

06-17-2021

A site visit was held on June 17, 2021 relative to a petition from the Kurt Blomquist, Public Works Director for the taking of land for a public purpose for the Winchester Street reconstruction project. The Honorable Mayor George S. Hansel called the site visit to order at 5:30 PM. Councilors in attendance included: Stephen L. Hooper, Janis O. Manwaring, Michael Giacomo, Robert C. Williams, Philip M. Jones, Gladys Johnsen, Andrew M. Madison, Raleigh C. Ormerod, Catherine I. Workman, Mitchell H. Greenwald, and Kate M. Bosley. Councilors who were unable to attend the meeting included: Michael J. Remy, Randy L. Filiault, Bettina A. Chadbourne, and Thomas F. Powers. City Engineer, Don Lussier identified the 3 parcels of land owned by Riverside Plaza that would be needed for the reconstruction project. He noted that the property owner was supportive of the project, but because of their mortgage they were not permitted to sell the underlying collateral without an eminent domain process. Referring back to the 3 parcels of land, Mr. Lussier noted that one parcel would be needed for the temporary maintenance of the sidewalk and lane configurations. The other two parcels, which would be permanently acquired by the City, measured 215 square feet and 525 square feet.

The site visit concluded at 5:50 PM.

A true record, attest:



City Clerk

A regular meeting of the Keene City Council was held on Thursday, June 17, 2021. The Honorable Mayor George S. Hansel called the meeting to order at 7:02 PM. Roll called: Stephen L. Hooper, Michael J. Remy, Janis O. Manwaring, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Gladys Johnsen, Andrew M. Madison, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers. A motion by Councilor Powers to accept the minutes from the June 3, 2021 regular meeting was duly seconded by Councilor Bosley. The motion to adopt the minutes passed with a unanimous vote. Councilor Powers led the Pledge of Allegiance.

ANNOUNCEMENTS

Mayor Hansel welcomed Councilors, Staff, and the public back to Councilor Chambers. He noted Councilors are expected to attend Council meetings in person but if extenuating circumstances were to prevent a Councilor from attending, Mayor Hansel asked that the Councilor provide the City Clerk's Office 24 hours' notice. With all Councilors present in the Council Chambers, all votes would be by a show of hands, except for the votes on the bond resolutions.

Mayor Hansel announced the first City-sponsored Juneteenth celebration would be on Saturday, June 19 from 11:00AM to 2:00PM. Attendees are encouraged to bring lawn chairs as there would be limited seating in Railroad Square.

The Mayor also announced that Keene and several Keene organizations received \$1.3 million from the Community Development Finance Authority, representing 25% of all funding provided

in NH this year, which Mayor Hansel said showed that the Keene community was active and engaged in acquiring the needed resources for the community.

There are three City Council workshops being scheduled over the next several months, which would all occur at 6:00 PM in the Council Chambers, on the following topics:

- Monday, July 19 – Fiscal Policies
- Tuesday, August 24 – The Council meeting process
- September 14 – Strategic budgeting

MINUTES

A motion by Councilor Powers to accept the minutes from the June 3, 2021 regular meeting was duly seconded by Councilor Bosley. On a show of hands, the motion passed with 15 Councilors present and voting in favor.

PUBLIC HEARING – EMINENT DOMAIN – WINCHESTER STREET IMPROVEMENTS

Upon the Mayor's request, the City Clerk read the public hearing notice for the record. Mayor Hansel opened the public hearing at 7:06 PM and recognized City Engineer, Don Lussier, for comments, many of which would be repeated from December 2020 presentations to City Council on other parcels acquired by eminent domain for this road project. It was important to repeat this information because this is a separate legal process than those Council heard in 2020.

The City Engineer began by providing history of this project on Winchester Street that he said arose from the Keene-Swanzey bypass project in the 1990s, was specified in the City's Capital Improvement Program (CIP) and at the time, and the current matter of intersection improvements at the Key Road/Winchester Street and the Island/Pearl/Winchester Streets intersections were discussed already then, in addition to the Island Street Bridge replacement. Unlike the rest of the Keene-Swanzey bypass project, these intersection improvements would be funded through a local public agency program, under which the City is responsible for 20% of the costs, with the Federal Government paying the remainder. In November 2015, the Council approved a contract with McFarland Johnson for the design, which began the process in earnest almost immediately as they began surveying and background (from the public perspective) data collection work. From the public's perspective, the project began in July 2016, when former Mayor Kendall Lane appointed an Ad Hoc Steering Committee to guide the consultants through the public outreach and design iteration processes. The Steering Committee held four total public meetings between August—September 2016. The City Engineer said that a special meeting was held on September 13, 2016, advertised through flyers sent to the surrounding postal routes as well as social media and press release outreach. Forty-five people participated in the special meeting, and they were placed into small groups who brainstormed ideas, opportunities, and needs to address throughout the corridor, through which much valuable information was captured that helped guide the remaining Steering Committee process and the project purpose and need.

In December 2016, the Steering Committee voted to recommend that the City Council adopt the roundabout alternative. Then, the City Council process began with a brief overview to the full

Council on January 19, 2017, followed by a detailed presentation to the Municipal Services, Facilities, & Infrastructure Committee that same month. The MSFI recommendation was reviewed by Council on February 2, 2017, when the City Council adopted the preferred roundabout action for the project.

The City Engineer displayed the purpose statement for the project. The project purpose is to:

Provide a Complete Street that accommodates cars, trucks, buses, bicycles, and pedestrians while addressing daily congestion issues along the Winchester Street corridor and providing an aesthetically appealing gateway into the City of Keene. Maintaining the safety, integrity, or continuity of Island Street will be accomplished by addressing deficiencies in the bridge that carries Island Street over the Ashuelot River.

The City Engineer said it should not be downplayed that traffic was one of the greatest concerns the public expressed, and so he continued providing more details about traffic patterns at these intersections, which the project needs focused on. He continued describing the extensive traffic analysis using video technology that captured vehicles, pedestrians, and cyclists, through which significant data were collected for all three intersections in the corridor, as well as for some of the larger and busier driveways to Riverside Plaza. The data were then modeled for different scenarios and the consultants looked at the traffic engineering metric, level of service, which is a rating between A—F. The City Engineer said the only challenge with this metric is that once a F level of service is reached, there is no distinction between better or worse F ratings. The Steering Committee asked the consultant to assess total traffic delays experienced by vehicle users passing through the corridor and provide level of service ratings, including turning and through movements in both the study year 2015 and projected to design year 2038, accounting for projected growth. Such data are what the Steering Committee used to evaluate design alternatives.

Next, the City Engineer discussed the three design alternatives.

1. No Build Alternative – focused on the consequences of doing nothing to this corridor, which would increase traffic delays at the Key Road intersection during Saturday peak hours from an average 130 seconds in 2015 to an average seven minutes in 2038; both are F ratings, which highlights the vast possible subjectivity of an F rating. The City Engineer said the no build alternative would not satisfy the project purpose of addressing congestion.
2. Traffic Signal Alternative – focused on adding northbound and southbound traffic lanes on Winchester Street and on the exit out of Key Road to accommodate the various traffic turning movements, which would require significant additional paving at the intersection. The signal concept would improve Saturday peak congestion (the longest) at Key Road, for example, and would only result in a one-minute delay in 2038, compared to the seven-minute no build alternative. Further questions arose of whether this alternative would be an aesthetically pleasing gateway into the City.
3. Roundabout Alternative – focused on implementing roundabouts at both intersections like the one at Marlboro/Winchester Streets in both design and function. However, these roundabouts would be wider to accommodate larger trucks, without infringing on the

various turning movements; 10-feet wider at Island/Pearl/Winchester Streets and 30-feet wider at Key Road. The average Saturday delay at the Key Road intersection would be only 24 seconds (C rating). At Island/Pearl/Winchester Streets, the delay would be only 14.3 seconds, compared to the projection for doing nothing in 2038 of 434 seconds or the signal concept of 56 seconds.

Traffic volume in Winchester Street the corridor is expected to increase dramatically by 2038, which the City Engineer said would make the no build scenario disastrous. He said it was clear a signal at Island/Pearl/Winchester Streets would improve conditions because the signal would provide opportunities to turn that do not exist today. The City Engineer continued stating, though, that the roundabout would work much better, as reflected in the data. Therefore, the City Council voted in February 2017 and approved the recommended roundabout alternative. The design phase had proceeded since.

Next, the City Engineer described the matter at this meeting related to property acquisition of three small parcels at Riverside Plaza. Two parcels sized 525 and 215 square feet, respectively, would be permanent acquisitions and incorporated into the Winchester Street right right-of-way. The third parcel would be a temporary construction access agreement to allow reconfiguration of a driveway, building sidewalks, and more. Cumulatively, this project involves 12 different parcels and as of this meeting, seven were acquired voluntarily, the Eversource property was in the voluntary acquisition process but the City Engineer said their bureaucracy is more convoluted and was taking longer, and three parcels were acquired by the City through an eminent domain process that concluded in December 2020. He said the final property was the focus of this meeting.

The City Engineer continued discussing eminent domain procedure, stating that before it can be enacted, several things must occur. The property owners must be provided an appraisal from a third-party, independent, and qualified appraiser; the owner can also commission their own appraisal that the City must consider. The City must make reasonable efforts to negotiate with the property owner in search of a mutually agreeable solution. The City Engineer said that this property was appraised, and those results delivered to the owner in March 2021 and to date, the owner had submitted no further appraisal for the City to consider and he did not believe they intended to. The City had been in conversation with the property owners since April 2019, when formal notice was sent first, notifying them of the City's intention to acquire a portion of their property. The City Engineer said the owners had been amenable to the project and raised no real concerns or objections. Recently, however, he said the owners contacted the City, notifying that their lease and mortgage agreements do not allow them to sell the underlying property collateral voluntarily. Therefore, to simplify their legal process, the property owners asked the City to acquire the parcels by eminent domain. The City Engineer added that the owners raised no objections to the compensation that was appraised.

The City Engineer said that for the eminent domain procedure to occur, the City Council must decide also whether there is public necessity for the project, and he hoped the no build scenario made that need clear; in addition to deciding whether the property acquired would be put to a

public purpose, which the City Engineer said a roadway is. The Council must find also that the acquisition would result in a net benefit to the whole public that must outweigh the private burden placed upon the individual property owner that is being encroached upon. Finally, the Council must agree that the City made reasonable efforts to negotiate before voting to exercise its eminent domain authority, the latter of which was what this petition asked the Council to do.

The City Engineer proceeded sharing the next steps:

- June 24 at FOP Committee – this matter would be debated and considered to return a recommendation to the City Council on the petition and Resolution.
- July 1 at City Council – Staff anticipates that the City Council would take-up the petition and vote upon the Resolution in question.
- Declaration of Taking – notice to the property owner would follow the July 1 decision, assuming the Council approves the Resolution. This serves the owner with information provided to them already, from which time the owner has 30 days to consider and provide a counteroffer should they choose. If the owner does not accept the offer within those 30 days, the City will file a Declaration of Taking with the Bureau of Tax and Land Appeals and the County Registrar, at which point the land would belong to the City. The owners do have the right to appeal that process.

The City Engineer welcomed questions from Councilors and there were none.

Mayor Hansel opened the hearing to public comment at 7:28 PM and hearing none, he closed the public hearing at 7:29 PM, except for written public comments, which would be accepted until 1:00 PM on Tuesday, June 22. Written comments must be signed physically and submitted to the City Clerk by that date and time to be included in the record. This matter is currently before the Finance, Organization, and Personnel Committee.

A true record, attest:



City Clerk

NOMINATIONS

Mayor Hansel submitted the following nominations. To the Library Board of Trustees, Yves Gakunde and Ritu Budokoti, both with terms expiring June 30, 2023. To the Heritage Commission, Marilyn Huston and Brian Lee, both with terms expiring December 31, 2021. Mayor Hansel tabled the nominations until the next regular meeting.

COMMUNICATION – ALBERT GRAUER - APPLICATION FOR A LODGINGHOUSE LICENSE – 85 WINCHESTER STREET

A communication was received from Albert Grauer, submitting the annual application for a lodging house license for a lodging house located at 85 Winchester Street. Mayor Hansel forwarded the application to the Planning, Licenses, & Development Committee.

COMMUNICATION – CHESHIRE HOUSING TRUST – APPLICATION FOR A LODGINGHOUSE LICENSE – 86 WINTER STREET

A communication was received from the Cheshire Housing Trust, submitting their annual license application for a lodging house at 86 Winter Street. Mayor Hansel forwarded the application to the Planning, Licenses, & Development Committee.

COMMUNICATION – HUNDRED NIGHTS, INC. – APPLICATION FOR A LODGINGHOUSE LICENSE – 15 LAMSON STREET.

A communication was received from Hundred Nights, Inc., submitting their annual license application for a lodging house at 15 Lamson Street. Mayor Hansel forwarded the application to the Planning, Licenses, & Development Committee.

COMMUNICATION – COUNCILOR JONES – REQUESTING A DECLARATION OF INCLUSION ON BEHALF OF KEENE CITY COUNCILORS

A communication was received from Councilor Jones, recommending that a resolution be drafted that would serve as support for a Declaration of Inclusion of the City Council. Mayor Hansel referred the communication to the Finance, Organization, & Personnel Committee.

COMMUNICATION – COUNCILORS WILLIAMS AND ORMEROD – PROPOSED OPERATING BUDGET AMENDMENT

A communication was received from Councilors Williams and Ormerod, submitting notice of their intent to move for an amendment in the operating budget as it relates to sidewalks. Mayor Hansel tabled this communication until the budget Resolution was discussed later in the meeting.

PLD REPORT – KEVIN WATTERSON/SWAMP BATS – REQUEST TO DISCHARGE FIREWORKS

A Planning, Licenses, & Development Committee report read, recommending that the Keene Swamp Bats be granted permission for the discharge of display fireworks on Saturday, July 3, 2021 on Alumni Field at no later than 10:00 PM, subject to: the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability in the amount of one million dollars, listing the City of Keene as an additional insured; submittal of a signed letter of permission from SAU 29 for the use of their property; and obtainment of a Class B Fireworks permit. In addition, the Petitioner agrees to comply with all recommendations of City staff. This permission is conditional upon the Petitioner absorbing the charges for any City services over and above any amount of City funding allocated in the FY22 Community Events budget. Such payment shall be made within 30 days of the date of invoicing. A motion from Councilor Bosley to carry out the intent of the report was duly seconded by Councilor Greenwald. The motion passed unanimously with 15 Councilors present and voting in favor.

PLD REPORT – JAN MANWARING/PATHWAYS FOR KEENE – REQUEST TO USE CITY PROPERTY – 4 ON THE 4TH ROAD RACE

A Planning, Licenses, & Development Committee report read, recommending that the City Council grant permission to Pathways for Keene to sponsor a running race on July 4, 2021, subject to the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability in the amount of one million dollars, listing the City of Keene as an additional insured. In addition, the Keene Police Department shall identify Railroad St. immediately adjacent to Railroad Square as a no parking zone from the hours of 6:00 AM to 11:00 AM. This license is conditional upon the Petitioners providing an adequate number of volunteer race marshals to ensure runner safety along the course and subject to any recommendations of City staff. The Petitioner agrees to absorb the cost of any City services over and above any amount of City funding allocated in the FY22 Community Events budget. Said payment shall be made within 30 days of the date of invoicing. A motion from Councilor Bosley to carry out the intent of the report was duly seconded by Councilor Greenwald. The motion passed unanimously with 15 Councilors present and voting in favor.

PLD REPORT – JAMES MURPHY – IN SUPPORT OF THE IMPROVED MEDICARE ACT OF 2021

A Planning, Licenses, & Development Committee report read, recommending that the City Manager draft a Resolution on behalf of the City Council in support of the Improved Medicare Act of 2021. A motion from Councilor Bosley to carry out the intent of the report was duly seconded by Councilor Greenwald. Discussion ensued. The motion passed with 12 Councilors present and voting in favor, and 3 Councilors present and voting in opposition. Councilors Remy, Giacomo and Jones voted in the minority.

FOP REPORT – SPONSORSHIP UPDATES – PARKS, RECREATION & FACILITIES

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to accept the sponsorship update for recreation programs as informational. Mayor Hansel filed the report as informational.

FOP REPORT – ACCEPTANCE OF DONATIONS – PARKS, RECREATION & FACILITIES

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to accept a donation of a contribution box to be installed outside of the Keene Public Library. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed unanimously, with 15 Councilors present and voting in favor.

FOP REPORT – REQUEST TO PURCHASE CITY PROPERTY – BEAUREGARD TRUST – 0 CHAPMAN ROAD – PARKS, RECREATION & FACILITIES DIRECTOR

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to do all things necessary to negotiate and execute a purchase and sale agreement with Edward and Kathleen Burke of 56 Chapman Road for the transfer to the Burkes, of City owned land having frontage on Chapman Road. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed unanimously, with 15 Councilors present and voting in favor.

FOP REPORT – WARER AND SEWER METHODOLOGY RATES

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to implement the presented water and sewer rates and charges including a single water volumetric rate for all customers and the rates and charges would be effective August 1, 2021. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper.

Councilor Greenwald stated his intention to amend the Resolution to maintain the current Fire Line charge and to not increase it. He spoke as an advocate for not raising the rate because the water just sits in the line until needed for an emergency. He said raising this rate is a disservice to businesses and owners of large, multi-use buildings. His quarterly water bill for such a multi-use building is approximately \$3,900 a quarter. Councilor Greenwald said the tenants would pay the ultimate price.

Councilor Jones said there are many economic development incentives available to towns in NH that entice big businesses and he wondered if not charging or a lower Fire Line rate would be an incentive.

Councilor Giacomo said he would support an amendment for Fire Lines. He said the tiered system seemed to make sense initially, but the more he learned, it was clear that it was not a win for multi-unit buildings. He did not think there was enough data available.

Regarding Fire Lines, the City Manager wanted to remind the Council that if they decided to leave the Fire Line charge as it is currently, there would need to be a slight adjustment to the volumetric rate to make-up for those funds.

Councilor Chadbourne said she received calls from constituents on this issue who felt they were being punished for conserving water, despite her explanations of the need to upkeep and improve the existing, aging water infrastructure. She thought a fixed rate would be easier for people to accept as a fair resolution for constituents.

A motion by Councilor Greenwald to amend the proposal to maintain the current charge for Fire Lines was duly seconded by Councilor Filiault. Discussion ensued, including clarification that this was an amendment to the Committee report to provide more direction for Staff. The motion to amend the Committee report passed unanimously with 15 Councilors present and voting in favor.

The City Manager reminded the Council the new structure does change the volumetric rate and the fixed rate, as reflected in the Committee report. The motion to carry out the intent of the Committee report, as amended, passed unanimously with 15 Councilors present and voting in favor.

CITY MANAGER COMMENTS

The City Manager began her report by sharing news that at their June 9 annual meeting, the NH Planners Association awarded NH Planner of the Year to Community Development Director/Assistant City Manager, Rhett Lamb. This award recognizes an individual who has

made a sustained contribution to the field of planning through distinguished practice, teaching, or writing. It is the highest professional distinction for Planners in NH. Mr. Lamb was nominated by his team of employees for this award, in addition to numerous colleagues, past Planning Board chairs, and former employees who contributed letters of support. Mr. Lamb has contributed over 25 years to the City of Keene as Planning Director and now Community Development Director/Assistant City Manager. He has played a pivotal role on shaping the City over this time and has helped make the City a national leader in efforts around climate change, sustainability, and resilience planning. The City Manager congratulated Mr. Lamb.

The City Manager continued recognizing the IT Department staff, which had been putting-in a lot of extra hours on nights and weekends to replace and configure our network equipment (not outsourcing), migrate systems, run network penetration testing, and upgrade our internet services to improve City services, minimize expenses, and minimize the impact to City operations. She recalled the IT Director/Assistant City Manager, Rebecca Landry, stating that when IT is doing their job well, people do not notice, and that is the goal. The City Manager thanked Ms. Landry and the IT team for their effort and sacrifice, having done very good work with the best attitude.

The City Manager shared that the City Clerk's office would be transitioning to a new agenda management and video web streaming service for public meeting videos. The agenda management system would still be cloud-based and Councilors would still use their Chromebooks to follow along with their agendas. The new system will provide greater collaboration and a direct integration between the agenda management and the video web streaming on the City website. The application also has an analytics module that uses pre-built reports that can be stored and filtered by categories of agenda items. Staff was working through that process right now to determine the correct categories to enter information for Councilors. This new application will allow a Councilor to view a previous meeting from within their board member portal. Although Staff will start creating agenda packets with this new product in July, City Councilors would continue accessing a PDF of the packet online until the Clerk's office has worked to train the Council after their summer vacation.

At the Police Department Council workshop last year, Police Chief, Steve Russo, said there would be an opportunity for a few Councilors to train with the Police Department using the traveling use of force training simulator that was unavailable during Covid-19. The simulator was available again and the City Manager asked for three Councilors who wanted to participate and Councilors Bosley, Remy, and Filiault volunteered. The City Manager thanked Chief Russo for the opportunity.

The City Manager shared with the Council copies of an ad that Keene submitted to the Chamber of Commerce to be included in the Monadnock Region Travel Guide, which is a two-year publication.

The City Manager concluded her report by sharing some upcoming events:

- June 19 at 1:00 PM – the library is sponsoring a hip-hop event on Railroad Square as another Juneteenth event to celebrate freedom in addition to the event mentioned by the Mayor.

- July 7 at 8:30 PM – the Parks & Recreation concert series on the Central Square begins.
- July 15 – the kick-off of free movies under the stars at Fuller Park, co-sponsored by the Monadnock International Film Festival and the Parks & Recreation Department. Seating is limited and registration is required.
- June 22 – Wheelock pool opens for the summer. Hours: Monday—Thursday from 2:00 PM to 6:45 PM, Friday 1:00 PM to 6:45 PM, and Saturday 12:00 PM to 5:45 PM.

REPORT – REDISTRICTING OF WARD LINES – CITY CLERK

The Mayor referred the memorandum from the City Clerk relative to the delay in Census Data and the required redistricting efforts to the Finance, Organization, & Personnel Committee.

REPORT – WARRANT FOR UNLICENSED DOGS – CITY CLERK

A report from the City Clerk read recommending that the City Council issue a warrant for unlicensed dogs pursuant to NHRSA 466:14, and the Animal Control Officer be directed to issue a civil forfeiture to those dog owners who have failed to license their dog by April 30, 2021. Mayor Hansel referred the report to the Municipal Services, Facilities, & Infrastructure Committee.

MORE TIME – COUNCILOR WILLIAMS – RENAMING OF THE NORTH BRIDGE; AND PRESENTATION – SIDEWALK ASSET MANAGEMENT PLAN – PUBLIC WORKS DIRECTOR; AND MELANSON FY20 AUDIT PRESENTATION

The Mayor granted more time for three agenda items in Committee: for Councilor Williams' request to rename the North Bridge, the Public Works Director's presentation before the MSFI Committee on sidewalk assets, and the Melanson audit presentation. Additionally, Mayor Hansel referred the MSFI report on renaming of the North Bridge to the Bicycle & Pedestrian Path Advisory Committee for comment.

RESOLUTION R-2021-28 – RELATING TO THE ESTABLISHMENT OF A COMMUNITY POWER PROGRAM REVOLVING FUND PURSUANT TO RSA 31:95-h FOR THE PURPOSE OF RECEIVING REVENUES AND EXPENDING FUNDS RELATIVE TO THE COMMUNITY POWER PROGRAM

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute a Default Service Reimbursement Hydro Agreement with Standard Power, to adopt Resolution R-2021-28 and to deposit funds received from Standard Power into a newly created special revenue revolving fund to be used to further the Community Power program. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Hooper and the motion passed unanimously with 15 Councilors present and voting in favor.

A motion by Councilor Powers to adopt Resolution R-2021-28 was duly seconded by Councilor Hooper and the motion passed unanimously with 15 Councilors present and voting in favor.

RESOLUTION R-2021-31 – RELATING TO APPROVING AN APPLICATION FOR CDBG FUNDS

The Southwest Region Planning Commission applied for Federal Community Development Block Grant funds to the NH Community Development Finance Authority to be sub-granted, less administration costs, to Monadnock Family Services to assist with the relocation and centralization of their services in Keene. The application and Resolution R-2021-31 were referred by the Chair to the Finance, Organization and Personnel Committee.

RESOLUTION R-2021-32 – RELATING TO THE ESTABLISHMENT OF AN OPIOID LITIGATION SETTLEMENT REVOLVING FUND PURSUANT TO RSA 31:95-h FOR THE PURPOSE OF RECEIVING OPIOID LITIGATION SETTLEMENT FUNDS AND EXPENDING SAID FUNDS FOR ABATEMENT PURPOSES TO FIGHT AN OPIOID EPIDEMIC

A report from the Finance Director read requesting that Resolution R-2021-32, relating to the Creation of an Opioid Litigation Settlement Revolving Fund, and acceptance of related revenue by the City Manager have a first reading in front of the City Council and that it be referred to the Finance, Organization, & Personnel Committee. Mayor Hansel referred Resolution R-2021-32 to the Finance, Organization, & Personnel Committee.

TABLED ITEM – RESOLUTION R-2021-22: RELATING TO THE FY 2021-2022 OPERATING BUDGET

Mayor Hansel removed this item from the table. A Finance, Organization, & Personnel Committee report read recommending staff changes brought forward at the meeting be incorporated into the final 2021-2022 budget as noted. A motion by Councilor Powers to adopt Resolution R-2021-22 was duly seconded by Councilor Hooper. Discussion ensued.

The Chair removed the communication from Councilors Williams and Ormerod relative to their intent to introduce an amendment to the budget and recognized Councilor Williams for an amendment. A motion by Councilor Williams to amend the budget by moving \$67,102 from the Street Maintenance cost center into the Sidewalk Repairs cost center was duly seconded by Councilor Ormerod.

Councilor Williams said that sidewalk repair had been underfunded in Keene for years as was evident in their condition. He hoped people would appreciate that this amendment would not raise the tax rate. This would make it so that the flat 15% of combined sidewalk repair and street maintenance budgets would go toward sidewalks, which he thought was a reasonable and sustainable target that could have a significant impact in remediating some of the worst sidewalks. While it would take a Capital Improvement Program project, long-term investment, and grant seeking, he said that was what the MSFI Committee was investigating at present, allowing the Public Works Department to prioritize what needs fixing. In the meantime, he hoped this budget adjustment would help slow further sidewalk degradation.

Councilor Ormerod commended the City Staff and all those who worked on the project, for presenting a budget this year that largely reflected the City Council goals; he said it was not easy

but was done nearly perfectly. Councilor Ormerod said the one area he wanted to see move forward more quickly was sidewalks, based on community input. He said it said sidewalks are something anyone visiting Keene for the first time would notice as well. He knew there had been a lot of effort to build a program, conduct asset management, and find ways to move money around to make this happen over the long term. He believed that the City Council had the commitment of City Staff and the community to move this forward. The goal was to jumpstart this now and move faster, which was why he and Councilor Williams proposed the amendment.

The City Manager provided more details on how these accounts are used. She said there was \$15,000 in the sidewalk repair line and if reallocating \$52,000 from street maintenance to the sidewalk operating line, that would leave \$65,000 for both labor and actual supplies in that line, and so with the price per linear foot of sidewalk, \$65,000 would buy 1,000 linear feet of concrete sidewalk. The City Manager said she heard more emphasis on maintaining sidewalks, but her comments were intended to give a sense of what that amount would buy. Still, it would be taking money from the street maintenance operating line that is used to repair potholes and general pavement issues. This amendment would decrease street maintenance by 764 tons of asphalt. As an editorial comment, she said that sidewalks and potholes are the things the public comments on the most. The City Manager thinks the City does well with their asphalt recycling system and trying to fill some potholes in the winter and spring. She agreed that the Asset Management Plan and associated Council process was the right approach for long-term level of service that the Council wants to support for sidewalks throughout the City, understanding how much it would cost to get there, and determining over how long a period the Council wants to finance. Over the last few years, the Public Works Department had been working on a sidewalk inventory like what the City has for roads to determine the condition of and cost to repair sidewalk assets in the City, which she said was the starting point, including the recent presentation of the Sidewalk Asset Management Plan to the MSFI Committee. The City Manager said the goal is to incorporate the Council's desires into the capital planning documents so Staff understands where the Council wants to go over what time, which she hoped would align in the next Capital Improvement Plan.

Councilor Hooper said that taking from one thing leads to the neglect of another and he thought that falling and hurting oneself on a broken sidewalk would hurt a person more than their car hitting a pothole. He thought it great that the Councilors brought this to the forefront, and he thought that Staff were continuing to prioritize sidewalks more. He thought initial money going to a major sidewalk problem was a good start.

Councilor Giacomo thought that the amendment was premature to the completion of the Sidewalk Asset Management Plan that was underway given that the Council had yet to define an acceptable level of service for the City sidewalks and the costs to get to that point. While it may send a nice message, he thought taking this relatively arbitrary amount from roads might accomplish little for sidewalks without a plan. He might support this idea next year after the City knows more about its sidewalk assets.

Councilor Filiault cited this as a no-win scenario. He could not deny the poor sidewalk conditions but said it depended how much the Council wants to expend toward the problem. He

had no problem with extra funding for sidewalks and asked what would happen if the funds were added to the sidewalk maintenance cost center but not taken from another account, what the impact to the tax rate would be for an approximately \$70,000 increase to sidewalks. The City Manager took time to calculate and said that it would be near to 3.8 cents.

Councilor Remy appreciated the poor sidewalk conditions, but said he would not support this amendment until there was an actual plan for how those additional proposed sidewalk funds would be used, and the Asset Management Plan process was underway.

Councilor Bosley cited concerns from neighbors about her own road that was newly paved, but had not been maintained and was cracking after two years. She was concerned with doing more damage by diverting these funds from the roads budget. She supports sidewalks but wants to see a real plan for where the money would go.

Councilor Jones expressed his concern that with such a change there would be insufficient funds by year-end to continue repairing roads and thought well-enough should be left alone for now.

Councilor Powers thought it was clear that sidewalks needed better funding, but he thought moving money around this way would be unsuccessful without a plan. He wanted the Council to give the Public Works Department an opportunity to complete their sidewalk assessment, agreeing that such an action would not be the strategic governance the City is striving for. He thought Staff was listening to this and would come up with priority budgeting going forward. He urged approving the budget as presented.

Councilor Chadbourne appreciated the initiative and gesture of the amendment. She thought Staff were listening and she preferred looking at this from a strategic governance perspective as well, with a plan for priority budgeting. She cited the time and effort of Staff that went into the budget and thought there had been sufficient time to raise this concept in earlier stages. She was uncomfortable with changing the budget at this time.

Councilor Ormerod said that this was the City Council's job, that this was a plan to jumpstart the sidewalk program, supporting the effort City Staff had expended and listening to constituents. He said it was not for the Council to feel comfortable, but to be uncomfortable making the right decisions for constituents to suffer no longer. He said moving this up as a priority by any amount of time was the Council's job. While it would take millions of dollars to improve all the sidewalks, he said there had been several years to do something about it with little action and now the assets were in systemic neglect that needed to turn to systemic repair.

Councilor Williams understood the concern about road deterioration long-term, but he said to look at what happened to sidewalks over the past decade. He said both were in the transportation budget and that roads were in better shape than sidewalks. He thought the rebalance was a good idea for the City.

Councilor Hooper said that all Councilors should have the same passion exhibited by Councilor Ormerod on the topic and that it was about time for an overarching sidewalks plan. He was concerned with sidewalk conditions and he would support jump-starting the repair effort.

Councilor Madison was concerned not jump-starting an improvement program now, as Councilor Hooper mentioned, stating it could lead to the Council in this same scenario again next year, and then it might never happen for this great, walkable City.

Councilor Bosley asked the City Manager whether there was another line item of overage, where a project had not used its full budget, from which funds could be shifted to accommodate this increase for sidewalks in the spirit of compromise. The City Manager replied that she had proposed a budget she believed was necessary for all Departments and she would be uncomfortable making such a change so abruptly. She said the fiscal year would be starting on July and there was usually more information toward the end of the fiscal year on opportunities to shift funds and her first concern would be where those funds are shifted from. She said the City usually learns the priorities before spending money, which is what the Asset Management Plan was in the process of identifying. She wanted to see what actual costs would be first and to then decide how much would be possible to fund.

Councilor Filiault said that in all the years he had been Councilor, unexpected funds always arise before the year-end, and he did not find \$67,000 to be unreasonable. He said he would vote with the emotion on sidewalks, with confidence that the City Manager would find enough funds by year-end to make up for the funds deterred from potholes.

Councilor Giacomo said that the proper way to kick this off was through the Asset Management Plan that began with presentation to MSFI the preceding week to determine a level of service that allows prioritization and then cost estimation. He would support allocating more to sidewalks next year based on a solid cost plan.

The motion to amend the budget failed on a vote of 7 Councilors in favor and 8 Councilors opposed. Councilors Hooper, Filiault, Williams, Johnsen, Madison, Ormerod and Workman voted in the minority.

Mayor Hansel stated that he did not think the merit of the amendment failed because he heard consensus from the entire Council that sidewalks are important, and he commended Councilors Williams and Ormerod for bringing the matter forward this way. The Mayor said this was a reminder on prioritizing sidewalks for the City. The City Manager stated that she heard the City Council loud and clear and would hopefully have an update at the next meeting.

Councilor Johnsen mentioned receiving many communications from constituents on the Police Department budget and that she would bring those real concerns forward to the rest of the Council in time.

The motion to adopt Resolution R-2021-22 passed unanimously with 15 Councilors present and voting in favor.

TABLED ITEM – FOP REPORT – RELATING TO THE APPROPRIATION OF FUNDS FOR THE FLOOD MANAGEMENT PROJECT; AND RELATING TO THE APPROPRIATION OF FUNDS FOR THE PATRICIA T. RUSSELL PARK IMPROVEMENT PROJECT; AND RELATING TO THE APPROPRIATION OF FUNDS FOR THE ROAD REHABILITATION PROJECT

06-17-2021

Mayor Hansel removed this item from the table. Three Finance, Organization, & Personnel Committee reports read, all on votes of 5-0, recommending the adoption of Resolutions R-2021-15, R-2021-16, and R-2021-17, respectively.

A motion by Councilor Powers to adopt Resolution R-2021-15 was duly seconded by Councilor Hooper. On a roll call vote, with 15 Councilors present and voting in favor the motion passed unanimously. Resolution R-2021-15 declared adopted.

A motion by Councilor Powers to adopt Resolution R-2021-16 was duly seconded by Councilor Hooper. On a roll call vote, with 15 Councilors present and voting in favor the motion passed unanimously. Resolution R-2021-16 declared adopted.

A motion by Councilor Powers to adopt Resolution R-2021-17 was duly seconded by Councilor Hooper. On a roll call vote, with 15 Councilors present and voting in favor the motion passed unanimously. Resolution R-2021-17 declared adopted.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 8:47 PM.

A true record, attest:



City Clerk