



Due to the COVID-2019 State of Emergency, the Finance, Organization and Personnel Committee will be holding its meeting remotely using the web-based program, Zoom. Members of the public will be able to access this public meeting through a variety of options, described below. If you encounter any issues accessing this meeting, please call 603-757-0622 during the meeting. To access the meeting online navigate to *Zoom.us* and enter the Webinar ID # **881 6242 4748**. To listen via telephone call 877-853-5257 and enter the Meeting ID: #**881 6242 4748**. When the meeting is open for public comment, callers may press \*9 if interested in commenting or asking questions.

City of Keene

*New Hampshire*

**FINANCE, ORGANIZATION  
AND PERSONNEL COMMITTEE**

**AGENDA**

**Council Chambers B  
December 10, 2020  
6:30 PM**

Thomas F. Powers, Chair  
Stephen L. Hooper, Vice Chair  
Terry M. Clark  
Michael J. Remy  
Raleigh C. Ormerod

- 
1. Art Roberts/MEDC - Request to Retain an Allocation to the City of Keene
  2. Fire Department Acceptance of Donation - Fire Chief
  3. Highway Safety Agency Grant- Keene - Police Department
  4. Councilor Manwaring - Evaluation Process for Charter Employees
  5. Conceptual Design for West Keene Fire Station – Consultant Selection - Parks, Recreation and Facilities Director
  6. Water Supply Master Plan and Well Facilities Evaluation - Public Works Department
  7. Martell Court Pump Station Design Engineering Change Order - Public Works Department
  8. Wastewater Treatment Plant Gate Replacement Project - Public Works Department
  9. Babbidge and Woodward Dam Projects – Budget Reallocation - City Engineer
  10. Marlboro Street Corridor Improvements Project – Design Change Order - City Engineer

**MORE TIME ITEMS:**

- A. Authorizing the Condemnation of Land for the Winchester Street Reconstruction Project - Resolution R-2020-36
- B. Councilors Remy, Bosley and Giacomo - Continued Remote Participation

Non Public Session  
Adjournment



City of Keene  
*Transmittal Form*

December 7, 2020

**TO:** Finance, Organization and Personnel Committee

**FROM:** Art Roberts/MEDC

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** 1.

**SUBJECT:** Art Roberts/MEDC - Request to Retain an Allocation to the City of Keene

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**ATTACHMENTS:**

Description

Communication\_Roberts

**BACKGROUND:**

MEDC is requesting that they be allowed to retain a \$10,000 allocation to the City of Keene resulting from the Cheshire County Courthouse Project to support MEDC's strategic planning initiative.



51 Railroad Street, Suite 101 • Keene, New Hampshire 03431

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Elizabeth Dragon, ICMA-CM  
Keen City Manger  
3 Washington Street  
12 Court Street  
Keene, NH 03431

December 2, 2020

Dear Ms. Dragon:

I am writing to request that the City of Keene allow MEDC to retain \$10,000 allotted to the City of Keene, through a recent agreement related to the County Court House project.

MEDC entered into a Release and Limited Indemnification Agreement with Preti, Flaherty, Beliveau & Pachios, Chartered, LLP (Preti Flaherty), regarding the Cheshire County Court House project. In that agreement, Preti Flaherty agrees to pay MEDC \$25,000, in exchange for a release from all claims, demands, and other actions related to the Court House project. In that agreement, MEDC agrees to provide a \$10,000 payment to the City of Keene.

I ask that the City allow MEDC to retain the funds, to support our strategic planning initiative. MEDC, in response to persistent financial challenges, is investing in a planning effort that will result in a sustainable business model. An Advisory Board, including community and business leaders, will play a key role in the planning process. Thank you for your commitment to participating in the Advisory Board's important work.

MEDC recognizes that the Release Agreement reflects challenges that emerged in the County Court House project. We appreciate the critical roles the City and County played to ensure this MEDC project was brought to successful conclusion. We trust that the City, County, and broader community will enjoy the project's benefits for many years to come.

Please let me know of any questions, or if MEDC can be of assistance in any way.

Sincerely,

Arthur P. Robert  
President



City of Keene  
*Transmittal Form*

November 17, 2020

**TO:** Finance, Organization and Personnel Committee

**FROM:** Mark Howard, Fire Chief

**THROUGH:** Elizabeth A. Dragon, City Manager

**ITEM:** 2.

**SUBJECT:** Fire Department Acceptance of Donation - Fire Chief

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**RECOMMENDATION:**

Move that the Finance Organization and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept a donation of fitness equipment from the Professional Firefighters of Keene.

**BACKGROUND:**

This equipment, valued at approximately \$30,000, was donated to the Professional Firefighters of Keene by Liberty Mutual. The union then donated the equipment to the department to outfit the wellness rooms at both fire stations. Such donations have been made and accepted in the past due to the Joint Wellness Labor Management Agreement in place between the union and the City.



City of Keene  
*Transmittal Form*

November 24, 2020

**TO:** Finance, Organization and Personnel Committee

**FROM:** Todd Lawrence, Police Captain

**THROUGH:** Elizabeth A. Dragon, City Manager

**ITEM:** 3.

**SUBJECT:** Highway Safety Agency Grant- Keene - Police Department

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**RECOMMENDATION:**

Move that the Finance, Organization, and Personnel Committee recommend that the City Manager be authorized to do all things necessary to accept the grant from the New Hampshire Highway Safety Agency to fund Highway Safety Grant- Keene.

**BACKGROUND:**

This program is a statewide initiative sponsored by the NH Highway Safety Agency on an annual basis. In years past this grant was divided and applied for through different sub-projects such as DWI Patrols, Sustained Traffic Enforcement Patrols AND Bicycle and Pedestrian Patrols. The NH Highway Safety Agency has now combined all these different programs into one complete grant.

The purpose of this grant is to reduce the number of persons driving while intoxicated and there related accidents. To combat all of the more prevalent motor vehicle safety infractions and to reduce the number of persons who are violating pedestrian and bicycle laws in the downtown area.

The campaign runs from October 1, 2020 to September 30, 2021.

Below is the allocation of the Grant money:

Sustained Traffic Enforcement Patrols: \$10,084

Bicycle and Pedestrian Patrols: \$2,900

DWI Patrols: \$5,848

The total cost of this operation, \$18,832, will be reimbursed by the New Hampshire Highway Safety Agency; the reimbursement includes payroll-related deductions.



City of Keene  
*Transmittal Form*

December 8, 2020

**TO:** Finance, Organization and Personnel Committee

**FROM:** Councilor Manwaring

**ITEM:** 4.

**SUBJECT:** Councilor Manwaring - Evaluation Process for Charter Employees

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**ATTACHMENTS:**

Description

Councilor Manwaring

**BACKGROUND:**

Councilor Manwaring is requesting that the City Council consider other options for the evaluations for Charter employees.

Monday, October 19, 2020

To the Mayor and City Councilors:

I am requesting the development of new process for the evaluation of the Charter Officers: City Clerk, City Attorney and City Manager.

The current process is as follows:

Each councilor fills out a written evaluation for each Charter Officer and gives it to the Chair of his/her committee. The Chairs and Mayor review these evaluations. We meet with the Officer to hear about his/her goals and ask questions. Then the Chair of FOP meets with the Officer to share the written evaluation that the Mayor and Chairs composed.

One of the losses that occurs from this process is the rest of the Council does not know the final result nor do they hear the goals of the Charter Officers. Several councilors have expressed dissatisfaction with this process.

My suggestion is that the Chairs develop a poll to give to each councilor, who will return it to his/her Chair. The results will then be submitted to the full Council for a discussion and a process will be voted on for 2021.

The poll would have the following choices:

Continue with the current process as described above with the Mayor and Chairs giving the evaluation to the Charter Officer

Full Council meets with and then shares the evaluation with the Charter Officer

FOP Chair and Committee shares the evaluation with each Charter Officer with collected evaluation forms from councilors

Your idea of the process: please describe:

Thank you for your consideration.

Jan Manwaring

A handwritten signature in cursive script, appearing to read "Jan Manwaring", written in dark ink.



City of Keene  
*Transmittal Form*

December 7, 2020

**TO:** Finance, Organization and Personnel Committee

**FROM:** Andy Bohannon, Parks, Recreation and Facilities Director

**THROUGH:** Elizabeth A. Dragon, City Manager

**ITEM:** 5.

**SUBJECT:** Conceptual Design for West Keene Fire Station – Consultant Selection - Parks, Recreation and Facilities Director

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**RECOMMENDATION:**

Move that the Finance, Organization and Personnel Committee recommend the City that the City Manager be authorized to do all things necessary to negotiate and execute a professional service contract with Lavallee / Brensinger Architects for the program and conceptual design services for the West Keene Fire Station project for an amount not to exceed \$20,000; and if an agreement cannot be reached, to negotiate and execute an agreement with the next highest scoring service provider.

**BACKGROUND:**

Through the Capital Improvement Program (CIP), the City requested services for the program and conceptual design phase for the West Keene Fire Station (Station 2) located on Hastings Avenue. The City began servicing the west side in 1998 to provide a growing need for ambulance, fire protection and related emergency services near the expanding residential and industrial route 12 corridor. The addition of this station reduced response times and improved the ISO rating for the City. In 2018, the City acquired the station from the NH Adjutant General's office following a determination that the facility was no longer needed to meet their mission. (The property had been deeded to the State of NH Army National Guard in 1958 for the new Armory with the clause that if the facility and property was no longer needed to meet their mission it was required to deed the land and property back to the City of Keene.) In 2019, the City conducted an extensive GIS survey to review the current station location. This review was completed and provided the analyzation of current response times, incident data (over 15,000 incidents in 5 years), target hazards, water supplies, future growth and possible other locations for Station 2 if the current site is not found to be the best location. The study revealed that the current location provides adequate response times and proper coverage for the City emergency services.

The primary goal is to evaluate the current building to determine if it is economically feasible to renovate or if the City needs to build new construction. A secondary goal will be to determine the cost effectiveness to relocate the City's Emergency Operations Center (EOC) from City Hall to the Hastings Avenue location.

The City issued a Request for Qualifications (RFQ) for design services in October 2020. A staff team comprising of the Parks, Recreation and Facilities Director, Fire Chief and nine members of the Fire Department, reviewed and ranked the six responses. Proposals were reviewed based on the following criteria and weighting:



Project Approach	35%
Project Team	20%
Past Project Experience & Client Reference	15%
Project Schedule	15%
Project Fee Structure & Cost Estimate	10%
Presentation of Proposal	5%

From the six (6) proposals, the team agreed to interview all six firms.

- TGIS – The Galante Architecture Studio Inc
- KCS Architects
- Lavallee / Brensinger Architects
- Michael Petrovick Architects, PLLC
- Northeast Collaborative Architects
- Port City Architecture

Interviews were held on December 1 and 3, and the same review team\* evaluated the firms on the following criteria:

Understanding of Project	15%
Approach to Solving our Needs	15%
Presentation Skills of Project Manager	15%
Understanding the Project Budget	15%
Rapport between City and Team	10%
Quality of Presentation	10%
Proposed Schedule & Resources	10%
Deliverables	5%
Engagement Plan	5%

Below is a table of the composite scores of the team and the ranking of the six firms.

<u>Firm</u>	<u>Score</u>
Lavallee / Brensinger	29.98
Port City Architects	28.98
Northeast Collaborative	22.3
KCS Architects	22.1
Michael Petrovick	19.58
TGIS	19.08

\*Due to the nature of an emergency-based operation, one or more members of the team had to leave the interview process at various times.

It is recommended that the City Manager be authorize to negotiate and execute a professional service contract with Lavallee / Brensinger Architects in an amount not to exceed \$20,000. If an agreement cannot be reached with Lavallee / Brensinger Architects, it is recommended that the City Manager negotiate with the next-highest scoring firm, and so on.



City of Keene  
*Transmittal Form*

November 30, 2020

**TO:** Finance, Organization and Personnel Committee

**FROM:** Aaron Costa, Operations Manager and Kurt Blomquist, P.E., Public Works Director

**THROUGH:** Elizabeth A. Dragon, City Manager

**ITEM:** 6.

**SUBJECT:** Water Supply Master Plan and Well Facilities Evaluation - Public Works Department

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**RECOMMENDATION:**

Move that the Finance, Organization, and Personnel Committee recommends the City Manager be authorized to do all things necessary to negotiate and execute a professional services contract with Emery & Garret Groundwater Investigations/GZA to perform a Water Supply Master Plan and Well Facilities Evaluation for an amount not to exceed \$135,024. If the negotiations are unsuccessful, the City Manager is authorized to negotiate and execute a contract with the next ranked firm.

**BACKGROUND:**

The residents, businesses, and industries in Keene use on average approximately 2.25 million gallons per day (MGD) of clean, potable water every day for everything from consumption, washing, food preparation, cleaning, fire protection, landscape watering, commercial uses, and industrial processes.

To meet this demand, the City has three separate water supplies, none of which can meet the City's daily needs alone. Combined the three supplies are adequate for the current daily demand under average precipitation conditions. Two surface water reservoirs, located in Roxbury, NH store a total of 850 million gallons of water, however not all of this water is available for use. The calculated safe yield for these sources is approximately 2 MGD. Surface water is conveyed from Babbidge Reservoir to the Water Treatment Facility through a 20-inch raw water main. The Treatment Facility has been operational since 1993 and consists of three Trident multimedia filtration units. It is designed to treat 6 MGD.

The City's surface water supply is supplemented by four groundwater wells located on West Street and Court Street. The West Street and Court Street well facilities include four well buildings that were constructed between 1965 and 1977, and two corrosion control buildings, constructed in 1988, that house chemical feed equipment. The water in the wellfields on West and Court Streets are re-supplied by more than 300 square miles of watershed.

Although the raw water from all the City's sources is of very good quality, regulations require disinfection and chemical addition to make the water less corrosive. The well buildings were constructed in an era with fewer treatment requirements so current treatment options are limited due to the small size of the facilities. In addition, a 2013 Water Facilities Evaluation cited many deficiencies that require numerous upgrades to ensure continued reliable operation.

The current Water Supply Master Plan dates back to 1992 and changes in infrastructure, climate, and drinking water regulations indicate it is time to update the plan. The proposed Water Supply Plan would evaluate additional groundwater and surface water supplies, potential capacities and water quality. The evaluation will also consider the City's current and future water demands. The plan will include recommendations that will improve the future reliability and flexibility as the City responds to water quality regulations and plans for the likelihood of frequent periods of regional drought as a result of climate change.

This project also includes an in-depth, detailed evaluation of the four wells and two corrosion control facilities. It will provide cost estimates and recommendations for repair/replace/relocation of the City's well facilities and will assist the City in determining the best approach for well resource improvements.

The City received four responses to a Request for Proposals (RFP). A review team consisting of Aaron Costa, Operations Manager, Tom Moran, Assistant Public Works Director, Don Lussier, City Engineer, Rhett Lamb, Assistant City Manager/Community Development Director, Kürt Blomquist, Public Works Director and Ben Crowder, Water Treatment Facility Manager independently rated the proposals.

All four firms were invited for an interview. The interview team consisted of the original proposal review team.

The firms were rated using the following criteria: the proposed engineering teams' experience, project approach, quality of the presentation and cost/hours of work.

The following table summarizes the interview teams' composite scores.

Firm Name	Cost	Interview Score
Emery & Garrett Goundwater/GZA	\$110,024	1
Tighe & Bond	\$174,000	2
Weston and Sampson	\$137,900	3
Tata & Howard	\$89,900	4

Based on the above-described scoring matrix, Emery & Garrett/GZA was judged by the interview team to be the best consultant for this project.

Following the interviews GZA was contacted and asked to provide a detailed scope of work. GZA's scope of work included a recommendation to include a contingency of up to \$25,000 to perform additional work such as water quality data collection, monitoring of source water, geophysical surveys, or other work related efforts that were not included in the original proposal. Staff is recommending this additional work be included as part of the project for a total cost of \$135,024. The City budgeted \$175,000 for this project and funding is available in the FY20 Capital Improvement Plan.



City of Keene  
*Transmittal Form*

December 2, 2020

**TO:** Finance, Organization and Personnel Committee

**FROM:** Aaron Costa, Operations Manager & Kurt D. Blomquist, P.E., Public Works Director

**THROUGH:** Elizabeth A. Dragon, City Manager

**ITEM:** 7.

**SUBJECT:** Martell Court Pump Station Design Engineering Change Order - Public Works Department

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**RECOMMENDATION:**

Move that the Finance, Organization, and Personnel committee recommend the City Manager be authorized to do all things necessary to execute Change Order 1 with Aldrich & Elliot Engineers to perform engineering services for upgrades to the existing heating and ventilation system at the Martell Court Pump Station for an amount not to exceed \$28,750 for contract 04-20-23.

**BACKGROUND:**

As part of the Capital Improvement Program, the City has a project to replace antiquated grinding equipment with new screening equipment to address the ever growing problem related to non-flushable materials in the collection system.

The grinders have been in service for many years and their primary function is to grind material into smaller pieces so that it may pass through pumps and pipes. However, this technology can no longer handle the volume of non-flushable material which consists of wipes, hygiene products and other items not intended to be flushed down the toilet. These non-flushable items cause pumping issues at the pump station and at the Wastewater Treatment Plant (WWTP).

The screening equipment will remove wipes and other trash from the waste stream prior to passing through any pumps and will prevent them from traveling to the WWTP. The screened material will be washed, compacted and deposited in a dumpster and handled as regular trash.

In December 2016, staff executed a professional services contract with Aldrich & Elliot for \$17,000 to perform an initial review of various types of screening technologies and to develop a short list of potential screen types and manufacturers. The evaluation was completed and a preferred screening technology was selected.

In April 2020, the City executed a contract with Aldrich & Elliot for \$80,000 to perform design phase engineering which included.

- A new building addition.
- A new access driveway.

- Flood plain development and permitting.
- Installation of a new multi-rake screening system.
- Bid phase services.

The Martell Court Pump Station is a multi-level building that is divided into two separate sections, a wet side and a dry side. The wet side is where open channels of wastewater come into the building and where the grinding equipment is located. The new building and the screening equipment will be connected to and installed on the wet side. The dry side of the station is where the pumps, motors, electrical gear, controls and the emergency generator are located.

Change Order 1 is to address needed modifications to the existing heating and ventilation system on the wet side only, this work was not included in the original design contract. The HVAC system on the dry side does not require modification at this time.

The scope of engineering services includes the following:

- Upper and lower level screening room heating, ventilation and control system upgrades
- Domestic hot water system upgrade
- Associated electrical and control upgrades
- New above ground liquid propane tank

Staff recommends the City Manager be authorized to do all things necessary to sign a Change Order with Aldrich & Elliot for an amount not to exceed \$28,750. Funds for this work are available in the Headwork's Replacement project 08072 64102.



City of Keene  
Transmittal Form

December 4, 2020

**TO:** Finance, Organization and Personnel Committee

**FROM:** Aaron Costa, Operations Manager & Kurt D. Blomquist, P.E., Public Works Director

**THROUGH:** Elizabeth A. Dragon, City Manager

**ITEM:** 8.

**SUBJECT:** Wastewater Treatment Plant Gate Replacement Project - Public Works Department

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**RECOMMENDATION:**

Move that the Finance, Organization, and Personnel committee recommend that the City Manager be authorized to do all things necessary to reallocate \$37,018 in remaining funds from the Solids Dewatering Upgrade project (08030) and move these funds to the Gate Replacement project (08095).

**BACKGROUND:**

City staff has been working on a Capital Improvement Program (CIP) project at the wastewater treatment plant (WWTP) titled "Gate and Mixer Replacement". This project replaces two mixers and eight manually operated gates. The gates and mixers are original equipment (circa 1985) and are at the end of their useful life.

To date, the mixers have been replaced and the gates have been purchased and are scheduled to arrive this winter. In November 2020, bids were received for gate construction services as well as a bid alternate to remove old, unused spray foam control piping that if not removed will obstruct the installation of the new gates. The tables below break down project expenses and the additional funding needed to complete the work.

Table 1

Total Project Budget	\$210,340
Mixer Equipment and Installation	\$42,925 Completed summer of 2019
Engineering (Underwood Engineers) gates only	\$40,400 Contract executed in Oct 2019
Pre-purchase of 8 gates	\$67,630 Completed August 2020
Remaining Project Balance	\$59,385

Table 2

Low Bidder for gate construction services	\$69,191

Bid Alternate, pipe removal (recommended)	\$22,212
Contingency	\$5,000
Remaining project balance	\$59,385
Requested Reallocation for project completion	\$37,018

The engineer's estimate for the gate construction work was \$74,000 and \$7,500 for the bid alternate totaling \$81,500 and the low bid was \$69,191 for the gate construction services and \$22,212 for the bid alternate totaling \$91,403. The City previously advertised a bid for gate construction services in August 2020 and received only one bid for \$437,614. Based on the engineer's estimate the bid price was deemed too costly and was rejected.



City of Keene  
*Transmittal Form*

December 4, 2020

**TO:** Finance, Organization and Personnel Committee

**FROM:** Donald R. Lussier, P.E., City Engineer

**THROUGH:** Elizabeth A. Dragon, City Manager

**ITEM:** 9.

**SUBJECT:** Babbidge and Woodward Dam Projects – Budget Reallocation - City Engineer

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**RECOMMENDATION:**

Move the Finance, Organization and Personnel Committee recommend that the City Council authorize the City Manager to do all things necessary to reallocate the unspent project balance from the Babbidge Dam Rehabilitation Project (05034-B) to the Woodward Dam Improvements Project (05034-C).

**BACKGROUND:**

The FY17 and FY20 Capital Improvement Plans allocated funds for the design and construction of required repairs at Babbidge and Woodward Dams. Both projects are funded by the Water Fund. With the exception of minor access road improvements, work at Babbidge Dam is now complete. This project has a balance of approximately \$40,400.

Construction at the Woodward Dam is underway. The work will soon be stabilized for the winter and completed in the spring of 2021. A number of unforeseen conditions have led to project delays and increased costs. These include:

1. Removal of ledge along the outlet channel spillway.
2. Abandonment of the existing outlet works.
3. Changes to the design of the concrete spillway from unexpected conditions.

The original contract amount for the project is approximately \$1.5M. The cost for the contractor to address these conditions will increase the contract price by approximately \$42,000. Therefore, the amount is within the City Manager's authority to approve Change Orders up to 10% of the original contract value. However, the Woodward Dam Improvements project account currently has an unspent balance of approximately \$12,000. The requested reallocation will provide the additional funds needed to cover the expected cost increase. The unspent balance is currently held in the Water Infrastructure Capital Reserve.





City of Keene  
*Transmittal Form*

December 7, 2020

**TO:** Finance, Organization and Personnel Committee

**FROM:** Donald R. Lussier, P.E., City Engineer

**THROUGH:** Elizabeth A. Dragon, City Manager

**ITEM:** 10.

**SUBJECT:** Marlboro Street Corridor Improvements Project – Design Change Order - City Engineer

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**RECOMMENDATION:**

Move that the Finance, Organization and Personnel Committee recommend the City Manager be authorized to do all things necessary to negotiate and execute an engineering services Change Order with DuBois & King for additional services required for the design of the Marlboro Street Corridor Improvements project for an amount not to exceed \$13,500 with funding from the Marlboro Street Corridor Improvements project (90305).

**BACKGROUND:**

The City's FY 2019 Capital Improvement Program (CIP) appropriated funds for a variety of work in the Marlboro Street corridor. The work included water and sewer utility improvements, spot repairs to the drainage system, sidewalks and curbing repairs. That work was completed during the 2020 construction season.

The CIP also included funds for minimal "complete streets" corridor improvements. These funds were intended to implement some of the interim improvements identified in the 2015 Marlboro Street rezoning and land use study. In the fall of 2018, staff submitted an application for a Transportation Alternatives Program (TAP) grant. The application proposed using appropriated funds in the Marlboro Street Corridor Improvement project as the 20% match for a larger complete streets scope of work. On January 23, 2019 the City was notified that we had been awarded the grant.

The City Council approved a contract with Dubois & King on February 21, 2019 to complete the design of the grant-funded work. The first major milestone was completed on December 3, 2019, with the submission of the Engineering Study to the New Hampshire Department of Transportation (NHDOT). On March 3, 2020, the NHDOT approved the Engineering Study and provided a number of comments to be addressed during the next phase of design. Several of the comments will require analysis and design efforts that are not part of the current design contract, including:

- Extending analysis of traffic signage and pavement markings onto adjacent side streets.
- Additional traffic counts and analysis for the proposed changes to the Groove St. intersection.
- Review of the design for compliance with the United States Access Board's "*Public Right-of-Way Accessibility Guidelines*".
- Collection and analysis of corridor crash data.

Since the TAP Grant is only for construction, this design change order will be 100% funded by the City. There is sufficient funds in the Marlboro Street Corridor Improvements Project (90305) to cover the current request. However, staff anticipates that there will be a need for additional funding during construction to match the NHDOT Grant.



# CITY OF KEENE

R-2020-36

In the Year of Our Lord Two Thousand and .....Twenty.....

A RESOLUTION .....Authorizing the Condemnation of Land for the Winchester Street  
.....Reconstruction Project.....

*Resolved by the City Council of the City of Keene, as follows:*

WHEREAS, the Keene City Council has determined that Winchester Street, between New Hampshire Route 10/12/101 and the Winchester Street bridge over the Ashuelot River, including the intersection with Pearl Street and Island Street and the Island Street bridge over the Ashuelot River, is in need of improvement; and

WHEREAS, Mayor Kendall Lane nominated, and the Council accepted, an ad-hoc steering committee on July 7, 2016 to provide planning, guidance and general direction for the Winchester Street Reconstruction Project, in partnership with affected residents, local business interests, the city staff and the New Hampshire Department of Transportation; and

WHEREAS, the Winchester Street Reconstruction Project Ad-Hoc Steering Committee conducted several public meetings between August 2, 2016 and December 13, 2016 to obtain public input, review the design consultant's work product and develop a recommendation to the City Council; and

WHEREAS, on December 13, 2016, the Winchester Street Reconstruction Project Ad-Hoc Steering Committee voted unanimously to recommend a roundabout alternative as the preferred method of reconstructing the Key Road and Island Street / Pearl Street intersections; and

WHEREAS, the Keene City Council and the Council Standing Committees known as the Municipal Service, Facilities and Infrastructure Committee, met on several occasions between January 19, 2017 and February 2, 2017 in order to review and hold public discussion on the reconstruction of the Winchester Street; and

WHEREAS, as a result of such review and discussion on February 2, 2017, the Keene City Council voted to select roundabouts as the appropriate design to provide the necessary improvement to Winchester Street, and authorized the City Manager to do all things necessary for the implementation of that design; and

Whereas, a necessity exists to acquire land for the reconstruction of Winchester Street, as designed; and

WHEREAS, pursuant to such authority the City Manager, acting through the City's consultant, entered into negotiations with the owners of twelve (12) parcels of land impacted by the project, said parcels and impacts being more particularly described in a plan prepared by GM2 Associates, Inc., dated 7/8/2020, and certified 8/11/2020, entitled "Right of Way Plan of a portion of Winchester St. in Keene, NH", a copy of which is attached hereto; and

PASSED

WHEREAS, as a result of said negotiations, the City Manager has acquired, or has been informed of the property owner's intent to provide, the necessary property rights from the owners of nine (9) of the twelve impacted parcels; and

WHEREAS, the following property owners have not indicated their intent to provide the necessary property rights:

Owner	Parcel No	Required Property Rights
A.R. Sandri Trust, LLC	111/026	55 square feet (permanent) 605 square feet (temporary)
A.R. Sandri Trust, LLC	111/027	1,005 square feet (permanent) 3,155 square feet (temporary)
Keene Retail, LLC	111/028	605 square feet (permanent) 735 square feet (temporary)

and;

WHEREAS, the City Manager made every reasonable effort to negotiate with the remaining property owners; however, the negotiations have not, to date, resulted in the voluntary acquisition of the property rights necessary to reconstruct Winchester Street; and

WHEREAS, the design of the reconstruction project makes it necessary to acquire said property rights from the remaining property owners in order to complete the project without increasing the overall impacts on adjacent property owners; and

WHEREAS, on September 17, 2020, the Keene City Council, at its regularly scheduled meeting, received a Petition to Acquire Property by Eminent Domain for Highway Purposes; and

WHEREAS, on September 17, 2020, the Mayor scheduled a public hearing of the Keene City Council to be held on November 5, 2020, in order to hear testimony of interested parties relative to whether the Keene City Council shall exercise its authority to acquire the necessary property rights by condemnation for highway purposes, pursuant to RSA 498-A, and the authority granted by RSA 31:92, and in accordance with the procedures set forth in RSA 231.

WHEREAS, the Keene City Council held a duly noticed public hearing on November 5, 2020, at the site of the proposed condemnation and at City Hall, 3 Washington Street, Keene, New Hampshire, in order to hear testimony from interested parties relative to whether there exists the necessity to acquire property rights by condemnation, if necessary, for highway purposes, pursuant to the authority granted by RSA 31:92, and in accordance with the procedures set forth in RSA 231; and

WHEREAS, the Keene City Council heard testimony from interested parties at the public hearing; and

WHEREAS, based upon the testimony received at the November 5, 2020 public hearing, the Petition to Acquire Property by Eminent Domain for Highway Purposes, and the prior and subsequent review and public discussion regarding the reconstruction of the Winchester Street, the Keene City Council has voted to find that necessity exists to acquire land by condemnation,

for the above-stated purpose, pursuant to RSA 498-A, and the authority granted by RSA 31:92, and in accordance with the procedures set forth in RSA 231; and

WHEREAS, based upon the testimony received at the November 5 2020 public hearing, the aforementioned Petition, and the prior and subsequent review and public discussion regarding the reconstruction of Winchester Street, the Keene City Council has also voted to find that the property rights to be so acquired, and the improvements to be constructed thereon, constitute a public use and provide a net public benefit;

NOW, THEREFORE, BE IT RESOLVED by the Keene City Council:

- a. That there is a necessity to take portions of the above-referenced land for a public purpose; and
- b. That the taking of portions of the above referenced land will provide a net-public benefit; and
- c. That the City Manager has made reasonable efforts to negotiate with owners of said parcels for the voluntary acquisition of said property rights; and
- d. That the City Manager is hereby authorized to initiate eminent domain proceedings pursuant to RSA 498-A, and under the authority granted by RSA 31:92, and in accordance with the procedures set forth in RSA 231, in order to condemn portions of the above-listed parcels for the reconstruction of Winchester Street; and
- e. That, in exercising the authority herein granted, the City Manager is directed to:
  1. Follow the procedure defined in RSA 498-A:4 thru 7, effecting the acquisition of land, including, but not limited to, RSA 498-A:4, III(b); and
  2. Cause a Declaration of Taking to be filed with the New Hampshire Board of Tax and Land Appeals and a Notice of Condemnation to be filed in the Cheshire County Registry of Deeds; and
  3. Do all things necessary in accordance with RSA 498-A in order to perfect the acquisition of the aforementioned property by eminent domain, unless the Condemnees shall, prior to such filings, consent to the voluntary transfer of said property rights by suitable conveyance to the City of Keene.

In City Council September 17, 2020.

Referred the Petition and Resolution R-2020-36 to the Finance, Organization and Personnel Committee.

Site visit set for November 5, 2020 at 5:45 PM.

Public Hearing set for November 5, 2020 at 7:00 PM.

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George Hansel, Mayor



Assistant City Clerk

In City Council October 1, 2020.

More time grant.



Deputy City Clerk