



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
October 3, 2019
7:00 PM

Roll Call
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- September 19, 2019

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Public Hearing - Zone Change - 560 Main Street

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmations
Zoning Board of Adjustment
Library Board of Trustees
2. Nomination
Library Board of Trustees

C. COMMUNICATIONS

1. Councilor Greenwald - Termination of Conflict of Interest Status on 100 Dunbar Street
2. Katie Schwerin - Public Art Proposal

D. REPORTS - COUNCIL COMMITTEES

1. Dedication of Path System Cheshire Rail Trail Section (Thom Little)
2. Periodic Report – Boards & Commissions – Partner City Committee
3. Installation of a Traffic Control Device – Arlington Avenue and Dort Street in Response to Iselin Communication Requesting a 4-Way Stop at Arlington Avenue and Dort Street – Public Works Department
4. Engine Brake Signage in Response to Griffin Communication to Prohibit the Use of Engine Brakes – Public Works Department
5. Donna Forte – Request for Lodging House License Renewal – 57 Winchester Street
6. Periodic Report – Boards and Commissions - Heritage Commission
7. Periodic Report – Boards and Commissions – Historic District Commission

8. Acceptance of Donations - Parks, Recreation and Facilities Department
9. 79E Community Revitalization Tax Relief Application for 112 Washington Street
10. Economic Development Plan
11. Request to Purchase City Property - 160 Emerald Street/Ashuelot Rail Trail
12. Acceptance of Donations - Holiday Sponsorship Program

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

1. Resignation - Planning Board Alternate

H. REPORTS - MORE TIME

1. Councilors Bosley & Richards – Comprehensive Review of Neighborhood Speed Limits

I. ORDINANCES FOR FIRST READING

J. ORDINANCES FOR SECOND READING

1. Speed Limit Change – Skyline Drive Neighborhood
Ordinance O-2019-16

K. RESOLUTIONS

1. Relating to an Appropriation of Funds for the Solid Waste Fund
Resolution R-2019-35

Non Public Session
Adjournment

A regular meeting of the Keene City Council was held Thursday, September 19, 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, Kate M. Bosley, Robert J. O'Connor, Robert B. Sutherland, George S. Hansel, Gary P. Lamoureux, Bettina A. Chadbourne, Stephen L. Hooper, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Councilor Hooper led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the September 5, 2019 regular meeting was duly seconded by Councilor Jones. The motion passed with a unanimous vote in favor.

ANNOUNCEMENTS – MAYOR

The Mayor announced that the Fire Prevention Parade is October 6, 2019 with a 1 PM start at 350 Marlboro Street. The annual Firemen's Dinner will be on October 10, 2019 at the Keene Fire Department. The Mayor announced the Finance, Organization and Personnel Committee meeting will be canceled for that evening.

PROCLAMATION – LIBRARY BOOK SALE PROCLAMATION

The Mayor presented a proclamation to Will Collins proclaiming the Library Book Sale. The Library Book Sale will be on Friday, October 18, 2019 from 9:00 AM to 6:00 PM and on Saturday, October 19, 2019 from 9:00 AM to 5:00 PM.

PUBLIC HEARING – 79E COMMUNITY REVITALIZATION TAX RELIEF APPLICATION – 112 WASHINGTON STREET

The Mayor called the public hearing to order at 7:08 PM. The Notice of Hearing and Certificate of Publication were read. The Mayor recognized Medard Kopczynski, Director of Economic Development and Special Projects. Mr. Kopczynski began by explaining we will be hearing from the second applicant to the City for a 79-E process. The applicant, Mr. Josh Gorman, will review his application by explaining what he is doing with his property to increase the vitality of Keene as well as the connection to downtown Keene. Mr. Kopczynski stated the City recently received a communication from Mr. Luce, owner of Paragon Marketing, who was the City's first applicant. Mr. Luce indicated he has already seen a ripple effect of improvements to other surrounding properties since they improved their property. Mr. Kopczynski suggested that if Mr. Gorman is approved, we might see the same impact from this project. He went on to introduce the applicant to address the Council.

Mr. Joshua Gorman, 85 Park Avenue, thanked the Council for their service to the City. He went on to speak about his application for 79-E tax relief and the support he has received from City staff as he endeavored to make the application. He made particular note of the kind assistance he received from the Assessing Department and the Community Development Department. He went on to describe his project, noting that they purchased the property back in September of 2017. At that time, the property had been vacant for over a year and prior to its vacancy it was a single tenant office building. When 112 Washington LLC acquired the property, Mr. Gorman began exploring the potential uses and became very interested in the prospect of converting it into a bed and breakfast.

Mr. Gorman continued that at the time of purchase, he had inquired about applying for the 79-E tax relief, but the location of his property did not fall within the geographic area and therefore it did not qualify for 79-E tax relief. This spring he inquired again and he was made aware that there was a change in the program and the property was eligible for consideration. After going through the process of putting the property on the State Historic Register to meet the historic criteria, he submitted his application to the City. Mr. Gorman went on to go through the various criteria to qualify for the 79-E program and why he believes his project qualifies.

One of the qualifiers is that the project enhances downtown economic vitality. He explained that the conversion of this property into a nine-suite inn, which will include an operator's quarters, would certainly add to the vitality of downtown. Prior to the purchase, the building was vacant and deteriorating for a significant period of time. The renovations to this building on this gateway entrance to the downtown will bring a visual, artistic improvement to our downtown. The new use will also bring people from this and other communities into the community to enjoy all that our wonderful downtown has to offer.

The second criteria is the project must improve a culturally or historically important structure. Mr. Gorman noted the property is circa 1863 and it is one of significant grandeur from that period of our past. Mr. Gorman passed around some photographs of the property in its original condition when Mr. Gorman purchased it, and its current condition. He explained the property is on the Washington Street corridor that leads to Central Square. This is an area of historic significance addressed in the Comprehensive Master Plan, and it offers some of the most grand, historically accurate clusters of architecture in our region. The carriage house on the property, which was in disrepair upon purchase, is one of the most distinct and original carriage houses in the area. It was recently on the Heritage Commission's barn tour. Mr. Gorman continued that the 3,500 square foot main house is a stately classic revival that will have all of its remaining original features renovated and retained. The improvements being made will modernize the property's infrastructure and catch up on years of deferred maintenance while at the same time retaining and restoring its historic features. This will allow it to be preserved and enjoyed for generations to come. A report detailing the property's historic significance was prepared, and upon completion, the property was declared eligible for the State Historic Register.

Mr. Gorman went on to talk about the second criteria that promotes the preservation and reuse of existing building stock. In that regard, this project includes: the repair and restoration of existing shutters, corbels, soffit, fascia, as well as the repair of stained glass, the repair and restoration of the existing exterior doors, the removal of the front porch enclosure to restore it to the original open porch, the installation of the original arched windows which had been removed, and the preservation of original gas lighting fixtures that have been converted to electricity. Other improvements include the reuse of the original baseboard, interior doors, casing and moldings, and the repair of the marble fireplace, etc.

He noted the third criteria relates to promoting the efficient design, safety and a greater sense of community consistent with the Master Plan. Mr. Gorman noted the Master Plan sites a need for programs that will maintain the City's history through the preservation, reuse and renovation, and energy upgrades to our many architectural gems. The 79-E program aligns with this, and this project encapsulates all the challenges and benefits relative to such reuse, preservation and

efficiencies. Also in the Master Plan is the need for walkability of the community, and the location and use proposed for this property aligns with that goal.

He noted there were a couple of other criteria of the program that he opted out of that perhaps he will meet, but he is unsure at this time. One would be returning a residential building to owner occupancy. Although it is a possibility, at this time he is not sure that they will live at the property.

The last criteria Mr. Gorman touched on was increasing energy sustainability and reduced carbon emissions, or an improved home energy score. He noted that they have upgraded from a very inefficient system and converted to a 10 zone forced hot water heating system. They also installed Energy Star windows, and blown in insulation. He has done everything possible in this regard. He finished by offering to answer any questions.

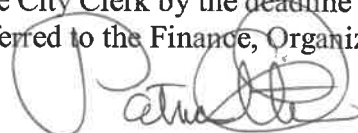
Councilor Hansel stated he is a neighbor to this property and has witnessed the amazing transformation as the renovations have taken place. He applauded Mr. Gorman and said this is the reason he supported the 79-E concept, because it supports smaller projects such as this.

Councilor Jones commented that this is not the City doing Mr. Gorman a favor; this is Mr. Gorman doing the City a favor. He noted that Mr. Gorman would still be paying on the assessed value of the property, but would receive a tax break on the improvements for a period of up to five years.

Mr. Bradford Hutchinson stated he has noticed the work going on with this building. He does not understand all the details of the 79-E program, but he is impressed overall and Mr. Gorman was honest in that he may not occupy the property. He is doing everything right and hopes Mr. Gorman receives what he is requesting.

There being no further public comments, the Mayor closed the hearing at 7:25 PM. He noted the hearing will remain open for written public comments until Tuesday, September 24, 2019 at 1:00 PM. Written comments must be signed and submitted to the City Clerk by the deadline to be included in the record. He noted this application will be referred to the Finance, Organization and Personnel Committee.

A true record, attest:



City Clerk

PRESENTATION – ECONOMIC DEVELOPMENT PLAN

Medard Kopczynski stated that in August 2018, the Mayor appointed a second committee to look at economic development and to make recommendations to the City Council and staff. The first Committee, which was appointed in 2016, produced a plan titled "Economic Development Action Plan" that was used to guide actions such as the creation of the Community Development Department, and the *Building Better Together* project, among many other efforts. The 2017 plan was adopted by the City Council on February 16, 2017.

Mr. Kopczynski continued that we are here tonight to present a second plan developed by the Ad-Hoc Comprehensive Economic Development Committee. The Committee charge was to take

an inventory of economic development efforts in Keene and the Monadnock Region, provide guidance, and encourage collaboration and planning for comprehensive economic development efforts.

He noted he was pleased to submit this plan from the Economic Development Committee. He went on to thank the Mayor for creating the Committee, and the Committee members for their hard work and all of the volunteer hours in creating and presenting information by numerous speakers. Special thanks were extended Rebecca Landry for her work with the original Committee. The blueprint she created helped him in his efforts by providing a clear goal to meet in his staffing of this committee. In addition to building on former plans, the current plan is consistent with the Comprehensive Master Plan, which has a focus on providing for a vibrant economy. The goals in the Master Plan include supporting the growth of existing businesses, incubating new businesses and attracting businesses to locate and develop in Keene.

Mr. Kopczynski explained that the Committee began by reviewing the plan issued by the 2016 committee. A number of recommendations from that plan were in the process of implementation. Several were the basis of action plans by the City Manager and are now in place. In addition, many of the topics discussed are still priorities as we move forward. The Committee met monthly from September 2018 until July 2019, discussing a variety of topics, and hearing from a number of guest speakers. The result of the work of the Committee is a draft plan for Economic Development with a concentration on issues related to workforce retention and development. This report was not transmitted to the City Council as a hard copy; however, it is available in Novus. The report, including background information and attachments can be found on the City website. The Committee believed it was environmentally responsible to refer to the website instead of creating a paper report.

Mr. Kopczynski continued by providing the significant goals that emerge from this report:

1. To implement an outreach-marketing program, while supporting existing businesses to expand the local tax base and provide living wage opportunities. Urge the Council to set aside money for Economic Development and branding projects.
2. To continue and expand the close working relationship between the City and Keene State College, River Valley, Franklin Pierce University and Antioch University. Work to assure the success of the KSC / River Valley/ Cheshire Career Center collaboration.
3. Support and expand the presence of internships. Encourage employers to implement programs to subsidize college loan debt as an employment incentive.
4. Identify, promote and utilize incentive programs from the State and Federal Government.
5. Create and implement efforts to promote Keene as a cultural, recreational, and tourist destination. Support downtown Economic Development programs.

6. Support the installation and expansion of high-speed internet. Plan for the installation of conduit any time a street is excavated.
7. Promote diversity as a means to workforce growth.
8. Work to develop and expand the airport. Promote the development of public transportation.

He added that in addition to the noted goals, the consideration of developing and adopting an Economic Development Master Plan should occur.

Mr. Kopczynski continued that what is clear is that the local economy, while strong, has some challenges. It is important to celebrate the positive, and to recognize and face those challenges. The availability of quality housing, workforce attraction and retention, day-care, and energy supply are all factors to address in addition to others. Mitigating some of these challenges is the emerging joint effort between the City of Keene, Keene State College, River Valley Community College, Antioch New England University, Franklin Pierce University, Cheshire Career Center and our business leaders to address benefits, attraction, retention and education. Beginning with high school through college there are programs to train, and provide certification and degrees to an emerging workforce. In addition, through the leadership of the City Manager, Mayor and City Council we have, and continue to pay attention to and invest in Main Street (including the Arts and Culture Corridor) and the Marlboro Street Corridor. The Marlboro Street corridor should be the next economic driver, where we have a connection to major employers (including the City of Keene and Keene State College). An updated thoroughfare, zoning and tax incentives; connected to a top rated college and community college on the opposite end of the corridor; with intervening housing waiting for the workforce of the future; all within walking distances to all amenities.

The Committee, having heard from many sources, recognizes that the barriers preventing economic expansion is the ability to attract new business, to grow existing business, and to be able to start a new business. The lack of qualified employees is a significant problem in Keene and in the State of New Hampshire. There are several subjects that the Committee identified that affect the ability to both recruit and retain employees. These barriers are especially acute for younger employees looking for a place in the community and the age group that normally would be in the stage of life to raise children, purchase homes and become invested in neighborhoods.

A review of the New Hampshire Economy shows that the number of people working in the Granite State, and the value of the goods and services have been on the rise over the past several years. The quality of New Hampshire's workforce remains high, as its level of educational attainment continues to exceed that in most states, while the extent of severe economic hardship, as expressed by the State's poverty rate, is still lower here than anywhere else. There is detailed information on the economy of Keene contained in the report courtesy of the New Hampshire Fiscal Policy Institute.

Mr. Kopczynski stated New Hampshire's workforce is aging in character and there has been a shift in the types of jobs available in the Granite State, with service sector employment and lower

wages. New Hampshire businesses are experiencing labor shortages. One reason New Hampshire's labor force has stopped expanding is that the State's 25 to 64 year old population is declining, as more and more residents are reaching the age of retirement; however, there has been a recent uptick in millennial in-migration. Our challenges are not unique to Keene but in fact are shared by the State and New England.

He expressed pride that the Committee decided to focus on the advantages that Keene enjoys, including that we are a City of opportunity for all people...the City of Keene, our Colleges, our fine school system, the Chamber of Commerce and employers support diversity and inclusion without regard to physical abilities, sexual orientation, and religious affiliation, racial or cultural ethnicity. Keene is a progressive community that values and supports lifelong learning with a first-rate public school system and four institutions for higher education. We boast a regional airport that includes the third longest runway in New Hampshire. Keene houses a diverse group of internationally relevant, high tech manufacturers that consistently lead their peers in both innovation and social responsibility. We enjoy a rapidly growing arts scene that builds on the region's storied reputation for cultivating successful visual and performing artists. Keene citizens have a community vision that boldly strives to realize a more sustainable, thoughtful, and quality built environment that is attractive to young families and new residents of diverse backgrounds. We enjoy a vibrant and active downtown core that has received national recognition such as Central Square being named as "One of the Great Places in America" by the American Planners Association. In addition, a thriving "buy local movement" anchored by a downtown food coop and farmer's market. Substantial and responsive municipal services housed in a newly constructed Fire Station (2014), Police and Public Works Building (2006), and a beautifully renovated and expanded Public Library (2019) that is the largest such facility in the State of New Hampshire. Keene is a collaborative and well-functioning group of individuals, businesses, non-profit organizations, and government entities that consistently work together to tackle bold ideas.

Mr. Kopczynski went on to go over the topics reviewed by the Committee, which included: Arts and Culture, Energy, Use and Supply, County Economic Development Efforts, Current and Future Airport Economic Efforts, Current and Future MEDC Economic Development, Workforce Development Training and Education, Financial Resources available for existing or potential businesses, housing programs and Economic Trends in New Hampshire, Keene and the Monadnock Region. Mr. Kopczynski ended by stating the Committee recommendations are arranged by topic, which follow to great extent the subjects reviewed by the committee and to which speakers provided input.

The Mayor commented that yesterday he and the City Manager went to a meeting in Nashua of all the State's Mayors and many City Managers attended as well. What they learned is that Keene has moved beyond what many other communities in the state have done with regard to Economic Development. This is a reflection of the unique qualities of this community and our willingness to tackle tough issues and find solutions.

Councilor Greenwald thanked the Mayor for granting him the chairmanship of the economic Development Committee. The Committee was very well supported by staff including Mr. Kopczynski and the minute taker. He added they had very good discussions at the Committee.

As there were no further comments or questions, the Mayor thanked Mr. Kopczynski for his presentation and looked forward to further discussion of the plan at the Finance, Organization and Personnel Committee.

ITEM BROUGHT FORWARD - COMMUNICATION – JESSICA BAUM – RESIGNATION – KEENE ENERGY AND CLIMATE COMMITTEE

A communication was received from Jessica Baum resigning from the Energy and Climate Committee. A motion by Councilor Greenwald to accept the resignation with regret and appreciation of service was duly seconded by Councilor Jones. The motion passed with a unanimous vote in favor.

CONFIRMATIONS

The clerk noted that with the acceptance of Jessica Baum's resignation, that the nomination of Zack Luse was being changed to a regular membership status. Mr. Luse would be completing her remaining term. A motion was made by Councilor Greenwald and duly seconded by Councilor Jones to confirm the following nominations: Jane Pitts to serve as a regular member on the Library Board of Trustees with a term to expire June 30, 2022 and Zach Luse to serve as a regular member on the Energy and Climate Committee with a term to expire December 31, 2021. On a roll call vote, with 14 Councilors present and voting in favor, the nominations were confirmed.

ITEM BROUGHT FORWARD - COMMUNICATION – DON WILMETH – RESIGNATION – LIBRARY BOARD OF TRUSTEES

A communication was received from Don Wilmeth resigning from the Library Board of Trustees. A motion by Councilor Greenwald to accept the resignation with regret and appreciation of service was duly seconded by Councilor Jones. The motion passed with a unanimous vote in favor.

NOMINATIONS

The Mayor noted with respect to the nomination of Arthur Gaudio, that the alternate membership slot was previously held by Jeffrey Stevens who had moved out of Keene several months ago. The Mayor noted he was declaring that alternate membership slot as being vacant to allow for Mr. Gaudio's nomination to go forward. The Clerk noted that with the acceptance of Mr. Wilmeth's resignation, that the nomination of Charles Prigge was being presented.

The following nominations were received from the Mayor: Charles Prigge to serve as a regular member on the Library Board of Trustees with a term to expire June 30, 2021, Carl B. Jacobs to serve as a regular member on the Library Board of Trustees with a term to expire June 30, 2022; and Arthur Gaudio to serve as an alternate member on the Zoning Board of Adjustment with a term to expire December 31, 2020. The nominations were tabled until the next regular meeting.

COMMUNICATION – DONNA FORTE – REQUEST FOR LODGING HOUSE LICENSE APPLICATION – 57 WINCHESTER STREET

A communication was received from Donna Forte of 57 Winchester Street, requesting the renewal of the Lodging House License for property located at 57 Winchester Street. The communication was referred to the Planning, Licensing and Development Committee.

COMMUNICATION – COUNCILORS BOSLEY AND RICHARDS – COMPREHENSIVE REVIEW OF NEIGHBORHOOD SPEED LIMITS

A communication was received from Councilors Bosley and Richards, suggesting a review of all speed limits in the City's residential neighborhoods, particularly in high and medium density zones. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – COUNCILOR FILIAULT – RELATING TO ROOMS AND MEALS TAX REVENUE SHARING AGREEMENT

A communication was received from Councilor Filiault, suggesting the City seek a court order mandating that the State honor the original 60% - 40% revenue sharing agreement related to Rooms and Meals Tax revenues. The communication was referred to the City Attorney for an opinion.

COMMUNICATION – ATTORNEY MARGARET H. NELSON ON BEHALF OF KINGSBURY ACQUISITION, LLC – 80 LAUREL STREET

A communication was received from Attorney Margaret H. Nelson on behalf of Kingsbury Acquisition, LLC, outlining their attempts to resolve the on-going discussions about the tax obligations on property located at 80 Laurel Street. The Chair proceeded with a call for reconsideration of the vote from the September 6, 2019 City Council Meeting regarding tax deeding of 80 Laurel Street. He noted that issue was before the Council for further action.

Councilor Greenwald moved to authorize the City Manager to negotiate and execute a payment plan for the payment of the taxes and accrued interest owed for the tax years 2009, and 2010, for property located at 80 Laurel Street, tax map number 589017000000000, payable in six essentially equal monthly installments as calculated by the City Tax Collector, commencing on September 20, 2019, unless such payment amounts, but not the period of time required for final payment, are amended by the City and the property owner by mutual agreement; and further that if payments are not made in accordance with the payment plan, as it may be amended, by the close of business on March 20, 2020, then a tax deed for the property shall be issued in accordance with applicable state law. The motion was duly seconded by Councilor Jones. A brief discussion took place. The City Manager clarified if the property owner defaulted on Payment #2 then the tax deeding process would begin. On a roll call vote, 10 voting in favor, five opposed. Councilors Manwaring, Clark, Filiault, Jones and Richards voted in opposition.

A motion by Councilor Greenwald to authorize the City Manager be authorized to negotiate with the property owner of property located at 80 Laurel Street, tax map # 589017000000000, for the purchase by the City of any easements, or land, now part of the property, that may be required by

the City for any necessary public purpose, The motion was duly seconded by Councilor Jones. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF DONATIONS – PARKS, RECREATION AND FACILITIES DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a donation of \$700.00 and that the money is used for the Recreation Department scholarship fund. 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 DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a donation of \$500.00 and that the money is used for the Human Rights Committee collaboration with the Keene International Festival. 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 DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a donation of the construction of a pump track in Wheelock Park from the New England Mountain Bike Association Keene / Brattleboro Chapter. 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 DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a donation of an informational kiosk in Railroad Square from the Walldogs. 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 – PERIODIC REPORT – ASSESSORS BOARD

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

FOP REPORT – CONTRACT SERVICES TO PERFORM A WATER/SEWER RATE STUDY – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Council authorize the City Manager to do all things necessary to negotiate and execute a professional services contract with Raftelis to perform a Water/Sewer Rate Study for an amount not to exceed \$64,708. If a contract cannot be negotiated, the City Manager is authorized to negotiate with the next ranked firm. 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 – DESIGN CHANGE ORDER – ROXBURY ST. BRIDGE REPLACEMENT – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute a change order with McFarland Johnson for engineering services associated with the replacement of the Roxbury Street bridge over Beaver Brook, in an amount not to exceed \$6,767.83. 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 – SALE OF FORMER ALPS PROPERTIES – AIRPORT DIVISION

Finance, Organization and Personnel Committee report read recommending that the City Council authorize the City Manager to negotiate and execute purchase and sale agreements for the former Alps properties at the Keene Dillant-Hopkins Airport. 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 – SALE OF AIRPORT HANGAR – AIRPORT DIVISION

Finance, Organization and Personnel Committee report read recommending that the City Council authorize the City Manager to negotiate and execute purchase and sale agreements for the so called “Green Hangar” at the Keene Dillant-Hopkins Airport. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

CITY MANAGER COMMENTS

The City Manager congratulated several of the Public Works Department employees: Megan Dussette, Russel Fish, and Lee Dexter, who recently achieved the status of Road Scholar I; Charles Nichols and Joshua Byrnes who achieved the status of Road Scholar II; Cameron LaPoint who achieved the status of Safety Champion from the University of New Hampshire Technology Center program. The City Manager also wanted to recognize Robert Chaput and Shawn Rawlings in the Water and Sewer Department for finding 7 wallets and returning them to their owners. Most recently, they returned a wallet with a significant amount of cash and when the owner tried to thank them by giving them a \$100 in cash, they returned it and explained that they as employees could not accept gifts.

The City Manager provided updates on the Community Development Department. The department continue to implement both staff and software changes to create efficiencies and

improve our interactions with the public. The Department went live with the online building permit application. This will make it easier for people to apply for building permits remotely. They now accept payments for permits in the form of cash, checks or credit cards in the department. This makes it easier for the applicant to be able to do everything in the department versus going downstairs to pay their fee. The next step is to start collecting payments online.

The City Manager wanted to inform everyone about Radically Royal Summit starting today. 400 people have registered for this event from at least twenty-two other states. Downtown Keene becomes a walking conference center. The City Manager noted that she was impressed with the restaurants efficient service to allow people to come in have their lunch and get back to the conference within a short time frame.

RESIGNATION – HUMAN RIGHTS COMMITTEE

A memorandum was received on behalf of the Human Rights Committee indicating that Tammy Parrott had submitted her resignation as a member of the Committee. A motion by Councilor Greenwald to accept the resignation with regret and appreciation of service was duly seconded by Councilor Jones. The motion passed with a unanimous vote in favor.

RESIGNATION – AIRPORT DEVELOPMENT AND MARKETING COMMITTEE

A memorandum was received on behalf of the Airport Development and Marketing Committee indicated that Andrea White had submitted her resignation as a member of the Committee. A motion by Councilor Greenwald to accept the resignation with regret and appreciation of service was duly seconded by Councilor Jones. The motion passed with a unanimous vote in favor.

DEDICATION OF PATH SYSTEM CHESHIRE RAIL TRAIL SECTION (THOM LITTLE)

A memorandum was received from the Bicycle/Pedestrian Path Advisory Committee requesting the City Council consider dedicating the Cheshire Rail Trail section from Emerald Street to Island Street as “Little Way”. The memorandum was filed into the record. The request was referred by the Chair to the Municipal Services, Facilities and Infrastructure Committee.

MORE TIME

More time was granted by the Chair for the following item in Committee: Joseph S. Hoppock, Esq. – Request to Purchase City Property.

MEMORANDUM AND ORDINANCE O-2019-16: RELATING TO – SPECIFIC STREET REGULATION – SPEED LIMITS

A memorandum was received from Police Chief relative to Ordinance O-2019-16: Relating to – Specific Street Regulation – Speed Limits. Ordinance O-2019-16 was read first time by title only. Ordinance O-2019-16 was referred to the Municipal Services, Facilities and Infrastructure Committee.

09/19/2019

MEMORANDUM AND RESOLUTION R-2019-35: RELATING TO THE APPROPRIATIONS OF FUNDS FOR THE SOLID WASTE FUND

A memorandum was received from Assistant Public Works Director/Solid Waste Manager relative to Resolution R-2019-35: Relating to the Appropriations of Funds for the Solid Waste Fund. Resolution R-2019-35 was read first time by title only. Resolution R-2019-35 was referred to the Finance, Organization and Personnel Committee.

COMMUNICATION – ATTORNEY THOMAS R. HANNA, BEHALF OF THE COLONIAL THEATRE GROUP, INC. – RELATING TO THE DISCONTINUANCE OF A PORTION OF THE COMMERCIAL STREET PARKING LOT AND RESOLUTIONS: R-2019-36: RELATING TO THE DISCONTINUANCE OF A PORTION OF THE COMMERCIAL STREET PARKING LOT; R-2019-37: RELATING TO ACCEPTANCE OF A WARRANTY DEED TO CORRECT THE SIDEWALK AND CURBING ENCROACHMENT PROBLEM – COMMERCIAL STREET PARKING LOT

A communication was received from the Attorney Thomas R. Hanna, on behalf of the Colonial Theatre Group, Inc., requesting the discontinuance of a portion of the Commercial Street Parking Lot, along with Resolutions R-2019-36 and R-2019-37. The communication was filed into the record. Resolutions R-2019-36 and R-2019-37 were referred by the Chair to the Municipal Services, Facilities and Infrastructure Committee. The Mayor schedule a site visit for Thursday, October 17, 2019 at 5:45 PM and set a public hearing for Thursday, October 17, 2019 at 7:05 PM.

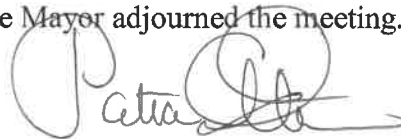
NON-PUBLIC SESSION

At 8:35 PM, a motion by Councilor Greenwald to go into non-public session for the purposes of discussion of litigation under RSA 91-A:3 II(e) was duly seconded by Councilor Jones. On a roll call vote, 15 Councilors were present and voted in favor. The session concluded at 9:15 PM. A motion by Councilor Greenwald to keep the minutes in non-public session was duly seconded by Councilor Jones. On a roll call vote, 15 Councilors were present and voting in favor.

ADJOURNMENT

At 9:15 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:



City Clerk



Notice of Public Hearing

Notice is hereby given that a Public Hearing will be held before the Keene City Council relative to Ordinance O-2019-12 which would amend the Zoning Map of the City of Keene, as adopted by the Keene City Council on December 15, 1977, from Commerce (COM) to Industrial (I), on a portion of the following parcel so that the entire parcel would be designated Industrial:

114-12-000

560 Main Street

HEARING DATE: October 3, 2019

HEARING TIME: 7:00 PM

HEARING PLACE: Council Chambers, Keene City Hall

Per order of the Mayor and Councilors of the City of Keene, this fifth day of September, two thousand and nineteen.

Attest:

City Clerk



City of Keene, N.H.
Transmittal Form

September 16, 2019

TO: Mayor and Keene City Council

FROM: Mayor Kendall W. Lane

ITEM: B.1.

SUBJECT: Confirmations

COUNCIL ACTION:

In City Council October 3, 2019.

Voted unanimously to confirm the nominations.

In City Council September 19, 2019.

Tabled until the next regular meeting.

ATTACHMENTS:

Description

Background_Prigge

Background_Jacobs

Background_Gaudio

BACKGROUND:

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

Library Board of Trustees

Charles Prigge, slot 2
33 Greenbriar Road

Term to expire June 30, 2021

Carl J. Jacobs, slot 6
376 Chapman Road

Term to expire June 30, 2022

Zoning Board of Adjustment

Arthur Gaudio, alternate slot 6
17 Mountain View Drive

Term to expire Dec. 31, 2020

Charles (Chuck) A. Prigge

BA - Amherst College

MBA - University of Pennsylvania

CPA since 1961

48 years in practice in Keene - Semi-retired

Smith, Batchelder & Rugg

Lehman & Wilkinson

Oster & Wheeler

Professional

NH Society of CPA's -past president

AICPA Peer Review Board – former member

New England Peer Review

Former board member

Currently a technical reviewer

Local

Keene Rotary Club – past president

Keene Academy – former trustee

Cheshire Medical Center -former trustee

Monadnock United Way – former director

Keene Family YMCA – former director

Spofford Yacht Club – past commodore

Mayor Kendall Lane

From: Councilor Carl Jacobs
Sent: Thursday, September 12, 2019 3:58 PM
To: Mayor Kendall Lane
Subject: Re: Library

I got my BA and married in 1967. We are blessed with two children, and two grandchildren.

In 1972 I earned a Master of Social Work at University of Michigan. Upon graduation we moved to Keene, NH where I was born, living in our house since 1973.

I have continued finding myself; working as a social worker, Realtor, sexton, and finally finding my bliss as a maintenance mechanic for 17 years, using my mind and my hands until I retired at 62. I have been active in my community serving on boards and commissions, and the last 8 as a member of the Keene City Council. I tend our gardens, cook, walk, play music, and be a community guy.

During all these years until I retired, I was a drinker and for much of it a pot smoker. I thought these substances helped me get through life. In the later years I was under their control. I have been gratefully sober 14+ Years, the best of my life. I am grateful and enjoying this moment.

From: Mayor Kendall Lane
Sent: Thursday, September 12, 2019 3:35:32 PM
To: Councilor Carl Jacobs
Subject: Library

Carl:

You have been recommended as a new Trustee for the Library. In order for me to nominate you I will need a short resume to go with the nomination. I would like to submit it at the next council meeting.

Thanks,

Kendall

Interested in serving on a City Board or Commission? :

Submission #30

The View page displays a submission's general information and data.

► SUBMISSION INFORMATION

First Name:

Arthur

Last Name:

Gaudio

Address

17 Mountain View Drive
Keene, NH 03431

Email:

Cell Phone:

4133487673

Home Phone:

6034998063

Please select the Boards or Commissions you would be interested in serving on:

College City Commission, Planning Board, Zoning Board Adjustment

Employer:

Retired; formerly Western New England University School of Law

Occupation:

Law Professor; Law School Dean

Education:

B.S., Accounting, University of Rochester, 1964; J.D. Syracuse University College of Law, 1967

Have you ever served on a public body before?

Yes

If you answered yes above, please provide what public body you served on and where.

Semi-public bodies: American Bar Association – Law School Accreditation Committee, Standards Review Committee, Data Policy Committee; Board of Directors, Community Legal Aid (2009–2013)

Other Information/Relevant Experience:

I was a law school professor for 43 years, including 18 years as a law school dean and 2 years as the Deputy Consultant on Legal Education to the American Bar Association's Section on Legal Education and Admissions to the Bar.

My areas of specialty and in which I have taught include real estate development, real estate finance, conveyancing, land use planning and zoning, I have written and edited a three volume treatise entitled "The

American Law of Real Property," and a one volume treatise entitled "Real Estate Brokerage Law." While in law school I was the research assistant to Professor Robert Anderson, the author of a 4 volume treatise entitled "The American Law of Zoning." I have written numerous articles and manuscripts on real estate law and finance, technology law as applied real estate, and brokerage law. I have served on numerous committees and boards dealing with real estate issues.

I submit that my experience as a college professor and dean provide me with special insights into the issues that the College City Commission would face. I also submit that expertise and specialization in various areas of real estate law provide me with special qualifications to serve on the Planning Board and the Zoning Board of Adjustment.

Please provide some references:

Richard Berry

6033543443

References #2:

Barbara Berry

6033543443

If would like to, please provide your resume

[Gaudio Resume.doc](#)

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City of Keene, N.H.
Transmittal Form

September 30, 2019

TO: Mayor and Keene City Council

FROM: Mayor Kendall W. Lane

ITEM: B.2.

SUBJECT: Nomination

COUNCIL ACTION:

In City Council October 3, 2019.

Tabled until the next regular meeting.

RECOMMENDATION:

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

Library Board of Trustees

Kathleen Kennedy Burke, slot 3
56 Chapman Road

Term to expire June 30, 2023



City of Keene, N.H.
Transmittal Form

October 1, 2019

TO: Mayor and Keene City Council

FROM: Councilor Mitchell H. Greenwald

THROUGH: Patricia A. Little, City Clerk

ITEM: C.1.

SUBJECT: Councilor Greenwald - Termination of Conflict of Interest Status on 100 Dunbar Street

COUNCIL ACTION:

In City Council October 3, 2019.

Communication filed as informational.

ATTACHMENTS:

Description

Communication_Greenwald

BACKGROUND:

In April of 2009, Councilor Greenwald was granted a request to abstain from discussions and votes on issues related to 96-100 Dunbar Street. The property was being considered as a proposed location for the Monadnock Food Co-op. As Councilor Greenwald no longer owns the property at 100 Dunbar Street he is terminating his conflict status, which has continued to be on file.



Mitchell Greenwald
Chairman, Finance Organization and Personnel Committee
Ward 2, City Councilor

September 19, 2019

To: Mayor and Council

Re: 100 Dunbar Street

In that I have sold the property located at 100 Dunbar Street, Keene, and I no longer have any interest in the property, I request to terminate the "Conflict of Interest" that is on file with the City Clerk.

I am pleased to again afford my constituents full representation on all matters in and around Dunbar Street.

Thank you,

Mitchell Greenwald

In City Council October 3, 2019.
Communication filed as informational.

City Clerk



City of Keene, N.H.
Transmittal Form

October 1, 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

COUNCIL ACTION:

In City Council October 3, 2019.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

ATTACHMENTS:

Description

Communication_Schwerin

BACKGROUND:

Katie Schwerin is submitting a public art proposal for two sculptures that will be incorporated into the Mount Monadnock Labyrinth.

Sept. 19, 2019

To Keene City Council

This application is regarding two sculptures that were in my initial proposal for the Mt. Monadnock Labyrinth site a year ago, but because they were not fully designed at the time, only the labyrinth was granted approval. One is by Adam Schepker, a local artist that designed the bicycle bench located in the green belt behind the coop in Keene. The second sculpture is by NY artist, Martina Muller. Both artist began their process of designing sculpture for this site at the same time I was designing the labyrinth.

I would like to note an addition I made to question one. I expanded the question by adding, "Include documented support from local artists or art organizations for this project." I did this because I thought the project should have support from the art community as a project with artistic merit.

Thank you for considering these two sculptures for this site.

Sincerely,



Katie Schwerin

Schwerin@badgerholm.com

603-357-4710

In City Council October 3, 2019.
Referred to the Municipal Services,
Facilities and Infrastructure Committee.



City Clerk

City of Keene - Public Art Proposal

1. Name of artist, partners or organizations. Include documented support from local artists or art organizations for this project.

Sculpture 1. Martina Muller, sculptor (Image of the sculpture is in the addendum)

Sculpture 2. Adam Schepker, sculptor (Image of the sculpture is in the addendum)

There are two sculptures in this proposal. Both were proposed when the Mt. Monadnock Labyrinth was brought before the city, Fall 2018. However, the sculptures were not fully developed at the time so I was asked to come back when they were. Both sculptures are supported by Friends of Public, Machina Arts and by Katie Schwerin, local artist for Keene's Mt. Monadnock Labyrinth.

In addition, an ad hoc advisory committee was established to validate the merit of these pieces for this site and to help choose locations. The advisory committee was Taryn Fisher, gallery owner, Craig Stockwell, local artist and teacher and Erika Radish, local artist. (Below in the addendum are commentary from the committee members documenting their support of the project)

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.

Sculpture 1: Martina Muller has created large scale stainless steel sculptures that have been exhibited at "Sculpture Now" at the Mount in Lenox, MA as well as "Flying Horse Sculpture Show" in Hamilton, MA and Diana Felber Gallery in West Stockbridge, MA. Martina is a member of the New England Sculptor's Association and showing this summer at the Eustis Estate south of Boston. She has worked as an artist for over four decades and her work can be seen on her website www.martinaangelamuller.com

Sculpture 2: Adam Schepker considers himself a sculptor first and foremost. But, for his day job, he works in the wood shop making looms at Harrisville Design. "PLAY", this word is at the heart of what I strive to portray or encourage with my work/sculptures. I make large participatory sculptures out of either; wood, stone, or metal. I try to make sculptures that bring a joyful sense of play to everyone focusing more on adults. I feel adults lose their childhood sense of fun and joy due to their focus on adult responsibilities, and some strange code of conduct that many adults feel tied to". Adam has created public arts pieces over the last few

years, most notable is a bench made from bicycle parts that is displayed in the green corridor behind the Monadnock Coop in Keene. Adam is also a lead organizer and instructor for the summer arts program, Immersion in the Arts.

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

This will be a permanent display.

4. Identify the location.

The sculptures 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 sculptures would be on the ridge above and to the sides of the Labyrinth. One will be on the right side and one on the left side.

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.

Sculpture 1: The Muller sculpture will be approximately 4' tall, 5' wide and 1' deep and be mounted on a cement block, so the final size with mounted will be approx. 6' tall. The sculpture itself will be cast in solid aluminum and hand patinated with in a bronze finish.

Sculpture 2: The sculpture is made of 19, 10" circular discs from the airport scrap metal pile, linked together and forming a hexagonal form. This form is held together by a steel frame. The sculpture will be mounted using bolts on a 4'x6' cement slab. The size is about 7.5'H x 5'W x 3' deep

6. Are utility hookups needed?

No.

7. How is the project being funded?

Katie Schwerin will be working with a local funding source to fund these two sculptures.

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.

These are 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

Sculpture 1: The Muller sculpture model is finished. A 3D file for enlargement was generated early in the summer and in August an enlargement has been created that will be cast using the sand-casting method. The actual sculpture will be cast this fall, painted in the bronze patina finish, and will be ready for transport to Keene and installed as soon as funding and approvals are set.

Sculpture 2: The Schepker sculpture is completed and ready to be mounted.

Time line

As soon as the city approves the project, we hope to complete the installation. Depending on weather this will be fall 2019 or spring 2020.

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?

The sculptures enhance an area at the airport for visitors to Keene and for local residents who frequent the area.

15. Is the project designed for the proposed site and is commensurate in scale with its surroundings? *Yes, it was designed specifically with this site in mind.*

Description of Inspiration for Sculpture and Creative Process

Sculpture 1: "This sculpture is about wings and flight, very appropriate for a sculpture at the airport. Wings are an expression of freedom, of our expansive nature unfolding to our full potential. In order to come up with a design for this piece I immersed myself for several hours into the genius loci of the place, sensing the wind, the fragrance of the trees and herbaceous plants, listening to the sounds of

the birds and the occasional airplane, making sketches of trees and dried leaves, looking out towards the mountains and walking on the soft soil into the adjacent grove. At the end of my time at the airport I found a number of small wood pieces. The wing like shapes were inscribed by nature into the fibers of the wood, over the course of many growth cycles were the starting point for the sculpture. I studied the script of the fibers, made numerous drawings of them and then started building the sculpture in clay. In order for the sculpture to be sturdy and stable for a public space and to withstand any kind of weather, I determined it would best to be cast in metal for which different patinas are available so as not to create a distraction for the pilots during take-off and landing. The sculpture was inspired by this place, for this place, in memory of the indigenous Abenaki people and their vision of the great eagle spirit Kisosen, as well as for the people of Keene who walk the new Mount Monadnock labyrinth created by Katie Schwerin and who enjoy the nearby forest and paths for their recreation and communion with nature.” Martina Muller

Sculpture 2: “My main inspiration for this sculpture was the relationship of the modern engineering and geometry found at the airport, and nature’s beautiful design surrounding it. My creative process was really about trying to find a harmonious way to display the beautiful steel base plates donated by the airport.” Adam Schepker

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.

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 of the Mt. Monadnock Labyrinth.

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

It enhances the airport area where there is picnic tables and a labyrinth for visitors and local folks to enjoy

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

No.

Addendum:

1. *Image of the Muller sculpture. (Next to the top image is the bronze patina color that it will be the final sculpture color):*





2. Image of the Schepker sculpture:



3. Letters from a gallery owner, Taryn Fisher, and two local artists, Craig Stockwell and Erika Radish, about this project:

This morning I joined an informally assembled, Ad Hoc Art Advisory Committee in support of Katie Schwerin's Public Art Proposal to add two permanent sculptures to the existing Mt. Monadnock Labyrinth located at Keene's Dillant-Hopkins Airport.

Our committee's objective was twofold: to validate the historic, cultural, and artistic merit and placement of the two sculptures within the context of the ultimate vision for this beautiful, natural open space and to demonstrate the importance of a robust Public Art Proposal process.

Having well-established, working artists (in this case, Craig and Erika) engage in the process to vet a given proposal is essential to ensure compliance with the proposal in general and in particular items #2, 14, 15, 18, and 19.

Having civic-minded community members (in this case, me) engage in the proposal process is essential to provide perspective on the value of public art installations as they relate to quality of life, to civic pride, and to tangible and intangible aspects of the place that we call home as well as to ensure alignment with Keene's Comprehensive Master Plan.

Today, our Ad Hoc Art Advisory Committee achieved the two objectives described above.

I'll close by saying the Mt. Monadnock Labyrinth offers residents of and visitors to the region a special, unique experience, one that embodies the historical, cultural, artistic, and natural attributes of our community.

Dr. Taryn E. Fisher, Owner
League of NH Craftsmen - Keene Fine Craft Gallery
9/17/2019

The accompanying proposal regarding two sculptures, flanking Katie Schwerin's Mt. Monadnock Labyrinth at Dillant-Hopkins Airport, has aesthetic and inspirational appeal.

Facing the Labyrinth, the plan is to place Martina Muller's piece high up to the right, nestled in front of the bordering trees. Made of bronze with a patina that will season with the elements to become increasingly "at home" in time, this sculpture heralds the space and suggests the idea of "flight," the very essence of the airport. It is beautiful in its movement and justly beckons the eye upward.

To the left, Adam Schepker's sculpture, made of repurposed metal from the actual scrap pile of the airport, stands like a sentinel with potential for sound, to anchor the space further while speaking with strength and nobility. It has the quality of groundedness and stability to complement the movement of the Labyrinth and the energy of the "Flight" Sculpture.

This plan has artistic and pragmatic merit. There is no maintenance, yet it adds great value to the composite space. The potential is clear to substantially complement the existing Labyrinth and beautiful, natural setting.

It has been a true pleasure to work on this with Katie Schwerin, Taryn Fisher, and Craig Stockwell.

Erika Radich

Local Working Artist

MFA Heartwood College, Biddeford, ME in Printmaking

9/17/19

I was pleased to join an ad hoc group this morning to tour the Labyrinth at the airport and consider the addition of two sculptures. My first impression is that the labyrinth itself is beautifully sited into the side of the hill and the hillside berm really becomes very much a part of the work. This leads me to suggest that the top of the berm, behind the labyrinth, not be cluttered with any of the sculptures. Instead they should be placed on the left and right edges: I suggest that Martina Muller's piece be placed on the right looking uphill and Adam Schepker's work go on the left.

Craig Stockwell, MFA, M.Ed.

Director of Visual Arts MFA

New Hampshire Institute of Art



City of Keene, N.H.
Transmittal Form

September 25, 2019

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.1.

SUBJECT: Dedication of Path System Cheshire Rail Trail Section (Thom Little)

COUNCIL ACTION:

In City Council October 3, 2019.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommended that staff be directed to draft a resolution dedicating a section of the Cheshire Rail Trail to the memory of Thom Little.

BACKGROUND:

Andy Bohannon, Director of Parks, Recreation and Facilities, said the Bicycle/Pedestrian Path Advisory Committee (BPPAC) discussed the death of Thom Little at their recent meeting. Mr. Little worked for more than 20 years as a trails advocate in Keene and Cheshire County. The BPPAC wants to commemorate Mr. Little's efforts; his passing is a void in the trail advocacy community. The BPPAC decided to name a section of the Cheshire Rail Trail connector loop from Emerald Street to Island Street in his honor, as it was one of the last path projects Mr. Little worked on. The BPPAC considered naming the section of the trail as "Little Way," with signage similar to "Appel Way." Mr. Bohannon continued reading the criteria for naming a facility after a person; one of the five criteria must be met for a name change:

1. A well-known community leader, either elected, appointed or volunteer.
2. A person who has positively influenced a large populace of the City through a significant contribution of money, time, material, or land.
3. An individual who has had a major involvement in the acquisition or development of the facility.
4. An individual whose civic leadership or volunteerism clearly has contributed to the betterment of the City.
5. An individual who is deceased and whose personal attributes symbolized the principles and standards of a community organization.

Mr. Bohannon said he and the BPPAC thought Mr. Little met all five criteria. He welcomed questions.

Councilor Sutherland noted the section of trail proposed for renaming is approximately 200' – 300' and he thought "Little Way" could be misinterpreted as just a small section of trail. Councilor Sutherland suggested naming the trail "Thom Little Way" so it is a more specific dedication as opposed to a trail description. Mr. Bohannon thought that was a good consideration and might be more appropriate. He added that there would also be information at a trail point commemorating Mr. Little's efforts.

Chair Manwaring recognized the President of Pathways for Keene, Wink Faulkner, who was friends with Mr. Little and knew his commitment to trails. He agreed with everything that Mr. Bohannon said and agreed with Councilor Sutherland's recommendation to name the trail as "Thom Little Way."

Chair Manwaring recognized Councilor Philip Jones, who is also a member of Pathways for Keene. He thought "Thom Little Way" was a good name for a deserving man, who put a lot of time and effort into Keene's pathway system.

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

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee directed staff to draft a resolution dedicating a section of the Cheshire Rail Trail to the memory of Thom Little.



City of Keene, N.H.
Transmittal Form

September 25, 2019

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.2.

SUBJECT: Periodic Report – Boards & Commissions – Partner City Committee

COUNCIL ACTION:

In City Council October 3, 2019.
Report filed as informational.

RECOMMENDATION:

On a vote of 5 - 0, the Municipal Services, Facilities and Infrastructure Committee accepted the presentation on the activities of the Partner City Committee as informational.

BACKGROUND:

Chair Manwaring recognized John Mitchell (of Hilltop Drive, Keene), who spoke as the Vice Chair of the Partner City Committee (PCC) who shared their progress during the last year. He said that Jürgen Habermann recently replaced Albert Thormann as Chair of the Einbeck PCC and the Keene PCC is confident that Mr. Habermann will continue supporting the exchange in the long-term.

Mr. Mitchell explained the cultural benefits of the Partner City exchanges. The last exchange brought 10 German young people to Keene, which changed some of their lives positively. These exchanges allow valuable idea sharing between the Partner Cities. He shared the four most common exchanges that PCC supports: youth soccer exchanges, Keene High School (KHS) exchanges, mixed group exchanges, and musical exchanges. The most recent was a soccer exchange, which brought 16 youths and four adults to Keene from June 28 to July 8, 2019. The exchange focused on sports and community involvement. He recalled the summer in 2017, when nine KHS students and two adults visited Einbeck; funded partly by the PCC and student fundraising. He described the mixed exchanges, which he recalled that many City staff, Councilors, and community members have participated in; the adult trip in 2018 was a self-supported event, with no PCC funding. There is an upcoming musical exchange (October 3-11, 2019) that will bring 35 choir members, including the Mayor of Einbeck, who is a well-known musician. In April 2020, 10 students and two adults will travel to Keene from Einbeck and will need to have assistance in planning and financial support from the PCC. In August 2020, 10 young people from the community will travel back to Einbeck for a few weeks, and will likely seek planning and financial support from the PCC. Mr. Mitchell discussed PCC exchange funding challenges. He said the PCC has worked hard to acquire in-kind donations to match fundraising efforts. He said the City funding for the PCC (\$5,000 annually) is essential to the Committee's functioning.

Councilor Lamoureux thanked Mr. Mitchell for the information. He noted that when Einbeck visitors come to Keene, there is a large individual financial contribution; the PCC does not fully fund these activities. He added that over the years, community members have hosted German visitors, and often pay for their meals or activities; thus, he said the community is essential to these exchanges.

Councilor Hooper asked if the public would have a chance to listen when the Einbeck choir visits in October. Mr. Mitchell replied in the affirmative and said that they will be singing at Keene State College, which has been a fundraising opportunity in the past. He continued saying it is difficult to convey the amount and importance of in-kind donations in addition to the important work parents and community members do. Mr. Mitchell said the possible relationships and young people's understanding of the world outweighs the funding to some extent.

Councilor Sutherland recalled when the PCC would fundraise at the past Pumpkin Festivals. He asked if there are fundraising plans for Keene's first annual October Fest. Mr. Mitchell said the PCC felt the loss of the Pumpkin Festival. Current fundraisers include bake sales, working with local restaurants which donate a portion of their proceeds, and raffling handmade items from Einbeck at events like air shows.

Councilor Sutherland asked if anyone in Einbeck is planning to run in the DeMar Marathon. Mr. Mitchell said there is a demand in Einbeck for a sports connection with Keene, including maintaining the soccer exchange. Three schools in Einbeck want to exchange with Keene and the DeMar Marathon is a possibility. He said that the Einbeck Middle School principal is working on a six-day exchange. He said the opportunities are amazing but funding and practicality are challenging.

Chair Manwaring recognized Councilor George Hansel, who said he participated in a mixed exchange to Einbeck and was a host for German visitors to Keene. He said this Partner City relationship is probably his favorite thing the City of Keene does; building friendships half-way around world has enriched his life and he feels like he has a second home there. He wanted to impress on the Committee the individual effort in the community and the many community groups are essential to continuing these exchanges. He said that the money that City Council invests in the PCC is maximized and stretched currently, and he hoped that support would expand. He added that these exchanges also help both Einbeck's and Keene's municipal governments learn from each other.

Chair Manwaring thanked Mr. Mitchell for his presentation and noted that she has heard the Einbeck choir before at the college and they were wonderful.

Councilor Filiault moved to accept the presentation as informational, which Councilor Lamoureux seconded and the Municipal Services, Facilities and Infrastructure Committee carried unanimously.



City of Keene, N.H.
Transmittal Form

September 25, 2019

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.3.

SUBJECT: Installation of a Traffic Control Device – Arlington Avenue and Dort Street in Response to Iselin Communication Requesting a 4-Way Stop at Arlington Avenue and Dort Street – Public Works Department

COUNCIL ACTION:

In City Council October 3, 2019.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On a vote of 3-2, the Municipal Services, Facilities and Infrastructure Committee recommended that the request from the Iselin's for a 4-way stop sign at the Arlington Avenue and Dort Street intersection be denied because it does not meet the MUTCD criteria for a four way stop sign under state law.

BACKGROUND:

Chair Manwaring welcomed the Director of Public Works, Kurt Blomquist, who recalled an informational memo at the last meeting regarding a communication from a resident requesting a four-way stop condition at the intersection of Arlington Avenue and Dort Street. The City Engineer had reviewed the intersection in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). The conditions were not met for a four-way stop so staff indicated to the petitioner that the request for a four-way condition be denied. The Committee had indicated they were interested in learning more about this type of request, for which staff had provided a memorandum outlining the existing required conditions for a four-way stop. New Hampshire State Statute governs the installation of traffic control devices and signals on highways and streets within the State according to RSA Chapter 47, Powers of City Councils, section 17 - Bylaws and Ordinances, subsection VIII, which states the following: VIII. Traffic Devices and Signals:

“(a) To make special regulations as to the use of vehicles upon particular highways, except as to speed, and to exclude such vehicles altogether from certain ways; to regulate the use of class IV highways within the compact limits and class V highways by establishing stop intersections, by erecting stop signs, yield right of way signs, traffic signals and all other traffic control devices on those highways over which the city council has jurisdiction. The erection, removal and maintenance of all such devices shall conform to applicable state statutes and the latest edition of the Manual on Uniform Traffic Control Devices.”

The Public Works Director continued saying that state law requires that the installation of traffic control devices comply with the latest edition of the MUTCD. The MUTCD provides the following criteria for the consideration of a multi-way stop control:

- A. Where traffic control signals are justified, the multi-way stop is an interim measure that can be installed

quickly to control traffic while arrangements are being made for the installation of the traffic control signal.

- B. Five or more reported crashes in a 12-month period that are susceptible to correction by a multi-way stop installation. Such crashes include right-turn and left-turn collisions as well as right-angle collisions.
- C. Minimum volumes:
 - 1. The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day; and
 - 2. The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour; but
 - 3. If the 85th-percentile approach speed of the major-street traffic exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the values provided in Items 1 and 2.

Where no single criterion is satisfied, but where Criteria B, C.1 and C.2 are all satisfied to 80 percent of the minimum values. Criterion C.3 is excluded from this condition.

The MUTCD also provides optional criteria, none of which the City Engineer found to apply in this case:

- 1. The need to control left-turn conflicts;
- 2. The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes;
- 3. Locations where a road user, after stopping, cannot see conflicting traffic and is not able to negotiate the intersection unless conflicting cross traffic is also required to stop; and
- 4. An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multi-way stop control would improve traffic operational characteristics of the intersection.

In reviewing the Dort Street and Arlington Avenue intersection to determine if a four-way stop was required, the City Engineer performed a review in accordance with the criteria outlined in the MUTCD, and determined that a four-way intersection was not warranted at this location at this time.

Councilor Sutherland recalled that the Public Works Director had articulated a dollar value per stop sign at the last meeting but that number did not make it into the public record; he asked the Director to reiterate that figure for the record and asked if that discussion would continue at the next meeting. The Public Works Director could not recall providing a specific figure, though he estimated \$120 - \$150 to manufacture and install a new stop sign. There are also costs over time to maintain signs. Councilor Sutherland recalled this discussion arose as a concern for children's safety in the neighborhood. He asked, if the petitioner returned seeking a "Slow Children" sign, if these same criteria would apply. The Public Works Director said the state of NH does not recognize and considers "Slow Children" unwarranted; the signs cannot be enforced and therefore they fade into the background of drivers' attention. He said that highway studies have shown that the signs also provide a false sense of security to children in the street. Therefore, the signs are ultimately not safe and City staff does not recommend installing them. Councilor Sutherland said that staff's recommendation would not stop residents from asking. The Public Works Director understood and added that most residents understand why the signs are unwarranted once staff explains the reasoning.

Councilor Lamoureux said the City is becoming polluted with signs. He said the yellow signs with a child and flag at the end of driveways that indicate children at play are most likely to make him slow down, and he thinks they could be a good indication for other drivers.

Councilor Filiault said it always seems that neighbors come to the City Council seeking help and the City finds more ways to say no than yes. He noted various instances the Council has considered exceptions to this stop sign rule in the interest of public safety and he finds this intersection similar to where those exceptions have

been made. He said he would vote yes on this request on behalf of the neighborhood.

Councilor Lamoureux asked if the City would face any liability by installing a sign against this state regulation, and he asked what Primex thought about the issue. The City Attorney communicated with Primex on this question and they expressed concern; if the City steps outside the statutory requirement to follow the MUTCD, then there would need to be a very good basis for doing so or the City would run a risk. With regard to stop signs and traffic control devices, he said there is a general immunity provided to the City with respect to any liability that may occur if the City is consistently following a particular standard like the MUTCD. Therefore, he said it is important for the City to follow the MUTCH standard, as Primex suggested.

Councilor Hooper said he was looking forward to discussing agenda item number one, which was placed on more time, because a comprehensive review of neighborhood speed limits seems very important. He has lived on Colby Street in Keene 30 years and said that speeders increase annually. He said the Council should do all they can to control people speeding on side streets. He said he would support ways everyone can work together to make things better for neighborhoods without going sign-crazy.

Councilor Filiault asked, if the Council has these concerns, then why there are stop signs at various intersections in Keene; it seemed to him that the Council does selective enforcement. The Public Works Director said he did what he could in reviewing those cases from the 1980s; he said that today when issues arise, staff refers to the applicable statutes that exist today and require the use of MUTCD.

Councilor Sutherland pointed out that in the last Operating Budget, the Highway Division estimated more than 4,000 signs in the City; more than 2,500 of which are tracked in the City's asset management system, with updating in progress.

Chair Manwaring recognized Toby Iselin (of 46 Arlington Avenue, Keene), who said he appreciated staff review of this matter. He spoke at the last meeting and said his sentiments remain the same that stop signs are a way to keep neighborhoods safer. He said that many pedestrians (not just children) walk this path daily and they are in danger without a stop sign. Prior to the last meeting, he did not know the state recommendations, but said he still hears them as guidance. He thinks there is also a way that City representatives can keep kids safe. He also thinks that people in Keene have the power to keep their kids safe too. He asked the Council to do something to protect people who want to take a walk outside and away from screens. He said this one stop sign could be a symbol of the City caring for its inhabitants. He recalled being in neighborhoods where the Council has made exceptions to these recommendations and they seem safer to him. He knows stop signs are not meant to control speed, but said they make it safer for people in the neighborhood to walk or bike on the road, where drivers currently rip around the corner. He understood what the data showed and agreed that 85% of drivers are doing great, but said he sees the rest and thinks a stop sign there could protect people. He sees the close calls and thought the City faced a greater risk of a child being killed by a car than of going against a state recommendation, when a few hundred dollar sign could prevent those close calls. He added that if cost were a factor, he would donate the cost of the sign to the City. Mr. Iselin thanked the Council for their time spent hearing this matter and staff for gathering data.

Chair Manwaring said that hearing agenda item number one was being rescheduled to the next meeting would be important to this matter; she said not to be discouraged if this item did not pass at this meeting. She said the Council does care about children and safety and said that perhaps other things can be done. Mr. Iselin referenced Hillsboro, NH, where there is a long stretch of 25 mph and cops are posted there to enforce. He understood that speed enforcement is challenging but said that most people stop or at least slow down at stop signs.

The Public Works Director clarified that this is state law, not a recommendation.

Chair Manwaring recognized Dave Whaley (of 70 Dickinson Road, Keene), who has lived in Keene for nine

years, considers it a great community, and said he very familiar with the Mr. Iselin's concern. He said the meeting packet cites the MUTCD as a recommendation, not an adamant mandate that yield or stop signs should not be used for speed control. He was curious why the Council would not approve a sign; he said that the neighbors would pay for it, and that the City should be proactive instead of reactive. He said that yield or "child at play" signs are easily ignored, and while drivers might roll through a stop sign, they at least slow down. He said this street is 1000' and people still reach a high speed, as evidenced by two stop signs in the middle to protect drivers before crossing Arlington Avenue. He thinks a stop sign at this location would contribute a lot to quality of life.

Councilor Hooper questioned if the Council votes against MUTCD recommendations, if the City would be breaking the law by installing a sign. The Public Works Director said that right now, the MUTCD recommends that the City not use stop signs for speed and currently the conditions at this intersection do not warrant a four-way stop; and state law requires the use of the MUTCD. The City Attorney agreed that the language is specific and which the MUTCD likely required some type of balance, he said this clearly requires the experience of the City Engineer and other professionals to determine where the balance lies. The City Attorney and Primex cautioned the Council to follow this manual and make a determination based on those standards.

Councilor Filiault recalled some time ago when the Council reviewed crosswalks downtown and chose to use red brick against the state and federal government recommendations to use white reflective paint. He found the argument presented to be weak. He said he would step a little out of line in the interest of safety, as the City has done with other intersections and crosswalks, and he would vote on behalf of the neighbors.

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

On a vote of 3-2, the Municipal Services, Facilities and Infrastructure Committee recommended that the request from the Iselin's for a 4-way stop sign at the Arlington Avenue and Dort Street intersection be denied because the location does not meet the MUTCD criteria for a four way stop sign under state law. Councilors Hooper and Filiault opposed.



City of Keene, N.H.
Transmittal Form

September 25, 2019

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.4.

SUBJECT: Engine Brake Signage in Response to Griffin Communication to Prohibit the Use of Engine Brakes – Public Works Department

COUNCIL ACTION:

In City Council October 3, 2019.

Voted unanimously to carry out the intent of the first recommendation in the report. Voted with 10 in favor and five opposed to carry out the intent of the second recommendation in the report.

RECOMMENDATION:

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommended that the request from James Griffin to prohibit the use of engine brakes be denied.

On a vote of 4-1, the Municipal Services, Facilities and Infrastructure Committee recommended that the City Manager be requested to install signage that would encourage trucks not to use engine/exhaust brakes within the City at locations of major entry points from the State highway system where truck traffic is most likely occurring.

BACKGROUND:

The Director of Public Works, Kurt Blomquist recalled that the Committee heard from a petitioner at the previous meeting requesting control of engine or exhaust brakes in the City. He inquired about possible signage on the state highway system, where the brakes are used most. The state would not allow signs prohibiting the use of a permitted safety device, per the Attorney General. Staff did consider where informational signs could be installed in the City. These could be general information signs with green background and white letters (2' x 2'). Staff considered the following language: "Trucks please do not use engine/exhaust breaks within the City." Staff identified six locations in the City, where most large truck traffic comes from state highways and would be most likely to see the signs:

1. West Street near RT-10/12 north off bound ramp
2. Winchester Street north of RT-101 roundabout
3. Washington Street at Concord Road
4. Maple Avenue at RT-12 northbound off ramp
5. Main Street north of RT-101/12 intersection
6. Optical Avenue north of RT-101 intersection

Committee members thanked staff.

Chair Manwaring recognized Councilor Mitch Greenwald, who provided examples of how far the sound of engine brakes travels at night, especially from RT-101, where he thinks there should be signs. He said that

trucks should not be speeding enough to require brakes to that extent. He urged the Committee to consider the signs if neighbors want them. Councilor Sutherland heard a comment declaring that trucks are speeding and asked if the City is not enforcing speed. Chair Manwaring said that was not an issue for this meeting.

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

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommended that the request from James Griffin to prohibit the use of engine brakes be denied.

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

On a vote of 4-1, the Municipal Services, Facilities and Infrastructure Committee recommended that the City Manager be requested to install signage that would encourage trucks not to use engine/exhaust brakes within the City at locations of major entry points from the State highway system where truck traffic is most likely occurring. Councilor Sutherland opposed.



City of Keene, N.H.
Transmittal Form

September 25, 2019

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: D.5.

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

COUNCIL ACTION:

In City Council October 3, 2019.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

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

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

In addition, the owner shall notify City staff of any changes in building operator; failure to do so may be grounds for suspension or revocation of this license. This license expires on the 20th day of October, 2020 and may be revoked by the City Council in accordance with Sec. 46-590 “Suspension or Revocation”.

BACKGROUND:

Vice Chair Jones stated that this is a repeat request they have had for a couple years.

Tracy Parkhurst, and Donna Forte, both of 281 Moran Road, Hopkinton NH, and both representing Keene Student Rentals, introduced themselves.

Vice Chair Jones stated that his understanding is Mr. Parkhurst and Ms. Forte have seen the license and the conditions put upon it. Mr. Parkhurst and Ms. Forte replied yes.

Vice Chair Jones asked if they had any questions. He asked if PLD Committee members had questions. He asked why the resident agent, Brianna Glasser, has one address on the application, in Hopkinton, and a different address, 23 Ralston Street, on the license. Mr. Parkhurst replied that the latter is their office. Vice Chair Jones asked if Ms. Glasser can be contacted at the Ralston Street address. Mr. Parkhurst replied yes.

Vice Chair Jones asked to hear from staff.

John Rogers, Building and Health Officer, stated that the Housing Inspector conducted an inspection on September 8. He continued that he noted minor issues on the housing side. He has been in contact with Mr. Parkhurst about those items, and all of them have been fixed, except for one very minor item, which is in process right now – a window pane, which is not high on the City's list of issues.

Vice Chair Jones replied that that is good news, and thanked Mr. Rogers. He asked to hear from the Fire Department.

Fire Chief Mark Howard stated that the Fire Department inspected the property on September 9. He continued that they found minor, "housekeeping matters" the property owners needed to address, and they had 30 days to do so. They called the Fire Department yesterday or this morning for a follow-up. Staff has now completed that follow-up inspection, and Mr. Parkhurst and Ms. Forte are all set from the Fire side.

Vice Chair Jones replied that that is good to hear. He asked if anyone had questions for the Police Department or if Captain Todd Lawrence had anything to add. Captain Lawrence shook his head. Vice Chair Jones asked if there were questions or comments from the public. Hearing none, he asked for a motion.

Councilor Hansel made the following motion, which was seconded by Councilor O'Connor.

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

- Compliance with all applicable laws, ordinances, codes, rules and regulations.
- No more than 16 persons may reside on the premises.
- No less than 8 vehicular parking spaces must be provided on the premises.
- The names, home addresses, and motor vehicle registrations of the residents of the licensed premises shall be available on the premises at all times for inspection upon request by the Police, Code Enforcement or Fire Departments.
- Continued violation of the City parking ordinances by residents of the premises or their guests, as determined by the Police or the Code Enforcement Department may be grounds for suspension or revocation of the license.
- No alcoholic beverages may be sold on the premises except by written permission of the New Hampshire Liquor Commission.
- Loud noises or other disturbances after 10:00 PM that continue after warning by the Police Department may be grounds for suspension or revocation of the license.
- Access to the common areas of the licensed premises shall be granted to the Police, Code Enforcement,

Fire and Health Departments of the City of Keene at all reasonable times.

- The cellar space does not meet the qualifications for public assembly and therefore can not be used as a gathering space.
- The continuation of the license is subject to and conditioned upon successful passage of two inspections to be conducted by the City.
- Compliance with any recommendations of City staff.

In addition, the owner shall notify City staff of any changes in building operator; failure to do so may be grounds for suspension or revocation of this license. This license expires on the 20th day of October, 2020 and may be revoked by the City Council in accordance with Sec. 46-590 "Suspension or Revocation".

Vice Chair Jones asked the Community Development Director/Assistant City Manager, for the benefit of the petitioners: is there a chance that next year this would come under a different license? He continued that he knows the City is changing the definitions on the codes. Will it be a different set up next year?

Mr. Lamb replied that there is an ordinance currently in front of the City Council that would make changes to the Zoning Ordinance and also to Chapter 46, the Licensing chapter of the City Code that would affect this type of use. He continued that there will be a new definition for "lodging house," and the definition will likely be exactly the type of lodging house Ms. Forte and others are operating in the city. They currently require a license. From a procedural standpoint, he does not think much will change for true lodging houses. There will be new definitions that address things like homeless shelters and that type of a residential setting. But the traditional lodging houses, such as Ms. Forte's, are not likely to see any significant changes.

Vice Chair Jones stated that this matter will go before the full City Council next Thursday. He thanked Ms. Forte and Mr. Parkhurst, and wished them good luck.



City of Keene, N.H.
Transmittal Form

September 25, 2019

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.6.

SUBJECT: Periodic Report – Boards and Commissions - Heritage Commission

COUNCIL ACTION:

In City Council October 3, 2019.
Report filed as informational.

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends acceptance of the presentation on the activities of the Heritage Commission's report as informational.

BACKGROUND:

Vice Chair Jones stated that every other year, the City Council seeks reports from the city's boards and commissions. He continued that tonight they have reports from two public bodies, and he thinks it is great to do both of these (the Heritage Commission and the Historic District Commission) at the same time. Many people have a hard time differentiating between the two and what their purposes are. He asked Rosemary Carey to speak.

Rosemary Carey, of 206 Washington Street, Chair of the Heritage Commission (HC), read the following report:

“The HC is an advisory and review commission of the City of Keene. It is mandated to inventory, promote, protect, and preserve all Keene resources which are valued for their historic, cultural, aesthetic, archeological, and community significance. Activities include: survey, National Register, preservation planning, and educational projects.

It has been a few years since we have presented to you. I have served on the HC for the past five years; this is my third year as Chair. This is not a long time, yet it marks a shift in the activities of the Commission from its focus on the Proposed Lower Main Street Historic District to those that inspire community involvement and pride of ownership. We have emphasized citizen awareness and appreciation of Keene's cultural and historic resources.

This year and for the past two years our programs have been funded through Certified Local Government Grants. We have held workshop series based on themes that would benefit our citizens, our homeowners, and educate the public in general as to culture, historical significance, and preservation of structures and neighborhoods.

This year's theme was early farming and agriculture. 'Harvesting Our Heritage and 'Cooking Up History' were

our first two workshops and were well attended. Our final event “Urban Barn Tour” this August was a talk and walking tour of barns and carriage houses. It told the early story of the Washington Street historic area north of Central Square and was received enthusiastically by homeowners and the public. Research of eleven properties was done by the HC members.

In 2017-2018 we created three workshops within an Architectural Roadshow Series designed to educate and assist the public and historic homeowners in the preservation of their homes. The workshops were: Research Your Old House, Restore Your Old House (featuring local contractors, artisans, and craftsmen), and an enthusiastically received Architectural Tour of the School Street neighborhood. These workshops were very well attended with around 100 attendees at each.

The final event raised the enthusiasm of the entire School Street neighborhood. Forty-four historic homes were featured and seven of those were ones in which each homeowner presented the history of their home to the touring crowd. Two homes were open for inside touring. Research of the 44 homes in the area was completed by HC members.

In 2015 we held five monthly events throughout the spring and summer called ‘Sunday Social’s. Homeowners of historical homes hosted an afternoon of live music which was open to the public. Each home was researched and its history presented. All proceeds benefitted the restoration fund of the Summer Knight Chapel.

Current plans for 2019-2020 are for the HC to conduct an inventory of historic barns within a specified area of the city. It will include an at-risk barn inventory. We have received CLG grant funding in the amount of \$15,000 for this inventory. We are also interested in supporting the Transportation Heritage Trail project.

In closing Ms. Carey emphasized the ‘good will’ through promoting these events, that individual homeowners, businesses, and organizations have come forward in support of the city. The HC has been given free access to beautiful venues in which to host events as well as partners that assist with advertising and community involvement. I would like to thank especially those individuals, businesses, and organizations who have contributed so greatly to our success.”

Vice Chair Jones stated that our heritage is very important, and the City Council appreciates what the HC does. He asked, regarding the tours, if the HC members are looking into it and validating the heritage. Ms. Carey replied that HC members research and document the history of the houses. She continued that those histories are placed in a HC file for others to access, such as future homeowners or people conducting research.

Councilor Hansel stated that he was lucky enough to attend the Urban Barn Tour that the HC hosted. He continued that it was so fun, and he thinks they should do it every year. They only had a portion of the barns, just up Washington Street, and approximately 15 homeowners welcomed people to view their barns. The HC had an expert there to point out different eras and how they were constructed. Ms. Carey replied that it was hopefully a prelude to the HC’s research project of all the historic barns in Keene.

Councilor Bosley stated that the work the HC is doing is a wonderful asset to the community. She continued that she hopes they would open the opportunity for additional home tours. It would be great for homeowners and for the public. She asked if the HC is looking into that. Ms. Carey replied possibly. She continued that the home tours were very well received. People thoroughly enjoyed that. Councilor Bosley replied that Keene has spectacular architecture and it is great to show it off. Many people walk the streets of Keene and wonder about the backstory. Ms. Carey replied that the HC has two tours they are trying to make public and put on the website – the barn tour and the walking tour of School Street.

Community Development Director Rhett Lamb stated that he wants to personally thank the HC members, and Ms. Carey in particular. He continued that she only gave a synopsis of the HC’s work tonight, and what the HC has done is nothing short of incredible. When people ask him for advice on how to energize groups, he

tells them to go talk to Ms. Carey. He wanted to take a moment to recognize her and the other HC members.

Vice Chair Jones asked if there were questions or comments from the public. Hearing none, he thanked Ms. Carey for her presentation. He stated that she and the HC are part of what make this community special.

Councilor O'Connor made the following motion, which was seconded by Councilor Hansel.

On a vote of 4-0, the Planning, Licenses, and Development Committee accepted the Heritage Commission's Report as informational.



City of Keene, N.H.
Transmittal Form

September 25, 2019

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.7.

SUBJECT: Periodic Report – Boards and Commissions – Historic District Commission

COUNCIL ACTION:

In City Council October 3, 2019.
Report filed as informational.

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends the acceptance of the Historic District Commission's report as informational.

BACKGROUND:

Vice Chair Jones asked Hanspeter Weber to speak.

Hanspeter Weber, of 22 Douglas Street, Chair of the Historic District Commission, read the following report:

“The Historic District Commission (HDC) is tasked with reviewing development on sites within the Historic District in downtown Keene. There are seven regular members and two alternate positions, and we currently have seven member positions and two alternate positions.

There are approximately 188 properties located in the downtown district, which extends north to south from Mechanic Street to Marlboro Street, and east to west from Norway Avenue to the western end of Gilbo Avenue. Each property has a ranking related to the integrity of the resource.

In 2018, the HDC met six times and reviewed 12 Major Project applications, all of which were approved. A number of these, eight, were applications related to the Walldogs mural festival that recently occurred downtown. So far, in 2019, the HDC has met seven times and reviewed nine Major Project applications; three were Walldogs mural applications.

Minor projects can be approved administratively by staff for changes that will not impact any historic features on site. Six such applications were approved by staff in 2018, and so far in 2019, staff have approved six applications. Activities considered ordinary maintenance do not require a review at all.

About a year ago, the HDC updated its regulations to respond to the new trends they are seeing in the community and to streamline the review process for projects that are becoming more common. For example, in anticipation of the Walldogs mural festival, they created standards to review murals proposed on historic buildings within the downtown in order to create a path for the Walldogs festival to move forward. In addition, they revised the review criteria for renewable energy systems to make the standards more clear, and

they changed the major project review threshold for certain activities, such as masonry cleaning and repointing.

Looking forward, the HDC is working on updating the resource ranking list for properties within the district that have not yet been ranked or that may warrant a new ranking based on improvements made to the property. They are also planning on revising their regulations to be consistent with the new downtown form-based zoning, if and when that is adopted.

I am closing by saying thank you for your support of the Commission and our work, and I would be happy to try and answer questions that you might have.”

Vice Chair Jones stated that the City Council was witness to a great portion of the HDC’s work when the Council saw the application from the owner of the former Methodist church. He continued that that was a great combination of historic preservation and renewable energy. That shows how it can work. The Council thanks the HDC for that; it is very much appreciated.

Mr. Weber replied that today was the first time he saw the church roof, when he was walking up Court Street. He continued that he saw the gleaming solar collectors and it pleased him greatly. It did not take away from the character of the building. Vice Chair Jones replied yes, it shows that they can accomplish both.

Councilor Carl Jacobs, stated that in regards to both commissions, they have a wonderful inventory of houses and barns that have brought us to today. This balance between preserving that heritage and what those who have lived in Keene before have given to us while being open to ways of having events like the Walldogs festival is vital. He continued that the City Council just had an application from a person on Washington Street who is putting in a bed and breakfast on a property which had one of the barns on the Urban Barn Tour. This heritage, and historic aspect, is good for Keene’s economy and good for business in Keene. Sometimes there is a notion that people want to live in the past, but both of these groups deserve credit for finding ways to preserve the past while moving toward the future.

Vice Chair Jones replied that that was very well said.

Councilor Bosley made the following motion, which was seconded by Councilor O’Connor.

On a vote of 4-0, the Planning, Licenses, and Development Committee accepted the Historic District Commission’s Report as informational.



City of Keene, N.H.
Transmittal Form

September 26, 2019

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.8.

SUBJECT: Acceptance of Donations - Parks, Recreation and Facilities Department

COUNCIL ACTION:

In City Council October 3, 2019.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept donations in the amount of \$1000.00, \$247.83 and \$100.00 and that the donations be used for the Human Rights Committee collaboration with the Keene International Festival.

BACKGROUND:

City Manager Elizabeth Dragon stated the City has three donations which total \$1,347.83 and staff is asking that these monies be used for the Human Rights Committee collaboration with the Keene International Festival. The donations are from Savings Bank of Walpole in the amount of \$1000.00, the Cheshire County Literacy Coalition in the amount of \$247.83 and Fenton Family Dealerships in the amount of \$100.00.

Ms. Dragon went on to say the City conducted its second annual International Festival this past Saturday and the event attracted over 800 attendees from the Monadnock region. Through the International Festival the City was able to showcase cultural diversity in our community.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept donations in the amount of \$1000.00, \$247.83 and \$100.00 and that the donations be used for the Human Rights Committee collaboration with the Keene International Festival.



City of Keene, N.H.
Transmittal Form

September 26, 2019

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

SUBJECT: 79E Community Revitalization Tax Relief Application for 112 Washington Street

COUNCIL ACTION:

In City Council October 3, 2019.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the structure proposed for redevelopment located at 112 Washington Street is a qualifying and historic structure as defined by RSA 79-E; that the structure is not within a currently defined Tax Increment Financing District; that the structure is not a residential property subject to an election for tax assessment relief under the low income housing tax credit program of RSA 75:1-a; that the proposed rehabilitation cost estimates exceed the threshold amount of \$75,000 and constitutes substantial rehabilitation; that at least \$5,000 of the total rehabilitation cost is devoted to energy efficiency in accordance with the U.S. Secretary of the Interior's Standards for Rehabilitation; that the proposed rehabilitation is consistent with the City's Master Plan; and that the proposed rehabilitation provides the following public benefits as required by Resolution R-2018-33:

1. It enhances the economic vitality of downtown areas;
2. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located;
3. It promotes the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation;
4. It promotes efficient design, safety, and a greater sense of community in a manner consistent with the Keene Comprehensive Master Plan; and,
5. Results in an increase in energy sustainability in conformance with the City adopted greenhouse gas initiatives as determined by a home energy score of at least 6, and demonstrated carbon emission reduction of at least 10.

Therefore, the Committee recommends that the Application for real property tax relief on any assessed tax increment resulting from the substantial rehabilitation of the qualifying structure be granted for a period of 5-years beginning with the completion of the substantial rehabilitation as determined by the City's Community Development Department, and conditioned upon the property owner granting to the City at the time of substantial completion a covenant ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for the period of the tax relief, to be recorded at the Cheshire County Registry of Deeds at the cost and expense of the property owner.

BACKGROUND:

Director of Economic Development and Special Projects, Medard Kopczynski addressed the committee next. Mr. Kopczynski stated there was a thorough presentation at the council meeting on this item. He explained under the 79E program, the Council may provide qualifying properties tax relief for improvements made on the property for a period of time. Mr. Kopczynski introduced Josh Gorman, applicant for this item. It was noted the period of improvements could be between zero to five years.

Mr. Josh Gorman of 85 Park Avenue addressed the Committee. The Chairman noted the applicant's project meets all the required criteria but the applicant has chosen not meet three criteria – the first one is in reference to creating a full time job – he stated he has no guaranty of this as his wife plans on running this entity with some help. The second is in reference to developing green building codes – he noted he has made several energy saving improvements but wasn't sure if he has met the green building code. The third is to include public art.

Mr. Kopczynski went over the criteria:

- Enhances Downtown economic vitality
- Improves a culturally or historically important structure – Mr. Kopczynski stated there is demonstration that these structures that meet this criteria.
- Promotes the preservation and reuse of the existing building stock
- Promotes efficient design, safety, and greater sense of community consistent with the Comprehensive Master Plan
- Increases energy sustainability through reduced emissions

Mr. Kopczynski noted this is not a one to one relationship but what city council deems appropriate in determining whether it is one year or five years.

Councilor Jacobs stated at the last PLD session the Heritage Commission referred to a barn tour they had been a part of and the applicant's barn was on that tour and had indicated to the improvements that have been made which would make it a more viable property.

Ms. Dragon called the committee's attention to the Council's Resolution included in the committee's packet, noting it includes nine criteria which are considered to determine if an applicant qualifies for 79-E and to determine the tax relief period. She added that five of the nine criteria have been met by this applicant.

Councilor Clark stated he was in support of this request and added this is one of many in the city of Keene that are in need of rehabilitation. He questioned why the State does not allow an expanded version of what is before the committee tonight for regular homeowners without having to meet such strict criteria.

Councilor Jacobs asked for clarification on the consideration for the timeframe. Ms. Dragon explained the timeframe is the Council's discretion and the criteria listed on page 2 of the Resolution are intended to be a guide – she noted there was one application that met all five but that does not mean the application before the committee is any less worthy.

The Chairman asked for clarification on the missing criteria. Mr. Kopczynski indicated there is an item in the zoning code which relates to green building implementation. He noted what is outlined in the committee's packet is whether this building could meet one of the criteria in the zoning code but added staff has not evaluated as to whether this building would meet any of those criteria. He further stated some of the green building rating systems don't necessarily require one meet the energy codes (some do and some don't). They are more concerned about the overall impact on the environment by the building's operation. He further stated Mr. Gorman would receive under any of the green rating systems a lot of mileage because he is restoring and reusing an existing building.

Chair Greenwald stated he wanted to encourage this project and encourage others to do the same. Mr. Gorman stated he has made many energy conscious changes with this building but did not want to expand on some things like creating a full-time job, adding in public art – he stated these are not things he wanted to commit to. Being owner occupied is another item he has not included as this property has not been owner occupied since the early 1900's – but felt he met the other criteria.

Councilor Jacobs noted staff seems to be agreeing to the five year term. Ms. Dragon stated staff is not recommending any timeframe and the recommendation in the packet is a carryover from the prior application.

Councilor Powers felt these types of projects should be encouraged; it is encouraging economy for the area and is also attractive.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the structure proposed for redevelopment located at 112 Washington Street is a qualifying and historic structure as defined by RSA 79-E; that the structure is not within a currently defined Tax Increment Financing District; that the structure is not a residential property subject to an election for tax assessment relief under the low income housing tax credit program of RSA 75:1-a; that the proposed rehabilitation cost estimates exceed the threshold amount of \$75,000 and constitutes substantial rehabilitation; that at least \$5,000 of the total rehabilitation cost is devoted to energy efficiency in accordance with the U.S. Secretary of the Interior's Standards for Rehabilitation; that the proposed rehabilitation is consistent with the City's Master Plan; and that the proposed rehabilitation provides the following public benefits as required by Resolution R-2018-33:

1. It enhances the economic vitality of downtown areas;
2. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located;
3. It promotes the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation;
4. It promotes efficient design, safety, and a greater sense of community in a manner consistent with the Keene Comprehensive Master Plan; and,
5. Results in an increase in energy sustainability in conformance with the City adopted greenhouse gas initiatives as determined by a home energy score of at least 6, and demonstrated carbon emission reduction of at least 10.

Therefore, the Committee recommends that the Application for real property tax relief on any assessed tax increment resulting from the substantial rehabilitation of the qualifying structure be granted for a period of 5-years beginning with the completion of the substantial rehabilitation as determined by the City's Community Development Department, and conditioned upon the property owner granting to the City at the time of substantial completion a covenant ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for the period of the tax relief, to be recorded at the Cheshire County Registry of Deeds at the cost and expense of the property owner.

Chair Greenwald thanked Mr. Gorman for completing this project as it is a demonstration project as well for the city. He also thanked city staff for all their assistance with this project.



City of Keene, N.H.
Transmittal Form

September 26, 2019

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

COUNCIL ACTION:

In City Council October 3, 2019.
Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of the Economic Development Plan.

BACKGROUND:

Chair Greenwald stated this is a plan that was worked on by an independent committee with exceptional staff support.

Mr. Kopczynski read into the record a portion of the Committee Chair's letter:

We began by reviewing the plan issued by the 2016 committee. A number of recommendations are in the process of implementation. Several were the basis of action plans by the City Manager and are in place (a number of different convergences on things like the unified development code, consolidation of the fourth floor, and how land development is done). Significant goals that emerge from this report include:

Implement an outreach-marketing program, while supporting existing businesses to expand the local tax base and providing living wage opportunities. Urge the Council to set aside money for Economic Development and branding projects.

- Continue and expand the close working relationship between the City and Keene State College, River Valley and Antioch University. Mr. Kopczynski stated there is an exciting synergy happening in this respect and referred to the new program that has started at the Cheshire Career Center and working its way through the local colleges with partners from industries eventually providing for employment opportunities. Work to assure the success of the KSC / River Valley / Cheshire Career Center collaboration.
- Support and expand the presence of internships. Encourage employers to implement programs to subsidize college loan debt as an employment incentive. Mr. Kopczynski stated the committee found that collaboration was necessary to work with employers and employees to work within the City of Keene to increase Keene's labor force.
- Identify, promote and utilize incentive programs from the State and Federal Government.
- Create and implement efforts to promote Keene as a cultural, recreational, and tourist destination. Support downtown Economic Development programs. This item has been stepped up by the Manager and Council with events such as Radically Rural.
- Support the installation and expansion of high-speed internet. Plan for installation of conduit any time a street

is excavated. The plan is for staff to develop a plan for this item.

- Promote diversity as a means to workforce growth. Diversity and culture are paramount in the committee's mind.
- Work to develop and expand the airport. Promote the development of public transportation.

This concluded Mr. Kopczynski's presentation.

Toby Tousley of Washington Street commended the work that has gone into this item. He indicated he would like to offer some criticism about the issue with the airport and noted he does recognize the airport has been a "thorn" in the city's side for quite a while but felt this should be expanded as part of this plan.

Ms. Landry in response to Mr. Tousley's comment stated there is a study that is happening at the airport to figure out where people are spending their transportation dollars to provide services and expand the existing services at the airport.

The Chairman then read into the record the individuals who were part of the Economic Development Committee:

Councilor Mitchell Greenwald, Mayor Kendall Lane, Councilor Gary Lamoureux Councilor George Hansel, Tim Murphy, Phil Suter Southwest Region Planning Commission, Greater Keene Chamber of Commerce, Jack Dugan Monadnock Economic Development Corporation, Joseph Walier Walier Chevrolet, Jordan Benik People's Linen, George Foskett BHG Masiello Real Estate, Bill Hutwelker BHG Masiello and Swanzey Selectman Keith Thibault Southwestern Community Services, Chris McIntosh Clark-Mortenson Insurance, Rebecca Hamilton Machina Arts, Elizabeth Dragon City Manager, City of Keene, Melinda Treadwell President, Keene State College Dominic Perkins Savings Bank of Walpole

Frequent Guests, Chris Coates, County Administrator, Rod Bouchard, Assistant County Administrator Medard Kopczynski, Staff Liaison, Director Economic Development, Initiatives and Special Projects.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of the Economic Development Plan.



City of Keene, N.H.
Transmittal Form

September 26, 2019

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

SUBJECT: Request to Purchase City Property - 160 Emerald Street/Ashuelot Rail Trail

COUNCIL ACTION:

In City Council October 3, 2019.
Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager enter into lease negotiations with Mr. Tousley for property located at 160 Emerald Street adjacent to the Ashuelot Rail Trail.

BACKGROUND:

Asst. City Manager, Rhett Lamb and Public Works Director Kurt Blomquist were the next two speakers. Mr. Lamb stated he is before the Finance Committee to report back from the Bicycle Pedestrian Path Advisory Committee. He handed the committee several maps of the property located at 160 Emerald Street. Mr. Lamb stated the Bicycle Pedestrian Path Advisory Committee (BPPAC) spent quite a bit of time on this item and ultimately recommended the City retain this property recognizing that only recently it was confirmed the City owned this property.

This land area is north of Davis Street, he also noted to the Shaldhu property, which is a narrow finger of land (improperly labeled on the map). The property Mr. Tousley is interested in is located on the west side at the intersection of Emerald Street where the property widens to a Y.

The BPPAC wants to make sure the City does not have any future use for this property. The Committee felt this could be an area to locate an information kiosk, a location for food trucks, green space area etc. There are interesting things happening on Emerald Street – arts corridor. The Committee did recognize the applicant has been using this property for a while. The committee suggested a lease of some kind should the Council approve such a recommendation.

Mr. Tousley addressed the committee next. Mr. Tousley stated as much as he would like to purchase the piece he had originally proposed he would settle for the piece he was parking on. He stated the proposed area the BPPAC is referring to has approximately 100 feet in addition to the portion he is referring to. He felt the trailhead is counterproductive to what the City is proposing (having people drive to this area) and then getting on the path.

Mr. Tousley stated the bike path exists because of the beautiful downtown. He referred to the numerous tenants, which include a variety of businesses that occupy his building. He also noted to the fact that his is the

only building that has a solar array. However, these businesses are in jeopardy because of lack of parking and added the bike path has already eliminated most of the street parking. Mr. Tousley added even if he was to get a lease for this parking he is afraid the City would someday take that away as well. He indicated what he is providing for on Emerald Street is everything the City envisions for its economic plan.

He referred to the risk he took with Tim Pipp when he initially got started and he is now the owner of Beez Tees. Mr. Tousley noted he has put in place items 1 and 2 outlined in the Economic Development Plan but stated he was concerned about parking and pointed out the area he is referring to is the ignored end of Emerald Street where parking has already been eliminated without any consideration given to his business.

The Manager stated Mr. Tousley makes a compelling argument as the City is looking to support existing businesses. She added it is easier to support an existing business than to bring in new ones. She indicated the Council has a difficult task as the Bicycle Pedestrian Committee has a put in a lot of work and the work that they are doing is amazing and it is an important part of this community. The Manager asked whether there is a compromise here – she wasn't sure what that was but it was worth considering.

Councilor Jacobs clarified the portion Mr. Tousley is proposing to purchase is the portion he is already using. Mr. Tousley agreed. He stated his original request to the State was a triangular piece from about six to eight feet from the bike path. Mr. Lamb noted the red outlined box on the map is based on aerial photography of the area Mr. Tousley has paved.

Councilor Clark suggested an easement – to sell the area that has already been improved to the petitioner with an easement for use by anyone who uses the trailhead. Mr. Lamb stated the BPPAC did bring up the issue with a trailhead but this was not part of the consideration as there is City parking that already exists in the vicinity.

Councilor Powers asked the City Attorney whether a lease versus an easement would be more prudent under these circumstances. Attorney Mullins stated a lease negotiated between the Manager and the petitioner would be appropriate and a lease could entail many options. The Councilor stated he is not inclined to sell the property at this time but would like to see Mr. Tousley continue doing what he is doing and solve some of the issues he is facing.

Councilor Jacobs stated he is in favor of selling the property as this type of issue has come forward in the past where an individual owns the building but the city owns the land and when the owner wants to make improvements to the building there this is when negotiations happen.

Mr. Blomquist stated this is an instance that happens often on City owned property in the right of way where people start using the property and as time goes by there is an assumption made about ownership of property.

Councilor Chadbourne stated she feels like Mr. Tousley made a compelling argument and felt there is enough buffer around the trailhead to accommodate any future vision the Bicycle Pedestrian Path Advisory Committee has and felt both can be accomplished. Chair Greenwald felt it was important to consider the recommendation from the Committee.

Councilor Clark stated an option for the petitioner and the City to be able to use this property needs to be considered. The property is paved and is being used but did not feel it needs to be sold at this time.

Chair Greenwald asked if a lease is being considered why the area could not be expanded. Councilor Clark stated there is greenspace and if the City starts encroaching on greenspace it is going to start losing its luster. Mr. Tousley stated he has no intention of taking any of the greenspace away – just the area that is being used right now. He further stated with the expansion of Keene State College they do not have enough parking in the area and if this is turned into parking it will not be for trailhead use it will be for college parking. He reiterated his fear of someday losing this area of parking with the City providing no notice to him. If it was a lease, he asked

for a long term lease.

Councilor Chadbourne stated she respects the recommendation from BPPAC but would not want to expand this area more than what exists right now. She felt a pocket park or a trailhead could be accomplished in the given area and as has been pointed out by staff there is parking elsewhere in this vicinity and people can always walk to this trail from that location.

It was clarified by staff that Mr. Tousley plows this area currently.

The Chair asked for the Manager's input. Ms. Dragon stated what she is hearing is that Mr. Tousley is not opposed to a lease as long as it is a long term lease and felt this might be a good compromise and this was also one of the recommendations from the Bicycle Pedestrian Path Advisory Committee.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager enter into lease negotiations with Mr. Tousley.

Councilor Jacobs noted if the city in the future plans on selling this portion of land Mr. Tousley be provided with the right of first refusal. Staff agreed.



City of Keene, N.H.
Transmittal Form

September 26, 2019

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.12.

SUBJECT: Acceptance of Donations - Holiday Sponsorship Program

COUNCIL ACTION:

In City Council October 3, 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 accept donations associated with the City's 2019 Holiday Sponsorship Program.

BACKGROUND:

Ms. Dragon stated this item is in reference to accepting donations and sponsor families for the holiday season. Natalie Darcey from Human Services coordinates the effort. Staff is looking for authorization from the Council to accept donations for the 2019 sponsorship program.

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

On 4-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to accept donations associated with the City's 2019 Holiday Sponsorship Program.



City of Keene, N.H.
Transmittal Form

October 1, 2019

TO: Mayor and Keene City Council

FROM: Rhett Lamb, Community Development Director, ACM

ITEM: G.1.

SUBJECT: Resignation - Planning Board Alternate

COUNCIL ACTION:

In City Council October 3, 2019.

Voted unanimously to accept the resignation with regret and appreciation for service.

RECOMMENDATION:

Accept the resignation letter from David A. Webb, Planning Board alternate.

ATTACHMENTS:

Description

Resignation - David A. Webb - Planning Board Alternate

BACKGROUND:

David A. Webb has been a Planning Board alternate since January 2017. Mr. Webb moved out of Keene in 2018.

From: DAW
Sent: Wednesday, November 28, 2018 2:33 PM
To: Leona Langella
Subject: Planning Board

Planning Board Members,

This letter is to inform you that I will have to give up my alternate spot on the City of Keene Planning Board as I will be moving out of Keene in the near future.

I appreciate each member and what each contributes to the board and the opportunity to be a part and contribute in a small way.

Sincerely,

David A. Webb

Rhett Lamb
RHETT LAMB

9/30/19
Date



City of Keene, N.H.
Transmittal Form

September 25, 2019

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: H.1.

SUBJECT: Councilors Bosley & Richards – Comprehensive Review of Neighborhood Speed Limits

COUNCIL ACTION:

In City Council October 3, 2019.

More time granted.

RECOMMENDATION:

The consensus of the committee was to place this item on more time.

BACKGROUND:

Chair Manwaring noted that the Councilor's could not be present, so this matter would be heard at the October 9, 2019 MSFI meeting.

The consensus of the committee was to place this item on more time.



City of Keene, N.H.
Transmittal Form

September 25, 2019

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: J.1.

SUBJECT: Speed Limit Change – Skyline Drive Neighborhood

COUNCIL ACTION:

In City Council October 3, 2019.

Memorandum filed as informational. Vote unanimously for the adoption of Ordinance O-2019-16.

RECOMMENDATION:

On a vote of 3-2, the Municipal Services, Facilities & Infrastructure Committee recommends the adoption of Ordinance O-2019-16.

ATTACHMENTS:

Description

Ordinance O-2019-16

BACKGROUND:

The Director of Public Works, Kurt Blomquist spoke on behalf of the Police Chief on this draft Ordinance that Council voted to request, to include streets to be posted as 25 mph.

Councilor Lamoureux said his opinion was that this process and procedure was different from the stop sign legislation, but he imagined that if anything occurred in terms of City liability, that Primex would be with the City in court. The City Attorney agreed but said he did not discuss this specifically with Primex because speed control is a different statute, though the same general policy and principles apply. For these reasons, he said agenda item one placed on more time would be a good discussion.

Councilor Sutherland asked about the signage that would be required with such rule changes, how that signage would be approved and deployed by Council, how many signs in each direction, and how far apart. The Public Works Director said that if this Ordinance passes, that he would work with the Police Chief to create signage and consider where the most appropriate placement would be for driver visibility and police enforcement. There is some discretion in the Ordinance between the Public Works and Police Departments.

Chair Manwaring asked, when there is a change like this, if the police have access to the data to ensure they patrol during the busiest times. The Public Works Director said the Police Chief indicated that they use pertinent data, but current data shows that speeds there are less than 18 mph there, so the chief would likely suggest there is no need for patrols unless speeds increase over time.

Councilor Filiault said he recently traveled in this area before 6:00 AM and saw a driver with out-of-state license plates driving at 40-50 mph from Summit Road. He said he rested his case that it happens often enough.

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

On a vote of 3-2, the Municipal Services, Facilities & Infrastructure Committee adopted Ordinance O-2019-16. Councilors Lamoureux and Sutherland opposed.



CITY OF KEENE

O-2019-16

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

AN ORDINANCE **Relating to – Specific Street Regulation – Speed Limits**

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

That the City Code of the City of Keene, New Hampshire, as amended is hereby further amended by deleting the struck out text and adding the bolded *Italic* text to the following provisions of Article IV, "Specific Street Regulations", of Division 8, "Speed Limits" of Chapter 94, entitled "TRAFFIC, PARKING AND PUBLIC WAYS" as follows;

Sec. 94-372. - Twenty-five miles per hour.

It shall be unlawful for any person to operate a motor vehicle on the following public ways in the city at a speed greater than 25 miles per hour:

American Avenue.

Apollo Avenue.

Autumn Hill Road.

Butternut Drive.

Clark Circle.

Colonial Drive.

Court Street from Central Square to Union Street.

Dale Drive.

Garrison Avenue.

Gemini Drive.

Kennedy Drive.

Laura Lane.

Liberty Lane.

Main Street from Route 101 to Central Square.

Marlboro Street from Grove Street to Main Street.

Meetinghouse Road.

Morgan Lane.

North Lincoln Street from George Street to Beaver Street.

Pako Avenue.

Railroad Street from Main to Church Street.

Roxbury Street from Central Square to Harrison Street.

Sesame Street.

Skyline Drive.

Stonehouse Lane.

Summit Ridge Drive.

Timberlane Drive.


Timberlane Drive Extension.

Ward Circle.

Washington Street from Central Square to Beaver Street.

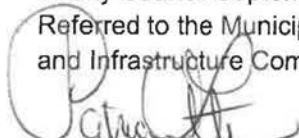
West Street from Central Square to School Street.

Winchester Street from Ralston Street to Main Street.



Mayor Kendall W. Lane

In City Council September 19, 2019.
Referred to the Municipal Services, Facilities
and Infrastructure Committee.


City Clerk

A true copy;
Attest:



City Clerk



City of Keene, N.H.
Transmittal Form

September 26, 2019

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

SUBJECT: Relating to an Appropriation of Funds for the Solid Waste Fund

COUNCIL ACTION:

In City Council October 3, 2019.

Memorandum filed as informational. Voted unanimously for the adoption of Resolution R-2019-35.

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2019-35.

ATTACHMENTS:

Description

Resolution R-2019-35

BACKGROUND:

Asst. Public Works Director/Solid Waste Manager Duncan Watson stated when staff puts together the budget they try to forecast what revenue and expenses would be for the upcoming year. He noted at times the activity in the solid waste division is more than what was anticipated and this is the reason for the item before the committee tonight. He explained the disposal revenue and revenue from sale of commodities was higher which caused expenses to be higher as well. He noted this Resolution is an accounting exercise to balance the budget.

Chair Greenwald clarified this is not costing the tax payer anything as well as users of the transfer station – Mr. Watson agreed.

Councilor Powers noted this is for the budget that closed this past July and asked whether staff has been able to predict what it will be for the upcoming budget. Mr. Watson stated he does not see any up or down trend in the market.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Resolution R-2019-35.



CITY OF KEENE

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

A RESOLUTIONRelating to the Appropriation of Funds for the Solid Waste Fund.....

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

That, pursuant to Section 32 of the Rules of Order, the sum of three million eight thousand six hundred forty eight dollars (\$3,008,648) is hereby appropriated in the 2018/2019 fiscal year for disposal costs and system maintenance associated with the operation of the City of Keene Transfer Station, and the sum of four million seven hundred forty thousand six hundred thirty six dollars (\$4,740,636) be added as increased revenue from tipping fees and recycling fees as follows:

FY 18/19 Solid Waste Expenditure

Account#	Description	FY18/19 Budget	Additional Request	Revised Budget
10002-62448	Disposal-Operations	\$2,659,286	\$ 43,327	\$2,702,613
10003-62448	Disposal-Recycling	7,600	3,053	10,653
10006-62448	Disposal-Demolition	107,060	33,640	140,700
10009-62314	System Maintenance	106,549	48,133	154,682

FY 18/19 Solid Waste Revenue

Account#	Description	Budget	Request	Budget
10000-44119	Tipping Fees	\$4,212,483	\$125,100	\$4,337,583
10000-44120	Recycling Fees	400,000	3,053	403,053

Kendall W. Lane, Mayor

PASSED October 3, 2019

In City Council September 19, 2019.
Referred to the Finance, Organization and Personnel Committee.

A true copy;
Attest:

City Clerk

City Clerk