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A regular meeting of the Keene City Council was held Thursday, January 15, 2015. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: Carl B. Jacobs, Terry M. Clark, James P. Duffy, Sheryl A. Redfern, Janis O. Manwaring, Robert J. O'Connor, Randy L. Filiault, Emily P. Hague, Thomas F. Powers, Bettina A. Chadbourne, David R. Meader, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Councilor Kris E. Roberts was absent. Councilor O'Connor led the Pledge of Allegiance.

ANNOUNCEMENTS

The Mayor announced that the Capital Improvement Program for 2015-2021 was on their desks this evening. He noted it was being referred to the Finance, Organization and Personnel Committee and to the Planning Board. A Public Hearing was set for March 5, 2015 at 7:00 PM on the CIP. The Mayor noted the CIP tour was set for Saturday, January 24, 2015 at 8:30 AM at the Fire Station. The CIP Review will begin before the Finance Committee on Thursday, January 22, 2015 at 5:30 PM; the second meeting will be on Thursday, February 12, 2015 at 5:30 PM; the third meeting, if needed will be on Thursday, February 26, 2015 at 5:30 PM. The Annual Fiscal Policy Workshop will be held on Wednesday, February 4, 2015 at 6:30 PM in Heberton Hall.

PROCLAMATION – JONATHAN DANIELS

The Mayor invited Derek Scalia, Chair for Martin Luther King, Jr./Jonathan Daniels Committee to come before to receive the proclamation, which commemorates the 50th anniversary of the tragic death of Jonathan Daniels. Jonathan Daniels is well known in the community by his reputation and by those who knew him personally. Jonathan Daniels died in the South working in voter registration. The Mayor has declared Monday, January 19, 2015 as a day of celebration of Jonathan Daniels' life in conjunction with Martin Luther King, Jr. Day. Mr. Scalia thanked the Mayor. He invited the community to come out to the events scheduled to commemorate the life and legacy of Jonathan Daniels.

PROCLAMATION – CARL MITCHELL – PUBLIC WORKS DEPARTMENT

The Mayor invited Carl Mitchell, from the Public Works Department forward to present him with a retirement proclamation. The Mayor went on to express the City's gratitude to Carl Mitchell for his dedication, and went on to detail his history of employment with the City of Keene. Mr. Mitchell thanked the Mayor for the acknowledgement of his years of service.

EMPLOYEE SERVICE RECOGNITION

The Mayor expressed that recently at the Employee Recognition Party city employees are recognized for certain milestones in their career at the City of Keene. The Mayor wanted to specifically recognize one employee in particular for her length of service to the City of Keene. The Mayor presented a gift of appreciation to the City Clerk for her 35 dedicated years to the City of Keene.

PRESENTATION – MARLBORO STREET ZONING AND LAND USE REGULATIONS
PROJECT – THE CECIL GROUP

The Mayor recognized the Planning Director to open the presentation regarding the work that has been done on the Marlboro Street Rezoning and Land Use Regulations Project. Mr. Lamb stated we are at an exciting juncture in the process to establish zoning changes on Marlboro Street. He noted this project has been going on for about a year, but started prior to that as a request from Councilor Jones to reevaluate the zoning along the Marlboro Street corridor and develop a vision for future development. He went on to state that Steve Cecil is present this evening, representing The Cecil Group, an Austin base firm that has been working on this project. He ended by noting this will also go to Planning, Licenses and Development Committee in the near future, with an accompanying report from the Ad Hoc Marlboro Street Rezoning Committee.

Mr. Cecil began by introducing the team that has worked on this project, which in addition to their firm included: Nelson\Nygaard Consultants, GZA, and Alta Planning & Design. He noted the planning effort has focused specifically on a quadrant of southeast Keene which, historically has had many large manufacturing businesses and housing clustered around it. Mr. Cecil went on to display a map with the planning area highlighted in red. He noted the area spans from Marlboro Street over towards the edge of Keene State College and Main Street and up across the hillside along the east side. Mr. Cecil went on to describe the robust community process undertaken to assess and obtain input, including a series of steering committee meetings, public workshops, stakeholder meetings with area businesses and residents, as well as a series of questionnaires and open houses. He expressed thanks for the City staff's coordination of these efforts.

Mr. Cecil stated that early on in the process evaluations were done to ensure there was a good understanding of the conditions in the area, including its propensity for flooding. He stated that the City's Comprehensive Master Plan was referenced as a guide at a granular level as to what should occur within the area. He went on to present a diagram showing the concept recommendations that emerged. The planning study confirmed a fundamental idea that Marlboro Street is not a simple corridor that should remain the same from one end to the other. The key concepts emphasized in the study included: the need to preserve neighborhoods consisting of one and two family homes; to convert the underutilized industrial land to provide mixed-use redevelopment opportunities; to provide for a mixed-use "edge district" near the downtown; to improve Marlboro Street as linked segments, each with its own character; to design and to develop the City's land and facilities as a "civic campus" to support nearby redevelopment; to mitigate the impacts of floods in the area; to provide green, publicly accessible connections through areas that are currently underdeveloped; and to provide new connections for vehicles, pedestrians and bicycles.

Mr. Cecil went on to state that the flooding issues in this area are the result of many factors that cannot be solved within the study area. He went on to describe adverse impacts upstream, noting that Beaver Brook watershed management could help reverse long-term trends that have increased the funneling of water towards this area. In addition downstream, the area cannot be drained rapidly enough, and increasing this capacity is very complex, expensive and difficult to fully correct. He stated that some events exceed the flood levels predicted by FEMA, the federal

standard used for flood insurance, and building code measures. He went on to suggest the City implement “FEMA plus” to create a local standard for flood-related mitigation and damage prevention by adopting a district standard flood elevation above the FEMA levels, and then to apply associated design and construction regulations. He further suggested that the City adopt stormwater management best practices. It was also suggested that the City improve channelization and create more storage within the area, and raise some bridge or street elevations along with the redevelopment of major properties and infrastructure.

Mr. Cecil went on to detail the suggested changes to zoning designations along the corridor. They created an overall program to best utilize zoning to plan for the future. With that in mind, they suggested two zoning designations: an Innovative Development Zone replacing the Industrial zone in the area, and a Downtown Edge zone, which would be a mixed-use zone at the northern end of the area. Further, it was suggested to expand Low Density zones and redefine some Medium Density areas to reduce the potential for multi-family development (conversions or new construction) and to stabilize and maintain lower-scale areas. In addition, the study recommends the creation of special guidelines corresponding to each of the three major segments of Marlboro Street, noting the various ways such guidelines could be implemented, whether that be through the zoning ordinance, site plan review process, or the establishment of a design district with advisory guidelines, etc. He went on to note design suggestions that would have the northern segment more pedestrian oriented, activated frontages and continuity; the middle segment having building orientation towards the street-side, with additional landscaping mitigation of parking to reduce visual impacts, and the southern segment emphasizing landscaping and siting of active uses near the street and along bike and pedestrian paths. He ended by describing transportation improvements that would need to occur.

Councilor Duffy stated he was at a few of the initial workshops, noting they were well done. He went on to ask if they identified any specific areas upstream that should be focused on in order to mitigate flooding in the Marlboro Street area. Mr. Cecil stated they did not as their work was focused within the boundary. What GZA suggested was that over time the way the development patterns tend to work is there is more paving on individual projects where there are not a lot of controls in place, and over time, the water rolls off those sites and into the area. They suggest the City step back and look at its overall storm water practices for new projects. They also suggested enhanced maintenance of current storm water drainage infrastructure. This maintenance is best done systematically, not just when there is a problem.

Councilor Duffy went on to ask if any elements of the SEED District program were considered when formulating these recommendations. Mr. Cecil answered that they were aware of the SEED District, but their recommendation was not to expand or otherwise create more overlay districts, but rather they looked at the underlying zoning and identified problems with them. He noted that when crafting zoning, you have to remember that it needs to be reasonable easy to administer as well as provide clarity for property owners to understand what they can and cannot do in the zone.

Councilor Duffy asked for further clarification on form based codes, and asked how much of that philosophy went into their recommendation. Mr. Cecil noted that form based codes are expanding across NH, and they have been involved in crafting form bases codes and similar

programs in other communities such as Londonderry. The concept of form based codes is to create physical design standards, or form standards but provide for flexibility for good ideas. What they have done in Keene is to provide a set of design guidelines which if adopted and brought into the zoning ordinance, are written in such a way that this could be a form based code. However, if you wish to separate them and have them be a more advisory part of the process, it could also be a set of guidelines, which would be more flexible.

Councilor Jones offered a suggestion for staff that came from Councilor Hague, which was that there should be some demarcation along the area on Marlboro Street so the public can physically see where the zoning will change. Mr. Cecil stated that the owners and people affected will need to be notified and the maps have been designed to detail and track what changes will occur. Councilor Jones clarified he thinks signage would be helpful for the public to understand.

Councilor Hague stated that in reference to the storm water controls noted, she likes the "FEMA plus" idea. She went on to ask for further information to understand how that has played out in other communities. Mr. Cecil noted it is a very innovative program, and not a lot of other communities have done it. He suggested having a study done to determine the flood elevation above the FEMA levels should be applied, as it would have concrete implications in terms of people's properties when improvements or other impacts are contemplated.

The Mayor thanked Mr. Cecil for his presentation and went on to refer the matter to the Planning, Licenses and Development Committee for further consideration at their next regular meeting.

MINUTES FROM PRIOR MEETING

The Mayor acknowledged Councilor Greenwald for a motion. A motion by Councilor Greenwald to accept the minutes from the December 18, 2014 meeting was duly seconded. The motion passed with a unanimous vote in favor.

CONFIRMATIONS

A motion was made by Councilor Greenwald and duly seconded to confirm the following nominations to City boards and commissions: to the Agricultural Commission: Sarah Wilton to serve as a regular member for a term to expire December 31, 2017; and, to the Planning Board: George Hansel to serve as a regular member for a term to expire December 31, 2017. On a roll call vote, with 14 Councilors present and voting in favor, the motion carried. Councilor Roberts was absent.

NOMINATIONS

The following nominations to City boards and commissions were received from the Mayor: to the Juvenile Conference Committee: Eli Rivera to serve as a regular member for a term to expire December 31, 2017 and, Alison A. Brodie to serve as a regular member for a term to expire December 31, 2017; to the Conservation Commission: Brian J. Reilly to serve as a regular

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member for a term to expire December 31, 2017. The confirmations will occur at the next regular meeting of the City Council.

COMMUNICATION – MARK DIPIETRO/THE EDGE ENSEMBLE THEATRE COMPANY – REQUEST TO SERVE ALCOHOL – HEBERTON HALL

A communication was received from Mark DiPietro of The Edge Ensemble Theatre Company, requesting permission to serve alcohol at Heberton Hall on February 14, 2015 for a fund-raising dinner theatre. The request was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – DAVID CRAWFORD – PARKING METER FEES COLLECTED DURING “FREE PARKING DAYS”

A communication was received from David Crawford of 36 Marlboro Street, requesting the Mayor and City Council donate the parking meter fees collected during the “Free Parking Days” to the “Robin Hooders of Keene”. The communication was accepted as informational.

COMMUNICATION – JIM NARKIEWICZ/MONADNOCK TRAVEL COUNCIL – REQUEST TO USE CITY PROPERTY – ICE AND SNOW FESTIVAL

A communication was received from Jim Narkiewicz of Monadnock Travel Council, requesting permission to use City property for their 12th Annual Ice and Snow Festival. The request was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – CHARLES REDFERN/PATHWAYS FOR KEENE, INC. – REQUEST TO USE CITY PROPERTY – 4 ON THE 4TH ROAD RACE

A communication was received from Charles Redfern of Pathways for Keene, Inc., requesting permission to use City property for their 14th Annual 4 on the 4th Road Race. The request was referred to the Planning, Licenses and Development Committee.

FOP REPORT – ACCEPTANCE OF DONATIONS – PARKS, RECREATION AND CEMETERIES DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept a donation(s) of \$3750.00 for the Parks & Recreation Department to hire a design firm for the creation of a skate park; a \$500.00 donation from the Savings Bank of Walpole to create a mural in the multipurpose room at the Recreation Center; a donation of \$75.00 from the Dragonfly Shop of Keene, LLC for the upkeep of the Sumner Knight Chapel; and finally a donation of \$50.00 from Kathleen Rooney for Ashuelot River Park in honor of Marge Nims. 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 – 2013 HOMELAND SECURITY GRANT – WATER TREATMENT FACILITY

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept and execute a Homeland Security Grant for security measures at the Keene Water Treatment Facility. 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 – COMMERCIAL STREET PARKING LOT RECONSTRUCTION

Finance, Organization and Personnel Committee report read recommending the increased scope of work to the Commercial Street parking lot be approved and direct staff to prepare a Resolution to appropriate \$85,000 from the Downtown Infrastructure Capital Reserve fund for a new total not to exceed \$184,090. 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.

MSFI REPORT – REQUEST FOR PROPOSALS – CITY OWNED HANGAR/OFFICE BUILDING

Municipal Services, Facilities and Infrastructure Committee report read recommending the matter of the RFP for the City-owned hangar be referred to the Finance, Organization and Personnel Committee with the one accepted proposal to be reviewed, discussed, and decided upon by the Finance Committee. A motion by Councilor Duffy to carry out the intent of the report was duly seconded. The City Manager explained that this was a RFP process and not a bid process. If this was a bid process, there are specific rules and regulations that include an appeal. The appeal can go to the City staff, then to the City Manager and then ultimately to the City Council. If there is an appearance of not having fairness then the process will start over. In the case of a RFP, the process is not like that. The City Manager went on to explain that there is an issue with the minutes it says as a prelude or preface that you are sending this to FOP and where it should be discuss so all of the participants have the opportunity to talk about it. In reviewing this matter, if this had been a protest, of which we do not have a process for a RFP, he would have been concerned with the duration of time that was allocated for the purpose. The fact that 532 notices went out with a 2 week turn around, there is a concern here. Nevertheless we want to move forward and were asked by one of the proposers, from Green River Aviation, if they could have extension. A once week extension was offered, indicating that it would be adequate for the purposes of both of those who proposed. Then the question became what was the notice relative to that process because what we had was a reference to a week, but a extension was not for a week. The Purchasing Department, because of the City's holiday schedule, shortened it by a day. In shortening it by a day, normally an addendum would be sent out electronically to those who previously signed up. One proposer, who signed up, saw the electronic addendum and one did not. Another issue, was in the RFP it stated you would contact the Airport Manager for information. The airport manager trying to the best for his customers, knowing that he had 2 proposers, did make a phone call to advise that the week extension would be granted. The Airport Manager did admit that he did not give a specific date and time during that phone call. The Green River Aviation representative, did not understand that and he felt he was told a week. As a result, the Purchasing Department did not notice Green River Aviation because they did not sign up. A notice did go out to Green River Aviation that had the one page addendum attached to it, however, we have already received testimony that the Green River Aviation representative did

not receive the notice. The City Attorney suggested to the City Manager to give a recommendation to review the RFP process. Allowing the issue to go forward to the FOP, this will allow everyone involved in the process including the public to weigh in on this subject. A motion by Councilor Jacobs to amend the motion to strike the last part of the motion starting with "...with the one..." and leaving the rest of the motion as it stands was duly seconded. The amended motion failed with an 11-3 vote. Councilor Duffy moved the question, which was duly seconded. On a unanimous vote in favor the motion to move to question passed. Referring to the main motion by Councilor Duffy to carry out the intent of the report, the motion passed with a unanimous vote in favor.

MSFI REPORT – WEST STREET DAM PROJECT – HYDRO PROJECT UPDATE

Municipal Services, Facilities and Infrastructure Committee report read recommending acceptance of the West Street Dam Hydro Project Update as informational. The report was filed as informational.

MSFI REPORT – INTRODUCTION TO PERIODIC REPORTS – BOARDS AND COMMISSIONS

Municipal Services, Facilities and Infrastructure Committee report read recommending acceptance of the report from the City Clerk as informational. The report was filed as informational.

MSFI REPORT – PERIODIC REPORT – MARTIN LUTHER KING, JR./JONATHAN DANIELS COMMITTEE

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

MSFI REPORT – EVALUATION FOR LEE STREET SIGN AT MEADOW ROAD

Municipal Services, Facilities and Infrastructure Committee report read recommending a stop sign not be placed on Lee Street at Meadow Road, based on City staff recommendations. A motion by Councilor Duffy to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

MSFI REPORT – RAILROAD STREET DISCONTINUANCE

Municipal Services, Facilities and Infrastructure Committee report read recommending acceptance of the letter from Mr. Thibault as informational. The report was filed as informational.

CITY MANAGER COMMENTS

The City Manager congratulated the Mayor for his success in participating in both a 5k race and a marathon, which he ran in Florida.

MEMORANDUM – CONSTITUENT EMAIL COMMITTEE – ELECTRONIC RESOURCES ACCEPTABLE USE POLICY

A memorandum was received from the City Clerk and the IMS Director on behalf of the Constituent Email Committee, relating to the request for City Council to revise a portion of the City's Electronic Resources Acceptable Use Policy. The memorandum indicated that at their meeting of January 6, 2015, The Constituent Email Committee voted 2-1 to recommend amending the 7th bullet point, in section VI.A of the City's Electronic Resources Acceptable Use Policy to read as follows: "*Infringe upon or use the copyright or other intellectual property rights of the City, including the City Seal or third parties.*" The Constituent Email Committee also recommends the amendments to the City's Electronic Resources Acceptable Use Policy be referred back to the Mayor. The memorandum was referred to Planning, Licenses and Development Committee.

QUARTERLY REPORTS

Attendance Reports for the fourth quarter of calendar year 2014 for the Municipal Services, Facilities and Infrastructure Committee; the Planning, Licenses and Development Committee; and the Finance, Organization and Personnel Committee were submitted by the Chairs. The reports were accepted and filed into the record.

PLD REPORT AND ORDINANCE O-2014-07: RELATING TO ZONE CHANGE – 34 COURT STREET – OFFICE TO CENTRAL BUSINESS DISTRICT

Planning, Licenses and Development Committee report read recommending the adoption of Ordinance O-2014-07. The report was filed into the record. Ordinance O-2014-07: Relating to Amending the Zoning Map – 34 Court Street – Office to Central Business District was read for the second time. A motion by Councilor Richards for adoption of the Ordinance was duly seconded. On a roll call vote, with 14 Councilors present and voting in favor the motion passed. Ordinance O-2014-07 declared adopted. Councilor Roberts was absent.

FOP REPORT AND RESOLUTION R-2014-34-A: RELATING TO THE CREATION OF A MUNICIPAL TRANSPORTATION IMPROVEMENT FUND

Finance, Organization and Personnel Committee report read recommending an amendment to the Resolution, which would delete the use of the funds for parking improvements so that the language of the resolution would read: to allow the City to fund, wholly or in part, improvements in the transportation system including roads, bridges, bicycle and pedestrian facilities, and intermodal facilities *except for parking* in accordance with RSA 261:153, VI to be funded by a surcharge of \$5 on motor vehicle registrations and that the Mayor schedule a public hearing on R-2014-34-A at least 15 days but not more than 30 days before the question is voted by the City Council. The report was filed as informational. The Mayor set the public hearing for Thursday, February 5, 2015 at 7:00 PM.

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MEMORANDUM – ASSISTANT PUBLIC WORKS DIRECTOR AND RESOLUTION R-2015-01: RELATING TO AUTHORIZING THE EXECUTION AND DELIVERY OF AN EQUIPMENT LEASE FINANCING AGREEMENT

A memorandum was received from the Assistant Public Works Director along with Resolution R-2015-01: Relating to An Authorizing the Execution and Delivery of an Equipment Lease Financing Agreement. The memorandum was filed as informational. Resolution R-2015-01 was read for the first time. The Resolution was referred to the Finance, Organization and Personnel Committee.

ADJOURNMENT

At 8:43 PM, the Mayor adjourned the meeting.

A true record, attest:

City Clerk