

A regular meeting of the Keene City Council was held Thursday, October 19, 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, George S. Hansel, Gary P. Lamoureux, Stephen L. Hooper, Bettina A. Chadbourne, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Robert B. Sutherland was absent. Councilor Powers led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the October 5, 2017 regular meeting was duly seconded. The motion passed with a unanimous vote in favor.

ANNOUNCEMENTS

The Chair announced to the Council that a special City Council Meeting is scheduled for Thursday, November 9th at 6:15 PM for the purpose of canvassing votes cast at the Municipal General Election. This special meeting will precede the regularly scheduled Finance, Organization and Personnel Committee. The Chair congratulated Councilor Hansel who received the "Rising Stars Award" for his community work. The award honors an individual who, through their volunteerism, philanthropy and/or community involvement demonstrates a commitment to civic participation, strengthening their community and developing personal leadership capacity to make New Hampshire a better place for future generations. The Chair announced an Appreciation Party for Med Kopczynski to be held at Bentley Commons on Friday, October 20, 2017 from 5:00 PM to 7:00 PM.

PUBLIC HEARING – AUTHORIZING THE OPERATION OF KENO – MUNICIPAL GENERAL BALLOT

The Mayor called the Public Hearing to order at 7:07 PM. The Notice of Hearing and Certificate of Publication were read. The notice indicated that this hearing is in response to a request by the New Hampshire Lottery Commission to place a question on the 2017 Municipal General Ballot that would allow the operation of "keno" in the City of Keene pursuant to Senate Bill 191, which went into effect July 1, 2017. The legislature provided a local option for a municipality to authorize keno via a referendum vote on the general election ballot. The notice further identified that all net proceeds collected by the Lottery Commission under RSA 284:47 shall be deposited into the education trust fund established by RSA 198:39 for the purpose of providing grants to public schools, and to chartered public schools, toward the cost of operation of an approved full day kindergarten program. The Mayor stated the purpose of this public hearing is to educate the public about keno and about the process being followed. He went on to recognize Charles McIntire, the Executive Director of the Sweepstakes Commission.

Mr. McIntire stated that he has the privilege of being the Executive Director of the NH Lottery. He noted that Keene holds a special place in the Lottery Commission's heart because a Keene resident, Larry Pickett, was the founder of the NH Lottery in 1963-64. It was the first lottery in the United States, and went on to spur 46 other states to do the same. He explained the process for approval to operate keno in the City of Keene, noting this public hearing is to allow citizens to respond to the request and ask questions. He stated that as such, he did not have a formal presentation prepared, but was prepared to answer any questions from the Council and the public or address any concerns.

Mayor Lane stated his understanding is that keno can only be utilized in places actively selling alcohol. Mr. McIntire stated it is even narrower than that, in that it has to be in an establishment actively pouring, not just selling alcohol. This would not allow places like convenience stores or grocery stores to operate keno in their locations. As a follow-up, Mayor Lane stated that a person under 21 cannot enter a bar, and went on to ask if this will now allow 18 year olds to enter bars in order to play keno. Mr. McIntire answered no, stating the State was aware this would, in a sense, limit access to these games. They do not expect any play from individuals under the age of 21 absent the circumstances where the games was accessible to individuals under 21 who might work at the establishment.

Mayor Lane stated his understanding is the proceeds from keno are going into a State fund, which will then be distributed across the State for full day kindergarten. He inquired whether that distribution was limited to public schools, or would other schools be eligible? Mr. McIntire stated he was uncertain and recommended the question be posed to the Department of Education.

Councilor Greenwald, noting the \$1,100 per student that will be provided, asked if the communities that have higher incomes from keno would get higher payouts per student. Mr. McIntire stated the rate is set by budget law and could be revisited during the next budget process. Councilor Greenwald stated that his understanding is there are two ways to play keno, one by slot machine, and one that is a group of people in a room where a screen is on display to show the numbers. He asked which type would be available here. Mr. McIntire stated generally it is the latter. He added that some bars might have a kiosk. Mr. McIntire continued the bet slip that the players will use has check offs to select numbers, and the machine reads those marks on the slip. There are security measures in place to validate this process. The goal is to make this seamless for the bars to have in place without additional work on their part to oversee it.

Councilor Jones asked if it is centralized in terms of the numbers and drawings will be throughout the state, is that accurate? Mr. McIntire concurred.

Councilor O'Connor made reference to the age of individuals having access to these games, noting that places like Applebee's have a bar, but there is no age restriction to enter. Would that not make the games accessible to people under the age of 21? Mr. McIntire agreed this could happen. He continued that he has a great deal of experience with keno and he noted in Massachusetts very few of these chain type restaurants added gaming because it is not part of their typical business model.

Councilor Sapeta asked for revenue projections. Mr. McIntire provided percentages relative to how much the establishment would receive, what is paid out to winners, etc. and stated that they expect revenues to far exceed the \$40 million dollars initially anticipated. The profit would be in excess of \$8.5 million to \$12 million dollars. The State believes they will also see an increase in the revenue from the increased spending in these establishments through the rooms and meals taxes as well as through liquor sales. They have noticed on average a 16 percent increase in overall spending at establishments offering keno.

Councilor Clark asked about the vote at the Municipal Election of November 7th. Will it be a simple majority vote? Mr. McIntire agreed that it would be a simple majority of the citizens who cast their ballot, just as it was in the 1960's when the vote on the Lottery was done.

Councilor Sapeta asked if there were any statistics on the increased issues with problem gambling if the keno question passes. Mr. McIntire stated he would defer to Mr. Ed Talbot, the Executive Director of the New Hampshire Council on Problem Gambling, who is here this evening. He added that in his experience keno - in terms of problem gambling - is not as aggressive an issue as something like scratch tickets or casino gambling, though he did not have specific statistics to share.

Mr. Ed Talbot came forward to testify and answer questions about gambling addiction. Mr. Talbot stated he served as Chief of Staff for the Bristol County Sheriff's Office in Massachusetts, and primarily worked with addicted offenders. He also worked as a Community Service Representative for Adcare before taking his current position on the New Hampshire Council on Problem Gambling. He noted he is a person in long-term recovery from gambling addiction as well. Mr. Talbot went on to describe the work and mission of the Council on Problem Gambling noting that they are a non-profit, private organization to address the emotional, social and financial cost of problem gambling, and to provide treatment, prevention and referral services to those with a gambling issue, their loved ones and the community. Mr. Talbot went on to state that neither he nor the Council on Problem Gambling take a position relative to legalized gambling. They remain neutral position on these issues.

Mr. Talbot went on to explain the types of gamblers: social gamblers which comprises 95 percent of the adult population, problem gamblers which represent about 3 percent of the population, and compulsive gamblers who spiral out of control with their gambling. National statistics suggest that there are approximately 60,000 people in New Hampshire with a gambling problem; and of those approximately 8,000 are compulsive gamblers. As Director McIntire said, New Hampshire was the first State to authorize a lottery, and 46 other states followed. Almost all of those 46 states have incorporated funding to treat problem gambling. New Hampshire does not. Until his organization approached Director McIntire, there was no help to get the Council organized. He continued that Director McIntire has seen to it that their organization was supported with in-kind donations and some funding to ensure they are able to operate. Mr. Talbot continued that it is essential when we realize that three years ago over 500 calls were made to either the National Council on Problem Gambling or the Massachusetts Council for Problem Gambling – by New Hampshire residents. The services are tremendously lacking in this State. There are no known licensed clinicians specializing in problem gambling in this State. This is a different addiction than some others and requires different training to be able to treat. He continued that in NH they have proposed a comprehensive plan to the Department of Health and Human Services (at their suggestion) to address problem gambling in this State. Now with the passage of this legislation, there will be funding to do things in this regard. He went on to discuss some of the things that they will be able to do with this funding, and some of the services that are currently lacking. He thanked the City Council for providing this opportunity.

Mayor Lane stated that Mr. McIntire had noted that under the legislation one percent of the gross proceeds from keno will go towards dealing with gambling issues. He asked Mr. Talbot if his

organization will benefit from these funds. Mr. Talbot answered that the money will go to the Department of Health and Human Services and they will distribute it. They would likely put out a proposal, and the NH Council on Problem Gambling would submit a bid to provide these services and there would be a resulting contractual obligation.

Councilor Sapeta asked about the problem gamblers in NH and where they are currently engaging in gambling activities. Mr. Talbot stated that some of them are gambling in the State through lottery activities. He noted the largest gambling activities occurring are casino, lottery and sports betting. Although sports' betting is illegal in many states, it is still very common. Councilor Sapeta went on to ask about the lack of credentialed professionals to treat this type of addiction. Mr. Talbot stated there are two in the State, himself and the president of their Board, and the training and certification occurred in Massachusetts. There is no training or certification in this State.

The next speaker was Superintendent of SAU 29, Robert Malay. He stated that Keene currently has 168 kindergarteners. That would mean Keene would receive approximately \$184,000. As was mentioned previously, if the revenues exceed the predictions, that would potentially mean more funding per student. Superintendent Malay noted that SAU 29 also includes six surrounding towns that would receive benefits for their full day kindergarten programs and the funds will offset the property taxes required to operate these programs. He offered to answer any questions.

Councilor Clark asked for clarification on who would receive these benefits. Mr. Malay stated if the City or town runs a full day kindergarten, they will be eligible and receive the \$1,100 per student.

The Mayor asked if there were any questions or comments from members of the public. There being none, the Mayor closed the public hearing at 7:40 PM. Mayor Lane stated that if members of the public have questions they can direct them to the NH Lottery Commission. He further noted the question of operation of keno in the City of Keene will be on the Municipal General ballot on November 7, 2017.

A true record, attest:


City Clerk

CONFIRMATION

A motion was made by Councilor Greenwald and duly seconded to confirm the following nomination to the Agricultural Commission: Catherine M. Souther to serve as a regular member with a term to expire December 31, 2019. On a roll call vote, with 14 Councilors present and voting in favor the motion carried. Robert B. Sutherland was absent.

COMMUNICATION – STEVE RUSSO – RESIGNATION – PARTNER CITY COMMITTEE

A communication was received from Steve Russo resigning from the Partner City 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.

NOMINATIONS

The following nominations were received from the Mayor for the following: Cities for Climate Protection: Jessica Baum to serve as a regular member with a term to expire December 31, 2018 and Partner City Committee: Kurt Blomquist to serve as a regular member with a term to expire December 31, 2017. The nominations were tabled until the next regular meeting.

MSFI REPORT – DEPARTMENTAL PRESENTATION – AWAY GOES TROUBLE DOWN THE DRAIN – HIGHWAY DIVISION

Municipal Services, Facilities and Infrastructure Committee report read recommending acceptance of the Highway Division presentation on Away Goes Trouble Down the Drain as informational. The Chair filed the report into the record as informational.

MSFI REPORT – COUNCILORS CLARK & RICHARDS – INTENDED USE OF HIGHWAY FUNDS ALLOCATED TO THE CITY THROUGH SB 38

Municipal Services, Facilities and Infrastructure Committee report read recommending acceptance of the communication from Councilors Clark and Richards as informational. The Mayor noted that a presentation on those highway projects that could be funded through SB 38 will be made before the Finance, Organization and Personnel Committee. The Chair filed the report into the record as informational.

PLD REPORT – DONNA FORTE – APPLICATION FOR A LODGING HOUSE LICENSE – 57 WINCHESTER STREET

Planning, Licenses and Development Committee report read, recommending that Donna Forte be granted a lodging house license on property located at 57 Winchester Street for a period of one year from the date of issuance. Said license is conditional upon the following:

- 1) Compliance with all applicable laws, ordinances, codes and rules and regulations;
- 2) No more than 16 persons may reside on the premises;
- 3) No less than 8 vehicular parking spaces must be provided on the premises;
- 4) The names, home addresses, and motor vehicle registrations of the residents of the licensed premises shall be available on the premises at all times for inspection upon request by the Police, Code Enforcement or Fire Departments;
- 5) Continued violation of the City parking ordinances by residents of the premises or their guests, as determined by the Police or the Code Enforcement Department may be grounds for suspension or revocation of the license;
- 6) No alcoholic beverages may be sold on the premises except by written permission of the New Hampshire Liquor Commission;

- 7) Loud noises or other disturbances after 10:00 PM that continue after warning by the Police Department may be grounds for suspension or revocation of the license;
- 8) Access to the common areas of the licensed premises shall be granted to the Police, Code Enforcement, Fire and Health Departments of the City of Keene at all reasonable times;
- 9) The cellar space does not meet the qualifications for public assembly and therefore cannot be used as a gathering space;
- 10) The continuation of the license is subject to and conditioned upon successful passage of two inspections to be conducted by the City;
- 11) Compliance with any recommendations of City staff; and
- 12) The 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 20th day of October, 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.

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

Finance Organization and Personnel Committee report read, recommending that the City Council accepts donations of \$30,934.82 as listed in the August Cambridge Trust Statement and the August 24th - September 30th Donor List to be deposited the Library Renovation Temporarily Restricted City Trust as part of the Next Chapter Campaign Drive. 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 GRANT FOR WATER MONITORING EQUIPMENT – PUBLIC WORKS DEPARTMENT

Finance Organization and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept and execute a Cyanotoxin Monitoring Equipment and Training grant from the New Hampshire Department of Environmental Services in the amount of six thousand one hundred forty six dollars (\$6,146) for the purchase of equipment to sample and monitor water quality in Babbage and Woodward reservoirs. 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 ANTIOCH GRANT – TRAINING FUND – YOUTH SERVICES DEPARTMENT

Finance Organization and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept a grant from Antioch of New England in the amount of \$1,000.00 for use by Youth Services. 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 expressed that she has had one-on-one meetings with the majority of City Councilors and have two more meetings scheduled for next week. The City Manager had a tour of the City to discuss facilities and some current and projects planned for the future with the Assistant City Managers and the former City Manager. She stated that they spent a few hours visiting several locations and discussed a great deal, but another meeting still needs to be scheduled. The City Manager informed the Council that she has completed a majority of one-on-one meetings with department heads at their facilities to discuss challenges and opportunities that they are currently facing. She plans to be at the airport and library next week. The City Manager announced the Library Annex project contract is expected to be executed mid-November and the project will take about a year to complete. The City Manager stated that the CIP presentations have been completed with the exception of the City Clerk and IT, both will be presenting on Friday and Monday, respectively. The majority of the projects discussed are ones the Council are already familiar with from prior year presentations with a few new ones proposed mostly in the out years. The timing of these CIP presentations has allowed the City Manager to get up to speed on projects currently in the works and get a better handle on the capital needs for the future. She commented that the Department heads have put together thoughtfully planned projects and the Finance Director has clearly mastered what is needed to shift and coordinate projects in such a way as to mitigate large impacts to the general fund or water/sewer rates. She stated that the difficult part is yet to come by prioritizing and making all the numbers work in a way that is palatable to the Mayor and Council and ultimately to the public while addressing the various needs of the community.

MORE TIME

More time was granted by the Chair for: Continued Discussion – An Ordinance for Disorderly Residences; Joe Shapiro/Keene Immigrant and Refugee Partnership – Encouraging the Consideration of a Resolution Aimed at Making Keene a Welcoming Environment for Immigrants.

ORDINANCE O-2017-16: RELATING TO NO PARKING FOUNDRY STREET

A memorandum was received from the City Engineer along with Ordinance O-2017-16. The memorandum was filed into the record. Ordinance O-2017-16 referred by the Chair to the Municipal Services, Facilities and Infrastructure Committee.

ORDINANCE O-2017-17: RELATING TO SPECIFIC STREET REGULATION – SPEED LIMITS

A memorandum was received from the City Engineer along with Ordinance O-2017-17. The memorandum was filed into the record. Ordinance O-2017-17 referred by the Chair to the Municipal Services, Facilities and Infrastructure Committee.

MSFI REPORT AND ORDINANCE O-2017-18: RELATING TO SNOW AND STREET MAINTENANCE PERIOD

Municipal Services, Facilities and Infrastructure Committee report read recommending the adoption of Ordinance O-2017-18. The report was filed as informational. Ordinance O-2017-18 was read for the second time. A motion by Councilor Filiault for adoption of the Ordinance was duly seconded. On a roll call vote, with 14 Councilors present and voting in favor, the motion carried. Ordinance O-2017-18 declared adopted. Councilor Sutherland was absent.

PLD REPORT AND ORDINANCE O-2017-10-A: RELATING TO ACCESSORY DWELLING UNITS

Planning, Licenses and Development Committee report read recommending the adoption of Ordinance O-2017-10-A. The report was filed as informational. Ordinance O-2017-10-A was read for the second time. A motion by Councilor Richards for adoption of the Ordinance was duly seconded. On a roll call vote, with 14 Councilors present and voting in favor, the motion carried. Ordinance O-2017-10-A declared adopted. Councilor Sutherland was absent.

PLD REPORT AND ORDINANCE O-2016-01-C: RELATING TO THE ESTABLISHMENT OF A BUSINESS GROWTH AND REUSE DISTRICT, A NEIGHBORHOOD BUSINESS DISTRICT AND A RESIDENTIAL PRESERVATION DISTRICT

Planning, Licenses and Development Committee report read recommending the adoption of Ordinance O-2016-01-C. The report was filed as informational. Ordinance O-2016-01-C was read for the second time. A motion by Councilor Richards for adoption of the Ordinance was duly seconded. On a roll call vote, with 14 Councilors present and voting in favor, the motion carried. Ordinance O-2016-01-C declared adopted. Councilor Sutherland was absent.

TABLED ITEM: PLD REPORT AND ORDINANCE O-2016-02-A: RELATING TO CHANGE OF ZONES – MARLBORO STREET PROJECT AREA AND PARCELS

The Mayor removed Ordinance O-2016-02-A from the table. Ordinance O-2016-02-A: Relating to Change of Zones – Marlboro Street Project Area and Parcels was read for the second time. A motion by Councilor Richards for adoption of the Ordinance was duly seconded. On a roll call vote, with 14 Councilors present and voting in favor, the motion carried. Councilor Sutherland was absent. Ordinance O-2016-02-A declared adopted.

FOP REPORT AND ORDINANCE O-2017-09: RELATING TO THE BUILDING PERMIT FEE INCREASE

Finance, Organization and Personnel Committee report read recommending the adoption of Ordinance O-2017-09. The report was filed as informational. Ordinance O-2017-09 was read for the second time. A motion by Councilor Greenwald for adoption of the Ordinance was duly seconded. On a roll call vote, with 14 Councilors present and voting in favor, the motion carried. Ordinance O-2017-09 declared adopted. Councilor Sutherland was absent.

10/19/2017

MSFI REPORT AND RESOLUTION R-2017-30: OPPOSING ATVS ON THE CHESHIRE AND ASHUELOT RAIL TRAILS

Municipal Services, Facilities and Infrastructure Committee report read recommending the adoption of Resolution R-2017-30. The report was filed as informational. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. On a show of hands vote, with 14 Councilors present and voting in favor, the motion carried. Councilor Sutherland was absent. Resolution R-2017-30 declared adopted.

ADJOURNMENT

At 8:08 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:

A handwritten signature in black ink, appearing to read "Patricia Costello". The signature is written in a cursive style with a large initial "P".

City Clerk