

A regular meeting of the Keene City Council was held Thursday, April 4, 2019. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: Janis O. Manwaring, Thomas F. Powers, Terry M. Clark, Randy L. Filiault, 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. Carl B. Jacobs, Bartolmiej K. Sapeta, and Robert B. Sutherland were absent. Councilor Filiault led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the March 21, 2019 regular meeting was duly seconded by Councilor Jones. The motion passed with a unanimous vote in favor.

ANNOUNCEMENTS – MAYOR

The Mayor reminded the Councilors that the solar array ribbon cutting and tour will be held on Monday, April 8, 2019 at 1:30PM at 350 Marlboro Street. This is one of the State's largest solar array projects and will save the City of Keene millions of dollars while generating enough power to offset the electric load of nearly 100 homes. The array includes 2,010 solar panels on the rooftops of the Keene Ice and the adjacent Public Works Department building.

The Mayor announced the 12th Annual Green Up Keene Event will be held on April 20, 2019 from 8:00 AM to Noon. There will be a table in Railroad Square for folks to stop by and get their assignments. The Public Works Department encourages individuals and groups to get their assignments ahead of time by contacting Public Works.

The Mayor announced the City of Keene has been designated by the Arbor Day Foundation as a 2019 Tree City USA Community. This is the 40th year the City has been designated. The Tree City USA program began in 1976. The City of Keene was first designated in 1979 and is the second oldest Tree City in New Hampshire, Durham NH at 41 years is the oldest.

NOMINATIONS

The following nominations were received from the Mayor: Kira Wadsworth to serve as a regular member of Agriculture Commission with a term to expire December 31, 2021; Doug Brown to serve as a regular member of the Building Board of Appeal and the Housing Standards Board of Appeal with a term to expire December 31, 2021. The nominations were tabled until the next regular meeting.

CONFIRMATIONS

A motion was made by Councilor Greenwald and duly seconded by Councilor Jones to confirm the following nominations: Samuel Temple to serve as a regular member on the Historic District Commission with a term to expire December 31, 2019; Peter Starkey to serve as a regular member on the College City Commission with a term to expire December 31, 2020. On a roll call vote, with 12 Councilors present and voting in favor the nomination was confirmed. Councilors Jacobs, Sapeta, and Sutherland were absent.

COMMUNICATION – ANTHONY & FANELLA LEVICK/GRANITE ROOTS BREWING – REQUEST TO SELL BEER AT KEENE FARMERS' MARKET

A communication was received from Anthony & Fanella Levick, from Granite Roots Brewing, requesting to sell beer produced by them at their nano brewery at the Farmers' Market of Keene. The request was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – PABLO FLEISCHMANN/KEENE MUSIC FESTIVAL – REQUEST FOR ADDITIONAL COMMUNITY SPONSORED EVENT FUNDING – KEENE MUSIC FESTIVAL

A communication was received from Pablo Fleischmann, from the Keene Music Festival, requesting an additional \$3,000.00 of Community Sponsored Event funding to cover an expanded footprint for the event to encompass a “block party” on the north side of Main Street between Eagle Court and Cypress Street. The request was referred to the Finance, Organization and Personnel Committee to be considered as part of budget discussions.

COMMUNICATION – MAGICAL HISTORY TOUR – REQUEST TO USE CITY PROPERTY – WALLDOGS MURAL FESTIVAL

A communication was received from Judy Rogers and Peter Poanessa, from the Magical History Tour, requesting a license to hold the Walldogs Mural Festival in downtown Keene from June 19-23, 2019. The request was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – PETITION – REQUESTING THE REMOVAL OF THE KIOSK – WEST SIDE OF CENTRAL SQUARE

A petition was received with 84 signatures requesting the replacement of the parking kiosk on the west side of Central Square with traditional coin operated parking meters. The petition was filed as informational.

COMMUNICATION – COUNCILOR FILIAULT – OPERATING HOURS FOR FOOD VENDORS

A communication was received from Councilor Filiault indicating his intent to offer an amendment to Ordinance O-2019-03 to allow for unrestricted hours of operation for vendors operating in Keene. The communication was accepted as informational.

MSFI REPORT – DORRIE MASTEN – REQUESTING A DISCUSSION ABOUT DOWNTOWN PARKING OPTIONS

Municipal Services, Facilities and Infrastructure Committee report read recommending that the City remove the kiosk on the western side of Central Square, and replace it with meters that are still in stock by the City; and, that the whole issue of parking be followed up by the City Manager with a report back to City Council. The Chair referred the matter to the Finance, Organization and Personnel Committee.

MSFI REPORT – NOTIFICATION OF DRAWDOWN – GOOSE POND DAM
IMPROVEMENTS PROJECT – PUBLIC WORKS DEPARTMENT

Municipal Services, Facilities and Infrastructure Committee report read recommending accepting the report as informational. The report was filed into the record as informational.

PLD REPORT – TIM ZINN/LET IT SHINE – REQUEST TO USE CITY PROPERTY – 2019
PUMPKIN FESTIVAL

Planning, Licenses and Development Committee report read recommending that a license be granted to Let It Shine, Inc. to use the Downtown area including Central Square and Downtown City rights-of-way and City property along with closing of any City Street and/or public right-of-way as identified by City staff on Sunday, October 27, 2019 to hold the “Keene Pumpkin Festival, In the HeART of Downtown Keene, NH” subject to the following provisions:

- The Petitioner agrees to limit the number of pumpkins to 5,000;
- That the actual event will be held from 1:00 PM to 7:00 PM with the times for set up and clean up to be established with City staff;
- There shall be no changes to the agreed upon event footprint presented in March 2019;
- No changes to the license and/or the associated protocol documents will be accepted after September 1, 2019;
- The Petitioner shall absorb the cost of any City services over and above the amount of City funding allocated in the FY 20 Community Events Budget, and agrees to remit said payment within 30-days of the date of the invoicing from the City;
- That the Petitioner is permitted to place 10 porta-potties in City parking spaces located at the base of Washington Street from Friday, October 25, 2019 to Monday October 28, 2019, which will be chained together and affixed to ensure they are not vandalized while unattended overnight;
- That free parking be granted under the provisions of the free parking policy for City parking spaces on Washington Street needed for storage of equipment from Friday, October 25, 2019 to Monday October 28, 2019, and spaces within the event footprint on the day of the event;
- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement and associated protocol documents; and
- That the Petitioner complies with any and all other recommendations of City staff.

A motion by Councilor Richards to carry out the intent of the report was duly seconded by Councilor Greenwald. The motion passed with 11 in favor and Councilor Powers opposed.

PLD REPORT – MILONE & MACBROOM ON BEHALF OF PEOPLE’S LINEN –
REQUEST TO USE CITY PROPERTY – MONITORING WELL

Planning, Licenses and Development Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute a license with People’s Linen Services, LLC for the installation and maintenance of a groundwater monitoring well on City of Keene parcel 534-004, 300 North Lincoln Street. A motion by Councilor Richards to

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

FOP REPORT – MELANSON & HEATH – AUDIT FOR FISCAL YEAR ENDED JUNE 2018

Finance, Organization and Personnel Committee report read recommending report read recommending the presentation be accepted as informational. The report was filed into the record as informational.

FOP REPORT – APPLICATION AND ACCEPTANCE OF GRANT – TAXIWAY A RECONSTRUCTION AND EXTENSION – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to apply for, accept and execute a grant offering from the New Hampshire Department of Transportation, Bureau of Aeronautics and/or the Federal Aviation Administration for the design and construction phases of the Taxiway A Reconstruction/Extension Project at the Dillant-Hopkins Airport. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Powers. The motion passed with a unanimous vote in favor.

FOP REPORT – HOMELAND SECURITY GRANT PROGRAM – POLICE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a grant of up to \$851.99 from the FY 2016 Homeland and Security Law Enforcement Terrorism Prevention Program (LETPP) to send one member of the police department to the 2019 New York Tactical Officers Association conference in April, 2019. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Powers. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF DRUG FORFEITURE DISTRIBUTION – POLICE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a monetary State drug forfeiture in the amount of \$604.25. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Powers. The motion passed with a unanimous vote in favor.

FOP REPORT – REQUEST TO ACCEPT A MONETARY DONATION – POLICE DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a \$50 donation to be used for the Keene Police Department K-9 program. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Powers. The motion passed with a unanimous vote in favor.

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

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute the sale of the 3,700 square foot parcel. Staff does not recommend the sale of the other parcel referenced on east side of 372 Marlboro Street at this time. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Powers. The motion passed with a unanimous vote in favor.

FOP REPORT – ZACH LUSE/PARAGON DIGITAL MARKETING – APPLICATION FOR COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE (79-E) – FORMER GRACE METHODIST CHURCH AT 34 CHURCH STREET

Finance, Organization and Personnel Committee report read recommending that the City Council finds as follows:

That the structure proposed for redevelopment located at 34 Court Street is a qualifying and historic structure as defined by RSA 79-E; that the structure is located within a City designated RSA 79-E district, but is not within a currently defined Tax Increment Financing District; that the structure is not a residential property subject to an election for tax assessment relief under the low income housing tax credit program of RSA 75:1-a; that the proposed rehabilitation cost estimates exceed the threshold amount of \$75,000.00 and constitutes substantial rehabilitation; that at least \$5,000.00 of the total rehabilitation cost is devoted to energy efficiency in accordance with the U.S. Secretary of the Interior's Standards for Rehabilitation; that the proposed rehabilitation is consistent with the City's Master Plan; and that the proposed rehabilitation provides the following public benefits as required by Resolution R-2018-33:

1. It enhances the economic vitality of downtown areas;
2. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located;
3. It promotes the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation;
4. It promotes efficient design, safety, and a greater sense of community in a manner consistent with the Keene Comprehensive Master Plan;
5. It will add to the City's employment base by creating at least one new, full-time job in Keene's downtown area.

Therefore, the Committee recommends that the Application for real property tax relief on any assessed tax increment resulting from the substantial rehabilitation of the qualifying structure be granted for a period of five years beginning with the completion of the substantial rehabilitation as determined by the City's Community Development Department, and conditioned upon the property owner granting to the City at the time of substantial completion a covenant ensuring

that the structure shall be maintained and used in a manner that furthers the public benefits for the period of the tax relief, to be recorded at the Cheshire County Registry of Deeds at the cost and expense of the property owner. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Powers. The motion passed with a unanimous vote in favor.

FOP REPORT – ACQUISITION OF THE RAIL SPUR THAT BISECTS TWO PARCELS OF PROPERTY – CORNER OF RALSTON AND EMERALD STREETS

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to negotiate with Nancy Sheldon, on behalf of Shalldu, Ltd., regarding her request to acquire the rail spur that bisects two parcels on the corner of Ralston and Emerald Streets. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Powers. The motion passed with a unanimous vote in favor.

CITY MANAGER COMMENTS

The City Manager announced that the City's Spring Street Sweeping Program has begun and will continue for the next 3 weeks. She continued with the week of April 8th is National Work Zone Awareness Week. Spring is here and construction activities on City Streets and State Highways will be ramping up. Each year thousands of workers, vehicle drivers and passengers are hurt in work zone accidents. The Public Works Department is asking drivers be alert when approaching and driving through work zones. These work zones are where our employees go to work each day and we want them to go home each night.

The City Manager updated the Council on the Library Project from Facilities as of March 29, 2019. The elevator is installed and waiting for a phone connection and then the final inspection on Friday, April 12, 2019. The connector between the two buildings is mostly completed, and just needs minor things to be completed. The Friend's of Keene Public Library basement is cleared for occupancy of book storage. The basement spaces still have plumbing fixtures needed, but will be completed in the next few weeks. Heberton Hall has had the final coat of urethane and the new maple flooring looks amazing. The Temple Room carpet has been installed and only needs minor touch up work. The second floor rooms, Cheshire TV area is completed and they are starting to move into their space. The first floor rooms, two conference and office space are completed. The restroom still needs fixtures. The sprinkler system is live, however, the fire alarm systems will not be ready for a few more weeks. The last piece is the HVAC connection and commissioning, of which we still do not have a date for this piece. There have been a variety of issues trying to get the contractors to the site, so a purchase of a few hundred gallons more fuel has been needed to get through the heating season. The estimated time to complete the interior work should be by the end of April. The exterior work should be completed by the end of May.

The City Manager provided some updates from the Fire Department. Probationary Firefighter/AEMT Zachary Burke started his orientation training on Tuesday, April 2, 2019. He comes from Franklin Fire Department where he has served as a fulltime Firefighter/AEMT since 2016. Before that he was a firefighter with the Gilmanton Fire Department. He is a Certified Level II Firefighter and an Advanced Emergency Medical Technician. He obtained his

Associates Degree in Fire Science from the Lakes Region Community College in 2014. He is currently in Paramedic School with a tentative completion scheduled for summer 2019. This brings the Fire Department to full staffing.

The City Manager provided some updates regarding City Hall. Facilities is preparing for the installation of key fobs for City Hall. Currently the wiring is being distributed throughout the building. This will provide all exterior doors to be under a system for greater security management of City Hall. The fobs will also offer increased control for building operations and will allow emergency services complete access without keys. The system has the capacity for future expansion when the City is ready to do so. The project is estimated to be complete at the end of May.

The City Manager announced Beth Wood has been selected for the role of Downtown Coordinator and is scheduled to start on May 1, 2019. She will be an employee of MEDC which is where her office will be located. Beth lives in Keene, is active with the downtown group and has been involved in several local nonprofits. The last eleven years she has been serving as a General Manager for one or more local restaurants. She has a Bachelor's degree in psychology from Keene State College.

MEMORANDUM – ENERGY AND CLIMATE COMMITTEE – HB 165 “RELATIVE TO NET ENERGY METERING BY LOW-MODERATE INCOME COMMUNITY SOLAR PROJECTS”

A memorandum was received from the Energy and Climate Committee recommending the City Council draft a letter to the State Legislature stating they support HB 365 “Relative to net energy metering by low-moderate income community solar projects.” The item was referred to the Finance, Organization and Personnel Committee.

MEMORANDUM – MAYOR LANE AND ORDINANCE O-2019-07 RELATING TO MEMBERSHIP ON THE ENERGY AND CLIMATE COMMITTEE

A memorandum was received from the Mayor along with Ordinance O-2019-07 Relating to Membership on the Energy and Climate Committee. The memorandum was filed as informational. Ordinance O-2019-07 was read for the first time. The Ordinance was referred to the Finance, Organization and Personnel Committee.

PLD REPORT AND ORDINANCE O-2019-03 RELATING TO VENDORS – TIME LIMITATIONS FOR CERTAIN ACTIVITIES

Planning, Licenses and Development Committee report read recommending the adoption of Ordinance O-2019-03 Relating to Vendors – Time Limitations for Certain Activities. The report was filed into the record. Ordinance O-2019-03 was read for the second time. A motion by Councilor Richards for adoption of the Ordinance was duly seconded by Councilor Hansel. Discussion ensued. A motion to amend the Ordinance to have no restrictions on hours of operation for all vendors was made by Councilor Filiault and duly seconded by Councilor Clark. Lengthy discussion occurred. The motion to amend failed with six in favor, Councilors

Manwaring, Powers, Rice, Hansel, Lamoureux and Richards opposed, and the Mayor breaking the tie with a vote in opposition. Relative to the main motion on the floor for the adoption of Ordinance O-2019-03, on roll call vote, 12 Councilors were present and voting in favor. Councilors Jacobs, Sapeta, and Sutherland were absent. Ordinance O-2019-03 declared adopted.

FOP REPORT AND RESOLUTION R-2019-13: RELATING TO AN APPROPRIATION FOR THE MAIN STREET CROSSWALK IMPROVEMENTS PROJECT

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2019-13. The report was filed into the record. Resolution R-2019-13 was read for the second time. A motion by Councilor Greenwald for the adoption of Resolution R-2019-13 was duly seconded by Councilor Powers. On roll call vote, 12 Councilors were present and voting in favor. Councilors Jacobs, Sapeta, and Sutherland were absent. Resolution R-2019-13 declared adopted.

FOP REPORT AND RESOLUTION R-2019-14: RELATING TO THE ALLOCATION OF FUNDS FROM THE SEWER INFRASTRUCTURE CAPITAL RESERVE TO FUND A PORTION OF A WATER/SEWER RATE STUDY

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2019-14. The report was filed into the record. Resolution R-2019-14 was read for the second time. A motion by Councilor Greenwald for the adoption of the Resolution R-2019-14 was duly seconded by Councilor Powers. On roll call vote, 12 Councilors were present and voting in favor. Councilors Jacobs, Sapeta, and Sutherland were absent. Resolution R-2019-14 declared adopted.

MEMORANDUM AND RESOLUTION R-2019-22: APPROVING AN APPLICATION FOR CDBG FUNDS

A memorandum was received from Rebeckah Bullock, of Southwest Regional Planning Commission, along with Resolution R-2019-22. The memorandum was filed into the record. Resolution R-2019-22 was referred by the Chair to the Finance, Organization and Personnel Committee. The Mayor set a public hearing for Thursday, April 18, 2019 at 7:00 PM.

TABLED ITEM – COUNCILORS GREENWALD, MANWARING, & RICHARDS – TAX DEEDING - KINGSBURY

The Chair announced this item will remain tabled indefinitely.

NON-PUBLIC SESSION

At 8:12 PM, a motion by Councilor Greenwald to go into non-public session for the purposes of discussion of a land matter under RSA 91-A:3 II(d) was duly seconded. On a roll call vote, 12 Councilors were present and voted in favor. Councilors Jacobs, Sapeta, and Sutherland were absent. Discussion was limited to the subject matter. The session concluded at 8:45 PM. A motion by Councilor Greenwald to keep the minutes in non-public session was duly seconded.

04/04/2019

On a roll call vote, 12 Councilors were present and voting in favor. Councilors Jacobs, Sapeta, and Sutherland were absent.

ADJOURNMENT

At 8:45 PM, there being no further business, the Mayor adjourned the meeting.

A true record, attest:


City Clerk