

A regular meeting of the Keene City Council was held Thursday, July 21, 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, Stephen L. Hooper, Bettina A. Chadbourne, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Gary P. Lamoureux was absent. The Mayor took a moment to recognize Councilor O'Connor's service. Councilor O'Connor was first elected as a Ward four Councilor by vote of the City Council in 2012 when Councilor Jones moved out of the Ward. Councilor O'Connor completed that unexpired term of office. In 2013, he was reelected by Ward Four constituents to serve another term as Ward Councilor. He has served on the Municipal Services, Facilities and Infrastructure Committee since July of 2012. Councilor O'Connor led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the July 7, 2016 meeting was duly seconded. The motion passed with a unanimous vote in favor.

PRESENTATION – RETIREMENT RESOLUTION – DAVID S. GAILLARDETZ

The Mayor invited David Gaillardetz from the Fire Department forward to present him with a Retirement Resolution. The Mayor went on to express the City's gratitude to Mr. Gaillardetz for his dedication, and went on to detail his history of employment with the City of Keene. Mr. Gaillardetz thanked the Mayor for the acknowledgement of his years of service.

NOMINATIONS – AGRICULTURAL COMMISSION AND HERITAGE COMMISSION

The following nominations were received from the Mayor: Mark Florenz to serve as a regular voting member on the Agricultural Commission with a term to expire December 31, 2017, and Jonathan T. Foskett to serve as an alternate member on the Heritage Commission for a term to expire December 31, 2018. The nominations were tabled until the next regular meeting.

COMMUNICATION – GARY CARPENTER – REQUEST FOR WATER AND SEWER ABATEMENT

A communication was received from Gary Carpenter of 169 Church Street requesting an abatement of his water and sewer bill for property located at 169 Church Street. The request was referred to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – PEG BRUCE/KEENE KIWANIS CLUB – REQUEST TO USE CITY PROPERTY – 350/400 MARLBORO STREET

A communication was received from Peg Bruce of the Keene Kiwanis Club, requesting the use of City property at 350/400 Marlboro Street for the storage of decorations for the annual tree lighting celebration event and the holiday decorations for the downtown. The request was referred to the Planning, Licenses and Development Committee.

PLD REPORT – PROPOSED AMENDMENT TO THE RULES OF ORDER

Planning, Licenses and Development Committee report read recommending that staff work with Cheshire TV to improve the audio quality of Council meetings. A motion by Councilor Richards to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

PLD REPORT – RESCISSION OF RESOLUTION R-2012-05: COUNCIL POLICY – RELATING TO THE MICHAEL E.J. BLASTOS COMMUNITY ROOM

Planning, Licenses and Development Committee report read recommending the rescission of Resolution R-2012-05 to allow Keene ICE to manage the reservations for the Michael E.J. Blastos Room as provided for in the Memorandum of Understanding. A motion by Councilor Richards to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF DONATION – 2016 COMMUNITY NIGHT

Finance, Organization and Personnel Committee report read recommending accepting the memorandum regarding donations to 2016 Community Night as informational. The report was filed as informational.

FOP REPORT – ACCEPTANCE OF DONATION – DONATION OF LAND OFF PEARL STREET – MICHAEL KAPILOFF

Finance, Organization and Personnel Committee report read recommending that the communication from Michael Kapiloff regarding his proposed donation of land off Pearl Street be accepted as informational. The report was filed as informational.

FOP REPORT – AGREEMENT FOR ADVANCED LIFE SUPPORT INTERCEPT TRANSPORT SERVICE

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute the new one year Advanced Life Support Intercept Agreements. 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 – ACCEPTANCE OF JUSTICE ASSISTANCE GRANT (JAG) - 2016

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to apply for and accept a grant of \$7,778.50 awarded by the US Department of Justice, Justice Assistance Program. 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 – ACCEPTANCE OF CIVIL FORFEITURE

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to apply for and accept forfeiture funds in the amount of \$1,463.70, awarded to the Keene Police Department from the United States

Department of Justice. 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 – ACCEPTANCE OF DONATION – SUMNER KNIGHT CHAPEL

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a donation in the amount of \$455 and that the money be used by the Parks, Recreation and Facilities Department for the maintenance improvements of the Sumner Knight Chapel. 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 – ACCEPTANCE OF DONATION – DOG PARK

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a donation in the amount of \$35 from Margaret Wittenborg toward the creation of a dog park. 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 – SPONSORSHIP UPDATE – BANNER PLACEMENTS IN WHEELLOCK PARK

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept the sponsorship update for banner placement at Wheelock Park as informational. The report was filed as informational.

FOP REPORT – WINCHESTER STREET BRIDGE OVER ASH SWAMP BROOK

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute a design phase change order with CHA, Inc. for an amount not to exceed \$22,486 for a detailed hydrologic and hydraulic study of the Ash Swamp Brook associated with the Winchester Street/Rt. 10 Bridge over Ash Swamp Brook Repair Project. 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 – PRIMEX³ CONTRIBUTION ASSURANCE PROGRAM

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to do all things necessary to enter into and execute an agreement extending participation with Primex³ in a multi-year Contribution Assurance Program through FY19 that provides predictable contributions and stable property and liability insurance coverage. 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 began his comments by thanking Assistant City Managers Beth Fox and Rebecca Landry for acting as City Manager during his recent break. He went on to comment that Public Works Director Kurt Blomquist was a panelist at a forum hosted by Congressional District Representative Ann Kuster relative to water infrastructure's role in providing clean

drinking water. The Manager went on to recognize Michael August of Fleet Services for investigating the concept of use of biodiesel for heating City facilities. He continued by announcing that on August 4th at 8:30 AM, a cartograph vehicle demonstration will be held at 350 Marlboro Street. The Manager went on to announce the construction schedule for public works projects and the status of projects currently underway. In addition, the Manager highlighted some high-profile projects expected to begin construction next season, including the Winchester Street Reconstruction Project. The Manager noted that the Keene Public Library will be acting as a distribution point for the USDA Summer Food Service Program, which provides free meals to children up to age 18 that don't have access to school breakfast and lunch programs during the summer months. The Manager went on to announce that Joel Fedorowicz of Code Enforcement recently passed his ICC Residential Inspector Test. In addition, TJ O'Brien of Code Enforcement also passed the ICC Building Plans Examiner Test last week. The Manager went on to comment that on Friday, July 15th, the Keene State College LINKS Program provided 100 hours of community service to clean up Ashuelot River Park. This is the third year this group has volunteered with the City and the Friends of Ashuelot River Park. He went on to announce that Aaron Cooper of the Fire Department has recently been promoted to the position of Lieutenant- Training Officer effective July 24, 2016. The Manager ended his comments by announcing that Raymond Phillips of the Fire Department was also promoted to the position of Lieutenant- Fire Alarm Officer effective July 31, 2016.

MORE TIME

More time was granted by the Chair for the following items in Committee: Resolution R-2016-25: Relating to Fiscal Policies; and Charter Officer Evaluation Process.

MEMORANDUM – ACTING HEALTH DIRECTOR AND ORDINANCE O-2016-11: RELATING TO FOOD SERVICE ESTABLISHMENT PERMIT FEES

A memorandum was received from the Acting Health Director along with Ordinance O-2016-11: Relating to Food Service Establishment Permit Fees. Ordinance O-2016-11 was read for the first time. The memorandum and the Ordinance were referred to the Planning, Licenses and Development Committee.

MEMORANDUM – ACM/PLANNING DIRECTOR – ORDINANCES O-2016-13, O-2016-14 AND O-2016-15: RELATING TO THE ESTABLISHMENT OF THE MAIN STREET HISTORIC OVERLAY DISTRICT

A memorandum was received from the ACM/Planning Director along with applications to amend the Zoning Ordinance and the Zoning Map. In addition, Ordinances O-2016-13 and O-2016-14: Relating to the Main Street Historic Overlay District, and Ordinance O-2016-15: Relating to the Establishment of Zoning Overlay District – Main Street Historic District were submitted and read for the first time. The memorandum and accompanying applications, along with Ordinances O-2016-13, O-2016-14 and O-2016-15 were referred to the Joint Planning Board and Planning, Licenses and Development Committee.

PLD REPORT AND ORDINANCE O-2016-09: RELATING TO DORMITORY, LODGING OR ROOMING HOUSES AND RESIDENTIAL BOARD AND CARE

Planning, Licenses and Development Committee report read recommending the adoption of Ordinance O-2016-09: Relating to Dormitory, Lodging or Rooming Houses and Residential Board and Care. The report was filed as informational. Ordinance O-2016-09 read for the second time. The Mayor noted it was recently discovered that there are several references to “lodging house” in other sections of the City Code that may need to be adjusted. The Mayor referred Ordinance O-2016-09 back to the Planning, Licenses and Development Committee.

MSFI REPORT AND ORDINANCE O-2016-12: RELATING TO VEHICULAR TRAFFIC AND PUBLIC WAYS

Municipal Services, Facilities and Infrastructure Committee report read recommending adoption of Ordinance O-2016-12. The report was filed as informational. Ordinance O-2016-12: Relating to Vehicular Traffic and Public Ways was read for the second time. A motion by Councilor Manwaring 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-2016-12 declared adopted. Councilor Lamoureux was absent.

FOP REPORT AND RESOLUTION R-2016-26: RELATING TO REFUNDING BONDS

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2016-26. The report was filed as informational. Resolution R-2016-26: Relating to Refunding Bonds was read for the second time. Discussion followed. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. On a roll call vote, with 14 Councilors present and voting in favor the motion passed. Resolution R-2016-26 declared adopted. Councilor Lamoureux was absent.

FOP REPORT AND RESOLUTION R-2016-27: RELATING TO THE REALLOCATION OF BOND FUNDING FROM THE RAILROAD LAND INFRASTRUCTURE AND VICTORIA STREET EXTENSION PROJECTS

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2016-27. The report was filed as informational. Resolution R-2016-27: Relating to the Reallocation of Bond Funding from the Railroad Land Infrastructure and Victoria Street Extension Projects was read for the second time. Discussion followed. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. On a roll call vote, with 13 Councilors voting in favor. Councilor Sutherland voted in opposition. Resolution R-2016-27 declared adopted. Councilor Lamoureux was absent.

FOP REPORT AND RESOLUTION R-2016-28: RELATING TO EVERSOURCE ENERGY’S PETITION TO PUBLIC UTILITIES COMMISSION FOR DISTRIBUTION RATE TARIFF FOR COST RECOVERY

Finance, Organization and Personnel Committee report read indicating the Committee had failed to recommend that Resolution R-2016-28 be submitted to the City Council for their review and action. A motion by Councilor Richards to carry out the intent of the report was duly seconded.

07/21/2016

A motion by Councilor Clark to amend the Committee report to recommend adoption of Resolution R-2016-28 and that it is forwarded to the Public Utilities Commission and Governor's Executive Council was duly seconded. Further discussion occurred. Councilor O'Connor moved the question. The motion was duly seconded. Councilor Greenwald requested the vote be taken by roll call. On a roll call vote, with 14 Councilors present, 12 voted in favor to move the question. Councilors Sutherland and Hansel voted in opposition. Councilor Lamoureux was absent. Councilor Greenwald requested a roll call vote relative to Councilor Clark's proposed amendment on the Committee report. On a roll call vote, with 14 Councilors present, 11 voted in favor. Councilors Manwaring, Sutherland and Hansel voted in opposition. The motion to amend the Committee report carried. Resolution R-2016-28: Relating to Eversource Energy's Petition to Public Utilities Commission for Distribution Rate Tariff for Cost Recovery was read for the first time. A motion by Councilor Filiault for adoption of the Resolution was duly seconded. Further discussion followed. As a point of order, Councilor Kahn inquired whether tabling the Resolution until a date certain would be advisable. The Mayor responded the PUC is expected to issue their opinion in the fall. It was very possible that that opinion – whatever it is – will be appealed to the NH Supreme Court. It could well be a year and a half before the substance of the matter is at hand. Councilor Filiault moved the question. Hearing no objection, the Mayor moved the question. Relative to the motion on the floor calling for adoption of Resolution R-2016-28, on showing of hands, with 11 voting in favor and Councilors Manwaring, Sutherland and Hansel opposed, the motion carried. Resolution R-2016-28 declared adopted. Councilor Lamoureux was absent.

ADJOURNMENT

As there was no further business, the Mayor adjourned the meeting at 8:33 PM.

A true record, attest:


Patricia Castle
City Clerk