

City of Keene
New Hampshire

MUNICIPAL SERVICES, FACILITIES AND INFRASTRUCTURE COMMITTEE
MEETING MINUTES

Wednesday, September 27, 2017

6:00 PM

Council Chambers

Members Present:

Janis O. Manwaring, Chair
Randy L. Filiault, Vice-Chair
Robert J. O'Connor
Stephen L. Hooper

Members Not Present:

Gary P. Lamoureux

Staff Present:

Elizabeth Dragon, City Manager
Tom Mullins, City Attorney
Beth Fox, HR Director/ Assistant City Manager
Rhett Lamb, Planning Director/ Assistant City Manager
Kürt Blomquist, Public Works Director
Don Lussier, City Engineer
Steve Russo, Police Chief
Elizabeth Sayre, Human Services Manager
Natalie Darcy, Human Services Case Worker

Chair Manwaring called the meeting to order at 6:00 PM, welcomed the public, and explained the rules of procedure.

1) Departmental Presentation – General Assistance and Workfare Program

Chair Manwaring welcomed Elizabeth Sayre, Human Services Manager, and Natalie Darcy, Human Services Case Worker.

Ms. Sayre provided background on how welfare came to be and what Human Services does today. Human Services provides general assistance – or welfare – short term community assistance. Human Services provides customer service and customers range from an elderly widow who cannot afford health care, to an older couple that has lived up to their means and are now short one income, to a young couple with severely disabled children that are ineligible for state or federal assistance because they make too much. These are the types of customers that come to Human Services daily but customers also include the Keene taxpayers. Ms. Sayre said her team is happy to do their work but are also conscious to not spend tax dollars where unnecessary. Her daily customers are the neediest and have a direct financial effect on the work Human Services does and therefore a ripple effect on storeowners, businesses, and landlords. Human Services emphasizes treating everyone with curtesy and respect; in her experience, other outreach agencies in the City do not always do so.

Per NH law RSA-165, every person has a right to apply for general assistance. Every municipality in NH has the responsibility to comply with this law and must have guidelines adopted by the governing body. Ms. Sayre noted many people are unaware

that general assistance is actually a loan for which the municipality is expected to be reimbursed. The intent of the law is to be humane and not punish individuals or make them feel worthless; the intent is to help people when they are in need, which may be once or several times. Longer term assistance is also provided to help individuals return to a state of financial self-sufficiency; it is not just a band aid.

The process of obtaining general assistance is demanding. It is an eight-page application, the first two pages of which are release forms to be able to speak with a Case Worker. Applications are a challenge because they require a lot of case management and staff time; applications involve review of eligibility, full financial review, and third party documentation of income and expenses. Every time an individual seeks assistance, they must go through the eligibility process. Many of the people served are the working poor and are just over or under income for state and federal benefits. The goal is to help individuals get beyond these hurdles and help them with budgeting and money management even if they cannot access other services.

Other challenges to Human Services include:

- Reductions in state and federal assistance
- Customers cannot see a staff member when they need to
- Fewer resources to refer people to, so they come back
- Low education levels – in the last year, Human Services saw 586 heads of households that had less than a high school education
- Impact of substance abuse and untreated chronic mental health issues
- An unskilled labor force – many do not have the technological skills to apply for jobs online
- Teaching people how to maintain their home and encouraging them to be responsible for keeping employment
- Keene is considered an expert by many other towns and regions and is a full-time office; other towns frequently contact Keene for help finding services

Ms. Sayre continued explaining some myths about welfare recipients. The three examples she previously provided represent the majority of customers. 85% of customers are working poor; some might be eligible for fuel assistance of \$350, but that is not enough for a harsh winter. Some suffer from too fixed an income, have fallen through the cracks, and 5% just need encouragement, direction, and motivation toward independence. Human Services also does a lot with reimbursements; if someone has pending benefits for Social Security income through the state a lien can be placed on that reimbursement, which has shown success. Property liens can also be placed on someone's home if they receive assistance until the home changes hands or the City has been reimbursed. Human Services also submits for Medicaid reimbursement, which has a lot of paperwork and little return. There are assistance recipients who do reimburse the City. Toward this effort, the Workfare program began four years ago.

Ms. Darcy explained the Workfare program, which began because customers expressed concern about how to reimburse the City without the financial means to do so. She quoted RSA-165, which states that, "any recipient of general assistance who is able and

not gainfully employed may be required to work for the municipality at any bona fide job that is within his or her capacity for the purpose of reimbursement of benefits received.” So, the City decided to take advantage of that ability. All compensation earned by volunteers (aid recipients, not referred to as employees) is applied directly toward reimbursement of general assistance; they are not paid any cash value. Participants do receive Workman’s Compensation provided by the City. Volunteer positions the City has had success with include janitorial, administrative assistance, child care providers, litter clean-up, and creating gift cards for the holiday program. There are currently two volunteers in the program and over the last four years, Workfare participants have worked a total of 1,882.5 hours and reimbursed the City \$19,997.20. The average wage for participants is \$11.50/hour for an average of 10 hours per week. Human Services has also partnered with six City departments and many are willing to accept a volunteer with needed skills. Ms. Darcy continued sharing some statistics:

- 50% of Workfare volunteers have found employment while participating in the program
- 20% of participants were disabled and could no longer do the assigned job
- 12.5% of participants quit the program
- 12.5% of participants moved away during the program
- 5% of participants reimbursed their general assistance loan

Ms. Darcy continued explaining challenges to the Workfare program:

- Transportation to worksites
- Length of time to receive background checks
- Participants finding work while in the program
- Drug and alcohol use, which are not tolerated in the work place

Councilor O’Connor asked if there is a time limit to reimburse the City. Ms. Sayre replied forever. The City will take money anytime; for example someone reimbursed the City four years ago for a very old assistance loan.

Councilor Filiault asked if Human Services is seeing more people who have only been residents of Keene for one day trying to receive services. Ms. Sayre replied there are very few 24 hours residents. Some customers are assisted with finding services but are not given general assistance, some are helped only once for a medication issue, and some come in if they cannot find space at a shelter. Keene statistically has 30% full shelters. Sometimes customers are also mistakenly sent to Keene by the hospital, for example, even if they are residents of another municipality that provides the same services by law.

Councilor Hooper asked the minimum age to volunteer. Ms. Sayre replied 18 years old.

Chair Manwaring recognized Councilor Terry Clark who said while there will always be homeless and poor, Human Services does a wonderful job and is underfunded. He said it is important that the community not stigmatize these individuals needing assistance, to treat them with humanity, and to do the right thing.

Councilor Filiault made the following motion, which was seconded by Councilor O'Connor.

On a vote of 4-0, the Municipal Services, Facilities and Infrastructure Committee accept the presentation on General Assistance and Workfare program as informational.

Ms. Sayre invited everyone to stop by Human Services if they would like to learn more.

2) Cecile Chickering – Request for No Parking – Foundry Street

Chair Manwaring welcomed Dave Chickering, who owns Stan's Auto Body at 38 Foundry Street. His mother also owns a building with five apartments on the street and there is one other business. He said since last August, when the Keene State College (KSC) students returned to the apartments on Ralston Street, there has been anywhere from one to four cars parked on Foundry Street; one of them is there almost always. His business has large trucks coming in and out, as does the other business on the street. Additionally, Sid's Carpet shop owns storage space on the end of the street and has many tractor trailers passing through daily. He said with parking the way it is, the parked car is essentially taking up one lane forcing people to go around. This creates a safety hazard with the numerous trucks coming through daily; it has even caused traffic back-ups on Winchester Street. He approached the student parking there and his response was, "I'm sorry but it does not say no parking."

Chair Manwaring asked if it is a dead end street. Mr. Chickering replied yes and there are only three property owners on the street.

Police Chief Russo said this relates back to the No Parking issue on Spring Street and issues within the ordinances. He said technically a car cannot park on Foundry Street because if a car must pass into the oncoming traffic lane it is a No Parking zone. He said the City does not place No Parking signs everywhere and many students/residents are not aware. He said because there are only three residents who own most of the street it is logical to officially make the east side of the street along the bike path No Parking. He said this is similar to Avon Street where large trucks have to pass often. He thinks this solution will meet the petitioner's requirement to run their business and meets the requirement to make something No Parking without going to the public.

Chair Manwaring asked about dead end streets in the ordinance. Chief Russo replied it falls under Ordinance 94.66 on Parking/No Parking but dead ends are not distinguished. Specific streets are listed as No Parking but a lot is unclear in the ordinance. He thinks this solution makes sense for this street. Mr. Chickering added that in wintertime the street becomes one lane anyway so if the students or others park there they will either block the road entirely or cause a snow bank.

Councilor Filiault recalled that because of the narrowness of the shoulder and configuration of the street it is technically No Parking anyway; Chief Russo replied yes. Councilor Filiault replied asking why not just put up signs then and be done with the

matter; to have Public Works put signs up and the Police Department (PD) enforce it. The Public Works Director replied that unfortunately the section Chief Russo referred to is general No Parking; the City does not post everywhere. To place the signs and for the PD to regulate them, it must be entered into the specific street section of the code, and therefore through the ordinance. Councilor Filiault replied if no parking is allowed anyway in this situation he sees no problem placing a few signs at this point to handle the situation today. The Public Works Director replied that would be unenforceable. Councilor Filiault said then force it if it is not allowed anyway. Chief Russo replied yes, in general it is not allowed but something cannot be enforced if not in City ordinance. He respects the attempt to streamline but agrees with the Public Works Director.

Chair Manwaring recognized Councilor Mitch Greenwald who said Chief Russo has the ability to enact most anything in an emergency and while this process is lengthy, putting it in the code will solve all of the problems presented. Chief Russo said he would write a special regulation for 90 days while the ordinance is being codified, which takes at least one month. He said this will be a quicker process, realistically. The Public Works Director added that as of November first there is no overnight parking allowed on the street.

Chair Manwaring recognized Bob Gogolin, 60 Foundry Street, who said it is important to get parking off the street because many children live on the street. He often has to stop for trucks to pass and sometimes trucks block one another. He said it is unsafe, especially if there were an emergency. He appreciates this is a bureaucratic process but is willing to wait; he added if the City is really struggling for money the residents would likely pay for the signs.

Councilor Filiault made the following motion, which was seconded by Councilor O'Connor.

On a vote of 4-0, the Municipal Services, Facilities and Infrastructure Committee directed staff to bring an ordinance forward for no parking on Foundry Street.

3) Mayor Lane – Requesting that the Council Consider Adopting an Ordinance for Disorderly Residences

Chair Manwaring welcomed Councilor David Richards, standing in for the Mayor who brought this request forward. Councilor Richards reported that Mayor Lane asked for an ordinance to be drafted for disorderly residents; this was attempted by the City Council in the past but did not pass because landlords worked with KSC and the City to ensure safe and clean housing was available. However, that agreement did not solve the problem of the PD being called repeatedly to multiple disruptive apartment buildings. In essence, he said, the PD is managing those properties instead of the landlords. He said being a landlord is not a charity or public service; it is a business and should be managed as such. Repeated visits from the PD for disruptive behavior misuses City resources to manage private property. He said in general, if someone called the Fire Department multiple times for false alarms, they would get charged a fine after so many calls. Yet the PD is

responding to calls at the same properties six times per month or 15 times per year. This ordinance would ask landlords to take responsibility for their properties and prevent this behavior from happening. It would likely be a simple system – if the PD is called to the same property more than three times per year they will be fined. He said this is a request to draft the proposed ordinance to bring back for City Council debate.

Councilor Filiault said, with all due respect to Councilor Richards for standing in, that this idea has come through Council multiple times over the last 20 years in various forms. He said his problem is that Mayor Lane wrote this request but was not at the meeting to address it. He said Councilor Richards cannot answer questions verbatim for the Mayor. While this issue could be addressed at this meeting, it will have to go on more time; despite the fact that landlords were present, this is a serious issue in the City and the petitioner should be at the meeting. Councilor Filiault stated he was disappointed Mayor Lane was not at the meeting.

Chair Manwaring recognized Councilor Mitch Greenwald. He said that Council has heavily discussed this issue several times at the expense of a great deal of staff time and work by the City Attorney. He said this Committee and the Council need to think carefully before deciding to go down this road. He described some reasons not to draft this ordinance:

1. He asked the Committee to consider if this is really needed. When he first saw this on the agenda he thought Mayor Lane was just trying to reinforce to landlords the need to enforce good behavior. However, Mayor Lane was serious and Councilor Greenwald would like to know why now. He said nothing terrible is happening, the voluntary inspection program continues, and the competitive nature of renting properties to high quality tenants demands well-managed properties. He said this is not just about college students but also an issue of third party responsibility for what people do in your home – guests, sublets, family housesitting, etc. He does not want to leave that ambiguity to a cop to use their judgement. He said if writing something into legislation, it has to be specified and unambiguous.
2. He thinks there are enough ordinances at this point and the City should focus on enforcing those.
3. He said there is an issue with PD enforcement – property owners are not notified in a timely manner when there is an issue on their property. As a landlord, he may never hear about issues from the PD, instead he finds out from neighbors. He thinks this is an operational issue that needs to be addressed.
4. He is concerned about things being left to the judgement of a police officer. He said if something is enacted, start with something simple that makes sense (good behavior) and let Council amend it later to be more impressive.

Councilor Greenwald concluded saying he hopes the MSFI Committee will discuss this, hear wisdom from the landlords, and accept this as informational for a full Council vote. He said the landlords got the message to tighten up operations but the ordinance process is wrong.

Councilor Richards said most of the other third party circumstances Councilor Greenwald referred to are one-time events, as opposed to multiple calls throughout the year. He said Councilor Greenwald is right that the last ordinance attempt was too complicated. As he understands it, the new draft will be for three strikes for a list of particular behaviors before a fine. He said renting property is a business; if a bar served someone underage, for example, they would get fined. If someone owns a house that cops are called to repeatedly then the taxpayers are paying for it; this is what cops are for but it is an abuse of the system when it is repeated.

Councilor Filiault said a similar ordinance did not pass several years ago; he asked what specifically the Mayor is looking for that is different. Councilor Richards replied he did not know, a draft was requested that in theory will be much simpler than the last. Councilor Filiault said Committee meetings are to ask questions and they cannot get answers without the petitioner; he said this will go to more time.

Councilor Greenwald said to also consider the issue of neighbor harassment of property owners and asked how that would fit in to this ordinance. He said Councilor Filiault is right about the Mayor not being present, but he cautioned against putting this on more time because many landlords traveled to be at this meeting. He said this issue has played out and the landlords get the message. Councilor Richards said most landlords in the room are from Keene and are not causing the problem; the problem is absentee landlords that live out of town and allow properties to fall apart. Councilor Greenwald said another issue is the drug houses; there are several in the City that the PD responds to often and he thinks that should be an issue of greater focus for the Mayor. He recommended enforcing the ordinances and building codes already in place. Councilor Richards agreed drug houses should be on the list; if there are enough issues the DEA can be called to have the home seized.

Councilor O'Connor asked if the PD currently responds to a loud party more than twice per shift and if there is any ordinance that addresses this problem right now. Chief Russo replied officers will respond the first time and on the second call can issue a summons for violating the Noise Ordinance. He said he cannot state that every officer follows that procedure; he can only read what is in the log but summons should be issued. He said they get calls everywhere, from the college to west Keene. Chair Manwaring asked about officers who do not issue summons; she has had a lot of complaints from constituents about disorderly behavior and there should be a consequence. She assumed landlords were notified about students/tenants but she is unsure that is occurring. Chief Russo said landlords are notified, they get the police log, but there is controversy over what information they can legally be given. He said there is nothing in City code saying the PD has to call landlords; the PD does not have the personnel capacity for that. He said that also goes to the issue of how much the PD is running properties for landlords. Any landlord can call the PD and ask if something happened at their property but the City does not have a contact list for all of them. The PD responds to 18-22 of these calls per weekend and he asked who will make all of those calls.

Chair Manwaring said it was her sense this should go on more time because the Committee has not heard from the Mayor and normally decisions are not made without the petitioner present; Councilor Hooper and Councilor O'Connor agreed. Chair Manwaring said she was happy to hear from the landlords present but made them aware this would happen again. Councilor Filiault said it should not have been discussed at this meeting and wasted everyone's time and he does not like wasting taxpayer's time.

Chair Manwaring recognized Trevor Grauer, 25 Winchester Court, who asked if the public will be able to speak when this is heard in more time. Chair Manwaring replied yes, the most important time to speak will be the next meeting, hopefully in two weeks.

Chair Manwaring recognized Bill **Beauregard**, a landlord in Keene who now lives in Chesterfield. He said he is amazed at the concept that the Council would be charged with drafting an ordinance, it is usually a serious issue to be addressed. He said this was just a request to draft an ordinance, which does not tell him the issues to be addressed and if the concerns are significant. Many are still uncomfortable about the last attempt at such legislation; if this is addressed in a City-wide fashion he will be very opposed and does not understand why Council would go down that road with the bad history. He said Mayor Lane did not provide sufficient background or incidences; it is a waste of the Council and Committee's time to just draft an ordinance. He understands what Chief Russo said, but thinks there should be a technological system to notify landlords. Landlords want to address issues quickly and such a system would help deal with concerns.

Chief Russo noted there is also an online map of the City that corresponds to the PD log and responses; it is not always updated daily but the information is available.

Chair Manwaring recognized Rick Grauer, landlord of 25 Winchester Court. He said he is unsure of the percentage but thinks Keene has a high proportion of rentals over owner occupied properties. This situation is trying to take the personal responsibility of tenants and place that on the landlord. Landlords operate under landlord-tenant laws so how does a landlord have greater authority over a tenant than the PD. He asked when an individual is responsible for violating the law. When the PD has responded to student parties on his property they did not issue summons; it is not up to a third party to regulate a tenant's behavior. The City Attorney suggested that Mr. Grauer consult legal counsel with regard to his relationship with tenants.

Councilor Filiault said this was a waste of time because everyone will have to say these things again. Councilor Greenwald suggested if a petitioner is not present the Committee make a decision without their input. He suggested accepting this request as informational and moving on. Councilor Richards disagreed stating this should be placed on more time; Mayor Lane had a conflicting City meeting tonight. Councilor O'Connor said he does not think it is a waste of time because people are upset about this. He thanked everyone for coming to share.

Councilor O'Connor made the following motion, which was seconded by Councilor Filiault.

On a vote of 4-0, the Municipal Services, Facilities and Infrastructure Committee placed the request that the Council consider adopting an ordinance for disorderly residences on more time.

4) Driveway Code Updates – O-2017-15

The City Engineer provided background on this ordinance. Last November staff presented options for updating the driveway code because Council had to hear an appeal for an exception to the code. Staff addressed their concerns about the process for appeal not being well defined, including abutter notification. There was concern about a legislative body having to adopt a different way of doing business and acting in a quasi-judicial way. Staff provided the following options:

1. Address the public notice issue.
2. Develop a more formal process of what is already in the City code.
3. Reorient the existing code to remove City Council from the appeal process and have a better defined ordinance process for both the applicant and abutters with concerns – Staff recommended this option.

At that time, Council followed staff's recommendation and a part of that was addressing abutter notification. This ordinance O-2017-15 does the following:

1. Grants the City Engineer authority to review driveway permits for duplexes, shared drives, and temporary drives; his office is only currently authorized to review single-family residences. The Planning Board will still retain authorization to review and grant driveway permits for multi-family, commercial, and industrial driveways.
2. Creates a more defined process for receiving requests for exceptions, notifying abutters, considering the request, and make a determination.
3. Addresses the issue of temporary driveways, creates a mechanism for granting them, and to ensure they are removed and restored back to normal.

The City Engineer noted a typo in the draft ordinance presented to the Committee but the City Attorney said this is a Scribner's Error that will be corrected in the form approved or denied by Council.

Chair Manwaring asked what happens if the person wanting a driveway disagrees with the City Engineer's decision. The City Engineer replied his decision can be appealed to the Planning Board in all cases.

Councilor Hooper said he appreciates this ordinance going through and he supports it.

Chair Manwaring recognized Darryl Masterson, 44 Willow Street. He asked if there was any consideration of driveway construction as many properties are converting backyards to parking lots. He thinks residential parking lots should be required to have as much

greenspace as commercial lots. The City Engineer replied the section of the ordinance that addresses exceptions begins saying, “except for any standard or requirement arising under City Code Chapter 102,” i.e. the Zoning Ordinance. The Engineer’s office does not have the ability to counter anything already in the zoning code; that is outside his purview for review by the Planning Board. Section 70 of the code deals with street standards and he only has access to property from the public right of way. Once an issue is on private property, it is in the domain of the Planning Board and Code Enforcement. This ordinance does not address any of Mr. Masterson’s concerns.

Chair Manwaring noted a discrepancy in the driveway size in the ordinance. The City Engineer replied the existing driveway standards have widths at curb line and at the property line. This standard allows the curve out of the ends of a driveway to the gutter line of the street.

Councilor Hooper made the following motion, which was seconded by Councilor O’Connor.

On a vote of 4-0, the Municipal Services, Facilities and Infrastructure Committee recommends the adoption of Ordinance O-2017-15 Relating to Driveway Code Update.

5) Adjournment

Chair Manwaring adjourned the meeting at 7:16 PM.

Respectfully submitted by,
Katie Kibler, Minute Taker