

A regular meeting of the Keene City Council was held Thursday, April 6, 2017. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: Carl B. Jacobs, Janis O. Manwaring, Robert J. O'Connor, Terry M. Clark, Bartolmiej K. Sapeta, Randy L. Filiault, Thomas F. Powers, Robert B. Sutherland, George S. Hansel, Gary P. Lamoureux, Stephen L. Hooper, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Bettina A. Chadbourne arrived at 7:20 PM. Councilor Sapeta led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the March 2, 2017 meeting was duly seconded. The motion passed with a unanimous vote in favor.

PROCLAMATION – LIBRARY BOOK SALE

The Mayor invited Jane Pitts forward to present her with a proclamation relative to Spring Book Sale. The Mayor went on to proclaim April 7th, 8th, and 9th, 2017 as *Friends of the Keene Public Library Days* and encouraged everyone to attend the book sale. Ms. Pitts thanked everyone for the success of the Library.

CONFIRMATIONS – JUVENILE CONFERENCE COMMITTEE

A motion was made by Councilor Greenwald and duly seconded to confirm the following nominations to the Juvenile Conference Committee: Erika Greenwald to serve as a regular member with a term to expire December 31, 2020; Polly Morris to serve as a regular member with a term to expire December 31, 2020; Leaf Seligman to serve as a regular member with a term to expire December 31, 2017; Joseph Langione to serve as a regular member with a term to expire December 31, 2018; and Jeffrey Bergeron to serve as a regular member with a term to expire December 31, 2018. On a roll call vote, with 14 Councilors present and voting in favor the motion carried. Councilor Chadbourne was absent.

NOMINATION – ZONING BOARD OF ADJUSTMENT

The following nomination was received from the Mayor for the Zoning Board of Adjustment: Thomas Plenda to serve as a regular member with a term to expire December 31, 2017. The nomination was tabled until the next regular meeting.

COMMUNICATION – COBBLESTONE ALE HOUSE – REQUEST TO SERVE ALCOHOL – SIDEWALK CAFÉ

A communication was received from Garrett Plifka, Cobblestone Ale House submitting a request to serve alcohol at a Sidewalk Café. A motion by Councilor Richards to suspend the Rules of Order to act upon the request was duly seconded. The Councilor noted that the Rules of Order suspension was necessary due to the cancellation of the last Committee cycle. On a roll call vote, 14 Councilors present and voting in favor the motion carried. Councilor Chadbourne was absent. On motion by Councilor Richards, voted unanimously that Cobblestone Ale House, LLC be granted permission to serve alcoholic beverages in connection with their sidewalk café license, subject to the customary licensing requirements of the City Council, and compliance with the requirements of Section 46-1191 through 46-1196 of the City Code. The license shall expire on March 1, 2018.

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

A communication was received from the Board of Directors of Monadnock Family Services/Monadnock Community Services Center proposing to purchase a small piece of City Owned Land at 11 93rd Street, which is adjacent to their property. The communication was referred by the Chair to the Finance, Organization and Personnel Committee.

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

A communication was received from Sara Alderfer representing The Body and Soul Road Runners, requesting first year Community Event Funding status for their annual Red Cap Run road race which is held each year in February. The communication was referred by the Chair to the Finance, Organization and Personnel Committee.

COMMUNICATION – KEVIN WATTERSON – KEENE SWAMP BATS - REQUEST TO DISCHARGE FIREWORKS

A communication was received from Kevin Watterson, Keene Swamp Bats, requesting permission to discharge Class B fireworks at two Swamp Bats games in 2017. The communication was referred by the Chair to the Planning, Licenses and Development Committee.

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

A communication was received from Anthony & Fenella Levick, Granite Roots Brewery, requesting their annual license to sell beer at the Keene Farmer’s Market for the 2017 season. The communication was referred by the Chair to the Planning, Licenses and Development Committee.

COMMUNICATION – TIM ZINN – LET IT SHINE – REQUEST TO USE CITY PROPERTY – “KEENE PUMPKIN FESTIVAL BROUGHT TO YOU BY THE CHILDREN OF SAU 29”

A communication was received from Tim Zinn, on behalf of Let It Shine requesting permission to use City property for an event to be held on Sunday, October 29, 2017. The communication was referred by the Chair to the Planning, Licenses and Development Committee.

COMMUNICATION – COUNCILOR FILIAULT – RECONSIDERATION – PROFESSIONAL SERVICES CONTRACT – DOWNTOWN REVITALIZATION

A communication was received from Councilor Filiault requesting reconsideration under section 19 of the Council Rules of Order relative to the request for execution of professional services

contract for the downtown revitalization project. A motion by Councilor Filiault to reconsider the Council action was seconded. Councilor Chadbourne arrived. A brief discussion was held. The motion to reconsider failed to carry with ten votes in opposition. Councilors Clark Filiault, Sutherland, Hansel and Hooper voted in favor.

COMMUNICATION – ATTORNEY THOMAS R. HANNA – REPLACEMENT DOCUMENTS FOR ALTERATION AND IMPROVEMENT OF WYMAN ROAD

A communication regarding replacement documents for alteration and improvement of Wyman Road was received from Attorney Thomas R. Hanna and was tabled until later in the meeting.

PLD REPORT – REQUEST TO USE CITY PROPERTY – KEENE FARMER’S MARKET

Planning, Licenses and Development Committee report read recommending the Farmer’s Market of Keene be granted permission to use 23 parking spaces along Gilbo Avenue as well as 18 spaces on the other side of the median strip in the Commercial Street parking lot on Tuesdays and Saturdays from May 1, 2017 to November 1, 2017. In addition, the petitioner is granted use of the median area for placement of picnic tables with the understanding that the pedestrian path may not be obstructed. Said permission is granted subject to the following conditions: compliance with the customary licensing requirements of the City Council; the receipt of a total rental fee of \$1,200.00 (payable on the first day of every month at \$200.00 per month); obtainment of a City food license from the Health Department; and compliance with any recommendations of City staff. Access to City electrical shall also be provided at a fee of \$60.00 for the season. It is further recommended that the Farmer’s Market of Keene be allowed to erect sandwich board signs on City property prior to the start of sales, subject to review and approval by City staff with respect to the number and location. The signs must be removed immediately after the sales have concluded. A motion by Councilor Richards to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

PLD REPORT – COMPREHENSIVE ECONOMIC DEVELOPMENT AD HOC COMMITTEE RECOMMENDATIONS

Planning, Licenses and Development Committee report read recommending the adoption the Economic Action Plan, and requesting that the City Manager suggest a plan for implementation. A motion by Councilor Richards to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

PLD REPORT – COMPREHENSIVE ECONOMIC DEVELOPMENT AD HOC COMMITTEE RECOMMENDATIONS

The Mayor brought forward the Planning Licenses and Development Committee report dated February 22, 2017 which had been tabled at the March 2nd City Council meeting. The Mayor filed report into the record as informational.

MSFI REPORTS – ACCEPTANCE OF AN EMERGENCY ACCESS EASEMENT; LICENSES TO ALLOW UTILITIES AND AN UNDERGROUND WALKAWAY –

PROPOSED DEVELOPMENT OF "HILLSIDE VILLAGE" ON WYMAN ROAD;
CONSIDERATION OF A RESTRICTION ON TRUCK TRAFFIC AND LICENSES FOR
THREE UTILITY LINES

The Mayor tabled these items until further on the agenda.

FOP REPORT – ACCEPTANCE OF DONATION – FILTRINE MANUFACTURING CO. –
PARKS, RECREATION AND FACILITIES DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept the donation of a water filling station from Filtrine Manufacturing Company and that it be placed in Central Square. 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 TO SOLICIT DONATIONS – FOURTH GRADE WATER
SCIENCE FAIR – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to solicit and accept donations to be used as prizes for the City of Keene's Fourth Grade Water Science Fair. 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 – ROSE LANE CHANGE ORDER – LOUREIRO ENGINEERING – PUBLIC
WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to execute a change order with Loureiro Engineering for an amount not to exceed \$8,993.60 for Contract 04-16-04. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – WOODWARD POND DAM IMPROVEMENTS – CONSULTANT
SELECTION – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to negotiate and execute a professional services contract with Gannett Fleming, Inc. for engineering services required for the Woodward Pond dam improvement project for an amount not to exceed \$129,937, with funding to come from project cost center 05034-B. 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 – FY 18 REVENUE ENHANCEMENT PROPOSAL – POLICE
DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the Keene Police Department increase the cost of administrative fingerprinting services from \$15.00 to \$20.00 for residents of the City of Keene, and from \$35.00 to \$40.00 for non-residents. 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.

PB REPORT – 2018-2023 CAPITAL IMPROVEMENT PROJECT – PLANNING BOARD

The Mayor brought forward the Planning Board report read recommending approval of the Capital Improvement Program for 2018-2023. The Mayor filed report into the record as informational.

FOP REPORT – FY 2018-2023 PROPOSED CAPITAL IMPROVEMENTS PROGRAM – FINANCE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending adoption of Capital Improvement Program 2018-2023 as amended. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with Councilor Sutherland voting in opposition.

CITY MANAGER COMMENTS

The City Manager recognized the efforts of Fire Fighter Medic Bradley Riley for his participation with the 2017 CHaD Battle of the Badges Hockey Game. As a group the Fire and Police Officers from NH raised \$268,000 this year bringing past years total to \$1.93 million dollars raised for CHaD. The City Manager explained that 4 IT staff put in 10-15 hours each last Saturday to move core network equipment and servers and transitioned all City network, telephone and software services into the new data center, managed by Assistant IT Director, Andrew Mueller. This new space is properly designed and is supporting both 24/7 emergency services as well as 9-5 City business functions. The City Manager announced the City Clerk's office is able to take online debit and credit card payments for renewals of dog licenses. Since being launched last week, 141 dog owners have taken advantage of this convenience.

The City Manager announced that he is beginning to use a Facebook page. The City Manager continued that the selection of hardware for the NOVUS paperless Council and standing committee packets has been made. Councilors have been invited into the Clerk's Office for individual training. It is anticipated that the online application will be ready for use at the 2nd cycle of committee meetings this month. The City Manager congratulated Mike Hagan and TJ O'Brien for attending FEMA's 4-day National Flood Insurance Program (NFIP) course last week. The City Manager went on to some trivia from Kurt Blomquist stating that Keene is 1 of 16 communities in NH that are Tree City's. Keene has been a tree city for 37 years. The City of Keene is tied for the 2nd oldest with Hanover being 37 years with Durham being the oldest with 38 years. The City Manager informed the Council that a Human Services presentation will be on the next MSFI Committee Meeting to provide an overview of process for funding of Outside Agencies. The City Manager congratulated Acting Police Chief Steve Russo on becoming the

Police Chief. He stated a press release will be issued the next morning. The effective date of Chief Russo's appointment was April 6, 2017.

MAYOR COMMENTS

The Mayor indicated he would like to address the testimony he had sent to the Legislature on HB 478. Councilor Jacobs moved to suspend the Rules of Order to allow the discussion. On roll call vote 15 Councilors were present and 13 voted in favor. Councilors Sutherland and Hansel voted in opposition. The Mayor indicated that he had made an error in judgement a few weeks ago and he owned the City council an apology for that. The Mayor indicated the issue had come before the City Council and it was referred to the City Attorney to draft a Resolution in favor of the legislation. Shortly after it was discovered that the legislation was going to be heard and that if they had any impact that the testimony needed to be submitted on Tuesday and the City Attorney was out of the office that day and was assisting in drafting the legislation by phone.

There was some miss-information in that letter which indicated that the City Council had voted to support the legislation. The Mayor stated it was unfortunate and an oversight on his part and was apologizing for that mistake. The Mayor stated the House has tabled HB 478 but at this point he was asking the City Council to take a vote on whether they wanted him to further support the legislation or whether a corrected communication should be sent.

Councilor Jacobs moved that the Council support the position as outlined on HB 478. Councilor Sutherland referred to the original from Councilors Jacobs and Chadbourne which referred to an amendment to the Employee Handbook. The Councilor stated the Council was not actually dealing with the subject of the Councilors' communication. Councilor Jacobs stated both issues – supporting the State Legislation and initiating a change in the Employee Handbook were brought forward in their communication. A motion by Councilor Filiault to refer the Mayor's communication to the Finance, Organization and Personnel Committee along with the original communication from Councilors Chadbourne and Jacobs was duly seconded. The motion to refer passed with 11 in favor and Councilors Clark, Lamoureux, Jones and Greenwald opposed.

PRIORITIZED OBJECTIVES – CITY COUNCIL GOALS –CITY COUNCIL GOALS SPECIAL COMMITTEE

The Mayor recognized Councilor Jacobs for remarks regarding the process of the Special Committee. A motion by Councilor Jacobs to accept and endorse the goals and objectives as presented was duly seconded. The councilor stated the Committee's focus was overarching principles of the city Council, which originally came from the City Council's 2016 workshop. He stated in addition to the workshop goals, the Committee looked at other sources such as the Comprehensive Master Plan. The Councilor stated the overarching goals being recommended by the Special Committee. He noted there are already initiatives in place around these principles. The Committee thought it would be important for the Council to agree that these are the goals moving forward. The Committee would then make specific action statements for each of the goal objectives and involve the other constituencies that are stakeholders in specific goals.

Councilor Clark inquired whether one Council can bind future Councils in their actions.

A brief discussion took place with respect to one Council binding future Councilors. The councilor continued that it was his intention and Councilor Hague to have each new Council meet as a Committee of the Whole in January to formulate goals for the next two years. In this case, that is not what happened with the Special Committee. The City Attorney stated in the legislative process – except in very narrow circumstances, such as collective bargaining agreements – a Council cannot bind another Council. Councilor Powers stated he greatly supported the work of the Committee, but he inquired whether an action word needs to be included in the motion to have the Council “adopt” the goals so that the Committee can go forward. Mayor Lane stated as the Council reviews the budget they need to relate spending priorities to specific goals of the Council.

On motion by Councilor Chadbourne, voted with Councilor Clark opposed to amend the motion on the floor to add the word “adopt.” Discussion continued with respect to the initial ranking of the objectives under each goal. Councilor Filiault moved the question. The amended motion to have the City Council accept, endorse and adopt the goals and objectives passed with 14 Councilors in favor and Councilor Clark voting in opposition. A motion by Councilor Clark to have the City Council review and adopt the Councilor Goals in January of a new Council term died for the lack of a second. Referring to the motion as amended, voted unanimously to accept, endorse and adopt the goals and objectives as recommended by the City Council Goals Special Committee.

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

A report was received the Conservation Commission requesting authorization to use up to \$30,000 of the Land Use Change Tax Fund for the purpose of hiring a consultant to prepare a forest stewardship plan for the Greater Goose Pond Forest. The report was referred to the Finance, Organization and Personnel Committee.

MEMORANDUM – CITY ENGINEER AND ORDINANCE O-2017-14: RELATING TO FEES FOR ENGINEERING INSPECTIONS AND PUBLIC WORKS PERMITS

A memorandum was received from the City Engineer recommending Ordinance O-2017-14: Relating to Fees for Engineering Inspections and Public Works Permits be referred to the Finance, Organization and Personnel Committee for their consideration and a recommendation back to City Council. Ordinance O-2017-14 was read for the first time. The memorandum and Ordinance O-2017-14 were referred to the Finance, Organization and Personnel Committee.

TABLED ITEMS: COMMUNICATION – ATTORNEY THOMAS R. HANNA – REPLACEMENT DOCUMENTS FOR ALTERATION AND IMPROVEMENT OF WYMAN ROAD; MSFI REPORT AND RESOLUTION R-2017-05: RELATING TO THE ALERTATION OF WYMAN ROAD; MSFI REPORTS – ACCEPTANCE OF AN EMERGENCY ACCESS EASEMENT; LICENSES TO ALLOW UTILITIES AND AN

UNDERGROUND WALKAWAY AND CONSIDERATION OF A RESTRICTION ON TRUCK TRAFFIC

Before considering the tabled communication and reports relating to the alteration of Wyman Road, the Mayor acknowledged his conflict of interest on the subject and recused himself from presiding over the upcoming agenda items. A motion by Councilor Richards to appoint Councilor Greenwald as the temporary Chair was duly seconded. The motion passed with a unanimous vote in favor. Chair Greenwald assumed the Chair. Councilor Greenwald indicated he was removing from the table items C8 (with an amended Resolution R-2017-05-A), and MSFI reports D3, D4 and D5 to be considered along with item J1.

On motion by Councilor Manwaring voted unanimously to recommend that the Prospect Woodward Home request for a waiver of Section 70-87 (a) (2) requirement for submission of a warranty deed be granted subject to the acquisition of the Lane property by The Prospect-Woodward Home. Before acting upon the "A" version of R-2017-05, the Chair confirmed that all Councilors were in attendance at the site visit and were able to vote. The Councilor requested that the City Engineer explain the changes in terms of the amended right-of-way for the "A" version of Resolution R-2017-05. With the aid of a map, the City Engineer identified the right-of-way that would be altered.

On motion by Councilor Manwaring, voted unanimously to substitute and adopt Resolution R-2017-05-A for the alteration of Wyman Road.

On motion by Councilor Manwaring, voted unanimously to carry out the intent of the Municipal Services, Facilities and Infrastructure report (D3), which would authorize the Manager to do all things necessary to negotiate and accept access easements from The Prospect-Woodward Home and the Monadnock Economic Development Corporation for an emergency access road subject to the acquisition of the Lane property by The Prospect-Woodward Home and that all documents are in a form and format acceptable to the City Engineer and the City Attorney; as well as to carry out the intent of the Municipal Services, Facilities and Infrastructure report (D4), which would authorize the City Manager to do all things necessary to negotiate and execute license agreements with The Prospect-Woodward Home for the construction and maintenance of private infrastructure, including but not limited to an underground walkway, underground sewer line, underground water and fire lines, underground electrical lines, underground telecommunication lines, and any other item or property identified within the right-of-way of Wyman Road subject to the acquisition of the Lane property by the Prospect-Woodward Home and that all documents are in a form and format acceptable to the City Engineer and City Attorney; and to carry out the intent of the Municipal Services, Facilities and Infrastructure report (D5), which recommended that City staff develop the necessary Ordinance to restrict truck traffic on Wyman Road from the crossing of Wyman Road over Black Brook to the Old Walpole Road intersection.

RESOLUTION R-2017-10: IN APPRECIATION OF FRANK J. SALES UPON HER RETIREMENT

04/06/2017

Resolution R-2017-10 was read by title only. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. The motion passed with a unanimous vote in favor. Resolution R-2017-10 declared adopted.

FOP REPORT AND RESOLUTION R-2017-06: COUNCIL POLICY: RELATING TO FEE SCHEDULES FOR USE OF THE RECREATION CENTER

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2017-06. The report was filed as informational. Resolution R-2017-06: Council Policy: Relating to Fee Schedules for Use of the Recreation Center was read for the second time. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. On a showing of hands with 15 Councilors present and voting in favor the motion passed. Resolution R-2017-06 declared adopted.

A motion by Councilor Greenwald for rescission of the Resolution R-2009-28 was duly seconded. On a showing of hands with 15 Councilors present and voting in favor the motion passed. Resolution R-2009-28 declared rescinded.

A motion by Councilor Greenwald for rescission of the Resolution R-1977-47 was duly seconded. On a showing of hands with 15 Councilors present and voting in favor the motion passed. Resolution R-1977-47 declared rescinded.

TABLED ITEM: UPDATE ON WORK PROGRESS OF CITY COUNCIL GOALS SPECIAL COMMITTEE

The Mayor removed the tabled item from the agenda and filed the report as informational.

ADJOURNMENT

At 9:18 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:


City Clerk