

City of Keene
New Hampshire

MUNICIPAL SERVICES, FACILITIES AND INFRASTRUCTURE COMMITTEE
MEETING MINUTES

Wednesday, January 13, 2021

6:00 PM

Remote Meeting via Zoom

Members Present:

Janis O. Manwaring, Chair
Michael Giacomo, Vice Chair
Randy L. Filiault
Bettina A. Chadbourne
Robert C. Williams

Staff Present:

Elizabeth A. Dragon, City Manager
Thomas P. Mullins, City Attorney
Kürt Blomquist, Public Works Director
Rebecca Landry, IT Director
Patricia Little, City Clerk

Members Not Present:

Chair Manwaring called the meeting to order at 5:30 PM. She read a prepared statement explaining how the Emergency Order #12, pursuant to Executive Order #2020-04 issued by the Governor of New Hampshire, waives certain provisions of RSA 91-A (which regulates the operation of public body meetings) during the declared COVID-19 State of Emergency.

1) Civil Forfeitures for Unlicensed Dogs – City Clerk

Chair Manwaring asked to hear from the City Clerk.

Patricia Little, City Clerk, stated that she is here to update the committee on the civil forfeiture process that the City Clerk's Office started in June, and to report that the City Clerk's Office did not get beyond the City Council's authorization to do the civil forfeiture. She continued that a lot of things played into that, and she was here to close out the process, for the record.

In June, the City Clerk's Office approached the City Council with the annual warrant for unlicensed dogs. The City Council did provide that authorization to have the Keene Police Department issue civil forfeitures. At about the same time, the City was going into the full COVID closures, in terms of public access into the building. They also heard that most veterinarians in the area had also closed their operations. It was impossible for dog owners who needed to get rabies inoculations for their animals to comply with the licensing requirement. That situation, coupled with the closure of the City Clerk's Office (which was only open by appointment) and the fact that their software did not provide for the ability to license dogs online, led to several hundred more names on the warrant list than was typical.

The Clerk continued that several weeks after obtaining the forfeiture authorization the Governor issued Emergency Order #23 in the midst of this dog warrant process. The emergency order allowed for the waiver of several municipal and statutory deadlines, one of which would be the dog licensing deadline. This emergency order was at the request of many towns and cities across the state that were facing the same situation with closure of hours, and inability of veterinarians to administer rabies inoculations.

Nevertheless, they intended to start the forfeiture process around the end of July or the beginning of August. However, in “a perfect storm” the City Clerk’s Office was inundated by absentee ballot requests for the State Primary election due to the expanded access to absentee ballots with COVID as a “physical disability.” This significant increase in absentee ballot requests took all of their available personnel resources to stay on top of the requests. The months of September, October, November, and December required the dedication of their available personnel resources.

The City Clerk continued that she spoke with the City Manager about a week ago about her intent to have the office rely on Emergency Order #23 and forgive this forfeiture process for this year. That will allow the office to refocus their efforts to encourage dog owners to license their dogs for the 2021-2022 season. They will start a very vigorous campaign of customer service, making individual phone calls to dog owners, encouraging them to come in and license their animals. The intent is not to penalize dog owners for last year, both in a civil forfeiture or any associated fines. Hopefully everything will go back for normal for this year.

Councilor Chadbourne asked how many dog owners registered their dogs, and how many did not. She asked what the normal fee is, and how much is lost. The City Clerk replied that they usually license about 2,300 to 2,400 dogs per year. She continued that last year the warrant contained 563 dogs/473 dog owners (some owners have more than one dog). The license fee is \$7.50 for a spayed dog or \$10 for a fully sexed animal.

Councilor Chadbourne stated that she is obviously not in favor of forfeiture, but does have a concern. Councilor Chadbourne stated that her concern is: most veterinarians did not close; they closed their doors to people coming in. She continued that she, for example, she would take her cat to the veterinarian’s office and call from the parking lot, and someone would come out to get her cat, and so on and so forth. She is not in favor of forfeiture, but her concern is that there are many dog owners who went out of their way to make sure that they did the right thing, and they paid and registered their dogs, to ensure public safety. One thing that comes out of them being required to register their dogs is they know their dogs cannot be registered without getting the rabies vaccination. That ensures public safety. She feels badly about the fact that a good portion of dog owners did do whatever they needed to do to make sure they followed what the City set forth. It is not that much money, but she just wanted to put on the record that there are a lot of dog owners who did the right thing in spite of those obstacles.

The City Clerk replied that Councilor Chadbourne makes a good point. She continued that the City does appreciate compliance with the annual licensing requirements, most assuredly. For those who do not comply, it is a lot of effort on behalf of City staff to encourage their compliance.

Chair Manwaring asked if committee members had further questions. Hearing none, she asked if there were questions from members of the public. Hearing none, she stated that she would entertain a motion.

Councilor Giacomo made the following motion, which was seconded by Councilor Filiault.

By a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the City Clerk's report on the forfeiture process for unlicensed dogs as informational.

2) Colonial Theater Group, Inc. – Petition for Discontinuance R-2020-38

Chair Manwaring stated that the MSFI Committee did a site visit and unfortunately, Councilors William and Chadbourne were unable to attend, so that leaves the three other MSFI Committee members to decide what they want to do with the petition for discontinuance. She continued that they also had a public hearing on this. The MSFI will hear from Attorney Kinyon, but other than that, the public has already had a chance to talk about this. She asked Mr. Blomquist if that is correct.

Kürt Blomquist, Public Works Director/Emergency Management Director, stated that is correct, the MSFI Committee did review the items that they needed to put on the record. He continued that Mr. Kinyon is present if he wishes to speak tonight.

Mr. Blomquist stated that the City received a petition from the Colonial Theater Group, Inc., for a discontinuance of a portion of a public way in the Commercial Street parking lot. He continued that a reminder of what happened is: in 1969 when the City was creating the Commercial Street parking lot, several property owners on adjacent sides were interested in having the public way encumber over their property at that particular time. When the City Council did the layout in 1969 they included several areas. One is the area that the Colonial Theater has requested be discontinued. Discussions must have occurred, because in early 1970 the City Council redid the layout. Unfortunately in 1970 the City Council did not follow the proper process, so in effect, the 1969 layout was not changed. This issue was not discovered for many years. Most recently it was discovered when the Hamblet property was being sold to the Colonial Theater. At that time the City also discovered the same discrepancy in other areas at the perimeter of the layout. This encumbrance restricts the Colonial Theater from doing anything on their property. The Colonial Theater is moving forward with a renovation and addition to their property over the next year and a half and they need access to this property encumbered by the layout.

Mr. Blomquist continued that the Colonial Theater submitted their request to discontinue the shaded area and remove the public way designation. The MSFI Committee had a site visit and a public hearing. Mr. Kinyon is representing the Colonial Theater and is here tonight to answer any questions the MSFI Committee may have about this discontinuance request. Staff recommends that the committee adopt Resolution R-2020-38.

There are a number of conditions contained in the Resolution including that the Colonial Theater is responsible for any damages if a property owner claims there are damages for this discontinuance, and that they are producing and providing to the City all documentation in a form acceptable to work with the City Attorney and the City Engineer and the Planning Director, and lastly, if there are any costs associated with this discontinuance the Colonial Theater is responsible for bearing those.

Chair Manwaring asked if there were any questions for Mr. Blomquist. Hearing none, she asked if Mr. Kinyon wanted to speak. Mr. Kinyon stated Mr. Blomquist has covered everything perfectly, in terms of what the situation is. He does not have anything to add, unless the MSFI Committee has questions for him. He thanks the committee for their consideration of this petition. Chair Manwaring asked if anyone had questions for Mr. Kinyon. Hearing none, she stated that she would entertain a motion.

Councilor Giacomo made the following motion, which was seconded by Councilor Filiault.

By a vote of 3-0, the Municipal Services, Facilities, and Infrastructure Committee recommends adoption of Resolution R-2020-38. Councilor Giacomo, Chair Manwaring, and Councilor Filiault voted. Councilor Chadbourne and Councilor Williams did not vote.

There being no further business, Chair Manwaring adjourned the meeting at 5:51 PM.

Respectfully submitted by,
Britta Reida, Minute Taker