



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

Roll Call
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- November 7, 2019

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Honeywell ESCO Project Year 7 - Cost Avoidance Report Overview

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Nomination
Partner City Committee

C. COMMUNICATIONS

1. Paul Krautmann - Request for Reserved Parking Spaces - East Side of Central Square - Keene Peace Vigil
2. The Reverend Elsa Worth/St. James Episcopal Church - Application for a Lodging House License

D. REPORTS - COUNCIL COMMITTEES

1. Councilors O'Connor and Filiault – Proposed New Bus Route through the Wheelock Street, Newman Street, and Pine Avenue Neighborhood
2. Roaring Brook Watershed Management Plan – Public Works Department
3. Marlboro Street Corridor Improvements – Public Works Department
4. Periodic Reports from Boards and Commissions - Bicycle Pedestrian Path Advisory Committee
5. Periodic Report from Boards and Commissions – College City Commission
6. Periodic Report from Boards and Commissions – Zoning Board of Adjustment
7. Acceptance of Donation - Parks, Recreation and Facilities Department
8. Acceptance of Donation - Parks, Recreation and Facilities Department
9. Adopt A Bench Donation - Parks, Recreation and Facilities Department
10. Adopt A Bench Donation - Parks, Recreation and Facilities Department

11. Joseph S. Hoppock, Esq. - Request to Purchase City Property - Corner News
12. Acceptance of the 2019 Homeland Security Grant Award - HazMat Allocation – HazMat Allocation - Fire Department
13. Mark Rebillard and Roger Weinreich/Keene Downtown Group - Requesting the Establishment of a Free Parking Program
14. PILOT- The Prospect-Woodward Home - Assessing Department
15. Aquatic Facilities Update - Parks, Recreation and Facilities Department
16. Aquatic Facility Certification Program - Parks, Recreation and Facilities Department

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

1. James Phippard/Brickstone Land Use Consultants, LLC – Request to Discontinue Easement for Possible Future Road Extension at Black Brook Road
2. Councilor Philip Jones – Maintenance of the Wilson Pond Dam on Arch Street and Communication from Robert Malay/Keene School District – Maintenance of the Wilson Pond Dam
3. Relating to Small Wireless Facility Deployments in the Public Right-of-Way

I. ORDINANCES FOR FIRST READING

J. ORDINANCES FOR SECOND READING

1. Juvenile Conference Committee
Ordinance O-2019-17

K. RESOLUTIONS

1. Relating to the Official Trail Name Designations Resolution
Resolution R-2019-38
2. In Appreciation of Ronald E. Clace II Upon His Retirement
Resolution R-2019-39
3. In Appreciation of Stephen R. Boutwell Upon His Retirement
Resolution R-2019-40

Non Public Session
Adjournment

A regular meeting of the Keene City Council was held Thursday, November 7, 2019. The City Clerk called the regular meeting to order at 7:00 PM. The City Clerk asked for a motion to elect a Chair Pro Temp in the absence of the Mayor, Kendall W. Lane. A motion by Councilor Jones to nominate Councilor David C. Richards as Chair Pro Temp was duly seconded by Councilor Clark. On a roll call vote, with 15 Councilors present and voting in favor, the nomination was confirmed. Roll called: Carl B. Jacobs, Janis O. Manwaring, Thomas F. Powers, Terry M. Clark, Randy L. Filiault, Kate M. Bosley, Robert 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 Sutherland led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the October 17, 2019 regular meeting was duly seconded by Councilor Jones. The motion passed with a unanimous vote in favor.

ANNOUNCEMENTS – PRESIDING CHAIR

The Presiding Chair congratulated all of the winners of the 2019 Municipal General Election.

The Presiding Chair announced the Keene Veterans Council had extended its annual welcome to all of the Councilors to participate in the Veterans Day Ceremonies. The services will be held at the Veterans Monument at the Keene Parks and Recreation Center on Monday, November 11, 2019 at 11:00 AM.

The Presiding Chair announced the Finance, Organization and Personnel Committee meeting scheduled for Thursday, November 28, 2019 at 6:30 PM will be moved to Tuesday, November 26, 2019 at 6:30 PM due to the Thanksgiving Day Holiday. Both the Municipal Services, Facilities and Infrastructure Committee and the Planning, Licenses and Development Committee will continue with their regular Wednesday meeting times.

The Presiding Chair stated for the benefit of the viewing audience, the site visit and public hearing on a partial discontinuance of the Commercial Street Parking Lot was canceled by the Mayor for this evening. It will be rescheduled when the petition for discontinuance is filed.

PRESENTATION – RELATING TO SMALL WIRELESS FACILITY DEPLOYMENTS IN THE PUBLIC RIGHT OF WAY

The Presiding Chair recognized Mari Brunner, Planner for the City of Keene and Kurt Blomquist, Public Works Director/Emergency Management Systems Director. Ms. Brunner provided the Council with an overview of an ordinance that will be introduced later on in the agenda relating to the deployment of small wireless facilities in the public rights of way. She explained that a “small wireless facility” is a term for newer wireless telecommunications technology. Another term for these facilities is “small cells.” Small wireless facilities are smaller than previous telecommunications towers and are often installed on streetlights, utility poles, and other structures in the public rights of way.

Ms. Brunner said that the FCC issued an order in September 2018 known as the “Small Cell Order” that regulates small wireless facilities. The stated intent of the Small Cell Order is to

speed the transition to the next generation of wireless services, known as 5G. In general, the Small Cell Order restricts the fees and other compensation state and local governments may receive from applicants, requires all aesthetic regulations to be reasonable and be no more burdensome than those applied to other infrastructure deployments, requires any regulations to be objective and published in advance, and mandates that that local officials review permit applications within significantly shorter time frames than previously allowed.

Ms. Brunner said that, at the direction of City Council and in response to the FCC Small Cell Order, staff have been working on an ordinance. They are recommending that the City establish a license for small wireless facilities within the public rights of way. This license would establish location, siting, and design standards as well as procedures for application intake and review. Staff recommend that the Public Works Director or his designee issue this license. The goals are to promote economic development by creating opportunity for high quality, advanced wireless services, protect and preserve the public right of way and municipal infrastructure, maintain a balance between public and private interests, protect the city's visual character from potential adverse impacts, and protect and preserve the city's environmental resources.

Ms. Brunner and Mr. Blomquist thanked the Council for their time in listening to their presentation.

Councilor Jones asked whether or not the City can charge a fee for the license. Ms. Brunner said that the City can charge a fee; however, the FCC has established what it calls "safe harbor" limits for fees which it considers to be reasonable. If the City uses the safe harbor fees put forward by the FCC, it is safe from legal challenges. The City can charge higher fees, but in that case, the City would need to demonstrate that the fees are directly related to the costs associated with either an application review or the use of the public rights of way. For example, the City could document how much staff time is required to review an application and charge a commensurate fee.

A question was asked about whether these facilities would be allowed on ornamental lighting in the downtown; Ms. Brunner replied that staff recommend that the structures not be allowed on decorative poles.

Councilor Sutherland asked about the size and density of these facilities, and asked whether the City could use ordinances from other communities as models to get the process going more quickly in Keene. Ms. Brunner said that Councilor Sutherland is correct, in that even though small wireless facilities are much smaller than older technologies, they also have a smaller range and will need to be deployed in higher densities with one every couple of blocks. She said that larger communities across the nation have seen more pressure from companies which want to install these facilities and have already adopted ordinances in response to this pressure. Staff used several examples from other communities, including a model ordinance, as resources for drafting an ordinance for Keene. Mr. Blomquist added that many communities outside of New England own the utility poles; but this is not the case in Keene. Most of the utility poles in Keene and the rest of New Hampshire are owned by competitors, and the chances of a competitor allowing another company to collocate a facility on their pole are low. Due to this circumstance, the City anticipates receiving applications to place new poles in the public rights of way.

Councilor Sutherland asked whether the City can require that competitors allow other companies to collocate facilities on their poles; Ms. Brunner said that the City can encourage collocation but cannot require it.

Councilor Greenwald asked when the City Council would hear from any health professionals regarding the safety and health impacts of this technology. Mr. Blomquist said that, at this time, staff are not able to speak about any health impacts because they are not experts in this area. The FCC regulates the radiofrequency levels that are allowed, and all staff can do is follow the FCC rules. Councilor Greenwald reiterated that he would like to hear more about the potential for health impacts.

Councilor Jones said that the City Council adopted a telecommunications ordinance in 2001, which encourages collocation. He hopes this license will as well. He said that the City Council recently voted to authorize the City Manager to negotiate with a company that would like to install small wireless facilities in Keene. He asked about the status of that application, and whether it would have to comply with the proposed license. Ms. Brunner said that the City Council authorized the City Manager to sign an application on behalf of a potential provider; however staff have not received an application yet.

Councilor Clark asked whether the City, under state and federal law, has the authority to deny a license. Mr. Blomquist said that the FCC regulations preempt local authority in many areas. The City must follow the FCC Small Cell Order, which establishes a strict set of conditions under which approval could be denied. There is a challenge to the FCC order in the court right now, but this case has not yet been heard. Councilor Clark asked what the City can do to regulate these facilities. Ms. Brunner said that staff will provide a more detailed answer to this question at the public meeting for the ordinance. Mr. Blomquist encouraged the City Council to review the ordinance that was included with the meeting packet.

CONFIRMATIONS

A motion was made by Councilor Greenwald and duly seconded by Councilor Jones to confirm the following nominations: Thomas Haynes to serve as an alternate member of the Ashuelot River Park Advisory Board with a term to expire December 31, 2022 and David Souther to serve a regular member of the Bicycle Pedestrian Path Advisory Committee with a term to expire December 31, 2019. On a roll call vote, with 15 Councilors present and voting in favor, the nominations were confirmed.

COMMUNICATION – KATHY FRINK – RESIGNATION – PARTNER CITY COMMITTEE

A communication was received from Kathy Frink, submitting her resignation effective December 31, 2019 to the Partner City 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.

COMMUNICATION – DENISE BURCHSTED – RESIGNATION – CONSERVATION COMMISSION

A communication was received from Denise Burchsted, submitting her resignation to the Conservation Commission. 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.

COMMUNICATION – MARK REBILLARD AND ROGER WEINREICH/KEENE DOWNTOWN GROUP –REQUESTING THE ESTABLISHMENT OF A FREE PARKING PROGRAM

A communication was received from Mark Rebillard and Roger Weinreich, on behalf of the Keene Downtown Group, requesting to increase downtown business and social activity by inviting people to visit “Main Street in the Morning.” The proposal is to establish a free parking time potentially between the hours of 8:00 AM to 11:00 AM on Main Street in the downtown area. The communication was referred to the Finance, Organization and Personnel Committee.

COMMUNICATION – COUNCILOR PHILIP JONES – MAINTENANCE OF THE WILSON POND DAM ON ARCH STREET

A communication was received from Councilor Jones recommending that the City of Keene take over the maintenance of the Wilson Pond Dam on Arch Street. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

MSFI REPORT – ATTORNEY THOMAS R. HANNA/BCM ENVIRONMENTAL & LAND LAW, PLLC – RECENTLY DISCOVERED TITLE PROBLEM RELATING TO THE COMMERCIAL STREET PARKING AREA

Municipal Services, Facilities and Infrastructure Committee report read recommending that the City Attorney be authorized to work with the Colonial Theatre Group, Inc., to develop and submit a petition for the discontinuance of that section of the Commercial Street Parking Area that encumbers property now owned by Colonial Theatre Group, Inc., at 89-95 Main Street as shown on a preliminary plan prepared by David A. Mann, LLS, dated October 15, 2019, with the understanding that the formal discontinuance of such section of the Commercial Street Parking Area will occur after the Colonial Theatre Group, Inc.'s loan closing. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded by Councilor Filiault. The motion to amend passed with a unanimous vote in favor.

MSFI REPORT – COUNCILOR GREENWALD – REQUEST THAT CROSSWALKS BE MARKED AT HILLSIDE VILLAGE – WYMAN ROAD

Municipal Services, Facilities and Infrastructure Committee report read recommending that the correspondence from Councilor Greenwald, dated October 14, 2019, be referred to the Planning Board for consideration in accordance with Condition #3 of the Board’s Conditions of Approval for Site Plan Review No. SPR-11-16, dated November 28, 2016. A motion by Councilor

Manwaring to carry out the intent of the report was duly seconded by Councilor Filiault. The motion to amend passed with a unanimous vote in favor.

MSFI REPORT – ASHUELOT COURT SEWER AND WATER MAIN REPLACEMENT – IN RESPONSE TO A REQUEST TO PARTNER IN THE INSTALLATION OF WATER AND SEWER LINES ON ASHUELOT COURT, A DESIGNATED PRIVATE ROAD – PUBLIC WORKS DEPARTMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending that the City Manager be authorized do all things necessary to negotiate and execute agreements with the property owners of Ashuelot Court for the purpose of financing the replacement of the existing sewer and water mains and to accept the mains after work is completed. Any payment plan shall be up to 20 years with annual interest rate of 2.25%. Further, the recommendation included that the City Engineer is authorized to do all things necessary to size the sewer and water mains. Further, the City Manager is authorized to do all things necessary to use Water and Sewer Fund unallocated fund balance to fund the design and construction of the sewer and water main replacement work. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded by Councilor Filiault. The motion to carry out the intent of the report passed with a unanimous vote in favor.

PLD REPORT – MARK REBILLARD/KEENE DOWNTOWN GROUP AND JIM NARKIEWICZ/KEENE ICE AND SNOW FESTIVAL COMMITTEE – REQUEST TO USE CITY PROPERTY

Planning, Licenses and Development Committee report read recommending that The Keene Downtown Group be granted a street fair license to use downtown City rights-of-way for purposes of conducting merchant sidewalk sales, as well as use of downtown City property on Central Square, Railroad Square, and designated parking spaces on Central Square and Main Street to conduct the Ice and Snow Festival on Saturday, February 1, 2020 from 10:00 AM to 4:00 PM. In addition, the applicant is permitted to close off a portion of Railroad Street from Main Street to the exit of the Wells Street Parking Garage. This permission is granted subject to the customary licensing requirements of the City Council, submittal of signed letters of permission from the owner for any use of private property, and compliance with any recommendations of City staff. In addition, the petitioner is granted use of the requested parking spaces free of charge under the provisions of the Free Parking Policy. The petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated in the FY 20 Community Events Budget. A motion by Councilor Jones to carry out the intent of the report was duly seconded by Councilor Hansel. The motion to amend passed with a unanimous vote in favor.

PLD REPORT – ROB ROBBINS/KEENE SNORIDERS- REQUEST TO USE CITY RIGHTS OF WAY

Planning, Licenses and Development Committee report read recommending the Keene SnoRiders be granted permission to use the following locations on City property for a snowmobile trail: the right-of-way along the north side of Krif Road from Krif Court to

Winchester Street; City property identified by tax map numbers 911-26-015, 909-05-012, 909-03-210 and 707-02-009; the crossing of Winchester Street at Krif Road; and, The crossing of Production Avenue approximately 200 +/- feet south of NH Route 9. As well as access to the Class VI Portion of the Old Gilsum Road starting approximately one mile from the Gilsum Town Line and going north, (“Premises”) for the following purpose: for a snowmobile trail, and under the following conditions:

Said use shall commence on December 15, 2019, and expire on March 30, 2020, and is subject to the following conditions: the signing of a revocable license and indemnification agreement; and the submittal of a certificate of liability insurance in the amount of \$1,000,000, naming the City of Keene as an additional insured.

In addition, the Keene SnoRiders, Inc. will be responsible (including cost) for the installation and maintenance of all signage/markings, which will be in accordance with Snowmobile Trail Standards published by NH Business and Economic Affairs; that all signage/markings installed shall be removed from the City right-of-way and City property when there is no longer any snow cover, no structures, including buildings, shelters, lights, displays, walls, etc. shall be permitted with the City right-of-way or on City property; no parking of motor vehicles or trailers and no catering servicing activities of any kind shall be permitted within the City right-of-way or on City property; grooming shall not extend outside the right-of-way of Krif Road, snow windows shall be groomed to provide adequate sight distances and a gentle sloping approach at all road and driveway intersections; no part of the City Street (paved surfaces) may be used by off-highway recreational vehicles (OHRV) or their operators for any purpose, other than direct crossing; and that Keene SnoRiders, Inc. shall be responsible for the repair of any damage (including costs) and the City right-of-way and property shall only be used when there is snow cover. A motion by Councilor Jones to carry out the intent of the report was duly seconded by Councilor Filiault. The motion to amend passed with a unanimous vote in favor.

FOP REPORT – BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM - 2019 – POLICE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept \$3,637.73 from the Bulletproof Vest Partnership Grant Program funds of the US Department of Justice, Bureau of Justice Programs. 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 – HIGHWAY SAFETY AGENCY GRANT – KEENE – POLICE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept the grant from the New Hampshire Highway Safety Agency to fund Highway Safety Grant- Keene. 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 – BEAUREGARD TRUST PROPERTY – 0 CHAPMAN ROAD

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute the sale of City owned property, consisting of approximately 50% of the width of the frontage on Chapman Road, and being a portion of tax map #241018000000000 to Edward and Kathleen Burke, including but not limited to the retention of any easement necessary to the City for continued non-public access by the City to the remaining parcel. 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 – TAX DEEDS AND WAIVERS FOR 2009, 2010, 2015, AND 2016 TAX YEARS – FINANCE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending for the following properties that are eligible for tax deed for unpaid 2009, 2010, 2015 and 2016 property taxes to the City Council. The City Clerk noted that the Revenue Collector had reported that property identified at 44 Sparrow Street should be removed from the list of property that staff is recommending to waive the deed because the 2016 property taxes were paid. In addition, the parcel located at 888 Marlboro Road should be removed from the list of property that staff is recommending to take by deed because the 2016 property taxes were paid. The Clerk read the recommendation in the report as updated by the Collector.

For the following (10) properties city staff is recommending to waive deeding until February 28, 2020 when staff will review status of accounts and advance additional recommendations: 399 Elm St., 139 Carroll St., 0 Off Maple Ave., 80 Laurel St., 493 Elm St., 163 Island St., 810 Court St. I, 71 Oriole Ave., 17 Chickadee Court.

For the following properties City staff is recommending to take deed: 0 Old Gilsum Road, 198 Baker St., 9 Marshall St., 0 Grove St., 366 Roxbury St. 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 REPORTS FROM BOARDS AND COMMISSIONS - TRUSTEES OF TRUST FUNDS

Finance, Organization and Personnel Committee report read recommending the report on the activities of the Trustees of Trust Funds be accepted as informational. The report was filed into the record as informational.

CITY MANAGER COMMENTS

The City Manager announced the City's tax rate has been sent and the tax bills have been mailed out. The tax rate was set at \$37.60, which is equal to a \$0.48 increase. At the time of approving the budget, the tax rate was estimated at \$37.56 and The City Council subsequently approved an

adjustment to the Disabled Veterans Credit equal to an additional \$0.04 on the tax rate. There are some important things to note:

The local education tax was lower than anticipated and due to additional funding from the State and the City received additional unanticipated municipal aid in the amount of \$391,627, which allowed us to lower the use of surplus. This was included in the budget. However, the City Manager continued that the City lost significant values related to our utilities, about \$13 million. The City along with 70 other New Hampshire municipalities have been defending the way our utilities are valued, in some cases for decades. For Keene, we have appeals dating back to 2014 with Eversource that are about to go to trial. From what we have learned and recent litigation, the City adjusted our utility valuation methodology for 2019 resulting in a loss in value which is evident in our overall loss in the City's taxable value of \$11.9 million which impacted the tax rate by \$0.66. To prepare for potential abatements and litigations, we also increased our overlay from \$800,000 to \$1.3 million with a tax rate impact of \$0.31. The additional revenues received from municipal aid and an estimated PILOT from Hillside Village reduced the impact by \$0.56. In the end, the overall tax rate was \$37.56 per thousand as estimated during the budget process plus the additional \$0.04 for the changes in the Disabled Veterans Credit, resulting in the final rate of \$37.60.

The City Manager provided the Council an update on the Kingsbury project. On October 21, 2019, the City received Payment #2 in the amount of \$119,000. Next payment is due the week of November 20th, 2019. Immediately after executing the tax payment agreement, she began negotiating the land matters. Presently, she is waiting for a written response to the latest offer sent October 10, 2019.

The City Manager announced that the City has executed the contracts for a new ladder truck. Once the contracts are signed it takes about a year to build a ladder truck. The Fire Equipment Reserve is designed to provide funds to replace or rebuild apparatus as scheduled in the replacement plan. This replacement truck was pushed out a couple of times in the Capital Improvements Projects, and the truck being replaced will be 23 years once received.

The City Manager informed the Council that the first phase of the recruitment process for a Airport Director is complete. The review panel has forward three candidates on to the next stage and that process will occur the week of November 18, 2019.

MEMORANDUM – CITY CLERK – CANVASS OF VOTES - MUNICIPAL GENERAL ELECTION

The City Clerk advised the Councilors that contained in the memorandum provided are the official Return of Votes from the five wards. A motion by Councilor Jones that the candidates receiving the highest number of votes cast for the respective offices to be filled shall be declared elected was duly seconded by Councilor Filiault. The motion passed with a unanimous vote in favor.

MORE TIME

More time was granted by the Chair for the following items in Committee: James Phippard/Brickstone Land Use Consultants, LLC – Request to Discontinue an Easement for Possible Future Road Extension at Black Brook Road; and Tad Schrantz/The Colonial Theatre Group – Various Licenses Needed for the Renovation and Addition to the Colonial Theatre.

MEMORANDUM AND ORDINANCE O-2019-17: RELATING TO JUVENILE CONFERENCE COMMITTEE

A memorandum was received from Parks, Recreation and Facilities Director relative to Ordinance O-2019-17: Relating to Juvenile Conference Committee. Ordinance O-2019-17 was read first time by title only. Ordinance O-2019-17 was referred to the Finance, Organization and Personnel Committee.

MEMORANDUM AND ORDINANCE O-2019-18: RELATING TO SMALL WIRELESS FACILITY DEPLOYMENTS IN THE PUBLIC RIGHTS OF WAY

A memorandum was received from Assistant City Manager/Community Development Director and Public Works Director relative to Ordinance O-2019-18: Relating to Small Wireless Facility Deployments in the Public Rights of Way. Ordinance O-2019-18 was read first time by title only. Ordinance O-2019-18 was referred to the Planning, Licenses and Development Committee.

MEMORANDUM AND RESOLUTION R-2019-38: RELATING TO THE OFFICIAL TRAIL NAME DESIGNATIONS

A memorandum was received from Community Development Department relative to Resolution R-2019-38: Relating to the Official Trail Name Designations. Resolution R-2019-38 was read first time by title only. Resolution R-2019-38 was referred to the Municipal Services, Facilities and Infrastructure Committee.

MSFI REPORT AND RESOLUTIONS R-2019-36: RELATING TO THE DISCONTINUANCE OF A PORTION OF THE COMMERCIAL STREET PARKING LOT AND R-2019-37: RELATING TO ACCEPTANCE OF A WARRANTY DEED TO CORRECT THE SIDEWALK AND CURBING ENCROACHMENT PROBLEM – COMMERCIAL STREET PARKING LOT

The Presiding Chair noted that Councilors Hooper and Jones were not in attendance to the October site visit on this discontinuance therefore, they would not be able to participate in the votes on the discontinue Resolution; however, they were permitted to vote on the first recommendation in the Committee report that deals with the execution of an easement for a public sidewalk on private property as well as the Resolution that would accept the warranty deed for the sidewalk.

Municipal Services, Facilities and Infrastructure Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute an easement for the purpose of constructing and maintaining a public sidewalk on private property at 20

Commercial Street. The report further recommended the adoption of Resolutions R-2019-36 and R-2019-37. Referring to the recommendation on the sidewalk easement; a motion by Councilor Manwaring to carry out the intent of the recommendation was seconded by Councilor Filiault. The recommendation regarding the easement for the public sidewalk was unanimously adopted. Resolution R-2019-36 and R-2019-37 was read for the second time. The Chair announced that Councilors Hooper and Jones were not present for the site visit and were not able to vote on Resolution R-2019-36 relating to the discontinuance. A motion by Councilor Manwaring for the adoption of the Resolutions R-2019-36 and R-2019-37 was duly seconded by Councilor Filiault. On a show of hands regarding Resolution R-2019-36, 13 Councilors were present and voting in favor. Councilors Hooper and Jones abstained. Resolution R-2019-36 declared adopted. On a show of hands vote regarding Resolution R-2019-37, 15 Councilors were present and voting in favor. Resolution R-2019-37 declared adopted.

ADJOURNMENT FOR COLLECTIVE BARGAINING AND LEGAL ADVICE

At 8:15 PM the Presiding Chair adjourned the meeting for the purposes of collective bargaining strategy and legal advice. Outside legal counsel, Tom Claussen and Assistant City Manager, Human Resources Director, Elizabeth Fox as well as Public Works Director, Duncan Watson, will be joining the Council for portions of the adjournment.

Upon reconvening at 9:00 PM, a motion by Councilor Greenwald to authorize the City Manager to do all things necessary to execute the negotiated contract with Keene City employees, ATF Local #6288, ATF-NH, AFL-CIO to be effective July 1, 2019 through June 30, 2022 was duly seconded by Councilor Filiault. The motion passed unanimously.

NON PUBLIC SESSION

At 9:01 PM a motion by Councilor Greenwald to go into nonpublic session to discuss a personnel matter under RSA 91-A:3, II (a) was seconded by Councilor Jones. On roll call vote, 15 Councilors were present and voting in favor. The motion passed. Discussion was limited to the subject matter. At 9:12 PM the session concluded. A motion by Councilor Greenwald to keep the minutes in non public session was seconded by Councilor Jones. On roll call vote, with 15 Councilors present and voting in favor, the motion to keep the minutes in non public session passed.

The Mayor adjourned the meeting at 9:12 PM.

A true record, attest:



City Clerk



City of Keene, N.H.
Transmittal Form

November 18, 2019

TO: Mayor and Keene City Council

FROM: Mayor Kendall W. Lane

ITEM: B.1.

SUBJECT: Nomination

COUNCIL ACTION:

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

RECOMMENDATION:

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

Partner City Committee

Delene White
22 Shadow Lane
Keene, NH 03431

Term to expire Dec. 31, 2022

ATTACHMENTS:

Description

Background_White

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Saturday, November 09, 2019 12:24 PM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Sat, 11/09/2019 - 12:23</p>

<p>Submitted values are:</p>

First Name:

Delene

Last Name:

White

Address

22 Shadow Lane

Email:

delene.white@keene.edu

Cell Phone:

4139927970

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

Partner City Committee

Employer:

Keene State College

Occupation:

Lecturer (professor of German Studies)

Education:

Ph.D. in German Studies, UMass Amherst; M.A. in History, University of South Alabama

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.

Race Relations committee (Mobile, Alabama); church committees (in Massachusetts)

Other Information/Relevant Experience:

I am interested in volunteering with with the Keene - Einbeck partner city committee. I am a member of the American Association of Teachers of German, and participate in the local association of this organization. I teach German language and culture courses at Keene State College. I also have experience with the partnership, as I was recently involved as a host and interpreter when the music exchange occurred in October, 2019. I spoke with Mayor Lane about joining the committee.

Please provide some references:

Donavan White

[REDACTED]
413992-7224

References #2:

Pamela Bys

[REDACTED]
603-369-7965



City of Keene, N.H.
Transmittal Form

November 18, 2019

TO: Mayor and Keene City Council

FROM: Paul Krautmann

THROUGH: Patricia A. Little, City Clerk

ITEM: C.1.

SUBJECT: Paul Krautmann - Request for Reserved Parking Spaces - East Side of Central Square - Keene Peace Vigil

COUNCIL ACTION:

In City Council November 21, 2019.

Referred to the Planning, Licenses and Development Committee.

ATTACHMENTS:

Description

Communication_Krautmann

BACKGROUND:

Mr. Krautmann is requesting that five parking be reserved for Saturdays between 10:45 AM and 12:15 PM for individuals who participate in the Saturday morning Keene Peace Vigil on Central Square.

12 November 2019

Keene City Council

I represent Keene Peace Vigil.

Our members meet at Central Square on Saturdays between 1045 and 1215 hours .

We request that the 5 parking slots on the East side of Central Square nearest Roxbury Street be reserved for our members during this time frame. We will gladly pay for these reserved parking slots and appropriate signage.

This arrangement is similar to that of the local Farmers' Market on Gilbo Avenue.

Start Peace. Stop War.



Paul Krautmann

258 Court Street

Keene, NH

603 313-3481

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



City Clerk



City of Keene, N.H.
Transmittal Form

November 18, 2019

TO: Mayor and Keene City Council

FROM: The Rev. Elsa Worth, Rector - St. James Episcopal Church

THROUGH: Patricia A. Little, City Clerk

ITEM: C.2.

SUBJECT: The Reverend Elsa Worth/St. James Episcopal Church - Application for a Lodging House License

COUNCIL ACTION:

In City Council November 21, 2019.

Voted unanimously to suspend Section 26 of the Rules of Order to act upon the request on first reading.

Voted unanimously to grant a lodging house license be issued to the St. James Episcopal Church to engage in the operation of lodging house at 44 West Street subject to the following conditions:

- Said lodging house shall only being used as an overflow for the Hundred Nights Shelter;
- Managed by Hundred Nights Shelter;
- No more than 12 persons may stay at one time on the premises;
- Compliance with all applicable sections of the City Code;
- Compliance with any requirements or recommendations of City staff.

Said license will expire on the 21st day of November, 2020, and may be revoked by the City Council in accordance with Section 26-590 "Suspension or Revocation".

ATTACHMENTS:

Description

Application_St. James Episcopla Church

BACKGROUND:

The St. James Episcopal Church has been working with Mindy Cambiar, Executive Director of 100 Nights, as to the possibility of their church undercroft being used as overflow for the shelter.

Due to the early arrival of cold temperatures, Rev. Worth is requesting that the City Council consider suspending its Rules of Order to allow action on their application at the November 21st Council meeting.

Staff is working on the necessary inspections in case the City Council votes to allow action on the application without a referral to the Planning, Licenses and Development Committee



APPLICATION FOR OPERATION OF A LODGINGHOUSE

(Please print or type)

Date 11/13/19 Location of Lodginghouse St James Church Undercroft

Identify local or national Fraternity or Sorority that members are pledged to (if applicable) _____

Property Owner St James Episcopal Church Business Phone 352-1019

Address 44 West St Home Phone 203 984 2906
Elsa

Operator/Resident Agent 100 Nights (Mindy Cambiar) Business Phone 352-5197

Address 17 Lamson St (Cambiar) Home Phone 667-1481

Number of Persons Authorized to reside on premises _____

I hereby certify that the information listed above is complete and accurate:

Elsa Worth
Signature of Property Owner

Rev. Elsa Worth, Rector
Name (Printed or Typed)

Mindy Cambiar
Signature of Operator/Resident Agent

Mindy Cambiar Executive Director
Name (Printed or Typed)

I hereby certify that the above named Sorority or Fraternity is duly recognized by Keene State College, and is in good standing with the College:

Signature of College Representative

Name and Title (Printed or Typed)

(For Office Use Only)

Date Received _____ Action Taken _____

Recommendations/Requirements

Police _____

Fire _____

Code Enforcement _____

City Clerk



City of Keene, N.H.
Transmittal Form

November 13, 2019

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.1.

SUBJECT: Councilors O'Connor and Filiault – Proposed New Bus Route through the Wheelock Street, Newman Street, and Pine Avenue Neighborhood

COUNCIL ACTION:

In City Council November 21, 2019.

Report filed as informational.

RECOMMENDATION:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the communication as informational.

BACKGROUND:

Councilor O'Connor stated that he was contacted by the neighborhood group around Symonds School about the proposed bus route change and the crosswalk. Regarding the new bus route, neighbors are concerned about an increase in traffic, future snow removal, and the safety of the children walking to and from school. There has been a meeting with Symonds School, open to the public, which went well. The Superintendent decided not to go forward with the new bus route until this meeting happened.

David Calhoun, of 21 Wheelock Street, stated that he wants to give an update on what transpired in the local community. He continued that he would first read a letter he received from Symonds School Principal Richard Cate, on September 26, 2019:

“This letter is to provide notification of an impending change in traffic flow that will occur in early November, impacting the Pine and Wheelock Street area. You are invited to attend a meeting Wednesday, October 2, at 6 PM in the school library, at which time further details will be provided, should you desire them. Symonds School was originally constructed in 1928 and at the time vehicular traffic was almost nonexistent. Over the years we have struggled to create traffic patterns that are safe for our children and provide access to parents by keeping cars, school buses, and pedestrians separate as possible. After several years of studying and exploring alternatives, we have [Mr. Calhoun stated that he assumes ‘we’ is ‘SAU 29’] decided to create a bus circle on our playground and route our five school buses through Pine and Wheelock Streets. The buses will pick up and drop off students in this newly-created bus circle. The new bus circle will only be for school buses. The existing gate at the entrance to Wheelock Street will remain closed except for brief periods in the morning and afternoons to allow buses access to the circle. The circle on the playground will be fenced to keep play areas and bus circles separate. The circle area in the front of the school will become an area for parent drop-off and pick-up, creating a safe environment for our children. If you would like more details and have any questions concerning this, please attend the meeting October 2 from 6 to 6:45 in the school library.”

Mr. Calhoun stated that this was the first notification anyone in the neighborhood had received saying that this was even a possibility. He continued that he was the only attendee at the meeting referenced in the letter. The idea was to hear and discuss what the potential was. Since he was the only one, he figured everyone else in the neighborhood was happy with the plan. He found out the next morning he was the only one given the letter. The other parents and pedestrians in that area were not contacted. They found out later, after that meeting, about the proposal. It was a more than a proposal. Construction started two days after the meeting. They were upset not to be informed. They put together a petition to see if they could halt any further progress. They were informed the school would finish the project because money was already made available for it, which surprised him. On October 23rd about 30 or 40 people met at the library to discuss concerns. They feel that this is not a cure to the problem, it is not helpful, and it is a safety issue for the children as well. About 30 or 40 children walk the streets in this area each morning to go to school. They are requesting a review of this to see if there is a way around any kind of option at the school. It is a school problem but it has been made a community problem because it will affect the local area.

Mr. Calhoun continued that he is asking the MSFI Committee to see if things could be done differently and to ask if the proper channels have been gone through. It seems like this was done in very little time.

Councilor Manwaring stated that the Councilors present this evening will ask questions and then staff will comment and then the public can speak.

Councilor Hooper asked if it is correct that the bus circle has been completed. Mr. Calhoun replied yes.

The City Attorney, Tom Mullins, stated that people from the Keene School District (KSD) are here, too. He continued that Chair Manwaring might want to call on them.

Chair Manwaring asked if there are sidewalks on Wheelock Street. Mr. Calhoun replied on one side, yes, and on one side of Pine Avenue. He continued that there is none on Newman Street, which is adjacent to Wheelock Street.

Chair Manwaring asked to hear from the Keene School District.

Robert Malay, of 5 Morgan Lane, identified himself as the Superintendent of the KSD (Keene School District) and SAU 29. He stated that Symonds School Principal Richard Cate is here with him, as is Kenneth Dooley, Director of Buildings and Grounds, and they can provide more detail than he can. He continued that he would defer to them for questions.

Richard Cate, of Westmoreland, stated that he has been the principal of Symonds School for 40 years. He continued that the building was built in 1928 and at that point only had walking access. They added a wing in 1952, changing the entranceway. Access was through Wheelock Park. It has continued that way. As the school has grown in size, and particularly with the advent of modern transportation, increasing numbers of students are driven to and from school. Traffic congestion in the park has been a long-standing issue. There were a series of near misses starting in 2015. A student and a staff member were each bumped by a car, for example. The traffic is backed up in the morning and afternoon and is in gridlock.

Mr. Cate continued that he and other KSD staff have been looking at this situation for a long time. The Keene Police Department has sent staff from their Traffic Department out several times. There have been consultations. The bus company complained about the situation because they could not even get in because of all the cars in the loop. He and KSD staff started to investigate and it took a couple years to settle on this option, with the bus circle out back. Budgets are tough; it took a long time to get the project included in the budget. In the spring, it was rumored that there was money to do this project. They were not sure it was funded until September. At that point, it became clear that the funds would be available. He noted Mr. Dooley sent him an email on about September 24, saying that they had the money and the project would start the next week. At

that point, he sent the letter to abutters. He only chose the residents on the actual route of the bus and did not notify the rest of the neighborhood. Only one person showed up at the first meeting. Police have looked at the situation and believe that overall, and given the safety issues they have had at the front of the building, this is the safest alternative for the children. They looked at the issues. The project is taking place.

Kenneth Dooley, resident of Marlow, stated that the project is nearing completion. He continued that they did not find out until the end of the summer that they had funds for this project. The Keene Board of Education (KBE) directed them to complete the Symonds School circle. They had to move fast due to weather and contractor obligations. The circle will not be in use until further discussion.

Chair Manwaring asked if there has been parent or neighborhood input while the investigation of options was happening. Mr. Cate replied that the PTA has given input, but they had not had a neighborhood meeting. He continued that this project was a dream they had and they investigated different alternatives and felt this was the best one to make the situation better. It was the best way to separate buses from parent and pedestrian traffic as much as possible. There is a sidewalk that runs adjacent to Wheelock Street. It has been a dead end and no longer will be, at least for a half hour each in the morning and afternoon.

Chair Manwaring asked how many buses there are. Mr. Cate replied four or five. He continued that it varies; sometimes Special Education students are bused in. Next year there might be fewer buses once the school start time is changed.

Councilor Filiault asked if it is correct that the new bus route has not yet been implemented. Mr. Cate replied that that is correct. He continued that they have been following the same traffic patterns they have had for 20 years, until it is determined that this new situation is safe and everyone is satisfied.

The City Manager stated that the City reviewed this. She continued that the Police Department has been at the school. They thought that this would be an improvement to the safety. All that the City thinks needs to occur is for the KSD to go through the Planning Board to get a curb cut approved. That has not occurred. However, that would be an application that would need to come from the KSD. The City Council cannot make a motion and make the KSD do that. She has talked with the Superintendent and they are willing to do that.

Chair Manwaring asked what a curb cut does.

Mr. Blomquist, Public Works Director and Emergency Management, stated that the City became aware of this project at Symonds School when their contractor dropped construction plans off as informational. He continued that to give a brief history, in 1927 City Council discontinued Wheelock Street for about 500 feet to provide space for construction of the school. Staff did quick research of the 1949 flyovers – it appeared that there was an access point at the end of Wheelock Street but it did not appear to be used; all of the access appeared to be coming from Wheelock Park and that area. They looked at the 1984 flyovers. Those had a better indication of the gate and lock. Staff's opinion is that that has not been an access point for a very long time, if ever. The KSD did not realize that access to public ways requires a driveway permit, issued through RSA 236-13. The State has granted the Department of Transportation (NHDOT) Commissioner and the legislative bodies the authority to regulate access from private properties onto public ways.

Mr. Blomquist continued that in this case the City Council has delegated that authority to the Planning Board. The Planning Board issues all driveway permits through their site plan approval process or a permitting process, for which applicants apply. Some people say, "I've been here a very long time and never got a permit." When the RSA was adopted, the legislation said, "The Department of Transportation Commissioner or Planning Board shall retain continuing jurisdiction over the adequacy and safety of every existing driveway, entrance, exit, and approach to highways, whether or not an access was constructed or installed pursuant to a permit under this section." This means the Planning Board has authority to give a permit for these changes to Symonds School. The KSD would submit an application, and staff would review it and talk with the applicant

if needed, and the Planning Board would review it at one of their meetings and issue a decision. Chapter 70 is the design standards that deals with design in Keene. Section 135 deals with driveway standards, mostly safety-oriented around the access point, looking at sight distance and that sort of thing. It is not a City Council process; it is a Planning Board process.

Councilor Lamoureux asked, if the Planning Board authorizes the curb cut, does that mean they can move the gate any time they want, or would that be part of the process? Mr. Blomquist replied that it depends on the conditions on the permit. He continued that the permit may restrict the times the gate can be opened. Today it may be opened and closed. The Planning Board does not look at just today; they also look into the future, because a driveway permit is a permanent right. There may be conditions after today. There might be a condition to say, "If you change the use you have to come back and see the Planning Board."

Councilor Filiault asked the City Attorney for clarification. Outside of the Councilors offering their opinions tonight, what legal structure do they have? Do they only have their personal opinions to offer? The City Attorney replied yes, essentially. He continued that that is why staff recommends the committee accept this as informational. It has to go to the Planning Board. Any discussion the committee has tonight is just discussion. He encourages people from the neighborhood to attend the Planning Board meeting as well.

Councilor Filiault asked if the committee should make a motion to send this to the Planning Board. The City Attorney replied no, this is a little different. He gave an example of a past incident when it was appropriate for the committee to make a motion like that. He explained that this is different because it is up to the applicant to bring the matter to the Planning Board and file the application for the driveway permit. That is why staff recommends the committee accept it as informational.

Chair Manwaring stated that she heard tonight that people have concerns about children's safety, walking to school in that area. She asked Mr. Blomquist if the Planning Board would address that. Mr. Blomquist replied that he couldn't say what the Planning Board will address. He continued that for all driveway permit applications, they look at the conditions, and the effect on the area. If pedestrians are a concern, the Planning Board will discuss it. Their rules to follow are in Section 135.

Chair Manwaring asked to hear from the public.

Councilor Jones stated that the committee is hearing what has to be done with the KSD and the Planning Board but they are not addressing what the neighbors are asking for. He continued that they do not want the traffic coming through there. He wants to know if staff can suggest another way. Is there some kind of thing they can do in Wheelock Park, like a turnaround? He thinks the neighbors want another option, so that the buses are not using Newman Street. That is the heart of the matter, not whether to get a driveway permit.

Lisa Bowman of Russell Street stated that she has children at Symonds School. She continued that her concern is that when they did the study and gave statistics for walkers, it was grossly understated. It does not address the traffic going in and out of Wheelock Park and causing traffic jams. Children would still have to jump across the Wheelock Park entrance to get in and out of the school. With the new sidewalks going in, she wants to know if there is a plan to move the crossing guard to the entrance to Wheelock Park for the children's safety.

Chair Manwaring asked who does the crossing guards. The City Manager replied the Police Department. She continued that she does not know the answer but she knows they are moving the crossing as part of this new improvement. They are looking to take it a little bit away from that intersection and maybe that will address it. She thinks the crossing guard will be where they put the crosswalk, which is not as far down as Ms. Bowman is recommending.

Councilor O'Connor stated that he appreciates the neighborhood bringing this forward. He continued that he

also commends Mr. Cate who has been the principal for 40 years doing his own studies and trying to figure this out. It is dangerous out front. Trying to come up with a plan is important. He went on to suggest an official traffic study to be done. Mr. Cate did his own and has notes and ideas, but they should have an official one, with a combination of City staff and KSD staff to appease both sides and come up with a compromise. The City Council is hearing a lot about neighborhoods and safety lately. These conversations have led to changes. The MSFI Committee has a decision to make. They should look at the whole situation and what is happening in this neighborhood. Maybe staff can do something like what Councilor Jones mentioned.

Chair Manwaring asked to hear from Mr. Blomquist, asking if he can come up with any other ideas. Mr. Blomquist replied that they have professional staff that can assist, but in many ways, this is like any other private property owner who is doing something to their own property, following the regulations of the City. If the KSD wants to chat with the City, they are open to that, like they are with any property owner.

Councilor Filiault stated that this is frustrating and he is grappling with where the committee can go with this. They are not on the school board and cannot see the whole situation. The City Council listens to neighborhoods. When virtually a whole neighborhood says they do not like a plan, the City Council listens. Clearly, this neighborhood does not like the plan. The City Council is limited. Councilor O'Connor is correct. This seems like trying to fix a problem by creating a bigger problem. Is there anything the City Council can do to prevent this? Why do this plan if so many people are against it? He thinks more talk needs to happen. The neighbors are showing frustration from not having been in the loop long enough. He hopes the KSD can slow this down and talk more. The Planning Board can slow things down if they choose to. The City Council members can call the Planning Board members and encourage that. Sometimes the City Council goes at a snail's pace but sometimes they get it right by going slow. More people need to get involved with this. If this were a City issue, he would say no to this plan. He thinks this should not be pushed through.

Councilor Lamoureux stated that he agrees, but that is what the Planning Board process is for. He continued that the KSD needs to apply to the Planning Board so all of that discussion can happen, to look at safety and all those things. This is the way to go to make the process work. All of that will come up during the Planning Board process. Everyone can have his or her say in the proper forum.

Councilor Hooper stated that he agrees with Councilor Lamoureux and Councilor Filiault. He continued that it obviously needs more discussion. The KSD came forth with their plan and he gives them credit: safety was their concern. The neighbors have more concerns beyond that. The conversation needs to continue. He thinks the Planning Board should discuss all of these concerns.

Mr. Malay stated that on October 23 the KSD slowed the process to a halt. He continued that they have stopped moving forward with any changes in traffic flow. They were notified on October 25 about the need for the driveway permit. He understands that the City Council is limited. The KSD wants to do right, too. They want to make sure students are safe. He will have his staff work with City staff to see if they see something that has not been looked at yet. They have a discussion planned November 21 at Symonds School, not just for the neighbors, but also for the parents who drop their children off and the parents of children who ride the buses and of the children who walk from the other side of the school. It will be an expanded conversation. They are doing exactly what the City Council is saying. Those processes are in motion.

Councilor Filiault asked if Mr. Malay/the KSD has objections to seeking the permit from the Planning Board. Mr. Malay replied no, they will follow the process that everyone is expected to follow.

Councilor Clark stated that it seems like this whole problem is emanating from the fact that so many people are driving their children to and from school and blocking the entrance. He continued that over the last dozen years or so the City has spent so much money, millions, on Safe Routes to School (SRTS). The KSD should think about communicating with parents about how it is not that dangerous to let children walk to and from school. It needs to be thought about. There currently is a very dangerous situation with traffic. He tries to avoid certain

streets when school is beginning or ending. People could solve this themselves without having to spend a lot of money on circles like this. They could ask themselves whether they could do measures in their own homes and families to make this a better situation.

Wanda Schumann stated that she has lived on Wheelock Street for over 40 years. She continued that her only point is the safety of the children. It has always been an issue. There is a gate that separates the school from Wheelock Street. There are children running all over and parents coming through there, and it is awful. She is surprised a child has not been hurt or killed there. When the neighborhood has all of this heaped on them, it is overwhelming to know that the KSD has decided this is the best way to take care of the problem. Wheelock Street is 20 feet wide. Can you imagine the great big buses come down it? That does not make sense. She has a problem with what the KSD thinks needs to be done.

Chair Manwaring replied that the Planning Board would look at the width of the streets.

Sarah Chavira, of 41 Russell Street, stated that she walks children to and from Symonds School. She continued that she echoes Ms. Schumann's concerns about the narrow width of the street, and in the winter, she mostly has to walk with the children in the street because the sidewalks are not plowed well. Neighbors brought up that concern at the meeting at Symonds and the answer was, the KSD assumes that the City takes care of plowing the sidewalks. Mr. Cate spends all of his time at the front of the school dealing with the dangerous situation. He did not know there has been a problem with the clearing of the snow. It is already a treacherous walk without the added traffic. Then you add the people who want to bypass the mess at the front and drop the children off in the back. If this goes through, how would they prevent parents in cars doing that also in the bus area? Are they allowed to say it is for buses only? Neighbors asked about getting a crossing guard for Newman Street, which crosses Wheelock Street, and were told it is not in the budget. Children's safety is the concern.

Councilor Jones stated to the neighbors that the Planning Board has criteria they have to follow, including traffic and safety. He continued that the neighborhood should go to the Planning Board meeting. They need actual numbers and to prove their point; they cannot just say, "We have a lot of traffic."

Chair Manwaring encouraged neighbors to attend the Planning Board meeting. She continued that the City Council hears their concerns.

Councilor Filiault stated that the committee is limited as to what they can do, so they will accept this as informational. He continued that the City Council will always listen. School issues do not always come to the City Council, but if anyone needs someone to talk to or to ask the City Council to make recommendations to the Planning Board, they can call the City Council members – their numbers are public.

Councilor Filiault made the following motion, which was seconded by Councilor Lamoureux.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the communication as informational.



City of Keene, N.H.
Transmittal Form

November 13, 2019

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.2.

SUBJECT: Roaring Brook Watershed Management Plan – Public Works Department

COUNCIL ACTION:

In City Council November 21, 2019.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommended accepting the Roaring Brook Watershed Management Plan.

BACKGROUND:

Aaron Costa, Operations Manager of Drinking Water and Waste Water Facilities, stated that Peter Walker from VHB Consulting is here. He continued that he will give a brief background on the project and then hand it over to Mr. Walker. The City owns about 2,500 acres of watershed land, mostly located in Roxbury, including Babbage Reservoir and Woodward Pond. Development on and around the watershed is limited. The Roaring Brook Watershed is accessible by class V and VI roadways. There is limited security, but the City contracts with the Town of Roxbury for minimal patrol services. The City funded a watershed management plan through the Capital Improvement Plan (CIP) process. The scope of the work was fairly extensive, including water quality, security, and an infrastructure and natural resource inventory. A committee was formed, of people with a vested interest, including a Roxbury Selectman, representatives from the NH Department of Environmental Services (NHDES), a member of the City's Conservation Commission, and people from the Planning and Finance Departments. Mr. Costa went on to introduce Mr. Walker to speak to the Committee.

Peter Walker from VHB Consulting stated that Keene is fortunate to have a resource like this watershed. He continued that it is about 3,200 acres of land, in Roxury, Nelson, Marlborough, and Harrisville. He showed a map including the Roaring Brook Watershed. He stated that the green line is the boundary of what contributes to the city's water supply. The yellow line is the boundary refined through this study: what the City currently owns. When you overlay the two, the City owns about 1,965 acres of the 3,200 total, which is about two thirds of the watershed. About a third is privately owned.

Mr. Walker continued that VHB had a number of tasks. It was important to look at the road inventory and public access. There are a series of trails and unclassified roads. They studied all the maps the City had on hand and maps from the State archives, GIS data, and GPS data. They remapped the roads on the ground to develop a more complete set of maps showing roadways. They used a tool to rank the condition of the roads, from "good" to "completely failed." They generated information regarding the legal status of the roads. The map has a red line overlay to show town-maintained roads (class V), and a green line to show public rights-of-ways (class VI), subject to gates and bars. The blue symbols represent gates and security measures Mr. Costa

and his staff have installed and maintained. The City has done a good job of notifying people that it is private property and sensitive property. Access to and activity in the watershed is limited to protect it and the City has done a good job with that. There are some recommendations for improvements along those lines.

Mr. Walker stated that roadway conditions essentially are very rough; there are two-track and single-track type roads. There is some erosion, and some contribution to that from ATV use, but that is not a major concern and for the most part the quality of the water was extremely good. There were three places where VHB recommended improvements to perimeter control – there is access via Grimes Road and they recommend installing another gate. There is an access point on the southwest point of the property that is unclassified; it is not a public road and there should be gates and signs. In addition, on Horse Hill there is another unclassified roadway that needs gates and signs.

Mr. Walker continued that when they started the project they considered the possibility of using portions of the watershed for recreation or allowing public access. They talked with other watershed managers and quickly ruled that out. Keene has a pristine watershed and they do not want to encourage public access. That has caused problems in other watersheds.

Mr. Walker continued that they developed a timber type map. Timber has not been harvested in the land since the late 1970s and early 1980s. There is a large stand of mature red oak. The ecological integrity of the land is very high; this is intact forest. They laid out the pros and cons of timber management. There can be some ecological benefits, and some disadvantages. They found that harvesting timber would impact the chance of having water quality issues.

Regarding the water quality, Mr. Walker continued, they collected new data at nine locations, including Woodward Pond and Babbage Reservoir. They used the samples to build a watershed model. It allows them to make predictions. It is calibrated to the existing conditions. It allows them to predict the water quality effects of different land management strategies. The City owns about two thirds of the watershed. What would happen if the remaining land were developed? They found that that is the biggest risk to water quality, of all of the things that could happen.

Mr. Walker continued that the final part is VHB's findings and recommendations, and a few of the items are already in progress through Mr. Costa and his staff. One of the first recommendations is to have an annual water quality-monitoring program. That is already in process thanks to grant funds. Also, they should address the erosion issues. There is an ongoing maintenance program doing that. It is surprising that there has never been a comprehensive survey of the parcel. They recommend that the City commission a full survey. That would flesh out the data gaps. Additional recommendations are about researching the status of the roadways and improving signage and gates at certain access points, which needs to be done in conjunction with the Town of Roxbury's Select Board; and developing a forest management plan; considering preservation of additional lands within the watershed; and creating a long-term stewardship and monitoring program of the watershed to protect water quality and natural resources.

Mr. Blomquist, Public Works Director and Emergency Management, thanked Mr. Costa and Ben Crowder, Water Treatment Facility Manager, for their work. He continued that this is a project that has been at the top of his own list for the past 20 years. The watershed is very important. He was reading meeting minutes from 1902, and the City at that time was looking at purchasing property in Roxbury for the watershed. In staff's recommendation to the City Council then, they used the words "to maintain the pristine water quality for the future of the city." Hats off to them, who visualized the importance of control of and maintenance of water quality. As he always says, it is easier to protect water by keepings things out, than to treat once something has gone in.

He continued that the rationale for the watershed management plan is: over the years, people have asked questions about why not harvest timber within it, or why not allow public access or activities, and so on and so

forth. The study puts those issues into perspective for not just this City Council, but future City Councils. It also helps with the City's relationship with the Town of Roxbury. The City owns a significant portion of the Town's land, and many private property owners abut City-owned land. There are many class VI roads that still have public access. These are ongoing conversations the City has with the Town. Staff recommends that the MSFI Committee accept this plan. Over time, the City Council will be seeing different items in the operational budget, and possibly items in the CIP, and staff will continue to seek grant funds. They will be using this as their plan for how to continue to work with the watershed, and to answer people's questions about why not do this or that.

Councilor Filiault made the following motion, which was seconded by Councilor Lamoureux.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommended accepting the Roaring Brook Watershed Management Plan.



City of Keene, N.H.
Transmittal Form

November 13, 2019

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.3.

SUBJECT: Marlboro Street Corridor Improvements – Public Works Department

COUNCIL ACTION:

In City Council November 21, 2019.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the proposed corridor improvements, Proposed Action, as presented, is selected for the Marlboro Street Corridor Improvements Project and that the City Manager is authorized to do all things necessary to implement the Marlboro Street Corridor Improvement Project.

BACKGROUND:

Brett Rusnock, Civil Engineer, introduced DuBois & King consultants Chuck Goodling and Nick Sceggell. He continued that in 2018 they started the design process for utility upgrades on Marlboro Street. Construction started last month near the intersection of Marlboro Street and Adams Street to build new sewer mains. It will continue as weather allows and resume in the spring. In the fall, they submitted an application to the NHDOT (New Hampshire Department of Transportation) for a Transportation Alternatives Program (TAP) grant. It is a federal program administered through the NHDOT to promote multi-use transportation options. In January, they were notified that the City was selected. The grant is providing about \$500,000 to implement these Complete Streets features. Staff undertook a good number of public engagement methods. They had two public meetings, one in January and one in October, with about 75 total attendees. They received a lot of good feedback, from residents, business owners, abutters, and other stakeholders. They took those comments, revised the design where possible, met with many individual property owners and had those discussions, talked with other City departments, and talked with the City's insurance carrier. They believe what they are showing tonight are the best possible solutions.

Nick Sceggell, Project Manager with DuBois & King, stated that part of the project is the study phase. He continued that tonight he and Mr. Goodling will present findings from that and present a proposed action. They articulated at the purpose of the project: to improve safety, to support all modes of transportation and to help identify the alternative that best meets the need. They are looking to improve safety, circulation for all modes of transportation, and a connection to downtown from the Cheshire Rail Trail. There has been a lot of work in the past on Marlboro Street; they are not starting from scratch. They wanted to build on what has already happened. In 2014 and 2015 there were multiple studies and projects, from land use and zoning to a SRTS (Safe Routes to School) project for Wheelock Elementary School, which is located at the intersection of Adams, and Marlboro, and Grove Streets. There is discussion about the Complete Streets design guidelines, which Marlboro Street is incorporated into, so they took design guidelines from that.

Mr. Sceggell continued that the existing corridor is a straight shot from Main Street to Eastern Avenue. Pavement widths vary. He showed a photo of the widest part. He continued that travel lanes are up to 19 feet wide. The guidelines show being able to use 10- to 12-foot travel lanes. There are two segments of Marlboro Street, eastern and western. The western segment, from Main Street to Baker Street, is more commercial and has multi-family homes, and it is important to utilize parking on one or both sides of the street. They want to have a parallel parking lane about 8 feet wide, a 6-foot bike lane on the same side as parking, two travel lanes of 10.5 feet each, and a bike lane of 5 feet on the other side.

Mr. Sceggell continued that at the intersection at Grove Street and Adams Street by Wheelock School, there is a school crossing with a crossing guard. They want it to be safer, by narrowing the travel lanes to reduce speeds and providing some visual shifts to slow vehicular traffic, and adding a left hand turn lane. This intersection has had some history. The City has done some improvements here. Feedback from the public included the recommended removal of a tree in front of 114 Grove Street, because it affects sight distances for drivers traveling off that street. At the most recent public input meeting, residents shared concerns about left-hand turns and safety, and as a result, DuBois & King produced a different option of having the crosswalk on the eastern side of Grove Street, instead of the initially-proposed western side. They looked again at traffic turning movements out of Grove Street, from the Safe Routes to School Action Plan, and made changes based on the findings. They found that fewer cars would have a conflict with pedestrians if the crosswalk were moved to the east side. Other factors were the Grove Street sidewalks continuing to the north, so having a crosswalk on that side provides continuity with the neighborhood to the north. Just to the west, there is parking. There is proposed parking on both sides of the street in this area, which will shift to just one side as they move east. That allows them to take advantage of the existing curb widths. They are trying to fit this project within the budget, and thus limiting the curb movements to fit the new configuration into the existing curb footprint.

Mr. Sceggell continued that moving east; there is the intersection at Jennison Street. The slides show some of the improvements they are trying to do in conjunction with private property owners. There is a large curb cut for the laundromat, and to make it safer, they want to close that up and will work with the landowner to address improvements within the right-of-way that can work for everyone. It is about providing adequate parking and circulation for the business, while improving safety for pedestrians. Also in this area is the first “chicane,” or shift in the travel lane. It shifts slightly south, where the parking is moved from the south side of the street to the north side. The shifts provide traffic calming/slowing, so vehicles do not have a straight runway through the corridor. They also proposed a new crosswalk at Kelleher Street.

Mr. Sceggell continued that at the crossing of Beaver Brook is the chicane coming back to realign the road to the north. They want to add additional green space, reducing pavement, which will yield storm water benefits. During the preliminary design they will investigate which storm water best practices they can implement; they have ideas in terms of vegetation, trees, and/or swales that provide some infiltration and treatment.

Continuing further east, Mr. Sceggell noted there is another chicane lane shift and a new crosswalk at Baker Street and Bartholomew Court, and some parking spaces created in front of the Butterfly Park. The idea would be to use this as a bus stop at some point. They would keep the spaces as parking until there is a regular bus stop there. As they move to the east they will start to eliminate the parking on the street because more lots are available.

A typical cross section as they go from Baker Street to Eastern Avenue would have two 10.5 foot travel lanes (narrower than the existing ones), 5 foot bike lanes, and a no parking lane, similar to the existing conditions. In this area, the speed limit is 25 mph and they want cars to more closely react to that.

Chair Manwaring stated that the speed limit is 30 mph. Mr. Sceggell stated that Google shows a sign saying “25 mph” traveling east and “30 mph” traveling west. Regardless, they are trying to slow people down by narrowing the lanes. As they move east the existing pavement widths shrink. They are trying to fit within the footprint to fit

within the budget.

At the end of the project, the bike lanes would end/start in this location, depending on which way one is traveling. As bikes come into the corridor, they want to direct them into the bike lane to promote the use of that facility.

Mr. Sceggell continued that another key component is the connection to the Cheshire Rail Trail. This is the DPW (Department of Public Works) parcel at the end of Bartholomew Court. The trail would be 8 feet wide and multi-use, to allow bikes and pedestrians. The recommended alternative is one where they have routed the trail essentially around the DPW parking lot to minimize impacts or conflicts between pedestrians and DWP operations or visitors to the facility. They have some vegetated areas and landscaping to try to separate the parking from the trail, and additional lighting for visibility and safety. They considered other alternatives, such as having the trail go through the parking lot, but they wanted to enhance safety for bikes and pedestrians and this is best done by having the trail go around the parking lot. He continued that DuBois & King also had feedback from City staff, regarding their preferences, and from the City's insurance carrier.

Mr. Sceggell asked Mr. Rusnock to talk about the next steps.

Mr. Rusnock stated that he hopes the MSFI Committee will recommend the Proposed Action as proposed. He continued that this is a NHDOT project that requires three reviews from NHDOT and based on what has happened with previous projects they think that those reviews may take quite a bit of time. Staff's goal is to have final approval by spring of next year but that is subject to some of those NHDOT timelines that the City is not in control of. Technically, according to the NHDOT Ten Year Plan the funds are programmed for FY 2026. However, the City was informed of that by noticing that the Ten Year Plan had been delayed several years and talking with NHDOT about that. He continued that NHDOT said if the City is able to have a "shovel-ready project" they may be able to allocate funds that had been unable to go to another community if that other community did not have a project ready to go. They do not know.

Councilor Filiault asked if the Victoria Street extension was considered for this project. Mr. Rusnock replied that they are not considering that for this project. He continued that the scope of their grant application was focused on the improvements at the Wheelock School intersection, Baker Street intersection, and the Cheshire Rail Trail at Marlboro Street. Councilor Filiault asked the City Manager, Elizabeth Dragon: that would not cause any major impact, would it? The City Manager replied no.

Chair Manwaring asked if, as part of this project, the small park at the end of Eastern Avenue would be eliminated. Mr. Rusnock replied that that triangular wedge of property created by Optical Avenue and Tiffin Street is a privately-owned parcel the City is not in control of, thus, this project would not have any intended effect on that.

Chair Manwaring asked for public comments or questions.

Raleigh Ormerod, from Monadnock Court, stated that he lives about two blocks from where Marlboro Street and Wheelock School are. He continued that he attended the public input meeting, and spoke a lot with residents in that neighborhood and with the principal of Wheelock School. He sees that the City wants to move the crosswalk to the east instead of the west. He asked if this was based on looking at pedestrian traffic.

Mr. Sceggell replied that it was part of the traffic study from the SRTS study. Mr. Ormerod stated that he thought the SRTS study recommended it be on the other side. Mr. Sceggell replied that at the public input meeting, DuBois & King misspoke. He continued that the SRTS study did not have a specific recommendation; it only recommended that this be looked at. Mr. Ormerod replied that they should look at it very carefully then. He continued that the Principal of Wheelock School, Patty Yoerger, was really looking forward to it being on the east as originally planned and she does not know it has changed. She knows there is

more traffic. But he asked, and she said only five students cross and go north on Grove Street. The main pedestrian route is the other way, where the crosswalk would have been before. He asked them to check on that and check with Ms. Yoerger.

Chair Manwaring asked if there were any additional comments or questions. Hearing none, she asked for a motion.

Councilor Lamoureux made the following motion, which was seconded by Councilor Filiault.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the proposed corridor improvements, Proposed Action, as presented, is selected for the Marlboro Street Corridor Improvements Project and that the City Manager is authorized to do all things necessary to implement the Marlboro Street Corridor Improvement Project.



City of Keene, N.H.
Transmittal Form

November 13, 2019

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: D.4.

SUBJECT: Periodic Reports from Boards and Commissions - Bicycle Pedestrian Path Advisory Committee

COUNCIL ACTION:

In City Council November 21, 2019.

Report filed as informational.

RECOMMENDATION:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the Bicycle Pedestrian Path Advisory Committee report.

BACKGROUND:

Dillon Benik, of 635 West Street, introduced himself. He read the following report:

"I'm here today to supply a brief update on what the Bicycle Pedestrian Path Advisory Committee has been working on and discussing in the past year, as well as some projection of what we hope to accomplish going forward in 2020.

2019 has found the BPPAC in sort of a transitionary period. While I believe we have succeeded in performing our functions as a committee, there have been some challenges regarding membership. The year saw some membership turnover, as well as the unexpected and tragic loss of a long-time member and ardent advocate for the community in Thom Little.

Working with the new Mayor and other leaders in the community to fill our membership holes will be a priority heading into the New Year and first quarter of 2020. We've already started the process internally of reaching out to a few members of organizations like Pathways for Keene and MAST to see if there are folks interested in joining the committee. Of course, these final membership decisions would be made by Mayor Hansel and I look forward to hearing his suggestions.

This past year BPPAC was asked to consider two different requests to purchase City property. I believe these items were referred to us by Council via the Finance, Organization, and Personnel Committee. Both properties were in the same area of the city and both abutted the trail system.

The first was a spur of land off of Ralston Street that wrapped around a building owned by SHALDU LTD. This piece seemed to us like a harmless strip of land for the City to give up. BPPAC recommended this sale be executed as long as the Rail Trail property was not encroached upon in any way.

The second referral regarded a piece of City property adjacent to property owned by Mr. Toby Tousley. It was

a parcel of land off of Emerald Street, across from the 'spur' purchased by SHALDU LTD. After careful consideration and hearing from Mr. Tousley, the committee voted 5-1 to recommend that the City not sell this property to Mr. Tousley. The committee felt that the area Mr. Tousley looked to purchase (the ownership of which was in question until recently) could have future value to the Trail System. I believe this recommendation held and the City has entered into lease negotiations for a piece of this area.

BPPAC worked this year with staff and DPW to sort out placement of a bicycle rack about town. Later in the fall traffic counts were conducted with the help of KSC Geography students

I mentioned earlier the loss of Thom Little. Thom was passionate about Keene, particularly about our paths and bike/pedestrian infrastructure. BPPAC recommended naming a portion of the trail system after him in his honor. This plan was met with enthusiasm by staff and I believe this is moving forward smoothly and you are seeing a draft resolution this evening.

BPPAC is also exploring creating a Public Outreach and Events subcommittee. A charge is being drafted by a committee member and we will discuss it at our next meeting. The idea is a small group of people dedicated to creating, hosting, or promoting events that further or accommodate the interests of bicyclists and pedestrians in town. I believe this idea was posited when someone mentioned how we missed an opportunity to host some sort of cycling event in conjunction with the Keene Wall Dogs.

A lot of our committee's work and focus as late has revolved around a Bicycle Pedestrian Master Plan and the various projects therein. In late 2012 it was acknowledged by BPPAC and City staff that an updated master plan was needed going forward. This plan will guide the development of the City's bicycle and pedestrian facilities and provide tools for their care.

The next few years were spent creating the vision of this plan, outlining goals and zeroing in on projects. By 2016 this big picture work was complete and BPPAC had a list of projects that they prioritized using a matrix they had worked with City staff to create. 2017 showed BPPAC with a list of 29 projects, five of which we designated as 'top 5 priority.' These projects have been monitored by BPPAC via communication with City staff. BPPAC has checked in on progress and acted as a sounding board for staff when appropriate or necessary.

These top five are:

- * Cheshire Rail Trail – Park Avenue Loop – Work has begun and is wrapping up soon*
- * Access Point and Connectivity Analysis – Staff involved KSC Geography students, and they did a study which can be shared*
- * Wayfinding*
- * Complete Streets Assessments – Staff involved KSC Geography students*
- * Sidewalk/Pedestrian Connectivity*

The top five list of projects was expanded loosely in the early part of 2019 when other project possibilities were identified or when organizational support or perceived importance shifted. One such project that has been particularly prioritized by BPPAC is finding interim and long term solutions for bicycle and pedestrian facilities on West Street. In 2018 BPPAC started conducting bike and pedestrian counts at three different points of West Street to establish baseline traffic numbers for future solutions.

The three points where counts are being conducted are the intersection of Island Street and West Street, the intersection of Pearl Street and West Street, and where the Rail Trail Dogleg ends near the intersection of Route 9 and West Street.

We've voluntarily conducted the counts as a committee, and with some assistance by KSC Geography

students, quarterly since starting in the spring of 2018. The results are being compiled and tabulated by City staff.

It is a BPPAC goal, with the help of City staff, to complete this master plan in 2020. To do so we would like to utilize outside consultants to bring fresh perspective and expertise. We would start by seeking a few cost estimates. Once estimates are gathered we can begin to explore funding options such as: attempting to create funding out of the budget, working on fundraising all or a portion, and discussions with the Southwestern Regional Planning Commission. Once funding was sorted, a consultant would aid us and staff in buttoning up this plan. I believe this is all possible during the next year.

In closing, I believe the work we're doing is good. We look forward to working with the new mayor and the council. We're excited to bring forward results from our initiatives with the help of City staff and I'm confident 2020 will be a positive and progressive year for the city."

Chair Manwaring asked what the mission of the committee is. Mr. Benik replied that the BPPAC is an advisory committee that weighs in and advocates for bicyclists and pedestrians in the city.

Chair Manwaring asked if the BPPAC considers promotion of the trails. Mr. Benik replied yes, individually and as a group. He continued that that is partially where the subcommittee idea came into play. They realized they were missing opportunities to create or promote existing events to get more people onto the trails. Chair Manwaring replied yes, people who use the trails know them well, but when new people come to Keene, they need to talk about how to help people find the trails and how to attract people to them. Mr. Benik replied that one of the projects the BPPAC prioritized was connectivity and wayfinding, thinking about questions such as, do people know about the trails? Are there signs? Do the new students each year know about the possibility to, for example, walk to Target from the trails?

Raleigh Ormerod, 4 Monadnock Court, stated that the Chamber of Commerce just published a big map of the city, including the rail trails. He continued that there are many maps that are not getting deployed. Maybe the BPPAC would have ideas for how to help the Chamber get the maps out.

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

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the Bicycle Pedestrian Path Advisory Committee report.



City of Keene, N.H.
Transmittal Form

November 13, 2019

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.5.

SUBJECT: Periodic Report from Boards and Commissions – College City Commission

COUNCIL ACTION:

In City Council November 21, 2019.
Report filed as informational.

RECOMMENDATION:

The consensus of the committee was to accept the report as informational.

BACKGROUND:

Chair Richards welcomed his Co-Chair of the College/City Commission and the Director of External Relations in the President's Office at Keene State College (KSC), Steve Fortier. Mr. Fortier began by recognizing Councilor Jones' long-term service to the City and as founding member and leader of the College/City Commission.

Mr. Fortier said that 2019 was a rebuilding year for the Commission, during which time the Mayor and Melinda Treadwell, KSC President, appointed four new members, resulting in seven active members currently and one open active membership. Despite being a rebuilding year, Mr. Fortier shared the Commission's recent accomplishments:

- The joint College/City funded traffic calming medians on Main Street
- Tandem but independent proclamations for Indigenous Peoples Day, for which a student leader will continue working with the Council and the Mayor will work towards a Resolution for the day such as the one passed at KSC.

The Mayor and President Treadwell worked to redefine the Commission's charge during the last year, which Mr. Fortier said has now reenergize the Commission. The Commission is now charged with facilitating long-range planning and short and long-term recommendations to the college and the City on issues of mutual concern. It is to create a model for how a campus and college collaborate effectively and engage each other in the resolution of their most pressing issues. It will create a framework to deal with emergent issues as well.

Mr. Fortier continued explaining the Commission's goals for the year ahead:

- Explore the possibility of a social host ordinance with neighborhood organizations
- Maintain the focus on neighborhood relationships between students and citizens
- Building inclusive cultures in the City and College for mutual success and benefit
- Coordinate the ambitious energy goals both the College and City have adopted
- Engage KSC resources to help enhancing the art corridor in Keene
- Work with Mayor-Elect Hansel to envision more next steps

- Continue being a symbol of and body for moving together in shared interests

Chair Richards agreed that 2019 was a rebuilding year, while missing membership and awaiting new direction from the Mayor and President Treadwell. He said the Commission is now in a good place to move forward working toward these goals.

As a KSC graduate, Councilor O'Connor thanked Mr. Fortier for his presentation and for fostering this important connection with the City.

Councilor Jones thanked Mr. Fortier for his kind opening words. The Councilor recalled all the Commission has accomplished in small ways. Such as when the College brings issues of concern to the City, such as no streetlights on Ralston Street, and then the City can work to rectify them quickly. Before this Commission, Councilor Jones said that the College and City worked against each other instead of together. He recalled when Cheshire TV began, KSC marketing students advised on the name and logo, which has clearly endured. With a desire for more art in the City, he said the KSC art department should be involved with promoting both stationary and theatrical art. Councilor Jones said there is still a lot the College and City can do together, for example, College representatives are providing great input for City planning of improvements on Winchester Street between Island Street and RT-101. He said the Commission is working.

Mr. Fortier said he met with President Treadwell's cabinet recently about challenges of his job. A positive outcome of that conversation was realizing that KSC staff is meant to be stewarding resources between City and College, but most job descriptions do not reflect that mission. With downsizing at the College, he admitted the connection has been easy to overlook, but President Treadwell is committed to fostering the College/City relationship moving forward.

Councilor Hansel moved to accept the College/City Commission report as informational, which Councilor O'Connor seconded and the Planning, Licenses & Development Committee carried unanimously.

Mr. Fortier noted that the two most recent reports of Commission efforts & outcomes are available on the Commission webpage: <https://ci.keene.nh.us/college-city-commission>.

The consensus of the committee was to accept the report as informational.



November 13, 2019

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: D.6.

SUBJECT: Periodic Report from Boards and Commissions – Zoning Board of Adjustment

COUNCIL ACTION:

In City Council November 21, 2019.
Report filed as informational.

RECOMMENDATION:

On a 4-0, the Planning, Licenses & Development Committee recommends accepting the Zoning Board of Adjustment report as informational.

BACKGROUND:

John Rogers, the City Building & Health Official and Zoning Administrator, introduced Joshua Gorman, who is a local property owner, former City Housing Inspector, and current Chair of the Zoning Board of Adjustment (ZBA). Mr. Gorman began as an alternate member of the ZBA in 2016 and an acting member in 2017; he was elected as Vice Chair in 2018 and as Chairman in 2019. Mr. Rogers said that the ZBA is lucky to have someone like Mr. Gorman, who efficiently runs their meetings.

Chair Richards welcomed Mr. Gorman who said it has been an honor to serve his community on the ZBA for the past few years. He explained that the ZBA acts in a statutory role to review, most commonly, applications for variances, applications for special exceptions, appeals to administrative decisions, and equitable waivers of dimensional requirements. The ZBA is a quasi-judicial body responsible for interpreting the Zoning Ordinance and determining if an applicant justifies relief from that Ordinance. During the application process, a public meeting is held per RSA 91-A. The Mayor appoints and the Council approves the five members who make-up the ZBA for three-year terms. The Mayor can also appoint up to five alternates, who can serve in the case of an acting member's absence or recusal, which can be due to personal relationship or the opportunity to benefit financially from the application. A minimum of three votes are required to approve an application and while a meeting can be held without five members present, the applicant reserves the right to postpone in such cases. Mr. Gorman said that after being on the Board for four years, the current membership is a strong group with good backgrounds, diverse opinions, and a wealth of legal knowledge to make his job easy.

Mr. Gorman continued explaining the types of applications the ZBA hears and the criteria the Board must review for each. The ZBA most commonly hears applications for a variance, for which the board weighs in on five criteria when making decisions. The applicant must prove that:

- 1) Granting the Variance would not be contrary to the public interest.
- 2) If the variance were granted, the spirit of the ordinance would be observed.
- 3) Granting the variance would do substantial justice.
- 4) If the variance were granted, the values of the surrounding properties would not be diminished.

5) Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

- i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property.
- ii. The proposed use is a reasonable one.

B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

Next, the ZBA commonly reviews applications for special exceptions, which he thinks are more easily attainable. To receive a special exception from the Zoning Ordinance, an applicant must demonstrate that:

1. The proposed use is similar to one or more of the uses already authorized in that district and is in an appropriate location for such a use.
2. Such approval would not reduce the value of any property within the district, nor otherwise be injurious, obnoxious, or offensive to the neighborhood.
3. There will be no nuisance or serious hazard to vehicles or pedestrians.
4. Adequate and appropriate facilities (i.e., sewer, water, street, parking, etc.) will be provided for the proper operation of the proposed use.

Less often, the ZBA receives applications for equitable waivers of dimensional requirements. Finally, applicants are allowed to appeal administrative decisions and seek the Board's relief from that decision, which are also rare and require the applicant to present facts.

Councilor Jones asked if the criteria listed come from State Statutes and Mr. Gorman replied in the affirmative.

Chair Richards thanked Mr. Gorman for his work, recognizing that the Board often has to make tough - but needed decisions. Mr. Gorman thanked the Council.

Councilor Jones moved to accept the Zoning Board of Adjustment report as informational, which Councilor Hansel seconded.

On a 4-0, the Planning, Licenses & Development Committee recommends accepting the Zoning Board of Adjustment report as informational.



City of Keene, N.H.
Transmittal Form

November 14, 2019

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.7.

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

COUNCIL ACTION:

In City Council November 21, 2019.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a donation of \$214.63 and that the money is used for the Recreation Department scholarship fund.

BACKGROUND:

Parks Recreation and Facilities Director Andrew Bohannon addressed the Committee first. Mr. Bohannon stated Robert Wilber, a long time City employee and City Councilor, passed away. Many of his former program staff reached out to City staff wanting to do something in memory of Mr. Wilber. Adrienne Conboy, a current long time employee who worked with Mr. Wilber and Joe and Karli Tolman owners of Bulldog Design created a t-shirt that raised \$214.63 towards the scholarship funds for kids who attend summer camp.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a donation of \$214.63 and that the money is used for the Recreation Department scholarship fund.



City of Keene, N.H.
Transmittal Form

November 14, 2019

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.8.

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

COUNCIL ACTION:

In City Council November 21, 2019.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a donation of \$3000.00 from Yankee Lanes and that the money is used to purchase youth basketball jerseys.

BACKGROUND:

Mr. Bohannon stated the next donation is \$3,000 from Yankee Lanes to purchase youth basketball jerseys. This has become an annual donation from owner Jeff Barden who is a supporter of youth basketball. A new league is going to be added this year. He thanked Mr. Barden for his continued support.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a donation of \$3000.00 from Yankee Lanes and that the money is used to purchase youth basketball jerseys.



City of Keene, N.H.
Transmittal Form

November 14, 2019

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.9.

SUBJECT: Adopt A Bench Donation - Parks, Recreation and Facilities Department

COUNCIL ACTION:

In City Council November 21, 2019.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 3-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept the donation of a bench from Pathways For Keene in honor of John Summers and that the bench be placed along the Jonathan Daniels Trail.

BACKGROUND:

Mr. Bohannon stated this is an Adopt a Bench Donation in honor of John Summers. Mr. Summers is one of the founding members of Pathways for Keene and was instrumental in the creation of the Ashuelot River Trail. The bench will be installed along the Jonathan Daniels Trail near Ashuelot River Park – the donation is valued at \$1,200.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept the donation of a bench from Pathways For Keene in honor of John Summers and that the bench be placed along the Jonathan Daniels Trail.



City of Keene, N.H.
Transmittal Form

November 14, 2019

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.10.

SUBJECT: Adopt A Bench Donation - Parks, Recreation and Facilities Department

COUNCIL ACTION:

In City Council November 21, 2019.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the donation of three granite benches from Brian Buskey in honor of his parents Bert and Lilian Buskey and that the benches be placed at Shadow Pond on Kendall Road.

BACKGROUND:

Mr. Bohannon stated this is also an Adopt a Bench Donation and this is unique in that it is three granite benches from Brian Buskey in honor of his parents Bert and Lilian Buskey to be placed on Shadow Pond. The family lived on Kendall Road and the family has fond memories of this area. Each bench is valued at \$1,800. Mr. Bohannon recognized the Buskey family for this donation.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the donation of three granite benches from Brian Buskey in honor of his parents Bert and Lilian Buskey and that the benches be placed at Shadow Pond on Kendall Road.



City of Keene, N.H.
Transmittal Form

November 14, 2019

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

SUBJECT: Joseph S. Hoppock, Esq. - Request to Purchase City Property - Corner News

COUNCIL ACTION:

In City Council November 21, 2019.

Voted with nine in favor and 6 opposed to carry out the intent of the report.

RECOMMENDATION:

On 2-1 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to negotiate a sale of the land under the building to the owner of the building.

BACKGROUND:

Attorney Hoppock addressed the Committee and recognized his client Roberta Mastrogiovanni, the owner of the Corner News. He noted this item is in reference to their request for the City to sell the land that the Corner News sits on. He indicated they are aware of Jack Dugan's project and circulated to the committee an email from Mr. Dugan. He noted the email indicates Mr. Dugan's project will have no impact on the sale of the property to Ms. Mastrogiovanni and added that he is aware the City Manager's office is not in support of this request.

He went in to say the Railroad conveyed this land to the City in 1960's and since then the land has been separate from the building, which he described as odd. The land is in the historic district and any kind of renovation would be subject to the Historic District Commission regulations and added his client's plan is to preserve the historic nature of this building. He asked for the City's consideration and added his client is willing to work with the City on its needs and on any terms it wants to impose. Attorney Hoppock went on to say his client has made a proposal on a price, which is the assessed value of the property.

Manager Elizabeth Dragon addressed the Committee next and stated the City's capital planning includes preliminary design work for Main Street during this fiscal year and for downtown next year. She indicated the draft CIP has infrastructure improvements along Gilbo Avenue, which is inclusive of this site. Pedestrian and vehicular traffic patterns in this area are going to be evaluated. In addition, the Arts and Culture corridor project on Gilbo Avenue and the planned improvements for that project abuts this parcel, crosses Main Street in front of this parcel to Railroad Square. Ms. Dragon noted the arts and culture corridor project is continuing to evolve.

Ms. Dragon further stated Southwest Regional Planning Commission continues to look at transportation hub potentials and Gilbo Avenue is a location that is being considered. In conclusion, she stated because of these proposed projects in the next few years she does not recommend the sale of the property at 2 Gilbo Avenue.

Vice-Chair Jacobs clarified since October 22 there has been further communication that gives the Manager concern about giving up this property. Ms. Dragon stated the project is going to change over the next few years and even though it does not include the proposed parcel, the projects being planned for the future involves property that abuts the proposed parcel as well as directly in front of it crossing over to Railroad Square. Because of the changing nature of the projects on Gilbo Avenue and the infrastructure work the City will be doing, she does not recommend sale of this property. The Vice-Chairman clarified this would not preclude the sale in the future. Ms. Dragon agreed.

Councilor Powers agreed the City should wait on the sale; he talked about the water problem that exists on this land and stated he appreciates the interest in the property and extended his appreciation for the long tenancy of this tenant.

Councilor Clark asked for the width of Gilbo Avenue at this intersection and asked if the City owns the sidewalk and the land in between Margaritas and the overhang. The Manager stated the City owns the sidewalk and the fee under the building at this intersection. The Councilor felt lack of ownership of this land seems to be hampering condition for owner of this business. He did not see a reason to keep this applicant “hanging” and felt the City has had many false starts relative to this area and he felt the property should be sold to the applicant.

Councilor Jacobs noted not owning this property has been a hindrance to this applicant – Attorney Hoppock noted it has been difficult for Ms. Mastrogiovanni to obtain financing. Attorney Hoppock went on to say the City as a government body has eminent domain powers and as has been mentioned previously if the City project does not move forward, the sale of the property to his client is not going to be an issue.

The Manager stated even though the Arts Corridor project is preliminary the work that is being planned for Main Street, Gilbo Avenue and downtown are slated for infrastructure work and if there is adjustment that needs to be made to the sidewalk in this area, she felt it would be prudent to wait. She indicated eminent domain is not a fun and it can be lengthy and uncomfortable for everyone. Vice-Chair Jacobs asked how the City would handle the building if work was going to take place on the sidewalk. The answer provided was that the City would dig under the building and pretend the building does not exist.

Councilor Clark stressed the best use of this property is what it is being used for right now.

A motion was made Councilor Powers that the Finance, Organization and Personnel Committee recommend the request to purchase Corner News be declined. The motion died for lack of second.

Attorney Hoppock questioned what timeframe the City was referring to make a determination.

A motion was made Councilor Clark that the Finance, Organization and Personnel Committee recommend the City Manager be authorized to negotiate a sale of the land under the building to the owner of the building. The motion was seconded by Councilor Jacobs. The motion carried on a 2-1 vote with Councilor Powers voting in opposition.



City of Keene, N.H.
Transmittal Form

November 14, 2019

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

SUBJECT: Acceptance of the 2019 Homeland Security Grant Award - HazMat Allocation – HazMat Allocation - Fire Department

COUNCIL ACTION:

In City Council November 21, 2019.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a grant in the amount of \$25,000 from the 2019 State of New Hampshire Homeland Security Program (SHSP) - HazMat allocation.

BACKGROUND:

Fire Chief Mark Howard addressed the committee and stated on October 15, 2019 he was notified by the grants management unit that the Keene Fire Department had been awarded \$25,000. He noted with reference to the attached cover letter all documents are required to be returned within 30 days. He noted because of scheduling reasons he asked for an extension and has been granted one. The second requirement was to submit a cyber-security review within 45 days (December 1). However, with assistance from IT staff this has been completed and submitted.

Councilor Clark clarified this is a grant the department receives each year. The Chief answered in the affirmative and noted it is a competitive grant.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a grant in the amount of \$25,000 from the 2019 State of New Hampshire Homeland Security Program (SHSP) - HazMat allocation.



City of Keene, N.H.
Transmittal Form

November 14, 2019

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

SUBJECT: Mark Rebillard and Roger Weinreich/Keene Downtown Group - Requesting the Establishment of a Free Parking Program

COUNCIL ACTION:

In City Council November 21, 2019.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 3-0 vote, the Finance, Organization and Personnel Committee recommends referring this item to staff for a further recommendation of proposal within 30 days.

BACKGROUND:

Mr. Roger Weinreich of 52 Railroad Street addressed the committee. Mr. Weinreich began by reading for the record a letter included in the committee's packet. Mr. Weinreich stated this is an attempt to start a discussion about free parking downtown which was something that was offered many years ago. He noted an experiment could be run through March 31 by offering free parking. The experiment would evaluate if this is something that people are taking advantage of and whether this increases pedestrian activity downtown. If it becomes unsustainable it can be ended – but it could be something that could increase parking revenue,

Director Economic Development and Special Projects Mr. Kopczynski agreed there has been a decline in parking during the morning hours in the downtown and demand has shifted more towards evening hours. He went on to say he wasn't sure if changing the hours in the morning would affect any of the businesses as the majority of the businesses don't open until 10 – 11 am. He went on to say there could be an impact with the suggested proposal in terms of revenue. In addition, the staff would need to consider parking space turnover, and how to handle side street and parking lot meters. Mr. Kopczynski stated staff is happy to meet with the applicant and the downtown group to discuss these issues and until that happens he was not able to provide concise information for the Council's consideration.

Vice-Chair Jacobs stated what he likes about this is how are we going to utilize the various parking tools. He noted merchants requested parking meters so that people won't abuse parking and that parking meters were instituted as a way to provide for parking turnover.

Councilor Powers agreed shopping experience are fast changing and asked for a reasonable amount of time for the trial period. He asked if the item was going to be sent back to staff for its review and asked a timeframe be put on it.

Mr. Weinreich stated the time period they were suggesting was December 1 through March 31, 2020, with

decals on meters indicating the trial period. Mr. Kopczynski stated this is the type of issues that need to be discussed. He added running from December 1 thru March 31, 2020 is doubtful because of the timeframe involved with City Council in addition to the mechanism required to put this in place under the ordinance – he felt it would be more of a January through March program. If it can be accelerated, it will be done.

Vice-Chair Jacobs felt this is the type of communication that needs to be ongoing and stated he is glad to see merchants coming forward with this request.

Mr. Weinreich stated he was in agreement with whatever staff would like to do but felt putting this in place in December might seem like a gift to the public.

Councilor Jacobs stated it might be nice to have information in stores telling people about free parking that exists a few blocks away from downtown. Mr. Kopczynski stated staff has been visiting downtown merchants and having conversations with them. He stated parking is now being handled by the Manager's office and stated there is a lot to be done to build this system and make it beneficial for everyone. He talked about the signage that has been changed to tell people about long term parking, there are brochures available downtown that talk about parking downtown.

Vice-Chair Jacobs asked for public comment. Mr. Weinreich extended his appreciation to staff and the opportunity to address this item.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends referring this item to staff for a further recommendation of proposal within 30 days.



City of Keene, N.H.
Transmittal Form

November 14, 2019

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.14.

SUBJECT: PILOT- The Prospect-Woodward Home - Assessing Department

COUNCIL ACTION:

In City Council November 21, 2019.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 3-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to execute a PILOT agreement with The Prospect-Woodward Home for properties owned by them and identified as Map 221 Lot 19 and Map 221 Lot 18.

BACKGROUND:

City Assessor Dan Langille addressed the Committee and stated this item is in reference to payment in lieu of taxes requested by The Prospect-Woodward Home. Mr. Langille explained State Law permits certain properties to be exempt from property taxes. He identified religious institutions, schools, city owned property and charitable organizations as being eligible for an exemption from property taxes. Hillside Village made an application to the City for such an exemption. Mr. Langille referred to the term "charitable" as listed under RSA 72:23. He stated Hillside Village's mission is to provide lifelong housing and medical care to the elderly.

Mr. Langille stated when the Assessing Department received the application, additional documentation was requested and it was turned over to the Assessor's Board. NH Supreme Court decisions were also reviewed as it pertains to this item. On September 5, the Board determined Hillside Village had met their burden and they were exempt from property taxes and that they were a charitable organization.

Staff met with Hillside Village to see if they were interested in entering a payment in lieu of taxes program. RSA 72-23N allows a municipality to enter into a payment agreement with an organization that would otherwise be exempt from paying taxes. All parties agreed there would be an annual payment required for services provided by the City. It was agreed the program would begin this year with a payment of \$658,000 and will increase annually. It is a ten-year agreement with a ten-year option. This amount equals the City portion of the tax rate times their assessed value.

Ms. Dragon noted the tax rate is made up of several components the city, the school, the state education portion and the county. She indicated what is being referred to here is the municipal portion of the taxes. In a situation like this, this is a favorable amount.

Councilor Powers asked whether the prior property Prospect Woodward Home was tax exempt. Mr. Langille answered in the affirmative.

Councilor Clark applauded staff for being able to obtain this amount on a pilot program; he noted the applicants obtained this property for \$1.5 million dollars but invested nearly 30 million dollars into it. Councilor Jacobs stated he applauds Hillside Village for recognizing the value of City services and for agreeing to pay this amount.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends the City Manager be authorized to execute a PILOT agreement with The Prospect-Woodward Home for properties owned by them and identified as Map 221 Lot 19 and Map 221 Lot 18.



City of Keene, N.H.
Transmittal Form

November 14, 2019

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.15.

SUBJECT: Aquatic Facilities Update - Parks, Recreation and Facilities Department

COUNCIL ACTION:

In City Council November 21, 2019.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council re-appropriate \$25,000 funded in FY19 for pool amenities toward infrastructure maintenance needs at Robin Hood Pool.

BACKGROUND:

Mr. Bohannon stated in previous CIP Programs there have been projects related to the City's pools and ongoing maintenance issues has been included in the municipal park improvement program. Specifically for the Robin Hood pool, there is a current project in the CIP to install shade structures and a slide. While obtaining quotes for these projects; several issues of concern were identified with the Robin Hood Pool. Staff is recommending that the proposed improvements be delayed in favor of responding to some maintenance issues.

While staff was obtaining quotes for the CIP project; there were some noticeable issues associated with the Robin Hood Pool, some of which were alarming.

Weston and Sampson were hired to conduct pool evaluations for both Robin Hood Pool and Wheelock Pool. The firm came in and evaluated the maintenance records, the chemical records, past improvements, accounting records, attendance records and the overall program. During one of their two site visits, a hammer test on the concrete was done. The report came back and identified several compliance issues at both pools. Not anything super alarming, but issues that needed to be addressed. The report highlighted the fact that both pools were gifted to the City by the Keene Lions Club in 1964 and even though the City has done a great job maintaining these pools, they have probably exceeded their useful life, which can be attributed to the ongoing maintenance that has been done over the years to keep them well maintained.

Mr. Bohannon stated the Robin Hood Pool is structurally "on its last leg" and with its immediate location next to a pond, there are some things that could be alarming for that site. Mr. Bohannon noted the pool location is probably not the best location for a 165,000-gallon pool, but it was placed there and has done fairly well. Even with ongoing maintenance, the useful life of the pool can extend at most another five years.

If the issues are ignored, there could be some significant challenges in the next five years. Wheelock Pool on the other hand is doing much better and if maintained appropriately the City will be able to have an extended life.

Mr. Bohannon stated staff would like to repurpose the \$25,000 in the CIP for items like a slide and shade structures and put it towards maintenance. Some of the options for Robin Hood Pool are to replace the entire pool at a high cost, performing the maintenance issues recommended, reducing the size of the pool and use that space for installation of the splash pad making the pool a smaller footprint. Mr. Bohannon noted the appendix has the list of improvements outlined. He referenced the phased in nature of the various improvements, which would occur over the next several years. Mr. Bohannon stated these pools add a lot of value to the City.

The Manager stated what staff is looking for is Council permission to repurpose the \$25,000, but they are also trying to communicate that there are some larger issues to address in the future. She noted to replace the pool at the same size would be at a cost close to 5.4 million dollars, to replace it with a smaller pool would be 3.7 million dollars. These are the kinds of conversations that the City Council will need to have during the CIP process, but for tonight it is just the repurposing of \$25,000.

Vice-Chair Jacobs stated what also needs to be looked at is how such things are financed and perhaps money should be set aside to meet these capital needs. Councilor Powers stated they are talking about current CIP funds and instead of making the proposed improvements, the staff is recommending utilizing the funds for ongoing maintenance. In addition, the Councilor suggested the term in the motion be to re-appropriate rather than to repurpose.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council re-appropriate \$25,000 funded in FY19 for pool amenities toward infrastructure maintenance needs at Robin Hood Pool.



City of Keene, N.H.
Transmittal Form

November 14, 2019

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: D.16.

SUBJECT: Aquatic Facility Certification Program - Parks, Recreation and Facilities Department

COUNCIL ACTION:

In City Council November 21, 2019.
Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 3-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept professional development funds for Parks, Recreation and Facilities Director to attend Aquatic Facility Certification course December 10-11, 2019.

BACKGROUND:

Mr. Bohannon stated this past fall the National Parks and Recreation Association held a contest to invite individuals to participate in a scholarship to attend the Aquatic Facility Certification Program in Rhode Island in December. Mr. Bohannon stated he was successful in obtaining the scholarship. The scholarship includes tuition to take the test (valid for five years) and lodging. He noted he does have money in his operating budget to take care of meals and transportation. Mr. Bohannon stated this benefits his professional development.

Vice-Chair Jacobs asked for clarification as to why the item is being addressed tonight – absent being included on the agenda. Mr. Bohannon stated the conference is on December 10 and 11 and by adding to the agenda today versus waiting two more weeks it would give him more time to prepare for the session.

Attorney Mullins stated it is not something that is typically encouraged but because what Mr. Bohannon addressed is closely aligned with the prior discussion, it has been brought forward before the committee for its consideration

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept professional development funds for Parks, Recreation and Facilities Director to attend Aquatic Facility Certification course December 10-11, 2019.



City of Keene, N.H.
Transmittal Form

November 13, 2019

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: H.1.

SUBJECT: James Phippard/Brickstone Land Use Consultants, LLC – Request to Discontinue Easement for Possible Future Road Extension at Black Brook Road

COUNCIL ACTION:

In City Council November 21, 2019.

More time granted.

RECOMMENDATION:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee granted more time to allow staff time to research the records of the Planning Board and the City Council.

BACKGROUND:

James Phippard stated that he is here on behalf of NH Black Brook, LLC, a local industrial company. He continued that Amatek, a national company, purchased them. They have proposed an addition to the building to expand their manufacturing space. They went to the Planning Board and received conditional approval. As part of that site plan approval, they will reconfigure to add parking spaces to replace spaces that were going to be lost. The parking spaces are needed for the company to conduct their operations. They will expand their work force. They are looking at Janos Technology next door to expand that, too. This is good news for manufacturing in Keene.

Mr. Phippard continued that the request before the MSFI Committee is to eliminate the easement held by the City that is identified for possible future road extension at Black Brook Road. He showed a map of the area and showed Black Brook Road as it exists today, stating that it is about 1,400 feet and ends in a cul-de-sac. It is a dead end road built in 1998, and it exceeded the length of a dead end road allowed by the City's standards, but because it was possible to allow for a future extension of that road, the City Council approved a 1,400-foot dead end road.

Mr. Phippard showed another area on that map and pointed out the easement in question – a 65-foot-wide easement extending north from the cul-de-sac. He continued that his clients think this request is reasonable because when Hillside Village was constructed an emergency access road was included. He showed the location on the map. He continued that an easement was granted to allow it to be used as a public emergency access road. It is paved, gated, plowed, and maintained by the Hillside Village. The City's Public Works, Police, and Fire Departments have access to open that gate as needed. The parking lot was partially reconfigured to allow for that emergency access. It is open year-round. The purpose of the easement for a future roadway is no longer necessary. That second access was built by private parties, not at the City's expense. For that reason, he and his clients feel the easement can go away. He showed another area on the map, of parking spaces. He continued that they wanted to create access all the way around the building for

safety and for deliveries. They feel there is good justification for the City to eliminate this easement and that it is no longer necessary.

Chair Manwaring asked to hear from staff. Kurt Blomquist, Public Works Director, stated that this was constructed in 1997. He continued that the forerunner of Monadnock Economic Corporation was the prime developer for the Black Brook Corporate Park, a successful project that involved the relocation of Wyman Road and the construction of Corporate Drive and then eventually the construction of Black Brook Road and the subdivision of the number of properties that are now there. This road is 1,400 feet long. The City's current dead end road standard, since the 1970s, is 750 feet. There are the same standards now that there were in 1998. There is a Council waiver process if the petitioner can demonstrate that there would be potentially a secondary access point that could exceed the 750 feet. As they laid out the road, that was part of the conditions, that this access be maintained. The City appreciates the offer of using the Hillside Village emergency access road to meet this requirement. Staff will look at this and bring back the previous City Council and Planning Board actions. The City Council took action based on the property developer's presentation in 1998, and the question is whether what they are now offering is equivalent to what the intent was back in 1998. Staff recommends placing this on more time.

Chair Manwaring asked how long Mr. Blomquist thinks it will be until this item comes back to them. Mr. Blomquist replied that the soonest they could be ready would be the MSFI Committee's first meeting in December, but it is holiday season, so it may be their first meeting in January. He continued that not much construction can happen in the winter. They probably want a resolution so they can plan their construction in the spring.

Councilor Lamoureux stated that he understands that the legal process is part of this. He continued that the City has been working hard on economic development. He hopes it is possible to allow these companies to add on and increase jobs. Mr. Blomquist replied that that will be part of the consideration.

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

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee granted more time to allow staff time to research the records of the Planning Board and the City Council.



City of Keene, N.H.
Transmittal Form

November 13, 2019

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: H.2.

SUBJECT: Councilor Philip Jones – Maintenance of the Wilson Pond Dam on Arch Street and
Communication from Robert Malay/Keene School District – Maintenance of the Wilson Pond
Dam

COUNCIL ACTION:

In City Council November 21, 2019.

More time granted.

RECOMMENDATION:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommended placing this item on more time.

BACKGROUND:

Councilor Jones stated that he sent this to get it on the agenda and thinks it is very important. He continued that his letter spells out dates that came from the Keene Board of Education (KBE). They want the City to take over the dam. They are willing to build a new one. They want the City to take over maintenance by January 3, 2020. He does not think that will happen. There is a question as to who owns it. Does the KBE have the right to make this proposal, since it is not really their property? He has been finding different things from different people. This was gifted from Phineas Chamberlin, the original owner of Keene Industrial Paper and Kipco Party Outlet. There are permits that need to be done. He has been finding out more from staff and they will talk about the legalese.

Councilor Jones continued that he wants to talk about what happens if the dam goes away. About 15 to 20 years ago, there was an article in the Keene Sentinel about how environmentally sensitive the area is. There were pictures of children catching turtles in the pond. The flora and fauna might be endangered. That pond affects the market value of people who live around it. They need to look upstream and downstream. There is a park kind of behind Shadow Lane that many might not know is there, an area which is environmentally sensitive. Near the parking lot of Pizza Down Under, there are wetlands because of the dam and those would go away if the dam went away. There are sensitive wetlands downstream, too, at the end of Bent Court. The brook meets up with White Brook and it would affect the flow there, too. Arch Street is flood prone. The Arch Street condominiums sometimes have had over two feet of water, and flooding could increase if the water is coming straight down. There are many issues that need to be tackled with this. He does not know what is going to happen. There are people who want to talk about it. Councilor Jones showed photos of animals that thrive in or around the pond, including turtle, deer, and bears. He continued that this is an important part of Keene's green space.

Councilor Jones continued that this issue has to move along, but it is not up to the City Council, it is up to the

KSD (Keene School District) to get straight who owns the dam, who has rights, and more. Some of those questions are answered in the letter from the Superintendent and he thanks him.

The City Manager, Elizabeth Dragon, stated that the dam itself is owned by the Keene Athletic Association (KAA). She continued that the City is in a difficult situation. The reason the KSD is approaching the City is because they have an agreement with the KAA to maintain that dam and it needs about half a million dollars in repairs. The KBE voted to repair the dam if a third party would take over the future maintenance of it; otherwise, they were inclined to have the dam removed, which is a cheaper option. She asked the Superintendent to forward this letter. The City did not have information about what they were proposing. If the City takes over the maintenance, if the City Council and the KAA decide that, then they have to clearly identify the public benefit. The environment is a public benefit. She had discussed other things with the KSD as well. When the dam was given to the KAA they were given the land that abuts it and have created athletic facilities there. She continued that she discussed with the Superintendent whether there would be public benefit, not just the dam, but maybe the rest of the property deeded along with the dam – for, say, public use of the fields. She also looked at parking/access to the dam, and whether the City would be able to use the facilities of the school to have some public parking. There were a lot of ideas to discuss. They had not gotten to any agreement on what the public benefits might be.

The City Manager continued that she received a letter from the Superintendent on Friday, saying that the KSD is looking to just give someone (i.e. the City) the maintenance and upkeep of the dam, but is not looking at the public use of fields, because the fields are important for the school. If the City Council is interested in moving this conversation along, they need to be having it with the KAA and the KSD at the table. The KSD and the KAA need to define the public benefit and negotiate with the City what they are willing to give. It is great that they are willing to spend the money to repair the dam, but there are other options, too. City staff are asking for time, to talk with the KAA, to see if they want this to occur, and then have all three parties discuss how to move forward, if the City Council wants. The KSD does not want to be in the dam business, and they are under a time crunch from the KBE, but it is a long, environmental process to remove a dam. The KBE may have decided on a date to make a decision, but the removal process would be a lengthy one. She hopes the KBE will give more time and the City Council will give the City time to bring all the parties to the table and come back to the City Council with a more complete picture.

Mr. Blomquist, Public Works Director and Emergency Management, stated that this was originally given to the KAA by the Bents in 1961. He continued that in that gift, they said, “In trust for the use and benefit, the KAA use of the athletic fields for games and exercises of said high school and for other public schools or of said city, and for such other school uses or similar public purposes as the trustees and their successors shall from time to time designate.” When the Bents gave this to the KAA they did set up some specific conditions of their gift. The KSD has been utilizing this. In the deed, they also indicate that the boundary is the high water mark. He continued that it is all one parcel. It is not like the pond is one and the field is another. The fact that it says “to the high water mark” means that even the adjacent property owners only own up to the high water mark. They do not have property rights to the land under the pond. There was a mention of the City in 2004 – property owners abutting the area were selling an estate and they offered the City a small section of land to the high water mark. The City does not technically own/have permission to go onto the pond. This is also the area where Mr. Bohannon indicated there have been Eagle Scout projects to install benches.

Mr. Blomquist continued that a concern is that there is not good access for public purpose, as there is no public parking. In addition, the idea of the City maintaining the dam goes against the issue of not expending public funds on private property. There has to be a public interest. This land and dam is owned by a private interest, the KAA. There has to be a public purpose, as the City Manager indicated she is working on with the KSD. Why would the City expend public money on maintaining this structure? The KSD is represented by DuBois & King, and has been talking with the Dam Bureau; the City has not been involved in any of the discussion or design. The KBE has looked at three options – keeping the dam, removing it, or reducing the height. It is about eight feet today. If it is six feet or below it is not considered a dam. That might not drain the

pond. He encourages them to look at that possible third option. This City Council is aware of the conversations they (the City and community) have had about the West Street Dam and the necessary processes for removal. An environmental review might indicate that the removal of the Wilson Pond Dam is not an option. So the KBE gave that deadline but it could just be a starting point.

Councilor Hooper stated that as Councilor Jones mentioned, there is a lot of wildlife at the pond. He continued that it is a beautiful spot to photograph wildlife. It is enjoyed by the neighbors. From that point of view it would be a shame if it went away. Environmental impact is a huge consideration and that needs to be discussed in detail and cannot be decided by January 3. He wants to see this slowed down and have it studied thoroughly, regarding what to do.

Chair Manwaring asked to hear from the KSD.

Mr. Dooley, Director of Buildings and Grounds, stated that both parties represented where they are very well. He continued that yes, the deadline imposed by the KBE is really the starting point. They have been looking at this dam for a few years. They have DuBois & King consulting. They wanted to know what they could do to rehabilitate the dam. It has been classified to "low menace" instead of "non-menace." They looked at the costs of the three options: rehabilitation, rehabilitation lowering, and removal. The price of rehabilitation lowering is about the same, maybe a little less, than rehabilitation. It would still be somewhat of a pond, more like a flooded stream. They are talking with the City. They are just trying to keep this ball rolling.

The City Manager stated that staff recommends this go on more time.

James Phippard, of 81 Arch Street, stated that he is an abutter to the pond and can see the dam from his window. He continued that he enjoys the wildlife year-round. There are public benefits to having the pond there, not just for abutters. There is a limited public access today. Most people who do not live in the neighborhood park by the maintenance building or Alumni Field and sometimes ask him to park in his driveway to unload their kayak or canoe. There is a small park there, Bent's Ice House Park, and remnants of the icehouse are still there. It is a stone foundation, and at the bottom is the remnant pieces of the metal conveyers once used to get ice out of the pond. It is a historic property as well. Public benefits also include the educational benefits. High school students have used that pond for years to conduct pretty extensive environmental studies. They have worked with the NH Fish and Game Department and have monitored migratory ponds, tagging migratory geese, and more. He does not know if any are endangered, but in the permitting world, migratory birds are protected. That is a hurdle to altering the environment. He has learned a lot about Canada Geese and they are a protected migratory bird. He has talked with consultants who do environmental impact studies relating to the removal of dams and learned that such a study can take up to two years to determine all of the effects. When you remove a pond on a small brook, it has a dramatic effect on an environmentally-sensitive area. He does not know if any of the turtles are endangered but annually he watches them bury their eggs in his backyard and he and his family try to help the babies get into the water. He has seen herons, eagles, hawks, and so on and so forth.

Mr. Phippard continued that he wrote to Councilors in Ward 5 and he asks that the City consider taking over the maintenance expense for this dam. He and the other abutters are somewhat already paying for part of the maintenance expense. Twenty years ago when he had his house assessed, there was an additional \$20,000 in property value because of the pond. If it is still that much at the current tax rate, he is paying over \$700 dollars per year because he has frontage on the pond. The City probably gets about a third of it and the KSD gets the rest. The KSD has been saying the expense is coming out of "all of your pockets." It is not a gift to them or a free ride to the abutters because they are paying because of the additional assessment. He hopes the committee agrees it is reasonable for the City to take over that expense. He talked with Mr. Blomquist about how much it costs to do the normal maintenance of a small dam; it is not really an earthen dam, there is a wood structure inside of it. The bulk of the maintenance work is a crew of people going in with weed whackers and removing the woody vegetation so the roots do not cause damage, unless there is some major erosion event. Most of the time that would not be a big deal. The KSD did not have the staff or equipment to do it, so over time, the trees

have gotten too large and erosion was caused. That is what got them to this point. Maintenance done on a regular basis would make it work. He hopes the City Council supports this request as it works its way through the system.

Kendall Lane, of 5 Hastings Avenue, stated that he is here as an abutter of the pond. He continued that he has had the opportunity to attend many of the Facility Committee meetings of the KBE. He was there when the recommendation was made for the KSD to fund the dam repairs in exchange for some third party, principally the City, taking over the maintenance, which is a leasehold on the dam. Mr. Dooley was correct. They spent four years without being able to come to a resolution. The KSD does not know anything about dams. Their role is education. They want to move this forward. If the City is moving forward and making reasonable progress, the January 3 date will not hinder anyone. The discussions will go on far beyond that. If the City is clearly not interested, the KSD will start the process of removing the dam. That is why this is before the City Council. It is necessary for this to be a public process to determine the City's role. The City made some modifications to the fiscal policy to encourage cooperation with the KSD and find ways to share expenses and this certainly fits in that category. The City owns property on both ends of the pond. The Shadow Lane small park is on one end and the area adjacent to the dam on the other end is owned by the City. Many people fish there.

Mayor Lane continued that Mr. Blomquist raised the possibility of lowering the level of the pond. That was sort of explored. At the dam, the water is about six or seven feet deep but it quickly peters out. His house is about a quarter mile from the dam and there the water is only two or three feet deep. So there is not a lot to work with there. All they want now is some consideration by the City Council that they are willing to explore with the KSD and the KAA the possibility of the City taking over the maintenance. He met with the trustees of the KAA tonight and their feeling is a leasehold interest could be accomplished in fairly short order. If someone wants to own a portion of the property the KAA are willing to sell, but it would be a long, difficult process. Simply setting up a leasehold interest for the City for the maintenance for the dam would be a fairly simple process.

Chair Manwaring asked if anyone from the public or committee had questions. Hearing none, she asked, if the committee places this on more time, will that be enough in order for the parties to continue this process? The City Manager replied yes. She continued that she talked with the Superintendent tonight and he agreed that that would work.

Councilor Lamoureux made the following motion, which was seconded by Councilor Filiault.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommended placing this item on more time.



City of Keene, N.H.
Transmittal Form

November 13, 2019

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

SUBJECT: Relating to Small Wireless Facility Deployments in the Public Right-of-Way

COUNCIL ACTION:

In City Council November 21, 2019.
More time granted.

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses & Development Committee recommend Ordinance O-2019-18 to be placed on more time.

BACKGROUND:

Chair Richards welcomed City Planner, Mari Brunner, to provide a high-level overview of this Ordinance that staff has been working on. He added the Public Works Director and Community Development Director could not be present to answer questions in more detail until the first meeting in December. She shared information similar to what was presented to the Council on November 7. This Ordinance is relating to small wireless facilities, which are often called small cells, and are the newer generation of telecommunications technology that can be fixed to light poles and the sides of buildings, making them more versatile than previous cell towers. This Ordinance deals with the deployment of these facilities within the public right-of-way, like on utility poles or freestanding structures in some instances. The goal of the Ordinance is to establish a license under the purview of the Public Works Director (or their designee) that would establish local standards and design guidelines for these facilities. The overall intent is to provide an opportunity for these facilities that will eventually supply 5G access in the community, where broadband access is needed. The intent is to ensure these facilities are placed safely, aesthetically compatible with the community, and align with community goals. Staff began this process in part because of a Federal Communications Commission (FCC) Small Cell Order passed on September 18, 2018, which placed restrictions on local authorities to regulate these facilities. Ms. Brunner said the intention of the FCC Order is to 1) speed the transition to 5G; 2) restrict the fees and other compensation state and local governments may receive from applicants, 3) require all aesthetic regulations to be reasonable and no more burdensome than those applied to other infrastructure deployments and published in advance, and 4) mandate that local officials review permit applications within significantly shorter time frames than previously allowed. Chair Richards requested that Council receive copies of the November 7 presentation before the next meeting.

Councilor Jones asked about the public benefit of these facilities. Ms. Brunner said there are many benefits, but the greatest is opportunity for companies that install these facilities on poles within the right-of-way on utilities owned by different companies. She said this is where technology is heading for 5G coverage to improve use of cell phones and smart devices.

Councilor Bosley noted there are areas of Keene, such as Emerald Street, with many telecommunication

structures. Through this Ordinance, she asked what the City's ability would be to ensure that new facilities are evenly distributed throughout the community and not be overwhelming. She asked for more information on those guidelines at the next meeting. Ms. Brunner agreed and said a benefit of publishing this Ordinance in advance is to establish these guidelines. Without publishing such guidelines, the City cannot make companies follow them.

Councilor Jones noted that the City already has standards for light and phone poles and thought some of Councilor Bosley's questions could be answered in the Telecommunications Ordinance. He asked the City Attorney if the Telecommunications Act of 1996, which changed how municipalities could charge for use of the right-of-way, would carry over into this Small Cell Order. The City Attorney said no, not under the current order from the FCC. The City Attorney continued making a few points. He thought the need for more expansive broadband within the City was agreed upon. He said the FCC ruling is being appealed however, likely to the Supreme Court, by many municipalities claiming it is an overreach by one Federal agency into the public right-of-way of every municipality nationally. The 1996 Act was specific to private and municipal properties whereas this current one is for the public right-of-way, and it makes some presumptive decisions about fee structures and stipulates that all companies must be treated equally. He said this is a fundamentally different ruling than 1996. He said that regardless of what the ruling might be on appeals to this Order, staff is trying to be proactive because if City standards do not allow a competitor to be able to operate, then they can go to the Federal District Court saying those standards inhibit their competition rights. He said the reality is that in this country we have allowed all of these companies to install their own telecommunications facilities as opposed to colocation efforts. However, Keene is a small town and will not likely have many providers coming in compared to Boston, for example. The City Attorney added that there is a law firm in the state that the City has worked with before, which is working on a draft Ordinance, so the Council should anticipate further iterations of this Ordinance.

Chair Richards recognized Councilor Terry Clark, who said that electromagnetic frequencies come in many sizes and styles. He formerly worked in power generation and said that electromagnetic waves depend on frequency and wavelength. He said that short electromagnetic frequencies like microwaves are relatively harmless, but said that 5G is a high frequency wave with shorter bandwidth. He said the military found such waves to have effects on human skin. He urged more research on the effects of 5G.

Chair Richards recognized Bobby Williams (of 66 N. Lincoln Street, Keene), who is Councilor-elect in Ward 2. He began providing comments on the statute. Mr. Williams said that broadband is good and the City should encourage it, but he listed concerns. He said he was frustrated by FCC overreach in this regard but said FCC turnover in 2020 could change this ruling and that any Ordinance should be viewed as likely to have many iterations over next few years. He hopes the City will get fair compensation versus giving away something valuable to very wealthy companies. He does not think the public is being adequately compensated. While the Ordinance cited a maximum 35' tall for towers, he suggested that taller towers could mean fewer towers, and wanted the Council to consider how colocation by multiple companies could minimize the quantity of poles. Regarding disaster resilience, Mr. Williams said he saw no requirement for battery backup. He said the national standard is six hours and that would be important in a real storm; he suggested battery life of 12-24 hours, but said that would not need to be required on each pole. Mr. Williams said this Ordinance calls for big aluminum boxes next to each facility and suggests placing them underground, which he said will not work in flood zones and will then be aesthetically displeasing aboveground in some of those disproportionately poorer neighborhoods. He echoed Councilor Clark's comments about health concerns but said there is not yet enough science. Councilor Jones said that tower height and colocation are addressed in the Telecommunication Ordinance and that batteries were just installed on the bike path that last 36 hours.

Chair Richards asked if these facilities can be placed on top of buildings and Ms. Brunner said yes, but this Ordinance is specifically for the public right-of-way to be compliant with the FCC Small Cell Order. If private property owners want to allow facilities on their rooftops, they would need a Conditional Use Permit from the City.

Councilor Hansel asked if the FCC ruling is to incentivize placing these facilities in the public right-of-way versus on private property. The City Attorney said that is the intent. Councilor Hansel asked if there is a creative way to incentivize putting these on private property. The City Attorney said there is little municipal authority on how to avoid taxes on private property under state law compared to other states. Other incentives could include collocation, among others. Regarding health issues, the City Attorney said that all the City can do at this time is comply with Federal Standards.

Councilor Hansel suggested providing a free application for installations on private property versus an application fee for those in the right-of-way.

Councilor Bosley asked if there is a fee the FCC is limiting. The City Attorney said no they are not limiting a fee but creating a safe harbor and if you do not exceed that, then the fees will be presumptively reasonable, and if you exceed it then you must provide specific reasons in the cost analysis for why. Ms. Brunner said the fee is \$500 per facility for the first five facilities and \$100 per facility after, in addition to a \$250 annual fee per facility. These are just the safe harbor numbers; if a City can justify a higher cost, they can. Councilor Bosley said the way to incentivize using private property is by giving a dollar amount that excites private landowners to give up space on their roof for extra income. The City Attorney said that money would flow to the entity, which would negotiate with private landowner.

Councilor Hansel said there could be a way to incentivize the few companies applying to develop a whole plan versus piecemeal per facility, which in aggregate could add up to something; to bring a City-wide plan for certain incentives. The City Attorney said these were all good ideas for the first iteration of this Ordinance, but encouraged the Council to keep moving it along.

Councilor Bosley moved to recommend that Ordinance O-2019-18 be placed on more time, which Councilor Hansel seconded.

On a vote of 4-0, the Planning, Licenses & Development Committee recommend Ordinance O-2019-18 to be placed on more time.



City of Keene, N.H.
Transmittal Form

November 14, 2019

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: J.1.
SUBJECT: Juvenile Conference Committee

COUNCIL ACTION:

In City Council November 21, 2019.

Report filed as informational. Voted unanimously for the adoption of Ordinance O-2019-17.

RECOMMENDATION:

On 3-0 vote, the Finance, Organization and Personnel Committee recommend the adoption of Ordinance O-2019-17.

ATTACHMENTS:

Description

Ordinance O-2019-17

BACKGROUND:

Mr. Bohannon what staff has done with the Juvenile Conference Committee is to streamline it and make it a lean process for individuals and keep the identity of those on the Committee confidential. To help the process move faster, an administrative directive has been adopted which provides for the Manager to appoint the membership versus having a nomination and confirmation through the City Council. This does not change the purpose or mission of the Juvenile Conference Committee; it just streamlines the process of bringing in new members.

He noted the committee should have eight members but currently it only has four. He noted the new Youth Services is doing an outstanding job and the caseload has increased significantly. He added this committee is appointed to assist the youth services manager with court diversion cases. The goal is to prevent youth from having to go through the court system.

The Juvenile Conference Committee would now be under an Administrative Directive.

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

On 3-0 vote, the Finance, Organization and Personnel Committee recommend the adoption of Ordinance O-2019-17.



CITY OF KEENE

O-2019-17

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

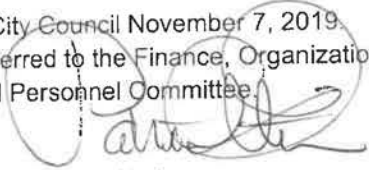
AN ORDINANCE Relating to Juvenile Conference Committee

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

That the Ordinances of the City of Keene, as amended, are hereby further amended by deleting in its entirety, Division 11 "Juvenile Conference Committee" of Article V "Boards and Commissions" of Chapter 2, entitled "Administration."


Kendall W. Lane, Mayor

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


City Clerk

PASSED November 21, 2019

A true copy;
Attest:


City Clerk



City of Keene, N.H.
Transmittal Form

November 13, 2019

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: K.1.

SUBJECT: Relating to the Official Trail Name Designations Resolution

COUNCIL ACTION:

In City Council November 21, 2019.

Report filed as informational. Voted unanimously for the adoption of Resolution R-2019-38.

RECOMMENDATION:

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Resolution R-2019-38.

ATTACHMENTS:

Description

Resolution R-2019-38

BACKGROUND:

Mr. Schoefmann stated that before the committee is a resolution regarding the official naming of City trails. He continued that the City Council had asked staff to draft this, specifically, regarding naming a section of the trail for Thom Little, who passed away suddenly earlier this year. The proposed "Thom Little Way" is the trail section from Emerald Street to Island Street. He and Mr. Blomquist are looking for the committee's favorable recommendation to the City Council.

Mr. Blomquist stated that he knew Mr. Little over a number of years working the trail projects. He continued that Mr. Little was a passionate advocate. He was very involved with the PWD from time to time, looking at maps and documents and giving staff his thoughts. Naming a trail section after him honors his work. With North Bridge and South Bridge, Mr. Little's influence was great. He was also influential in Pathways for Keene.

Chair Manwaring stated that City Council authorized staff to write this resolution. She asked if anyone else wished to speak. Hearing none, she asked for a motion.

Councilor Lamoureux made the following motion, which was seconded by Councilor Filiault.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Resolution R-2019-38.



CITY OF KEENE

R-2019-38

Nineteen

In the Year of Our Lord Two Thousand and
RELATING TO THE OFFICIAL TRAIL NAME DESIGNATIONS

A RESOLUTION

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

WHEREAS: Chapter 82, Article IV of the City Code establishes criteria for the naming a facility after an individual; and

WHEREAS: Article IV requires that at least one of the following requirements be fulfilled:

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

WHEREAS: The Bicycle Pedestrian Path Advisory Committee held discussions over several months to discuss official trail name designation of a section of the Cheshire Rail Trail in honor of its member Thom Little who passed away suddenly and who was a great long term servant to the City's multi-use trail system for more than two decades; and

WHEREAS: In addition to the criteria established by the Chapter 82, Article IV, the Bicycle Pedestrian Path Advisory Committee recognizes the historical significance and connectivity to the State-wide system as being important in any naming conventions; and

WHEREAS: Resolution R-2010-42, which previously designated the official trail names shall be rescinded.

NOW THEREFORE BE IT RESOLVED that the official trail network in the City of Keene shall encompass the Appel Way Trail (from Court Street to the entry way of Wheelock Park at Park Avenue); the Cheshire Rail Trail (from its northern extent adjacent to the Transfer Station southerly to its terminus in the vicinity of Joslin Station Road); the Jonathan Daniels Trail (from Ashuelot River Park to the Appel Way Trail); the Ashuelot Rail Trail (from Emerald Street and the Cheshire Rail Trail southerly past Krif Road and the boarder with the Town of Swanzey); and the Thom Little Way (from the end of Emerald Street to Island Street along the Cheshire Rail Trail) as the official trail name designations in the City of Keene.

PASSED

Kendall W. Lane, Mayor

In City Council November 7, 2019.
Referred to the Municipal Services,
Facilities and Infrastructure Committee.

City Clerk



City of Keene, N.H.
Transmittal Form

November 21, 2019

TO: Mayor and Keene City Council

FROM: Beth Fox, ACM/Human Resources Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: K.2.

SUBJECT: In Appreciation of Ronald E. Clace II Upon His Retirement

COUNCIL ACTION:

In City Council November 21, 2019.

Report filed as informational. Voted unanimously for the adoption of Resolution R-2019-39.

RECOMMENDATION:

That Resolution R-2019-39 be adopted by the City Council.

ATTACHMENTS:

Description

Resolution R-2019-39

BACKGROUND:

Mr. Clace retired from the Keene Fire Department effective October 16, 2019, with 20+ years of service.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Nineteen

A RESOLUTION In Appreciation of Ronald E. Clace II Upon His Retirement

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

- WHEREAS: Ronald E. Clace II began his career with the City of Keene's Fire Department as a Firefighter/Emergency Management Technician effective September 13, 1999; and, whether during an emergency or while carrying out daily details at the station, could be depended on to give his 100% outstanding effort to every endeavor; and
- WHEREAS: As a senior firefighter with exceptional knowledge of department standards and procedures and a great deal of common sense, Ron was quick to point out any hazards or potential problems on the fire ground, always keeping the safety of his fellow department members a priority; and
- WHEREAS: With full confidence placed in his decisions, Ron quite often operated as a company leader, remaining calm on scene, knowing a variety of ways to carry out every job, always anticipating the next step, making quick adjustments as needed, and diligently ensuring everyone went home at the end of the shift; and
- WHEREAS: With genuine pride in his job and respect from his peers, Ron has set an excellent example of who a firefighter should be, using his influence to ensure the rest of the shift met department expectations, helping train newer members, teaching them about firehouse tradition, and pushing them to become better prepared and to learn areas of expertise while having fun; and
- WHEREAS: An advanced-level EMT, Ron's patient assessment skills, care, and care suggestions were top notch; his professional manner put patients at ease; and he was part of numerous cardiac arrest saves; and
- WHEREAS: With his natural mechanical talent and his understanding of how heavy equipment reacts in situations, he was the "go-to guy" for apparatus and assisted in selecting a variety of equipment—including that used with low frequency but in high-risk situations—and in training people to use it properly; and he also served as the resident expert on pumping—including maintenance, testing, and troubleshooting—and taught others how to become great pump operators vs. lever pullers; and
- WHEREAS: With very high standards, aligned priorities and sound ethics, Ron formed his own opinions about how issues affected the department, sometimes shedding a different light on current concerns; and his good communications with the public, both in the station and on calls, demonstrated his care of the department's reputation; and
- WHEREAS: As a valuable, well-rounded member of the department who received a 2004 *NH Fire Service Committee of Merit Award*, Ron will be missed also for his contributions in the areas of technical rescue, swift water rescue, trench rescue, ice rescue, trench rescue, confined space entry, ropes and hauling systems, fire investigations, municipal fire alarms, hazardous materials—of which he served as Deputy Coordinator—and as one of the select few drivers of Rosie in her history; and
- WHEREAS: Ron retired October 16, 2019, with just over 20 years of honorable service to the City;
- NOW, THEREFORE, BE IT RESOLVED, that the City Council of Keene hereby extends its sincere thanks to Ronald E. Clace II for his dedicated service and wishes him the very best through all his retirement years; and
- BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Ron in appreciation of his years of service to the City of Keene.

PASSED

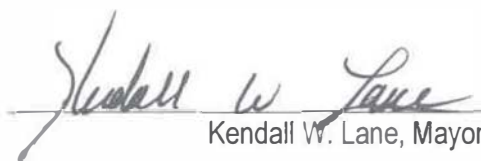
November 21, 2019

A true copy;

Attest:



City Clerk



Kendall W. Lane, Mayor



City of Keene, N.H.
Transmittal Form

November 21, 2019

TO: Mayor and Keene City Council

FROM: Beth Fox, ACM/Human Resources Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: K.3.

SUBJECT: In Appreciation of Stephen R. Boutwell Upon His Retirement

COUNCIL ACTION:

In City Council November 21, 2019.

Report filed as informational. Voted unanimously for the adoption of Resolution R-2019-40.

RECOMMENDATION:

That Resolution R-2019-40 be adopted by the City Council.

ATTACHMENTS:

Description

Resolution R-2019-40

BACKGROUND:

Mr. Boutwell retired from the Keene Fire Department effective November 16, 2019, with almost 24 years of service.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Nineteen

A RESOLUTION In Appreciation of Stephen R. Boutwell Upon His Retirement

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

WHEREAS: Stephen R. Boutwell began his Keene Fire Department career December 22, 1995, as a Call Firefighter and was promoted to full-time Firefighter/Emergency Medical Technician September 11, 1998; and

WHEREAS: Passionate about firefighting, Steve has a strong knowledge base and first-rate skills in fire and rescue operations to which department officers often refer with complete confidence in his knowledge and abilities; and

WHEREAS: Combined with his ability to block out the many distractions during an emergency, his superior proficiency with equipment, and his good follow-through, Steve has been a trustworthy and productive person on scene and has provided respected and valued input and suggestions related to quickly and successfully mitigating an incident while looking out for the wellbeing of those in his group; and

WHEREAS: As a well-rounded senior firefighter, he has stepped up to the challenge of providing guidance to newer department members, sharing different ways to carry out tasks, initiating shift activities, and assisting promoting shift-based training; and

WHEREAS: Steve has provided excellent patient care, respecting their needs and demonstrating both compassion and kindness as an EMT-Intermediate; and

WHEREAS: Always taking fitness seriously and setting a personal goal to help improve department safety, Steve became a certified personal fitness trainer, a peer firefighter fitness trainer, and a member of the Health & Safety Committee who assisted any member with his/her wellness goals and who helped purchase equipment for the department gym; and

WHEREAS: His undying passion for the department to succeed and to serve as a special resource for our community and the surrounding towns has transformed him into a leader of everyday projects and training who ensures they are completed; and

WHEREAS: A dedicated team player willing to work on any project, Steve has spearheaded many, such as planning the Annual Firemen's Ball, leading efforts to obtain the rescue boat, contributing to the design of the Rescue Truck, and serving on the Thermal Imager Committee; and

WHEREAS: Steve is a professional who works well with others, accepts feedback from department members and the general public, and offers great ideas, suggestions, and positive input; and

WHEREAS: Steve retired November 16, 2019, with almost 24 years of honorable service to the City;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Keene hereby extends its sincere thanks to Stephen R. Boutwell for his dedicated service and wishes him the very best through all his retirement years; and

BE IT FURTHER RESOLVED that a copy of this Resolution, properly engrossed, be presented to Steve in appreciation of his years of service to the City of Keene.

PASSED November 21, 2019

A true copy;
Attest:


City Clerk


Kendall W. Lane, Mayor