

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, April 26, 2017

7:00 PM

Council Chambers A

Members Present:

David C. Richards, Chair
Philip M. Jones, Vice-Chair
Robert B. Sutherland
George S. Hansel

Members Not Present:

Bart K. Sapeta

Staff Present:

Med Kopczynski, City Manager
Rebecca Landry, ACM/IT Director
Tom Mullins, City Attorney
Patricia Little, City Clerk
Terri Hood, Assistant City Clerk
William Dow, Deputy City Clerk
Todd Lawrence, Acting Captain KPD

Other Councilors Present

Chair Richards called the meeting to order at 7:00 PM.

1) Underground Telecommunications Conduit Easements

Rebecca Landry, ACM/IT Director reported Eversource is planning to complete a project this summer; they are calling it the Keene Downtown Improvement Project. This project entails moving underground equipment aboveground and during this process they will be installing new conduit to the customers they serve with that infrastructure. Eversource has been amenable to the idea of allowing or installing for the City telecom conduit alongside the conduit being installed for their services. Ms. Landry noted this is one of the things we have wanted to see happen for a very long time. She feels this is a good opportunity to at least get some conduit underground and open the door for businesses looking for underground broadband. In order to have this conduit installed alongside Eversource conduit we would need to get easements from property owners. Eversource has provided a list of the properties in question and with authorization from City Council the City Manager can enter into these easements. Ms. Landry concluded by explaining the recommendation is written so that it would not be just for this one project; moving forward the City Manager would have the authority to negotiate and execute such easements.

Chair Richards asked for Committee questions or comments.

Councilor Hansel asked how many properties are involved in this project and if this would allow the City to install their own conduit but not necessarily be used by the City in the future.

Councilor Hansel clarified this is in no way the beginning of the City becoming an Internet

Service Provider (ISP); owned and operated by the City. Ms. Landry indicated this was really a series of questions and she would answer each in turn. Ms. Landry advised there are approximately 24 property owners on the list, adding that these people have not been contacted yet. Ms. Landry explained she does not know what the conditions would be. She does suspect the City would want to have access to those conduits if needed. The City currently leases conduit to Fastroads and they do pay an annual fee. Ms. Landry also suspects they would be open for leasing on an open and fair basis for those having an opportunity to use them. Ms. Landry does not see the City becoming an Internet Service Provider (ISP) as much as building the road. She added the infrastructure is one of the biggest barriers to providers today and the hope here is to eliminate some of those barriers by putting the conduit in place.

Councilor Jones commented he was glad Ms. Landry made this a blanket motion so we do not have to keep coming back. Councilor Jones pointed out this is basically only dealing with easements and asked if we could make it bigger. Ms. Landry explained we are working on what is called a Dig Once policy. We are also working on getting a vendor in to do a broadband study based on what has worked successfully in other communities; so we are working in that direction.

Councilor Sutherland commented this is great foresight and noted his concerns 1. How much money are we empowering the City Manager to spend, and 2. How close is the conduit to electricity and is that going to interfere, and 3. Who is going to be the engineer designing this conduit so that we do not have interference between the electricity conduit and any other communications conduit? To the first question Ms. Landry referred to the background notes in the packet "In this case, easements will be sought in exchange for the potential broadband benefit rather than monetary consideration". She continued Eversource is working with these same expectations, so we are not looking to purchase these easements. Secondly, we are working with Eversource engineering as well as our City Engineer, Don Lussier to make sure we have none of those issues.

Councilor Hansel asked if Ms. Landry knew the costs for the City to put in this conduit. Ms. Landry advised this is one of the reasons we are trying to bring on an expert to do a broadband study for us. She continued it varies from community to community and on whether you are doing a direct bury or alongside another excavation project, and or going aerial. We do not have the information for our community yet, but we will have it. Councilor Hansel clarified all we are really doing is authorizing the City Manager to approach these property owners with the proposition of potentially putting conduit in, hopefully in exchange for Broadband connectivity. He continued any actual laying of conduit would have to be financed so it would come back and we'd get another look at it; is that correct. Ms. Landry replied that depends, if Eversource is just looking to put conduit in and we buy the conduit if it is less than the threshold that requires us to come back it could go forward without going to the Finance Committee. If we hit that \$20,000 threshold where we have to buy materials or pay for professional services than it would have to come back to Council or go through the budget process. Councilor Hansel commented he is okay with it but is concerned because it is a large scale project and we are just looking at a piece of it. Councilor Hansel added he is glad the overall study is being done to look at the big picture. Ms. Landry noted she appreciates the Councilor's concern adding we have this opportunity just

because Eversource is moving forward with this project in the June/July timeframe. She does not think the study will be done by then but did not want to miss this opportunity.

Medard Kopczynski, the City Manager commented we are at the beginning stage of looking at all of these processes. Noting that Eversource is abandoning some of their lines/conduit he explained we do have an opportunity to take over some of their conduit, in the first instance, and maybe do some connections with the second. The City Manager agreed with Ms. Landry comments that we have a lot of planning to do. He commented we do have a lot of people and plans for digging up in the downtown area citing Fair Point and the Gas Company as examples. Mr. Kopczynski said it is the right time to determine the layout and what the long-term needs of the City will be. As far as the Dig Once policy it could be as simple as a requirement as part of the permitting process. He continued we do not know yet; it may not be as expensive as we think or it could be more expensive than we think.

There being no comments from the public Chair Richards asked for a motion.

Councilor Hansel made the following motion which was seconded by Councilor Jones.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute easements with Keene property owners as necessary for the installation across private property of underground telecommunications conduit which will be owned and maintained by the City.

Councilor Sutherland commented without having all the information he is concerned about building a bridge to nowhere. Councilor Sutherland is in favor of this as long as it does not start spiraling out of control and the costs. Ms. Landry suggested she would be happy to report back to the Committee after the negotiation process has taken place. Chair Richards was in favor of this suggestion.

Councilor Hansel suggested using this project as sort of a test to see what real issues come up and how realistic it is. He noted in this way it is a good opportunity.

2) Farmer's Market of Keene - Request to Amend License

Bruce Bickford, of the Farmer's Market of Keene reported the Market is allocated space in the Commercial Street Lot and along Gilbo Avenue on Tuesdays and Saturdays. Mr. Bickford reported the sites have been working very well and explained they are not using all of the parking spaces allocated to them on Tuesdays. He went on to state they would like to request the spaces in the Commercial Street Lot be omitted from the license on Tuesdays with a coinciding reduction in the fee.

Todd Lawrence, Acting Captain of the Keene Police Department reported after review staff has no issues with this request.

There being no further comments from the public or the Committee, Chair Richards asked for a motion.

Councilor Jones made the following motion which was seconded by Councilor Hansel.

On a vote of 4-0, the Planning, Licenses and Development Committee moves to recommend granting the request from the Farmer's Market of Keene to amend their license to acknowledge a reduction in the number of parking spaces used from 40 spaces to 22 spaces on Tuesdays during the 2017 license period, including a corresponding reduction in the rental fee. The rental fee will be reduced from \$1,200 to \$932 for the season (payable on the first day of every month at \$155.00 per month).

3) **Adjournment** - There being no further business before the Committee Chair Richards adjourned the meeting at 7:15 PM.

Respectfully submitted by,
Mary Lou Sheats Hall
April 27, 2017

Additional Edits by,
Terri M. Hood
Assistant City Clerk