

A regular meeting of the Keene City Council was held Thursday, December 1, 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. Councilor Gary P. Lamoureux was absent. Councilor Hansel led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the November 17, 2016 meeting was duly seconded. The motion passed with a unanimous vote in favor.

APPOINTMENTS AND NOMINATIONS – ASHUELOT RIVER PARK ADVISORY COMMITTEE - ASSESSORS BOARD – BCYCLE/PEDESTRIAN PATH ADVISORY COMMITTEE - BOARD OF APPEALS - CITIES FOR CLIMATE PROTECTION – CONSERVATION COMMISSION - HERITAGE COMMISSION – HISTORIC DISTRICT COMMISSION – HOUSING STANDARDS BOARD OF APPEAL – JUVENILE CONFERENCE COMMITTEE – KEENE HOUSING – MARTIN LUTHER KING, JR./JONATHAN DANIELS COMMITTEE/ PARTNER CITY COMMITTEE – TRUSTEES OF TRUST FUNDS AND CEMETERY TRUSTEES – ZONING BOARD OF ADJUSTMENTS

The following nominations were received from the Mayor: Jenna Spear O'Meara reappointed to serve as a regular member on the Ashuelot River Park Advisory Committee with a term to expire December 31, 2019; John T. Newcombe appointed to serve as a regular member on the Assessors Board with a term to expire December 31, 2019; Rita Johnson appointed to serve as a regular member on the Assessors Board with a term to expire December 31, 2018; Dillon A. Benik appointed to serve as an alternate member on the Bicycle/Pedestrian Path Advisory Committee with a term to expire December 31, 2019; Charles Redfern reappointed to serve as a regular member on the Bicycle/Pedestrian Path Advisory Committee with a term to expire December 31, 2019; Linda Rubin reappointed to serve as a regular member on the Bicycle/Pedestrian Path Advisory Committee with a term to expire December 31, 2019; Christopher Brehme reappointed to serve as a regular member on the Bicycle/Pedestrian Path Advisory Committee with a term to expire December 31, 2019; Katie Sutherland appointed to serve as a regular member on the Board of Appeals with a term to expire December 31, 2019; Malcolm Katz reappointed to serve as a regular member on the Board of Appeals with a term to expire December 31, 2019; Steven Walsh reappointed to serve as a regular member on the Board of Appeals with a term to expire December 31, 2019; Peter Hansel reappointed to serve as a regular member on the Cities for Climate Protection with a term to expire December 31, 2019; Andrew Madison appointed to serve as a regular member on the Conservation Commission with a term to expire December 31, 2019; Denise Burchsted reappointed to serve as a regular member on the Conservation Commission with a term to expire December 31, 2019; Rose Carey reappointed to serve as a regular member on the Heritage Commission with a term to expire December 31, 2019; Nancy Proctor appointed to serve as a regular member on the Historic District Commission with a term to expire December 31, 2019; Katie Sutherland appointed to serve as a regular member on the Housing Standards Board of Appeal with a term to expire December 31, 2019; Malcolm Katz reappointed to serve as a regular member on the Housing Standards Board of Appeal with a term to expire December 31, 2019; Steven Walsh reappointed to serve as a regular member on the Housing Standards Board of Appeal with a term to expire December 31, 2019; Jerrold Kaufman reappointed to serve as a regular member on the Juvenile Conference Committee with a term to expire December 31, 2019; J.B. Mack reappointed to serve

as a regular member on the Keene Housing with a term to expire December 31, 2021; Mandy Slate reappointed to serve as a regular member on the Martin Luther King, Jr./Jonathan Daniels Committee with a term to expire December 31, 2019; John Mitchell reappointed to serve as a regular member on the Partner City Committee with a term to expire December 31, 2019; Irene Davis reappointed to serve as a regular member on the Partner City Committee with a term to expire December 31, 2019; Will Schoefmann appointed to serve as a regular member on the Partner City Committee with a term to expire December 31, 2019; Pamela Russell Slack reappointed to serve as a regular member on the Planning Board with a term to expire December 31, 2019; Christine Weeks reappointed to serve as a regular member on the Planning Board with a term to expire December 31, 2019; Michelle Howard reappointed to serve as a regular member on the Trustees of Trust Funds and Cemetery Trustees with a term to expire December 31, 2019; Louise Zerba appointed to serve as an alternate member on the Zoning Board of Adjustment with a term to expire December 31, 2018; Elena Brander appointed to serve as a regular member on the Zoning Board of Adjustment with a term to expire December 31, 2019; and Josh Gorman appointed to serve as a regular member on the Zoning Board of Adjustment with a term to expire December 31, 2019. The nominations were tabled until the next regular meeting.

**COMMUNICATION – MARCIA PASSOS DUFFY – RESIGNATION – AGRICULTURE COMMISSION**

A communication was received from Marcia Passos Duffy resigning her position on the Agriculture Commission. On motion by Councilor Greenwald, voted unanimously to accept the resignation with regret and appreciation for service.

**COMMUNICATION – KATHRYN BLAIR – UNITED CHURCH OF CHRIST – REQUEST TO REMOVE TREES IN FRONT OF THE UNITED CHURCH OF CHRIST**

A communication was received from Kathryn Blair requesting to remove trees in front of the United Church of Christ for their steeple restoration. The communication was referred by the Chair to the Municipal Services, Facilities and Infrastructure Committee.

**COMMUNICATION – COUNCILOR CLARK – CHARTER OFFICER EVALUATION PROCESS**

A communication regarding an alternative to the Charter Officer evaluation process was received from Councilor Clark and was tabled until later in the meeting.

**COMMUNICATION – COUNCILOR JAY KAHN – RESIGNATION – AT LARGE CITY COUNCILOR**

A communication was received from Councilor Jay Kahn resigning his position as an At-Large City Councilor. The Mayor recognized Councilor Kahn for his farewell remarks. The Councilor stated that it was with regret that he submits his resignation effective December 14<sup>th</sup>. He continued that 15 months ago he looked at his retirement from KSC and reflected back on a conversation he had with former Mayor Patricia T. Russell nearly 20 years ago when she was enlisting candidates for a Council vacancy. Although he did not apply for that vacancy, a seed

was planted. Upon election to the Council last November he fulfilled a keep component of his retirement plan, applying his workplace skills in a volunteer capacity.

The Councilor continued that he believes his year on the City Council has been useful. He noted his belief that he contributed to the Council's financial transparency initiatives by helping transform the annual audit presentation and consolidating its budget process within its financial guidelines into a two-page document. Both of these changes will produce fiscal information that is more easily referenced by the City Council and the public. He referenced his efforts to assist the Council to follow through with their goal on fiscal restraint by proposing an amendment to have any budget increase in the 2017 budget kept to less than a 2 % increase. With the recent property re-assessment factor, the annual tax increase is 1.56 percent, which is the lowest in the past seven years.

The Councilor continued that if he were sitting on the Council for another year he would be working with the other Councilors to establish a clearer set of guidelines for capital improvement spending to define what more typically fits into operating versus capital and bonded expenditures

Councilor Kahn continued that he has several thoughts about the transition from local to state office. He continued that he has always considered community service as a sideline, but once he opened up that opportunity, that sideline opened up other doors, such as State Senate. He encouraged the Council to consider that he is just one of many people where community service has led to extended careers and transitions that instill new energy and utilize seasoned skills. He added that there's a potential to cultivate career transitions among the community's retirees. The graying of our community can in fact be an asset. In addition, when he ran for Council that this Council he assumed they would set a leadership course in the transition to the next City Manager and as good as they feel about the guidance that they are receiving from the current City Manager they need to have steps to transform their City into a long term vision.

For as long as he has been in Keene, economic development has been the major issue and he regrets not being here to implement the economic development plan. He encouraged the Council to focus on the big picture, stay out of the weeds, and make certain that the plan defines a big problem. Most people outside of Keene have this positive impression, which is well deserved, but they don't see unusual economic development problems in the City. The Councilor noted that defining and agreeing on the problem to be solved is essential to setting the right goals. When setting the economic development goals, make them meaningful, measureable and moveable. It is going to take a consistent and concerted effort to implement that plan. Look to annual steps and identify the parties in City government who will be responsible to implement the action steps that will lead to fulfilling that goal.

In conclusion, Councilor Kahn stated it occurs to him that he is leaving the Council on the same basis upon which he was attracted – a resignation leading to vacancy that the Council needs to fill. This is an unusual opportunity to attract interest from highly qualified people who just need an encouraging phone call and the seed planted. Recruiting a strong pool will not only have the affect to fill an immediate vacancy, but it could have a downstream affect for other Committees and further Council service. Over the last year, he has learned that the Mayor and City Councilors are dedicated individuals who are returning great value to the City. He encouraged the Council to continue holding Council workshops to understand issues and share their

perspectives with each other. The Councilor thanked the Charter Officers and the Departments Directors and their staff for their daily efforts. They consistently articulate and demonstrate their mission to support Keene's residents. Additionally, every week City staff prepares materials that enable the Council and many Committees to perform their duties. This effort exceeds the ability of any professionals who has worked with.

The Councilor stated as your State Senator and along with the State Representatives he hopes there is an opportunity to interact with the City Council in workshop settings to synchronize their efforts. In the end, they are all elected officials who share a mission to create a stronger future for the region and its residents. The Councilor thanked the citizens of Keene and the citizens of the 14 towns surrounding Keene for placing their trust in him as their next State Senator.

On motion by Councilor Greenwald, voted unanimously to accept the resignation with regret and appreciation for his service. The Mayor noted that he would announce the filing period at the December 15<sup>th</sup> City Council meeting.

#### COMMUNICATION –COUNCILOR KAHN – RECOMMENDATION TO WAIVE PARKING METER RATES – THANKSGIVING HOLIDAY

A communication was received from Councilor Kahn suggesting that the City Council consider waiving the parking meter rates for the full Thanksgiving weekend to allow downtown businesses to be more competitive with stores outside of the downtown. The communication was referred by the Chair to the Finance, Organization and Personnel Committee.

#### FOP REPORT – RELINQUISHMENT OF EASEMENT TO PARKING SPACES ON RAILROAD PROPERTY ON BEHALF OF MONADNOCK FOOD CO-OP – PLANNING DEPARTMENT

A report was received from the Finance, Organization and Personnel Committee reporting out the more time item Relinquishment of Easement to Parking Spaces on Railroad Property. The report was filed into the record as informational.

#### FOP REPORT – NGM CROSSWALK PROJECT – PUBLIC WORKS DIRECTOR

An informational report was received from the Finance, Organization and Personnel Committee recommending the report be accepted as informational. The report was filed into the record.

#### FOP REPORT – 2016 TAX RATE UPDATE – FINANCE DIRECTOR

An informational report was received from the Finance, Organization and Personnel Committee recommending the report be accepted as informational. The report was filed into the record.

#### FOP REPORT – PRIMEX CONTRIBUTION ASSURANCE PROGRAM – PROPERTY & LIABILITY – ACM/HUMAN RESOURCES DIRECTOR

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to enter into and execute an agreement extending

participation with Primex in a multi-year Contribution Assurance Program through FY20 that has provided predictable contributions and stable property and liability insurance coverage. A motion to carry out the intent of the report by Councilor Greenwald was duly seconded. The motion passed with a unanimous vote in favor.

#### FOP REPORT – PRIMEX CONTRIBUTION ASSURANCE PROGRAM – WORKER’S COMPENSATION – ACM/HUMAN RESOURCES DIRECTOR

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to enter into and execute an agreement extending participation with Primex in a multi-year Contribution Assurance Program (CAP) through calendar year 2019 providing mitigation, in the event of adverse experience, and assurance of predictable premium contribution for worker’s compensation insurance. 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.

#### CHARTER OFFICER EVALUATION PROCESS – ACM/HUMAN RESOURCES DIRECTOR AND OFF THE TABLE COMMUNICATION – COUNCILOR CLARK – CHARTER OFFICER EVALUATION PROCESS

An informational report was received from the Finance, Organization and Personnel Committee relative to the Charter Officer evaluation process. Councilor Greenwald moved to suspend the Rules of Order to allow consideration of the Committee report. On roll call vote, 14 Councilors were present and voting in favor. Councilor Lamoureux was absent. The Rules were declared suspended. Councilor Greenwald moved to amend the Committee report to adopt the Charter Officer Evaluation Process as presented. The Mayor requested that the ACM/Human Resources Director come forward to review the packet of information placed on the Councilors’ desks. Councilor Greenwald explained the background on the history of the evaluation process for Charter employees and the development of the evaluation process. The Mayor pulled the tabled communication from Councilor Clark and recognized him for comment. The Councilor stated he did not agree with how the evaluation process as recommended and suggested that the discussion and development should have occurred through a more public process. He also disagreed with the intent that the 3 Standing Chairs serve as an evaluation team, which exempted them as a public body. The Councilor continued he was suggesting another alternative that would meet the needs and the concerns that we have with the process, but it needs to be discussed in public. The Councilor moved to refer both his proposal and the collaborative proposal back to the Finance, Organization and Personnel for discussion at a public meeting. A roll call vote resulted in a tie with seven Councilors voting in opposition and Councilors O’Connor, Clark, Filiault, Sutherland, Hooper, Chadbourne and Jones voting in favor. The Mayor broke the tie with a vote to refer the matter back to Committee.

#### CITY MANAGER COMMENTS

The Assistant City Manager, Rhett Lamb, invited the City Councilors to the annual Holiday Luncheon on Thursday, December 8, 2016, from 11:30 AM to 1:30 PM in the Michael E.J. Blastos Community Room. He asked that everyone bring a non-perishable food item to benefit the Keene Community Kitchen. The Assistant City Manager advised Engine 1 has been placed

in service as of Friday, November 18<sup>th</sup>. All personnel completed training on the unit before it was placed in service and all needed equipment has been added to the truck. This completes a two year process by the Fire Department staff to review the needs of the truck, safety systems and ability to maintain and service the truck. The Assistant City Manager went on to the Wastewater Treatment Plant dewatering equipment replacement project and noted this project is progressing well. The new screw presses are on site and one of the old belt filter presses has been completely removed through a temporary access port in the block well. The access port is covered up and insulated and will be used again for removing the second press and bringing the new presses inside. The old drum thickeners have been completely removed and their concrete pads demolished. The new polymer and air scrubber units have been mounted on their new concrete pads. The contract calls for substantial completion in August 2017, but it should be completed in late spring of 2017. The Assistant City Manager continued with the water supply drought update. He explained that the City has been using 2 of the Court Street wells for the majority of the water supply over the past couple weeks to let the reservoirs fill. The recent rain and some leakage from Woodward Reservoir into Babbage has allowed Babbage's level to increase enough that it's overflowing, allowing it into service. The plan is to use it judiciously over the next few weeks or until it freezes, to lower the water level a little for the winter.

#### MEMORANDUM –FINANCE DIRECTOR AND ORDINANCE O-2016-20: WATER AND SEWER UTILITY CHARGES

A memorandum was received from the Finance Director regarding changes to the water and sewer utility charges. Ordinance O-2016-20 was read for the first time. The memorandum and Ordinance O-2016-20 were referred to the Finance, Organization and Personnel Committee.

#### FOP REPORT AND RESOLUTION R-2016-35: APPROVING AN APPLICATION FOR CDBG FUNDS

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2016-35. The report was filed as informational. Resolution R-2016-35: Approving an Application for CDBG Funds 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 14 Councilors present and voting in favor the motion passed. Resolution R-2016-35 declared adopted. Councilor Lamoureux was absent.

#### ADJOURNMENT

At 8:25 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:

City Clerk