



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
July 1, 2021
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- June 17, 2021 City Council Minutes

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Approving a CDBG Application - Monadnock Family Services

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmations

C. COMMUNICATIONS

1. John Hayes - Partial Opening Robin Hood Park Pool - Swimming Lessons for Youth
2. Keene Elm City Rotary Club - Use of City Property - Clarence DeMar Marathon
3. Councilor Andrew Madison - Mandatory Training for City Councilors
4. Councilor Gladys Johnsen - Legislative Authority to Install Parklets in Parking Spaces

D. REPORTS - COUNCIL COMMITTEES

1. 2021 Fire Prevention Parade – Fire Department
2. Albert Grauer - Application for a Lodging House License – 85 Winchester St.

3. Cheshire Housing Trust - Application for a Lodging House License – 86 Winter St.
4. Hundred Nights, Inc - Application for a Lodging House License – 15 Lamson St.
5. Donna Forte - Application for a Lodging House – 57 Winchester St.
6. Continued Discussion – Parklets
7. Presentation - Melanson FY20 Audit
8. Councilor Jones - Requesting a Declaration of Inclusion on Behalf of Keene City Councilors
9. Relating to Approving an Application for CDBG Funds Resolution R-2021-31
10. PFAS Detection at 173 Wyman Road - Asst. Public Works Director/Solid Waste Manager
11. Martell Court Pump Station- Engineering Services - Change Order 2 - WWTP Operations Manager
12. Laboratory Renovation - Engineering - Change Order 2 - WWTP Operations Manager
13. Aeration Piping Replacement-Engineering Services - Change Order 1 - WWTP Operations Manager
14. Professional Services Contract - Emergency Response Plan for the City's Waste Water Pump Stations - Utilities Maintenance Manager
15. 2021 Sewer Main Lining Project - Construction Change Order - City Engineer
16. Municipal Services Agreement - Keene State College - City Manager

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

1. Redistricting of Ward Lines - City Clerk

I. ORDINANCES FOR FIRST READING

1. Relating to Water and Sewer Utility Charges
Ordinance O-2021-10

2. Relating to Parking
Ordinance O-2021-09

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

1. Eminent Domain for Highway Purposes - Winchester Street
Reconstruction Project
Resolution R-2021-19-A
2. Opioid Litigation Settlement Revolving Fund
Resolution R-2021-32

NON PUBLIC SESSION

ADJOURNMENT

A site visit was held on June 17, 2021 relative to a petition from the Kurt Blomquist, Public Works Director for the taking of land for a public purpose for the Winchester Street reconstruction project. The Honorable Mayor George S. Hansel called the site visit to order at 5:30 PM. Councilors in attendance included: Stephen L. Hooper, Janis O. Manwaring, Michael Giacomo, Robert C. Williams, Philip M. Jones, Gladys Johnsen, Andrew M. Madison, Raleigh C. Ormerod, Catherine I. Workman, Mitchell H. Greenwald, and Kate M. Bosley. Councilors who were unable to attend the meeting included: Michael J. Remy, Randy L. Filiault, Bettina A. Chadbourne, and Thomas F. Powers. City Engineer, Don Lussier identified the 3 parcels of land owned by Riverside Plaza that would be needed for the reconstruction project. He noted that the property owner was supportive of the project, but because of their mortgage they were not permitted to sell the underlying collateral without an eminent domain process. Referring back to the 3 parcels of land, Mr. Lussier noted that one parcel would be needed for the temporary maintenance of the sidewalk and lane configurations. The other two parcels, which would be permanently acquired by the City, measured 215 square feet and 525 square feet.

The site visit concluded at 5:50 PM.

A true record, attest:



City Clerk

ANNOUNCEMENTS

Mayor Hansel welcomed Councilors, Staff, and the public back to Councilor Chambers. He noted Councilors are expected to attend Council meetings in person but if extenuating circumstances were to prevent a Councilor from attending, Mayor Hansel asked that the Councilor provide the City Clerk's Office 24 hours' notice. With all Councilors present in the Council Chambers, all votes would be by a show of hands, except for the votes on the bond resolutions.

Mayor Hansel announced the first City-sponsored Juneteenth celebration would be on Saturday, June 19 from 11:00AM to 2:00PM. Attendees are encouraged to bring lawn chairs as there would be limited seating in Railroad Square.

The Mayor also announced that Keene and several Keene organizations received \$1.3 million from the Community Development Finance Authority, representing 25% of all funding provided in NH this year, which Mayor Hansel said showed that the Keene community was active and engaged in acquiring the needed resources for the community.

There are three City Council workshops being scheduled over the next several months, which would all occur at 6:00 PM in the Council Chambers, on the following topics:

- Monday, July 19 – Fiscal Policies
- Tuesday, August 24 – The Council meeting process
- September 14 – Strategic budgeting

MINUTES

A motion by Councilor Powers to accept the minutes from the June 3, 2021 regular meeting was duly seconded by Councilor Bosley. On a show of hands, the motion passed with 15 Councilors present and voting in favor.

PUBLIC HEARING – EMINENT DOMAIN – WINCHESTER STREET IMPROVEMENTS

Upon the Mayor's request, the City Clerk read the public hearing notice for the record. Mayor Hansel opened the public hearing at 7:06 PM and recognized City Engineer, Don Lussier, for comments, many of which would be repeated from December 2020 presentations to City Council on other parcels acquired by eminent domain for this road project. It was important to repeat this information because this is a separate legal process than those Council heard in 2020.

The City Engineer began by providing history of this project on Winchester Street that he said arose from the Keene-Swanzey bypass project in the 1990s, was specified in the City's Capital Improvement Program (CIP) and at the time, and the current matter of intersection improvements at the Key Road/Winchester Street and the Island/Pearl/Winchester Streets intersections were discussed already then, in addition to the Island Street Bridge replacement. Unlike the rest of the Keene-Swanzey bypass project, these intersection improvements would be funded through a local public agency program, under which the City is responsible for 20% of the costs, with the Federal Government paying the remainder. In November 2015, the Council approved a contract with McFarland Johnson for the design, which began the process in earnest almost immediately as they began surveying and background (from the public perspective) data collection work. From the public's perspective, the project began in July 2016, when former Mayor Kendall Lane appointed an Ad Hoc Steering Committee to guide the consultants through the public outreach and design iteration processes. The Steering Committee held four total public meetings between August—September 2016. The City Engineer said that a special meeting was held on September 13, 2016, advertised through flyers sent to the surrounding postal routes as well as social media and press release outreach. Forty-five people participated in the special meeting, and they were placed into small groups who brainstormed ideas, opportunities, and needs to address throughout the corridor, through which much valuable information was captured that helped guide the remaining Steering Committee process and the project purpose and need.

In December 2016, the Steering Committee voted to recommend that the City Council adopt the roundabout alternative. Then, the City Council process began with a brief overview to the full Council on January 19, 2017, followed by a detailed presentation to the Municipal Services, Facilities, & Infrastructure Committee that same month. The MSFI recommendation was reviewed by Council on February 2, 2017, when the City Council adopted the preferred roundabout action for the project.

The City Engineer displayed the purpose statement for the project. The project purpose is to:
Provide a Complete Street that accommodates cars, trucks, buses, bicycles, and pedestrians while addressing daily congestion issues along the Winchester Street corridor and providing an aesthetically appealing gateway into the City of Keene.

Maintaining the safety, integrity, or continuity of Island Street will be accomplished by addressing deficiencies in the bridge that carries Island Street over the Ashuelot River.

The City Engineer said it should not be downplayed that traffic was one of the greatest concerns the public expressed, and so he continued providing more details about traffic patterns at these intersections, which the project needs focused on. He continued describing the extensive traffic analysis using video technology that captured vehicles, pedestrians, and cyclists, through which significant data were collected for all three intersections in the corridor, as well as for some of the larger and busier driveways to Riverside Plaza. The data were then modeled for different scenarios and the consultants looked at the traffic engineering metric, level of service, which is a rating between A—F. The City Engineer said the only challenge with this metric is that once a F level of service is reached, there is no distinction between better or worse F ratings. The Steering Committee asked the consultant to assess total traffic delays experienced by vehicle users passing through the corridor and provide level of service ratings, including turning and through movements in both the study year 2015 and projected to design year 2038, accounting for projected growth. Such data are what the Steering Committee used to evaluate design alternatives.

Next, the City Engineer discussed the three design alternatives.

1. No Build Alternative – focused on the consequences of doing nothing to this corridor, which would increase traffic delays at the Key Road intersection during Saturday peak hours from an average 130 seconds in 2015 to an average seven minutes in 2038; both are F ratings, which highlights the vast possible subjectivity of an F rating. The City Engineer said the no build alternative would not satisfy the project purpose of addressing congestion.
2. Traffic Signal Alternative – focused on adding northbound and southbound traffic lanes on Winchester Street and on the exit out of Key Road to accommodate the various traffic turning movements, which would require significant additional paving at the intersection. The signal concept would improve Saturday peak congestion (the longest) at Key Road, for example, and would only result in a one-minute delay in 2038, compared to the seven-minute no build alternative. Further questions arose of whether this alternative would be an aesthetically pleasing gateway into the City.
3. Roundabout Alternative – focused on implementing roundabouts at both intersections like the one at Marlboro/Winchester Streets in both design and function. However, these roundabouts would be wider to accommodate larger trucks, without infringing on the various turning movements; 10-feet wider at Island/Pearl/Winchester Streets and 30-feet wider at Key Road. The average Saturday delay at the Key Road intersection would be only 24 seconds (C rating). At Island/Pearl/Winchester Streets, the delay would be only 14.3 seconds, compared to the projection for doing nothing in 2038 of 434 seconds or the signal concept of 56 seconds.

Traffic volume in Winchester Street the corridor is expected to increase dramatically by 2038, which the City Engineer said would make the no build scenario disastrous. He said it was clear a

signal at Island/Pearl/Winchester Streets would improve conditions because the signal would provide opportunities to turn that do not exist today. The City Engineer continued stating, though, that the roundabout would work much better, as reflected in the data. Therefore, the City Council voted in February 2017 and approved the recommended roundabout alternative. The design phase had proceeded since.

Next, the City Engineer described the matter at this meeting related to property acquisition of three small parcels at Riverside Plaza. Two parcels sized 525 and 215 square feet, respectively, would be permanent acquisitions and incorporated into the Winchester Street right right-of-way. The third parcel would be a temporary construction access agreement to allow reconfiguration of a driveway, building sidewalks, and more. Cumulatively, this project involves 12 different parcels and as of this meeting, seven were acquired voluntarily, the Eversource property was in the voluntary acquisition process but the City Engineer said their bureaucracy is more convoluted and was taking longer, and three parcels were acquired by the City through an eminent domain process that concluded in December 2020. He said the final property was the focus of this meeting.

The City Engineer continued discussing eminent domain procedure, stating that before it can be enacted, several things must occur. The property owners must be provided an appraisal from a third-party, independent, and qualified appraiser; the owner can also commission their own appraisal that the City must consider. The City must make reasonable efforts to negotiate with the property owner in search of a mutually agreeable solution. The City Engineer said that this property was appraised, and those results delivered to the owner in March 2021 and to date, the owner had submitted no further appraisal for the City to consider and he did not believe they intended to. The City had been in conversation with the property owners since April 2019, when formal notice was sent first, notifying them of the City's intention to acquire a portion of their property. The City Engineer said the owners had been amenable to the project and raised no real concerns or objections. Recently, however, he said the owners contacted the City, notifying that their lease and mortgage agreements do not allow them to sell the underlying property collateral voluntarily. Therefore, to simplify their legal process, the property owners asked the City to acquire the parcels by eminent domain. The City Engineer added that the owners raised no objections to the compensation that was appraised.

The City Engineer said that for the eminent domain procedure to occur, the City Council must decide also whether there is public necessity for the project, and he hoped the no build scenario made that need clear; in addition to deciding whether the property acquired would be put to a public purpose, which the City Engineer said a roadway is. The Council must find also that the acquisition would result in a net benefit to the whole public that must outweigh the private burden placed upon the individual property owner that is being encroached upon. Finally, the Council must agree that the City made reasonable efforts to negotiate before voting to exercise its eminent domain authority, the latter of which was what this petition asked the Council to do.

The City Engineer proceeded sharing the next steps:

- June 24 at FOP Committee – this matter would be debated and considered to return a recommendation to the City Council on the petition and Resolution.

- July 1 at City Council – Staff anticipates that the City Council would take-up the petition and vote upon the Resolution in question.
- Declaration of Taking – notice to the property owner would follow the July 1 decision, assuming the Council approves the Resolution. This serves the owner with information provided to them already, from which time the owner has 30 days to consider and provide a counteroffer should they choose. If the owner does not accept the offer within those 30 days, the City will file a Declaration of Taking with the Bureau of Tax and Land Appeals and the County Registrar, at which point the land would belong to the City. The owners do have the right to appeal that process.

The City Engineer welcomed questions from Councilors and there were none.

Mayor Hansel opened the hearing to public comment at 7:28 PM and hearing none, he closed the public hearing at 7:29 PM, except for written public comments, which would be accepted until 1:00 PM on Tuesday, June 22. Written comments must be signed physically and submitted to the City Clerk by that date and time to be included in the record. This matter is currently before the Finance, Organization, and Personnel Committee.

A true record, attest:



City Clerk

NOMINATIONS

Mayor Hansel submitted the following nominations. To the Library Board of Trustees, Yves Gakunde and Ritu Budokoti, both with terms expiring June 30, 2023. To the Heritage Commission, Marilyn Huston and Brian Lee, both with terms expiring December 31, 2021. Mayor Hansel tabled the nominations until the next regular meeting.

COMMUNICATION – ALBERT GRAUER - APPLICATION FOR A LODGINGHOUSE LICENSE – 85 WINCHESTER STREET

A communication was received from Albert Grauer, submitting the annual application for a lodging house license for a lodging house located at 85 Winchester Street. Mayor Hansel forwarded the application to the Planning, Licenses, & Development Committee.

COMMUNICATION – CHESHIRE HOUSING TRUST – APPLICATION FOR A LODGINGHOUSE LICENSE – 86 WINTER STREET

A communication was received from the Cheshire Housing Trust, submitting their annual license application for a lodging house at 86 Winter Street. Mayor Hansel forwarded the application to the Planning, Licenses, & Development Committee.

COMMUNICATION – HUNDRED NIGHTS, INC. – APPLICATION FOR A LODGINGHOUSE LICENSE – 15 LAMSON STREET.

A communication was received from Hundred Nights, Inc., submitting their annual license application for a lodging house at 15 Lamson Street. Mayor Hansel forwarded the application to the Planning, Licenses, & Development Committee.

COMMUNICATION – COUNCILOR JONES – REQUESTING A DECLARATION OF INCLUSION ON BEHALF OF KEENE CITY COUNCILORS

A communication was received from Councilor Jones, recommending that a resolution be drafted that would serve as support for a Declaration of Inclusion of the City Council. Mayor Hansel referred the communication to the Finance, Organization, & Personnel Committee.

COMMUNICATION – COUNCILORS WILLIAMS AND ORMEROD – PROPOSED OPERATING BUDGET AMENDMENT

A communication was received from Councilors Williams and Ormerod, submitting notice of their intent to move for an amendment in the operating budget as it relates to sidewalks. Mayor Hansel tabled this communication until the budget Resolution was discussed later in the meeting.

PLD REPORT – KEVIN WATTERSON/SWAMP BATS – REQUEST TO DISCHARGE FIREWORKS

A Planning, Licenses, & Development Committee report read, recommending that the Keene Swamp Bats be granted permission for the discharge of display fireworks on Saturday, July 3, 2021 on Alumni Field at no later than 10:00 PM, subject to: the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability in the amount of one million dollars, listing the City of Keene as an additional insured; submittal of a signed letter of permission from SAU 29 for the use of their property; and obtainment of a Class B Fireworks permit. 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 over and above any amount of City funding allocated in the FY22 Community Events budget. Such payment shall be made within 30 days of the date of invoicing. A motion from Councilor Bosley to carry out the intent of the report was duly seconded by Councilor Greenwald. The motion passed unanimously with 15 Councilors present and voting in favor.

PLD REPORT – JAN MANWARING/PATHWAYS FOR KEENE – REQUEST TO USE CITY PROPERTY – 4 ON THE 4TH ROAD RACE

A Planning, Licenses, & Development Committee report read, recommending that the City Council grant permission to Pathways for Keene to sponsor a running race on July 4, 2021, subject to the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability in the amount of one million dollars, listing the City of Keene as an additional insured. In addition, the Keene Police Department shall identify Railroad St. 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. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY22 Community Events budget. Said payment shall be made within 30 days of the date of invoicing. A motion from Councilor Bosley to carry out the intent of the report was duly seconded by Councilor Greenwald. The motion passed unanimously with 15 Councilors present and voting in favor.

PLD REPORT – JAMES MURPHY – IN SUPPORT OF THE IMPROVED MEDICARE ACT OF 2021

A Planning, Licenses, & Development Committee report read, recommending that the City Manager draft a Resolution on behalf of the City Council in support of the Improved Medicare Act of 2021. A motion from Councilor Bosley to carry out the intent of the report was duly seconded by Councilor Greenwald. Discussion ensued. The motion passed with 12 Councilors present and voting in favor, and 3 Councilors present and voting in opposition. Councilors Remy, Giacomo and Jones voted in the minority.

FOP REPORT – SPONSORSHIP UPDATES – PARKS, RECREATION & FACILITIES

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to accept the sponsorship update for recreation programs as informational. Mayor Hansel filed the report as informational.

FOP REPORT – ACCEPTANCE OF DONATIONS – PARKS, RECREATION & FACILITIES

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to accept a donation of a contribution box to be installed outside of the Keene Public Library. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed unanimously, with 15 Councilors present and voting in favor.

FOP REPORT – REQUEST TO PURCHASE CITY PROPERTY – BEAUREGARD TRUST – 0 CHAPMAN ROAD – PARKS, RECREATION & FACILITIES DIRECTOR

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to do all things necessary to negotiate and execute a purchase and sale agreement with Edward and Kathleen Burke of 56 Chapman Road for the transfer to the Burkes, of City owned land having frontage on Chapman Road. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed unanimously, with 15 Councilors present and voting in favor.

FOP REPORT – WARE AND SEWER METHODOLOGY RATES

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to implement the presented water and sewer rates and charges including a single water volumetric rate for all customers and the rates and charges would be effective August 1, 2021. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper.

Councilor Greenwald stated his intention to amend the Resolution to maintain the current Fire Line charge and to not increase it. He spoke as an advocate for not raising the rate because the water just sits in the line until needed for an emergency. He said raising this rate is a disservice to businesses and owners of large, multi-use buildings. His quarterly water bill for such a multi-use building is approximately \$3,900 a quarter. Councilor Greenwald said the tenants would pay the ultimate price.

Councilor Jones said there are many economic development incentives available to towns in NH that entice big businesses and he wondered if not charging or a lower Fire Line rate would be an incentive.

Councilor Giacomo said he would support an amendment for Fire Lines. He said the tiered system seemed to make sense initially, but the more he learned, it was clear that it was not a win for multi-unit buildings. He did not think there was enough data available.

Regarding Fire Lines, the City Manager wanted to remind the Council that if they decided to leave the Fire Line charge as it is currently, there would need to be a slight adjustment to the volumetric rate to make-up for those funds.

Councilor Chadbourne said she received calls from constituents on this issue who felt they were being punished for conserving water, despite her explanations of the need to upkeep and improve the existing, aging water infrastructure. She thought a fixed rate would be easier for people to accept as a fair resolution for constituents.

A motion by Councilor Greenwald to amend the proposal to maintain the current charge for Fire Lines was duly seconded by Councilor Filiault. Discussion ensued, including clarification that this was an amendment to the Committee report to provide more direction for Staff. The motion to amend the Committee report passed unanimously with 15 Councilors present and voting in favor.

The City Manager reminded the Council the new structure does change the volumetric rate and the fixed rate, as reflected in the Committee report. The motion to carry out the intent of the Committee report, as amended, passed unanimously with 15 Councilors present and voting in favor.

CITY MANAGER COMMENTS

The City Manager began her report by sharing news that at their June 9 annual meeting, the NH Planners Association awarded NH Planner of the Year to Community Development Director/Assistant City Manager, Rhett Lamb. This award recognizes an individual who has made a sustained contribution to the field of planning through distinguished practice, teaching, or writing. It is the highest professional distinction for Planners in NH. Mr. Lamb was nominated by his team of employees for this award, in addition to numerous colleagues, past Planning Board chairs, and former employees who contributed letters of support. Mr. Lamb has contributed over 25 years to the City of Keene as Planning Director and now Community Development Director/Assistant City Manager. He has played a pivotal role on shaping the City

over this time and has helped make the City a national leader in efforts around climate change, sustainability, and resilience planning. The City Manager congratulated Mr. Lamb.

The City Manager continued recognizing the IT Department staff, which had been putting-in a lot of extra hours on nights and weekends to replace and configure our network equipment (not outsourcing), migrate systems, run network penetration testing, and upgrade our internet services to improve City services, minimize expenses, and minimize the impact to City operations. She recalled the IT Director/Assistant City Manager, Rebecca Landry, stating that when IT is doing their job well, people do not notice, and that is the goal. The City Manager thanked Ms. Landry and the IT team for their effort and sacrifice, having done very good work with the best attitude.

The City Manager shared that the City Clerk's office would be transitioning to a new agenda management and video web streaming service for public meeting videos. The agenda management system would still be cloud-based and Councilors would still use their Chromebooks to follow along with their agendas. The new system will provide greater collaboration and a direct integration between the agenda management and the video web streaming on the City website. The application also has an analytics module that uses pre-built reports that can be stored and filtered by categories of agenda items. Staff was working through that process right now to determine the correct categories to enter information for Councilors. This new application will allow a Councilor to view a previous meeting from within their board member portal. Although Staff will start creating agenda packets with this new product in July, City Councilors would continue accessing a PDF of the packet online until the Clerk's office has worked to train the Council after their summer vacation.

At the Police Department Council workshop last year, Police Chief, Steve Russo, said there would be an opportunity for a few Councilors to train with the Police Department using the traveling use of force training simulator that was unavailable during Covid-19. The simulator was available again and the City Manager asked for three Councilors who wanted to participate and Councilors Bosley, Remy, and Filiault volunteered. The City Manager thanked Chief Russo for the opportunity.

The City Manager shared with the Council copies of an ad that Keene submitted to the Chamber of Commerce to be included in the Monadnock Region Travel Guide, which is a two-year publication.

The City Manager concluded her report by sharing some upcoming events:

- June 19 at 1:00 PM – the library is sponsoring a hip-hop event on Railroad Square as another Juneteenth event to celebrate freedom in addition to the event mentioned by the Mayor.
- July 7 at 8:30 PM – the Parks & Recreation concert series on the Central Square begins.
- July 15 – the kick-off of free movies under the stars at Fuller Park, co-sponsored by the Monadnock International Film Festival and the Parks & Recreation Department. Seating is limited and registration is required.
- June 22 – Wheelock pool opens for the summer. Hours: Monday—Thursday from 2:00 PM to 6:45 PM, Friday 1:00 PM to 6:45 PM, and Saturday 12:00 PM to 5:45 PM.

REPORT – REDISTRICTING OF WARD LINES – CITY CLERK

The Mayor referred the memorandum from the City Clerk relative to the delay in Census Data and the required redistricting efforts to the Finance, Organization, & Personnel Committee.

REPORT – WARRANT FOR UNLICENSED DOGS – CITY CLERK

A report from the City Clerk read recommending that the City Council issue a warrant for unlicensed dogs pursuant to NHRSA 466:14, and the Animal Control Officer be directed to issue a civil forfeiture to those dog owners who have failed to license their dog by April 30, 2021.

Mayor Hansel referred the report to the Municipal Services, Facilities, & Infrastructure Committee.

MORE TIME – COUNCILOR WILLIAMS – RENAMING OF THE NORTH BRIDGE; AND PRESENTATION – SIDEWALK ASSET MANAGEMENT PLAN – PUBLIC WORKS DIRECTOR; AND MELANSON FY20 AUDIT PRESENTATION

The Mayor granted more time for three agenda items in Committee: for Councilor Williams' request to rename the North Bridge, the Public Works Director's presentation before the MSFI Committee on sidewalk assets, and the Melanson audit presentation. Additionally, Mayor Hansel referred the MSFI report on renaming of the North Bridge to the Bicycle & Pedestrian Path Advisory Committee for comment.

RESOLUTION R-2021-28 – RELATING TO THE ESTABLISHMENT OF A COMMUNITY POWER PROGRAM REVOLVING FUND PURSUANT TO RSA 31:95-h FOR THE PURPOSE OF RECEIVING REVENUES AND EXPENDING FUNDS RELATIVE TO THE COMMUNITY POWER PROGRAM

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute a Default Service Reimbursement Hydro Agreement with Standard Power, to adopt Resolution R-2021-28 and to deposit funds received from Standard Power into a newly created special revenue revolving fund to be used to further the Community Power program. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper and the motion passed unanimously with 15 Councilors present and voting in favor.

A motion by Councilor Powers to adopt Resolution R-2021-28 was duly seconded by Councilor Hooper and the motion passed unanimously with 15 Councilors present and voting in favor.

RESOLUTION R-2021-31 – RELATING TO APPROVING AN APPLICATION FOR CDBG FUNDS

The Southwest Region Planning Commission applied for Federal Community Development Block Grant funds to the NH Community Development Finance Authority to be sub-granted, less administration costs, to Monadnock Family Services to assist with the relocation and centralization of their services in Keene. The application and Resolution R-2021-31 were referred by the Chair to the Finance, Organization and Personnel Committee.

RESOLUTION R-2021-32 – RELATING TO THE ESTABLISHMENT OF AN OPIOID LITIGATION SETTLEMENT REVOLVING FUND PURSUANT TO RSA 31:95-h FOR THE PURPOSE OF RECEIVING OPIOID LITIGATION SETTLEMENT FUNDS AND EXPENDING SAID FUNDS FOR ABATEMENT PURPOSES TO FIGHT AN OPIOID EPIDEMIC

A report from the Finance Director read requesting that Resolution R-2021-32, relating to the Creation of an Opioid Litigation Settlement Revolving Fund, and acceptance of related revenue by the City Manager have a first reading in front of the City Council and that it be referred to the Finance, Organization, & Personnel Committee. Mayor Hansel referred Resolution R-2021-32 to the Finance, Organization, & Personnel Committee.

TABLED ITEM – RESOLUTION R-2021-22: RELATING TO THE FY 2021-2022 OPERATING BUDGET

Mayor Hansel removed this item from the table. A Finance, Organization, & Personnel Committee report read recommending staff changes brought forward at the meeting be incorporated into the final 2021-2022 budget as noted. A motion by Councilor Powers to adopt Resolution R-2021-22 was duly seconded by Councilor Hooper. Discussion ensued.

The Chair removed the communication from Councilors Williams and Ormerod relative to their intent to introduce an amendment to the budget and recognized Councilor Williams for an amendment. A motion by Councilor Williams to amend the budget by moving \$67,102 from the Street Maintenance cost center into the Sidewalk Repairs cost center was duly seconded by Councilor Ormerod.

Councilor Williams said that sidewalk repair had been underfunded in Keene for years as was evident in their condition. He hoped people would appreciate that this amendment would not raise the tax rate. This would make it so that the flat 15% of combined sidewalk repair and street maintenance budgets would go toward sidewalks, which he thought was a reasonable and sustainable target that could have a significant impact in remediating some of the worst sidewalks. While it would take a Capital Improvement Program project, long-term investment, and grant seeking, he said that was what the MSFI Committee was investigating at present, allowing the Public Works Department to prioritize what needs fixing. In the meantime, he hoped this budget adjustment would help slow further sidewalk degradation.

The City Manager provided more details on how these accounts are used. She said there was \$15,000 in the sidewalk repair line and if reallocating \$52,000 from street maintenance to the sidewalk operating line, that would leave \$65,000 for both labor and actual supplies in that line, and so with the price per linear foot of sidewalk, \$65,000 would buy 1,000 linear feet of concrete sidewalk. The City Manager said she heard more emphasis on maintaining sidewalks, but her comments were intended to give a sense of what that amount would buy. Still, it would be taking money from the street maintenance operating line that is used to repair potholes and general pavement issues. This amendment would decrease street maintenance by 764 tons of asphalt. As an editorial comment, she said that sidewalks and potholes are the things the public comments on the most. The City Manager thinks the City does well with their asphalt recycling system and

trying to fill some potholes in the winter and spring. She agreed that the Asset Management Plan and associated Council process was the right approach for long-term level of service that the Council wants to support for sidewalks throughout the City, understanding how much it would cost to get there, and determining over how long a period the Council wants to finance. Over the last few years, the Public Works Department had been working on a sidewalk inventory like what the City has for roads to determine the condition of and cost to repair sidewalk assets in the City, which she said was the starting point, including the recent presentation of the Sidewalk Asset Management Plan to the MSFI Committee. The City Manager said the goal is to incorporate the Council's desires into the capital planning documents so Staff understands where the Council wants to go over what time, which she hoped would align in the next Capital Improvement Plan.

Councilor Hooper said that taking from one thing leads to the neglect of another and he thought that falling and hurting oneself on a broken sidewalk would hurt a person more than their car hitting a pothole. He thought it great that the Councilors brought this to the forefront, and he thought that Staff were continuing to prioritize sidewalks more. He thought initial money going to a major sidewalk problem was a good start.

Councilor Giacomo thought that the amendment was premature to the completion of the Sidewalk Asset Management Plan that was underway given that the Council had yet to define an acceptable level of service for the City sidewalks and the costs to get to that point. While it may send a nice message, he thought taking this relatively arbitrary amount from roads might accomplish little for sidewalks without a plan. He might support this idea next year after the City knows more about its sidewalk assets.

Councilor Filiault cited this as a no-win scenario. He could not deny the poor sidewalk conditions but said it depended how much the Council wants to expend toward the problem. He had no problem with extra funding for sidewalks and asked what would happen if the funds were added to the sidewalk maintenance cost center but not taken from another account, what the impact to the tax rate would be for an approximately \$70,000 increase to sidewalks. The City Manager took time to calculate and said that it would be near to 3.8 cents.

Councilor Remy appreciated the poor sidewalk conditions, but said he would not support this amendment until there was an actual plan for how those additional proposed sidewalk funds would be used, and the Asset Management Plan process was underway.

Councilor Bosley cited concerns from neighbors about her own road that was newly paved, but had not been maintained and was cracking after two years. She was concerned with doing more damage by diverting these funds from the roads budget. She supports sidewalks but wants to see a real plan for where the money would go.

Councilor Jones expressed his concern that with such a change there would be insufficient funds by year-end to continue repairing roads and thought well-enough should be left alone for now.

Councilor Powers thought it was clear that sidewalks needed better funding, but he thought moving money around this way would be unsuccessful without a plan. He wanted the Council to

give the Public Works Department an opportunity to complete their sidewalk assessment, agreeing that such an action would not be the strategic governance the City is striving for. He thought Staff was listening to this and would come up with priority budgeting going forward. He urged approving the budget as presented.

Councilor Chadbourne appreciated the initiative and gesture of the amendment. She thought Staff were listening and she preferred looking at this from a strategic governance perspective as well, with a plan for priority budgeting. She cited the time and effort of Staff that went into the budget and thought there had been sufficient time to raise this concept in earlier stages. She was uncomfortable with changing the budget at this time.

Councilor Ormerod said that this was the City Council's job, that this was a plan to jumpstart the sidewalk program, supporting the effort City Staff had expended and listening to constituents. He said it was not for the Council to feel comfortable, but to be uncomfortable making the right decisions for constituents to suffer no longer. He said moving this up as a priority by any amount of time was the Council's job. While it would take millions of dollars to improve all the sidewalks, he said there had been several years to do something about it with little action and now the assets were in systemic neglect that needed to turn to systemic repair.

Councilor Williams understood the concern about road deterioration long-term, but he said to look at what happened to sidewalks over the past decade. He said both were in the transportation budget and that roads were in better shape than sidewalks. He thought the rebalance was a good idea for the City.

Councilor Hooper said that all Councilors should have the same passion exhibited by Councilor Ormerod on the topic and that it was about time for an overarching sidewalks plan. He was concerned with sidewalk conditions and he would support jump-starting the repair effort.

Councilor Madison was concerned not jump-starting an improvement program now, as Councilor Hooper mentioned, stating it could lead to the Council in this same scenario again next year, and then it might never happen for this great, walkable City.

Councilor Bosley asked the City Manager whether there was another line item of overage, where a project had not used its full budget, from which funds could be shifted to accommodate this increase for sidewalks in the spirit of compromise. The City Manager replied that she had proposed a budget she believed was necessary for all Departments and she would be uncomfortable making such a change so abruptly. She said the fiscal year would be starting on July and there was usually more information toward the end of the fiscal year on opportunities to shift funds and her first concern would be where those funds are shifted from. She said the City usually learns the priorities before spending money, which is what the Asset Management Plan was in the process of identifying. She wanted to see what actual costs would be first and to then decide how much would be possible to fund.

Councilor Filiault said that in all the years he had been Councilor, unexpected funds always arise before the year-end, and he did not find \$67,000 to be unreasonable. He said he would vote with

the emotion on sidewalks, with confidence that the City Manager would find enough funds by year-end to make up for the funds deterred from potholes.

Councilor Giacomo said that the proper way to kick this off was through the Asset Management Plan that began with presentation to MSFI the preceding week to determine a level of service that allows prioritization and then cost estimation. He would support allocating more to sidewalks next year based on a solid cost plan.

The motion to amend the budget failed on a vote of 7 Councilors in favor and 8 Councilors opposed. Councilors Hooper, Filiault, Williams, Johnsen, Madison, Ormerod and Workman voted in the minority.

Mayor Hansel stated that he did not think the merit of the amendment failed because he heard consensus from the entire Council that sidewalks are important, and he commended Councilors Williams and Ormerod for bringing the matter forward this way. The Mayor said this was a reminder on prioritizing sidewalks for the City. The City Manager stated that she heard the City Council loud and clear and would hopefully have an update at the next meeting.

Councilor Johnsen mentioned receiving many communications from constituents on the Police Department budget and that she would bring those real concerns forward to the rest of the Council in time.

The motion to adopt Resolution R-2021-22 passed unanimously with 15 Councilors present and voting in favor.

TABLED ITEM – FOP REPORT – RELATING TO THE APPROPRIATION OF FUNDS FOR THE FLOOD MANAGEMENT PROJECT; AND RELATING TO THE APPROPRIATION OF FUNDS FOR THE PATRICIA T. RUSSELL PARK IMPROVEMENT PROJECT; AND RELATING TO THE APPROPRIATION OF FUNDS FOR THE ROAD REHABILITATION PROJECT

Mayor Hansel removed this item from the table. Three Finance, Organization, & Personnel Committee reports read, all on votes of 5-0, recommending the adoption of Resolutions R-2021-15, R-2021-16, and R-2021-17, respectively.

A motion by Councilor Powers to adopt Resolution R-2021-15 was duly seconded by Councilor Hooper. On a roll call vote, with 15 Councilors present and voting in favor the motion passed unanimously. Resolution R-2021-15 declared adopted.

A motion by Councilor Powers to adopt Resolution R-2021-16 was duly seconded by Councilor Hooper. On a roll call vote, with 15 Councilors present and voting in favor the motion passed unanimously. Resolution R-2021-16 declared adopted.

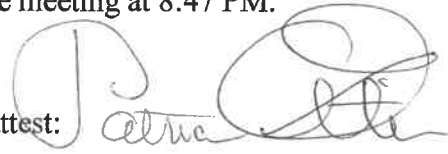
A motion by Councilor Powers to adopt Resolution R-2021-17 was duly seconded by Councilor Hooper. On a roll call vote, with 15 Councilors present and voting in favor the motion passed unanimously. Resolution R-2021-17 declared adopted.

ADJOURNMENT

06-17-2021

There being no further business, Mayor Hansel adjourned the meeting at 8:47 PM.

A true record, attest:

A handwritten signature in cursive script, appearing to read "Patricia". The signature is written in dark ink and is positioned to the right of the text "A true record, attest:". It consists of a large, stylized initial "P" followed by the name "atricia" in a flowing cursive hand.

City Clerk

NOTICE OF PUBLIC HEARINGS
Community Development Block Grant Program
Thursday, July 1, 2021 - 7:00 p.m.
City Hall, Second Floor
3 Washington Street, Keene, NH

Three public hearings regarding a proposed application to the NH Community Development Finance Authority for federal Community Development Block Grant (CDBG) and CDBG Coronavirus (CV) funds will be held at Keene City Hall, 3 Washington Street, Keene, NH on Thursday, July 1 2021 at 7:00 p.m.

Application Hearings

CDBG funds are awarded on a competitive basis in New Hampshire and may be used for projects which have primary benefit for low- and moderate-income persons. The City of Keene is eligible to apply for \$500,000 per program year in each of the following categories: housing, public facilities, economic development, and microenterprise technical assistance. Communities may also apply for up to \$25,000 for feasibility studies and \$500,000 for CDBG Emergency Grants annually. As a result of state appropriations from the 2020 CARES Act, up to \$500,000 in CDBG-CV funds have also been made available to eligible housing and public facility projects which prepare for, respond to or recover from the COVID-19 pandemic.

A public hearing has been scheduled to provide specific information regarding grant requirements, and to provide information about the proposed CDBG/CDBG-CV application to be considered by the City Council.

Proposed Application: A grant in an amount up to \$500,000 to allow Monadnock Family Services to acquire and rehabilitate a property in Keene to provide a centralized facility for the organization's mental and behavioral health services.

In conjunction with the application hearing, two additional public hearings will also be held to address:

- The City's Residential Anti-Displacement and Relocation Assistance Plan specific to the proposal;
- The City's updated Housing and Community Development Plan for CDBG projects.

Interested persons are invited to attend and comment on the proposed application and plans. If you need assistance to attend or participate in the hearing, please contact Elizabeth Dragon, Keene City Manager five days in advance. Anyone wishing to submit written comments should address them in writing to the City Manager, City of Keene, 3 Washington Street, Keene, NH 03431 and submit them by the close of business on the day preceding the hearing.

Public Posting Place and Date: Date:

- 1. City Website _____
- 2. City Hall _____
- 3. Keene Public Library _____

Posting Certified by:

Monadnock Family Services Relocation
July 2021

CDBG Application Summary

Applicant: City of Keene

Proposed Subrecipient: Monadnock Family Services

Proposed Grant Administrator: Southwest Region Planning Commission (SWRPC)

Needs Addressed: Providing high-quality facilities for the provision of mental and behavioral health services

Project: Monadnock Family Services will utilize CDBG funding for the acquisition of a facility to serve as a centralized home for the organization's many services.

Amount of CDBG funds: \$500,000 (application deadline July 26, 2021)

Use of CDBG funds: Public Facilities Grant

Other funds: Monadnock Family Services will utilize funding from the NH Health and Education Facilities Authority and a Capital Campaign to fund the project.

2021 AREA PROGRAM INCOME LIMITS

Effective Dates

Revised Date

Low Income - 80%
 Very Low Income - 50%
 Extremely Low Income - 30%

Section 8 Program: 4/1/2021
 HOME Program: 6/1/2021
 Housing Trust Fund: 6/1/2021

6/2/2021

Household Size (Persons)

Area	Income Limit	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
HUD Metropolitan FMR Areas									
Boston-Cambridge-Quincy, MA-NH HMFA	80% of AMFI	\$70,750	\$80,850	\$90,950	\$101,050	\$109,150	\$117,250	\$125,350	\$133,400
NH Portion	60% of AMFI	\$56,400	\$64,440	\$72,480	\$80,520	\$87,000	\$93,420	\$99,900	\$106,320
HUD Median Family Income - \$120,800	50% of AMFI	\$47,000	\$53,700	\$60,400	\$67,100	\$72,500	\$77,850	\$83,250	\$88,600
HOME	30% of AMFI	\$28,200	\$32,200	\$36,250	\$40,250	\$43,500	\$46,700	\$49,950	\$53,150
Housing Trust Fund	30% of AMFI	\$28,200	\$32,200	\$36,250	\$40,250	\$43,500	\$46,700	\$49,950	\$53,150
Lawrence, MA-NH HMFA									
NH Portion	80% of AMFI	\$55,950	\$63,950	\$71,950	\$79,900	\$86,300	\$92,700	\$99,100	\$105,500
HUD Median Family Income - \$105,400	60% of AMFI	\$43,260	\$49,440	\$55,620	\$61,740	\$66,720	\$71,640	\$76,560	\$81,540
HOME	50% of AMFI	\$36,050	\$41,200	\$46,350	\$51,450	\$55,600	\$59,700	\$63,800	\$67,950
HERA Special*	30% of AMFI	\$21,600	\$24,700	\$27,800	\$30,850	\$33,350	\$35,800	\$40,120	\$44,660
Housing Trust Fund	30% of AMFI	\$21,600	\$24,700	\$27,800	\$30,850	\$33,350	\$35,800	\$38,300	\$40,750
Housing Trust Fund	60% of AMFI	\$44,280	\$50,640	\$56,940	\$63,240	\$68,340	\$73,380	\$78,420	\$83,520
Housing Trust Fund	50% of AMFI	\$36,900	\$42,200	\$47,450	\$52,700	\$56,950	\$61,150	\$65,350	\$69,600
Housing Trust Fund	30% of AMFI	\$21,600	\$24,700	\$27,800	\$30,850	\$33,350	\$35,800	\$40,120	\$44,660
Portsmouth-Rochester, NH HMFA									
NH Portion	80% of AMFI	\$55,950	\$63,950	\$71,950	\$79,900	\$86,300	\$92,700	\$99,100	\$105,500
HUD Median Family Income - \$106,600	60% of AMFI	\$44,820	\$51,180	\$57,600	\$63,960	\$69,120	\$74,220	\$79,320	\$84,480
HOME	50% of AMFI	\$37,350	\$42,650	\$48,000	\$53,300	\$57,600	\$61,850	\$66,100	\$70,400
Housing Trust Fund	30% of AMFI	\$22,400	\$25,600	\$28,800	\$32,000	\$34,600	\$37,150	\$40,120	\$44,660
Housing Trust Fund	30% of AMFI	\$22,400	\$25,600	\$28,800	\$32,000	\$34,600	\$37,150	\$39,700	\$42,250
Housing Trust Fund	60% of AMFI	\$44,820	\$51,180	\$57,600	\$63,960	\$69,120	\$74,220	\$79,320	\$84,480
Housing Trust Fund	50% of AMFI	\$37,350	\$42,650	\$48,000	\$53,300	\$57,600	\$61,850	\$66,100	\$70,400
Housing Trust Fund	30% of AMFI	\$22,400	\$25,600	\$28,800	\$32,000	\$34,600	\$37,150	\$39,700	\$42,250
Western Rockingham Co., NH HMFA									
NH Portion	80% of AMFI	\$55,950	\$63,950	\$71,950	\$79,900	\$86,300	\$92,700	\$99,100	\$105,500
HUD Median Family Income - \$115,000	60% of AMFI	\$48,300	\$55,200	\$62,100	\$69,000	\$74,520	\$80,040	\$85,560	\$91,080
HOME	50% of AMFI	\$40,250	\$46,000	\$51,750	\$57,500	\$62,100	\$66,700	\$71,300	\$75,900
Housing Trust Fund	30% of AMFI	\$24,150	\$27,600	\$31,050	\$34,500	\$37,300	\$40,050	\$42,800	\$45,550
Housing Trust Fund	30% of AMFI	\$24,150	\$27,600	\$31,050	\$34,500	\$37,300	\$40,050	\$42,800	\$45,550
Housing Trust Fund	60% of AMFI	\$48,300	\$55,200	\$62,100	\$69,000	\$74,520	\$80,040	\$85,560	\$91,080
Housing Trust Fund	50% of AMFI	\$40,250	\$46,000	\$51,750	\$57,500	\$62,100	\$66,700	\$71,300	\$75,900
Housing Trust Fund	30% of AMFI	\$24,150	\$27,600	\$31,050	\$34,500	\$37,300	\$40,050	\$42,800	\$45,550
Manchester, NH HMFA									
NH Portion	80% of AMFI	\$50,050	\$57,200	\$64,350	\$71,450	\$77,200	\$82,900	\$88,600	\$94,350
HUD Median Family Income - \$89,300	60% of AMFI	\$37,560	\$42,900	\$48,240	\$53,580	\$57,900	\$62,160	\$66,480	\$70,740
HOME	50% of AMFI	\$31,300	\$35,750	\$40,200	\$44,650	\$48,250	\$51,800	\$55,400	\$58,950
Housing Trust Fund	30% of AMFI	\$18,800	\$21,450	\$24,150	\$26,800	\$28,950	\$31,100	\$33,250	\$35,400
Housing Trust Fund	30% of AMFI	\$18,800	\$21,450	\$24,150	\$26,800	\$28,950	\$31,100	\$33,250	\$35,400
Housing Trust Fund	60% of AMFI	\$37,800	\$43,200	\$48,600	\$53,940	\$58,260	\$62,580	\$66,900	\$71,220
Housing Trust Fund	50% of AMFI	\$31,500	\$36,000	\$40,500	\$44,950	\$48,550	\$52,150	\$55,750	\$59,350
Housing Trust Fund	30% of AMFI	\$18,800	\$21,450	\$24,150	\$26,800	\$28,950	\$31,100	\$33,250	\$35,400

2021 AREA PROGRAM INCOME LIMITS

Effective Dates

Revised Date

Low Income - 80%
 Very Low Income - 50%
 Extremely Low Income - 30%

Section 8 Program: 4/1/2021
 HOME Program: 6/1/2021
 Housing Trust Fund: 6/1/2021

6/2/2021

Household Size (Persons)

Area	Income Limit	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Nashua, NH HMFA	80% of AMFI	\$55,950	\$63,950	\$71,950	\$79,900	\$86,300	\$92,700	\$99,100	\$105,500
HUD Median Family Income - \$109,600	60% of AMFI	\$46,080	\$52,620	\$59,220	\$65,760	\$71,040	\$76,320	\$81,600	\$86,820
	50% of AMFI	\$38,400	\$43,850	\$49,350	\$54,800	\$59,200	\$63,600	\$68,000	\$72,350
	30% of AMFI	\$23,050	\$26,350	\$29,650	\$32,900	\$35,550	\$38,200	\$40,800	\$44,660
HOME	30% of AMFI	\$23,050	\$26,350	\$29,650	\$32,900	\$35,550	\$38,200	\$40,800	\$43,450
Housing Trust Fund	30% of AMFI	\$23,050	\$26,350	\$29,650	\$32,900	\$35,550	\$38,200	\$40,800	\$44,660
Hillsborough Co., NH (part) HMFA	80% of AMFI	\$54,900	\$62,750	\$70,600	\$78,400	\$84,700	\$90,950	\$97,250	\$103,500
HUD Median Family Income - \$98,000	60% of AMFI	\$41,160	\$47,040	\$52,920	\$58,800	\$63,540	\$68,220	\$72,960	\$77,640
	50% of AMFI	\$34,300	\$39,200	\$44,100	\$49,000	\$52,950	\$56,850	\$60,800	\$64,700
	30% of AMFI	\$20,600	\$23,550	\$26,500	\$29,400	\$31,800	\$35,580	\$40,120	\$44,660
HOME	30% of AMFI	\$20,600	\$23,550	\$26,500	\$29,400	\$31,800	\$34,150	\$36,500	\$38,850
Housing Trust Fund	30% of AMFI	\$20,600	\$23,550	\$26,500	\$29,400	\$31,800	\$35,580	\$40,120	\$44,660
Non-Metro County FMR Areas									
Belknap County, NH	80% of AMFI	\$48,450	\$55,400	\$62,300	\$69,200	\$74,750	\$80,300	\$85,850	\$91,350
HUD Median Family Income - \$86,500	60% of AMFI	\$36,360	\$41,520	\$46,740	\$51,900	\$56,100	\$60,240	\$64,380	\$68,520
	50% of AMFI	\$30,300	\$34,600	\$38,950	\$43,250	\$46,750	\$50,200	\$53,650	\$57,100
	30% of AMFI	\$18,200	\$20,800	\$23,400	\$26,500	\$31,040	\$35,580	\$40,120	\$44,660
HOME	30% of AMFI	\$18,200	\$20,800	\$23,400	\$25,950	\$28,050	\$30,150	\$32,200	\$34,300
Housing Trust Fund	30% of AMFI	\$18,200	\$20,800	\$23,400	\$26,500	\$31,040	\$35,580	\$40,120	\$44,660
Carroll County, NH	80% of AMFI	\$47,800	\$54,600	\$61,450	\$68,250	\$73,750	\$79,200	\$84,650	\$90,100
HUD Median Family Income - \$75,000	60% of AMFI	\$35,880	\$40,980	\$46,080	\$51,180	\$55,320	\$59,400	\$63,480	\$67,560
	50% of AMFI	\$29,900	\$34,150	\$38,400	\$42,650	\$46,100	\$49,500	\$52,900	\$56,300
	30% of AMFI	\$17,950	\$20,500	\$23,050	\$26,500	\$31,040	\$35,580	\$40,120	\$44,660
HOME	30% of AMFI	\$17,950	\$20,500	\$23,050	\$25,600	\$27,650	\$29,700	\$31,750	\$33,800
Housing Trust Fund	30% of AMFI	\$17,950	\$20,500	\$23,050	\$26,500	\$31,040	\$35,580	\$40,120	\$44,660
Cheshire County, NH	80% of AMFI	\$47,800	\$54,600	\$61,450	\$68,250	\$73,750	\$79,200	\$84,650	\$90,100
HUD Median Family Income - \$84,000	60% of AMFI	\$35,880	\$40,980	\$46,080	\$51,180	\$55,320	\$59,400	\$63,480	\$67,560
	50% of AMFI	\$29,900	\$34,150	\$38,400	\$42,650	\$46,100	\$49,500	\$52,900	\$56,300
	30% of AMFI	\$17,950	\$20,500	\$23,050	\$26,500	\$31,040	\$35,580	\$40,120	\$44,660
HOME	30% of AMFI	\$17,950	\$20,500	\$23,050	\$25,600	\$27,650	\$29,700	\$31,750	\$33,800
Housing Trust Fund	30% of AMFI	\$17,950	\$20,500	\$23,050	\$26,500	\$31,040	\$35,580	\$40,120	\$44,660

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6/2/2021

Household Size (Persons)

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Coos County, NH HUD Median Family Income - \$63,700	80% of AMFI	\$47,800	\$54,600	\$61,450	\$68,250	\$73,750	\$79,200	\$84,650	\$90,100
	60% of AMFI	\$35,880	\$40,980	\$46,080	\$51,180	\$55,320	\$59,400	\$63,480	\$67,560
	50% of AMFI	\$29,900	\$34,150	\$38,400	\$42,650	\$46,100	\$49,500	\$52,900	\$56,300
	30% of AMFI	\$17,950	\$20,500	\$23,050	\$26,500	\$31,040	\$35,580	\$40,120	\$44,660
	30% of AMFI	\$17,950	\$20,500	\$23,050	\$25,600	\$27,650	\$29,700	\$31,750	\$33,800
Housing Trust Fund		\$17,950	\$20,500	\$23,050	\$26,500	\$31,040	\$35,580	\$40,120	\$44,660
Grafton County, NH HUD Median Family Income - \$87,400	80% of AMFI	\$49,300	\$56,350	\$63,400	\$70,400	\$76,050	\$81,700	\$87,300	\$92,950
	60% of AMFI	\$36,960	\$42,240	\$47,520	\$52,800	\$57,060	\$61,260	\$65,520	\$69,720
	50% of AMFI	\$30,800	\$35,200	\$39,600	\$44,000	\$47,550	\$51,050	\$54,600	\$58,100
	30% of AMFI	\$18,500	\$21,150	\$23,800	\$26,500	\$31,040	\$35,580	\$40,120	\$44,660
	30% of AMFI	\$18,500	\$21,150	\$23,800	\$26,400	\$28,550	\$30,650	\$32,750	\$34,850
Housing Trust Fund		\$18,500	\$21,150	\$23,800	\$26,500	\$31,040	\$35,580	\$40,120	\$44,660
Merrimack County, NH HUD Median Family Income - \$96,700	80% of AMFI	\$52,450	\$59,950	\$67,450	\$74,900	\$80,900	\$86,900	\$92,900	\$98,900
	60% of AMFI	\$39,360	\$44,940	\$50,580	\$56,160	\$60,660	\$65,160	\$69,660	\$74,160
	50% of AMFI	\$32,800	\$37,450	\$42,150	\$46,800	\$50,550	\$54,300	\$58,050	\$61,800
	30% of AMFI	\$19,700	\$22,500	\$25,300	\$28,100	\$31,040	\$35,580	\$40,120	\$44,660
	30% of AMFI	\$19,700	\$22,500	\$25,300	\$28,100	\$30,350	\$32,600	\$34,850	\$37,100
HERA Special*		\$40,680	\$46,500	\$52,320	\$58,080	\$62,760	\$67,380	\$72,060	\$76,680
HERA Special*		\$33,900	\$38,750	\$43,600	\$48,400	\$52,300	\$56,150	\$60,050	\$63,900
Housing Trust Fund		\$19,700	\$22,500	\$25,300	\$28,100	\$31,040	\$35,580	\$40,120	\$44,660
Sullivan County, NH HUD Median Family Income - \$77,500	80% of AMFI	\$47,800	\$54,600	\$61,450	\$68,250	\$73,750	\$79,200	\$84,650	\$90,100
	60% of AMFI	\$35,880	\$40,980	\$46,080	\$51,180	\$55,320	\$59,400	\$63,480	\$67,560
	50% of AMFI	\$29,900	\$34,150	\$38,400	\$42,650	\$46,100	\$49,500	\$52,900	\$56,300
	30% of AMFI	\$17,950	\$20,500	\$23,050	\$26,500	\$31,040	\$35,580	\$40,120	\$44,660
	30% of AMFI	\$17,950	\$20,500	\$23,050	\$25,600	\$27,650	\$29,700	\$31,750	\$33,800
Housing Trust Fund		\$17,950	\$20,500	\$23,050	\$26,500	\$31,040	\$35,580	\$40,120	\$44,660

* Income Limits for any Tax Subsidy project in a HUD impacted area whose current limit would be less than last year or less than its FY 2008 limit times the FY2021 Median over the FY 2008 median. HUD impacted areas are areas with Section 8 Income Limits held harmless by HUD in FY 2007 or FY 2008.

New Hampshire Housing provides this table for your convenience. Project Managers should use the specific rent and income limits applicable to their project's funding sources and follow the specific program rules provided by the US Department of Housing and Urban Development.

Other Median Family Incomes:	New Hampshire Statewide	\$98,200	U S	\$79,900
	New Hampshire Metro	\$106,200	U S Metro	\$82,800
	New Hampshire Non-Metro	\$85,300	U S Non-Metro	\$63,400

New Hampshire Community Development Block Grant Program

The New Hampshire Community Development Block Grant (CDBG) Program represents federal funding from the United States Department of Housing and Urban Development (HUD). CDBG projects must target low to moderate income individuals and households. The program is administered by the New Hampshire Community Development Finance Authority (CDFA). Following are the categories of CDBG projects that are available to municipalities:

CDBG–CV Public Facilities/Housing – limited-time up to \$500,000

- CDBG-CV Public Facilities/Housing grants provide additional funding for projects that are eligible under CDBG Housing and CDBG Public Facilities that aim to prepare for, respond to or recover from the COVID-19 pandemic which may not be funded otherwise in a competitive round.
- Result of state appropriations from the 2020 CARES Act.

CDBG Housing Grants - up to \$500,000 annually

- Affordable housing and housing rehabilitation grants to purchase, rehabilitate, expand, and improve the condition and supply of housing for low- and moderate-income homeowners and tenants.
- Applications for housing and public facilities are accepted on the last Monday of January and July of each year.

CDBG Public Facilities Grants – up to \$500,000 annually

- Public Facilities grants include water and sewer system improvements, transitional and homeless shelters, sidewalks, handicapped access, and neighborhood or community centers that provide public services to low- and moderate-income individuals.
- Applications for housing and public facilities applications are accepted on the last Monday of January and July of each year.

CDBG Economic Development - up to \$500,000 annually

- CDBG Economic Development grants provide funds through an annual set-aside for activities which create and retain employment, primarily for low- and moderate-income individuals.
- Can provide business financing through Regional Development Corporations (RDC) and Economic Development Entities (EDE), or through public facility improvements to support economic development efforts.
- CDBG Economic Development Funds can be used for acquisition of land and buildings, construction of commercial buildings, purchase of machinery and equipment, employee training, and public facilities improvements. Applications are accepted as long as funds are available.

CDBG Microenterprise - up to \$500,000 annually

- CDBG Microenterprise grants provide support to low- and moderate-income microenterprise businesses through training, technical assistance, and loans.
- Grant funding is sub-granted to a Subrecipient entity that provides services to the microenterprise businesses.

CDBG Feasibility Studies Grants – up to \$25,000 annually

- The objectives of a feasibility study grant are to determine whether or not a proposed CDBG project is feasible and/or to recommend specific action(s) to be undertaken and that at least 51% of the intended beneficiaries will be of low- to moderate-income.
- Eligible activities include income surveys, preliminary architectural and engineering design, cost estimates, and market analysis.

CDBG Emergency and Unanticipated Events Grants - up to \$500,000 annually

- Grant funds are available for eligible CDBG projects which result from emergencies and unanticipated events that have a serious and immediate threat to public health and safety and must benefit low- to moderate-income individuals.
- Applications are accepted on a first-come, first-served basis.



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: July 1, 2021
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through:
Subject: **Confirmations**

Recommendation:

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

Library Board of Trustees Yves Gakunde, slot 1 88 Howard Street	Term to expire June 30, 2023
Ritu Budokoti, slot 2 15 Skyview Circle	Term to expire June 30, 2023
Heritage Commission Marilyn Huston, slot 4 362 Roxbury Street	Term to expire Dec. 31, 2021
Brian Lee, slot 6 44 Union Street	Term to expire Dec. 31, 2021

Attachments:

1. Background_Budakoti_Redacted
2. Background_Lee_revised_redacted
3. Background_Huston_Redacted

Background:

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Monday, June 7, 2021 5:19 PM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Mon, 06/07/2021 - 17:19</p>

<p>Submitted values are:</p>

First Name:

Ritu

Last Name:

Budakoti

Address

15 Skyview cir

Email:

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

Library Board of Trustees

Employer:

Keene School District

Occupation:

EDucator

Education:

Masters in Science and Masters In Education

Have you ever served on a public body before?

Yes

If you answered yes above, please provide what public body you served on and where.

Historical Society, Human Rights committee

Other Information/Relevant Experience:

RITU BUDAKOTI (Short Bio)

I have spent the majority of my professional life working in the field of Education. I am an experienced International School Educator. Currently teaching at the Keene Middle School. I am happy to share that I am also one of the ten recipients of the Exceptional Teacher Award 2020, which was recently announced.

Having worked internationally, I understand the need for including community voice in any policy that we plan that impacts our community. I find myself confident, an effective communicator, a strong team player, and also

a professional who believes in building positive relationships with all respective stakeholders for future sustainable partnerships.

My personal philosophy is what we focus upon expands. I have been an active community member who is working to make Keene community stronger and better. As a founder and President of Keene India Association, I have worked with a group of like minded individuals to plan and undertake many successful events that impacted the community positively. I have gained extensive experience in building effective networks within this community and outside. We have collectively raised funds for planning and manifesting many successful events in Keene. Service before self has been my personal mantra and I work collaboratively with all stakeholders to make Keene an amazing place to be.

I am also fortunate to be a Co- Chair of the Keene International Festival Planning committee, KIF is a community event which is organized annually with a vision to recognize and celebrate cultural diversity and strengthen our Keene Community.

Service before self is the mantra that I live by, and I do everything possible to work toward achieving this personal goal. Serving on the board of the Historical Society of Cheshire County (HSCC), is one of the ways that I contribute my time and experience to build our community.

I will be honored to be on the KPL Trustee Board and will do my very best to offer my insights and support and work towards the goals set by the committee to move our community in the right direction towards a more just world, where peace prevails.

Please provide some references:

Andy Bohannon
abohannon@ci.keene.nh.us

References #2:

Jennifer Alexander


Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Monday, May 10, 2021 11:19 AM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Mon, 05/10/2021 - 11:18</p>

<p>Submitted values are:</p>

First Name:

Brian

Last Name:

Lee

Address

44 Union St.

Email:

Cell Phone:

9123086413

Home Phone:

9123086413

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

Heritage Commission

Employer:

Florentine Films

Occupation:

Editor

Education:

Bachelor of Arts

Have you ever served on a public body before?

No

Please provide some references:

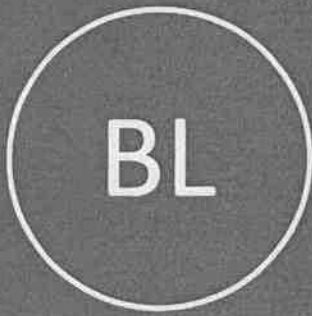
Cauley Powell

(708) 601-0482

References #2:

Laura Shim

[REDACTED]
(630) 721-7110



BRIAN LEE

EDITOR / MOTION GRAPHIC
DESIGNER

CONTACT

44 Union St.

Keene NH, 03431

912.308.6413

www.linkedin.com/in/btlee88

PORTFOLIO

btlee.com

EDUCATION

2005-2009

Bachelor of Fine Arts

Savannah College of Art and Design

PROFILE

Bahamian editor and motion designer with over a decade of professional experience managing and creating video and print projects from concept to completion. Has an excellent ability to manage a large number of creative tasks in a fast-paced environment.

EXPERIENCE

2009 - 2013

Sagebrush Community Church

Video Producer & Graphic Designer

2013 - Present

Florentine Films

Assistant Editor / Motion Graphic Artist

Managed post-production workflow and media for several multi-episode documentaries directed by Ken Burns including: Vietnam War (2016), Country Music (2018) and Hemingway (2020).

2014 - Present

Motion Graphic Designer and Visual Effects Artist

Freelance

Designed and animated visual concepts for music videos, documentaries and commercials.

Patty Little

From: helpdesk@ci.keene.nh.us on behalf of City of Keene <helpdesk@ci.keene.nh.us>
Sent: Friday, May 21, 2021 10:29 AM
To: Helen Mattson
Cc: Patty Little; Terri Hood
Subject: Interested in serving on a City Board or Commission

<p>Submitted on Fri, 05/21/2021 - 10:29</p>

<p>Submitted values are:</p>

First Name:

Marilyn

Last Name:

Huston

Address

362 Roxbury St

Email:

Cell Phone:

6039032944

Home Phone:

6033523302

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

Heritage Commission

Employer:

RETIRED

Have you ever served on a public body before?

No

Other Information/Relevant Experience:

ATTCHMENT LETTER

Please provide some references:

Thomas Eaton


[REDACTED]
603-860-8886

References #2:

Jane P Lane

[REDACTED]
cell 603-355-9166 home 603-357-0070

Marilyn L. Huston
362 Roxbury Street
Keene, NH 03431


603-352-3302

To: Mayor George S. Hansel

Date: May 20, 2021

Reference: Heritage Committee

Dear Mayor S. Hansel,

I would like to submit my name to volunteer for the City of Keene on the Heritage Commission. It is especially important to me to ensure that generations to come will know the heroic hard-working citizens that went before them. They will have the wonder of coming up Main Street and seeing a city that is thriving without the destruction of its beautiful past.

Recently, I received a plaque for twenty-five years' service in the Daughters of the American Revolution. During my term as Regent for the local chapter, my project consisted of a two-years researching the Revolutionary Patriots interned at Washington Street Cemetery. Following the collection of information documenting the patriots service to our country, the work had to be signed off by two local historians and then the project went to Washington D.C. for a six-month review of my work. Once the information was verified, I raised funds for a beautiful sign that now sits at the entrance to the cemetery listing fifteen Revolutionary War Patriots who can be remembered despite their grave markers being unreadable due to age and elements.

Respectfully,

Marilyn L. Huston

REVOLUTIONARY WAR PATRIOTS

ASHUELOT CHAPTER

DAUGHTERS OF THE AMERICAN REVOLUTION

It is our duty to perpetuate the memory of the spirit of the brave and noble who achieved
freedom, independence, national sovereignty, the rights and liberties which have
been our inheritance.

- | | |
|------------------------------------|-------------------------------------|
| • Samuel Bassett, Fifer | • David Niara Sr. Patriotic Service |
| • David Carpenter, Private | • Samuel Osgood, Private |
| • Noah Cook, Chaplain | • Josiah Richardson, Captain |
| • Timothy Ellis, Patriotic Service | • Jeremiah Sells, Captain |
| • Samuel Heaton, Corporal | • Nehemiah Towne, Private |
| • Davis Howlett, Captain | • David Wilson, Corporal |
| • George Ingersoll, Lieutenant | • William Woods, Private |
| • Elijah Knight, Private | |

Erected by the Ashuelot Chapter NHSODAR, 2017



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: July 1, 2021
To: Mayor and Keene City Council
From: John Hayes
Through:
Subject: John Hayes - Partial Opening Robin Hood Park Pool - Swimming Lessons for Youth

Recommendation:


Attachments:

1. Communication_Hayes

Background:

John Hayes is requesting that the City Council partially staff Robin Hood Park pool for conducting swimming lessons for children during the second, third and fourth sessions.

JOHN F. HAYES, ESQ.
320 Roxbury Street,
Keene, NH 03431



June 27, 2021

The Honorable Mayor George Hansel and
City Council
City of Keene
3 Washington Street
Keene, NH 03431

Re: Request to Open the Pool at Robin Hood Park and Conduct Swim Lessons During
the Second, Third and Fourth Sessions for Children Ages 5 and older.

Dear Mayor and City Council:

I formally request the City Council require the opening of the pool at Robin Hood Park and have the Parks and Recreation Department conduct swim lessons during the Second, Third and Fourth Sessions. This request is necessary as the Director of Parks and Recreation Department has made the decision to close the pool for the 2021 swim season following the closure of the pool during the 2020 swim season due to the pandemic.

I realize that there is a shortage of lifeguards this season. I have seen the number of lifeguards reported as being hired as 11, although in some statements it is as low as 10. For this reason, I am not requesting a full opening, but only an opening which would allocate the lifeguards to Robin Hood pool for perhaps three or four days a week and the remainder being allocated to Wheelock pool three or four days a week. It simply is inequitable to assign all 11 lifeguards to Wheelock pool forcing the closure of Robin Hood pool. Although this would require a more limited schedule for Wheelock pool, if there is one thing we should have learned this past year, it is that communities must share the sacrifices.

The opening of Robin Hood pool so that the children of the neighborhoods in east Keene can learn to swim is a matter of public safety. Drowning is the leading cause of injury-related death in U.S. children ages 1 to 4, and the third-leading cause of unintentional injury-related death in kids ages 5 to 19, according to the American Academy of Pediatrics. Debbie Heese, executive director of the USA Swimming Foundation has been quoted as saying, "Formal lessons can reduce the risk of drowning by 88 percent." The children of Keene lost the opportunity to take swim lessons last year. Under the Parks and Recreation Departments plan, only the children who live in the neighborhoods of east Keene will lose that opportunity for another year.

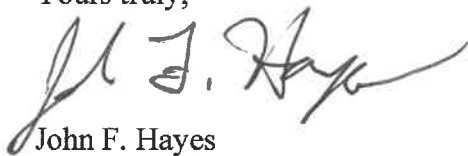
This past year, because of the pandemic, people have been, to a great extent, isolated from the community. The opening of Robin Hood pool would provide an opportunity for neighbors in east Keene to reconnect with each other. Nothing marks the beginning of summer like the opening of the local pool. Children and parents count the days until its opening. Nothing is sadder than seeing a child on the other side of the fence looking at a pool that will not open for summer. The children of the east side of Keene deserve the same opportunity as the children of the west side of Keene to experience the joy of the opening of a pool that has already been closed for so long.

Already, in informal discussions with members of the community and City employees, I have heard many reasons why the Parks and Recreation Department cannot open Robin Hood pool. First, it was the lifeguard shortage. Then, it was because of the capital improvements to the Robin Hood pool bathrooms, and finally it was because the Parks and Recreation Department began planning in January with the expectations of having COVID-19 protocols in place.

The partial opening plan addresses the lifeguard shortage, although there may be another way the City Council could choose that is better than the solution I proposed. The capital improvements could be conducted after the short swim season we have in New Hampshire. As for all the planning the Parks and Recreation Department put into this season, I am confident they can adapt their plans to fit the changing conditions in a manner that does not provide services to only one part of Keene and denies services to the other.

Thank you for your consideration and your service to the City of Keene. I trust that the City Council will arrive at an equitable solution that addresses the public safety issue of drowning and promotes a sense of community for the entire City of Keene.

Yours truly,

A handwritten signature in black ink, appearing to read "John F. Hayes". The signature is fluid and cursive, with a long horizontal stroke at the end.

John F. Hayes



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: July 1, 2021

To: Mayor and Keene City Council

From: Alan Stroshine
Elm City Rotary Club

Through:

Subject: Keene Elm City Rotary Club - Use of City Property - Clarence DeMar
Marathon

Recommendation:

Attachments:

1. Communication_Stroshine

Background:

The Keene Elm City Rotary Club requests an event permit for our official City of Keene Community Event; the annual Clarence DeMar Marathon and DeMar Half Marathon to be held on Sunday, September 26th 2021.



June 28, 2021

Mayor George Hansel
Keene City Council
3 Washington St
Keene, NH 03431

Re: 43rd Annual Clarence DeMar Marathon and 7th Annual DeMar Half Marathon
Request for City Event permit

Dear Mr. Mayor and City Councilors,

The Keene Elm City Rotary Club respectfully requests an event permit for our official City of Keene Community Event; the annual Clarence DeMar Marathon and DeMar Half Marathon to be held on Sunday, September 26th 2021. A part of our event includes the Kids DeMar Marathon and Super Senior DeMar Marathon programs.

I invite all members of city government and staff to join us on the quad at Keene State College to experience the energy and personal accomplishment of so many people on race day.

I am available for any questions you might have.

Yours in service,

Alan Stroshine, Race Director
Member, Keene Elm City Rotary Club

Keene Elm City Rotary
PO Box 1786
Keene, NH 03431

Clarence DeMar Marathon Corp is a 501c3 organization – Tax ID: 02-0454040



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: July 1, 2021
To: Mayor and Keene City Council
From: Councilor Andrew Madison
Through:
Subject: Councilor Andrew Madison - Mandatory Training for City Councilors

Recommendation:

Attachments:

1. Communication_Madison

Background:

Councilor Madison is recommending that training for City Councilors be required in the following areas: sexual harassment and gender sensitivity; implicit biases; diversity and inclusion; and professional ethics.

June 25, 2021

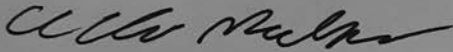
Mr. Mayor, and City Council,

I would like to request that the council discuss the establishment of an annual training schedule for the city council. Specifically, I would like to see the following topics covered:

- Sexual harassment and gender sensitivity.
- Implicit bias, diversity and inclusion.
- Professional ethics, as it relates to elected officials at the city level.

Ideally, these trainings would be held in-person, however given constraints posed by schedules and other concerns; an online format should be considered if it will encourage participation. Furthermore, I would like to council to discuss making these trainings mandatory for city councilors starting in fiscal year 2023.

Respectfully Submitted,



Andrew Madison
Ward 3



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.4.

Meeting Date: July 1, 2021
To: Mayor and Keene City Council
From: Councilor Gladys Johnsen
Through:
Subject: Councilor Gladys Johnsen - Legislative Authority to Install Parklets in Parking Spaces

Recommendation:

Attachments:

1. Communication_Johnsen

Background:

Councilor Johnsen is requesting that the Legislative Delegation be approached as to whether they can assist with legislation that would provide for the legislative authority to locate a parklet in a public parking space.

June 29, 2021

Dear Mayor Hansel and City Councilors,

During our PLD meeting on June 23rd the topic of parklets was again discussed. At that time, City Attorney Mullins shared his research about municipalities using streets and sidewalks, without having direct authority from the State. I then asked whether we could meet with our State Senator and Representatives, to see if they could help our committee make a temporary regulatory decision—most specifically for this summer season.

Chairperson Bosley explained how this discussion is much more complicated than we had originally thought. I heard, appreciated, and understood her reasons why we could not approve any parklets; however I am asking that this issue be included in the agenda for our upcoming City Council Meeting on July 1, 2021. Perhaps there might still be a way to help our business owners as they try to recover from the Covid-19 limitations.

Thank you for your consideration.

Councilor Johnsen

A handwritten signature in cursive script, appearing to read "Gladys Johnson". The signature is written in black ink and is positioned below the typed name "Councilor Johnsen".



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 1, 2021
To: Mayor and Keene City Council
From: Planning
Licenses and Development Committee
Through:
Subject: 2021 Fire Prevention Parade – Fire Department

Recommendation:

On a vote of 4-0, the Planning, Licenses, and Development Committee recommends that the Fire Department be granted permission to use City property for the 2021 Annual Fire Prevention Parade to be held on Sunday, October 3, 2021.

Attachments:

None

Background:

Fire Chief Mark Howard stated that his request is for the PLD Committee to recommend that the Fire Department be granted permission to use City property for the 2021 Fire Prevention Parade on Sunday, October 3. He continued that they want to restore the parade to pre-COVID strength or greater. Annually the Fire Department requests permission for use of the city streets for the Fire Prevention Parade. The parade kicks off Fire Prevention Week activities. This year they are requesting use of the parking lot of Fleet Services at 350 Marlboro St. for the parade line-up. The parade will start at 3:00 PM and proceed westerly along Marlboro St., north on Main St. to Washington St. where it will disperse at Vernon St. Following the parade is an awards ceremony at the Central Fire Station. The parade will be held rain or shine. Annually they invite any City Councilors who wish to participate to join them on the judges' viewing stand on Railroad St. and Main St.

Chair Bosley asked if it is correct that this parade was not held last year. Chief Howard replied that is correct. Chair Bosley asked if there were any questions from the committee.

Councilor Jones asked, regarding Chief Howard's comment about it returning to what it was like pre-COVID, if they will be doing the musters. Chief Howard replied no, just the parade. He continued that they have not done the musters during his tenure here, going on 28 years. They hope that post-COVID they will have increased participation of bands and departments.

Councilor Greenwald 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 Fire Department be granted permission to use City property for the 2021 Annual Fire Prevention Parade to be held on Sunday, October 3, 2021.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 1, 2021

To: Mayor and Keene City Council

From: Planning
Licenses and Development Committee

Through:

Subject: **Albert Grauer - Application for a Lodging House License – 85 Winchester St.**

Recommendation:

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends that a lodging license be issued to Mr. Albert Grauer for property located at 85 Winchester Street. Pursuant to Ordinance O-2019-14, the term of the license would extend to November 30, 2022. Said license is conditional upon the following: No more than 8 persons may reside on the premises and no less than 4 vehicular parking spaces must be provided on the premises. Access to the common areas of the licensed premises shall be granted to the Police, Community Development, and Fire Departments at all reasonable times.

The continuation of license is further subject to and conditioned upon the successful passage of two inspections to be conducted by the City; and compliance with all applicable laws, ordinances, codes and rules and regulations. The owner shall notify City staff of any change in the building operator; failure to do so may be grounds for suspension or revocation of this license. This license may be revoked in accordance with the City licensing process.

Attachments:

None

Background:

Trevor Grauer of 85 Winchester St. stated that he and Albert Grauer have a lodging house at 85 Winchester St. and want to renew the license for another year. He continued that there have been no issues for the extent of their time operating there.

Chair Bosley asked if Mr. Grauer has met with the different City departments. Mr. Grauer replied yes, they had a Fire and Code inspection and as far as he knows, everything is a green light.

Chair Bosley asked if there were any questions from the committee. Hearing none, she asked if members of the public had any questions. Hearing none, she asked to hear from City staff.

John Rogers, Health Official, stated that as Mr. Grauer indicated, Fire and Code inspections were

conducted at 85 Winchester St. and there were no issues on the Building/Health side.

Chief Howard stated that Captain Bates conducted the Fire inspection at 85 Winchester St. and there is one item that is being serviced. He continued that it is not a life-threatening issue or any reason to vacate the premise and the Grauers have 30 days to make that correction.

Councilor Johnsen arrived at 7:08 PM.

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

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends that a lodging license be issued to Mr. Albert Grauer for property located at 85 Winchester Street. Pursuant to Ordinance O-2019-14, the term of the license would extend to November 30, 2022. Said license is conditional upon the following: No more than 8 persons may reside on the premises and no less than 4 vehicular parking spaces must be provided on the premises. Access to the common areas of the licensed premises shall be granted to the Police, Community Development, and Fire Departments at all reasonable times.

The continuation of license is further subject to and conditioned upon the successful passage of two inspections to be conducted by the City; and compliance with all applicable laws, ordinances, codes and rules and regulations. The owner shall notify City staff of any change in the building operator; failure to do so may be grounds for suspension or revocation of this license. This license may be revoked in accordance with the City licensing process.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 1, 2021
To: Mayor and Keene City Council
From: Planning
Through:
Subject: **Cheshire Housing Trust - Application for a Lodging House License – 86 Winter St.**

Recommendation:

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends that a lodging license be issued to Cheshire Housing Trust for property located at 86 Winter Street. Pursuant to Ordinance O-2019-14, the term of the license would extend to November 30, 2022. Said license is conditional upon the following: No more than 20 persons may reside on the premises. Access to the common areas of the licensed premises shall be granted to the Police, Community Development, and Fire Departments at all reasonable times.

The continuation of license is further subject to and conditioned upon the successful passage of two inspections to be conducted by the City; and compliance with all applicable laws, ordinances, codes and rules and regulations. The owner shall notify City staff of any change in the building operator; failure to do so may be grounds for suspension or revocation of this license. This license may be revoked in accordance with the City licensing process.

Attachments:

None

Background:

Chair Bosley stated that Linda Mangones is not able to attend tonight. She asked to hear from staff.

John Rogers stated that Building, Health, and Fire conducted inspections today at the Winter St. property. He continued that there were no Building or Health issues. There is one minor item being taken care of. He recommends this license be granted.

Chief Howard stated that Capt. Bates was at the property today along with Mr. Rogers, to do the Fire inspection. He continued that he identified a couple issues from a Fire Code standpoint, which are just housekeeping matters, not life threatening. Cheshire Housing Trust has the allocated time to make corrections.

Councilor Jones stated that Cheshire Housing Trust has been operating for years. He asked Rhett

Lamb, Community Development Director, if the reason this license application is before the committee tonight is due to the City's change in the definition of this license. Mr. Lamb replied that the City is the process of identifying lodging houses that might fall under the new Code that had not already been licensed. He continued that it turns out this one was revealed a couple years ago, so they have been working with the owner to bring it into compliance through the old lodging house license. He thinks this is the second year, possibly the third, that this facility has been licensed through the PLD Committee's regular process.

Chair Bosley stated that since he brought up the new policy for licensing, she wants to mention that these licenses are going to be extended through November 2022, because they are in the process of creating the new licensing committee. Each of the new licenses under the new Land Use Code will have specific timeframes that they will renew under, and this particular timeframe is identified to happen in November. The current license motions will allow these licenses to extend through November.

Councilor Jones stated that to add to that, he believes the license requests will no longer be coming through the PLD Committee. He asked if it is correct that they will instead be going to an appointed board. Chair Bosley replied yes, and the PLD Committee would be used as an appeal board.

Chair Bosley asked if there were any further questions. Hearing none, she asked if members of the public had any questions. Hearing none, she asked for a motion.

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

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends that a lodging license be issued to Cheshire Housing Trust for property located at 86 Winter Street. Pursuant to Ordinance O-2019-14, the term of the license would extend to November 30, 2022. Said license is conditional upon the following: No more than 20 persons may reside on the premises. Access to the common areas of the licensed premises shall be granted to the Police, Community Development, and Fire Departments at all reasonable times.

The continuation of license is further subject to and conditioned upon the successful passage of two inspections to be conducted by the City; and compliance with all applicable laws, ordinances, codes and rules and regulations. The owner shall notify City staff of any change in the building operator; failure to do so may be grounds for suspension or revocation of this license. This license may be revoked in accordance with the City licensing process.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 1, 2021

To: Mayor and Keene City Council

From: Planning
Licenses and Development Committee

Through:

Subject: **Hundred Nights, Inc - Application for a Lodging House License – 15 Lamson St.**

Recommendation:

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends that a lodging house license be issued to Patti Moreno for property located at 15 Lamson Street. Pursuant to Ordinance O-2019-14, the term of the license would extend to November 30, 2022. Said license is conditional upon the following: no more than 26 persons may reside on the premises at any one time. Access to the common areas of the licensed premises shall be granted to the Police, Community Development, and Fire Departments at all reasonable times.

The continuation of license is further subject to and conditioned upon the successful passage of two inspections to be conducted by the City; and compliance with all applicable laws, ordinances, codes and rules and regulations. The owner shall notify City staff of any change in the building operator; failure to do so may be grounds for suspension or revocation of this license. This license may be revoked in accordance with the City licensing process, and it is conditional upon successful inspection by Fire and Code Enforcement.

Attachments:

None

Background:

Mindy Cambiar of 447 Park Ave. stated that she is the Executive Director of Hundred Nights. She continued that she is here to respectfully ask that the PLD Committee renew Hundred Nights' lodging house license at 15 Lamson St. for 26 beds.

Mr. Rogers stated that due to scheduling conflicts, the Building and Health inspections have not been conducted yet. He continued that those are scheduled for Monday. Regarding the inspections they have done in the past, this is one of the most long-standing lodging house licenses the City has had. Staff recommends granting this license conditional upon Hundred Nights passing the inspections on Monday.

Chief Howard stated that Capt. Bates is scheduled to conduct the Fire inspection on Monday as

well. He continued that he concurs with what Mr. Rogers said. If there are any Fire issues, they are housekeeping ones. The Fire Department is there throughout the year and they have not seen any obvious issues at those times, so he suspects it will be a normal process moving forward next week as well.

Councilor Greenwald asked Ms. Cambiar if the license is for 100 nights, or if this is now a 365-night license. Ms. Cambiar replied that Hundred Nights has been operating year-round since 2017. Councilor Greenwald replied that he wanted it in the record that this is a year-round license.

Chair Bosley asked if there were any further questions from the committee. Hearing none, she asked if members of the public had any questions. Hearing none, she asked for a motion.

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

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends that a lodging house license be issued to Patti Moreno for property located at 15 Lamson Street. Pursuant to Ordinance O-2019-14, the term of the license would extend to November 30, 2022. Said license is conditional upon the following: no more than 26 persons may reside on the premises at any one time. Access to the common areas of the licensed premises shall be granted to the Police, Community Development, and Fire Departments at all reasonable times.

The continuation of license is further subject to and conditioned upon the successful passage of two inspections to be conducted by the City; and compliance with all applicable laws, ordinances, codes and rules and regulations. The owner shall notify City staff of any change in the building operator; failure to do so may be grounds for suspension or revocation of this license. This license may be revoked in accordance with the City licensing process, and it is conditional upon successful inspection by Fire and Code Enforcement.

Chair Bosley stated that she looks forward to hearing back regarding those inspections before the next City Council meeting.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 1, 2021
To: Mayor and Keene City Council
From: Planning
Licenses and Development Committee
Through:
Subject: Donna Forte - Application for a Lodging House – 57 Winchester St.

Recommendation:

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends that a lodging license be issued to Donna Forte, Keene Student Rentals, for property located at 57 Winchester Street. Pursuant to Ordinance O-2019-14, the term of the license would extend to November 30, 2022. Said license is conditional upon the following: no more than 14 persons may reside on the premises at any one time. Access to the common areas of the licensed premises shall be granted to the Police, Community Development, and Fire Departments at all reasonable times.

The continuation of license is further subject to and conditioned upon the successful passage of two inspections to be conducted by the City; and compliance with all applicable laws, ordinances, codes and rules and regulations. The owner shall notify City staff of any change in the building operator; failure to do so may be grounds for suspension or revocation of this license. This license may be revoked in accordance with the City licensing process.

Attachments:

None

Background:

Tracy Parkhurst, of 281 Moran Rd., Hopkinton, NH, stated that he is representing Donna Forte, Keene Student Rentals, for a relicensing of 57 Winchester St.

Chair Bosley asked if Mr. Parkhurst has met with City staff for the inspections. Mr. Parkhurst replied yes.

Mr. Rogers stated that inspections were conducted at 57 Winchester St. He continued that there were a few minor housekeeping issues that will be taken care of if they have not already been. Staff recommends granting this license.

Chief Howard stated that Capt. Bates conducted the Fire inspection at 57 Winchester St. He continued that there were five items that are being addressed by the Petitioner. They were, to use Mr. Rogers' term, housekeeping issues. There were no life-threatening issues. They have the

allocated time to take care of the issues. Staff recommends moving forward with this license.

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

On a vote of 5-0, the Planning, Licenses, and Development Committee recommends that a lodging license be issued to Donna Forte, Keene Student Rentals, for property located at 57 Winchester Street. Pursuant to Ordinance O-2019-14, the term of the license would extend to November 30, 2022. Said license is conditional upon the following: no more than 14 persons may reside on the premises at any one time. Access to the common areas of the licensed premises shall be granted to the Police, Community Development, and Fire Departments at all reasonable times.

The continuation of license is further subject to and conditioned upon the successful passage of two inspections to be conducted by the City; and compliance with all applicable laws, ordinances, codes and rules and regulations. The owner shall notify City staff of any change in the building operator; failure to do so may be grounds for suspension or revocation of this license. This license may be revoked in accordance with the City licensing process.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 1, 2021
To: Mayor and Keene City Council
From: Planning
Licenses and Development Committee
Through:
Subject: Continued Discussion – Parklets

Recommendation:

By a vote of 5-0, the Planning, Licenses, and Development Committee accepts the discussion on parklets as informational.

Attachments:

None

Background:

Chair Bosley stated that the City Attorney has been doing some research about parklets. She asked him to give the committee an update.

City Attorney Tom Mullins stated that this matter came before the committee some time ago, and it was not something he had been thinking about very much. He continued that like everyone else, he was not entirely sure what a parklet was and it was interesting to learn about what they are and how they are used in the right-of-way. Tonight he will share the information that he stumbled upon. The general understanding in municipalities, including Keene, is that municipalities have a fairly broad authority to regulate within streets and highways. That is almost a given, to a large extent. His comments tonight are focused on NH law. He knows parklets are permitted around the country and even in other municipalities in NH, but regarding the law in NH, as the City Council has heard him say before, in NH municipalities can only act with the authority that is specifically given to them by statute. In many other states, including some surrounding ones, if the state has not decided to legislate within a field then the municipality is free to do that. That is not true in NH. The City of Keene has to act with that authority, and they have to locate that authority somewhere in order to take that action. Generally, that authority is found in RSA 47-17 – you can create ordinances and bylaws for a whole list of things, and one is the use of the public way. That statute says that you can regulate such things as how it is used, where it is used, what is left on it, how it is built, and other issues like that.

The City Attorney continued that he had RSA 47-17 in mind when the parklet topic came up, thinking that was probably the authority the City needed. However, when he was researching another issue that the City Council asked him to look at, involving parking issues, he stumbled across information in

the towns' section of authority within the state. Cities have one section of authority and towns have another, but in NH, cities and towns share the authority that the towns have. While he was doing this other research, he found two statutes in the 31 series, which applies to towns, which gave him some pause. One is a statute that gave towns, and by extension, cities, the specific authority to allow the placement of lumber and construction materials in a public way for up to 6 months, but not for any other retail activity. The other statute was the authority for cities and towns to have street fairs, conducted within the street under a license for three business days, during which commercial or retail business could be conducted. Those statutes got him thinking, because if the legislature thought a city had the ultimate authority under RSA 47-17 to do this type of activity, either placing items in the right-of-way, like lumber, or having a street fair, it would not have seen fit to give them that specific authority to act.

The City Attorney continued that as he started doing more research about parklets he got deeper and deeper into the statutes and case law. NH law with respect to roads goes back hundreds of years. The statutes' intention, from his perspective, and the intention of the court decisions he could find with respect to this issue, is to make it clear that roads are to be used for a "viatic use." That means to travel over, and to move goods, property, and people from point A to point B over the roads. That is the intention of what roads are for. Over the years, other things have been attributed as okay in that kind of context, such as parking spaces. As motorized vehicles developed, there was the opportunity and necessity of having to stop the vehicle in a particular location, and the issue of whether or not you could even park on the road was dealt with by the courts. The courts said those kinds of motor vehicles are usual and incidental now to the purpose of the roads, which is a viatic purpose, so it is okay to have parking spaces. By extension, if it is okay to have parking spaces, it is okay to have parking meters. All of these are attributed to the underlying idea that that is what the streets and roads are for.

The question then became, with respect to parklets in particular: is that a type of viatic use that the statutes and courts are contemplating? His assessment is such that he has reservations about that, in terms of the City's authority. However, he cannot sit here and tell the committee he has a definitive answer for that question, because the courts have not had the necessity, at least at this point, of thinking about that. Given the other statutes that apply with respect to the general power of the municipalities to regulate in the right-of-way, the courts may decide that parklets are an acceptable use. One example, although it came up in a different context, due to the pandemic we just went through, is that prior to a year ago, he thinks most attorneys in the state would have had some doubt as to whether municipalities could enact mask ordinances. Because there is no specific statute that says that. But the Superior Courts ultimately determined that under a general authority to regulate public health, they could do that. Whether the courts would make that same sort of general statement, he does not know.

The City Attorney continued that he wanted to raise the issue that this is an open question, and that there is some risk associated because of that. If the committee wants to allow parklets to occur, he suggests it be in connection with an ordinance that lays out specific standards for when, how, where, and what the conditions are with respect to this use, and what is necessary for protecting public safety with respect to the highway, and how they would go about revoking a license if needed. That would be a necessity with respect to proceeding with this proposal. Lastly, he has reached out to some of his compatriots around the state, and other attorneys who are now having to look at this question as a result of the end of COVID are raising the same sorts of concerns that he is.

Chair Bosley stated that that is quite a bit of information and it might shift some ideas about what the committee wants to do with this.

Councilor Johnsen thanked the City Attorney for the information. She continued that having been in

the House of Representatives, she wonders if the PLD Committee could speak to their Senator or local Representatives and if maybe there is some way those people could assist them in coming up with a way to update this kind of law. Secondly, she asked, she heard the City Attorney say something about lumber?

The City Attorney replied that there is a specific statute that provides that a municipality can license the placement in the street of lumber products for up to four months. He continued that Councilor Johnsen's first question/suggestion is a valid point. One way to clear up the ambiguity is to have the legislature specifically provide the municipality with the authority to act. That would be the best result in order to go forward.

Councilor Johnsen asked if that means the City Attorney would be willing to connect with the Senator and/or Representatives, or if he wants the PLD Committee to connect with them. The City Attorney replied that he is sitting at the direction of the Committee and the City Council, but working with the City Manager, if that is the will of the Council, they are already in contact with their Representatives and the Senator on other issues. They could certainly do that.

Chair Bosley stated that if that is what the Committee wants, they should put a motion forward to direct the City Manager and the City Attorney to draft some sort of communication to get that process started. She continued that Councilor Johnsen is welcome to make that motion, but she would like the committee to flesh out what direction they want to see this go in. Toward the end of the conversation, if it looks like the Committee is not going to move forward with an ordinance because of concern of risk, this would be a great alternative.

Chair Bosley stated that concerns about risk have been brought forward, and she wants to point out to the committee that this whole conversation started with a request for a parklet. She continued that they have had several meetings about this now, and she has noticed that no other business owners have come before the committee on the heels of that request, saying that they would also like to have a parklet. Thus, she believes that at this time, this request is a one-off and that they have compromises available to that business owner and ways to accommodate outdoor dining in its current capacity. Until they can resolve some of these concerns about the risk to the City, she would not be comfortable moving forward with a full ordinance.

Chair Bosley asked if there were any further questions or comments from the committee. Hearing none, she asked if members of the public had any questions.

Councilor Johnsen stated that she knows this is a one-off request, but part of her reason for wanting to let this happen was to help a business maybe recoup some of the money lost during the past year. She would hate to see it tied up in legalese. She hopes the City Council can give them some kind of decision for this summer and then go through the regulatory process.

Chair Bosley stated that she understands that. She continued that she feels it is her job to make her decision based on the risk that the City is willing to take, and that they cannot take on certain risks to help individuals. They have to look at all of the people. What she has learned during her time on the City Council is that things she thinks should be simple and happen quickly end up taking a considerable amount of time because nothing seems to go as smoothly as they would like it to. There is always some sort of tributary or road that they end up going down that is not necessarily something they would have thought of at the beginning. And it has to be managed, and they have to clear up those loose ends before they can get back to the nut of what they are trying to accomplish. This is one of those situations, where they have stepped off the ledge here. The whole idea initially had support from this whole committee. She did not see this conversation going this way, but with these concerns being raised, now it is the committee's responsibility to weigh that

decision they are making for the city as a whole against the benefit to one business owner. That business would not lose their ability to do outdoor dining; it would just be reduced in size. That is where her thought process is going, but she would like to hear opinions from other committee members.

Councilor Greenwald stated that for the sake of his conflict in the matter, this conversation needs to stay focused on parklets in general, not the “more time” item D. He continued that he thinks the appropriate action is to vote on this, and if Councilor Johnsen wants to move forward with something else and send a memo and run it through the process of contacting their Senator or Representatives that would be the way to go.

Chair Bosley stated that she agrees with Councilor Greenwald that a letter from Councilor Johnsen, addressed to the City Council, so they can move forward with a recommendation to ask that a letter be drafted to initiate a legislative process. Councilor Johnsen replied that she would be happy to draft that communication.

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

By a vote of 5-0, the Planning, Licenses, and Development Committee accepts the discussion on parklets as informational.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 1, 2021
To: Mayor and Keene City Council
From: Finance
Organization and Personnel Committee
Through:
Subject: Presentation - Melanson FY20 Audit

Recommendation:

On a vote of 5-0, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to accept the Melanson FY 20 Audit as informational.

Attachments:

None

Background:

Finance Director Merri Howe began by introducing Ed Boyd CPA from Melanson Health. Mr. Boyd stated he is before the committee to discuss the results of the FY 2020 audit. He thanked all city staff for this audit especially completing the audit during a pandemic.

Mr. Boyd stated the books and records were in good working order, key accounts were reconciled on a timely basis and there was no disagreements in the application of generally accepted accounting principles. There were also no material weaknesses or significant deficiencies in internal controls. He noted the accountants issued an unmodified opinion, which means the financial statements are in accordance with generally accepted accounting principles.

Mr. Boyd stated based on the Comprehensive Annual Financial Reports this is the second year the City has received the certificate of excellence award.

Mr. Boys went on to say the City has a \$13.1 million fund balance in its general fund which is up over the prior year but this number is consistent across New England for the last fiscal year. In addition, the City continued to fund and utilize capital reserves netting to an increase in that reserve fund balance at about \$400,000. The City put in approximately 1.2 million and used about \$900,000 on fire equipment and recycling equipment.

The city's debt burden was very manageable. No new debt was issued during FY20. 92% of the City's governmental funds is going to be paid out over 10 years as well as 87% of the enterprise fund debt will also be paid out over 10 years. Mr. Boyd noted for credit rating agencies 75% is typically the good number.

For 2020, the net pension liability stayed flat at about \$34 million. Mr. Boyd explained what the net pension liability represents; it is the City's perspective unfunded portion of the financial retirement system liability. This is not represented in the general fund but on the long term accrual basis financial statements. With respect to these long term liabilities there is a plan in place; for the pension there is a funding schedule as of today that does go up to 2039 and the hope is that this liability will continue to go down as we get closer to that date.

Other Post-Employment Benefits (OPEB) which is primarily retiree health care went down to about 7.7 million, and even though retirees pay 100%, there is what is called an implicit subsidy which means essentially retirees bring on an added cost to the plan because of their participant data. Essentially it is an accounting mechanism to recognize that expense and the overall liability to the City.

From a short term perspective and a long term perspective, as of June 30 2020 the City ended up in a very favorable position. Mr. Boyd added entities such as Moody's and S&P have been changing their models and their focus has been on reserves, debt management and managing long term liabilities.

Chair Powers noted to page 122 and indicated the number of traffic lights has diminished greatly. Over time, so that's a little bit off which will certainly save the City some money in the long run.

Councilor Jones noted city councilors received two reports in their mailboxes at the same time and one talked about the City's collection rate for taxes, which was 98.6%. He felt this was an amazing number in the midst of a pandemic.

Councilor Hooper made the following motion, which was seconded by Councilor Chadbourne. On a vote of 5-0, the Finance, Organization and Personnel Committee recommend that the City Manager be authorized to accept the Melanson FY 20 Audit as informational.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 1, 2021

To: Mayor and Keene City Council

From: Finance
Organization and Personnel Committee

Through:

Subject: **Councilor Jones - Requesting a Declaration of Inclusion on Behalf of Keene City Councilors**

Recommendation:

On a vote of 5-0, the Finance, Organization and Personnel Committee recommend this item be referred to the tentatively named group Monadnock DEI Coalition for comment on form and language and participants that should be a part of this process.

Attachments:

None

Background:

Councilor Phil Jones noted last month the Council accepted a report from the Ad Hoc Racial Justice and Community Safety Committee. There was no objection from anyone from the public of this report. He also indicated there is also a Human Rights Committee of the City which has its goals outlined on the website and there are no objection raised regarding these goals. In 2017 the City Council adopted Council goals; Goal 4, specifically states the Council should encourage a diverse and inclusive culture. Page 112 of the City's Master Plan refers to diversity and diversity strategies, celebrating education about diversity, and creating an environment of tolerance. He noted the City's economic development plan also talks about using diversity as an economic tool.

He felt this topic is nothing new, the Declaration of Inclusion has been put in cities out west as well as in three cities in Vermont. The Councilor noted if this is approved, Keene will be the first in New Hampshire.

Councilor Jones explained how he envisioned the declaration of inclusion to be posted in various locations in the City. He indicated he would like this Declaration on a poster size piece of parchment paper. This Declaration will be signed by all 15 councilors and the Mayor and it would be part of a historical document. He suggested a copy of this Declaration hang in City Hall and one be given to Dottie Morris, Chief Officer Diversity and Multiculturalism, at Keene State College.

The language of the Declaration is as follows:

The City of Keene New Hampshire as an inclusive and welcoming city.

We the Governing Body of Keene, New Hampshire do hereby declare that the City of Keene is an inclusive city. We as a City truly welcome people of all colors, creeds beliefs lifestyles, nationalities, physical abilities and mental abilities to live, work, play, worship and shop in our welcoming city. We truly believe diversity makes us stronger.

Councilor Ormerod suggested adding diversity, equity and inclusion.

Councilor Jones referred to the supporting documents and asked based on those documents was the message received – he felt all of these past invitations were done with good intentions, but the word never really got out but felt this Declaration will have an impact.

He indicated what he is asking today is for staff to be directed to draft a Resolution endorsing the Declaration as presented.

Councilor Remy asked whether the Councilor will be open to this being referred to the Racial Justice and Community Safety Committee for comment. Councilor Jones stated the committee has already reviewed same.

Councilor Ormerod asked whether the Resolution would have the “Wherefore” and “Therefore” terms included in it. Councilor Jones stated this would be up to the City Attorney. Councilor Ormerod asked whether the supporting documents would be also be included. City Attorney Tom Mullins stated that would be the prerogative of this committee and the City Council as to how they want to draft the document; there is no particular requirement to have “whereas” statements. He indicated it seem like the intent is not to have this read less like a legal document, and hence leaving those terms out would be acceptable.

Councilor Jones noted the supporting documents were already on a public agenda that went before full City Council, hence the public has seen those documents.

Councilor Chadbourne stated her reaction was the same as Councilor Remy to have Dottie Morris and the Human Rights Commission weigh in on it. The Councilor noted this takes what we have talked about in the past one step further, and if it is placed in public areas, it raises consciousness; it is a statement about not just this Council but the City. Having it displayed would be a constant reminder of what this City values. Councilor Jones felt it could be a historic document as well as a marketing tool for the college, companies etc.

Mayor George Hansel stated he wanted some background about what is going on since the Racial Justice Community Safety Committee issued their report. He indicated there is a lot of interest in diversity, equity and inclusion from all over the community. He indicated the report shows this is a community wide issue. He indicated one of the things they are working on which is being led by the hospital and the YMCA is to create a diversity, equity and inclusion coalition.

All the members of the Racial Justice Community Safety Committee have been rolled into this new initiative and the goal is to hire a full time person to be working on this as a community wide initiative. The Mayor stated, his point to the Council is that this is about a decade or more of work that needs to happen in all kinds of different places in our community.

He indicated making an anti-racist statement as a City Council is a good idea and commended Councilor Jones for bringing this forward.

He however, cautioned the Council that this is a community wide initiative. The City has allowed some really amazing leaders in the community to step up and lay out a path for diversity, equity and inclusion in Keene and he wanted to be cautious in and saying the Council is leading the way here as he did not feel that would be appropriate. The Mayor stated he could see adopting a Resolution or

another way to make an anti-racist statement but he would be careful about the language. The Mayor suggested, instead of “we the City Council” perhaps to say “representatives of the entire community” or somehow more community based language be built in.

He stated he would also like to reiterate what Councilors Remy and Chadbourne said to put this in front of this new coalition as there are some who felt it should be tweaked. He commended Councilor Jones for proposing this item, but felt this is something important for the community.

Councilor Jones stated he has no issue with amending the language.

Councilor Hooper stated the important issue is educating the public about the importance of diversity. The problems that exists is the lack of education on the importance of diversity.

He stated he agreed with the Mayor that this should be a message from the community as well as the Council. The Councilor felt Keene could be a leader in the State of New Hampshire on expressing the importance of treating everyone equally. He commended Councilor Jones for bringing this item forward.

Councilor Jones stated the manner in which this item could become an action item – he indicated for many years he has been invited to talk to 4th graders when they start learning about state and local politics. He indicated he talks about police, fire and DPW and felt this could be a document that he would also like to start presenting to those 4th graders and perhaps schools could start writing their own Declarations regarding diversity.

Councilor Remy stated he likes the Mayor's idea of bringing this in front of the new group that is coming. Councilor Chadbourne agreed and felt that body would be more in tune or in sync with the broader community.

Councilor Ormerod stated he would like to go before this new committee to learn their thoughts and opinions so we can be better examples of how this works. He asked for clarification on timing. Mayor Hansel stated that group meets every two weeks, they have convened this week so he can put this on their agenda for two weeks and can invite this committee to attend.

The City Attorney asked whether the Mayor has a name for this committee, so it can be made part of the motion. The Mayor stated it is a working name, it is currently referred to as the Monadnock DEI Coalition.

Councilor Hooper made the following motion, which was seconded by Councilor Remy. On a vote of 5-0, the Finance, Organization and Personnel Committee recommend this item be referred to the tentatively named group Monadnock DEI Coalition for comment on form and language and participants that should be part of this process.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 1, 2021

To: Mayor and Keene City Council

From: Finance
Organization and Personnel Committee

Through:

Subject: Relating to Approving an Application for CDBG Funds Resolution R-2021-31

Recommendation:

On a vote of 5-0, the Finance, Organization and Personnel Committee request the Mayor set three public hearings for July 1, 2021 at 7:00 P.M. to allow the public to hear additional details and comment on the proposed grant application and related planning documents.

Attachments:

None

Background:

James Wetherly from Southwest Regional Planning Commission addressed the committee next and introduced Phil Isaac from Monadnock Family Services. Mr. Wetherly explained the item before the committee is an application for Community Development Block Grant funding, which would be submitted by the City of Keene. The applicant is requesting support of a project by Monadnock Family Services. These grant funds are distributed via competitive application process, administered by the state to municipalities and counties.

The grant ask is \$500,000 and the deadline is July 26.

He explained this project includes the property acquisition and rehabilitation to provide a centralized home for Monadnock Family Services (MFS). This has been a goal of MFS for many years and is an important project.

Mr. Phil Isaac addressed the committee next and stated MFS is one of 10 community mental health centers in the state and their largest footprint is located in Keene. This organization consists of about 185 employees and a budget of approximately \$13 million per year.

Their work is predominantly for people who are struggling with poverty and disabling conditions brought about by their mental health situation. He stated for many years their organization has struggled with figuring out its strategic plan pertaining to its facilities. Currently they own two properties in Keene at 64 Main Street and 17, 93rd Street. They just recently sold a property on Vernon Street and are struggling with what to do with these old buildings, which come with many issues. For example 64 Main Street property is not handicapped accessible, and does not have fire

suppression. The buildings have no room for growth and expansion for programs the future. The pandemic has taught them they have no room to properly socially distance.

Looking to the future they see elevator repairs, window repairs, and a number of large capital expenditures. He noted a number of years ago their Board of Directors performed a capital needs assessment and came to realize it would be better for the operation in Keene to be under one roof.

A year ago an opportunity presented itself with a seller. However, the seller has made MFS sign a nondisclosure agreement, because they want to control their business interests carefully. MFS is honoring the seller's request

The property in question is located in Keene and is large enough to house all MFS employees in Keene under one roof. It creates space enough for the growth they see in the future. The programming they see for the future is non-traditional programming such as eye movement desensitization treatment, brain spotting and other cutting edge services that are just proving themselves to be valuable for people recovering from mental illness, particularly in trauma. They also need accommodations to provide for telehealth services. He added that the new space will create the capacity for them to have an academic partner that can help employees advance their professional career as well as attract potential graduates. The space will also provide overflow space to use as rental property for other service organizations who want to join MFS.

Mr. Isaac went on to say that they have started architectural work and a feasibility study for financing. They have also started a feasibility study for a capital campaign and are fairly confident about the results of that capital campaign. They are asking for CDBG funding because that is one of the blended sources of revenues they will need for this project. Mr. Isaac stated their financial modeling indicates the purchase and renovation of this property will not add to ongoing expenses; the existing costs will be the same as they move into the new facility. This concluded Mr. Isaac's presentation.

City Manager Elizabeth Dragon stated she and the two presenters have discussed this project and she felt it was a great project. The Manager noted, as she has stated in the past, mental health services in our area are in desperate need of staffing and Mr. Isaac's has spent a lot of time talking to our Police Department in terms of ways the City can strengthen the relationship between the City of Keene and MFS. She indicated she was excited about this project as it also provides for future growth opportunity and is glad MFS brought this project forward.

The Chairman noted this item will be moved to a public hearing on July 1 which is a requirement for the CDBG grant process and then a Resolution will be required from the City Council. He indicated it is a great project.

Attorney Mullins noted this item will be placed on more time until the public hearing has been held. Because of time constraints, after the hearing has concluded the rules will be suspended to allow action on the Resolution and other associated documents.

Councilor Hooper made the following motion, which was seconded by Councilor Remy. On 5-0 roll call vote, the Finance, Organization and Personnel Committee request the Mayor set three public hearings for July 1, 2021 at 7:00 P.M. to allow the public to hear additional details and comment on the proposed grant application and related planning documents.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.10.

Meeting Date: July 1, 2021

To: Mayor and Keene City Council

From: Finance
Organization and Personnel Committee

Through:

Subject: **PFAS Detection at 173 Wyman Road - Asst. Public Works Director/Solid Waste Manager**

Recommendation:

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to do all things necessary to negotiate and execute an agreement with the property owner of 173 Wyman Road to provide access and a carbon-based point of entry water filtration system for an initial term of three (3) years beginning in July 2021 as part of an initial perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFAS) protocol.

Attachments:

None

Background:

Asst. Public Works Director/Solid Waste Manager Duncan Watson addressed the committee next. Mr. Watson stated he is before the committee to talk about perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFAS). These are chemicals that are newly regulated that are ubiquitous in our modern society. As part of our annual groundwater monitoring testing at the landfill, there was some detections just outside of the established groundwater management zone in a domestic well located at 173 Wyman Road. Mr. Watson noted a couple years ago this testing would have revealed there was PFOA and PFAS in the system, but the standards would not have been met for triggering any action. Now the standards for detection have been reduced from 70 parts per trillion down to 20 parts per trillion and therefore, the detectable levels that we discovered in the well at 173 Wyman Road triggered an action that requires the City to do something to ameliorate the situation.

In the short term, some bottled water has been provided to the residents to help with their drinking and domestic needs. What staff is proposing is to install a carbon filtration system located in the household basement, which will provide filtration of the PFOA type chemicals to non-detectable levels. The filtration system will be left in place for several years while the City looks for a longer term solution.

Mr. Watson stated the PFOA PFAS are not just used in petroleum fuels but in hundreds and

thousands of consumer products and hence are going to be showing up more and more. Mr. Watson stated he is on the Waste Management Council for the State of New Hampshire and received an update from the Waste Management Director who had indicated that there was an accumulating pool of money that is going to help communities deal with the PFOA PFAS situations. Staff will be monitoring the availability of such funds so that other solutions could be looked at including extending municipal water lines two areas that may have these levels. It is not 100% determined that this PFOA PFAS contamination is coming from the Keene landfill, but because the City has a closed landfill that is subject to monitoring, the state basically considers the City the responsible party and hence has to act as part of the groundwater management permit.

This evening staff is looking for authorization for the City Manager to enter into an access agreement and provide a point of entry filtration system to help the resident make their domestic water supply below the ambient groundwater standards for PFAS and PFOS.

Chair Powers asked geographically whether this particular piece of property is. Mr. Watson stated it is located on the western side of Wyman Road.

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

On a vote of 5-0, the Finance, Organization and Personnel Committee recommend that the City Council authorize the City Manager to do all things necessary to negotiate and execute an agreement with the property owner of 173 Wyman Road to provide access and a carbon-based point of entry water filtration system for an initial term of three (3) years beginning in July 2021 as part of an initial perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFAS) protocol.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 1, 2021

To: Mayor and Keene City Council

From: Finance
Organization and Personnel Committee

Through:

Subject: **Martell Court Pump Station- Engineering Services - Change Order 2 -
WWTP Operations Manager**

Recommendation:

On a vote of 5-0, the Finance, Organization and Personnel Committee recommend that the City Council authorize the City Manager to do all things necessary to do all things necessary to execute Change Order 2 with Aldrich & Elliot Engineers, to perform construction phased engineering and technical services for the Headwork's Screening Project at the Martell Court Pump Station for an amount not to exceed \$163,400 for contract 04-20-23.

Attachments:

None

Background:

WWTP Operations Manager Aaron Costa addressed the committee with reference to construction and engineering services for wastewater. The first item is for the Martel Court Pump Station change order with Aldridge and Elliot Engineers to perform construction related services for the headworks screening project at the Martel Court pump station for approximately \$163,000. Mr. Costa explained Martell Court is the City's main pumping station. It pumps wastewater collected from Keene and portions of Marlboro to the wastewater treatment plant. Over the years the City has had grinders at the station that grind up products into smaller materials and then it gets pumped to the wastewater plant. However, as wipes and other products become more popular, the grinders are more of an antiquated piece of technology.

This project is to install screening at Martel Court, which is going to remove these wipes and other non-flushable materials before they get to the pumping system. This material will be washed and compacted and removed as regular garbage.

This project is currently out for bid. The consultant has performed the equipment selection evaluation and have completed the design. They are assisting the City with bid phase services. Mr. Costa stated the City will like to continue working with them for the construction phase portion of this project. They provided a scope of work and a cost estimate. The cost of this change order exceeds the City Managers 10% authority and therefore staff is requesting that the Manager be authorized and do all

things necessary to execute this change order with Aldridge and Elliot Engineers.

Councilor Ormerod asked where this money is coming from. Mr. Costa stated the City has an existing capital project and there is money available in that project – the number is 08072.

So far, including this change order the engineering cost is about \$272,000. The total project budget is about 1.4 million dollars.

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

On a vote of 5-0, the Finance, Organization and Personnel Committee recommend that the City Council authorize the City Manager to do all things necessary to do all things necessary to execute Change Order 2 with Aldrich & Elliot Engineers, to perform construction phased engineering and technical services for the Headwork's Screening Project at the Martell Court Pump Station for an amount not to exceed \$163,400 for contract 04-20-23.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.12.

Meeting Date: July 1, 2021

To: Mayor and Keene City Council

From: Finance
Organization and Personnel Committee

Through:

Subject: **Laboratory Renovation - Engineering - Change Order 2 - WWTP Operations Manager**

Recommendation:

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to do all things necessary to do all things necessary to execute Change Order 2 with Underwood Engineers to perform construction phase engineering and technical services for the Laboratory Renovation Project for an amount not to exceed \$12,800 for contract 04-21-22.

Attachments:

None

Background:

Mr. Costa stated this item is for laboratory renovation construction services engineering contract change order. This is for change order two with Underwood Engineers to perform engineering services for the laboratory renovation project for an amount not to exceed \$12,800.

Mr. Costa explained the laboratory is located at the wastewater treatment plant. The wastewater treatment plant was constructed in the early 1980s and its infrastructure has remained unchanged since the 1980s and is outdated. The City currently has a CIP project to perform renovations of the existing laboratory; the design is nearly complete and documents will be ready shortly. Underwood provided a scope of work for that small design work which is about \$2500 of this particular change order and the rest is for construction oversight during the project.

This change order exceeds the City Managers 10% authority. Hence, staff is recommending the City Manager be authorized to do all things necessary to execute this change order. Funds for this work are available in the laboratory renovation project 08106.

Councilor Hooper agreed this renovation is overdue.

Chair Powers clarified this is the second change order for this project and this completes the work that was uncovered when staff did their second analysis. Mr. Costa answered in the affirmative.

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

On a vote of 5-0, the Finance, Organization and Personnel Committee recommend that the City Council authorize the City Manager to do all things necessary to do all things necessary to execute Change Order 2 with Underwood Engineers to perform construction phase engineering and technical services for the Laboratory Renovation Project for an amount not to exceed \$12,800 for contract 04-21-22.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 1, 2021

To: Mayor and Keene City Council

From: Finance
Organization and Personnel Committee

Through:

Subject: **Aeration Piping Replacement-Engineering Services - Change Order 1 -
WWTP Operations Manager**

Recommendation:

On a vote of 5-0, the Finance, Organization and Personnel Committee recommend that the City Council authorize the City Manager to do all things necessary to do all things necessary to execute Change Order 1 with Aldrich & Elliot Engineers to perform engineering and technical services for the Aeration Piping Replacement project at the Wastewater Treatment Plant for an amount not to exceed \$22,500 for contract 04-19-04.

Attachments:

None

Background:

Mr. Costa addressed his last item which was in reference to change order one with Aldrich and Elliot Engineers to perform engineering services for the aeration piping replacement project at the wastewater treatment plant for an amount not to exceed \$22,500. Mr. Costa explained the wastewater treatment plant is a conventional activated sludge plant which means micro organisms are used to break down pollutants. The City discharges about 3 million gallons of wastewater which has been treated and discharged into the river every day and the City has a permit that dictates all those specific parameters that have to be met.

One section of the plant has blowers that provide air which is conveyed through 170 foot long 16 inch diameter pipe, from where they are located at the plant to this specific tank. The piping is over 20 years old and has numerous leaks which have been repaired many times. It has now reached the end of its useful life.

In 2018, the City executed a professional services contract with Aldridge and Elliot to design its replacement. In April of 2020, the City went out for bid for construction and only received one bid for \$391,000. This price exceeded the project budget and was therefore rejected. The original specifications required the pipe material to be stainless steel because stainless steel is corrosion resistant, whereas ductile iron will corrode over time. However, due to the increase in costs of

stainless steel it is recommended the City rebid this project using high density polyethylene piping which is a plastic material which becoming more popular and more frequently used in the water and sewer utilities. It is less expensive than stainless steel, it is resistant to corrosion and one of the good benefits is it doesn't have any joints.

Aldridge and Elliot have provided a scope of work for updating the drawings and specifications so the project can be rebid. To do that part of the work it is about \$2500 of this particular change order and the remaining \$20,000 will be for the construction related engineering services, which will include submittal reviews and construction oversight. This change order also exceeds 10% of the City Managers authority and therefore staff is asking to be authorized do everything necessary to execute this change order and funding for this project. Funding for this work is available in the aeration piping replacement project 08080-B.

Councilor Ormerod stated he is glad about the alternative product that can be used for this work and asked if staff will be back with a request for installation. Mr. Costa stated the project is being sent out to bid.

Councilor Remy asked whether the City has to pay fees on change orders. Mr. Costa stated not in this particular case.

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

On a vote of 5-0, the Finance, Organization and Personnel Committee recommend that the City Council authorize the City Manager to do all things necessary to do all things necessary to execute Change Order 1 with Aldrich & Elliot Engineers to perform engineering and technical services for the Aeration Piping Replacement project at the Wastewater Treatment Plant for an amount not to exceed \$22,500 for contract 04-19-04.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 1, 2021

To: Mayor and Keene City Council

From: Finance
Organization and Personnel Committee

Through:

Subject: **Professional Services Contract - Emergency Response Plan for the City's Waste Water Pump Stations - Utilities Maintenance Manager**

Recommendation:

On a vote of 5-0, the Finance, Organization and Personnel Committee recommend that the City Council authorize the City Manager to do all things necessary to do all things necessary to negotiate and execute a professional services contract with Wright-Pierce for planning, engineering and technical services for the completion of an Emergency Response Plan for the City's Wastewater Pump Stations for an amount not to exceed \$44,990. If a contract cannot be negotiated, the City Manager is authorized to negotiate with the next ranked firm.

Attachments:

None

Background:

Utilities Maintenance Manager Christian Tarr addressed the committee next and stated he was before the committee to request authorization for the Manager to execute a professional services contract with Wright-Pierce to complete an emergency response plan for the City Keene's wastewater pumping system. He noted the Martel Court Pump station handles about 3 million gallons a day. In addition to that, it has a 30 inch ductile iron force main to the wastewater plant which about two miles long. The City also has four other pump stations that range anywhere between 1,400 to 3,000 gallons a day. What the City is looking to do is an emergency response plan built which will actually provide reports of all five stations; vulnerabilities of those stations, cost estimates of items that needed to be addressed, and the firm will also generate a report and give those recommendations to the City Council.

There were six firms that provided bids of which two were invited for an interview. Wright-Pierce was selected by the matrix staff used as the highest scoring firm. Funds for this project are available in capital project 08098-17.

Councilor Hooper asked where the suggestion for an emergency response plan came from. Mr. Tarr stated he did not have an answer for this – he indicated it is a CIP project that has been place years ago and was tied together with several other projects. Before anything was done the

projects were separated out, which included generator work, backup power sources. The backup generator power sources was one particular group. The emergency response plan was probably initiated by a different group. He wasn't sure who came up with the idea, but noted this equipment is old for instance the force main dates back to 1985.

Public Works Director Kurt Blomquist stated this project has been in development for a number of years. He noted if the City ever has a failure, the community will be asked to stop flushing. This project has been long overdue through the emergency planning process.

Councilor Ormerod asked why there is a need to hire a consultant to replace a few motors; \$45,000 to tell us what we already know. Mr. Tarr stated the City is definitely going to need a consulting firm to advise them where to put this in the ground or how many feet is needed.

The firm will come back and let the City know where there is a potential failure, the consequences of that failure and the recommendations to avoid that critical failure. This is a preliminary step to make the plan for replacement.

Mr. Tarr stated this could work to prioritize future capital improvement projects based on the severity of vulnerability.

Chair Powers noted the City has so many requirements to meet and it can only do so much and felt the City was really great at operations. The City does not have the kind of engineering staff that is able to build these kinds of programs to keep the City moving.

Councilor Hooper made the following motion, which was seconded by Councilor Chadbourne. On a vote of 5-0, the Finance, Organization and Personnel Committee recommend that the City Council authorize the City Manager to do all things necessary to do all things necessary to negotiate and execute a professional services contract with Wright-Pierce for planning, engineering and technical services for the completion of an Emergency Response Plan for the City's Wastewater Pump Stations for an amount not to exceed \$44,990. If a contract cannot be negotiated, the City Manager is authorized to negotiate with the next ranked firm.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 1, 2021

To: Mayor and Keene City Council

From: Finance
Organization and Personnel Committee

Through:

Subject: **2021 Sewer Main Lining Project - Construction Change Order - City Engineer**

Recommendation:

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends that the City Council authorize the City Manager to do all things necessary to execute a Construction Change Order with Insituform Technologies, LLC. in an amount not to exceed \$115,000 for additional sewer main lining work to be completed as part of the 2021 Sewer Main Lining Project (08066).

Attachments:

None

Background:

City Engineer Don Lussier stated this item is a request for change order for the annual sewer main lining project. This program has been with the City and has been a successful and productive program. This program does allow the City to go into some of the older sewer mains that are still in acceptable condition, but are showing their age; they are leaking and there are sources of groundwater infiltration. The pipe is cleaned, the leaks are fixed by injecting grout into the joints. Then a new pipe is located within the existing pipe referred to as the cured in place pipe. This adds both structure and life expectancy to the existing pipe, but it is much more cost effective than doing an open trench excavation and installing a new pipe.

In recent years the pricing has been very competitive. This year the City received five bids of which the lowest was approximately \$139,000 below the engineers estimate.

The proposal before the committee is to extend the contract to add an additional 1,600 feet.

Beaverbrook interceptor would be the next project which is one of the larger diameter mains, but is also one of the older mains and intercepts all the neighborhood sewers that surround Beaverbrook and it conveys them down to the Martell Pump Station.

Councilor Hooper asked if these pipes are still examined with cameras. Mr. Lussier stated all of the city's sewers were inspected between 2008 and 2010 using the pipe camera. The City has since

acquired its own camera equipment and are able to confirm the pipe needs to be lined, but in some cases that is not the case. This year the pipe between Beaver Street and Brooke Street is not a good candidate for lining and will eventually need to be replaced.

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

On a vote of 5-0, the Finance, Organization and Personnel Committee recommend that the City Council authorize the City Manager to do all things necessary to do all things necessary to execute a Construction Change Order with Insituform Technologies, LLC. in an amount not to exceed \$115,000 for additional sewer main lining work to be completed as part of the 2021 Sewer Main Lining Project (08066).



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.16.

Meeting Date: July 1, 2021
To: Mayor and Keene City Council
From: Finance
Organization and Personnel Committee
Through:
Subject: **Municipal Services Agreement - Keene State College - City Manager**

Recommendation:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the attached Fourth Amendment to Municipal Services Agreement between the City of Keene and Keene State College be forwarded to the City Council with a recommendation to extend the term of the agreement for one additional year.

Attachments:

None

Background:

The City Manager stated she is seeking a fourth amendment which is extending the current agreement with Keene State College for their payment in lieu of taxes. The Manager stated she had a conversation with President Melinda Treadwell last week and given the changes at the college she has not been able to sit down and talk about negotiating a new agreement. The Manager stated this works well for the City as it maintains the revenue and budget without any sort of lapse.

Councilor Hooper made the following motion, which was seconded by Councilor Remy.
On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend that the attached Fourth Amendment to Municipal Services Agreement between the City of Keene and Keene State College be forwarded to the City Council with a recommendation to extend the term of the agreement for one additional year.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 1, 2021
To: Mayor and Keene City Council
From: Finance
Organization and Personnel Committee
Through:
Subject: Redistricting of Ward Lines - City Clerk

Recommendation:

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends the redistricting of Ward Lines be placed on more time to allow the City Clerk and the City Attorney to prepare the wording of a charter amendment.

Attachments:

None

Background:

City Clerk Patty Little addressed the committee next. Ms. Little explained every ten years there is a statutory redistricting process that occurs across the nation using Federal census data on current populations. At the local level that redistricting effort, affects ward lines for the city council, moderators, selectmen, and ward clerks. At the state level there is district lines that mirror city ward lines for the federal and state offices.

Approximately two weeks ago the Census Bureau notified the City, they would be delaying the release of that data until September 30. The redistricting process typically starts in early June and concludes by August and there is a ballot question on the November ballot to address those ward lines. This process also involves the appointment of an ad hoc redistricting committee by the Mayor. The ad hoc committee works with the City staff to move census blocks between wards to see if they are getting appropriate equalization population numbers of the wards. Ms. Little noted it is important for municipalities to be in sync with the state. It is also important to conclude this process before the filing period for the state offices is held.

The redistricting process requires an amendment to the City's Charter that contains a street by street description of the boundary of the five wards. Any amendments to those descriptions is contained in a ballot question submitted to the voters in November.

With this announcement of a delay to September 30, the City will be unable to comply with the statutory process for charter amendments and statutory process in terms of conducting an election.

Hence, what staff is recommending is that a charter amendment be authorized that would remove the descriptions of the ward boundaries. Some cities have already done this. This charter amendment would also identify the City Council as the new authority to make ward line adjustments for future charter redistricting efforts as required by this Federal census. It would also include language in the charter that would protect any incumbent ward councilor from losing their elected seat because their street address had been redistricted to another ward.

When the City receives the data in September, staff would recommend the mayor be requested to appoint a redistricting committee. That committee would then, with the data and with the GIS technicians' assistance move the track numbers around to get the optimum equalization of population between the wards. That committee would make recommendations back to the City Council as to adjustments to make. The Council would adopt those through an ordinance and it would be codified in the City Code. From that point on every 10 years, the City Council would make adjustments to the ward line descriptions.

Ms. Little went on to say originally when she wrote this memo, about two weeks ago she had an effective date of these ward line changes as the date before the filing period starts. Subsequent to her memo, she was contacted by the Chair of the House Redistricting Committee inquiring of the process that Keene would follow. She understands that the House is looking for an effective date of the ward lines to be January 1, 2022.

This earlier date might have something to do with the legislation which appears to be headed to the Governor to change the State election date to earlier in the year. To give the State as much opportunity as possible to work with the City's ward lines for their district efforts. Ms. Little stated she does not see an issue having January 1, 2022 as the effective date of the ward line changes.

Ms. Little noted the City of Dover is already a few steps ahead of Keene, they have their ballot question already written and it being reviewed by the Attorney General and the Secretary of State. Ms. Little indicated even though the City will get some relief by removing the ward line descriptions from the Charter, this is an extremely tight timeframe and there is a lot of work to be done by the City Attorney and herself. She indicated even though she provided a tentative timeline, she would like this item to be placed on more time to allow an opportunity to meet the City Attorney and return back to the Committee's next meeting with ballot language that would be sent to the State for their review.

Councilor Remy asked how this affects the municipal elections that are going to be happening in November and if new ward line changes were to happen on January 1 and if a ward councilor was to be elected – he asked whether they will then be moved out of their ward.

Ms. Little stated this is something that is going to be a very delicate thing that will need to be worked through. Ms. Little added when this redistricting committee convenes their first task would be to put in place some priorities of focus areas and added it has never been since she has been involved with this process ever a priority of the redistricting committee to keep city councilors in their wards. If a ward line does impact the residency of an incumbent, those councilors who are affected continue their service until their term ends.

In the past, the priority to the redistricting committee was to keep moderators in their wards and to keep polling locations in their wards.

Councilor Chadbourne stated she was redistricting out of her ward ten years ago and she was grandfathered in so she could finish her term as a ward 2 councilor. She was three houses away from the ward line and hence had to run at large or run for ward 3.

Ms. Little added ward selectmen and ward clerks could be redistricted out of their wards. Any vacancies resulting from the redistricting would be appointed by other election officials.

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

On a vote of 5-0, the Finance, Organization and Personnel Committee move to recommend the redistricting of Ward Lines be placed on more time to allow the City Clerk and the City Attorney to prepare the wording of the charter amendment.



CITY OF KEENE NEW HAMPSHIRE

ITEM #1.1.

Meeting Date: July 1, 2021
To: Mayor and Keene City Council
From: Merri Howe, Finance Director/Treasurer
Through:
Subject: **Relating to Water and Sewer Utility Charges
Ordinance O-2021-10**

Recommendation:

That Ordinance O-2021-10 relating to water and sewer utility rates have a first reading at the July 1, 2021 meeting of the City Council and that it be referred to the Finance, Organization and Personnel Committee for a recommendation.

Attachments:

1. Ordinance O-2021-10
2. Commercial - Industrial Bill Projection FY 22 rate change
3. Residential - Industrial Bill Projection FY 22 rate change

Background:

Water and sewer fees provide the primary sources of revenue for the Water and Sewer enterprise funds. To ensure that the rates cover the true cost of providing water and sewer services to the customers, a rate study was conducted.

The results of a recent water and sewer rate study, which were based on the revenues necessary for FY22, are contained in the rate change recommendation incorporated into Ordinance O-2021-10.

The rate structure utilized by the City is based on two key components for each service account. The results of the recent rate study continue to use this methodology, however, the allocation between the fixed component and the volumetric component was realigned.

The volumetric rate for both water and sewer is the same for all customers and is charged for each 100 cubic feet (hcf) of water used.

After several FOP meetings and discussions on the rate study results, the City Council voted to continue with the City's current fixed and volumetric methodology with adjustments to the rates based on a percentage necessary to sustain operations, capital and debt funding. The City Council also voted to use the current fire line rates instead of the rates proposed in the study. The difference

in revenues from using the current fire line rates instead of the proposed fire line rates have been reallocated and absorbed in the volumetric water rate.

Examples of the new rates for both commercial and residential properties are attached.



CITY OF KEENE

O-2021-10

Twenty-One

In the Year of Our Lord Two Thousand and
Relating to Water and Sewer Utility Charges

AN ORDINANCE

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

That Appendix B Fee Schedule of the Ordinances of the City of Keene, as amended, are hereby further amended by deleting the effective 2019 text and inserting the bolded text under effective 2021 in the accompanying rate schedule in Section 98-511 (a) and in Section 98-512 (a) of Appendix B so that Section 98-511 (a) and Section 98-512 (a) would read as follows:

Appendix B

	effective	effective
<u>Section 98-511 (a). Water</u>		
<u>Meter Rates</u>	<u>2019</u>	<u>2021</u>
Volume Rate (\$ per hcf)	4.78	5.06
Fixed Quarterly Charge (meter size in inches)		
5/8 inches	7.29	24.36
3/4 inches	10.50	36.53
1 inch	18.66	60.89
1 1/2 inches	41.99	121.78
2 inches	74.65	194.84
3 inches	167.96	365.33
4 inches	297.97	608.88
6 inches	671.86	1,217.76

Section 98-512 (a). Sewer

<u>Rates</u>	<u>2019</u>	<u>2021</u>
Volume Rate (\$ per hcf)	5.31	6.29
Fixed Quarterly Charge (meter size in inches)		
5/8 inches	53.96	50.93
3/4 inches	77.70	76.39
1 inch	138.13	127.32
1 1/2 inches	310.78	254.63
2 inches	552.50	407.41
3 inches	1243.13	763.89
4 inches	2210.00	1273.15
6 inches	4972.51	2546.31

George S. Hansel, Mayor

CITY OF KEENE, NEW HAMPSHIRE

Sample Commercial Cost Comparison FY22 Rate Setting

	Laundry Business:		Small Restaurant		Medium Manufacturing Business				
	Units of 100 HCF per year =	30,816	Units of 100 HCF per year =	472	Units of 100 HCF per year =	2,256			
	Meter size	2"	Meter size	5/8"	Meter size	3"			
	Fire protection line	6"	Fire protection line	4"	Fire protection line	8"			
2021 Actual rates									
Sewer Fixed	\$552.50		\$552.50	\$33.95	\$33.95	\$1,243.13			
Sewer Consumption(17% Volume Discount)	\$4.41	7704	\$33,953.84	\$5.31	118	\$626.58	\$5.31	564	\$2,994.84
Water Fixed	\$74.65		\$74.65	\$7.29		\$7.29	\$167.96		\$167.96
Water Consumption	\$4.78	7704	\$36,825.12	\$4.78	118	\$564.04	\$4.78	564	\$2,695.92
Fire Protection Line	\$144.50		\$144.50	\$64.22		\$64.22	\$256.89		\$256.89
		Quarterly Bill	\$71,550.61		Quarterly Bill	\$1,296.08		Quarterly Bill	\$7,358.74
		Annual Cost	\$286,202.44		Annual Cost	\$5,184.32		Annual Cost	\$29,434.96
2022 Proposed Rates									
Sewer Fixed	\$407.41		\$407.41	\$50.93		\$50.93	\$763.89		\$763.89
Sewer Consumption(17% Volume Discount)	\$5.22	7704	\$40,220.27	\$6.29	118	\$742.22	\$6.29	564	\$3,547.56
Water Fixed	\$194.84		\$194.84	\$24.36		\$24.36	\$365.33		\$365.33
Water Consumption	\$5.06	7704	\$38,982.24	\$5.06	118	\$597.08	\$5.06	564	\$2,853.84
Fire Protection Line	\$144.50		\$144.50	\$64.22		\$64.22	\$256.89		\$256.89
		Quarterly Bill	\$79,949.26		Quarterly Bill	\$1,478.81		Quarterly Bill	\$7,787.51
		Annual Cost	\$319,797.05		Annual Cost	\$5,915.24		Annual Cost	\$31,150.04
		<i>monthly cost increase</i>	\$ 2,799.55		<i>monthly cost increase</i>	\$ 60.91		<i>monthly cost increase</i>	\$ 142.92
		QUARTERLY COST INCREASE	\$8,398.65		QUARTERLY COST INCREASE	\$182.73		QUARTERLY COST INCREASE	\$428.77
		ANNUAL COST INCREASE	\$33,594.61		ANNUAL COST INCREASE	\$730.92		ANNUAL COST INCREASE	\$1,715.08
		% ANNUAL INCREASE	11.74%		% ANNUAL INCREASE	14.10%		% ANNUAL INCREASE	5.83%

CITY OF KEENE, NEW HAMPSHIRE
Residential Cost Comparison FY22 Rate Setting

	Low Consumption		Medium Consumption		High Consumption				
	Units of 100 HCF per year =	24	Units of 100 HCF per year =	48	Units of 100 HCF per year =	72			
	Meter size	5/8"	Meter size	5/8"	Meter size	5/8"			
	Fire protection line	6"	Fire protection line	4"	Fire protection line	8"			
2021 Actual rates									
Sewer Fixed	\$53.96		\$53.96	\$53.96	\$53.96	\$53.96			
Sewer Consumption(17% Volume Discount)	\$5.31	6	\$31.86	\$5.31	12	\$63.72	\$5.31	18	\$95.58
Water Fixed	\$7.29		\$7.29	\$7.29		\$7.29	\$7.29		\$7.29
Water Consumption	\$4.78	6	\$28.68	\$4.78	12	\$57.36	\$4.78	18	\$86.04
		Quarterly Bill	\$121.79		Quarterly Bill	\$182.33		Quarterly Bill	\$242.87
		Annual Cost	\$487.16		Annual Cost	\$729.32		Annual Cost	\$971.48
2022 Proposed Rates									
Sewer Fixed	\$50.93		\$50.93	\$50.93		\$50.93	\$42.44		\$42.44
Sewer Consumption(17% Volume Discount)	\$6.29	6	\$37.74	\$6.29	12	\$75.48	\$6.29	18	\$113.22
Water Fixed	\$24.36		\$24.36	\$24.36		\$24.36	\$24.36		\$24.36
Water Consumption	\$5.06	6	\$30.36	\$5.06	12	\$60.72	\$5.06	18	\$91.08
		Quarterly Bill	\$143.39		Quarterly Bill	\$211.49		Quarterly Bill	\$271.10
		Annual Cost	\$573.56		Annual Cost	\$845.96		Annual Cost	\$1,084.40
		<i>monthly cost increase</i>	\$ 7.20		<i>monthly cost increase</i>	\$ 9.72		<i>monthly cost increase</i>	\$ 9.41
		QUARTERLY COST INCREASE	\$21.60		QUARTERLY COST INCREASE	\$29.16		QUARTERLY COST INCREASE	\$28.23
		ANNUAL COST INCREASE	\$86.40		ANNUAL COST INCREASE	\$116.64		ANNUAL COST INCREASE	\$112.92
		% ANNUAL INCREASE	17.74%		% ANNUAL INCREASE	15.99%		% ANNUAL INCREASE	11.62%



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 1, 2021
To: Mayor and Keene City Council
From: Chelsea North, Parking Operations Manager
Through:
Subject: Relating to Parking
Ordinance O-2021-09

Recommendation:

the Finance, Organization and Personnel Committee recommend to the City Council, adoption of Ordinance number O-2021-09. This ordinance makes minor wording changes to permit cleaner operations in an older ordinance, raises some fees, clarifies the conditions and fees for night parking (where designated), public street parking, and the net effect would be the conversion of the Wells Garage to permit and leased-only parking.

Attachments:

1. Ordinance O-2021-09

Background:

Parking Services provides parking opportunity to a variety of diverse and changing customers, however our codes and pricing structures have not kept pace with these changes. The adopted City Council Goals directs our service delivery cost to minimize the burden to the property taxpayer, support the diverse needs of all Keene residents, help stabilize and revitalize existing businesses, and additionally continue to ensure that Keene's municipal infrastructure supports the varied needs of Keene residents and businesses. This request is consistent with the City Councils' adopted Fiscal Policy- Part 2, Section III- A2, B and C2.

The proposed ordinance includes minor wording changes and the partial removal of archaic language as well as fee changes and criteria for overnight parking. Staff will be returning in the fall with more proposed changes to Chapter 94. The major changes include the creation of a mechanism to permit 24 hour reserved permit parking in the lots and on-street. There is a rental program today for six days a week 8 till 5 for the lots and a vague reference to posting the lots for night parking. Chapter 94 as written in conjunction with Appendix B is hard to follow for the staff as well as the citizens. As written, the code states that "24 hour period" parking in the lots is \$5.00 and on street public space parking is \$15 per day. Section 94-152 (3) for public street parking spaces states that "on street parking spaces may be issued a permit for periods of less than 90 days in accordance with rates as set forth in the schedule of fees in appendix B to this Code and designation of on street permit spaces shall be determined by the city council (there is a list in the code). Permits

are from 7:30 a.m. to 6:00 p.m., Monday through Saturday. Parking Services has not been charging \$15 per day for these spaces as the code indicates, but has been charging the quarterly lot rate. These changes are intended to accommodate demand for both workforce (partially) and address a parking need for full-time residents where there are an estimated 1000 units within the limits of the newly adopted Core and Growth districts. These changes would permit a reasonable cost for designated overnight parking; this is usually 24/7 parking for a specific time greater than one day, or for single days. The intent is to convert the Wells Garage into all lease or rental with a marked section available for event overflow after hours.

Reasons and Statistics

This demand for permitted parking is driven by our daytime workforce and more residential properties in the downtown, including Washington Park's (the old Middle School's) new tenants. The need for mixed-permits in the Wells Garage is paramount for continuing growth and business in the Downtown Core and Growth Districts. Daytime workers and residents want access to guaranteed daytime parking and/or guaranteed 24/7 parking, both covered and uncovered. Having a costing structure that designates these spaces also reduces the cost where workforce or residents pay the meter rate. Moving these vehicles off Main Street into designated parking also increases the number of spaces available on Main Street. In addition, there is a need to diversify the Parking fund sources.

For the trial that began in December 2020 to see if there was interest in space rental, in the lower level Wells Garage 28 metered spaces were converted into 28 permit-only spaces. We are currently in the second quarter of the two-quarter trial. There is a waiting list for the first quarter of the trial and the allocated spaces are currently full in the second quarter with no current waiting list; however, the 18 parking spaces on the upper deck would be immediately filled due to interest in permits for this location. Adding the 18 spaces would make the entire garage permit-parking and leased spaces only. The upper deck is generally not used for daytime shoppers and diners in the downtown area, as these patrons prefer to park in other locations closer to Main Street.

In addition to meeting a need, changing the use allows better utilization of this parking asset fiscally. Currently, an average of five spaces out of 18 are being used throughout the day. If used and paid for every hour, revenue for the 18 public parking spaces on the upper deck would amount to \$1,228.50, per quarter (based on a 13 week quarter, with five cars parked nine hours a day, six days a week). Annually, this totals \$4,914 (actual utilization for these spaces is less than 20%). The daytime permits for the upper deck would be \$175 each per quarter, totaling \$3,150, and \$12,600 annually.

To further accommodate the growing need for permit parking, the transition of the paid metered spaces to permit parking only in the Wells Garage would include the allocation of several spaces as 24/7 parking to further support the changing needs for guaranteed parking for downtown residents. As proposed, the 28 permits for the lower lot would increase from the trial rate of \$200 to \$350 per permit, per quarter for 24/7 usage; however the cost for 24/7 permits in uncovered areas would be \$275 per quarter, as opposed to a much higher cost if the consumer paid separately for each day and night per the existing schedule. 24/7 permits for uncovered parking areas could include 24/7 spaces in the Gilbo Lots, Commercial Lot, Elm Lot, and Wells Garage Upper Deck.

Under the current fee schedule, the cost of overnight, paid public parking is \$5 a night where designated six days a week, amounting to \$390 per quarter. The current daytime paid public parking meter lot rate is \$.35 an hour, nine hours a day, six days a week. This amounts to \$245.70 per quarter, if the consumer paid individually for parking each of these days. The total cost to a consumer for daytime and overnight parking would be \$635.70 per quarter if the present ordinance was followed. Allocating several ~~some~~ parking spaces to 24/7 parking would balance the need for parking demands, cost to the consumer, and revenue to the City.

The following conversion chart details the current and proposed cost for parking, based on a single space, per quarter:

Type	Formulation- Lot Meters Only	Quarter-today per Space	Quarter-proposed Per Space	Annual Cost per space	Notes
Per Space-no overnight	\$.35 x 9 hours/day x 78 days/quarter	\$245.70	\$245.70	\$982.80	Based on 6 days a week x 13 weeks in a quarter
Daytime Permit-Uncovered	NA	\$145	\$175	\$700	Flat fee per quarter
Daytime Permit-Covered	NA	\$200	\$250	\$1,000	Flat fee per quarter
24/7 Permit-Uncovered	NA	NA	\$275	\$1,100	Flat fee per quarter
24/7 Permit-Covered	NA	NA	\$350	\$1,400	Flat fee per quarter
24 Hour Parking-Today	\$5/night x 78 nights <u><i>This really is set up for a single night</i></u>	\$390	NA	\$1,560*	Based on 6 days a week x 13 weeks in a quarter
24 Hour Parking-Proposed	\$10/night x 78 nights <u><i>This really is set up for a single night</i></u>	NA	\$780	\$3,120*	Based on 6 days a week x 13 weeks in a quarter
Public Space Parking	\$15 /space x 78 days <i>This would only be used for single days and a quarterly rate charged</i>	NA- See Text	NA- See Text	\$4,680*	Based on 6 days a week x 13 weeks in a quarter

**It is NOT proposed that a person would use this method more than a day or two, figures are just meant for comparison.*

Converting 18 spaces of paid public parking on the upper deck of the Wells Garage, makes the Garage entirely permit and leased spaces only. This change would continue efforts to serve the public, better-utilize City assets, increase revenue to the City, and reduce appeals for violations, frustration of residents, workforce, and business owners due to lack of available parking.



CITY OF KEENE

Ordinance O-2021-09

In the Year of Our Lord Two Thousand andTwenty-one.....

AN ORDINANCERelating to Parking.....

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

That the City Code of the City of Keene, New Hampshire, as amended is hereby further amended by removing the stricken text and inserting the bolded text to the following provisions of Chapter 94, Article I, In General Section 94-1, Definitions, Article III, "Parking," of Division 2, "Snow and Maintenance Period" and "Specific Streets," of Sections 94-95, of Division 4 "Leased Spaces," Leased Spaces of Section 94-151, Public Street Parking Spaces of Section 94-152, and Appendix B, Chapter 94, Traffic, Parking and Public Ways as follows;

Sec. 94-1. - Definitions.

Parking Division means that division assigned by the City Manager to manage the parking system to provide parking opportunities and enforce parking regulations.

Sec. 94-95. - Snow and street maintenance period.

(a) Snow maintenance period. No vehicle or trailer shall be left standing or unoccupied upon any of the public ways or bridges in the city and owners of all vehicles or trailers so standing between the hours of 1:00 a.m. and 6:00 a.m. shall be deemed in violation of RSA 262:31 et seq. and shall be towed as provided for in section 94-154 pertaining to enforcement practices. The prohibition described in this subsection shall apply during the period each year from November 1 to April 30.

(b) Summer maintenance period. To provide for maintenance in the city's downtown, business, and commercial streets, no vehicle or trailer shall be left standing or unoccupied upon any of the public ways or bridges in the areas specified and owners of all vehicles or trailers so standing between the hours of 2:00 a.m. and 6:00 a.m. as specified shall be deemed in violation of RSA 262:31 et seq., and shall be towed as provided for in section 94-154 pertaining to enforcement practices. The prohibition described in this subsection shall apply during the period each year from May 1 to October 31:

(c) The prohibitions described in subsections (c) through (f) of this section shall not apply during the period from May 1 through October 31, ~~except that no vehicle shall be left continuously in any city-owned parking lot for longer than five days~~ **except in the event of an emergency condition as**

determined by the Public Works Director. Any vehicle that is left in any city-owned parking lot and/or that is unregistered may be towed as stated in section 94-154 pertaining to enforcement practices. Nothing in this exception to parking prohibitions will prohibit the public works department from closing all or parts of any parking lot for maintenance, as long as the parking lot has been signed to notify users of the parking lot of the closing at least five days prior to the closing of the parking lot for maintenance.

(d) No vehicle shall be left standing on the city-owned Elm Street parking lot between the hours of 12:01 a.m. and 6:00 a.m. in the morning on Tuesday, Thursday, and Saturday. Exceptions: This Elm Street lot prohibition shall not pertain to the spaces specifically designated for overnight permit parking.

(e) No vehicle shall be left standing on the city-owned Gilbo Avenue parking lot west of St. James Street and Commercial Street parking lot between the hours of 12:01 a.m. and 6:00 a.m. in the morning on Monday, Wednesday, Friday, and Sunday; and no vehicle shall be left standing on the Gilbo Avenue parking lot east of St. James Street between the hours of 12:01 a.m. and 6:00 a.m. in the morning on Tuesday, Thursday, and Saturday. ~~Exception: This prohibition shall not pertain to the space rented to Vermont Transit or its successor organization or the spaces specifically designated for overnight permit parking. This exception shall terminate automatically upon the termination of the monthly rental by Vermont Transit or its successor organization.~~

(f) No vehicle shall be left standing on the city-owned Wells Street parking structure between the hours of 12:01 a.m. and 6:00 a.m. in the morning on Tuesday and Thursday, except in the spaces specifically designated for overnight permit parking.

DIVISION 4. - LEASED SPACES

Sec. 94-151. - Leased **Managed** parking lot spaces.

(a) All rental of parking spaces in public parking lots shall be for a minimum period of three months and at a quarterly rental rate as set forth in the schedule of fees in appendix B to this Code. The number of permits to be issued ~~each month~~ shall be at the discretion of ~~the city manager~~ **Parking Services**. Rentals shall be from 8:00 a.m. to 5:00 p.m., Monday through Saturday, in all city lots except for the Elm Street Lot. Rentals in the Elm Street lot shall be from 7:30 a.m. to 6:00 p.m. for daytime reserved parking spaces, Monday through Saturday, and 6:00 p.m. to 7:30 a.m. for nighttime reserved spaces, each day of the week. Anyone occupying a parking space leased or rented to another shall be subject to the penalty set forth in section 94-181. ~~The terms and conditions of existing leases of parking spaces shall not be subject to the provisions of this division.~~

(b) Areas so designated by Parking Services in the Commercial Street Lot, Elm Street Lot, Gilbo Avenue West Lot, Gilbo Avenue East Lot and the Wells Street Parking Garage for overnight permit parking shall not be subject to the rates set forth in subsection (a) of this section. Permits will be issued for these areas at a rate as set forth in the schedule of fees in appendix B to this Code. These permit rentals shall have no time limit and vehicles may remain parked around the clock seven days a

week. Maintenance of this area will be minimal; users will be responsible for dealing with wind rows and ice left by minimal snow plowing.

(c) Leases of bulk portions of unused public parking areas may be issued on such terms as negotiated and approved by the city council.

Sec. 94-152. - Public street parking spaces.

(a) Short term parking space permits.

(1) Notwithstanding other sections of this chapter, parking spaces may be permitted on a daily basis for funerals or weddings, for special drives or events, and for construction or remodeling in which the work being accomplished necessitates work vehicles to be placed adjacent to where the construction is taking place and there is no other proximate area to locate the vehicle or vehicles. The decision of ~~the city manager or~~ parking services shall be final with respect to granting such parking space permits. Space permit payments shall be made in advance to the city in the amount as set forth in the schedule of fees in appendix B to this Code.

(2) For funerals and weddings, application may be made in advance to the city for billings to be sent out at intervals of no greater than once a year. In such case, the applicant shall furnish in advance an estimate to the city of the proposed use over the interval to be billed. Prior to the agreed upon billing date, the applicant shall furnish the city a log of actual usage during the interval. Bills will then be sent out based on actual use; if less than one full day or a partial day, rates may be determined by the city. The responsibility for appropriate marking and removal of the marking of the space permitted shall be with the person having the permit for the space.

(3) On street parking spaces may be issued a permit for periods of less than 90 days in accordance with rates as set forth in the schedule of fees in appendix B to this Code. Designation of on street permit spaces shall be determined by the city council. Permits shall be from 7:30 a.m. to 6:00 p.m., Monday through Saturday. Anyone occupying a parking space permitted to another shall be subject to the penalty set forth in section 94-181.

The following shall be designated as on street permit parking spaces:

Center Street—Three consecutive spaces on the north side of Center Street beginning west of Court Street.

Elm Street—Five consecutive spaces on the west side of Elm Street beginning north of Mechanic Street.

Mechanic Street (west)—Four consecutive spaces on the south side of Mechanic Street beginning east of Court Street.

Mechanic Street (east)—Two consecutive spaces on the south side of Mechanic Street beginning west of Washington Street.

Mechanic Street (east)—Two consecutive spaces on the north side of Mechanic Street beginning west of Washington Street.

Norway Avenue—Five consecutive spaces on the west side of Norway Avenue beginning north of Church Street.

Norway Avenue—Six consecutive spaces on the east side of Norway Avenue beginning north of Church Street.

Summer Street—Ten consecutive spaces on the south side of Summer Street beginning west of Court Street.

Vernon Street—Two consecutive spaces on the south side of Vernon Street beginning west of Washington Street.

APPENDIX B

Chapter 94. Traffic, Parking and Public Ways

§ 94-151(a). Public parking lot space permit, quarterly (surface lots)

<u>Day Only.</u>	145.00	<u>\$175.00</u>
....24/7.....		<u>\$275.00</u>

Public parking lot space permit, quarterly (Wells garage covered)

<u>Day Only....</u>	\$200.00	<u>\$250.00</u>
....24/7.....		<u>\$350.00</u>

Per day ~~5.00~~ \$10.00

§ 94-151(b). Commercial Street parking lot, Elm Street parking lot, Gilbo Avenue east and west parking lot and Wells Street Parking Garage overnight parking permit fees:

Single Space twenty-four-hour period~~5.00~~ \$10.00

§ 94-152(a). Public street parking space permits:

Metered spaces, per day per space\$15.00

Unmetered spaces, per day per space\$15.00

Space per quarter\$175.00



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 1, 2021

To: Mayor and Keene City Council

From: Finance
Organization and Personnel Committee

Through:

Subject: **Eminent Domain for Highway Purposes - Winchester Street
Reconstruction Project
Resolution R-2021-19-A**

Recommendation:

On 5-0 vote, the Finance, Organization and Personnel Committee refer the issue back to the City Council without a recommendation.

Attachments:

1. Resolution R-2021-19-A

Background:

Mr. Lussier addressed the committee again and stated this item is reference to the eminent domain process that the City began last week at the Council meeting.

He indicated he has already made a lengthy presentation and for tonight would like to highlight a few elements that are required by the legislative body to act and that they find these elements are in place and existing.

First there has to be a necessity. The Purpose and Need for the project has been discussed. The need statement outlines the problems with both traffic and pedestrian accessibility, as well as the aesthetics of the situation.

The Council has to find the property will be put to public use . There is going to be a road built. The Council also has to find there will be a net public benefit. The burden to the individual property owner is less than the benefit to the community.

The Council has to find that the City in this case through the Manager has made reasonable efforts to negotiate a settlement. Mr. Lussier noted that good faith efforts have been made.

Finally, the Council has to take a vote. He explained the manner in which the RSA is written Councilors have to be present at the site visit in order to vote on this action. Three members of this

committee were not at the site visit. So tonight staff is suggesting if the two members who were at the site visit would like to discuss the item in any way. Otherwise the matter would go back to City Council without a recommendation from the Committee.

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

On 5-0 vote, the Finance, Organization and Personnel Committee refer the issue back to the City Council without a recommendation.

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CITY OF KEENE

R-2021-19A

Nineteen

In the Year of Our Lord Two Thousand and
Authorizing the Condemnation of Land for the Winchester Street

A RESOLUTION Reconstruction Project

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

WHEREAS, the Keene City Council has determined that Winchester Street, between New Hampshire Route 10/12/101 and the Winchester Street bridge over the Ashuelot River, including the intersection with Pearl Street and Island Street and the Island Street bridge over the Ashuelot River, is in need of improvement; and

WHEREAS, Mayor Kendall Lane nominated, and the Council accepted, an ad-hoc steering committee on July 7, 2016 to provide planning, guidance and general direction for the Winchester Street Reconstruction Project, in partnership with affected residents, local business interests, the city staff and the New Hampshire Department of Transportation; and

WHEREAS, the Winchester Street Reconstruction Project Ad-Hoc Steering Committee conducted several public meetings between August 2, 2016 and December 13, 2016 to obtain public input, review the design consultant’s work product and develop a recommendation to the City Council; and

WHEREAS, on December 13, 2016, the Winchester Street Reconstruction Project Ad- Hoc Steering Committee voted unanimously to recommend a roundabout alternative as the preferred method of reconstructing the Key Road and Island Street / Pearl Street intersections; and

WHEREAS, the Keene City Council and the Council Standing Committees known as the Municipal Service, Facilities and Infrastructure Committee, met on several occasions between January 19, 2017 and February 2, 2017 in order to review and hold public discussion on the reconstruction of the Winchester Street; and

WHEREAS, as a result of such review and discussion on February 2, 2017, the Keene City Council voted to select roundabouts as the appropriate design to provide the necessary improvement to Winchester Street, and authorized the City Manager to do all things necessary for the implementation of that design; and

Whereas, a necessity exists to acquire land for the reconstruction of Winchester Street, as designed; and

WHEREAS, pursuant to such authority the City Manager, acting through the City’s consultant, entered into negotiations with the owners of twelve (12) parcels of land impacted by the project, said parcels and impacts being more particularly described in a plan prepared by GM2 Associates, Inc., dated 7/8/2020, and certified 8/11/2020, entitled “Right of Way Plan of a portion of Winchester St. in Keene, NH”, a copy of which is attached hereto; and

PASSED

WHEREAS, as a result of said negotiations, the City Manager has acquired, or has been informed of the property owner’s intent to provide, the necessary property rights from the owners of eight (8) of the twelve impacted parcels; and

WHEREAS, the required property rights over portions of the following properties were acquired through the Eminent Domain procedure pursuant to Resolution R-2020-36:

Owner	Parcel No	Required Property Rights
A.R. Sandri Trust, LLC	111/026	55 square feet (permanent) 605 square feet (temporary)
A.R. Sandri Trust, LLC	111/027	1,005 square feet (permanent) 3,155 square feet (temporary)
Keene Retail, LLC	111/028	605 square feet (permanent) 735 square feet (temporary)

and;

WHEREAS, the City Manager made every reasonable effort to negotiate with the owner of the following parcel, but has been informed that they are unable to voluntarily sell the required property rights due to lease and mortgage restrictions

Owner	Parcel No	Required Property Rights
Riverside Improvements, LLC	111/004	740 square feet (permanent) 14,605 square feet (temporary)

and;

WHEREAS, the design of the reconstruction project makes it necessary to acquire said property rights from the remaining property in order to complete the project without increasing the overall impacts on adjacent property owners; and

WHEREAS, on May 6, 2021, the Keene City Council, at its regularly scheduled meeting, received a Petition to Acquire Property by Eminent Domain for Highway Purposes; and

WHEREAS, on May 6, 2021, the Mayor scheduled a public hearing of the Keene City Council to be held on June 17, 2021, in order to hear testimony of interested parties relative to whether the Keene City Council shall exercise its authority to acquire the necessary property rights by condemnation for highway purposes, pursuant to RSA 498-A, and the authority granted by RSA 31:92, and in accordance with the procedures set forth in RSA 231.

WHEREAS, the Keene City Council held a duly noticed public hearing on June 17, 2021, at the site of the proposed condemnation and at City Hall, 3 Washington Street, Keene, New Hampshire, in order to hear testimony from interested parties relative to whether there exists the necessity to acquire property rights by condemnation, if necessary, for highway purposes, pursuant to the authority granted by RSA 31:92, and in accordance with the procedures set forth in RSA 231; and

WHEREAS, the Keene City Council heard testimony from interested parties at the public hearing; and

WHEREAS, based upon the testimony received at the June 17, 2021 public hearing, the Petition to Acquire Property by Eminent Domain for Highway Purposes, and the prior and subsequent review and public discussion regarding the reconstruction of the Winchester Street, the Keene City Council has voted to find that necessity exists to acquire land by condemnation, for the above-stated purpose, pursuant to RSA 498-A, and the authority granted by RSA 31:92, and in accordance with the procedures set forth in RSA 231; and

WHEREAS, based upon the testimony received at the June 17, 2021 public hearing, the aforementioned Petition, and the prior and subsequent review and public discussion regarding the reconstruction of Winchester Street, the Keene City Council has also voted to find that the property rights to be so acquired, and the improvements to be constructed thereon, constitute a public use and provide a net public benefit;

NOW, THEREFORE, BE IT RESOLVED by the Keene City Council:

- a. That there is a necessity to take portions of the above-referenced land for a public purpose; and
- b. That the taking of portions of the above referenced land will provide a net-public benefit; and
- c. That the City Manager has made reasonable efforts to negotiate with owners of said parcels for the voluntary acquisition of said property rights; and
- d. That the City Manager is hereby authorized to initiate eminent domain proceedings pursuant to RSA 498-A, and under the authority granted by RSA 31:92, and in accordance with the procedures set forth in RSA 231, in order to condemn portions of the above-listed parcels for the reconstruction of Winchester Street; and
- e. That, in exercising the authority herein granted, the City Manager is directed to:
 1. Follow the procedure defined in RSA 498-A:4 thru 7, effecting the acquisition of land, including, but not limited to, RSA 498-A:4, III(b); and
 2. Cause a Declaration of Taking to be filed with the New Hampshire Board of Tax and Land Appeals and a Notice of Condemnation to be filed in the Cheshire County Registry of Deeds; and
 3. Do all things necessary in accordance with RSA 498-A in order to perfect the acquisition of the aforementioned property by eminent domain, unless the Condemnees shall, prior to such filings, consent to the voluntary transfer of said property rights by suitable conveyance to the City of Keene.

George Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 1, 2021

To: Mayor and Keene City Council

From: Finance
Organization and Personnel Committee

Through:

Subject: **Opioid Litigation Settlement Revolving Fund
Resolution R-2021-32**

Recommendation:

On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend the adoption of R-2021-32

Attachments:

None

Background:

Finance Director Merri Howe stated this item is for the City Manager to be given authority to receive settlement of funds from an opioid litigation settlement the City received in order to create a revolving fund to deposit these funds into. So that the funds could be used according to the criteria that is established by the settlement agreement. By creating the revolving fund, it will allow the City to put the money in the fund, it won't lapse at the end of the year and won't be considered part of the general fund.

She continued the City received its first opioid litigation settlement a few weeks ago. It was for the lawsuit that resulted between the State of New Hampshire vs McKinsey and Company, Inc. The City received \$7,357.59. RSA 126-A:3 II requires 15% of the \$2 million received by the State of New Hampshire be distributed to the political subdivisions that filed their own complaint against the opioid companies prior to September 1, 2019, and the distributions are based on the census back in 2010.

In order to meet the settlement expectations and utilize these funds for the abatement purposes to fight the opioid epidemic, the revolving fund will help the City meet those needs and track the appropriate expenditures.

Councilor Hooper made the following motion, which was seconded by Councilor Chadbourne. On 5-0 roll call vote, the Finance, Organization and Personnel Committee recommend the adoption of R-2021-32



CITY OF KEENE

R-2021-32

Twenty-one

In the Year of Our Lord Two Thousand and

Relating to the establishment of an Opioid Litigation Settlement Revolving Fund

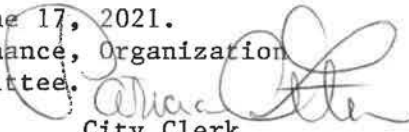
A RESOLUTION pursuant to RSA 31:95-h for the purpose of receiving opioid litigation settlement funds and expending said funds for abatement purposes to fight an opioid epidemic.

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

That all revenues received in connection with the Opioid Litigation Settlement Fund Distribution pursuant to RSA 126-A:83, II as it relates to State of New Hampshire v. McKinsey & Company, Inc., et al., be accepted by the City Manager and deposited into the revolving fund for the purpose of paying expenses associated with fighting the local opioid epidemic. The Opioid Litigation Settlement Revolving Fund shall be allowed to accumulate from year to year, and shall not be considered part of the City's general fund balance.

George S. Hansel, Mayor

In City Council June 17, 2021.
Referred to the Finance, Organization
and Personnel Committee.


City Clerk