going to tear up too much. He stated that as someone who has lived downtown for the last five years the three things he hears complaints about daily is the dog poop on sidewalks, pan handlers and by far the greatest number of complaints is in regards to the kiosk on Central Square. He stated that kiosk is a public relations disaster for the City of Keene.

Councilor Filiault noted that Councilor Hansel's comment about people avoiding that area is correct. He noted that in area of Luca's and the Stage parking is at full capacity including on the side of Winter Street.

Councilor Filiault stated there are three issues in front of the City that need to be addressed. He stated the first is the unfair system because there is a kiosk in an area where no one wants to park. Councilor Filiault stated the first thing that needs to be down is to put everyone on a level playing field. He explained this is not going to cost much money because the meters are already in stock. He stated that it will require Public Works drilling a few holes and getting the kiosks out of that location and installing the old meters. Councilor Filiault stated when everyone is on the same playing field that is the time to look at big picture. He added that they cannot start to look at the bigger picture until taking care of the small picture. Councilor Filiault stated the problem he has always had with his time on the City Council is that they are always looking years down the road and the small issues are never handled in front of the City Council. He added that he is just as guilty because he is one of the 15 City Councilors.

Councilor Filiault stated that tonight there is a small issue in front of the Committee that can be handled. He stated that if those parking meters are in stock his first motion is that this can be handled in a couple of hours by removal of the kiosk meters and replaced with the old meters. Councilor Filiault stated after that is the time to have a meeting with the downtown merchants. He added that he is not looking at couple years down the road and is looking at tomorrow. Councilor Filiault stated that this can be resolved tomorrow and will not cost a lot of money. He stated that if everyone in the City had the same kiosk downtown it would be different because everyone would be on the same playing field. Councilor Filiault stated there is an inconsistency on one block in the City that needs to be changed and his recommendation is to do it tomorrow.

The City Manager stated that her only concern with Councilor Filiault's suggestions is what if the City meets with people that want kiosks speak with their customers and the majority of the people want the kiosks installed. She noted that this will cause an inconsistent system again and is the only reason why she is requesting to get more information before replacing the kiosk.

Councilor Filiault responded that what he has learned over the years is not to start anything off with “what if” because “what if” starts with every possible scenario imaginable. He stated that if this was a major expense he would understand stepping back to avoid major financial issues. Councilor Filiault noted that Public Works knows how to install the same meters that all over downtown. He stated that in all due respect to the City Manager the “what if” is too small to worry about when this can be handled with an inexpensive solution.

Councilor Sutherland added that the lowest risk is putting the old meters back which are already familiar to everyone. He stated the “what if” problems opens risk when someone says they do want a kiosk and then say it was a huge mistake. Councilor Sutherland recommended resolving what is front of them today and the “what if’s” can be part of the larger plan on how to address a strategy across the City. He noted the strategy needs to take the users, business owners and tax payers into consideration.

Councilor Chadbourne pointed out that there is a 0.45 cent charge to use credit cards to use the kiosk, which is another reason it makes this an uneven playing field. In addition, she pointed out to the City Manager that Ms. Masten has a petition that was signed by over 50 people that are business owners, employees and customers. Councilor Chadbourne recommended taking care of this issue first and then talk about the big picture.

Philip Hitchcock of Hancock Street, stated he listens to the Dan Mitchell morning show and one of topics about the kiosk was the concern about the technology. He explained there are fears of fraud relative to the use of credit cards at self-service kiosks. Mr. Hitchcock stated that one of things he does not like about Keene is that they already want people to come to Keene to pay to use a credit card and then pay to park to patronage a business. He asked how the City of Keene is going to protect everyone from fraud on credit cards because of the kiosks.

Jared Goodell of 14 Skyview Circle, Keene and Dorrie Masten of 326 Matthews Road, Swanzey approached the Commission for further comment. Mr. Goodell stated that Ms. Masten would like to clear the record that she was not the one that asked for the parking kiosk and she was approached by City staff. He explained that Ms. Masten was asked by City staff of her opinion and was supportive. Mr. Goodell noted that things have since changed and wanted to clear up that issue.

Mr. Goodell stated that he agrees with the comments made by Councilor Sutherland, Council Hansel and others. He stated the easiest and lowest risk fix is to remove the kiosk and reinstall the old meters tomorrow as Councilor Filiault stated. Mr. Goodell added that waiting 6 months is unacceptable and that businesses are struggling to bring people in as direct result of the parking kiosk. He noted that waiting is not an option when pay checks are dependent on customers coming through the door.

Mr. Goodell then read the list of some of the businesses that signed Ms. Masten’s petition as follows; Lucas, Miranda’s on Main, Rock Paper Scissors, Timoelon’s, Land for Good, Corner News, Mon Amie, Miller Brothers, Ted Shoe and Sport, Kings Garden, Local Burger, Monadnock Imaging, Winchendon Furniture, The Stage, Creative Ink, and others.

Mr. Goodell stated the results are in and Ms. Masten would agree that parking needs to be updated in Keene but not at expense of businesses.

Ms. Masten stated the businesses named off on the petition are not here because they are all working. She stated that by her being here and walking around Keene to get these signatures takes time. Ms. Masten noted that what she really needs to be doing is working at her restaurant making money. She explained with the kiosk people pay 0.45 cents for Parkmobile and pay more money to add additional time. Ms. Masten stated then noted Parkmobile will take money all day long. She noted there is a 2 hour parking limit and the meters expire at 5 PM. In addition, she noted that people do not have to pay the meters on a holiday. Ms. Masten stated that Parkmobile and the City of Keene will continue to take people’s money during that time. She stated City is getting that money and is not fair to her, her customers and the citizens.

Peggy Schaufler of 15 Roxbury Street, Keene approached the Committee again stating for years she has heard about the parking and has tried to find out where and when the meetings are held. The City Manager responded they have been attempting to collect email and contact information for all of the businesses. She stated that she and Mr. Kopczynski have been visiting the businesses, noting they did visit Country Life. The City Manager explained they are collecting contact information to notify businesses when meetings are held, to get input, discuss changes in parking or a change in an ordinance. She noted this is not a perfect system and they are attempting to collect this information through the Parking Department in order to know what the issues are and how to fix them.

Councilor Filiault moved that the City Council recommend that the City remove the kiosk on the western side of Central Square, and replace it with meters that are still in stock by the City; and, that the whole issue of parking be followed up by the City Manager with a report back to City Council. The motion was seconded by Councilor Sutherland.

Councilor Lamoureux commented that the City has jumped through hoops for downtown merchant and does not want anyone to think otherwise. He stated there is a project that was done over in front of the stores over in that area that the Councilor originally voted not to do anything. He explained it was then discovered there was drainage and at that point the kiosk was installed. Councilor Lamoureux stated that he does not have enough information to move forward and he would like to see more statistical information. He stated that he would rather put this on more time in order to have all the information rather than acting too quickly.

Chair Manwaring asked if this information be ready for next cycle. The City Manager could get those statistics; have information about the old meters and what would have to happen for removal. The City Manager stated they could have this information for the next cycle.

Councilor Lamoureux stated that one of the reasons the City of Keene was going to kiosks were the huge savings in having the staff collect the money out of each individual meter. He stated that he believes it takes two people almost an entire day to empty every individual meter. Councilor Lamoureux stated the other issue is the money that is open that has ability to become missing. He noted that he was not stating that staff would do that but there is a process and the kiosks took care of that solution. In addition, he noted the kiosks have huge savings such as the time and money spent plowing each meter during winter time. Councilor Lamoureux asked that he would like to see measured is how the kiosk is actually making the businesses lose money.

Councilor Sutherland stated that what needs to be done is to strike a balance between what is right for consumer, the businesses and the City. He stated the consumer and tax payers are paying for this either way and the City should be looking at what is the most reasonable and actionable issue for short term and then address the long term issue.

Councilor Hooper reported that he has spoken to the Chamber of Commerce and they are seeing a problem with the kiosks. In addition, the Chamber is having people come in to complain about the kiosk. Councilor Hooper stated the Chamber of Commerce's main job is to say "welcome to Keene". Councilor Hooper stated that people complaining to the Chamber about the kiosk does not sound too good. He stated that he is not going to support holding this off and recommends moving ahead quickly to make a change.

On a vote of 4-1 the Municipal Services, Facilities and Infrastructure move that the City Council recommend that the City remove the kiosk on the western side of Central Square, and replace it with meters that are still in stock by the City; and, that the whole issue of parking be followed up by the City Manager with a report back to City Council. Councilor Lamoureux voted in opposition.



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

March 27, 2019

**TO:** Mayor and Keene City Council

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

**ITEM:** D.2.

**SUBJECT:** Notification of Drawdown-Goose Pond Dam Improvements Project - Public Works Department

---

**COUNCIL ACTION:**

In City Council April 4, 2019.  
Report filed as informational.

**RECOMMENDATION:**

On a vote of 5-0 the Municipal Services, Facilities and Infrastructure move to accept the report as informational.

**BACKGROUND:**

Chair Manwaring recognized Brett Resnock, Civil Engineer with the Public Works Department. Mr. Rusnock is before the Committee to perform a required notification to a public body for the required drawdown at the Goose Pond Dam. The project is scheduled to be under construction this summer.

Mr. Resnock reported they received the permit to reconstruct the dam in January of this year and put the project out to bid. He reported the City recently awarded the construction contract to Kingsbury Companies of Waitsfield, Vermont. He stated they anticipate that Kingsbury will begin the drawdown work in early May. The condition of the reconstruction permit requires they perform notification to the public body at least 30 days in advance of drawdown. In addition, they have concurred with the Dam Bureau this will meet the requirements of that condition.

He presented a graphic to the Committee indicating the outer larger dark blue shape is the normal water elevation of Goose Pond that is at 634.02 feet. He noted this is based on the hydraulic flow coming into pond and the rate leaving the pond. In addition, this also corresponds with the spillway elevations. The smaller shape on the graphic is projected to be the shape of the water surface after a four foot drawdown at the pond. Mr. Rusnock disclosed they do not know the exact contours of Goose Pond. The dam was built in 1868 and they do not have many records of construction at that time. Mr. stated the estimated contours at the bottom of the pond are based on adjacent factors such as the contours of the land above and the assumed volume of the reservoir.

Mr. Rusnock welcomed questions from the Committee.

Chair Manwaring asked about the wildlife underneath the water. Mr. Rusnock responded the wetlands permit they have for project requires the drawdown happens at a maximum of 6 inches per day. He explained there is a special condition of the permit that requires them to notify New Hampshire Fish and Game of any turtle species

when the drawdown occurs.

Chair Manwaring asked how long it will take to fix the dam. Mr. Resnock responded the drawdown per the permit condition and the reservoirs brought back up by the end of September. He noted this date can be changed if conditions require. Mr. Rusnock stated they have given the contractor 150 days to complete a substantial portion of the project. In addition, he noted the contractor is contractually obligated to finish the project in that time period or will face liquidated damages. The contractor is also the same contractor that rebuilt the Babbidge Reservoir Dam last year.

Chair Manwaring opened the public meeting and welcomed comment.

Councilor Clark asked how this will affect public use of the facility during the construction period and what areas will be of use.

Mr. Rusnock referred to a plan indicating the area of the pond, the concrete spillway, the dam that is facing north and the East Surry Road. He explained the plan is a trail diversion and traffic control plan and there will be a signed detour plan for pedestrian and trail users during construction. He stated the contract documents require the majority of the earth work happen at the dam first and at that time close off the dam to trail uses access. Mr. Rusnock explained the signed detour will come down a path across the trail that leads to the dyke area and then detoured up to the loop trail. He stated at the dyke area and drawdown area they plan to install a temporary boardwalk. The boardwalk will cross the drawdown area and people will continue to cross while the work is being done. Mr. Rusnock noted there is Phase I of the project that is the dam embankment and Phase II is the dyke embankment.

Councilor Chadbourne noted there are beavers dams at Goose Pond and asked about the plans to relocate the beavers. Mr. Rusnock asked where the beaver dams are located. Ms. Chadbourne stated the area was heading in the direction of the main parking for the pond on the left side. Mr. Rusnock responded the wetlands permitting process was lengthy and did focus on species of concern. He noted the beavers were not raised as items of concern. Mr. Rusnock stated one particular area were the vernal pools that are located in the revised dyke area. The plan had to be revised several times in order to avoid the vernal pools.

Councilor Sutherland asked during which phase parking will be worked on and completed. Mr. Resnock responded they expect the excavation and clearing for the new parking area to be very early on in the project. He explained this is because it is serving two purposes. First it will become a construction materials, equipment and staging area. Secondly, it will permanently be converted to additional parking. He noted the parking area near East Surry Road will have trees cleared and the soil excavated and level. Mr. Resnock anticipates this would be toward the end of project when the gravel will be brought in and graded smooth for the parking.

Councilor Sutherland asked if other parking area be closed or if there will be two parking areas. Mr. Resnock responded the intent to leave the original parking area open and to provide increased capacity.

With no further comment, Chair Manwaring asked for motion.

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

On a vote of 5-0 the Municipal Services, Facilities and Infrastructure move to accept the report as informational.





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

March 27, 2019

**TO:** Mayor and Keene City Council  
**FROM:** Planning, Licenses and Development Committee  
**ITEM:** D.3.

**SUBJECT:** Tim Zinn/Let it Shine - Request to Use City Property - 2019 Pumpkin Festival

---

**COUNCIL ACTION:**

In City Council April 4, 2019.

Voted with 12 in favor and one opposed to carry out the intent of the report.

**RECOMMENDATION:**

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that a license be granted to Let It Shine, Inc. to use the Downtown area including Central Square and Downtown City rights-of-way and City property along with closing of any City Street and/or public right-of-way as identified by City staff on Sunday, October 27, 2019 to hold the “Keene Pumpkin Festival, In the HeART of Downtown Keene, NH” subject to the following provisions:

- The Petitioner agrees to limit the number of pumpkins to 5,000;
- That the actual event will be held from 1:00 PM to 7:00 PM with the times for set up and clean up to be established with City staff;
- There shall be no changes to the agreed upon event footprint presented in March 2019;
- No changes to the license and/or the associated protocol documents will be accepted after September 1, 2019;
- The Petitioner shall absorb the cost of any City services over and above the amount of City funding allocated in the FY 20 Community Events Budget, and agrees to remit said payment within 30-days of the date of the invoicing from the City;
- That the Petitioner is permitted to place 10 porta-potties in City parking spaces located at the base of Washington Street from Friday, October 25, 2019 to Monday October 28, 2019, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That free parking be granted under the provisions of the free parking policy for City parking spaces on Washington Street needed for storage of equipment from Friday, October 25, 2019 to Monday October 28, 2019, and spaces within the event footprint on the day of the event;
- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement and associated protocol documents; and
- That the Petitioner complies with any and all other recommendations of City staff.

**BACKGROUND:**

Tim Zinn, of 43 Grove Street addressed the protocol meetings and the one change of adding four non-profit vendors this year. The vendors will be restricted to the sale of baked goods and cold drinks. He also noted there will be two more protocol meetings in June and September.

Kurt Blomquist, Public Works Director reported staff and organizers had met and City Staff is comfortable with what is proposed. Mr. Blomquist reiterated there will be two more meetings before the event. Staff is recommending approval of the event license.

Tim Zinn said there is an online application process for the non-profits and asked if he should wait until City Council votes to open up the participation to them. Mr. Blomquist said he does not anticipate any problems at City Council and suggested Mr. Zinn could open his application process to the vendors.

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

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that a license be granted to Let It Shine, Inc. to use the Downtown area including Central Square and Downtown City rights-of-way and City property along with closing of any City Street and/or public right-of-way as identified by City staff on Sunday, October 27, 2019 to hold the “Keene Pumpkin Festival, In the HeART of Downtown Keene, NH” subject to the following provisions:

- The Petitioner agrees to limit the number of pumpkins to 5,000;
- That the actual event will be held from 1:00 PM to 7:00 PM with the times for set up and clean up to be established with City staff;
- There shall be no changes to the agreed upon event footprint presented in March 2019;
- No changes to the license and/or the associated protocol documents will be accepted after September 1, 2019;
- The Petitioner shall absorb the cost of any City services over and above the amount of City funding allocated in the FY 20 Community Events Budget, and agrees to remit said payment within 30-days of the date of the invoicing from the City;
- That the Petitioner is permitted to place 10 porta-potties in City parking spaces located at the base of Washington Street from Friday, October 25, 2019 to Monday October 28, 2019, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That free parking be granted under the provisions of the free parking policy for City parking spaces on Washington Street needed for storage of equipment from Friday, October 25, 2019 to Monday October 28, 2019, and spaces within the event footprint on the day of the event;
- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement and associated protocol documents; and
- That the Petitioner complies with any and all other recommendations of City staff.



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

March 27, 2019

**TO:** Mayor and Keene City Council

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

**ITEM:** D.4.

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

---

**COUNCIL ACTION:**

In City Council April 4, 2019.

Voted unanimously to carry out the intent of the report.

**RECOMMENDATION:**

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a license with People's Linen Services, LLC for the installation and maintenance of a groundwater monitoring well on City of Keene parcel 534-004, 300 North Lincoln Street.

**BACKGROUND:**

Dave Borden, of People's Linen apologized for not being present at the previous meeting. Mr. Borden reiterated the situation as explained at the March 13, 2019 meeting. 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 the 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. Mr. Borden addressed the concern of needing a road to reach the site by stating there is no need for a paved road; but maybe a few trees will need to be cut down.

Councilor Jones clarified he did not remember any discussion regarding a road being needed. He does remember being told an individual could walk in with a backpack on. Mr. Borden affirmed the testing could be performed by someone walking in with a backpack.

Kurt Blomquist, Public Works Director addressed the previous concern regarding access to the site by stating he and Andy Bohannon met with the consultants to discuss the access issue. He confirmed they will access via property owned by People's Linen and they will be using a small drilling rig that will cause minimal disturbance. Mr. Blomquist reported staff is comfortable now with the consultant's proposal. Mr. Blomquist said this will be a two-step process; for the drilling component staff will issue an Excavation Permit. Staff is recommending a

license be issued to People's Linen for that well, its continued maintenance access, and ultimately its removal.

Chair Richards asked for Committee questions or comments.

Councilor Hansel asked if this would be an annual license. Mr. Blomquist replied in the negative noting the license would be in place until the well testing is discontinued.

Following up on the license Councilor Rice asked if another license would need to be issued for the ATV to do in at the time of well removal. Mr. Blomquist replied in the negative noting an Excavation Permit would be issued administratively.

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

Councilor Jones 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 Manager be authorized to do all things necessary to negotiate and execute a license with People's Linen Services, LLC for the installation and maintenance of a groundwater monitoring well on City of Keene parcel 534-004, 300 North Lincoln Street.



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

March 28, 2019

**TO:** Mayor and Keene City Council

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

**ITEM:** D.5.

**SUBJECT:** Melanson & Heath - Audit for Fiscal Year Ended June 2018

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**COUNCIL ACTION:**

In City Council April 4, 2019.  
Report filed as informational.

**RECOMMENDATION:**

On 5-0 vote, the Finance, Organization and Personnel Committee accepted this item as informational.

**BACKGROUND:**

Finance Director Merri Howe introduced Ed Boyd of Melanson and Heath who was the lead auditor this year.

Mr. Boyd began by thanking the Committee and stated this year's audit went very well. He stated the books and records were in good working order and they found no issues with the generally accepted accounting principles. There were no significant deficiencies or weaknesses reported. Mr. Boyd noted they issued an unmodified report and this is what any municipality would be looking for with an audit.

Mr. Boyd went on to say that the General Fund is looking stable, there have been some really good increases in the unassigned fund balance and the unassigned fund balance has a balance of 8.9 million dollars of the General Fund which is about \$270,000 over the prior year. He noted the city continues to invest in capital and felt the debt burden was very manageable. In 2018 about 3.7 million dollars was paid down in non TIF governmental funds and another 1.6 million dollars in enterprise funds. Mr. Boyd stated the City of Keene is paying off about 93% of its general fund governmental debt over a period of ten years which he noted was very good – the expected number is close to 75%. Also 75% of water debt and 94% of sewer debt has also been paid off during a period of 10 years. The AA rating has also been maintained.

Mr. Boyd called the committee's attention to Page 29 of the financial statement – which has the long term perspective and noted two numbers that have received a lot of attention which is the pension number of OPEB (Other Post-Employment Benefits). He noted the 37 million dollars of net pension liability is the city's unfunded portion of the NH Retirement System. He noted the unfunded mandate of the retirement system is something all NH communities are dealing with. Mr. Boyd stated this is not something that is going to be managed and there is discussion about some proactive steps that need to be taken but there is limited ability for the city to do anything at this time.

He noted the OPEB number stands at 7.8 million dollars – for providing retirement employees with health benefits.

Chair Greenwald referenced the pension number and asked whether this is the downshifting from state to local communities we have been talking about. Mr. Boyd agreed and added this is the pressure many communities are dealing with as the numbers are difficult to estimate.

Page 31 – third number from the bottom is the unassigned fund balance. Mr. Boyd stated any informed user of the financial statement looks at this number first. This is the number available for appropriation (8.9 million dollars, up by about \$270,000). Mr. Boyd stated this number has been going up incrementally over the years and added the established policies and adhering to them is the reason for this positive number.

Page 35 – Budget vs. Actual – the numbers referred to here are driving the change to the fund balance and it is softened by the use of the fund balance. Councilor Powers clarified the \$505,258 is ultimately the number that goes back into the unassigned fund balance. Mr. Boyd agreed.

Mr. Boyd indicated the general fund has shown some positive aspects with positive operating results. In closing, he noted the audit went well and the city should be happy with the results.

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

On 5-0 vote, the Finance, Organization and Personnel Committee accepted this item as informational.



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

March 28, 2019

**TO:** Mayor and Keene City Council

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

**ITEM:** D.6.

**SUBJECT:** Application and Acceptance of Grant - Taxiway A Reconstruction and Extension - Public Works Department

---

**COUNCIL ACTION:**

In City Council April 4, 2019.

Voted unanimously to carry out the intent of the report.

**RECOMMENDATION:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to apply for, accept and execute a grant offering from the New Hampshire Department of Transportation, Bureau of Aeronautics and/or the Federal Aviation Administration for the design and construction phases of the Taxiway A Reconstruction/Extension Project at the Dillant-Hopkins Airport.

**BACKGROUND:**

City Engineer Don Lussier stated about a month ago the former Airport Manager brought before the committee a proposal for the city to enter into a contract with Dubois King for Taxiway A Reconstruction and Extension. At that time, staff failed to request from the committee to provide the City Manager with authority to accept a grant for this work (FAA 90%, DOT 5% and the City pays 5%). He noted to be able to do this the city is required to file a grant application.

Asst. City Manager/IT Rebecca Landry noted this is a time sensitive item.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to apply for, accept and execute a grant offering from the New Hampshire Department of Transportation, Bureau of Aeronautics and/or the Federal Aviation Administration for the design and construction phases of the Taxiway A Reconstruction/Extension Project at the Dillant-Hopkins Airport.



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

March 28, 2019

**TO:** Mayor and Keene City Council

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

**ITEM:** D.7.

**SUBJECT:** Homeland Security Grant Program - Police Department

---

**COUNCIL ACTION:**

In City Council April 4, 2019.

Voted unanimously to carry out the intent of the report.

**RECOMMENDATION:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a grant of up to \$851.99 from the FY 2016 Homeland and Security Law Enforcement Terrorism Prevention Program (LETTP) to send one member of the police department to the 2019 New York Tactical Officers Association conference in April, 2019.

**BACKGROUND:**

Police Lt. Steve Tenney stated he was before the committee regarding acceptance of a grant in the amount of \$851.99 to send one member of the department to the 2019 New York Tactical Officers Association conference in April, 2019.

He indicated every year homeland security provides the NH Tactical Association with a sum of money to send officers for training outside of the state to keep up with the trend. Officers have been sent in prior years using this funding source. Lt. Tenney noted these are FY 2016 monies which are set to expire in August.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a grant of up to \$851.99 from the FY 2016 Homeland and Security Law Enforcement Terrorism Prevention Program (LETTP) to send one member of the police department to the 2019 New York Tactical Officers Association conference in April, 2019.





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

March 28, 2019

**TO:** Mayor and Keene City Council

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

**ITEM:** D.8.

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

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**COUNCIL ACTION:**

In City Council April 4, 2019.

Voted unanimously to carry out the intent of the report.

**RECOMMENDATION:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a monetary State drug forfeiture in the amount of \$604.25.

**BACKGROUND:**

Lt. Tenney stated this is forfeiture money which was the result of a case which culminated in February 2018. It was because of a drug investigation the department handled which resulted in the arrest of a subject who was found with various types of drugs and money. The \$604.25 is the city's portion for the forfeiture funds.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a monetary State drug forfeiture in the amount of \$604.25.



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

March 28, 2019

**TO:** Mayor and Keene City Council

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

**ITEM:** D.9.

**SUBJECT:** Request to Accept a Monetary Donation - Police Department

---

**COUNCIL ACTION:**

In City Council April 4, 2019.  
Voted unanimously to carry out the intent of the report.

**RECOMMENDATION:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a \$50 donation to be used for the Keene Police Department K-9 program.

**BACKGROUND:**

Lt. Tenney stated this item is a \$50 donation from Ed and Krishni Pahl made to the K-9 Program in memory and honor of Chief Brian Costa for his service and dedication to the community.

The Chairman extended his appreciation to the Pahls.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a \$50 donation to be used for the Keene Police Department K-9 program.



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

March 28, 2019

**TO:** Mayor and Keene City Council

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

**ITEM:** D.10.

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

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**COUNCIL ACTION:**

In City Council April 4, 2019.

Voted unanimously to carry out the intent of the report.

**RECOMMENDATION:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute the sale of the 3,700 square foot parcel. Staff does not recommend the sale of the other parcel referenced on east side of 372 Marlboro Street at this time.

**BACKGROUND:**

Attorney Gary Kinyon representing 372 Marlboro Street LLC and Robert Pratt the Facilities Agent for the LLC addressed the Committee. Attorney Kinyon stated as indicated in his letter he requests the City entertain negotiation with 372 Marlboro Street LLC regarding the sale of a small parcel of land. Attorney Kinyon stated his client is the owner of the former Knights of Columbus building it purchased last year. During the title search for this sale, even though this parcel looks like a rectangle there is a 3,700 square foot cut out on the westerly side of the parcel, because of a subdivision done in 1983 when Knights of Columbus owned the property. The subdivision plan done in 1983 shows a house on that land, which small parcel was conveyed in 1983 to Wetterau who owned all of the property surrounding this area at this time.

When the city acquired the Wetterau property in 2002, this parcel went with it. Attorney Kinyon noted this parcel remains as the only lawn area. After discussion with this City it was decided this request for transfer should be made as this parcel is not needed for any underground utility work or for any other use of this parcel by the City.

Attorney Kinyon went on to say his letter also refers to a larger parcel of land east of the Knights of Columbus property but indicated they do not want to go further with this request as they have no specific plans for this parcel and the city has no plans for the disposition of this property at this time.

In conclusion, Attorney Kinyon stated his client would like to negotiate with the city for the sale of this 3,700 square foot property and their intention is any negotiation with the city would be determined by an appraisal or otherwise a fair market price to pay for the land and 372 Marlboro Street LLC will pay for any costs related to this sale.

Chair Greenwald asked if this transaction goes through whether this property would become a tax paying property. Attorney Kinyon stated it would.

Councilor Clark stated he would like to make sure Public Works has no plans for this property. The City Manager stated Public Works was involved in the meeting with the applicant and the city is comfortable they do not have any plans for this property and the city will maintain the driveway and this portion is not something the city feels it would need.

Councilor Powers clarified the other parcel referred to is 382 Marlboro Street. Attorney Kinyon agreed and added this is the parcel they are not expressing any interest in at this time.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute the sale of the 3,700 square foot parcel. Staff does not recommend the sale of the other parcel referenced on east side of 372 Marlboro Street at this time.



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

March 28, 2019

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

**SUBJECT:** Zach Luse/Paragon Digital Marketing - Application for Community Revitalization Tax Relief Incentive (79-E) - Former Grace Methodist Church at 34 Court Street

---

**COUNCIL ACTION:**

In City Council April 4, 2019.  
Voted unanimously to carry out the intent of the report.

**RECOMMENDATION:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council finds as follows:

That the structure proposed for redevelopment located at 34 Court Street is a qualifying and historic structure as defined by RSA 79-E; that the structure is located within a City designated RSA 79-E district, but is not within a currently defined Tax Increment Financing District; that the structure is not a residential property subject to an election for tax assessment relief under the low income housing tax credit program of RSA 75:1-a; that the proposed rehabilitation cost estimates exceed the threshold amount of \$75,000.00 and constitutes substantial rehabilitation; that at least \$5,000.00 of the total rehabilitation cost is devoted to energy efficiency in accordance with the U.S. Secretary of the Interior's Standards for Rehabilitation; that the proposed rehabilitation is consistent with the City's Master Plan; and that the proposed rehabilitation provides the following public benefits as required by Resolution R-2018-33:

1. It enhances the economic vitality of downtown areas;
2. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located;
3. It promotes the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation;
4. It promotes efficient design, safety, and a greater sense of community in a manner consistent with the Keene Comprehensive Master Plan;

5. It will add to the City's employment base by creating at least one new, full-time job in Keene's downtown area.

Therefore, the Committee recommends that the Application for real property tax relief on any assessed tax increment resulting from the substantial rehabilitation of the qualifying structure be granted for a period of five years beginning with the completion of the substantial rehabilitation as determined by the City's Community Development Department, and conditioned upon the property owner granting to the City at the time of substantial completion a covenant ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for the period of the tax relief, to be recorded at the Cheshire County Registry of Deeds at the cost and expense of the property owner.

**BACKGROUND:**

Chair Greenwald began by congratulating Mr. Luse for being the pioneer of the 79-E process in the city. He explained as part of this process an application had to be completed, a public hearing was held and this matter is back before the Finance Committee.

Mr. Kopczynski stated Mr. Luse has worked very closely with staff and now that the public hearing is complete the Committee has to go through the findings motion to move this matter to the Full Council.

The Chairman went on to explain that 79-E is a program where for period of time there would be no increase to assessed value based on work done on the property.

The Chairman then went over the Findings:

1. It enhances the economic vitality of downtown areas;
2. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located;  
The Chairman felt this property complies with this item.
3. It promotes the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation;  
The Chairman stated he learned from the application this was an energy efficient project.
4. It promotes efficient design, safety, and a greater sense of community in a manner consistent with the Keene Comprehensive Master Plan;
5. It will add to the City's employment base by creating at least one new, full-time job in Keene's downtown area.

The Chairman asked how many jobs Mr. Luse was planning on creating. Mr. Luse stated his goal within the next five to ten years to grow from 13 employees to about 50 employees.

The Chairman stated the next discussion is the time period related to this item. Attorney Mullins stated it was appropriate for the committee to have a discussion as to what the tax relief period should be before they get into the motion. He noted the time period could be between two to five years.

Councilor Jacobs asked whether there was a discussion between staff and the applicant as to an agreed upon time period. Attorney Mullins answered in the affirmative and it is staff's position, five years would be an

appropriate time period but staff did not want to take the liberty of inserting the time period into the motion.

Councilor Powers asked how the determination was made as to one full-time job. Mr. Kopczynski stated this is outlined in the Resolution.

Councilor Clark asked whether there was a matrix which could be used to determine the number of years. Mr. Kopczynski stated there isn't but the committee could run an association with the number of public benefits and if there are less public benefits then the Committee could go with the lower end of the number of years. He noted in this case, there are a large number of public benefits that have been put on the table. Attorney Mullins explained the Resolution which was adopted initially (sub paragraph E) which explains the criteria used to determine the time period.

Councilor Powers stated this is a win-win for everyone; this building has sat vacant for many years, it is now back on the tax rolls, what the applicant is proposing is going to increase the tax value. He stated he would recommend going with five years. Councilor Clark agreed. Councilor Jacobs stated it is not like the applicant is not going to be paying taxes on this property – the increased value is the question and stated he does not have a problem with granting five years. The Chairman and Councilor Chadbourne felt it was a substantial project and agreed to the five-year time period.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council finds as follows:

That the structure proposed for redevelopment located at 34 Court Street is a qualifying and historic structure as defined by RSA 79-E; that the structure is located within a City designated RSA 79-E district, but is not within a currently defined Tax Increment Financing District; that the structure is not a residential property subject to an election for tax assessment relief under the low income housing tax credit program of RSA 75:1-a; that the proposed rehabilitation cost estimates exceed the threshold amount of \$75,000.00 and constitutes substantial rehabilitation; that at least \$5,000.00 of the total rehabilitation cost is devoted to energy efficiency in accordance with the U.S. Secretary of the Interior's Standards for Rehabilitation; that the proposed rehabilitation is consistent with the City's Master Plan; and that the proposed rehabilitation provides the following public benefits as required by Resolution R-2018-33:

1. It enhances the economic vitality of downtown areas;
2. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located;
3. It promotes the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation;
4. It promotes efficient design, safety, and a greater sense of community in a manner consistent with the Keene Comprehensive Master Plan;
5. It will add to the City's employment base by creating at least one new, full-time job in Keene's downtown area.

Therefore, the Committee recommends that the Application for real property tax relief on any assessed tax

increment resulting from the substantial rehabilitation of the qualifying structure be granted for a period of five years beginning with the completion of the substantial rehabilitation as determined by the City's Community Development Department, and conditioned upon the property owner granting to the City at the time of substantial completion a covenant ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for the period of the tax relief, to be recorded at the Cheshire County Registry of Deeds at the cost and expense of the property owner.





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

March 28, 2019

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

**SUBJECT:** Acquisition of the Rail Spur that Bisects Two Parcels of Property - Corner of Ralston and Emerald Streets

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**COUNCIL ACTION:**

In City Council April 4, 2019.

Voted unanimously to carry out the intent of the report.

**RECOMMENDATION:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to negotiate with Nancy Sheldon, on behalf of Shalldu, Ltd., regarding her request to acquire the rail spur that bisects two parcels on the corner of Ralston and Emerald Streets.

**BACKGROUND:**

Asst. City Manager/Community Development Director Rhett Lamb reminded the Committee of Nancy Sheldon's presentation to the Committee in February – Ms. Sheldon is the owner of Shalldu Limited of 1 Ralston Street who had contacted the city with reference to a purchase of a spur owned by the City. This spur is located on the former Railroad right of way – this property was also originally requested to be purchased in 2011 at that time it was determined this piece was owned by the State of NH. It has now been determined this property is owned by the City and staff had requested in February to place this item on more time while staff had the opportunity to do additional review of this property's ownership.

Staff has now completed this review and has determined the City's ownership of this spur and hence have the ability to sell this free and have ownership of the fee underneath this spur free and clear of any other interest of adjoining property ownership. In February there was concern because this spur bisected two properties whether any other property owners have a unique ownership. One of the property owners who is Shalldu wants to acquire the property, the property to the south, 9 Ralston Street is owned by Alan and Betsy Braden. In February the question was raised to Ms. Sheldon as to whether she had contacted the Bradens and her recent letter to the City indicates she has and that the Braden family had no immediate interest in the property and if Shalldu Limited purchased the property the two parties would work together.

Mr. Lamb went on to say this property is approximately 230 feet long and 20 feet wide (4,600 square feet) starting from the northern corner of Davis Street and running to the right of way on Ralston Street. Mr. Lamb noted this is also considered to be surplus land and could not be reasonably expected to be used in the future and is already being used by the adjoining properties for parking, location of a shed etc. He noted even though the City has interest in the main line of this right of way which is the location of a bike path, it is clear the city does not have any use for this spur.

Councilor Clark asked whether the City was going to put the property up for bid or whether the City was going to deal directly with the Sheldons. Mr. Lamb stated the Sheldons are the only party who has expressed interest in the property and added there is a more time item regarding property located on the west side of the right of way adjacent to Emerald Street. Councilor Clark recalled another party expressing interest. Mr. Lamb stated Mr. Tousley is present today who had addressed the Committee regarding the spur adjacent to Ralston Street and he is welcome to address the Committee today.

Attorney Mullins stated at the last meeting there was issue raised as to whether the Bradens might have some interest in this property because the City was unsure exactly where the spur was located. It has however, been determined the spur is located only on the property owned by Shalldu.

Chair Greenwald clarified on the map provided to the Committee the solid outline is a building, the shading behind it is parking. Mr. Lamb agreed and added the crossed hatched outline is the spur and property outlines are shown in black and the grey shade is pavement.

Mr. Chuck Redfern of 9 Colby Street stated he had received by email notification regarding this item and indicated he had called the Petitioner who had stated she was not aware of the trail system and the impact of this transfer on the trail system. Mr. Redfern stated he followed up with Mr. Lamb about this conversation who had indicated this transfer would not have any impact on the bike path which runs between Ralston Street to Winchester Street and connects to the trail system on the other side of Winchester Street all the way to Swanze. Mr. Redfern stated the only remaining question is what type of investment the petitioner would put into this property (buildings) and whether there would be some landscaping replacement at the rear and wanted to make sure the landscaping was going to be preserved.

Councilor Jacobs clarified the Shalldu property was 19 Ralston Street – the Chairman indicated Shalldu property was 1 Ralston Street. The Councilor felt the spur looks like it is located on 1 Ralston Street. Mr. Lamb stated the spur is separate from the properties located at 1 and 19 Ralston Street; the City owns the fee under the property. The Councilor asked about a portion that is sticking into the right of way. Mr. Lamb explained with aerial photography at times roof lines will intersect with the property line but added there could be some encroachment which will be revealed during a survey. Staff has advised the Sheldons the first thing that would need to happen with this transfer is a survey and the identification of any encroachment. The Chairman noted there is some development opportunities which he noted was good. Mr. Lamb stated the Sheldons have indicated they would be acquiring small pieces to correct encroachment issues.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to negotiate with Nancy Sheldon, on behalf of Shalldu, Ltd., regarding her request to acquire the rail spur that bisects two parcels on the corner of Ralston and Emerald Streets.



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

April 3, 2019

**TO:** Mayor and Keene City Council

**FROM:** Energy and Climate Committee

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

**ITEM:** G.1.

**SUBJECT:** SB 165 "Relative to net energy metering by low-moderate income community solar projects"

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**COUNCIL ACTION:**

In City Council April 4, 2019.

Referred to the Planning, Licenses and Development Committee.

**RECOMMENDATION:**

To submit a letter of support for SB 165 "Relative to net energy metering by low-moderate income community solar projects" to the NH State Legislators and Governor Sununu.

**ATTACHMENTS:**

Description

SB 165 Text - As amended

**BACKGROUND:**

The Energy and Climate Committee discussed SB 165 at their meeting on Wednesday, April 3, 2019. An excerpt of the discussion on SB 165 from the draft meeting minutes is included below, and the full text of the bill is attached.

**“SB 165 “Relative to net energy metering by low-moderate income community solar projects”**

Dr. Shedd stated Councilor Hansel had requested that ECC advise Council on the SB 165 bill which addresses net metering for low and moderate income community solar projects. She said it has come out of the Senate committee with an “ought to pass” recommendation and is now coming to the House’s Energy, Science and Technology committee. She stated that it could set a strong precedent for other programs. She said group net metering is typically set up in such a way that the host has to take responsibility for doling out payments to the group members, however, this bill would include on-bill crediting, which would make net metering projects much simpler. Instead of having to distribute payments to all of the subscribers of a project, the funds would be reflected as a credit on their bills.

Ms. Brunner said neighboring states like Vermont use on-bill crediting with group net metering projects; this is often referred to as solar gardens and it is an easy way for people to benefit from and support solar energy. She stated that group net energy metering can be a burden for low and moderate income people as any checks received is taxable income and can impact benefits they may receive. Ms. Baum stated that this would also

lower barriers to other projects that have been discussed by the committee. Dr. Shedd stated if Tanglewood Estates wanted to put in a community solar garden, this bill would let their residents become members without the logistical difficulty and potential tax impacts that they would currently have to go through. Ms. Brunner said one of the barriers right now is that if neighbors want to do net metering project together they have to form an LLC or other entity to accept and redistribute funds to members, and that is a huge barrier to everyone and even more so for low and moderate income people.

Ms. Baum moved that ECC recommend to Council that they submit a letter of support for SB 165 to our legislators and Governor, Mr. Pipp seconded and motion passed unanimously.”

**SB 165 - AS AMENDED BY THE SENATE**

03/28/2019 1169s

2019 SESSION

19-1079

10/08

**SENATE BILL 165**

AN ACT relative to net energy metering by low-moderate income community solar projects.

SPONSORS: Sen. Feltes, Dist 15; Sen. Fuller Clark, Dist 21; Sen. Watters, Dist 4; Sen. Bradley, Dist 3; Sen. Hennessey, Dist 5; Rep. Moffett, Merr. 9; Rep. Oxenham, Sull. 1; Rep. Luneau, Merr. 10; Rep. Myler, Merr. 10

COMMITTEE: Energy and Natural Resources

**ANALYSIS**

This bill modifies the method for calculating net energy metering credits for low-moderate income community solar group host projects.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

03/28/2019 1169s 19-1079

10/08

**STATE OF NEW HAMPSHIRE***In the Year of Our Lord Two Thousand Nineteen*

AN ACT relative to net energy metering by low-moderate income community solar projects.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 Short Title. This act shall be known as the "Low-Income Community Solar Act of 2019."

2 Net Energy Metering; Group Host; Community Solar. Amend RSA 362-A:9, XIV(c) to read as follows:

(c) Notwithstanding paragraph V, a group host shall be paid for its surplus generation at the end of each billing cycle at rates consistent with the credit the group host receives relative to its own net metering under either subparagraph IV(a) or (b) or alternative tariffs that may be applicable pursuant to paragraph XVI. [~~Each group member of~~] ***Alternatively***, a group host [~~for a low-moderate income community solar project, as defined in RSA 362-F:2, X-a,~~] may ***elect to*** receive credits on the customer electric bill for each member and the host [~~provided that there shall be only one new project under this paragraph in each utility's service territory by December 31, 2019 with such projects available on a first-come, first-served basis~~], ***with the utility being allowed the most cost-effective method of doing so according to an amount or percentage specified for each member on PUC form 909.09 (Application to Register or Re-register as a Host), along with a 3 cent per kwh addition for low-moderate***

*income community solar projects, as defined in RSA 362-F:2, X-a.* The commission shall report on the costs and benefits of ~~[such projects]~~ *low-moderate income community solar projects, as defined in RSA 362-F:2, X-a* on or before ~~[December 31, 2019]~~ *June 1, 2020.* *The commission shall authorize at least 2 new low-moderate income community solar projects, as defined in RSA 362-F:2, X-a, each year in each utility's service territory beginning January 1, 2020.* On an annual basis, for all group host systems except for residential systems with an interconnected capacity under 15 kilowatts, the electric distribution utility shall calculate a payment adjustment if the host's surplus generation for which it was paid is greater than the group's total electricity usage during the same time period. The adjustment shall be such that the resulting compensation to the host for the amount that exceeded the group's total usage shall be at the utility's avoided cost or its default service rate in accordance with subparagraph V(b) or paragraph VI or alternative tariffs that may be applicable pursuant to paragraph XVI. The utility shall pay or bill the host accordingly.

3 Effective Date. This act shall take effect 60 days after its passage.



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

April 3, 2019

**TO:** Mayor and Keene City Council

**FROM:** Mayor Kendall W. Lane

**ITEM:** I.1.

**SUBJECT:** Membership on the Energy and Climate Committee

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**COUNCIL ACTION:**

In City Council April 4, 2019.

Referred to the Finance, Organization and Personnel Committee.

**RECOMMENDATION:**

Recommend that Ordinance O-2019-07 be referred to the Finance, Organization and Personnel Committee for their review and recommendation.

**ATTACHMENTS:**

Description

Ordinance O-2019-07

**BACKGROUND:**

The Energy and Climate Committee is charged with protecting Keene's public health, safety and welfare, as well as the economic vitality of the community, by monitoring and advocating for the reduction of greenhouse gas emissions, promoting energy conservation and efficiency and increasing awareness of and resilience to the expected impacts of a changing climate. These charges have drawn the attention of many in the community who would like to actively participate in the committee as voting members. The Energy and Climate Committee currently has seven members who represent a cross section of organizations, institutions and businesses and interests in the city. The Ordinance would expand the membership to eleven voting members to allow for greater representation of interested citizens.



# CITY OF KEENE

O-2019-07

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

AN ORDINANCE ..... ~~Relating to Membership on the Energy and Climate Committee~~.....

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

That the Ordinances of the City of Keene, as amended, are hereby further amended by deleting the stricken text in Section 2-1089 "Membership" and Section 2-1091 "Relation to Department" of Division 19 "Energy and Climate Committee" of Chapter 2 entitled "Boards and Commissions" as follows:

## DIVISION 19. - ENERGY AND CLIMATE COMMITTEE

### Sec. 2-1088. - Purpose.

In order to protect Keene's public health, safety and welfare, as well as the economic vitality of the community, the energy and climate committee exists to:

- (1) Monitor and advocate for the reduction of greenhouse gas emissions,
- (2) Promote energy conservation and efficiency, as well as the use and production of renewable energy, and
- (3) Increase awareness of and resilience to the expected impacts of a changing climate.

### Sec. 2-1089. - Membership.

The energy and climate committee shall consist of ~~seven~~ **eleven** regular voting members, one of whom shall be a member of the city council, all of whom represent a cross section of organizations, institutions, businesses and interests in the city.

### Sec. 2-1090. - Terms.

Members shall be appointed for three-year terms. However the initial appointment shall be staggered so that three members shall be appointed for one year, three members for two years, and three members for three years. In the event of a vacancy, interim appointments may be made to complete the unexpired term.



Sec. 2-1091. - Relation to department.

The ~~planning department~~ **community development department** will provide staff support to the energy and climate committee. Other departments may be called upon as necessary.

Sec. 2-1092. - Functions and guidelines.

The functions and guidelines in this section are established for the conduct of the energy and climate committee. The committee shall:

- (1) Coordinate the goals and measures of the local action climate plan in order to reduce greenhouse gas emissions and increase the community's adaptive capacity;
- (2) Update the local climate action plan and greenhouse gas inventory as deemed necessary;
- (3) Promote the awards and recognitions the city and community members have received for outstanding work in the climate protection arena;
- (4) Promote and report the successes and efforts of the committee to the council and community on a regular basis;
- (5) Advise city council on matters pertaining to the local climate action plan and sustainable practices such as energy conservation, energy efficiency, and energy generation and zoning practices;
- (6) Advise city council on matters pertaining to the city's interest at the state and national level in climate change policy;
- (7) Assist the city with community outreach and education for the local climate action plan by bringing the benefits of the plan to the attention of the public through educational materials, presentations, and other methods;
- (8) Assist with preparation of grant applications and pursue other funding mechanisms to implement the goals and measures of the local action plan;
- (9) Receive gifts and donations in the name of the city with prior approval of the city council; and
- (10) Perform such other related functions as required by the city council or as requested by the city manager.

In City Council April 4, 2019.  
Referred to the Finance, Organization  
and Personnel Committee.

  
City Clerk

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Kendall W. Lane, Mayor



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

March 27, 2019

**TO:** Mayor and Keene City Council  
**FROM:** Planning, Licenses and Development Committee  
**ITEM:** J.1.  
**SUBJECT:** Relating to Vendors - Time Limitations for Certain Activities

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**COUNCIL ACTION:**

In City Council April 4, 2019.

Report filed as informational. With six voting in favor, six opposed and the Mayor breaking the tie with a vote in opposition the motion to amend the Ordinance to allow for unrestricted hours of operation failed. Voted unanimously for the adoption of Ordinance O-2019-03 as presented.

**RECOMMENDATION:**

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2019-03 Relating to Vendors Time Limitations for Certain Activities.

**ATTACHMENTS:**

Description

Ordinance O-2019-03

**BACKGROUND:**

Councilor Filiault stated his comments are pretty much the same comments as they were a couple of weeks ago and he hopes the Councilors have listened and will reconsider the restricted timeframe for food truck operators. He hopes they can have an unlimited timeframe unless that proves wrong for a particular license holder. Councilor Filiault does not think starting the discussion by saying there will be a problem when there is not a problem is the right way to go. He mentioned the new Burger King coming in, the process they follow and the fact they do not have to ask for business hours. Continuing Councilor Filiault said brick-and-mortar businesses do not have to ask us for hours. We do not look ahead and say you might make a problem or you might make noise. Councilor Filiault said he understands this is new and the City Manager and staff are working on it. As most bars and restaurants shut down their food around 11:00 PM which would be prime time (11:00 PM – 2:00 AM) for these food truck operators to make a profit. Councilor Filiault sees them having to come back to ask for hour extensions as a problem. He reiterated his comments at Council and asked who becomes the food police? He suggests being fair and allowing them the hours they want to operate, and then look back to see if there is an issue. He suggested there will not be any.

Patty Little, City Clerk noted the purpose of the ordinance is to establish definitions for a mobile food vendor, a fixed location food vendor, and a frozen confection vendor. She continued in addition the ordinance amends the hours of operation for the mobile food vendor and the fixed location food vendor by allowing an earlier start time (7:00 AM) and a later end time (11:00 PM). She reminded the Committee this is the first of several ordinances that will be introduced that recognize a changing business model for a food truck. The City Clerk

said these three definitions are part of a class of licenses that regulate solicitation of a temporary and transient nature. Other types of solicitation in this classification include charitable and commercial solicitation. This section also covers what we call itinerant vendor solicitation; this may take place in a building or a tent. Finally, this section deals with Hawkers and Peddlers which is what the food vendor trucks are classified as. Food trucks should not be compared to outdoor cafes or restaurants; this is a solicitation activity that is licensed only when it can be carried out safely, and without posing hazard or inconvenience to the public. The City Clerk agreed with Councilor Filiault that the City does not ask outdoor cafes or restaurants what times they want to operate because it is a different class of license under the statutes and our ordinances. Solicitation licenses require background checks of the owner and any employees involved in direct sales; this does not apply to sidewalk cafes or restaurants. She said in addition a Hawkers and Peddlers license is required for any type of solicitation other than charitable organizations. The City Clerk reiterated this ordinance is talking about temporary, transient solicitations that happen to be conducted through the use of a food truck (fixed or mobile).

The City Clerk continued when Councilor Filiault first raised this issue staff researched food trucks and their growing popularity. She noted in New England communities have not changed their Hawkers and Peddlers ordinances to recognize this new business model. The City Clerk continued this business model potentially includes breakfast, lunch, dinner, and late night. Late night is typically associated with theatre districts, bars, and college campuses with 2:00 AM being the typical closing time for those communities that chose to have their food vendors cater to that late night crowd. The City Clerk noted from her online research it is unusual not to have a time restriction for this type of solicitation activity. If hours are not addressed in the ordinance a community's noise ordinance is relied upon. The City Clerk said staff is recommending the operating hours be placed on type of solicitation activity if for no other reason that it is one of many regulated temporary, transient solicitation activities. All of which have operating hours. She continued that staff believes that 11:00 PM is the appropriate end time for this type of solicitation. In addition, there is no business need for a food truck to require 24 hours of service. If a vendor wants to extend their operating hours they can request an extension from the Council which would look at the proposed location and the abutting uses. The Committee would make a recommendation based on site conditions they found.

John Rogers, Building Official agreed with Councilor Filiault any fixed businesses like restaurant do have their appropriate zones where that use can exist, and they also need to go through a site plan review prior to building and receiving final approval. Mobile vendors also have some zones which are a little different in our Zoning Code. He noted we are talking about private property here; not City property. They are permitted in Central Business, Central Business Limited, and the Commerce Zone. Mr. Rogers continued the part that is a little tricky is where it goes on to say it is allowed on commercial property that is grandfathered or has received permission from the Zoning Board of Adjustment. He recognized that in the past the Council has approved all the late night requests and noted this was done with the applicant and staff reviewing the application to first ensure they are in appropriate places with proper lighting, trash removal, etc. He recommended The Council keep in mind the City is going through a Land Use Code update and some of the districts could be changing which might expand the areas where this activity can occur. Mr. Rogers reiterated it does make sense for staff to review requests for extended hours and for the Council to approve the applications.

Steve Russo, Keene Police Chief noted he agrees with the City Clerk's recommendation. He continued the Police Department would like to see set hours (11:00 PM). Hearing comments here and at the MSFI Committee meeting Chief Russo said we cannot be concerned with the what ifs; we are in the business of safety and security. It boils down to not wanting to encourage large groups of people to stick around town after the bars close. Chief Russo said he knows no easier way to say it. Unrestricted hours could be a budgetary or operational issue for the Police Department and from a Police perspective it would be better not to have large groups roaming around town after the bars close. Chief Russo continued having set times would be a safer way to go.

Tom Mullins, City Attorney noted his involvement is because of the question relating to the Noise Ordinance. The City Attorney said he wanted to clarify that under the Noise Ordinance this is an activity that is otherwise

licensed or permitted by the City. The Noise Ordinance specifically exempts from its provisions noises resulting from activities of a temporary duration, either permitted by law or for which a temporary license or permit has been granted. The City Attorney said he wanted it to be clear if a food truck is operating at 2:00 AM or 3:00 AM in the morning the noise emanating from that vehicle would be exempt from the Noise Ordinance. The other problem is those people leaving the food truck going through neighborhoods creating noise. As we heard from Chief Russo transient noise is almost impossible to deal with. The City Attorney summarized the Noise Ordinance would not be a tool in the City's quiver in the event there was a problem with a food truck business.

Chair Richards referred to a meeting the Liquor Commissioner attended many years ago and a what if scenario of closing all the bars, which the then Police Chief disagreed with. He noted the bars close at specific hours and the Police have the people movement under control. Chair Richards asked Chief Russo if he would like to comment on that. Chief Russo said he would never vote for closing bars; they are a business, they attract people, and we do not want to discourage that. Chief Russo said transient noise is unenforceable; we get a lot of those complaints and there is nothing we can do.

Chair Richards asked for Committee questions or comments.

Councilor Hansel commented he has not run into one person who is not in favor of the food trucks. He continued the point is we are accommodating the food trucks and the way they operate. We are doing it through several ordinances and one of which is extending the hours. The best part is we worked with some of the owners to come up with these changes. Councilor Hansel also noted the positive feedback from the food truck owners in regards to the City's efforts in accommodating them. Councilor Hansel said the hours is a very small thing, and for now he thinks leaving the hours as provided in the Ordinance is fine. He reiterated others comments that Council can always take another look at this if needed. He also noted downtown will be changing over the next decade or so and suggested the Committee err on the side of safety, and continue to move forward.

Councilor Rice referred to the previous amendment for unrestricted hours and comments at the last Council meeting noting she would continue to support the ordinance as she is looking forward to having food trucks in Keene. She referred to John Rogers comments regarding site plan reviews noting they give the public an opportunity to provide input. Councilor Rice said public dialogue is important and for that reason having people come back to ask for an extension of hours is also important and reasonable.

Chair Richards asked for public comments or questions.

Councilor Sutherland commented one thing that hit him was the comments tonight from Chief Russo regarding the safety perspective. He related an incident in Portsmouth where a stabbing occurred at a food truck. Noting he does not think this will happen here Councilor Sutherland said when we talk about the "what ifs" this is something to think about.

Tim Zinn, of 43 Grove Street commended the City for thinking outside the box in trying to reach businesses. He noted his concern with transient noise and how it has only been in the past year or two where he has seen an improvement. Mr. Zinn also commented it is not always the drunks making the noise; sometimes it is just very loud people. Mr. Zinn is also a member of the College-City Committee where they also consider these issues.

Councilor Chadbourne commented there is a common thread between the kiosk issue, parking issue, and this one. She said the focus has been on businesses as opposed to the customers. Councilor Chadbourne said she had been looking at it from the customers' perspective. We only have one or two food trucks and there is no reason to be overly concerned. Councilor Chadbourne said she was not necessarily in favor of all night, but maybe extending the hours because she does see a window of opportunity. She imagined during the 11:00 PM to 2:00 AM hours the food trucks would be in a parking lot like Gilbo Avenue where it is well lit. Councilor

Chadbourne further stated she cannot imagine that would affect the quality of life for those who live downtown; depending on the spots chosen. She can see extending the hours until 2:00 AM. Councilor Chadbourne commented the pulse of the people wanting to buy from the food trucks is they should be able to stay open a little later. Chief Russo cautioned it is just one or two food trucks right now and he hears the let's not worry about the future. He explained how people from Brattleboro might come to Keene to sell because they know there is late night activity. Chief Russo explained there are hundreds of people in the bars in Keene, Thursday through Saturday nights and the Department prefers they go home instead of lingering around town. His recommendation is based on training and experience.

Councilor Jacobs said he is trying to connect the dots between transient noise and food truck hours; we already have the transient noise and do not have the food trucks. Councilor Jacobs said he does not think having the food trucks will change much. Continuing he noted there are issues we need to address in our community at night, but he does not see where having the food trucks open late at night has much to do with that. Councilor Rice referred to Mr. Zinn's comments regarding transient noise getting better or past few years and he does not want that to change. Chief Russo added the City Manager has the statistics (2012-2018) but we as a community have seen a drastic reduction in the calls to service in the neighborhoods and we would like to continue that. Chief Russo referred to his earlier comments regarding operations noting if there are people on the streets and it is time for officers to go home- they are not going home. Chief Russo said he is not trying to over react he is just saying it may happen.

Councilor Hansel said this does not ban food trucks from serving food overnight. He referred to the licensing process and added the City is adjusting regulations in a transparent, fair way to all affected parties.

Councilor Chadbourne suggested Mr. Zinn may be referring to transient noise on Grove Street affecting his quality of living and it is most likely there would not be a food truck on Grove Street. Councilor Chadbourne shared the living experience in her neighborhood and how she deals with it. She noted the things the City is doing to make Keene more business and consumer friendly adding one of the things businesses complain about is having to go through too many hoops. She sees having to come back to get special exceptions as another inconvenience. Councilor Chadbourne said she did not mean to demean any of staff's comments she just feels having to come back is being overly cautious.

Councilor Jones referred to past history and a late night vendor on Ralston Street who was a benefit to the community. Councilor Jones commented looking at economics food trucks are incubators for restaurants and we want to encourage that type of business growth in the City. He said we want people to start small businesses and grow. Councilor Jones noted the City's participation in the Buy Local campaign, adding there is nothing more local than a food truck. Their money stays in town were as the chain stores monies go out of town and they do not buy locally. Councilor Jones said he heard all the "what ifs" noting they also pertain to our brick and mortars. He referred to the ongoing conversations regarding keeping young people in town and added young people like food trucks. Councilor Jones commented he thinks this is a great opportunity for the City to move forward and open itself up to being a pioneer. Referring to revocable licenses Councilor Jones said we still have plenty of ammunition if it does not work out, and we could always change the ordinance. Councilor Jones thinks unrestricted hours is worth a try.

Tim Zinn, of 43 Grove Street added one more perspective to transient noise by noting he is surrounded by off-campus student housing. He suggested the two sources of transient noise are when the bars close and parties break up. Chair Richards commented we always say the college but the bars close at 1:30 AM and are also frequented by locals. Councilor Chadbourne said she did not know if it would increase the noise on her street. She continued she would rather see someone coming from a bar full of alcohol stop and fill their stomachs with food before they get in a car and drive.

Councilor Clark said this seems to be a common thread that we go through all the time. We talk about opening ourselves up, getting more business, bringing in more arts, and then at the end of the day we return to our

puritanical atmosphere. Councilor Clark feels this is what we are doing here. He continued over controlling things is problematic when you are talking about bringing people here.

Jack Weststrate, of 27 Gates Street commented Gates Street is the corridor for on-campus students to get to and from the off-campus parties. He continued he does not think the food trucks will have any impact on that. He said we have that noise and we just have to live with it. Mr. Weststrate said he loves the idea of food trucks if they are in the right place and they do not increase the noise level the residents have to deal with already.

Chair Richards asked for any additional Committee thoughts or comments.

Councilor Hansel asked if the proper way to do this is to recommend approval of the ordinance again. Chair Richards replied in the affirmative.

Chair Richards clarified we are not trying to stop anyone from doing anything. He also referred to the late night vendor on Ralston Street noting he thinks that was a perfect example of how you can work with somebody and consider safety and other issues at the same time. Chair Richards reiterated the fact Council has never turned down a request for additional hours. The reason is because we had a chance to look at the site to see whether or not the location works. He agreed we are enhancing these businesses and added we also want to look at where they are and what is going on. Chair Richards also commented he is in favor of the current Ordinance due to the Land Use Code update and the uncertainty of where that will go.

Councilor Jones said he will probably vote for this assuming Councilor Filiault will be offering an amendment at Council.

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

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

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2019-03 Relating to Vendors Time Limitations for Certain Activities.



# CITY OF KEENE

RECONSIDERED

O-2019-03

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

AN ORDINANCE .....**Relating to Vendors. ~~Time Limitations for Certain Activities~~**.....

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

That the Ordinances of the City of Keene, as amended, be and are hereby further amended by adding the bolded underlined text and deleting the stricken text in the following sections: In Article I. "In General" - Section 46-1 "Definitions"; and, in Article II. "Licensing Generally" - Section 46-121. "Time Limitations for Certain Activities", as follows:

## ARTICLE I. - IN GENERAL

Sec. 46-1. - Definitions.

**Mobile Food Vendor** means a self-contained food service operation, located in a licensed readily movable motorized wheeled or towed vehicle, used to store, prepare, and sell food items to the general public that operates on a temporary basis at various locations on private property with property owner consent, or at locations designated by the city.

**Fixed Location Food Vendor** means a self-contained food service operation, located in an approved cart, movable motorized wheeled or towed vehicle, used to store, prepare and sell food items to the general public that operates from a fixed location on private property with consent of the property owner, or on city property designated by the city.

**Frozen Confections Vendor** means a self-contained food service operation, located in a licensed readily movable motorized wheeled or towed vehicle, used for the sale of frozen confections to the general public that operates on a temporary basis at various locations on private property with property owner consent, or at locations designated by the city.



ARTICLE II. - LICENSING GENERALLY

Sec. 46-121. - Time limitations for certain activities.

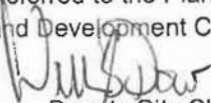
(c) With respect to any license issued under division 2, of article VIII, of this chapter pertaining to frozen confections vendors, activities shall not commence prior to 9:00 a.m. nor continue after 9:00 p.m. during Daylight Saving Time or 7:00 p.m. Eastern Standard Time.

(d) With respect to any license issued under division 2, of article VIII, of this chapter pertaining to mobile food vendors, and fixed location food vendors, activities shall not commence prior to ~~9:00~~ 7:00 a.m. nor continue after ~~9:00~~ 10:00 p.m. ~~during Daylight Saving Time~~ Sunday through Wednesday or ~~7:00~~ 11:00 p.m. ~~Eastern Standard Time~~ Thursday through Saturday unless otherwise authorized by city council in accordance with subsection ~~(d)~~ (e) below.

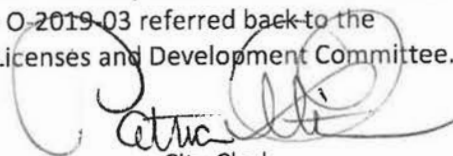
(e) Any mobile food vendor or fixed location food vendor requesting permission to commence activities prior to ~~9:00~~ 7:00 a.m. or after ~~9:00~~ 10:00 p.m. ~~during Daylight Saving Time~~ Sunday through Wednesday or ~~7:00~~ 11:00 p.m. ~~Eastern Standard Time~~ Thursday through Saturday shall do so in writing to the city council. City council may grant said permission with reasonable conditions and terms deemed necessary for public convenience and safety.

  
Kendall W. Lane, Mayor

In City Council February 21, 2019.  
Referred to the Planning, Licenses  
and Development Committee.

  
Deputy City Clerk

In City Council March 21, 2019.  
Voted with eight in favor and five opposed  
to reconsider the adoption of Ordinance O-2019-03.  
Ordinance O-2019-03 referred back to the  
Planning, Licenses and Development Committee.

  
City Clerk

PASSED April 4, 2019

PASSED ~~March 7, 2019~~

A true copy;

Attest:

  
City Clerk





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

March 28, 2019

**TO:** Mayor and Keene City Council  
**FROM:** Finance, Organization and Personnel Committee  
**ITEM:** K.1.

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

---

**COUNCIL ACTION:**

In City Council April 4, 2019.

Report filed as informational. Voted with one opposed for the adoption of Resolution R-2019-13.

**RECOMMENDATION:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2019-13.

**ATTACHMENTS:**

Description

Resolution R-2019-13

**BACKGROUND:**

City Engineer Don Lussier stated with the FY19 CIP the Council approved in FY23 the improvement to the crosswalks on Main Street near Keene State College near Elliot Street and the Westwood Center. In Spring 2018, staff from Keene State College approached the City with a desire to accelerate this project and were willing to contribute towards this project. The Council approved moving this project out, a design was completed and the project was put out to bid last summer.

In July 2018, the city received one bid; the budget for the project was \$240,000 but the bid came in at \$398,000. He stated when the budget was designed the unit prices staff used was what is typically used on all projects. What was not taken into account was this project did not have items like pipe utilities, water and sewer infrastructure which general contractors make their money on. Instead there was a lot of small sub-contractor work, such as concrete work, conduit and electrical work but not enough for a general contractor to justify his foremen to be on site; this resulted in very high unit prices.

Mr. Lussier stated at that point the City determined those bid prices did not make such sense and recommended the Manager not award the contract. During the spring staff made some changes to simplify the design (eliminated things that were not needed but nice to have). The project was put out to bid again on February 19, 2019 and one bid came back for \$343,000. The price this time was reduced but the reduction is not enough. Mr. Lussier stated he cannot see any redesign work or alternative method to do this work to get a better result. The Manager has had a conversation with Keene State College who has agreed to contribute another \$55,000 to cover their half of the cost overrun.

Mr. Lussier stated the motion before the Committee tonight is to appropriate an additional \$55,000 out of the Downtown Infrastructure and Capital Reserve.

The Chairman stated he would like to see the design which has increased this project to \$343,000. Public Works Director Kurt Blomquist stated some of the things they are seeing these days is high rate because of labor shortages; New Hampshire has one of the lowest unemployment rate and local contractors are competing with each other for labor. For instance, contractors are having a hard time employing flaggers and have suggested using law enforcement which could be at a price of \$75 per hour. He noted the scope of the work has been reduced, granite curbing, loam and seed, putting in lighting system similar to what exists on Roxbury Street.

Mr. Blomquist went on to say he doesn't expect the price to come down; there has been discussion of putting this project on hold until the downtown work is done in about three to four years, but this would mean three to four years of increased cost. He noted to Keene State's desire to contribute 50% towards this work and wasn't sure if this funding will be available in the future. He stated staff doesn't like to do this but felt there is good reason to move forward.

Ms. Dragon added it was during the capital planning discussion it was the Mayor who suggested the City reach out to the college to move this project up; it was the City's request. She stated she was surprised at the college's willingness as this is a City project, a crosswalk project in the City of right of way and the college is not obligated to pay anything towards it – she felt \$120,000 was a lot of money. When the bid came back higher, staff suggested using the Keene State system to bid this project and used their purchasing system. That did not result in a better result and when the City went back to the President of the college the city was impressed with their willingness to split the difference. This offer to increase the cost sharing is because they would like to move this project up.

Councilor Powers stated he was one of those who suggested moving this project up because of safety concerns and even though he is not happy with the increase in cost, unfortunately high cost of construction is the fact of life. He stated he is concerned about cutting this project back and felt keeping things looking good on Main Street is very important; it is the entrance into the city, something the City wants to promote. He felt the contractor should be locked in for this work.

Councilor Clark asked why this project could not be sub contracted out by city staff and cut out the middle man. Mr. Blomquist stated a general contractor would provide the appropriate sub-contractors otherwise the city would be required to bid out each individual piece. PW staff currently is doing close to six million dollars' worth of work and city staff does not have that time. If he was aware this is the path the City wanted to pursue he would have hired consultants to take on other tasks.

Councilor Clark stated beyond that, this is an important project for the college and the city and traffic calming measures are important here.

Mr. Lussier in response to Councilor Powers stated he wanted to assure the Committee they were not getting an inadequate project; the project will still have decorative lighting, landscaping, grass islands, granite curbing, textured crosswalks, rapidly flashing beacons. Items removed included: replacing the full width of the roadway, and reducing the width of the islands to save on granite curbing. The Chairman expressed appreciation to the college for contributing towards this project but added having a plan before them would help him understand the project better. Chair Greenwald asked how the plowing will be addressed. Mr. Blomquist stated he does not see a significant issue, it would be the same as the roundabout going north and same with sidewalk plowing as is done on Main Street.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2019-13.



# CITY OF KEENE

R-2019-13

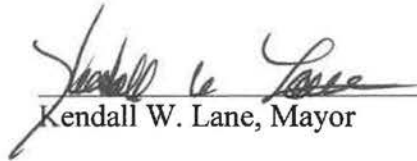
In the Year of Our Lord Two Thousand and ....Nineteen.....

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

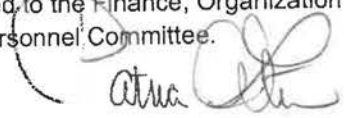
*Resolved by the City Council of the City of Keene, as follows:*

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

In City Council March 21, 2019.  
Referred to the Finance, Organization  
and Personnel Committee.

  
City Clerk

PASSED

April 4, 2019

A true copy;

Attest:

  
City Clerk



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

March 28, 2019

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

**SUBJECT:** Appropriation of Funds - Water/Sewer Rate Study & Acceptance of Grant

---

**COUNCIL ACTION:**

In City Council April 4, 2019.

Report filed as informational. Voted unanimously for the adoption of Resolution R-2019-14.

**RECOMMENDATION:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Council approve the reallocation of \$37,000 from the existing Water Supply Protection, and \$13,792 from the Water Treatment Facility Design capital project, and to accept and execute a grant in the amount of \$20,000 from the New Hampshire Department of Environmental Services for the water/sewer rate study. Further that the Committee recommends the adoption of Resolution R- 2019-14, which would also reallocate funds from the Sewer Infrastructure Capital Reserve for the water/sewer rate study.

**ATTACHMENTS:**

Description

Resolution R- 2019-14

**BACKGROUND:**

Operations Utilities Manager Aaron Costa addressed the Committee and stated this item is in reference to the water/sewer rate study. Mr. Costa stated the last time the city performed a rate study was in 2004 and the reason for the study is to make sure utility rates cover the cost of providing water/sewer services. It is a comprehensive study and includes all aspects of the program; debt services, capital improvements, cash balance, operational expenses.

Mr. Costa stated the city applied and received an asset management grant through DES in the amount of \$20,000. As always there were conditions attached to the grant; the City has to match 100% of the funds, submit final rate analysis to DES, submit informational packet to be sent out to users, and invite users to participate in meetings and workshops.

The total cost for this project is \$110,000 and will take close to a year to complete. A consultant will be selected using the City's RFP process. For funding, staff is recommending reallocating funds from the existing Water Supply Protection, \$37,000 and Water Treatment Facility Design capital project, \$13,792 as well as accepting the grant of \$20,000 and finally the adoption of Resolution R- 2019-14, which would also reallocate funds from the Sewer Infrastructure Capital Reserve Fund - \$40,000.

Councilor Powers stated there is bound to be concern from the public about hiring a consultant to do this work but felt the public would want especially this type of study done correctly and felt this is a worthwhile project. Mr. Costa stated with the departure of the Finance Director, Steve Thornton it was difficult to figure out his method for this study and try to reverse engineer it.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Council approve the reallocation of funds from the existing Water Supply Protection, \$37,000 and Water Treatment Facility Design capital project, \$13,792, and accept and execute a grant in the amount of \$20,000 from the New Hampshire Department of Environmental Services for the water/sewer rate study. Further that the Committee move for the adoption of Resolution R- 2019-14, which would also reallocate funds from the Sewer Infrastructure Capital Reserve for the water/sewer rate study.



# CITY OF KEENE

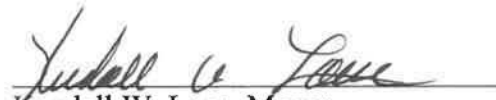
R-2019-14

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.

  
Kendall W. Lane, Mayor

In City Council March 21, 2019.  
Referred to the Finance, Organization  
and Personnel Committee.

  
City Clerk

A true copy;  
Attest:   
City Clerk

PASSED April 4, 2019



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

April 3, 2019

**TO:** Mayor and Keene City Council

**FROM:** Rebeckah Bullock, Southwest Region Planning Commission

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

**ITEM:** K.3.

**SUBJECT:** Approving an Application for CDBG Funds

---

**COUNCIL ACTION:**

In City Council April 4, 2019.

Referred to the Finance, Organization and Personnel Committee. The Mayor set a Public Hearing on April 18, 2019 at 7:00 PM.

**ATTACHMENTS:**

**Description**

Communication - Bullock

Resolution R-2019-22

**BACKGROUND:**

Southwest Region Planning Commission is submitting a revised CDBG application for the Monadnock Food Co-op.



In City Council April 4, 2019.

Referred to the Finance, Organization and Personnel Committee. The Mayor set a Public Hearing on April 18, 2019 at 7:00 PM.



*Patricia Costello*

City Clerk

*Southwest Region Planning Commission*

37 Ashuelot Street, Keene, NH 03431

603-357-0557 Voice

603-357-7440 Fax

**DATE:** APRIL 4, 2019

**TO:** THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** <sup>RB</sup> REBECKAH BULLOCK, SOUTHWEST REGION PLANNING COMMISSION

**THROUGH:** ELIZABETH A. DRAGON, CITY MANAGER

**RE:** PROPOSED APPLICATION FOR CDBG FUNDS: MEDC/MONADNOCK FOOD CO-OP

The original Community Development Block Grant (CDBG) project that was approved by the City Council involved the Monadnock Economic Development Corporation (MEDC) expanding the building that it leases to the Monadnock Food Co-op on the Railroad Land in downtown Keene. The project has changed so the Monadnock Food Co-op will be purchasing the building they lease from MEDC and expanding the building themselves. The CDBG proceeds from the New Hampshire Community Development Finance Authority (CDFA) will be used as a partial grant/partial loan to enable this project to go forward. The end result is a long term and deeper commitment by the Monadnock Food Co-op to the downtown area, an expansion of the existing store, and the creation of at least 25 new jobs.

In order for this revised project to move forward, however, the CDFA has asked that a new public hearing and vote by the City Council take place before May 2<sup>nd</sup> so a revised application can be submitted to CDFA for approval in early June.

**Recommendation:** That the City Council adopt the attached resolution approving an application for Community Development Block Grant (CDBG) funds to the CDFA for the State of New Hampshire; and further, to re-adopt the Anti-Displacement and Relocation Assistance Plan.

**Proposed application:** The proposal is to request up to \$500,000 in CDBG funds. A portion of the CDBG proceeds from the CDFA will be sub-granted to MEDC, who will make a loan to the for-profit entity created by Monadnock Food Co-op. The remaining CDBG proceeds will be sub-granted by the City of Keene to the Monadnock Food Co-op. The Co-op will use the CDBG funds towards costs associated with the purchase and expansion of the building they currently lease from MEDC. The Co-op will create up to 25 new jobs as a result of this project. The total project is anticipated to exceed \$2 million of new investment in downtown Keene.

**Public Hearing and Schedule:** The CDBG application is due on May 2, 2019. A public hearing will be scheduled on or before that date for the following purposes:

1. Public hearing for the MEDC/Monadnock Food Co-op project
2. Public Hearing to re-adopt the Housing and Community Development Plan
3. Public hearing to re-adopt the Anti-Displacement and Relocation Assistance Plan.



# CITY OF KEENE

R-2019-22

Nineteen

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

## APPROVING AN APPLICATION FOR CDBG FUNDS

A RESOLUTION .....

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

WHEREAS, the City of Keene has stated as one of its Community Goals that the economic development base of the City be diversified; and

WHEREAS, the present national economic climate suggests there is a need for development that would provide jobs; and

WHEREAS, the Monadnock Economic Development Corporation (MEDC) has been incorporated for the purpose of working to expand the economic base of the Monadnock region; and

WHEREAS, the U.S. Department of Housing and Urban Development has established a Community Development Block Grant Program which is administered within the State of New Hampshire by the Community Development Finance Authority; and

WHEREAS, the original Community Development Block grant project that was approved by the City Council involved the MEDC expanding the building that it leases to the Monadnock Food Co-op on the Railroad Land in downtown Keene. The project has changed so that the Monadnock Food Co-op will be purchasing the building they lease from MEDC and expanding the building themselves; and

WHEREAS, that City Council approval was through the adoption of Resolution R-2017-38-A, which is hereby rescinded; and

WHEREAS, the new Community Development Block Grant would provide up to \$500,000. A portion of the CDBG proceeds will be sub-granted to MEDC which will make a loan to the for-profit entity created by Monadnock Food Co-op. The remaining CDBG proceeds will be sub-granted by the City of Keene to the Monadnock Food Co-op. The Co-op will use the CDBG funds towards costs associated with the purchase and expansion of the building they currently lease from MEDC.

NOW, THEREFORE, BE IT RESOLVED that the City Council approve and support the City's grant application to the New Hampshire Community Development Finance Authority for an amount up to \$500,000 in Community Development Block Grant funds: that the City will re-adopt the Housing and Community Development Plan; that the City will re-adopt the Residential Anti-Displacement and Relocation Assistance Plan; that the City will accept the grant if it is approved and enter into a contract with the New Hampshire Community Development Finance Authority; and, further, that the City Manager is authorized to execute any documents which may be necessary for the contract.

---

Kendall W. Lane, Mayor

In City Council April 4, 2019.  
Referred to the Finance, Organization  
and Personnel Committee. Public  
Hearing set for April 18, 2019 at 7:00 PM.



City Clerk



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

March 14, 2019

**TO:** Mayor and Keene City Council  
**FROM:** Finance, Organization and Personnel Committee  
**ITEM:** L.1.

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

---

**COUNCIL ACTION:**

In City Council April 4, 2019.  
Tabled indefinitely.

In City Council March 21, 2019.  
Tabled until the next regular meeting.

**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.