

06/06/2019

A site visit was held Thursday, June 6, 2019 at 5:45 PM relative to a petition from Kurt Blomquist, Public Works Director of the City of Keene, to consider Resolution R-2019-08, Relative to the Absolute Discontinuance of a Public Way Known as Ammi Brown Road and Resolution R-2019-10, Relative to the Layout of a Class A Trail to be known as the Ammi Brown Trail. City Councilors in attendance included: Bettina A. Chadbourne, Janis O. Manwaring, George S. Hansel, Margaret M. Rice, Robert B. Sutherland, Thomas F. Powers, Mitchell H. Greenwald, Terry M. Clark, Carl B. Jacobs, and Randy L. Filiault. Mayor Kendall W. Lane and City staff in attendance included: the City Attorney, City Manager, Community Development Director, City Engineer, and the Public Works Director. Councilors David Richards, Philip M. Jones, Gary P. Lamoureux, Steven L. Hooper, and Bartolmiej K. Sapeta were absent.

The Mayor called the site visit to order at 5:45 PM. The City Engineer, Don Lussier, informed the attendees of the scope of this project indicating that this project is part of Phase 3 of the Cheshire Rail Trail system. The City has been working with the NH Dept. of Transportation (NH DOT) to obtain a grant and approval of plans for this project. The City has submitted draft plans for this project to the NH DOT for review and the City is currently waiting for the necessary approval process by the NH DOT to be completed. With the aid of two drawings, the City Engineer reviewed the history of the road and described the existing right of way as well as changes to the path as it has been used over many years.

The City has also been working with the current property owner, C&S and adjacent abutters regarding this project. All property owners are receptive to this project. The City Engineer continued to explain that the road is currently a class 6 road, which under NH State law does not allow for maintenance or restrictions of motorized vehicles. He continued that designating this as a Class A trail will allow the property owner and abutters to access their properties for agricultural, forestry and other existing uses and allows the City to restrict use and perform maintenance. The City has maintained a Right of Way (ROW) access across the property allowing the project to continue to move forward. He continued to explain that this project would create a trail link to the current bicycle pedestrian trail system and a loop trail for users to circle back into the established trail system. The Ammi Brown Trail will lead from a point about midway on Summit Ridge Road to the former Cheshire Railroad bed.

The City Engineer answered questions from the City Councilors in attendance. As there were no further comments, the Mayor declared the site visit closed at 6:05 PM.

A true record, attest:



Deputy City Clerk

A regular meeting of the Keene City Council was held Thursday, June 6, 2019. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: Carl B. Jacobs, Janis O. Manwaring, Thomas F. Powers, Terry M. Clark, Randy L. Filiault, Margaret M. Rice, Robert B. Sutherland, George S. Hansel, Gary P. Lamoureux, Bettina A. Chadbourne, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Bartolmiej K. Sapeta and Stephen L. Hooper were absent. Councilor Jacobs led the Pledge of Allegiance. A motion by

Councilor Greenwald to accept the minutes from the May 16, 2019 regular meeting and May 30, 2019 special meeting was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

ANNOUNCEMENTS – MAYOR

The Mayor announced the July 4, 2019 City Council Meeting was canceled due to the holiday. The Fiscal Policy Workshop is scheduled for Tuesday, July 30, 2019 at 6:30 PM. He continued that the City Council's summer break schedule will start after the August 1, 2019 City Council Meeting. The Standing Committees scheduled August 7, 2019 and 8, 2019 will be canceled as well as August 21, 2019 and 22, 2019. The City Council Meeting on August 15, 2019 will be canceled as well. Standing Committees will hold their meetings during the 5th week of the month on August 28, 2019 and August 29, 2019. The City Council will continue with its normal cycle with the City Council Meeting on September 5, 2019.

PRESENTATION – 4TH GRADE WATER SCIENCE FAIR

The Mayor called forward the following students: Riley Swift from Wheelock who placed 4th in Water Science Fair with her project “Is the bottle worth it”? Riley also placed 2nd place at the NH State Fair in Manchester. Ian Spencer placed 2nd at the City fair with his “Hydro-Lifter.” Andrew “Drew” Downing of Symonds School placed 1st with his project “How the Moon Affects the Tides.” The Mayor noted the “travelling” trophy will reside at Symonds School for the 2019-2020 school year. The Councilors and staff recognized the students' achievements with a round of applause.

PROCLAMATION – LGBTQ

Parks, Recreation and Facilities Director, Andy Bohannon and Bill Hayes were called forward to receive a proclamation designating the month of June as LGBTQ Month.

PUBLIC HEARING – DISCONTINUANCE OF AMMI BROWN ROAD AND THE LAYOUT OF THE AMMI BROWN TRAIL

The notice of hearing and certificate of publication were read. The Mayor recognized Don Lussier, City Engineer who indicated that the two resolutions referred to in the public hearing notice are part of what is called the Cheshire Rail Trail Phase III project. As most of the Councilors are aware, the City received a grant from the Federal Transportation Administration through their transportation alternative program (TAP). The grant is being used to extend the trail system northerly towards Walpole and Westmoreland and to create some on street facilities at that end to create a loop.

Mr. Lussier identified the existing trail system and the proposed extension. The petition from the Public Works Director is intended to discontinue the existing Class 6 Ammi Brown Road, which is a historic road and to lay out a Class A trail. The Class A trail designation will allow the City to maintain the trail, spend funds on its maintenance and restrict the type of vehicles that have access to the trail system. The designation also allows the adjacent property owners to continue

access to their properties from that road for agricultural or forestry purposes. If a private property owner had access to a building, the Class A trail would allow them to continue that exist, but they would not be allowed to expand or develop their use.

Mr. Lussier stated that this discontinuance and layout of a trail are a great fit for this project which will allow the development and improvement of the trail for bicycle and pedestrian use while not running afoul of State Law. He continued this layout of the trail system also provides the private property owners greater protection for liability. He continued that over the years the road had wandered over its original layout and was essentially cut in half with the railroad. People found their way through the woods to their destination, which essentially means they were trespassing on private property. The Ammi Brown Trail will become a public way, which will protect the private property owners from liability.

Chuck Redfern, 27 Colby Street, stated that considerable work has gone into the project with the Community Development Department, the Department of Transportation and the private property owners. He inquired when work could be expected to begin. The Mayor responded that the Department of Transportation had not approved the preliminary design, but once that is approved, a final design would be submitted. Once the final design is approved, the plans would be put out to bid. The Mayor continued that construction could occur late this year, but it was more likely that next spring would be the start.

As there were no further comments, the Mayor closed the Public Hearing except for written comments, which would be received up until 1:00 PM on Tuesday, June 10.

A true record, attest:


Deputy City Clerk

CONFIRMATIONS

A motion was made by Councilor Greenwald and duly seconded by Councilor Jacobs to confirm the following nominations: Cary Gaunt to serve as a regular member on the Energy and Climate Committee with a term to expire December 31, 2019; and Tammy Parrott to serve as a regular member on the Human Rights Committee with a term to expire December 31, 2019. On a roll call vote, with 13 Councilors present and voting in favor the nominations were confirmed. Councilors Sepeta and Hooper were absent.

COMMUNICATION – CHARLES MCINTYRE – NH LOTTERY COMMISSION – KENO ON 2019 MUNICIPAL BALLOT

A communication was received from Charles McIntyre, NH Lottery Commission, requesting that the City Council authorize a ballot question be included on the 2019 Municipal General Election ballot relative to the operation of keno in the City of Keene. The communication was referred to the Finance, Organization and Personnel Committee.

COMMUNICATION – KEENE PUBLIC LIBRARY TRUSTEES – PROHIBITING SMOKING ON THE KEENE PUBLIC LIBRARY CAMPUS

A communication was received from Nathaniel Stout, Keene Public Library Trustees, requesting that smoking – to include vaping and e-cigarettes – be prohibited on the entire Keene Public Library campus, which includes the buildings and grounds of the Pond Mansion as well as the new extension and the Annex, formerly known as the Masonic Hall. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – COUNCILOR CLARK – RECOMMENDING THE CITY COUNCIL ADOPT LOCAL ELECTION CAMPAIGN REPORTING

A communication was received from Councilor Terry M. Clark, requesting that the City Council consider adopting an ordinance that would establish local election campaign reporting requirements. The communication was referred to the Finance, Organization and Personnel Committee.

COMMUNICATION – COUNCILOR FILIAULT – PROPOSED AMENDMENT TO OPERATING BUDGET – DOWNTOWN REVITALIZATION STUDY

A communication was received from Councilor Randy L. Filiault, providing notice of his intent to move for an amendment in the proposed operating budget that would eliminate the funding of \$180,000 for the downtown revitalization study. The communication was tabled until later in the meeting during the operating budget discussions.

MSFI REPORT – PERIODIC REPORT – LIBRARY BOARD OF TRUSTEES

Municipal Services, Facilities and Infrastructure Committee report read recommending accepting the report as informational. The report was filed into the record as informational.

MSFI REPORT – WEST STREET DAM WORKSHOP – PLANNING DEPARTMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending accepting the report as informational. The report was filed into the record as informational.

MSFI REPORT – AUTHORITY TO ACCEPT A UTILITY EASEMENT – PUBLIC WORKS DEPARTMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute a utility easement for the purpose of relocating a fire hydrant on 25 Wright Street. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded by Councilor Filiault. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF DRUG FORFEITURE DISTRIBUTION – POLICE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept a monetary State drug forfeiture in the amount of \$1,794.04. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF DONATIONS – PARKS, RECREATION AND FACILITIES

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to accept a donation of \$252.00 and that the money is used for the purchase of bat houses in Ashuelot River Park. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

FOP REPORT – MOU WITH KEENE/BRATTLEBORO CHAPTER OF NEW ENGLAND MOUNTAIN BIKE ASSOCIATION – PARKS, RECREATION AND FACILITIES

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to execute an updated Memorandum of Understanding with the Keene/Brattleboro Chapter of the New England Mountain Bike Association for trail maintenance in Greater Goose Pond Forest, Ladies Wildwood Park, Robin Hood Park, Beech Hill Preserve, Stearns Hill and Wheelock Park. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

FOP REPORT – SPONSORSHIP UPDATE – PARKS, RECREATION AND FACILITIES

Finance, Organization and Personnel Committee read recommending accepting the report as informational. The report was filed into the record as informational.

FOP REPORT – LIBRARY CAMPUS USE AGREEMENT - LIBRARY

Finance, Organization and Personnel Committee report read recommending the approval of the Library Campus Use Agreement among the Trustees of the Keene Public Library, the Friends of the Keene Public Library and the City of Keene and to authorize the City Manager to sign the agreement. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

FOP REPORT – JIM PHIPPARD, AGENT FOR KINGSBURY ACQUISITION, LLC – TAX DEED FOR 80 LAUREL

Finance, Organization and Personnel Committee read recommending accepting the report as informational. The report was filed into the record as informational.

FOP REPORT – COUNCILOR FILIAULT – NH ROOMS AND MEALS TAX REVENUE SHARING

Finance, Organization and Personnel Committee report read recommending the Mayor write a letter to the Governor and State Legislative Representatives demanding that the State restore their obligation to municipalities. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. Councilor Filiault made a motion to amend the Committee report by furthering its intent with a referral back to Committee in order to obtain data from the Department of Revenue Administration with respect to the rooms and meals tax generated from Keene for the future consideration of a resolution. The motion was duly seconded by Councilor Clark. A brief discussion took place. The amended motion passed with twelve in favor and 1 opposed. Councilor Sutherland voted in opposition. Referring to the motion as amended, twelve Councilors voted in favor. Councilor Sutherland voted in opposition.

FOP REPORT – CHANGE IN THE FY 20 OPERATING BUDGET – FY 20 CAPITAL IMPROVEMENT PROGRAM

Finance, Organization and Personnel Committee report read recommending accepting the report as informational. The report was filed into the record as informational.

CITY MANAGER COMMENTS

The City Manager provided several updates on projects for the Council. The former Alps property has been subdivided into two approximately 5 acre lots. The lots have been appraised and are ready for sale. One has a sale price of \$280,000 and the other a sale price of \$250,000.

The Manager reported that 31 out of the 32 T hangars are currently leased. The Airport Marketing and Development Committee is discussing an open house at the airport for later this year. The Manager referred to a question raised by Councilor Sutherland during the budget process. She stated the City does own four properties in Swanzey on the east side of Old Homestead Highway. She continued that although the Town of Swanzey property cards show buildings, the buildings were demolished many years ago. The Manager continued that Swanzey continues to show the structures with the higher value on their property cards because there is a State Law that sets the value of any property acquired for airport uses as the value at the time of purchase.

The Manager stated that she has been contacted by the Department of Motor Vehicles, which has announced that they are moving to the Colony Mill in October.

The Winchester Street drainage project is 20% complete and August 21 is their scheduled completion date. Except for a punch list of any remaining issues, the work should be completed before school starts.

The structures on the Bemis property adjacent to the Transfer Station will be demolished later this month. A contractor has been hired and the hazardous waste abatement has been completed.

Last week a public meeting was held by the Department of Health and Human Services relative to a therapeutic cannabis dispensary, which will be located at 69 Island Street. They have received verification that the dispensary is not considered a change in use and that only a building permit for renovations is necessary. They are hoping to be open by fall.

MEMORANDUM – CITY CLERK – 2019 WARRANT FOR UNLICENSED DOGS

A memorandum was received from the City Clerk, requesting for issuance of the annual warrant for unlicensed dogs pursuant NHRSA 466:14. The request was referred to the Municipal Services, Facilities and Infrastructure Committee.

MORE TIME

More time was granted by the Chair for the following item in Committee: Councilors Greenwald, Manwaring and Richards – Tax Deeding - Kingsbury.

MEMORANDUM AND ORDINANCE O-2019-10: RELATING TO RULES OF OPERATION

A memorandum was received from the Mayor, relative to Ordinance O-2019-10: Relating to Rules of Operation. Ordinance O-2019-10 was read first time by title only. The Ordinance was referred to the Finance, Organization and Personnel Committee.

MEMORANDUM AND ORDINANCE O-2019-11: RELATING TO THE COLLEGE CITY COMMISSION

A memorandum was received from the Mayor, relative to Ordinance O-2019-11: Relating to the College City Commission. Ordinance O-2019-11 was read first time by title only. The Ordinance was referred to the Finance, Organization and Personnel Committee.

FOP REPORT AND ORDINANCE O-2019-06: RELATING TO INTERDEPARTMENTAL RESPONSIBILITIES - PARKING

Finance, Organization and Personnel Committee report read recommending the adoption of Ordinance O-2019-06. The report was filed into the record. Ordinance O-2019-06 was read for the second time. A motion by Councilor Greenwald for the adoption of Ordinance O-2019-06 was duly seconded by Councilor Jacobs. On roll call vote, 13 Councilors were present and voting in favor. Councilors Sapeta, and Hooper were absent. Ordinance O-2019-06 declared adopted.

FOP REPORT AND ORDINANCE O-2019-09: RELATING TO CLASS ALLOCATION & SALARY SCHEDULE

Finance, Organization and Personnel Committee report read recommending the adoption of Ordinance O-2019-09. The report was filed into the record. Ordinance O-2019-09 was read for the second time. A motion by Councilor Greenwald for the adoption of Ordinance O-2019-09

was duly seconded by Councilor Jacobs. On roll call vote, 13 Councilors were present and voting in favor. Councilors Sapeta, and Hooper were absent. Ordinance O-2019-09 declared adopted.

FOP REPORT AND RESOLUTIONS R-2019-06-A: RELATING TO AN APPROPRIATION FOR THE REPLACEMENT OF THE DRUMMER HILL WATER TANK AND PUMP STATION AND R-2019-07-A: RELATING TO THE REALLOCATION OF FUNDS FROM THE WATER INFRASTRUCTURE CAPITAL RESERVE TO REPLACE THE DRUMMER HILL WATER PUMP STATION

Finance, Organization and Personnel Committee report read recommending the remaining project balance of the chlorine injection project account be appropriated to the Drummer Hill tank and pump station replacement program. The Committee further recommended the adoption of Resolutions R-2019-06-A and R-2019-07-A. Referring to the first recommendation, a motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. On showing of hands, 13 Councilors were present and voting in favor. Resolutions R-2019-06-A and R-2019-07-A were read for the second time. A motion by Councilor Greenwald for the adoption of the Resolution R-2019-06-A was duly seconded by Councilor Jacobs. On showing of hands, 13 Councilors were present and voting in favor. Councilors Sapeta and Hooper were absent. Resolution R-2019-06-A declared adopted. A motion by Councilor Greenwald for the adoption of the Resolution R-2019-07-A was duly seconded by Councilor Jacobs. On showing of hands, 13 Councilors were present and voting in favor. Councilors Sapeta and Hooper were absent. Resolution R-2019-07-A declared adopted.

FOP REPORT AND RESOLUTION R-2019-25: RELATING TO AN APPROPRIATION FOR THE TRAFFIC SIGNAL REPLACEMENT - PARK AND ARCH STREET

Finance, Organization and Personnel Committee report read recommending the adoption of Resolutions R-2019-25. The report was filed into the record. Resolution R-2019-25 was read for the second time. A motion by Councilor Greenwald for the adoption of the Resolution R-2019-25 was duly seconded by Councilor Jacobs. On a roll call vote, 13 Councilors were present and voting in favor. Councilors Sapeta and Hooper were absent. Resolution R-2019-25 declared adopted.

FOP REPORT AND RESOLUTION R-2019-15-A: RELATING TO THE 2019/2020 FISCAL YEAR BUDGET *and* COMMUNICATION – COUNCILOR FILIAULT – PROPOSED AMENDMENT TO OPERATING BUDGET – DOWNTOWN REVITALIZATION STUDY

Resolution R-2019-15-A: Relating to the 2019-2020 Fiscal Year Budget was read in full. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded by Councilor Jacobs. The Mayor stated he wanted to put into the record a communication had been received from the Monadnock Humane Society for \$20,000 and that copies of the letter have been placed on Councilors desks. He continued he was removing from the table the communication from Councilor Filiault (Item C4). The Mayor recognized Councilor Filiault who stated that he had spoken to the City Manager about his concern. In response, an email from the City Manager was placed on the Councilors desks. Councilor Filiault withdrew his request. The communication

from Councilor Filiault was filed as informational. Councilor Sutherland moved to amend the operating budget to increase the amount of outside agency funding for the Monadnock Humane Society by increasing the \$2,000 appropriation by another \$10,000. The Mayor stated the Councilors' motion would require a suspension of the Rules of Order to allow the further introduction of an amendment to the budget. A motion by Councilor Sutherland to suspend the Rules of Order to allow his motion to amend the operating budget resolution was seconded by Councilor Chadbourne. A roll call vote, failed to carry on a vote of 3 in favor and ten opposed to suspend the Rules of Order. Councilors Jacobs, Manwaring, Powers, Clark, Filiault, Hansel, Lamoureux, Jones, Richards and Greenwald voting in opposition. A brief discussion regarding the budget process took place. On a showing of hands, 13 Councilors were present and voting in favor. Resolution R-2019-15-A declared adopted.

FOP REPORT AND RESOLUTIONS R-2019-16: RELATING TO THE APPROPRIATION OF FUNDS FOR THE CITY HALL REAR WALL PROJECT; R-2019-17: RELATING TO THE APPROPRIATION OF FUNDS FOR THE FLOOD MANAGEMENT PROJECT; R-2019-18: RELATING TO THE APPROPRIATION OF FUNDS FOR THE ROAD REHABILITATION PROJECT; R-2019-19: RELATING TO THE APPROPRIATION OF FUNDS FOR THE WINCHESTER STREET BY-PASS PROJECT; R-2019-20: RELATING TO THE APPROPRIATION OF FUNDS FOR THE TRANSFER STATION ROOF PROJECT; AND R-2019-21: RELATING TO THE APPROPRIATION OF FUNDS FOR THE WOODWARD POND DAM PROJECT

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2019-16, R-2019-17, R2019-18, R-2019-19, R-2019-20 and R-2019-21. The report was filed into the record. Resolution R-2019-16: Relating to the Appropriation of Funds for the City Hall Rear Wall Project was read for the second time. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded by Councilor Jacobs. On roll call vote, 13 Councilors were present and voting in favor. Councilors Sapeta and Hooper were absent. Resolution R-2019-16 declared adopted.

Resolution R-2019-17: Relating to the Appropriation of Funds for the Flood Management Project was read for the second time. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded by Councilor Jacobs. On roll call vote, 13 Councilors were present and voting in favor. Councilors Sapeta and Hooper were absent. Resolution R-2019-17 declared adopted.

Resolution R-2019-18: Relating to the Appropriation of Funds for the Road Rehabilitation Project was read for the second time. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded by Councilor Jacobs. On roll call vote, 12 Councilors voting in favor and one opposed. Councilor Sutherland opposed. Councilors Sapeta and Hooper were absent. Resolution R-2019-18 declared adopted.

Resolution R-2019-19: Relating to the Appropriation of Funds for the Winchester Street By-Pass Project was read for the second time. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded by Councilor Jacobs. On roll call vote, 13 Councilors were

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present and voting in favor. Councilors Sapeta and Hooper were absent. Resolution R-2019-19 declared adopted.

Resolution R-2019-20: Relating to the Appropriation of Funds for the Transfer Station Roof Project was read for the second time. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded by Councilor Jacobs. On roll call vote, 13 Councilors were present and voting in favor. Councilors Sapeta and Hooper were absent. Resolution R-2019-20 declared adopted.

Resolution R-2019-21: Relating to the Appropriation of Funds for the Woodward Pond Dam Project was read for the second time. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded by Councilor Jacobs. On roll call vote, 13 Councilors were present and voting in favor. Councilors Sapeta and Hooper were absent. Resolution R-2019-21 declared adopted.

ADJOURNMENT

At 8:30 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:



Deputy City Clerk