

A regular meeting of the Keene City Council was held Thursday, September 4, 2014. The Honorable Mayor Kendall W. Lane called the meeting to order at 7:00 PM. Roll called: Kris E. Roberts, Terry M. Clark, James P. Duffy, Sheryl A. Redfern, Carl B. Jacobs, Janis O. Manwaring, Robert J. O'Connor, Randy L. Filiault, Emily P. Hague, Thomas F. Powers, Bettina A. Chadbourne, David R. Meader, Philip M. Jones, David C. Richards, and Mitchell H. Greenwald were present. Councilor Greenwald led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the August 7, 2014 meeting was duly seconded. The motion passed with a unanimous vote in favor.

PROCLAMATION – STANLEY FERRIS –FACILITIES

The Mayor invited Stanley Ferris, from the Facilities Department, to present him with a retirement proclamation. The Mayor went on to express the City's gratitude to Stanley Ferris for his dedication, and went on to detail his history of employment with the City of Keene. Mr. Ferris thanked the Mayor for the acknowledgement of his years of service.

PRESENTATION – WHEELOCK PARK CONCEPT PLAN

The Mayor invited Andy Bohannon, Parks and Recreation Director, to present the Wheelock Park Concept Plan. Mr. Bohannon explained the history of creating the Wheelock Park Concept Plan. The goal was to look at each park for long term planning. The dog park discussion prompted the staff to look at Wheelock Park.

Mr. Bohannon introduced Axel Bishop the founder of Design Concepts, LLC. Mr. Bishop explained that his firm specializes in the Parks and Recreation field design. Trying to design the park to have the following easily available: multi-generation play area, skateboard park, dog park, pump track, trailhead, kid's bmx, an open meadow, aquatic area, campground, horseshoe pits, series of walk-ways that allow a person to be no more than 100 yards away from the family, volleyball, sufficient parking, ball fields, restrooms and a gathering location (having restrooms, water and gas fireplaces).

This plan will allow people to move freely from one activity to another and be in a close proximity to the other locations as well as the parking lot. Additional parking lots will help the flow to be smooth and not cause a bottleneck situation due to the left and right lane. There will be a loop traffic system. A drain system has been developed in the middle of the park with a dry creek bed. This will drain into the wetlands.

Councilor Roberts asked about the horseshoe pits if they would still be available for use since there have been tournaments in the past. Mr. Bishop replied that they would still be in use and they were the best that he has seen in the United States.

Councilor Clark asked if they had done a traffic study. Mr. Bishop replied that it was an obvious situation of bottlenecking at the entrance of the park and this needed to be addressed. Mr. Bishop went on about the additional parking lots, scattered at the uses vs. in one location. The interior the park is the pedestrian and bicycle uses and the exterior is strictly for the automotive traffic to prevent the feeling of the park.

Councilor Duffy asked about the winter uses of the park and trail uses. Mr. Bishop replied that the external access will be remain and improved. There will also be 3 different types of tracks in the park. The first track will be a single level for typically mountain bike usage; the second track will be refined with crushed granite; and the third type of track will be paved for ADA needs with ability to use rollerblades.

Councilor Jones asked about the ball field that is located on the side of the street near the school if it will still be there or will it be eliminated. Mr. Bishop replied that it will remain in place and have better trails to access the ball field. Council Jones asked about the area near the volleyball court, the space used for roller hockey in the summer and in the winter being used as an ice rink, if it would be eliminated. Mr. Bishop stated that it would still remain and in fact the volleyball court area will be recommended to be increased by one more court. Mr. Bishop clarified that the current areas will remain as it is. He went on to state that the aquatic areas will stay as they are, but with the addition of a spray park since this is the direction that most communities are heading into.

Councilor Chadborne asked for clarification on the items that are remaining if they will still be in the same location in the future. Mr. Bishop replied that the location may change only due to the drainage concerns, but they will not be eliminated. Councilor Chadborne further asked about the location of the tennis courts. Mr. Bishop replied in the affirmative that they will remain in the same location and the additional parking will be added. Councilor Chadborne continued with a question for clarification about the ball field hub complex area. Mr. Bishop expressed that the location will be in the Cal Ripkin Ball Field area and would have restrooms, concession area with the maintenance buildings will remain. Councilor Chadborne wanted to have an explanation of the multi-purpose area. Mr. Bishop replied that the multi-purpose area will consists of a big flat green area to manipulate into various other sizes for other fields that will be needed at any one time.

The Mayor thanked Mr. Bishop for his presentation and referred to the Municipal Services, Facilities and Infrastructure Committee.

NOMINATION – HOUSING AUTHORITY

The following nomination to the Housing Authority was received from the Mayor: J.B. Mack to serve as a regular member of the Housing authority for a term to expire December 31, 2016. The confirmation was tabled to the next regular meeting of the City Council.

COMMUNICATION – BRIGHT KRINSKY – IN SUPPORT OF WHEELOCK PARK CONCEPT PLAN

A communication was received from Bright Krinsky of 1053 Jaffrey Road, Marlborough, regarding the support of the Wheelock Park Concept Plan. The communication was filed into record.

COMMUNICATION – GEORGIA TASOULAS – RESIGNATION FROM LIBRARY BOARD OF TRUSTEES

A communication was received from Georgia Tasoulas resigning from her position on the Library Board of Trustees. A motion by Councilor Greenwald to accept the resignation with regret and appreciation for her years of service was duly seconded. The motion passed with a unanimous vote in favor.

COMMUNICATION – COUNCILOR CLARK – SPECIAL MISSION RESCUE VEHICLE AKA BEARCAT

A communication was received from Councilor Clark requesting the City of Keene withdraw from the Homeland Security Grant dated January 20, 2011, and return the Specialized Mission Rescue Vehicle, aka the Bear Cat to the appropriate government agency. The Mayor indicated the issue relating to the Bear Cat has been considered by the Council twice and twice by the Fop Committee. There was a public hearing relating to this matter and at this point there is no new information and he noted his intent would be to file the communication as informational. Under Section 16 of the Rules of Order, Councilor Clark appealed the ruling of the Chair. That motion was seconded by Councilor Hague. The Chair continued that under the Council's Rules of Order, only he and Councilor Clark can debate the decision of the Chair and not the underlying merits of the Bear Cat. Councilor Clark felt there is new information. He continued that Keene had been known as a community that protected its environment and innovative urban planning and now Keene has become a national joke. The Councilor also referred to the periodic reports from the Police Department regarding the use of the vehicle as new information. The Chair noted his decision to file the communication as informational was due to the extensive debate and, in fact, the Council voted twice to accept the grant- once in 2010 and again in 2011. In addition, there is an opportunity to debate the use of the vehicle when the semiannual reports on the use of the vehicle are received. The Mayor continued that regardless of what some national satire program may wish to say out of context, there is no factual information that has come forward and his ruling stands. The Mayor noted this motion to appeal the ruling of the Chair would require a 2/3 majority.

On a roll call vote, with 3 Councilors in favor and Councilors Roberts, Duffy, Redfern, Jacobs, Manwaring, O'Connor, Filiault, Powers, Meader, Jones, Richards and Greenwald, opposed, the motion to challenge the ruling of the Chair failed. The communication was filed into the record.

FOP REPORT – 2011 UNPAID TAX DEEDS

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to extend the deed waiver period through November 1, 2014. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. A Scribner's error on the vote of the committee report was corrected. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF DONATIONS - CITY EMPLOYEE'S HEALTH FAIR AND ANNUAL RECOGNITION EVENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept donations associated with the annual employee/retiree health fair scheduled for October 2014 and the annual employee recognition event scheduled for December 2014. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – ACCEPTANCE OF DONATIONS - HOLIDAY FAMILY SPONSORSHIP PROGRAM

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to accept donations associated with the City's 2014 Holiday Family Sponsorship Program. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – AGREEMENT WITH CHALLENGER SPORTS CORPORATION

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to execute an agreement with Challenger Sports Corporation for a fall soccer season with the Keene Parks and Recreation Department. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – ROSE LANE CLOSURE - ENGINEERING, DESIGN AND PERMITTING

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute a contract with Loureiro Engineering Associates for engineering design, permitting, construction oversight and reporting services associated with the closure of the Rose Lane sludge monofill at a cost not to exceed \$42,515. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

CITY MANAGER COMMENTS

The City Manager commented on a recent meeting with Antioch University New England President Stephen B. Jones, Vice-President Melinda Treadwell and the Academic Innovation Director Abigail AbrashWalton regarding a public/private collaboration for a commitment in principle to establish a partnership for community resiliency. Initiatives that could be included in the partnership that deploys a multi discipline and multi stakeholder approach could include civic leadership and public service, downtown stormwater management, the KEAP proposal at the landfill, transportation management, urban tree planning initiatives, greenhouse gas updates, economic development, bikepath expansion, and community gardens...The Manager stated with this collaboration would come a memorandum of understanding, which though not binding - would represent good faith in the establishment of this partnership.

MAYOR COMMENTS

The Mayor commented on the forum he had attended at Keene High School regarding the heroin usage in the community. The forum dealt with enforcement and treatment for the addiction of heroin. The Mayor indicated that he had offered through his office a coordinating role among all the attending groups to help determine future actions.

FOP REPORT AND RESOLUTION R-2014-24: RELATING TO AN APPROPRIATION FOR THE WINCHESTER STREET BRIDGE WATER MAIN

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2014-24. The report was filed into the record. Resolution R-2014-24: Relating to an Appropriation for the Winchester Street Bridge Water Main was read by title only. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. On a roll call vote, with 15 Councilors present and voting in favor the motion passed. Resolution R-2014-24 declared adopted.

FOP REPORT AND RESOLUTION R-2014-25: RELATING TO *CITIZENS UNITED V. FEDERAL ELECTIONS COMMISSION*

Finance, Organization and Personnel Committee report read recommending the adoption of Resolution R-2014-25. A Scribner's error on the vote of the committee report was corrected. The report was filed into the record. Resolution R-2014-25: Relating to *Citizens United v. Federal Elections Commission* was read by title only. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded.

Referring to the background notes in the Committee report, Councilor Clark moved to add the following language as a new paragraph #5: "The City of Keene supports an amendment to the Constitution to establish that only human beings, not corporations, are endowed with constitutional rights and that money is not speech, and therefore, regulating political contributions and spending is not equivalent to limiting political speech." The motion was duly seconded.

On a vote of 9 Councilors in favor and Councilors Roberts, Filiault, Powers, Meader, Jones and Greenwald, opposed, the motion to amend carried.

Councilor Hague moved to further amend the Resolution by adding a closing remark to paragraph #6 "and to not equate money with speech" so that the full paragraph reads: "That the representatives of the City of Keene to the General Court of the State of New Hampshire, be and are hereby requested to call upon the State's Congressional Delegation to petition the United States Congress for the purpose of proposing an amendment to the United States Constitution to overturn the decision in *Citizens United v. Federal Elections Commission*, and to establish the Constitutional boundaries that must exist as a matter of law between the natural citizens of the United States of America and the non-natural corporate entities created by them, and to not equate money with speech."

09/04/2014

On a vote of 11 Councilors in favor and Councilors Roberts, Powers, Meader and Greenwald, opposed, the motion to amend carried.

Relative to the previous motion by Councilor Greenwald for adoption of the Resolution, voted unanimously to adopt R-2014-25-A.

RESOLUTION R-2014-28: IN APPRECIATION OF MICHAEL E. GIANFERRARI UPON HIS RETIREMENT

Resolution R-2014-28: In Appreciation of Michael E. Gianferrari Upon His Retirement was read by title only. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. The motion passed with a unanimous vote in favor. Resolution R-2014-28 declared adopted.

RESOLUTION R-2014-29: IN APPRECIATION OF LYNN M. SMITH UPON HER RETIREMENT

Resolution R-2014-29: In Appreciation of Lynn M. Smith Upon Her Retirement was read by title only. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. The motion passed with a unanimous vote in favor. Resolution R-2014-29 declared adopted.

RESOLUTION R-2014-30: IN APPRECIATION OF JONATHAN F. STEWART UPON HIS RETIREMENT

Resolution R-2014-30: In Appreciation of Jonathan F. Stewart Upon His Retirement was read by title only. A motion by Councilor Greenwald for adoption of the Resolution was duly seconded. The motion passed with a unanimous vote in favor. Resolution R-2014-30 declared adopted.

ADJOURNMENT

At 8:28 PM, a motion by Councilor Greenwald to adjourn for legal advice was duly seconded. The motion passed with a unanimous vote in favor.

A true record, attest:


City Clerk