

A regular meeting of the Keene City Council was held Thursday, June 15, 2017. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: 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, Bettina A. Chadbourne, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Carl B. Jacobs was absent. Councilor Greenwald led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the June 1, 2017 meeting was duly seconded. The motion passed with a unanimous vote in favor.

ANNOUNCEMENTS

The Mayor announced upcoming workshops and presentations as follows: on July 6, 2017 there will be a presentation before Council on the Goose Pond Dam Project; on July 18, 2017 a Council Workshop will be held on Road Rehabilitation and Capital Spending; on July 25, 2017 a Council Workshop will be held on Fiscal Policies; and, on August 1, 2017 a Council Workshop will be held on Council Goals.

The Mayor went on to announce the Council summer vacation schedule noting the last Council meeting before the Council summer break will be August 3, 2017. Standing Committees will be cancelled for August 9 and 10, 2017 along with the City Council meeting scheduled for August 17, 2017. He continued the second cycle of Committee meetings for the end of August will be rescheduled to the fifth week, taking place on August 30 and 31, 2017. The Council will resume its normal meeting schedule with the first meeting in September.

Mayor Lane stated the City Manager Recruitment schedule has been placed on Councilor's desks. The interviews will take place on Monday and Tuesday of next week. Monday's interviews will be with the full City Council. Tuesday interviews will be conducted by each of the Standing Committees. The full City Council will meet starting at 2:15 PM on Tuesday to interview the finalists.

PUBLIC HEARING – CREATION OF A RESIDENTIAL PRESERVATION DISTRICT, A BUSINESS GROWTH AND RE-USE DISTRICT AND A NEIGHBORHOOD BUSINESS DISTRICT (O-2016-01-A) AND RELATING TO CHANGE OF ZONE – MARLBORO STREET PROJECT AREA AND ITS PARCELS (O-2016-02-A)

The Mayor opened the Public Hearing at 7:04 PM. The Notice of Hearing and Certificate of Publication were read. The Mayor recognized Assistant City Manager/Planning Director Rhett Lamb for opening remarks. Mr. Lamb stated that this evening's hearing is related to Ordinance O-2016-01A for the Creation of a Residential Preservation District, a Business Growth and Re-Use District and a Neighborhood Business District, as well as Ordinance O-2016-02-A Relating to Change of Zone - Marlboro Street Project Area and its Parcels. He noted this is the culmination of a long and careful process, adding that this proposed zoning amendment upholds the priorities of the 2010 Comprehensive Master Plan. It is something staff is very proud to see coming to fruition. Many have been involved in this process over a two and half year period including the Joint Committee and neighborhood groups. At this point he turned the presentation over to City Planner Michele Chalice for further details on the proposed changes.

Ms. Chalice began by stating she is here this evening to provide a brief overview of the three proposed zoning districts that are part of the broader Marlboro Street rezoning project. With the aid of a PowerPoint, Ms. Chalice went to explain the history of the Marlboro Street corridor as a gateway into the City. She noted the train activity and the business activities including industrial factories and neighborhoods. This former vibrant gateway has unfortunately languished. She went on to discuss the reasons the proposed zoning changes are being suggested noting the intent is to revitalize this former gateway into the City's downtown. The specific purpose of the project is to promote reuse and redevelopment of underutilized properties, preserve residential neighborhoods, and strengthen the area as a vibrant, walkable, mixed use district, and to improve storm water management practices as well as increase access to public green spaces.

Ms. Chalice noted the project began in 2013, with the award of a NH Community Planning Grant of \$50,000 and CIP funding. A Steering Committee was established that included residents of the neighborhood, who met over 24 times. Four public information sessions were held as well. A subsequent community workshop took place to review staff's recommended amendments to the zoning, and the better part of the last year was spent holding a series of workshops refining the Ordinance. This evening the hearing will focus on the zoning recommendations coming out of this process.

Ms. Chalice explained that zoning is meant to reflect the goals of a community for the future of an area as well as separating uses into distinct areas. Zoning is also used to guide the building types that can be built in a particular district and to guide the uses that will be allowed on a property in a particular district. Ms. Chalice stated that zoning does not force new buildings to be built or require that existing buildings be changed if they no longer match the new zone. She added that zoning doesn't typically cover aesthetics either. Ms. Chalice displayed the current zoning designations along the Marlboro Street corridor and explained the extent of the industrial zone in that area, noting the uses permitted in the current industrial zone. She indicated the location of the commerce district and provided the allowed uses. There are also low density and high density areas along this corridor as well. She went on to display the proposed changes to zoning which includes a neighborhood business zoning district where small businesses would be permitted. This district would start at Wheelock School and extend to the brook, with a second area starting at Baker and going to Optical Avenue. Three clusters of Residential Preservation Zoning would be established in the following locations: north of Marlboro Street and extending to Water Street, west of Wheelock School extending to Main Street, and an area starting north of Baker Street to southwest of Marlboro Street. No new lodging houses or fraternity homes, institution uses, etc. would be permitted in these areas, however duplexes would be permitted. The final area would be a Business Growth and Re-Use zone, which would diversify uses north of Marlboro Street in the former industrial areas. Ms. Chalice noted the locations of certain buildings to orient the public, pointing out the former Kingsbury property and the City's Municipal Complex as well as the businesses in the Victoria Street neighborhood. She noted the primary change would be that smoke stack factories would no longer be permitted. In addition, the storing of flammable materials would be prohibited. The zone would accommodate only clean manufacturing businesses and would limit the size of the facility to 30,000 square feet, looking to develop a stronger balance of businesses in the area. Something larger could be accommodated with a special exception.

Ms. Chalice went on to note various updates or amendments to zoning definitions that would not only impact the Marlboro Street area, but also would apply citywide. Ms. Chalice ended by explaining some other areas adjacent to the Marlboro Street corridor where zoning would change primarily from industrial to central business, more in keeping with the activities actually occurring in those areas, and proximity to adjacent uses. Ms. Chalice stated there will be one minor correction to the Ordinance that will be before the Planning, Licenses and Development Committee relative to the definition of a repair garage facility, which will result in a "B" version.

Councilor Greenwald asked about the changes in definitions that impact the entire City. He asked Ms. Chalice to review those changes related to dwelling units. Ms. Chalice read the definition that is proposed for a single family dwelling unit which specifies that it is a detached dwelling unit on its own lot, designed for or intended to be occupied by one family. She went on to read the definition for duplex or two-family dwelling, which means one building designed, occupied or intended for occupancy for two separate families, each a complete independent living facility with separate permanent full provisions for sleeping, eating, cooking and sanitation. Each of the two dwelling units shall supply complete internal access to all rooms in the unit. There were subtle wording changes that needed to be made to these definitions.

At this time the Mayor requested public comments.

Katherine Harper, 279 Marlboro Street indicated she has lived on Marlboro Street for the last 20 years, and her son went to Wheelock School. She has been a part of this entire process and is glad they are finally here. She is hopeful there will be an investment in Marlboro Street in terms of new sidewalks, new trees, etc She believes if they make the street look better it will be more likely to encourage new businesses to come to the area. She thanked the Mayor and others for working on this and making it a priority. The Mayor thanked her for her involvement as well.

Peter Bradshaw, 45 Greenbriar Road, stated he spoke to the Planning Director about how this would impact his rental properties on Elliot Street and it appears he will be unaffected. He noted that there is a provision regarding a duplex having to be owner occupied and questioned whether the City can mandate that. Other than that issue, he supports the spirit of this and noted there are a lot of positives here. It will be nice to give Marlboro Street some streetscape and hopefully spur some future development. Mayor Lane noted they are aware there are some issues with the language relative to owner occupied duplexes that will be addressed.

As there were no further public comments, the Mayor closed the public hearing for oral testimony at 7:27 PM. He noted the hearing will remain open for written public comments until Tuesday, June 20, 2017 at 1:00 PM. Written public comments must be signed and submitted to the City Clerk by that date and time to be included in the record. He went on to note the Ordinances are currently pending before the Planning, Licenses and Development Committee, and they will be considering them at their next meeting.

A true record, attest:


City Clerk

CONFIRMATION

A motion was made by Councilor Greenwald and duly seconded to confirm the following nomination to the Partner City Committee: Daniel Brown to serve as an alternate member with a term to expire December 31, 2019. On a roll call vote, with 14 Councilors present and voting in favor the motion carried. Carl B. Jacobs was absent.

NOMINATION

The following nomination was received from the Mayor for the Zoning Board of Adjustment: Stephanie H. Gaiser to serve as an alternate member with a term to expire December 31, 2020. The nomination was tabled until the next regular meeting.

COMMUNICATION – ELENA BRANDER – RESIGNATION – ZONING BOARD OF ADJUSTMENT

A communication was received from Elena Brander resigning from the Zoning Board of Adjustment. A motion by Councilor Greenwald to accept the resignation with regret and appreciation for years of service was duly seconded. The motion passed with a unanimous vote in favor.

COMMUNICATION – JONATHAN T. FOSKETT – RESIGNATION – HERITAGE COMMISSION

A communication was received from Jonathan T. Foskett resigning from the Heritage Commission. A motion by Councilor Greenwald to accept the resignation with regret and appreciation for years of service was duly seconded. The motion passed with a unanimous vote in favor.

COMMUNICATION – THOMAS COOK – CHESHIRE TV – EXPENSES ASSOCIATED WITH INTERIM RELOCATION OF CHESHIRE TV

A communication was received from Thomas Cook, President of the Cheshire Television Board of Directors, relative to expenses associated with the interim relocation of Cheshire Television during the Heberton Hall Renovations. The communication was referred to the Finance, Organization and Personnel Committee.

PETITION — IN SUPPORT OF PARIS AGREEMENT

A petition signed by eight City Councilors and the Chair of the Cities for Climate Protection Committee was submitted in support of the drafting of a Resolution affirming Keene's support for the Paris Accord on Climate Change. The communication was accepted and filed as informational.

MSFI REPORT – DEPARTMENTAL PRESENTATION – COMPLEX TASK SHOWCASES EMPLOYEE SKILLS – PUBLIC WORKS DEPARTMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending the acceptance of the departmental presentation as informational. The report was filed as informational.

PLD REPORT – REQUEST TO USE CITY PROPERTY – WHITCOMB’S MILL ROAD – FILMING

Planning, Licenses and Development Committee report read, recommending that film student Robert Kerr be granted permission to use City property on the Whitcomb’s Mill Road on June 16 and 17, 2017 for filming with the use of a vehicle mounted camera; with rain dates subject to coordination with City staff. Said permission is conditional upon compliance with the customary licensing requirements of the City Council, and compliance with any recommendations of City staff. 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 – ADOPTION OF THE AIRPORT MASTER PLAN UPDATE – AIRPORT DEPARTMENT

Planning, Licenses and Development Committee report read recommending the adoption of the Airport Master Plan Update. 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.

FOP REPORT – ALPS BUILDING CHRISTIAN FELLOWSHIP LEASE – AIRPORT DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to enter into a lease of the former Alps/Hillside Pizza building with the Christian Life Fellowship Church. 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 – DEPARTMENTAL PRESENTATION – ADMINISTRATIVE SUPPORT FOR BOARDS AND COMMISSIONS – CITY CLERK’S OFFICE

Finance, Organization and Personnel Committee report read recommending the acceptance of the Departmental Presentation on administrative support for boards and commissions as informational. The report was filed as informational.

CITY MANAGER COMMENTS

The City Manager stated he had a few announcements. He began that Mike Hagan has been accepted to be a member of the NH Building Code Review Board as the representative from the NH Building Officials Association. This is a board contained in the Department of Safety and one of their roles is to suggest changes to the State legislature. He went on to announce that the Safe Routes to School Project is slated to be completed today. This project included pedestrian

and bicyclist safety improvements within the Maple Acres subdivision. The City Manager continued that they have had the following individuals successfully complete the Underground Storage Tank (UST) Operator Training Course through the N.H. Department of Environmental Services: Scott Martin, Dan McLaughlin and Brian Fontaine from Facilities, Jim Mountford, Chad Guyette and Mike August from Fleet Services, and Chris Tarr, Matt Niven, Neil Goodell, Morgan Bartley and Tom Moran from the Waste Water Treatment Facility. He ended his comments by stating that this week Keene is the host community for the annual Municipal Managers of New Hampshire's annual conference. This is the professional association for NH City and Town Managers and Administrators. The conference was organized this year by The Group's first Vice President Beth Fox, and other city staff including Helen Mattson and Yves Gakunde. The program focuses on community and economic development, communication in a time of change and solar arrays in NH. The first session highlighting economic development and innovation in our region and the added value that results from effective collaboration featured ACM/Planning Director Rhett Lamb, who will be participating in a panel sharing Keene's work in this area and new directions being set to respond to today's challenges. An evening event was held at the Dillant Hopkins Airport Flight Deck Restaurant.

MEMORANDUM – WARRANT FOR UNLICENSED DOGS – CITY CLERK'S OFFICE

A memorandum was received from the City Clerk recommending that the City Council issue a warrant for unlicensed dog pursuant to NHRSA 466:14 and that 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, 2017. The memorandum was referred to the Municipal Services, Facilities and Infrastructure Committee.

MEMORANDUM – COUNCIL GOALS AND OBJECTIVES – CITY COUNCIL GOALS SETTING SPECIAL COMMITTEE

A memorandum was received from the Chair of the City Council Goals Setting Special Committee recommending acceptance of the City Manager's memorandum dated June 7, 2017 and, with that acceptance, the Special Committee believes they have met their charge and does not see a need to meet further unless additional tasks are assigned by the Mayor or City Council. The memorandum was filed as informational.

COMMUNICATION – IN SUPPORT OF CHESHIRE TELEVISION'S LEASING OF THE KAY FOXROOM AND THE NEGOTIATIONS OF A LEASE – LIBRARY BOARD OF TRUSTEES

A memorandum was received from the President of the Library Board of Trustees in support of the leasing by Cheshire Television of the Kay Fox Room during the Library renovations project. The communication was filed as informational.

FOP REPORT AND ORDINANCE O-2017-11-A: RELATING TO PURCHASING

Finance, Organization and Personnel Committee report read recommending the adoption of Ordinance O-2017-11-A, as amended. The report was filed as informational. Ordinance O-2017-11-A: Relating to Purchasing 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 14 Councilors present and voting in favor, the motion carried. Ordinance O-2017-11-A declared adopted. Councilor Jacobs was absent.

MSFI REPORT AND RESOLUTION R-2017-17-A: RELATING TO THE ABSOLUTE DISCONTINUANCE OF A PORTION OF PRODUCTION AVENUE. EXTINGUISH A DRAINAGE EASEMENT AND A WATER EASEMENT, LAYOUT OF REVISED PORTION OF PRODUCTION AVENUE (TURNAROUND) AND TO ESTABLISH AN ACCESS EASEMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending in the first paragraph the City Manager be authorized to: 1) provide a deed for an area of land previously laid out at Production Avenue to Liberty Utilities, 2) accept a deed for access easement from Liberty Utilities, 3) accept a deed for land to be laid out as an amendment to the layout of Production Avenue for a proposed turnaround area, 4) release the City's interest in easements for drainage and utility lines across the property of Liberty Utilities, 5) accept documentation to amend a portion of the layout of Production Avenue, and 6) discontinuance upon successful construction of the turnaround. The report further recommended the adoption of Resolution R-2017-17-A, as amended. The Chair divided the questions. It was noted that the following Councilors were not present at the recent site visit on this item and therefor would not be participating in the vote this evening: Janis O. Manwaring, Mitchell H. Greenwald, Bettina A. Chadbourne, David C. Richards and Randy L. Filiault. A motion by Councilor Lamoureux to carry out the intent of paragraph one of the report was duly seconded. The motion passed with five in favor, five abstaining and Councilors Hooper, Sutherland, Clark, and Sepeta opposed. Councilor Jacobs was absent. The remaining recommendation was filed as informational. A motion by Councilor Lamoureux for the adoption of Resolution R-2017-17-A: Relating to the Discontinuance of a Portion of Production Avenue was duly seconded. Discussion ensued. On showing of hands, with five in favor, five abstaining and Councilors Hooper, Sutherland, Clark and Sepeta opposed the motion for adoption carried. Resolution R-2017-17-A declared adopted.

RESOLUTION R-2017-23: IN APPRECIATION OF JENNIFER M. BONE UPON HER RETIREMENT

Resolution R-2017-23: In Appreciation of Jennifer M. Bone Upon Her Retirement was read by title only. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. The motion carried with a unanimous vote in favor.

RESOLUTION R-2017-24: IN SUPPORT OF THE PARIS AGREEMENT

Resolution R-2017-24: In Support of the Paris Agreement was read for the first time. The Mayor indicated his intent to refer the Resolution to the Planning, Licenses and Development

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Committee. A motion by Councilor Clark to suspend the Rules of Order to act on the Resolution this evening was duly seconded. Discussion followed. After several comments from Councilors indicating their constituents would like the opportunity to speak to the matter, the motion and second to suspend the Rules to act on the Resolution was withdrawn. The Resolution was referred to the Planning, Licenses and Development Committee.

NON-PUBLIC SESSION

At 8:17 PM Councilor Greenwald moved to go into non-public session to discuss consideration of pending claim and litigation under NHRSA 91-A:3 II (e). On roll call vote, 14 Councilors were present and voting in favor. Councilor Jacobs was absent. A brief recess was called. The session commenced at 8:23 PM. Discussion was limited to the subject matter. The session concluded at 8:30 PM. Councilor Greenwald moved to keep the minutes of the non-public session non-public. On roll call vote, 14 Councilors were present and voting in favor. Councilor Jacobs was absent.

HAZARDOUS BUILDING – 54 BEECH STREET

Councilor Greenwald moved to suspend the Rules of Order to consider and act upon a removal of a hazardous building in accordance with NHRSA 155-B. On roll call vote, 14 Councilors were present and voting in favor. Councilor Jacobs was absent. A motion by Councilor Greenwald to have the City Council recommend that the building located at 54 Beech Street, Keene, is determined to be a hazardous building as defined under RSA 155-B, and authorize the City staff to take all necessary actions pursuant to RSA 155-B, including but not limited to authorizing the City Manager to order the owner to raze and remove the building and fill in the cellar hole was unanimously adopted.

The Mayor adjourned the session at 8:31 PM.

A true record, attest:


City Clerk