

A regular meeting of the Keene City Council was held Thursday, September 7, 2017. 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, Bartolmiej K. Sapeta, 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. Councilor Hooper led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the August 3, 2017 regular meeting was duly seconded. The motion passed with a unanimous vote in favor. The Mayor recognized the passing of Janice Coates, a longtime City employee who returned to work after her retirement as a volunteer in the City Clerk's office.

ANNOUNCEMENTS

The Chair advised the Council of the Opioid Crisis Forum scheduled for September 12, 2017 at the Keene High School auditorium.

COMMUNICATION – AMANDA SLATE – RESIGNATION – MARTIN LUTHER KING, JR./JONATHAN DANIELS COMMITTEE

A communication was received from Amanda Slate resigning from the Martin Luther King, Jr./Jonathan Daniels Committee. A motion by Councilor Greenwald to accept the resignation with regret and appreciation for years of service was duly seconded. The motion passed with a unanimous vote in favor.

COMMUNICATION – DANYA LANDIS/MACHINA ARTS, LLC – REQUEST TO USE CITY PROPERTY – RAILROAD SQUARE

A communication was received from Danya Landis, Machina Arts, LLC, requesting to use City property to erect a temporary metal sculpture in Railroad Square for a one year period. The communication was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – FRIENDS OF OPEN SPACE – CREATION OF A POCKET PARK – CITY PROPERTY – 238 CHURCH STREET

A communication was received from Friends of Open Space in Keene, requesting the consideration of a pocket park on City property at 238 Church Street. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – KIWANIS CLUB OF KEENE – REQUEST TO USE CITY PROPERTY – TREE LIGHTING EVENT

A communication was received from Kiwanis Club of Keene, requesting to use City property for the 2017 Tree Lighting Event. The communication was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – PETITION – 50 SIGNATURES – EXTENDING WALK SIGNAL OF TRAFFIC LIGHTS

A communication was received from Terri Croteau, which contained a petition asking that the walk signals be extended for traffic signals at various intersections in the City. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee and Downtown Revitalization Committee.

COMMUNICATION – KENNETH CHAMBERLAIN, JR. - PROPOSAL TO UTILIZE LOCAL RESIDENTS IN FIXING UP HOMES ON THE TAX DEED LIST

A communication was received from Kenneth Chamberlain, Jr., proposing to utilize local residents in fixing up homes on the tax deed list. The communication was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – LOUIS KOLIVAS AND COUNCILOR CLARK – TRAINING COLLABORATION – GENERAL FIELD OF AVIATION AND AERONATICS AT DILLANT-HOPKINS AIRPORT

A communication was received from Louis Kolivas and Councilor Clark, which contained information from various colleges and universities around the country regarding aviation programs. The communication was referred to the Airport Advisory Commission.

COMMUNICATION – COUNCILOR GREENWALD – ENCOURAGING A RESOLUTION AGAINST BIGOTRY, WHITE SUPREMACY, NEO-NAZIS, ANTI-SEMITISM AND OTHER HATE GROUPS

A communication was received from Councilor Greenwald, requesting consideration of a Resolution that would state that bigotry, white supremacy, neo-Nazis, anti-Semitism and other hate groups are contrary to the values of the City. The communication was referred to the City Attorney for the drafting of a Resolution.

COMMUNICATION – COUNCILOR MANWARING – RECONSIDERATION OF LICENSE – THE PUMPKIN FESTIVAL BROUGHT TO YOU BY THE CHILDREN OF SAU 29

A communication was received from Councilor Manwaring, as notice of her intent to move for the reconsideration of the license granted by the City Council at their August 3, 2017 regular meeting. A motion by Councilor Manwaring to reconsider the license was unanimously adopted. The communication was referred to the Planning, Licenses and Development Committee.

MSFI REPORT – DEPARTMENTAL PRESENTATION – ANIMAL CONTROL – POLICE DEPARTMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending acceptance of the presentation on animal control as informational. The Chair filed the report into the record as informational.

PLD REPORT – ALAN STROSHINE/ELM CITY ROTARY CLUB – REQUEST TO USE CITY PROPERTY – 40TH ANNUAL CLARENCE DEMAR MARATHON AND 4TH ANNUAL DEMAR HALF MARATHON

Planning, Licenses and Development Committee report read, recommending that The Elm City Rotary Club be granted permission to sponsor the Clarence DeMar Marathon on September 24, 2017, subject to the customary licensing requirements of the City Council, and compliance with any recommendations of City staff. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY 18 Community Events Budget, and agrees to remit said payment within 30-days of the date of invoicing. 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 – ALBERT GRAUER – REVISED LODGING HOUSE LICENSE APPLICATION – 85 WINCHESTER STREET

Planning, Licenses and Development Committee report read, recommending that a lodging house license be granted to Albert Grauer for property located at 85 Winchester Street for a period of one year from the date of issuance. Said license is conditional upon the following:

1. No more than 8 persons may reside on the premises.
2. No less than 4 vehicular parking spaces must be provided on the premises.
3. Compliance with all applicable laws, ordinances, codes and rules and regulations.
4. The continuation of the license is subject to and conditioned upon successful passage of two inspections to be conducted by the City.
5. Owner shall notify City staff of any change in building operator; failure to do so may be grounds for suspension or revocation of this license.

This license expires on the 7th day of September, 2018 and may be revoked by the City Council in accordance with Sec. 46-590 "Suspension or Revocation." 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 – REQUEST TO USE CITY PROPERTY – FALL FESTIVAL

Planning, Licenses and Development Committee report read, recommending that the request from the Keene Music Festival be granted a street fair license to use downtown City rights-of-way on Saturday, September 30, 2017 from 7:00 AM to 8:00 PM for purposes of conducting merchant sidewalk sales and music venues, as well as use of City property on Central Square, Railroad Square, and designated parking spaces on Main Street to conduct the 2nd Annual Monadnock Fall Festival. In addition, the applicant is permitted to coordinate a one-mile Road Race with Ted's Shoe and Sport to be held from 7:00 AM to 9:30 AM. A comprehensive barrier plan has been drafted by City staff to include the following street closures: Lamson Street from Main Street to Federal Street; Railroad Street from Main Street to Wells Street; and Railroad Street from Main Street to 93rd Street (during the Road Race portion of the Festival only). The applicant is further granted permission to

place up to five hay bale sculptures on City property with the duration, location and safety considerations subject to approval by City staff. This permission is granted subject to the customary licensing requirements of the City Council, submittal of signed letters of permission from any private property owners for the use of their property, and compliance with any recommendations of City staff. Be it further recommended that free parking be granted under the provisions of the free parking policy in the downtown area and adjacent parking lots on the day of the event. The cost of any City services provided shall be paid using the City funding allocated in the Mayor's budget in support of the 2nd Annual Monadnock Fall Festival. 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 – NH LOTTERY COMMISSION – REQUEST TO PLACE KENO ON 2017 MUNICIPAL GENERAL ELECTION BALLOT

Finance Organization and Personnel Committee report read, recommending the ballot question to allow the operations of Keno games in Keene be placed on the Municipal Ballot on November 7th and that a Public Hearing be scheduled for October 19. 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. On showing of hands, 15 Councilors were present, 13 voted in favor and two opposed, the motion carried. Councilors Sutherland and Jones voted in opposition. The Mayor set a Public Hearing on October 19, 2017 at 7:00 PM.

FOP REPORT – ACCEPTANCE OF DONATIONS TO LIBRARY RENOVATION PROJECT – NEXT CHAPTER CAMPAIGN CHAIRS

Finance Organization and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept donations of \$641,721.10 as listed in the July Cambridge Trust statement and the July - August 23rd donor list to be deposited into the Library Renovation Temporarily Restricted City Trust as part of the Next Chapter Campaign Drive and a \$100,000 grant from the New Hampshire Charitable Foundation currently held in escrow by the City. 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 – NEW MARKET TAX CREDITS AND A LIBRARY UPDATE – PARKS, RECREATION AND FACILITIES DEPARTMENT

Finance Organization and Personnel Committee report read recommending acceptance of this item as informational. The Chair filed the report into the record as informational.

FOP REPORT – ACCEPTANCE OF THE 2017 BYRNE JUSTICE ASSISTANCE GRANT – POLICE DEPARTMENT

Finance Organization and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept the U.S. Department of Justice - Bureau of Justice Assistance FY2017 JAG grant in the amount of \$7,242.00. 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 STATE DRUG FORFEITURE MONIES – POLICE DEPARTMENT

Finance Organization and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept a drug forfeiture payment from the State of New Hampshire in the amount of \$625.05. 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 – PROJECT AGREEMENT – MONADNOCK ALLIANCE FOR SUSTAINABLE TRANSPORTATION & SOUTHWEST REGION PLANNING COMMISSION COMPLETE STREET MINI GRANT – PLANNING DEPARTMENT

Finance Organization and Personnel Committee report read, recommending the City Manager be authorized to do all things necessary to execute the Project Agreement with Southwest Regional Planning Commission for the award of the Monadnock Alliance for Sustainable Transportation's (MAST), Complete Streets Mini Grant and accept the grant in the amount of \$10,000.00 for complete streets improvements to Main Street and Central Square. 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. On showing of hands, 15 Councilors were present, 14 voted in favor and one opposed, the motion carried. Councilor Jones voted in opposition.

FOP REPORT – STATION 2 – JOINT USE AGREEMENT – FIRE DEPARTMENT

Finance Organization and Personnel Committee report read, recommending that the City Manager be authorized to execute the amended Joint Use Agreement between the City of Keene and the State of New Hampshire – The Adjutant General's Department for 110 Hastings Ave. 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 – UNIFORM FEE SCHEDULE FOR PROVIDING COPIES OF GOVERNMENTAL RECORDS – CITY CLERK'S OFFICE

Finance Organization and Personnel Committee report read, recommending that the Council adopt a uniform fee schedule for providing copies of governmental records responsive to requests made under NH RSA Ch. 91-A, also known as the right to know law for a reasonable fee of fifty cents (\$0.50) for the first page and twenty-five cents (\$0.25) for each additional page. Further recommending that the City Council recognizes and adopts the following exemptions from charging fees for providing copies for: record requests from other governmental entities; recent meeting minutes of a public body; the individual requesting the record is the subject of the record or the requester's legal rights are directly implicated by the information in the record. 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 – REALLOCATION OF DRAINAGE CLEANING FUNDS – PUBLIC WORKS DEPARTMENT

Finance Organization and Personnel Committee report read, recommending the City Council reallocate \$160,000 from the Drain Cleaning program (90221) to the Stormwater Spot Repair program (90022). 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. On showing of hands, 15 Councilors were present, 14 voted in favor and one opposed, the motion carried. Councilor Hansel voted in opposition.

FOP REPORT – EMERGENCY BRIDGE REPAIRS – WHITCOMB’S MILL ROAD AND WINCHESTER STREET

Finance Organization and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute a sole-source Construction Contract with Cold River Bridges, LLC of Walpole, NH for the repair of bridge curb and railing posts on Whitcomb’s Mill Road bridge over White Brook for an amount up to \$31,850.00, subject to the approval of funding; and that the City Manager be authorized to do all things necessary to negotiate and execute a sole-source Construction Contract with CWS Fence & Guardrail, LLC of Andover, NH for the installation of bridge railings on Winchester Street/Route 10 bridge over Ash Swamp Brook for an amount up to \$14,287.50, subject to the approval of funding. 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 recognized and welcomed Deacon Kenneth Swymer who is the new Fire Department Chaplain in the special services division. Deacon Swymer is a Deacon at St. Bernard’s Church on Main Street in Keene and also a religion teacher at St. Joseph’s School on Wilson Street in Keene. The City Manager updated the Council on Fire Safety Inspections. The first year inspections program looked at multi-family buildings and up. The Fire Department had inspected 117 buildings which 1417 living units and 25 businesses. These inspections were for Fire Life Safety. It was estimated a year ago, this program would take the Fire Department four years to inspect 1360 occupancy, commercial and residential as a cycle. The inspection pace accelerated and been successful compared to the estimate.

REQUEST FOR LETTER /RESOLUTION – ATV USE ON RAIL TRAILS

A memorandum was received from Will Schoefmann, Mapping Technician recommending the City Council write a letter requesting that Federal guidelines for ATV use on New Hampshire’s Improved rail trails remain unchanged with regards to Senator Shaheen’s amendment to allow them; and, to support a resolution opposing ATV use on the Cheshire and Ashuelot Rail Trails in Keene, NH. The memorandum was referred to the Municipal Services, Facilities and Infrastructure Committee.

JOINT PB/PLD REPORT - RELATING TO CHAPTER 103 – ZONING – ACCESSORY DWELLING UNITS

A memorandum was received from Rhett Lamb, Assistant City Manager/ Planning Director reporting that the Planning Board finds Ordinance O-2017-10-A in compliance with Comprehensive Master Plan; and, requesting a Public Hearing to be scheduled. The memorandum was filed. The Mayor set the public hearing for October 5, 2017 at 7:00 PM.

JOINT PB/PLD REPORT – O-2016-01-C MARLBORO STREET REZONING PROJECT

A memorandum was received from Rhett Lamb, Assistant City Manager/ Planning Director reporting that the Planning Board finds Ordinance O-2016-01-C in compliance with the Master Plan; and, requesting a Public Hearing to be scheduled. The memorandum was filed. The Mayor set the public hearing for October 5, 2017 at 7:05 PM.

ORDINANCE O-2017-14: RELATING TO YIELD SIGNS

A memorandum was received from the City Engineer along with Ordinance O-2017-14. The memorandum was filed into the record. Ordinance O-2017-14 referred by the Chair to the Finance, Organization and Personnel Committee.

RESOLUTION R-2017-32: IN APPRECIATION OF KEVIN F. KNUEPFER UPON HIS RETIREMENT

Resolution R-2017-32: In Appreciation of Kevin F. Knuepfer Upon His Retirement was read by title only. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. The motion carried with a unanimous vote in favor.

FOP REPORT AND RESOLUTION R-2017-29: RELATING TO AN APPROPRIATION OF FUNDS FOR THE SOLID WASTE FUND

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2017-29. The report was filed as informational. A motion by Councilor Greenwald to suspend the Rules of Order to act on Resolution R-2017-29 was seconded. On a roll call vote, with 15 Councilors present and voting in favor, the motion carried. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. On a roll call vote, with 15 Councilors present and voting in favor, the motion carried. Resolution R-2017-29 declared adopted.

FOP REPORT AND RESOLUTION R-2017-27-A: RELATING TO THE REALLOCATION OF BOND PROCEEDS FROM THE FY 15 REHABILITATION PROJECT (90249) FOR EMERGENCY BRIDGE REPAIRS

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2017-27-A. The report was filed as informational. Resolution R-2017-27-A was read for the second time. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. On a roll call vote, with 15 Councilors present and voting in favor, the motion carried. Resolution R-2017-27-A declared adopted.

FOP REPORT AND RESOLUTION R-2017-26: RELATING TO FISCAL POLICIES

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2017-26. The report was filed as informational. Resolution R-2017-26 was read for the second time. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. On a roll call vote, with 15 Councilors present and 12 voted in favor and three opposed, the motion carried. Councilors Clark, Powers and Sutherland voted in opposition. Resolution R-2017-26 declared adopted.

NON-PUBLIC SESSION

At 8:35 PM, a motion by Councilor Greenwald to go into non-public session for the purposes of discussion of land matters under RSA 91-A:3 II(d) was duly seconded. On a roll call vote, 15 Councilors were present and voted in favor. Discussion was limited to the subject matter. The session concluded at 8:42 PM. A motion by Councilor Greenwald to keep the minutes in non-public session was duly seconded. On a roll call vote, 15 Councilors were present and voting in favor.

ADJOURNMENT

At 8:42 PM, there being no further business, the Mayor adjourned the meeting.



A true record, attest:

Deputy City Clerk