

10/03/2019

A regular meeting of the Keene City Council was held Thursday, October 3, 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, Kate M. Bosley, Robert J. O'Connor, Robert B. Sutherland, George S. Hansel, Gary P. Lamoureux, Bettina A. Chadbourne, Stephen L. Hooper, Philip M. Jones, David C. Richards and Mitchell H. Greenwald were present. Councilor Lamoureux led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the September 19, 2019 regular meeting was duly seconded by Councilor Jones. The motion passed with a unanimous vote in favor.

#### ANNOUNCEMENTS – MAYOR

The Mayor reminded the Council that the Fire Prevention Parade is October 6, 2019 and the annual Firemen's Dinner will be on October 10, 2019 at the Keene Fire Department. The Mayor canceled the Finance, Organization and Personnel Committee scheduled for October 10, 2019.

#### PROCLAMATION – ENERGY AWARENESS MONTH

The Mayor presented a proclamation to Dr. Ann Shedd of Keene recognizing October as Energy Awareness Month.

#### PROCLAMATION – FIRE PREVENTION WEEK

The Mayor presented a proclamation to Mark Howard, Keene Fire Chief, recognizing the week of October 8, 2019 as Fire Prevention Week.

#### PROCLAMATION – TRICK OR TREAT

The Mayor presented a proclamation to Andy Bohannon, Parks, Recreation and Facilities Director, proclaiming Thursday, October 31, 2019 as Trick-or-Treat Day.

#### PUBLIC HEARING – ORDINANCE O-2019-12: ZONE CHANGE – 560 MAIN STREET

The Mayor opened the public hearing at 7:13 PM. The Notice of Hearing and Certificate of Publication were read. The Mayor recognized Assistant City Manager/Community Development Director Rhett Lamb to address the Council relative to Ordinance O-2019-12: An Ordinance Relating to Zone Change – 560 Main Street.

Mr. Lamb referenced a map of the area proposed to be rezoned and identified the specific location. He noted that the land area is located south of Route 101, and just east of the south end of Main Street as you are heading towards the Dillant-Hopkins Airport. This is a 30-acre lot, known for its use by the City's Public Works Department for materials storage, winter operations and salt storage. The property is accessed from lower Main Street. Mr. Lamb continued that on the northern end of the property, just under 2 acres of the lot is the area zoned Commerce, which is consistent with the zoning directly to the west along Manchester Street. The southern and eastern portion of the property is zoned Industrial. Mr. Lamb continued this split of two zoning districts does not follow a property line, a street or a natural feature such as a stream or

waterway, which would be typical of the rest of our zoning. To that degree, it splits the property somewhat arbitrarily. There is no clear indication in the record as to why the zoning was designated that way. This creates confusion and unnecessary complexity related to any use of the property, or any future redevelopment of the property.

The purpose of this zoning proposal is to correct this condition so the entire parcel would be zoned Industrial. He noted the western end of this property closest to Manchester Street and Cheshire Tire is the area the City Manager had been authorized to negotiate for purchase and sale to allow for future development of this property.

The Mayor opened the floor to public comments. There being none, the Mayor closed the public hearing at 7:18 pm. He noted the hearing would remain open for written public comments until 1:00 PM on Tuesday October 8, 2019. Comments must be signed and submitted to the City Clerk's Office by the deadline for consideration by the Planning, Licenses and Development Committee prior to their vote on a recommendation on this matter. This matter is already pending before the Planning, Licenses and Development Committee.

A True Record, Attest:

  
City Clerk

## CONFIRMATIONS

A motion was made by Councilor Greenwald and duly seconded by Councilor Jones to confirm the following nominations: Charles Prigge to serve as a regular member of the Library Board of Trustees with a term to expire June 30, 2021 and Carl B. Jacobs to serve as a regular member with a term to expire June 30, 2022.; and Arthur Gaudio to serve as an alternate member on the Zoning Board of Adjustment with a term to expire December 31, 2020. On a roll call vote, with 15 Councilors present and voting in favor, the nominations were confirmed.

## NOMINATION

The following nomination was received from the Mayor: Kathleen Kennedy Burke to serve as a regular member on the Library Board of Trustees with a term to expire June 30, 2023. The nomination was tabled until the next regular meeting.

## COMMUNICATION – COUNCILOR GREENWALD – TERMINATION OF CONFLICT OF INTEREST STATUS ON 100 DUNBAR STREET

A communication was received from Councilor Mitchell H. Greenwald terminating his conflict of interest status on issues related to 96-100 Dunbar Street since the property has been sold and he is no longer the owner. The communication was filed into the record as informational.

## COMMUNICATION – KATIE SCHWERIN – PUBLIC ART PROPOSAL

A communication was received from Katie Schwerin, submitting a public art proposal for two

sculptures that will be incorporated into the Mount Monadnock Labyrinth. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

**MSFI REPORT – DEDICATION OF PATH SYSTEM CHESHIRE RAIL TRAIL SECTION (THOM LITTLE)**

Municipal Services, Facilities and Infrastructure Committee report read recommending that staff be directed to draft a resolution dedicating a section of the Cheshire Rail Trail to the memory of Thom Little. 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.

**MSFI REPORT – BOARDS & COMMISSIONS – PARTNER CITY COMMITTEE**

Municipal Services, Facilities and Infrastructure Committee report read recommending the report on the activities of the Partner City Committee be accepted as informational. The report was filed into the record as informational.

**MSFI REPORT – INSTALLATION OF A TRAFFIC CONTROL DEVICE – ARLINGTON AVENUE AND DORT STREET - IN RESPONSE TO ISELIN COMMUNICATION REQUESTING A 4-WAY STOP AT ARLINGTON AVENUE AND DORT STREET – PUBLIC WORKS DEPARTMENT**

Municipal Services, Facilities & Infrastructure Committee report read recommending that the request from the Iselin's for a 4-way stop sign at the Arlington Avenue and Dort Street intersection be denied because it does not meet the MUTCD criteria for a four way stop sign under state law. 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.

**MSFI REPORT – ENGINE BRAKE SIGNAGE - IN RESPONSE TO GRIFFIN COMMUNICATION TO PROHIBIT THE USE OF ENGINE BRAKES – PUBLIC WORKS DEPARTMENT**

The mayor divided the recommendations in the report. Municipal Services, Facilities & Infrastructure Committee report read recommending that the request from James Griffin to prohibit the use of engine brakes be denied. 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.

Municipal Services, Facilities & Infrastructure Committee report read recommending that the City Manager be requested to install signage that would encourage trucks not to use engine/exhaust brakes within the City at locations of major entry points from the State highway system where truck traffic is most likely occurring. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded by Councilor Filiault. The motion passed with ten Councilors voting in favor and 5 opposed. Councilors Powers, O'Connor, Sutherland, Jones and Richards opposed.

**PLD REPORT – ATTORNEY HEATHER CARLISLE/TILSON TECHNOLOGIES –  
REQUESTING THE CITY MANAGER’S SIGNATURE ON CONDITIONAL USE PERMIT  
APPLICATION**

Planning, Licenses and Development Committee report read recommending that a lodging house license be granted to Donna Forte to engage in the operation of a lodging house at 57 Winchester Street, Keene, New Hampshire. This license is conditional upon:

- Compliance with all applicable laws, ordinances, codes, rules and regulations.
- No more than 16 persons may reside on the premises.
- No less than 8 vehicular parking spaces must be provided on the premises.
- 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.
- 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.
- No alcoholic beverages may be sold on the premises except by written permission of the New Hampshire Liquor Commission.
- 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.
- 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.
- The cellar space does not meet the qualifications for public assembly and therefore can not be used as a gathering space.
- The continuation of the license is subject to and conditioned upon successful passage of two inspections to be conducted by the City.
- Compliance with any recommendations of City staff.

In addition, the owner shall notify City staff of any changes in the 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, 2020 and may be revoked by the City Council in accordance with Sec. 46-590 “Suspension or Revocation”. 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 – PERIODIC REPORT – BOARDS AND COMMISSIONS – HERITAGE  
COMMISSION**

Planning, Licenses and Development Committee report read recommending the report on the activities of the Heritage Commission be accepted as informational. The report was filed into the record as informational.

PLD REPORT – PERIODIC REPORT – BOARDS AND COMMISSIONS – HISTORIC DISTRICT COMMISSION

Planning, Licenses and Development Committee report read recommending the report on the activities of the Historic District Commission be accepted as informational. The report was filed into the record as informational.

FOP REPORT – ACCEPTANCE OF DONATIONS – 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 donations in the amount of \$1000.00, \$247.83 and \$100.00 and that the donations be used for the Human Rights Committee collaboration with the Keene International Festival. 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 DONATIONS – PARKS, RECREATION AND FACILITIES DEPARTMENT

Finance, Organization and Personnel Committee report read recommending that the structure proposed for redevelopment located at 112 Washington Street is a qualifying and historic structure as defined by RSA 79-E; that the structure 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 and constitutes substantial rehabilitation; that at least \$5,000 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; and,
5. Results in an increase in energy sustainability in conformance with the City adopted greenhouse gas initiatives as determined by a home energy score of at least 6, and demonstrated carbon emission reduction of at least 10.

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 5-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 Jacobs. The motion passed with a unanimous vote in favor.

#### FOP REPORT – ECONOMIC DEVELOPMENT PLAN

Finance, Organization and Personnel Committee report read recommending the adoption of the Economic Development Plan. 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 TO PURCHASE CITY PROPERTY – 160 EMERALD STREET/ASHUELOT RAIL TRAIL

Finance, Organization and Personnel Committee report read recommending that the City Manager enter into lease negotiations with Mr. Tousley for property located at 160 Emerald Street adjacent to the Ashuelot Rail Trail. 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 DONATIONS – HOLIDAY SPONSORSHIP PROGRAM

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to accept donations associated with the City's 2019 Holiday Sponsorship Program. 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 Assistant City Manager, Beth Fox encourage everyone to attend the Fire Prevention Parade on Sunday, October 5, 2019. She elaborated on the open house for the Fire Department being on Saturday, October 12, 2019. This is a great opportunity to see the equipment and get to know what the department does for the community. There will be refreshments available.

The Assistant City Manager expressed that public art is gaining in our city. It is also in some of the most unlikely locations. It is now going to be part of our snow plowing efforts. The Public Works Department is going to be working with the students at the Monadnock Waldorf School who will paint a mural on a piece of snow fighting equipment, in particular one of the wing plows. When it is complete, the plow is going to be working in the route near the school so the

children will have a chance to enjoy the artwork. The idea was brought to the department a resident from the upper mid-west, who had relocated to Keene.

The Assistant City Manager announced that we have a group from Einbeck, Germany coming to Keene this week. The focus of this exchange is music versus some of the other collaborative exchanges we have had in the past. This is a great opportunity for the community to enjoy the exchange with a concert, which is scheduled for next Wednesday evening, October 9, 2019 at 7:30 PM. There is a \$10.00 donation at the door for ongoing exchanges.

The Assistant City Manager shared the significant professional recognition of the Finance Department. They have been awarded a Certificate of Achievement, which is the highest form of recognition in the area of Governmental Accounting and Financial Reporting. The award was given for their Fiscal Year 2018 report, which is called a Comprehensive Financial Report (CFR). In much credit, the award should go to many of the department's personnel: including our Retired Finance Director Steve Thornton, who was leading the department at the time of the financial activity; Merri Howe, who is the current Finance Director, but was the second in command at the time; and the folks in the Finance, Revenue Collection and Purchasing. She highlighted that much of their work goes unrecognized and they work in the background. It is very important that we have strong and stable financial systems to the future of our City and for the work that the Council and Departments Heads and community members do to try to make this the best place to live.

#### RESIGNATION – PLANNING BOARD ALTERNATE

A memorandum was received on behalf of the Planning Department indicating that David A. Webb had emailed his resignation as a member of the Planning Board. A motion by Councilor Greenwald to accept the resignation with regret and appreciation of service was duly seconded by Councilor Jones. The motion passed with a unanimous vote in favor.

#### MORE TIME

More time was granted by the Chair for the following item in Committee: Councilors Bosley & Richards – Comprehensive Review of Neighborhood Speed Limits.

#### MSFI REPORT AND ORDINANCE O-2019-16: RELATING TO – SPECIFIC STREET REGULATION – SPEED LIMITS

Municipal Services, Facilities and Infrastructure Committee report read recommending the adoption of Ordinance O-2019-16: Relating to – Specific Street Regulation – Speed Limits. The report was filed into the record. Ordinance O-2019-16 was read for the second time. A motion by Councilor Manwaring for adoption of the Ordinance was duly seconded by Councilor Filiault. On roll call vote, 15 Councilors were present and voting in favor. Ordinance O-2019-16 declared adopted.

#### FOP REPORT AND RESOLUTION R-2019-35: RELATING TO AN APPROPRIATION OF FUNDS FOR THE SOLID WASTE FUND

10/03/2019

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2019-35: Relating to an Appropriation of Funds for the Solid Waste Fund. The report was filed into the record. Resolution R-2019-35 was read for the second time. A motion by Councilor Greenwald for the adoption of the Resolution R-2019-35 was duly seconded by Councilor Jacobs. On a roll call vote, 15 Councilors were present and voting in favor. Resolution R-2019-35 declared adopted.

#### NON PUBLIC SESSION

At 8:03 PM, a motion by Councilor Greenwald to go into non-public session to discuss litigation under NHRSA 91-A:3 IV was duly seconded by Councilor Jones. On roll call vote, 15 Councilors were present and voting in favor. A brief recess was called. The session commenced at 8:09 PM. Discussion was limited to the subject matter. At 8:17 PM the session concluded. A motion by councilor Greenwald to keep the minutes in non-public session was seconded by Councilor Jones. On roll call vote, 15 Councilors were present and voting in favor.

The Mayor adjourned the meeting at 8:18 PM.

A true record, attest:

  
City Clerk