

07/17/2014

A regular meeting of the Keene City Council was held Thursday, July 17, 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, Randy L. Filiault, Emily P. Hague, Thomas F. Powers, David R. Meader, Philip M. Jones, David C. Richards, and Mitchell H. Greenwald were present. Councilor Robert J. O'Connor was absent. Councilor Bettina A. Chadbourne arrived at 7:05 PM. Councilor Clark led the Pledge of Allegiance. A motion by Councilor Greenwald to accept the minutes from the June 19, 2014 meeting was duly seconded. The motion passed with a unanimous vote in favor.

ANNOUNCEMENTS

The Mayor announced that on July 29th there will be an open house and ribbon cutting for the reopening of the main runway at the Dillant-Hopkins Airport. He noted that Commissioner Clement, the Commissioner of Transportation and Commissioner Rose, the Commissioner of Economic Development will be in attendance. He urged all Councilors to attend. The runway has been closed to regular use for the last six weeks, and we are pleased to have it reopening.

CONFIRMATION – BICYCLE/PEDESTRIAN PATH ADVISORY COMMITTEE

A motion by Councilor Greenwald to confirm the following nomination to the Bicycle Pedestrian Path Advisory Committee was duly seconded: Christopher Brehme to serve as a regular voting member for a term to expire December 31, 2016. On a roll call vote, with 13 Councilors present and voting in favor, the motion carried. Councilors O'Connor and Chadbourne were absent.

NOMINATION – HERITAGE COMMISSION

The following nomination to the Heritage Commission was received from the Mayor: Rose Carey to serve as an alternate member for a term to expire December 31, 2016. The confirmation was tabled to the next regular meeting of the City Council.

COMMUNICATION – JUDY NOONAN – RESIGNATION FROM LIBRARY BOARD OF TRUSTEES

A communication was received from Judy Noonan 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 – GREG MESSER D/B/A MESSER'S MOBILE MELTS – REQUEST TO EXTEND HOURS OF OPERATION – HAWKING AND PEDDLING

A communication was received from Greg Messer d/b/a Messer's Mobile Melts, requesting permission to extend the operating hours for his mobile food truck located on property at The Center at Keene. The request was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – MARY B. VEERKAMP – MONADNOCK FOOD CO-OP – REQUEST TO SERVE ALCOHOL AT HEBERTON HALL

A communication was received from Mary B. Verkamp on behalf of the Monadnock Food Co-op, requesting permission to serve alcohol at Heberton Hall on October 25, 2014 in conjunction with their Annual Meeting. The request was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – ASH SHEEHAN – ODELAY – REQUEST TO SERVE ALCOHOL – SIDEWALK CAFÉ

A communication was received from Ash Sheehan of Odelay, requesting permission to serve alcohol beverages at their sidewalk café. The request was referred to the Planning, Licenses and Development Committee.

COMMUNICATION – COUNCILOR GREENWALD – CONCERN OVER THE GROWING DRUG PROBLEM IN KEENE

A communication was received from Councilor Greenwald relaying concerns from members of the Keene community regarding the growing drug problem in Keene. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – SCHOOL ADMINISTRATIVE UNIT 29 – COORDINATED EFFORT TO COMBAT DRUG USE AND ADDICTION

A communication was received from Christopher Coates, Chair of the Keene Board of Education, and Wayne Woolridge, Superintendent of Schools, urging a collaborative effort between the City of Keene and the School District to combat drug use and addiction among our community's youth. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – CRAIG AND TIFFANY JOHNSON – REQUEST FOR SPEED BUMPS (OR OTHER TRAFFIC CALMING MEASURES) – LUCINDA TERRACE

A communication was received from Craig and Tiffany Johnson of 18 Lucinda Terrace, requesting the City look at traffic calming measures on their street. The measures suggested include installation of speed bumps, or making the street a dead-end road where it joins with Route 10. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

COMMUNICATION – BRICKSTONE LAND USE CONSULTANTS, LLC – EVALUATION FOR LEE STREET STOP SIGN AT MEADOW ROAD

A communication was received from James P. Phippard of Brickstone Land Use Consultants, LLC requesting consideration for installation of a stop sign at the intersection of Lee Street and

Meadow Road. The communication was referred to the Municipal Services, Facilities and Infrastructure Committee.

FOP REPORT – PRESENTATION: PARKING PROJECTS

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to pursue the MEDC proposal as part of the downtown parking management plan including but not limited to negotiating any purchase and sales agreements, lease agreements, development agreements or such other agreements that may be appropriate and necessary. 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 – PROFESSIONAL SERVICES CONTRACT – HOUSEHOLD HAZARDOUS WASTE SERVICES

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to award a professional services contract to Triumvirate Environmental for the provision of household hazardous waste collection services at the Keene Solid Waste Facility for an amount not to exceed \$39,998.67 in year 1, \$40,798.64 in year 2 and \$41,614.61 in year 3. 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 – *CITIZENS UNITED* – U.S. SUPREME COURT DECISION

Finance, Organization and Personnel Committee report read recommending that the City Council adopt an appropriate Resolution stating its objection to the Citizens United case and request that the New Hampshire legislature seek a constitutional amendment through Congress to overturn the decision. 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 DONATION

Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to accept a donation of four tires from Sullivan Tire for use by the Keene Police 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 – ADVANCED LIFE SUPPORT INTERCEPT TRANSPORT AGREEMENT

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to negotiate and execute the new one year Advanced Life Support Intercept Transport Agreement with the ten (10) area towns that we currently serve. 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 – ADDITIONAL STREET REPAIR WORK - FUNDING

Finance, Organization and Personnel Committee report read recommending that project balances from 90214, Emergency Road Repairs, in the amount of \$42,178; 90237 Road Rehab/Overlay, in the amount of \$39,063; 90249, 2012 Roadway Rehabilitation Project, in the amount of \$46,280.56; and 90248, 2012 Infrastructure- Elm Street and Sullivan Road Project, in the amount of \$38,415.01 be combined with funds from the Street Maintenance cost center for the Street Spot Repairs Project. 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 – PJO COOLEY, LLC – LAND LEASE AGREEMENT RENEWAL

Finance, Organization and Personnel Committee report read recommending that the City Council authorize the renewal of a Land Lease Agreement between the City and PJO Cooley, LLC, relative to land at the Dillant-Hopkins Airport. 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 – CHESHIRE TV REQUEST TO INCREASE FRANCHISE FEE

Finance, Organization and Personnel Committee report read recommending that the Mayor set a public hearing on the request from Cheshire TV to increase the Cable Franchise Fee from 3.25% to 3.5%. 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. The Mayor set the public hearing for Thursday, August 7, 2014 at 7:00 PM.

FOP REPORT – SOUTHWESTERN COMMUNITY SERVICE REQUEST FOR AUTHORIZATION FOR THE PROPOSED WESTMILL HOUSING DEVELOPMENT ON RAILROAD STREET

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to sign the Site Plan application to the Planning Board by Southwestern Community Services for the proposed development on Railroad Street. A motion by Councilor Greenwald to carry out the intent of the report was duly seconded. The Mayor noted that Councilors should have received in their boxes a copy of a letter today from Gary Sheldon raising some concerns about the proposal going forward on Railroad Street. He noted the concerns raised relate most directly to the ultimate closure of Railroad Street, and not to this specific site plan. Relative to the motion on the floor to carry out the intent of the report, the motion passed with a unanimous vote in favor.

FOP REPORT – PRESENTATION – PARKS, RECREATION AND CEMETERIES DIRECTOR – CENTRAL SQUARE MONUMENT

Finance, Organization and Personnel Committee report read recommending accepting the presentation from staff as informational. Further, the Committee suspended their rules to address the item related to a donation from Greenwald Realty. Finally, the Committee recommended that the City Council accept a donation of \$200 from Greenwald Realty to clean the monument at

Central Square. The Mayor noted the only recommendation in the report requiring action by the Council is the one related to accepting a \$200 donation from Greenwald Realty. Councilor Greenwald stated that although he was found not to have a conflict of interest with regard to this matter, he would prefer to defer to Vice-Chair Roberts to speak on the item this evening. A motion by Councilor Roberts to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

FOP REPORT – RFP FOR ENGINEERING SERVICES – WELLS STREET PARKING GARAGE REPAIRS

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 Desman Associates for the engineering design, bidding and construction administration services for the Wells Street Parking Garage Repairs Project for an amount not to exceed \$33,380. 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 – 2014 WASHINGTON STREET PHASE 2 INFRASTRUCTURE PROJECT – CONSTRUCTION PHASE ENGINEERING CONTRACT – UNDERWOOD ENGINEERS, INC.

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to execute a construction phase engineering services contract for an amount not to exceed \$167,400 with Underwood Engineers Inc. (UEI) for the 2014 Washington Street Phase 2 Infrastructure Project, #04-13-39. 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 – MAIN STREET/ROUTE 12 BRIDGE OVER THE BEAVER BROOK PROJECT ENGINEERING STUDY, PRELIMINARY DESIGN, FINAL DESIGN AND BID ASSISTANCE PHASE ENGINEERING CONTRACT – THE LOUIS BERGER GROUP

Finance, Organization and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to execute an Engineering Study, Preliminary Design, Final Design and Bid Assistance Phase engineering services contract for an amount not to exceed \$124,617.00 with The Louis Berger Group for the Main Street/Route 12 Bridge over the Beaver Brook Project. 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.

MSFI REPORT – ROUNDHOUSE T PHASE II MULTI-USE TRAIL PROJECT – ROUTE

Municipal Services, Facilities and Infrastructure Committee report read recommending the Public Works Director's memorandum on the multi-use trail project be accepted as informational. The report was filed into the record as informational.

MSFI REPORT – WARRANT FOR UNLICENSED DOGS

Municipal Services, Facilities and Infrastructure Committee report read recommending that the City Council issue a warrant for unlicensed dogs pursuant to NHRSA 466:14 and the Animal Control Officer be directed to issue a civil forfeiture to those dog owners who have failed to license their dog by April 30, 2014. A motion by Councilor Duffy to carry out the intent of the report was duly seconded. The motion passed with a unanimous vote in favor.

MSFI REPORT – BRADFORD ROAD SIDEWALK PROJECT

Municipal Services, Facilities and Infrastructure Committee report read recommending the report be accepted as informational and staff be directed to come back to the Municipal Services Facilities and Infrastructure Committee with options for traffic calming devices for Bradford Road. The report was filed into the record as informational.

MEMORANDUM – BICYCLE/PEDESTRIAN PATH ADVISORY COMMITTEE – TRAIL ACCESS AT THE MILLS DEVELOPMENT PROJECT – 57 RALSTON STREET

A memorandum was received from the City's Mapping Technician on behalf of the Bicycle/Pedestrian Path Advisory Committee relative to trail access at the Mills Development Project located at 57 Ralston Street. The memorandum was referred to the Municipal Services, Facilities and Infrastructure Committee.

MEMORANDUM – CITIES FOR CLIMATE PROTECTION COMMITTEE – CARBON SEQUESTRATION

A memorandum was received from the Cities for Climate Protection Committee reporting to the City Council on the benefits of carbon sequestration. The memorandum was accepted and filed as informational.

MEMORANDUM – SPECIAL COMMITTEE ON CONSTITUENT EMAIL – CITY COUNCILORS USE OF ELECTRONIC RESOURCES AND INFORMATION

A memorandum was received from the Special Committee on Constituent Email recommending the Mayor and City Council refer the report from the Special Committee and the Electronic Resources Acceptable Use Policy to the appropriate Standing Committee for consideration and recommended adoption as a City Council Policy. The memorandum was referred to the Planning, Licenses and Development Committee.

MORE TIME

More time was granted by the Chair for the following item in Committee: Request to Remove Tree at 185 South Lincoln Street.

PETITION TO AMEND ZONING MAP – ATTORNEY THOMAS R. HANNA REPRESENTING THE NEW ENGLAND ANNUAL CONFERENCE OF THE UNITED

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METHODIST CHURCH, AND ORDINANCE O-2014-07: RELATING TO AMENDING THE ZONING MAP – 34 COURT STREET – OFFICE TO CENTRAL BUSINESS

A petition to amend the Zoning Map was submitted by Attorney Thomas R. Hanna representing The New England Annual Conference of the United Methodist Church. The petition would amend the zoning designation for property located at 34 Court Street from Office to Central Business. Also submitted was Ordinance O-2014-07 Relating to Amending the Zoning Map – 34 Court Street – Office to Central Business. The Ordinance was read for the first time. The petition and accompanying Ordinance were referred to the Joint Planning Board and Planning, Licenses and Development Committee.

MEMORANDUM – FINANCE DIRECTOR AND RESOLUTION R-2014-21: RELATING TO AN APPROPRIATION FOR WELLS STREET PARKING FACILITY REPAIRS

A memorandum was received from the Finance Director along with Resolution R-2014-21: Relating to An Appropriation for Wells Street Parking Facility Repairs. The memorandum was filed as informational. Resolution R-2014-21 was read for the first time. The Resolution was referred to the Finance, Organization and Personnel Committee.

ADJOURNMENT FOR LEGAL ADVICE

At 7:50 PM, a motion by Councilor Greenwald to adjourn for legal advice was duly seconded. On showing of hands 14 Councilors were present and voting in favor.

A true record, attest:

Deputy City Clerk