



City of Keene  
*New Hampshire*

KEENE CITY COUNCIL  
Council Chambers, Keene City Hall  
April 16, 2020  
7:00 PM

Roll Call  
Pledge of Allegiance

MINUTES FROM PRECEDING MEETING

- April 2, 2020

**A. HEARINGS / PRESENTATIONS / PROCLAMATIONS**

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

**C. COMMUNICATIONS**

1. Erin Benik - Resignation - Historic District Commission
2. Councilor Williams – Library Unspent Personnel Funds
3. Ashley Sheehan/Modestman Brewing - Request to Serve Alcohol on City Property

**D. REPORTS - COUNCIL COMMITTEES**

1. Robert DiLuzio, Sr./SCI Corp. - Release of Right-of-Way
2. Lease Agreement - 12 Gilbo Avenue - Parks, Recreation and Facilities
3. Request for Use of Personnel Funds - Keene Public Library
4. Acceptance of Local Source Water Protection Grant - Public Works Department
5. Blossom Street Sewer Replacement Project - Request for Additional Project Budget - Public Works Department
6. Blossom Street Sewer Replacement Project - Construction Change Order for Winchester Court - Public Works Department

**E. CITY MANAGER COMMENTS**

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

1. 2020 Farmers Market License for Use of City Property - Emergency Management Director

**G. REPORTS - BOARDS AND COMMISSIONS**

**H. REPORTS - MORE TIME**

**I. ORDINANCES FOR FIRST READING**

**J. ORDINANCES FOR SECOND READING**

## **K. RESOLUTIONS**

Non Public Session

Adjournment

A regular meeting of the Keene City Council was held Thursday, April 2, 2020. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Mayor Hansel read into the record the Emergency Order #12, issued by the Governor of the State of New Hampshire pursuant to Executive Order #2020-04. He continued the members of the City Council would be participating remotely. The Mayor asked that during the roll call for attendance, each Councilor identify their on-line presence and if there are others with them in the room. Roll called: Michael J. Remy, Janis O. Manwaring, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Terry M. Clark, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley and Thomas F. Powers were present. Stephen L. Hooper joined the meeting at 7:07 PM. Gladys Johnsen joined the meeting at 7:20 PM. A motion by Powers to accept the minutes from the March 19, 2020 regular meeting was duly seconded by Councilor Bosley. The motion passed on a roll call vote with 14 Councilors present and voting in favor. Councilor Johnsen was not present for the vote. The Mayor led the Pledge of Allegiance.

#### ANNOUNCEMENTS – MAYOR

Mayor Hansel announced that the Municipal Services, Facilities and Infrastructure Committee for next week would be canceled. He added this was for lack of pressing business.

#### PRESENTATION – STRATEGIES TO ACHIEVE 100% RENEWABLE ELECTRICITY IN KEENE BY 2030 – THE CADMUS GROUP

The Mayor recognized Mari Brunner, City Planner for introduction to the presentation. Ms. Brunner explained that the presentation this evening is part of a larger energy-planning project that came out of the 100% renewable energy goals adopted by City Council in January of 2019. Some of the goals included sourcing 100% of electricity from renewables by 2030, sourcing 100% of energy for heating, cooling and transportation from renewables by 2050. The City also made a commitment to produce a plan to reach these goals that is due by the end of this year. Tonight the City's consultant, Cadmus Group, will talk about the current electricity landscape in Keene as well as actions we as a community can take to move toward our 2030 electricity goals. At this point, Mayor Hansel recognized Ben Butterworth of Cadmus Group. Mr. Butterworth explained that his firm was hired by the City to assist with options for achieving the City's renewable energy goals. Mr. Butterworth continued that Cadmus is a strategic and technical consulting firm, and his role is working with communities to develop and implement de-carbonization plans.

Mr. Butterworth began by providing some background on the project, noting that the City set the goals mentioned by Ms. Brunner in January of 2019. Those goals included achieving 100% renewable electricity by 2030, with a strategic plan to reach these goals developed by December of 2020. The City hired Cadmus to identify and evaluate renewable energy strategies to achieve to overall renewable energy electricity goal. To identify strategies actionable and appropriate strategies specific to Keene the Cadmus Group first conducted an electricity context review, followed by an electricity baseline analysis and a renewable energy strategy analysis.

Mr. Butterworth went to discuss the current energy consumption and baseline. For the baseline analysis, the first question to answer is what energy sources are currently being used to generate electricity. He noted in Keene renewables account for about 20% of the electricity supply. This includes such things as hydro, refuse, wind, wood and solar. Keene has also made great progress in photo solar voltaic systems in the community, with 65 homes having installed solar, and 1,872 kilowatts of non-residential solar have also been installed. For context, the 1,872 kilowatts is equivalent to 325 homes. The second question to answer is what types of buildings consume electricity in Keene. He went on to explain that 47% of consumption is residential, 43% commercial, 9% municipal, and 1% is industrial and manufacturing. The third question to answer is what will Keene's electricity supply look like in 2030 without local intervention, policies and programs. The Cadmus team's analysis of Keene in 2030 is that about 32% will be generated from renewable sources based on the State's renewable portfolio standard commitment, large renewable energy anticipated to impact the regional grid and the City's plan to obtain 100% renewable electricity for municipal operations. Now that we know what Keene will look like in 2030 without local action, the next question would be what types of policies and programs can the City enact to get to 100% renewable electricity by 2030.

Mr. Butterworth stated he would review the renewable energy strategy analysis next. Five criteria was used to evaluate potential strategies: scale of impact, local impacts, local environmental and social goals, inclusion and social equity, and feasibility. He noted this is an exciting time for renewable energy because of the innovative actions being taken both at the national and regional levels. There are great opportunities for Keene to increase its renewable energy sources. Based on feedback from the Energy and Climate Committee, six strategies were selected for further analysis. Mr. Butterworth noted that one key thing to keep in mind is that there are potential synergies across the various strategies that he will be going over this evening.

Mr Butterworth continued that recommended strategy number one is to establish community power. This would enable local government to pool community electricity load and procure electricity on behalf of residents, with the local utility, in this case Eversource, providing delivery. There is very little administrative burden to this strategy. The advantages to this strategy include local control, and potential cost savings to customers. Mr. Butterworth continued there are tiers of renewable energy credits or REC's. Some REC's link directly to renewable energy projects being built that would not otherwise have been, while others have less of a direct impact on renewable energy projects being built. Some of the lower tier REC's are easier to obtain, but through the creation of a community power program it allows obtainment of higher tier REC's and drives development of local renewable energy projects over time. Some of the challenges to this strategy are that this is a relatively new concept in New Hampshire, and there would be some administrative burden placed on City staff to implement the program. Mr. Butterworth went on to describe some of the steps involved in implementation of a community power program including governing body approval, selection of a broker to assist with procuring an energy contract, and notification of residents and businesses once this was launched. It would be optional to participate in the program.

Mr. Butterworth explained that because community power programs are relatively new, there has not been a program launched in New Hampshire, though there are communities that are interested in doing so. He went on to describe the results for Cambridge, Massachusetts as an

example of a community electricity program (CCE). He explained that Cambridge has a city-run CCE, which provides residents and businesses two rate options. Option one is the Standard Green Rate which is the renewable energy content available in the regional grid, which in Cambridge equals about 20%. The second rate option is the 100% renewable energy Green Plus option. CCE's offering a 100% renewable energy rate option often charge a slight price premium. Most standard offerings are less expensive than the basic rate offered by the public utility company, so there is competitiveness in this option. This is one of the advantages of the CCE.

Moving onto strategy number two, Mr. Butterworth indicated the recommendation is to engage in Virtual Power Purchase Agreements (VPPA). A traditional power purchase agreement (PPA) is between the buyer of the electricity (such as a CCE) and a renewable energy generator to purchase renewable energy credits produced by the renewable energy project. A virtual power purchase agreement is similar to a PPA, but the advantage is that it provides better price certainty and geographic flexibility. A traditional PPA must be signed with a renewable energy project that is connected to the New England power grid, while a VPPA can be signed with any renewable energy project in the United States regardless of the location. Mr. Butterworth continued that the renewable energy credits (REC) obtained when a CCE signs a VPPA are very high quality REC's. Meaning they directly lead to new renewable energy projects being built that otherwise would not have been. This is a key benefit along with the price certainty and flexibility provided by a VPPA. Disadvantages include the contractual complexities that may require outside legal support. Also VPPA works better as scale increases. The commitment of a small CCE program may not be sufficient to cover the financing of a project. This potential barrier could be resolved by partnering with neighboring CCE's in the future. There are a lot of synergies between CCE formations and VPPA's. The combination of these two strategies can go a long way in increasing renewal energy in Keene.

Mr. Butterworth moved on to strategy three, which involves collaborating with the public utility to develop a Pilot Battery Storage Program. Batteries are important for energy cost savings, especially for commercial customers, because they reduce the demand on the grid during times of peak demand. Storage also improves resiliency and can serve as an alternate to diesel generators, providing emergency back-up power. They compliment solar systems in many ways as well. This strategy would involve collaborating with Eversource to explore potential options for launching such a program, starting with one or more municipal facilities. This strategy would leverage utility funding, is relative low cost, and show municipal leadership. This could potentially be expanded to local businesses and other communities as well. One of the challenges would be that the City would not be in direct control of the program and would be reliant on Eversource to be a willing participant. There is also minimal precedent in New Hampshire for this type of program. This is an emerging technology and will decrease in cost over time. Mr. Butterworth noted that Eversource has similar programs available now that could easily be expanded to include battery storage. He went on to display a graph showing the demand response benefits of battery storage.

Mr. Butterworth went on to review strategy number four to partner with local financial institutions to offer renewable energy loans. This would help to expand access to renewable energy by Keene residents and businesses. This would support the local economy, and make

renewable energy accessible to those that might not otherwise be able to afford it. The disadvantage is that the City would not be in direct control, and there would be an administrative burden on staff to get the program started. He mentioned some similar programs that the City could draw from to determine the steps involved in implementing this strategy.

Mr. Butterworth described strategy five, to implement a Building Benchmarking Ordinance. Using Energy Star's portfolio manager as a tool, a benchmarking ordinance would enable municipal and commercial business owners to compare their energy consumption to similar buildings across the country and identify areas for improvement. A key benefit of energy benchmarking is that it identifies buildings that can most benefit from energy efficiency improvements, and increases the participation in this program. This can also be linked to financial incentives to further encourage participation, such as economic development incentives. City staff time would be required to monitor this program. He went on to explain action steps to implement such a program.

Mr. Butterworth went on to review the sixth and final strategy, which is to adopt solar and EV ready guidelines for all new commercial developments. This policy could begin as voluntary and transition to mandatory overtime. It is much more cost effective to design buildings for the installation of electric vehicle (EV) charging stations is much more cost effective than to retrofit an existing structure. Targeting new construction is a cost effective way to implement this strategy. Boosting EV charging availability in Keene makes it more practical to purchase an EV as a Keene resident. There are also a number of resources available to support the City in this program including a Department of Energy program that offers free technical assistance. A challenge is that this only targets new construction so the impact is somewhat limited. There is also limited precedent in New Hampshire for this type of stretch building code, though other communities nationwide have implemented this type of program. He went on to describe the action steps to implement.

Mr. Butterworth concluded by discussing the next steps involved by the City and his firm. He ended by offering answer any questions the Council might have.

Councilor Jones referred to a recently adopted solar ordinance that provides property tax relief for solar installations. He asked if that ordinance should be expanded to include other types of renewable energy. Mr. Butterworth answered in the affirmative noting currently solar is the most common, however that will change with time.

Councilor Remy asked Mr. Butterworth for statistics on how each of the strategies presented would affect the overall goal of the City. Mr. Butterworth explained this was a bit out of the scope of their work but a combination of the first two strategies of a CCA combined with a purchase power agreement would really drive access to renewable energy across the entire community. These would have a profound impact in increasing renewable energy supply across Keene.

Councilor Williams asked which of the options has the best opportunity to create jobs in the renewable energy sector. Mr. Butterworth commented that there is opportunity to drive local solar development through a purchase power agreement, especially with reference to local

renewable energy projects that will be linked directly to the grid. Collaborating with local financial institutions for renewable energy loans would foster partnerships with local businesses as well.

As there were no further questions, the Mayor took a moment to thank Mr. Butterworth for his thorough presentation.

## CONFIRMATIONS

A motion was made by Councilor Powers and duly seconded by Councilor Filiault to confirm the following nominations: Catherine Workman to serve as an ex-officio member on the Historic District Commission with a term to expire December 31, 2021 and Gladys Johnsen to serve as an ex-officio member on the Heritage Commission with a term to expire December 31, 2021. On a roll call vote, with 15 Councilors present and voting in favor, the nominations were confirmed.

## COMMUNICATION – BRUCE BICKFORD/FARMERS MARKET OF KEENE – REQUEST TO USE CITY PROPERTY

A communication was received from Bruce Bickford, of the Farmers Market of Keene, requesting use of parking spaces on Gilbo Avenue for their members to vend their produce and wares on Saturdays starting on April 25, 2020 and continuing to the end of October and on Tuesdays starting on May 5, 2020 and continuing to the end of October. The Farmers Market is also requesting a reduction in the charge associated with their use and/or “complimentary” parking for their customers. The communication was referred to the Planning, Licenses and Development Committee.

## MEMORANDUM – CITY MANAGER AND RESOLUTION R-2020-10: RELATING TO EMERGENCY MANAGEMENT

A motion from Councilor Powers to suspend Section 35 of the City Council Rules of Order to act upon Resolution R-2020-10 was duly seconded by Councilor Bosley. On a roll call vote, with 15 Councilors present and voting in favor, the Rules of Order were suspended. A motion from Councilor Powers to adopt Resolution R-2020-10, relating to Emergency Management was duly seconded by Councilor Bosley. Councilor Powers stated that they all received a memorandum from the City Manager requesting some action on a Resolution that currently exists, which was adopted in 1994, that was to streamline our financial systems and how we spend our money. It provided for some provisions in emergencies and some ability for the City Manager to have some latitude in spending outside the City’s normal parameters when necessary. During our current state of emergency, the City Manager is looking to have an amendment on this Resolution to fit current circumstances. He requested the City Manager be recognized for further explanation. The City Manager stated the current Resolution that is on the table tonight is one that deals with the budgeting within the City. There is a section in the Resolution from 1994 that talks about the separation from personnel lines and other operating lines, there is a restriction from using unspent personnel funds for other operating expenses without prior approval from the City Council. The Resolution on the table this evening is an amendment to allow such funds to be used in emergency situations, like the current one,

COVID-19. The need is to have the flexibility if needed. The City Manager explained that throughout an emergency response, there is a great deal of problem solving. Emergencies are complex problems with limits on time and severe consequences of failure and host of other difficulties. When judging alternatives it is important to have as much flexibility as possible and to be able to act swiftly. She stated that she did not think a month ago or at any other point in her career it would be necessary to have this level of flexibility when expending the budget during an emergency. It is not only long lasting but because of the type of emergency, it also severely limits the ability to run government in the way we have always done. She has no longer have the confidence that we are able to imagine every scenario that could impede us from operating in our traditional ways. The City Manager is responsible for the people who work the City and responsible for keeping essential services in operation. With this amendment, she is requesting the flexibility to expend dollars budgeted for personnel costs on non-personnel items during a city emergency. There would be reporting of use of those funds to the Council. The City Manager works in a very public setting, he or she is not only held accountable by the Council, but also scrutinized by the public. Any City Manager who abused this authority would likely find themselves quickly out of a job and their professional reputation greatly damaged. A brief discussion took place. City Attorney provided a couple of options for a motion. Another brief discussion took place. The motion was made by Councilor Clark to amend the Resolution to add at the end of the existing Resolution, “provided, however, that the City Manager shall provide an accounting of the expenditure of the funds to the City Council as soon as reasonably possible under the circumstances of the Emergency”. The motion was duly seconded by Councilor Filiault. On a roll call vote, with 15 Councilors present and voting in favor, the amendment passed. A motion by Councilor Remy to further amend to Resolution to add the following: “provided further that this Resolution shall be rescinded when the current COVID-19 State of Emergency is declared to be ended by the Governor”. The motion was duly seconded by Councilor Bosley. The City Attorney explained that with this amendment, if the State of Emergency was to be lifted by the Governor, then this would be rescinded. A brief discussion took place. On a roll call vote, with 10 Councilors present and voting in favor, the second amendment passed. Councilors Manwaring, Filiault, Jones, Ormerod and Powers were opposed. On a roll call vote, with 15 Councilors present and voting in favor, the amended Resolution R-2020-10 was adopted.

#### CITY MANAGER COMMENTS

The City Manager began her comments regarding the COVID-19 pandemic. She stated that most of her updates regarding our operational changes and our overall response to the COVID-19 Crises had been communicated to the Council and the Public through the Mayor’s memos and other messages throughout the week. Information will continue to be shared during this emergency in this fashion.

The actions that have been taken to date and will continue are to protect our citizens and our staff. As a municipality, we have the responsibility to be proactive in the prevention of the spread of COVID-19. At the same time, we continue to work hard to maintain essential City services.



The City Manager stated after reading the Governor's Emergency Order #23, specifically section #6, which addresses building permits in municipalities that are not offering any building permits or inspection. We want to make it clear to the public and local contractors that the City of Keene is still accepting building applications, conducting plan reviews, issuing permits and conducting remote inspections. There will be some changes to the Community Development home page to try to make the online submittal process clearer to the public.

In addition, the City Manager reminded people that they can still call city hall and make an appointment to register their new vehicle. She urged people to do motor vehicle renewals online but noted she realizes that it is not an option for new vehicles. The Governor's order also discussed the use of electronic signatures. The staff is in the process of putting some standards in place so that we may be able to use electronic signatures to process more things.

The City Manager shared a drafted and signed letter to the Governor from the City of Keene and the town and city managers of Durham and Rochester. The letter was requesting that the Governor consider an emergency order to allow a local option for towns and cities to waive interest on the June tax bill for up to 3 months. She announced that the Governor mentioned this concept at one of his press conferences as something he is currently considering.

The City Manager continued with the Alternative Care site on the Keene State College campus. Preparing for the worst-case scenario is a huge undertaking in any emergency. Fortunately, the City of Keene has the available facilities of KSC, as well as the support from the President of KSC and the university system and the assistance from their staff, which has been crucial over the last few days. This will continue with preparations for the facility to be ready if needed. The hospital is critical to the success of this facility and it actively working with the group to plan the logistics of operating this site. This site would become an extension of the hospital. The National Guard not only facilitated the discussion over two days to create our plan, but also has pledged service men and women to help us staff this facility if it were opened. The Emergency Management Director, Kurt Blomquist, is doing a great job bringing all the pieces together as incident commander for our community. Fire Chief, Mark Howard, Deputy Incident Commander, and Captain John Bates have been vital to the medical planning for the alternative care site. Police Chief, Steve Russo, Officer Matthew Bomberg, and John Rogers, Health Officer, have been working on integrating plans on campus for isolation and respite housing for City Fire, Police, EMS, and other city front line workers critical to performing our essential services. Every day there are new challenges and every day this group steps up to meet that challenge.

The City Manager recognized two other departments that have been doing some heavy lifting over the last couple of weeks. Beth Fox, Human Resources/Assistant City Manager, along with the Human Resources' team and Rebecca Landry, IT/Assistant City Manager, along with the IT team were recognized. The amount of work created from this ever-changing situation has been monumental for these two departments as we navigate changes that come down from the federal and state level. We have engaged technology in ways we have never done before, like virtual public meetings. This is not an easy thing to pull off.

The City Manager spoke about the need to closely monitor our first responders, to make sure they are protected and supported. As the Emergency Management Director had stated in the past, this emergency is a marathon not a sprint. The isolation and respite option at KSC is critical to also keeping their families healthy.

The City Manager recognized Will Schoefmann, Mapping Technician in the Community Development Department for moving the City towards a virtual Emergency Operations Center platform for the emergency management team. This pandemic is not out typical emergency, such as a major flood, where you would staff an actual room for several days to run your EOC. We do not have the bandwidth to do all we are doing and physically staff an EOC and right now it really doesn't make sense to do so, when we are doing most things virtually. This new tool has a lot of potential.

The City Manager gave many thanks to all departments and their employees that have stepped up.

The City Manager wanted to end on a positive note, that the City of Keene workers received the Gold Award from the United Way. This award is to acknowledge the employees of the City of Keene for their personal contributions all year long through their payroll deductions to the United Way organization. The pledges were over \$20,000 for this year.

Councilor Manwaring was contacted by various constituents concerned about the homeless, and what our obligations are as a City. The City Manager stated she is concerned as well. If someone comes to the shelter and are exhibiting symptoms, they have a fever and need to be in isolation, then we are providing a place for them to be isolated. The City has four people who have been showing some symptoms with a fever and we are providing support to them. The Health Inspector and the City Manager have asked the State the process with the homeless. If we can still help the homeless within the city capabilities that is great. If it gets too overwhelming then we will ask for help from the State. The State has created a place for the homeless to go and get better. The State will transport them to the nearest location, likely a hotel. Once the homeless are better then they will be transported back to the community from which they came.

Councilor Greenwald asked about the subject of the homeless having no place "to go", being that restaurants are closed, he was wondering if the port-a-potty option could be accelerated. It is no longer freezing, the exotic outside bathroom, and thinks it is more urgent than waiting for a more permanent solution. The City needs to have an outhouse or two near the skate park. The City Manager responded, once the Library has been closed, City Hall is still open and the second floor bathrooms are available. There has been more activity coming to use those bathrooms. She also reminded the Council that they just recently approved another lease for 12 Gilbo. They are in the process of setting up and as part of that lease; those bathrooms will be accessible to the public during those hours of operation. Councilor Greenwald commented that the need is more urgent and he did not want to be the "downtown bathroom" and is looking for a port-a-potty for the immediate timeframe. The City Manager responded that she would get back to him regarding this question.

04/02/2020

Councilor Williams wanted to expand the port-a-potty issue to include shower facilities for the homeless, maybe have a gym membership where they can go and take a shower. The Manager noted that unfortunately, many of those opportunities are no longer available. The cities of Portsmouth and Rochester have put up portable shower stations that the homeless are using.

Councilor Chadbourne responded that Hundred Nights does not have showers, but Salvation Army, off of Roxbury Street, had showers accessible in the past. She believes that the Hundred Nights have been using the Salvation Army for the showers. City Manager believes that is still the case.

#### ADJOURNMENT

At 8:35 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:

  
City Clerk



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

March 10, 2020

**TO:** Mayor and Keene City Council

**FROM:** Erin Benik

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

**ITEM:** C.1.

**SUBJECT:** Erin Benik - Resignation - Historic District Commission

---

**COUNCIL ACTION:**

In City Council April 16, 2020.

Voted unanimously to accept the resignation with appreciation for service.

**ATTACHMENTS:**

Description

Communication - Benik

**BACKGROUND:**

Erin Benik is submitting her resignation as a member of the Historic District Commission. Ms. Benik has been a member of the Commission since December of 2017.

3.10.2020

Dear Mr. Mayor,

Regretfully, I am resigning as a member from the Historic District Commission. Various commitments prohibit me from serving in a dedicated capacity. I appreciate all the hard work the HDC, its members and city staff provide and hope to serve again sometime in the future.

Sincerely,

Erin M. Benik

A handwritten signature in blue ink, appearing to read "Erin M. Benik". The signature is fluid and cursive, with the first name "Erin" being more prominent than the last name "Benik".

3/10/2020



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

April 13, 2020

**TO:** Mayor and Keene City Council

**FROM:** Councilor Robert Williams

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

**ITEM:** C.2.

**SUBJECT:** Councilor Williams – Library Unspent Personnel Funds

---

**COUNCIL ACTION:**

In City Council April 16, 2020.  
Communication filed as informational.

**ATTACHMENTS:**

**Description**

Communication - Councilor Williams

**BACKGROUND:**

Councilor Williams is expressing his opposition to the use of surplus personnel funds for the acquisition of printer management software and more specifically, the use of surplus personnel funds resulting from furloughed City employees. The Councilor is looking for the issue be referred back to the committee for further discussion.

13 April 2020

Councilor Bobby Williams  
66 North Lincoln Street  
Keene, New Hampshire 03431

Keene City Council  
3 Washington Street  
Keene, New Hampshire 03431

To the Honorable Mayor and City Council,

I am writing to apprise you of my intent to oppose the Library's request to purchase equipment and software through the use of unspent personnel funds. This matter was discussed at most recent meeting of the Finance, Organization, and Personnel Committee, and is on schedule to be discussed at the April 16 meeting of the City Council. I am sending this letter in advance of the meeting so that other Councilors may have adequate time to consider their thoughts on the issue before it comes to the floor.

The Library is requesting funding for a small capital project that would improve its capacity to collect revenue from patrons who are making use of Library printing services. The merits of this particular project aside, I feel that funding this initiative through the use of personnel funds is inappropriate. My objection relates to that specific portion of this project's funding that is paid for using money that had been originally designated to pay the salaries of employees who are currently out on furlough.

While the money in question represents a small windfall for the City budget, it is a windfall of unfortunate origin. As the we find this money in the City's budget, we should be conscious that its absence is surely being felt in the budgets of our furloughed employees. Out of concern for the economic security of these employees, and their families, I think we should hesitate before spending what would have been their salaries on things like printer management software.

Instead, I think it would be appropriate to segregate this money into a separate fund aimed at providing economic support for City workers and, by extension, to the broader local economy. For example, the money could be used to fund emergency loans designed to help furloughed employees put food on the table and pay the rent on time. It could also be set aside in an account to be used in the near future, so that employees may have the opportunity to work additional hours to earn this money at a later date.

While the City Manager has already been provided with the power to spend these personnel funds on an emergency basis, the use of these funds for non-emergency-related purposes remains another question. Thus, I request that the topic of providing support to furloughed personnel be discussed at the committee level, so that the Council may provide guidance to the City Manager on how to direct these funds.

In the meantime, I will vote against spending this money on the Library's printer management project.

Sincerely,



Bobby Williams  
City Councilor, Ward 2



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

April 06, 2020

**TO:** Mayor and Keene City Council

**FROM:** Ashley Sheehan/Modestman Brewing

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

**ITEM:** C.3.

**SUBJECT:** Ashley Sheehan/Modestman Brewing - Request to Serve Alcohol on City Property

---

**COUNCIL ACTION:**

In City Council April 16, 2020.

Referred to the Planning, Licenses and Development Committee

**ATTACHMENTS:**

Description

Communication\_Modestman

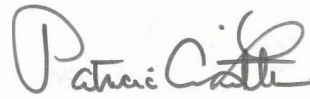
**BACKGROUND:**

Modestman Brewing is requesting permission from the City Council for the service of alcohol on city property immediately in front of their business at 100 Main Street. The City Code requires that all first time applicants receive permission from the City Council in the first instance. After that, renewals of the license are handled administratively through the City Clerk's Office.



04/06/20

In City Council April 16, 2020.  
Referred to the Planning, Licenses and Development  
Committee.



City Clerk

CITY OF KEENE

3 WASHINGTON ST KEENE NH 03431

ATTN: CITY COUNCIL

This letter's intent is to ask permission to serve alcohol on the sidewalk patio of 100 Main St,  
Keene, NH, directly in front of Modestman Brewing.

Thank you for consideration.

SINCERELY,



ASHLEY M SHEEHAN  
MODESTMAN BREWING/ TACO ODELAY  
100 MAIN ST, KEENE NH  
03431



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

April 9, 2020

**TO:** Mayor and Keene City Council

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

**ITEM:** D.1.

**SUBJECT:** Robert DiLuzio, Sr./SCI Corp. - Release of Right-of-Way

---

**COUNCIL ACTION:**

In City Council April 16, 2020.

Voted unanimously to carry out the intent of the report.

**RECOMMENDATION:**

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to release any interest that the City may have in a certain private right-of-way over real property currently owned by Keystone America Inc., d/b/a DiLuzio, Foley & Fletcher Funeral Homes, located at 49 Court Street, obtained by the City through a Tax Collectors Deed dated April 27, 1922, and recorded in Volume 498, page 45, of the Cheshire County Registry of Deeds.

**BACKGROUND:**

City Attorney Thomas Mullins stated this item came up a few weeks ago when the Foley Funeral Home was in the process of purchasing property from Public Service of NH. The City has a right of way across this property, which goes back a few years. The attorney shared a map of the property. He explained one party originally owned this entire property, and a portion was carved off in 1920, which later became the Elm Street parking lot. In 1939, the City took that portion by tax deed and retained a right of way that went to Court Street. The exact location of the right of way is slightly unclear. The new Fire Station is currently located on this property, which effectively terminates the usability of the right of way. The Attorney emphasized this was a private right of way and the only reason the City came into possession of it was through the tax deed process.

Attorney Mullins went on to say the funeral home has moved forward with this transfer and added his recommendation is that the right of way be released.

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

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to release any interest that the City may have in a certain private right-of-way over real property currently owned by Keystone America Inc., d/b/a DiLuzio, Foley & Fletcher Funeral Homes, located at 49 Court Street, obtained by the City through a Tax Collectors Deed dated April 27, 1922, and recorded in Volume 498, page 45, of the Cheshire County Registry of Deeds.



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

April 9, 2020

**TO:** Mayor and Keene City Council

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

**ITEM:** D.2.

**SUBJECT:** Lease Agreement - 12 Gilbo Avenue - Parks, Recreation and Facilities

---

**COUNCIL ACTION:**

In City Council April 16, 2020.

Voted unanimously to carry out the intent of the report.

**RECOMMENDATION:**

On 5-0 roll vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a lease renewal with Konstantinos Georgiadis for space located at the 12 Gilbo Avenue.

**BACKGROUND:**

Parks Recreation and Facilities Director Andy Bohannon addressed the Committee. Mr. Bohannon stated this item was in reference to a lease agreement for 12 Gilbo Avenue with Yolo Ice Cream. He indicated Yolo has been a good tenant since April 30, 2012. They have expressed an interest in extending their lease for another 2 ½ to 3 years. At the present time, Konstantinos Georgiadis owns the business and he is interested in transferring the business to his brother Christos.

Mr. Bohannon stated at the present time the tenant is paying \$1,550 and reminded the Committee a couple of years ago the City agreed to drop the lease price to \$1,350. That lease amount has been increased over time over a period of two years. Mr. Bohannon noted in the current economic times, and because this is a seasonal venue they have asked for the same consideration for the next 2 ½ years. Mr. Bohannon stated this site works well with the proposed Arts and Culture Corridor.

Councilor Remy asked whether it was normal not to include a CPI adjustment in a lease. The City Manager stated CPI adjustments are usually included in leases. Mr. Bohannon confirmed CPI adjustments are typically included but because of the incremental increases, which were clearly laid out, a CPI, adjustment was not included.

Councilor Remy clarified if the Committee were to authorize the staff to negotiate a lease with this tenant, that motion would not be suggesting there would be no CPI adjustment included. Attorney Mullins asked that the Councilor clarify his remark and specifically was the Councilor referring to this lease alone or leases in general. Councilor Remy stated he meant for this lease alone, as there is no rate specified in the motion. Chair Powers indicated a rate is not included when the Manager is being authorized to negotiate and execute. If negotiation fails, the Manager will come back before the Council for further direction.

Councilor Ormerod asked whether Councilor Remy was referring to a CPI adjustment on the \$1,350 rate and if it should start above the \$1,350. Councilor Remy stated he was fine starting at \$1,350 as long as there was an escalator.

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

On 5-0 roll vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a lease renewal with Konstantinos Georgiadis for space located at the 12 Gilbo Avenue.



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

April 9, 2020

**TO:** Mayor and Keene City Council

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

**ITEM:** D.3.

**SUBJECT:** Request for Use of Personnel Funds - Keene Public Library

---

**COUNCIL ACTION:**

In City Council April 16, 2020.

Voted 10 in favor and five opposed 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 allow the Library use of \$4,346 from the current fiscal year's unused personnel funds (#01100-61303) to acquire print management software and supporting equipment of scanners and receipt printer.

**BACKGROUND:**

City Manager Elizabeth Dragon addressed the Committee first and reminded the Committee of the recommendation from the Council at their previous meeting regarding use of personnel funds for non-personnel reasons. She explained the reason staff is making this recommendation at this time is that they feel it will be beneficial to install a printer in the library when the library is not in use.

Library Director Marti Fiske addressed the Committee and stated at the present time the library has a system where there is a printer located directly adjacent to the reference desk. People pick up copies and pay at the front desk using the honor system. However, a survey was recently done and it was found that unfortunately the library was losing 68% of its print jobs, which equates to \$4,660 loss of income a year.

Ms. Fiske stated they are recommending the use of a software application that will guarantee a person pays for the number of copies they make. An individual will have an option to review what they are going to print, but the print job has to be paid before it is picked up. There is a request today before the Committee to purchase the software, which is a one-time charge of \$3,475.00. There is also a mobile print management system where people can print from their phones, laptops or any other device people carry into the library. There is an annual fee for this option, but this fee is included in this cost in the first year. There is also some software required to make this work for bar code scanners in the youth department and in the adult area for a receipt printer, which needs to be replaced.

Ms. Fiske explained the unspent funds of \$4,375 is coming from Assistant Library Director position that has been vacant since early October, and because of the emergency declaration by the Governor ½ of the library staff was furloughed.

Ms. Fiske stated this purchase is part of a larger initiative. She continued in the next fiscal year there is a request for a public printer/copier; a multi-plex unit, which would replace a large black and white printer that has been breaking down often and a 20-year old black and white printer, which has also been breaking down and for which parts cannot be obtained anymore. The proposal covers the lease of a color printer/copier, which the library estimates would bring in an income as well as provide for the shortfall they have been experiencing.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to allow the Library use of \$4,346 from the current fiscal year's unused personnel funds (#01100-61303) to acquire print management software and supporting equipment of scanners and receipt printer.



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

April 9, 2020

**TO:** Mayor and Keene City Council

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

**ITEM:** D.4.

**SUBJECT:** Acceptance of Local Source Water Protection Grant - Public Works Department

---

**COUNCIL ACTION:**

In City Council April 16, 2020.

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 a Local Source Water Protection grant from the New Hampshire Department of Environmental Services (NHDES) in the amount of \$20,000 for the installation of security fencing at Babbidge Reservoir.

**BACKGROUND:**

Operations Manager of the Water Treatment Facility Aaron Costa stated the proposed grant he is referring to will fund approximately 600 feet of fencing and two gates across vehicle access points in an effort to deter unauthorized access to the dam and reservoir. DES approved this funding and there is no matching funding requirement for this grant. City staff will provide labor for approximately \$3,700 in removing brush and vegetation prior to installation of the fencing.

Councilor Hooper asked whether the road from the main access would be opened up to the dam. Mr. Costa stated Deacon Road off Middletown Road would still have access. He indicated there are two gates being proposed at the bottom of the dam as well as one very close to the dam.

Councilor Clark asked how many feet are going to be fenced off. Mr. Costa stated only about 600 feet will be blocked off and noted a Class VI road cannot be blocked. This project is to deter people from getting up to the dam and entering the reservoir. He added the City owns close is 2,300 acres in this water shed.

The Chairman asked for the Public Works Director's comments. Mr. Blomquist stated Aaron Costa has covered the pertinent information for this item.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a Local Source Water Protection grant from the New Hampshire Department of Environmental Services (NHDES) in the amount of \$20,000 for the installation of security fencing at Babbidge Reservoir.



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

April 9, 2020

**TO:** Mayor and Keene City Council

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

**ITEM:** D.5.

**SUBJECT:** Blossom Street Sewer Replacement Project - Request for Additional Project Budget - Public Works Department

---

**COUNCIL ACTION:**

In City Council April 16, 2020.

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 authorize the reallocation of \$200,000 of unspent project balances within the Sewer Improvements project (08055) to the Blossom Street Sewer Replacement Project (08055-20).

**BACKGROUND:**

City Engineer Don Lussier was the next to address the Committee. He explained the Blossom Street sewer is a ten-inch clay pipe installed in the 1930's. It was installed at a very shallow depth without the benefit of the proper slope. This has caused sewage to build up and debris to collect. Over time because of this collection of debris, the clay pipe has started to crack causing overflows.

When this item was put in the CIP, it was with the intention that it will address the structural defects, but not any of the depth of cover issues. He explained staff has found a way to connect the Blossom Street pipe to the pipe on Ridgewood Avenue, which is much deeper. This gives the ability to lower the pipe by about two feet and at a .25% slope. Mr. Lussier stated the prior project did not look at this scope of work and staff is recommending adding \$200,000 more to the project budget. Mr. Lussier went on to say in recent years there have been some sewer main projects that have come in under budget. This is attributed to the use of the video equipment to determine the pipe conditions being used well in advance of the projects. Because the City was able to use its video equipment, the Silent Way and Perham Street project required only lining work at quite a reduction in cost, estimated at \$700,000 in savings. Staff is recommending those funds be used for this project.

Councilor Clark asked for clarification on the next motion, which is taking funds from the Blossom Street project. Mr. Lussier explained the two motions are related, paid through the same contract and paid from the \$700,000 savings. The \$200,000 for this motion is to pay for work on Blossom Street and Ridgewood Avenue. The next two motions – the first one is to authorize \$136,000 in funding for Winchester Court Sewer Main work and the next item is to negotiate a change order for a contractor to do the work.

Councilor Remy asked whether these funds being spent were slated for any other project in the CIP. Mr. Lussier answered in the negative and stated these funds were included in the CIP over the last few cycles for the



projects being identified. He added monies are expended from capital reserve accounts for a specific project and the unspent monies have been sitting idle in the account.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to authorize the reallocation of \$200,000 of unspent project balances within the Sewer Improvements project (08055) to the Blossom Street Sewer Replacement Project (08055-20).



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

April 9, 2020

**TO:** Mayor and Keene City Council

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

**ITEM:** D.6.

**SUBJECT:** Blossom Street Sewer Replacement Project - Construction Change Order for Winchester Court  
- Public Works Department

---

**COUNCIL ACTION:**

In City Council April 16, 2020.

Voted unanimously to carry out the intent of both recommendations in 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 authorize the reallocation of \$136,175 of unspent project balances within the Sewer Improvements project (08055) to the Blossom Street Sewer Replacement Project (08055-20) be authorized to fund the replacement of the Winchester Court Sewer Main.

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a Construction Change Order with SUR Construction West, Inc. in an amount not to exceed \$136,175 for the replacement of the Winchester Court Sewer Main, and that funding for this work come from the Blossom Street Sewer Replacement Project balance (08055-20).

**BACKGROUND:**

Mr. Lussier stated this item is related to the prior motion in that staff is proposing to do some additional work under the contract that has been advertised for the Blossom Street project. He explained Winchester Court comes off Winchester Street and this pipe dates back to 1895. The pipe is in poor condition and has seen several blockages.

Chair Powers clarified SUR Construction will complete both jobs and asked whether they were the firm who did the work on Winchester Street and asked whether that project was complete. Mr. Lussier answered in the affirmative and added this was a drainage project.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to authorize the reallocation of \$136,175 of unspent project balances within the Sewer Improvements project (08055) to the Blossom Street Sewer Replacement Project (08055-20) be authorized to fund the replacement of the Winchester Court Sewer Main.

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

On 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a Construction Change Order with SUR Construction West, Inc. in an amount not to exceed \$136,175 for the replacement of the Winchester Court Sewer Main, and that funding for this work come from the Blossom Street Sewer Replacement Project balance (08055-20).



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

April 14, 2020

**TO:** Mayor and Keene City Council

**FROM:** Kürt D. Blomquist, P.E., Public Works Director/Emergency Management Director

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

**ITEM:** F.1.

**SUBJECT:** 2020 Farmers Market License for Use of City Property - Emergency Management Director

---

**COUNCIL ACTION:**

In City Council April 16, 2020.

Voted unanimously to call from Planning, Licenses and Development Committee the communication from the Farmer' Market of Keene for consideration and action by the City Council in order to facilitate their requested opening date of April 25.

Voted unanimously to eliminate the license fee and electricity fee for the 2020 season.

Voted unanimously to recommend that the Farmers Market of Keene be granted permission to use 22 parking spaces along Gilbo Avenue as well as an additional 18 spaces on the other side of the median strip in the Commercial Street parking lot on Saturdays from April 25, 2020 to October 31, 2020 and 22 parking spaces along Gilbo Avenue on Tuesdays from April 28, 2020 to October 27, 2020. Said permission is granted subject to the following conditions: compliance with the customary licensing requirements of the City Council; and obtainment of a City food license from the Health Department. In addition, it is recommend that the Farmer' Market of Keene be allowed to erect sandwich board signs on City property prior to the start of sales, subject to review and approval by City staff with respect to the number and location. The signs must be removed immediately after the sales have concluded.

As part of the license conditions during and following the State of New Hampshire Emergency Declaration due to the Novel

Coronavirus (COVID-19) and as amended, the Farmer's Market of Keene shall:

- Follow, maintain and monitor social distancing of at least six feet for customers and vendors,
- Provide adequate space for vendor and patron flow to maintain social distancing practices,
- Prohibit the use of reusable bags,
- Prohibit product sampling,
- Use non-porous tables that can be easily disinfected,
- Discontinue the use of display items that cannot be cleaned and sanitized,
- Have access to and utilize hand sanitizer for use between transactions,
- Disinfect surfaces between customers, and
- Any other requirements that may be issued by the City and/or the State for health and safety of the vendors, customers, and public.

With respect to the concern over short-term parking, the City Manager is authorized to do all things necessary

to work with the Farmers Market to create a solution to resolve their stated problem relative to short-term visits as the City has with parking on Main Street.

### **RECOMMENDATION:**

Move to call from Planning, Licenses and Development Committee the communication from the Farmer' Market of Keene for consideration and action by the City Council in order to facilitate their requested opening date of April 25.

Move to recommend that the Farmers Market of Keene be granted permission to use 22 parking spaces along Gilbo Avenue as well as an additional 18 spaces on the other side of the median strip in the Commercial Street parking lot on Saturdays from April 25, 2020 to October 31, 2020 and 22 parking spaces along Gilbo Avenue on Tuesdays from April 28, 2020 to October 27, 2020. Said permission is granted subject to the following conditions: compliance with the customary licensing requirements of the City Council; the receipt of a total rental fee of \$932.00 (payable on the first day of every month at \$155.00 per month); and obtainment of a City food license from the Health Department. In addition, it is recommend that the Farmer' Market of Keene be allowed to erect sandwich board signs on City property prior to the start of sales, subject to review and approval by City staff with respect to the number and location. The signs must be removed immediately after the sales have concluded. Access to City electrical shall be provided at a fee of \$60.00 for the season.

As part of the license conditions during the State of New Hampshire Emergency Declaration due to the Novel Coronavirus (COVID-19) and as amended, the Farmer's Market of Keene shall:

- Follow, maintain and monitor social distancing of at least six feet for customers and vendors,
- Provide adequate space for vendor and patron flow to maintain social distancing practices,
- Prohibit the use of reusable bags,
- Prohibit product sampling,
- Use non-porous tables that can be easily disinfected,
- Discontinue the use of display items that cannot be cleaned and sanitized,
- Have access to and utilize hand sanitizer for use between transactions,
- Disinfect surfaces between customers, and
- Any other requirements that may be issued for health and safety of the vendors, customers, and public.

With respect to the concern over short-term parking, the City Manager is authorized to do all things necessary to work with the Farmers Market to create a solution to resolve their stated problem relative to short-term visits as the City has with parking on Main Street.

### **BACKGROUND:**

Under the Emergency Order #17 of the Executive Order 2020-04 from Governor Sununu, Farmers Markets are designated as "Essential Services." They play an essential role in maintaining and increasing access to local food, particularly in times of unsteadiness. Local farming may also fill a critical void in food distribution patterns if the response to COVID-19 increases and growing regions located in the western U.S. experience production and distribution challenges.

The Emergency Management Director, Kurt Blomquist led a protocol discussion with the General Manager of the Farmers' Market of Keene, Bruce Bickford and other City staff. Mr. Bickford reported that his members have discussed how they would carry out social distancing between their vendors and patrons. Conversations have occurred with John Rogers about specific license conditions that the City would require during the Covid-19 Emergency Declaration.

During the protocol discussion, the staff focused in on how the Farmers Market of Keene would maintain the social distancing requirements, manage the directional flow of patrons, and sanitize any surfaces between patron purchases as well as restrict any direct contact with the food products and the patrons of the market.

During the discussion, Mr. Bickford raised the issue of providing complimentary parking to their patrons, particularly on Saturday morning, as well as a possible reduction in the license fee. Economic Development and Special Projects Director, Med Kopczynski reported that if assuming full usage of the requested number of parking spaces there was a loss of \$3,800 from the parking fund during the market license period. Mr. Bickford indicated that in their correspondence that they are requesting the City consider reducing the license fee, which is \$932.00 for the season, payable on the first day of every month at \$155.00 per month. Mr. Bickford noted that he appreciates the cooperation and support that the market receives from the City. Mr. Bickford recognized that this is a loss in revenue to the City and indicated that there are other communities in the State that do not have a license fee associated with this type of request. It was consensus of staff that a discussion regarding the license fee would take some research and further consideration and to be able to have the Farmers Market receive their approvals for an April 25th opening, this issue should be considered separately. Mr. Bickford indicated that since it is a monthly billing his preference would be to withdraw their request for a reduced license fee at this time and revisit it through a separate communication in the future.

Another item requested by the Farmers Market was for consideration of complimentary parking for patrons. Mr. Bickford indicated that many of their patrons are parked for brief periods. There was a discussion on what the concern was about. Mr. Kopczynski indicated that there was not a simple solution but that the concerns could be addressed with the City working with the Farmers Market. Mr. Bickford indicated that he would withdraw the complimentary parking request and work with City staff on a potential solution. Mr. Kopczynski indicated that if structural changes were required this item could be brought back to the City Council.