

A regular meeting of the Keene City Council was held Thursday, June 20, 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, Terry M. Clark, Randy L. Filiault, George S. Hansel, Gary P. Lamoureux, Bettina A. Chadbourne, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Bartolmiej K. Sapeta, Margaret M. Rice, Robert B. Sutherland, and Stephen L. Hooper were absent. Councilor Greenwald led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the June 6, 2019 regular meeting was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor.

#### ANNOUNCEMENTS – MAYOR

The Mayor announced the July 4, 2019 City Council Meeting will be canceled. The Committee Meetings scheduled on June 26, 2019 and June 27, 2019 will also be canceled. The Fiscal Policy Workshop is scheduled for Tuesday, July 30, 2019 at 6:30 PM. The City Council's summer break schedule will start after the August 1, 2019 City Council Meeting. The August 7, 2019 and August 8, 2019 Committee Meetings will be canceled as well as the August 21, 2019 and August 22, 2019. The City Council Meeting on August 15, 2019 will also be canceled. Standing Committee meetings will resume on August 28, 2019 and August 29, 2019. The City Council meeting will resume its normal meeting schedule on September 5, 2019.

The Mayor announced Rick Blood, a member of the Airport Marketing and Development Committee, has an exhibit of aviation artwork. There will be a reception on the afternoon of July 7, 2019 in the airport terminal lobby. He encouraged everyone to see Mr. Blood's photography.

#### PRESENTATION – AMERICAN LEGION GORDON-BISSELL POST #4 – 100<sup>TH</sup> BIRTHDAY CELEBRATION

The Mayor presented a proclamation to the members of the American Legion Gordon-Bissell Post #4: Ron Willett, Commander; Rob Campbell, Junior Vice Commander; George Potter, Adjutant/Treasurer, proclaiming their 100<sup>th</sup> year anniversary celebration.

#### POWERPOINT PRESENTATION – WASTEWATER AND STORMWATER ASSET MANAGEMENT PLAN

The Mayor recognized City Engineer Don Lussier. Mr. Lussier was accompanied by Matt Manchisi from the Hazen & Sawyer Consulting firm, and Sharon Nall from the Department of Environmental Services (DES). Mr. Lussier began with a brief presentation on a draft asset management plan related to the City's storm water and sewer collection systems. Tonight is the culmination of about a year of work that the consultants have been doing. This was born out of action by the Council in the adoption of the FY 18 Fiscal Policy. This policy stated that the City wanted to develop capital asset management plans to better guide and direct our asset investments. We have been looking for opportunities to fulfill that Fiscal Policy. With this project, we applied for, and received funding from DES. The City is eligible for up to \$90,000 worth of principle forgiveness through the State's revolving loan fund, so our partners have been instrumental in obtaining this funding. At this point Mr. Lussier turned the presentation over to

Ms. Nall to discuss asset management generally and why DES is interested in this topic.

Ms. Nall commented that DES started promoting asset management for storm water, drinking water and wastewater infrastructure because so many communities, not just in New Hampshire but nationwide, have aging infrastructure and there is a lack of communication between the city or town management and the folks that maintain and keep this infrastructure running. A key part of why asset management is so important, is understanding the value of the water infrastructure that you own and the value of the staff that is maintaining it. Making that connection is so important, and it is the reason this principle forgiveness program includes the presentation we are doing this evening. Ms. Nall applauded the City staff for their efforts, and the consultants from Hazen & Sawyer for setting up this presentation. The staff at the Keene Public Works Department has done a great job and remained engaged throughout the project, and she looks forward to it moving forward.

Mr. Manchisi stated that now that Mr. Lussier and Ms. Nalls have introduced asset management, he will go into greater detail and discuss what they specifically did in Keene. The goal of an asset management plan is to provide informed decision making on the physical assets related to the sewer and storm water collection systems. It is a business-like process using a risk-based approach to figure out which assets should be repaired or replaced, when they should be, how much it will cost, etc. It is a proactive planning process as opposed to being reactive and fixing things once they have failed. Their approach involved seven specific tasks.

Task 1 was an asset inventory and analysis from Keene's management system and GIS data. A data gap analysis was completed to determine what data is currently being collected, how complete that data is, and whether the right data is being collected. Specific things they were looking for included: the age of a particular sewer pipe, what material that pipe was and its length and location. Task 2 was to assess levels of service and align strategies with the asset management plan. He went on to point out examples of levels of service such as the number of sewer overflows per 100 miles of pipe and the repair/replacement rate. Strategy informs what level of service the organization wants to provide, and that in turn drives operations, and the operations drives performance. Task 3 is the essence of the asset management plan. This portion is prioritization and risk assessment. Within any asset management plan, you establish the probability of an asset's failure. Failure is not necessarily when a pipe breaks or blows up, but it also includes things like not meeting levels of service, not meeting capacity, etc. The consequence of failure in terms of a pipe breaks, focus on the consequences. These are typically defined by social factors such as impacts to critical facilities like hospitals, fire departments or schools. The other measure of consequences is cost based failures; a roadway is damaged due to a leak would be an example of a high impact. A total risk score is then determined based on these factors. Each of those scores are provided for every asset in the system. Task 4 was to perform an asset rehabilitation cost analysis and recommend actions based on the probability of failure scores. The risk scores are what establishes prioritization; assets with a higher risk score would require attention more quickly than those with a lower risk score. Task 5 was the funding strategy, in which they looked at the current investments in both the storm water and sewer systems. They looked at the operating budget as well as grants and other considerations to fund the capital and operating budgets, including the feasibility of a storm water enterprise fund. Task 6 was the implementation plan, which included looking at aligning the leadership, ensuring

everyone knows their role and responsibilities, as well as identifying ways to continually improve the plan and the reasons for change. Task 7 was creation of a communications plan to foster effective internal communication, build trust and credibility with external stakeholders, and management of communications and outreach efforts and protocols.

Mr. Lussier stated that with this project the City specifically wrote into the scope of the consultants work a deliverable that would be in electronic format rather than just on paper. This will allow the data they collected to be leveraged by incorporating it directly into the City's Cartegraph system, which is how we are currently doing asset management in the Public Works Department, as well as how we are managing our everyday workforce. That electronic data will allow us to take the information and parse it in different ways. We will be able to filter through a list of maintenance issues, such as pipes needing relining, and determine, based on various criteria, which ones have the highest likelihood of failure. The product of this labor will be seen in the next CIP development, which is starting shortly. The other piece the electronic deliverable allows us to address is levels of service. This is the metric we measure ourselves by in terms of services. Now that we have this information digitally and know what information to collect in the field, we can continually assess how we are doing.

The Mayor asked if there were any comments or questions from the Council. In response Councilor Jones stated this sounds like proactive planning versus being reactive. He applauded the effort. He further commended the State for their involvement in this process. With no further questions or comments, the Mayor thanked the presenters for their presentation.

## NOMINATIONS

The following nominations were received from the Mayor: Sofia Cunha-Vasconelos to serve as a regular member on the Human Rights Committee and Suzanne Krautmann to serve as a regular member on the Ashuelot River Park Advisory Board. Both terms will expire December 31, 2022. The nominations were tabled until the next regular meeting.

## COMMUNICATION – KEENE KIWANIS CLUB- REQUEST TO USE CITY PROPERTY – 2019 TREE LIGHTING EVENT

A communication was received from Elizabeth Sayre, Keene Kiwanis Club, requesting permission to host the Tree Lighting Celebration on November 29, 2019 and to leave the string lights installed on the center median light poles in place throughout the year. The communication was referred to the Planning, Licensing and Development Committee.

## COMMUNICATION – KATIE SCHWERIN – PUBLIC ART PROPOSAL – PEACE POLE

A communication was received from Katie Schwerin, Monadnock Mindfulness Center, submitting a public art proposal for a permanent art display to locate a Peace Pole at the location of the Mt. Monadnock Labrynth. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

## COMMUNICATION – MALAISE LINDENFELD – PHO KEENE – REQUEST TO SERVE ALCOHOL AT SIDEWALK CAFÉ

A communication was received from Malaise Lindenfeld, Pho Keene, requesting permission to serve alcohol at her sidewalk café located at 11 Central Square and that the service extend onto City property in front of City Hall. A motion by Councilor Richards to suspend section 26 of the Rules of Order to act upon the request to serve alcohol at the Pho Keene Restaurant was duly seconded by Councilor Hansel. On a roll call vote, 11 voted in favor, the motion passed unanimously to suspend the rules. Councilors Sepata, Rice, Sutherland and Hooper were absent. A motion by Councilor Richards was duly seconded by Councilor Hansel, to recommend that the Pho Keene restaurant be granted permission to serve alcoholic beverages in connection with their Sidewalk Café License, subject to the customary licensing requirements of the City Council, and compliance with the requirements of Section 46-1191 through 46-1196 of the City Code. This license shall expire on March 1, 2020. A brief discussion took place. On a show of hands, 11 Councilors were present and voting in favor. Councilors Sapeta, Rice, Sutherland and Hooper were absent.

#### COMMUNICATION – COUNCILOR MARGARET M. RICE – RESIGNATION – WARD FOUR COUNCILOR

A communication was received from Councilor Margaret M. Rice, as her resignation as a Ward Four Councilor. Pursuant to the Rules of Order in Section 37, in accordance with Sections 8, “Vacancies” and 19 “Mayor” of the City Charter, the Mayor declared the Ward Four City Councilor held by Councilor Rice as vacant. The Mayor set the filing period that starts at 8:00 AM on Tuesday, July 2, 2019 and extends until Monday, July 15, 2019 at 4:30 PM. The election by the City Council will occur on August 1, 2019.

The Mayor stated that Councilor Rice has served almost 2 years on the City Council. He enjoyed having her on the City Council. She has been a very good councilor. She has grown and learned a lot while she has been a Councilor. She will be missed. The Mayor appreciates the fact that she was willing to extend herself and is now not living in the ward which has caused her resignation.

#### COMMUNICATION – COUNCILOR BARTLOMIEJ K. SAPETA – RESIGNATION – AT LARGE COUNCILOR

A communication was received from Councilor Bartlomiej K. Sapeta, as his resignation as At Large Councilor. Pursuant to the Rules of Order in Section 37, in accordance with Sections 8, “Vacancies” and 19 “Mayor” of the City Charter, the Mayor declared the At Large City Councilor held by Councilor Sapeta as vacant. The Mayor set the filing period that starts at 8:00 AM on Tuesday, July 2, 2019 and extends until Monday, July 15, 2019 at 4:30 PM. The election by the City Council will occur on August 1, 2019.

The Mayor explained that Councilor Sapeta has been out of the country for family issues and now is moving out of Keene, therefore, he will not be able to serve as an At Large Councilor.

The Mayor clarified the terms of both of these vacancies. Both vacancies will have a term expiring on December 31, 2019. The election in November will allow the public to elect a new Ward Four Councilor and an At Large Councilor with a 2 year term.

**MSFI REPORT – PERIODIC REPORT FROM BOARDS & COMMISSIONS: HUMAN RIGHTS COMMITTEE**

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

**MSFI REPORT – 2019 WARRANT FOR UNLICENSED DOGS – CITY CLERK**

Municipal Services, Facilities and Infrastructure Committee report read recommending the issuance of the annual Warrant for Unlicensed Dogs pursuant to NHRSA 466:14, and the Animal Control Officer is directed to issue a civil forfeiture to those dog owners who have failed to license their dog by April 30, 2019. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded by Councilor Filiault. The motion passed with a unanimous vote in favor.

**FOP REPORT – COUNCILOR FILIAULT – NH ROOMS AND MEALS TAX REVENUE SHARING**

Finance, Organization and Personnel Committee report read recommending that staff be directed to draft a Resolution addressing the rooms and meals tax. 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 AND RICHARDS – TAX DEEDING - KINGSBURY**

Finance, Organization and Personnel Committee report read recommending to the City Council that the City Manager be authorized to negotiate the terms of an easement and other land acquisitions on this property. The report was tabled until later in the meeting.

**FOP REPORT – COUNCILOR CLARK – RECOMMENDING THE CITY COUNCIL ADOPT LOCAL ELECTION REPORTING REQUIREMENTS**

Finance, Organization and Personnel Committee report read recommending staff be instructed to further review other financing ordinances for potential components and to report back to the committee. 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 – RECORDS STORAGE AND MANAGEMENT SERVICES – RATE INCREASES FOR CONTRACTED CLIENTS**

Finance, Organization and Personnel Committee report read recommending that the proposed rate increase for records storage services as outlined on the schedule, that accompanied the memorandum, be approved with an effective date of July 1, 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 – ENERGY PLANNING CONSULTANT – COMMUNITY DEVELOPMENT DEPARTMENT**

Finance, Organization and Personnel Committee report read recommending the City Council approve the use of \$26,335 of unspent personnel funds from cost center 01910 for a non-personnel use. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with 10 votes in favor. Councilor Powers voted in opposition.

**FOP REPORT – SALE OF PARKING EASEMENTS – ECONOMIC DEVELOPMENT AND SPECIAL PROJECTS**

Finance, Organization and Personnel Committee report read recommending the City Manager be authorized to do all things necessary to negotiate and execute the sale of fourteen (14) parking “easements” at the Monadnock Food Co-op. 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 – USE OF PERSONNEL FUNDS FOR A PROFESSIONAL SERVICES AGREEMENT RENEWABLE ENERGY RFP KEENE WWTF – PUBLIC WORKS DEPARTMENT**

Finance, Organization and Personnel Committee report read recommending the City Council authorize the use of unspent personnel funds from the Public Works Department FY18/19 Operating Budget for a Professional Services Contract with Correlate Inc. to develop and execute a renewable energy Request for Proposals for the City's Waste Water Treatment Plant. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with 10 votes in favor. Councilor Powers voted in opposition.

**FOP REPORT – DOWNTOWN CROSSWALK REPAIRS – CONSTRUCTION CHANGE ORDER – PUBLIC WORKS DEPARTMENT**

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute a Construction Change Order with BDM Sweeper Services, Inc. for an amount up to \$30,000 in the Downtown Crosswalk Replacement Project (90309- 18). A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by Councilor Jacobs. The motion passed with 10 votes in favor. Councilor Filiault voted in opposition.

FOP REPORT – WAIVER TO PURCHASING REQUIREMENTS – WWTP ULTRA VIOLET DISINFECTION EQUIPMENT – PUBLIC WORKS DEPARTMENT

Finance, Organization and Personnel Committee report read recommending the City Council waive the purchasing requirements and identify Xylem Water Solutions USA, Inc. as the sole provider for lamps, wipers and other replacement parts and consumables for the City's UV disinfection system at the Wastewater Treatment Plant. 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 the July 4<sup>th</sup> Council Meeting will be canceled, therefore the next Council Meeting will not be until July 18, 2019. She reminded the Council that she will be at the Harvard John F. Kennedy's School of Government on a fellowship, from July 8, 2019 to July 26, 2019; therefore, Beth Fox will be Acting City Manager and attending the July 18, 2019 City Council meeting. She thanked the Council for her support and allowing her to attend on this fellowship.

The City Manager continued with the Walldogs being in Keene. This is very exciting for the City of Keene. She provided the Council and the public with key timelines for the Walldogs. Paintings will continue to 9:00 PM, so grab a chair a sit and watch the painters while they work. There will be music on Railroad Square from 6:00 PM to 10:00 PM. On Saturday, June 20, 2019, it is the last full day of painting. There will be a block party on Court Street from noon to 11:00 PM with music and activities and food trucks. She encouraged everyone to attend.

MEMORANDUM – CITY ENGINEER – WINCHESTER STREET & RALSTON STREET FLOOD MANAGEMENT PROJECT – ADDITIONAL APPROPRIATION

A memorandum was received from the City Engineer recommending the City Council to authorize the reallocation of \$2,000 from the Three Mile Dam Repairs Project (90288) and \$76,000 from the Stormwater Spot Repair Program (90022) to the Flood Management Program (90298) for use on the Winchester Street and Ralston Street Flood Management Project. A motion by Councilor Greenwald to suspend the rules was duly seconded by Councilor Chadbourne. On roll call vote, 11 Councilors present and voting in favor. Councilors Sutherland and Hooper were absent. Ward Four and At Large Council seat vacant. A motion by Councilor Greenwald to carry out the intent of the recommendation was duly seconded by Councilor Jacobs. A motion to amend the recommendation to read that the City Council authorize the reallocation of \$78,000 from the Stormwater Spot Repair Program (90022) to the Flood Management Program (90298) for use on the Winchester Street and Ralston Street Flood Management Project. A motion by Councilor Greenwald to carry out the amended recommendation was duly seconded by Councilor Jacobs. The motion passed with a unanimous vote in favor. Ward 4 and At Large council seat vacant.

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MEMORANDUM – PLANNING BOARD – CHESHIRE RAIL TRAIL PHASE III PROJECT – THE DISCONTINUANCE OF A PORTION OF THE AMMI BROWN ROAD AND THE LAYOUT OF A NEW CLASS A TRAIL TO BE KNOWN AS THE AMMI BROWN TRAIL

A memorandum from the Planning Board was received with the recommendation to adopt the following Resolutions: R-2019-08; R-2019-09; R-2019-10; and R-2019-11; all relating to the discontinuance of Ammi Brown Rad and the layout of the Ammi Brown Trail. The memorandum was filed into the record as informational.

MORE TIME

More time was granted by the Chair for the following item in Committee: Keene Public Library Trustees – Prohibiting Smoking on the Keene Public Library Campus; Charles McIntyre – NH Lottery Commission – Keno on 2019 Municipal Ballot; Relating to Rules of Operation Ordinance O-2019-10; and Relating to the College City Commission Ordinance O-2019-11.

MSFI REPORT AND RESOLUTIONS R-2019-08: RELATING TO THE ABSOLUTE DISCONTINUANCE OF A PORTION OF THE AMMI BROWN ROAD; R-2019-09: RELATING TO DEEDS FOR THE DISCONTINUED PORTION OF THE AMMI BROWN ROAD; R-2019-10: RELATING TO THE LAYING OUT OF A CLASS A TRAIL TO BE KNOWN AS THE AMMI BROWN TRAIL; AND R-2019-11: RELATING TO EASEMENTS FOR THE LAID OUT TRAIL TO BE KNOWN AS THE AMMI BROWN TRAIL

The Chair tabled the Municipal Services, Facilities and Infrastructure Committee report and Resolutions R-2019-08: Relating to the Absolute Discontinuance of a Portion of the Ammi Brown Road; R-2019-09: Relating to Deeds for the Discontinued Portion of the Ammi Brown Road; R-2019-10: Relating to the Laying Out of a Class A Trail to be Known as the Ammi Brown Trail; and R-2019-11: Relating to Easements for the Laid Out Trail to be Known as the Ammi Brown Trail until the preliminary approval process from the State was complete.

NON-PUBLIC SESSION

At 8:20 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) and a litigation matter under RSA 91-A:3 II (e) was duly seconded by Councilor Filaault. On a roll call vote, 11 Councilors were present and voted in favor. Councilors Sutherland and Hooper were absent. Ward 4 and At Large Council seat vacant. Discussion was limited to the subject matters. The session concluded at 8:45 PM. A motion by Councilor Greenwald to keep the minutes in non-public session was duly seconded. On a roll call vote, 11 Councilors were present and voting in favor. Councilors Sutherland and Hooper were absent. Ward 4 and At Large council seat vacant.

REMOVED FROM THE TABLE – FOP REPORT – COUNCILORS GREENWALD, MANWARING AND RICHARDS – TAX DEEDING – KINGSBURY

The Mayor removed from the table the Finance, Organization and Personnel Committee report. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded by



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Councilor Jacobs. On a show of hands vote, 11 Councilors were present and voting in favor. Councilors Manwaring and Jones were opposed. Councilors Sutherland and Hooper were absent. Ward 4 and At Large Council seat vacant.

ADJOURNMENT

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

A true record, attest:

  
City Clerk