

A regular meeting of the Keene City Council was held Thursday, June 2, 2016. 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, Jay V. Kahn, 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. The Mayor took a moment to recognize Councilor Filiault's service. Councilor Filiault was first elected as a Ward Two Councilor in 1992 and served in that capacity until 2005. He briefly returned to the Council in 2010 and served until he moved out of State. In 2014 he was elected as an At-Large Councilor and continues to serve in that position. Councilor Filiault has served on the Human Services, Health and Safety Committee, the Finance, Organization and Personnel Committee, the Planning, Licenses and Development committee and the Municipal Services, Facilities and Infrastructure Committee – often times serving as the Vice Chair or the Chair. Councilor Filiault presently serves on the Municipal Services, Facilities and Infrastructure Committee as Vice-Chair. Councilor Filiault led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the May 19, 2016 meeting was duly seconded. The motion passed with a unanimous vote in favor.

ANNOUNCEMENTS

The Mayor reminded the Council that the Goal Setting Workshop will be on Saturday, July 9, 2016. The Mayor noted the summer break will be the second and third week of August.

PRESENTATION – WEST STREET DAM – VHB AND WEST STREET HYDRO

Kurt Blomquist, Public Works Director provided background information to update those Councilors who were and to put this project into context for any new Councilors. Mr. Blomquist provided the history of the West Street Dam project, which began in 2008 with Letters of Deficiency from the State of New Hampshire regarding the dam. In June of 2015 the City contracted with VHB, Incorporated to perform data collection, hydraulic modeling and technical reporting services to assess the impact of the both the removal of the dam or the raising of the dam height by one foot on the hydrology of wetlands within or adjacent to the impoundment and on wildlife and plant communities within the impoundment. In January of 2016, VHB issued their final report. Mr. Blomquist noted the Conservation Commission Chair, Thomas Haynes was present should the Council have any questions for him.

At this point Mr. Blomquist introduced Peter Walker for a slide presentation on the VHB report, and Ken Stewart who would give the Council an update on the West Street Hydro project and their schedule over the next several months.

Peter Walker said he is an Environmental Scientist who was the Manager for this study. Mr. Walker presented seven slides to discuss the report findings. He also noted the detailed report was submitted to the Conservation Commission and is available for review. Mr. Walker explained what was done creating the hydraulic model to determine the effects on wetlands with the dam removed and/or increased in height. Mr. Walker discussed the scope of the work done and the key findings noting the surprise on having determined how far upstream the dam influences the amount of water in the river. Mr. Walker also noted it would be during the times of lower flow that changes would be more perceivable to people (whether the dam is removed or

height increased). Mr. Walker noted the development of an Oxbow at the lower portion of the dam that was constructed in the late 1980's as mitigation for another project pointing out the Oxbow community was functioning as a wetland. Mr. Walker discussed the various species studied noting more information was needed on the Canada Shore Quillwort as their findings were inconclusive.

Mr. Walker's final slide depicted a summary of information presented with the dam removal option. The summary findings included: the Oxbow and aquatic bed communities would be directly and substantially affected, although some impacts could be offset; the lower floodplain forest would likely see community shifts, but not likely to see substantial wetland loss; and the Tenant Swamp would likely not be directly affected. In terms of rare species: the Northern Bog Violet, and the common Nighthawk would not be affected. The Wood turtle would be positively affected and more study was needed on the impact to the Canada Shore Quillwort.

At this point Mr. Walker turned the floor over to Ken Stewart, of West Street Hydro. Ken Stewart, of 11 Algonquin Drive noted he is a member of the Board for West Street Hydro, Incorporated. Mr. Stewart provided a history of this non-profit organization and its goals for the West Street Dam. Mr. Stewart reported most of their energy has been spent on the FERC permitting process. West Street Hydro holds a temporary permit from the FERC, which has been extended. He continued if they were to move ahead with this hydro power station they would negotiate and enter into a long-term lease agreement with the City.

Addressing the status of where West Street Hydro stands with this project; Mr. Stewart reiterated the temporary FERC permit runs a couple more years. He made note of the meeting with stakeholders and regulatory representatives held last summer along with their participation in the hydrology study of the modeling for the three options for the dam. As a result of the meeting last summer, Mr. Stewart reported they were presented with requests for studies that were substantially more than they had anticipated. He continued one is a water quality study and the other is for further studies of endangered species; specifically the Dwarf Wedge Mussel and the Canada Shore Quillwort. Mr. Stewart also reported they have been asked to continue to study and monitor for at least five years which could result in substantial operational change after the construction and startup of the hydro power station. Mr. Stewart reported this is of some concern to them. Another thing that adds further uncertainty to operational parameters and their financial model is that the New Hampshire Public Utilities Commission (PUC) is undertaking a legislatively mandated review of the net metering system currently in place. He continued their revenue model was built on the basis of net metering so they are unsure what the revenue model will look like. Mr. Stewart reported this review should take the PUC approximately 10 months to complete.

Mr. Stewart said they are in a place where they would still like to do this project and they are evaluating the financial model given the information just provided. Mr. Stewart noted they are also looking into some changes in the design (evaluate the possibility of eliminating the one-foot flashboards) which does have some effect on their operations. Mr. Stewart explained they would probably be generating power over fewer periods in a year; this will be discussed with the regulatory agencies. Mr. Stewart advised they would need a 10 to 12 month time period to get all these questions answered.

Mayor Lane asked if there were any questions for either speaker.

Councilor Clark referred to communications from residents along River Street who complained of an inordinate amount of water flooding their backyards this winter. Councilor Clark referred to Mr. Walker's comments regarding groundwater in that area and asked if he could talk about that area in his study. Councilor Clark asked if this was some sort of anomaly due to the amount of rain this year or was this something that will be affected by the decision made with the dam. Mr. Walker commented he was unfamiliar with the area and deferred to Mr. Blomquist. Mr. Blomquist advised this is a stream that runs parallel to River Street and it not discharge into the Ashuelot River, though it does discharge into Mill Creek. Mr. Blomquist advised investigations have begun with the residents and they did find a number of internal issues (some areas have been dredged due to accumulation of materials and they did find several crossovers that were damaged). Some repairs have been completed which has helped to reduce the amount of area that is flooded up through there. Mr. Blomquist also advised this is a long-term review.

Councilor Sutherland asked how the raised water level for this area (as mentioned by Councilor Clark) affects the mosquito population, and if this is an area needs more study. Mr. Blomquist advised no studies have been completed on mosquito populations. Mr. Blomquist continued the City does have a Mosquito Control Program that is run through the Health Department which monitors mosquito populations and types. Mr. Blomquist reported some of these areas are natural retention areas.

There being no further questions Mr. Blomquist noted the Council has authorized staff to continue to work with West Street Hydro and that will continue. Referring to the comments from Mr. Stewart, Mr. Blomquist advised it would be another 10 to 12 months before they can come back with their decision. Mr. Blomquist also advised at this point the New Hampshire Dam Bureau has not put pressure on the City to immediately move forward with any kind of repairs. Mr. Blomquist also reported the annual maintenance is completed annually by the Parks & Recreation Department which seems to be keeping the Dam Bureau satisfied. Mr. Blomquist noted an annual inspection is due by the Dam Bureau this year. Lastly, Mr. Blomquist noted there is no action needed by the Council this evening. Once West Street Hydro makes their decision to move forward or not they will come back to the Council. He also advised an update would be provided in six to eight months.

APPOINTMENTS – LAND USE CODE UPDATE PHASE 1 AD HOC COMMITTEE

The following appointments to the Land Use Code Update Phase 1 Ad Hoc Committee were received from the Mayor: Steve Bragdon, Katie Cassidy Sutherland, John Croteau, Jim Duffy, George Foskett, Mike Giacomo, Councilor George Hansel, Jim Phippard, John Rogers, Linda Rubin, Jane Stabler, Susy Theilen, and Gary Spykman, Tara Kessler will serve as staff liaison. The clerk noted that she had been informed earlier that evening that Mike Welsh had unfortunately declined the Mayor's appointment. The Committee charge is to provide oversight and guidance to City staff and the selected consultant on Phase 1 of the Land Use Code Update Project. A motion by Councilor Greenwald was duly seconded to accept the Mayor's appointments. The motion passed with a unanimous vote in favor.

CONFIRMATION

A motion was made by Councilor Greenwald and duly seconded to confirm the following nomination: John Rab to serve as an alternate member on the Zoning Board of Adjustment for a term to expire December 31, 2018. On a roll call vote, with 15 Councilors present and voting in favor the motion carried.

COMMUNICATION – RON ROBBINS/KEENESNORIDERS SNOWMOBILE CLUB – REQUEST TO USE CITY PROPERTY

A communication was received from Ron Robbins on behalf of the Keenesnoriders Snowmobile Club, requesting to use City property to run snowmobiles in the right of way along Krif Road from the Ashuelot Rail Trail to Winchester Street, crossing Winchester Street to the property of Perry Kiritsy at 471 Winchester Street from December 15, 2016 through March 30th 2017. The communication was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – LAURA AND DAVID ANDREWS – REQUEST FOR WATER ABATEMENT

A communication was received from Laura and David Andrews, requesting a water abatement because of a high water bill at their 46 Hamden Drive residence. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – COUNCILOR CLARK – AMENDMENT TO 2016-2017 FISCAL YEAR OPERATING BUDGET

A communication was received from Councilor Clark requesting to amend the 2016-2017 Fiscal Year Operating Budget to increase the compensation to the Mayor and the City Council. The Mayor tabled this communication until the end of the agenda to be considered during the discussion on the 2016-2017 Fiscal Year Operating Budget.

COMMUNICATION – COUNCILOR FILIAULT – AMENDMENT TO 2016-2017 FISCAL YEAR OPERATING BUDGET

A communication was received from Councilor Filiault requesting to amend the 2016-2017 Fiscal Year Operating Budget to level fund the budget for the 100 Nights Shelter. The Mayor tabled this communication until the end of the agenda to be considered during the discussion on the 2016-2017 Fiscal Year Operating Budget.

COMMUNICATION – COUNCILOR SUTHERLAND – AMENDMENT TO 2016-2017 FISCAL YEAR OPERATING BUDGET

A communication was received from Councilor Sutherland requesting to amend the 2016-2017 Fiscal Year Operating Budget to delay a CIP project from the 2016-2017 budget. The Mayor

tabled this communication until the end of the agenda to be considered during the discussion on the 2016-2017 Fiscal Year Operating Budget.

COMMUNICATION – COUNCILOR KAHN– AMENDMENT TO 2016-2017 FISCAL YEAR OPERATING BUDGET

A communication was received from Councilor Kahn requesting to amend the 2016-2017 Fiscal Year Operating Budget by holding the amount of property tax revenues raised to the amount recommended by the City Manager, \$24,656,685, and instructing the City Manager to balance the expense budget by taking necessary steps to reduce administrative expenses, retaining any Council recommended increases from the Manager’s original recommended budget. The Mayor tabled this communication until the end of the agenda to be considered during the discussion on the 2016-2017 Fiscal Year Operating Budget.

MSFI REPORT – WATER ASSET MANAGEMENT PLAN

Municipal Services, Facilities and Infrastructure Committee report read recommending the Water Asset Management Plan be accepted as informational. The report was filed as informational.

MSFI REPORT – STREET LIGHTING

Municipal Services, Facilities and Infrastructure Committee report read recommending the two streetlights be installed as recommended by staff and the staff’s report be accepted as informational. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded. The motion passed with 14 voting in favor and Councilor Sutherland opposed.

MSFI REPORT – REMOVAL OF GRANITE CURBING – WEST SIDE OF CENTRAL SQUARE

Municipal Services, Facilities and Infrastructure Committee report read recommending the approval of the request for curbing improvements on the west side of Central Square. Chair Manwaring and Councilor Lamoureux were opposed. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded. The motion passed with 11 voting in favor and Councilors Manwaring, Kahn, Hansel and Lamoureux were opposed. The Mayor noted the funding of the improvements would be referred to the Finance, Organization and Personnel Committee.

FOP REPORT – SALE OF CITY OWNED PROPERTY – 41 SPRING STREET

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary for the sale of City-owned property located at 41 Spring 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.

CITY MANAGER – COMMENTS

The City Manager commented on positive news from the Airport that there is one remaining T-hangar to be rented out and the marketing for the airport is underway. There is also discussion about resigning Route 32 in front of the airport and traffic patterns at the airport to make it more convenient for access/egress. He went on to congratulate Mike Hagan of the Code Enforcement Department for passing the ICC Commercial Electrical Inspector Certification. The City Manager continued with the Fire Department's training. All operations personnel (43) received training in Trench Rescue over the last month. The training consisted of classroom and practical evolutions in trench rescue totaling 32 hours. Annually the department spends training time on this topic; however, this year the training was expanded to obtain the new State certification as part of the Firefighter Level III Curriculum.

MEMORANDUM – CITY CLERK – WARRANT FOR UNLICENSED DOGS

A memorandum was received from the City Clerk recommending that the City Council issue a warrant for unlicensed dogs 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, 2016. The memorandum was referred to the Municipal Services, Facilities and Infrastructure Committee.

MORE TIME

More time was granted by the Chair for the following items in Committee: Renaming of the "North Bridge" and Driveway Code Review.

FOP REPORTS AND ORDINANCE O-2016-08: RELATING TO CLASS ALLOCATION SCHEDULES

Finance, Organization and Personnel Committee report read recommending the adoption of Ordinance O-2016-08. The report was filed as informational. A motion by Councilor Greenwald for adoption of the Ordinance was duly seconded. On roll call vote, with 15 Councilors present and voting in favor, the motion carried. Ordinance O-2016-08 declared adopted.

FOP REPORTS AND RESOLUTION R-2016-17-A: RELATING TO THE 2016-2017 FISCAL YEAR BUDGET

Several Finance, Organization and Personnel Committee reports were received that related to communications submitted by staff and the Mayor as well as Councilors Hansel and Sutherland. The reports were filed into the record as informational. Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2016-17. The Clerk corrected a vote in the background notes relative to the funding of the Community Kitchen. She noted that Councilor Powers had voted in opposition to that budget amendment. The report was filed as informational.

Resolution R-2016-17-A: Relating to the 2016-2017 Fiscal Year Budget was read for the second time. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. The Mayor recognized Councilor Filiault. A motion by Councilor Filiault to reduce the line item, 00002-62149 – 100 Nights Shelter, by \$4,500 to return back to a level funded budget was duly seconded. The motion failed with 4 in favor and Councilors Jacobs, Manwaring, O'Connor, Clark, Kahn, Powers, Sutherland, Hansel, Hooper, Chadbourne and Richards opposed. The Mayor recognized Councilor Clark. A motion by Councilor Clark to increase the line item, 00001-61101 by \$500.00 to reflect a total compensation for the Mayor at \$4,000.00 and to increase the line item, 00001-61102, by \$7,500.00 resulting in an increase of \$500.00 per Councilor or a total compensation for a City Councilor at \$2,500.00 was duly seconded. The motion passed with 9 in favor and Councilors Jacobs, Kahn, Filiault, Powers, Hansel and Sutherland opposed. The Mayor recognized Councilor Sutherland. A motion by Councilor Sutherland to reduce the line item 00004-68011 by \$208,297, to reduce the line item 00004-47003 by \$150,000, to increase line item 00001-47001 by \$5,914 and reduce line item 99998-48101 by \$66,000 and reduce line item 99998-65102 by \$1,159 was duly seconded. The motion failed with 1 in favor and Councilors Jacobs, Manwaring, O'Connor, Clark, Kahn, Filiault, Powers, Sutherland, Hansel, Lamoureux, Hooper, Chadbourne, Jones, Richards and Greenwald opposed. The Mayor recognized Councilor Kahn. A motion by Councilor Kahn to amend the FY 2017 budget by holding the amount of property tax revenues raised to the amount recommended by the City Manager and instructing the City Manager to balance the expense budget by taking necessary steps to reduce administrative expenses, retaining any Council recommended increases from the Manager's original recommended budget was duly seconded. The motion passed with 9 in favor and Councilors Clark, Powers, Lamoureux, Chadbourne, Jones and Richards opposed. The Mayor asked for 3 minute recess to allow City staff to calculate the impacts of the amendments in Resolution. A motion by Councilor Greenwald to adopt the amended Resolution, R-2016-17-B was seconded. On a roll call vote, with 15 Councilors present and 11 voting in favor, the motion carried. Councilors Powers, Sutherland, Chadbourne and Jones were opposed. Resolution R-2016-07-B declared adopted.

FOP REPORTS – R-2016-11: RELATING TO APPROPRIATION OF FUNDS FOR THE CONSOLIDATED INFRASTRUCTURE PROJECT; R-2016-12: RELATING TO APPROPRIATION OF FUNDS FOR THE DEFIBRILLATOR REPLACEMENT PROJECT; R-2016-13: RELATING TO APPROPRIATION FOR FUNDS FOR THE GOOSE POND DAM IMPROVEMENT PROJECT; R-2016-14: RELATING TO APPROPRIATION OF FUNDS FOR THE LIBRARY CAMPUS DEVELOPMENT PROJECT; AND R-2016-15: RELATING TO APPROPRIATION OF FUNDS FOR THE RESERVOIR DAM REPAIR PROJECT

Finance, Organization and Personnel Committee report read recommending the adoption of Resolutions: R-2016-11; R-2016-12; R-2016-13; R-2016-14 and R-2016-15. The reports were filed as informational. A motion by Councilor Greenwald for adoption of Resolution R-2016-11 was duly seconded. On roll call vote, with 15 Councilors present and voting in favor, the motion carried. Resolution R-2016-11 declared adopted. A motion by Councilor Greenwald for adoption of Resolution R-2016-12 was duly seconded. On a roll call vote, with 15 Councilors present and 14 voting in favor, the motion carried. Councilor Sutherland was opposed. Resolution R-2016-12 declared adopted. A motion by Councilor Greenwald for adoption of Resolution R-2016-13 was duly seconded. On roll call vote, with 15 Councilors present and voting in favor, the motion

06/02/2016

carried. Resolution R-2016-13 declared adopted. A motion by Councilor Greenwald for adoption of Resolution R-2016-14 was duly seconded. On roll call vote, with 15 Councilors present and voting in favor, the motion carried. Resolution R-2016-14 declared adopted. A motion by Councilor Greenwald for adoption of Resolution R-2016-15 was duly seconded. On roll call vote, with 15 Councilors present and voting in favor, the motion carried. Resolution R-2016-15 declared adopted.

FOP REPORTS AND RESOLUTION R-2016-20: RELATED TO AN APPROPRIATION FROM THE DOWNTOWN INFRASTRUCTURE CAPITAL RESERVE FOR LIGHTING IMPROVEMENTS TO THE COMMERCIAL STREET PARKING LOT

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2016-20. The report was filed as informational. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. On a roll call vote, with 15 Councilors present and 14 voting in favor, the motion carried. Councilor Sutherland was opposed.

ADJOURNMENT

At 10:03 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:



City Clerk