



****CORRECTED****

City of Keene
New Hampshire

**FINANCE, ORGANIZATION
AND PERSONNEL COMMITTEE
AGENDA
Council Chambers B
June 11, 2020
6:30 PM**

Thomas F. Powers, Chair
Stephen L. Hooper, Vice Chair
Terry M. Clark
Michael J. Remy
Raleigh C. Ormerod

1. Acceptance of Donation - Parks, Recreation and Facilities Director
2. Acceptance of Donations - Keene Downtown Memorial Tree Fund - James P. Finnegan - Public Works/Emergency Management Director
3. Acceptance of State of New Hampshire Grant Funding for Youth Services' Juvenile Court Diversion Programming - Youth Services Manager
4. Acceptance of Grant for Airport - FAA CARES Act- Airport Director
5. Acceptance of CARES ACT Funding - DHHS - Finance Director
6. Operating agreement with Monadnock Choppers LLC - Airport Director
7. Renewable Energy Project at Dillant-Hopkins Airport Phase 1-Wastewater Treatment Plant, Phase 2- Net Metering for Municipal Use - Assistant Public Works Director
8. Community Power Program & Ad-hoc Community Power Committee - Assistant City Manager/Community Development Director
9. Councilor Remy - Requesting Use of the City Seal - Facemasks

Non-Public
Adjournment

Due to the COVID-2019 State of Emergency, the Finance, Organization and Personnel Committee will be holding its meeting remotely using the web-based program, Zoom. Members of the public will be able to access this public meeting through a variety of options, described below. If you encounter any issues accessing this meeting, please call 603-757-0622 during the meeting. To view please use the following link <https://us02web.zoom.us/j/87949272639> and enter the Meeting ID: 879 4927 2639 To listen via telephone call (877) 853-5257 and enter the Meeting ID: 879 4927 2639. When the meeting is open for public comment, callers may press *9 if interested in commenting or asking questions.



City of Keene, N.H.
Transmittal Form

June 5, 2020

TO: Finance, Organization and Personnel Committee

FROM: Andy Bohannon, Parks, Recreation and Facilities Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 1.

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

RECOMMENDATION:

Move that the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept a donation of \$26,600.00 from Pathways for Keene, Inc and that the money is allocated for the design phase of the Cheshire Rail Trail Phase 4 project.

BACKGROUND:

Pathways for Keene, Inc. (PFK) has been a strong supporter of the rail trail improvements within the City.

Their “4 on the 4th” race, which is strongly supported by community businesses, has demonstrated the enthusiasm and value that the citizens of Keene place on the trail system. The recent donation of \$26,600.00 is another measure of value they place on the expansion and completion of the rail trail projects within the City boundaries.

During the CIP process, staff introduced the Transportation Heritage Trail with an initial design phase in FY24 for \$26,600.00. PFK unfortunately was not able to hold their annual race in 2020 as a result of the COVID-19 pandemic. Utilizing their current funding sources, their goal is to focus on the fundraising as much as possible for the outlined CIP project. In order to do so, a design will allow fundraisers to have a vision to meet their ultimate goal.

This donation does not move the construction side of the project forward, however it provides staff the opportunity to design the scope of the project for future grants and private donations.



City of Keene, N.H.
Transmittal Form

June 5, 2020

TO: Finance, Organization and Personnel Committee

FROM: Kürt D. Blomquist, PE, Public Works Director/Emergency Management Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 2.

SUBJECT: Acceptance of Donations - Keene Downtown Memorial Tree Fund - James P. Finnegan - Public Works/Emergency Management Director

RECOMMENDATION:

Move that the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept with gratitude, donations made in memorial of James P. Finnegan to the Keene Downtown Memorial Tree Fund.

BACKGROUND:

The Keene Downtown Memorial Tree Fund was created during the 1988 reconstruction of the downtown. The purpose of the fund was for the purchase, maintenance, and replacement of certain shade trees located in the downtown.

Mr. James P. Finnegan recently passed. Mr. Finnegan was a long time resident of the area and very active in the community. He actively participated community projects through a number of local organizations, Keene Elk Lodge 927, VFW Auxiliary Post 3968, Winchester, New Hampshire, Sons of the American Legion Keene Post #4, Keene, New Hampshire, and the Fraternal Order of Eagles - Aerie 1413, Keene New Hampshire. His family requested that in lieu of flowers contribution in Mr. Finnegan name be made to the Keene Downtown Memorial Tree Fund. The Public works Department has received several donations to date. Donations that have been received in memorial are as follows.

Francis and William Hosman	\$50.00
N L Turgeon	\$35.00

It is recommended that these donations be gratefully accepted, that the City Manager be authorized to accept, and executive any future donations made in memorial for Mr. James P. Finnegan.



City of Keene, N.H.
Transmittal Form

June 3, 2020

TO: Finance, Organization and Personnel Committee

FROM: Demitria Kirby, Youth Services Manager

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 3.

SUBJECT: Acceptance of State of New Hampshire Grant Funding for Youth Services' Juvenile Court Diversion Programming - Youth Services Manager

RECOMMENDATION:

Move that the Finance, Organization, and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept and administer funds provided by the State of New Hampshire for Juvenile Court Diversion programming.

BACKGROUND:

Youth Services has been granted a funding opportunity from the State of New Hampshire totaling \$24,000 but disbursed in \$12,000 increments over the course of two State fiscal years.

The grant is specifically designated towards Juvenile Court Diversion programming. It will serve several purposes. First, it will assist families with a financial need in providing scholarship opportunities for the evidence-based online courses that can be ordered as part of the youth's participation in the program. It will also provide assistance with restitution, provided the youth meaningfully participates in community service activities to "pay back" the assistance. This will relieve a portion of the financial burden many families face when their youth commit offenses.

This funding will also be used to provide community engagement opportunities such as documentary screenings, panel discussions and guest speakers who can educate the community on the current needs of our youth. Furthermore, it will assist in purchasing films, displays and dioramas to assist in educating youth who are more "visual" learners. Lastly, part of the funding will benefit staff in increasing both the travel reimbursement and training budgets.

The funding was made available through Senate Bill 294 of the 2019 NH Regular Legislative Session.



City of Keene, N.H.
Transmittal Form

June 3, 2020

TO: Finance, Organization and Personnel Committee

FROM: David Hickling, Airport Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 4.

SUBJECT: Acceptance of Grant for Airport - FAA CARES Act- Airport Director

RECOMMENDATION:

Move that the Finance, Organization and Personnel Committee recommend that City Manager be authorized to do all things necessary to accept and execute a grant for the amount of \$69,000 from the Federal Aviation Administration as part of the CARES Act.

ATTACHMENTS:

Description

CARES Act Grant offer cover

BACKGROUND:

The Coronavirus Aid, Relief, and Economic Security (CARES) Act includes funds made available by the Federal Aviation Administration as economic relief to eligible U.S. airports affected by the prevention of, preparation for, and response to the COVID-19 pandemic.

As the Keene Dillant-Hopkins Airport is eligible for funding from this program we have applied for and received a grant offer for \$69,000 and we are requesting that the City Manager be authorized to do all things necessary to accept and execute this grant which will be awarded through the New Hampshire DOT.



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



Victoria F. Sheehan
Commissioner

William Cass, P.E.
Assistant Commissioner

May 29, 2020

Mr. David Hickling, Airport Manager
Dillant-Hopkins Airport
80 Airport Road
Keene, NH 03431

RE: CARES Act Grant Transmittal Letter

Dear Mr. Hickling:

Please find the enclosed CARES Act Grant Offer, SBG 08-21-2020, for Dillant-Hopkins Airport. This letter outlines expectations for success under this grant. Please read and follow the instructions carefully.

To properly enter into this agreement, you must do the following:

- a) The governing body must provide authority to execute the grant to the individual signing the grant (i.e., the sponsor's authorized representative).
- b) The sponsor's authorized representative must execute the grant, followed by the sponsor's attorney's certificate, no later than June 30, 2020 in order for the grant to be valid.
- c) A copy of the Certificate of Vote and sponsor's certificate of general liability must be inserted into the grant where indicated.
- d) Return both copies of the grant offer to NHDOT on or before June 30, 2020.
- e) The NHDOT and State's Attorney General will be the final signatories to this grant. NHDOT will return one fully executed grant offer to you for your files.
- f) You may not make any modifications to the text, terms, or conditions of this grant offer.

Subject to the requirements 2 CFR §200.305, each payment request for reimbursement under this grant must be made electronically in FAA's Delphi eInvoicing System by NHDOT. To facilitate those requests, please submit a PDF of a completed SF 270, FAA's Invoice Summary, and scans of appropriate documentation validating the requested expense to NHDOT. With your final payment request, please include the following additional documents:

- a) A final financial report summarizing all of the cost incurred and reimbursed;
- b) A completed SF 425;
- c) A brief narrative report summarizing the expenses covered by the CARES Act and stating that all expenses were in accordance with the FAA's *Policy and Procedures Concerning the Use of Airport Revenues* and incurred after January 20, 2020 for operational/maintenance expenses and April 14, 2020 for debt service payments; and
- d) A coverletter/e-mail stating that the grant is administratively and financially closed.


As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR §200. Subpart F of this regulation requires non-Federal entities that expend \$750,000 or more in Federal awards to conduct a single or program-specific audit

Mr. David Hickling, Airport Manager
May 29, 2020
Page 2

for that fiscal year. Note that this includes Federal expenditures made under other Federal-assistance programs in addition to this grant.

Should you have any questions about this grant offer or on eligible expenses under the CARES Act, please feel free to contact Carol Niewola (carol.niewola@dot.nh.gov or 603-271-1675) in our office. We sincerely value your cooperation in these efforts.

Sincerely,

A handwritten signature in blue ink, appearing to read "Carol Niewola", written over the word "Sincerely,".A small handwritten mark or signature in blue ink, located to the left of the typed name.

Tricia L. Schoeneck Lambert
Administrator
NHDOT/Bureau of Aeronautics

Enc.: 2 copies of grant offer



City of Keene, N.H.
Transmittal Form

June 8, 2020

TO: Finance, Organization and Personnel Committee

FROM: Merri Howe, Finance Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 5.

SUBJECT: Acceptance of CARES ACT Funding - DHHS - Finance Director

RECOMMENDATION:

Move that the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept the receipt of CARES ACT Department of Health and Human Services funding in the amount of \$37,085.71 under RSA 21-P:43 which states that gifts, grants or loans for emergency management purposes may be accepted by the City Council with no public hearing requirement.

BACKGROUND:

On April 17, 2020, the City received \$37,085.71 from the Department of Health and Human Services as part of the CARES ACT Provider Relief Fund to support healthcare-related expenses or lost revenue attributable to COVID-19 and ensures uninsured Americans can get treatment for COVID-19.

Based upon an analysis from Comstar, the City's ambulance billing service, revenues for the month of April had decreased by \$35,865. Acceptance of these funds will lessen in the financial impact caused by COVID-19.

City of Keene, NH			
		Total	Per Month
CY 2019 Net Revenue (Total Allowed Charges)	Last DOS Received	\$1,572,996	\$131,083
March 2020 Billable Transports			184
April 2020 Billable Transports thru	04/27/20		116
			300
March 2019 Billable Transports			223
April 2019 Billable Transports Thru	04/27/19		190
			413
Estimated Transport Volume Change			-27.4%
Estimated Net Revenue Change Per Month based on decreased Transport Volume during COVID Crisis			(\$35,865)



City of Keene, N.H.
Transmittal Form

June 3, 2020

TO: Finance, Organization and Personnel Committee

FROM: Duncan Watson, Assistant Public Works Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 7.

SUBJECT: Renewable Energy Project at Dillant-Hopkins Airport Phase 1-Wastewater Treatment Plant,
Phase 2- Net Metering for Municipal Use - Assistant Public Works Director

RECOMMENDATION:

Move that the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a Letter of Intent (LOI) with ReVision Solar to develop Phase 1, a Behind the Meter 1 Megawatt (AC) solar installation to supply the City of Keene Wastewater Treatment Plant. Furthermore, the LOI will seek to assess the viability of a Phase 2 development to install a Front of the Meter 2.25 Megawatt (AC) solar installation adjacent to the Wastewater Treatment Plant access road on Keene Dillant-Hopkins Airport property

ATTACHMENTS:

Description

Conceptual Renderings of Phase 1 and Phase 2

BACKGROUND:

In November 2019 the City of Keene issued Request for Proposal (RFP) # 02-20-08 seeking qualifications and development proposals to design, build, operate, maintain and eventually decommission a clean renewable energy system to be located on City owned land at the Keene Dillant Hopkins Airport. This proposed system would provide electrical power to the City's Wastewater Treatment Plant (WWTP) through a Power Purchase Agreement (PPA) or pursuant to the New Hampshire Group Net Metering statute, RSA 362-A.

The WWTP was identified has been identified as a potential user for a renewable energy project due to the high electric demand on site. The WWTP was initially identified in the City's original renewable energy RFP in 2017. The WWTP was ultimately not mad part of the project that came out of 2017 RFP. Now that City has successfully executed a PPA for the 350 Marlboro Street solar array project, the WWTP site was turned to for the next energy project.

The WWTP Renewable Energy Project Evaluation Team, consisting of Rhett Lamb, Assistant City Manager/Community Development Director, Kürt Blomquist, Public Works Director, Tom Moran, Assistant Public Works Director, Duncan Watson, Assistant Public Works Director, and Aaron Costa, Water Operations Manager/WWTP Manager and the City's consultant, Correlate, Inc. represented by Ben Peters, evaluated three proposals, and performed interviews with two firms that submitted proposals. Both vendors interviewed

responded to the RFP with solar array proposals. A second interview was held with the two finalists to assess price proposals, proposed PPA contract structure, the ability successfully execute a project, and past experience in developing and implementing solar projects in New Hampshire. The second interview included the above personnel of the Evaluation Team as well as City Manager Elizabeth Dragon, and City Attorney Thomas Mullins.

Based on overall cost (savings), lower cost escalator, ability to match or potentially lower Phase 1 PPA pricing in Phase 2, understanding of New Hampshire renewable energy market, previous experience developing solar municipal solar array in Keene (350 Marlboro Street), and commitment to economic efficiency with significant carbon reduction, a unanimous decision was reached to recommend entering into a LOI with ReVision Solar.

The Letter of Intent (LOI) is a precursor to the development of a Power Purchase Agreement (PPA) to install and maintain a solar array at the WWTP to provide renewable energy to the City of Keene Operations Division. The LOI allows for ReVision to approach the local utility company to determine connection cost and refine other cost associated with the project. Once this work is completed, a final PPA will be presented for review and approval.

Analysis

In analyzing the proposals, a number of issues were raised including, whether the proposed pricing represented the highest and best deal for the City, whether it would be prudent to wait as energy pricing is trending downward, and whether the vendors would be able to attract an investment partner on a project of this size. Of critical importance with regard to timing of the project is the reduction of the Federal Tax Credit for solar installations (currently 26%, reducing to 22% in 2021), and the ability of the vendors to either complete the installation in 2020 or to “safe harbor” the 26% Federal Tax Credit even if the array is not fully installed until in 2021.

Factoring in the critical question of the timing of development- should the City of Keene start the development of the renewable energy project now, and start accruing long term benefits (and current year incentives), or is it better to wait several months/year to take advantage of short term electricity rates changes. Taking advantage of the current low prices is only possible if the meter is on default to the Eversource supply rates (current competitive supply rate from Eversource is \$0.063 per kWh which increases to \$0.0837 per kWh when distribution, stranded cost and system benefit is included), which may also expose the City to short-term price volatility. The other way is to try to execute a short-term competitive supply contract that captures this short-term savings. It was determined that the current low rates would need to be held for 30 months to achieve the cost savings available through a renewable energy project with the current Federal Tax Credit structure.

The project being considered in Phase 1 is a “behind the meter” project (BTM). A front of the meter project (FTM) would allow energy supply to other City meters. Currently the New Hampshire net meter regulations do not favor + 1 MW projects that would make a FTM project viable, however, legislative action expected this year will enable municipalities to site larger arrays, and this is why the potential option of a Phase 2 solar array installation continues to be considered. The Phase 2 portion of the project could potentially offset large portions of municipal electricity costs for other City facilities. As the net meter regulations change it will be in the City’s interest to look for sites for + 1 MW projects as a Phase 2 project that could benefit the City through electrical savings as well as achieving fossil fuel free energy production to meet the City’s stated goals by 2030.

To allow a vendor access to land to locate a solar array located on Keene Dillant-Hopkins airport property it is required that the land would be leased at fair market value (FMV). In researching this topic, the Federal Aviation Administration (FAA) provides guidance on this via a 2018 report on co-locating solar arrays on airport property. The FAA does not provide a specific methodology for the valuation. The land area next to the WWTP presumably cannot be used for most other purposes or would otherwise not be put on the market, because of this, it is anticipated that will result in a relatively modest FMV that will affect the PPA economics

for the City. For reference, the current land lease for the WWTP is \$156,324/year or approximately \$5,000 per acre; however, the valuation of a solar array will have to be determined.

The following highlighted factors went into making the recommendation to move forward with a LOI with ReVision:

- No capital costs required to install renewable energy project
- Estimated net savings of \$483,000 over 25 year project period on full term PPA with no buyout and O+M costs factored over project life.
- 1.4 MW DC, 1.0 AC system (among the largest in NH).
- 1,800,000 pounds ANNUAL CO2 offset per year (equivalent to almost 100,000 gallons of gasoline combustion).
- A Solar PPA provides a fixed price (\$0.0799/kWh current offer), with a fixed escalation rate (2.0%), allowing for a known price of energy over the term of the agreement (25 years). For reference, a \$0.001/kWh price differential represents approximately \$2,000 per year.
- The result is a 25-year average price of roughly a dime per kWh of electricity (\$0.10-0.11/kWh).
- The long-term view is that the 25-year average price of grid electricity is significantly more than \$0.11.
- The Federal Solar Tax credit is set to reduce 4% at the end of the year.
- With a typical solar cost of \$1.5-\$2M per 1 Megawatt, 4% lower tax credit results in an \$80k more expensive project.
- 1 Megawatt produces ~1.5M kWh per year, about 130,000 kWh per month. The difference between a year 1 PPA rate of \$.082 and the current low commodity price is only a few cents (with ~\$2-3k per month cheaper by waiting to go solar there would need to be 30 months of this low price environment in order to be more advantageous than delaying the project and forfeit the additional 4% tax credit amount).
- The proposed solar array, on average, will produce sufficient kWh to offset the entire energy load of the WWTP (excess production March-September, equal or lower production October-February, net energy savings per year).
- ReVision has confirmed the ability to secure tax equity funding to finance the project, and the current economic slowdown is not seen as a barrier to PPA investors.
- There is likely a suitable land use structure that can be developed that achieves the FAA fair market value without affecting the PPA price dramatically.
- The Town of Swanzey offers a solar tax exemption whereby a City solar project meant for energy at the WWTP would not be subject to property tax.
- ReVision is a New Hampshire based company with significant development experience in the New Hampshire solar market.
- ReVision has offered to hold the Phase 1 PPA price proposal for a potential Phase 2 project. The Phase 2 project size and pricing will be more fully fleshed out in the LOI process. It is possible that a Phase 2 project could “bundle” some cost efficiencies and result in a PPA price that is lower than the current Phase 1 offering, but that will not be known until further engineering and economic analysis is completed, but it will not be higher than the \$0.0799 Phase 1 offering.

ReVision Phase 1 conceptual rendering (size and location to be determined by a number of factors including FAA setback requirements).



ReVision Phase 2 conceptual rendering (size and location to be determined by a number of factors including FAA setback requirements).





City of Keene, N.H.
Transmittal Form

June 9, 2020

TO: Finance, Organization and Personnel Committee

FROM: Rhett Lamb, Assistant City Manager/Community Development Director

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: 8.

SUBJECT: Community Power Program & Ad-hoc Community Power Committee - Assistant City Manager/Community Development Director

RECOMMENDATION:

Move that the Finance, Organization and Personnel Committee recommend that the Mayor be requested to constitute an ad-hoc Community Power Committee to develop a Community Power Plan for submission to the City Council in accordance with RSA 53-E.

ATTACHMENTS:

Description

New Hampshire RSA 53-E

BACKGROUND:

The Community Power Law (NH RSA 53-E) enables local governments to pool their electricity demand and procure electricity and electricity-related services on behalf of residents and businesses. Under this law, a town, city, or county can choose to be the default energy supplier for residents and businesses within its jurisdiction. The utility (Eversource) would continue to be responsible for electricity delivery, transmission, distribution and maintenance of poles and wires, as well as customer billing. Although residents and businesses would participate in the program by default, they would have the option to “opt-out” if they prefer to receive basic service from Eversource or purchase electricity from a competitive supplier.

Potential benefits of a Community Power program include increased local control over the energy supply mix, the potential to provide cost savings to the community, the ability to increase the percentage of electricity from renewables, and the potential to expand the program in the future to provide innovative offerings, such as energy efficiency programs. In a recent report prepared for the City by an energy planning consultant (The Cadmus Group), Community Power was identified as a high priority/key strategy to reach the City’s goal to source 100% of all electricity consumed in the City from renewable energy sources.

The Community Power Law establishes a process by which local governments may adopt a Community Power program:

Step 1 – Governing body forms an electric aggregation committee to develop a plan for an aggregation program for its citizens.

Step 2 – Committee develops a “Community Power Plan.” The Committee must solicit public input and hold public hearings.

Step 3 – Legislative body (i.e. City Council) approves the Community Power Plan.

Step 4 – City Council reviews bids for power supply, and determines whether to move forward with a Community Power Program. At this point, the City Council could choose not to go forward with the Community Power Program if no favorable bids are received which meet the goals of the Community Power Plan.

Step 5 – Prior to service, all residents and businesses are notified and provided the opportunity to opt out of the program. In addition, a local public information meeting must be held within 15 days of notification to answer questions.

To get the process of exploring the possibility of a Community Power Program for Keene started, staff recommend that an ad-hoc Community Power Committee be formed with the following charge: “To develop a Community Power Plan for the citizens of Keene that details the following information:

- (a) The organizational structure of the program.
- (b) Operation and funding.
- (c) Rate setting and other costs to participants, including whether energy supply services are offered on an opt-in basis or on an opt-out basis as an alternative default service.
- (d) The methods for entering and terminating agreements with other entities.
- (e) The rights and responsibilities of program participants.
- (f) How net metered electricity exported to the distribution grid by program participants, including for group net metering, will be compensated and accounted for.
- (g) How the program will ensure participants who are enrolled in the Electric Assistance Program administered by the commission will receive their discount.
- (h) Termination of the program.”

The following individuals are recommended for the ad-hoc Community Power Committee:

- Dr. Ann Shedd, Chair of the Keene Energy and Climate Committee (ECC)
- Peter Hansel, Vice Chair
- Paul Roth, Cheshire Medical Center – Facilities Engineering Director and ECC member
- Jeffrey Titus, City of Keene Purchasing Manager
- Michael Giacomo, Ward 3 City Councilor
- Daniel Belluscio, Markem-Image Supply Chain Director

TITLE III

TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

CHAPTER 53-E

AGGREGATION OF ELECTRIC CUSTOMERS BY MUNICIPALITIES AND COUNTIES

Section 53-E:1

53-E:1 Statement of Purpose. – The general court finds it to be in the public interest to allow municipalities and counties to aggregate retail electric customers, as necessary, to provide such customers access to competitive markets for supplies of electricity and related energy services. The general court finds that aggregation may provide small customers with similar opportunities to those available to larger customers in obtaining lower electric costs, reliable service, and secure energy supplies. The purpose of aggregation shall be to encourage voluntary, cost effective and innovative solutions to local needs with careful consideration of local conditions and opportunities.

Source. 1996, 192:2, eff. Aug. 2, 1996.

Section 53-E:2

53-E:2 Definitions. –

In this chapter:

I. "Aggregation" means the grouping of retail electric customers to provide, broker, or contract for electric power supply and energy services for such customers.

II. "Aggregator" means, unless the context indicates otherwise, a municipality or county that engages in aggregation of electric customers within its boundaries.

III. "Commission" means the public utilities commission.

IV. "Committee" means the electric aggregation committee established under RSA 53-E:6.

V. "County" means any county within the state.

VI. "Municipality" means any city, town, unincorporated place, or village district within the state.

Source. 1996, 192:2, eff. Aug. 2, 1996. 2019, 316:1, eff. Oct. 1, 2019.

Section 53-E:3

53-E:3 Municipal and County Authorities. –

Any municipality or county may:

I. Aggregate the retail electric customers within its boundaries who do not opt out of or who consent to being included in an aggregation program.

II. (a) Enter into agreements and provide for:

(1) The supply of electric power.

(2) Demand side management.

(3) Conservation.

(4) Meter reading.

(5) Customer service.

(6) Other related services.

(7) The operation of energy efficiency and clean energy districts adopted by a municipality pursuant to RSA 53-F and as approved by the municipality's governing body.

(b) Such agreements may be entered into and such services may be provided by a single municipality or county, or by a group of such entities operating jointly pursuant to RSA 53-A.

Source. 1996, 192:2, eff. Aug. 2, 1996. 2019, 316:2, eff. Oct. 1, 2019.

Section 53-E:3-a

53-E:3-a Municipal Aggregators Authorized. – Municipal aggregators of electricity load under this chapter, and municipalities operating municipal electric utilities under RSA 38, are expressly authorized to aggregate other services commonly and regularly billed to customers. Municipalities may operate approved aggregation programs as self-supporting enterprise funds including the use of revenue bonds pursuant to RSA 33-B and RSA 374-D and loans from other municipal enterprise funds as may be approved by the governing body and the legislative body of the municipality. Any such loans from other municipal enterprise funds shall be used for purposes that have a clear nexus to the primary purposes of such other funds, such as generation, storage, or sale of power generated from sites, facilities, or resources that might otherwise be operated or produced by the other enterprise fund. Nothing in this chapter shall be deemed to limit the capacity of customers to select any service or combination of services offered by such municipal aggregators or to limit the municipality from combining billing for any or all utility services.

Source. 1997, 298:20, eff. June 20, 1997. 2019, 316:2, eff. Oct. 1, 2019.

Section 53-E:3-b

53-E:3-b Use of "Community Power" as a Name Reserved. – The use of the term "Community Power" following the name of a municipality or county shall be reserved for the exclusive use by such entity as a name for proposed or approved municipal or county aggregations. Aggregations operated jointly by a group of such entities pursuant to RSA 53-A may adopt an appropriate identifying name in conjunction with the term "Community Power" as a name.

Source. 2019, 316:3, eff. Oct. 1, 2019.

Section 53-E:4

53-E:4 Regulation. –

- I. An aggregator operating under this chapter shall not be considered a utility engaging in the wholesale purchase and resale of electric power and shall not be considered a municipal utility under RSA 38. Providing electric power or energy services to aggregated customers within a municipality or county shall not be considered a wholesale utility transaction. However, a municipal or county aggregation may elect to participate in the ISO New England wholesale energy market as a load serving entity for the purpose of procuring or selling electrical energy or capacity on behalf of its participating retail electric customers, including itself.
- II. The provision of aggregated electric power and energy services under this chapter shall be regulated by this chapter and any other applicable laws governing aggregated electric power and energy services in competitive electric markets.
- III. Transmission and distribution services shall remain with the transmission and distribution utilities, who shall be paid for such services according to rate schedules approved by the applicable regulatory authority, which may include optional time varying rates for transmission and distribution services that may be offered by distribution utilities on a pilot or regular basis. An aggregator shall not be required to own any utility property or equipment to provide electric power and energy services to its customers.
- IV. For the purpose of obtaining interval meter data for load settlement, the provision of energy services, and near real-time customer access to such data, a municipal and county aggregator may contribute to the cost of electric utility provided meter upgrades, jointly own revenue grade meters with an electric utility, or provide its own revenue grade electric meter, which would be in addition to a utility provided meter, subject to the commission finding in the public good and approval of the terms and conditions for such arrangements, including sharing or transfer of meter data from and to the electric distribution utility.
- V. Municipal or county aggregations that supply power shall be treated as competitive electricity suppliers for the purpose of access to the electric distribution utility's electronic data interface and for ceasing operations.
- VI. Municipal or county aggregations shall be subject to RSA 363:38 as service providers and individual customer data shall be treated as confidential private information and shall not be subject to public disclosure under RSA 91-A. An approved aggregation may use individual customer data to comply with the provisions of RSA 53-E:7, II and for research and development of potential new energy services to offer to customer participants.

Source. 1996, 192:2, eff. Aug. 2, 1996. 2019, 316:4, eff. Oct. 1, 2019.

Section 53-E:5

53-E:5 Financial Responsibility. – Retail electric customers who choose not to participate in an aggregation program adopted under RSA 53-E:7 shall not be responsible for, and no entity shall require them to pay, any costs associated with such program, through taxes or otherwise except for electric power supply or energy services consumed directly by the municipality or county, or incidental costs, which may include costs necessary to comply with the provisions of this chapter up to the time that the aggregation starts to produce revenue from participating customers.

Source. 1996, 192:2, eff. Aug. 2, 1996. 2019, 316:4, eff. Oct. 1, 2019.

Section 53-E:6

53-E:6 Electric Aggregation Plan. –

- I. The governing body of a municipality or county may form an electric aggregation committee to develop a plan for an aggregation program for its citizens. A municipality or county may join other municipalities or counties in developing such plans.
- II. The plan shall provide universal access, reliability, and equitable treatment of all classes of customers subject to any differences arising from varying opportunities, tariffs, and arrangements between different electric distribution utilities in their respective franchise territories, and shall meet, at a minimum, the basic environmental and service standards established by the commission and other applicable agencies and laws concerning aggregated service.
- III. The plan shall detail:
 - (a) The organizational structure of the program.
 - (b) Operation and funding.
 - (c) Rate setting and other costs to participants, including whether energy supply services are offered on an opt-in basis or on an opt-out basis as an alternative default service.
 - (d) The methods for entering and terminating agreements with other entities.
 - (e) The rights and responsibilities of program participants.
 - (f) How net metered electricity exported to the distribution grid by program participants, including for group net metering, will be compensated and accounted for.
 - (g) How the program will ensure participants who are enrolled in the Electric Assistance Program administered by the commission will receive their discount.
 - (h) Termination of the program.
- IV. The committee shall approve a final plan which the committee determines is in the best, long-term interest of the municipality or county and the ratepayers.
- V. The committee shall solicit public input in the planning process and shall hold public hearings.

Source. 1996, 192:2, eff. Aug. 2, 1996. 2019, 316:4, eff. Oct. 1, 2019.

Section 53-E:7

53-E:7 Aggregation Program. –

- I. The governing body of a municipality or county may submit to its legislative body for adoption a final plan for an aggregation program or any revision to include an opt-out default service program, to be approved by a majority of those present and voting.
- II. If the plan is adopted or once adopted is revised to include an opt-out alternative default service, the municipality or county shall mail written notification to each retail electric customer within the municipality or county. To enable such mailed notification and notwithstanding RSA 363:38, after an aggregation plan is duly approved the electric distribution utility or utilities serving an adopting municipality or county shall provide to such municipality or county a current list of the names and mailing addresses of all their electric customers taking distribution service within the municipality or county. Notification shall include a description of the aggregation program, the implications to the municipality or county, and the rights and responsibilities that the participants will have under the program, and if provided on an opt-out basis, the fixed rate

or charges that will apply. No retail electric customer shall be included in a program in which the customer does not know all of the rates or charges the customer may be subject to at least 30 days in advance of the customer's application and has the option, for a period of not less than 30 days from the date of the mailing, to opt out of being enrolled in such program, unless the customer affirmatively responds to the notification or requests in writing to be included in the program.

III. Within 15 days after notification of the plan has been sent to retail electric customers in the service area, a public information meeting to answer questions on the program shall be held.

IV. Services proposed to be offered by or through the aggregation shall be on an opt-in basis unless the approved aggregation plan explicitly creates an opt-out alternative default energy service program where the rate or price is known at least 30 days in advance of its application and, for a period of not less than 30 days from the date notification is mailed, the customer has the opportunity to opt out of being enrolled in such program, by return postcard, website, or such additional means as may be provided. Customers who are on default service provided by an electric distribution utility shall be automatically enrolled in an aggregation provided alternative default service if they do not elect to opt out. Customers opting out will instead remain on default service. Customers taking energy service from a competitive electricity supplier shall not be automatically enrolled in any aggregation program, but may voluntarily opt in. New customers to the electric distribution utility after the notification mailing required by paragraph II shall be given a choice of enrolling in utility provided default service or aggregation provided default service, where such exists. New customers shall be informed of pricing for each when they apply for service. Such new customers may also enroll with a competitive electricity supplier. New customers who do not make such a choice shall be enrolled in the default service of any geographically appropriate approved aggregation, or, if none exists, the utility provided default service. Municipal aggregations shall take priority or precedence over any county aggregations. Customers automatically enrolled in a municipal or county provided default service shall be free to elect to return to utility provided default service or to transfer to a competitive electricity supplier with adequate notice in advance of the next regular meter reading by the distribution utility, in the same manner as if they were on utility provided default service or as approved by the commission.

V. Once adopted, an aggregation plan and program may be amended and modified from time to time as provided by the governing body of the municipality or county. In all cases the establishment of an opt-out default service program shall be approved as provided in paragraph I.

VI. The commission may adopt rules, under RSA 541-A, to implement this chapter, including but not limited to rules governing the relationship between municipal or county aggregators and distribution utilities, metering, notice of the commencement or termination of aggregation services and products, and the reestablishment of a municipal or county aggregation that has substantially ceased to provide services. Where the commission has adopted rules in conformity with this chapter, complaints to and proceedings before the commission shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.

Source. 1996, 192:2, eff. Aug. 2, 1996. 2019, 316:4, eff. Oct. 1, 2019.

Section 53-E:8

53-E:8 Other Aggregators. – Nothing in this chapter shall preclude private aggregators from operating in service areas served by municipal or county aggregators.

Source. 1996, 192:2, eff. Aug. 2, 1996.



City of Keene, N.H.
Transmittal Form

June 2, 2020

TO: Mayor and Keene City Council

FROM: Councilor Michael Remy

THROUGH: Patricia A. Little, City Clerk

ITEM: 9.

SUBJECT: Councilor Remy - Requesting Use of the City Seal - Facemasks

COUNCIL ACTION:

In City Council June 4, 2020.

Referred to the Finance, Organization and Personnel Committee.

ATTACHMENTS:

Description

Communication_Remy

BACKGROUND:

Pursuant to Section 2-1.4 of the City Code, Councilor Remy is requesting the use of the City Seal for the purpose of imprinting the image on facemasks that could be worn by City Councilors, the Mayor and Charter Officers with the intent to show solidarity when they are interacting with the public.

In City Council June 4, 2020.
Referred to the Finance, Organization
and Personnel Committee.


City Clerk

Michael Remy
City Councilor, At-Large

June 2, 2020

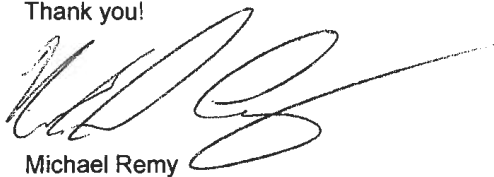
To: Mayor and City Council

I am interested in purchasing a batch of face masks as a gift to the Council, Mayor and Charter Officers from a local business to show our unified support of wearing masks when in public and that, while we are all different and may not always agree on how we should do things, that at the end of the day we are all on the same team and all want the best for Keene. As part of this gift, I would like to include the City Seal on the mask, which is why I am submitting this letter today- to ask your permission.

I think that showing our solidarity through a matching mask that could be used while on City business (and only on City business) would both show our support of wearing masks in public and show us as a unified group. If we are all asked to return to the Council Chambers at some point while masks are still recommended, I think it would be nice to have these masks available.

This would be a personal donation with no funding from the City.

Thank you!


Michael Remy