

A regular meeting of the Keene City Council was held Thursday, August 1, 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, Robert B. Sutherland, George S. Hansel, Gary P. Lamoureux, Bettina A. Chadbourne, Stephen L. Hooper, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Ward Four and At-Large Council seats vacant. Councilor Jones led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the July 18, 2019 regular meeting was duly seconded by Councilor Powers. The motion passed with a unanimous vote in favor.

ANNOUNCEMENTS – MAYOR

The City Council's summer break schedule will start after the August 1, 2019 City Council Meeting. The August 7, 2019 and August 8, 2019 Committee Meetings will be canceled as well as the August 21, 2019 and August 22, 2019. The City Council Meeting on August 15, 2019 will also be canceled. Standing Committee meetings will resume on August 28, 2019 and August 29, 2019. The City Council meeting will resume its normal meeting schedule on September 5, 2019.

PROCLAMATION – WALLDOGS MURAL FESTIVAL

The Mayor recognized Judy Rogers and Peter Poanessa to present them with a proclamation in recognition of their efforts to organize the Magical History Tour and bring the Walldogs Mural Festival to the City of Keene. The proclamation further encouraged members of the community to visit the downtown to view the work produced by the Walldogs muralists.

PULLED FORWARD – COMMUNICATION FREDERICK PARSELLS – WITHDRAWAL OF CANDIDACY – WARD FOUR CITY COUNCIL VACANCY

A communication was received from Frederick Parsells, requesting that his name be withdrawn from consideration for the Ward 4 City Council vacancy. The Mayor accepted the withdrawal of candidacy without any objection.

DECLARATIONS OF CANDIDACY AND PROCESS TO FILL CITY COUNCIL VACANCIES – CITY CLERK

A memorandum was received by the City Clerk regarding the filing period for the Ward Four Council seat and the At-Large Council seat which ended on Monday, July 15, 2019. The Mayor declared the field of candidates for the two City Council vacancies as follows: for the Ward Four vacancy: Robert J. O'Connor of 382 Park Avenue, Michael Remy of 55 Castle Street, and David Lanier of 109 Ashuelot Street; for the At-Large vacancy: Kate Bosley of 111 Gunn Road, Margaret Rice of 84 Elm Street, Teresa O'Rorke of 34 Hillside Avenue, John Therriault of 76 Bradford Road, Catherine Workman of 47 Colorado Street, and Bradford Hutchinson of 305 Marlboro Street.

The Mayor went on to explain the procedure involved in filling the two vacancies, noting that the Ward Four vacancy would be filled first followed by the At-Large vacancy. He explained that for

each race, the field of candidates would each be given five minutes to address the Council relative to their candidacy. There would be no questions asked of the candidates, and immediately upon completion of the last candidate's presentation, the primary vote would be conducted to narrow the field to two candidates. The method of voting would be by roll call, with each Councilor stating the name of his or her choice. He explained that should a Councilor not wish to vote for any of the candidates, they could vote "no". He ended that the prevailing candidate in each race would take their oath of office and be seated this evening.

The Mayor provided each candidate for the Ward Four vacancy with five minutes to address the Council. Upon completion of the presentations, a primary vote was conducted. On a roll call vote, the field of candidates was narrowed to Robert J. O'Connor and Michael Remy. Councilors Manwaring, Powers, Clark, Filiault, Lamoureux, Chadbourne, Hooper, Jones, Richards and Greenwald voted for Robert J. O'Connor. Councilors Jacobs, Sutherland and Hansel voted for Michael Remy.

A final vote was conducted between candidates O'Connor and Remy. On a roll call vote, Councilors Manwaring, Powers, Clark, Filiault, Lamoureux, Chadbourne, Hooper, Jones, Richards and Greenwald voted for Robert J. O'Connor, and Councilors Jacobs, Sutherland and Hansel voted for Michael Remy. Robert J. O'Connor was declared elected. The Mayor administered the oath of office. Councilor O'Connor took his seat as Ward Four Councilor.

The Mayor provided each candidate for the At-Large vacancy with five minutes to address the Council. Upon completion of the presentations, a primary vote was conducted. On a roll call vote, the field of candidates was narrowed to Kate Bosley and Margaret Rice. Councilors Jacobs, Powers, Filiault, O'Connor, Lamoureux, Chadbourne, Jones, Richards and Greenwald voted for Kate Bosley. Councilors Manwaring, Sutherland, Hansel and Hooper voted for Margaret Rice. Councilor Clark voted for Teresa O'Rorke.

A final vote was conducted between candidates Bosley and Rice. On a roll call vote, Councilors Jacobs, Powers, Clark, Filiault, O'Connor, Lamoureux, Chadbourne, Jones, Richards and Greenwald voted for Kate Bosley, and Councilors Manwaring, Sutherland, Hansel and Hooper voted for Margaret Rice. Kate Bosley was declared elected. The Mayor administered the oath of office. Councilor Bosley took her seat as A-Large Councilor.

The Mayor announced that Councilors O'Connor and Bosley would both serve as members of the Planning, Licenses and Development Committee.

In closing, the Mayor expressed his appreciation for all of the candidates who participated in the process. He stated everyone gave an excellent presentation. This was a testament to their willingness to serve and a testament to the community.

CONFIRMATIONS

A motion was made by Councilor Greenwald and duly seconded by Councilor Powers to confirm the following nominations: Danya Landis to serve as a regular member on the College City Commission with a term to expire December 31, 2022; Anna Scherioth to serve as a regular member on the Energy and Climate Committee with a term to expire December 31, 2020; and

Rodney A. Bouchard to serve as a regular member on the Energy and Climate Committee with a term to expire December 31, 2021. On a roll call vote, with 15 Councilors present and voting in favor, the nominations were confirmed.

NOMINATIONS

The following nominations were received from the Mayor: Jeffrey Murphy to serve as a regular member on the College City Commission with a term to expire December 31, 2020 and Andrew Dey to serve as a regular member on the Energy and Climate Committee with a term to expire December 31, 2021. The nominations were tabled until the next regular meeting.

COMMUNICATION – PETITION – REQUEST FOR LOWER SPEED LIMITS AND TRAFFIC CALMING DEVICES – SKYLINE DRIVE AND MORGAN LANE

A petition was received from the residents of Skyline Drive and Morgan Lane, requesting a speed limit reduction to 25 miles per hour along with traffic calming devices to improve public safety. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – ATTORNEY HEATHER CARLISLE/TILSON TECHNOLOGIES – REQUESTING THE CITY MANAGER’S SIGNATURE ON APPLICATION FOR A CONDITIONAL USE PERMIT TO INSTALL SMALL WIRELESS FACILITIES IN THE CITY RIGHT-OF-WAY

A communication was received from Attorney Heather Carlisle of Tilson Technologies, requesting the City Manager’s signature on an application for a conditional use permit to install small wireless facilities in the City right-of-way. The communication was referred to the Planning, Licensing and Development Committee.

FOP REPORT – BRADFORD TODD – REQUEST TO INCREASE VETERANS TAX CREDIT

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

FOP REPORT – GATE REPLACEMENT PROJECT AT THE WASTEWATER TREATMENT PLANT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to execute a sole source professional services contract with Underwood Engineers for engineering and technical services for the Gate Replacement Project at the wastewater treatment plant for an amount not to exceed \$40,400. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Powers. The motion passed with a unanimous vote in favor.

FOP REPORT – LIBRARY CAMPUS DEVELOPMENT PROJECT – PARKS, RECREATION AND FACILITIES DIRECTOR

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute loan documents in a form acceptable to the City Attorney with Monadnock Economic Development Corporation or its assignee, for the repayment to the City by MEDC of an amount up to \$92,103.00 expended by the City for the completion of the construction of the Library Campus Development Project and further recommending the memorandum be accepted as informational. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Powers. Councilor Hansel requested that he be allowed to recuse himself from this vote as a Board member of MEDC if the Council will allow. The Mayor responded he believed that the Councilor had previously been granted permission to abstain from issues associated with the financial structure of MEDC. The motion passed with 14 voting in favor and Councilor Hansel abstaining.

CALL FROM COMMITTEE – PLANNING, LICENSES AND DEVELOPMENT – KEENE MUSIC FESTIVAL

A motion by Councilor Richards to call from the Planning, Licenses and Development Committee for action the communication from Pablo Fleischmann requesting permission to conduct the 2019 Keene Music Festival was duly seconded by Councilor Jones. The motion passed with a unanimous vote in favor. A motion was made by Councilor Richards that The Keene Music Festival be granted a street fair license to use downtown City rights-of-way for purposes of conducting merchant sidewalk sales, as well as use of downtown City property on Central Square, Railroad Square, and designated parking spaces on Main Street to conduct the Keene Music Festival on Saturday, August 31, 2019 from 9:00 AM to 10:30 PM. In addition, the applicant is permitted to close off a portion of Railroad Street, from Main Street to the westerly entrance of the Wells Street Parking Garage, and a portion of Church Street from Main Street to the entrance of the Vision Financial parking lot. This permission is granted subject to the customary licensing requirements of the City Council, submittal of a signed letter of permission from City Tire for use of their property, and compliance with any recommendations of City staff. In addition, the petitioner is granted use of the requested parking spaces free of charge under the provisions of the Free Parking Policy. The Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated in the FY 20 Community Events Budget. The motion was duly seconded by Councilor Jones. The motion passed with a unanimous vote in favor.

CITY MANAGER COMMENTS

The City Manager noted Monday was her first day back after having attended Harvard's Senior Executive Program. She expressed her thanks for the opportunity and the Council's support noting it was a transformative experience, but she is very happy to be back. The Manager went on to describe the experience as educationally, socially, emotionally, and even physically demanding. She described in more detail the daily experience of attending classes and events, and noted the diverse group of individuals that participated. They studied a variety of subjects relevant to state and local government. She lauded the professors, and in particular made note of Marty Linsky, author of the book "Leadership on the Line" who pushed students to think

differently about their role as leaders and how they exercise leadership within their individual scopes of authority. She noted the capstone project that she worked on dealt with a real issue before the City of Boston. They applied concepts they had learned and she will be watching to see if Boston uses any of the solutions they came up with. In the end, everyone in state and local government – whether elected or appointed – are charged with moving the needle and making a difference as a servant and a leader. The City Manager noted that has always been her desire, and now she is even more motivated to do so with a few more tools in her toolbox. She ended by stating she owes a huge debt of gratitude to the Caroline and Martin Gross Foundation, which financially sponsored her fellowship, as well as the City Council for all of their support in allowing her to attend.

The Manager went on to provide other updates to the City Council, noting that with regard to the City swimming pools, there have been some staffing issues in various departments, including Parks and Recreation. This season finding enough lifeguards to staff both Robin Hood and Wheelock pools was a challenge. Many of the staff members are now headed back to college, leaving the City with enough staff to operate one pool. Therefore, Robin Hood pool will be closing a week earlier than anticipated. We will transition to one pool the week of August 18th.

She went on to say that Medard Kopczynski has been appointed by the New Hampshire Builders Association as a representative to the New Hampshire Building Code Collaborative Advisory Board. The Code Collaborative will be comprised of experts and diverse stakeholders groups impacted by energy codes who will work together in pursuit of common interests and goals. There is a direct tie to the work that we are doing. This Collaborative will work to support the state as it considers newer versions of energy codes and implements energy code compliance. It will provide a forum for the stakeholders affected by energy codes and we will have someone in this group helping to inform that group and bringing that knowledge back to us. Mr. Kopczynski has also been appointed to the Multi-Hazard Resiliency for Residential Construction Standards Committee by the International Code Council. The goal of this Committee will be to develop a portfolio of consensus standards relevant to a wide range of hazards affecting modern residential construction three stories or less. Again, this is something that will be helpful to us as we move forward.

She continued by noting that soon City staff will be teaming up with the Downtown Coordinator to visit businesses on and off Main Street to discuss a number of ideas. Finally, a number of announcements from the Public Works Department. There are a couple large projects for residents to be aware of. Starting Monday, August 5th highway crews will be grader patching the Old Walpole Road, which will cause traffic delays due to one lane travel. Also on Monday, the highway division and the City's tree service contractor will be working on Central Square performing tree trimming and there will be lane closures. The Department will also be removing a large tree on Winchester Street near the Keene State College campus that will also cause delays. The Public Works Solid Waste Division started an experiment in an attempt to relieve some congestion that occurred Saturday morning at the Transfer Station/Recycling Center. The Division implemented extended hours of operation on Wednesdays that began on July 24th. The center will remain open on Wednesdays until 7PM. This has proven popular with patrons as over 66 vehicles came through on July 31st, twice the number as the previous week. This is meant to reduce the rush on Saturdays. Finally, we have a safety message from Public Works

with all the work going on in the streets, Public Works asks the public to remain alert and as they travel about the City. There is a lot of work going on and residents should concentrate and avoid distractions, particularly from electronic devices. A statistic was shared that DMV.org reports 9 people are killed every day by distracted drivers, so please be safe.

MORE TIME

More time was granted by the Chair for the following items in Committee: James Griffin – Request to Prohibit the Use of Engine Brakes; Continued Discussion – Campaign Finance Ordinance.

MSFI REPORT AND ORDINANCE O-2019-15: RELATING TO SMOKING, TOBACCO PRODUCTS AND EQUIPMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending the adoption of Ordinance O-2019-15: Relating to Smoking, Tobacco Products and Equipment. The report was filed into the record. Ordinance O-2019-15 was read for the second time. A motion by Councilor Manwaring for adoption of the Ordinance was duly seconded by Councilor Lamoureux. On roll call vote, 15 Councilors were present and voting in favor. Ordinance O-2019-15 declared adopted.

FOP REPORT AND RESOLUTION R-2019-28: RELATING TO THE LIBRARY CAMPUS DEVELOPMENT PROJECT FUNDING

Finance, Organization and Personnel Committee report read recommending the adoption of Resolutions R-2019-28. The report was filed into the record. Resolution R-2019-28 was read for the second time. A motion by Councilor Greenwald for the adoption of the Resolution R-2019-28 was duly seconded by Councilor Jacobs. On a roll call vote, 15 Councilors were present and voting in favor. Resolution R-2019-28 declared adopted.

MEMORANDUM – FINANCE DIRECTOR AND RESOLUTION R-2019-26: RELATING TO FISCAL POLICIES

A memorandum was received from the Finance Director along with Resolution R-2019-26: Relating to Fiscal Policies. The memorandum was filed into the record. Resolution R-2019-26 referred by the Chair to the Finance, Organization and Personnel Committee.

MEMORANDUM – CITY ASSESSOR AND RESOLUTIONS R-2019-33: RELATING TO SERVICE CONNECTED TOTAL DISABILITY VETERAN TAX CREDITS; AND R-2019-34: RELATING TO VETERAN SURVIVING SPOUSE TAX CREDIT

A memorandum was received from the City Assessor along with Resolutions R-2019-33: Relating to Service Connected Total Disability Veteran Tax Credits and R-2019-34: Relating to Veteran Surviving Spouse Tax Credit. The memorandum was filed into the record. A motion by Councilor Greenwald to suspend the Rules of Order to act upon Resolutions R-2019-33 and R-2019-34 was duly seconded by Councilor Jacobs. On a roll call vote, 15 Councilors were present

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and voting in favor. The Rules of Order were suspended. A motion by Councilor Greenwald for adoption of the Resolution R-2019-33 was duly seconded by Councilor Jacobs. On a show of hands vote, 15 Councilors were present voted in favor. Resolution R-2019-33 declared adopted. A motion by Councilor Greenwald for adoption of the Resolution R-2019-34 was duly seconded by Councilor Jacobs. On a show of hands vote, 15 Councilors were present voted in favor. Resolution R-2019-34 declared adopted.

ADJOURNMENT FOR COLLECTIVE BARGAINING

At 8:27 PM the Mayor adjourned the meeting for the purposes of collective bargaining strategy. At 8:48 PM the meeting reconvened. On motion by Councilor Greenwald, voted unanimously to authorize the City Manager to do all things necessary to execute negotiated contracts with AFCSME Council 93, Local # 2973 to be effective July 1, 2019 through June 30, 2022.

A true record, attest:


City Clerk