

City of Keene
New Hampshire

AD HOC DOWNTOWN INFRASTRUCTURE PROJECT STEERING COMMITTEE
MEETING MINUTES

Tuesday, April 19, 2022

3:00 PM

**Council Chambers,
City Hall**

Members Present:

Mayor George Hansel, Chair
Councilor Andrew Madison
Councilor Randy Filiault
Councilor Mitch Greenwald
Dillon Benik
Alec Doyle
Mark Rebillard
Brandie Wells

Staff Present:

Elizabeth Dragon, City Manager
Thomas Mullins, City Attorney
Duncan Watson, Assistant Public Works
Director

Members Not Present:

Alex Faulkner
Nathalie Houder
Cheryl Belair
Robert Patton-Spruill

1) Call to Order

Mayor Hansel called the meeting to order at 3:07 PM and Committee members introduced themselves. Mayor Hansel promised that serving on this Committee would be a rewarding opportunity to get the downtown right, which is incredibly important to the community. He said frankly that this would be a substantial and disruptive project, though there is great potential for this Committee to improve some things in the downtown, which had not been updated since the 1980s. The charge that this Committee seeks to accomplish with monthly meetings is to review the scope and design of the utility replacement as well as improvements to the downtown area. This Committee will serve as an advocate for the project and be the host of any public interactions/events. After these months of working with consultants who understand this process, the Committee would make recommendations for the project to the City Council for their adoption. This is a public process and thus part of the Committee's work would be public outreach to ensure all constituencies in the community are heard; it is up to this Committee to synthesize public feedback and debate necessary issues. Then, the Assistant Public Works Director, Duncan Watson, would help the Committee to draft a report of those recommendations.

2) **City Attorney Comments**

Mayor Hansel welcomed the City Attorney, Thomas Mullins, for an overview of the statutory requirements of this Committee.

The City Attorney said that this is a legislative body, which fortunately has some of the lowest liability for the individuals sitting on the body. This is an ad hoc committee, meaning that it reports to the City Council and because of members' appointment through the Mayor, they are acting as a public body; versus clubs like the Elks or church boards, for example. Those serving on a public body must comply with the NH Right to Know law, which involves public meetings and public governmental records. To fulfill the statutory requirements, a meeting of a public body must be noticed 24-hours before the body meets, which is the job of Staff. Members of the public have the right to attend and record these meetings but public participation in the meeting is at the Chair's discretion. Seven members must be at the publicly noticed location/time to discuss any Committee business, thus constituting a quorum that is required to conduct business. There is a remote professional Minute Taker for this Committee who understands the Rules of Order; if a quorum is not present within 15 minutes of the meeting start time, it is the Minute Taker's responsibility to leave the meeting because no business should be conducted without a quorum. It is important to remember that if seven Committee members congregate outside of a publicly noticed meeting and discussion of related business ensues, a quorum would be formed without public notice, which must be avoided. The risk of this happening in person outside a meeting is low, but the chances are higher via email. All questions should be emailed to the Staff liaisons, Kürt Blomquist and Duncan Watson, who will share any needed information with the whole Committee, thus avoiding a quorum. It is essential that members never use the "reply all" function in response to emails about Committee business, as doing so constitutes a quorum. Members can reply to emails such as meeting attendance. Attendance of a full quorum is important because it requires a number of Staff to put these functions together, so please respond to emails asking about your attendance.

This kind of legislative body is one that has a very low risk factor associated with it. Staff monitor things well and would alert members of potential RSA 91-A violations, but there is a provision in the Statute that can impose personal liability on individuals for violating the Statute. There is a portion of this Statute dealing with governmental records; meeting minutes are created by the professional Minute Taker for the Committee's review and approval. Additionally, this Committee would be creating a written report, which would become a governmental record disclosable to the public at large. The City Attorney concluded on conflicts of interest, stating that the Committee members were responsible for reviewing that policy. If a member has a personal interest for some reason, then they should disclose that to the committee. Business owners in downtown Keene would be affected by this project, but that does not constitute a conflict of interest. If members think they have a conflict, they should contact Mr. Watson or the City Attorney to discuss. The general rule is that a conflict exists if someone has a personal financial interest.

The City Attorney asked the Committee to review RSA 91-A, the Rules of Procedure, and documents on conflict of interest before the next meeting. The Rules of Procedure are particularly important to read. The Committee would vote to adopt the Rules of Procedure at the next meeting. Please direct questions to the City Attorney.

3) **Project Details**

Mayor Hansel welcomed details on the project from the Assistant Public Works Director, Duncan Watson, one of the Staff Liaisons for this Committee in addition to the Public Works Director, Kürt Blomquist.

Mr. Watson shared some materials and introduced the project. While this is a huge project, Mr. Watson wanted the Committee to understand the context. He said that infrastructure has to do with anything regarding water, sewer, irrigation, drainage, electrical, street lighting, etc. He recalled what the downtown looked like before the last updates in the 1980s, but he called it a mostly aesthetic renovation, the products of which we see today. This project would be similar but focused on some of the 100-year and older underground infrastructure that is no longer serving City purposes, with flooding and reliability of service issues that should be addressed through this Committee. He said the real mission of this Committee is determining what they want the downtown to look like when it is put back to together; this is the opportunity to change things like pedestrian access, public travel, art installations, and more. Staff was finalizing a contract with an engineering firm called Stantec, which would work with this group to move the process forward. June 21 is the next scheduled meeting to discuss current conditions downtown, before which Stantec would hold some kind of public input session to begin conceptualizing this project. Other meetings are on August 16, September 20, and October 18, though the schedule is subject to change. Most of the meetings would be discussing the alternatives that could come out of this process and deciding by consensus before moving into the next phase, which is finalizing the engineering design work and putting the project out to bid. He said that downtown is unique in that there is no way to do this work without tearing-up the streets. He shared some comparisons to the Winchester/Marlboro Streets roundabout. The question will be how to maintain access to the businesses and traffic flow. These are the large components this group would discuss with professional help and guidance to ensure a good project completed timely and economically.

Mayor Hansel said that was the main report for this kickoff meeting. The Mayor would be having conversations with Staff between meetings. Eventually, he hoped the Committee would break-up the project into pieces to reach a point where there can be specific discussions and decisions around very focused points of the project. Building consensus would be the Mayor's focus.

Councilor Filiault asked what, at this point, the first day of construction would be if everything went without glitches. Mr. Watson said the engineering and design process would be lengthy and

so it is scheduled for construction season beginning FY-25, and at this point it is anticipated as a two-construction season project.

Ms. Wells asked the duration of this Committee process. Mr. Watson said it depended on the cohesion of the group working through challenging issues and coming to consensus. The meetings would be augmented by public process and soliciting feedback. The design process is outside the scope of what this Committee's focus. The product of this Committee would set the design in motion. Hopefully by fall, this Committee's work would be essentially complete. The Mayor's hope is that this group becomes very familiar with the project throughout this planning phase. Members are included because they have particular interest in the downtown, so they should use this process to educate themselves about the project so that when things move into construction, they understand why the decisions were made. There would likely be a similar steering committee through the construction phase as well to be the public champions for the project. If everything goes well with this Committee, it is easier to roll this group into the next steering committee.

Ms. Wells said something that sparked her concern was ensuring businesses maintain good revenue throughout the construction phase. Mayor Hansel said it is a very important point that they would spend a lot of time talking about.

Mr. Doyle was interested in how this project would relate to a potential downtown parking structure. The City Manager said that conversations related to the parking structure have not been finalized, but there are conversations in the Capital Plan over the next few years to design a parking structure in the downtown.

4) Adjournment

There being no further business, Mayor Hansel thanked all for attending and adjourned the meeting at 3:38 PM.

Respectfully submitted by,
Katrinya Kibler, Minute Taker
April 26, 2022

Reviewed and edited by,
Kürt D. Blomquist, PE, Assistant City Manager/Public Works Director