

A site visit was held on June 1, 2023, to consider a petition for the return of layout to designate Magnolia Way as a public way along with the acceptance of a warranty deed and an easement for access and maintenance of trees. Councilors in attendance included: Kris E. Roberts, Raleigh C. Ormerod, Mitchell H. Greenwald, Robert C. Williams, Andrew M. Madison, Bryan J. Lake, Gladys Johnsen, Catherine I. Workman, Philip M. Jones, Thomas F. Powers, Bettina A. Chadbourne, Randy L. Filiault, Michael Giacomo, Kate M. Bosley, and Michael J. Remy. The Mayor convened the site visit at 5:45 PM. Staff in attendance included: Kurt Blomquist, Don Lussier, and Thomas Mullins.

The City Engineer stated that this is the 3rd petition for the layout of this public way that the City Council has considered. Initially, it was part of the subdivision of Magnolia Way that was reviewed and approved by the Planning Board in 2005, with the City Council's adoption of the layout Resolution in 2006. He continued that the construction of the road was not completed within the 36-month timeframe, and the Council's approval expired. In 2012, another petition for layout was adopted, which resulted in most of the construction taking place. The City Engineer commented that the road layout had not changed since the original petition in 2005. The City gave a developer a list of things that needed completing and some of that work still remained. Given the time since construction began, the City the petitioner has been asked to verify that the infrastructure ensure it had not deteriorated significantly and that it still met City standards.

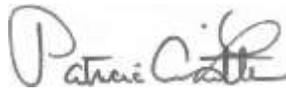
With this petition, the petitioner is also asking that City accept public maintenance of the infrastructure, including an easement for the maintenance of trees located in the right-of-way. The City Engineer continued that because it had been so long, one of the properties shown on the graphic had already been built, and the parcel had been transferred to a new homeowner. The petition reflected the City's requirement for the petitioner to secure a waiver of damages and the right to transfer the street tree easement to the City from this new property owner. The City Engineer continued that the developer has granted an easement to Public Services of NH and Verizon Wireless to install their infrastructure within the area that is now being laid out as Magnolia Way. Typically, he said utilities are installed after the City accepts and lays out a public way and a license from the City is granted, which would indicate that if the City ever needed to move or widen that road or change anything for a public project, the City would have the right to tell the utilities to move their facilities at their own expense. In this case, because the easement the utility companies hold granted them more rights than a license would, the utilities would be entitled to compensation if the City needed them to move those facilities. The City Engineer said the utility companies could also refuse to move those facilities.

The Mayor recognized Jackie Stromgren, an abutter to the layout. Ms. Stromgren stated that the developer had removed all trees up to her property line without any notice or reimbursement. The Public Works Director suggested that Ms. Stromgren approach the Community Development Department about the Magnolia Way site plan.

As there were no further comments, the site visit was concluded at 5:53 PM.

06/01/2023

A true record, attest:



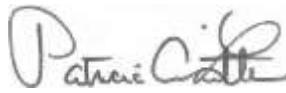
City Clerk

A site visit was held on June 1, 2023, to consider a petition for the return of layout for intersection improvements at the Matthews Road Right-of-Way at Matthews Road and Winchester Street. Councilors in attendance included: Kris E. Roberts, Raleigh C. Ormerod, Mitchell H. Greenwald, Robert C. Williams, Andrew M. Madison, Bryan J. Lake, Gladys Johnsen, Catherine I. Workman, Philip M. Jones, Thomas F. Powers, Bettina A. Chadbourne, Randy L. Filiault, Michael Giacomo, Kate M. Bosley, and Michael J. Remy were present. The Mayor convened the site visit at 5:55 PM. Staff in attendance included: Kurt Blomquist, Don Lussier, and Thomas Mullins.

The City Engineer explained that this proposed reconfiguration of Matthews Road was related to the previous discussion of Magnolia Way. When the City accepted the Magnolia Way layout in 2006, the City required some improvements across the street from Magnolia Way at the intersection of Mathews Road and Winchester Street. The intersection improvements, which included a single lane northbound out of Matthews Road for traffic turning left and right onto Winchester Street as well as a second lane for left-turning traffic made the intersection function more effectively. Other improvements included widening the road.

As there were no further comments, the site visit concluded at 5:58 PM.

A true record, attest:



City Clerk

A regular meeting of the Keene City Council was held on Thursday, June 1, 2023. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Bryan J. Lake, Michael J. Remy, 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. Councilor Giacomo led the Pledge of Allegiance.

ANNOUNCEMENTS

Mayor Hansel announced that the ad hoc Charter Review Committee would meet on Tuesday, June 6 to consider amendments to the City Charter regarding the Municipal Primary. The meeting would start at 6:00 PM in Council Chambers. The Mayor also announced that the Council's summer vacation schedule would start with the cancelation of the July 26 and 27 MSFI and FOP meetings as well as the August 3 Council meeting. In addition, the August 9 and

August 10 PLD and FOP Committee meetings were also canceled. The Council would return to its normal meeting schedule for the August 17 meeting.

MINUTES OF THE PRECEDING MEETING

A motion by Councilor Powers to adopt the May 18, 2023, regular meeting minutes as printed was duly seconded by Councilor Bosley. The motion carried unanimously with 15 Councilors present and voting in favor.

MSFI REPORT – CONTINUED DISCUSSION – DOWNTOWN IMPROVEMENT AND RECONSTRUCTION PROJECT

Mayor Hansel called forward the MSFI recommendation on the downtown improvement and reconstruction project.

A Municipal Services, Facilities, and Infrastructure Committee report read on a vote of 3–2, recommending the following to the City Council with respect to the proposed Downtown Infrastructure Project:

- That Central Square remains in the existing configuration, but with improvements to lane markings, lengths of crosswalks, and traffic lighting systems.
- That the improvements to Main St. maximize sidewalk widths while also keeping parking in the center median.
- That the raised crossing table crossing Main St. to Gilbo Ave. and Railroad Square be installed as proposed.
- That the remaining crosswalks on Main St. be evaluated for potential elimination of mid-block crossings and/or the installation of pedestrian lighting systems where appropriate.
- That the project include infrastructure, water and sewer for the installation of public bathrooms at a later date.
- That protected bike lanes not be included in the final design.
- That during the final design an evaluation be done of all turning movements to connected side streets for possible alteration or improvement.
- That Gilbo Ave. remains two-way traffic.

A motion by Councilor Greenwald to carry out the intent of the Committee report was duly seconded by Councilor Filiault.

After summarizing the Committee report, Councilor Greenwald shared his personal opinion. He recalled that the MSFI Committee heard from the public and an organized group of lobbyists—whom he said presented their case extremely well. Now, he said it was time for the Council to join the conversation again. He recalled that according to the City Council’s Rules of Order and NH law, all Councilors were not permitted to speak at the MSFI hearings, so he said this was their time to speak. Councilor Greenwald said there would always be a new slant, another great idea, or another study but he thought it was the time to act. The longer the delay, the more the

underground infrastructure was decaying and costing more money. Councilor Greenwald urged his fellow Councilors to be brave and represent the residents of Keene's interests, which they were elected to do. He added that the Council could be less stressed knowing that shovels would not hit the ground for another 2 years, and there would be another Council then that could review and change everything this Council decides. Still, he said there needed to be something on the books so the City Manager could move toward getting the project designed and funded. Personally, Councilor Greenwald said he listened to the public, and the downtown community and merchants. He said those constituents told him to focus on the underground infrastructure before it fails, to respect the historic Central Square, and to minimize costs. He said the costs were increasing considerably while the Council debated this. Councilor Greenwald supported the basic design plan, which would save almost \$1 million and minimize disruptions downtown. He said the MSFI Committee heard from the Public Works Department and said it was still unclear whether 7-day work weeks or extra construction hours would be the answer to minimize the disruptions to the downtown. He said this basic plan would also maintain downtown parking. He had been a merchant and business owner on Main Street for 30–40 years and stated that parking was key to the downtown's survival. He said the MSFI Committee also thought it was appropriate to maintain 2-way traffic on Gilbo Avenue. Councilor Greenwald reiterated his personal recommendation that Central Square remains the same with some minor geometry adjustments, which he said the consultants could work with. He supported updating the Central Square traffic signals, maintaining the Central Square traffic lanes, maintaining parking in the center median, and expanding sidewalks to be used by pedestrians and outdoor dining. Councilor Greenwald said he was sorry, but that bike lanes would not fit downtown; he rides around the downtown perimeter on his electric bike but did not think bikes belong on the sidewalks or roadway on Main Street, which he said was too dangerous for pedestrians. He referenced other cities, like one he visited in Amsterdam, where bikes rule the City and are dangerous. Between pedestrians, delivery trucks, cars, and dining, he did not think bike lanes were appropriate, adding that there is not enough room for them between the buildings on Main Street. He said a lot more issues would be considered during the final design phase, like lane markings, traffic signals, crosswalk lighting, and bike racks. He added that more fine-tuning was needed to consider events downtown. Ultimately, he said it was time for the Council to listen to the public and make a decision so the City Manager could seek funds.

Councilor Bosley moved to refer the MSFI recommendation to a Council workshop with a date to be established after the June 12 presentation from Jeff Speck hosted by the Keene Downtown Group, and that the Council receives and analysis from Stantec, reviewing the current Sidewalk Café Ordinance against the proposed designs to determine conflicts with proposed bike lanes. The motion was duly seconded by Councilor Ormerod.

Councilor Bosley continued sharing her position. She reminded the Council that they had just agreed to spend \$5,000 of City funds for a presentation from Jeff Speck on the current downtown community and what improvements could be made. She truly believed that the Council should consider Mr. Speck's ideas and expertise before making a final decision on the downtown design. Councilor Bosley added that during the Council's first workshop on this project, several

Councilors requested information from the Stantec consultants and City Staff, and she said that information was not presented to the MSFI Committee. One of those items requested was a review of how the proposed designs could impact the City's current sidewalk cafés. Councilor Bosley also wanted to know where sidewalks would be expanding and whether other restaurants (without one now) could benefit from a sidewalk café upon that expansion. She believed that the Council was unintentionally led to believe that all Councilors could have participated in the MSFI Committee hearings, but that proved not to be the case because that attendance would have created a quorum of the full Council. Thus, Councilors not on the MSFI Committee did not have an opportunity to ask questions again until this meeting. Councilor Bosley said she had information from an FOP Committee member and the City Manager indicating that potential grant funds depend on specific aspects being included in the project. Councilor Bosley thought that an open discussion was required before the Council makes a decision that could have unintended financial consequences for the whole community. For these reasons, Councilor Bosley thought there should be another full Council workshop process, in which all Councilors could contribute. She hoped her fellow Councilors would see that to make this a successful project, more time was needed to do it right.

Councilor Workman agreed with most of Councilor Bosley's points. Councilor Workman supported another Council workshop given that there was still time (until end of summer) to make decisions that should not be rushed. She suggested scheduling the next workshop on June 15 when a City Council meeting would normally be held, when Councilors should already be available. Then, she said the Council's recommendations should go back for final MSFI Committee review at their June 18 meeting. Personally, Councilor Workman did not feel like the previous workshops' discussions were as fruitful as they could have been and so she wanted to have more input on how the next workshop is formatted. She had questions she wanted answered by Stantec consultants and Public Works Staff; she did not need them to present more about the project, but to answer specific questions in real-time, whether that meant assistants would be needed behind the scenes to help answer.

Mayor Hansel clarified that the motion was to refer the Committee report to another Council workshop. The motion was not an amendment to the Committee report.

Councilor Roberts did not support another Council workshop, of which he said there had already been several and the Council had its opportunity to ask questions. He said it was the Councilors' responsibility to be prepared to ask questions at the past workshops. He had spent the previous week researching based on what came up during the MSFI Committee meeting. He said the Council could not afford to keep sending this back and forth because someone did not get to ask a specific question during the previous opportunities. Councilor Roberts said that sooner than later, all the questions would be answered. He said the Council needed to decide based on their information, noting how many details they had been provided with. Councilor Roberts disagreed with Councilor Greenwald's comments that a different Council in 2 years could make a change. Conversely, Councilor Roberts hoped this Council would make the right decisions, which could

be modified as needed. He said having another workshop would be going backward and he supported moving forward and finding answers to questions as needed.

Councilor Johnsen said she attended the MSFI Committee meeting, and it was interesting for her to see how another Standing Committee worked. She recalled how many constituents had contacted her stating that they would feel left out of the downtown community and redesign if bike lanes were not included. Cyclists also want to visit and support downtown businesses. She understood that there was only so much space between the buildings on Main Street, but she wanted her constituents' voices to be heard.

Councilor Giacomo asked where the indignance was about delaying the project in November 2022, when the ad hoc Downtown Infrastructure Committee made its recommendations to the Council. He recalled that the ad hoc Committee was comprised of people who had a stake in the downtown. Councilor Giacomo asked why there was not such a rush then. Now, 6 months later, there was a 3–2 MSFI vote, and he said the rush did not seem right to him. He said that a literal international expert—Mr. Speck—was interested in coming to Keene and Councilor Giacomo did not see a problem with delaying a vote until the Council gains this additional valuable information. He thought Mr. Speck's ideas would help the Council to make better decisions. Councilor Giacomo asked, if the Council's goal was not to make the best decisions they possibly could, then what was everyone doing there?

Councilor Williams thought the Council needed to spend a little more time considering the implications of how the City would pay for this \$14 million project. He recalled that the MSFI Committee recommended no changes to the Central Square traffic pattern, in addition to no bike lanes. Councilor Williams did not think the City could take that design to the NH Department of Transportation and expect to receive grants for renewable and environmentally friendly things, because all of those things (bike lanes, updates to Central Square, and changes to traffic patterns) were not included in the MSFI Committee's recommended design. He did not think the City would receive grant funds for digging up Main Street and replacing it exactly in kind. Councilor Williams said he was not talking about \$500,000 grants, but he referred to RAISE grants, through which cities received \$10 million–\$25 million. He said that with the right design, the City could receive \$8 million–\$15 million, which could greatly offset this \$14 million project, which would be more expensive by the time construction begins. Councilor Williams did not want his Ward 2 constituents funding this downtown project when a lot of help was needed for the Ward 2 sidewalks, for example, which were finally being addressed by the City. He did not want this \$14 million to fall to Keene's taxpayers when there are substantial funds available if the Council chooses the right design.

Councilor Filiault said he did not know where to begin. First, he said he objected to the motion to send this back to a Council workshop. He said he objected to the City paying a portion of Mr. Speck's fee. Councilor Filiault said Councilors could keep inviting new experts and speakers until those experts say what the Council wants to hear. In his opinion, this project had reached a point where he was ready to throw the project in the trash and wait for a new Mayor and Council

to be elected and decide. He did not support Councilors wanting to invite new consultants because Stantec did a great job and now the MSFI Committee had voted. Councilor Filiault recalled that during the time the City had been considering this project's design, the cost had risen from \$7 million to \$14 million. He heard some Councilors stating that the City would not receive grant funds if the Council does not choose a specific design, which he said was completely wrong. Councilor Filiault said he also heard fellow Councilors stating that the MSFI Committee chose to change nothing about the downtown, which he also disagreed with, stating that there were recommendations for computerized traffic lights and other simple things that could be done, like some right turns on red. He reiterated that it was wrong to say the MSFI Committee recommended doing nothing. He said close to 1,000 people had contacted him in the last 6 months and 90%–95% were against the proposal to expand Central Square with a mini roundabout. Councilor Filiault did not need another speaker to come to Keene—with a \$20,000 fee—who would probably say what those who invited him wanted him to say. He said the Council had spent many months on this, and when the MSFI Committee finally made a recommendation based on the constituents, some wanted to send it back to the workshop because they did not hear what they wanted. He said the MSFI Committee listened to the constituents as they were elected to do. Councilor Filiault said there were other consultants and experts available who had their own opinions on the proposed downtown designs; he asked whether the Council would keep approving funds to bring in other experts that other constituent groups supported. He said that anyone would say anything if they were paid enough. Councilor Filiault recalled that Mr. Speck was on the radio in Keene recently and he did not speak about downtown Keene, but about other cities where he had worked; the radio host asked if Mr. Speck had been to Keene, but he said he had only looked at it on the computer. Councilor Filiault reiterated that his constituents were not split 60% to 40% on the expansion of Central Square, but 90%–95% opposed the expansion. He hoped that during the election in November, the constituents would remember which Councilors listened to them and which did not.

Councilor Madison thought this was a good opportunity for the Council to take a step back and receive more information before making a final decision. He agreed with Councilor Giacomo that there seemed to suddenly be upset over how quickly the project was moving forward and Councilors were stating that there was a rush. Councilor Madison did not understand the rush and wanted to move forward slowly and methodically. He thought it would be good for the Council to have more information. He said he listened to his constituents too. He recalled that his constituents showed up and spoke at the MSFI Committee meeting about their desire for bike lanes. Councilor Madison walked home with his constituents after that meeting and listened to them describe feeling like some Councilors were hostile toward those wanting bike lanes, which Councilor Madison said was wrong. He said those were constituents who live in his neighborhood, not surrounding towns. Councilor Madison urged taking a step back to look at this again.

Councilor Chadbourne thought Councilor Bosley's motion did not suggest sending the project back to the MSFI Committee after the proposed Council workshop. Mayor Hansel said that was also his impression. Councilor Chadbourne thought more information was always helpful,

especially for this major project that would impact everyone in Keene. She did not support contributing \$5,000 to Mr. Speck's fee, not because she did not want to hear his information, but because the idea would have only allowed 150 people to attend. Councilor Chadbourne thought there were still a few months remaining to make a decision, so she urged taking a step back, and she supported Councilor Bosley's motion.

Councilor Ormerod supported Councilor Bosley's motion for another workshop because, in part, the Council heard constituents talk about their families. The Council also heard from people who were building the reputation of Keene as a bikeable City in this region. Councilor Ormerod said that this group of downtown merchants chose to organize themselves to help the City make an informed decision about multimodal transportation. He said many possible grants were because of multimodal transportation, which includes walking, biking, and electric vehicles; he said this topic was not discussed enough during this planning process. Additionally, Councilor Ormerod supported this motion because he did not agree with freezing the design of Central Square, which could use some tweaks. He thought the Council would have more complete information after hearing from Mr. Speck. Councilor Ormerod thought that by not listening to Mr. Speck, the Council would be indicating that they are not as informed as they could be.

Councilor Bosley wanted to clarify that she did her homework. She said she asked for this analysis of sidewalk cafés four months ago during a presentation at Heberton Hall. She said she asked the City Manager and Stantec for the analysis during the first Council workshop. When she arrived at the MSFI Committee hearing and learned that she was not allowed to speak, she requested this analysis via the MSFI Committee Chair, Councilor Greenwald. Councilor Bosley had still not received the information she requested, so she felt this was her only platform to get any results, which was why she wanted this on the record. She said she would never make a decision that she did not feel was fully informed, especially when the Council was talking about \$14 million of the taxpayers' money. Councilor Bosley said there was the potential for \$15 million bike lanes to run straight through 70% of the downtown's sidewalk cafés if the bike lane proposal was not adjusted. She was not comfortable agreeing that the Council had enough time already when most of the Council had been put in a box and silenced for the last month. She said the Council was not allowed to get the data so they could all be on the same page at the same time. Councilor Bosley said that when individual Councilors went to the Public Works Director or Stantec consultants, they received information based on the questions they asked, and then potentially spread that information that other individuals would base their decisions on. She said the whole Council should receive all that information at the same time and then they could share that information with the community. Councilor Bosley said this community of colleagues should be able to develop a plan that makes sense for the whole community. She noted all the polarizing issues at play, from bikes to roundabouts. While Councilor Bosley did not agree with the City spending \$5,000 on Mr. Speck, the Council did agree, and she said it would not make sense for the Council/City to not get the full benefit of this visit. Councilor Bosley said she spoke with the City Manager, who indicated that there was no rush for grant applications and that the Council had plenty of time to delay a few more weeks so the Council could review the data and articulately develop a plan that makes sense for the whole community.

Councilor Roberts thought it was important for the Council to have the proper decorum, as everything they said was being recorded and viewed. He felt it was wrong to insinuate that the MSFI Committee attacked members of the public who spoke, which did not make them look good. He thought the MSFI Committee did its best to not let personal biases cloud the hearings and did not attack people. Councilor Roberts also heard his fellow Councilors question why he or others had not spoken up for 6 months and were now rushing a decision; he said it was not about rushing, but about the process. He recalled the complaints that the project did not follow the process of going to the MSFI Committee as it normally would. So, he said there were compromises and public workshops before it went to MSFI. Now, Councilor Roberts heard Councilor Bosley's motion, which would send this project back to a Council workshop and then bypass the MSFI Committee again and come back to the full Council. Mayor Hansel did not think that was necessarily the case and asked for follow-up comments from Councilor Bosley.

Councilor Bosley clarified that she did not have a plan in mind as to where this would go after the workshop she proposed. She thought that at the last workshop, the Councilors who were present decided it was time for the project to go to MSFI. If her motion passed, she thought the Councilors present at this next workshop should decide at the end what the next step would be.

On a vote of 11–4, the City Council referred the MSFI recommendation to a Council workshop with a date to be established after the June 12 presentation from Jeff Speck hosted by the Keene Downtown Group and moved that the Council receive an analysis from Stantec, reviewing the current Sidewalk Café Ordinance against the proposed designs to determine conflicts with proposed bike lanes. Councilors Filiault, Jones, Roberts, and Greenwald voted in opposition.

PUBLIC HEARING – RESOLUTIONS R-2023-22, R-2023-23, AND R-2023-24: RETURN OF LAYOUT – DESIGNATING MAGNOLIA WAY AS A PUBLIC WAY AND ACCEPTANCE OF WARRANTY DEED AND EASEMENT FOR ACCESS AND MAINTENANCE OF TREES

Mayor Hansel opened the public hearing at 7:38 PM and the City Clerk read the public hearing notice. The Mayor recognized the City Engineer, Don Lussier.

The City Engineer described the layout of Magnolia Way, for which the City received a petition to make it a public roadway. He said this had been before the Council in the past when the subdivision of Magnolia Way was reviewed and approved by the Planning Board in 2005 and the Council accepted the layout in 2006. He said that unfortunately, the construction was not completed within the 36-month timeframe allowed within the City Code and the Council's approval expired. The City Engineer explained that the applicant had re-initiated this approval. He said that during the intervening 17 years, the proposal, subdivision layout, and infrastructure had not changed. He displayed a graphic for the Council that showed the approved subdivision from 2005. The right-of-way that the City would be responsible for maintaining in perpetuity had not changed. Along with the roadway, this petitioner asked the City to accept public maintenance

of the infrastructure serving that subdivision, including sidewalks on the northern side of Magnolia Way, public sewers, a public water main, fire hydrants, streetlights, and a variety of drainage and stormwater management/treatment systems. He said most of the construction was completed in 2012 when the City gave a developer a list of things that needed completing. Some work still remained. Given the time since construction began, the City requested that the petitioner do some testing verification before the City accepts the infrastructure to ensure it had not deteriorated significantly and that it met City standards. That testing was still pending. The City Engineer explained that along with the public right-of-way, the applicant also wanted the City to accept an easement for the maintenance of street trees to be planted. The City Code requires that street trees be planted as a part of a subdivision. The applicant proposed planting the trees on the public property side, but for them to be considered street trees, the City must have the right to maintain them and replant them if needed over time. Thus, the petitioner was giving the City an easement to effectuate that.

The City Engineer continued explaining what he called some quirky things about this project. Because it had been so long, one of the properties shown on the graphic had already been built and the parcel was transferred to a new homeowner. He said the petition reflected the City's requirement for the petitioner to secure a waiver of damages and the right to transfer the street tree easement to the City. He explained that there was a separate owner involved and the petitioner had to negotiate the transfer of the street tree easement and waive any damages that laying out the roadway could entail. Importantly, the City Engineer said that some time ago, the developer who was working with the private utilities wanted to get the construction moving, so they granted an easement to Public Services of NH and Verizon Wireless to put their infrastructure within the area that is now being laid out as Magnolia Way. Typically, he said that utilities would come in after the City accepts and lays out a public way; they would get a license from the City that is regulated by NH Statute. That license would indicate that if the City ever needed to move or widen that road or change anything for a public project, the City would have the right to tell the utilities to move their facilities at their own expense. In this case, because the easement they hold granted them more rights than a license would, the utilities would be entitled to be compensated if the City needed them to move those facilities. The City Engineer said the utility companies could refuse to move those facilities. Thus, he said it was a slightly unique situation and came with at least some risk to a future City Council that could have to deal with this problem that is not ordinarily a part of a subdivision.

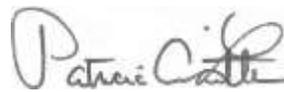
Mayor Hansel welcomed Paul Alfano of Alfano Law Offices (Concord, NH), the Attorney for the petitioner, for a description of the proposed layout. Mr. Alfano was also present with Jason Curtis, another Attorney from his firm, Tim Coughlin, general counsel for the Masiello Group (Chris Masiello is the principal for the petitioner), and Mike Pappas, the general contractor. Mr. Alfano said he did not have much to add, noting that the City Engineer did a good job explaining. Mr. Alfano explained that his client bought this property in 2022 from the Hutter Construction Corporation, which owned the property for the entire history the City Engineer explained. So, the petitioner inherited what was there. Mr. Alfano and the petitioner were willing to do everything they could to get the street tree easement from the one homeowner mentioned;

the petitioner owned the remaining 8 lots. He said the roadway was essentially built, but his client would finish it and pay to post the bond if necessary. Mr. Alfano's understanding was that the water and sewer infrastructure was installed already, and a building permit had been issued for the one home; he noted that the City was already plowing past that home's driveway and thus already maintaining part of the road. It was his understanding that those homeowners were also already hooked up to water and sewer and were paying for those services. He did not have much to add about street trees, noting that 8 feet were available, and the petitioner would try to give what space they could. Mr. Alfano and the petitioner had been working with the City for several months on these issues, the main one being the utility issues the City Engineer mentioned. Mr. Alfano said that if the layout happened and the developer was able to build these homes, they were ready for Mr. Pappas to begin construction immediately on the remaining 8 homes so they could go on the market as soon as possible.

Mr. Alfano continued by addressing the possibility that the City could incur some expenses to deal with the utilities. First, he said that was speculative. However, Mr. Alfano was sure that if the homes were built by his math, while the market would dictate the house's prices, he thought that 8 houses selling for \$475,000 each with a 3% tax rate, there would be approximately \$100,000 per year in added tax revenue. Thus, if any Councilors were concerned about this utility aspect, Mr. Alfano asked them to weigh that speculation with the certain tax revenue for the City in perpetuity. Mr. Alfano also explained that the City had twice accepted identical utility easements when it laid out River Street and Darling Court, where there were also existing utility easements. He recalled the City Engineer mentioning the petitioner's request to waive the Development Code, which required the conveyance of a warranty deed free and clear. So, the petitioner was asking the City to lay out the road subject to the utility easement. Mr. Alfano explained that there was a legal standard for a layout. There is a 2-prong test to 1) find a public benefit, which he thought there was due to the acute housing need (Magnolia Way is off a Class V road and a part of the existing network of publicly maintained roads that move schoolchildren, which is a factor courts consider, among others), and 2) if the City found the public benefit, they would need to determine whether the City's burden would outweigh that benefit. Mr. Alfano submitted that the public benefit would outweigh the City's burden. He said there would be no cost to the City to acquire the title to the road or build the road. The only cost Mr. Alfano envisioned for the City would be a marginal increase in plowing and maintaining the remainder of the road, because the City was already maintaining part of it; he said it was a nominal cost.

There were no comments or questions from the public or Council. Mayor Hansel closed the public hearing at 7:51 PM, except for written comments, which would be accepted until 1:00 PM on Tuesday, June 20. Written comments must be signed and submitted to the City Clerk by that date and time to be included in the record. Mayor Hansel referred this matter to the Municipal Services, Facilities, and Infrastructure Committee, which was scheduled to meet on June 21, 2023.

A true record, attest:



City Clerk

PUBLIC HEARING – RESOLUTIONS R-2023-25 AND R-2023-26: RETURN OF LAYOUT – FOR INTERSECTION IMPROVEMENTS AT THE MATTHEWS ROAD RIGHT-OF-WAY AT MATTHEWS ROAD AND WINCHESTER STREET

Mayor Hansel opened the public hearing at 7:52 PM and the City Clerk read the public hearing notice. The Mayor recognized the City Engineer, Don Lussier, again.

The City Engineer explained that this proposed reconfiguration of Matthews Road was related to the previous discussion of Magnolia Way. When the City accepted the Magnolia Way layout in 2006, the City required some improvements across the street from Magnolia Way, at the intersection of Mathews Road and Winchester Street. The City Engineer showed photos of Matthews Road before those improvements, when there was a single lane northbound out of Matthews Road for traffic turning left and right onto Winchester Street. He said it was decided that adding a second lane for that northbound traffic, with a dedicated right turn lane and a left turn for those wanting to get to Magnolia Way, made the intersection function more effectively. He mentioned a few other changes that widened the road, added a curve, and some other things. The City Engineer explained that at the time, the developer of Magnolia Way—Hutter Construction—also owned the triangular-shaped parcel at the intersection of Winchester Street and Matthews Road as he showed in a photo. Hutter’s plan was to convey that triangular piece to the City for the purpose of widening the roadway. The City Engineer said there was also a plan at that time to grant the City an easement to widen the road’s right-of-way without putting the remaining parcel into a state of non-compliance with Zoning setbacks. Hutter proposed that easement for highway purposes be gifted to the City, but it was still a part of the residential properties’ land, so it would not count toward their setbacks. That was done so the developer could meet the City’s roadway standards for the right-of-way width.

The City Engineer continued explaining that since this was heard by the Council originally in 2006, that property had changed ownership. He did not think the property owner was aware of the easement possibility. He called the easement a small sliver, approximately 2 feet wide, with no built infrastructure that the City needs to maintain; it was only done to widen the road and meet the City’s roadway standards. Thus, City Staff did not see an issue with eliminating that easement and simply widening the road and laying it out as a public way, which was what the petitioner proposed.

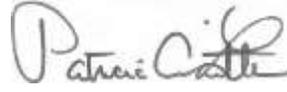
Mayor Hansel recognized Mr. Alfano again, who pointed out that his client did not own any of this land but was perfectly willing and wanted to help be responsible for getting a deed from Hutter and whatever else was required. He said there was a clear public benefit given that it was already built, used by the public, and maintained by the City. Moving forward, there would be no additional cost to the City.

There were no comments or questions from the public or Council. Mayor Hansel closed the public hearing at 7:57 PM, except for written comments, which would be accepted until 1:00 PM

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on Tuesday, June 20. Written comments must be signed and submitted to the City Clerk by that date and time to be included in the record. Mayor Hansel also referred this matter to the Municipal Services, Facilities, and Infrastructure Committee, which was scheduled to meet on June 21, 2023.

A true record, attest:



City Clerk

PUBLIC HEARING – RESOLUTION R-2023-13: FISCAL YEAR 23/24 OPERATING BUDGET

Mayor Hansel opened the public hearing at 7:57 PM and the City Clerk read the public hearing notice. Before recognizing the first public speaker, Mayor Hansel recognized Councilors Powers to give a brief review of the FOP Committee’s work on the budget and the amendments they proposed. The Mayor thanked the FOP Committee for their hard work.

Councilor Powers was happy to introduce the City’s next budget to the public. He noted that the format of some things in the budget had changed with the City’s new financial software system. The City’s Finance, Organization, and Personnel (FOP) Committee met 4 times to review the budget with the various department heads and the outside agencies requesting the Council’s support. In the end, Councilor Powers said the FOP Committee made no changes to the City Manager’s proposed budget except for one outside agency that would have received funds, but indicated that they would not be doing business in the future, so their \$5,000 allotment was distributed between 3 other agencies—the Keene Senior Center, the Monadnock Center for Violence Prevention, and the Monadnock Region Child Advocacy Center. Making that change did not require an “A” version of the Resolution. Councilor Powers explained that the budget presented was 4.4% higher than the previous year and while that could seem significant, he said it reflected necessary changes to cover the City’s costs. He said the cost of doing business had risen exorbitantly but the City still had services to provide. In addition, 4 new employees were added to the Fire Department and a few other programs had additional employees or changes in employee status. Ultimately, the FOP Committee voted unanimously to adopt this good 2-year budget that would allow the City to provide the best services possible at the best price. Councilor Powers noted that some might have subsequent questions about what the resulting tax rate would be. He reminded the public that the tax rate is set in the fall, when all funds and products are taken care of, and the State of NH does its calculations. He stated that the City’s portion of the tax rate was expected to increase by approximately 3%, which he said would still provide the best services possible for the costs of doing business. Councilor Powers thanked the City Staff for their work on this budget as well as member of the public who attended meetings to speak about the budget. He reiterated how much work went into this budget and he hoped the public would agree.

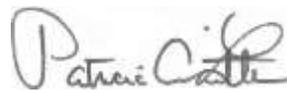
Mayor Hansel opened the floor to public comments on the overall budget.

Alan Stroshine of 27 Salisbury Road said he was a proud member of the Keene Elm City Rotary Club and the Director of the Clarence DeMar Marathon. Mr. Stroshine thanked the Council for supporting the race financially since 2012. He said this was a level funded line item this year and he thanked the Council in advance for their generous consideration again. He said the City's support was a source of pride. Mr. Stroshine also explained that the marathon had become a nationally known event after being posted on www.raceraves.com, which surveys the nation for the best races every 5 years. He added that the event had retained its acclaim as the best marathon in NH as voted by a national audience. The marathon was also recognized this year in the Keene Sentinel as the best fundraiser in town that supports 100% of the Elm City Rotary's many projects.

Pat Walker of 17 Thompson Road wanted to know whether the bond for the Thompson Road Stabilization Project had been appropriated or gone through. The City Manager said the FOP Committee reviewed those documents along with the operating budget, which would be tabled until the Council's vote on the budget at their June 15 regular meeting. Even the bonds would not be approved until the vote on June 15. The City Clerk said that the bonds were on the agenda later in this meeting. Ms. Walker said that if the project did not begin soon enough, it would be pushed off until December, when the project would not work, and the road would remain terrible. She said no one from the City other than the City Engineer, Don Lussier, had come to verify whether the situation needed to be addressed immediately. She asked where the process was at. Mayor Hansel reiterated that it was pending a vote on June 15. Ms. Walker said they had been waiting for this since 2020 and no one had stepped up to say when it would get done. She added that Councilor Williams was the only Councilor to visit and understand the situation. Ms. Walker wanted to know for certain that the bond would be exactly as listed in this budget and whether they would receive the \$380,000 from the State of NH that was specifically for this project. She added that some remediation efforts impacted her land, so she wanted an update.

Hearing no further comments, Mayor Hansel closed the public hearing at 8:08 PM, written except for written comments, which would be accepted until 4:00 PM on Tuesday, June 13. Written comments must be signed and submitted to the City Clerk by that date and time to be included in the record. Mayor Hansel reminded the Councilors that their Rules of Order require that they submit a written communication by the same date and time containing any proposed amendments to the budget Resolution.

A true record, attest:



City Clerk

COMMUNICATION – ADAM BERUBE – REQUEST TO SERVE ALCOHOL AT
SIDEWALK CAFÉ – MUSE RESTAURANT

A communication was received from Adam Berube, who was opening a new restaurant at 44 Main Street and wanted permission to serve alcohol on City property. He applied for a Sidewalk Café license through the City Clerk's Office.

Mayor Hansel recognized Councilor Bosley for a motion to suspend Section 26 of the Rules of Order to act on the request from Muse Restaurant for permission to serve alcohol at their sidewalk café. The motion was duly seconded by Councilor Filiault.

Councilor Greenwald stated his business relationship with Mr. Berube, so the Councilor recused himself from this vote.

The motion to suspend the Rules of Order carried unanimously on a roll call vote with 14 Councilors present and voting in favor. Councilor Greenwald abstained.

A motion by Councilor Bosley was duly seconded by Councilor Giacomo to recommend that Muse Restaurant be granted permission to serve alcoholic beverages in connection with their Sidewalk Café License, subject to the customary licensing requirements of the City Council, compliance with the requirements of Sections 46-1191 through 46-1196 of the City Code, and compliance with any requirements of the NH Liquor Commission. This license shall expire on March 1, 2024. The motion carried unanimously with 14 Councilors present and voting in favor. Councilor Greenwald abstained.

COMMUNICATION – MONADNOCK INTERFAITH PROJECT – INCLUSION OF PUBLIC RESTROOMS AND PROTECTED BIKE LANES IN THE PROPOSED DOWNTOWN INFRASTRUCTURE IMPROVEMENT AND RECONSTRUCTION PROJECT

A communication was received from Janet Furcht on behalf of the Monadnock Interfaith Project, expressing their support for the inclusion of public restrooms and protected bike lanes in the proposed Downtown Infrastructure Improvement and Reconstruction Project. Mayor Hansel accepted the communication as informational.

MSFI REPORT – JUDY ROGERS – DOWNTOWN INFRASTRUCTURE AND RECONSTRUCTION PROJECT – BIKE INFRASTRUCTURE “WANTS VS NEEDS” AND A POTENTIAL MODEL TO HANDLE COMMUNITY EVENTS ON CENTRAL SQUARE

A Municipal Services, Facilities, and Infrastructure Committee report read, recommending accepting the communication as informational. Mayor Hansel filed the report as informational.

FOP REPORT – ACCEPTANCE OF STRATEGIC PLANNING GRANT – ENGINEERING EVALUATION OF GROUNDWATER

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to execute and expend a Strategic Planning

Grant from the New Hampshire Department of Environmental Services (NHDES) for \$50,000 to perform an engineering evaluation of the Robertson Field property and West Street Well Facilities. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor.

FOP REPORT – CHANGE ORDER FOR PROFESSIONAL SERVICES – APPRAISAL SERVICES – WINCHESTER STREET RECONSTRUCTION PROJECT

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to negotiate and execute a change order for continuing professional services with MMC Appraisal Services for an amount not to exceed \$20,000. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT – AMENDMENT TO KSC AGREEMENT

A Finance, Organization, and Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to execute the 6th amendment to the Municipal Services Agreement between the City of Keene and Keene State College. A motion by Councilor Powers to carry out the intent of the Committee report was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

CITY MANAGER COMMENTS

The City Manager had one update about the Robin Hood Pool that she said was not good news. While filling and preparing the pool for the summer season, City Staff discovered an issue. The City Engineer, Don Lussier, visited the pool with the Recreation Division Staff and consultants from Weston and Sampson, whom the City used to evaluate the pool in 2018. Unfortunately, she said the pool opening would have to be delayed for at least a few weeks for repairs that would keep the water in the pool. The City Manager said the Recreation Division was working on a transportation option between the 2 City pools during this time. If the repairs were possible and no greater issues were found, the plan was to open late. Regardless, the Director of Parks, Recreation, and Facilities, Andy Bohannon, would provide an update to the Council during their second Committee cycle in July.

MORE TIME – JOHN SOSNOWSKI – REQUEST FOR WATER ABATEMENT AND FEE WAIVER – 251 PARK AVENUE STAFF RESPONSE: 251 PARK AVENUE SEWER/WATER ABATEMENT REQUEST

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A Municipal Services, Facilities, and Infrastructure Committee report read, recommending that the request for the water abatement and fee waiver was placed on more time. Mayor Hansel granted more time.

ORDINANCE FOR FIRST READING – RELATING TO AN AMENDMENT TO ZONING MAP – OLD WALPOLE ROAD – RURAL TO LOW DENSITY – ORDINANCE O-2023-12

An application was submitted by Michael Conway, an agent for Monadnock Habitat for Humanity, requesting to amend the Zoning Map from Rural to Low Density for a 7.1-acre parcel of land on Old Walpole Road, along with Ordinance O-2023-12 Relating to an Amendment to the Zoning Map – Old Walpole Road. Mayor Hansel referred Ordinance O-2023-12 to the Joint Planning Board and Planning, Licenses, and Development Committee.

ORDINANCE FOR SECOND READING – RELATING TO CLASS ALLOCATION AND SALARY SCHEDULES – ORDINANCE O-2023-11-A

A Finance, Organization, and Personnel Committee report read on a vote of 4–0, recommending the adoption of Ordinance O-2023-11-A. Mayor Hansel tabled this matter until the June 15, 2023 City Council meeting to be considered after the adoption of the Operating Budget Resolution.

RESOLUTIONS – RELATING TO THE APPROPRIATION OF FUNDS – ROAD PRESERVATION AND REHABILITATION PROGRAM; RELATING TO THE APPROPRIATION OF FUNDS – STORMWATER RESILIENCY PROGRAM; AND RELATING TO THE APPROPRIATION OF FUNDS – THOMPSON ROAD STABILIZATION PROJECT – RESOLUTIONS R-2023-14, R-2023-15, AND R-2023-16

A Finance, Organization, and Personnel Committee report read on a vote of 4–0, recommending the adoption of Resolution R-2023-14. A Finance, Organization, and Personnel Committee report read on a vote of 4–0, recommending the adoption of Resolution R-2023-15. A Finance, Organization, and Personnel Committee report read on a vote of 4–0, recommending the adoption of Resolution R-2023-16. Mayor Hansel tabled these matters until the June 15, 2023 City Council meeting to be considered after the adoption of the Operating Budget Resolution.

RESOLUTION – RELATING TO THE FY 2023-2024 BUDGET – RESOLUTION R-2023-13

A Finance, Organization, and Personnel Committee report read on a vote of 4–0, recommending the adoption of Resolution R-2023-13. Mayor Hansel tabled this matter until the June 15, 2023 City Council meeting.

ADJOURNMENT FOR COLLECTIVE BARGAINING

There being no further business, Mayor Hansel adjourned the meeting for collective bargaining at 8:21 PM.

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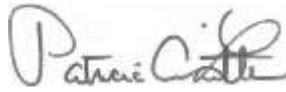
KEENE POLICE OFFICERS ASSOCIATION, AFT-NH, AFT LOCAL #6246 –
MEMORANDUM OF UNDERSTANDING – MODIFYING EXECUTED COLLECTIVE
BARGAINING AGREEMENT

The following motion by Councilor Powers that the City Manager be authorized to do all things necessary to execute the negotiated Memorandum of Understanding modifying the executed collective bargaining agreement with Keene Police Officers Association, AFT-NH, AFT Local #6246 to be effective July 1, 2023, through June 30, 2025, was duly seconded by Councilor Bosley. The motion passed with a unanimous vote in favor.

KEENE POLICE SUPERVISORS, TEAMSTERS LOCAL 603 – MEMORANDUM OF
UNDERSTANDING – MODIFYING EXECUTED COLLECTIVE BARGAINING
AGREEMENT

The following motion by Councilor Powers that the City Manager be authorized to do all things necessary to execute a Memorandum of Understanding modifying the executed collective bargaining agreement with Keene Police Supervisors, Teamsters Local 603 to be effective July 1, 2023, through June 30, 2026, was duly seconded by Councilor Bosley. The motion passed with a unanimous vote in favor.

A true record, attest:



City Clerk