



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
May 2, 2019
7:00 PM

Roll Call
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- April 18, 2019

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Presentation of Retirement Proclamation - Mike Martell

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmation
Agricultural Commission

C. COMMUNICATIONS

1. Petition - Urging the US Government to Lead a Global Effort to Prevent Nuclear War

D. REPORTS - COUNCIL COMMITTEES

1. Periodic Report from Standing Boards or Commissions: Ashuelot River Park Advisory Board
2. Keene SwampBats - Request to Discharge Fireworks
3. Pathways for Keene - Request to Use City Property - 4 on the 4th Road Race
4. Greater Goose Pond Forest Stewardship Plan
5. Acceptance of Donation - Sumner Knight Chapel - Parks, Recreation and Facilities Department
6. HG Johnson Real Estate - Fee Agreement - 560 Main Street - Froling Energy
7. Subdivision and Sale of a Portion of 560 Main Street

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

1. Conservation Commission Letter Regarding Greater Goose Pond Forest Stewardship Plan

H. REPORTS - MORE TIME

1. Roger Weinreich - Request to Use City Property - Block Party - Main Street

2. Ed and Kathleen (Kennedy) Burke - Beauregard Trust Property and 0 Chapman Road

I. ORDINANCES FOR FIRST READING

J. ORDINANCES FOR SECOND READING

1. Relating to Licenses and Permits
Ordinance O-2019-04
2. Relating to Vendors in Parking Spaces or Parking Lots
Ordinance O-2019-05
3. Relating to the Human Rights Committee
Ordinance O-2019-08

K. RESOLUTIONS

1. Cheshire Rail Trail Phase III Project - The Discontinuance of a Portion of the Ammi Brown Road and the Lay Out of a new Class A Trail to be known as the Ammi Brown Trail
Resolution R-2019-08
Resolution R-2019-09
Resolution R-2019-10
Resolution R-2019-11
2. Relating to the 2019/2020 Fiscal Year Budget
Resolution R-2019-15

L. TABLED ITEMS

1. Councilors Greenwald, Manwaring, & Richards – Tax Deeding - Kingsbury

Non Public Session
Adjournment

A regular meeting of the Keene City Council was held Thursday, April 18, 2019. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: Carl B. Jacobs, Janis O. Manwaring, Thomas F. Powers, Terry M. Clark, Randy L. Filiault, Margaret M. Rice, Robert B. Sutherland, George S. Hansel, Gary P. Lamoureux, Bettina A. Chadbourne, Stephen L. Hooper, Philip M. Jones and Mitchell H. Greenwald were present. Bartolmiej K. Sapeta and David C. Richards were absent. Councilor Sutherland led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the April 4, 2019 regular meeting was duly seconded by Councilor Richards. The motion passed with a unanimous vote in favor.

ANNOUNCEMENTS – MAYOR

The Mayor announced that Green Up Keene will be held on Saturday, April 20, 2019 from 8:00 AM to 12:00 noon to remove the debris left over from the winter.

PROCLAMATION – CHILD ABUSE AWARENESS

The Mayor presented a proclamation to Carlos Agudelo from Monadnock Region Child Advocacy Center proclaiming the month of April 2019 as Child Abuse Prevention Month across Cheshire County and encourage others to support families to prevent child abuse.

PUBLIC HEARING – PART ONE - COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION – MONADNOCK FOOD CO-OP

The Mayor opened the first public hearing to address a proposed Community Development Block Grant application at 7:05 PM. The Notice of Hearing and Certificate of Publication were read. Mayor Lane stated he would like to go over the process that we will be following this evening. The Community Development Financing Authority has very specific protocols on how these public hearings are handled. Accordingly, this hearing will be handled differently than what we are typically accustomed to. The hearing notice identifies three separate components. The actual CDBG application, the Housing and Community Development Plan and the Residential Anti-displacement and Relocation Assistance Plan. Each hearing will be opened and closed separately. The Mayor noted that upon the close of the final hearing, he will be calling forward the Finance, Organization and Personnel Committee's recommendation and Resolution R-2019-22. Finally, as we are approaching the filing deadline for this application, he will be looking for a suspension of the Rules of Order to allow action upon the Resolution. The Mayor went on to recognize Rebecca Bullock from Southwest Region Planning Commission to address the grant request.

Ms. Bullock identified herself as the Community Development Specialist with Southwest Region Planning Commission. She began with a brief overview of the CDBG program. She noted that CDBG funds are available to municipalities for economic development, public facility and housing rehabilitation projects that primarily benefit low and moderate income persons. The City of Keene is eligible to receive up to \$500,000 per year for public facility or housing rehabilitation projects; up to \$500,000 per year for economic development projects; as well as up to \$500,000 per year in emergency funds. Feasibility studies are available for up to \$12,000. Ms. Bullock continued she has provided a handout describing the CDBG eligibility criteria, which

includes the area HUD income limits.

Ms. Bullock continued that the proposed application to the Community Development Finance Authority is for up to \$500,000 in CDBG funds. A portion of the funds would be sub-granted to Monadnock Economic Development Corporation, which will make a loan to the for-profit entity created by the Monadnock Food Co-op. The remaining CDBG proceeds will be sub-granted by the City of Keene to the Monadnock Food Co-op. The Co-op will use the funds towards costs associated with the purchase and expansion of the building currently leased from MEDC. She continued the Co-op will create up to 25 new jobs as a result of this expansion project. The total project is anticipated to exceed \$2 million of new investment in downtown Keene. Ms. Bullock went on to state that Jack Dugan from MEDC and Michael Faber from the Monadnock Food Co-op are here this evening to answer any questions and provide further details on the project.

The Mayor asked Jack Dugan and Michael Faber to come forward. Mr. Dugan began by stating that tonight's request is actually for a block grant that the Council previously approved late last year with a couple of important changes for the better. He continued since the grant was initially approved, the Food Co-op examined their future and their commitment to Keene's downtown, and elected to go ahead and purchase the building from MEDC. This differs from the previous block grant, which contemplated MEDC adding onto the building and continuing to lease it to the Food Coop. This is a really a good indication of the Co-op's long-term commitment to Keene and a very positive step. The second change has to do with the use of funds. They were able to work out an arrangement with the Community Development Finance Authority whereby the vast majority of the grant funds could be sub-granted to the Food Co-op and a relatively small portion loaned, as opposed to the previous application where the money was going to be a grant to MEDC. This is another step in the right direction because it will allow MEDC through the loan repayment to capitalize our local revolving loan fund so we can make loans to other local businesses in Keene. At the same time, we are providing a grant to the Food Co-op that obviously reduces their operating costs. MEDC is really excited about the project. Mr. Dugan then stated Michael Faber from the Co-op would like to provide some further details. Michael Faber, General Manager of the Monadnock Food Co-op stated that he is pleased to be here again with this important project. As previously described, the Food Co-op has plans to purchase their existing building and do a significant expansion of the building by adding roughly 6,675 square feet to the east side. This will expand all aspects of the store, as well as allowing the staff to move back into the building. Some of the staff have moved offsite as they had outgrown their space in the six years since they opened their doors on April 3, 2013. Mr. Faber stated he is grateful for the ongoing support of the Food Co-op and looks forward to this important next step in their evolution of serving the community and providing local and healthy food access for everyone. Their project is anticipated to create 25 new jobs adding to the 100 that they have today.

The Mayor asked if they will be able to add more solar panels as part of this expansion. Mr. Faber answered in the affirmative.

Councilor Jones asked for confirmation of the new grant administrator with Linda Mangones' retirement. Mr. Dugan stated that Ms. Bullock is now in that role.

Mr. Dugan stated the CDBG program requires a dollar for dollar match and the Food Co-op has put a \$2 million dollar placeholder for this project, but the actual project really represents a \$9 million dollar investment in downtown Keene.

The Mayor opened the floor to public comments and questions about the proposed CDBG project. There being none, closed the public hearing for the proposed Community Development Block Grant application at 7:17 PM.

A true record, attest:


City Clerk

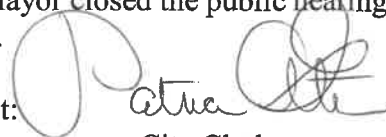
PUBLIC HEARING PART TWO – HOUSING AND COMMUNITY DEVELOPMENT PLAN

The Mayor opened the second public hearing on the Housing and Community Development Plan at 7:18 PM. He went on to recognize Rebecca Bullock for comment.

Ms. Bullock explained that the Housing and Community Development was last adopted by the City of Keene on December 1, 2016 and is required to be reviewed and readopted every three years to qualify for CDBG funds. She continued that at this time no changes have been made to the plan. They hope to revise and update the plan during the next three years prior to its next adoption. The proposed CDBG project conforms to the City of Keene's Housing and Community Development plan goal to have a strong local food based sector of our economy that connects local farms to businesses and to the community in various ways such as through a food co-op and a farmer's market.

The Mayor opened the floor to public comments and questions about the proposed Housing and Community Development Plan. There being none, the Mayor closed the public hearing for the Housing and Community Development Plan at 7:19 PM.

A true record, attest:


City Clerk

PUBLIC HEARING - PART THREE – RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

The Mayor opened the third public hearing for discussion of the Residential Anti-displacement and Relocation Assistance Plan at 7:19 PM and recognized Rebecca Bullock to address the Council.

Ms. Bullock stated if any displacement takes place as a result of the proposed CDBG project the Uniform Relocation Act must be followed, which requires that any displaced household or business in a project using Federal funds must be found comparable housing or commercial space in a comparable neighborhood at a comparable price. Under the certification section of the application for CDBG funds, the applicant must certify that the Residential Anti-displacement and Relocation Assistance Plan is in place and in the event it is discovered that this specific project does displace persons or households, the Residential Anti-displacement and Relocation

Assistance Plan must be submitted to CDFA prior to obligating or expending funds. At this time displacement is not anticipated for the proposed project.

Bradford Hutchinson, 305 Marlboro Street noted that those who are in downtown Keene on a daily basis have seen the Monadnock Food Co-op start from scratch and be built. He feels this is one of the best things that has happened in downtown Keene in many years. He congratulated them on their success and urged the Council to support this grant opportunity. He went on to ask if this is a one grant award, and does all the funding go to the Food Co-op. The Mayor answered it is one grant in the amount of \$500,000, and all of the funds will go to the Monadnock Food Co-op.

The Mayor opened the floor to public comments and questions about Residential Anti-displacement and Relocation Assistance Plan. There being none, the Mayor closed the public hearing for the Anti-displacement and Relocation Assistance Plan at 7:23 PM.

A true record, attest:

City Clerk

FOP REPORT AND RESOLUTION R-2019-22: RELATING TO AN APPLICATION FOR CDBG FUNDS – MONADNOCK FOOD CO-OP EXPANSION PROJECT

The Mayor requested that the Finance, Organization and Personnel Committee report and Resolution R-2019-22 be brought forward on the agenda to be acted upon this evening, noting this would require a suspension of the Rules of Order to allow action the same evening as the public hearing. A motion by Councilor Greenwald to suspend Section 27 of the Rules of Order, which restricts the City Council from considering a matter the same day as the hearing was duly seconded by Councilor Jacobs. On a roll call vote, with 13 Councilors present and voting in favor, the Rules of Order were declared suspended. Councilors Sapeta and Richards were absent. Finance Organization and Personnel Committee report read recommending the adoption of Resolution R-2019-22. The report was filed as informational. Resolution R-2019-22 read for the second time. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor. Resolution R-2019-22 declared adopted.

A true record, attest:

City Clerk

PRESENTATION – GREATER GOOSE POND FOREST STEWARDSHIP PLAN – MOOSEWOOD ECOLOGICAL, LLC

The Mayor recognized Andy Bohannon, Director of Parks, Recreation and Facilities. Mr. Bohannon introduced Mr. Swift Corwin of Calhoun & Corwin Forestry LLC, and Mr. Jeff Littleton of Moosewood Ecological LLC, the consultants the City hired to assess the ecological, recreation and timber values of Goose Pond. Mr. Bohannon noted this was a year-long process. He went on to turn the presentation over to the consultants.

With the aid of a PowerPoint presentation, Mr. Littleton stated this evening they would be providing an overview of the project, as well as some findings and recommendations. He explained the City of Keene had engaged with Moosewood Ecological to develop a stewardship plan for the Greater Goose Pond Forest, and Mr. Littleton's role was as overall project manager and principle investigator into the ecological inventory. Things they looked at were wildlife, habitat and ecologically sensitive areas, rare species, and invasive species. Mr. Littleton noted that Mr. Corwin is a licensed forester, and his role was to do the timber inventory to get a better sense of the forest resources that are on the property. He noted that Josh Ryan, trail designer and builder with Timber & Stone LLC did the trails assessment. Mr. Littleton continued that quite a bit of community outreach was done in relation to the project. He and Mr. Corwin led a series of forest walks at the site looking at wildlife ecology, vernal pool ecology, forest resources ecology, etc. They held a very successful community forum last April that attracted over 100 participants. They also recently completed their final presentation which was attended by about 50 people.

When the City of Keene engaged with the Forest Society to develop a conservation easement deed for the Greater Goose Pond Forest, the deed itself stipulated that a stewardship plan was needed, and it really outlined all the components of the plan. Mr. Littleton continued that what they have put together is a well-rounded plan that will help the City move forward with responsible management and protection of the natural resources on this site. Within this document not only did it identify the specific elements of the stewardship plan, but it also identified the goals of the plan. The goals included: maintaining the natural beauty of the property while encouraging public use; providing the citizens of Keene a large woodland area accessible only on foot, ski, peddle bike, horseback, or snowshoe; protecting fragile or highly erodible soils and maintaining soil productivity; protecting water quality, aquatic habitat, vernal pools and the ecological integrity of wetlands and riparian zones; maintaining and enhancing native biological diversity and natural habitat features; identifying, protecting, and conserving exemplary natural communities, unique or fragile natural areas, and rare plant and animal species; protecting unique historic and cultural features; conserving scenic quality; and, encouraging the use of the Greater Goose Pond Forest for public education. Mr. Littleton noted the final goal of public education came from the Greater Goose Pond Stewardship Plan Ad Hoc Committee. He noted a variety of other stakeholders had input on these goals as well.

Mr. Littleton continued by providing details on the three elements that were addressed by the stewardship plan. These include: trail stewardship, wildlife habitat and forest stewardship, and community outreach and education. He noted that Goose Pond has a lot of trails. There are well over 20 miles of trails that are maintained by the City of Keene and the New England Mountain Bike Association. Overall the trail conditions are pretty good. The Mountain Bike Association does a good job maintaining the trails that they designed on the property; however, there are a few areas in need of upgrading. One of the main elements of the 10-year action plan is doing some work on the Goose Pond loop. The loop receives a lot of use and there are a lot of exposed tree roots. Upgrading that loop would make it a lot more enjoyable. A variety of other elements include a bridge that needs to be replaced, implementing a consistent uniform signage system, developing a new kiosk to inform users including a pamphlet of trails and any hazards or activities that are going on, and a guide to habitats on the property. In addition, there will be a new parking lot leading to the old mill pond which will include an "all accessible" trail for ease of access to that area.

Mr. Littleton continued the next component of the plan is wildlife habitat and forest stewardship. There is a lot of information known about Goose Pond; however, the timber resources were a relative unknown as well as the wildlife resources. The consultants have worked to fill in these gaps by creating a wildlife habitat map identifying aquatic resources, wetlands, forested wetlands, upland forests, and vernal pools that are known to exist on the property. There were several key recommendations coming out of this, some that were part of the 10-year action plan and some that extend further into the future. One of the goals is marking the boundaries of the property, which will be important for forest management and to delineate the boundary for those who may hunt on adjacent properties. The second is establishing an endowment funded by forestry work done on the property. That money could be used for projects on the property like trail upgrades. Third is establishing a stewardship committee to oversee the stewardship activities. Finally, protecting ecologically significant areas and establishing an ecological reserve system will allow old growth forests to grow and allow for different wildlife species to populate the property.

Mr. Littleton noted that through their investigations they identified a number of species of conservation concern, and a number of opportunities to assist those, as well as implementing sustainable forestry to manage the area with that in mind. Improving genetic quality of the forest was another key recommendation along with improving the understory and providing cover and browse for wildlife, which is pretty limited out there now because of the amount of traffic the property has. He noted that the NH Audubon is currently working on a grant to do a "Forestry for the Birds" program in the Granite State. A lot of New England states are implementing such a plan to improve and enhance habitats for migratory birds that come here to breed.

Mr. Littleton explained the last feature they looked at was community outreach and education. He reiterated that they conducted a variety of walks of the property that were very well attended. Thinking ahead they plan to encourage the use of the space as a natural outdoor classroom. This is currently done with Antioch and Keene High School students. Another education piece would be a self-guided interpretive trail around the Goose Pond loop like the one on the Horatio Colony Reserve property.

At this time the Mayor opened the floor to questions.

Councilor Clark asked about the forestry management and the desirable and undesirable tree stands that are there, wanting to understand the plans for management. Mr. Corwin stated they looked at 420 different sample points among the 18 different lots that comprise this area. What they found was that each one of them has something different in terms of topography, timber, etc. The theme that runs through the property is that most of it has beech and hemlock in the understory, and very mature over-story comprised of an even aged system. This means that the history of the forest was mostly agricultural and it all grew back in at the same time. Mr. Corwin continued they see opportunities for forest management, particularly east of the Gilsum Road where a hardwood forest exists along the power lines. They see the opportunity to create some wildlife habitat in that area in successional blocks by making openings to mimic natural disturbance. He continued the marquee area on the property is the north section called the Paquette lot where a stand of red oak exists that would provide harvesting opportunities to add

value to the endowment mentioned previously by Mr. Littleton. In doing this, they would look to harvest trees to facilitate growing the good timber in consideration of the genetic future of the forest. On the west side of the property known as the Bower lot there are some incidences of disease affecting the white pine, which is visible on the crowns of these trees. Those areas should also be considered for harvesting. So there are several ideas for doing this harvesting over a long period of time in discreet operations.

Councilor Sutherland said there was mention of needing to survey the property to mark the boundary lines. He asked how complicated that would get and how much would that endeavor cost. Mr. Littleton said that there are a lot angles to the property and he was uncertain how much a survey would cost, but felt this would be good idea. Mr. Corwin added that some of the surveys still exist on certain lots, but there are areas that need to be surveyed.

Councilor Jones asked about any invasive species of plants or animals that may exist on the property and the plans for dealing with them. Mr. Littleton explained that this is addressed in the plan. Most of the invasive plants are located on the edges of the power line corridor. During any timber harvesting it will be important to investigate afterwards to watch for further invasion of these invasive plants. This will likely be a role of the stewardship committee recommended in this plan.

Councilor Jones asked about recreational use of the property and whether it should be limited during certain times of the year to avoid times when plants are budding or migratory animals are there. Mr. Littleton said it is something the City could consider though it is not contemplated in the plan.

Mayor Lane thanked the presenters and noted this will be before the Planning, Licenses and Development Committee at their next meeting.

CONFIRMATIONS

A motion was made by Councilor Greenwald and duly seconded by Councilor Jones to confirm the following nominations: Kira Wadsworth to serve as a regular member on the Agricultural Commission with a term to expire December 31, 2021; Doug Brown to serve as a regular member on the Building Board of Appeal and the Housing Standards Board of Appeal with a term to expire December 31, 2021. On a roll call vote, with 13 Councilors present and voting in favor the nomination was confirmed. Councilors Sepata and Richards were absent.

NOMINATION

The following nomination was received from the Mayor: Allen Raymond to serve as a regular member of Agriculture Commission with a term to expire December 31, 2021. The nomination was tabled until the next regular meeting.

APPOINTMENT – AD HOC LAND USE CODE STEERING COMMITTEE

The following were appointed by the Mayor to the ad hoc Land Use Code Steering Committee: Mayor Kendall Lane as Chair, Gary Spykman, David Richards, George Hansel, Margaret Rice,

Douglas Barrett, Jim Phippard, and Katie Cassidy Sutherland. This committee would review proposed revisions to the City Code for the purpose of the creation of a Land Development Code. A motion by Councilor Greenwald to accept the Mayor's appointments was duly seconded by Councilor Jones. The motion passed with a unanimous vote in favor.

COMMUNICATION – MARCIA KAYSER – RESIGNATION – COLLEGE CITY COMMISSION

A communication was received from Marcia Kayser resigning from the College City Commission. A motion by Councilor Greenwald to accept the resignation with regret and appreciation of service was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

COMMUNICATION – KEENE SWAMPBATS – REQUEST TO DISCHARGE FIREWORKS

A communication was received from Kevin Watterson, from the Keene Swampbats, requesting to have two Class B fireworks displays on Alumni Field, one to be held on July 3rd as part of their Independence Eve Celebration and the other to be held on July 20th. The request was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – HG JOHNSON REAL ESTATE – FEE AGREEMENT – 560 MAIN STREET – FROLING ENERGY

A communication was received from Greg Johnson, from HG Johnson Real Estate, requesting that the fee agreement for his real estate services relating to Froling Energy and the sale of 560 Main Street be executed. The request was referred to the Finance, Organization and Personnel Committee.

COMMUNICATION – ROGER WEINREICH – REQUEST TO USE CITY PROPERTY – BLOCK PARTY – MAIN STREET

A communication was received from Roger Weinreich, requesting permission to use City property for a block party that would close a portion of Main Street on Saturday, June 1 in front of their store, Good Fortune Jewelry. The request was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – ED AND KATHLEEN (KENNEDY) BURKE – BEAUREGARD TRUST PROPERTY AND 0 CHAPMAN ROAD

A communication was received from Ed and Kathleen (Kennedy) Burke, regarding the City's proposed purchase of a 27-acre parcel of property owned by the Beauregard Trust. They are particularly concerned over public access to this property and whether there would be any negative impact to their parcel located at 56 Chapman Road. To mitigate their concerns, the Burkes would like to purchase the 50 foot wide corridor that is adjacent to their property line and merge it with their current property. The request was referred to the Finance, Organization and Personnel Committee.

PLD REPORT – ANTHONY & FANELLA LEVICK/GRANITE ROOTS BREWING –
REQUEST TO SELL BEER AT KEENE FARMERS’ MARKET

Planning, Licenses and Development Committee report read recommending that Granite Roots Brewing be granted permission to sell alcohol at the 2019 Keene Farmer’s Market on City property licensed to the Farmer’s Market of Keene and to allow samples to be provided to patrons. Said permission is contingent on the following: submittal of a signed letter of permission from the Farmer’s Market of Keene, obtainment of all necessary permits and licenses and compliance with all laws, including the requirements of NH RSA 179:44 II-a. A motion by Councilor Jones to carry out the intent of the report was duly seconded by Councilor Hansel. The motion passed with a unanimous vote in favor.

PLD REPORT – PETER POANESSA & JUDY ROGERS/MAGICAL HISTORY TOUR –
REQUEST TO USE CITY PROPERTY – WALLDOGS MURAL FESTIVAL

Planning, Licenses and Development Committee report read recommending that a license be granted to Arts Alive, Inc. and The Magical History Tour to use the Downtown area including Railroad Square, Downtown City rights-of-way and City property, along with the closing of any City Street and/or public right-of-way as identified by City staff starting on June 17th through the 23rd, 2019 to host the 2019 Walldogs Mural Festival subject to the following provisions:

- That the Petitioner is permitted to encumber various locations on the City right-of-way and City property during pre-event site preparation and scheduled mural painting dates;
- That the Petitioner is permitted to host activities on Railroad Square daily from Wednesday, June 19th through Sunday, June 23rd, including family activities, non-profit displays and using a location on Railroad Street as a starting point for guided mural tours;
- That the Petitioner is permitted to hold a block party event on Court Street from Winter Street to Vernon Street on Saturday, June 22nd from 11:00 AM to 11:00 PM including food trucks, live entertainment and the serving of alcohol on the City right-of-way in front of the Machina Arts Restaurant space;
- That free parking be granted under the provisions of the free parking policy for the use of City parking spaces encumbered for equipment and storage at murals sites from Wednesday, June 19, 2019 to Sunday, June 23, 2019, and spaces within the Block Party Event footprint on the day of the event;
- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement and associated protocol documents;
- The submittal of signed letters of permission from any private property owners for the use of their property;
- That the Petitioner shall absorb the cost of any City services provided, and agrees to remit said payment within 30-days of the date of the invoicing from the City; and
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff. A motion by Councilor Jones to carry out the intent of the report was duly seconded by Councilor Hansel. The motion passed with a unanimous vote in favor.

PLD REPORT – SB 165 “RELATIVE TO NET ENERGY METERING BY LOW-MODERATE INCOME COMMUNITY SOLAR PROJECTS” – ENERGY & CLIMATE COMMITTEE

Planning, Licenses and Development Committee report read recommending that a letter of support be submitted to the NH State Legislators and Governor Sununu for SB 165 "Relative to net energy metering by low-moderate income community solar projects". A motion by Councilor Jones to carry out the intent of the report was duly seconded by Councilor Hansel. The motion passed with 12 votes in favor. Councilor Sutherland voted in opposition.

FOP REPORT – ACCEPTANCE OF DONATION – FIRE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a donation of \$50.00 from Susan Hood. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

FOP REPORT – LEASE AGREEMENT – 12 GILBO AVENUE

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute a lease with Ash Sheehan for the space located at 12 Gilbo Avenue. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

FOP REPORT – DOWNTOWN PARKING OPTIONS – CITY MANAGER

Finance, Organization and Personnel Committee report read recommending that the City Council supports the modification of the Kiosk at Central Square West to a “pay and display” model using a new vendor (IPS), after 30 days of successful implementation and operation the Parking Services Division will return to the Finance, Organization, and Personnel Committee with a plan to convert remaining existing Kiosks; and install additional Kiosks around Central Square using the same technology. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. Councilor Greenwald made a motion to amend the Committee report by removing the existing kiosk, reinstalling the meters that were removed, directing staff to develop a comprehensive plan for all downtown parking by surveying the stakeholders: being the shoppers, store owners, building owners and residents. The plan would consider kiosks, smart meters, parking time limits, and hours of operation. The motion was duly seconded by Councilor Filiault. A brief discussion took place. The amended motion passed with nine in favor and 4 opposed. Councilors Powers, Clark, Rice and Lamoureux were opposed. Referring to the motion as amended, nine voted in favor, Councilors Powers, Clark, Rice and Lamoureux voted in opposition.

CITY MANAGER COMMENTS

The City Manager announced that the City of Keene will be featured in the *Business View* magazine. The City of Keene will be part of a series *Best Practices of Communities and Community Management* with a focus of the State of New Hampshire. We are scheduled for a phone interview on April 25, 2019.

The City Manager continued with a message from the Human Resources Director. The City of Keene has been named 2018-2019 Monadnock United Way Summit Award Winner. This award is for achieving the highest per capita giving in an established workplace campaign of between 125-249 employees. The City of Keene campaign supported by city employees and council members, raised \$25,335; kudos to the 86 campaign participants who generously support human services agencies that our friends, neighbors and community members rely on.

The City Manager went on with updates from the Public Works Department. The Roxbury Street Bridge project has been authorized for bidding by NH Department of Transportation. This project is moving forward. Tree clearing for the Goose Pond Dam repairs will begin next week. She clarified that this is not for the Stewardship Plan this is in preparation for the dam repairs.

MEMORANDUM – PLANNING BOARD – RESIGNATION FROM SOUTHWEST REGION PLANNING COMMISSION

The City Clerk explained that under State Statute, it is the Planning Board's responsibility to nominate individuals to serve on the Southwest Regional Planning Commission's Board and it is the Governing Body's role to confirm the nomination. A communication was received from Dick Berry resigning from the Southwest Region Planning Commission. A motion by Councilor Greenwald to accept the resignation with regret and appreciation of service was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

MEMORANDUM – PLANNING BOARD – CONFIRMATION TO THE SOUTHWEST REGION PLANNING COMMISSION

A motion was made by Councilor Greenwald and duly seconded by Councilor Jacobs to confirm the following nomination: Gary Spykman to serve as a regular member on the Southwest Region Planning Commission with a term to expire December 31, 2022. On a roll call vote, with 13 Councilors present and voting in favor the nomination was confirmed. Councilors Sapeta and Richards were absent.

MEMORANDUM – CITY CLERK AND ORDINANCE O-2019-04: RELATING TO LICENSES AND PERMITS

A memorandum was received from the City Clerk along with Ordinance O-2019-04: Relating to Licenses and Permits. The memorandum was filed as informational. Ordinance O-2019-04 was read for the first time. The Ordinance was referred to the Planning, Licenses and Development Committee.

MEMORANDUM – CITY CLERK AND ORDINANCE O-2019-05: RELATING TO VENDORS IN PARKING SPACES OR PARKING LOTS

A memorandum was received from the City Clerk along with Ordinance O-2019-05: Relating to Vendors in Parking Spaces or Parking Lots. The memorandum was filed as informational. Ordinance O-2019-05 was read for the first time. The Ordinance was referred to the Planning, Licenses and Development Committee.

MEMORANDUM – MAYOR LANE AND ORDINANCE O-2019-08: RELATING TO THE HUMAN RIGHTS COMMITTEE

A memorandum was received from the Mayor along with Ordinance O-2019-08: Relating to the Human Rights Committee. The memorandum was filed as informational. Ordinance O-2019-08 was read for the first time. The Ordinance was referred to the Finance, Organization and Personnel Committee.

FOP REPORT AND ORDINANCE O-2019-07-A: RELATING TO MEMBERSHIP ON THE ENERGY AND CLIMATE COMMITTEE

Finance, Organization and Personnel Committee report read recommending the adoption of Ordinance O-2019-07-A. The report was filed into the record. Ordinance O-2019-07-A was read for the second time. A motion by Councilor Greenwald for the adoption of Ordinance O-2019-07-A was duly seconded by Councilor Jacobs. On roll call vote, 13 Councilors were present and voting in favor. Councilors Sapeta, and Richards were absent. Ordinance O-2019-07-A declared adopted.

RESOLUTION R-2019-23: IN APPRECIATION OF FRANK J. HOYE UPON HIS RETIREMENT

Resolution R-2019-23: In Appreciation of Frank J. Hoye Upon His Retirement was read by title only. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded by Councilor Jacobs. The motion carried with a unanimous vote in favor.

RESOLUTION R-2019-24: IN APPRECIATION OF MICHAEL J. MARTELL UPON HIS RETIREMENT

Resolution R-2019-24: In Appreciation of Michael J. Martell Upon His Retirement was read by title only. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded by Councilor Jacobs. The motion carried with a unanimous vote in favor.

TABLED ITEMS – COUNCILOR GREENWALD, MANWARING, & RICHARDS – TAX DEEDING – KINGSBURY

The City Manager updated the Council regarding the Kingsbury property. She reminded them that a letter was sent to Brian Thibeault, the owner of the Kingsbury property, about a month ago. The City has had some meetings with Jim Phippard for some conceptual planning for this

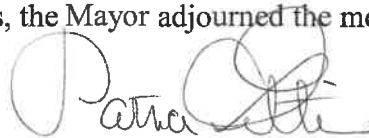
04/18/2019

site. Mr. Thibeault is currently doing some work on the building to determine the cost asbestos abatement. Once he receives this information, he will forward the report to the City. He has also had three different contractors in the building to provide quotes on demolition. There are two tanks that are an issue with NH Department of Environmental Services. The 12,000 gallon tank has been pumped out, the second tank will be pumped out later next week. The City Manager has requested to have all of those reports distributed once they are completed. Also, in the letter, was to have a discussion of an extension of Victoria Street. The issue still remains on the value of the parcel as no agreement has been reached. The last piece is about the taxes. In the letter, a payment plan or commitment was proposed for the payment of taxes. Mr. Thibeault agreed to the City Manager a \$100,000 within the next 10 days. The City Manager advised that she plans to keep in contact with Mr. Phippard and Mr. Thibeault to work with them on the different items the City has requested and will continue to provide updates at the City Council meetings.

ADJOURNMENT

At 8:45 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:


City Clerk



City of Keene, N.H.
Transmittal Form

April 16, 2019

TO: Mayor and Keene City Council

FROM: Mayor Kendall W. Lane

ITEM: B.1.

SUBJECT: Confirmation

COUNCIL ACTION:

In City Council May 2, 2019.

Voted unanimously to confirm the nomination.

In City Council April 18, 2019.

Tabled until the next regular meeting.

RECOMMENDATION:

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

Agricultural Commission

Allen Raymond, slot 6
85 Carroll Street

Term to expire Dec. 31, 2021

ATTACHMENTS:

Description

Background_Raymond

Allen Raymond

85 Carroll St Keene, NH 03431

(603) 762-7381

OBJECTIVE: Young professional seeking an opportunity that will utilize strong communication, problem solving, leadership skills and a passion for the local community. Looking to have an impact on my community and gain a better understand of the local agriculture structure.

EXPERIENCE:

- Sales, Returns & Vendor Issues
- Customer Service
- Time Management
- IT troubleshooting/Maintenance
- Leadership
- Phone Etiquette
- Project Management
- Training Implementation
- Merchandising, floor resets
- Inventory Management/Stocking
- Product Knowledge
- Department Manager: Cookware, Electrics, Cutlery
- Payroll
- Cashier
- Open/Closing Supervisor
- Receiving
- Evaluations
- Hiring
- Farmer Relations
- Leading a team of 9 people
- Achieving sales and margin goals.
- Facilitating meetings
- Product sourcing
- Purchasing
- Culinary Program Implementation
- Culinary Instructor
- Knife Sharpener
- Point of Sale System Maintenance
- Trade Show and Vendor Relationship Management & Communication
- Forklift Operation
- Collaboration with Vendors, Staff and Consumers
- Critical Thinking & Problem Solving
- Conflict Resolution
- Mediation Advisor
- Active Listening Advisor
- Diffusing Stressful Situations Advisor
- Presenter
- Public Speaker
- Anti-Bullying/Anti-Violence Facilitator
- Working in fast paced, continually changing environment

WORK HISTORY:

Produce Manager Monadnock Food Co-op Keene, NH August 2018- *Present*

Produce Assistant Manager Monadnock Food Co-op Keene, NH June 2016- *August 2018*

Retail Sales/Customer Service Associate Your Kitchen Store Keene, NH July 2010 - *Present*

Multiple Positions (Consultative Sales Land's End/Merchandising Associate/Receiving Associate Sears Keene, NH August 2007 – *July 2010*

Peer Mediation Advisor Keene High School Keene, NH August 2009 – *January 2013*

EDUCATION:

Keene High School Keene, NH August 2005-June 2009 High School Diploma

Cheshire Career Center Keene, NH 2007-2009 Completed Culinary Arts Program & Received Outstanding Culinary Arts Student Award

River Valley Community College Keene, NH Fall 2009 – *Spring 2013* Working towards an Associates in Liberal Arts

REFERENCES:

Dean Eaton Owner of Your Kitchen Store (603) 986-5661 cell

Shannon Hundley Store Manager Your Kitchen Store (603) 400-0434 cell

Stephanie Wright Store Manager Monadnock Food Co-op (603) 355-8008 work

Michael Faber Monadnock Food Co-op (603) 355-8008 work



City of Keene, N.H.
Transmittal Form

April 30, 2019

TO: Mayor and Keene City Council

FROM: Petition from Keene Residents

THROUGH: Patricia A. Little, City Clerk

ITEM: C.1.

SUBJECT: Petition - Urging the US Government to Lead a Global Effort to Prevent Nuclear War

COUNCIL ACTION:

In City Council May 2, 2019.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

RECOMMENDATION:

This petition initiated by the Keene Peace Vigil is asking that the city of Keene through the adoption of a Resolution help lead a global effort to prevent nuclear war. The petition has 56 signatures.

ATTACHMENTS:

Description

Petition

To the City Council of Keene, New Hampshire:



We undersigned residents of Keene, NH call on you to adopt the following resolution:

A resolution of Keene, NH City Council calling on the US government to lead a global effort to prevent nuclear war:

WHEREAS, global arsenals have over 14,000 nuclear weapons, and most are far more destructive than those that killed hundreds of thousands of people in Hiroshima and Nagasaki, Japan, in 1945;

WHEREAS, the detonation of even a small number of these weapons anywhere in the world could have catastrophic human, environmental, and economic consequences that could affect everyone on the planet including in Keene, New Hampshire;

WHEREAS, a large-scale nuclear war could kill hundreds of millions of people directly and cause unimaginable environmental damage, producing conditions wherein billions of people could die from starvation or disease;

WHEREAS, the United States maintains nuclear missiles in prompt launch status, capable of being launched within minutes, which greatly increases the risk of an accidental, mistaken or unauthorized launch;

WHEREAS, the United States, as well as Britain, China, France and Russia, are obligated under the Nuclear Non-Proliferation Treaty (NPT) to take concrete steps toward eliminating their nuclear arsenals;

WHEREAS, in July 2017, 122 nations approved the Treaty on the Prohibition of Nuclear Weapons which makes it illegal under international law to develop, test, produce, manufacture, or otherwise acquire, possess or stockpile nuclear weapons or other nuclear explosive devices;

NOW, THEREFORE, BE IT RESOLVED, that the City of Keene, New Hampshire calls on the United States government to lead a global effort to prevent nuclear war by:

- 1. renouncing the option of using nuclear weapons first;
- 2. ending the sole, unchecked authority of any president to launch a nuclear attack;
- 3. taking U.S. nuclear weapons off of their launch-on-warning/prompt launch status;
- 4. canceling the plan to replace its entire arsenal with enhanced weapons; and
- 5. actively pursuing a verifiable agreement among nuclear-armed states to eliminate their nuclear arsenals.

56 Signatures.

AND BE IT FURTHER RESOLVED that a copy of this resolution be sent to each member of New Hampshire's Congressional Delegation and to the President.

Signature and Printed Name

Keene Address

<i>Elizabeth Forrest</i> Elizabeth Forrest	7 Marguerite St., Keene, NH
<i>Sarah Wilton</i> Sarah Wilton	127 School St. Keene, NH 03431
<i>James G. Smart</i> James G. Smart	26 Iceland Cir. Keene 03431
<i>Ruth Shepard</i> Ruth M. Shepard	31 Martin St #1, Keene, NH
<i>Jennifer Wyman</i> Jennifer Wyman	33 Coolidge St unit 2, Keene NH



City of Keene, N.H.
Transmittal Form

April 24, 2019

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities & Infrastructure Committee

ITEM: D.1.

SUBJECT: Periodic Report from Standing Boards or Commissions: Ashuelot River Park Advisory Board

COUNCIL ACTION:

In City Council May 2, 2019.
Report filed as informational.

RECOMMENDATION:

On a vote of 4-0, the Municipal Services, Facilities & Infrastructure Committee accepted the periodic report on the Ashuelot River Park Advisory Board as informational.

BACKGROUND:

Chair Manwaring welcomed the Director of Parks, Recreation, and Facilities, Andy Bohannon, who spoke on behalf of Arthur Winsor, Chair of the Ashuelot River Park Advisory Board. Mr. Bohannon provided a broad overview of the Board's work over the last year and their future plans. What the public knows as Ashuelot River Park along West Street is actually an arboretum, as defined by paths with cobbles and gardens before the bridge; the park begins at the Jonathan Daniels Trail and continues to the Apple Trail by Cheshire Medical Center. The purpose and vision of the Board is more focused on the arboretum. The park was created to promote, enhance, and maintain the Ashuelot River Park for its present and future use, enjoyment, and educational benefit for all residents of the City of Keene. The Board follows 10 functions and guidelines:

1. Promote the development of the Ashuelot River Park in accordance with the adopted vision statement and park plan.
2. Promote communication and exchange of ideas and concerns between park users, City staff and the City Council.
3. Make reports and recommendations to the Municipal Services, Facilities and Infrastructure Committee of the City Council and to the City staff with respect to management of the park.
4. Act as a publicity agent for the park by bringing the benefits of the park to the attention of the public.
5. Serve as an advocate for the interest of the park.
6. Serve as the catalyst for bringing private resources to the park and receiving gifts of money and property, both real and personal, in the name of the City, subject to the specific approval of the City Council.
7. Recommend the expenditure of trust funds.
8. Assist in developing and stating objectives and goals for park improvement.
9. Pursue the means of achieving the determined goals for improvement.
10. Perform such other related functions as required by the City Council or as requested by the City Manager.

Mr. Bohannon mentioned the West Street Dam because the Council will hear about it over the next year. In its function to serve as an advocate for the park, the Board is following those conversations and has expressed their opinion to Council in the past; they feel that removing the dam changes the essence of the park significantly. The Board understands the costs associated with repairing the dam and they will participate in advocacy discussions and reflect on how decisions impact the park.

Mr. Bohannon explained that he serves as a liaison for volunteers, who are managed and recruited largely by the Friends of Ashuelot River Park at the Arboretum (George Foskett, Chairman). Volunteers are essential to the park; for example, weeding was removed as a line item from the budget because volunteer efforts now suffice. Volunteer efforts occur throughout the year and are supported increasingly by the Old Homestead Garden Club, which was one of the original groups that established the park. The Friends of Ashuelot River Park at the Arboretum had their 501(c)(3) status renewed recently and have had a resurgence of large group volunteer efforts; the Friends are vital to the success of the park.

Mr. Bohannon demonstrated that the Board has worked with Bartlett Tree Experts to inventory all trees in the park to be managed as assets and made available to the public via the Arborscope software. Certified arborists studied the canopy, overall health, and growth of trees in the park. Arborscope is a non-proprietary online asset inventory software similar to Cartegraph, which the Council is familiar with; Mr. Bohannon is inquiring about moving Arborscope information into Cartegraph to further facilitate asset management. Arborscope will launch to the public this year via the Keene Parks and Recreation website. Mr. Bohannon demonstrated the software and how the 95 species of trees in the park have been classified as in good or fair condition; none are dead or in poor condition. The inventory occurred five years ago, but it is constantly updated. The software allows staff to see any trees' age class, condition, scientific name, size, and care priority (ranked 1-3). All trees are mapped and available via GIS, which facilitates asset management and mapping, and allows someone to locate a specific tree using a smart phone.

The Bartlett Tree Experts inventory of the park demonstrated that the total value of trees in the arboretum is \$335,819.70. Mr. Bohannon provided the example of River Birch trees in good condition valued at \$5,900. He demonstrated that he can generate reports in Arborscope for asset management. Mr. Bohannon has also negotiated adding the library campus to this park's log in Arborscope, which will enhance the library and education. Once QR codes are attached to the trees, a smartphone can scan the code, which takes the user to a Virginia Tech website with information about that species. Completing this project and attaching QR codes to the trees is a focus of the Board because it supports the learning environment of the arboretum.

Mr. Bohannon continued by demonstrating assets in the park managed via Cartegraph, which makes maintenance easier. For example, when benches were removed for cleaning several years ago, some dedication plaques were not replaced on the correct benches; this software ensures that all assets are managed as replaced correctly. Cartegraph also helps to track direct costs of the park, such as the number of rubbish runs and instances of debris removal. Staff can also use the software to track completed tasks and requests.

Mr. Bohannon discussed a current initiative of the Board regarding the gazebo, which has been a focal point of the park since it was established in 1996. The gazebo is sturdy but attracts individuals who pose safety concerns. The public leave messages on a regular basis about negative activities that deter them from using the gazebo. He said that the gazebo could be grouted with cigarette butts, despite it being cleaned on a regular basis. Recently, the Board discussed replacing the gazebo with a pergola, which maintains a structure with less sitting area but would change the essence of the park. Mr. Bohannon is working with a landscape artist who wants to develop ideas to share with the Board. The topic has generated lengthy discussions on many meeting agendas because the Board wants to do the right thing.

Mr. Bohannon summarized other current Board initiatives:

- Councilor Hooper has worked with an Antioch University student, Ingrid Evans, who will acquire four

- bat houses to install in the park (this summer). This will contribute to mosquito and insect control.
- After a fall setback the irrigation system will be completed in the park. The new system will use City water instead of river water, which might not be available in the future if the dam is removed. The new infrastructure is efficient and inexpensive.
 - The composting toilet that was closed several years ago is slated for removal and Mr. Bohannon is looking at costs. A portable toilet is brought in for any park events.
 - The Board is following updates about the Ashuelot Street parking lot and how it will impact the arboretum; there have not been updates in six months.

Mr. Bohannon concluded displaying a photo of the park taken by Councilor Hooper and welcomed any questions. Chair Manwaring asked if this is the only park without a toilet. Mr. Bohannon replied that larger parks have toilets but smaller parks like Ellis-Harrison Park and Hickey-Desilets Park do not have toilets. There were conversations regarding the Ashuelot Street parking lot about a toilet, but that is off the table now. The current toilet location is ideal for users of the Jonathan Daniels Trail but is not ideal for police patrols. Conversations about the toilet return consistently to the topic of safety, which has comprised significant Board meeting time.

Chair Manwaring asked if the Friends of Ashuelot River Park at the Arboretum fundraise for the park. Mr. Bohannon replied that they fundraised in the past but there was an embezzlement instance that caused the Friends to change their outlook and focus. They have returned to good standing now and are dedicated to managing the arboretum. They still sell cobbles via Parks and Recreation and the price will soon increase from \$50 to \$75.

Mr. Bohannon recalled that he frequently handles wedding requests administratively and reports them to the Board. Weddings of 15-20 people without tents and chairs are allowed in the park. However, the park is a public space and is not rentable; thus, their ceremony could be interrupted by other park activity.

Chair Manwaring asked the rules for dogs in the park and Mr. Bohannon noted this is the only park with written rules for dogs. Dogs are allowed within the arboretum but must remain on the trail and on a leash; dogs can be off-leash outside the arboretum. These rules were established between 2005-2007 and there are signs at the park entrance.

Councilor Hooper said he is honored to serve as a member of the Board and noted that Mr. Bohannon and Mr. Winsor have spearheaded wonderful work in the park. He noted the importance of volunteers in maintaining this treasured park. He asked how businesses can support the park. Mr. Bohannon said he seeks corporate assistance and he shares inquiries from businesses with Mr. Foskett; he sends volunteers to Ashuelot River Park because the Friends are always there and willing to supervise large work days or individuals who want to help. Additionally, the age range of volunteers is getting younger, which is positive for the future of the park. The Keene State College Links summer program for transitioning freshmen has been a successful volunteer example for the past five years.

Chair Manwaring recognized Councilor Mitch Greenwald who said, “the Ashuelot Dam, over my damn body will that disappear,” but he added that Mr. Bohannon is right to prepare for all alternatives. As a Justice of the Peace, he has conducted many ceremonies in the park with a 100% success rate so far. He asked if there is a cigarette receptacle in the gazebo and Mr. Bohannon said there is one at the entrance; Councilor Greenwald said it has to be easy for people or they will not use it. He continued saying bathrooms are something the Council has heard a lot about; he can recommend a one-month porta potty service that is an easy and inexpensive short-term solution. Mr. Bohannon said he would take the recommendation under advisement.

The City Attorney asked if the park was established with multiple grants. Mr. Bohannon said the Friends originally had non-profit status, which they used to establish the park and gift the City through two trust funds: one for work above and beyond normal park maintenance (e.g., laying mulch) and another that was nearly

completely utilized for the irrigation project. Thus, there is one fund moving forward that still allows for expansion. This park does not significantly impact the Parks and Recreation operating budget. The Friends used the Land and Water Conservation fund to establish the park in perpetuity. Mr. Winsor was a part of establishing the park and it is great to have that history at meetings to reflect the original vision of the park.

Councilor Lamoureux made the following motions which was seconded by Councilor Filiault:

On a vote of 4-0, the Municipal Services, Facilities & Infrastructure Committee accepted the periodic report on the Ashuelot River Park Advisory Board as informational.



City of Keene, N.H.
Transmittal Form

April 24, 2019

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: D.2.
SUBJECT: Keene SwampBats - Request to Discharge Fireworks

COUNCIL ACTION:

In City Council May 2, 2019.
Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the Keene SwampBats be granted permission for the discharge of display fireworks on the following dates: Wednesday, July 3rd, 2019 and Saturday, July 20th, 2019 on Alumni Field at no later than 10:00 PM subject to the customary licensing requirements of the City Council; submittal of a signed letter of permission from SAU 29 for use of their property; and obtainment of a Class B fireworks permit for each display date. In addition, the petitioner agrees to comply with all recommendations of City staff. This permission is conditional upon the Petitioner absorbing the charges for any City services provided for the July 20th display. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 20 Community Events Budget for the July 3rd display. Said payments shall be made within 30-days of the date of invoicing.

BACKGROUND:

Kurt Blomquist, Public Works Director/Emergency Management Director reported this is the annual request from the Keene SwampBats for two Class B fireworks displays on Alumni Field, one to be held on July 3rd as part of their Independence Eve Celebration and the other to be held on July 20th. He noted no substantial changes to their July 20th request and compliance with all state and federal requirements along with obtaining a state permit. Mr. Blomquist confirmed staff recommends moving forward with this request. Chair Richards verified through Mr. Blomquist that all requirements had been met.

Councilor Jones asked about rainout dates. Mr. Blomquist noted there are none as trying to reschedule is too cumbersome.

There being no further questions from the Committee or public, Chair Richards asked for a motion.

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the Keene SwampBats be granted permission for the discharge of display fireworks on the following dates: Wednesday, July 3rd, 2019 and Saturday, July 20th, 2019 on Alumni Field at no later than 10:00 PM subject to the customary licensing requirements of the City Council; submittal of a signed letter of permission from SAU 29 for use of their property; and obtainment of a Class B fireworks permit for each display date. In addition, the petitioner agrees

to comply with all recommendations of City staff. This permission is conditional upon the Petitioner absorbing the charges for any City services provided for the July 20th display. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 20 Community Events Budget for the July 3rd display. Said payments shall be made within 30-days of the date of invoicing.



City of Keene, N.H.
Transmittal Form

April 24, 2019

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: D.3.

SUBJECT: Pathways for Keene - Request to Use City Property - 4 on the 4th Road Race

COUNCIL ACTION:

In City Council May 2, 2019.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the City Council grant permission to Pathways for Keene to sponsor a running race on July 4, 2019, subject to the customary licensing requirements of the City Council. In addition, the Police Department shall identify Railroad Street immediately adjacent to Railroad Square as a No Parking zone from the hours of 6:00 AM to 11:00 AM. This license is conditional upon the petitioners providing an adequate number of volunteer race marshals to ensure runner safety along the course, and subject to any recommendations of City staff. Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 20 Community Events Budget. Said payment shall be made within 30-days of the date of invoicing.

BACKGROUND:

Jan Manwaring, Ward 1 Councilor who serves on the Pathways for Keene Board of Directors said this will be the 18th annual road race. She continued there are no changes from last year; we will be doing the same route and have had a protocol meeting with City staff.

Mr. Blomquist reported staff is ready to recommend granting the license.

Chair Richards asked for questions or comments from the public; there being no further questions, Chair Richards asked for a motion.

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

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the City Council grant permission to Pathways for Keene to sponsor a running race on July 4, 2019, subject to the customary licensing requirements of the City Council. In addition, the Police Department shall identify Railroad Street immediately adjacent to Railroad Square as a No Parking zone from the hours of 6:00 AM to 11:00 AM. This license is conditional upon the petitioners providing an adequate number of volunteer race marshals to ensure runner safety along the course, and subject to any recommendations of City staff. Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 20 Community Events Budget. Said payment shall be made within 30-days of the date of invoicing.



City of Keene, N.H.
Transmittal Form

April 24, 2019

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: D.4.
SUBJECT: Greater Goose Pond Forest Stewardship Plan

COUNCIL ACTION:

In City Council May 2, 2019.
Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends that the City Council adopt the Greater Goose Pond Forest Stewardship Plan prepared by Moosewood Ecological LLC for the City of Keene.

BACKGROUND:

Andy Bohannon, Parks & Recreation Director referred to the meeting packet and noted the Executive Summary from the Greater Goose Pond Forest Stewardship Plan was attached. He plan was drafted by Moosewood Ecological LLC, in collaboration with an ad-hoc committee, the City's Conservation Commission, and City staff. This Plan is the result of a multi-year effort initiated by the Conservation Commission in 2017 to establish a long-term stewardship plan for the forest. This plan would be used to guide management activities in the forest area, and to establish recommendations for protecting the forest's ecological health and diversity while still allowing for recreation and public use. The Conservation Easement placed on the property's 1,044 acres in 2009 requires that all land uses and management activities be conducted in accordance with a written wildlife habitat and land management plan. This Plan will serve as this management plan for the forest area. The full version of the Plan and its supporting appendices is available for review and download at the project webpage on the City's website. Mr. Bohannon introduced Jeff Littleton and Swift Corvin who are here to answer any questions the Committee might have.

Chair Richards asked for Committee questions or comments.

Councilor Jones thanked Mr. Littleton and Mr. Corvin for their work.

Councilor Hansel asked about moving forward; the timeline and next steps. Mr. Bohannon replied preparation has begun. In this year's Capital Improvement Program (CIP) funding had been set aside to start to implement some of the trail recommendations. As far as some of the larger recommendations, like the Forestry Management, we wanted to make sure this process occurred and then we would introduce it in the next CIP cycle. Mr. Bohannon added the program put together by Mr. Littleton and Mr. Corvin details what the plan would look like over the next 10 years. He also reported the Conservation Commission has put their blessing on this program. Councilor Hansel then suggested bringing the New England Mountain Bike Association to the table. Mr. Bohannon replied he is in close contact with the Association and the City has a MOU with them for

the maintenance of Drummer Hill. Noting they are great stewards Mr. Bohannon said he wanted to continue with that relationship.

Councilor Jones referred to the prepared motion and the word “adopt” and then asked if this would be codified. The City Attorney said the Committee is adopting a plan. Continuing the City Attorney noted there are pieces of this plan the Council will probably be adopting as you move forward.

Chair Richards asked for public comments or questions.

Tom Haynes, of 531 Marlboro Street who serves on the Conservation Commission reiterated the Commission is in support of this program and hopes it does move forward.

Rhett Lamb, ACM/Community Development Director reported the Conservation Commission did vote at their last meeting for the Chairman to write a Letter of Recommendation to the City Council which will come through next week.

Thomas Lacey, of Daniels Hill Road said this is a great plan. He continued noting it is a stewardship plan from a Conservation Easement signed 10 years ago. Mr. Lacey said he thinks the City has been delinquent in their land management; it is 30 years since anything has been done. There is no reason Goose Pond cannot be totally self-sufficient, self-sustaining while adhering to the hopes of the Conservation Easement; it does not have to cost the City anything. Indicating Keene is land rich, Mr. Lacey said he hopes some initiative will be taken on other land.

Councilor Hansel reiterated Mr. Lacey’s comments and noted he also serves on the Conservation Commission. He explained this plan, activity, and action is just the first part. It is like a test case we can hopefully replicate throughout the City with other lands that we have neglected. Councilor Hansel noted the importance of taking an active role in managing our assets.

There being no further questions or comments from the Committee or public, Chair Richards asked for a motion.

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

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends that the City Council adopt the Greater Goose Pond Forest Stewardship Plan prepared by Moosewood Ecological LLC for the City of Keene.

Mr. Lamb thanked Mr. Littleton and Mr. Corvin for an excellent project. He noted they worked close to a year and a half on this for the City.

Andy Bohannon, Parks & Recreation Director referred to the meeting packet and noted the Executive Summary from the Greater Goose Pond Forest Stewardship Plan was attached. He plan was drafted by Moosewood Ecological LLC, in collaboration with an ad-hoc committee, the City’s Conservation Commission, and City staff. This Plan is the result of a multi-year effort initiated by the Conservation Commission in 2017 to establish a long-term stewardship plan for the forest. This plan would be used to guide management activities in the forest area, and to establish recommendations for protecting the forest’s ecological health and diversity while still allowing for recreation and public use. The Conservation Easement placed on the property’s 1,044 acres in 2009 requires that all land uses and management activities be conducted in accordance with a written wildlife habitat and land management plan. This Plan will serve as this management plan for the forest area. The full version of the Plan and its supporting appendices is available for review and download at the project webpage on the City’s website. Mr. Bohannon introduced Jeff Littleton and Swift Corvin who are here to answer any questions the Committee might have.

Chair Richards asked for Committee questions or comments.

Councilor Jones thanked Mr. Littleton and Mr. Corvin for their work.

Councilor Hansel asked about moving forward; the timeline and next steps. Mr. Bohannon replied preparation has begun. In this year's Capital Improvement Program (CIP) funding had been set aside to start to implement some of the trail recommendations. As far as some of the larger recommendations, like the Forestry Management, we wanted to make sure this process occurred and then we would introduce it in the next CIP cycle. Mr. Bohannon added the program put together by Mr. Littleton and Mr. Corvin details what the plan would look like over the next 10 years. He also reported the Conservation Commission has put their blessing on this program. Councilor Hansel then suggested bringing the Mountain Bike Club to the table. Mr. Bohannon replied he is in close contact with the Mountain Bike Association and the City has a MOU with them for the maintenance of Drummer Hill. Noting they are great stewards Mr. Bohannon said he wanted to continue with that relationship.

Councilor Jones referred to the prepared motion and the word "adopt" and then asked if this would be codified. The City Attorney said the Committee is adopting a plan. Continuing the City Attorney noted there are pieces of this plan the Council will probably be adopting as you move forward.

Chair Richards asked for public comments or questions.

Tom Haynes, of 531 Marlboro Street who serves on the Conservation Commission reiterated the Commission is in support of this program and hopes it does move forward.

Rhett Lamb, ACM/Community Development Director reported the Conservation Commission did vote at their last meeting for the Chairman to write a Letter of Recommendation to the City Council which will come through next week.

Thomas Lacey, of Daniels Hill Road said this is a great plan. He continued noting it is a stewardship plan from a Conservation Easement signed 10 years ago. Mr. Lacey said he thinks the City has been delinquent in their land management; it is 30 years since anything has been done. There is no reason Goose Pond cannot be totally self-sufficient, self-sustaining while adhering to the hopes of the Conservation Easement; it does not have to cost the City anything. Indicating Keene is land rich, Mr. Lacey said he hopes some initiative will be taken on other land.

Councilor Hansel reiterated Mr. Lacey's comments and noted he also serves on the Conservation Commission. He explained this plan, activity, and action is just the first part. It is like a test case we can hopefully replicate throughout the City with other lands that we have neglected. Councilor Hansel noted the importance of taking an active role in managing our assets.

There being no further questions or comments from the Committee or public, Chair Richards asked for a motion.

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

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends that the City Council adopt the Greater Goose Pond Forest Stewardship Plan prepared by Moosewood Ecological LLC for the City of Keene.

Mr. Lamb thanked Mr. Littleton and Mr. Corvin for an excellent project. He noted they worked close to a year and a half on this for the City.



City of Keene, N.H.
Transmittal Form

April 25, 2019

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.5.

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

COUNCIL ACTION:

In City Council May 2, 2019.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept the donation of \$161.00 and that the monies be used for the upkeep of the Sumner Knight Chapel.

BACKGROUND:

Parks Recreation and Facilities Director, Andrew Bohannon was the first to address the Committee. Mr. Bohannon stated this is an annual donation collected during the Easter Sunrise Service at the Sumner Knight Chapel.

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 the donation of \$161.00 and that the monies be used for the upkeep of the Sumner Knight Chapel.



City of Keene, N.H.
Transmittal Form

April 25, 2019

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.6.

SUBJECT: HG Johnson Real Estate - Fee Agreement - 560 Main Street - Froling Energy

COUNCIL ACTION:

In City Council May 2, 2019.
Report filed as informational.

RECOMMENDATION:

On 4-1 vote, the Finance, Organization and Personnel Committee recommends accepting this item as informational. Councilor Chadbourne voted in opposition.

BACKGROUND:

Chair Greenwald stated he is a real estate agent who has had a relationship with Mr. Johnson and even though this has nothing to do with realtor ethics he feels uncomfortable being part of this vote and asked to be recused from this vote. Vice-Chair Jacobs stated a committee member can be recused because of a conflict not because they are uncomfortable with an item which at times he has experienced and did not feel this was grounds for recusal. The Chairman stated he was trying to do the right thing here.

Councilor Clark stated being a realtor himself he understands the Chairman's issue but unlike other organizations realtors are held to a different set of standards and they have their own regulatory agency in New Hampshire but does understand what the Chairman is stating and does agree to the Chairman being recused.

A motion was made by Councilor Clark to recuse the Chairman from this item. The motion was seconded by Councilor Powers. The vote was 2-2 with Councilors Chadbourne and Jacobs voting in opposition. The City Attorney advised the vote does not carry. The Chairman remained on the Committee.

Mr. Johnson principal for HG Johnson Real Estate addressed the Committee and noted his agency has offices in Keene and Swanzey. He noted his agency provides all types of insurance to include commercial and industrial sites and are licensed in various states. He referred to some of the recent services in the area. He noted they assist companies to find the right location for their business. Mr. Johnson noted his agency also belongs to a number of local economic groups.

Mr. Johnson stated today he is before the committee to talk about the services provided to the City of Keene to relocate Froling Energy from Peterborough, NH to 560 Main Street, a property owned by the city and to have the fee agreement approved by this committee.

Mr. Johnson explained 560 Main Street which property consists of 30 plus acres was acquired by the city in 2009 and again in 2014 and both times his company was asked to submit a proposal, which was done in 2009 but not in 2014. He noted finding suitable land for industrial development is difficult and it has always been his

goal to find a buyer for this property to keep with the comprehensive master plan objectives and goals.

Mr. Johnson went on to say he was first contacted by Mark Froling in September 2018 about a piece of property listed in Swanzy and during that conversation he called Mr. Froling's attention to the airport property and during this conversation he also called Mr. Froling's attention to the 560 Main Street property. At the same time, he also reached out to the City and spoke to the City Manager. Mr. Johnson then called the committee's attention to the email conversations he had with City Manager Elizabeth Dragon.

October 3, 2018 – He heard back from Ms. Dragon who had indicated the city was working on the airport property and had noted staff will be interested in meeting with any developer especially if the city could continue to use a portion of the property. Mr. Johnson noted at the very beginning he had indicated to the city he would be looking for compensation. He added in this email the Manager had indicated if a buyer was to be brought to the city a commission could be negotiated through a Purchase and Sales Agreement – he noted the Manager had negotiated that rate to 3%.

Mr. Johnson stated he had responded by sending in an agency fee agreement and that he would discuss the issue with his client and get back to the Manager. He had also written back and noted he had a client interested in the airport land or the 560 Main Street property and arranged for a meeting at his office on Elm Street – at that point he had also asked about the commission agreement.

The Manager responded by saying she needed the City Attorney to review the fee agreement.

Mr. Johnson stated the City Attorney in turn drafted a Facilitation Agreement using the information he had provide in his agreement. Mr. Johnson stated he transposed this information on to his letter head and dropped it off at the Manager's office requesting a signed copy be returned – which he noted was not returned. In the meantime, there were conversations between the Manager and Mr. Johnson regarding terms in the agreement, specific location for the property and she added Council might have to approve this Agreement.

October 11, 2018 – He reiterated the meeting at his office to the Manager and noted he was hoping for city representation at this meeting and introduced Mark Froling in the email. He added he had received confirmation of the buyer's attendance at this meeting.

Attendance at the meeting included the City Manager, Med Kopczynski, Rhett Lamb, Jack Wozmak, Mark Froling and Mr. Johnson. At the close of the meeting was when the Manager gave Mr. Johnson the fee agreement the city had prepared.

After the meeting Mr. Johnson emailed the Manager indicating Mr. Froling's interest in the property which the Manager responded to in a positive manner.

At the meeting it was also agreed Mr. Froling would work with Mr. Lamb on certain issues which Mr. Johnson stated it made sense to him because of Mr. Lamb's knowledge of the property. Mr. Johnson went on to say Mr. Froling was still interested in the airport property as he felt the City was not quite sure how they felt about the 560 Main Street property. Mr. Johnson stated he always made sure the dialogue between the parties were continuing.

November 20, 2018 – Mr. Johnson heard from Mr. Froling indicating he had met with the city today to formalize the intent asking Mr. Johnson to write up the agreement for the entire 38 acre lot. After which time Mr. Johnson stated he prepared a purchase and sales agreement on a standard commercial real estate form but then felt a letter of intent would be better. He forwarded a draft of the letter of intent to Mr. Froling.

The Chairman asked Mr. Johnson whether he had a purchase and sales agreement or a listing agreement which is signed between the city and Mr. Johnson. Mr. Johnson stated he has a letter of intent signed on November

29, 2018 by Froling Energy which was delivered to the Manager the next day and the Manager took this under advisement. Mr. Johnson stated the reason he is going over this information is to show the amount of time he spent on this item.

He went on to say the next thing he heard was that the city had arranged a meeting with DES and the Manager included Mr. Johnson at this meeting and asked if he could be at the meeting a little early to go over a few things.

Councilor Clark asked Mr. Johnson if he was a buyer agent for Mr. Froling. Mr. Johnson stated he doesn't have any buyer agent relationship with Froling Energy. He went on to say he was before the Committee to have the city sign a Fee Agreement. Councilor Clark went on to say the real estate business in the State of New Hampshire Real Estate Commission requires a Brokerage Disclosure Form at the first meeting and asked whether this was completed and who it was completed with. Mr. Johnson stated this document is not required for a commercial transaction and noted what is required is a Facilitator Agreement. The Councilor asked whether Mr. Johnson has a Facilitator Agreement. Mr. Johnson stated he has the one prepared by the city – but it was noted there is no signed copy of this agreement. The Councilor pointed out there have been seller agreements the city has signed in the past with Mr. Johnson but that does not seem to be the case with this transaction. Mr. Johnson recalled an Agreement with the city for 471 Old Homestead Highway.

Chair Greenwald stated there are procedures that need to be followed for this type of transaction and asked the City Attorney to review this with the Committee. Attorney Mullins stated that he is not well versed in real estate transfer practice but his understanding is that there needs to be a written agreement in place between parties. He noted his involvement was to review the agreement the City Manager had forwarded to him which he had concerns about. At that point he did advise that Council approval would be required for this Agreement to be signed.

He went on to say the other issue he had with the agreement is that it was pretty generally written and did not refer to a particular piece of property and if it was signed it would be a facilitator agreement for any piece of property in the city. He hence made significant changes to it.

The City Manager added she had indicated right at the beginning this is something which would need to be reviewed and approved by the City Council. She went on to say her first contact was in October and this is when the Fee Agreement was sent to her.

October 10, 2018 – Manager responded she would need Council approval and this is something she reiterated as a facilitator agreement is not something the city is familiar with. She agreed Mr. Johnson had spent a lot of time working with Mr. Froling but when Mr. Froling retained the services of Sheehan and Phinney to complete the transaction the first Letter of Intent (LOI) which was never executed had expired. Because of the complicated issue with Brownsfield contamination on this property and the need for protection and liability Mr. Froling continued with Sheehan and Phinney. She stressed before the city even stepped into the meeting on October 12 she had indicated to Mr. Johnson she will not be able to obligate the city without Council approval.

Councilor Powers clarified when the potential sale was introduced to City Council, Sheehan and Phinney were representing Mr. Froling. The Manager agreed.

Councilor Jacobs clarified there was never an LOI or a Fee Agreement executed between the City and Mr. Froling and the law firm drafted a document. Mr. Johnson in response stated from day one until two weeks ago he was led to believe he would be paid a commission and the Council was waiting to approve sale of this piece of land. Mr. Johnson questioned why he would be working on a project he wasn't going to be paid for and felt the city should have advised him in the very beginning he was not going to be compensated for his work. As far as Sheehan and Phinney coming into this project, Mr. Johnson stated in commercial real estate when there are issues that come up such as the environmental issues with a property, a broker can only do so much and this is

what happened and this would have been his recommendation. He stated his role was being a facilitator to make sure everything was moving forward with this project. He expressed his disappointment of not being compensated for his work.

Chair Greenwald stated another way this could have been addressed is for the buyer to have compensated Mr. Johnson and noted this is the reason for the Agency Disclosure Form which outlines the different type of compensations. Mr. Johnson stated he should have been advised to approach the buyer and noted this is something he was told half way through the project and questioned why the buyer should be responsible for paying him. He stated the LOI calls for the city to compensate Mr. Johnson. Chair Greenwald stressed this was not signed, to which Mr. Johnson reiterated he should have been told by the city he was not going to be compensated for his work.

Councilor Clark stated when a broker signs a buyer agreement he or she agrees to do their best for that buyer in the same manner the Council is appointed by the citizens to represent their best interest; he noted this is not Council's money it belongs to the citizens of Keene. He added proper procedures were not followed and wasn't sure how the Committee could vote to approve a fee agreement. Mr. Johnson referred to a conversation he had with the Airport Director who requested Mr. Johnson bring him a buyer, but could not give a price for the property in question.

The City Manager stated Mr. Johnson does have a valid point and the city should set a procedure for sale of city property going forward. Ms. Dragon agreed Mr. Johnson did bring Mark Froling to the table but stressed she had been up front with Mr. Johnson in that she could not enter into any agreement with him until Council approves such an agreement and when the sale got complicated another firm got involved. The Chairman stated in the meantime if there is to be any discussion about any other sale of city property there needs to be a listing agreement, agency agreement, etc., such as would be done with any other real estate practice. The City Attorney stated the issue here is that only the Council can approve any sale of property; staff needs approval to even to discuss a sale of property, this can only occur after council approval has been obtained.

Councilor Powers pointed out the city has sold many properties in the past and felt people who come to the table need to be prepared and the city did its best to move the sale along and if assumptions were made, he felt it wasn't on the part of the city. He also stated when Mr. Froling came before the council expressing interest in purchasing the property Sheehan and Phinney was his representatives.

Mr. Johnson noted there are buyer agreements and seller agreements but there is nothing out there for a facilitator and this is what was drafted by the City Attorney. He felt he did the right thing but did not feel the city held up its end of the bargain, but noted he also understands there is policy in place that needs to be followed. Councilor Clark apologized because he did not feel the city followed proper procedure and felt things could have been handled better. He agreed Mr. Johnson did work very hard on this transaction – however, what Mr. Johnson does not have in place is a signed agreement with the city.

The Chairman asked for public comment.

Mr. Bradford Hutchinson of 304 Marlboro Street felt Mr. Johnson spent a lot of time trying to market a piece of city property and had expectation for his efforts. Mr. Hutchinson felt Mr. Johnson worked for the best interest of the citizens of Keene. He felt the city should be paying Mr. Johnson from the funds it gets from the sale of the property or that he should be paid directly from the buyer. He felt Mr. Johnson's fee was reasonable and added Sheehan and Phinney came in after Mr. Johnson had made the effort to bring the buyer to the city.

Ms. Dragon stated she wants it known the city did not mishandle this item; Mr. Johnson was never assured a fee what was said all along is that she would bring the 3% Agreement to the Council for its consideration as part of the overall Purchase and Sales Agreement.

Councilor Hansel addressed the Committee next and stated what he understands from what is being presented is that Mr. Johnson's request for a fee falls under a finder's fee as he did bring the deal to the table. The Councilor agreed that even though there is no signed agreement the city is obligated to treat companies they deal with well just like any other business and as the city would want its citizens treating each other. He hoped the committee would figure out a way to compensate Mr. Johnson with a finder's fee which he felt was an appropriate compensation.

Councilor Chadbourne stated from Mr. Johnson's presentation she understands the reason Mr. Johnson was referring to the several discussions he had with the city was to point out the amount of work he had put into this item. She noted the city has also gained a new business adding this property back onto the tax rolls. She went on to say things probably should be done differently in the future. She agreed with Councilor Hansel's suggestion that the 3% fee could probably be considered a finder's fee; she added she is in favor of building good relationships but agreed she is not a realtor and does not understand real estate contracts.

Councilor Jacobs stated his concern is when this document was put on the table in October there was some notion it should be presented to the Council – he questioned why it didn't come before the Council. Ms. Dragon stated in October there was no deal with a buyer and the fee agreement was going to be brought forward as part of the Purchase and Sales Agreement. She added the first LOI was for the entire 38 acres. It was not until sometime in January when DES got involved, did Sheehan and Phinney bring forward a proposal for the ten acres (portion of the 38 acres) which allows the city to maintain the remainder of the property for municipal use. Councilor Jacobs stated it seems like there was a verbal agreement for payment based on the notion of a sale taking place rather than an agreement between the parties.

Councilor Chadbourne stated her concern also is a realtor being in the business and knowing the protocols and she is not encouraging bad practice; but there was a lot of effort and a lot of discussion.

Chair Greenwald agreed there was a lot of work put into this item but there are a lot of violations of real estate practice which makes him uncomfortable the real estate commission looking into this. He added the Council represents the public and felt the other party could have also compensated Mr. Johnson. Mr. Johnson asked the Chairman to provide him with an example of a violation he is referring to. The Chairman stated the lack of an agency agreement is a violation. Mr. Johnson stated as he had indicated earlier, this was a professional fee agreement and hence there is no agency law that applies here to act as a facilitator. He referred to correspondence from the Manager inviting Mr. Johnson and the buyer to a meeting with DES dated December 7, 2018, and asking Mr. Johnson to meet 30-45 minutes before hand to discuss questions that will be posed by DES. Mr. Johnson stressed the city included him in these discussions. He added he takes exception when the Chairman says there was a violation because there was no violation.

Councilor Clark stated the city cannot conduct business with a representative of someone they are not actually representing; Mr. Johnson has repeatedly indicated he had no agreement with the buyer. Mr. Johnson felt it was the staff who led him down a "primrose path". Attorney Mullins in response to that stated the City Manager and the Attorney were very clear this document could not be signed without Council approval but this does not mean the Council could not authorize a payment if they chose to do so.

Councilor Powers stated the city did not hire anyone to sell this property – there is no contract and felt the city is not obligated to pay a bill it did not contract for.

A motion was made by Councilor Powers to accept this item as informational. The motion was seconded by Councilor Clark.

Mr. Hutchinson addressed the Committee again and stated when city employees email Mr. Johnson, include him in meetings, the city is creating an agreement to work with Mr. Johnson even though no signed formal contract is in place. He felt numerous city employees working with Mr. Johnson suggests there was intent to create a contract. He went on to say Mr. Johnson is working for the public in this regard and felt as a result he

should be compensated regardless of whether the monies come from taxes or the sale of this property.

Councilor Jacobs asked if this matter is voted as informational then what happens to the suggestion Mr. Johnson be paid a finder's fee. He agreed it was the responsibility of Mr. Johnson to provide a signed agreement but on the other hand felt there was some loose behavior on the city's part as well. Councilor Chadbourne asked whether an amendment can be made on the motion. The Attorney stated a motion can be made to amend the motion on the floor.

On 4-1 vote, the Finance, Organization and Personnel Committee recommends accepting this item as informational. Councilor Chadbourne voted in opposition.

Attorney Mullins noted City Council still has the opportunity to discuss this item next week.



City of Keene, N.H.
Transmittal Form

April 25, 2019

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: D.7.

SUBJECT: Subdivision and Sale of a Portion of 560 Main Street

COUNCIL ACTION:

In City Council May 2, 2019.

Voted unanimously to carry out the intent of the report.

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to do all things necessary to execute a subdivision and sale of a portion of City owned property located at 560 Main Street to 560 Main Street LLC for the agreed upon price of \$250,000.

BACKGROUND:

Ms. Dragon stated this item is in reference to the sale of ten acres of property to Froling Energy from the City to 560 Main Street LLC for an agreed upon price of \$250,000. Ms. Dragon went on to say this property will be use to accommodate Mr. Froling's rapidly growing business from Peterborough to Keene which is a bio mass contracting business.

The first phase will be to build the facility and the next phase will be to construct an office area and a boiler showroom. Mr. Froling as part of this agreement has agreed to the city's use of the salt shed which is located on this first ten acres for the next three years giving time for the city to relocate this salt shed. Ms. Dragon stated the buyer is anxious to move forward with this sale.

Councilor Powers noted the background notes indicate the Finance, Organization and Personnel Committee authorized the City Manager but it was actually the City Council that authorized the City Manager. Ms. Dragon agreed. The Councilor further stated the Manager stated it was ten acres but the background notes indicate nine acres. Ms. Dragon clarified it is approximately nine acres and noted the map attached (which the committee did not have) according to the GIS map looks like it is about 8.9 acres; this will depend upon the location of the liquid waste disposal site and the boundary line is drawn in such a way to not include this site and it is indicated as approximately 8.9 acres until the survey is completed. Councilor Clark hoped this item goes forward as the city can then become the Silicon Valley for renewable energy industry. Councilor Jacobs agreed this is an exciting opportunity for the City

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to do all things necessary to execute a subdivision and sale of a portion of City owned property located at 560 Main Street to 560 Main Street LLC for the agreed upon price of \$250,000.



City of Keene, N.H.
Transmittal Form

April 25, 2019

TO: Mayor and Keene City Council

FROM: Conservation Commission

ITEM: G.1.

SUBJECT: Conservation Commission Letter Regarding Greater Goose Pond Forest Stewardship Plan

COUNCIL ACTION:

In City Council May 2, 2019.
Report filed as informational.

RECOMMENDATION:

Accept as informational

ATTACHMENTS:

Description

Conservation Commission Letter Re: GGPF Stewardship Plan

BACKGROUND:

Alexander "Sparky" Von Plinsky has submitted a letter on behalf of the Conservation Commission encouraging the Council to adopt the Greater Goose Pond Forest Stewardship Plan, which was prepared by Moosewood Ecological LLC, with considerations. This letter is attached.

April 24, 2019

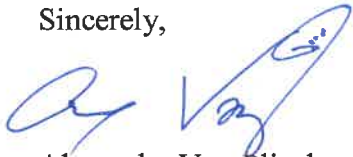
City Council and Mayor Lane,

The Greater Goose Pond Forest Stewardship Plan recently prepared by Moosewood Ecological LLC represents a multi-year effort to establish a long-term plan for managing the 1,044-acre forest area. The Conservation Commission has been a strong proponent of this plan and encourages the Council to formally adopt this document and the recommendations contained therein, with consideration for the following items.

Throughout the development of this Plan, the Conservation Commission has been in favor of actively managing this property in a way that benefits the entire community. While the report goes a long way to meet the specific interests identified in the plan, more public dialogue will be needed as implementation of the plan moves forward.

The Commission encourages the City to establish a formal committee focused on stewardship of the Greater Goose Pond Forest Area. This committee could serve as an important vehicle for guiding the implementation of the plan. If such committee is established, the Commission would like it to include representation from the Conservation Commission.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alexander Von Plinsky', written over a faint circular stamp.

Alexander Von Plinsky, Chair
Conservation Commission



City of Keene, N.H.
Transmittal Form

April 24, 2019

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: H.1.

SUBJECT: Roger Weinreich - Request to Use City Property - Block Party - Main Street

COUNCIL ACTION:

In City Council May 2, 2019.
More time granted.

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends this item be placed on more time.

BACKGROUND:

Roger Weinreich, of 110 Main Street said they are proposing to do a block party much like the one last year; on June 1st. This will overlap with the Art Walk and they are very excited about it. We are proposing to extend the hours from 5:00 PM to 8:00 PM and closing a section of their block from Bagel Works to Cypress Street. Mr. Weinreich continued they will look to model the event more towards adults as the day progresses with the first four hours very much for children. He also noted one protocol meeting will be held with City staff. Mr. Weinreich noted people's interest in the event. He also shared they will again be marrying couples in front of the store with the appropriate marriage licenses.

Mr. Blomquist reported they will be having another protocol meeting and due to some proposed changes to the event, staff recommends this item be placed on more time.

Councilor Rice asked if the only change was in the hours not the footprint of the event. Mr. Blomquist replied he has some concerns with having vehicles within the footprint.

There being no further questions or comments from the Committee or public, Chair Richards asked for a motion.

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

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends this item be placed on more time.



City of Keene, N.H.
Transmittal Form

April 25, 2019

TO: Mayor and Keene City Council

FROM: Finance, Organization and Personnel Committee

ITEM: H.2.

SUBJECT: Ed and Kathleen (Kennedy) Burke - Beauregard Trust Property and 0 Chapman Road

COUNCIL ACTION:

In City Council May 2, 2019.

More time granted.

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends this item be placed on more time.

BACKGROUND:

Attorney Mullins indicated the Burkes have requested this item be place it on more time.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends this item be placed on more time.



City of Keene, N.H.
Transmittal Form

April 24, 2019

TO: Mayor and Keene City Council
FROM: Planning, Licenses and Development Committee
ITEM: J.1.
SUBJECT: Relating to Licenses and Permits

COUNCIL ACTION:

In City Council May 2, 2019.

Report filed into the record as informational. Voted unanimously for the adoption of Ordinance O-2019-04.

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2019-04.

ATTACHMENTS:

Description

Ordinance O-2019-04

BACKGROUND:

Terri Hood, Assistant City Clerk introduced the Ordinance noting it proposes to make changes to Section 46 relating to fees and activities. Ms. Hood explained this was actually prompted by Councilor Manwaring last year when she asked staff to review the resources involved in protocol meetings. Over the course of a year the Police, Fire, Public Works and the City Clerk's office met to review license fees. They researched state laws, city ordinances, Council policies, and Administrative Directives for any direction as to establishing fees. The research revealed that we can only charge administrative cost from the City Clerk's Office in issuing these licenses per State Statute. This discussion did prompt the staff to look at various license fees. Ms. Hood discussed Appendix B Fee Schedule and noted the following.

- § 46-642. Outdoor periodic event license fee, per day went from \$150.00 to \$30.00
- § 46-695. Parade, bike race or footrace license fee went from \$25.00 to \$50.00
- § 46-1010. Street Fairs or Community Events license fee 50.00 per day
- § 46-1111. Walkathon permit fee from \$25.00 to \$30.00
- § 46-2025. - General Use of City Property license fee, currently no fee recommending \$30.00 (email review)

Ms. Hood reported they are also trying to eliminate some of the confusing language in the Outdoor, periodic event section. Ms. Hood also discussed the housekeeping changes recommended in the ordinance.

Language regarding the recovery of any costs for city services was moved from the section specific to a walkathon license to a general section that applies to many licenses. She continued if there are City services provided, and the event is not a community funded event, the applicant will get charged

back for some of those services. The second housekeeping change has to do with language that the City Clerk shall impose licensing stipulations that may be deemed necessary to insure public safety. She noted that this provision is already in the General Section where a review process is required and that stipulations will be applied to a license. We also clarified the language a bit to clarify who is actually reviewing the license.

Ms. Hood concluded by noting the adjustments made should more accurately reflect the administrative costs for the license issuance and the other housekeeping issues will hopefully provide more clarity.

Chair Richards asked for Committee questions or comments.

Councilor Jones thanked Ms. Hood for the explanation. As a scenario he asked which one Mr. Weinreich's event would come under. Ms. Hood explained he would come under the general use of City property as his is a little more complicated; others are less complex. She continued it is not an outdoor periodic event because he is actually on City property.

Councilor Hansel asked about the smallest type events such as a wedding in someone's backyard with regards to an outdoor periodic event license. Ms. Hood explained a private venue would not need to have this type of license; it is only for events open to the public to help provide a mechanism for the City to help keep things safe. Councilor Hansel asked if Keene State College had to get any of these licenses. The City Clerk replied in the negative.

Councilor Rice clarified an outdoor periodic event is something on public property and open to the public. She also asked what the difference was between a street fair/community event license and a general use of City property license. Ms. Hood replied it is actually the scale of the event. There is also a state statute that speaks directly to a street fair/community event license. She continued when issuing either of these licenses you are handing the streets over for that timeframe; they have control over that area for the timeframe. The distinction is with the scope, the size, and what they are allowed to do.

Chair Richards commented this makes a lot of sense and there is some good work here.

There being no further questions or comments from the Committee or public, Chair Richards asked for a motion.

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

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2019-04.



CITY OF KEENE

O-2019-04

In the Year of Our Lord Two Thousand and Nineteen

AN ORDINANCE Relating to Licenses and Permits

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

That the Ordinances of the City of Keene, as amended, be and are hereby further amended by adding the bolded underlined text, deleting the stricken text and renumbering as needed in the following sections: In Article I. "In General" - Section 46-1; in Article II. "Licensing Generally" – Sections 46-92 and 46-123; in Article XI. "Outdoor Events" – Section 46-642; in Article XII. "Parades, Bicycle and Foot Races" – Section 46-691; in Article XVIII. "Street Fairs and Community Events" – Section 46-1010; in Article XX. "Walkathons" – Sections 46-1106, 46-1108 and 46-1111; Article XXIII. "General Use of City Property" – Section 46-2023 and 46-2025; and by deleting the stricken text and inserting the bolded text in Appendix B – Fee Schedule § 46-642, § 46-695, § 46-1010, § 46-1111 and § 46-2025 as follows:

ARTICLE I. - IN GENERAL

Sec. 46-1. - Definitions.

Bicycle race means a race with contestants using bicycles propelled manually by foot pedals that may impact vehicular traffic and may be timed and competitive.

Footrace means a race run by contestants on foot that may impact vehicular traffic and may be timed and competitive.

Parade means a public procession, especially one celebrating a special day or event, which may impact vehicular traffic and/or include marching bands or floats.

Walkathon means a community or school event or fundraiser in which participants raise awareness to a cause, or collect monetary donations or pledges for walking a predetermined distance or course. Participants remain on sidewalks or off the traveled portion of any public right of way, and have no impact on vehicular traffic.

ARTICLE II. – LICENSING GENERALLY

Sec. 46-92. - Review process.

Unless an extended time period is otherwise required by the city, all completed license applications received shall be acted upon within thirty days of receipt. The application shall **may** be reviewed by any **appropriate** city officials or departments ~~that may be appropriate, including but not limited to the fire department, police department, public works department, community development, parking services and Emergency Management Director,~~ in determining whether or not the license should be granted under this chapter, ~~and in determining any conditions or restrictions which may be appropriate to the operation of the activity proposed to be licensed.~~ **Based upon this review, the designated licensing official may require additional licensing stipulations which are deemed necessary to ensure public health, safety and welfare in connection with the licensed activity.** The city staff shall confer with the applicant if there are questions or concerns regarding the proposed activity or if discussion or additional information is needed in order to properly review the application. Licenses shall be granted only if the proposed activity can be carried out in accordance with the applicable laws, ~~safely,~~ **in compliance with stipulations,** and without posing hazard or inconvenience to the public. At the discretion of the city clerk any application received may be referred to the city council **for decision.**

Sec. 46-123. Liability for City Charges.

Unless a waiver of all or a portion of the cost of city services has been extended by the City Council, those persons licensed to engage in activity under this chapter shall be liable for such charges as are required by the city for services provided in support of their license, including but not limited to: security, emergency services, set-up, clean-up, use of city equipment, facilities, parking spaces or electricity.

ARTICLE XI. – OUTDOOR EVENTS

Sec. 46-642. - Fee.

The fee for a license granted under this division shall be as set forth in the schedule of fees in appendix B to this Code. ~~for the duration as specified on the license for activities of a commercial nature. However, no fee shall be required for activities conducted by charitable organizations, by governmental agencies, by neighborhood groups, or by religious organizations, unless such activity is generally considered to be a commercial enterprise.~~

ARTICLE XII. - PARADES, BICYCLE **RACES** **OR** **AND** FOOTRACES

Sec. 46-691. - Required.

No parade, bike race or footrace shall be held on any city right-of-way unless a special license therefor shall first be obtained from the city clerk. **If the license is approved, a revocable license and indemnification agreement shall be required. Parades that**

remain on sidewalks, have no impact on vehicular traffic and do not include marching bands or floats shall be considered a walkathon and licensed under the Walkathons section of this Code.

ARTICLE XVIII. – STREET FAIRS OR COMMUNITY EVENTS

Sec. 46-1010. - Fee.

The fee for a license granted under this division shall be as set forth in the schedule of fees in appendix B to this Code.

ARTICLE XX. - WALK-A-THONS

Sec. 46-1106. - Required; application.

No walk-a-thon shall be held on any city street or on any city sidewalk until a permit is issued by the city clerk. ~~The application shall be made three weeks in advance of the event.~~

~~Sec. 46-1108. – Liability for city charges.~~

~~The applicant for a walk-a-thon permit shall be liable for such charges as are imposed by the city for electricity, cleanup, police services, or traffic control.~~

Sec. 46-1111. - Fee.

The fee for a license granted under this division shall be as set forth in the schedule of fees in appendix B to this Code. ~~A fee as set forth in the schedule of fees in appendix B of this Code shall be required to cover the administrative review of the application for a walk-a-thon permit.~~

ARTICLE XXIII. – GENERAL USE OF CITY PROPERTY

Sec. 46-2023. - General license for use of city property.

Unless otherwise specified by state law or city ordinance, permission to use city property for a specified duration, including but not limited to city parking spaces, city sidewalks or rights-of-way shall require specific permission in the form of a revocable license from the city clerk. ~~The city clerk shall impose any other licensing stipulations that may be deemed necessary to ensure public safety.~~ If the license is approved, a revocable license and indemnification agreement shall be required in addition to liability insurance listing the city as an additional insured in an amount specified by the city clerk. At least 15 days prior to the expiration date of the insurance coverage, the licensee agrees to deliver to the city clerk a certificate indicating that a binder certificate

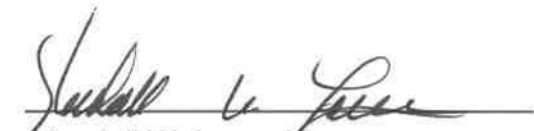
indicating that the insurance coverage will continue during the licensing period and naming the City of Keene as an additional insured.

Sec. 46-2025. - Fee.

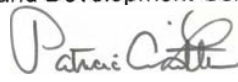
The fee for a license granted under this division shall be as set forth in the schedule of fees in appendix B to this Code.

APPENDIX B – FEE SCHEDULE

- § 46-642. Outdoor periodic event license fee, per day ~~150.00~~ **30.00**
- § 46-695. Parade, bike race or footrace license fee ~~25.00~~ **50.00**
- § 46-1010. Street Fairs or Community Events license fee 50.00 per day**
- § 46-1111. Walkathons permit fee ~~25.00~~ **30.00**
- § 46-2025. – General Use of City Property license fee 30.00**


Kendall W. Lane, Mayor

In City Council April 18, 2019.
Referred to the Planning, Licensing
and Development Committee.


Patricia Cottle
City Clerk

PASSED May 2, 2019

A true copy;
Attest:


Patricia Cottle
City Clerk



City of Keene, N.H.
Transmittal Form

April 24, 2019

TO: Mayor and Keene City Council

FROM: Planning, Licenses and Development Committee

ITEM: J.2.

SUBJECT: Relating to Vendors in Parking Spaces or Parking Lots

COUNCIL ACTION:

In City Council May 2, 2019.

Report filed into the record as informational. Voted unanimously for the adoption of Ordinance O-2019-05.

RECOMMENDATION:

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2019-05.

ATTACHMENTS:

Description

Ordinance O-2019-05

BACKGROUND:

Patty Little, City Clerk reported this is the second of four ordinances that will be coming to the Committee to adjust ordinance of what was formerly known as Hawking and Peddling. The City Clerk continued as part of the staff's continued efforts in responding to a changing business model for mobile food vendors; O-2019-05 is being introduced to provide the opportunity on a first come first serve basis to vend from designated public parking spaces on either a street or in a parking lot or on the public way.

The City Clerk also noted the Ordinance requires that the vendor pay the required parking rate for the parking space, except when a waiver of some or all of the parking fees have been granted by the City Council. The Ordinance exempts the vendor from the parking time restrictions. She added failure to pay the posted parking rate would result in the parking enforcement provisions of Chapter 94 to apply.

Details not included in the ordinance are the efforts of City staff in identifying these spaces for vending. Staff included Mr. Blomquist, Mr. Lamb, John Rogers, the City Clerk's office, and Police Chief Steve Russo. Chief Russo took the lead and conducted a walkabout to identify these areas. The City Clerk explained staff has identified three vending locations:

- a location west of the entrance to the Commercial Street Parking Lot
- a location in the Commercial Street Parking Lot just inside the Gilbo Street entrance and adjacent to the skate park
- a location on the north side of Emerald Street adjacent to Curry Copy Center

The City Clerk continued by noting the things staff considered when looking at these spots such as the ease of access for the vendor, the ability of the vendor to utilize parking spaces to accommodate the vehicle length, and

safety considerations for pedestrians, motorists, and customers of the vending operation. They also chose spaces that had visibility for walking traffic and were not in high demand from a parking perspective. We also tried not to locate a vendor next to a competing business. The City Clerk noted staff would be happy to look at other spaces as the need presents itself. She said there will be a list available in the City Clerk's office and a map that will be posted on the City website.

The City Clerk said the final thing the Ordinance talks about is signage to designate the spaces. Unlike the Farmer's Market you will not see signage for these three locations so as not to confuse the parking customers.

Chair Richards asked for Committee questions or comments.

Councilor Rice commented she likes the flexibility that City staff can decide to add more spaces if we need to, and being adaptive. She asked how fast the process would work on the staff side citing a food truck operation, in the pedestrian way, during the upcoming Walldog's event. The City Clerk replied she thinks it is an email and another walkabout; she expects a 24 to 48-hour turnaround with staff's reaction to a particular spot.

Councilor Hansel referred to subsection D and the exemption of frozen confection vendors noting he is struggling to understand where that would apply. The City Clerk explained frozen confection vendors were not recognized as a vendor being in one of the three spots; they are the only sort of vendor that can go into a residential neighborhood. Councilor Hansel further clarified the frozen confection vendors are out in the residential neighborhoods where there is not paid parking for them to worry about- he does not understand why it says subsection A does not apply to them because none of the areas we are talking about are in residential areas. The City Attorney said he thinks the reason for that was because we did not really want them using these spaces for that purpose. These spaces were really carved out for the mobile food trucks. The frozen vendors have a whole other access that nobody else has.

Chair Richards also referred to section D and asked if those were the streets the frozen vendors were allowed on. The City Clerk clarified section D lists the streets where frozen vendors are not allowed.

The City Clerk also commented there will be two more ordinances coming forward; one which will be the details of the licensing process in Chapter 46. There will also be an amendment coming forward in Chapter 102 of the Zoning Ordinance.

There being no further questions or comments from the Committee or public, Chair Richards asked for a motion.

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

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2019-05.



CITY OF KEENE

O-2019-05

Nineteen

In the Year of Our Lord Two Thousand and

AN ORDINANCERelating to Vendors in Parking Spaces or Parking Lots.....

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

That the Ordinances of the City of Keene, as amended, is hereby further amended by deleting the stricken text and inserting the bolded text in Section 94-91 "Vendors Prohibited" in Division 2 "Specific Street Regulations" of Article III "Parking" in Chapter 94 entitled "Vehicular Traffic and Public Ways" as follows:

Sec. 94-91. - Vendors prohibited.

- (a) No person, **entity, mobile food vendor, or frozen confection vendor** ("Vendor") ~~hawker or peddler~~ shall park any motor vehicle or other means of conveyance and/or transportation ("**Vehicle**") in any public parking space, **parking lot** or park on any public way ~~within the city~~ in order to offer to sell, barter or display any ~~goods, wares~~ **food, agricultural and other products** or artisan merchandise of any kind whatsoever, **or place any obstruction in the parking space or in the right of way,** except ~~in the following designated vendor permitted spaces as follows:~~

~~Commercial Parking Lot, 127 feet from the western end of the middle parking island to conduct, operate, manage and maintain a market for the sale, display and merchandising of locally grown farm products and locally produced farm-related crafts.~~

In parking spaces or parking lots as may be designated from time to time by the city either through the posting of appropriate signage permitting Vendors, or at such locations as otherwise permitted in accordance with the requirements of this section.

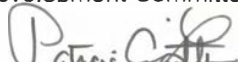
- (b) Vendors shall obtain a license from the City Clerk in accordance with Chapter 46, which license shall be displayed and open for inspection in the Vehicle, together with any other license or permit that may be required by law or City Ordinance, the Vendor shall comply with all public health, safety, and other requirements included in any such license or permit(s); the City Clerk shall maintain an accurate and current listing of parking spaces and parking lots where Vendors are licensed to operate under subsection (a).

- (c) In accordance with section 94-153 (9), maximum time periods for a Vendor to occupy a designated parking space or spaces are suspended during the permitted times of occupancy; provided however, that unless the Vendor has received a waiver of some or all of the parking fees by the city council, the Vendor shall pay the posted parking rate applicable to the Vendor's occupancy of the parking space, or parking spaces, for the time period of occupancy, failing which, the parking enforcement provisions of Chapter 94 shall apply.
- (d) ~~This~~ The prohibition stated in subsection (a) shall not apply to ~~the hawking and peddling of frozen confections~~ frozen confection vendors in residential areas in accordance with the special conditions of section ~~46-481~~ 46-480, excepting for the following streets: Arch Street, Baker Street, Base Hill Road, Beaver Street, Blossom Street, Court Street, Eastern Avenue, East Surry Road, Grove Street, Hastings Avenue, Hurricane Road, Island Street, Key Road, Mechanic Street, North Street, Park Avenue, Roxbury Street, School Street, South Lincoln Street, Summer Street, Swanzey Factory Road, Walpole Road, Water Street, West Street, West Surry Road, Whitcomb's Mill Road, Winter Street, Wyman Road.



Kendall W. Lane, Mayor

In City Council April 18, 2019.
Referred to the Planning, Licenses
and Development Committee.



Patricia Castle
City Clerk

A true copy;
Attest:

PASSED May 2, 2019

City Clerk





City of Keene, N.H.
Transmittal Form

April 25, 2019

TO: Mayor and Keene City Council
FROM: Finance, Organization and Personnel Committee
ITEM: J.3.
SUBJECT: Relating to the Human Rights Committee

COUNCIL ACTION:

In City Council May 2, 2019.

Report filed into the record as informational. Voted with one opposed for the adoption of Ordinance O-2019-08.

RECOMMENDATION:

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2019-08.

ATTACHMENTS:

Description

Ordinance O-2019-08

BACKGROUND:

Mr. Bohannon addressed the Committee and noted this Ordinance exists in the city but with a different title; the proposal is to change the Martin Luther King/Jonathan Daniels Committee to the Human Rights Committee. Mr. Bohannon stated this ordinance updates the name change but this ordinance will continue to embody what Martin Luther King and Jonathan Daniels brought to Keene. Mr. Bohannon went on to say new members have been brought into this committee this year.

Mr. Hutchinson stated he appreciates the name change but by broadening the ordinance to include human rights if there are human rights violations occurring in the city the council will now have the obligation to have oversight over human rights violations. He went on to say human rights violations are committed on a daily basis in this city which he felt the Council is subsidizing and stated he will be following this item very closely.

Attorney Mullins in response stated the city was very careful about not calling this body the Human Rights Commission which is something that is established by the state which has authority to address those statutory rights that are violated. The duties of this city committee which is a legislative body is to “educate, promote, celebrate, encourage, and reassure” and the council is not assuming any duties to correct or enforce any violations that occur and encouraged anyone who feels their rights are being violated to contact the State Human Rights Commission in Concord. Councilor Chadbourne noted one of the individuals on this Board is Dottie Morris who lives in Keene.

Councilor Clark stated it was important to note Martin Luther King and Jonathan Daniels made this happen and felt this name change only embodies the greater diversity Keene is starting to see.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends the adoption of Ordinance O-2019-08.



CITY OF KEENE

Ordinance O-2019-08

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

AN ORDINANCE~~Relating to the Human Rights Committee~~.....

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

That the Ordinances of the City of Keene, as amended, are hereby further amended by deleting Division 14 “Martin Luther King Jr./Jonathan Daniels Committee” in its entirety of Article V “Boards and Commissions” of Chapter 2 entitled “Administration” and inserting in its place a new Division 14, to be titled “Human Rights Committee” as follows

DIVISION 14. – HUMAN RIGHTS COMMITTEE

Sec. 2-991. - Membership.

The human rights committee shall consist of nine regular members who have a demonstrated interest in the purpose of the committee. One member shall be an educator, and one member shall be an ex-officio member representing the Keene Public Library.

Sec. 2-992. - Terms.

All members of the human rights committee shall have three-year terms.

Sec. 2-993. – Purpose.

The human rights committee exists to promote the principles of social justice, non-violence, equity, diversity, inclusion, and multiculturalism through educational programs, community service and public events.

Sec. 2-994. – Powers and duties

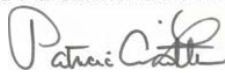
The human rights committee shall have the following powers and duties:

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



Kendall W. Lane, Mayor

In City Council April 18, 2019.
Referred to the Finance, Organization
and Personnel Committee.



Patricia C. Cuthbert
City Clerk

PASSED May 2, 2019

A true copy;

Attest:



City Clerk



City of Keene, N.H.
Transmittal Form

April 26, 2019

TO: Mayor and Keene City Council

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

THROUGH: Elizabeth A. Dragon, City Manager

ITEM: K.1.

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

COUNCIL ACTION:

In City Council May 2, 2019.

Referred to the Planning Board and the Municipal Services, Facilities and Infrastructure Committee. Public hearing set for June 6, 2019 at 7 PM. Site visit scheduled for the same evening at 5:45 PM.

RECOMMENDATION:

Move that that Resolution R-2019-08, Absolute Discontinuance of Ammi Brown Road; Resolution R-2019-09, Relating to Relating to Deeds for the Discontinued Portion of the Ammi Brown Road; Resolution R-2019-10, Relating to the laying Out of a Class A Trail; and Resolution R-2019-11, Relating to Easements for the Laid-Out Class A Trail to be Known as the Ammi Brown Trail; be referred to the Municipal Services, Facilities and Infrastructure Committee, and

Further, that the matter be referred to the Keene Planning Board as required by RSA 674:4, and

Further, that the Mayor set a date and time for a site visit and public hearing on the absolute discontinuance of a portion of the Ammi Brown Road and the lay out of a Class A Trail to be known as the Ammi Brown Trail.

ATTACHMENTS:

Description

Resolution R-2019-08

Petition for Discontinuance

Description for the Discontinuance

Resolution R-2019-09

Discontinuance Deed - City to C&S

Discontinuance Deed - City to Summit Ridge

Resolution R-2019-10

Petition for Layout of Ammi Brown Trail

Return of Layout of Ammi Brown Trail

Resolution R-2019-11

Easement Deed - C&S to City

Easement Deed - Summit Ridge to City

BACKGROUND:

In 2015, the City received a grant from the New Hampshire Department of Transportation (NHDOT) for improvements to the Cheshire Rail Trail running north from the Hurricane Road and along the historic Ammi Brown Road to Summit Ridge Drive. The project scope also includes the creation of on-street bicycle and pedestrian facilities on Summit Road, Park Avenue and West Street. When completed, the project will create a multi-use trail loop using the existing multi-use trail that currently ends at Hurricane Road back to the North Bridge near the Kohl's Plaza.

Currently, the Ammi Brown Road is laid out as a Class VI Highway. Under state law, the public is allowed to use this right-of-way, but the City does not perform maintenance work. In addition, over time, the path regularly used by the public has strayed from the historic laid out location of the Ammi Brown Road. The proposal is to discontinue the existing Class VI Ammi Brown Road and in its place lay-out a Class A Trail for public use. The lay-out of the Class A Trail will encompass the areas outside the original Class VI highway that the public has been using.

Resolution R-2019-08 will discontinue the existing Class VI road as a public way and Resolution R-2019-09 will authorize the City Manager to do all things necessary to issue deeds to the underlying property to release the City's interest in the historic layout.

Then Resolution R-2019-10 will lay out a new Class A Trail for use by the public. Finally, Resolution R-2019-11 allows the City Manager to do all things necessary to accept easements for the laid out Class A trail.



CITY OF KEENE

R-2019-08

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

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

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

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

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

Kendall W. Lane, Mayor

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


City Clerk

CITY OF KEENE

**PETITION FOR THE ABSOLUTE DISCONTINUANCE OF
A PORTION OF THE AMMI BROWN ROAD**

TO: The Honorable Mayor and City Council:

The undersigned represents that for the accommodation of the Public, there is occasion for the absolute discontinuance of a portion of a certain two rod, Class VI road, sometimes known as the Ammi Brown Road, located on the westerly side of Summit Ridge Drive, in Keene, New Hampshire and running northerly and westerly therefrom, to its intersection with the easterly sideline of lands now or formerly of the State of New Hampshire (the prior Cheshire Railroad corridor sideline) and being more particularly described as follows:

Beginning at the intersection of the westerly line of Summit Ridge Drive and the southerly line of Ammi Brown Road, so called; Thence

South 78° 51' 22" West for a distance of 138.57 feet to a point; Thence

North 82° 12' 35" West for a distance of 191.60 feet to a point; Thence

North 72° 51' 35" West for a distance of 342.34 feet to a point; Thence

North 60° 36' 35" West for a distance of 338.94 feet to a point; Thence

North 51° 35' 35" West for a distance of 95.82 feet to a point; Thence

North 47° 00' 35" West for a distance of 239.94 feet to a point; Thence

North 19° 14' 16" West for a distance of 101.38 feet to a point; Thence

North 19° 24' 54" West for a distance of 452.87 feet to a point; Thence

North 36° 20' 49" West for a distance of 256.94 feet to a point; Thence

North 32° 32' 17" West for a distance of 73.63 feet to a point; Thence

North 35° 49' 07" West for a distance of 396.66 feet to a point in the easterly sideline of lands now or formerly of the State of New Hampshire;

Thence

Following an arc to the left with a Delta angle of 00° 02' 19" and a radius of 2105.43 feet, along said State an arc length of 1.41 feet, said curve having a chord bearing of North 20° 30' 40" East for a distance of 1.41 feet to a point; Thence

Following an arc to the left with a Delta angle of 02° 49' 06" and a radius of 762.37 feet, along said State lands an arc length of 37.50 feet, said curve having a chord bearing of North 19° 04' 58" East for a distance of 37.50 feet to a point; Thence

South 35° 26' 39" East for a distance of 482.99 feet to a point; Thence

South 36° 20' 49" East for a distance of 271.06 feet to a point; Thence

South 19° 23' 17" East for a distance of 465.19 feet to a point; Thence South 19° 21' 35" East for a distance of 85.90 feet to a point; Thence South 47° 00' 35" East for a distance of 230.50 feet to a point; Thence South 51° 35' 35" East for a distance of 91.90 feet to a point; Thence South 60° 36' 35" East for a distance of 332.80 feet to a point; Thence South 72° 51' 35" East for a distance of 336.10 feet to a point; Thence South 82° 12' 35" East for a distance of 183.40 feet to a point; Thence North 78° 51' 22" East for a distance of 181.47 feet to a point in the westerly line of Summit Ridge Drive; Thence

Following an arc to the left with a Delta angle of 14° 56' 21" and a radius of 225.32 feet, along said Summit Ridge Drive an arc length of 58.75 feet, said curve having a chord bearing of South 44° 34' 21" West for a distance of 58.58 feet to the Point of Beginning.

Containing 1.973 acres, more or less.

Meaning and intending to discontinue the Ammi Brown Road, so called, including any previous layouts or versions, from its intersection with the westerly side of Summit Ridge Drive as it runs northerly and westerly, to the easterly sideline of the former Cheshire Railroad Corridor, now the State of New Hampshire, as shown on a plan entitled "Discontinuance Plan, Portions of the Ammi Brown Road, Prepared for the City of Keene," dated April 26, 2019, by SVE Associates, to be recorded at the Cheshire County Registry of Deeds.

Reserving any utility easements, permits, and licenses of record at the time of the discontinuance in accordance with NH RSA 231:46.

The undersigned, therefore, requests that you absolutely discontinue that portion of the Ammi Brown Road as described above.

Dated this 26th day of April, 2019.


Kurt Blomquist, Public Works Director

**DESCRIPTION FOR THE ABSOLUTE DISCONTINUANCE OF
A PORTION OF THE AMMI BROWN ROAD**

THE DISCONTINUANCE: Upon the foregoing petition dated April 26, 2019, the Keene City Council gave notice as aforesaid, and on the _____ day of _____, 2019, at _____ p.m., the City Council is of the opinion that for the accommodation of the public there is no further need to use a portion of the Ammi Brown Road at the following location and there is occasion for the absolute discontinuance of said portion.

Beginning at the intersection of the westerly line of Summit Ridge Drive and the southerly line of Ammi Brown Road, so called; Thence

South 78° 51' 22" West for a distance of 138.57 feet to a point; Thence

North 82° 12' 35" West for a distance of 191.60 feet to a point; Thence

North 72° 51' 35" West for a distance of 342.34 feet to a point; Thence

North 60° 36' 35" West for a distance of 338.94 feet to a point; Thence

North 51° 35' 35" West for a distance of 95.82 feet to a point; Thence

North 47° 00' 35" West for a distance of 239.94 feet to a point; Thence

North 19° 14' 16" West for a distance of 101.38 feet to a point; Thence

North 19° 24' 54" West for a distance of 452.87 feet to a point; Thence

North 36° 20' 49" West for a distance of 256.94 feet to a point; Thence

North 32° 32' 17" West for a distance of 73.63 feet to a point; Thence

North 35° 49' 07" West for a distance of 396.66 feet to a point in the easterly sideline of lands now or formerly of the State of New Hampshire; Thence

Following an arc to the left with a Delta angle of 00° 02' 19" and a radius of 2105.43 feet, along said State an arc length of 1.41 feet, said curve having a chord bearing of North 20° 30' 40" East for a distance of 1.41 feet to a point; Thence

Following an arc to the left with a Delta angle of 02° 49' 06" and a radius of 762.37 feet, along said State lands an arc length of 37.50 feet, said curve having a chord bearing of North 19° 04' 58" East for a distance of 37.50 feet to a point; Thence

South 35° 26' 39" East for a distance of 482.99 feet to a point; Thence

South 36° 20' 49" East for a distance of 271.06 feet to a point; Thence

South 19° 23' 17" East for a distance of 465.19 feet to a point; Thence

South 19° 21' 35" East for a distance of 85.90 feet to a point; Thence

South 47° 00' 35" East for a distance of 230.50 feet to a point; Thence

South 51° 35' 35" East for a distance of 91.90 feet to a point; Thence
South 60° 36' 35" East for a distance of 332.80 feet to a point; Thence
South 72° 51' 35" East for a distance of 336.10 feet to a point; Thence
South 82° 12' 35" East for a distance of 183.40 feet to a point; Thence
North 78° 51' 22" East for a distance of 181.47 feet to a point in the westerly
line of Summit Ridge Drive; Thence

Following an arc to the left with a Delta angle of 14° 56' 21" and a radius
of 225.32 feet, along said Summit Ridge Drive an arc length of 58.75 feet,
said curve having a chord bearing of South 44° 34' 21" West for a distance
of 58.58 feet to the Point of Beginning.

Containing 1.973 acres, more or less.

Meaning and intending to discontinue the Ammi Brown Road, so called, including
any previous layouts or versions, from its intersection with the westerly side of Summit
Ridge Drive as it runs northerly and westerly, to the easterly sideline of the former Cheshire
Railroad Corridor, now the State of New Hampshire, as shown on a plan entitled
"Discontinuance Plan, Portions of the Ammi Brown Road, Prepared for The City of Keene,"
dated March 26, 2019, by SVE Associates, to be recorded at the Cheshire County Registry
of Deeds.

Reserving any utility easements, permits, and licenses of record at the time of the
discontinuance in accordance with NH RSA 231:46.

The undersigned, therefore, requests that you absolutely discontinue that portion of
the Ammi Brown Road as described above.

Dated this 26th day of April, 2019.



CITY OF KEENE

R-2019-09

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

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

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

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

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

Kendall W. Lane, Mayor

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


City Clerk

THE SPACE ABOVE IS FOR RECORDING INFORMATION

No transfer tax pursuant to RSA 78-B:2, I

DEED WITHOUT COVENANTS

The **CITY OF KEENE**, a New Hampshire municipal corporation, with a principal place of business at 3 Washington Street, Keene, Cheshire County, New Hampshire 03431, for consideration paid, hereby grants to **C&S WHOLESALE GROCERS, INC.**, a New Hampshire domestic corporation, with an address of 7 Corporate Drive, Keene, Cheshire County, New Hampshire 03431, **WITHOUT COVENANTS**, all its right, title, and interest in:

That portion of the Ami Brown Road located in KEENE, Cheshire County, to be discontinued as shown on a plan entitled "Discontinuance Plan, Portions of the Ammi Brown Road, Prepared for The City of Keene," dated March 26, 2019, by SVE Associates, recorded at the Cheshire County Registry of Deeds immediately prior hereto.

Reserving any utility easements, permits, and licenses of record at the time of the discontinuance in accordance with New Hampshire RSA 231:46.

Meaning and intending to absolutely discontinue that portion of the Ammi Brown Road that lies westerly of Summit Ridge Drive, and easterly of the Cheshire Railroad Right-of-Way line as shown on the aforementioned plan.

See Resolution R-2019-08, Relating to the Absolute Discontinuance of a Portion of the Ammi Brown Road, and Resolution R-2019-09, Relating to Deeds for the Discontinued Portion of the Ammi Brown Road, both adopted by the Keene City Council on _____, and recorded immediately prior hereto.

WITNESS its hand this _____ day of _____, 2019.

CITY OF KEENE

Witness: _____

By: _____

Elizabeth A. Dragon, City Manager
Duly authorized

STATE OF NEW HAMPSHIRE
CHESHIRE, SS

On this the _____ day of _____, 2019, before me, the undersigned officer, personally appeared Elizabeth A. Dragon, who acknowledged herself to be the City Manager of Keene, New Hampshire, a municipal corporation, and that she as such City Manager, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the municipal corporation by herself as City Manager.

Notary Public / Justice of the Peace

THE SPACE ABOVE IS FOR RECORDING INFORMATION

No transfer tax pursuant to RSA 78-B:2, I

DEED WITHOUT COVENANTS

The **CITY OF KEENE**, a New Hampshire municipal corporation, with a principal place of business at 3 Washington Street, Keene, Cheshire County, New Hampshire 03431, for consideration paid, hereby grants to **SUMMIT RIDGE ASSOCIATION**, a New Hampshire domestic non-profit corporation, with an address of 40 Skyline Drive, Keene, Cheshire County, New Hampshire 03431, **WITHOUT COVENANTS**, all its right, title, and interest in:

That portion of the Ammi Brown Road located in KEENE, Cheshire County, to be discontinued as shown on a plan entitled "Discontinuance Plan, Portions of the Ammi Brown Road, Prepared for The City of Keene," dated March 26, 2019, by SVE Associates, recorded at the Cheshire County Registry of Deeds immediately prior hereto.

Reserving any utility easements, permits, and licenses of record at the time of the discontinuance in accordance with New Hampshire RSA 231:46.

Meaning and intending to absolutely discontinue that portion of the Ammi Brown Road that lies westerly of Summit Ridge Drive, and easterly of the Cheshire Railroad Right-of-Way line as shown on the aforementioned plan.

See Resolution R-2019-08, Relating to the Absolute Discontinuance of a Portion of the Ammi Brown Road, and Resolution R-2019-09, Relating to Deeds for the Discontinued Portion of the Ammi Brown Road, both adopted by the Keene City Council on _____, and recorded immediately prior hereto.

WITNESS its hand this _____ day of _____, 2019.

CITY OF KEENE

Witness: _____

By: _____

Elizabeth A. Dragon, City Manager
Duly authorized

STATE OF NEW HAMPSHIRE
CHESHIRE, SS

On this the _____ day of _____, 2019, before me, the undersigned officer, personally appeared Elizabeth A. Dragon, who acknowledged herself to be the City Manager of Keene, New Hampshire, a municipal corporation, and that she as such City Manager, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the municipal corporation by herself as City Manager.

Notary Public / Justice of the Peace



CITY OF KEENE

R-2019-10

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

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

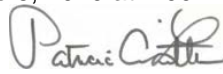
Resolved by the City Council of the City of Keene, as follows:

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

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

Kendall W. Lane, Mayor

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


Patricia Castle
City Clerk

CITY OF KEENE

**PETITION FOR THE LAYOUT OF A CLASS A TRAIL
TO BE KNOWN AS THE AMMI BROWN TRAIL**

TO: The Honorable Mayor and City Council:

The undersigned represents that for the accommodation of the Public, there is occasion to layout a Class A Trail, to be known as the Ammi Brown Trail, consisting of two tracts of land at the following locations:

Tract I

An Easement between Summit Ridge Drive and The Cheshire Rail Trail in the City of Keene, shown on a plan titled, "Easement Plan, The Ammi Brown Connector Trail, prepared for the City of Keene, dated April 26, 2019; by Russell J. Huntley, SVE Associates," which plan is recorded as Plan No. _____ at the Cheshire County Registry of Deeds and is more particularly described as Follows

Beginning at a 5/8" capped rebar on the line between lands now or formerly of Meadowview Knolls Association and C & S Wholesale Grocers, Inc; Thence

North 75° 44' 20" East through lands of said Grocers a distance of 15.30 feet to a point; Thence

Following an arc to the right with a Delta angle of 30° 36' 35" and a radius of 116.50 feet, through lands of said Grocers an arc length of 62.24 feet to a 5/8" capped rebar in the northerly sideline of Summit Ridge Drive, said rebar being South 88° 57' 22" East a distance of 61.50 feet from the last-mentioned point; Thence

Following an arc to the left with a Delta angle 09° 37' 03" and a radius of 225.32 feet, along the sideline of said Drive an arc length of 37.82 feet to a 5/8" capped rebar, said rebar being South 40° 58' 03" West a distance of 37.78 feet from the last-mentioned rebar; Thence

Following an arc to the left with a Delta angle of 20° 03' 40" and a radius of 83.50 feet, through lands of said Association an arc length of 29.24 feet to a point, said point being South 85° 46' 11" West a distance of 29.09 feet from the last-mentioned point; Thence

South 75° 44' 20" West a distance of 47.04 feet to a point at the beginning of a curve; Thence

Following an arc to the right with a Delta angle of 19° 15' 34" and a radius of 216.50 feet, an arc length of 72.77 feet to a point in the line of lands now or formerly of C & S Wholesale Grocers, Inc, said point being South 85° 22' 07" West a distance of 72.43 feet from the last mentioned point and N 64° 29' 07" E a distance of 3.88 feet from a 5/8" capped rebar; Thence

North 64° 29' 07" East along said Grocers a distance of 105.54 feet to the Point of Beginning.

Containing 0.092 Acres (4,015 Square Feet) More or Less.

Tract II

An Easement between Summit Ridge Drive and The Cheshire Rail Trail in the City of Keene, shown on a plan titled, "Easement Plan, The Ammi Brown Connector Trail, prepared for the City of Keene, dated April 26, 2019; by Russell J. Huntley, SVE Associates," which plan is recorded as Plan No. _____ at the Cheshire County Registry of Deeds and is more particularly described as Follows

Beginning at a 5/8" capped rebar on the line between lands now or formerly of Meadowview Knolls Association and C & S Grocers, Inc; Thence

South 64° 29' 07" West along lands of said Knolls a distance of 105.54 feet to a point, said point being N 64°29' 07" E a distance of 3.88 feet from a 5/8" capped rebar; Thence

The following courses and distances through lands of said Grocers:

Following an arc to the right with a Delta angle of 02° 09' 38" and a radius of 216.50 feet, an arc length of 8.16 feet to a point, said point being North 83° 55' 17" West a distance of 8.16 feet from the last-mentioned point; Thence

North 82° 50' 28" West a distance of 177.90 feet to a point; Thence

Following an arc to the right with a Delta angle of 11° 04' 39" and a radius of 316.50 feet, an arc length of 61.19 feet to a point, said point being North 77° 18' 08" West a distance of 61.10 feet from the last-mentioned point; Thence

North 71° 45' 49" West a distance of 223.99 feet to a point; Thence

Following an arc to the right with a Delta angle of 09° 46' 19" and a radius of 516.50 feet, an arc length of 88.09 feet to a point, said point being North 66° 52' 39" West a distance of 87.98 feet from the last-mentioned point; Thence

North 61° 59' 29" West a distance of 140.38 feet to a point; Thence

Following an arc to the right with a Delta angle of 13° 20' 52" and a radius of 1216.50 feet, an arc length of 283.40 feet to a point, said point being North 55° 19' 04" West a distance of 282.76 feet from the last-mentioned point; Thence

North 48° 38' 38" West a distance of 146.03 feet to a point; Thence

Following an arc to the right with a Delta angle of 29° 56' 18" and a radius of 216.50 feet, an arc length of 113.13 feet to a point, said point being North 33° 40' 29" West a distance of 111.84 feet from the last-mentioned point; Thence

North 18° 42' 20" West a distance of 402.31 feet to a point; Thence

Following an arc to the left with a Delta angle of 17° 59' 29" and a radius of 458.50 feet, an arc length of 143.97 feet to a point, said point being North 27° 42' 04" West a distance of 143.38 feet from the last-mentioned point; Thence

North 36° 41' 49" West a distance of 130.70 feet to a point; Thence

Following an arc to the right with a Delta angle of $06^{\circ} 49' 35''$ and a radius of 416.50 feet, an arc length of 49.62 feet to a point, said point being North $33^{\circ} 17' 02''$ West a distance of 49.59 feet from the last-mentioned point; Thence

North $29^{\circ} 52' 14''$ West a distance of 30.11 feet to a point; Thence

Following an arc to the left with a Delta angle of $05^{\circ} 44' 11''$ and a radius of 383.50 feet, an arc length of 38.39 feet to a point, said point being North $32^{\circ} 44' 19''$ West a distance of 38.38 feet from the last-mentioned point; Thence

North $35^{\circ} 36' 25''$ West a distance of 160.42 feet to a point; Thence

Following an arc to the right with a Delta angle of $14^{\circ} 27' 46''$ and a radius of 166.50 feet, an arc length of 42.03 feet to a point, said point being North $28^{\circ} 22' 32''$ West a distance of 41.92 feet from the last-mentioned point; Thence

South $78^{\circ} 11' 10''$ West a distance of 2.56 feet to a point; Thence

Following an arc to the left with a Delta angle of $21^{\circ} 55' 32''$ and a radius of 283.50 feet, an arc length of 108.49 feet to a point, said point being South $67^{\circ} 13' 24''$ West a distance of 107.83 feet from the last-mentioned point; Thence

South $56^{\circ} 15' 38''$ West a distance of 75.53 feet to a point; Thence

Following an arc to the right with a Delta angle of $10^{\circ} 17' 06''$ and a radius of 216.50 feet, an arc length of 38.86 feet to a point, said point being South $61^{\circ} 24' 11''$ West a distance of 38.81 feet from the last-mentioned point; Thence

South $66^{\circ} 32' 44''$ West a distance of 98.29 feet to a point; Thence

Following an arc to the right with a Delta angle $06^{\circ} 52' 21''$ and a radius of 116.50 feet, an arc length of 13.97 feet to a $5/8''$ capped rebar in the easterly sideline of lands now or formerly of the State of New Hampshire, said point being South $69^{\circ} 58' 54''$ West a distance of 13.97 feet from the last-mentioned point; Thence

Following an arc to the left with a Delta angle of $01^{\circ} 28' 01''$ and a radius of 2105.43 feet, along said State an arc length of 53.91 feet to a $5/8''$ capped rebar, said rebar being North $29^{\circ} 54' 50''$ East a distance of 53.90 feet from the last-mentioned rebar; Thence

The following courses and distances through lands of said Grocers:

North $66^{\circ} 32' 44''$ East a distance of 68.98 feet to a point; Thence

Following an arc to the left with a Delta angle of $10^{\circ} 17' 06''$ and a radius of 183.50 feet, an arc length of 32.94 feet to a point, said point being North $61^{\circ} 24' 11''$ East a distance of 32.90 feet from the last-mentioned point; Thence

North $56^{\circ} 15' 38''$ East a distance of 75.53 feet to a point; Thence

Following an arc to the right with a Delta angle of $21^{\circ} 55' 32''$ and a radius of 316.50 feet, an arc length of 121.12 feet to a point, said point being North $67^{\circ} 13' 24''$ East a distance of 120.38 feet from the last-mentioned point; Thence

North $78^{\circ} 11' 10''$ East a distance of 0.47 feet to a point; Thence

Following an arc to the right with a Delta angle of $04^{\circ} 42' 05''$ and a radius of 166.50 feet, an arc length of 13.66 feet to a point, said point being North $07^{\circ} 23' 45''$ West a distance of 13.66 feet from the last-mentioned point; Thence

North $05^{\circ} 02' 43''$ West a distance of 132.18 feet to a point; Thence

Following an arc to the left with a Delta angle of $16^{\circ} 23' 20''$ and a radius of 558.50 feet, an arc length of 159.75 feet to a point, said point being North $13^{\circ} 14' 23''$ West a distance of 159.21 feet from the last-mentioned point; Thence

North $21^{\circ} 26' 03''$ West a distance of 76.18 feet to a point; Thence

Following an arc to the right with a Delta angle $00^{\circ} 11' 23''$ and a radius of 1216.50 feet, an arc length of 4.03 feet to a $5/8''$ capped rebar set in the easterly sideline of lands now or formerly of the State of New Hampshire, said rebar being North $21^{\circ} 20' 21''$ West a distance of 4.03 feet from the last-mentioned point; Thence

Following an arc to the left with a Delta angle $00^{\circ} 57' 48''$ and a radius of 3940.37 feet, along said State an arc length of 66.26 feet to a $5/8''$ capped rebar, said rebar being North $09^{\circ} 59' 26''$ East a distance of 66.26 feet from the last-mentioned rebar; Thence

The following courses and distance along lands of said Grocers:

Following an arc to the left with a Delta angle of $02^{\circ} 56' 01''$ and a radius of 1183.50 feet, an arc length of 60.59 feet to a point, said point being South $19^{\circ} 58' 02''$ East a distance of 60.59 feet from the last-mentioned point; Thence

South $21^{\circ} 26' 03''$ East a distance of 76.18 feet to a point; Thence

Following an arc to the right with a Delta angle of $16^{\circ} 23' 20''$ and a radius of 591.50 feet, an arc length of 169.19 feet to a point, said point being South $13^{\circ} 14' 23''$ East a distance of 168.62 feet from the last-mentioned point; Thence

South $05^{\circ} 02' 43''$ East a distance of 132.18 feet to a point; Thence

Following an arc to the left with a Delta angle of $30^{\circ} 33' 42''$ and a radius of 133.50 feet, an arc length of 71.21 feet to a point, said point being South $20^{\circ} 19' 34''$ East a distance of 70.37 feet from the last-mentioned point; Thence

South $35^{\circ} 36' 25''$ East a distance of 160.42 feet to a point; Thence

Following an arc to the right with a Delta angle of $05^{\circ} 44' 11''$ and a radius of 416.50 feet, an arc length of 41.70 feet to a point, said point being South $32^{\circ} 44' 19''$ East a distance of 41.68 feet from the last-mentioned point; Thence

South $29^{\circ} 52' 14''$ East a distance of 30.11 feet to a point; Thence

Following an arc to the left with a Delta angle of $06^{\circ} 49' 35''$ and a radius of 383.50 feet, an arc length of 45.69 feet to a point, said point being South $33^{\circ} 17' 02''$ East a distance of 45.66 feet from the last-mentioned point; Thence

South $36^{\circ} 41' 49''$ East a distance of 130.70 feet to a point; Thence

Following an arc to the right with a Delta angle of $17^{\circ} 59' 29''$ and a radius of 491.50 feet, an arc length of 154.34 feet to a point, said point being South $27^{\circ} 42' 04''$ East a distance of 153.70 feet from the last-mentioned point; Thence

South 18° 40' 30" East a distance of 368.65 feet to a point in a stone wall at the southwest corner of lands now or formerly of Stephanie S. Clark, said point being S 19° 21' 35" a distance of 0.85 feet from a pipe on the northerly side of said wall; Thence

The following courses and distances along said Clark, said lines being the former northerly lines of the discontinued Ammi Brown Road

South 19° 21' 35" East a distance of 73.32 feet to a point; Thence

South 47° 00' 35" East a distance of 230.50 feet to a point; Thence

South 51° 35' 35" East a distance of 91.90 feet to a point; Thence

South 60° 36' 35" East a distance of 332.80 feet to a point; Thence

South 72° 51' 35" East a distance of 336.10 feet to a point; Thence

South 82° 12' 35" East a distance of 91.70 feet to a 5/8" capped rebar at said Clark's south east corner and also being at a corner of lands of C & S Grocers, Inc; Thence

South 82° 50' 28" East through lands of said Grocers a distance of 72.57 feet to a point; Thence

Following an arc to the left with a Delta angle of 21° 25' 12" and a radius of 183.50 feet, through said Grocers an arc length of 68.60 feet to a point, said point being North 86° 26' 56" East a distance of 68.20 feet from the last-mentioned point; Thence

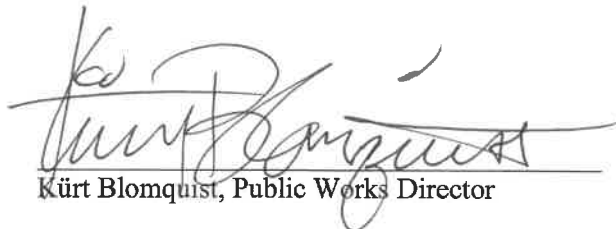
thence North 75° 44' 20" East through said Grocers a distance of 35.02 feet to the Point of Beginning.

Containing 2.328 Acres (101,402 Square Feet) More or less.

Reserving to the adjacent property owners any rights and privileges afforded under New Hampshire RSA 231-A.

The undersigned, therefore, requests the layout of a Class A Trail to be known as the Ammi Brown Trail as described above.

Dated this 26th day of April, 2019.


Kurt Blomquist, Public Works Director

**RETURN OF LAYOUT FOR A CLASS A TRAIL
TO BE KNOWN AS THE AMMI BROWN TRAIL**

THE LAYING OUT. Upon the foregoing Petition dated April 26, 2019, the Keene City Council appointed a hearing, and gave notice as aforesaid, and on the _____ day of _____, 2019, at _____ p.m. in the City of Keene, having heard all parties interested who attended and desired to be heard, and all evidence offered by them, and examined them and any witnesses, and made a personal examination of the proposed layout of a Class A Trail to be known as the Ammi Brown Trail, we are of the opinion that for the accommodation of the public there is occasion for the same and we therefore layout a Class A Trail as requested in said Petition, and described as follows:

Tract 1

An Easement between Summit Ridge Drive and The Cheshire Rail Trail in the City of Keene, shown on a plan titled, "Easement Plan, The Ammi Brown Connector Trail, prepared for the City of Keene," dated April 26, 2019; by Russell J. Huntley, SVE Associates, which plan is recorded as Plan No. _____ at the Cheshire County Registry of Deeds and is more particularly described as Follows

Beginning at a 5/8" capped rebar on the line between lands now or formerly of Meadowview Knolls Association and C&S Wholesale Grocers, Inc; Thence

North 75° 44' 20" East through lands of said Grocers a distance of 15.30 feet to a point; Thence

Following an arc to the right with a Delta angle of 30° 36' 35" and a radius of 116.50 feet, through lands of said Grocers an arc length of 62.24 feet to a 5/8" capped rebar in the northerly sideline of Summit Ridge Drive, said rebar being South 88° 57' 22" East a distance of 61.50 feet from the last-mentioned point; Thence

Following an arc to the left with a Delta angle 09° 37' 03" and a radius of 225.32 feet, along the sideline of said Drive an arc length of 37.82 feet to a 5/8" capped rebar, said rebar being South 40° 58' 03" West a distance of 37.78 feet from the last-mentioned rebar; Thence

Following an arc to the left with a Delta angle of 20° 03' 40" and a radius of 83.50 feet, through lands of said Association an arc length of 29.24 feet to a point, said point being South 85° 46' 11" West a distance of 29.09 feet from the last-mentioned point; Thence

South 75° 44' 20" West a distance of 47.04 feet to a point at the beginning of a curve; Thence

Following an arc to the right with a Delta angle of 19° 15' 34" and a radius of 216.50 feet, an arc length of 72.77 feet to a point in the line of lands now or formerly of C&S Wholesale Grocers, Inc, said point being South 85° 22' 07" West a distance of 72.43 feet from the last mentioned point and N 64° 29' 07" E a distance of 3.88 feet from a 5/8" capped rebar; Thence

North 64° 29' 07" East along said Grocers a distance of 105.54 feet to the Point of Beginning.

Containing 0.92 Acres (4,015 Square Feet), more or Less.

Tract II

An Easement between Summit Ridge Drive and The Cheshire Rail Trail in the City of Keene, shown on a plan titled, "Easement Plan, The Ammi Brown Connector Trail, prepared for the City of Keene," dated April 26, 2019; by Russell J. Huntley, SVE Associates, which plan is recorded as Plan No. _____ at the Cheshire County Registry of Deeds and is more particularly described as follows:

Beginning at a 5/8" capped rebar on the line between lands now or formerly of Meadowview Knolls Association and C&S Wholesale Grocers, Inc; Thence

South 64° 29' 07" West along lands of said Knolls a distance of 105.54 feet to a point, said point being N 64°29' 07" E a distance of 3.88 feet from a 5/8" capped rebar; Thence

The following courses and distances through lands of said Grocers:

Following an arc to the right with a Delta angle of 02° 09' 38" and a radius of 216.50 feet, an arc length of 8.16 feet to a point, said point being North 83° 55' 17" West a distance of 8.16 feet from the last-mentioned point; Thence

North 82° 50' 28" West a distance of 177.90 feet to a point; Thence

Following an arc to the right with a Delta angle of 11° 04' 39" and a radius of 316.50 feet, an arc length of 61.19 feet to a point, said point being North 77° 18' 08" West a distance of 61.10 feet from the last-mentioned point; Thence

North 71° 45' 49" West a distance of 223.99 feet to a point; Thence

Following an arc to the right with a Delta angle of 09° 46' 19" and a radius of 516.50 feet, an arc length of 88.09 feet to a point, said point being North 66° 52' 39" West a distance of 87.98 feet from the last-mentioned point; Thence

North 61° 59' 29" West a distance of 140.38 feet to a point; Thence

Following an arc to the right with a Delta angle of 13° 20' 52" and a radius of 1216.50 feet, an arc length of 283.40 feet to a point, said point being North 55° 19' 04" West a distance of 282.76 feet from the last-mentioned point; Thence

North 48° 38' 38" West a distance of 146.03 feet to a point; Thence

Following an arc to the right with a Delta angle of 29° 56' 18" and a radius of 216.50 feet, an arc length of 113.13 feet to a point, said point being North 33° 40' 29" West a distance of 111.84 feet from the last-mentioned point; Thence

North 18° 42' 20" West a distance of 402.31 feet to a point; Thence

Following an arc to the left with a Delta angle of 17° 59' 29" and a radius of 458.50 feet, an arc length of 143.97 feet to a point, said point being North 27° 42' 04" West a distance of 143.38 feet from the last-mentioned point; Thence

North 36° 41' 49" West a distance of 130.70 feet to a point; Thence

Following an arc to the right with a Delta angle of $06^{\circ} 49' 35''$ and a radius of 416.50 feet, an arc length of 49.62 feet to a point, said point being North $33^{\circ} 17' 02''$ West a distance of 49.59 feet from the last-mentioned point; Thence

North $29^{\circ} 52' 14''$ West a distance of 30.11 feet to a point; Thence

Following an arc to the left with a Delta angle of $05^{\circ} 44' 11''$ and a radius of 383.50 feet, an arc length of 38.39 feet to a point, said point being North $32^{\circ} 44' 19''$ West a distance of 38.38 feet from the last-mentioned point; Thence

North $35^{\circ} 36' 25''$ West a distance of 160.42 feet to a point; Thence

Following an arc to the right with a Delta angle of $14^{\circ} 27' 46''$ and a radius of 166.50 feet, an arc length of 42.03 feet to a point, said point being North $28^{\circ} 22' 32''$ West a distance of 41.92 feet from the last-mentioned point; Thence

South $78^{\circ} 11' 10''$ West a distance of 2.56 feet to a point; Thence

Following an arc to the left with a Delta angle of $21^{\circ} 55' 32''$ and a radius of 283.50 feet, an arc length of 108.49 feet to a point, said point being South $67^{\circ} 13' 24''$ West a distance of 107.83 feet from the last-mentioned point; Thence

South $56^{\circ} 15' 38''$ West a distance of 75.53 feet to a point; Thence

Following an arc to the right with a Delta angle of $10^{\circ} 17' 06''$ and a radius of 216.50 feet, an arc length of 38.86 feet to a point, said point being South $61^{\circ} 24' 11''$ West a distance of 38.81 feet from the last-mentioned point; Thence

South $66^{\circ} 32' 44''$ West a distance of 98.29 feet to a point; Thence

Following an arc to the right with a Delta angle $06^{\circ} 52' 21''$ and a radius of 116.50 feet, an arc length of 13.97 feet to a $5/8''$ capped rebar in the easterly sideline of lands now or formerly of the State of New Hampshire, said point being South $69^{\circ} 58' 54''$ West a distance of 13.97 feet from the last-mentioned point; Thence

Following an arc to the left with a Delta angle of $01^{\circ} 28' 01''$ and a radius of 2105.43 feet, along said State an arc length of 53.91 feet to a $5/8''$ capped rebar, said rebar being North $29^{\circ} 54' 50''$ East a distance of 53.90 feet from the last-mentioned rebar; Thence

The following courses and distances through lands of said Grocers:

North $66^{\circ} 32' 44''$ East a distance of 68.98 feet to a point; Thence

Following an arc to the left with a Delta angle of $10^{\circ} 17' 06''$ and a radius of 183.50 feet, an arc length of 32.94 feet to a point, said point being North $61^{\circ} 24' 11''$ East a distance of 32.90 feet from the last-mentioned point; Thence

North $56^{\circ} 15' 38''$ East a distance of 75.53 feet to a point; Thence

Following an arc to the right with a Delta angle of $21^{\circ} 55' 32''$ and a radius of 316.50 feet, an arc length of 121.12 feet to a point, said point being North $67^{\circ} 13' 24''$ East a distance of 120.38 feet from the last-mentioned point; Thence

North $78^{\circ} 11' 10''$ East a distance of 0.47 feet to a point; Thence

Following an arc to the right with a Delta angle of $04^{\circ} 42' 05''$ and a radius of 166.50 feet, an arc length of 13.66 feet to a point, said point being North $07^{\circ} 23' 45''$ West a distance of 13.66 feet from the last-mentioned point; Thence

North $05^{\circ} 02' 43''$ West a distance of 132.18 feet to a point; Thence

Following an arc to the left with a Delta angle of $16^{\circ} 23' 20''$ and a radius of 558.50 feet, an arc length of 159.75 feet to a point, said point being North $13^{\circ} 14' 23''$ West a distance of 159.21 feet from the last-mentioned point; Thence

North $21^{\circ} 26' 03''$ West a distance of 76.18 feet to a point; Thence

Following an arc to the right with a Delta angle $00^{\circ} 11' 23''$ and a radius of 1216.50 feet, an arc length of 4.03 feet to a $5/8''$ capped rebar set in the easterly sideline of lands now or formerly of the State of New Hampshire, said rebar being North $21^{\circ} 20' 21''$ West a distance of 4.03 feet from the last-mentioned point; Thence

Following an arc to the left with a Delta angle $00^{\circ} 57' 48''$ and a radius of 3940.37 feet, along said State an arc length of 66.26 feet to a $5/8''$ capped rebar, said rebar being North $09^{\circ} 59' 26''$ East a distance of 66.26 feet from the last-mentioned rebar; Thence

The following courses and distance along lands of said Grocers:

Following an arc to the left with a Delta angle of $02^{\circ} 56' 01''$ and a radius of 1183.50 feet, an arc length of 60.59 feet to a point, said point being South $19^{\circ} 58' 02''$ East a distance of 60.59 feet from the last-mentioned point; Thence

South $21^{\circ} 26' 03''$ East a distance of 76.18 feet to a point; Thence

Following an arc to the right with a Delta angle of $16^{\circ} 23' 20''$ and a radius of 591.50 feet, an arc length of 169.19 feet to a point, said point being South $13^{\circ} 14' 23''$ East a distance of 168.62 feet from the last-mentioned point; Thence

South $05^{\circ} 02' 43''$ East a distance of 132.18 feet to a point; Thence

Following an arc to the left with a Delta angle of $30^{\circ} 33' 42''$ and a radius of 133.50 feet, an arc length of 71.21 feet to a point, said point being South $20^{\circ} 19' 34''$ East a distance of 70.37 feet from the last-mentioned point; Thence

South $35^{\circ} 36' 25''$ East a distance of 160.42 feet to a point; Thence

Following an arc to the right with a Delta angle of $05^{\circ} 44' 11''$ and a radius of 416.50 feet, an arc length of 41.70 feet to a point, said point being South $32^{\circ} 44' 19''$ East a distance of 41.68 feet from the last-mentioned point; Thence

South $29^{\circ} 52' 14''$ East a distance of 30.11 feet to a point; Thence

Following an arc to the left with a Delta angle of $06^{\circ} 49' 35''$ and a radius of 383.50 feet, an arc length of 45.69 feet to a point, said point being South $33^{\circ} 17' 02''$ East a distance of 45.66 feet from the last-mentioned point; Thence

South $36^{\circ} 41' 49''$ East a distance of 130.70 feet to a point; Thence

Following an arc to the right with a Delta angle of $17^{\circ} 59' 29''$ and a radius of 491.50 feet, an arc length of 154.34 feet to a point, said point being South $27^{\circ} 42' 04''$ East a distance of 153.70 feet from the last-mentioned point; Thence

South 18° 40' 30" East a distance of 368.65 feet to a point in a stone wall at the southwest corner of lands now or formerly of Stephanie S. Clark, said point being S 19° 21' 35" a distance of 0.85 feet from a pipe on the northerly side of said wall; Thence

The following courses and distances along said Clark, said lines being the former northerly lines of the discontinued Ammi Brown Road

South 19° 21' 35" East a distance of 73.32 feet to a point; Thence

South 47° 00' 35" East a distance of 230.50 feet to a point; Thence

South 51° 35' 35" East a distance of 91.90 feet to a point; Thence

South 60° 36' 35" East a distance of 332.80 feet to a point; Thence

South 72° 51' 35" East a distance of 336.10 feet to a point; Thence

South 82° 12' 35" East a distance of 91.70 feet to a 5/8" capped rebar at said Clark's south east corner and also being at a corner of lands of C&S Wholesale Grocers, Inc; Thence

South 82° 50' 28" East through lands of said Grocers a distance of 72.57 feet to a point; Thence

Following an arc to the left with a Delta angle of 21° 25' 12" and a radius of 183.50 feet, through said Grocers an arc length of 68.60 feet to a point, said point being North 86° 26' 56" East a distance of 68.20 feet from the last-mentioned point; Thence

thence North 75° 44' 20" East through said Grocers a distance of 35.02 feet to the Point of Beginning.

Containing 101,779 square feet, more or less.

There is occasion and necessity for such layout.

The Class A Trial shall be known as the Ammi Brown Trial.

This layout is conditioned upon review and approval of all documentation by the City Engineer and City Attorney.

The Return of Layout for a Class A Trial to be known as the Ammi Brown Trail shall be recorded in the Office of the City Clerk.

Dated: _____

Kendall W. Lane, Mayor

Approved as to Description:

Approved as to Form:

Donald R. Lussier, P.E.
City Engineer

Thomas P. Mullins, Esq.
City Attorney



CITY OF KEENE

R-2019-11

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

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

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

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

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

Kendall W. Lane, Mayor

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

City Clerk

THE SPACE ABOVE IS FOR RECORDING INFORMATION

No transfer tax pursuant to RSA 78-B:2, I

EASEMENT DEED

C&S WHOLESALE GROCERS, INC., a New Hampshire domestic corporation, with an address of 7 Corporate Drive, Keene, Cheshire County, New Hampshire 03431, for consideration paid, hereby grants to the **CITY OF KEENE**, a New Hampshire municipal corporation, with a principal place of business at 3 Washington Street, Keene, Cheshire County, New Hampshire 03431, with **QUITCLAIM COVENANTS**:

An easement for public trail purposes across premises laid out as a Class A Trail to be known as the Ammi Brown Trail, located in KEENE, Cheshire County, as shown on a plan entitled "Easement Plan, The Ammi Brown Connector Trail," Prepared for The City of Keene, dated April 26, 2019, by Russell J. Huntley, SVE Associates, recorded at the Cheshire County Registry of Deeds immediately prior hereto.

Reserving to the adjacent property owners any rights and privileges afforded under New Hampshire RSA 231-A, relative to Municipal Trails.

See Resolution R-2019-10, Relating to the Layout of a Class A Trail to be known as the Ammi Brown Trail, and Resolution R-2019-11, Relating to Easements for the Laid Out Trail to be known as the Ammi Brown Trail, both adopted by the Keene City Council on _____, and recorded immediately prior hereto.

WITNESS its hand this _____ day of _____, 2019.

C&S WHOLESALE GROCERS, INC.

Witness: _____

By _____

Printed Name: _____

Its: _____

Duly Authorized

STATE OF NEW HAMPSHIRE
CHESHIRE, SS

On this the ____ day of _____, 2019, before me, the undersigned officer, personally appeared _____, who acknowledged himself/herself to be the _____ of C&S Wholesale Grocers, Inc., a New Hampshire domestic corporation, and that he/she as such _____, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as _____.

Notary Public / Justice of the Peace

THE SPACE ABOVE IS FOR RECORDING INFORMATION

No transfer tax pursuant to RSA 78-B:2, I

EASEMENT DEED

SUMMIT RIDGE ASSOCIATION, a New Hampshire domestic non-profit corporation, with an address of 40 Skyline Drive, Keene, Cheshire County, New Hampshire 03431, for consideration paid, hereby grants to the **CITY OF KEENE**, a New Hampshire municipal corporation, with a principal place of business at 3 Washington Street, Keene, Cheshire County, New Hampshire 03431, with **QUITCLAIM**

COVENANTS:

An easement for public trail purposes across premises laid out as a Class A Trail to be known as the Ammi Brown Trail, located in KEENE, Cheshire County, as shown on a plan entitled "Easement Plan, The Ammi Brown Connector Trail, Prepared for The City of Keene, dated April 26, 2019, by Russell J. Huntley, SVE Associates, recorded at the Cheshire County Registry of Deeds immediately prior hereto.

Reserving to the adjacent property owners any rights and privileges afforded under New Hampshire RSA 231-A, relative to Municipal Trails.

See Resolution R-2019-10, Relating to the Layout of a Class A Trail to be known as the Ammi Brown Trail, and Resolution R-2019-11, Relating to Easements for the Laid Out Trail to be known as the Ammi Brown Trail, both adopted by the Keene City Council on _____, and recorded immediately prior hereto.

WITNESS its hand this _____ day of _____, 2019.

SUMMIT RIDGE ASSOCIATION

Witness: _____

By _____
Edward Thomas Hastings, President
Duly Authorized

STATE OF NEW HAMPSHIRE
CHESHIRE, SS

On this the ____ day of _____, 2019, before me, the undersigned officer, personally appeared Edward Thomas Hastings, who acknowledged himself to be the President of Summit Ridge Association, a New Hampshire domestic non-profit corporation, and that he as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as President.

Notary Public / Justice of the Peace



City of Keene, N.H.
Transmittal Form

April 30, 2019

TO: Mayor and Keene City Council

FROM: Elizabeth A. Dragon, City Manager

ITEM: K.2.

SUBJECT: Relating to the 2019/2020 Fiscal Year Budget

COUNCIL ACTION:

In City Council May 2, 2019.

Referred to the Finance, Organization and Personnel Committee.

Public Hearing set for May 30, 2019 at 7:00 PM.

RECOMMENDATION:

That Resolution R-2019-15 relating to the 2019/2020 fiscal year budget be referred to the Finance, Organization & Personnel Committee for their review and recommendation, and that a public hearing be scheduled for Thursday, May 30, 2019.

ATTACHMENTS:

Description

Resolution R-2019-15

BACKGROUND:

Resolution R-2019-15 summarizes the budget document that has been prepared for the 2019/2020 fiscal year. The detailed document was transmitted to the Mayor and City Council on May 1, 2019. The document, in its entirety has been posted on the City's website, and printed copies are available for review at the Keene Public Library, and at the Finance Department. A Citizen's Budget will be available that summarizes the General Fund Proposed Budget, and explains the City Budget process, and the role of the Comprehensive Master Plan in that effort.

Any bond resolutions associated with projects recommended for funding in the next fiscal year will be presented under separate cover memos.

The remaining steps in the budget process are outlined below:

DATE(S)	DAY	TIME	DE Scription	LO CATION
May 2, 2019	Thursday	7:00 PM	Regular Council Meeting - Budget Resolution first reading; referred to FOP Committee	Council Chambers
May 9, 2019	Thursday	5:30 PM	Regular FOP Meeting - Budget Review - Overview, General Fund Revenues, E lected/Appointed, Administrative Services	Council Chambers
May 13, 2019	Monday	5:30 PM	Special FOP Meeting - Budget Review - Community Services	Council Chambers
May 14, 2019	Tuesday	5:30 PM	Special FOP Meeting - Budget Review - Municipal Development Services	Council Chambers
May 16, 2019	Thursday	7:00 PM	Regular Council Meeting - Introduce bond resolutions; introduce salary ordinance	Council Chambers
May 23, 2019	Thursday	6:30P M	Regular FOP Meeting - Make recommendation on budget, salary ordinance, bond resolutions	Council Chambers
May 30, 2019	Thursday	7:00 PM	Special Council Meeting - Budget Public Hearing	Council Chambers
June 6, 2019	Thursday	7:00 PM	Regular Council Meeting - Vote on budget, salary ordinance, bond resolutions	Council Chambers
July 1, 2019	Monday		Start of FY 2019/2020	



CITY OF KEENE

R-2019-15

Nineteen

In the Year of Our Lord Two Thousand and
Relating to the 2019/2020 fiscal year budget

A RESOLUTION

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

That the sum of \$25,956,272 be raised by taxation during the current year which together with \$36,477,941 for estimated operating revenues aggregating \$62,434,213 is hereby appropriated for the use of the several departments of the City Government, and further that the sum of \$5,503,119 be appropriated for capital expenditures and capital reserve appropriations in the city proprietary funds, funded by the use of capital reserves, fund balance and current revenues, for the fiscal year beginning July 1, 2019, as attached hereto and made a part thereof.

Kendall W. Lane, Mayor

In City Council May 2, 2019. *
Referred to the Finance, Organization
and Personnel Committee. Public hearing
set for May 30, 2019 at 7:00 PM.


Patricia Castle
City Clerk

PASSED

2019/2020 Annual Operating Budget

R-2019-15

General Fund Revenue & Other Financing Sources:	<i>Adopted</i>	General Fund Appropriations:	<i>Adopted</i>
Property Tax Revenue	\$25,956,272	Elected & Appointed Officials	\$2,918,654
Use of Surplus	1,037,088	Capital Projects	4,258,467
Other Taxes	450,000	Administrative Services	4,687,876
Tax Increment Financing	723,132	Community Services	20,000,364
Licenses, Permits & Fees	3,651,852	Municipal Development Services	6,814,603
Intergovernmental	2,692,995	Debt Service	4,898,455
Charges for Services	1,958,705		
Fines & Forfeits	76,291		
Miscellaneous	2,987,201		
Other Financing Sources	4,044,883		
NET GENERAL FUND OPERATING REVENUES	\$43,578,419	NET GENERAL FUND OPERATING APPROPRIATIONS	\$43,578,419
TOTAL PARKING METER FUND REVENUES	\$1,825,680	TOTAL PARKING METER FUND APPROPRIATION	\$1,825,680
TOTAL PC REPLACEMENT FUND REVENUES	\$210,035	TOTAL PC REPLACEMENT FUND APPROPRIATIONS	\$210,035
TOTAL SOLID WASTE FUND REVENUES	\$4,765,140	TOTAL SOLID WASTE FUND APPROPRIATIONS	\$4,765,140
TOTAL SEWER FUND REVENUES	\$5,639,844	TOTAL SEWER FUND APPROPRIATIONS	\$5,639,844
TOTAL WATER FUND REVENUES	\$4,028,292	TOTAL WATER FUND APPROPRIATIONS	\$4,028,292
TOTAL EQUIPMENT FUND REVENUES	\$2,386,803	TOTAL EQUIPMENT FUND APPROPRIATIONS	\$2,386,803
TOTAL OPERATING REVENUES - ALL FUNDS	\$62,434,213	TOTAL OPERATING APPROPRIATIONS - ALL FUNDS	\$62,434,213
CAPITAL:			
PARKING FUND CAPITAL FUNDING	\$112,300	PARKING FUND CAPITAL APPROPRIATIONS	\$112,300
SOLID WASTE FUND CAPITAL FUNDING	\$365,000	SOLID WASTE FUND CAPITAL APPROPRIATIONS	\$365,000
SEWER FUND CAPITAL FUNDING	\$1,636,477	SEWER FUND CAPITAL APPROPRIATIONS	\$1,636,477
WATER FUND CAPITAL FUNDING	\$2,006,599	WATER FUND CAPITAL APPROPRIATIONS	\$2,006,599
EQUIPMENT FUND CAPITAL FUNDING	\$1,382,743	EQUIPMENT FUND CAPITAL APPROPRIATIONS	\$1,382,743
TOTAL CAPITAL FUNDING - OTHER FUNDS	\$5,503,119	TOTAL CAPITAL APPROPRIATIONS - OTHER FUNDS	\$5,503,119