

A regular meeting of the Keene City Council was held on Thursday, February 2, 2023. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Bryan J. Lake, Gladys Johnsen, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers were present. Having declared that a quorum was physically present, Mayor Hansel recognized that Councilor Michael J. Remy requested to participate remotely due to work travel. Councilor Remy was calling from an airport. Hearing no objections from the Council, Mayor Hansel granted the remote participation. Councilor Greenwald led the Pledge of Allegiance.

ANNOUNCEMENTS

First, Mayor Hansel thanked the citizens and Councilors who came to the public informational meeting on the downtown infrastructure and reconstruction project. He said it was a very nice turnout—more than 200 people—and he believed it successfully shared important information with the public. Next, Mayor Hansel said that on February 21, there would be a second informational meeting, which would be held at the Keene High School auditorium. He said the session would start at 6:00 PM, when City Staff and the City’s consultant would present on the project. Following the presentation, he said the public would be invited to approach microphones and provide their thoughts and comments. Mayor Hansel said he looked forward to seeing all the Councilors there. Mayor Hansel also announced that on Wednesday, March 1, our annual legislative delegation meeting would be held at 6:00 PM in the Council Chambers. Lastly, Mayor Hansel said that as required in the Council’s Rules of Order, the City Clerk had sent all Councilor’s the annual Statement of Interest form for their completion. This is a fillable PDF form and the City Clerk requested that Councilors complete it and submit it back to her electronically. The Mayor said that if Councilors need assistance, they should contact the City Clerk’s Office.

MINUTES OF THE PRECEDING MEETING

A motion by Councilor Powers to adopt the January 19, 2023 meeting minutes as printed was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

JOINT PUBLIC HEARING WITH THE CONSERVATION COMMISSION – TREE TRIMMING ON SCENIC ROADS

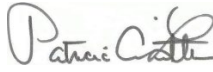
Mayor Hansel opened the public hearing at 7:04 PM and the City Clerk read the public hearing notice. This was a statutorily required joint public hearing with the Conservation Commission. The Mayor welcomed the quorum of the Commission who were present. Mayor Hansel welcomed the applicant, Dane D’Arcangelo, the Regional Arborist for Eversource Energy, who provided a description of the scope of work.

Mr. D’Arcangelo said this scenic road public hearing was required because Eversource performs regular maintenance trimming along high voltage power lines. He said that the scenic roads listed in the public hearing notice are ones that were trimmed in the last four-to-five years, but require more trimming due to regrowth. Mr. D’Arcangelo said this is standard maintenance trimming. He explained that Eversource measures from the topmost conductor on the electrical pole and trims 15 feet above the conductor, 10 feet below, and eight feet to each side of the conductor. This provides the trees enough space so they do not need maintenance trimming again for another four-to-five years. Eversource contracts with Asplundh Tree Expert for this trimming and Asplundh is required to contact each landowner via first class mail about the trimming. Individual landowners’ concerns are handled on a case-by-case basis. Mr. D’Arcangelo welcomed questions.

Councilor Giacomo asked for clarity on whether they were trimming around high voltage tension lines or standard power lines along the roadside. Mr. D’Arcangelo said the high voltage lines he referred to are those on regular utility poles that are 30–50 feet high and range from 1,000–24,000 volts.

Councilor Greenwald said he lives on Peg Shop Road and favors of this trimming. He did not believe he had a conflict of interest because this vote is about the public right-of-way.

Mayor Hansel opened the floor to public comments. Hearing no further comments or questions from the public or Council, Mayor Hansel closed the public hearing at 7:09 PM. Written public comments would be accepted until 1:00 PM on Tuesday, February 7. Written comments must be signed and submitted to the City Clerk by that date and time to be included in the record. This issue will be considered by the Conservation Commission at their meeting on February 21 at 4:30 PM and by the MSFI Committee at their meeting on February 22 at 6:00 PM.

A true record, attest: 
City Clerk

POWERPOINT PRESENTATION – A CELEBRATION OF KEENE DAMS – CITY ENGINEER

Mayor Hansel welcomed the City Engineer, Don Lussier, and Civil Engineer, Brett Rusnock, for a presentation on Keene’s dams. Mr. Lussier began by expressing his gratitude for the Council’s support over time for maintaining and upgrading the City’s dams. Mr. Lussier and Mr. Rusnock both began working for the City in 2016, when work had just completed on the Robin Hood Dam and design work was beginning on the Babbidge Dam. Mr. Lussier said it was rare for engineering professionals to participate in the rehabilitation of three hazard dams in just seven years. Mr. Lussier mentioned that Mr. Rusnock is a member of the NH Association of Dam Safety Officials and so he has given personal attention to Keene’s dams by reporting for Federal and State compliance.

Mr. Rusnock led a presentation celebrating Keene's dams and specifically all the efforts Keene has made to bring its dams to date with the NH dam safety rules. The City has spent more than \$5 million over the past decade to rebuild five of the City's high hazard dams. Most of these dams had not seen much investment since their construction over 100 years ago. Overall, the City is responsible for 12 dams, including eight within the City's limits and four in the neighboring town of Roxbury. These dams were built by the City and private groups for water supply, manufacturing, transportation, and flood control. Five of these dams are considered "high hazard," meaning that their failure could threaten public life or cause major damage. A dam failure in Alton, NH, caused one fatality and major damage, which prompted the City of Keene's 2005 major investment in the municipality's dams. Shortly after that tragedy in Alton, Congressperson Bill Zeliff sponsored the National Dam Safety Program Act. This act enabled states to implement dam safety programs for all dams within their borders, not just those owned by the State. The 2005 flooding and deaths from a culvert failure in Alstead, NH, renewed interest and revived pressure for regular inspection, maintenance, and enforcement.

Mr. Rusnock said that in 2009, the City of Keene received updated letters of deficiency for six dams. The letter outlined the technical and management needs of each structure, and recommendations for how to meet those standards. In response, the City of Keene completed a Dams Master Plan, which estimated the priorities and costs for all dams that needed work. Funds for this were allocated through the Capital Improvement Program (CIP).

Mr. Rusnock explained the work on each dam over the past decade based on their original construction date. First, he discussed the Goose Pond Dam, which the Town of Keene (it was not yet a City) began planning for a public water supply in 1860. A major fire in 1865 prompted the town to act. Within three years, the City raised funds, acquired land, and designed and built two dams at Sylvan Lake, which is now known as Goose Pond. The town also built eight miles of water pipeline and 48 fire hydrants. The total cost at that time was \$82,000. Mr. Lussier noted that one of the City's oldest known water main that is still in service under Central Square was built in 1868 and it would be replaced as a part of the downtown reconstruction project. Mr. Rusnock continued describing the two Goose Pond dams in 2019 (the second dam is smaller and located along the southern border), when the dams were widened to stabilize them to meet State guidelines and the historic pipes within in the embankment were capped and plugged. The total cost of the 2019 improvements was approximately \$920,000.

Next, Mr. Rusnock discussed the Robin Hood Park Dam. In the 1870s and 1880s, Keene's growth strained the available water supply from Goose Pond. In 1872, the City built the dam at Beech Hill, which created the Beech Hill Reservoir. By 1890, the City had extended water mains throughout most of the City and the total cost of that work was not yet determined. Mr. Rusnock said the City rebuilt the Robin Hood Park Dam in 2014, using articulated concrete blocks that allow the dam to be overtopped safely during a flood event. This was the first innovative use of this technology in NH. The total cost of the 2014 work was \$820,000.

Mr. Rusnock also described the Woodward Pond Dam. In 1886, as the City continued to grow, the municipality began looking for more public water supply. In 1910, the City rebuilt the existing dam at Echo Lake— which is now known as Woodward Pond—in the neighboring town of Roxbury. The total cost of the work in 1910 was \$6,000. The City now owns over 3,000 acres of land in the towns of Roxbury and Nelson, which includes much of the tributary watershed to Woodward Pond. Woodward Pond replaced Goose Pond and the Beech Hill Reservoir as the City’s primary water supply at that time. Mr. Rusnock continued describing Woodward Pond today. In 2022, the City completed reconstruction of the Woodward Pond Dam to feature a new core wall, which is raised higher to store the “design storm,” features a new outlet works, and expanded spillway capacity. The total cost of the 2022 work was \$1.9 million.

Next, Mr. Rusnock discussed the Babbidge Reservoir Dam, which the City constructed in Roxbury in 1931. The dam and reservoir replaced a much smaller quarry dam that was located upstream at the time. This dam was connected to a sand filter on Beech Hill and then directly to the City’s water network. The total cost in 1931 was approximately \$52,000. The Babbidge Dam was reconstructed in 2018 to feature articulated concrete blocks, which allow it to be overtopped during a flooding event. The dam features a new outlet works and a new emergency spillway. The total cost in 2018 was approximately \$1.7 million.

Lastly, Mr. Rusnock discussed the Ashuelot River Dam, which is the final dam that needs work. In the mid- to late-1700s, a saw and gristmill was established on the Ashuelot River near West Street. In 1812, the Faulkner and Colony Woolen Mill was established on the same site. The land on which the Ashuelot River Park sits, including the dam, was gifted to the City of Keene in 1972. Unfortunately, the dam has a number of safety issues that must be addressed. In fiscal year 2024, the CIP contains funds to begin the public process for this project. Options for the dam include repairing it to State safety standards or removing the dam.

Mr. Rusnock concluded by explaining that in 2021, The American Society of State Dam Safety Officials presented Keene with the Northeast Regional Merit Award in recognition of the City’s efforts to bring these dams into compliance. Keene was nominated by the State Dam Safety Bureau and Mr. Rusnock said the City is grateful for their support. He hopes for continued support from the State, the City, and the City Council while moving forward meeting dam maintenance obligations. Mr. Rusnock presented the award to Mayor Hansel.

Mr. Lussier said he was most excited about this award because the City’s great work was recognized by the NH Department of Environmental Services regulators. He continued pointing out that the letters of deficiency on these dams could sound scary. However, he said the deficiencies noted were largely related to the changing safety standards versus the actual conditions of the dams. He said the actual problems with the dams were fairly innocuous because the safety standards have increased over the years. Most of what the City did was to increase capacity so the dams could either withstand a greater storm or hold back a larger volume of water. He said it was a testament to the fact that the City had taken care of this infrastructure for a long time.

Mayor Hansel congratulated Staff for working so hard to get this recognition.

Councilor Jones asked how many of these dams could be used potentially for hydropower. Mr. Lussier said that was a great question and said that was not within the Public Works Department's wheelhouse. Mr. Lussier said there was an organization that looked at the Ashuelot River Dam for micro-hydro. He added that there are low head hydro applications but whether these dams are feasible was not within Mr. Lussier's scope of work. He said that in a way, the City is currently using the Babbidge Reservoir for hydroelectric; specifically, there are hydroelectric generating turbines installed in the water treatment facility that use the raw water coming into the plant to generate electricity to run the plant.

Mayor Hansel suggested a dam tour for the Council in the future and expressed gratitude for this presentation.

CONFIRMATIONS – BICYCLE PEDESTRIAN PATH ADVISORY COMMITTEE; HISTORIC DISTRICT COMMISSION

Mayor Hansel nominated Andrew Madison to serve as a regular member of the Bicycle/Pedestrian Path Advisory Committee, with a term to expire December 31, 2025. The Mayor also nominated Gregory Kleiner and Anthony Ferrantello to serve as regular members of the Historic District Commission, both with terms to expire December 31, 2025. A motion by Councilor Powers to confirm the nominations was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

NOMINATIONS – ENERGY AND CLIMATE COMMITTEE; HUMAN RIGHTS COMMITTEE

Mayor Hansel nominated Kenneth Swymer to serve as a regular member of the Energy and Climate Committee, with a term to expire December 31, 2023. Mayor Hansel also nominated Ted Benson to serve as an alternate member of the Human Rights Committee, with a term to expire December 31, 2024. Mayor Hansel tabled the nominations until the next regular meeting.

COMMUNICATION – ICE AND SNOW FESTIVAL – REQUEST TO POSTPONE EVENT DUE TO EXTREME WEATHER CONDITIONS – MARK REBILLARD

A communication read from Mark Rebillard, requesting to postpone the 2023 Ice and Snow Festival from Saturday, February 4 to Sunday, February 5 due to the extreme cold anticipated on Saturday.

A motion by Councilor Bosley to suspend Section 26 of the Rules of Order to allow action upon this time-sensitive request was duly seconded by Councilor Giacomo. Councilor Giacomo asked whether a rain date was a part of the protocol. Mayor Hansel said applicants would be

encouraged to include a rain date so this does not happen each time. The motion to suspend the Rules of Order carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

Councilor Bosley made the following motion, which was duly seconded by Councilor Giacomo: move to grant the Keene Downtown Group to reschedule the Ice and Snow Festival from Saturday, February 4th to Sunday, February 5th, due to extreme cold weather conditions predicted for Saturday. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

MSFI REPORT – STAFF RESPONSE TO NO PARKING REQUEST – 191 WASHINGTON ST. – DELINEATION OF PARALLEL PARKING STALLS ON PUBLIC STREETS

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending that the presented guide from the Public Works Department for the delineation of parallel parking stalls on public streets be accepted. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

MSFI REPORT – COUNCILOR ROBERT WILLIAMS – CONCERNS WITH LITTERING – EAST KEENE

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending that the communication from Councilor Williams relative to littering be forwarded to the City Manager for further action. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault.

Councilor Williams thanked the MSFI Committee for having a good conversation on this matter. Councilor Williams said he walked along North Lincoln Street earlier on this day and unfortunately, there were a few cans littering the area. In the long term, Councilor Williams thought one of the best hopes was to have a bottle facility so that people can return them instead of discarding them along roadways. Ultimately, though, he said that was something the State Legislature would need to consider.

Councilor Madison thanked the MSFI Committee and Councilor Williams for bringing this to the Council's attention. Councilor Madison noted that he helps with the annual clean-up of Beaver Brook, stating that there is a similar littering issue there. However, in that clean-up, the primary concern is for discarded hypodermic needles. When cleaning the waterway, he has to judge which parts to focus on based on the need to keep volunteers—especially children—away from those needles. He asked the City Manager to consider solutions to this issue, such as disposal boxes in certain locations so there is a safe place to discard them. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

MSFI REPORT – TRANSFER STATION – INFORMATIONAL UPDATE – ASSISTANT PUBLIC WORKS DIRECTOR/SOLID WASTER COORDINATOR

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending accepting the Transfer Station Update presentation as informational. Mayor Hansel filed the report as informational.

MSFI REPORT – CHAPTER 58 – PARKS, RECREATION, AND CITY UNIMPROVED LAND – PARKS, RECREATION, AND FACILITIES DIRECTOR

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending that the City Attorney be instructed to introduce an Ordinance for first reading that would amend Chapter 58, as discussed by the Committee. A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

CITY MANAGER COMMENTS

The City Manager began her report on the downtown infrastructure project. She said the next public meeting is February 21 at 6:00 PM in the Keene Highschool auditorium. This is an opportunity for the Council to hear from residents and stakeholders. There will be a brief overview of the project and then a comment and question period. The format will be similar to a public hearing but it is not posted as a public meeting or an official Council meeting. Instead, it is posted as a public information session. Therefore, it will be important that Council refrain from weighing-in during this meeting to avoid issues with the public meeting laws.

In addition, on the downtown infrastructure project, the City Manager reported that Luca Paris and other downtown business owners would be meeting starting on Friday, February 10, to discuss ways they can support each other throughout the construction period. The City Manager will be joining that group to discuss ways the City can help support our downtown economy during the infrastructure project. The City Manager plans to look at things put in place by Concord, NH, during their downtown project to see if Keene can replicate some or all the ways they were able to support businesses.

Next, the City Manager reported on the Lead Abatement Housing and Urban Development grant. She said Keene completed conversations with Cheshire County regarding a potential joint Housing and Urban Development abatement grant application between Cheshire and Sullivan Counties. There were too many roadblocks to overcome in a short period of time. Therefore, the City Manager said she is looking into another potential partnerships with Sullivan County in hopes of bringing this program to the Keene area.

The City Manager also reported that the Public Works Department was excited to announce the award of two grants. The City received a \$50,000 Drinking Water and Groundwater 2023

Strategic Planning Grant. This funding will be used in concert with the City's Water Supply Master Plan to perform additional review of the former Robertson Property—located off Arch Street/Bent Court—as a future drinking water well location. The second grant is a \$350,000 fiscal year 2022 Safe Streets and Roads for All Action Planning Grant from the Federal Highway Administration. This grant will allow the City to examine its streets and roads to identify safety concerns, accessibility lighting, health equity, and to perform a community engagement process, and develop policies and identify projects and strategies to address these concerns. This planning effort will make the City eligible for consideration for future implementation (including construction) grants. Future projects that could be funded include installing pedestrian safety enhancements, developing bikeway networks, public transit services, and transforming a roadway corridor. The City is one of four New Hampshire communities that received grants (Franklin, Rockingham Planning Commission, Haverhill). A 20% match is a part of the grant conditions.

The City Manager concluded her report with emergency management announcements. She noted that there would be a cold snap in NH and New England over the coming weekend. The greatest impact would be Friday night through Sunday morning, with temperatures below freezing and wind chills potentially reaching -30 degrees on Saturday. She reminded residents to check crawl and unheated spaces where they may have water lines, and to occasionally run water and open cabinet doors to allow heat to circulate. She urged everyone to check on their senior neighbors and others who may have mobility issues. She asked everyone to pay attention to seniors and young children because they can quickly develop frost bite on exposed skin. Residents should also keep track of pets because they can get frost bite even after a few minutes out in the cold. If residents must go out, she urged them to bundle-up and cover exposed skin. The City Manager said that Staff worked with social service partners to open temporary emergency overflow locations for the homeless. The City anticipated that some of our street homeless who typically do not use our shelters will come in over the next three days to escape this arctic blast.

REPORT – EXPENDITURE OF SOLID WASTE FUNDS – PUBLIC WORKS DIRECTOR

A memorandum read from the Public Works Director/Assistant City Manager, Kürt Blomquist, recommending that the City Council move that the City Manager be authorized to do all things necessary to expend up to \$21,574.26 from the Solid Waste Fund for the disposal of solid waste materials at the City's Transfer Station. Mayor Hansel said this was a time sensitive matter that needed the Council's attention.

A motion by Councilor Powers to suspend Section 26 of the Rules of Order to allow action on this time sensitive grant was duly seconded by Councilor Chadbourne.

Councilor Greenwald asked what the rush was for this matter. The City Manager replied that the City had some additional solid waste the City was not aware of that needed transport to the transfer station. The City is responsible for this solid waste, so that cost would be \$21,574.26.

The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

Councilor Powers made the following motion, which was duly seconded by Councilor Chadbourne: move to authorize the City Manager to do all things necessary to expend up to \$21,574.26 from the Solid Waste Fund for the disposal of solid waste materials at the City's Transfer Station. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

ORDINANCE FOR FIRST READING - RELATING TO AMENDMENTS TO THE CITY OF KEENE LAND DEVELOPMENT CODE, RURAL DISTRICT MINIMUM LOT SIZE – ORDINANCE O-2023-02

A memorandum read from the Community Development Director, Jesse Rounds, recommending that Ordinance O-2023-02 Relating to Amendments to the City of Keene Land Development Code, Rural District Minimum Lot Size be referred to the Joint Planning Board and Planning, Licenses, and Development Committee for their review and recommendation. Mayor Hansel referred Ordinance O-2023-02 to the Joint Planning Board and Planning, Licenses, and Development Committee.

ORDINANCE FOR FIRST READING – RELATING TO PERSONNEL SYSTEMS & PROCEDURES – ORDINANCE O-2023-03

A memorandum was received from the HR Director/Assistant City Manager, Elizabeth Fox, recommending that the City Council refer Ordinance O-2023-03 to the Finance, Organization, and Personnel Committee. Mayor Hansel referred Ordinance O-2023-03 to the Finance, Organization, and Personnel Committee.

ORDINANCE FOR FIRST READING – RELATING TO CHAPTER 58 – PARKS, RECREATION AND CITY UNIMPROVED LAND – ORDINANCE O-2023-04

A memorandum was received from the City Attorney, Thomas Mullins, recommending that the attached Ordinance O-2023-04, Relating to Chapter 58: Parks, Recreation and City Unimproved Land, be referred to the Municipal Services, Facilities, and Infrastructure Committee for a first reading and recommendation back to City Council. Mayor Hansel referred Ordinance O-2023-04 to the Municipal Services, Facilities, and Infrastructure Committee.

ORDINANCE FOR SECOND READING – RELATING TO REMOVAL OF STOP SIGNS ON SUMMIT ROAD NEAR WYMAN ROAD – ORDINANCE O-2023-01

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending the adoption of Ordinance O-2023-01. A motion by Councilor Greenwald to adopt Ordinance O-2023-01 was duly seconded by Councilor Filiault. Councilor Jones was grateful for this action,

02/02/2023

noting that people in the neighborhood had been asking him for years to get rid of those signs. He said the stop has not been needed for 23 years since Wyman Road used to cross RT-12. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

RELATING TO THE ACCEPTANCE AND APPROPRIATION OF UNANTICIPATED REVENUE – RESOLUTION R-2023-07


A memorandum was received from the City Engineer, Don Lussier, recommending that Resolution R-2023-07 be referred to the Finance, Organization, and Personnel Committee for deliberation and a recommendation back to the Council. Mayor Hansel referred Resolution R-2023-07 to the Finance, Organization, and Personnel Committee.

RELATING TO THE OPTIONAL VETERANS' TAX CREDIT AND RELATING TO THE ALL VETERANS' TAX CREDIT – RESOLUTION R-2023-08 AND RESOLUTION R-2023-09

A memorandum was received from the City Assessor, Dan Langille, recommending that Resolutions R-2023-08 and R-2023-09 be referred to the Finance, Organization, and Personnel Committee for their review and recommendation. Mayor Hansel referred Resolutions R-2023-08 and R-2023-09 to the Finance, Organization, and Personnel Committee.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 7:50 PM.

A true record, attest: 
City Clerk