

City of Keene
New Hampshire

MUNICIPAL SERVICES, FACILITIES AND INFRASTRUCTURE COMMITTEE
MEETING MINUTES

Wednesday, April 22, 2020

6:00 PM

Via Zoom

Members Present:

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

Staff Present:

Elizabeth A. Dragon, City Manager
Thomas P. Mullins, City Attorney
Kürt Blomquist, Public Works Director
Patty Little, City Clerk
William Dow, Deputy City Clerk
Terri Hood, Assistant City Clerk
Rebecca Landry, IT Director

Members Not Present:

Chair Manwaring called the meeting to order at 5:30 PM, explained the rules of procedure, and welcomed the public. She read the executive order authorizing a remote meeting:

“In Emergency Order #12, issued by the Governor of the State of New Hampshire pursuant to Executive Order #2020-04, certain provision of RSA 91-A regulating the operation of public body meetings have been waived during the declared COVID-19 State of Emergency.

Specifically:

- *The requirement that a quorum of a public body be physically present except in an emergency requiring immediate action under RSA 91-A:2, III(b);*
- *The requirement that each part of a meeting of a public body be audible or otherwise discernible to the public at the location specified in the meeting notice as the location of the meeting under RSA 91-A:2, III(c).*
- *Provided, however that the public body must:*
 - *Provide access to the meeting by telephone, with additional access possibilities by video or other electronic means;*
 - *Provide public notice of the necessary information for accessing the meeting;*
 - *Provide a mechanism for the public to alert the public body during the meeting if there are problems with access; and*
 - *Adjourn the meeting if the public is unable to access the meeting.*
- *All votes are to be taken by roll call.*
- *All Commission participants shall identify the location from where they are participating and who is present in the room with them.”*

Chair Manwaring reported her location alone at City Hall and then called roll, for which all members reported that they were calling alone and from their home addresses.

1. **More Time Item - Brickstone Land Use Consultants, LLC - Request to Discontinue Easement for Possible Future Road Extension, Black Brook Road - Public Works Department**

The Public Works Director, Kürt Blomquist, summarized this item, which was on more time. He said that Jim Phippard, who is representing Ametek, came to the MSFI Committee requesting the release of an easement for a second connection at the end of Black Brook Road. Black Brook Road was laid out in 1998 as part of a development proposal from Keene Economic Development and Revitalization Corporation, which is now known as Monadnock Economic Development Corporation. At the time, a 1400' linear road was proposed as a part of the subdivision of five lots, one of which was owned by Ametek. To satisfy Keene's Dead End Road Standards, the developer had to propose a secondary access. They proposed a connection across the southern end of Ametek's lot and to the property line with the idea of continued development there and another road constructed in the future. As such, the developer met Keene's standards.

The Public Works Director said that Ametek recently appeared before the Planning Board with the intent to expand their building and parking area south toward Keene, but in that process learned that this work was impossible due to the existing easement across the property. Today, there is a cross-easement from Wyman Road, through Hillside Village to the Ametek property, and then to Black Brook Road. Ametek proposed to utilize that cross-easement as a substitute for the extension across the southern portion of their property and therefore to provide a secondary access to Black Brook Road for emergency access if it were blocked from the Wyman Road entry point. Staff requested more time from this Committee to determine if the request was possible with this cross-easement.

Staff determined that the cross-easement constructed for Hillside Village is adequate from a construction standpoint but part of the easement language was restrictive by allowing City and other emergency agencies only to cross the easement to access the Hillside Village and Ametek properties. If this were proposed as a general emergency access to the remaining properties on Black Brook Road, then staff recommended that Mr. Phippard work with the property owners to amend the easement language allowing general access for emergency response.

The Public Works Director reported that Mr. Phippard did work with Ametek and Hillside Village and proposed amendments to the easement language. Staff reviewed the changes, which seem to meet the purpose of allowing City and other emergency agency access between Wyman Road and Black Brook Road. Additionally, the new language allows emergency support for any of the properties on Black Brook Road. As such, staff recommended that the MSFI Committee authorize the City Manager to release the 1998 easement for secondary access and to negotiate and execute a revised cross-easement from Hillside Village to Wyman Road and then to Black Brook Road.

Councilor Chadbourne expressed concern that this access could increase traffic on Wyman Road or nearby neighborhoods. The Public Works Director said the access would be for emergency traffic only and therefore would not increase traffic on either Wyman or Black Brook Roads.

There were no public comments.

Councilor Giacomo made the following motion, which Councilor Filiault seconded. Chair Manwaring called roll and members announced their unanimous passage of this motion.

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommended that the City Manager be authorized to do all things necessary to release and discharge a certain easement granted to the City for the possible future extension of Black Brook Road, being 60 feet in width located on the north side of the existing cul-de-sac, and as more particularly described in the Subdivision and Easement Plan recorded at the Cheshire County Registry of Deeds in Cabinet 12, Drawer 3, #90 and #91, the Warranty Deed recorded in Volume 1659, page 276, and in the Return of Layout, recorded in Volume 1687, page 855; and further that the City Manager be authorized to negotiate and execute an amendment to a certain Cross Easement Agreement recorded in Volume 3001, page 450, necessary to provide for continued emergency access to properties located on Wyman Road and on Black Brook Road.

There being no further business, Chair Manwaring adjourned the meeting at 5:46 PM.

Respectfully submitted by,
Katrnya Kibler, Minute Taker
April 23, 2020