



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
March 3, 2022
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- February 17, 2022

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

1. Public Hearing - Capital Improvement Program - 2023 - 2029

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

1. Confirmation
 - Energy and Climate Committee

C. COMMUNICATIONS

1. Dana D'Arcangelo/Eversource Energy - Requesting Permission to Remove Trees on Scenic Roads
2. Edward Coppola - Expressing his Concern over Local Wildlife and Asking that the City Council Consider Measures to Minimize the Number of Birds and Small Animals that Domestic Cats Kill with Their Free-range Hunting Habits in Keene Neighborhoods

D. REPORTS - COUNCIL COMMITTEES

1. Harris Center for Conservation Education – Request to Temporarily Close Jordan Road For Up to Six Nights in March and April – Migrating Amphibians

2. New Hampshire Department of Justice Grant Acceptance - Fire Department
3. Downtown Infrastructure Improvements and Reconstruction Project - Consultant Selection - Public Works Department

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

H. REPORTS - MORE TIME

1. Loretta Simonds – Damage to a Sewer Line and House Foundation at 79 Woodburn Street and a Request to Remove a Nearby City Tree

I. ORDINANCES FOR FIRST READING

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

1. Relating to the Appropriation of Funds for the Winchester Street By-Pass Project
 - Resolution R-2022-03
 - Resolution R-2022-04
2. Relating to the Appropriation of Funds for the Thompson Road Repair and Stabilization Project
 - Resolution R-2022-05
3. Council Policy: Relating to the Legislative Process
 - Resolution R-2022-06

NON PUBLIC SESSION

ADJOURNMENT

02/17/2022

A regular meeting of the Keene City Council was held on Thursday, February 17, 2022. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Bryan J. Lake, Michael J. Remy, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Andrew M. Madison, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Gladys Johnsen arrived at 7:04 PM. Kris E. Roberts was absent. Councilor Chadbourne led the Pledge of Allegiance.

ANNOUNCEMENTS

The Mayor reminded the Council that the Finance, Organization and Personnel Committee will continue its review of the Capital Improvement Plan at their regular meeting on February 24, 2022. The meeting will start at 5:30 PM. He went on to note the public hearing on the proposed CIP has been scheduled for March 3, 2022 at 7:00 PM.

MINUTES

A motion by Councilor Powers to adopt the minutes of the February 3, 2022 meeting was duly seconded by Councilor Bosley and the motion carried unanimously with 13 Councilors present and voting in favor.

PROCLAMATION

Mayor Hansel presented a proclamation to Tiffany Hogan, Marketing Manager of Monadnock Food Co-op, declaring February 20, 2022 as Supermarket Employee Day. He asked all citizens to join him in honoring the invaluable services of supermarket employees, especially during the Covid-19 pandemic. Ms. Hogan said the Co-op's employees, who work tirelessly, would appreciate this show of appreciation.

CONFIRMATIONS

A motion by Councilor Powers to confirm the following nominations was duly seconded by Councilor Bosley: Sophia Cunha-Vasconcelos to the Historic District Commission, with a term to expire December 31, 2023 (note: term corrected by clerk to Dec. 31, 2022); Beth Campbell to the Energy and Climate Committee, with a term to expire December 31, 2024; and Thomas Salvastano to the Congregate Living and Social Services Licensing Board, with a term to expire December 31, 2023. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Roberts was absent.

NOMINATION

The following nomination was received from Mayor Hansel: Linsey Edmunds to serve on the Energy and Climate Committee, with a term to expire December 31, 2023. The nomination was until the next regular meeting.

COMMUNICATION – HARRIS CENTER FOR CONSERVATION EDUCATION –
REQUEST TO TEMPORARILY CLOSE JORDAN ROAD FOR UP TO SIX NIGHTS IN
MARCH AND APRIL – MIGRATING AMPHIBIANS

A communication was received from the Harris Center for Conservation Education, submitting their annual request for the temporary closure of Jordan Road for up to six nights in March and April for the protection of migrating amphibians—in particular, the Jefferson Salamander. Mayor Hansel referred the communication to the Municipal Services, Facilities, and Infrastructure Committee.

COMMUNICATION – DANYA LANDIS/MACHINA KITCHEN & ARTBAR – REQUEST TO SERVE ALCOHOL AT SIDEWALK CAFÉ

A communication was received from Danya Landis of the Machina Kitchen & ArtBar, requesting permission to serve alcohol at the sidewalk café in front of her business. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION – COUNCILOR KATE BOSLEY – RULES OF ORDER – SECTION 15 – CONFLICTS OF INTEREST

A communication was received from Councilor Kate Bosley, requesting that Section 15 of the City Council's Rules of Order—dealing with conflicts of interest—be referred to the Planning, Licenses and Development Committee for further discussion and potential amendment of the language. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

PLD REPORT – PROPOSED AMENDMENTS TO THE CITY COUNCIL RULES OF ORDER – CITY Clerk

Planning, Licenses, and Development Committee report read recommending the adoption of the proposed amendments to the City Council Rules of Order with the minor Scribner's errors corrected. A motion by Councilor Bosley to adopt the proposed amendments to the City Council Rules of Order was duly seconded by Councilor Giacomo. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Roberts was absent.

FOP REPORT – NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM – TECHNICAL ASSISTANCE – CHANGE ORDER 3 – WWTP OPERATIONS MANAGER

Finance, Organization, and Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to execute change order #3 with Weston and Samson engineers to perform technical services for the City's national pollution discharge elimination system permit renewal process for an amount not to exceed \$30,000 for contract 02-16-01. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy, and the motion carried unanimously with 14 Councilors present and voting in favor.

FOP REPORT – COUNCILORS REMY, BOSLEY, AND GIACOMO – CONTINUED REMOTE PARTICIPATION

Finance, Organization, and Personnel Committee report read recommending that the communication on remote access be reported out of Committee and be referred to the Planning, Licenses and Development Committee for their consideration as an amendment to the Rules of

Order. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy, and the motion carried unanimously with 14 Councilors present and voting in favor.

FOP REPORT – COUNCILOR FILIAULT – ROOMS AND MEALS TAX DECREASE

Finance, Organization, and Personnel Committee report read recommending that the communication from Councilor Filiault be accepted as informational based on ongoing initiatives being undertaken by the County and the City with respect to increasing the local share of the rooms and meals tax. Mayor Hansel filed the report into the record as informational.

Councilor Filiault thanked the City Officers, Staff, and fellow City Councilors for aggressively pursuing this. He said that the County Administrator and County Commissioners were taking-up the fight, in addition to the NH Municipal Association. The Councilor said he is a realist with the current legislature in Concord and was not holding his breath. Still, this was his reminder that they still owe the City \$11 million, and he will never let them forget that.

CITY MANAGER COMMENTS

The City Manager shared updates on the Fire Staffing Committee, which has met twice so far and would meet again on February 25. The Fire Department reviewed several data points with the Committee at the last meeting; she shared the presentation with Councilors. The presentation graphically depicted the FY-21 incidents by type (fire service, false alarm, etc.) and 79% of calls were for EMS. Data also showed the types of units responding to those calls the most. They also provided graphs illustrating fire and EMS calls in town versus out of town. In FY-21, 65% of EMS calls were in town and 28% of fire calls were out-of-town. They used this data to create a pie graph illustrating hours spent on each of those calls and a bar graph illustrating alarms or incidences by the day of week and the time of day. The City Manager said it was interesting to see the bar graph show them as almost equally busy every day of the week, without higher call volume on the weekends. The busiest times usually begin around 7:00 AM and last until 10:00–11:00 PM. At the next Fire Staffing meeting, the group would continue evaluating data and looking at Staff models, after which the City Manager would update the Council again.

Next, the City Manager provided updates on Fire Inspections. She had a very productive meeting with the Fire Marshal in which they agreed collectively on areas where improvements can be made to our Fire Inspection program. A schedule is being established, in partnership with the Fire Marshal's office, to reinforce the remaining open violations from the original list of 1,022. Staff from the Fire Marshal's office are accompanying and/or assisting Keene Fire members with these re-inspections. The Chief had requested their assistance with these re-inspections, and the City Manager said we are certainly grateful for the additional support and manpower. Earlier this week, the open number of violations was 410 at 79 locations, about 10–20 of which have already been re-inspected within the last couple of weeks but have items that remain open. She said we will always have open violations as long as we have inspections. The City Manager said the focus right now is re-inspecting those 79 locations so that we have a good baseline in the new software moving forward. In addition to the place of assembly permit inspections, the Fire Department is compiling a list of businesses to inspect over the next several months related to

occupancy concerns. The City is also planning a public education effort, with letters to businesses and multi-unit dwellings, flyers, social media posts, and more. The public education will explain the partnership with the Fire Marshal's office and the plan is to address the remaining open violations and the improvements to the Fire Inspection system moving forward, and provide a list of things property owners can check at their properties in advance of inspections. The City Manager said the Fire Department has made great progress, and soon we will have a plan in place to address the remaining open violations from the original list. In addition, the Department has been revising policies and procedures for this inspection program moving forward. She said this review identified weaknesses in our system that need to be addressed. The Fire Chief is sharing the revised policies and procedures with the Fire Marshal's office and welcomes their input and suggestions.

ACCEPTANCE OF DONATIONS – FINANCE DIRECTOR

A memorandum was received from Finance Director, Merri Howe, recommending that the City Council move to accept the list of donations presented, totaling \$5,025.00. Mayor Hansel commented that with the adoption this evening of new Rules of Order, this no longer requires a suspension of the Rules to act upon. A motion by Councilor Powers to accept the following donations and that the City Manager be authorized to use each donation in the manner specified by the donor was duly seconded by Councilor Remy. The motion passed unanimously with 14 Councilors present and voting in favor.

The City Manager and Mayor Hansel extended the City Council's recognition and appreciation to the following generous donors:

- The Keene Parks, Recreation, and Facilities Department received a donation of \$25 from Michelle Zanga, in appreciation of the work the Department does to maintain the trail system. She moved to Keene in part because of the trails and their connectivity to the downtown area.
- The Keene Public Library received a donation of \$5,000 from the Friends of the Keene Public Library to be used to fund interns for the Kingsbury Makerspace. The Friends of the Keene Public Library have provided funds for Makerspace interns since 2016.

MEMORANDUM – CITY CLERK AND ORDINANCE O-2021-16-B – RELATING TO THE WEARING OF FACE COVERINGS

Mayor Hansel noted that as provided for within the language of the Ordinance, Mayor Hansel requested that the Ordinance appear on this agenda for discussion. A motion by Councilor Powers to rescind Ordinance O-2021-16-B was duly seconded by Councilor Bosley. Discussion ensued.

Councilor Filiault said that clearly the numbers were starting to come down; he appreciated information from the City Manager and Cheshire Medical. He still thought it was too early to rescind the Ordinance. He hoped the Council would discuss it tonight and then sunset it on Friday, March 4, providing one more meeting to ensure the numbers are going down, but if there is a major concern there is still one more chance to address it. Additionally, he spoke with some

business owners who appreciated the Council taking on this Ordinance and effectively being the “bad guy.” Those business owners asked for a few weeks for them to adjust to having to choose whether to enact their own masking requirements. If the motion failed, Councilor Filiault would make a motion to sunset the Ordinance on March 4.

Councilor Chadbourne said it was a tough decision because numbers were going down, many states were dropping their mask mandates, and the CDC recently said it was a little too soon. So, Councilor Chadbourne contacted Dr. Caruso, who responded via email, giving her permission to read his response for the public record. He called his response objective reasons for continuing a mask mandate:

1. The percent positivity in the Keene community, as reported by Cheshire Medical Center, is at 20.4% as of February 14, 2022 and this does not include home testing numbers.
2. This level of positivity tells us there is a high level of transmission still going on in our community.
3. High levels of transmission lead to hospitalization and death. The percent of vaccinated getting sick has risen to 44.7% compared to 51.25% of unvaccinated.
4. This split tells us our vulnerable vaccinated are significantly more at risk now than ever.
5. Omicron clearly creates less severe disease but that is not true for everyone. Vulnerable individuals are much more at risk for hospitalization and/or death.
6. Cheshire Medical had seven Covid-19 patients on February 16 (the date of this email) and two were in the ICU on ventilators. This more than we had anytime last summer, which reinforces that the crisis is not over.
7. Stopping the mask mandate will result in percent positivity climbing again, and our vulnerable neighbors having once again high likelihood of getting Covid-19 despite vaccination.
8. The pandemic is not over. Stopping masking too soon will perpetuate the cycle of more people getting sick.

In response to Councilor Chadbourne’s specific questions, Dr. Caruso shared that of those currently hospitalized, 37% were unvaccinated, and that co-morbidities are not tracked due to HIPPA concerns in a community as small as ours. Councilor Chadbourne said that her goal was for everyone to hear from someone in a position to demonstrate the effects. She said the Council needs to make the right decision for the community. She thinks it is about public safety as the numbers continue coming down, perhaps in the following two weeks, when she might be comfortable voting to rescind. She also spoke with former Councilor Steve Hooper, whose two local colleagues got Covid-19 last week; one was vaccinated and is ok, the other was not vaccinated and died. Councilor Chadbourne would not support rescinding at this time:

Councilor Remy said the challenge he had on the rise of positivity rates was that he thought they were comparing apples and oranges. He said that at the same time we saw a spike in positivity, we also saw a prevalence of home testing become available; so, all of a sudden people were able to test at home if they had light symptoms, if they thought they might have something, or if they were exposed to someone. When he was exposed, he took a home test instead of going to the clinic because he could, and he would never report those negative results to anyone. If he was

seriously concerned, he would go to the clinic to confirm his symptoms. But for light symptoms or potential exposure, he is no longer getting tested. So, he is curious if the rise in percent positivity is actually tied to percent positivity and whether the results only include those going in for random procedures and finding out they are sick. He said that the at-home tests are very easy to access now, with some available from the State and Federal governments. Councilor Remy questioned the correlation between the positivity spike and at-home testing.

Councilor Workman agreed with Councilor Remy that there are still many unknowns at this time. She said that yes, home testing is more accessible, but a lot of people are also not reporting their positivity rates. She added that at-home testing is still not completely accessible to everyone, like those who cannot afford them out of pocket. She thinks it is great that the numbers are coming down and she thinks the hospital is right projecting a positive, optimistic message, but Councilor Workman said we are not in the clear yet and ending this Ordinance would be preemptive. She recalled the proclamation read at the beginning of this meeting honoring grocery store workers, who are undoubtedly on the frontline of the pandemic often without access to insurance or paid time off, who she imagined would appreciate continuance of the mask mandate to keep them safe at work; they might not have the means to protect themselves and employers might not have incentive to protect them. She said there was an employee shortage in her line of work because, as many have told her, they are afraid to go back to work because they do not feel their employers will protect them adequately. Councilor Workman said the Councilors, as government officials, have to take on that responsibility as difficult as the decision may be.

Councilor Johnsen thanked Councilor Chadbourne for gathering that information. She agreed with Councilor Chadbourne that it was too early and the Ordinance should be reconsidered in a few weeks.

Councilor Giacomo addressed the numbers, stating that the NH tracking website outlines both PCR positivity rates and PCR plus antibody positivity rates. He said he did not question Dr. Caruso's medical authority or judgement, but said it was like asking a firefighter whether we should put out a fire. The Councilor said yes, we should do what we can to stop the spread of disease and as a medical professional Dr. Caruso would of course say we should do everything we can to stop the spread. Councilor Giacomo said we first had the mask mandate to flatten the curve, which was flat now; the number of ICU beds were not overwhelming the health care system (he believed it was down to 59% statewide). He said that towns larger and smaller than Keene without mask mandates had flat curves. Therefore, Councilor Giacomo questioned whether the mask mandate was accomplishing anything. He believed it did with the original variant but said there was no evidence that masks were currently helping, when other communities with no mask mandates had the same percent positivity as Keene.

Councilor Lake echoed Councilor Giacomo's point that the original point of the mask mandate was to get things under control at the hospital. Councilor Lake thought we had gotten there, with the ICU no longer at capacity and departments reopening. He thought we were headed in the right direction and had accomplished the goal of the Ordinance. Councilor Lake said he would still continue wearing masks because he cares about the people in our community and if he gets

Covid-19, he wants to make sure he is not giving it to those around him. Still, he did not think the Council should continue mandating that people do so.

Councilor Madison thanked Councilor Chadbourne for the information from Dr. Caruso. Councilor Madison's concern was that the Council had effectively made a promise to the community when they passed this Ordinance in December as a temporary measure. He said the Council needed to move forward from the Ordinance and keep that short-term promise to the community. He said it is an authority and power of the Council to wield very gingerly. Now that percent positivity was down, he thought it was time to consider rescinding this. If it were not rescinded at this meeting, he thought there needed to be set criteria or a specific date decided to rescind it. Councilor Madison asked what the numbers need to look like for the Council to be comfortable rescinding.

Councilor Bosley reiterated some of her peers' comments. She said she listened intently when Dr. Caruso spoke before the PLD Committee, when he pleaded that the Council protect the hospital. She said that during the last communication, only one Covid-19 patient was in the ICU; according to Councilor Chadbourne's email the number was currently two. Our ICU can handle approximately 10 patients, so she said the hospital was well within its capacity to handle the positivity rate in the community. She said the hospital had expanded therapeutic treatment options and added that there was a lower positivity rate and spread of the virus itself. She had spoken with members of the community recently, and she thinks people who are wearing masks currently will continue and those not wearing masks will also continue. Councilor Bosley said those people do not care whether we have a mandate; they have chosen that behavior despite the mandate and she said it had not effected the spread of the virus given that rates were dropping. She said there was not a perfect science. Councilor Bosley agreed that the Council made a promise to the community to protect the hospital, which had the situation under control right now and has the power to return to the Council requesting help again in the future.

Councilor Ormerod noted he had gotten letters and calls from some constituents, who all said the same thing: we are not ready, and we think it is too soon. As a Councilor, he said he must think about what is best for everyone as they are going back into businesses. He is concerned that people might be afraid to reenter businesses, which would not help those businesses as much as the Council conversation indicated, unless it is managed and communicated. He also heard fear from constituents about hospitalization, noting how many vaccinated he knew that were still hospitalized, himself included, which he said he would not wish on anyone. Councilor Ormerod was glad the numbers are coming down, but felt he had to speak up for the people whose concerns about lifting the Ordinance had not been represented.

Councilor Filiault said you could not really disagree with anything said during this discussion. He said it was an issue of 'do we, or don't we?' After hearing all the preceding comments, Councilor Filiault said he would err on the side of caution for two more weeks, which was the motion he would make if the current one on the table was voted down as a compromise, not based on any politics. He never feels political pressure on this, stating that it is about science and numbers, which he thanked Councilor Chadbourne for sharing. While he hates masks and talking about masks, he said one thing the City Council could guarantee was that this Ordinance would

not hurt anyone, though it might frustrate a few people. Councilor Filiault wanted to give it two more weeks to hopefully bring the numbers down even further and allow the Council another meeting to discuss the numbers and allow businesses time to prepare, which some have expressed the hope for to him. He hoped his peers would vote no as well.

Councilor Giacomo appreciated Councilors Filiault's and Ormerod's comments about community fear of catching Covid-19. Councilor Giacomo said that fear would not go away and that there was a spectrum of feelings on the matter. He said it is logical for those fearful people to continue masking and protecting themselves. On the other side of the spectrum, he said there were people flaunting being unmasked, getting Covid-19, and being destructive to society. He said that obviously the City Council does not support the latter. While some are still fearful, Councilor Giacomo said it was not the Council's job to make every individual comfortable, but to do what they can to protect the community and hospital system to the point that it makes sense to follow the science. He reiterated that the Ordinance had accomplished its goal and there was no reason for it to continue.

Councilor Madison asked, if this Ordinance were rescinded, whether another one would have to be written and adopted in the event of needing a mask mandate again. Mayor Hansel replied in the affirmative.

With reference to the motion on the floor for rescission of the Ordinance, on a vote of 7 in favor and 7 opposed, Mayor Hansel broke the tie with a vote in favor of rescission. Ordinance O-2021-16-B was declared rescinded. Councilors Johnsen, Filiault, Williams, Jones, Ormerod, Chadbourne and Workman voted in opposition

MORE TIME

A Planning, Licenses, and Development report read recommending that the request from Keene Pride to Use City Property be placed on more time to allow protocol meetings to occur. Mayor Hansel granted more time.

NON-PUBLIC SESSION

A motion by Councilor Powers to go into non-public session to discussion a land matter under RSA 91-A.II.d was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Roberts was absent.

The City Council entered the non-public session at 7:46 PM. The Public Works Director and the Chair of the Conservation Commission, Andrew VonPlinsky were invited to remain. Discussion was limited to the subject matter. At 8:41 PM the non-public session concluded.

A motion by Councilor Powers to keep the minutes of the non-public session non-public was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Roberts was absent.

02/17/2022

MOTION OUT OF NON-PUBLIC SESSION – PURCHASE OF PROPERTY – 0 GILSUM ROAD (TMP #218 042 000), AND 0 WASHINGTON STREET (TMP #219 006 000)

A motion was made by Councilor Powers and duly seconded by Councilor Bosley that the City Council authorize the City Manager, acting through her designee, and the Conservation Commission, acting through its Chairman, together to do all things necessary to purchase real property located at 0 Gilsum Road, tax map #218 042 000, for conservation purposes, and for a price to be paid from Project #90203, Conservation Land Use Tax, in an amount not to exceed the maximum bid amount authorized by the City Council. On showing of hands, with 12 Councilors voting in favor and Councilors Remy and Filiault opposed, the motion carried.

A motion was made by Councilor Powers and duly seconded by Councilor Bosley that the City Council authorize the City Manager, acting through her designee, and the Conservation Commission, acting through its Chairman, together to do all things necessary to purchase real property located at 0 Washington Street, tax map #219 006 000, for conservation purposes, and for a price to be paid from Project #90203, Conservation Land Use Tax, in an amount not to exceed the maximum bid amount authorized by the City Council. On showing of hands, with 11 Councilors voting in favor and Councilors Powers, Remy and Filiault opposed, the motion carried.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 8:45 PM.

A true record, attest:

A handwritten signature in cursive script, appearing to read "Patricia Little".

City Clerk



PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held before the Keene City Council relative to the proposed City of Keene Capital Improvement Program for the 6-year period starting July 1, 2023 and ending June 30, 2029. The plan identifies non-school capital projects and equipment acquisitions that are planned to be undertaken in the community and which calls for a financial investment totaling \$157,714,788 from local, State and Federal resources. The first year investment totals \$17,543,743 from all sources. The local portion of the program is funded by the sale of bonds, property taxes and other miscellaneous sources.

HEARING DATE: March 3, 2022

HEARING TIME: 7:00 pm

HEARING PLACE: Council Chambers, Keene City Hall

Per order of the Mayor and Councilors of the City of Keene, this twentieth day of January, two thousand and twenty-two.

Attest:


City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #B.1.

Meeting Date: March 3, 2022
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Confirmation**

- **Energy and Climate Committee**

Council Action:

In City Council March 3, 2022.

Voted unanimously to confirm the nomination.

In City Council February 17, 2022.

Tabled the nomination until the next regular meeting.

Recommendation:

Attachments:

1. Edmunds, Linsey_Redacted

Background:

I hereby nominate the following individual to serve on the designated board or commission:

Energy & Climate Committee

Linsey Edmunds

489 Windy Row, Peterborough

Term to expire Dec. 31, 2023

From: helpdesk@ci.keene.nh.us <helpdesk@ci.keene.nh.us> on behalf of City of Keene
<helpdesk@ci.keene.nh.us>

Sent: Thursday, February 3, 2022 9:10 AM

To: Helen Mattson

Cc: Patty Little; Terri Hood

Subject: Interested in serving on a City Board or Commission

<p>Submitted on Thu, 02/03/2022 - 09:10</p>

<p>Submitted values are:</p>

First Name:

Linsey

Last Name:

Edmunds

Address

Work:

229 Main Street
Keene, NH 03435

Home:

489 Windy Row
Peterborough, NH 03458

How long have you resided in Keene?

I've worked in Keene for nearly three years, I reside in Peterborough.

Email:

linsey.edmunds@keene.edu

Cell Phone:

██████████

Employer:

Keene State College

Occupation:

Sustainability Coordinator

Retired

No

Please list any organizations, groups, or other committees you are involved in

None, yet!

Have you ever served on a public body before?

No

Please select the Boards or Commissions you would be interested in serving on:

Energy and Climate Committee

Please share what your interests are and your background or any skill sets that may apply.

As the Sustainability Coordinator for Keene State College I am actively working on initiatives to reduce Keene State's carbon footprint. I'm currently overseeing student interns as they complete a greenhouse gas inventory of Keene State. I am actively engaged with energy data management and interpretation, as well as responsible for putting forth energy savings and sustainability focused initiatives for the college.

Why are you interested in serving on this committee

Working in conjunction with the City of Keene through the Energy and Climate Committee is an important aspect of my work to further sustainability and achieve our ambitious climate goals, for both the college and the region. I believe Keene State can apply lessons from the Energy and Climate Committee in our own efforts to build a Climate Action Plan and achieve carbon neutrality.

Please provide 2 personal references:

Mari Brunner

mbrunner@keenenh.gov

(603) 352-5440

References #2:

Marc Doyon

mdoyon@keene.edu

603-358-2203



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: March 3, 2022
To: Mayor and Keene City Council
From: Dana D'Arcangelo
Through: Patricia Little, City Clerk
Subject: Dana D'Arcangelo/Eversource Energy - Requesting Permission to Remove Trees on Scenic Roads

Council Action:

In City Council March 3, 2022.

Referred to the Municipal Services, Facilities and Infrastructure Committee. The Mayor set a joint public hearing with the City Council and Conservation Commission for April 7, 2022 at 7:00 PM.

Recommendation:

Attachments:

1. Keene Scenic Road Hearing Request Rev 2-25-2022
2. Keene Scenic Roads Tree Removal List (003)

Background:

Eversource Energy is requesting that a joint public hearing be scheduled with the Conservation Commission regarding their request to remove trees on various scenic roads in the City, which include Concord Road, Concord Hill Road, Moore Farm Road, and Nims Road.

February 22, 2022

City of Keene
3 Washington St
Keene, NH 03431

Dear City Council and Conservation Commission:

This letter is to inform the City of Keene that Eversource is planning to trim trees and remove hazardous trees around its power lines within the city. This work is necessary to ensure the safe distribution of power and to improve reliability of electric service for our customers.

According to Eversource records Concord Road, Concord Hill Road, Moore Farm Road and Nims Road have been designated as scenic roads by the city.

Eversource tree trimming specifications call for removal of brush and limbs less than four inches in diameter which are located within eight feet to the side of, ten feet below or fifteen feet above conductors. Eversource has also conducted a hazard tree assessment of trees that are dead, rotted, diseased or otherwise defective. Eversource requires permission from the city and property owner to trim or cut down trees within the public right of way of a scenic road.

Eversource has contracted with Asplundh Tree Expert Company to perform the actual trimming of trees. Eversource requires that our trimming contractors contact each landowner where trees are to be trimmed prior to commencement of work on that property. Individual concerns will be addressed at this time. All work will be performed in accordance with accepted arboricultural standards. All brush and limbs cut on roadside locations will be chipped. Logs will be left on site, out of the roads and drainage.

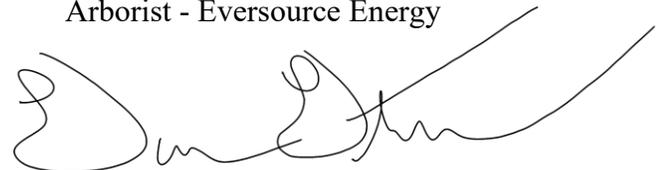
Please consider this letter to be a request from Eversource for a public hearing for the trimming of trees and removal of hazard trees on these scenic roads within the proposed work area pursuant to RSA 231:158. Please inform this office of the time and place of said meeting so that we may have a representative present.

If you have any questions or comments, please feel free to contact me by e-mail at Dane.Darcangelo@eversource.com or telephone at 603-303-6199.

Thank you for your concern and assistance.

Respectfully,

Dane D'Arcangelo
Arborist - Eversource Energy



Eversource Tree Removal List Scenic Roads Keene NH

Updated 2/22/2022

<i>Tree #</i>	<i>Property Address</i>	<i>Pole #</i>	<i>Description</i>
1	Nims rd	133/9 to 11	22" Hemlock woodpecker holes
2	Nims rd	133/9 to 11	11" Sugar maple rotted trunk
3	Nims rd	133/11 Across	21" Pine woodpecker holes
4	Nims rd	133/11 to 12	8" Pine dead
5	Nims rd	133/12 to 13	15" Pine rotted trunk
6	Concord rd	129/37 to 38	10.5" Red maple sapwood rot
7	Concord rd	129/36	12.5" Ash stem rotted
8	Concord rd	129/27 to 28	12" Pine dead
9	Concord rd	129/27 to 28	10" Pine dead
10	Concord rd	129/25 to 26	31" Hemlock woodpecker holes
11	Moore Rd	132/1 to 129/50	12.5" Locust rotted trunk
12	Moore Rd	132/1 to 129/50	13.5" Locust rotted trunk



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: March 3, 2022

To: Mayor and Keene City Council

From: Edward Coppola

Through: Patricia Little, City Clerk

Subject: **Edward Coppola - Expressing his Concern over Local Wildlife and Asking that the City Council Consider Measures to Minimize the Number of Birds and Small Animals that Domestic Cats Kill with Their Free-range Hunting Habits in Keene Neighborhoods**

Council Action:

In City Council March 3, 2022.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

Recommendation:

Attachments:

1. Communication_Coppola

Background:

Mr. Coppola is asking that the City Council consider the following measures to minimize the number of birds and small animals that domestic cats kill - such as the licensing of cats, taking steps to control cats from wandering onto other private landowners' yards; requiring that cat owners provide bells or multi-colored "scarves" to alert wildlife of the presence of a cat and advising property owners of their rights regarding cats hunting on their property.

2/22/2022

To: Keene City Council

RE: Cat Owner Responsibility

Dear Keene City Council,

I believe that as a progressive, forward-thinking City, Keene can do more to ensure that humans and wildlife can better co-exist.

My intention is to start a dialogue on how the City of Keene can 1. require that cat owners license their animals 1. Take steps to control their animals wandering into other private landowners' yards; 2. Require that cat owners provide bells and/or multi-colored "scarves" for their animals to alert other wildlife of their presence. 3. Advise property owners of their rights regarding cats hunting on their property.

The goal is to minimize the number of birds and small animals that domestic cats kill when free-range hunting in our neighborhoods.

Thank you for your consideration. Please contact me with further questions.

Sincerely,

Edward Coppola



72 Ridgewood Avenue, Keene

Attached:

https://www.npr.org/2020/04/18/820953617/the-killer-at-home-house-cats-have-more-impact-on-local-wildlife-than-wild-preda?fbclid=IwAR1IFVkmNTrVujHoc29_8ey_K1Q75ZIWtLDzdididkSO_LtG1LTnA7qV9h0

<https://www.audubon.org/news/new-federal-report-confirms-ongoing-crisis-north-american-birds>

The Killer At Home: House Cats Have More Impact On Local Wildlife Than Wild Predators **What does an outdoor cat do all day? According to new research, it could be taking a heavy toll on local wildlife.**

A tracking study of more than 900 house cats shows when they kill small birds and mammals, their impact is concentrated in a small area, having a bigger effect than wild predators do.

"Even though it seems like their cat isn't killing that many, it really starts to add up," said Roland Kays, a scientist at North Carolina State University and the North Carolina Museum of Natural Sciences. (Full disclosure: Kays isn't a cat or dog person but a "ferret person.")

Kays and colleagues collected GPS data from cats in six countries and found most cats aren't venturing very far from home.

"These cats are moving around their own backyard and a couple of their neighbors' backyards, but most of them are not ranging very much further," Kays said. "So initially I thought: 'Oh, this is good news. They're not going out into the nature preserves.' "

Then Kays factored in how much cats kill in that small area. Some cats in the study were bringing home up to 11 dead birds, rodents or lizards a month, which doesn't include what they ate or didn't bring home to their owners.

"It actually ends up being a really intense rate of predation on any unfortunate prey species that's going to live near that cat's house," he said.

He calculates that cats can have four-to-10 times the impact of a wild predator. Native predators, like jungle cats, also kill a lot of small animals, but their impact is spread out over a larger area.

"The big concern is where we have an overlap of people and cats with native species that are small and vulnerable," Kays said.

One study estimates that house cats, both domestic and feral, kill billions of birds every year.

"The simplest thing to do is to keep your cat indoors," he said. For those who refuse to keep their cat inside, there are potential options.

St. Lawrence University associate professor Susan Willson went looking for one when she rescued a cat known as "the Gorilla." He was fighting with her other cats, but when she let him outdoors, he brought home dead birds.

"I'm a bird biologist, so that's just horrifying," she said.

Willson tried putting a bell on her cat but didn't see any effect. **So she found a special brightly colored collar online. "It looks kind of like an Elizabethan collar-slash-scrunchie," she said. "The whole idea is that the bird will be able to visually see this cat creeping up on it before it attacks it."** Willson tested the collar on both her cat and dozens of others. It dramatically reduced the number of birds the cats brought home, but small rodents weren't so lucky.

"Which isn't surprising, because [those] mammals see in black and white," she said.

"They're not as visual as a bird."

Still, she says a pounce deterrent may be better than nothing. "I'm not saying these collars can make a significant difference in the massive bird mortality that we're seeing," she said. "But each individual bird that somebody in their backyard is not finding dead, I think matters."

Since the study, Willson's cat has given up its free-ranging ways. "Gorilla is now a happy indoor cat, loving his life," she says.

New Federal Report Confirms Ongoing Crisis for North American Birds

New report should guide the conservation actions needed to bring birds back.

WASHINGTON - "With **three billion birds** lost in North America since 1970, we are in a bird emergency – and we know that if they are in trouble, so are we," said Sarah Greenberger, senior vice president for conservation policy, National Audubon Society. "The priority species identified by the Fish and Wildlife Service provide a common playbook for federal, state and tribal leaders as well as many other stakeholders to align their conservation investments. We will all need to work together in order to bring birds back and with them the lands and waters we all need to thrive."

The US Fish and Wildlife Service today released the **Birds of Conservation Concern Report for 2021**, the first update published since 2008. The list includes 269 bird species, none of which are currently listed under the Endangered Species Act. By publishing this report, the USFWS aims to set priorities and spur cooperative efforts to avoid the need for an endangered listing.

"All of the birds in this report are protected by the **Migratory Bird Treaty Act**, which underscores the importance of the administration's effort to reinstate longstanding protections under the law and drive proactive conservation before birds become endangered or threatened," said Erik Schneider, policy manager, National Audubon Society. "Restoring and strengthening the MBTA is a key step, but we need a suite of legislative and administrative actions that can lay a foundation for more successful, collaborative conservation efforts across the board whether public or private."

The National Audubon Society, American Bird Conservancy, and several other groups have drafted a policy agenda that lists the kinds of actions needed. They include:

- **Reinstate and strengthen the Migratory Bird Treaty Act** through administrative and legislative action.
- Increase funding and coordination for federal and state wildlife agencies to address the needs of vulnerable species and landscapes they manage.
- Revitalize and enhance the framework for national and international conservation of migratory birds through a suite of actions to improve coordination, planning, partnerships, monitoring, research and more.

"Birds are an indicator of the threats we face, and the birds included in this report in particular will tell us over time if threats continue to worsen or if conservation actions are working," said Dr. Chad Wilsey, chief scientist, National Audubon Society. "Many of the birds identified in this report are facing the same threats as people, like drought, extreme weather, and habitat degradation on land or at sea."

The report did not assess the threat of climate change comprehensively, but a 2019 report from the National Audubon Society showed that two-thirds of North American bird species risk extinction if nothing is done to address climate change.

“Many of the threats birds are facing are exacerbated by climate change,” said Wilsey. “The good news is that conservation and restoration of the places needed to recover bird populations will also help absorb carbon pollution and mitigate climate change.”

This year’s report includes a significant number of grassland and aridland bird species, like the Lesser Prairie-Chicken and the Greater Sage-Grouse, both of which face serious threats from oil and gas development and invasive plant species on public and private lands. Both species receive significant federal attention, and the Lesser Prairie-Chicken was just proposed to be added to the Endangered Species List.

“The solutions to bring grassland and aridland birds back will help farming and ranching communities as well,” said Greenberger. “Fostering healthy grass and soil will benefit cows and birds alike. Not only that, healthier grasslands retain more groundwater, are more resilient, and they can sequester carbon.”

The report also includes a significant number of shorebirds and seabirds. North American shorebird populations have decreased by 70 percent since 1973. Seabird populations worldwide have decreased by 70 percent since 1950. Species like the American Oystercatcher, Elegant Tern, and Black-footed Albatross are facing some of the most serious threats due to decreasing coastal habitat and changing ocean conditions.

“We have an opportunity as we invest in our nation’s infrastructure to make our coasts more resilient to extreme weather and more bird-friendly by engineering with nature,” said Greenberger. “Natural infrastructure involves restoring and mimicking natural landscapes like wetlands to buffer communities against flooding, enhance habitats for birds and other wildlife, and absorb carbon pollution.”



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.1.

Meeting Date: March 3, 2022

To: Mayor and Keene City Council

From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee

Through:

Subject: **Harris Center for Conservation Education – Request to Temporarily Close Jordan Road For Up to Six Nights in March and April – Migrating Amphibians**

Council Action:

In City Council March 3, 2022.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the City Council authorize the closing of Jordan Road from Concord Road to Peg Shop Road for up to six nights in March and April that are coordinated with City staff when conditions are favorable for amphibian migration. City staff may cancel the closure and/or reopen the road at any time if deemed necessary for the convenience and safety of the public. Further, future requests for the closing of Jordan Road for amphibian migration are administratively handled by the City Manager.

Attachments:

None

Background:

Chair Greenwald asked to hear from the petitioner.

Brett Amy Thelen of 83 Kings Highway in Hancock, NH, stated that she is the Science Director at the Harris Center for Conservation Education. She continued that some members of the Committee are familiar with the Salamander Crossing Brigade program, which is a volunteer effort the Harris Center has been coordinating for more than 15 years. It is focused on the spring amphibian migration, a natural phenomenon when thousands of salamanders and frogs migrate to their breeding wetlands. In places where they have to cross roads, roadkill is a serious conservation concern. Over the years, the Harris Center has trained more than 1,500 volunteers throughout the Monadnock region to go out on these rainy, spring nights to move amphibians across the road by hand, to prevent them from getting hit by cars. The volunteers keep count of the amphibians too, so the Harris Center has data about where the “crossing hot spots” are and which species are there. In Keene, the biggest crossing sites are North Lincoln Street and Jordan Road. At North Lincoln Street, the Harris Center has been working with the City since 2018 to close the road on nights when they think there will be a significant amphibian migration, for the safety of those amphibians and to create

a safe place for families to come watch this incredible spectacle. That has been a successful effort. During these three seasons, they have ensured the safe passage of nearly 6,000 individual amphibians at North Lincoln Street. Many people have come to see it.

Ms. Thelen continued that the next logical step is to think about the Jordan Road crossing site. It has fewer individual amphibians but is notable due to the presence of the Jefferson complex salamander, which is a species of conservation concern in NH, designated by NH Fish and Game as a "Species of Greatest Conservation Need." These Jefferson salamanders do not occur at the North Lincoln Street crossing. The Harris Center is seeking permission to expand these amphibian detours up to Jordan Road in the same way that they have done on North Lincoln Street. One exception is that Jordan Road cannot be closed entirely, the way that North Lincoln Street is. With North Lincoln Street, emergency vehicles can remove the barricade if needed; otherwise, no cars are coming through. Jordan Road has residents who need to be able to get to their homes, so the Harris Center requests it be closed to through traffic. As a result, they would not encourage members of the public or families to come there, for safety concerns. They would just have the trained volunteers, in proper safety attire, at that site. North Lincoln Street would still be a place where families could come to see the migration.

Chair Greenwald asked if the Harris Center would do any public information for the residents on Jordan Road, such as telling them to go on Concord Road instead. Ms. Thelen replied that they could. She continued that this was first proposed in 2020, and then COVID-19 happened, and from an emergency management perspective, they were not sure about gathering on the road themselves for the amphibian crossing. They canceled it due to COVID-19. At that time, they did send a letter to all the residents on Jordan Road with some information about what the closures would entail. The Harris Center could do that again, if the MSFI Committee requests that. They would need the City to give them the current list of residents and their mailing addresses.

Chair Greenwald replied that it is not that many homes. He continued that if the Harris Center gets something to their mailboxes, he is sure the residents would cooperate.

Chair Greenwald asked if the Committee had any more questions or comments. Hearing none, he asked to hear from staff. Public Works Director Kürt Blomquist asked Duncan Watson, Assistant Public Works Director, to speak.

Duncan Watson stated that staff has been working with the Harris Center for a number of years, getting the North Lincoln Street program to be successful. He continued that not only is it good for the amphibians, of course, but it has been great for the citizens who are interested in amphibians and their migratory patterns to learn about them on site. As Ms. Thelen mentioned, Jordan Road was the next logical step. They have spoken with the Keene Police Department to get the KPD's concerns about the detours, assuring them and the Fire Department that the proposed detours would not hinder emergency vehicle access in any way. The public education campaign and the notification would extend not just to the Jordan Road residents, but also the normal social media channels to let people know, because the circumstances of the amphibian crossing coincide with a certain type of weather. It needs to be a rainy night, with a temperature of over 50 degrees, and amphibians always do their crossing after dark. Ms. Thelen gave the statistic about how many amphibians have been counted, but that is how many were counted while the volunteers were there. Mr Watson noted he does not know if they extrapolated the data. The volunteers may go home around midnight, but more amphibians continue to cross throughout the course of the night. Many thousands of amphibians are saved by , and he thinks that is something for Keene to be proud of.

Chair Greenwald stated that he lives on the corner of Jordan Road, and it is so meaningful to see all of these children and parents there with their flashlights, in the rain, looking for these tiny

salamanders. He continued that it is very life affirming. He asked if there was any further comment from the public or the Committee. Hearing none, he asked for a motion.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the City Council authorize the closing of Jordan Road from Concord Road to Peg Shop Road for up to six nights in March and April that are coordinated with City staff when conditions are favorable for amphibian migration. City staff may cancel the closure and/or reopen the road at any time if deemed necessary for the convenience and safety of the public. Further, future requests for the closing of Jordan Road for amphibian migration are administratively handled by the City Manager.

Councilor Williams stated that he thanked Ms. Thelen and the Harris Center for everything they have done for amphibians in Keene. He continued that his mother had sent him articles from the Washington Post that highlighted this program that goes on in Keene. This is nationally recognized and very special. He is a neighbor of North Lincoln Street, and recommends that anyone, especially people with children, go down and participate in this activity.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.2.

Meeting Date: March 3, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: New Hampshire Department of Justice Grant Acceptance - Fire Department

Council Action:

In City Council March 3, 2022.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends to the full City Council the acceptance of the New Hampshire Department of Justice Grant awarded to the Keene Fire Department totaling \$84,425 and to allow the City Manager to do all things necessary for the acceptance and execution of the grant.

Attachments:

None

Background:

Deputy Fire Chief Donald Farquhar addressed the Committee first and stated the Fire Department applied for a Department of Justice Grant in the amount of \$84,425 to be used specifically to offset overtime costs associated with extra cost of staffing due to the Covid 19 pandemic response. The Deputy Chief stated the Department has received this grant and they are asking for acceptance of this grant.

The City Manager reminded the Committee about the 10th person that was added to the shift and this position has been extended to the end of the fiscal year and this grant will also help to offset that cost.

Councilor Lake made the following motion, which was seconded by Councilor Madison.

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends to the full City Council the acceptance of the New Hampshire Department of Justice Grant awarded to the Keene Fire Department totaling \$84,425 and to allow the City Manager to do all things necessary for the acceptance and execution of the grant.



CITY OF KEENE NEW HAMPSHIRE

ITEM #D.3.

Meeting Date: March 3, 2022
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Downtown Infrastructure Improvements and Reconstruction Project - Consultant Selection - Public Works Department**

Council Action:

In City Council March 3, 2022.

Voted unanimously to carry out the intent of the report.

Recommendation:

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute professional service contracts for engineering, technical, and construction services with Stantec Consulting Services, Inc. for the Downtown Infrastructure Improvements and Reconstruction Project. Further, if the City cannot come to an agreement, the City Manager is authorized to move to the second highest ranked proposer.

Attachments:

None

Background:

Public Works Director/Emergency Management Director Kurt Blomquist addressed the Committee and stated the City has issued a request for qualifications for firms to provide engineering and technical services for the downtown infrastructure project. He explained this project would look at the downtown starting in the Central Square area moving down Main Street to about the Water Street, Railroad Street and Gilbo Avenue area. He indicated the main focus of the project is the replacement of the sewer system infrastructure which ranges anywhere from the 1890's to the 1930's.

The City received 2 proposals from the firms of Stantech Consulting Services and Weston and Samson. A Review Committee consisting of City staff reviewed the proposals and recommended moving forward with interviews with both firms. The firms were interviewed based on their qualifications, number of projects they had completed as a firm. The Review Committee also considered the firms understanding and approach to the project as well as the resources and their overall availability to perform the work.

Mr. Blomquist stated after performing the interviews, the team unanimously recommended moving forward with Stantech Consulting Services as the preferred consultant. He indicated they had a

number of things that brought the firm to the top of the review. They have a team that has done a number of projects in downtowns in the State. One of their members is a former City Engineer. They also talked about some unique approaches such as no dig options for utilities to expedite the work and minimize disruption. Another aspect the committee liked is the firm being upfront about the need to have communications at all levels within the community and stakeholders along with the greater community audience because this project affects the entire community.

Chair Powers asked whether this firm has done work for the City in the past. Mr. Blomquist answered in the affirmative. Councilor Remy asked for the cities this firm has done work in. Mr. Blomquist stated they have done work for Concord, Cambridge, and a number of other communities, both in New Hampshire and New England.

Councilor Madison made the following motion, which was seconded by Councilor Remy.

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute professional service contracts for engineering, technical, and construction services with Stantec Consulting Services, Inc. for the Downtown Infrastructure Improvements and Reconstruction Project. Further, if the City cannot come to an agreement, the City Manager is authorized to move to the second highest ranked proposer.

In response to a concern from Councilor Remy about the scope of the project extending out to construction; Mr. Blomquist stated this authorization is for construction services, but not necessarily for the construction project. He continued that this motion would only authorize the engineering services. The construction project - once it is bid - would go through the bid process.



CITY OF KEENE NEW HAMPSHIRE

ITEM #H.1.

Meeting Date: March 3, 2022
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **Loretta Simonds – Damage to a Sewer Line and House Foundation at 79 Woodburn Street and a Request to Remove a Nearby City Tree**

Council Action:

**In City Council March 3, 2022.
More time granted.**

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the communication from Loretta Simonds requesting the removal of a City tree be placed on more time.

Attachments:

None

Background:

Chair Greenwald returned to the first agenda item, stating that he saw that Loretta Simonds is not present. He recognized City staff.

Mr. Blomquist stated that he had the opportunity to go visit Ms. Simonds and look at the situation. He continued that he would like to note that the home is up for sale. He has also been contacted by potential buyers. His recommendation this evening is to place this item on more time, to evaluate. If the tree is considered for removal, he needs to look at it and see whether it is healthy or not. Also, there may be a change in property ownership.

Chair Greenwald stated that he would like to note that the tree is more than 20 feet from the house. He continued that Ms. Simonds is not present, so as much as he dislikes placing items on more time, this is a time to do that. He asked for a motion.

Councilor Roberts made the following motion, which was seconded by Councilor Williams.

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommended the communication from Loretta Simonds requesting the removal of a City tree be placed on more time.

Councilor Williams stated he would love to hear about potential replacements for a street tree in that area if Mr. Blomquist looks at this tree and determines that it should be removed.



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.1.

Meeting Date: March 3, 2022

To: Mayor and Keene City Council

From: Donald Lussier, City Engineer

Through: Kurt Blomquist, ACM/Public Works Director
Elizabeth Dragon, City Manager

Subject: **Relating to the Appropriation of Funds for the Winchester Street By-Pass Project**

- **Resolution R-2022-03**
- **Resolution R-2022-04**

Council Action:

In City Council March 3, 2022.

Referred to the Finance, Organization and Personnel Committee.

Recommendation:

Recommend that Resolutions R-2022-03 and R-2022-04 be referred to the Finance, Organization and Personnel Committee for their consideration and recommendation.

Attachments:

1. Resolution R-2022-03_referral
2. Resolution R-2022-04_referral

Background:

In 2012, the Keene City Council adopted the FY13-FY19 Capital Improvement Program, which contemplated improvements to Winchester Street corridor, between Rt. 101 and the Pearl St. / Island St. intersection as part of the State Bypass Improvement Program. Additional funds were appropriated to this project through the FY14, FY19 and FY20 Capital Improvement Programs. This project is funded with 80% federal transportation funds and 20% local match. Certain water and sewer upgrades are not eligible for federal funding and are paid 100% by local ratepayer funds.

Design of the project began in early 2016. The City Council selected the "roundabout alternative" for the project on February 2, 2017. Final plans and specifications were approved by the NHDOT on August 24, 2021. The project was advertised for construction on September 1, 2021 and bids were received on December 30, 2021.

To date, the City Council has appropriated a total of **\$2,194,191** for the Winchester Street project. This total includes appropriations from the General Fund (\$1,583,400), Water Fund (\$250,500) and Sewer Fund (\$360,291). Based on the actual final costs of design, anticipated costs for property acquisition and the low bid price for construction, the total cost of the project is estimated to be \$11,618,442. The City’s share of the total cost is estimated to be **\$2,722,170**. This amount exceeds currently available funding. A breakdown of the City’s share is provided in the table below:

	Budget	Actual / Anticipated	Excess (Shortage)
Design Phase	\$ 187,400	\$ 203,109	(\$ 15,709)
Right-of Way Phase	\$ 76,000	\$ 143,841	(\$67,841)
Construction			
General Fund	1,320,000	\$ 1,820,450	(500,450)
Water Fund	250,500	\$ 400,500	(\$ 150,000)
Sewer Fund	360,291	\$ 154,270	\$ 206,021
Total Construction	1,930,791	2,375,220	(\$ 444,429)
Project Total	2,194,191	2,722,170	(\$ 527,979)*

* Please note that the Project Total shortage shown in the table above is less than the total appropriations requested in the attached resolutions due to the sewer work being under budget.

Resolution R-2022-03 would appropriate an additional \$584,000 from the General Fund through debt funding. This sum would provide sufficient funding to cover the current known costs and provide a small contingency (4.6%) to cover changes that may occur during construction.

Resolution R-2022-04 would appropriate \$150,000 from the Water Infrastructure Capital Reserve.



CITY OF KEENE

R-2022-03

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

A RESOLUTION Relating to the Appropriation of Funds for the
Winchester Street By-Pass Project

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

That the sum of five hundred eighty-four thousand dollars (\$584,000.00) is hereby appropriated for the State By-pass Project (also known as the Winchester Street Reconstruction Project)(90266), and to fund said appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow up to five hundred eighty-four thousand dollars (\$584,000.00) under the provisions of the Municipal Finance Act and to issue bonds or notes thereof.

This authorization shall lapse if not fulfilled within five (5) years from the date of approval.

George S. Hansel, Mayor

In City Council March 3, 2022.
Referred to the Finance, Organization
and Personnel Committee.


City Clerk

PASSED



CITY OF KEENE

R-2022-04

Twenty-Two

In the Year of Our Lord Two Thousand and Relating to the Appropriation of Funds from the
A RESOLUTION Water Infrastructure Capital Reserve for the State Bypass Utilities Project

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

That the sum of one hundred fifty thousand dollars (\$150,000.00) is hereby appropriated from the Water Infrastructure Capital Reserve (614) for the State Bypass Utilities Project (05092) as part of the Winchester Street Reconstruction Project.

George S. Hansel, Mayor

In City Council March 3, 2022.
Referred to the Finance, Organization
and Personnel Committee.

City Clerk

PASSED



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.2.

Meeting Date: March 3, 2022

To: Mayor and Keene City Council

From: Donald Lussier, City Engineer

Through: Kurt Blomquist, ACM/Public Works Director
Elizabeth Dragon, City Manager

Subject: **Relating to the Appropriation of Funds for the Thompson Road Repair and Stabilization Project**

- **Resolution R-2022-05**

Council Action:

In City Council March 3, 2022.

Referred to the Finance, Organization and Personnel Committee.

Recommendation:

Recommend that Resolution R-2022-05 be referred to the Finance, Organization and Personnel Committee for their consideration and recommendation.

Attachments:

1. Resolution R-2022-05_referral

Background:

Thompson Road is a dead-end street in the southeastern corner of the city. The road serves 5 single-family homes and a number of undeveloped parcels. In the fall of 2019, Public Works staff observed pavement cracking and settling along the steep embankment adjacent to Thompson Road. To prevent further deterioration, a row of concrete barriers were installed along the edge of the roadway while more extensive investigations were undertaken.

In the spring of 2020, the City hired a geotechnical engineer to perform test borings and evaluate the stability of the embankment that supports the road. That evaluation was completed in June of 2020 and found that the slope was "marginally stable" but did not have the minimum recommended factor of safety for geotechnical stability. The consultant was asked to develop conceptual level alternatives for stabilizing the slope, along with associated cost estimates. These alternatives were submitted to the City in October 2020. City staff also developed alternatives for discontinuing the existing roadway and providing access to this neighborhood via an alternative route.

The two options (i.e., reconstruct in the current location or relocate the road) were presented to the Municipal Services, Facilities and Infrastructure Committee on January 27, 2021. The advantages and disadvantages of each option along with the range of expected costs were discussed. The table below provides a summary:

Option #1 – Reconstruct in Place		
<u>Advantages:</u> <ul style="list-style-type: none"> • Less property impacts • Potential to widen road • Existing water main remains in Right-of-Way 	<u>Disadvantages:</u> <ul style="list-style-type: none"> • Road remains steep • Difficult winter maintenance • Cost 	<u>Estimated Cost:</u> \$850K - \$1.3M
Option #2 – Relocate Road		
<u>Advantages:</u> <ul style="list-style-type: none"> • Long-term maintenance is simpler 	<u>Disadvantages:</u> <ul style="list-style-type: none"> • Substantial property impacts • Water main will be difficult to access • Cost 	<u>Estimated Cost:</u> \$1.3M

Relocating the roadway was expected to have a cost similar to reconstructing the current location and would present significant property impacts. Therefore, staff recommended that the City develop plans to reconstruct the roadway in place. Since this is the only access available for the property owners, the cost estimate includes temporary construction in order to provide access to the neighborhood during the work. Staff also recommended that this temporary widening be made permanent to provide a finished roadway with two 9-foot travel lanes (increased from the current total width of about 12.5 feet). This accounts for the range of pricing listed for option 1 above.

During the presentation of these options, staff suggested that the project be programmed for future funding as part of the FY23 – FY29 Capital Improvement Program. While the CIP was being developed in the fall of 2021, residents of the neighborhood asked Public Works to re-inspect the roadway. Between the spring and fall of 2021, areas along the eastern edge of the roadway were observed to settle as much as 8 inches. It became clear that the settlement first observed in 2019 is now accelerating and must be addressed sooner than originally anticipated. For that reason, funding for this work was not included in the FY23 CIP. Instead, staff requests that funds be appropriated immediately to begin detailed design of the reconstruction. Resolution R-2022-05 will appropriate \$210,000 from the unallocated fund balance to complete survey, engineering design and property acquisition. Additional funds will be requested for the construction phase once a final project budget is determined.



CITY OF KEENE

R-2022-05

In the Year of Our Lord Two Thousand andTwenty-Two.....

A RESOLUTION Relating to the Appropriation of Funds for the Thompson Road
Repair and Stabilization Project.....

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

That the sum of two hundred ten thousand dollars (\$210,000.00) is hereby appropriated from the unallocated General Fund balance to the Thompson Road Repair and Stabilization Project.

George S. Hansel, Mayor

In City Council March 3, 2022.
Referred to the Finance, Organization
and Personnel Committee.

City Clerk

PASSED



CITY OF KEENE NEW HAMPSHIRE

ITEM #K.3.

Meeting Date: March 3, 2022
To: Mayor and Keene City Council
From: Mayor George S. Hansel
Through: Patricia Little, City Clerk
Subject: **Council Policy: Relating to the Legislative Process**

- Resolution R-2022-06

Council Action:

In City Council March 3, 2022.

Referred to the Finance, Organization and Personnel Committee.

Recommendation:

Attachments:

1. Resolution R-2022-06_referral

Background:

This Council Policy on the legislative process clarifies what legislative initiatives or agency rules are within the purview of the City Council. It provides that legislative initiatives that do not have a direct local impact (administrative, community planning, budgetary and service delivery levels) shall be placed in the Council mailboxes for their information and not be placed before the City Council for their consideration.



CITY OF KEENE

R-2022-06

In the Year of Our Lord Two Thousand and Twenty-two

A RESOLUTION Council Policy: A Resolution Relating to the Legislative Process

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

WHEREAS: Legislation and Agency Rules adopted by the Federal Government and by the General Court of the State of New Hampshire (“Legislative Initiatives”) can impact local government from an administrative, community planning, budgetary and service delivery level (“Local Impact”); and

WHEREAS: The City of Keene’s effectiveness in influencing Legislative Initiatives is dependent upon identifying which Legislative Initiatives have a direct Local Impact, identifying procedures to communicate accurate and timely information about the Legislative Initiative, and creating opportunities to share perspectives; and

WHEREAS: With respect to Legislative Initiatives by the State of New Hampshire, which shall take priority under this policy, the City of Keene considers the New Hampshire Municipal Association as the single most important resource to learn about Legislative Initiatives and to represent the City’s interests in Concord; and

WHEREAS: The City of Keene’s administrative staff are authorized and encouraged to take an active role in the legislative process by identifying Legislative Initiatives that have a direct Local Impact, and testifying in person or through written submissions on Legislative Initiatives that have a direct Local Impact and pertain to their specific professions or expertise; and

WHEREAS: The City of Keene’s administrative staff and Keene City Council also take an active role by identifying for consideration by the City Council any Legislative Initiatives that have, or may result in, a direct Local Impact; and

WHEREAS Legislative Initiatives that do not have a direct Local Impact are beyond the purview of the City Council and constitute initiatives on which the City Council should not be requested to render an opinion;

NOW THEREFORE BE IT RESOLVED that participation in the New Hampshire Municipal Association’s legislative policy committees will be encouraged for City Councilors and

PASSED

City staff; and that those Legislative Initiatives with a direct Local Impact which are adopted by NHMA may be submitted to the Keene City Council for consideration and action; and

BE IT FURTHER RESOLVED that the City Manager, with the assistance of the City staff, will identify any other significant Legislative Initiatives that have a direct Local Impact that has not been incorporated into the NHMA legislative policies and may, in appropriate instances, take action with respect to the Legislative Initiatives, or communicate those Legislative Initiatives together with the potential Local Impact to the respective Standing Committee of the Keene City Council for recommendation; and

BE IT FURTHER RESOLVED that Legislative Initiatives that do not have a direct Local Impact shall not be placed before the City Council for consideration; provided, however, that the City Clerk shall place into the City Council mailboxes a copy of any communication regarding a Legislative Initiative which is determined to not have a direct Local Impact; and

BE IT FURTHER RESOLVED that the Mayor will be encouraged to host periodic meetings of the Keene City Council and the Keene Legislative Delegation to discuss and advance the City's positions on important legislative issues.

George S. Hansel, Mayor

In City Council March 3, 2022.
Referred to the Finance, Organization
and Personnel Committee.



City Clerk