

01/16/2020

A regular meeting of the Keene City Council was held Thursday, January 16, 2020. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Stephen L. Hooper, Michael J. Remy, Janis O. Manwaring, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Terry M. Clark, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley and Thomas F. Powers were present. Councilor Gladys Johnsen arrived at 7:02 PM. Cub Scout Pack 348 led the Pledge of Allegiance. A motion by Councilor Powers to accept the minutes from the December 19, 2019 regular meeting and the January 1, 2020 special meeting were duly seconded by Councilor Hooper. The motion passed with a unanimous vote in favor.

ANNOUNCEMENTS – MAYOR

The Mayor announced the meeting schedule for the review of the Capital Improvement Program budget has been set. On Saturday, February 8, 2020, the CIP presentation before the City Council and the Planning Board will occur. This presentation will begin at 8:30 AM at the Michael E.J. Blastos Community Room. In addition, a special Finance, Organization and Personnel Committee meeting will be Monday, February 10, 2020 at 5:30 PM. The regular Finance, Organization and Personnel Committee meetings on February 13, 2020 and February 27, 2020 will also start at 5:30 PM.

NOMINATIONS

The following nominations were received from the Mayor: Nathan Jacobs to serve as a regular member on the Airport Development and Marketing Committee with a term to expire December 31, 2022; Dave Whaley to serve as a regular member on the Ashuelot River Park Advisory Board with a term to expire on December 31, 2022; John Newcombe to serve as a regular member on the Assessor's Board with a term to expire on December 31, 2022; Charles Redfern to serve as an alternate member on the Bicycle Pedestrian Path Advisory Committee with a term to expire on December 31, 2022; Katie Sutherland to serve as a regular member on the Building Board of Appeals with a term to expire on December 31, 2022; Malcom Katz to serve as a regular member on the Building Board of Appeals with a term to expire on December 31, 2022; Steven Walsh to serve as a regular member on the Building Board of Appeals with a term to expire on December 31, 2022; Katie Sutherland to serve as a regular member on the Housing Standards Board of Appeal with a term to expire on December 31, 2022; Malcom Katz to serve as a regular member on the Housing Standards Board of Appeal with a term to expire on December 31, 2022; Steven Walsh to serve as a regular member on the Housing Standards Board of Appeal with a term to expire on December 31, 2022; Councilor Philip Jones to serve on the College City Commission with a term to expire on December 31, 2021; Ely Thayer to serve as a regular member on the College City Commission with a term to expire on December 31, 2022; Art Walker to serve as a regular member on the Conservation Commission with a term to expire on December 31, 2022; Peter Hansel to serve as a regular member on the Energy and Climate Committee with a term to expire on December 31, 2022; Councilor Terry Clark to serve on the Energy and Climate Committee with a term to expire on December 31, 2021; Cary Gaunt to serve as a regular member on the Energy and Climate Committee with a term to expire on December 31, 2022; Andrew Weglinski to serve as a regular member on the Historic District Commission with a term to expire on December 31, 2022; Sam Temple to serve as a regular member on the Historic District Commission with a term to expire on December 31, 2022;

Nancy Proctor to serve as a regular member on the Historic District Commission with a term to expire on December 31, 2022; Hanspeter Weber to serve as an alternate member on the Historic District Commission with a term to expire on December 31, 2022; Pamela Russell Slack to serve as a regular member on the Planning Board with a term to expire on December 31, 2022; John Mitchell to serve as a regular member on the Partner City Committee with a term to expire on December 31, 2022; Irene Davis to serve as a regular member on the Partner City Committee with a term to expire on December 31, 2022; Will Schoefmann to serve as a regular member on the Partner City Committee with a term to expire on December 31, 2022; Kurt Blomquist to serve as administrative staff member on the Partner City Committee with a term to expire on December 31, 2021; Susan Silver to serve as a regular member on the Trustees of Trust Funds and Cemetery Trustees with a term to expire on December 31, 2022; and Josh Gorman to serve as a regular member on the Zoning Board of Adjustment with a term to expire on December 31, 2022. The nominations were tabled until the next regular meeting.

NOMINATIONS

The following nominations were received from the Mayor: Susan Shaw to serve as a regular member on the Keene Housing Authority with a term to expire December 31, 2024; Marilyn Gemmell to serve as a regular member on the Trustees of Trust Funds and Cemetery Trustees with a term to expire on December 31, 2022; Andrew Madison to serve as a regular member on the Conservation Commission with a term to expire on December 31, 2022; Councilor Michael Remy to serve on the Planning Board with a term to expire on December 31, 2021; Shawn Filiault to serve as a regular member on the Human Rights Committee with a term to expire on December 31, 2021; Aaron Shields to serve as a regular member on the Bicycle Pedestrian Path Advisory Committee with a term to expire on December 31, 2022; Michael Davern to serve as a regular member on the Bicycle Pedestrian Path Advisory Committee with a term to expire on December 31, 2022; and Jan Manwaring to serve as a regular member on the Bicycle Pedestrian Path Advisory Committee with a term to expire on December 31, 2022. The nominations were tabled until the next regular meeting.

COMMUNICATION – PETITION- REQUESTING THAT THE CITY OF KEENE RECOGNIZE INDIGENOUS PEOPLE’S DAY IN PLACE OF COLUMBUS DAY

A petition was received from Peter M. Majoy, requesting that the City of Keene recognize Indigenous People’s Day in place of Columbus Day. The communication was referred to the Finance, Organization and Personnel Committee.

COMMUNICATION – BRETT AMY THELEN/HARRIS CENTER FOR CONSERVATION EDUCATION – TEMPORARY ROAD CLOSURES – AMPHIBIAN CROSSINGS

A communication was received from Brett Amy Thelen, of Harris Center for Conservation Education, requesting temporary road closure of a portion of North Lincoln Street for approximately six nights between March and April to ensure the safety of migrating amphibians and the many families that come out to watch them. In addition, the Center is requesting, the experimental closure of a small section of Jordan Road for up to two nights in March and April for the Jefferson Salamander. The Center is also requesting that the North Lincoln Street amphibian closures become a regular part of City operations instead of something that requires

City Council approval. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – SUSAN HOFFMANN – POLITICAL SIGN ON CITY RIGHTS-OF-WAY AND PUBLIC PROPERTY

A communication was received from Susan Hoffman, seeking a consideration for an Ordinance that would limit placement of political signs on public property. The communication was referred to staff to be handled administratively.

COMMUNICATION – COUNCILOR FILIAULT – REGULARLY SCHEDULED MEETINGS BETWEEN THE MAYOR, STANDING COMMITTEE CHAIRS AND THE CHARTER OFFICERS

A communication was received from Councilor Filiault, expressing his opposition to the practice of the Mayor along with the three Standing Committee Chairs meeting on a regular basis with the Charter Officers and requesting that the practice be discontinued. A brief discussion took place. The Chair filed the communication as informational. A motion by Councilor Filiault challenging the ruling of the Chair was seconded by Councilor Jones. Discussion was limited to Councilor Filiault stating he was not questioning the legality of the meetings, but he was concerned about a lack of transparency. The Mayor expressed his opinion that the meetings are administrative in nature and that they are intended to review the upcoming Standing Committee agendas. He continued the meetings do not involve a quorum of a public body and are therefore not subject to RSA 91-A. The motion failed with eight Councilors sustaining the ruling and seven Councilors voting opposed. Councilors Filiault, Williams, Jones, Johnsen, Clark, Chadbourne, and Greenwald voted in opposition. The communication was filed into the record.

COMMUNICATION – COUNCILOR WILLIAMS – ACCESSIBILITY ACCESS AT CITY FACILITIES

A communication was received from Councilor Williams, requesting that additional curb cuts be installed on the sidewalks approaching the Keene Recreation Center as a measure to improve accessibility. In addition, the Councilor is requesting that a review of all City-owned properties be conducted to ensure accessibility compliance. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – THE COLONIAL THEATRE – REQUEST TO USE CITY PROPERTY

A communication was received from The Colonial Theatre, requesting the use of certain parking spaces in the Commercial Street Parking Lot for their spring events. The communication was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – UNITED CHURCH OF CHRIST – APPLICATION FOR RENEWAL OF LODGING HOUSE LICENSE

A communication was received from Julie White, of the United Church of Christ, submitting an annual request for a lodging house license which operates as an overflow for Hundred Nights. The current license expired January 3, 2020. A motion by Councilor Bosley to suspend the Rules of Order was seconded by Councilor Greenwald. On a roll call vote, 15 Councilors voting in favor, the motion carried. A motion by Councilor Bosley to recommend that a lodging house license be issued to the United Church of Christ to engage in the operation of a lodging house at 23 Central Square subject to the following conditions: said lodging house license shall only be used as an overflow for the Hundred Nights Shelter; and managed by the Hundred Nights Shelter; no more than 16 persons may reside at any one time on the premises; compliance with all applicable sections of the City Code; and compliance with any requirements or recommendations of City staff. Said license will expire on the 17th day of January, 2021 and may be revoked by the City Council in accordance with Section 26-590 "Suspension or Revocation." was seconded by Councilor Jones. A motion by Councilor Greenwald to move the renewal date and to limit the license to 100 days was seconded by Councilor Jones. City Attorney reminded that the licenses are made under the terms of the Code, Chapter 46. This may be restricted to a year under the Code. The Code is not something that can be suspended like the Rules of Order. The City Attorney read the Section 46-588 – Expiration, "*Each license issued under this division shall expire one year from its effective date. No renewals or postponements of the effective date shall be granted, but each license shall be a new license each year.*" The City Attorney understands the motion, however, it would be in violation of the Code. The Attorney continued that an Ordinance could be introduced to change the effective date of the license to a date other than January. Councilor Greenwald withdrew his motion, Councilor Jones withdrew his second. On a show of hands, 15 Councilors voting in favor, the motion carried.

COMMUNICATION – HUNDRED NIGHTS – APPLICATION FOR RENEWAL OF A LODGING HOUSE LICENSE

A communication was received from Mindy Cambiar, Hundred Nights, Inc., submitting an annual request for a lodging house license. The current license expired on January 3, 2020. A motion by Councilor Bosley to suspend the Rules of Order to allow action on the application was seconded by Councilor Greenwald. On a roll call vote, 15 Councilors voting in favor, the motion carried. A motion by Councilor Bosley to recommend that a lodging house license be issued to the Timoleon Chakalos or his successor to engage in the operation of a lodging house at 15 Lamson Street subject to the following conditions: no more than 26 persons may reside on the premises at any one time; compliance with all applicable sections of the City Code; compliance with any requirements or recommendations of City staff. Said license will expire on the 17th day of January, 2021 and may be revoked by the City Council in accordance with Section 46-590 "Suspension or Revocation" was seconded by Councilor Greenwald. On a roll call vote, 14 Councilors voting in favor and one opposed, the motion carried. Councilor Jones was opposed.

PLD REPORT – BODY & SOUL ROAD RUNNERS – REQUEST TO USE CITY PROPERTY – COMMUNITY SPONSORED EVENT

Planning, Licenses and Development Committee report read recommending that the City Council grant permission to Body & Soul Road Runners to sponsor a running race on February 8, 2020, subject to the customary licensing requirements of the City Council, and compliance

with any recommendations of City staff. The Petitioner agrees to absorb the cost of any City services over and above any 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 invoicing. A motion by Councilor Bosley 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 – CONTINUED DISCUSSION: RELATING TO SMALL WIRELESS FACILITY DEPLOYMENTS IN THE PUBLIC RIGHT-OF-WAY – ORDINANCE O-2019-18

Planning, Licenses and Development Committee report read recommending a full public hearing before the City Council to be set by the Mayor and that the Ordinance O-2019-18 be placed on more time. The Chair set the public hearing for February 6, 2020 at 7:00 PM and more time was granted.

FOP REPORT – ACCEPTANCE OF DONATIONS – PARKS, RECREATION AND FACILITIES

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept a donation of \$500.00 and that the money is used for the Recreation Department scholarship fund. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF DONATIONS – PARKS, RECREATION AND FACILITIES

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept \$23,100.00 and to administer the funds provided by Cheshire County for Youth Service programs. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed with a unanimous vote in favor.

FOP REPORT – PROFESSIONAL SERVICES CONTRACT FOR AIRPORT MARKET STUDY – ASSISTANT CITY MANAGER/ IT DIRECTOR

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute a professional services contract with Crawford, Murphy, & Tilly, Inc. for the development of a commercial service market study for the Keene Dillant-Hopkins Airport or in the absence of reaching an agreement to negotiate and execute an agreement with Volaire. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed with 14 Councilors voting in favor and one opposed. Councilor Filiault opposed.

CITY MANAGER COMMENTS

The City Manager announced that Kurt Blomquist, Public Works Director, will serve as one of three members appointed by NHMA, New Hampshire Municipal Association, to the Advisory Commission for the Department of Environment Series Relative to the Delegation of the National Pollutant Discharge Elimination Systems Program. This Commission was created via Senate Bill, SB 450. The Commission was created to look at whether the NHDES should request delegation of the National Pollutant Discharge Elimination System from the EPA, and if so, to recommend a fee structure that would pay for the department to hire the required number of employees to manage the issuance of permits and administer the program.

The City Manager stated a press release went out announcing the City has hired a new Airport Director. David Hickling will be joining the team. Mr. Hickling served in the United States Airforce as Crew Chief, has a Bachelors in Aviation Management from Nathaniel Hawthorne College, as well as a graduate level course work in Aviation Management at Embry Riddle School of Aeronautics. He has completed flight training for his commercial pilot license with multi-engine and instrument ratings. Over the past thirteen years, Mr. Hickling has served as Deputy Commissioner and then ultimately Commissioner of Aviation, which is equivalent to Airport Director, at the Greater Binghamton Airport. Before that, he worked for ten years as their Airport Operations Specialist. He will be relocating to the area from New York and is scheduled to start early February.

The City Manager commented that New Hampshire Department of Transportation is holding a Public Hearing on January 21, 2020 at 6:00 PM in the Michael E. J. Blastos Community Room. The purpose is to present information and solicit input regarding a proposed project to create appropriate floodplain mitigation sites within the Ashuelot River watershed for 19.9 acre-feet of compensatory flood plain storage. This is mitigation for the impacts caused during the series of state projects on Route 9, 10, 12, and 101.

REPORTS – BOARDS AND COMMISSIONS: RESIGNATION – DAVID SOUTHER – BICYCLE PEDESTRIAN PATH ADVISORY COMMITTEE; RESIGNATION – PAM KNIGHT – HUMAN RIGHTS COMMITTEE; RESIGNATION – CHRIS BREHME – ENERGY AND CLIMATE COMMITTEE; AND RESIGNATION – PAUL COOPER – HISTORIC DISTRICT COMMISSION

The Chair requested to take all four of these items in one motion. A motion by Councilor Powers to accept the resignations with regret and appreciation for service was seconded by Councilor Greenwald. The motion passed with a unanimous vote in favor.

MEMORANDUM – SEWER SERVICE AND INDUSTRIAL PRETREATMENT

A memorandum was received from the Industrial Pretreatment Coordinator and Assistant Public Works Director, along with Ordinance O-2020-01. The memorandum was filed into the record. Ordinance O-2020-01 was referred to the Municipal Services, Facilities and Infrastructure Committee.

01/16/2020

RESOLUTION R-2020-02: IN APPRECIATION OF CHARLES RUSSELL HARRIS UPON HIS RETIREMENT

Resolution R-2020-02: In Appreciation of Charles Russell Harris Upon His Retirement was read by title only. A motion by Councilor Powers for adoption of the Resolution was duly seconded by Councilor Greenwald. The motion carried with a unanimous vote in favor. Resolution R-2020-02 declared adopted.

NON PUBLIC SESSION

At 7:55 PM Councilor Powers moved to go into nonpublic session to discuss a land matter under RSA 91-A:(II) d. The motion was duly seconded by Councilor Filiault. On roll call vote, 15 Councilors were present and voting in favor. A brief recess was called. The session convened at 7:58 PM. The Public Works Director was invited to remain. Discussion was limited to the subject matter. At 8:33 PM the session concluded. A motion by Councilor Powers to keep the minutes, in non-public session was seconded by Councilor Filiault. On roll call vote, 15 Councilors were present and voting in favor.

A true record, attest:


City Clerk