



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
June 20, 2019
7:00 PM

Roll Call
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- June 6, 2019

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Presentation- American Legion Gordon-Bissell Post #4 - 100th Birthday Celebration
2. PowerPoint Presentation - Wastewater and Stormwater Asset Management Plan

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Nominations
Human Rights Committee
Ashuelot River Park Advisory Board

C. COMMUNICATIONS

1. Keene Kiwanis Club - Request to Use City Property - 2019 Tree Lighting Event
2. Katie Schwerin - Public Art Proposal - Peace Pole
3. Malaise Lindenfeld - Pho Keene - Request to Serve Alcohol at Sidewalk Cafe
4. Councilor Margaret M. Rice - Resignation - Ward Four Councilor
5. Councilor Bartlomiej K. Sapeta - Resignation - At Large Councilor

D. REPORTS - COUNCIL COMMITTEES

1. Periodic Report from Boards & Commissions: Human Rights Committee
2. 2019 Warrant for Unlicensed Dogs – City Clerk
3. Councilor Filiault - NH Rooms and Meals Tax Revenue Sharing
4. Councilors Greenwald, Manwaring and Richards - Tax Deeding - Kingsbury
5. Councilor Clark - Recommending the City Council Adopt Local Election Reporting Requirements
6. Records Storage and Management Services - Rate Increases for Contracted Clients
7. Energy Planning Consultant - Community Development Department
8. Sale of Parking Easements - Economic Development and Special Projects

9. Use of Personnel Funds for a Professional Services Agreement Renewable Energy RFP Keene WWTF - Public Works Department
10. Downtown Crosswalk Repair - Construction Change Order - Public Works
11. Waiver to Purchasing Requirements - WWTP Ultra Violet Disinfection Equipment – Public Works Department

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

1. Winchester Street & Ralston Street Flood Management Project - Additional Appropriation

G. REPORTS - BOARDS AND COMMISSIONS

1. Cheshire Rail Trail Phase III Project – The Discontinuance of a Portion of the Ammi Brown Road and the Lay Out of a new Class A Trail to be known as the Ammi Brown Trail

H. REPORTS - MORE TIME

1. Keene Public Library Trustees – Prohibiting Smoking on the Keene Public Library Campus
2. Charles McIntyre - NH Lottery Commission - Keno on 2019 Municipal Ballot
3. Relating to Rules of Operation Ordinance O-2019-10
4. Relating to the College City Commission Ordinance O-2019-11

I. ORDINANCES FOR FIRST READING

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

1. Discontinuance of Ammi Brown Road and the Layout of Ammi Brown Trail
Resolution R-2019-08
Resolution R-2019-09
Resolution R-2019-10
Resolution R-2019-11

Non Public Session
Adjournment

A site visit was held Thursday, June 6, 2019 at 5:45 PM relative to a petition from Kurt Blomquist, Public Works Director of the City of Keene, to consider Resolution R-2019-08, Relative to the Absolute Discontinuance of a Public Way Known as Ammi Brown Road and Resolution R-2019-10, Relative to the Layout of a Class A Trail to be known as the Ammi Brown Trail. City Councilors in attendance included: Bettina A. Chadbourne, Janis O. Manwaring, George S. Hansel, Margaret M. Rice, Robert B. Sutherland, Thomas F. Powers, Mitchell H. Greenwald, Terry M. Clark, Carl B. Jacobs, and Randy L. Filiault. Mayor Kendall W. Lane and City staff in attendance included: the City Attorney, City Manager, Community Development Director, City Engineer, and the Public Works Director. Councilors David Richards, Philip M. Jones, Gary P. Lamoureux, Steven L. Hooper, and Bartolmiej K. Sapeta were absent.

The Mayor called the site visit to order at 5:45 PM. The City Engineer, Don Lussier, informed the attendees of the scope of this project indicating that this project is part of Phase 3 of the Cheshire Rail Trail system. The City has been working with the NH Dept. of Transportation (NH DOT) to obtain a grant and approval of plans for this project. The City has submitted draft plans for this project to the NH DOT for review and the City is currently waiting for the necessary approval process by the NH DOT to be completed. With the aid of two drawings, the City Engineer reviewed the history of the road and described the existing right of way as well as changes to the path as it has been used over many years.

The City has also been working with the current property owner, C&S and adjacent abutters regarding this project. All property owners are receptive to this project. The City Engineer continued to explain that the road is currently a class 6 road, which under NH State law does not allow for maintenance or restrictions of motorized vehicles. He continued that designating this as a Class A trail will allow the property owner and abutters to access their properties for agricultural, forestry and other existing uses and allows the City to restrict use and perform maintenance. The City has maintained a Right of Way (ROW) access across the property allowing the project to continue to move forward. He continued to explain that this project would create a trail link to the current bicycle pedestrian trail system and a loop trail for users to circle back into the established trial system. The Ammi Brown Trail will lead from a point about midway on Summit Ridge Road to the former Cheshire Railroad bed.

The City Engineer answered questions from the City Councilors in attendance. As there were no further comments, the Mayor declared the site visit closed at 6:05 PM.

A true record, attest:

Deputy City Clerk

A regular meeting of the Keene City Council was held Thursday, June 6, 2019. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: Carl B. Jacobs, Janis O. Manwaring, Thomas F. Powers, Terry M. Clark, Randy L. Filiault, Margaret M. Rice, Robert B. Sutherland, George S. Hansel, Gary P. Lamoureux, Bettina A. Chadbourne, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Bartolmiej K. Sapeta and Stephen L. Hooper were absent. Councilor Jacobs led the Pledge of Allegiance. A motion by

Councilor Greenwald to accept the minutes from the May 16, 2019 regular meeting and May 30, 2019 special meeting was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

ANNOUNCEMENTS – MAYOR

The Mayor announced the July 4, 2019 City Council Meeting was canceled due to the holiday. The Fiscal Policy Workshop is scheduled for Tuesday, July 30, 2019 at 6:30 PM. He continued that the City Council's summer break schedule will start after the August 1, 2019 City Council Meeting. The Standing Committees scheduled August 7, 2019 and 8, 2019 will be canceled as well as August 21, 2019 and 22, 2019. The City Council Meeting on August 15, 2019 will be canceled as well. Standing Committees will hold their meetings during the 5th week of the month on August 28, 2019 and August 29, 2019. The City Council will continue with its normal cycle with the City Council Meeting on September 5, 2019.

PRESENTATION – 4TH GRADE WATER SCIENCE FAIR

The Mayor called forward the following students: Riley Swift from Wheelock who placed 4th in Water Science Fair with her project "Is the bottle worth it"? Riley also placed 2nd place at the NH State Fair in Manchester. Ian Spencer placed 2nd at the City fair with his "Hydro-Lifter." Andrew "Drew" Downing of Symonds School placed 1st with his project "How the Moon Affects the Tides." The Mayor noted the "travelling" trophy will reside at Symonds School for the 2019-2020 school year. The Councilors and staff recognized the students' achievements with a round of applause.

PROCLAMATION – LGBTQ

Parks, Recreation and Facilities Director, Andy Bohannon and Bill Hayes were called forward to receive a proclamation designating the month of June as LGBTQ Month.

PUBLIC HEARING – DISCONTINUANCE OF AMMI BROWN ROAD AND THE LAYOUT OF THE AMMI BROWN TRAIL

The notice of hearing and certificate of publication were read. The Mayor recognized Don Lussier, City Engineer who indicated that the two resolutions referred to in the public hearing notice are part of what is called the Cheshire Rail Trail Phase III project. As most of the Councilors are aware, the City received a grant from the Federal Transportation Administration through their transportation alternative program (TAP). The grant is being used to extend the trail system northerly towards Walpole and Westmoreland and to create some on street facilities at that end to create a loop.

Mr. Lussier identified the existing trail system and the proposed extension. The petition from the Public Works Director is intended to discontinue the existing Class 6 Ammi Brown Road, which is a historic road and to lay out a Class A trail. The Class A trail designation will allow the City to maintain the trail, spend funds on its maintenance and restrict the type of vehicles that have access to the trail system. The designation also allows the adjacent property owners to continue

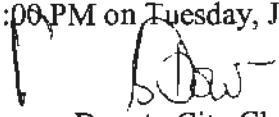
access to their properties from that road for agricultural or forestry purposes. If a private property owner had access to a building, the Class A trail would allow them to continue that exist, but they would not be allowed to expand or develop their use.

Mr. Lussier stated that this discontinuance and layout of a trail are a great fit for this project which will allow the development and improvement of the trail for bicycle and pedestrian use while not running afoul of State Law. He continued this layout of the trail system also provides the private property owners greater protection for liability. He continued that over the years the road had wandered over its original layout and was essentially cut in half with the railroad. People found their way through the woods to their destination, which essentially means they were trespassing on private property. The Ammi Brown Trail will become a public way, which will protect the private property owners from liability.

Chuck Redfern, 27 Colby Street, stated that considerable work has gone into the project with the Community Development Department, the Department of Transportation and the private property owners. He inquired when work could be expected to begin. The Mayor responded that the Department of Transportation had not approved the preliminary design, but once that is approved, a final design would be submitted. Once the final design is approved, the plans would be put out to bid. The Mayor continued that construction could occur late this year, but it was more likely that next spring would be the start.

As there were no further comments, the Mayor closed the Public Hearing except for written comments, which would be received up until 1:00 PM on Tuesday, June 10.

A true record, attest:


Deputy City Clerk

CONFIRMATIONS

A motion was made by Councilor Greenwald and duly seconded by Councilor Jacobs to confirm the following nominations: Cary Gaunt to serve as a regular member on the Energy and Climate Committee with a term to expire December 31, 2019; and Tammy Parrott to serve as a regular member on the Human Rights Committee with a term to expire December 31, 2019. On a roll call vote, with 13 Councilors present and voting in favor the nominations were confirmed. Councilors Sepeta and Hooper were absent.

COMMUNICATION – CHARLES MCINTYRE – NH LOTTERY COMMISSION – KENO ON 2019 MUNICIPAL BALLOT

A communication was received from Charles McIntyre, NH Lottery Commission, requesting that the City Council authorize a ballot question be included on the 2019 Municipal General Election ballot relative to the operation of keno in the City of Keene. The communication was referred to the Finance, Organization and Personnel Committee.

COMMUNICATION – KEENE PUBLIC LIBRARY TRUSTEES – PROHIBITING SMOKING ON THE KEENE PUBLIC LIBRARY CAMPUS

A communication was received from Nathaniel Stout, Keene Public Library Trustees, requesting that smoking – to include vaping and e-cigarettes – be prohibited on the entire Keene Public Library campus, which includes the buildings and grounds of the Pond Mansion as well as the new extension and the Annex, formerly known as the Masonic Hall. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – COUNCILOR CLARK – RECOMMENDING THE CITY COUNCIL ADOPT LOCAL ELECTION CAMPAIGN REPORTING

A communication was received from Councilor Terry M. Clark, requesting that the City Council consider adopting an ordinance that would establish local election campaign reporting requirements. The communication was referred to the Finance, Organization and Personnel Committee.

COMMUNICATION – COUNCILOR FILIAULT – PROPOSED AMENDMENT TO OPERATING BUDGET – DOWNTOWN REVITALIZATION STUDY

A communication was received from Councilor Randy L. Filiault, providing notice of his intent to move for an amendment in the proposed operating budget that would eliminate the funding of \$180,000 for the downtown revitalization study. The communication was tabled until later in the meeting during the operating budget discussions.

MSFI REPORT – PERIODIC REPORT – LIBRARY BOARD OF TRUSTEES

Municipal Services, Facilities and Infrastructure Committee report read recommending accepting the report as informational. The report was filed into the record as informational.

MSFI REPORT – WEST STREET DAM WORKSHOP – PLANNING DEPARTMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending accepting the report as informational. The report was filed into the record as informational.

MSFI REPORT – AUTHORITY TO ACCEPT A UTILITY EASEMENT – PUBLIC WORKS DEPARTMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute a utility easement for the purpose of relocating a fire hydrant on 25 Wright Street. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded by Councilor Filiault. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF DRUG FORFEITURE DISTRIBUTION – POLICE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept a monetary State drug forfeiture in the amount of \$1,794.04. 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 – ACCEPTANCE OF DONATIONS – PARKS, RECREATION AND FACILITIES

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept a donation of \$252.00 and that the money is used for the purchase of bat houses in Ashuelot River Park. 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 – MOU WITH KEENE/BRATTLEBORO CHAPTER OF NEW ENGLAND MOUNTAIN BIKE ASSOCIATION – PARKS, RECREATION AND FACILITIES

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to execute an updated Memorandum of Understanding with the Keene/Brattleboro Chapter of the New England Mountain Bike Association for trail maintenance in Greater Goose Pond Forest, Ladies Wildwood Park, Robin Hood Park, Beech Hill Preserve, Stearns Hill and Wheelock Park. 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 – SPONSORSHIP UPDATE – PARKS, RECREATION AND FACILITIES

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

FOP REPORT – LIBRARY CAMPUS USE AGREEMENT - LIBRARY

Finance, Organization and Personnel Committee report read recommending the approval of the Library Campus Use Agreement among the Trustees of the Keene Public Library, the Friends of the Keene Public Library and the City of Keene and to authorize the City Manager to sign the agreement. 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 – JIM PHIPPARD, AGENT FOR KINGSBURY ACQUISITION, LLC – TAX DEED FOR 80 LAUREL

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

FOP REPORT – COUNCILOR FILIAULT – NH ROOMS AND MEALS TAX REVENUE SHARING

Finance, Organization and Personnel Committee report read recommending the Mayor write a letter to the Governor and State Legislative Representatives demanding that the State restore their obligation to municipalities. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. Councilor Filiault made a motion to amend the Committee report by furthering its intent with a referral back to Committee in order to obtain data from the Department of Revenue Administration with respect to the rooms and meals tax generated from Keene for the future consideration of a resolution. The motion was duly seconded by Councilor Clark. A brief discussion took place. The amended motion passed with twelve in favor and 1 opposed. Councilor Sutherland voted in opposition. Referring to the motion as amended, twelve Councilors voted in favor. Councilor Sutherland voted in opposition.

FOP REPORT – CHANGE IN THE FY 20 OPERATING BUDGET – FY 20 CAPITAL IMPROVEMENT PROGRAM

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

CITY MANAGER COMMENTS

The City Manager provided several updates on projects for the Council. The former Alps property has been subdivided into two approximately 5 acre lots. The lots have been appraised and are ready for sale. One has a sale price of \$280,000 and the other a sale price of \$250,000.

The Manager reported that 31 out of the 32 T hangars are currently leased. The Airport Marketing and Development Committee is discussing an open house at the airport for later this year. The Manager referred to a question raised by Councilor Sutherland during the budget process. She stated the City does own four properties in Swanzey on the east side of Old Homestead Highway. She continued that although the Town of Swanzey property cards show buildings, the buildings were demolished many years ago. The Manager continued that Swanzey continues to show the structures with the higher value on their property cards because there is a State Law that sets the value of any property acquired for airport uses as the value at the time of purchase.

The Manager stated that she has been contacted by the Department of Motor Vehicles, which has announced that they are moving to the Colony Mill in October.

The Winchester Street drainage project is 20% complete and August 21 is their scheduled completion date. Except for a punch list of any remaining issues, the work should be completed before school starts.

The structures on the Beinis property adjacent to the Transfer Station will be demolished later this month. A contractor has been hired and the hazardous waste abatement has been completed.

Last week a public meeting was held by the Department of Health and Human Services relative to a therapeutic cannabis dispensary, which will be located at 69 Island Street. They have received verification that the dispensary is not considered a change in use and that only a building permit for renovations is necessary. They are hoping to be open by fall.

MEMORANDUM – CITY CLERK – 2019 WARRANT FOR UNLICENSED DOGS

A memorandum was received from the City Clerk, requesting for issuance of the annual warrant for unlicensed dogs pursuant NHRSA 466:14. The request was referred to the Municipal Services, Facilities and Infrastructure Committee.

MORE TIME

More time was granted by the Chair for the following item in Committee: Councilors Greenwald, Manwaring and Richards – Tax Deeding - Kingsbury.

MEMORANDUM AND ORDINANCE O-2019-10: RELATING TO RULES OF OPERATION

A memorandum was received from the Mayor, relative to Ordinance O-2019-10: Relating to Rules of Operation. Ordinance O-2019-10 was read first time by title only. The Ordinance was referred to the Finance, Organization and Personnel Committee.

MEMORANDUM AND ORDINANCE O-2019-11: RELATING TO THE COLLEGE CITY COMMISSION

A memorandum was received from the Mayor, relative to Ordinance O-2019-11: Relating to the College City Commission. Ordinance O-2019-11 was read first time by title only. The Ordinance was referred to the Finance, Organization and Personnel Committee.

FOP REPORT AND ORDINANCE O-2019-06: RELATING TO INTERDEPARTMENTAL RESPONSIBILITIES - PARKING

Finance, Organization and Personnel Committee report read recommending the adoption of Ordinance O-2019-06. The report was filed into the record. Ordinance O-2019-06 was read for the second time. A motion by Councilor Greenwald for the adoption of Ordinance O-2019-06 was duly seconded by Councilor Jacobs. On roll call vote, 13 Councilors were present and voting in favor. Councilors Sapeta, and Hooper were absent. Ordinance O-2019-06 declared adopted.

FOP REPORT AND ORDINANCE O-2019-09: RELATING TO CLASS ALLOCATION & SALARY SCHEDULE

Finance, Organization and Personnel Committee report read recommending the adoption of Ordinance O-2019-09. The report was filed into the record. Ordinance O-2019-09 was read for the second time. A motion by Councilor Greenwald for the adoption of Ordinance O-2019-09

was duly seconded by Councilor Jacobs. On roll call vote, 13 Councilors were present and voting in favor. Councilors Sapeta, and Hooper were absent. Ordinance O-2019-09 declared adopted.

FOP REPORT AND RESOLUTIONS R-2019-06-A: RELATING TO AN APPROPRIATION FOR THE REPLACEMENT OF THE DRUMMER HILL WATER TANK AND PUMP STATION AND R-2019-07-A: RELATING TO THE REALLOCATION OF FUNDS FROM THE WATER INFRASTRUCTURE CAPITAL RESERVE TO REPLACE THE DRUMMER HILL WATER PUMP STATION

Finance, Organization and Personnel Committee report read recommending the remaining project balance of the chlorine injection project account be appropriated to the Drummer Hill tank and pump station replacement program. The Committee further recommended the adoption of Resolutions R-2019-06-A and R-2019-07-A. Referring to the first recommendation, a motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. On showing of hands, 13 Councilors were present and voting in favor. Resolutions R-2019-06-A and R-2019-07-A were read for the second time. A motion by Councilor Greenwald for the adoption of the Resolution R-2019-06-A was duly seconded by Councilor Jacobs. On showing of hands, 13 Councilors were present and voting in favor. Councilors Sapeta and Hooper were absent. Resolution R-2019-06-A declared adopted. A motion by Councilor Greenwald for the adoption of the Resolution R-2019-07-A was duly seconded by Councilor Jacobs. On showing of hands, 13 Councilors were present and voting in favor. Councilors Sapeta and Hooper were absent. Resolution R-2019-07-A declared adopted.

FOP REPORT AND RESOLUTION R-2019-25: RELATING TO AN APPROPRIATION FOR THE TRAFFIC SIGNAL REPLACEMENT - PARK AND ARCH STREET

Finance, Organization and Personnel Committee report read recommending the adoption of Resolutions R-2019-25. The report was filed into the record. Resolution R-2019-25 was read for the second time. A motion by Councilor Greenwald for the adoption of the Resolution R-2019-25 was duly seconded by Councilor Jacobs. On a roll call vote, 13 Councilors were present and voting in favor. Councilors Sapeta and Hooper were absent. Resolution R-2019-25 declared adopted.

FOP REPORT AND RESOLUTION R-2019-15-A: RELATING TO THE 2019/2020 FISCAL YEAR BUDGET *and* COMMUNICATION – COUNCILOR FILIAULT – PROPOSED AMENDMENT TO OPERATING BUDGET – DOWNTOWN REVITALIZATION STUDY

Resolution R-2019-15-A: Relating to the 2019-2020 Fiscal Year Budget was read in full. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded by Councilor Jacobs. The Mayor stated he wanted to put into the record a communication had been received from the Monadnock Humane Society for \$20,000 and that copies of the letter have been placed on Councilors desks. He continued he was removing from the table the communication from Councilor Filiault (Item C4). The Mayor recognized Councilor Filiault who stated that he had spoken to the City Manager about his concern. In response, an email from the City Manager was placed on the Councilors desks. Councilor Filiault withdrew his request. The communication

from Councilor Filiault was filed as informational. Councilor Sutherland moved to amend the operating budget to increase the amount of outside agency funding for the Monadnock Humane Society by increasing the \$2,000 appropriation by another \$10,000. The Mayor stated the Councilors' motion would require a suspension of the Rules of Order to allow the further introduction of an amendment to the budget. A motion by Councilor Sutherland to suspend the Rules of Order to allow his motion to amend the operating budget resolution was seconded by Councilor Chadbourne. A roll call vote, failed to carry on a vote of 3 in favor and ten opposed to suspend the Rules of Order. Councilors Jacobs, Manwaring, Powers, Clark, Filiault, Hansel, Lamoureux, Jones, Richards and Greenwald voting in opposition. A brief discussion regarding the budget process took place. On a showing of hands, 13 Councilors were present and voting in favor. Resolution R-2019-15-A declared adopted.

FOP REPORT AND RESOLUTIONS R-2019-16: RELATING TO THE APPROPRIATION OF FUNDS FOR THE CITY HALL REAR WALL PROJECT; R-2019-17: RELATING TO THE APPROPRIATION OF FUNDS FOR THE FLOOD MANAGEMENT PROJECT; R-2019-18: RELATING TO THE APPROPRIATION OF FUNDS FOR THE ROAD REHABILITATION PROJECT; R-2019-19: RELATING TO THE APPROPRIATION OF FUNDS FOR THE WINCHESTER STREET BY-PASS PROJECT; R-2019-20: RELATING TO THE APPROPRIATION OF FUNDS FOR THE TRANSFER STATION ROOF PROJECT; AND R-2019-21: RELATING TO THE APPROPRIATION OF FUNDS FOR THE WOODWARD POND DAM PROJECT

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2019-16, R-2019-17, R-2019-18, R-2019-19, R-2019-20 and R-2019-21. The report was filed into the record. Resolution R-2019-16: Relating to the Appropriation of Funds for the City Hall Rear Wall Project was read for the second time. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded by Councilor Jacobs. On roll call vote, 13 Councilors were present and voting in favor. Councilors Sapeta and Hooper were absent. Resolution R-2019-16 declared adopted.

Resolution R-2019-17: Relating to the Appropriation of Funds for the Flood Management Project was read for the second time. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded by Councilor Jacobs. On roll call vote, 13 Councilors were present and voting in favor. Councilors Sapeta and Hooper were absent. Resolution R-2019-17 declared adopted.

Resolution R-2019-18: Relating to the Appropriation of Funds for the Road Rehabilitation Project was read for the second time. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded by Councilor Jacobs. On roll call vote, 12 Councilors voting in favor and one opposed. Councilor Sutherland opposed. Councilors Sapeta and Hooper were absent. Resolution R-2019-18 declared adopted.

Resolution R-2019-19: Relating to the Appropriation of Funds for the Winchester Street By-Pass Project was read for the second time. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded by Councilor Jacobs. On roll call vote, 13 Councilors were

06/06/2019

present and voting in favor. Councilors Sapeta and Hooper were absent. Resolution R-2019-19 declared adopted.


Resolution R-2019-20: Relating to the Appropriation of Funds for the Transfer Station Roof Project was read for the second time. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded by Councilor Jacobs. On roll call vote, 13 Councilors were present and voting in favor. Councilors Sapeta and Hooper were absent. Resolution R-2019-20 declared adopted.

Resolution R-2019-21: Relating to the Appropriation of Funds for the Woodward Pond Dam Project was read for the second time. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded by Councilor Jacobs. On roll call vote, 13 Councilors were present and voting in favor. Councilors Sapeta and Hooper were absent. Resolution R-2019-21 declared adopted.

ADJOURNMENT

At 8:30 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:


Deputy City Clerk



City of Keene, N.H.
Transmittal Form

June 18, 2019

TO: Mayor and Keene City Council

FROM: Mayor Kendall W. Lane

ITEM: B.1.

SUBJECT: Nominations

COUNCIL ACTION:

In City Council June 20, 2019.

Tabled until the next regular meeting.

RECOMMENDATION:

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

Human Rights Committee

Sofia Cunha-Vasconcelos, slot 9

21 Summer Street

Term to expire Dec. 31, 2022

Ashuelot River Park Advisory Board

Suzanne Krautmann, slot 4

258 Court Street

Term to expire Dec. 31, 2022

ATTACHMENTS:

Description

Cunha-Vasconcelos_Background

Krautmann_Background

June 2, 2019

To Whom it May Concern:

My name is Sofia Cunha-Vasconcelos. I grew up in the Greater Boston Area, and graduated with a physics degree from Smith College in 2003. I pursued a career in aerospace and defense, working mainly in managing engineering of opto-mechanical systems and subsystems. I came to Keene 10 years ago to take a job with Corning on Island Street. I found a home here in Keene, and officially became a homeowner nine years ago. Some 6 years ago I became involved with Big Brothers Big Sisters of New Hampshire, joining the state board approximately 4 years ago. Currently I am working with the organization to raise awareness of its work in the Monadnock Region. I recently joined the board of Maps here in Keene as well. A few years ago I realized that while the work I did with Corning made a comfortable career, my true interests lay in working toward a just society. I determined that attending law school would be the best way to acquire the tools to pursue that interest. I applied to UNH Franklin Pierce School of Law in 2018, at the age of 37. I was accepted and left Corning in August of 2018. I completed my first year of law school in May of this year. My intent is to put my legal education to work here in Keene and the Monadnock Region when I graduate. I am happy to answer any questions you may have for me.

Sincerely,

Sofia Cunha-Vasconcelos

Cell: 617-642-1083

Suzanne Salter Krautmann
258 Court Street * Keene, NH * 03431
(H) 603-352-6481 * © 603-313-3405

RETIRED since 2011 Early Childhood Educator
GRANDMOTHER - nine grandchildren
VOLUNTEER Monadnock Restorative Community - Community Mentor
RSVP
KSC Food Insecure --Community member

Member of.... Ladies Charitable Society
CALL program at KSC
ACBL Bridge
100+ Women Who Care

Hobbies Travel, Book groups, Art (watercolors & Birdbark Craft)

EDUCATION

Keene State College, Keene, NH
M.A., Curriculum and Instruction May 1997

Wheelock College , Boston, MA
B.S. Early Childhood Education 1970

TEACHING EXPERIENCE

Benjamin Franklin Elementary School, 217 Washington Street, Keene, NH
1985-2011

Second grade regular classroom 2000 – 2011, 1985 -1986

- Adapt, modify and teach New Hampshire stands-based, district-mandated second grade curriculum and implemented Everyday Math Program
- Implement Houghton Mifflin Reading program
- Collaborate with special education teachers to define appropriate intervention activities for CLC students
- Liaise with parents and other agencies, such as social workers, speech and language therapists, occupational therapists, behavior specialists and educational psychologists
- Implement positive behavior techniques to establish and maintain a positive student-centered learning environment

- Manage Instructional Assistant (Title One) to provide instructional support by reinforcing skills taught in the classroom in a one-on-one and small group setting
- RBT I & II training
- Student teacher Fall-2004 and Winter/ Spring 2009
- Method teacher Fall 2007, 2008 and Fall 2009
- Shine activities–after school enrichment programs
- Knitting (with Judith Perry and Karen DuFresne)
- Wetlands Water project (with Barbara Richter)
- Taught Cheshire 2020 flash mob dance to students for Pumpkinfest

Pre-first/Readiness 1986 -2000

- Adapt, modify and teach New Hampshire standards-based, district-mandated second grade curriculum and implemented Everyday Math Program
- Implement Houghton Mifflin Reading program
- Collaborate with special education teachers to define appropriate intervention activities for CLC and Resource room students following I.E.P.'s
- Used various student assessments every six weeks
- Liaise with parents and other agencies, such as social workers, speech and language therapists, occupational therapists, behavior specialists and educational psychologists
- Implement positive behavior techniques to establish and maintain a positive student-centered learning environment
- Manage Instructional Assistant (Title One) to provide instructional support by reinforcing skills taught in the classroom in a one-on-one and small group setting
- Student Teacher supervisor with Diane DeSantis 1993 -1997
- Many student teachers and method students in my classroom

BAD KISSINGEN GERMANY

- Kindergarten teacher for Department of Defense 1972 -1976
- Created the Kind. Curriculum including Music, Art, PE and Special Ed.
- Received Outstanding Teacher Award

MIDDLE TOWN, CONNECTICUT

- Kindergarten teacher for a VISTA funded program - 1970-1972
- Developed a muscle development program to be implemented by paras and parents

PROFESSIONAL AFFILIATIONS AND ACTIVITIES

- Southwest Reading Council
- NYCHEA
- Martin Luther King /Jonathan Daniels city committee
- Responsive Classroom
- Wellness Committee... helped SAU 29 sponsor a Keene VolksMarch
- Everyday Math Committee



City of Keene, N.H.
Transmittal Form

June 12, 2019

TO: Mayor and Keene City Council

FROM: Elizabeth Sayre, Kiwanis Club of Keene

THROUGH: Patricia A. Little, City Clerk

ITEM: C.1.

SUBJECT: Keene Kiwanis Club - Request to Use City Property - 2019 Tree Lighting Event

COUNCIL ACTION:

In City Council June 20, 2019.

Referred to the Planning, Licenses and Development Committee.

ATTACHMENTS:

Description

Communication_Kiwanis Club

BACKGROUND:

Annual request from the Keene Kiwanis Club for permission to host the Tree Lighting Celebration on November 29, 2019. In addition, the Kiwanis Club is requesting permission to leave the string lights installed on the center median light poles in place throughout the year.



Kiwaniis

CLUB OF KEENE

In City Council June 20, 2019
Referred to the Planning, Licenses and
Development Committee.

63 Emerald Street
PMB 451
Keene, NH 03431
keenekiwaniis.org

June 12, 2019

City Clerk

Mayor Lane and the Keene City Council
3 Washington Street
Keene, NH 03431

Re: 11/29/2019 Tree Lighting, Central Square, Keene, NH

OFFICERS:

David Ganio
President

Art Trombly
Vice President

Eli Rivera
Past President

Maria Ganio
Treasurer

Janet Genatt
Co-Treasurer

Peg Bruce
Secretary

DIRECTORS:

Paula Barrett

Peter Espiefs

Deborah Hickey

Elizabeth Sayre

Pete Southwell

Arthur Walker

PAST PRESIDENTS:

Eli Rivera 2017-18

Paul Bothwell 2016-17

Peg Bruce 2015-16

David Ganio 2014-15

Beth Healy 2013-14

Gary Grashow 2012-13

Carl Allen 2011-12

Michael Haines 2010-11

Jodi Turner 2009-10

Judy Kalich 2008-09

Dear Mayor Lane and the Keene City Council:

The Kiwanis Club of Keene requests a license to produce the 2019 Tree Lighting Event. The proposed date and time of the event is November 29, 2018, 5 p.m. to 8:30 p.m. This event continues to compliment the Kiwanis' mission of supporting our local youth.

This is the seventh year we are managing this event. We would once again like to decorate the Bandstand on Central Square with wreaths and lights, decorate the City tree on Central Square and hope to put up a second tree with battery operated mini lights on the Roundabout at the Marlboro Street and Winchester Street intersection. We plan to do the decorating of Central Square on a Saturday in the month of November 2019 and take the decorations on Central Square down by the second week of February 2020. We plan to string bars of soap on the trees to deter the squirrel population from damaging the light strings. We had no lights damaged this past year.

We would also request to put lights on the light poles in the central median of downtown from the flagpole to the first light pole past the Marlboro St and Winchester St roundabout. We are requesting permission to leave those lights up year-round.

Each of the past six years the event has been a great success. The children have enjoyed the entertainment with the brass band and the choirs as well as the Christmas story. They really liked having the fire truck circle the square with Santa and Mrs. Claus. We give close to 600 Christmas bells and have had a very large crowd attend the event. The new road closure of Central Square is keeping the crowd very safe during the event. We plan to keep the event similar this year.

Feel free to contact me should there be any questions. I can be reached at 603-499-3212 or at

Thank you for your consideration of this request.

Sincerely,

Elizabeth Sayre
Kiwaniis Club of Keene



City of Keene, N.H.
Transmittal Form

June 18, 2019

TO: Mayor and Keene City Council

FROM: Katie Schwerin

THROUGH: Patricia A. Little, City Clerk

ITEM: C.2.

SUBJECT: Katie Schwerin - Public Art Proposal - Peace Pole

COUNCIL ACTION:

In City Council June 20, 2019.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

ATTACHMENTS:

Description

Communication - Schwerin

BACKGROUND:

Katie Schwerin is submitting a public art proposal on behalf of the Monandock Mindfulness Center. The proposal is to locate a Peace Pole at the location of the Mt. Monadnock Labrynth. This will be a permanent art display.

June 18, 2019

To Keene City Council

This application is regarding a peace pole that was created ten years ago by the Monadnock Mindfulness Center and gifted to the city at that time. There have been various ideas over the years about where it should be installed, but none of the ideas have panned out. This application is to request that it be installed at the site where the Mt. Monadnock Labyrinth is sited.

Thank you for considering this location for the peace pole.

Sincerely,



Katie Schwerin

In City Council June 20, 2019.
Referred to the Municipal Services, Facilities and
Infrastructure Committee.



City Clerk

RECEIVED
CITY OF KEENE

JUN 18 2019

OFFICE OF
CITY CLERK

City of Keene

Section 4 - Public Art Proposal

1. Name of artist, partners or organizations involved.

Monadnock Mindfulness Center. Board Chair: Aylene Wozmak

Supported by Katie Schwerin, local artist and artist for Keene's Mt. Monadnock Labyrinth.

2. Demonstration of the experience of the artist(s) and/or organization in the production of the type of artwork and the provision of documents that demonstrate the artist(s) and/or organization is recognized by critics and by his or her peers as one who produces works of art.

The Monadnock Mindfulness Center (MMC) commissioned Keene Monument Company to create a Peace pole for MMC to give to the City of Keene

3. Identify whether it will be a temporary or permanent display.

This will be a permanent display.

4. Identify the location.

The Peace Pole will be located at the Keene Airport, on the right as you drive to the airport. There is a pull off area with some picnic tables across from a large open field where the Mt. Monadnock Labyrinth is located. The Peace pole would be to the right of the Labyrinth in an open area of the field.

5. A description of the public art includes but is not be limited to: size, expected amount of space to be required, materials to be used, theme or context. If temporary, length of time of the display, drawings, design documents, etc.

The Peace Pole is approximately 12 feet in height and 1.5 feet in diameter. It will be submerged 4' feet into the earth so that 8 feet is above the ground. It has the words, PEACE written in four different languages engraved on the sides.

6. Are utility hookups needed?

No.

7. How is the project being funded?

The Peace Pole and its installation costs were funded by the Monadnock Mindfulness Center Community.

8. Expected general maintenance requirements.

No maintenance required.

9. If temporary, how will the public art be removed and the space restored?

Not temporary.

10. Assurance the art does not infringe upon the any copyright and agrees to hold the City harmless for any copyright infringement.

This is an original piece of art/sculpture

11. Comply with all City and State permitting.

Yes.

12. Is the project technically feasible to produce and display?

Yes

Plan for production

Keene Monument will install the piece.

Time line

As soon as the city approves the project, we will work with Keene Monument company to set a date for installation.

13. Will the project be accessible to the public for viewing and enjoying?

Yes. The location is already a place the public goes with picnic tables and a parking area easily accessible.

14. Does the project reflect aspects of the City's history, culture, or Comprehensive Master Plan?

For many years, we have had the Mayor speak on World Peace Day and they have read the Proclamation of Peace. We feel this sign of peace will compliment the cannons at the head of the square. The cannons depict how peace has been attained through the action of war and that the Peace Pole would depict how peace can be attained by the actions of each and everyone of us collectively by being mindful of our actions toward each other, to our community, to other communities, and ultimately to the World.

15. Is the project designed for the proposed site and is commensurate in scale with its surroundings? *It was designed many years ago but the MMC just now found the right location to install it. It actually fits perfectly in a natural amphitheater location next to the Mt Monadnock Labyrinth with easy access by the public.*

16. Is the project durable (where applicable) and reasonable to maintain in terms of time and expense?

It does not require any maintenance.

17. Is the project designed and to be constructed by persons experienced in the production of such artwork?

Yes. Keene Monument Co. is a professional stone engraving and stone installation company.

18. Does the project aesthetically enhance the public space or built environment to which it relates or otherwise interacts with its surroundings?

Yes. It fits with the meditative, peaceful environment and it is set next to the Mt. Monadnock Labyrinth.

19. Does the project contribute to a sense of civic pride?

Yes. It is about supporting Peace in the world.

20. Does the project create a public safety or security concern?

No. The Peace Pole will be installed by Keene Monument Company

Addendum: Attached image of the Peace Pole

Words on the Peace Pole

May all beings be at Peace

May all beings be healthy

May all beings be happy

May all beings be free from harm





City of Keene, N.H.
Transmittal Form

June 18, 2019

TO: Mayor and Keene City Council

FROM: Malaise Lindenfeld

THROUGH: Patricia A. Little, City Clerk

ITEM: C.3.

SUBJECT: Malaise Lindenfeld - Pho Keene - Request to Serve Alcohol at Sidewalk Cafe

COUNCIL ACTION:

In City Council June 20, 2019.

Voted unanimously to suspend section 26 of the Rules of Order to act upon the request to serve alcohol at the Pho Keene Restaurant.

Voted unanimously to recommend that the Pho Keene Restaurant be granted permission to serve alcoholic beverages in connection with their Sidewalk Café License, subject to the customary licensing requirements of the City Council, and compliance with the requirements of Sections 46-1191 through 46-1196 of the City Code. This license shall expire on March 1, 2020.

ATTACHMENTS:

Description

Communication - Pho Keene

BACKGROUND:

Malaise Lindenfeld is requesting permission to serve alcohol at her sidewalk café located at 11 Central Square. She is requesting that the service extend onto City property in front of City Hall.


June 17, 2019

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

Dear Mayor and Council Members,

I am writing to request permission to serve alcohol at our sidewalk café located at 11 Central Square next to Keene City Hall. The café space will be in front of both the business and extend onto property in front of City Hall. The application for tables and chairs has been submitted to the City Clerk.

Thank you for your consideration.



Malaise Lindenfeld, Owner
Pho Keene Great
11 Central Square
Keene, NH 03431

Cell: 903-0809

In City Council June 20, 2019.

Voted unanimously to suspend section 26 of the Rules of Order to act upon the request to serve alcohol at the Pho Keene Restaurant.

Voted unanimously to recommend that the Pho Keene Restaurant be granted permission to serve alcoholic beverages in connection with their Sidewalk Café License, subject to the customary licensing requirements of the City Council, and compliance with the requirements of Sections 46-1191 through 46-1196 of the City Code. This license shall expire on March 1, 2020.



City Clerk



External Communication
Transmittal Form

June 7, 2019

TO: Mayor and Keene City Council

FROM: Councilor Maggie Rice

THROUGH: Patricia A. Little, City Clerk

ITEM: C.4.

SUBJECT: Councilor Margaret M. Rice - Resignation - Ward Four Councilor

COUNCIL ACTION:

In City Council June 20, 2019.

The Mayor declared the Ward Four Council seat vacant pursuant to Section 37 of the City Charter. The Mayor set the filing period to start at 8:00 AM on July 2, 2019 and extending until 4:30 PM on July 15, 2019. Election by the City Council will occur August 1, 2019.

ATTACHMENTS:

Description

Communication - Rice

BACKGROUND:

Councilor Rice has moved out of Ward Four. She has submitted her resignation as a Ward Four Councilor.

June 7, 2019

Mayor and Council,

Due to a recent move, I must resign from my seat as Ward 4 Councilor. It has truly been an honor to serve my constituents and my city, and I look forward to giving back to the community in other ways.

Respectfully,

Margaret Rice



53 Kennedy Drive
Keene, NH

In City Council June 20, 2019.

The Mayor declared the Ward Four Council seat vacant pursuant to Section 37 of the City Charter. The Mayor set the filing period to start at 8:00 AM on July 2, 2019 and extending until 4:30 PM on July 15, 2019. Election by the City Council will occur August 1, 2019.



City Clerk



City of Keene, N.H.
Transmittal Form

June 17, 2019

TO: Mayor and Keene City Council

FROM: Councilor Bart Sepata

THROUGH: Patricia A. Little, City Clerk

ITEM: C.5.

SUBJECT: Councilor Bartłomiej K. Sapeta - Resignation - At Large Councilor

COUNCIL ACTION:

In City Council June 20, 2019.

The Mayor declared the At-Large Council seat vacant pursuant to Section 37 of the City Charter. The Mayor set the filing period to start at 8:00 AM on July 2, 2019 and extending until 4:30 PM on July 15, 2019. Election by the City Council will occur August 1, 2019.

ATTACHMENTS:

Description

Communication - Sepata

BACKGROUND:

Councilor Sepata will be relocating out of Keene and is submitting his resignation as at At Large Councilor.

June 17th, 2019

Mayor and City Council,

I am in the process of relocating and therefore will become ineligible to represent the residents of Keene as their Councilor. Please accept my resignation effective June 17th, 2019. It has been a privilege to work on improving the City over the last three years.

Sincerely,

Bartlomiej K. Sapeta



11 Pheasant Hill
Keene, NH 03431

In City Council June 20, 2019.

The Mayor declared the At-Large Council seat vacant pursuant to Section 37 of the City Charter. The Mayor set the filing period to start at 8:00 AM on July 2, 2019 and extending until 4:30 PM on July 15, 2019. Election by the City Council will occur August 1, 2019.



Patricia Castle
City Clerk



City of Keene, N.H.
Transmittal Form

June 12, 2019

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.1.

SUBJECT: Periodic Report from Boards & Commissions: Human Rights Committee

COUNCIL ACTION:

In City Council June 20, 2019.
Report filed as informational.

RECOMMENDATION:

On a vote of 4-0, the Municipal Services, Facilities & Infrastructure Committee recommends accepting the periodic report from the Human Rights Committee as informational.

BACKGROUND:

The Director of Parks, Recreation & Facilities, Mr. Andy Bohannon, is also the staff liaison to the Keene Human Rights Committee (HRC) and he provided an update on the Committee's naming process. In the last year with committee and staff support, Mayor Lane renamed the Martin Luther King Jr/ Jonathan Daniels Committee (MLK/JD) as the Human Rights Committee, expanded the Committee's charge, and increased and diversified membership. This changed the perspective of the MLK/JD Committee, which was to foster social equity, and gave the Committee a higher profile/bigger role in the community. Concerns about racial diversity, gender equality, and racial tolerance in the community all fit within the realm of social equity. The City of Laconia has a Human Rights Committee that provided a template for Keene to learn from. The Keene Human Rights Committee has accepted the following charge:

- To celebrate and honor the significance of the lives of Martin Luther King, Jr. and Jonathan Daniels,
- To promote the principles of social justice, non-violence, equity, and multiculturalism through education programs, community service, and public events,
- To encourage the elimination of barriers, which may exist within the Keene community that discourage a more diverse and inclusive community,
- To reassure and support under-represented groups who may feel unwelcome in Keene,
- To educate the community on the advantages of a more diverse and inclusive community, and
- The committee is authorized to conduct fundraising events to further its goals. All gifts and donations presented to the human rights committee shall be formally accepted by the City Council.

Mr. Bohannon reported that the new charge has reenergized the diverse Committee, whose members have focused actively on educational opportunities and outreach to potential community partners. He said the Committee's actions so far have been genuine and effective. The Committee has also focused on community events. A group of Keene teachers held the first International Festival in September 2018 at Jonathan Daniels School. The event was successful with 400 to 500 people attending. The group of teachers have partnered with the City in 2019 to hold the festival at the Recreation Center as a part of City events. The HRC and Department of Parks and Recreation together will host this event on September 21.

Mr. Bohannon continued highlighting the Committee's work and cited a recent proclamation before City Council for the LGBTQ community. Last year the Martin Luther King Jr. breakfast did not happen. It used to be a partnership with the interfaith group but that group lost some leadership through retirements and the HRC was always a secondary component of that event. This year with the new, energized membership, the Committee will be the driving force behind that breakfast and recognition. The town of Jaffrey also hosts a similar event and there might be opportunities for cost sharing speakers throughout the day.

Finally, Mr. Bohannon invited the public to a forum on human rights in Keene in October similar to last year's state presentation on diversity at the Recreation Center. This is an opportunity to revisit changes in the last year, which outside groups like the University of New Hampshire could help facilitate.

Mr. Bohannon said this was a summary of the HRC's current direction. The Committee's next meeting will be July 10, when more scheduling will be determined. In the past, the Committee was less active in the summer, and it is positive to see Committee members eager to meet.

Councilor Sutherland remarked on Mr. Bohannon's mention of diversity and asked if the HRC is collaborating with Keene State College (KSC), which he said is probably the most diverse aspect of the community. Mr. Bohannon agreed and noted that KSC's Associate Vice President for Institutional Diversity and Equity, Dr. Dottie Morris, is a member of the HRC and was a long-time member of the MLK/JD Committee. He said the college largely welcomes the HRC endorsing events at the college and next year, the Committee will help promote those events more in the community. He agreed the college adds great diversity to the City and stated personally, as a life long resident, that it saddens him to hear students do not feel welcome in the City outside the campus. He wants them to know they are welcome.

Councilor Hooper thought the Committee's name change was appropriate, as is the charge to recognize the community's diversity to be accepting and welcoming for all. He thanked Mr. Bohannon.

Chair Manwaring noted she is a member of the HRC Committee and is excited for what is ahead.

Councilor Sutherland made the following motion, which was seconded by Councilor Filiault:

On a vote of 4-0, the Municipal Services, Facilities & Infrastructure Committee recommended accepting the periodic report from the Human Rights Committee as informational.



City of Keene, N.H.
Transmittal Form

June 12, 2019

TO: Mayor and Keene City Council
FROM: Municipal Services, Facilities and Infrastructure Committee
ITEM: D.2.
SUBJECT: 2019 Warrant for Unlicensed Dogs – City Clerk

COUNCIL ACTION:

In City Council June 20, 2019.
Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On a vote of 4-0, the Municipal Services, Facilities & Infrastructure Committee recommends the issuance of the annual Warrant for Unlicensed Dogs pursuant to NHRSA 466:14, and the Animal Control Officer is directed to issue a civil forfeiture to those dog owners who have failed to license their dog by April 30, 2019.

BACKGROUND:

The Assistant City Clerk, Terri Hood, was before the Committee to seek authorization to issue the warrant for unlicensed dogs. This action will result in a \$25 fine being issued to all owners who have dogs unlicensed as of April 30. Ms. Hood noted this year we have 454 owners, and 541 dogs remaining unlicensed, which is consistent with past years. The Clerk's office has issued approximately 2,300 licenses so far. Public outreach has included phone calls and post cards for owners who do not provide an email, as well as monthly emails to remind owners. The Clerk's Office will continue public outreach until early July, including sending weekly emails as the deadline approaches. She said that staff go above and beyond the state requirements in an effort to help people avoid fines. Staff might engage social media more next year for public outreach about dog licenses, including the potential for some sort of contest with the prize being the coveted dog tag number 0001. Councilor Filiault applauded the Clerk's office for going above and beyond.

Councilor Sutherland asked how efforts are working to get owners to register before the deadline. Ms. Hood said outreach is very successful and this is the time of year before warrants are issued when more weekly contact begins. Councilor Sutherland asked what happens if someone pays to license their dog before the warrants are issued in July. Ms. Hood replied that until then, there is only a \$1 per month late fee. Councilor Sutherland asked how often deceased pets are reported to the Clerk's office. Ms. Hood said there are many reports of deceased pets, however some owners do not report this information because many owners do not know that the vet's offices cannot release that information to the City, as they do with rabies vaccinations. She said many who get email reminders will reply letting the office know their pet has passed.

The City Attorney asked if the owner listed on the rabies certificate must be present to license the dog. Ms. Hood said no, as long as the rabies certificate is in the family name. The Clerk's office does not request proof of ownership when licensing dogs.

Chair Manwaring recognized Mr. Redfern, whose dog recently passed. He asked for the best mechanism to let the City Clerk's Office know that a pet has passed. Ms. Hood stated that owner's may call or email the office with this information.

Councilor Hooper made the following motion, which was seconded by Councilor Filiault:

On a vote of 4-0, the Municipal Services, Facilities & Infrastructure Committee recommends the issuance of the annual Warrant for Unlicensed Dogs pursuant to NHRSA 466:14, and the Animal Control Officer is directed to issue a civil forfeiture to those dog owners who have failed to license their dog by April 30, 2019.



City of Keene, N.H.
Transmittal Form

June 13, 2019

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.3.

SUBJECT: Councilor Filiault - NH Rooms and Meals Tax Revenue Sharing

COUNCIL ACTION:

In City Council June 20, 2019.
Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that staff be directed to draft a Resolution addressing the rooms and meals tax.

BACKGROUND:

Councilor Randy Filiault addressed the Committee and noted this is a continued discussion regarding the rooms and meals tax and the fact that the State continuously cuts back on its contribution to municipalities. He noted getting figures from the State has been difficult and staff is ready to send the letter, which was authorized at the last Council meeting. He stated his objective is to deal with each funding mechanism separately.

City Manager Elizabeth Dragon addressed Committee next and noted it is the obligation of the State to provide 40% of what it collects from the rooms and meals tax to town and cities. The State froze the amount it was providing to cities and towns, but in 1993, a catch up formula was adopted to get back to the 40% formula. However, in 2010, the State froze the catch up formula and municipalities are now only getting 21% of what the State collects.

The Manager stated the Finance Director called the Revenue Administration to determine how much the State receives from Cheshire County and from Keene. She continued the State could not provide the amount of rooms and meals tax received from Keene. They can only provide the rooms and meals tax received on a county level. Upon further review staff determined the distribution is based on population numbers, which she indicated was concerning. There is no direct correlation between what is sent to the State from the rooms and meals tax and what each community receives back. The Manager stated any Resolution should also include language that calls for the State to identify where the revenue from the rooms and meals tax is coming from each municipality. The Manager added that in 2018 the City collected a little over a million dollars from the State.

Chair Greenwald stated the lack of transparency is concerning. Councilor Filiault stated the only thing we can be assured of is we are getting shortchanged. He added the County Administrator is in support of what the City is pursuing. In closing, he would request the Committee direct staff to draft a Resolution regarding the state's obligation to towns and cities with reference to the rooms and meals tax.

Councilor Powers clarified how the collection actually worked. Ms. Dragon stated before 1967 the municipalities were collecting the rooms and meals tax, but since that time the State took it over and the split was going to be 60/40, but the formula has eroded since that time.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends that staff be directed to draft a Resolution addressing the rooms and meals tax.



City of Keene, N.H.
Transmittal Form

June 13, 2019

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.4.

SUBJECT: Councilors Greenwald, Manwaring and Richards - Tax Deeding - Kingsbury

COUNCIL ACTION:

In City Council June 20, 2019.
Tabled until the end of the meeting.

Taken from the table. Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On a vote of 3 – 1, the Finance, Organization and Personnel Committee recommends to the City Council that the City Manager be authorized to negotiate the terms of an easement and other land acquisitions on this property. Councilor Clark voted in opposition.

BACKGROUND:

The Chairman began by welcoming Mr. Brian Thibeault and Mr. Jim Phippard from Brickstone Land Use Consultants to the meeting. Mr. Phippard stated since the last time he came before this Committee a lot has happened. There has been many conversations between Mr. Thibeault and developers interested in coming to Keene. The owner has also agreed to allow for phase 2 testing to happen on the east side of the property. Mr. Phippard continued that environmental testing is ongoing and bids from a large demolition company have been received. This information was provided to the Manager. The asbestos testing is also happening and results will be provided to staff in short order. The demolition can't start until the asbestos abatement is well underway.

Mr. Phippard stated he has a concept plan should the Committee be interested in looking at it. He indicated they will be working with the Planning Board on June 24 on receiving their support as well as community support. He noted he feels good about the work they have been doing on this property. He stated there is interest out there, and building community support is vital. He noted the negative press this item is receiving – although some of it is deserved - is not helping – especially in a small community like Keene.

Councilor Clark asked Mr. Thibeault if he was ready to enter into a payment agreement for back property taxes. Mr. Thibeault replied that he paid about \$100,000 approximately six weeks ago. He has hired a tax consultant to work with Tax Collector to develop a plan and he is also working with the City on the easement with the idea of trading some tax dollars for the easement. Councilor Clark stated he is not interested in moving forward until a payment plan is in place.

The Manager stated there needs to be discussion pursued about the easement issue. She continued by asking if

the Council is interested in the Victoria Street extension and the potential for an easement along the brook. With reference to a payment arrangement, it is the owner's opinion that once the tax consultant has had discussion regarding back taxes and once the easement issue is settled, then a payment arrangement could be entered into.

Chair Greenwald asked the City Attorney whether it would be prudent for the Council to recommend the Manager negotiate the easement issue. Attorney Mullins answered in the affirmative.

With reference to environmental testing, the Manager stated she has talked to Southwest Region Planning Commission regarding the Brownsfield grant and she noted the Commission's environmental consultant has reviewed the applicant's plans. There are a few questions the owner has to address and the plan is to then to move forward with that testing on the east side. This would allow for the outstanding issues DES would like to see addressed. It would also help with furthering the potential development of that section of the property in this area of the site.

Councilor Richards addressed the Committee next. The Councilor clarified there was testimony previously made that the building was going to be taken down this summer. Ms. Dragon stated Mr. Thibeault had indicated it was his plan to take down the building this summer. Councilor Richards stated that there is enough funding in the grant for both sides of the property, but he understands that Phase 2 testing is only going to be confined to the east side. Ms. Dragon confirmed the original funding was for testing of both side of the property, but it was difficult to test the entire property, so prioritization of the area had to be made. The modified scope is only for the east side.

Councilor Richards asked when the demolition bid was received by staff. Ms. Dragon stated it was submitted to staff yesterday. The Councilor referred to the payment of \$100,000 and noted this was for the 2016 taxes. He clarified that under the statute if this payment had not been made the City would have started the tax deeding process. The Manager agreed and added Mr. Thibeault also owed for taxes from prior years. He asked how much is owed in back taxes. Ms. Dragon stated it is approximately \$828,000.

The Councilor went on to say the Victoria Street extension has been removed from the CIP and noted the Council should vote on this to address this item until funds are appropriated for this project in the CIP. The Councilor suggested there is no basis to negotiate that without it being in the CIP plan.

With reference to the demolition bid, the Councilor felt this item should not be discussed as it has not been placed on today's agenda, but asked whether it was the owner's plan to get more than one bid for this work, especially because this is a multi-million dollar project.

Councilor Chadbourne asked for the Manager's comment on the CIP, which is discussed every year. The Manager agreed and added the Victoria Street extension is on the appendix of the current CIP and she agreed Councilor Richards that if the Council wants the Victoria Street extension that there needs to be discussion about how it should be funded and the timeline.

Councilor Greenwald stated Councilor Richards is also right that there is a possibility that the Council doesn't even want the Victoria Street extension, but that doesn't invalidate the desire to negotiate an easement so that the Council would know the cost of the easement should they decide they want the Victoria Street extension.

Councilor Filiault stated this particular project is now on the third City Manager and there have been many proposals that have come and gone. He stated he won't be ready to move forward until a tax payment plan is in place. The Chairman felt the easement issue needs to be decided by the Council so staff could be provided with proper direction.

Councilor Greenwald stated if the City Council doesn't want the Victoria Street extension easement this is not going to "break their hearts." They can use that land to build additional building and they need to know this for their plans and that is part of the tax discussion – value for the easement or value for the building – that goes

into what their tax payment plan might be.

Councilor Greenwald stated we need to decide pretty seriously do we want to do this easement and give direction to the City Manager.

Councilor Chadbourne asked when the property was purchased by the current owner. The Manager stated it was in 2013.

Councilor Powers stated the extension of Victoria Street has been a discussion the Council has had for over 30 years, but it has not come to fruition because the City has not had the funds to do this work. He stated he would like to see some tax money coming in and added he does not want the City to own the property and felt developing this property would have a positive impact on economic development in the community.

Councilor Clark agreed the City does not want to own the property nor does the owner want to lose the property, but he felt the Council has a fiduciary responsibility to the taxpayers of Keene and hence some sort of agreement on the tax payment was necessary before any discussion could move forward. Even though all concerned would like to see development on this property, Keene taxpayers have been footing the bill for this property for far too long and he did not feel any other taxpayer would have been able to go this long without paying taxes on their property.

Mr. Brian Thibeault addressed the Committee next. He noted this property was purchased after bankruptcy and it was a contaminated site and it also came with a tax lien. He stated since that time he has tried to keep up the maintenance on the property. With reference to the mention of any plans that have been brought to the City, he noted what has been presented to the Committee in the last few months is the first plan he is aware of. He went on to say that the prior City Manager John MacLean hired Mr. Phippard five years ago to lay out Victoria Street. Whether the City wants the easement or not is something he would like a decision on. He went on to say John MacLean wanted to trade the easements and the water retention bowl for unpaid taxes. He went on to say they have paid close to \$500,000 in taxes and he would like to work with the City on this property. He felt it does not do anyone any good to keep this property vacant.

Mr. Thibeault stated some of what has been said today is not true. There is a tax consultant who is working on this issue. There is also an environmental specialist on site, Mr. Phippard is working on this property and money and time is being spent on this property. He stated he wants to move forward, but he does not want to come before this body to be "beat up."

With the aid of a displayed plan, Mr. Phippard stated that as you can see there is a roadway that extends through the middle of the property. On this plan the roadway is called the Laurel Street Extension and tied into Victoria Street. The original Victoria Street Extension was more towards the east side of the property near David Ford Lincoln.

Since Mr. Thibeault purchased the property it was expressed to him the City had an interest in extending Laurel Street and tying it into Victoria Street – which he agreed to. This however, divides the brook in half and is not ideal if you are trying to develop this property. It would be much easier to develop this property if a City street was not cutting the property in half. He went on to say if the City was not interested in the easement he would like to know that as soon as possible as he was meeting with another developer next week and he would much rather present him with a plan that does not have a road going through the property.

The concept plan is to utilize the slab under the existing building as an encapsulated area. To prevent any contamination from migrating from the area it is being prosed that the area be paved over it. Although this was going to be the area for the motor vehicle department, the State has chosen another site. Another use will need to be identified for this area. He referred to some of the uses being proposed ideas for this site.

The owner has permitted testing to be undertaken east of the brook. The area west of the brook is accessed via Myrtle Street and noted his recommendation is to keep that as a residential area. He referred to three pad sites in this area and noted there is one developer who is interested in bringing about 90 workforce housing units to that location.

Mr. Phippard stated they are looking at about 30 to 40 million in assessed value with the development being proposed for this site. This concluded Mr. Phippard's presentation.

The Chairman stated the Council needs to make a decision on the Laurel Street/Victoria Street extension. He further stated some sort of good faith payment plan from the owner is necessary.

Councilor Clark asked how much has been paid since 2013 on property taxes. Ms. Dragon stated it is about \$390,000. Chair Greenwald noted the demolition estimate, which the applicant provided to the Committee does not include asbestos remediation. The demolition estimate is at \$1,899,000.

Councilor Filiault noted when he refers to projects being brought to the City for this property he isn't only referring to brick and mortar, but also plans for cleanup projects and back taxes. This effort has involved three City Managers and should there be added clarification necessary on this issue, the Councilor suggested questioning those individuals.

Councilor Richards asked the Manager how many Planning Board applications have been submitted for this property in the past five years. Ms. Dragon stated this is the first one being presented to the Planning Board for Advice and Comment. The Councilor noted it is up to the Planning Board as to what could be constructed on the property.

The Councilor further clarified Southwest Region Commission has not voted on this study yet. Ms. Dragon stated staff has met with the Commission representatives who are in support of this study, but the actual advisory committee has not voted on the grant application yet. She added this Brownsfield Grant is specific to the Kingsbury site.

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

That the Finance, Organization and Personnel Committee recommend to the City Council that the City Manager be authorized to negotiate the terms of an easement and other land acquisitions on this property.

The Chairman stated it would be good to have a good faith payment plan in hand before this item goes before the Council next week. He further stated he does not want to see the City take the property especially after seeing the demolition cost. He hoped the owner could come through with this plan.

Councilor Clark stated he hasn't seen any good faith effort and felt anything of substance seems to happen only when there is pressure placed on this owner by the City. He stated he could not see any plan moving forward unless the City had some sort of tax leverage and noted he could not approve any more action without a good faith tax payment plan in place.

Councilor Chadbourne stated any taxpayer she has spoken to has indicated they hoped the City would not take this property. She stated there seems to be progress being made and he was in favor of working with the owner and felt it was more burdensome if the City took the property.

Councilor Powers asked whether the owner was willing to bring to the City Manager another tax payment by next week. Mr. Phippard stated he would like to see the taxes paid on this property and stated it is owner's intent to pay the taxes. He noted the City is getting 12% interest on the arrears. Mr. Thibeault stated he is interested in developing this property and he cannot see anyone else wanting to develop this property. He stated he has advertised this property for five years with no interest. He stated he needs help from the City if the City

wants the property developed. Mr. Thibealt stated it is hard to move forward with the all the negativity. He added there is a tax consultant working with the tax collector on the back taxes. He stated if the City wants to take the property they are welcome to take it and the City can deal with the contamination issues on it. He noted he has a good track record of taking industrial sites and making them successful.

On a vote of 3 – 1, the Finance, Organization and Personnel Committee recommends to the City Council that the City Manager be authorized to negotiate the terms of an easement and other land acquisitions on this property. Councilor Clark voted in opposition.



City of Keene, N.H.
Transmittal Form

June 13, 2019

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.5.

SUBJECT: Councilor Clark - Recommending the City Council Adopt Local Election Reporting Requirements

COUNCIL ACTION:

In City Council June 20, 2019.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 4-0 vote, the Finance, Organization and Personnel Committee recommends staff be instructed to further review other campaign financing ordinances for potential components and to report back to the committee.

BACKGROUND:

Councilor Clark stated the City of Keene has not had any kind of reporting when it comes to campaign financing. County and State offices do have reporting requirements. The Councilor felt this provides for basic transparency, provides for open and fair election, safeguards the electoral process and prevents corruption by exposing choices of expenditure.

He referred to the City of Nashua's Ordinance, which is one of those around the State that is in place – it has been in effect since 2011. The Councilor felt with a few changes to make it work for the City of Keene, he was hopeful an ordinance could be ready for this Fall's election.

The Chairman asked for the City Attorney's comments on this item.

Attorney Mullins stated adopting Nashua's model is the Council's purview and noted there are no specifications regarding dollar amounts. He noted the largest impact would be on the City Clerk's office who has raised concerns and he felt the Clerk should be asked to address her concerns.

City Clerk Patty Little stated she read the Nashua ordinance so she could familiarize herself with the obligations her office would have to take over. She referred to similar attempts the City made at adopting a campaign finance ordinance. One in 1982 and another in 2008. Ms. Little asked the Council to be very focused on how this ordinance should be drafted.

The question the Council should probably give some thought to is whether this ordinance should address all offices on the ballot or perhaps just the office of Mayor and Councilors. Should the Ordinance account for every donation or just very large donations from a single donor. The Clerk continued should the Ordinance establish a threshold that triggers the reporting requirements and should that threshold be different for different

offices. Finally, should the ordinance just speak to contributions or should it include a reporting of all expenditures that would extend up until the point that all surplus funds and any outstanding debt was resolved for a campaign.

She noted the two past attempts at adopting an ordinance on election reporting were very broad, and neither passed primarily based on the burden the ordinances would place on the City Clerk's office. Ms. Little stated if this ordinance could be narrowly crafted and get to the issue at hand it would make it easier for her office to facilitate.

Ms. Little went on to say she would however, like the Council not to utilize her office for any investigative or enforcement activity with candidates who do not comply. She stated she does not want to start a negative relationship with someone who could – if elected – become her boss.

Councilor Clark stated this issue came up when he ran for County Treasurer and he was required to fill out a very simple form. He noted the reason he chose Nashua's model is its simplicity. The Councilor stated he has no agenda with the proposal, but times are changing and he always wondered why the City had no reporting mechanism in place. He pointed out Keene is in a unique situation because it has nonpartisan elections and voters don't really know who they are voting for. He agreed the Ordinance should be kept simple.

Chair Greenwald stated disclosure and transparency is good but how it is going to be administered at the Clerk's office is a concern. As an announced candidate for Mayor he is in favor of transparency and will comply with whatever may eventually be passed by the City Council. He indicated he would like to review ordinances from other cities such as Manchester, Berlin, Salem and what the process is at the State level. He stated he is happy to comply with whatever Ordinance is adopted.

Councilor Chadbourne asked the City Attorney how the City would go about addressing the enforcement issue. Attorney Mullins stated this is one of the questions, which would need to be addressed. In the Nashua Ordinance the issue of enforcement is not really addressed. In Keene ordinances are generally investigated and enforced through the Police Department and they are not willing to pick up this issue either. Enforcement is an issue he will need to review and it is something that will need to be discussed by the Council.

Attorney Mullins went on to say the lower the dollar amount limit that would trigger reporting the greater the reporting requirements. He noted this State operates on volunteers and when volunteers are asked to comply with this kind of thing, his concern is there would not be the same kind of volunteers who would want to serve.

Councilor Powers stated it would be good to know what is going on, but he does agree with Attorney Mullins in reference to the kind of positions this reporting requirement should be required of. He continued discussion on this topic was warranted. He felt it is not something that could be ready for this election. The Councilor suggested having staff look into this item with the premise that it be simple. Attorney Mullins stated his suggestion is to pull together the ordinances that are out there. He added he understands the concerns Council has and the concerns the Clerk's office has. He suggested looking at the ordinances and putting together a report to provide the Council with a roadmap. The Chairman added including a timeline in the ordinance of when this reporting would be triggered was also important.

Councilor Clark stated he has reviewed all the ordinances and Nashua' is the most simple. He stated some of the ordinances have prohibitions such as how much money one is permitted to receive from an individual – the Nashua ordinance does not have such prohibitions, it is merely a reporting mechanism. Councilor Chadbourne suggested checking with the NH Municipal Association who have many lawyers and she felt it could be a good resource.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends staff be instructed to further review other campaign financing ordinances for potential components and to report back to the committee.



City of Keene, N.H.
Transmittal Form

June 13, 2019

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.6.

SUBJECT: Records Storage and Management Services - Rate Increases for Contracted Clients

COUNCIL ACTION:

In City Council June 20, 2019.
Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 4-0 vote, the Finance, Organization and Personnel Committee recommends to the City Council that the proposed rate increase for records storage services as outlined on the schedule that accompanied the memorandum be approved with an effective date of July 1, 2019.

BACKGROUND:

Deputy City Clerk/Records Manager Bill Dow addressed the Committee next. Mr. Dow stated this item is in reference to a rate increase for outside clients that utilize the records storage facility. This operation started in 2003 and much of the systems are beginning to age (lifespan is 25 years). Several mechanical systems, HVAC components as well as facility lighting to save on electrical costs are being replaced this year. He added the vehicle maintenance program is also increasing annually. In looking at all these costs, staff is looking to raise the cost for the nine customers that currently utilize the services of the records center. The increase is about 5% and it is meant to offset the expenses.

Mr. Dow stated the revenue generated from record storage goes into the general fund. This year about \$23,000 is estimated for revenue. Councilor Chadbourne stated she supports this recommendation as staff has data to support the request.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends to the City Council that the proposed rate increase for records storage services as outlined on the schedule that accompanied the memorandum be approved with an effective date of July 1, 2019.



City of Keene, N.H.
Transmittal Form

June 13, 2019

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.7.

SUBJECT: Energy Planning Consultant - Community Development Department

COUNCIL ACTION:

In City Council June 20, 2019.

Voted with one opposed to carry out the intent of the report.

RECOMMENDATION:

On 3-1 vote, the Finance, Organization and Personnel Committee recommends the City Council approve the use of \$26,335 of unspent personnel funds from cost center 01910 for a non-personnel use.

Furthermore, that the Finance, Organization and Personnel Committee recommends the City Council authorize the City Manager to do all things necessary to negotiate and execute a professional services contract with The Cadmus Group, LLC for energy planning consulting services for an amount not to exceed \$45,000.00. In the event that negotiations with the preferred vendor are not successful, the City Manager is authorized to do all things necessary to negotiate and execute a professional services contract with 3Degrees, Inc. for an amount not to exceed \$45,000.00.

Councilor Powers voted in opposition.

BACKGROUND:

Acting Planner Mari Brunner addressed the Committee and stated this item is in reference to the 100% renewable energy goals the City Council committed to this year. Following the commitment from Council, staff reached out to other municipalities in New Hampshire that have adopted similar goals. They were particularly impressed with Hanover's approach, which hired a consultant and they are well underway with the implementation phase.

Staff has sent out a request for quotation to about 12 firms and have heard back from two. The scope of work sent out asked for assistance with compiling a baseline of electricity consumption for the community as well as identifying and evaluating strategies, which are feasible in Keene.

Each proposal was evaluated by a team of three reviewers based on the quoted cost, the ability of the firm to meet the scope of work, the ability of the firm to meet the project time frame, and relevant experience of the firm. In addition, staff followed up with two references for each company and reviewed a sample of work for each firm. Based on this the evaluation the team is recommending The Cadmus Group. This consulting firm has a local presence with an office in Boston, MA and Warren, VT and has a project team with a wide range of skills and experience.

Ms. Brunner went on to say staff is recommending funding for the contract will come from unspent personnel funds in the amount of \$26,335. Staff is also seeking authorization for the City Manager to negotiate and execute a professional services contract with the preferred vendor for an amount not to exceed \$45,000.

Ms. Brunner went on to say funding is recommended to come from two sources – (1) Account 01910- 62121 which has a current balance of \$18,665.00 and which was initially created to fund contract inspections during the busy construction period. (2) The remainder up to \$26,335 will come would come from unspent personnel funds.

Councilor Powers stated he supports this project but can't approve personnel funds to be used for operational items. Councilor Clark noted the request to hire a sustainability officer was denied and staff time for the newly created Community Development Department is limited to support this initiative. He thanked staff for finding funds to support this initiative. He stated there needs to be a position to support this work.

Councilor Chadbourne stated for this item to get to this Committee there was discussion undertaken with the Manager. The City Manager has had good judgment in moving funds around and asked for the Manager's opinion on using personnel funds for non-personnel use.

Ms. Dragon stated she is supportive of this proposal or this item would not be before this committee. She went on to say staff talked about how to meet the needs of the energy committee and the energy plan without creating an additional expense. Ms. Dragon noted when the budget is created each year, staff is confined as to how much the City can raise in terms of taxes, which means the City has to be creative and shift dollars around. It is difficult to anticipate all expenses at the beginning of each fiscal year or what might change with respect to Council priorities. She noted there have been some vacancies on the 4th floor which has provided this additional funding and she noted whether this work is done by a staff person or a consultant it is relevant work that needs to be done. Ms. Dragon added this is not using funds from the fourth floor for the Police Department; it is very much tied to work on the fourth floor and asked for the Committee's support.

Chair Greenwald noted this is personnel funds being used for personnel (contract employee) – it is a reallocation to a consultant. Councilor Chadbourne stated she was in support of this request and appreciates being able to move funds around without raising taxes.

Ms. Nancy Kelly Gillard of Reservoir Street stated she was in support of this initiative and noted the City of Hanover has done this work with a consultant and they have been very successful in moving their plan forward. She stated she applauds staff being creative in finding a ways to fund this work and added she also appreciates the work Mary Brunner and Rhett Lamb have done. She also extended her appreciation to the Energy and Climate Committee which is made up of volunteers for their work on this item.

Ms. Suzanne Butcher of 44 Felt Road addressed the Committee next and stated she too supports this work and as a taxpayer she felt it makes more sense to bring in expertise rather than expecting our staff to do this work. She stated she understands the concern, but felt this is a different form of personnel.

Ms. Gillard felt spending this money by developing a good plan will end up being a payback for everyone.

Councilor Powers stated he supports this work, but his concern is the personnel side and has no expectation staff is able to do this work and that was not his point – it is more a position on the philosophy of using personnel funding for a non-personnel expense.

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

On 3-1 vote, the Finance, Organization and Personnel Committee recommends the City Council approve the

use of \$26,335 of unspent personnel funds from cost center 01910 for a non-personnel use.

Furthermore, that the Finance, Organization and Personnel Committee recommends the City Council authorize the City Manager to do all things necessary to negotiate and execute a professional services contract with The Cadmus Group, LLC for energy planning consulting services for an amount not to exceed \$45,000.00. In the event that negotiations with the preferred vendor are not successful, the City Manager is authorized to do all things necessary to negotiate and execute a professional services contract with 3Degrees, Inc. for an amount not to exceed \$45,000.00.

Councilor Powers voted in opposition.



City of Keene, N.H.
Transmittal Form

June 13, 2019

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.8.

SUBJECT: Sale of Parking Easements - Economic Development and Special Projects

COUNCIL ACTION:

In City Council June 20, 2019.
Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute the sale of fourteen (14) parking "easements" at the Monadnock Food Co-op.

BACKGROUND:

Special Projects Coordinator Med Kopczynski addressed the Committee and stated this item is in reference to the sale of 14 parking easements. He stated the development of the Railroad property left the City with these easements that are located in the center of the Monadnock Food Co-op parking area. Currently, the Co-op is renting these spaces on a quarterly basis.

Mr. Kopczynski stated with the expansion project, the Co-op there is a need to transfer these easements to the Co-op. Mr. Kopczynski introduced Michael Faber, General Manager of the Monandock Food Co-op to address the importance of this sale.

Mr. Faber stated the Co-op has been working to expand its building for a few years now, which is a multi-faceted plan. He stated this plan includes purchasing the existing building, purchasing a property east of the current building and adding on about 6,700 square feet of space. He stated one of the requirements of this expansion has been on parking. He noted at the present time they are occupying 11 of the 14 easements which have the Co-op sign. Based on varying market studies that have been done, parking is a key to their success.

Chair Greenwald clarified all this request would do is to transfer quarterly payments to an annual payment. Ms. Dragon answered in the affirmative.

Councilor Chadbourne asked how the City determines a price for selling a parking space. Mr. Kopczynski explained the City does not own the fee, one of the condominium associations owns the land, what the City retains is an easement. He noted he has been working with the City Assessor to determine the cost of such an easement.

Councilor Clark noted the City has retained these for many years prior to the property being developed and

they have retained these spaces because there was talk about constructing a parking garage in this location. Mr. Kopczynski stated the City always wanted to retain these spaces because it felt there could be a future need for them and the City has been renting these spaces to the Coop. The question is what can the City do with 14 spaces in the middle of that parking lot – other than the Co-op using them. Mr. Kopczynski stated he could not fathom another use for these spaces.

Councilor Chadbourne pointed out if the City has been responsible for the parking spaces, it has been responsible for its maintenance to include such things as snow removal etc. Mr. Kopczynski stated this might not necessarily be the case, but staff has had to solve issues related to public using these private spaces and this involvement component will cease to exist. The Councilor added this would also add to the City's vision of a local food source and a community-oriented grocery store.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute the sale of fourteen (14) parking "easements" at the Monadnock Food Co-op.



City of Keene, N.H.
Transmittal Form

June 13, 2019

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.9.

SUBJECT: Use of Personnel Funds for a Professional Services Agreement Renewable Energy RFP Keene
WWTF - Public Works Department

COUNCIL ACTION:

In City Council June 20, 2019.

Voted with one opposed to carry out the intent of the report.

RECOMMENDATION:

On 3-1 vote, the Finance, Organization and Personnel Committee recommends the City Council authorize the use of unspent personnel funds from the Public Works Department FY18/19 Operating Budget for a Professional Services Contract with Correlate Inc. to develop and execute a renewable energy Request for Proposals for the City's Waste Water Treatment Plant. Councilor Powers voted in opposition.

BACKGROUND:

Asst. Public Works Director, Duncan Watson stated staff is proposing to use personnel fund to fund a consultant to look at renewable energy options at the Wastewater Treatment Plant (WWTP). He added the WWTP is the largest electrical user in the county. Mr. Watson explained this project would be a pre-cursor to developing an RFP to find an energy partner to reduce the electrical cost at WWTP following the same model as was done with the 350 Marlboro Street. Mr. Watson noted for the Marlboro Street project there was no capital cost involved with the City to install the solar array. Mr. Watson noted a typical bill at 350/400 Marlboro Street is about \$5,000 and the bill from Eversource is about \$268.

Mr. Watson stated solar is the first source being considered for the WWTP, but other options will be considered and brought back to the Council.

Chair Greenwald asked why the City is not looking for vendors to submit proposals instead of the \$15,000 proposed cost. Mr. Watson stated this is for the development of the RFP, which has many components to it. Once the RFP is received, the City will use their expertise to produce a decision matrix, which staff will bring back to the Council as well as help negotiate the ultimate agreement with the vendor.

Chair Greenwald asked what the cost would be if a solar array was proposed. Mr. Watson stated it would be several million dollars. The Chairman asked where the money comes from. Public Works Director Kurt Blomquist stated it would be something similar as was done with 350 Marlboro Street where the entity fronts the capital cost. The solar array will result in reduced energy cost, and the entity will recuperate their investment. However, there might be the scenario where it would be prudent for the City to invest in the entire project.

Councilor Clark asked whether the scale of the project will be considered when the Governor's legislation on Net Metering is proposed. Mr. Blomquist stated everything is on the table.

Ms. Dragon stated the City is looking at all options and they are considering everything – this is a big opportunity and all aspects need to be considered. She felt it was important to have the assistance of Correlate, Inc. as it is likely to be more complicated than the last project the City went through. Councilor Clark clarified Correlate, Inc. was hired last time but it was done under the \$25,000 limit. Mr. Blomquist agreed and added this project is also under that limit which is within the Manager's limit to approve. The motion is to allow for the use of personnel funds.

Councilor Powers stated he supports the project, but will vote against it because of the use of personnel funds for non-personnel purposes.

Ms. Nancy Kerry Gillard applauded the City for using expertise to move this project forward and she felt the pay back will come back to all citizens. She felt as a taxpayer she is comfortable using these personnel funds for this work.

Councilor Chadbourne made the following motion, which was seconded by Councilor Clark.

On 3-1 vote, the Finance, Organization and Personnel Committee recommends the City Council authorize the use of unspent personnel funds from the Public Works Department FY18/19 Operating Budget for a Professional Services Contract with Correlate Inc. to develop and execute a renewable energy Request for Proposals for the City's Waste Water Treatment Plant. Councilor Powers voted in opposition.



City of Keene, N.H.
Transmittal Form

June 13, 2019

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

SUBJECT: Downtown Crosswalk Repair - Construction Change Order - Public Works

COUNCIL ACTION:

In City Council June 20, 2019.
Voted with one opposed to carry out the intent of the report.

RECOMMENDATION:

On 4-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a Construction Change Order with BDM Sweeper Services, Inc. for an amount up to \$30,000 in the Downtown Crosswalk Replacement Project (90309-18).

BACKGROUND:

City Engineer Don Lussier stated the contractor did finish the work and the three remaining from last fall were Church Street, Gilbo Avenue and "Diphthong Alley," near Citizen's Bank.

He noted the request before the Committee is to freshen up similar crosswalks that were installed in 2013. Mr. Lussier stated with time the tire tracks are leaving grooves in the pavement. They have lasted six years and have gone through six winters. What staff is looking to do is to overlay and repair the area. He stated this work should last another six to eight years.

The Chairman asked whether this is an actual overlay. Mr. Lussier stated it is an overlay on top of the underlying asphalt.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a Construction Change Order with BDM Sweeper Services, Inc. for an amount up to \$30,000 in the Downtown Crosswalk Replacement Project (90309-18).



City of Keene, N.H.
Transmittal Form

June 13, 2019

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

SUBJECT: Waiver to Purchasing Requirements - WWTP Ultra Violet Disinfection Equipment – Public Works Department

COUNCIL ACTION:

In City Council June 20, 2019.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Council waive the purchasing requirements and identify Xylem Water Solutions USA, Inc. as the sole provider for lamps, wipers and other replacement parts and consumables for the City's UV disinfection system at the Wastewater Treatment Plant.

BACKGROUND:

PW Operations Manager Aaron Costa stated this request is to request Council waive the purchasing rule so that Xylem Water Solutions could be used as the sole source provider for UV disinfectant parts. In 2012, the Council approved the purchase of a Xylem Disinfectant System as part of the WWTP Phase 1 upgrade. The installation happened in 2015. The City is required under its Federal discharge permit to disinfect and treat for E-Coli. UV light is used for this treatment. Every 14,000 hours these lamps need to be replaced and the City is due for its first replacement since the equipment came online. A consultant has recommended the replacement of the wipers and certain other parts as well.

Mr. Costa stated even though there are after-market parts available for lights and wipers, staff is more comfortable purchasing parts from the manufacturer. \$35,000 has been budgeted in this current operating budget for the purchase of the lamps, but staff is looking to spend a total of \$51,000 in parts. There is money left over from sludge dewatering, and equipment maintenance for the balance of \$16,000.

Councilor Powers asked whether the City was waiving purchasing rules or declaring this vendor as a sole source provider. Attorney Mullins stated Xylem Water Solutions were being declared a sole source provider.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Council waive the purchasing requirements and identify Xylem Water Solutions USA, Inc. as the sole provider for lamps, wipers and other replacement parts and consumables for the City's UV disinfection system at the Wastewater Treatment Plant.



City of Keene, N.H.
Transmittal Form

June 14, 2019

TO: Mayor and Keene City Council

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

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: F.1.

SUBJECT: Winchester Street & Ralston Street Flood Management Project - Additional Appropriation

COUNCIL ACTION:

In City Council June 20, 2019.

Voted unanimously to suspend section 26 of the Rules of Order to act upon the memorandum.

Voted unanimously to amend the memorandum to strike the language regarding the use of \$2,000 from the Three Mile Dam Repairs Project as the funding source. Further recommending the full \$78,000 be taken from the Stormwater Spot Repair program.

Voted unanimously to carry out the intent of the amended report.

RECOMMENDATION:

Move that the City Council authorize the reallocation of \$2,000 from the Three Mile Dam Repairs Project (90288) and \$76,000 from the Stormwater Spot Repair Program (90022) to the Flood Management Program (90298) for use on the Winchester Street and Ralston Street Flood Management Project.

BACKGROUND:

The City Council appropriated \$900,000 in the FY18 Capital Improvement Program for a flood management project to address localized flooding in the Winchester Street/Ralston Street/Davis Street area. The design cost (Approximately \$106,200) and construction contract (\$791,065) are within this total appropriation. Less than \$3,000 of the original appropriation remains.

During the course of construction, an unanticipated conflict was found with the water main on Winchester Street. As a result, approximately 170 linear feet of water main must be removed and relaid to accommodate the new drainage trunk line. The estimated cost of this additional work, along with associated pavement restoration, is approximately \$70,000. The additional requested appropriation of \$78,000 will allow the City Manager to exercise her authority to approve change orders up to 10% of the contract value.

The Three Mile Dam Repair project is complete and the remaining project balance is not needed. The Drainage Spot Repair program funds the repair of minor deficiencies as they are found within the enclosed drainage system. These funds are typically expended in conjunction with other infrastructure projects (e.g.,

replacing culverts prior to paving.) The program currently has a balance of approx. \$130,000, which is sufficient for the 2019 construction season.



City of Keene, N.H.
Transmittal Form

June 20, 2019

TO: Mayor and Keene City Council

FROM: Planning Board

THROUGH: Rhett Lamb, ACM/Community Development Director

ITEM: G.1.

SUBJECT: Cheshire Rail Trail Phase III Project – The Discontinuance of a Portion of the Ammi Brown Road and the Lay Out of a new Class A Trail to be known as the Ammi Brown Trail

COUNCIL ACTION:

In City Council June 20, 2019.

Memorandum accepted as informational.

RECOMMENDATION:

A motion was made by Councilor George Hansel that the Planning Board recommend adoption of R-2019-08; R-2019-09; R-2019-10, and R-2019-11 all relating to the discontinuance of the Ammi Brown Road and the layout of the Ammi Brown Trail. The motion was seconded by Gary Spykman and was unanimously approved.

BACKGROUND:

City Engineer, Don Lussier stated the Ammi Brown Road currently exists as a Class VI Road – it is a path through the woods, the neighborhood loves it and makes for a great mountain biking route. He noted the City recently received the Transportation Alternatives Program (TAP) Grant in 2016 and is currently under review by DOT for construction. As part of this work, the city is going to be improving this Class VI road. By State Law Class VI roads are roads a municipality does not maintain, it is for public access. Mr. Lussier noted this becomes an issue when you are trying to improve a trail.

As a result, what staff is proposing tonight is the absolute discontinuance of the Class VI road to be followed immediately by the laying of a Class A Trail. He explained Class A Trails are new under State Law. A municipality can perform maintenance on it, it is for public use but there can be use restrictions placed on it and permit more access right for adjacent property owners.

Mr. Lussier referred to the existing trail on a plan, the trail area across from Summit Ridge Condominium will not be changed, land owned by C&S Wholesale Grocers, a majority of this trail will not see a change.

Mr. Burke asked once it is changed to the Class A Trail whether it can still be used by snowmobiles. Mr. Lussier stated under State Law snowmobile use is permitted but the city can also restrict uses and restricting snowmobiling is something the condominium association has asked for. What staff is proposing is to install the trail, permit snowmobile use and the trailhead parking at the corner of Summit and Summit Ridge will have signs indicating “hours for daylight only.” The complaints the city has received is snowmobile use after hours.

Mr. Lamb addressed this item and noted the role of the Planning Board for this type of item is fairly rare; under the Statute, the Planning Board has the authority to provide advice and make a recommendation to the City Council. If so inclined, the Planning Board would recommend adoption of the Resolutions outlined by the City Engineer.

Chair Barrett noted it is indicated the Mayor will set a time and date for a site visit and public hearing. Mr. Lussier noted the site visit has been scheduled for June 6th at 5:30 pm at the Trial Head location

A motion was made by Councilor George Hansel that the Planning Board recommend Adoption of R-2019-08; R-2019-09; R-2019-10, and R-2019-11 all relating to the discontinuance of the Ammi Brown Road and the layout of the Ammi Brown Trail. The motion was seconded by Gary Spykman and was unanimously approved.



City of Keene, N.H.
Transmittal Form

June 12, 2019

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: H.1.

SUBJECT: Keene Public Library Trustees – Prohibiting Smoking on the Keene Public Library Campus

COUNCIL ACTION:

In City Council June 20, 2019.
More time granted.

RECOMMENDATION:

On a vote of 4-0, the Municipal Services, Facilities & Infrastructure Committee placed the item on more time.

BACKGROUND:

Chuck Redfern of 9 Colby St. Keene spoke to the Committee on behalf of the Keene Public Library Board of Trustees. He read from a letter submitted to the Mayor and Council on June 4, 2019 signed with thanks by Nathaniel Stout, President of the Keene Public Library Board of Trustees:

At our most recent meeting, the Keene Public Library Trustees unanimously agreed that I write a letter to the City Council requesting that smoking – to include vaping and e-cigarettes – be prohibited on the entire Keene Public Library campus, which now, of course, includes buildings and grounds both of the Pond mansion, the new extension, and the Annex, formerly known as the Masonic Hall. New outdoor spaces have been developed.

It will be important that we are able to ensure access to our services. The presence of smoke where non-smokers need to pass is objectionable and not supportive of this community's healthy community goal. There are also the associated costs in keeping areas litter free. Please let us know of the proper process to proceed with this request.

Mr. Redfern continued citing the vast library programs that are made available for all ages. He added he shares the Trustees' concern that the presence of smoke on the library campus goes against the Library's mission and is dangerous to the health of patrons trying to use the library. He clarified that this request excludes the public sidewalks that border the library. This effort has the full support for the Cheshire Medical Center Healthy Monadnock program. The City Attorney's office is reviewing a letter from the Attorney General's office on the acceptability of this rule.

Councilor Sutherland thanked Mr. Redfern and said this effort is important. He noted that since smoking was prohibited in restaurants, everyone smokes on the public sidewalks. He suggested a designated smoking section, off library campus, with the proper receptacles to mitigate this issue. He said if the problem is pushed to the sidewalks, more members of the public would have to walk through the smoke there and contribute to

litter; whereas a designated area could contain it. He also suggested a ban on chewing tobacco as well because he said it is gross and that people will look for narrow alternatives in the ruling. Mr. Redfern agreed it could be practical to have designated receptacles on the perimeter and he will bring those suggestions to the Trustees with the help of Mr. Bohannon. Mr. Redfern spoke for himself personally and said receptacles make sense to him to cut down the time people spend sweeping the sidewalks; Councilor Sutherland noted his son collects cigarette butts with a school group and they deliver them to City Hall to raise awareness. He said it is first about the poisonous air and then about the debris. Councilor Sutherland suggested staff approach this with an open mind.

The City Attorney advised placing this item on more time to give staff time to consider the question of an ordinance or rule for the library. An important question will be enforceability. Staff will have to communicate with the owner of Heberton Hall and there could be issues with enforceability to discuss with the Police Department. He will meet with the Trustees and Mr. Bohannon. Chair Manwaring noted receptacles she sees on the perimeter of smoke free business campuses near her home, which she appreciates. Mr. Redfern thanked staff and the Committee for their support.

Councilor Hooper agreed with the City Attorney and said he would like more research on the issue of enforceability; he is concerned about enforcement falling to library staff.

Councilor Filiault made the following motion, which was seconded by Councilor Sutherland:

On a vote of 4-0, the Municipal Services, Facilities & Infrastructure Committee placed the item on more time.



City of Keene, N.H.
Transmittal Form

June 13, 2019

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: H.2.

SUBJECT: Charles McIntyre - NH Lottery Commission - Keno on 2019 Municipal Ballot

COUNCIL ACTION:

In City Council June 20, 2019.
More time granted.

RECOMMENDATION:

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

BACKGROUND:

The Chairman stated there is communication from Mr. McIntyre indicating that he will not be in attendance at today's meeting.

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

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



City of Keene, N.H.
Transmittal Form

June 13, 2019

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: H.3.
SUBJECT: Relating to Rules of Operation Ordinance O-2019-10

COUNCIL ACTION:

In City Council June 20, 2019.
More time granted.

RECOMMENDATION:

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

BACKGROUND:

Chair Greenwald stated the Mayor has requested this item be placed on more time.

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

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



City of Keene, N.H.
Transmittal Form

June 13, 2019

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: H.4.

SUBJECT: Relating to the College City Commission Ordinance O-2019-11

COUNCIL ACTION:

In City Council June 20, 2019.
More time granted.

RECOMMENDATION:

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

BACKGROUND:

Chair Greenwald stated the Mayor has requested this item be placed on more time.

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

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



City of Keene, N.H.
Transmittal Form

June 12, 2019

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: K.1.

SUBJECT: Discontinuance of Ammi Brown Road and the Layout of Ammi Brown Trail

COUNCIL ACTION:

In City Council June 20, 2019.
Tabled to a future meeting date.

RECOMMENDATION:

On a vote of 3-0 the Municipal Services, Facilities & Infrastructure Committee recommends the adoption of R-2019-08 Relating to the Absolute Discontinuance of a portion of the Ammi Brown Road.

On a vote of 3-0 the Municipal Services, Facilities & Infrastructure Committee recommends the adoption of R-2019-09 Relating to Deeds for the Discontinued Portion of the Ammi Brown Road.

On a vote of 3-0 the Municipal Services, Facilities & Infrastructure Committee recommends the adoption of R-2019-10 Relating to the Laying Out of a Class A trail to be known as the Ammi Brown Trail.

On a vote of 3-0 the Municipal Services, Facilities & Infrastructure Committee recommends the adoption of R-2019-11 Relating to the Easements for the Laid Out Trail to be known as the Ammi Brown Trail.

ATTACHMENTS:

Description

Resolution R-2019-08

Resolution R-2019-09

Resolution R-2019-10

Resolution R-2019-11

BACKGROUND:

City Engineer Don Lussier presented a series of resolutions all related to the planned Cheshire Rail Trail expansion. Resolution R-2019-08 will serve to erase from the record Ammi Brown Road, as it currently exists as a Class 6 road. He spoke during the public hearing and site visit on ambiguity about the original layout or revised layout, while the trail's location today is not on either layout. Thus, staff recommend erasing that from the record. R-2019-09 will authorize the City Manager to deliver to the current property owners the deeds for the City's existing rights on Ammi Brown Road. R-2019-10 will immediately layout a new Class A trail over what is largely the same land; where the trail has deviated from its historic layout it will be straightened to correspond with where the public uses it today. R-2019-11 will authorize the City Manager to accept the

easements for the public's use of that newly laid out trail.

Councilor Hooper recused himself from voting because he could not attend the site review.

Councilor Sutherland made the following four motions, all of which Councilor Filiault seconded.

On a vote of 3-0 the Municipal Services, Facilities & Infrastructure Committee recommends the adoption of R-2019-08 Relating to the Absolute Discontinuance of a portion of the Ammi Brown Road.

On a vote of 3-0 the Municipal Services, Facilities & Infrastructure Committee recommends the adoption of R-2019-09 Relating to Deeds for the Discontinued Portion of the Ammi Brown Road.

On a vote of 3-0 the Municipal Services, Facilities & Infrastructure Committee recommends the adoption of R-2019-10 Relating to the Laying Out of a Class A trail to be known as the Ammi Brown Trail.

On a vote of 3-0 the Municipal Services, Facilities & Infrastructure Committee recommends the adoption of R-2019-11 Relating to the Easements for the Laid Out Trail to be known as the Ammi Brown Trail.

The public can access copies of these resolutions in this meeting's agenda packet on the City of Keene website.



CITY OF KEENE

R-2019-08

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

A RESOLUTION RELATING TO THE ABSOLUTE DISCONTINUANCE OF A
PORTION OF THE AMMI BROWN ROAD

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

That the Keene City Council is of the opinion that there is no further need to use a portion of the Ammi Brown Road for the accommodation of the public and that there is occasion for the absolute discontinuance of said portion of the Ammi Brown Road as described in the attached Description of Complete Discontinuance, subject to the following conditions:

1. All affected property owners associated and in connection with the discontinuance agree to the discontinuance and either waive their rights to any damages, or accept damages paid, and sign an agreement to such effect; and
2. All documentation is in a content and form acceptable to the City Attorney and City Engineer.

Kendall W. Lane, Mayor

In City Council May 2, 2019.
Referred to the Planning Board and Municipal Services,
Facilities and Infrastructure Committee. Site visit set for
Thursday, June 6, 2019 at 5:45 PM. Public Hearing for
Thursday, June 6, 2019 at 7:00 PM.


City Clerk

In City Council June 20, 2019.
Tabled to a future meeting date.


City Clerk



CITY OF KEENE

R-2019-09

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

A RESOLUTIONRELATING TO DEEDS FOR THE DISCONTINUED PORTION OF THE
AMMI BROWN ROAD.....

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

That the City Manager is authorized to do all things necessary to execute the attached deeds for that portion of the Ammi Brown Road lying westerly of Summit Ridge Drive and easterly of the Cheshire Railroad Right-of-way line, as shown on a plan entitled "Discontinuance Plan, Portions of Ammi Brown Road, prepared for The City of Keene," dated April 26, 2019, by Russell J. Huntley, SVE Associates, to be recorded at the Cheshire County Registry of Deeds, subject to the following condition:

All documents shall be a form and content acceptable to the City Attorney and City Engineer.

Kendall W. Lane, Mayor

In City Council May 2, 2019.
Referred to the Planning Board and Municipal Services,
Facilities and Infrastructure Committee. Site visit set for
Thursday, June 6, 2019 at 5:45 PM. Public Hearing for
Thursday, June 6, 2019 at 7:00 PM.


Patricia Cottle
City Clerk

In City Council June 20, 2019.
Tabled to a future meeting date.


Patricia Cottle
City Clerk



CITY OF KEENE

R-2019-10

In the Year of Our Lord Two Thousand and ~~Twenty~~ ^{Nineteen}.....

A RESOLUTION RELATING TO THE LAYING OUT OF A CLASS A TRAIL TO BE
KNOWN AS THE AMMI BROWN TRAIL

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

That the Keene City Council is of the opinion that, for the accommodation of the public, there is occasion to lay out a Class A Trail to be known as the Ammi Brown Trail as described in the attached Return of Layout, subject to the following conditions:

1. All affected property owners associated and in connection with the layout agree to the layout and either waive their rights to any damages, or accept damages paid, and sign an agreement to such effect; and
2. All documentation is in a content and form acceptable to the City Attorney and City Engineer.

Kendall W. Lane, Mayor

In City Council May 2, 2019.
Referred to the Planning Board and Municipal Services,
Facilities and Infrastructure Committee. Site visit set for
Thursday, June 6, 2019 at 5:45 PM. Public Hearing for
Thursday, June 6, 2019 at 7:00 PM.


Patricia Costello
City Clerk

In City Council June 20, 2019.
Tabled to a future meeting date.


Patricia Costello
City Clerk



CITY OF KEENE

R-2019-11

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

A RESOLUTIONRELATING TO EASEMENTS FOR THE LAID OUT TRAIL TO BE
KNOWN AS THE AMMI BROWN TRAIL.....

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

That The City Manager is authorized to do all things necessary to accept the attached easements for the premises laid out as a Class A Trail to be known as the Ammi Brown Trail lying westerly of Summit Ridge Drive and easterly of the Cheshire Railroad Right-of-way line, as shown on a plan entitled "Easement Plan, The Ammi Brown Connector Trail, prepared for the City of Keene," dated April 26, 2019, by Russell J Huntley, SVE Associates, to be recorded at the Cheshire County Registry of Deeds, subject to the following condition:

All documents shall be a form and content acceptable to the City Attorney, and City Engineer.

Kendall W. Lane, Mayor

In City Council May 2, 2019.
Referred to the Planning Board and Municipal Services,
Facilities and Infrastructure Committee. Site visit set for
Thursday, June 6, 2019 at 5:45 PM. Public Hearing for
Thursday, June 6, 2019 at 7:00 PM.


City Clerk

In City Council June 20, 2019.
Tabled to a future meeting date.


City Clerk