

City of Keene  
New Hampshire

MUNICIPAL SERVICES, FACILITIES AND INFRASTRUCTURE COMMITTEE  
MEETING MINUTES

**Wednesday, June 27, 2018**

**6:00 PM**

**Council Chambers**

**Members Present:**

Janis O. Manwaring, Chair  
Randy L. Filiault, Vice-Chair  
Robert B. Sutherland  
Stephen L. Hooper  
Gary P. Lamoureux

**Staff Present:**

Elizabeth Dragon, City Manager  
Beth Fox, Assistant City Manager/Human  
Resources Director  
Thomas Mullins, City Attorney  
Kürt Blomquist, Public Works Director  
Terri Hood, Assistant City Clerk  
Andy Bohannon, Director of Parks, Recreation  
& Facilities

**Members Not Present:**

Chair Manwaring called the meeting to order at 6:00 PM, welcomed the public, and explained the rules of procedure.

**1) Dog Warrant – City Clerk’s Office**

The Assistant City Clerk, Terri Hood, explained she was there to ask for the annual authorization to issue a warrant for unlicensed dogs, which will result in a \$25 forfeiture for those dog owners who did not license their dog by April 30. So far in 2018, 2,300 dogs have been licensed and 355 owners and 437 dogs remain unlicensed. These numbers are comparable to previous years. Staff anticipates most owners will license their dogs in the next few weeks before fines are issued in July. Owners are notified by email (if provided), phone, postcard, and in local newspapers. This outreach is not required by State Statutes, but the Clerk’s office helps people to avoid fines if they can. The State requires dogs to be licensed at the City level to ensure dogs are vaccinated against rabies; to encourage spay and neutering, and to reunite lost dogs with owners when they are wearing their dog license tag. In Keene there are 1,400 licensed female dogs, 1,300 male dogs, and 90% are spayed or neutered. Dog licenses cost \$7.50 for spayed/neutered dogs, \$10 for unfixed dogs, and senior citizens receive a \$2 discount on their first dog.

Councilor Sutherland asked if the dog warrant list can be cross referenced with the homeowner’s database to see if any dog owners have moved out of Keene. The Assistant City Clerk will look into that and encouraged Councilor’s or staff to alert her if there are people on the list they know have moved. Councilor Filiault asked what happens if the dog has passed away in the last year. The Assistant City Clerk replied that veterinarians

are prohibited from telling the City if a pet has passed away, so the owners have to make the Clerk's office aware.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends a warrant for unlicensed dogs pursuant to NHRSA 466:14 be issued 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, 2018.

**2) Ashuelot Court Homeowners – Request to Partner in the Installation of Water and Sewer Lines on Ashuelot Court, a Designated Private Road**

Chair Manwaring welcomed Rich Kalich, 16 N. Shore Road, Spofford. Mr. Kalich owns property on Ashuelot Court. He said this has been a private road for a long time and was originally a part of the Faulkner and Colony property. The road was bought and deeded to the Keene Housing Authority, which then conveyed it to the City in 1971. The water and sewer lines appear to be original, dating to the late 1800s. The sewer lines are root bound and compromised, so replacing the sewer line seems prudent. The water line is also at least 70 years old and it seems smart to replace the water and sewer lines at the same time. In 1993, the City Council was asked to take ownership of the utility lines under the road. The Council agreed with the stipulation that the homeowners participate, and that did not happen. Now, the homeowners group is ready and willing to contribute \$10,000 to the project in addition to the water and sewer fees they already pay.

The Public Works Director agreed the utility lines are very old and he agreed with the ownership history Mr. Kalich explained. He added that in the 1950s, the City was paid by property owners there to replace some sewer services; the City billed them and the homeowners paid. In 1993, the Council supported replacing the lines, offered \$8,000 toward the cost of the water line, and stipulated that the sewer line remain private. Additionally in the 1980s, the City did obtain ownership of 40ft of property under Ashuelot Court from the Keene Housing Authority during the Castle Street project. Ashuelot Court is still viewed as a private street.

The Public Works Director listed the following issues for the Committee to consider:

1. If the City takes over a street or utility, they must be brought up-to-date with standards. The water line there is 2in and a typical line today is 6in (water) or 4-8in (sewer). The preliminary cost estimate from a City-known contractor is \$27,000 for just the sewer line replacement; water line replacements will likely double that cost.
2. Should the taxpayers be participating in this process?
3. If taxpayers participate in this process, how much should they contribute? The homeowners are offering to pay a portion. There is a section of the Street Utility Standards that allows for a betterment assessment, in which the City acts as a lender for projects on private property in the City (sidewalks, utilities). The City

code allows this for up to 20 years with interest. This is not a loan to the property owner; it is a lien against the property.

The Public Works Director recommended placing this on more time so staff can get a final cost estimate, work with the City Attorney to ensure everything is valid, and work with the City Manager on an agreement. He is on vacation for a few weeks, but staff will address this promptly.

Councilor Filiault said he remembers the discussion about Ashuelot Court in 1993. He questioned if the City does this utility work and upkeep, if they should just own the street. The Public Works Director replied the same standard would apply to the street; it is currently gravel and would have to meet current standards at a high cost. Mr. Kalich said the homeowners agreed on \$10,000 toward utilities but did not discuss ownership of the road, for which participation would likely be low.

Councilor Lamoureux asked if homeowners have been paying the same water and sewer rate as other residents; to which the Public Works Director replied yes. Councilor Lamoureux asked if part of the water/sewer bill rate is for infrastructure. The Public Works Director replied no, residents pay to use water and for improvements in the system that brings them water, but not for future utility work.

Councilor Sutherland asked if every rate payer is responsible for the maintenance of pipes on their property. The Public Works Director replied yes, owners are responsible for sewer lines (from main to building) and water lines (from curb stop into house). Councilor Sutherland asked staff to look into the issues presented and any other times that the Committee has faced issues like this before. The City Attorney agreed more time is needed for him to review the process as well.

The Public Works Director and City Engineer, who will both be essential in this process, will both be away for the next few weeks; after which, the Council is on vacation for the month of August. So, this will likely take two Committee cycles to arrive at a solution. Mr. Kalich noted this is time sensitive because tree roots are growing into the sewer pipes again; he has Bradley Faulkner deed research he will share with the City Attorney.

Councilor Hooper made the following motion, which was seconded by Councilor Lamoureux.

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the request to have the City partner in water and sewer lines on Ashuelot Court, a designated private road, be placed on more time.

### **3) Discussion Regarding a Draft Public Arts Resolution**

Mr. Bohannon recalled the Committee has heard about public art several times and in April, they requested that staff to work on a resolution. City staff continued their research

of other communities and worked with the City Attorney and Councilor Carl Jacobs to draft a resolution. The Comprehensive Master Plan outlines the need and calls for public art and suggested creating a commission to vet the resolution process. This draft resolution is before the Committee for review before a numbered resolution is created to send to Council on July 5.

Councilor Lamoureux asked about the insurance carrier. The City Attorney replied as a more solid framework is developed they will look into insurance more; any proposal brought forward for temporary art will have an insurance component.

Councilor Jacobs said they were not at the meeting to try to form an arts commission, which is not a part of the resolution but something that is a next step to benefit the City. This draft resolution can work with or without it. He noted a small change to the draft resolution: if someone donates public art to the City they must donate 1% of its value to maintain it and the establishment of a trust fund to handle that money.

Councilor Sutherland asked if art exhibitions can have a fundraising component like he has seen in other cities. Councilor Jacobs thinks the draft language enables that and it is something an arts commission could also work on. Mr. Bohannon agreed it would be great for economic development downtown.

Chair Manwaring asked about the difference between temporary and permanent art. The City Attorney replied that definition still needs to be decided. This draft resolution is for discussion and many details still need to be worked out. Councilor Jacobs said temporary art is still owned by someone; while permanent art is owned by the City to display as they wish. Chair Manwaring said she feels like maintenance is a grey area; and inquired how responsible will the City be? Mr. Bohannon said establishing the trust will guarantee maintenance, which is the only reason the City would take on ownership of any art.

Councilor Filiault noted a formal, numbered resolution will still have to come back again, which will require another Committee cycle.

Chair Manwaring recognized Jessica Gelter, Executive Director of Arts Alive, 74 Fuller Drive, Brattleboro. She supports this process and potential resolution. Arts Alive is engaged in this development process and works with others throughout the State on public art policies. She said it is great to see Keene supporting public art. Arts Alive would like to be involved if a commission is established.

Chair Manwaring recognized Councilor George Hansel who expressed support for this important effort for the City. He suggested the resolution be revisited every few years to cover a certain threshold for liability.

Chair Manwaring recognized Georgia Casavettas, 46 Centennial Road, Gilsum. She is in favor of the proposed resolution because it is important to have a document declaring the City's support for the arts and for economic development. She said people of her generation seek culture and outdoor learning environments. She started Friends of Public

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Art in 2014 and she hopes this Resolution will make it easier for the rest of Council to understand when projects like this come up in the future. She favors the idea of a commission and would be happy to serve on it.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends a review and a recommendation of a Resolution relating to the acceptance and placement of public art.

The City Attorney said he would submit a numbered resolution at the next Council meeting.

Hearing no further business, Chair Manwaring adjourned the meeting at 6:48 PM.

Respectfully submitted by,  
Katie Kibler, Minute Taker