



KEENE CITY COUNCIL  
Council Chambers, Keene City Hall  
November 15, 2018  
7:00 PM

Roll Call  
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- November 1, 2018

**A. HEARINGS / PRESENTATIONS / PROCLAMATIONS**

1. Presentation of Retirement Resolution - Tim Clark
2. Presentation of Retirement Resoluton - James McLaughlin
3. Building Better Together Presentation on Form Based Zoning Concept for Downtown Keene

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

1. Confirmation  
Martin Luther King, Jr./Jonathan Daniels Committee

**C. COMMUNICATIONS**

1. Albert Grauer - Lodging House License Renewal - 85 Winchester Street
2. Vicki Bacon - Body & Soul Road Runners' Club - Request to Use City Property - Red Cap Run
3. Keene Lions Club - Request to Use City Property - Duck Race
4. Councilors Manwaring and Hooper - Definitions in the Land Use Code - As It Relates to Hundred Nights Shelter
5. Councilor Filiault - Supporting State Legislation that Would Standardize the Age Requirement for Tobacco and Vaping Products

**D. REPORTS - COUNCIL COMMITTEES**

1. John Croteau, Jr. – Syds Carpet & Snooze Room – Request for Loading Zone – 41 James Street
2. Todd Tousley – Request for the Installation of a Sidewalk – Chapman Road
3. West Street Dam – Public Works Department
4. Acceptance of Donation in Memory of Howard Kerbaugh - Parks, Recreation and Facilities Director
5. Acceptance of Donation - Youth Basketball - Parks, Recreation and Facilities Department

6. Monadnock Conservancy - Conservation Easement Fees for 105 Daniels Hill

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

1. City Manager Comments

**F. REPORTS - BOARDS AND COMMISSIONS**

**G. REPORTS - MORE TIME**

1. Nancy Gillard & Suzanne Butcher – New Energy Goals for the Community
2. Land at 0 Apollo Avenue - Parks, Recreation and Facilities Director
3. Keene SnoRiders Snowmobile Club - Request to Use City Property

**H. ORDINANCES FOR FIRST READING**

1. Relating to the Purchase, Use, and Possession of Tobacco Products  
Ordinance O-2018-20

**I. ORDINANCES FOR SECOND READING**

**J. RESOLUTIONS**

1. 79-E Community Revitalization Tax Relief Incentive District Expansion Resolution  
Resolution R-2018-33
2. In Appreciation of Joanna M. Balcom Upon Her Retirement  
Resolution R-2018-34
3. In Appreciation of Ricky A. Plankey Sr. Upon His Retirement  
Resolution R-2018-35

Non Public Session  
Adjournment

A regular meeting of the Keene City Council was held Thursday, November 1, 2018. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: Carl B. Jacobs, Janis O. Manwaring, Thomas F. Powers, Terry M. Clark, Randy L. Filiault, Bartolmiej K. Sapeta, Margaret M. Rice, 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 Manwaring led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the October 4, 2018, regular meeting was duly seconded. The motion passed with a unanimous vote in favor.

#### ANNOUNCEMENTS – MAYOR

The Mayor announced that the local Veterans Council will have their Veteran’s Day Ceremony on Monday, November 12, 2018 at 11:00 AM. The ceremony will take place at the War Memorial at the Recreation Center on Washington Street.

The Mayor announced that the Standing Committee meetings for November 21<sup>st</sup> and 22<sup>nd</sup> have been rescheduled to November 28<sup>th</sup> and 29<sup>th</sup>. The Standing Committee meetings on December 26<sup>th</sup> and 27<sup>th</sup> have been canceled.

#### NOMINATION – MARTIN LUTHER KING, JR./JONATHAN DANIELS COMMITTEE

The following nomination was received from the Mayor: Nancy Salwen to serve as a regular member of the Martin Luther King, Jr./Jonathan Daniels Committee, with a term to expire December 31, 2021. The nomination was tabled until the next regular meeting.

#### CONFIRMATION – ENERGY AND CLIMATE COMMITTEE

A motion was made by the Mayor and duly seconded to confirm the following nomination: Kenneth M. Dooley to serve as a regular member of the Energy and Climate Committee, with a term to expire December 31, 2018. On a roll call vote, with 15 Councilors present and voting in favor the nomination was confirmed.

#### COMMUNICATION – KEENESNORIDERS SNOWMOBILE CLUB – REQUEST TO USE CITY PROPERTY

A communication was received from the KeeneSnoRiders requesting to access a portion of Old Gilsum Road and use the right-of-way along Winchester Street and Production Avenue during the 2018/2019 winter snowmobile season. The communication was referred to the Planning, Licenses and Development Committee.

#### COMMUNICATION – NANCY GILLARD & SUZANNE BUTCHER – NEW ENERGY GOALS FOR THE COMMUNITY

A communication was received from Nancy Gillard and Suzanne Butcher, submitting a draft resolution for the Council’s consideration that would set new goals that call for all electricity consumed in the City come from renewable energy sources by the year 2030 and that 100% of

all thermal energy and energy used for transportation come from renewable energy sources by the year 2050. The communication was referred to the Energy and Climate Committee and the Municipal Service, Facilities and Infrastructure Committee.

**COMMUNICATION – JOHN CROTEAU, JR./SYD’S CARPET & SNOOZE ROOM – REQUEST FOR LOADING ZONE – 41 JAMES STREET**

A communication was received from John Croteau, Jr., of Syd’s Carpet & Snooze Room, requesting a loading dock in front of their business at 41 James Street. The loading dock would be used to facilitate deliveries to their business and would be safer for their customers when picking up merchandise. The communication was referred to the Municipal Service, Facilities and Infrastructure Committee.

**COMMUNICATION – TODD TOUSLEY – REQUEST FOR THE INSTALLATION OF A SIDEWALK - CHAPMAN ROAD**

A communication was received from Todd Tousley, requesting the installation of a sidewalk along Chapman Road behind Robin Hood Park. He notes that this is a popular walking route for pedestrians and is quite narrow near the Water Treatment Facility. The communication was referred to the Municipal Service, Facilities and Infrastructure Committee.

**MSFI REPORT – COMMUNITY CENTER DISCUSSION – PARKS, RECREATION AND FACILITIES DIRECTOR**

Municipal Services, Facilities and Infrastructure Committee report read recommending the acceptance of this item as informational. The Chair filed the report into the record as informational.

**MSFI REPORT – DRAFT ORDINANCE: RELATING TO THE PURCHASE, USE, AND POSSESSION OF TOBACCO PRODUCTS – CITY ATTORNEY**

Municipal Services, Facilities and Infrastructure Committee report read recommending that staff be directed to introduce an ordinance for 1st reading relating to the purchase, use, and possession of tobacco products. A motion by Councilor Manwaring to accept the intent of the report was duly seconded. The motion passed with 14 votes in favor and one opposed. Councilor Rice was opposed.

**PLD REPORT – FAA LAND LEASE – MEMORANDUM OF AGREEMENT – AIRPORT MANAGER**

Planning, Licenses and Development Committee report read recommending that the City Manager do all things necessary to execute the memorandum of agreement with the Federal Aviation Administration in order to renew the existing four land leases at Dillant-Hopkins Airport and consolidate those leases into one memorandum of agreement. A motion by

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

PLD REPORT – DONNA FORTE – LODGING HOUSE LICENSE RENEWAL – 57  
WINCHESTER STREET

Planning, Licenses and Development Committee report read recommending that a lodging house license be granted to Donna Forte to engage in the operation of a lodging house at 57 Winchester Street, Keene, New Hampshire. This license is conditional upon:

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

In addition, the owner shall notify City staff of any changes in the building operator; failure to do so may be grounds for suspension or revocation of this license. This license expires on the 20th day of October, 2019 and may be revoked by the City Council in accordance with Sec. 46-590 "Suspension or Revocation". A motion by Councilor Jones to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF NH NETWORK DIVERSION FUNDING – YOUTH SERVICES

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept and administer funds provided by New Hampshire Juvenile Court Diversion Network for Youth Services programs. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF HOLIDAY FAMILY SPONSORSHIPS – FINANCE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to accept donations associated with the City's 2018 Holiday Family Sponsorship Program. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF NH HIGHWAY SAFETY AGENCY GRANT – POLICE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept the grant from the New Hampshire Highway Safety Agency to fund the Highway Safety Grant - Keene. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM – POLICE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept \$3,492.50 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. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF DRUG FORFEITURE DISTRIBUTION – POLICE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept a monetary State drug forfeiture distribution in the amount of \$697.50. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – WOODWARD DAM IMPROVEMENTS – PERMIT APPLICATION FEES – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Council reallocate \$6,000 from the Babbidge Dam Rehabilitation Project (05034-B) to the Woodward Dam Rehabilitation Project (05039-C) for the purpose of paying required permit application fees. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – DESIGN CHANGE ORDER – GOOSE POND DAM IMPROVEMENTS PROJECT – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to negotiate and execute a design change order with Dubois & King, Inc. of Randolph, VT in an amount not to exceed \$22,700. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

#### FOP REPORT – CONSTRUCTION CHANGE ORDER – BABBIDGE RESERVOIR DAM IMPROVEMENTS – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to negotiate and execute a construction change order with Kingsbury Companies, LLC of Waitsfield, VT in an amount not to exceed \$68,176.00. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

#### CITY MANAGER COMMENTS

The City Manager announced the 2018 property tax rate has been set. The overall rate has decreased from \$37.22 to \$37.12 per thousand (ten cent decrease). The total amount of dollars appropriated for the City increased by 3.92% and the county increased by 12.35%, meanwhile the school went down. The school numbers decreased because they returned over \$2 million of unspent funds at the end of this year. Our overall assessed value increased more than anticipated-values increased by over \$31 million. Tax bills should go out by November 9<sup>th</sup> and will be due around December 10<sup>th</sup>.

The City Manager went over the survey feedback from the Connect Event. She stated there were 544 people registered for the event with attendees coming from 21 states. In a survey sent to all participants, attendees rated their overall experience as an 8.7 on a scale of 10, the quality of the sessions an 8.1 and their experience with “Keene as a Conference” site at 9.3. She was ecstatic to hear that the community as a location for the conference was given such a high rating.

The City Manager continued with New Hampshire Department of Transportation is putting out their request for proposals to operate four intercity bus services in New Hampshire. There are two existing routes that will be maintained and two new or improved routes. New services are proposed to assist with a connection to Boston. New services proposed included a Laconia to Concord service and a Brattleboro to Boston via Keene and Nashua. Southwest Regional Planning Commission has submitted recommendations to NHDOT to solicit bus companies that would provide a connection from Keene to Concord or Keene to Nashua. While we recommended the Nashua connection as a better (shorter connection to Boston), there are transfer improvements that would need to be made to the Nashua bus station because Nashua only connects with Boston, while Concord has several transfer options.

The City Manager announced Swanzey’s Economic Revitalization Zone has been expanded to include the City’s airport property. The ERZ designation is one of the tools used by the State to support existing businesses looking to expand or new businesses looking to relocate. Properties

in the zone are eligible for short term business tax credits for projects that improve infrastructure and create jobs. This is a great example of the recent efforts to increase collaboration between Swanzey and Keene. She is grateful to the Town of Swanzey for making this designation at the State a reality. Development at the airport is a benefit to both communities; the airport gains capital dollars or lease revenue and the Town of Swanzey gains tax revenue.

MORE TIME

More time was granted by the Chair for the following items in Committee: Monadnock Conservancy- Conservation Easement Fees for 105 Daniels Hill Road Property; Future Consideration of 12 Gilbo Avenue – Parks, Recreation and Facilities Department.

FOP REPORT AND ORDINANCE O-2018-19: RELATING TO PARKING

Finance, Organization and Personnel Committee report read recommending the adoption of Ordinance O-2018-19 Relating to Parking. The report was filed into the record. Ordinance O-2018-19 was read for the second time. A motion by Councilor Greenwald for adoption of the Ordinance was duly seconded. On roll call vote, 13 Councilors were present and voting in favor and two opposed. Councilor Filiault and Sutherland were opposed. Ordinance O-2018-19 declared adopted with an effective date of January 1, 2019.

RESOLUTION R-2018-31: IN APPRECIATION OF JAMES F. MCLAUGHLIN UPON HIS RETIREMENT

Resolution R-2018-31: In Appreciation of James F. McLaughlin Upon His Retirement was read by title only. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. The motion carried with a unanimous vote in favor.

RESOLUTION R-2018-32: IN APPRECIATION OF TIMOTHY P. CLARK UPON HIS RETIREMENT

Resolution R-2018-32: In Appreciation of Timothy P. Clark Upon His Retirement was read by title only. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. The motion carried with a unanimous vote in favor.

MEMORANDUM – CITY MANAGER AND RESOLUTION R-2018-33 RELATING TO ADOPTING THE PROVISIONS OF RSA 79-E “COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE”

A memorandum was received from the Director of Economic Development, Initiatives and Special Projects along with Resolution R-2018-33. The memorandum was filed into the record. Resolution R-2018-33 was referred by the Chair to the Planning, Licenses and Development Committee.



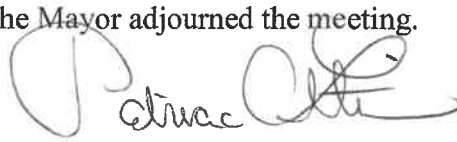
NON-PUBLIC SESSION

At 8:12 PM, a motion by Councilor Jacobs to go into non-public session for the purposes of discussion of a land matter under RSA 91-A:3 II(d) was duly seconded. On a roll call vote, 15 Councilors were present and voted in favor. Discussion was limited to the subject matter. The session concluded at 8:40 PM. A motion by Councilor Greenwald to keep the minutes in non-public session was duly seconded. On a roll call vote, 15 Councilors were present and voting in favor.

ADJOURNMENT

At 8:40 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:

A handwritten signature in cursive script, appearing to read "Patricia Altieri".

City Clerk



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

October 26, 2018

**TO:** Mayor and Keene City Council

**FROM:** Kendall W. Lane, Mayor

**ITEM:** B.1.

**SUBJECT:** Confirmation

---

**COUNCIL ACTION:**

In City Council November 1, 2018.  
Tabled until the next regular meeting.

**RECOMMENDATION:**

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

Martin Luther King, Jr./Jonathan Daniels Committee

Nancy Salwen, Slot 1                      Term to expire December 31, 2021  
42 Douglass Street

-

**ATTACHMENTS:**

Description

Background - Salwen

October 3, 2019

Dear Mayor Lane,

A few friends asked me to attend a meeting of the Martin Luther King / Jonathan Daniels committee, which I did and enjoyed. It was exciting to learn about the mission of the committee and your intention of developing it more explicitly into a Human Rights Committee — what a wonderful statement about the city of Keene!

I would be honored to be selected to serve on this committee. My parents were civil rights activists in the 1950s and I see this as an opportunity to contribute in a small way to their intention towards creating communities that are fair and equitable for all people.

I moved to Keene from New York City in 1979, when I was 20 years old, and appreciate how our town has grown and developed over the years into a place of more diversity, of many different kinds. I enjoy these changes and it's very important to me that all people, with all their differences, are welcome and able to prosper here.

A little bit about who I am, what I've done, and what I do now:

I grew up in New York City. I am Jewish (mostly non-practicing), and although I've rarely experienced antisemitism here in New Hampshire, I am aware of being part of a sometimes targeted minority. I'm sure this has an effect on my perspective on issues of civil rights, and is related to why I'm enthusiastic about the possibility of being on the Martin Luther King / Jonathan Daniels committee.

Shortly after moving here I began attending Keene State, and graduated in 1985 as an art major. During college I worked as an assistant teacher and a substitute teacher in preschools, and waitressed. After graduating I worked as a typesetter on a magazine for the company IDG (International Data Group) in Peterborough, and during that time I started my own business making jewelry, which is how I supported myself for 10 years. A year or two after having my first child I changed careers so I wouldn't have to travel so much, and became a graphic designer. Then in 2008, I set foot on a new path, and started a second business as a music teacher, with a focus on singing. Although I still take the occasional graphic design job, I'm now mainly a music teacher. I teach early childhood music in family classes and in area preschools; I lead singing workshops and give singing lessons both locally and in New York City and California, and I lead music-based team-building workshops for businesses and organizations. I've also written a book called "The Fear of Singing Breakthrough Program; Learn to Sing Even if You Think You Can't Carry a Tune!"

I'm thrilled that I get to do for a living what I love most, and I feel grateful to the support I've found in here in Keene, from places like the Hannah Grimes Center and the Keene Chamber of Commerce, among others. For me, this is an ideal community in which to be an entrepreneur!

Please let me know if you need any more information or have any questions.  
Thank you so much for your consideration,  
Nancy Salwen

42 Douglass Street  
Keene, NH 03431  
603-721-1492




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

November 13, 2018

**TO:** Mayor and Keene City Council

**FROM:** Albert Grauer

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

**ITEM:** C.1.

**SUBJECT:** Albert Grauer - Lodging House License Renewal - 85 Winchester Street

---

**RECOMMENDATION:**

Mr. Grauer is submitting an application for the renewal of a lodging house located at 85 Winchester Street.

**ATTACHMENTS:**

Description

Communication - Grauer



**APPLICATION FOR OPERATION OF A LODGINGHOUSE**

*(Please print or type)*

Date 10/24/18 Location of Lodginghouse 85 Winchester Street

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

Property Owner Albert Grauer Business Phone 203-414-6206

Address 268 Rowland Rd Fairfield, CT 06424 Home Phone \_\_\_\_\_

Operator/Resident Agent Travis Grauer Business Phone 203-414-8058

Address 25 Winchester Court Keene, NH Home Phone \_\_\_\_\_

Number of Persons Authorized to reside on premises 8

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

Signature of Property Owner

Name (Printed or Typed)

[Signature]  
Signature of Operator/Resident Agent

Travis Grauer  
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 11/6/2018 Action Taken \_\_\_\_\_

**Recommendations/Requirements**

Police \_\_\_\_\_

Fire \_\_\_\_\_

Code Enforcement \_\_\_\_\_

\_\_\_\_\_  
City Clerk



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

November 13, 2018

**TO:** Mayor and Keene City Council

**FROM:** Vicki Bacon, Body & Soul Runners Club

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

**ITEM:** C.2.

**SUBJECT:** Vicki Bacon - Body & Soul Road Runners' Club - Request to Use City Property - Red Cap Run

---

**ATTACHMENTS:**

Description

Communication - Bacon

**BACKGROUND:**

The Body & Soul Runners' Club is seeking permission to use City property for the 5th annual Red Cap Run to be held February 9. This is a community event.

Body & Soul Road Runners' Club

303 Park Avenue

Keene, NH 03431

October 29, 2018

Kendall Lane, Mayor  
City Council Members  
3 Washington St.  
Keene, NH 03431

Dear Mayor Lane & City Council Members,

I am writing to request permission to hold this year's 5<sup>th</sup> annual Red Cap Run on February 9<sup>th</sup> in downtown Keene. The course has been modified from previous years as suggested by the council. We will not run on Community Way.

It is my understanding that as the race has been granted Community Event Status we will need to attend a PLD meeting and the typical protocol meeting. Please let us know a date when you would like us to be in attendance.

Thank you,



Vicki Bacon – Road Runners President

On behalf of the Body and Soul Road Runners

& Sara Alderfer – RCR race director



External Communication  
*Transmittal Form*

November 13, 2018

**TO:** Mayor and Keene City Council

**FROM:** Christine Greenwood, Keene Lions Club

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

**ITEM:** C.3.

**SUBJECT:** Keene Lions Club - Request to Use City Property - Duck Race

---

**ATTACHMENTS:**

Description

Communication - Duck Race

**BACKGROUND:**

The Keene Lions Club is making their annual request to hold the Great Ashuelot River Duck Race on City property June 29, 2018.



# Keene Lions Foundation, Inc.



November 13, 2018

Keene City Council  
3 Washington Street  
Keene, NH 03431

To the Honorable Mayor Lane and City Council:

**Subject: The Keene Lions Club Thirtieth Annual Great Ashuelot River Duck Race**

The Keene Lions Club is holding its 30th Annual Great Ashuelot River Duck race on June 29<sup>th</sup>, 2019 with an early bird drawing to be held in May 2019. The purpose of this event is to raise approximately \$17,000.00 for the benefit of local charities in keeping with Lions' objectives to serve those in need. This year, our goal is to sell (5,000) \$5.00 tickets and up to (100) \$100.00 tickets known as "SPONSOR A PURPLE DUCK". All sales are entered a computer from which a Duck Number is assigned.

As in the previous years, the race course we have selected is the Ashuelot River. However we are looking to possibly change the start and finish line for the race. In previous years, we started the race from the bridge on West Street. However with cooperation with the City, we would like to look at dropping the ducks at the Island Street Bridge. With the approval from the City, we would work with Kurt Blomquist, Public Works Director, on this location change. If the location does not work, we would resume the drop at the West St bridge as in years past. The ducks will be loaded into the front-end loader provided by the Public Works department.

At 10:00 am we will drive across West St. to dump the ducks into the river. Traffic should not be interrupted for longer than 1-2 minutes. The ducks will then be picked up further down the river. We have containing devices that will be placed at the finish line and along the course to contain ducks. We also have sufficient personnel available through the Keene Lions Club members to recover all the ducks and to assist with crowd control.

Keene Lions Foundation, Inc. is a Keene based 501(c)(3) corporation affiliated with Lions Clubs International.

Keene Lions Foundation, Inc.,

PO Box 62, Keene NH 03431-0062

Tax ID#47-5131105

## Keene Lions Foundation, Inc.



We are, therefore, asking The Honorable Mayor and City Council for permission to:

1. Secure a front-end loader, provided by the Public Works Dept., to drop ducks either from Island St bridge OR from Melanson's parking lot across West St. to the bridge and dump the ducks into the Ashuelot River.
2. Interruption of West Street OR on Island St traffic for about 2 minutes or less while the front loader dumps the Ducks into the river.
3. If it should be necessary, the Lions would postpone the race for a couple of weeks due to water conditions. The Lions would coordinate any date change with City Staff.

This is the same as previous requests that the Council has approved in the past.

Respectfully submitted,

Christine Greenwood-Smart  
Keene Lions Club Treasurer  
Duck Race Co-Chair

Keene Lions Foundation, Inc. is a Keene based 501(c)(3) corporation affiliated with Lions Clubs International.

Keene Lions Foundation, Inc.,

PO Box 62, Keene NH 03431-0062

Tax ID#47-5131105



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

November 13, 2018

**TO:** Mayor and Keene City Council

**FROM:** Councilors Janis Manwaring and Stephen Hooper

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

**ITEM:** C.4.

**SUBJECT:** Councilors Manwaring and Hooper - Definitions in the Land Use Code - As It Relates to  
Hundred Nights Shelter

---

**RECOMMENDATION:**

Councilors Manwaring and Hooper are asking for a discussion of the various definitions in the Land Use Code as they relate to Hundred Nights Shelter and their attempt to find a new and larger facility that will meet the zoning requirements.

**ATTACHMENTS:**

**Description**

Communication - Manwaring - Hooper

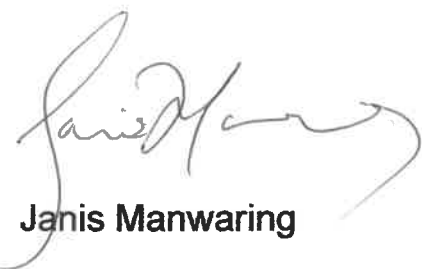
November 1, 2018

To: the Honorable Mayor Kendall Lane  
and City Councilors

We are requesting a discussion now to clarify the definitions of hotel, shelter, lodging house and sober house in the Code. We realize that the Land Use Code is being worked on under the direction of Medard Kopczynski with a due date of December 2019.

However, Hundred Nights Shelter is in need of a new and larger facility, and is experiencing difficulty finding a place that will meet the zoning requirements. We believe that Hundred Nights serves an important function in assisting homeless folks especially in the winter. We wish to assist in their process by asking the City Council to have this discussion to have clear definitions of these facilities.

Thank you for your cooperation.



Janis Manwaring



Stephen Hooper



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

November 13, 2018

**TO:** Mayor and Keene City Council

**FROM:** Councilor Randy L. Filiault

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

**ITEM:** C.5.

**SUBJECT:** Councilor Filiault - Supporting State Legislation that Would Standardize the Age Requirement for Tobacco and Vaping Products

---

**ATTACHMENTS:**

Description

Communication - Filiault

**BACKGROUND:**

Councilor Filiault is requesting that the City Council communicate its interest to the Legislative Delegation in support of a standard age requirement for tobacco and vaping products from 18 to 21 across the state.

November 13, 2018

TO: Honorable Mayor Kendall Lane  
and Keene City Council

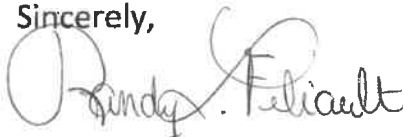
FROM: Keene City Councilor Randy L. Filiault

SUBJECT: Tobacco/Vaping Age Requirements

As the City of Keene discusses an ordinance increasing the age requirement for tobacco/vaping products from 18 to 21, it is the opinion of many that the State of New Hampshire should increase the age to 21 statewide. By doing this, the State of New Hampshire will prevent different age requirements from town to town and create a more uniform and clear statewide law.

Therefore, I am asking my fellow Councilors to support the writing of a letter to our State Legislators requesting action be taken sooner than later at the state level, to prevent conflicting age requirements from town to town.

Sincerely,



Randy L. Filiault  
Keene City Councilor



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

November 7, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** D.1.

**SUBJECT:** John Croteau, Jr. – Syds Carpet & Snooze Room – Request for Loading Zone – 41 James Street

---

**RECOMMENDATION:**

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends that this item be accepted as informational and handled administratively.

**BACKGROUND:**

Mr. Croteau was not present. The Public Works Director said he spoke with the Police Chief and the City Engineer. There is already a loading zone in the area that Mr. Croteau was unaware of; he is now aware it is available to him. Still, the Police Department and City Manager are exploring potential future ordinance changes regarding this loading zone that staff can work further on.

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

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends that this item be accepted as informational and handled administratively.



November 7, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** D.2.

**SUBJECT:** Todd Tousley – Request for the Installation of a Sidewalk – Chapman Road

---

**RECOMMENDATION:**

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends this item be handled administratively until staff reports back to Council with updates as needed.

**BACKGROUND:**

Chair Manwaring welcomed Todd Tousley (708 Roxbury Street, Keene), who said he lived on Baker Street for 24 years and now lives behind Robin Hood Park. During the summer months, he sees the volume (25-30 daily) of people who walk, run, or bike the Chapman Road loop to Robin Hood Park. On the eastern side of Chapman Road, there is only a narrow walking area next to the guardrail, where drivers speed around the corner dangerously. There is plenty of room for foot traffic everywhere else on Chapman Road. He wrote a letter to the City to inquire about the feasibility of a sidewalk or small walking lane at that location; while he imagines a sidewalk would be an expensive undertaking for the City, he wanted to open the discussion.

The Public Works Director agreed there is little safe space for pedestrians from the intersection of Water/Roxbury Streets and continuing up Roxbury Street to Robin Hood Park. Roxbury Street was built in the late 1790s and has a 33' right-of-way; the east side has a sharp hill up to the roadway with an outcropping of bedrock. The west side of the street is Robin Hood Park and there is some walking space on that side because it is City owned. Creating a sidewalk there would be challenging and expensive, but he is working with the Director of Parks and Recreation to add additional gravel to the west side of the street; this will provide a few extra feet of walking space for pedestrians. Creating a new sidewalk could also be problematic because it would have to be accessible to plows. The Public Works Director will continue working on this and intends to implement the additional gravel walkway by spring 2019, when staff is already doing runoff work at that location.

Councilor Sutherland recalled City property, like the water tower and other trail networks nearby, could help connect a sidewalk there to City land for plowing. The Public Works Director agreed there are trails in that area and he will explore that option with the Director of Parks and Recreation.

Councilor Hooper thanked Mr. Tousley for beginning this conversation because his primary concern for the City is citizen safety; he supports any practical solution to enhance safety. Mr. Tousley agreed just widening the gravel shoulder will be a significant improvement.

In response to Councilor Filiault, the Public Works Director said he will work to implement the shoulder expansion in spring 2019. Because this is a maintenance solution right now (not a CIP project), this can be handled administratively moving forward and will report updates to Council as needed via memo.



Chair Manwaring recognized Councilor Carl Jacobs who also lived in this area previously and he echoed how popular it is as a walking area. He added there are also City owned trails on Beech Hill that connect to Chapman Road and Robin Hood Park. He hopes this trail network can be updated on maps to show those options to citizens.

Councilor Sutherland also suggested reviewing the speed limit in that area to determine if traffic can be slowed. He recalled an item in the CIP to install a new guardrail in that area. The Public Works Director replied yes, there is a guard rail project the City Engineer is working on and it is possible that project might widen the shoulder more at this location.

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

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends this item be handled administratively until staff reports back to Council with updates as needed.



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

November 7, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** D.3.

**SUBJECT:** West Street Dam – Public Works Department

---

**RECOMMENDATION:**

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends this item be accepted as informational.

**BACKGROUND:**

Chair Manwaring welcomed the Public Works Director back along with Tara Kessler, Senior Planner. The Public Works Director reported that the City received a letter of deficiency from NH Department of Environmental Services (DES) in 2008 about many dams in the City that needed maintenance or capital items for repair. The City assessed and handled immediate dam concerns and staff continues routine maintenance for the state. In 2012, Council authorized staff to work with West Street Hydro – a citizen group exploring a hydroelectric plant on the West Street/Ashuelot River Dam. They primarily wanted it to be an educational site and to produce enough power to pay for itself. West Street Hydro conducted feasibility studies with staff support from 2012 until July 2018; studies such as wetlands and aquatic life reviews along with other regulatory agency studies (e.g., EPA). In July, West Street Hydro withdrew their proposal because the project is no longer feasible because of changes in the renewable energy market. Now, the City will begin again to determine a solution for the West Street Dam. There is a CIP project for 2025 to address this dam. NH DES is comfortable with how things are moving forward because the City has taken action on other deficient dams (Robin Hood, Babbidge, Goose Pond).

Ms. Kessler explained a unique opportunity for the City from the Rhode Island School of Design (RISD). Several months ago, Dr. Vogler from RISD approached the Conservation Commission to discuss her multi-million dollar (National Science Foundation funded) and multi-year project called The Future of Dams. She and an interdisciplinary team of scientists, engineers, etc. are collaborating to investigate different methods (video, art, photo, etc.) to solicit community preferences for dam solutions. The team is working in communities throughout New England. They are not interested in the outcome/chosen alternative for the West Street Dam, but the process of selecting alternatives. The research team thinks Keene is an ideal study location and now that West Street Hydro has backed-out, staff is embracing the opportunity to work with this research team. This would involve a one-time community workshop in spring 2019 based on data the City has collected about the dam since 2011 in addition to the research team's expertise. Ms. Kessler was careful to qualify that this is not a decision making effort, but a way to explore options for the dam, knowing it could still be several years before any decisions are made about the dam.

The Public Works Director said he thinks this is an excellent opportunity for the City and for Council to gauge public opinion on the dam before moving forward. He looks forward to starting engagement on the dam again. This discussion is just informational for the Committee at this time because they have been the lead on this

project historically. If the Committee has reservations about moving forward with this RISD project, staff wants to know before moving forward. Ms. Kessler added there is no cost to the City to participate; the researchers are just using Keene as a case study site. Still, there will be some staff involvement to help advertise and facilitate the event.

Councilor Filiault asked if DES has come back to look at the dam since the letter of deficiency 10 years ago. The Public Works Director replied yes, every two years. Councilor Filiault said he doubts much has changed at the dam since then and in his opinion is that this is, “something to do about nothing for DES.” If there is no cost, he is supportive; he thinks the dam is so well-built it will still be functioning in 50 years without action. For the record, he will not support spending a penny on the West Street Dam. The Public Works Director replied it is a large impoundment and the main concern is not the visible structure, but the dyke upstream where dam failure could impact businesses or residences. This dam is low on the high hazard scale. He said this is part of a process for Council to understand public opinion before any action on the dam. Councilor Filiault said he is more concerned with City Hall collapsing than the West Street Dam failing.

Councilor Hooper said, as a member of the Ashuelot River Park Advisory Board, he is interested in this dam and the adjacent park, which is a gem for the people of Keene and surrounding nature. He supports this RISD project as a good approach to find a good purpose for the dam.

Chair Manwaring recalled meeting and being impressed with Dr. Vogler when she spoke to the Conservation Commission. She is in favor of this project moving forward.

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

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends this item be accepted as informational.



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

November 8, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** D.4.

**SUBJECT:** Acceptance of Donation in Memory of Howard Kerbaugh - Parks, Recreation and Facilities Director

---

**RECOMMENDATION:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a donation of \$265.00 in memory of Howard Kerbaugh to be used for general upkeep and maintenance of the Parks and Recreation Center.

**BACKGROUND:**

Parks Recreation and Facilities Director, Andrew Bohannon stated Mr. Howard Kerbaugh grew up in Keene and participated in many activities connected with the Recreation Center. His family asked that donations be made in his honor and \$265 has been raised.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a donation of \$265.00 in memory of Howard Kerbaugh to be used for general upkeep and maintenance of the Parks and Recreation Center.



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

November 8, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** D.5.

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

---

**RECOMMENDATION:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a donation of \$3000.00 from Yankee Lanes and that the money is used to purchase youth basketball jerseys.

**BACKGROUND:**

Mr. Bohannon stated Jeff Barden owner of Yankee Lanes is a longtime supporter of youth basketball and sports in Keene. Mr. Barden has donated \$3,000 to purchase basketball jerseys for the program – this is his fourth year for this donation. Mr. Bohannon stated he is pleased to indicate this program is close to filling up. Chair Greenwald asked whether this was the largest donation the department has received. Mr. Bohannon stated Convenient MD has also made a large donation, but this is the biggest one for uniforms.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a 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 8, 2018

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

**SUBJECT:** Monadnock Conservancy - Conservation Easement Fees for 105 Daniels Hill

---

**RECOMMENDATION:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council authorize a \$15,000 contribution from the Land Use Change Tax Fund to the Monadnock Conservancy for the Domina property conservation easement project.

**BACKGROUND:**

Assistant City Manager/Community Development Director Rhett Lamb and Stacy Cibula from the Monadnock Conservancy were the next two speakers. Ms. Cibula explained the location of the properties on Daniels Hill Road and stated the Monadnock Conservancy has the opportunity to permanently conserve these two parcels of land and to that end have been working with the land owners.

She explained this property would be structured through a conservation easement which is a permanent deed restriction and ensures the land cannot be developed and has to be available for forestry, agricultural purposes and recreation. The land does remain in private ownership and property taxes will be paid on it. The Conservancy's role is to make sure the land meets the terms of the easement. Ms. Cibula went on to say the reason the Monadnock Conservancy is interested in this property is the location of it – it is strategically placed in a location where close to 800 acres around it are conserved. The land also has a scenic view, it has some water resources and the land owners are donating the easement and are not being compensated for same; they are also contributing \$7,500 towards the project costs. Ms. Cibula stated the Conservancy is looking for \$15,000 from the City to go towards the project costs which would pay for a boundary survey, staff time and legal fees.

Councilor Chadbourne asked whether the existing walking trails will be extended. Ms. Cibula stated this would be up to the owners as to whether they want recreation to exist on this property.

Councilor Clark asked where the money would come from. Mr. Lamb stated the recommendation is that it comes from the Conservation Land Development Fund. Currently there is about \$140,000 in this fund which gets an annual appropriation of \$25,000 from City Council.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council authorize a \$15,000 contribution from the Land Use Change Tax Fund to the Monadnock Conservancy for the Domina property conservation easement project.



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

November 7, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** G.1.

**SUBJECT:** Nancy Gillard & Suzanne Butcher – New Energy Goals for the Community

---

**RECOMMENDATION:**

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends this item be placed on more time while awaiting a recommendation from the Energy and Climate Committee.

**BACKGROUND:**

Chair Manwaring noted the Mayor referred this matter to the Energy and Climate Committee. She would like to hear from that Committee before taking any further action.

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

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends this item be placed on more time while awaiting a recommendation from the Energy and Climate Committee.



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

November 8, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** G.2.

**SUBJECT:** Land at 0 Apollo Avenue - Parks, Recreation and Facilities Director

---

**RECOMMENDATION:**

On 5-0 vote, the Finance, Organization and Personnel Committee recommends putting this item on more time so city staff could perform investigation of this property.

**BACKGROUND:**

Mr. Bohannon stated the Sweeney family brought this request forward to the city regarding the possibility for donating a piece of property located at 0 Apollo Avenue. Staff has reviewed the property and has made some recommendations that this lot will not serve a public purpose.

Attorney Mullins stated if this was property which could be used for its conservation value, staff would be making a different type of recommendation but this is a lot the city can't do much with; even though the city appreciates the offer, staff does not recommend acceptance of the property. The Chairman asked for public comment.

Mr. Chuck Sweeney of Swanzev stated his name has been placed as having ownership of this land through a default situation. This land originally belonged to two of his aunts, one has since deceased. The surviving aunt who is 97 years old has no use for this land, but is continuing to pay taxes on same. Mr. Sweeney stated he is looking for ideas from the city as to what could be done with this land. Chair Greenwald asked whether the land has been offered to the abutters. Mr. Sweeney stated it has been – the abutters have already been using it and even though it was offered to them at no cost they turned it down.

Councilor Jacobs asked whether the owner ever had any value for this land and whether the city's actions have taken that value away. Mr. Sweeney stated it is not the actions of the city that has taken the value away, but felt it was the neighbors' actions that have taken the value away; the abutters have permitted drainage to end up onto this property which has now turned this property into a wetland.

Mr. Bohannon stated this lot is part of a larger lot which was purchased by Smith's Medical and this lot would have been part of the larger lot if Apollo Avenue was not in the way. This lot is 4/10's of an acre and is valued at approximately \$4,000. It was suggested to Mr. Sweeney his aunt default on the taxes so she eventually would cease to own the property. Mr. Sweeney stated he would not be able to convince his aunt to do so. Councilor Clark felt the City is likely to end up with this property and suggested it accept this donation. The Chairman asked for the City Attorney's comments. Attorney Mullins stated having the property gifted to the city gives the city the property with clean title. Should the city end up having to take the property with a tax deed leaves a cloud on the title and hence his recommendation would be to accept the donation and this would provide the owner with a small tax donation.



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

That the Finance, Organization and Personnel Committee recommend that the City Council accept the donation of land at 0 (zero) Apollo Avenue.

Councilor Powers asked if the city was to accept the donation whether the city would have any liability. Attorney Mullins stated this would depend on what the abutters have dumped on the property. Mr. Sweeney stated from what he can see the neighbors have only dumped mowing clippings and doesn't feel there is anything negative on the property. However, added the land has not been tested.

Councilor Chadbourne felt the property owner has been paying taxes on a property she doesn't use and appreciates her integrity but did not want to accept a property without proper testing on it and in that case would like to put this item on more time.

Asst. City Manager/HR Director Beth Fox felt more time on this item would be prudent so the land could be looked at further.

Councilor Jacobs withdrew his motion and Councilor Powers withdrew his second.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends putting this item on more time so city staff could perform investigation of this property.

Mr. Sweeney extended his appreciation to the council for their help with this item.



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

November 7, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** G.3.

**SUBJECT:** Keene SnoRiders Snowmobile Club - Request to Use City Property

---

**RECOMMENDATION:**

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that this item be placed on more time.

**BACKGROUND:**

Mr. Medard Kopczynski, Director of Economic Development, Initiatives and Special Projects stated that he had a brief conversation with the Management Director of the Keene SnoRiders Club and the Director informed him that the Club will be shifting their routes around a bit. Chair Richards said that the Club has a strong reputation for maintaining trails.

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends that this item be placed on more time.



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

November 13, 2018

**TO:** Mayor and Keene City Council

**FROM:** Thomas P. Mullins, City Attorney

**ITEM:** H.1.

**SUBJECT:** Relating to the Purchase, Use, and Possession of Tobacco Products

---

**RECOMMENDATION:**

That the attached Ordinance O-2018-20, Relating to the Purchase, Use, and Possession of Tobacco Products be introduced for a first reading and referred to the Municipal Services, Facilities and Infrastructure Committee for review and recommendation back to the City Council for a second reading and consideration for adoption.

**ATTACHMENTS:**

Description

Ordinance O-2018-20

**BACKGROUND:**

After discussion and review of a draft ordinance relative to the sale and possession of tobacco products by minors, on November 1, 2018, the City Council directed staff to introduce an ordinance for first reading. Attached for first reading is Ordinance O-2018-20, relating to the Purchase, Use and Possession of Tobacco Products.



# CITY OF KEENE

O-2018-20

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

AN ORDINANCE .....Relating to the Purchase, Use, and Possession of Tobacco Products.....

*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 the stricken text being Article III - Tobacco, Division 2 – Environmental Tobacco Smoke Regulations for Restaurants, in Chapter 6, Alcoholic Beverages and Tobacco, and inserting the bolded text being a new Article III – Tobacco, Division 2 - Purchase, Use, and Possession of Tobacco Products, as follows:

~~DIVISION 2. ENVIRONMENTAL TOBACCO SMOKE REGULATIONS FOR RESTAURANTS~~

~~Sec. 6-81. Definitions.~~

~~The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Cocktail lounge* means that portion or specified area of a restaurant, hotel, motel, convention center or resort which is used primarily to serve liquor or other alcoholic beverages, irrespective of whether or not food is also served there.~~

~~*Effectively segregated* means an enclosed place separating the no-smoking area from the smoking permitted area. For cocktail lounges, up to 30 cubic feet per minute of outdoor air per occupant shall be provided for 100 people per 1,000 square feet. Room air shall be discharged directly outdoors rather than recirculated. More air shall be exhausted from the room than is supplied to it.~~

~~*Employee* means any individual person who performs services for an employer.~~

~~*Employer* means an individual person, partnership, association, corporation, trust, or other organized group of individuals, including the city or any agency that utilizes the services of one or more individual employees.~~

~~*Person* means any person, firm, partnership, association, corporation, company or organization of any kind including, but not limited to an owner, operator, manager, proprietor or person in charge of any building, establishment, business, or restaurant or retail store, or the agents or designees of any of the foregoing. Person in charge shall not include the owner of the property unless he is routinely present and controls the day-to-day activities or sets the policy carried out on the premises upon which smoking is prohibited.~~

~~*Private club* means places owned by social, fraternal, or religious organizations.~~

~~Restaurant means any enclosed coffee shop, cafeteria, sandwich stand, private and public school cafeteria, and other eating establishment which gives or offers food for sale to the public, guests, or employees, as well as kitchens in which food is prepared on the premises, for serving elsewhere, including catering facilities.~~

~~Smoking means inhaling, exhaling, burning or possessing any lighted cigar, cigarette, or other tobacco product in any form.~~

~~City means the City of Keene.~~

~~This division is promulgated under the authority granted the city council by the state statutes.~~

~~Sec. 6-83. Statement of purpose.~~

~~There is conclusive evidence that tobacco smoke causes cancer, respiratory and cardiac diseases, negative birth outcomes and irritations to the eyes, nose and throat. The harmful effects of tobacco smoke are not confined to smokers but also cause severe discomfort and illness to nonsmokers. Environmental tobacco smoke (ETS), more commonly known as "secondhand smoke," includes both exhaled smoke and the side stream smoke from burning cigarettes and causes the death of 53,000 Americans each year. The environmental protection agency (1993) has designated environmental tobacco smoke to be a Class A carcinogen similar to radon and asbestos with no known safe levels of exposure. In recognition of these facts, the city recognizes the right of those who wish to breathe smoke free air and establishes this regulation to protect and improve the public health and welfare by prohibiting smoking in restaurants.~~

~~Sec. 6-84. Conflict with other laws or regulations.~~

~~Notwithstanding the provisions of the foregoing, nothing in this division shall be deemed to amend or repeal applicable fire, health or other regulations so as to permit smoking in areas where it is prohibited by such fire, health or other regulations.~~

~~Sec. 6-85. Public health; food service establishment permit.~~

~~Upon application for a food service establishment permit, the applicant shall attest that the restaurant is in compliance with this division. If the applicant does not attest that it is in compliance with this division no permit may be issued. The person in charge of the restaurant shall allow access to the restaurant by health/inspections department personnel of the city to inspect the restaurant for compliance with this division. Any person in charge attesting on a food service establishment permit application found not to be in compliance with this division is in violation. Failure to comply with this division shall be grounds for withholding, suspension, or revocation of the food service establishment permit required by the city health ordinance as set forth in section 46-386.~~

~~Sec. 6-86. Investigation.~~

~~Any complaint of violation of this division relative to ventilation, signage, physical barriers or related facility noncompliance shall be investigated by the city health/inspections department. All other complaints of violations shall be investigated by~~

~~the city police department. Any violation requiring a summons shall be served by the city police department.~~

~~Sec. 6-87. Violations.~~

~~Any person who violates this division shall be subject to a fine in an amount of \$200.00 for a first offense, \$300.00 for a second offense and, \$500.00 for a third or subsequent offense. Failure to comply with this division shall be grounds for withholding, suspension or revocation of the food service establishment permit required by section 46-386. To constitute a violation of this division, the person in charge must first inform the customer or employee that smoking is prohibited.~~

~~Sec. 6-88. Smoking prohibited.~~

~~No person shall smoke nor shall any person, employer, or other person having control of the premises upon which smoking is prohibited by this division, or the agent or designee of such person, permit a person to smoke in any restaurant. Additionally, no person shall smoke in any place in which a sign conforming to the requirements of this division is posted. No person shall remove a sign posted under the authority of section 6-89.~~

~~Sec. 6-89. Posting notice of prohibition.~~

~~Every person having control of premises upon which smoking is prohibited by and under the authority of this division shall conspicuously display upon the premises "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it).~~

~~Sec. 6-90. Exemption for cocktail lounges and private clubs.~~

- ~~(a) — Cocktail lounges are exempted from this division provided that they are effectively segregated from any nonsmoking area. An enclosed place must separate the no smoking area from the smoking permitted area. In addition, there must be a continuous, physical barrier such as a wall, partition or furnishing (that spans from the floor to the ceiling) that separates the no smoking area from a smoking permitted area. The barrier may contain doors or portals for exit and entry.~~
- ~~(b) — Buildings owned and operated by private clubs when used by the membership of the organization, their guests or families, or when they are rented or leased for private functions from which the public is excluded, and arrangements are under the control of the sponsor of the functions and not the organizations are exempted. Smoking shall be prohibited when such buildings are made available to the general public.~~

**DIVISION 2. – PURCHASE, USE, AND POSSESSION OF TOBACCO PRODUCTS**

**Sec. 6-81. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*E-cigarette* means any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that provides a vapor of pure nicotine mixed with propylene glycol to the user as the user simulates smoking. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name.

*Liquid Nicotine* means any liquid product composed either in whole or in part of pure nicotine and propylene glycol and manufactured for use with e-cigarettes.

*Person* means any individual, firm, fiduciary partnership, corporation, limited liability company, trust, or association, however formed.

*Tobacco Product* means any product containing tobacco including, but not limited to, cigarettes, smoking tobacco, cigars, chewing tobacco, snuff, pipe tobacco, smokeless tobacco, and smokeless cigarettes.

**Sec. 6-82. - Purchase, Use, and Possession of Tobacco Products.**

- (a) No person under the age of 21 shall:
  - (1) Purchase a tobacco product, e-cigarettes, or liquid nicotine.
  - (2) Use or possess a tobacco product, e-cigarettes, or liquid nicotine.
- (b) No person shall:
  - (1) Sell, give, furnish, provide, cause or allow or procure to be sold, given or furnished, a tobacco product, e-cigarette, or liquid nicotine, to a person under the age of 21.
  - (2) For the purposes of this ordinance, the terms "Tobacco Product," "E-cigarette," and "Liquid Nicotine," shall include any product or device defined herein.
- (c) Any person violating the provisions of this ordinance shall be subject to a fine of up to fifty dollars (\$50.00) for a first offense, and up to one hundred dollars (\$100.00) for a second or subsequent offense.

- (d) **Except as otherwise modified herein, the provisions and requirements of RSA 126-K:1, et seq, as may be amended from time to time, remain in effect.**

---

Kendall W. Lane, Mayor

---





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

November 7, 2018

**TO:** Mayor and Keene City Council

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

**ITEM:** J.1.

**SUBJECT:** 79-E Community Revitalization Tax Relief Incentive District Expansion Resolution

---

**RECOMMENDATION:**

On a vote of 5-0, the Planning, Licenses and Development Committee recommends to the full City Council the adoption of Resolution R-2018-33.

**ATTACHMENTS:**

Description

Resolution R-2018-33

**BACKGROUND:**

Mr. Kopczynski stated that based on comments that Planning Department staff received about RSA 79-E and its possible use in a further area, they have come to City Council to ask if the Council has an interest in expanding that district. Based upon the City Council's direction, he said they have created a Resolution that they are presenting tonight, along with a map of the area related to it, as well as the changed language that is required to make the Resolution work relative to the map area. He stated that Community Development Director Rhett Lamb has more detailed maps to show Council if requested and is available to answer any questions they may have.

Councilor Jones asked Mr. Lamb to identify the tax increment financing district on a map. Mr. Lamb provided Council members with maps identifying the TIF and Zoning Districts. Mr. Lamb said that the Resolution is a replacement, in other words the expanded area that is shown in the map, represents one Resolution represented by the entire red line. The changes in the Resolution reflect different zoning districts, the presence of the TIF district, and for example, properties in the preservation zoning district they have established criteria for the granting or approval of 79-E for properties that are exclusively residential.

Councilor Hansel asked if there is any case in which both the TIF and 79-E could both be used together. Mr. Lamb replied that 79-E uses the incremental value and creates a temporary tax benefit to the owner who is not responsible for paying the tax on incremental value. In the case of a TIF, it is exactly the opposite; the incremental value is assessed by the City and then collected for the purpose of building some public infrastructure that might be needed to support the development. Mr. Lamb said the Resolution includes language so that if the project requires a public investment through the TIF it is not eligible for 79-E. He said that this is important because in some cases there may still be benefit for the TIF District in the City to make some improvements necessary for development to take place. He said for each individual project creating a new increment, you would have to choose one or the other; it would not make sense to apply both to the same increment. However, if you have a project that is 79-E eligible and designated for a tax deferral for a three-year

period, there is no reason why the next improvement or increment could not go through a TIF project if that were appropriate at that time. Mr. Kopczynski stated that the proposal itself does not make an either or proposition for providing tax relief, but allows the City Council to consider the fact that this may be in a TIF District and to evaluate the impact it may have with respect to existing or required City infrastructure.

Councilor Hansel asked if Mr. Kopczynski and Mr. Lamb could describe a scenario in which there are two abutting properties or lots, and one is 79-E approved and the other is stuck in a situation in which the City is stating that the project is part of the TIF. Mr. Kopczynski stated that 79-E will probably be used more in areas with existing infrastructure and therefore they did not anticipate much conflict between the two.

Mr. Lamb said that the projects done through 79-E as opposed to TIF will probably be smaller, for example, in the past a TIF parking structure was built which in turn allowed a developer to build a hotel which without the parking structure probably would not have been built. He said large projects will have funding problems on their own even with the benefit of a 79-E tax deferral so for larger projects the TIF would still be the best choice. Councilor Jones added that if they had made the railroad structure a 79-E, they would not have the funds to pay off the bonds for the TIF. Mr. Lamb agreed that if a project needs a lot of public infrastructure, it is unlikely that 79-E would be the best way to go. Councilor Jones asked if 79-E goes up to 7 years. Mr. Kopczynski replied that it can be any term up to 5 and it is individually-approved by City Council. Mr. Lamb stated that there is a two-year floor for projects which can meet one or two criteria for public benefit and for projects that can provide more public benefit it can go up to five years.

Councilor Sapeta asked if properties in the district can use 79-E and TIF multiple times over the years. Mr. Kopczynski stated that he is not aware of any restriction on that, however, final permission and approval is solely up to City Council. Councilor Sapeta asked if it allows the developer to make the choice. Mr. Lamb clarified that the 79-E is an individual property owner coming to the City and applying through the process which is established, however, the TIF District already exists, so incremental value that is being generated in the TIF district today is already going towards the bonds that were established under that TIF. Councilor Sapeta asked if it goes on forever. Mr. Lamb stated it goes on until the bonds are repaid but they can establish new bonds depending on the need. He said that individual properties do not apply for TIF projects. Councilor Sapeta thanked Mr. Lamb for the clarification.

Councilor Hansel asked if someone takes advantage of 79-E and gets a two year tax relief, after the two years is up, does the incremental value go into the TIF or is there no more incremental value after 79-E expires. Ms. Fox replied that the incremental value after the two-year period would only impact the TIF to the extent that it might be needed for debt service that the TIF had incurred or to support the District's operation. Councilor Hansel stated that a project that is looking for 79-E, eventually could still contribute to the TIF by increasing incremental value.

Councilor Jones asked if there is potential conflict with the ERZ. Mr. Kopczynski replied no there is no conflict with the opportunity zone and new market tax credits, this program is specifically tailored to forestall the increase in taxes as related to improvement as allowed by City Council. Attorney Mullins stated that the value of the property taxes becomes a potential expense that could boost your eligibility and offset for tax credits so there may be some interplay between those two. Mr. Kopczynski agreed that they are not exclusive.

Councilor Sapeta asked how they came up with the new boundaries. Mr. Lamb replied the boundaries reflect a combination of existing districts including central business, portions of central business limited and edges of the downtown area. They did not include all of central business limited and south of the central business district. They only included parts of the zoning district that were modified as part of the Marlborough Street project (purple lines on map) as the rest of it was covered in the first 79-E Resolution. He said they did not include other districts which are not considered village center or downtown in the category of where 79-E is applicable in the statute. Mr. Sapeta asked if they could move it down to Proctor and Elliot Street as there are many historic properties in that area that might benefit from 79-E. Mr. Lamb said they included Grove, Willow and

Water Street because they needed a connection and Proctor and Elliot are not really downtown.

Attorney Mullins said the way the statute is written, a historic structure can qualify regardless if it is downtown or not, so if there is someone located outside of the map area, they could be included in 79-E. Mr. Sapeta said that is great to know but asked how the owners would know if they are included or not. Chair Richards replied that hopefully they are watching the meeting tonight.

Councilor Jones stated that they designed a Seed District with many incentives; however, there was only one petitioner interested. He asked whether or not adding 79-E as another incentive would help the Seed District. Mr. Lamb said when they did the Seed District zoning and evaluated what types of incentives to promote interest; they determined the answer was some sort of tax relief. However, following the City Attorney's commentary of what the Statute says, the area must be defined as downtown. Mr. Lamb said most of the Seed District is in the commerce district and high density and those areas are not immediately identified with a downtown or village center designation as the Statute requires.

Councilor Jones asked what the definition of "downtown" is. Attorney Mullins said the way they have structured the Master Plan documents and zoning documents, they put central business and central business limited because that is the area that the community historically considers its downtown area. Councilor Jones said the State statute says "downtown community" but it does not specify central business or central business limited. Mr. Lamb replied that in the absence of another document defining what Keene's "downtown" is, they had to defer to the zoning definitions and purpose statements for this District.

Councilor Hansel said the best advertisement for this program will be a successful project or two, and when the applications and upgrades are demonstrated to the community, applicants will come to the City to ask how they can make 79-E applicable to their buildings and the City can revise the districts as the community need dictates.

Mr. Sapeta stated that lower Main Street going down to Winchester Street is more downtown than lower Marlborough Street, so if they are struggling with this definition maybe they should make a decision similar to how they managed for the TIF district and 79-E to coexist. He said they need to promote development so expanding 79-E down more would be great, especially for historic structures. He said they also need to focus on advertising to ensure that people will know about the program. Mr. Sapeta said he would like the Community Development Department to start thinking about changing the definitions. Mr. Kopczynski replied that definitions are by zoning district and the districts down by Main Street are residential as that could cause a conflict with residential communities being rezoned in the commercial district. Mr. Lamb added that the question is where do they stop and ideally they should focus on what the community defines as a downtown as opposed to zoning as that can become messy.

Attorney Mullins said they cannot forget the purpose of the Statute which is primarily aimed at revitalizing downtowns or village districts where economic activity has traditionally been generated. They must be careful thinking about the Statute as something that can be used everywhere in the City for every purpose. He said if they start changing the zoning ordinance it opens up complications. Councilor Sapeta asked if the Statute refers directly to zoning. Mr. Mullins said it does, which is why they did it as a zoning ordinance. Councilor Sapeta suggested that they could develop different language. Mr. Mullins replied that the source documents have a default mechanism for small communities, where historically the downtown is defined by patterns of practice the community has created. He said the City of Keene has already created the downtown structure so they have to operate by it.

Councilor Sapeta asked why Marlborough Street is included in the 79-E because it is not located downtown and they are already stretching it. Mr. Mullins said they specifically did that to allow 79-E to operate in that environment. Chair Richards said they are trying to extend downtown to Marlborough Street for economic growth. He said there is no problem with modifications by Council, but they would really like to pass the Resolution today.

Councilor Jones said Ralston Street has the look and feel of a downtown and is a place that needs improvement and incentive, so if they could add the Seed District into the 79-E it would improve that part on Ralston Street. Mr. Richards replied that Ralston is not really downtown, so the message is to get people applying and they can always come back and rewrite and add changes later.

Councilor Rice said this is a good example of government working for the people, if people in different areas want to expand they can modify as the interest develops. Mr. Sapeta stated this is a redevelopment tool with very little trade-off for the City and he would like to see the program expand through the entire City as a development tool in the future. Mr. Lamb said criteria have been added for the purpose of addressing buildings that are exclusively residential. He said the first round criteria were oriented around business development and investment, but by adding an area that is exclusively residential they wanted to create criteria specific to residential areas based on public feedback. He said they came up with two criteria: (1) returning or retaining residential properties to owner occupied status, and (2) greenhouse gas emissions standards relating to carbon emissions, as a way to measure an improvement. For example, if there is a way to show that a residential property has reduced their carbon emissions it can demonstrate the public need criteria for the 79-E process.

Mr. Kopczynski provided hand-outs to committee members and said they needed to develop a method for demonstrating the carbon savings and energy improvements. He said there is a Department of Energy program called the Home Energy Score which allows you to develop a score for pre-reconstruction buildings and evaluate carbon savings of buildings which is a genuine mechanism for demonstrating that the improvements meets the criteria for the City's Climate Action Plan - a proven public benefit.

Councilor Hansel asked if the program is a certification program similar to NH Saves. Mr. Kopczynski said it is not a certification program it is a scoring program. He said the Planning staff would go through a training program to allow them to score buildings as part of the program and they may take scoring mechanisms beyond this program in the future.

Councilor Jones said this is great but it is not part of the 79-E Resolution. Mr. Kopczynski said it is related as the particular scoring system is only good for 1, 2 and 3 family houses, so if someone wanted to hire a rater in the state of New Hampshire they could do that today. This is a program that they are marrying to 79-E program but they can carry it beyond in the future. Chair Richards asked where this program can be found in the 79-E Resolution. Mr. Kopczynski said it is located under Roman Numeral 9.

Mr. Sapeta stated that number 8 states a return to owner occupancy which further underscores his comments that properties on Proctor, Elliot, Blake, Wilcox and Davis should be included in this District so there is an opportunity for people to buy those properties. Councilor Hansel agreed that the Resolution sounds promising. He suggested keeping track of staff time for ratings as there may be the option for the owners to hire a professional to do the ratings instead of City staff.

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

On a vote of 5-0, the Planning, Licenses and Development Committee recommends to the full City Council the adoption of Resolution R-2018-33.



# CITY OF KEENE

R-2018-33

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

A RESOLUTION ..... RELATING TO ADOPTING THE PROVISIONS OF RSA 79-E  
“COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE”.....

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

WHEREAS, RSA 79-E “Community Revitalization Tax Relief Incentive” (hereinafter “RSA 79-E) declares it a public benefit to enhance downtown and town centers with respect to economic activity, cultural and historic character, sense of community, and in-town residential uses that contribute to economic and social vitality; and

WHEREAS, RSA 79-E further declares it a public benefit to encourage the rehabilitation of underutilized structures in urban and town centers as a means of encouraging growth of economic, residential, and municipal uses in a more compact pattern, in accordance with RSA 9-B.; and

WHEREAS, RSA 79-E also declares it a public benefit to provide short-term property assessment tax relief and a related covenant to protect public benefit in order to encourage substantial rehabilitation and use of qualifying structures, or in certain cases, the replacement of qualifying structures, as described herein; and

WHEREAS, RSA 79-E:3 permits municipalities to adopt modifications of the provisions of RSA 79-E, as set forth within the Statute.

WHEREAS, on December 21, 2017 the City Council adopted RSA 79-E within certain districts located within the City as defined in R-2017-41; and

WHEREAS, the City Council hereby rescinds R-2017-41, and readopts and expands RSA 79-E in accordance with this Resolution;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Keene that the Council hereby readopts and re-implements the provisions of RSA 79-E, with certain modifications, as follows:

A. For purposes of administering a RSA 79-E program within Keene, the City hereby defines that a “qualifying structure” shall mean a non-residential building, a mixed use building with residential uses occupying less than 50% of the gross living area, or a residential use building, being located within the area depicted on the map labeled “City of Keene Community Revitalization Tax Relief Incentive (RSA 79-E) District” dated \_\_\_\_\_ attached hereto and made part of this Resolution.

B. For purposes of administering a RSA 79-E program within Keene, the City Council shall ensure that the proposed substantial rehabilitation provides one or more of the following public benefits, or that the proposed replacement provides one or more of the public benefits to a greater degree than would substantial rehabilitation of the same qualifying structure:

- I. It enhances the economic vitality of downtown areas;
- II. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located;
- III. It promotes the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation;
- IV. It promotes efficient design, safety, and a greater sense of community in a manner consistent with the Keene Comprehensive Master Plan;
- V. It will add to the City's employment base by creating at least one new, full-time job in Keene's downtown area;
- VI. It directly supports the integration of public art in the downtown; or
- VII. It promotes development of a sustainable building stock in the downtown that achieves a nationally or internationally recognized green building standard (e.g. LEED, Green Globes, National Green Building Standard, and International Green Construction Code).
- VIII. It maintains owner occupancy of a residential building or it returns a residential building to owner occupancy;
- IX. It results in an increase in energy sustainability in conformance with the City adopted greenhouse gas initiatives as determined by a home energy score of at least six (6), and demonstrated carbon emission reduction of at least 10%.

C. "Substantial Rehabilitation" shall mean rehabilitation of a qualifying structure which costs at least \$75,000 and, in certain cases, replacement of a qualifying structure which costs at least \$75,000;

D. "Tax Relief Period" shall mean that for a period of up to five (5) years the property tax on a qualifying structure shall not increase as a result of the substantial rehabilitation or reconstruction thereof, beginning only upon completion of substantial rehabilitation or, in the case of a replacement structure, upon completion of its construction;

E. In accordance with RSA 79-E:5, the duration of the tax relief period for applications filed in Keene shall be considered in the context of each specific application and shall only provide that level of tax relief necessary in the discretion of the City Council to effectuate the specific targeted public benefit(s) outlined as determined by the City Council. By way of example, a qualifying project that is deemed by the City Council to provide one or two of the public

benefits listed above may be granted a tax relief period of up to two years, and a qualifying project that provides three or more public benefits may be granted a tax relief period of up to five years; provided, however, that in determining what, if any, tax relief duration to provide, the City Council may consider the impact the proposed substantial rehabilitation will have on existing, or required, City infrastructure.

BE IT FURTHER RESOLVED that a property owner, as a condition of being granted such tax relief, shall

A. Document the proposed public benefit(s) at the time of the application for tax relief under the Keene RSA 79-E program; and

B. Provide the City promptly with all information and documentation that the City may deem relevant for review of the application for such tax relief, as well as for review of the rehabilitation or replacement project under federal, state, and local laws, codes and regulations, as may be applicable; and

C. Grant to the City a Covenant ensuring that the structure shall be maintained and used in a manner that furthers the public benefit(s) for which the property tax relief was granted and shall require the property owner to obtain casualty insurance, and flood insurance, if appropriate, for twice the term of the tax relief granted; and

D. Grant to the City a lien against the property for the purpose of ensuring proper restoration or demolition of damaged structures and property; and

E. Maintain the property as taxable, regardless of whether the property owner is otherwise subject to property taxes under RSA Chapter 72; and

BE IT FURTHER RESOLVED that if the Covenant is terminated for any reason, the City shall assess all current and arrears taxes, with interest, to the property owner as though no tax relief was granted in accordance with RSA 79-E:9,II; and

BE IT FURTHER RESOLVED that the City Manager or her or his designee, is hereby authorized to execute all documents and undertake all actions as may be required to implement this resolution.

This resolution shall take effect upon sixty (60) days following approval by City Council.

In City Council November 1, 2018.  
Referred to the Planning, Licenses  
and Development Committee.

---

Kendall W. Lane, Mayor

  
City Clerk



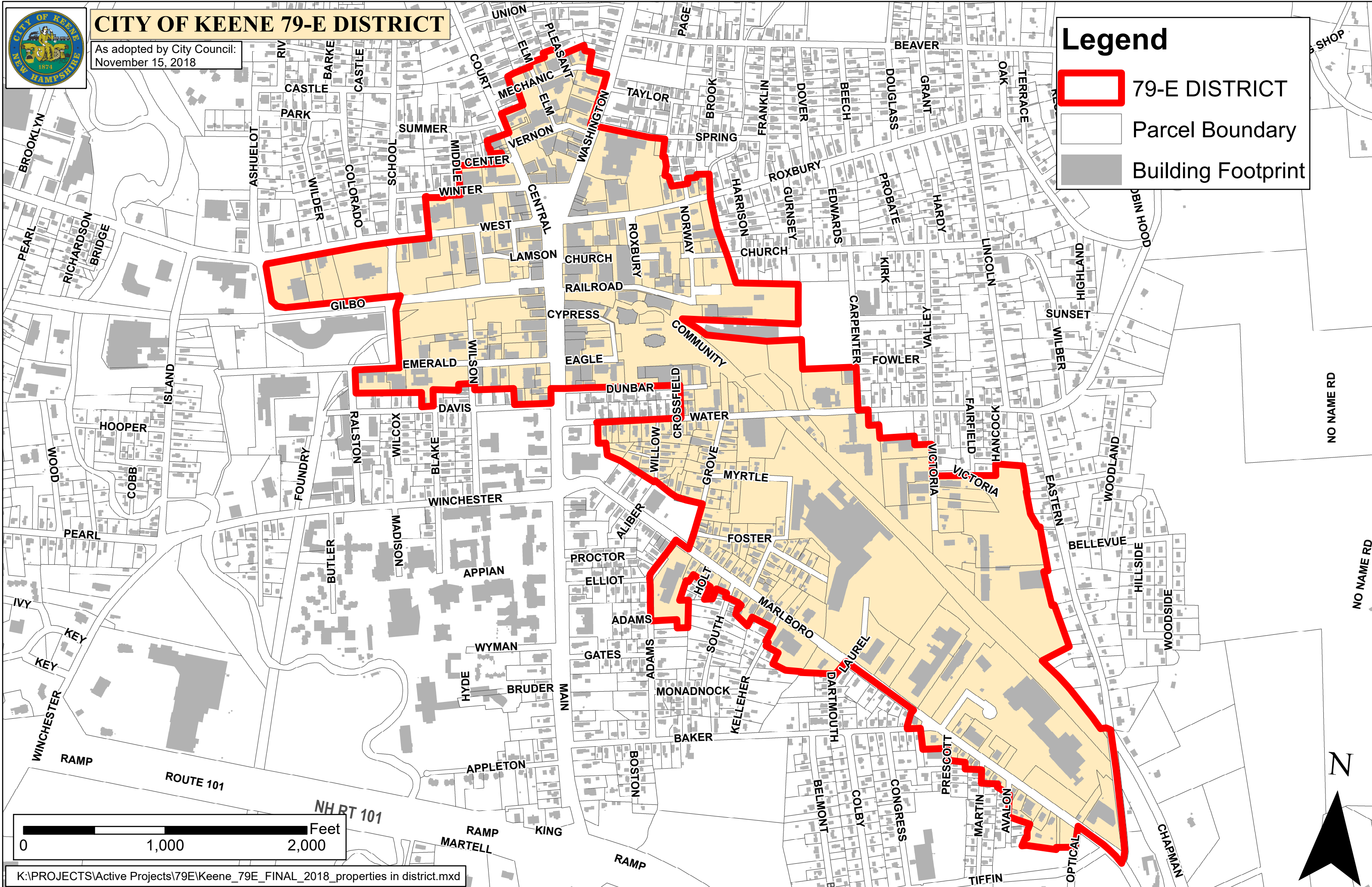


# CITY OF KEENE 79-E DISTRICT

As adopted by City Council:  
November 15, 2018

## Legend

-  79-E DISTRICT
-  Parcel Boundary
-  Building Footprint







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

November 15, 2018

**TO:** Mayor and Keene City Council

**FROM:** Beth Fox, ACM/Human Resources Director

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

**ITEM:** J.2.

**SUBJECT:** In Appreciation of Joanna M. Balcom Upon Her Retirement

---

**RECOMMENDATION:**

That Resolution R-2018-34 be adopted by the City Council.

**ATTACHMENTS:**

Description

Resolution R-2018-34

**BACKGROUND:**

Ms. Balcom retires from the Keene Police Department effective November 23, 2018, with 35 years of service.



# CITY OF KEENE

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

A RESOLUTION ..... In Appreciation of Joanna M. Balcom Upon Her Retirement.....

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

WHEREAS: Starting 29 August 1983, Joanna M. Balcom joined the Keene Police Department as Secretary I, then used her knowledge of the agency’s policies and procedures to become one of the original four civilian Dispatchers effective 4 September 1988 (of which she is the last one remaining); and her dedication returns her to the City after retirement as a part-time Dispatcher effective 17 December 2018; and

WHEREAS: Knowing her job inside and out, Joanna is a competent multitasker who handles all types of emergency calls and customers, and shift personnel are confident of her ability to handle any situation presented to the KPD; and

WHEREAS: Joanna’s situational awareness and officer safety always remain her priority no matter how busy she gets, and she takes her responsibilities very seriously, especially making herself aware of where officers are and how long since they made contact, keeping them informed as the status of calls change, assigning backup units as appropriate, and updating supervisors throughout the shift; and

WHEREAS: Maintaining a level head, she does a superior job of extracting quality information from callers and disseminating it in a timely and effective manner, working through all the duties of high-stress calls professionally and maintaining a comprehensive and accurate log of each service; and

WHEREAS: Extremely proficient with all the hardware and software systems, their protocols and procedures, and the different workstations in the Communications Center, Joanna is extremely proficient and serves as a valuable resource for each; and

WHEREAS: Having mastered all the skills necessary to operate as a public safety dispatcher, Joanna has served as a member of Oral Boards for Dispatcher and a Police Chief alike; and one of her key accomplishments was participating in the revamping of the Dispatch Field Training Officer Program, after which she served as an FTO; and

WHEREAS: Joanna retires temporarily from the Keene Police Department 23 November 2018, with over 35 years of dedicated and honorable service to the community;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Keene hereby extends its sincere thanks to Joanna M. Balcom for her dedication to the Keene community and the Monadnock Region and wishes her the very best for her retirement years; and

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

PASSED

\_\_\_\_\_  
Kendall W. Lane, Mayor



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

November 15, 2018

**TO:** Mayor and Keene City Council

**FROM:** Beth Fox, ACM/Human Resources Director

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

**ITEM:** J.3.

**SUBJECT:** In Appreciation of Ricky A. Plankey Sr. Upon His Retirement

---

**RECOMMENDATION:**

Mr. Plankey retires from the Highway Division of the Public Works Department effective November 23, 2018, with 22 years of service.

**ATTACHMENTS:**

Description

R-2018-35

**BACKGROUND:**

That Resolution R-2018-35 be adopted by the City Council.



# CITY OF KEENE

Eighteen

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

In Appreciation of Ricky A. Plankey Upon His Retirement

A RESOLUTION .....

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

WHEREAS: Ricky A. Plankey Sr. was hired into the City's Public Works Department effective January 2, 1996, as a Maintenance Aide I in the Highway Division; was promoted to Motor Equipment Operator I starting December 30, 1996; graduated to Motor Equipment Operator II beginning November 2, 1998; and

WHEREAS: Very knowledgeable about every aspect of the maintenance and repair of City streets, sidewalks, drainage systems, and adjoining vegetation, Rick earned Master Roads Scholar certification from the UNH Technology Transfer Center and has seen new technology move the highway function forward; and

WHEREAS: Customer service was a strong point of Rick's, demonstrated by his polite manner, his going above and beyond to help customers, his carrying out assignments in a timely manner and ensuring the finished product is very well done, and his elevating concerns of his own or those of members of the public for resolution; and

WHEREAS: Rick has been appreciated for his willingness to lend a hand at any level in any department, for volunteering for the night shift during winter operations and other special assignments; for his excellent work ethic, and for his suggestions on how to resolve issues; and

WHEREAS: A good driver and an outstanding equipment operator, Rick maintained safety alertness while running loaders, backhoes, crack sealers, roller boom trucks, plows, salters, mowing machines, snow blowers, skid steers, graders, and other pieces of equipment, as well as takes very good care of whatever equipment he is assigned to use; and

WHEREAS: Having good leadership skills, a good ability to communicate well with coworkers, and the ability to handle pressure very well, Rick stepped up as Acting Foreman to keep things running in 2013, 2014, and 2017; and

WHEREAS: Rick retired from the Public Works Department on November 23, 2018, with almost 23 years of dedicated and honorable service to the community;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Keene hereby extends its sincere thanks to Ricky A. Plankey Sr. for his dedication to the Keene community and the Monadnock Region and wishes his the very best for his retirement years; and

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

PASSED

\_\_\_\_\_  
Kendall W. Lane, Mayor