

A regular meeting of the Keene City Council was held Thursday, March 21, 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, Randy L. Filiault, Bartolmiej K. Sapeta, Margaret M. Rice, George S. Hansel, Gary P. Lamoureux, Bettina A. Chadbourne, Stephen L. Hooper, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Terry M. Clark and Robert B. Sutherland were absent. Councilor Rice led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the March 7, 2019 regular meeting was duly seconded by Councilor Jones. The motion passed with a unanimous vote in favor.

ANNOUNCEMENTS – MAYOR

The Mayor announced Tuesday, April 2, 2019 at 6:00 PM, the Legislative Delegation Meeting will be held in the Council Chambers.

PRESENTATION OF RETIREMENT RESOLUTION – DONNA L. HANSCOM

The Mayor presented a Resolution to Donna L. Hanscom in honor of her recent retirement. The Resolution noted her many accomplishments during her tenure with the City and expressed gratitude for her years of service.

PUBLIC HEARING – COMMUNITY REVITALIZATION TAX RELIEF APPLICATION (79E) – FORMER GRACE METHODIST CHURCH

The Mayor called the Public Hearing to order at 7:10 PM. The Notice of Hearing and Certificate of Publication were read. The Mayor recognized Medard Kopczynski, the City's Economic Development Director. Mr. Kopczynski stated that this is very exciting for the City. Mr. Luse has submitted our first application under 79-E. Hopefully this is the first of many. He will explain the project tonight, but in essence he is rehabilitating a historic church in downtown Keene to be used as a center of business and employment. Mr. Kopczynski stated this is a marvelous project. He continued this Public Hearing is required by Statute. There have been many meetings with the applicant to get to this point. For the benefit of the public, Mr. Kopczynski explained the purpose of RSA 79-E. This is a community revitalization tax relief incentive, intended to encourage development and redevelopment of qualifying structures within defined 79-E tax relief districts. What this can do is provide tax relief for up to five years on the incremental value generated by projects, in exchange for projects that meet stated goals of public benefit. Both the City Council and staff has taken great pains to flesh out these definitions.

This process was originally adopted by Resolution in 2017 and was for the Marlboro Street area. In December of 2018, the district was expanded to include the downtown area. He noted a map of the district has been provided to the Council for their reference. Mr. Kopczynski continued the application process was developed with the assistance of the Planning Department along with the City Attorney, ensuring that the process was clear and the steps were outlined for the public and the City Council. He noted the address of this particular application is 34 Court Street, which was formerly the Grace Methodist Church. The proposed use is Paragon Digital Marketing. Their application is 74 pages long, and is quite lengthy and quite thorough thanks to the diligence of Mr. Luse and City staff. The application has been reviewed by the Community Development Department. Within the checklist of the application it gives the specific

information that was reviewed. It was also reviewed by an internal committee consisting of Mr. Kopczynski, as well as the City Assessor and the Community Development Director. The application was received on February 11, 2019 and was reviewed to ensure the criteria had been met. This Public Hearing will allow the applicant to give the City Council an overview of what they plan to do. This will then go to the Finance, Organization and Personnel Committee for further review and discussion. The Council will need to decide if the project meets the criteria for 79-E and the tax relief is justified in relation to the proposed public benefit. The factors that might be considered include: rehabilitation of an existing historic structure, additional jobs, upgrades and changes to residential units, etc. This could allow the City Council to grant two to five years of tax relief depending on the number of perceived benefits of the project. This process is on track to be before the FOP on March 28th, and should be back to City Council for final decision on April 4, 2019.

Zach Luse 317 Court Street, stated he is the owner of Paragon Digital Marketing, a 13-person digital marketing and web development company. They are currently operating on Washington Street above the Bank of America and are outgrowing their space. Mr. Luse explained that they have a very ambitious growth plan to go from 13 employees to over 40 in the next five to ten years. They have clients all over the country and are bringing revenue into the region. Being a service based business, most of that revenue goes back into the community through local wages. Mr. Luse noted he acquired the church at 34 Court Street in September of 2018. It is the last of the three historic churches that once graced the end of Court Street. The other two were demolished in the 1960's. He continued the building is on the National Register of Historic Places and was on the NH Preservation Alliance's list of "Seven to Save." It stands much the same today as it did in 1869 with few modifications to the outside. His intention is to move the Paragon offices into first floor so they can grow, but also stay in downtown Keene while adding to the economic vitality and vibrancy of downtown. He is excited at the opportunity to save this historic landmark and adapt it for modern use. They will maintain the historic elements of the building as much as possible when upgrades are done while also making it a viable building for their use. He noted the majority of the improvements contemplated in the budget is going toward the biggest issue with the building, which is energy efficiency. The current heating costs are not viable for most uses. A 34.7 kilowatt Solar array will be installed on the roof to power air source pumps to heat and cool the space, significantly reducing their use of fossil fuels. They will also be replacing the first floor windows with modern, energy efficient windows, however they will not be modifying any of the stained glass windows. They will be doing extensive air sealing and insulating, and adding internal partition walls and other minor changes to the interior.

Mr. Luse noted that have received Historic District Commission approval for the exterior changes, and are working with the CDFA on the financing. He stated this project aligns nicely with Keene's recent Resolution to switch to 100% renewable energy. The project will save thousands of gallons of fossil fuel from being burned each year. He continued these improvements satisfy six out of the nine public benefit criteria for 79-E. It enhances the economic vibrancy and integrity of downtown, improves a structure that is historically important, promotes the preservation and use of existing building stock, aligns with several of the goals in the Master Plan, provides good, full time jobs in downtown Keene, increases energy sustainability and reduces greenhouse gases. Although he would like to have attained LEAD or Green Building certification; they were not able to meet the certification with their current budget. They will do all they can to make the building as sustainable and energy efficient as

possible. Five years of tax relief under this program would go a long way towards ensuring this is a successful project and allowing them to grow and invest in their people and their space in downtown Keene. Mr. Luse ended by thanking staff for their support and guidance through this process.

Mr. Kopczynski stated that these types of projects are generally very successful and he feels we will see more of them coming forward. He added that Mr. Luse has been a strong partner and a very helpful partner in making this successful both for himself and the City. From staff's perspective, he wanted to thank Mr. Luse for his diligence, as well as his flexibility and the ease with which they have been able to work together on this project.

The Mayor thanked Mr. Luse for his willingness to invest and expand in downtown Keene and looked forward to his success. He went on to ask for comments from the public. There being none, the Mayor closed the hearing to oral testimony at 7:25 PM. He noted the hearing would remain open for written public comments until Tuesday, March 26, 2019 at 1:00 PM. Comments must be signed and submitted to the City Clerk by the noted deadline to be included in the record.

A true record, attest:

City Clerk

NOMINATIONS

The following nominations were received from the Mayor: Samuel Temple to serve as a regular member of Historic District Commission with a term to expire December 31, 2019. With respect to a position on the College City Commission for which he wanted to make a nomination; the Mayor declared a vacancy in slot 2 on the College City Commission and nominated Peter Starkey to serve as a regular member with a term to expire December 31, 2020. The nominations were tabled until the next regular meeting.

COMMUNICATION – ATTORNEY GARY KINYON/372 MARLBORO STREET, LLC – PURCHASE PROPOSAL FOR CITY PROPERTY – ADJACENT TO 372 MARLBORO STREET

A communication was received from Attorney Gary Kinyon, on behalf of 372 Marlboro Street, LLC, expressing his interest in purchasing two parcels of City property adjacent to 372 Marlboro Street. The request was referred to the Finance, Organization and Personnel Committee.

COMMUNICATION – COUNCILOR FILIAUT – REQUEST FOR RECONSIDERATION – ORDINANCE O-2019-03

A communication was received from Councilor Filiault, requesting under the Rules of Order, Section 20, Reconsideration of Ordinance O-2019-03: Relating to Vendors – Time Limitation for Certain Activities. Ordinance O-2019-03 was adopted on March 7, 2019. A motion by Councilor Filiault to reconsider Ordinance O-2019-03 was duly seconded by Councilor Jones. A brief discussion took place. The motion passed with eight in favor and 5 opposed. Councilors

Manwaring, Rice, Hansel, Lamoureux, and Richards were opposed. Ordinance O-2019-03 was reconsidered and was referred to the Planning, Licenses and Development Committee.

PLD REPORT – BRUCE BICKFORD/FARMER’S MARKET – REQUEST TO USE CITY PROPERTY – GILBO AVENUE

Planning, Licenses and Development Committee report read recommending that the Farmer’s Market of Keene be granted permission to use 22 parking spaces along Gilbo Avenue on Tuesdays from May 7, 2019 to October 29, 2019, from 3:00 PM to 8:00 PM, and 22 parking spaces along Gilbo Avenue as well as an additional 18 spaces on the other side of the median strip in the Commercial Street parking lot on Saturdays from April 20, 2019 to October 26, 2019, from 8:00 AM to 2:00 PM. In addition, the petitioner is granted use of the median area for placement of picnic tables with the understanding that the pedestrian path may not be obstructed. Said permission is granted subject to the following conditions: compliance with the customary licensing requirements of the City Council; the receipt of a total rental fee of \$932.00 (payable on the first day of every month at \$155.00 per month); obtainment of a City food license from the Health Department; and compliance with any recommendations of City staff. Access to City electrical shall also be provided at a fee of \$60.00 for the season. It is further recommended that the Farmer’s Market of Keene be allowed to erect sandwich board signs on City property prior to the start of sales, subject to review and approval by City staff with respect to the number and location. The signs must be removed immediately after the sales have concluded. A motion by Councilor Jones to carry out the intent of the report was duly seconded by Councilor Hansel. The motion passed with a unanimous vote in favor.

PLD REPORT – WESTON LIU/NEW ENGLAND AEROBATIC CLUB – REQUEST TO USE CITY PROPERTY – DILLANT HOPKINS

Planning, Licenses and Development Committee report read recommending that the City Council authorize the use of the Dillant-Hopkins Airport by Chapter 35 of the International Aerobatic Club from the date of issuance through December 31, 2019, subject to the execution of a Revocable License and Indemnification Agreement, the receipt of an insurance certificate in the amount of at least \$1 million naming the City as an additional insured and all other requirements of City staff including but not limited to the following restrictions: compliance with any requirements of the FAA, limit practice sessions to not more than 5 for the year, no Sunday practice sessions, the aerobatic activity shall not occur below 1,500 MSL, limit aerobatic activity to the southern portion of the aerobatic box established by the FAA, restrict use of the aerobatics box until after 10:00 AM, and invite neighbors to the mandatory safety briefings held on practice days. A motion by Councilor Jones to carry out the intent of the report was duly seconded by Councilor Hansel. The motion passed with a unanimous vote in favor.

PLD REPORT – HB 365 “RELATIVE TO NET ENERGY METERING LIMITS FOR CUSTOMER GENERATORS” – ENERGY AND CLIMATE COMMITTEE

Planning, Licenses and Development Committee report read recommending that the City Council draft a letter to the State Legislature stating they support HB 365 “Relative to net energy metering limits for customer generators.” A motion by Councilor Jones to carry out the intent of

the report was duly seconded by Councilor Greenwald. The motion passed with a unanimous vote in favor.

PLD REPORT – SWANZEY DAM EASEMENT – AIRPORT DEPARTMENT

Planning, Licenses and Development Committee report read recommending that the City Council authorize the City Manager to do all things necessary to negotiate and execute an easement with the Town of Swanzezy for the rehabilitation and long term maintenance of the Wilson Pond dam. A motion by Councilor Jones to carry out the intent of the report was duly seconded by Councilor Hansel. The motion passed with a unanimous vote in favor.

FOP REPORT – PATHWAYS FOR KEENE – ACCEPTANCE OF DONATION – SOLAR LIGHTS – KEENE BIKE PATH

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to accept the donation of solar lights and poles to be installed along various locations along the bike path as determined by the Parks, Recreation and Facilities Director. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF DONATION – CHESHIRE CATS – PARKS, RECREATION AND FACILITIES DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept the donation of \$527.39 from the Cheshire Cats and that the money be used towards program equipment and travel expenses for future tournaments. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

FOP REPORT – REQUEST FOR APPROVAL TO SOLICIT DONATIONS TO BE USED FOR A SAFE ROUTES TO SCHOOL EVENT AT KEENE MIDDLE SCHOOL – COMMUNITY DEVELOPMENT DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to solicit and accept donations to be used for a Safe Routes to School event at the Keene Middle School in May 2019. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF LOCAL SOURCE WATER PROTECTION GRANT – 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 Local Source Water Protection Grant from the New Hampshire Department of Environmental Services (NHDES) in the amount not to exceed \$14,500 for the installation of security fencing in the Court Street Well

Field. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

FOP REPORT – T-HANGAR LEASE AGREEMENTS - AIRPORT DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute Keene Airport T-hangar leases with David Wallace and Food Harvest For America, and that the City Council authorize the City Manager to do all things necessary to negotiate and execute future Keene Airport T-hangar leases. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

FOP REPORT – GOOSE POND DAM IMPROVEMENTS PROJECT – CONSTRUCTION PHASE SERVICES – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the waiving of the professional service purchasing requirements and that the City Manager be authorized to do all things necessary to negotiate and execute a professional services contract with Dubois & King, Inc. of Randolph, VT for the engineering, technical, and administrative services for the construction phase of the Goose Pond Dam Improvements Project (90228-17) for an amount not to exceed \$140,916. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

FOP REPORT – ROSE LANE WASTEWATER TREATMENT PLANT SITE CLOSURE PROJECT – CHANGE ORDER – BAZIN BROTHERS – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to execute Change Order No. 2 with Bazin Brothers Trucking, Inc. for an amount not to exceed \$162,650 for Contract 01-16-08, Rose Lane Wastewater Treatment Plant Site Closure Project. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

FOP REPORT – ROSE LANE WASTEWATER TREATMENT PLANT SITE CLOSURE PROJECT – CHANGE ORDER – LOUREIRO – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to execute Change Order No. 5 with Loureiro Engineering for additional engineering and administrative services in an amount not to exceed \$4,999 for Rose Lane Wastewater Treatment Plant Site Closure Project, Contract 04-16-04. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

FOP REPORT – COUNCILORS GREENWALD, MANWARING & RICHARDS – TAX DEEDING - KINGSBURY

Finance, Organization and Personnel Committee report read recommending that the City Manager and appropriate City staff be directed to initiate the tax deeding process with respect to unpaid property taxes subject to tax deeding for property located at 80 Laurel Street, tax map number 589-017-000-000-000. The Mayor tabled the Finance, Organization and Personnel Committee report until the next regular City Council Meeting.

FOP REPORT – APPROPRIATION OF FUNDS FOR THE DRUMMER HILL WATER STORAGE TANK AND PUMP STATION REPLACEMENT AND CONTRACT WITH TIGHE & BOND FOR ENGINEERING SERVICES – RESOLUTION R-2019-06 AND R-2019-07

Finance, Organization and Personnel Committee report read recommending placing Resolutions R-2019-06 and R-2019-07 on more time; and the waiving of the professional services purchasing requirements and that the City Manager be authorized to do all things necessary to negotiate and execute a professional services contract with Tighe & Bond to perform engineering, technical and administrative services for the design and construction oversight for the Drummer Hill Water Storage Tank and Pump Station Replacement Project for an amount not to exceed \$307,681. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

PLANNING BOARD RECOMMENDATIONS – CIP FY 2020-2025

Planning Board report read requesting that the City Council adopt the 2020-2025 Capital Improvement Program. The report was filed into the record as informational.

FOP REPORT – CAPITAL IMPROVEMENT PROGRAM – 2020-2025

Finance, Organization and Personnel Committee report read recommending that the City Council approve, as amended, the Capital Improvement Program with the footnotes for aerial imagery update project and the voting booths project for the use of fund balance, removes \$134,000 for the Welcome Center - Facilities from FY20 and adds to FY21. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

CITY MANAGER COMMENTS

The City Manager announced a new ambulance, A3, was placed in service on February 20, 2019. This was the FY 19 CIP project for ambulance replacement and was completed on time and just under budget. The Fire Chief and the members of the department would like to thank the City Council and City staff that approved the funding and assisted in many ways with this project. The public is welcomed to go to Central Station to view the new ambulance.

The City Manager updated the Council on the Police Radio Project. The radio system and installation work is currently in progress. Most of the work has been completed at one of the four locations. The Police Department work is about halfway done for both equipment and

antennas. This leaves the other three locations for work to be completed. The installation is on track for a schedule of mid-April switch over to the new system.

The City Manager continued with the Airport Development and Marketing Committee update. The Dubois & King contract has been executed and Mark Goodrich began his work. The Airport Development and Marketing Committee will be starting back with the first meeting next week on Tuesday, March 26, 2019 at 9 AM.

The City Manager stated there is a Home Energy Workshop. The Cities Energy and Climate Committee and Monadnock Progressive Alliance Clean Energy Team invites everyone to attend the workshop on Tuesday, March 26, 2019 at 7:00 PM in the Michael E. J. Blastos Community Room. Ted Styles is an energy auditor will be discussing home energy efficiency and weatherization strategies as well as financial incentives and rebates with the New Hampshire Saves Program, and how to use the program to reduce energy consumption in your home.

The City Manager continued that Dr. Treadwell will be inaugurated on Friday, April 5, 2019 at 2 PM and will be the 11th President of Keene State College.

The City Manager informed the Council of the meeting that she and the Mayor had with Franklin Pierce University President, Kim Mooney, at the Franklin Pierce University campus. She recognized that FPU is a wonderful asset to the Monadnock Region. It was a great opportunity to meet that turned into a brainstorming session about retaining and connecting our workforce from our students graduating from FPU, Antioch, KSC and River Valley. One of those ideas was a workforce connect event where students and businesses would be matched. In addition, they talked about a workshop for businesses about company benefits structures. If we would like to attract and retain younger generation, then we need to understand what benefit packages are important to them.

The City Manager stated that a letter was received from the Library Board of Trustees really praising the work of our City Attorney, Thomas Mullins. The letter talks about the excellent work that he has done with legal assistance during the Keene Public Library Renovation Project.

The City Manager went on to share some information about Public Works Department. New Hampshire Department of Transportation will be putting in place a detour beginning on Monday, March 25, 2019 for a replacement of a bridge just east of Granite Gorge in Sullivan. Anyone going to Concord should plan for extra time to make the travel.

MORE TIME

More time was granted by the Chair for the following items in Committee: Milone & MacBroom on Behalf of People's Linen – Request to Use City Property – Monitoring Well; Toby Tousley – Request to Purchase City Property – Adjacent to Bicycle/Pedestrian Path – 160 Emerald Street.

MEMORANDUM – CITY ENGINEER AND RESOLUTION R-2019-13 RELATING TO AN APPROPRIATION FOR THE MAIN STREET CROSSWALK IMPROVEMENTS PROJECT

03/21/2019

A memorandum was received from the City Engineer along with Resolution R-2019-13: Relating to An Appropriation for the Main Street Crosswalk Improvements Project. The memorandum was filed into the record. Resolution R-2019-13 referred by the Chair to the Finance, Organization and Personnel Committee.

MEMORANDUM – PUBLIC WORKS OPERATIONS MANAGER AND RESOLUTION R-2019-14 RELATING TO AN APPROPRIATION OF FUNDS FOR WATER/SEWER RATE STUDY

A memorandum was received from the Public Works Operations Manager along with Resolution R-2019-14: Relating to An Appropriation of Funds for Water/Sewer Rate Study. The memorandum was filed into the record. Resolution R-2019-14 referred by the Chair to the Finance, Organization and Personnel Committee.

ADJOURNMENT FOR LEGAL ADVICE

At 8:18 PM, there being no further business, the Mayor adjourned the meeting for legal advice.

A true record, attest:


City Clerk