

A regular meeting of the Keene City Council was held Thursday, April 20, 2017. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: Carl B. Jacobs, Janis O. Manwaring, Terry M. Clark, Bartolmiej K. Sapeta, Randy L. Filiault, Thomas F. Powers, Gary P. Lamoureux, Stephen L. Hooper, Bettina A. Chadbourne, Philip M. Jones and Mitchell H. Greenwald were present. Robert J. O'Connor, Robert B. Sutherland, George S. Hansel and David C. Richards were absent. Councilor Clark led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the April 6, 2017 meeting was duly seconded. The motion passed with a unanimous vote in favor.

CONFIRMATION – ZONING BOARD OF ADJUSTMENT

A motion was made by Councilor Greenwald and duly seconded to confirm the following nomination to the Zoning Board of Adjustment: Thomas Plenda to serve as a regular member with a term to expire December 31, 2017. On a roll call vote, with 11 Councilors present and voting in favor the motion carried. Robert J. O'Connor, Robert B. Sutherland, George S. Hansel and David C. Richards were absent.

COMMUNICATION – FARMERS MARKET OF KEENE – REQUEST TO AMEND LICENSE

A communication was received from Bruce Bickford, Farmers Market of Keene, requesting permission to amend their license to omit spaces in the Commercial Street Parking Lot unused on Tuesdays with a coinciding reduction in the fee. The communication was referred by the Chair to the Planning, Licenses and Development Committee.

MSFI REPORT – OUTSIDE AGENCY FUNDING – HUMAN SERVICES DEPARTMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending the presentation on outside agency funding by the Human Services Department be accepted as informational. The Mayor filed the report into the record as informational.

MSFI REPORT – WATER STREET REHABILITATION PROJECT – PUBLIC WORKS DEPARTMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending the City Manager be authorized to do all things necessary to implement the recommended design option for the rehabilitation of Water Street between the intersections of Grove Street and Eastern Avenue with a crosswalk as amended. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

PLD REPORT – REQUEST TO USE CITY PROPERTY – 2017 FIRE PREVENTION PARADE – FIRE DEPARTMENT

Planning, Licenses and Development Committee report read recommending the Fire Department be granted permission to use City property for the 2017 Annual Fire Prevention Parade to be held

on Sunday, October 8, 2017. A motion by Councilor Jones to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

PLD REPORT – ANTHONY & FENELLA LEVICK – GRANITE ROOTS BREWERY – REQUEST TO SELL BEER AT FARMER’S MARKET

Planning, Licenses and Development Committee report read recommending the Granite Roots Brewery be granted permission to sell alcohol at the 2017 Keene Farmer’s Market on City property licensed to the Farmer’s Market of Keene and to allow samples to be provided to patrons. Said permission is contingent on the following: submittal of a signed letter of permission from the Farmer’s Market of Keene, obtainment of all necessary permits and licenses and compliance with all laws, including the requirements of NH RSA 179:44 II-a. A motion by Councilor Jones to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

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

Planning, Licenses and Development Committee report read recommending the Keene Swamp Bats be granted permission for the discharge of display fireworks on the following dates: Saturday, June 17th and Monday, July 3rd 2017 on Alumni Field at no later than 10:00 PM subject to the customary licensing requirements of the City Council; submittal of a signed letter of permission from SAU 29 for use of their property; and obtainment of a Class B fireworks permit for each display date. In addition, the petitioner agrees to comply with all recommendations of the Keene Fire Department and the Keene Police Department. This permission is conditional upon the Petitioner absorbing the charges for any City services provided for the June 17th display. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 17 Community Events Budget for the July 3rd display. Said payments shall be made within 30-days of the date of invoicing. A motion by Councilor Jones to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

PLD REPORT – REQUEST TO USE CITY PROPERTY – DILLANT-HOPKINS AIRPORT – NEW ENGLAND AEROBATICS CLUB (NEAC)

Planning, Licenses and Development Committee report read recommending the City Council authorize the use of the Dillant-Hopkins Airport by Chapter 35 of the International Aerobatic Club from the date of issuance through December 31, 2017, subject to the execution of a Revocable License and Indemnification Agreement, the receipt of an insurance certificate in the amount of at least \$1 million naming the City as an additional insured and all other requirements of City staff including but not limited to the following restrictions: compliance with any requirements of the FAA, limit practice sessions to not more than 5 for the year, there will be no Sunday practice sessions, aerobatic activity shall not occur below 1,500 MSL, limit aerobatic activity to the southern portion of the aerobatic box established by the FAA, restrict use of the aerobatics box until after 10:00 AM, and invite neighbors to the mandatory safety briefings held

on practice days. A motion by Councilor Jones to carry out the intent of the report was duly seconded. The motion passed with Councilors Clark and Hooper voting in opposition.

FOP REPORT – ACCEPTANCE OF GRANT FUNDS – NH DIVISION OF HISTORICAL RESOURCES CERTIFIED LOCAL GOVERNMENT GRANT FOR HISTORIC PRESERVATION WORKSHOP SERIES – PLANNING DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept and execute a \$4,500 grant award from the NH Division of Historical Resources Certified Local Government Grant Program for the Heritage Commission's 2017 and 2018 Historic Preservation Workshop Series. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF 2015 HOMELAND SECURITY TRAINING GRANT – POLICE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept a grant of up to \$1,279.95 from the FY 2015 Homeland Security to send two personnel to the 2017 New York Tactical Officers Association Conference in April, 2017. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF FORFEITURE – CASE # 2015117408 – POLICE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept forfeiture funds, in the amount of \$343.50, awarded to the Keene Police Department from the New Hampshire State Attorney General's Office. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

**FOP REPORT – ACCEPTANCE OF MONETARY DONATION – POLICE DEPARTMENT
FOP REPORT – ACCEPTANCE OF DONATION- ST. JAMES EPISCOPAL CHURCH – PARKS, RECREATION AND FACILITIES DEPARTMENT
FOP REPORT – ACCEPTANCE OF MONADNOCK ALCOHOL & DRUG COALITION DONATION – YOUTH SERVICES**

The Chair indicated that the three Committee reports would be considered under one motion.

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept \$50 donation to be used for the Keene Police Department K-9 program. Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept the donation of pickle ball equipment from St. James Episcopal Church for the purpose of growing the activity. Finance, Organization and Personnel Committee report read

recommending the City Manager to accept an award from Monadnock Alcohol & Drug Coalition in the amount of \$2,000 for use by Youth Services. A motion by Councilor Greenwald to carry out the intent of the three Committee reports was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – BODY AND SOUL ROAD RUNNERS – RED CAP RUN – REQUEST FOR COMMUNITY EVENT FUNDING

Finance, Organization and Personnel Committee report read recommending the City Council include the Red Cap Run as a community event. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – MONADNOCK FAMILY SERVICES AND MONADNOCK COMMUNITY SERVICES CENTER – REQUEST TO PURCHASE PROPERTY – 93RD STREET

Finance, Organization and Personnel Committee report read recommending the City Council authorize the City Manager to negotiate with Monadnock Family Services and Monadnock Community Services Center for the sale of City-owned property located at 11 93rd Street. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – REQUEST FOR AN EXPENDITURE FROM THE LAND USE CHANGE TAX FUND FOR A FOREST STEWARDSHIP PLAN FOR THE GREATER GOOSE POND FOREST – CONSERVATION COMMISSION

Finance, Organization and Personnel Committee report read recommending the City Council authorize the Conservation Commission to use up to \$30,000 from the Land Use Change Tax Fund for the purpose of creating a stewardship plan for the Greater Goose Pond Forest. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – PROPERTY TAX EXEMPTION – BLIND – ASSESSING DEPARTMENT
FOP REPORT – PROPERTY TAX EXEMPTION – SOLAR ENERGY SYSTEM – ASSESSING DEPARTMENT

FOP REPORT – PROPERTY TAX EXEMPTION – ELDERLY, DEAF AND DISABLED – ASSESSING DEPARTMENT

FOP REPORT – PROPERTY TAX EXEMPTION – WOOD AND WIND ENERGY SYSTEMS – ASSESSING DEPARTMENT

FOP REPORT – PROPERTY TAX CREDIT – VETERAN, VETERAN SURVIVING SPOUSE, VETERAN SERVICE – ASSESSING DEPARTMENT

The Chair indicated that the five Committee reports would be considered under one motion.

Finance, Organization and Personnel Committee report read recommending the City Council make no change to the blind exemption. Finance, Organization and Personnel Committee

report read recommending the staff be directed to introduce a Resolution which would increase the Solar Exemption from the current language, which recognizes a solar energy heating or cooling system in an amount equal to the cost, including installation, of up to \$10,000 in value to up to \$30,000 of the assessed value. Finance, Organization and Personnel Committee report read recommending the elderly exemption income level for a single person be increased to \$28,700 and the income level for married persons be increased to \$38,700 to reflect adjustments in social security. Finance, Organization and Personnel Committee report read recommending no change to the Wind and Wood Energy System exemptions. Finance, Organization and Personnel Committee report read recommending no change in the amount of the optional Veteran Credit at \$225. A motion by Councilor Greenwald to carry out the intent of the five Committee reports was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – RENEWAL OF C.E. BRADLEY LAND LEASE - AIRPORT DEPARTMENT
FOP REPORT – RENEWAL OF IAN BOYD LAND LEASE - AIRPORT DEPARTMENT
FOP REPORT – RENEWAL OF THOMAS TRANSPORTATION LAND LEASE - AIRPORT DEPARTMENT

The Chair indicated that the three Committee reports would be considered under one motion.

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to renew the land lease of C. E. Bradley. Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to renew the land lease of Ian Boyd. Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to renew the parking space land lease of Thomas transportation. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – COUNCILORS JACOBS AND CHADBOURNE – GENDER IDENTITY

Finance, Organization and Personnel Committee report read recommending the City Manager include in the Employee Handbook proper language to include gender identity and transgender identity as a protected class. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – MAYOR LANE – TESTIMONY IN SUPPORT OF HB 478

Finance, Organization and Personnel Committee report read recommending the City Council resolve to support State Legislation to include transgender, gender identity or expression as a protected classification under State Law; and the City Council affirm the Mayor's letter dated March 7 supporting State Legislation to include gender identity or expression as a protected classification under State Law. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

CITY MANAGER COMMENTS

The City Manager provided an update of the Life Safety Inspection Program that started in August of 2016. The training of all non-certified fire officers to the Fire Inspector 1 level has been completed. A total of 12 fire officers and 3 firefighters took the program and have been certified. These fire officers will assist in the inspection activities through the Fire Prevention Bureau which will improve the City's inspection program by getting to more locations sooner - while at the same time allowing crews to become more familiar with occupancies so they are better prepared during an emergency response. The Manager noted this program was made possible by a FEMA Fire Prevention Grant awarded to the Fire Department during the summer of 2016.

The City Manager reminded all Councilors that the Novus paper-less agenda solution will be deployed at next week's Committee meetings. The City Manager expressed that the City Clerk attended the Senate Bill 3 hearing and after waiting nearly 4 hours, the Clerk was unable to present her testimony orally, but copies were provided to the House Committee members. The Manager noted the testimony had also been provided to the City Councilors. The bill tightens the voter registration requirements and requires verifiable acts of domicile. Of concern to local officials, is a new obligation for local elected officials to verify the domicile by either reviewing other municipal records, or by sending local officials to the actual physical residence of the voter to obtain the verification requirement for those voters who cannot present verification of their domicile at the point of voter registration and who have not supplied that documentation within 10 days after the Election. This bill was recently heard before the House Election Law Committee and they have not reported out with their recommendation.

The City Manager continued with House Bill 561. HB 561 as amended requires local government employers to pay the un-founded liability portions of the NHRS employer rates on part-time employees when (1) an employer converts or replaces a full-time position with one or more part-time positions within 12 months of a position's becoming vacant, or (2) an employer fills a full-time position with an interim, temporary, or part-time employee within 12 months. The bill was recently heard by the Senate Executive Departments and Administration and has not been reported out with a recommendation.

The City Manager went on to explain that Fairpoint has applied to the Public Works Department for an excavation permit to replace 575 feet of conduit in Main Street. The work will extend from Central Square to Cypress Street and the project will require temporary closure of the easternmost northbound lane. Their contractor expects the work to take approximately 2 weeks. Public Works Department is working with the applicant to develop detailed traffic control plans, notification requirements and other details.

The City Manager thanked the Planning, Public Works and Police Departments for communications both internally and externally about the lighting on Main Street. They have been looking at parking, benches and the locations of amenities including what the spring time plans look like. The City Manager announced the schedule for the work being done on Main Street. Street sweeping is currently underway. Pavement markings for streets and crosswalks is waiting for confirmation from the contractor, but generally it takes place early in May when

temperatures are warm enough to apply paint.

The Manager reported that City wide drain cleaning and line flushing is underway. Crack sealing is scheduled. Broken pavers will be replaced in the crosswalks on Main Street. This will be done at night about 1 week, weather permitting. Main Street irrigation tests and repairs is scheduled, as needed, the week of May 8th. The week of May 8th the planting beds will be prepared for annuals and perennials. During the week of May 15th staff will be performing the “Downtown Treatment” by reviewing the flower beds and looking at the trees to determine if they can stay or need to be removed and replaced. During the week of May 22nd they will continue annual plantings and adding more perennials. He went on to explain the area of the sidewalk in front of the Chamber of Commerce being really too thin as well as the drainage and sprinkler systems does not work half the time. This is not aesthetically pleasing and it is difficult to maintain and navigate the curb system. The two trees are going to be removed where necessary and brick will be added. A parking meter kiosk will be added to test how kiosks will work in a downtown environment.

MORE TIME

More time was granted for the following issue within committee: Tim Zinn- Let It Shine- Request to Use City Property – “Keene Pumpkin Festival Brought to You by the Children of SAU 29.”

FOP REPORT AND ORDINANCE O-2017-04: RELATING TO FEES FOR ENGINEERING INSPECTIONS AND PUBLIC WORKS PERMITS

Finance, Organization and Personnel Committee report read recommending the adoption of Ordinance O-2017-04. The report was filed as informational. Ordinance O-2017-04: Relating to Fees for Engineering Inspections and Public Works Permits was read for the second time. A motion by Councilor Greenwald for adoption of the Ordinance was duly seconded. On a roll call vote, with 11 Councilors present and voting in favor, the motion passed. Councilors Clark, Sutherland, Hansel and Richards were absent. Ordinance O-2017-04 declared adopted.

MSFI REPORT AND RESOLUTION R-2017-09: RELATING TO THE MODIFICATION OF THE TAX DITCH EASEMENT OFF LEE STREET TURNAROUND EASEMENT, AND UTILITY EASEMENT

Municipal Service, Facilities and Infrastructure Committee report read recommending the adoption of Resolution R-2017-09. The report was filed as informational. Resolution R-2017-09: Related to the Modification of the Tax Ditch Easement off Lee Street Turnaround Easement, and Utility Easement was read for the second time. A motion by Councilor Manwaring for adoption of the Resolution was duly seconded. On a showing of hands with 11 Councilors present and voting in favor the motion passed. Four Councilors were absent. Resolution R-2017-06 declared adopted.

04/20/2017

A motion by Councilor Manwaring for rescission of the Resolution R-2009-25-A was duly seconded. On a showing of hands with 11 Councilors present and voting in favor, the motion passed. Four Councilors were absent. Resolution R-2009-25-A declared rescinded.

COMMUNICATION - LIBERTY UTILITIES AND RESOLUTION R-2017-17: RELATING TO THE ABSOLUTE DISCONTINUANCE OF A PORTION OF PRODUCTION AVENUE

A communication was received from Liberty Utilities along with Resolution R-2017-17: Relating to the Absolute Discontinuance of a Portion of Production Avenue. The Chair referred the communication and Resolution R-2017-17 to the Municipal Services, Facilities and Infrastructure Committee. A site visit was scheduled for Thursday, June 1, 2017 at 5:45 PM and the Public Hearing was set by the Mayor for Thursday, June 1, 2017 at 7:00 PM.

NON-PUBLIC SESSION

At 8:18 PM, a motion by Councilor Greenwald to go into non-public session for the purposes of discussion of land matters under RSA 91-A:3 II(d) was duly seconded. On a roll call vote, 11 Councilors were present and voted in favor. Robert J. O'Connor, Robert B. Sutherland, George S. Hansel and David C. Richards were absent. Discussion was limited to the subject matter. The session concluded at 8:25 PM. A motion by Councilor Greenwald to keep the minutes in non-public session was duly seconded. On a roll call vote, 11 Councilors were present and voting in favor. Robert J. O'Connor, Robert B. Sutherland, George S. Hansel and David C. Richards were absent.

ADJOURNMENT

At 8:25 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:


City Clerk