



KEENE CITY COUNCIL
Council Chambers, Keene City Hall
July 6, 2023
6:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES FROM PRECEDING MEETING

- June 15, 2023

A. HEARINGS / PRESENTATIONS / PROCLAMATIONS

B. ELECTIONS / NOMINATIONS / APPOINTMENTS / CONFIRMATIONS

C. COMMUNICATIONS

1. Peter Espiefs - Placement of Cell Tower in Residential Neighborhood - Nuisance and Safety Hazard Concerns
2. Jennifer Risley - Urging Support for Bike Lanes as Part of the Downtown Infrastructure Improvement and Reconstruction Project
3. Ken Kost - Relevance of the 2028 Community Vision and the Downtown Infrastructure Improvement and Reconstruction Project
4. Janelle Sartorio, In support of Connecting the Existing Trails and Bike Lanes to the Downtown
5. Dorrie Masten - Recommending that the Public be Allowed to Discuss any New Design Options - Downtown Infrastructure Improvement and Reconstruction Project
6. Pamela Russell Slack - Requesting an Amendment to the City Council's Rules of Order - Workshops
7. Dwight Bowie - Encouraging Effective Communications with the Public and Greater Accessibility to any Materials that Are Disseminated Regarding the Downtown Infrastructure Improvement and Reconstruction Project

8. Councilor Filiault - Reimbursement for Speaking Fee - Jeff Speck Visit

D. REPORTS - COUNCIL COMMITTEES

1. 2023 Warrant for Unlicensed Dogs - City Clerk
2. Solar Generation Facilities - Revision Energy Letter of Intent
3. Councilor Filiault - Proposing Referendum Question on Municipal Ballot - Preferred Design Alternative - Downtown Infrastructure Improvement and Reconstruction Project
4. Councilors Williams and Chadbourne – Request for Public Forum – Effective Use of Opioid Settlement Funds

E. CITY MANAGER COMMENTS

F. REPORTS - CITY OFFICERS AND DEPARTMENTS

G. REPORTS - BOARDS AND COMMISSIONS

1. Downtown Infrastructure Improvement and Reconstruction Project - Keene Heritage Commission
2. Downtown Infrastructure Improvement and Reconstruction Project - Bicycle Pedestrian Path Advisory Committee
3. Downtown Infrastructure Improvement and Reconstruction Project - Energy and Climate Committee

H. REPORTS - MORE TIME

1. John Sosnowski - Request for Water Abatement and Fee Waiver - 251 Park Avenue

I. ORDINANCES FOR FIRST READING

J. ORDINANCES FOR SECOND READING

K. RESOLUTIONS

1. Acceptance of Deeds and Return of Layout - Magnolia Way
Resolution R-2023-22
Resolution R-2023-23
Resolution R-2023-24-A
2. Acceptance of Deed and Return of Layout - Matthews Road and Winchester Street Intersection

Resolution R-2023-25

Resolution R-2023-26

3. Relating to the Acceptance of Deed and Return of Layout - Brookfield Lane
Petitioner - Whitcomb's Mill Estates
Resolution R-2023-28
Resolution R-2023-29

NON PUBLIC SESSION

ADJOURNMENT

06/15/2023

A regular meeting of the Keene City Council was held on Thursday, June 15, 2023. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Roll called: Bryan J. Lake, Michael J. Remy, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Catherine I. Workman, Kate M. Bosley, Mitchell H. Greenwald, and Thomas F. Powers were present. Gladys Johnsen, Raleigh C. Ormerod, and Bettina A. Chadbourne were absent. Councilor Jones led the Pledge of Allegiance.

ANNOUNCEMENTS

Mayor Hansel reminded everyone of the Council's summer vacation schedule. Meetings canceled: the MSFI and FOP meetings on July 26 and 27, the August 3 Council meeting, and the PLD and FOP meetings on August 9 and 10. The Council will return to its normal schedule on August 17.

Mayor Hansel recalled that on June 1, the City Council voted affirmatively to refer the MSFI recommendation on the Downtown Infrastructure Improvement and Reconstruction Project to a Council workshop with a date to be established after the presentation from Jeff Speck. With that presentation having occurred on June 12, Mayor Hansel scheduled a Council Workshop for Thursday, July 6, 2023, immediately following the regular City Council meeting. The regular Council meeting will start early at 6:00 PM that evening. The previous workshops allowed for public comments, but this upcoming workshop would not. Mayor Hansel stated that the input received from the public had been great and much appreciated, but it was time for the Council to focus on the recommendations that came out of the MSFI Committee and discuss options on how to move forward with the project.

MINUTES OF THE PRECEDING MEETING

A motion by Councilor Powers to adopt the minutes of the June 1, 2023, meeting minutes as printed was duly seconded by Councilor Bosley. The motion carried unanimously, with 12 Councilors present and voting in favor. Councilors Johnsen, Ormerod, and Chadbourne were absent.

COMMUNICATION – ARTS ALIVE – REQUEST FOR WAIVER OF PARKING FEES UNDER THE FREE PARKING POLICY – ELEVATE THE ARTS EVENT – AUGUST 13, 2023

A communication was received from Georgia Cassimatis, requesting a waiver of parking fees for a fundraising event they plan on Sunday, August 13th, in the Commercial Street parking lot and abutting Gilbo Avenue parking area. Approximately 85 parking spaces will be occupied for the event. City Staff notified Arts Alive of their obligation to pay \$860 for the use of these spaces.

To minimize the items of business on the regular City Council agenda for July 6, Mayor Hansel looked for a motion to suspend the Rules of Order to act on this request. A motion by Councilor

Powers to suspend Section 26 of the Rules of Order to grant the waiver of parking fees was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Johnsen, Ormerod, and Chadbourne were absent. Councilor Powers summarized the request.

A motion by Councilor Powers to grant the request of Arts Alive for free parking under the provisions of the Free Parking Policy for their “Elevate the Arts” event scheduled for August 13, 2023, was duly seconded by Councilor Remy.

Councilor Giacomo asked whether any protocol meetings were needed. He also asked how the organizers could ensure the parking spots stay empty overnight, which was a challenge that Let It Shine faced last year for Gathering of the Gourds. The City Clerk, Patty Little, stated her understanding that there had already been one “mini” protocol meeting. Regarding parking, she said there would be work in advance to notify the public and mark the parking meters as reserved, which she believed was addressed during the Zoom protocol meeting.

Councilor Greenwald thought this would be a great event. He asked the criteria for the next time a group comes to the City seeking free parking. The Assistant City Manager/Communications & Marketing Director, Rebecca Landry, replied that those criteria are outlined in Resolution R-2015-11. According to this Council Policy, an event must be sponsored by a non-profit organization, be for the financial benefit of a non-profit organization, or be sponsored by a government entity. An additional criterion stipulates that the activity must appeal to a cross-section of the community, which contributes to the vitality of downtown Keene. The Assistant City Manager said those criteria are used consistently to ensure that every situation is treated fairly. Mayor Hansel said it might be worth giving more details on those criteria next time.

Regarding Councilor Greenwald’s point, Councilor Madison reminded the Council that this event would be on a Sunday, when there is already free parking downtown. He said that normally the parking fees are to make up the revenue lost from parking spaces during an event. Thus, with this event on a Sunday, the City would not lose any parking revenue. The motion carried unanimously, with 12 Councilors present and voting in favor. Councilors Johnsen, Ormerod, and Chadbourne were absent.

COMMUNICATION – KEENE SWAMPBATS – REQUEST TO DISCHARGE FIREWORKS – JULY 28, 2023

A communication was received from Kevin Watterson, President of the Keene Swampbats, requesting permission to discharge fireworks on Alumni Field on July 28, 2023, at the Swampbats’ final game of the season. Mayor Hansel referred the communication to the Planning, Licenses, and Development Committee.

COMMUNICATION – COUNCILOR FILIAULT – PROPOSING A REFERENDUM QUESTION ON MUNICIPAL BALLOT – PREFERRED DESIGN ALTERNATIVE – DOWNTOWN INFRASTRUCTURE IMPROVEMENT AND RECONSTRUCTION PROJECT

A communication was received from Councilor Randy Filiault, proposing that discussions on the Downtown Infrastructure Improvement and Reconstruction Project be halted to allow two non-binding referendum questions to be placed on the November Municipal General Election ballot asking for the voters' sentiment relating to the Downtown Infrastructure and Reconstruction Project design. Mayor Hansel referred the communication to the Finance, Organization, and Personnel Committee.

COMMUNICATION – COUNCILORS WILLIAMS AND CHADBOURNE – REQUEST FOR PUBLIC FORUM – EFFECTIVE USE OF OPIOID SETTLEMENT FUNDS

A communication was received from Councilors Williams and Chadbourne, requesting the City hold a forum for discussion with stakeholders and the public on the most effective use of opioid settlement money, as well as opportunities to pursue grant funds for projects aimed at preventing overdose deaths. Mayor Hansel referred the communication to the Finance, Organization, and Personnel Committee.

COMMUNICATION – COPPER CANNON – REQUEST TO SELL AND PROVIDE SAMPLES – KEENE FARMER'S MARKET

The City Clerk, Patty Little, explained that this request to serve alcohol at the Farmer's Market came in just before this meeting and was added to the agenda. The Copper Cannon Distillery located in West Chesterfield participates in farmers markets throughout the region and they typically are approved in those communities through administrative processes. Unfortunately, Keene does not have that administrative approval because the Farmer's Market is located on public property. Thus, these requests to serve samples at the Keene Farmer's Market go through the City Council. The City Clerk said the Farmer's Market had already provided their complimentary approval and was happy to have Copper Cannon join the Market beginning on the following Saturday, June 17.

Councilor Bosley moved to suspend Section 26 of the Rules of Order to introduce and act upon the request from Copper Cannon Distillery to participate in the Keene Farmer's Market. Councilor Giacomo seconded the motion, which carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Johnsen, Ormerod, and Chadbourne were absent.

A motion by Councilor Bosley was duly seconded by Councilor Giacomo, recommending that Copper Cannon Distillery be granted permission to sell alcohol and provide individual product samples to patrons at the 2023 Keene Farmers' Market on City property licensed to the Farmers' Market of Keene in accordance with the requirements of the State Liquor Commission. Said

permission is contingent on the following: submittal of a signed letter of permission from the Farmers' Market of Keene; obtainment of all necessary permits and licenses and compliance with all laws. Councilor Remy remarked that Copper Cannon was one of the most popular participants at the recent Taste of Keene Food Festival. He said it was relatively recently that the Liquor Commission allowed distilleries to participate in farmer's markets, which was why this request was a little late. The motion carried unanimously with 12 Councilors present and voting in favor. Councilors Johnsen, Ormerod, and Chadbourne were absent.

PLD REPORT – CITY OF KEENE HOUSING NEEDS ASSESSMENT

A Planning, Licenses, and Development Committee report read, recommending the acceptance of the report and proposed housing strategies as informational. Mayor Hansel filed the report as informational.

PLD REPORT – KEENE ELM CITY ROTARY CLUB – REQUEST TO USE CITY PROPERTY – DEMAR MARATHON – SEPTEMBER 24, 2023

A Planning, Licenses, and Development Committee report read, recommending that the Elm City Rotary Club be granted permission to sponsor the Clarence DeMar Marathon on September 24, 2023, subject to the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene as an additional insured. This license is conditional upon the petitioner providing an adequate number of volunteer race marshals to ensure runner safety along the course. The permission is also subject to any recommendations of City staff. The petitioner agrees to absorb the cost of any City services over and above any City funding allocated in the FY 24 Community Events Budget. Said payment shall be made within 30 days of the date of invoicing. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Giacomo. Councilor Jones shared some of the Marathon's accolades. The race was voted as the best in NH and as the top fundraising event in Keene. Councilor Jones said the Council should be proud to support this. The motion carried unanimously with 12 Councilors present and voting in favor. Councilors Johnsen, Ormerod, and Chadbourne were absent.

PLD REPORT – LET IT SHINE – REQUEST TO USE CITY PROPERTY – 2023 PUMPKIN FESTIVAL – OCTOBER 21, 2023

A Planning, Licenses, and Development Committee report read, recommending that a license be granted to Let It Shine, Inc. to use Downtown City rights-of-way on Saturday, October 21, 2023, to hold the Keene Pumpkin Festival subject to the following provisions:

- This license is granted based upon the event scope presented to City staff during protocol meetings held to date, changes or additions to the license may require that an amended license be issued by the City Council and no changes to this license or the associated protocol documents will be accepted after September 1, 2023;

- The Petitioner agrees to absorb the cost of any City services over and above the amount of City funding allocated in the FY 24 Community Events Budget, and agrees to remit said payment within 30-days of the date of invoicing;
- The furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured;
- The signing of a standard revocable license and indemnification agreement and associated protocol documents;
- That the footprint and layout for the event shall encumber the traveled portions of Central Square, Main Street, both sides from Central Square to Railroad Street and Gilbo Avenue, and a portion of Railroad Street. Road closures may include any portions of other streets needed to facilitate detour routes. The full extent of road closures and detour routes shall be agreed upon with City staff and will include any closures necessary to facilitate safety during pre-event setup and post-event clean-up activities;
- That the Petitioner is permitted to use the Railroad Square vendor spot for pumpkin drop-off by area schools on Friday, October 20, 2023;
- That the actual event will be held from 2:00 PM to 7:00 PM with the times for set up and clean up to be established with City staff;
- The submittal of signed letters of permission from any private property owners for the use of their property;
- That free parking be granted under the provisions of the free parking policy for City parking spaces needed for logistical purposes beginning Thursday, October 19, 2023 and extending through Monday, October 23, 2023, and spaces within the event footprint on the day of the event; and
- Said permission is granted subject to obtainment of any necessary licenses or permits and compliance with all laws; and compliance with any recommendations of City staff.

A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Giacomo. Councilor Remy mentioned in addition to Councilors Bosley and Giacomo; he serves on the Board of Let it Shine. Because this was not a financial matter, historically their participation on the Board has not been seen as a conflict. He noted his intent would be to participate in the discussion and vote on this license. The motion carried unanimously with 12 Councilors present and voting in favor. Councilors Johnsen, Ormerod, and Chadbourne were absent.

PLD REPORT – JIM HENNESSY – REQUEST TO USE CITY PROPERTY ADJACENT TO RAILROAD SQUARE – OUTDOOR DINING

A Planning, Licenses, and Development Committee report read, recommending that Hennessy's Restaurant be permitted to place tables and chairs on the grassed-in area immediately east of the Railroad Square pavers for the serving of food and alcohol to patrons seated in the café area Monday through Wednesday from 4:00 PM to 9:30 PM, and Thursday through Sunday, Noon to 9:30 PM. This license is also subject to the following conditions: subject to the customary licensing requirements of the City Council; compliance with the requirements of Chapter 46 of

the City Code of Ordinances; compliance with the City of Keene Sidewalk Café Guidelines issued by staff; that the area encumbered shall not extend beyond the easterly most entrance to the building; that a buffer of at least one-foot be maintained from the edge of the multi-use trail pavement to the fence/enclosure structure; that the tables and chairs be removed when Railroad Square is utilized by any community event licensed by the City of Keene or any event scheduled through the Parks and Recreation Department; that no materials, gravels, or any other alterations to the site may be made without prior approval from staff; and that the property be maintained and returned to its original state at the expiration of the license with staff reviewing the condition of the area at the end of the season to determine any needed maintenance. This license shall expire on March 1, 2024. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Giacomo. The motion carried unanimously with 12 Councilors present and voting in favor. Councilors Johnsen, Ormerod, and Chadbourne were absent.

PLD REPORT – HUNDRED NIGHTS – REQUEST TO USE CITY PROPERTY – DUMPSTER ON LAMSON STREET

A Planning, Licenses, and Development Committee report read, recommending that Hundred Nights Inc. be granted a revocable license for the temporary placement of a dumpster within the right-of-way on Lamson Street subject to the following conditions: the signing of a revocable license and indemnification agreement; the submittal of a certificate of liability insurance in the amount of \$1,000,000 listing the City of Keene as an additional insured; and, subject to compliance with any recommendations from City staff. The location of the dumpster shall be coordinated with City staff and shall not interfere with the movement of vehicles and pedestrians along Lamson Street. Licensee is responsible for keeping the area around the dumpster(s) clean and free from debris, garbage, and other materials. The license shall expire in 90 days from the date of issuance. A motion by Councilor Bosley to carry out the intent of the Committee report was duly seconded by Councilor Giacomo. The City Clerk, Patty Little, mentioned that there was an outstanding conflict of interest on record from Councilor Greenwald—an abutter—regarding this dumpster. The motion carried unanimously with 11 Councilors present and voting in favor. Councilor Greenwald abstained. Councilors Johnsen, Ormerod, and Chadbourne were absent.

CITY MANAGER COMMENTS

The Assistant City Manager, Rebecca Landry, reported that the Revenue Office was short-staffed and would be closing at 2:00 PM on Wednesdays until the issue is resolved. The position was posted, and the Finance Director expected to fill it soon. The Assistant City Manager also shared a Juneteenth flyer with details of the very important observation of this holiday (June 19). Events that were sponsored by the Keene Family YMCA this year would be occurring throughout the City from June 15–June 18 and she encouraged everyone to participate.

The Assistant City Manager relayed an important announcement from the Fire Department about fireworks. With the 4th of July right around the corner, it is a good time to remind everyone that a recent Ordinance change was passed by the City Council relating to the discharge of fireworks. In the coming weeks, information on the new regulations would be published via social media, the City email listserv, and the City website. The Fire Department asked that City residents review safety guidelines before purchasing or lighting fireworks. The Assistant City Manager and Fire Department wished everyone a happy Independence Day.

DONATION FOR MAKERSPACE INTERNS – LIBRARY DIRECTOR

A memorandum was read from the Library Director, Marti Fiske, recommending that the Finance, Organization, and Personnel (FOP) Committee authorize the City Manager to do all things necessary to accept and expend a donation of \$12,000 from the Friends of the Keene Public Library to fund Makerspace Interns. Due to the cancellation of the June 8 FOP Committee meeting, a motion by Councilor Powers to suspend Section 26 of the Rules of Order to act on this item was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Johnsen, Ormerod, and Chadbourne were absent. A motion by Councilor Powers to authorize the City Manager to do all things necessary to accept and expend a donation of \$12,000 from the Friends of the Keene Public Library to fund Makerspace Interns was duly seconded by Councilor Remy. The motion carried unanimously, with 12 Councilors present and voting in favor. Councilors Johnsen, Ormerod, and Chadbourne were absent.

ACCEPTANCE OF DONATIONS – FINANCE DIRECTOR

A memorandum read from the Finance Director, Merri Howe, recommending that the City Council accept the following donations totaling \$7,825.00 and authorize the City Manager to use each donation in the manner specified by the donor.

- Keene Parks and Recreation received two donations totaling \$1,750.00. \$1,000 from Savings Bank of Walpole and \$750 from Bensonwood. The funds are to be used for the Human Rights Committee's Juneteenth event.
- The Human Rights Committee in collaboration with the YMCA, Keene State College, Badger Balm, Monadnock Diversity Equity Inclusion and Belonging Coalition, Keene Public Library and many community financial sponsors would be hosting the 3rd Annual Juneteenth Celebration at Railroad Square on Saturday, June 17.
- A \$250 donation from Monadnock Food Co-Op to cover the movie license fee for the showing of the movie TILL back in February 2023. In addition, the Savings Bank of Walpole and Bensonwood each donated \$775 to cover the cost of the Colonial Showroom theater rental each night of the showing.
- Keene Parks and Recreation also received two donations designated for specific parks. The first donation in the amount of \$275 was from Dan Gray and to be used for the skate park project. The second donation was from Monadnock Rugby Football Club in the amount of \$4,000 for the purchase of goalposts at the Patricia T. Russell Park.

A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Remy. Councilor Workman thanked the sponsors of the Juneteenth events, for which she was a part of the planning committee through her roles on the Human Rights Committee and the Monadnock Diversity, Equity, Inclusion, & Belonging (MDEIB) Coalition. She said they worked hard to sponsor great performances and a great event. She hoped everyone would participate. Mayor Hansel echoed Councilor Workman in thanking the generous donors for these City events. The motion carried unanimously with 12 Councilors present and voting in favor. Councilors Johnsen, Ormerod, and Chadbourne were absent.

REPORT – LIFE INSURANCE AND LONG-TERM DISABILIBILITY INSURANCE
RENEWAL – ACM/HUMAN RESOURCES DIRECTOR

A memorandum was read from the Human Resources Director/Assistant City Manager, Elizabeth Fox, recommending that the City Council authorize the City Manager to do all things necessary to execute a new multi-year contract renewing coverage with Symetra to administer the City’s Life and Long-Term Disability Insurance program. Due to the cancellation of the June 8 FOP Committee meeting, a motion by Councilor Powers to suspend Section 26 of the Rules of Order to act on this item was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Johnsen, Ormerod, and Chadbourne were absent. A motion by Councilor Powers was duly seconded by Councilor Remy to authorize the City Manager to do all things necessary to execute a new multi-year contract renewing coverage with Symetra to administer the City’s Life and Long-Term Disability Insurance program. The motion carried unanimously with 12 Councilors present and voting in favor. Councilors Johnsen, Ormerod, and Chadbourne were absent.

REPORT – 2023 WARRANT FOR UNLICENSED DOGS – CITY CLERK

A memorandum was read from the City Clerk, Patty Little, recommending that the City Council issue a warrant for unlicensed dogs under NHRSA 466:14, and that the Keene Police Department be directed to issue a civil forfeiture to those dog owners who have failed to license their dog by April 30, 2023. Mayor Hansel referred the recommendation to the Municipal Services, Facilities, and Infrastructure Committee.

MUNICIPAL CHARTER AMENDMENT – MUNICIPAL PRIMARIES – AD HOC
CHARTER REVIEW COMMITTEE

An Ad Hoc Charter Review Committee report read, recommending that the Mayor schedule a public hearing before the Ad Hoc Charter Amendment Committee to receive public comments on an amendment to the Keene City Charter that would eliminate the current language in Section 11 that authorizes the City Clerk to declare the necessity of having a Municipal Primary; and for Section 11 to be amended to require a biennial Primary for only the offices of Mayor, Ward Councilor, and At Large Councilor with all other city ward offices to be elected at the Municipal General Election as well as a minor amendment to Section 14 to conform with the proposed

revision to Section 11. Mayor Hansel said the FOP Committee members who were serving as the Ad Hoc Charter Amendment Committee requested that the public hearing on the proposed Charter amendments be scheduled prior to their regular FOP meeting. Mayor Hansel set the public hearing before the Ad Hoc Charter Amendment Committee for Thursday, July 13, 2023, at 5:30 PM in the Council Chamber, immediately before the regular FOP Committee meeting.

ORDINANCE FOR SECOND READING – RELATING TO AN AMENDMENT TO THE LAND DEVELOPMENT CODE – ACCESSORY DWELLING UNITS – ORDINANCE O-2023-06

A Planning, Licenses, and Development Committee report read, recommending the adoption of Ordinance O-2023-06. A motion by Councilor Bosley to adopt Ordinance O-2023-06 was duly seconded by Councilor Giacomo. Councilor Williams thanked City Staff and the Joint Planning Board/Planning, Licenses, & Development Committee for all the work that went into this Ordinance. He thought this Ordinance was valuable because it created housing opportunities at the bottom end of the socioeconomic ladder for people with detached garages or carriage houses, for example. He said these relatively inexpensive opportunities were limited in the past. He added that this would fill a great need in the community, and he was pleased the Council was addressing it. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Johnsen, Ormerod, and Chadbourne were absent.

ORDINANCE FOR SECOND READING – RELATING TO AN AMENDMENT TO THE LAND DEVELOPMENT CODE – APPLICATION PROCEDURES – ORDINANCE O-2022-19-B

A Planning, Licenses, and Development Committee report read, recommending the adoption of Ordinance O-2022-19-B. A motion by Councilor Bosley to adopt Ordinance O-2022-19-B was duly seconded by Councilor Giacomo. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Johnsen, Ormerod, and Chadbourne were absent.

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

At the June 1, 2023 City Council meeting, this agenda item was tabled. Mayor Hansel called this item forward.

A Finance, Organization, and Personnel Committee report read on a vote 4–0, recommending the adoption of Resolution R-2023-13. Mayor Hansel noted that no Councilor submitted a written notice of their intent to make an amendment to the proposed operating budget pursuant to Section 30 of the Rules of Order. A motion by Councilor Powers to adopt Resolution R-2023-13 was duly seconded by Councilor Remy.

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Councilor Filiault thanked Councilor Powers and the FOP Committee. Councilor Filiault had been through a lot of budgets as a Councilor and said this great work should be applauded. Councilor Jones thought the 4% budget increase was amazing. He said that no one could say they were able to keep their household budget increases under 4%. He said that increase included 3 new, badly needed Firefighters. The City Council's Fiscal Policy was to keep the budget under the Boston Consumer Price Index, which was achieved with this budget. He congratulated City Staff and the FOP Committee. The motion carried unanimously with 12 Councilors present and voting in favor. Councilors Johnsen, Ormerod, and Chadbourne were absent.

Given that this would be his last budget, Mayor Hansel thanked the City Council and emphasized Councilor Powers' leadership on all budgets Mayor Hansel had participated in. He recalled years past when budget debates would last late at night. He said there was a really strong process now and he thanked Councilor Powers for his leadership, as well as the whole FOP committee.

The Assistant City Manager, Rebecca Landry, personally thanked the Finance Department for their efforts on this budget despite a really difficult transition to a new finance system and migrating from one to another daily to ensure everything matched. She thanked the Finance Department's leadership for all the long hours on this budget.

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

At the June 1, 2023 City Council meeting, this agenda item was tabled. Mayor Hansel called this item forward.

A Finance, Organization, and Personnel Committee report read on a vote of 4–0, recommending the adoption of Ordinance O-2023-11-A. A motion by Councilor Powers to adopt Ordinance O-2023-11-A was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Johnsen, Ormerod, and Chadbourne were absent.

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

At the June 1, 2023 City Council meeting, these agenda items were tabled. Mayor Hansel called them forward.

A Finance, Organization, and Personnel Committee report read on a vote of 4–0, recommending the adoption of Resolution R-2023-14. A motion by Councilor Powers to adopt Resolution R-2023-14 was duly seconded by Councilor Remy. The motion carried unanimously on a roll call

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vote with 12 Councilors present and voting in favor. Councilors Johnsen, Ormerod, and Chadbourne were absent.

A Finance, Organization, and Personnel Committee report read on a vote of 4–0, recommending the adoption of Resolution R-2023-15. A motion by Councilor Powers to adopt Resolution R-2023-15 was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Johnsen, Ormerod, and Chadbourne were absent.

A Finance, Organization, and Personnel Committee report read on a vote of 4–0, recommending the adoption of Resolution R-2023-16. The City Clerk noted that there was a clerical error and although minor, it did require an “A” version because it deals with a bond. A motion by Councilor Powers to adopt Resolution R-2023-16 was duly seconded by Councilor Remy. A second motion by Councilor Powers was duly seconded by Councilor Remy to amend Resolution R-2023-16 to replace the number name referenced as “five hundred twenty thousand dollars” to reflect the correct amount “one million fifty-seven thousand dollars”. The motion carried unanimously with 12 Councilors present and voting in favor. Councilors Johnsen, Ormerod, and Chadbourne were absent. A motion by Councilor Powers to adopt Resolution R-2023-16-A was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 12 Councilors present and voting in favor. Councilors Johnsen, Ormerod, and Chadbourne were absent.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 7:57 PM.

A true record, attest: 
City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.1.

Meeting Date: July 6, 2023
To: Mayor and Keene City Council
From: Peter Espiefs
Through: Patricia Little, City Clerk
Subject: **Peter Espiefs - Placement of Cell Tower in Residential Neighborhood - Nuisance and Safety Hazard Concerns**

Recommendation:

Attachments:

1. Espiefs_Communication

Background:

Mr. Espiefs is registering concerns about the placement of a cell tower in his neighborhood, indicating the narrow road width and proximity to residential homes constitutes a "Nuisance in Fact and in Law" directly affecting the safety and security of residents. He requests it be removed to an appropriate location.

June 20, 2023

FURTHER PETITION FOR RELIEF, from the largely residential
SUMMER-MIDDLE STREET neighborhood, to the City of Keene, NH

1. While the City has permitted the installation of 4-5G Cell Tower in our neighborhood to facilitate the expansion and efficiency of the Internet and the owners' business interest, it has failed to properly consider the safety of the neighbors in the placement of such Tower. (only 25 feet from the Leach home).

This is especially concerning, and indicates a gross disregard of facts that should have been considered in placement of the Tower. This Tower has a WARNING which is as follows:

DANGER

Hazardous Voltage.

Will cause death, serious injury or property damage

2. Because of the unusual protruding design of the curbing at this intersection the road width is narrowed, and there have been many witnessed collisions at this site by neighbors. These have involved vehicles hitting the curb and running up to the sidewalk. This happens most often when visibility is poor—when it rains, snows, or during the night hours. It is a very busy route for cars, trucks, plows, and other equipment turning the corner while going to or from the Court House, the National Grange Insurance Company, the Public Library, and downtown Keene. During the day, parking along the south side of Summer to Court St. also contributes to the narrowing of this route.
3. Any collision with the Tower will have serious consequences, especially during evening hours when residents are asleep. Rescue vehicles would also have great difficulty approaching the scene.

Likewise, any Fire Department operations in this area will be confronted with the same and related problems in answering alarms in the area, and will have to approach it with great care because of the presence of the Tower.

Under the circumstances, this situation constitutes a NUISANCE IN FACT and IN LAW directly affecting the safety and security of the residents, and their property is at risk, as well. The Tower ought to be removed as soon as possible to an appropriate location. We PRAY that such relief may be granted.

There is no justification for its presence here.

Respectfully submitted for the neighborhood,


Peter Espie
29 Middle St.

WE reserve the right to appeal.

Please furnish copies to Telecom and associates



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.2.

Meeting Date: July 6, 2023
To: Mayor and Keene City Council
From: Jennifer Risley
Through: Patricia Little, City Clerk
Subject: **Jennifer Risley - Urging Support for Bike Lanes as Part of the Downtown Infrastructure Improvement and Reconstruction Project**

Recommendation:

Attachments:

1. Communication_Risley

Background:

Ms. Risley has submitted a letter in support of the inclusion of bike lanes in the preferred option for the Downtown Infrastructure Improvement and Reconstruction Project.

July 3, 2023

To the Honorable Mayor and City Council:

“After 50 years of framing work around the automobile, retail analysts in both the private and public sectors are shifting to a new consensus: **cars don’t spend money — people do.**”

The quote above, taken from the report “Protected Bike Lanes Mean Business” (bit.ly/Keene-Bike-Lanes), highlights a significant shift in thinking. *People* need access to our locally owned stores, whether getting there by foot, bicycle, wheelchair, bus, or personal vehicle. How can we balance each person’s transportation needs with municipal budgets and businesses’ bottom lines? Enter the bicycle.

There’s growing evidence that encouraging people to go by bicycle boosts the local economy. When done correctly, adding bicycle lanes and other cycling amenities can increase retail sales while decreasing parking pressures: bit.ly/bicycling-benefits.

“Bicycling is more than a practical, cost-effective solution to many municipal challenges,” said Bill Nesper, executive director of the League of American Bicyclists. “When local communities invest in making bicycling safer and a real transportation option for more people, the return on investment is clear for individuals and society at large -- from cost-savings on public health to small businesses’ growth and more.”

While bicyclists tend to buy smaller amounts when they shop, bicyclists visit each store more often and spend more money overall than those who commute by automobile. Also, providing space for bicycle parking costs municipalities less than vehicle parking (amiba.net/bicycling-means-business/). A dozen bicycles can fit into one parking space designed for a vehicle.

As you make critical decisions about the Downtown Infrastructure Project, I hope you will keep the benefits of bicycling in mind.

Sincerely,

Jennifer Risley
29 Page Street
Keene, NH 03431
jen@thelocalcrowd.com



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.3.

Meeting Date: July 6, 2023
To: Mayor and Keene City Council
From: Ken Kost
Through: Patricia Little, City Clerk
Subject: **Ken Kost - Relevance of the 2028 Community Vision and the Downtown Infrastructure Improvement and Reconstruction Project**

Recommendation:

Attachments:

1. Communication_Kost

Background:

Mr. Kost referred to the Community Vision for 2028 as outlined in the Comprehensive Plan. That vision stated *"Our built environment consists of...clean and efficient public transportation that connects us to our community, the region, and beyond; pedestrian and bicycle infrastructure that is present throughout our community and that places import on people rather than automobiles; and a well-developed trail system that provides connections between neighborhoods, open spaces, and other communities while simultaneously supporting a healthy lifestyle."* Mr. Kost goes on to urge the inclusion of bike infrastructure in the preferred design for the Downtown Infrastructure Improvement and Reconstruction Project.

Honorable Mayor and City Council

Subject: Downtown Infrastructure

City Council Workshop, July 6, 2023

Dear Mayor and Councilors

Thank you for your thoughtful decision process concerning how we reconstruct our streets as part of the Downtown Infrastructure Improvement & Reconstruction Project. We all understand that this is a once in our lifetime opportunity to improve our downtown and to make great strides towards achieving many of our 2010 Comprehensive Plan goals and community desires.

As you discuss this on Thursday, it's important to reference the Comprehensive Plan. I did a quick review and found some important points relative to bicycle infrastructure in the plan. Some of these are:

*Our Community Vision for 2028 includes this statement- "Our built environment consists of..... clean and efficient public transportation that connects us to our community, the region, and beyond; pedestrian and **bicycle infrastructure** that is present throughout our community and that places import on people rather than automobiles; and a well-developed trail system that provides connections between neighborhoods, open spaces, and other communities while simultaneously supporting a healthy lifestyle."*

The Comprehensive Plan includes discussion on what residents believe are the most important things the community can do to support the success and growth of businesses in Keene, the following items were identified in the plan:

- *Lower property taxes*
- *Reduce or minimize regulatory impacts by streamlining review and permit processes*
- *Improve transportation by improving access, reducing congestion, increasing the availability of transit, and **expanding bicycle** and pedestrian options*
- *Increase availability of parking*
- *Maintain streets and sidewalks*
- *Encourage economic development by attracting new businesses to the area, supporting existing economic development groups, such as MEDC, the Chamber of Commerce, and Hannah Grimes*
- *Support and maintain downtown as the economic hub of the community*

Our Comprehensive Plan discusses the concept of a "Park & Walk Community."

*"Throughout the planning process, participants envisioned a system that integrates motor vehicles, public transportation, pedestrians, and **bicycles** into a network of services and facilities. This network is encompassed in the "park-and-walk community" concept. Public transportation, pedestrian and bicycle access should be incorporated in transportation infrastructure and land-use planning decisions. The concept of a park-and-walk community involves **motorists parking in defined locations** and finding convenient transportation options during their time in the community by means of public transit, walking or **bicycling**."*

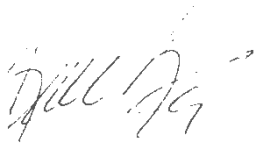
*During the Comprehensive Plan process, members of the community expressed a desire, as part of creating Keene's walkable community, to strive for "complete streets." Complete streets include **Bicycle Infrastructure**.*

*The Comprehensive Plan includes a summary of significant survey results. "Respondents would like to **use bicycles** as transportation around the city, but they say downtown is not "bike-friendly" and they would support a **more bike-friendly design in downtown**. College students primarily walk to get into town and support the idea of creating a better public transportation system within and around the city.*

A significant issue identified in the Comprehensive Plan is most people would like to use bicycles as transportation around the city. But, they say downtown is not "bike-friendly" because they have to ride in the street and there is a lack of bike racks. Accessing bike paths from Main St. is difficult and they would like better connections between bike paths and the city.

With all this complex work done to define what our future should be, and now, with the opportunity to implement bike infrastructure, we should move ahead to meet our 2028 Vision.

Thank You

A handwritten signature in black ink, appearing to read "Ken Kost". The signature is written in a cursive style with some flourishes.

Ken Kost

30 D Stonehouse Lane
Keene, NH



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.4.

Meeting Date: July 6, 2023
To: Mayor and Keene City Council
From: Janelle Sartorio
Through: Patricia Little, City Clerk
Subject: **Janelle Sartorio, In support of Connecting the Existing Trails and Bike Lanes to the Downtown**

Recommendation:

Attachments:

1. Communication_Sartorio

Background:

Janelle Sartorio believes bike lanes are an inexpensive way to enhance the City and the quality of life of its residents.

JANELLE SARTORIO
6 KENDALL ROAD
KEENE, NH 03431

July 3, 2023

Dear City Council Members,

I am writing as a resident of Keene, NH ward five to express my support of incorporating bike lanes into the proposed design of the Downtown Keene Revitalization project.


While I am not tied to a particular design element, I do think it is important to set our City up for success by anticipating and incorporating the current and future transportation needs of the community by expanding our current bike paths and lanes into the Downtown project. I believe bike lanes are an inexpensive way to enhance our City and the quality of life of the residence by:

- Offering a safe and healthy mode of transportation
- Helping to reduce the carbon emission of vehicles
- Allowing for a lower cost way to get around
- Providing the infrastructure for alternative modes of transportation for those who may not want or have a driver's license

Given Keene's existing network of trails and bike lanes, it feels like a big opportunity would be lost if we do not connect these systems to the area of the City we are most proud of, our Downtown.

Thank you for your time and consideration.

Sincerely,



Janelle Sartorio



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.5.

Meeting Date: July 6, 2023
To: Mayor and Keene City Council
From: Dorrie Masten
Through: Patricia Little, City Clerk
Subject: **Dorrie Masten - Recommending that the Public be Allowed to Discuss any New Design Options - Downtown Infrastructure Improvement and Reconstruction Project**

Recommendation:

Attachments:

1. Communication_Masten

Background:

Ms. Masten is requesting that any new options for the downtown project be sent to the Municipal Services, Facilities, and Infrastructure Committee for public discussion.

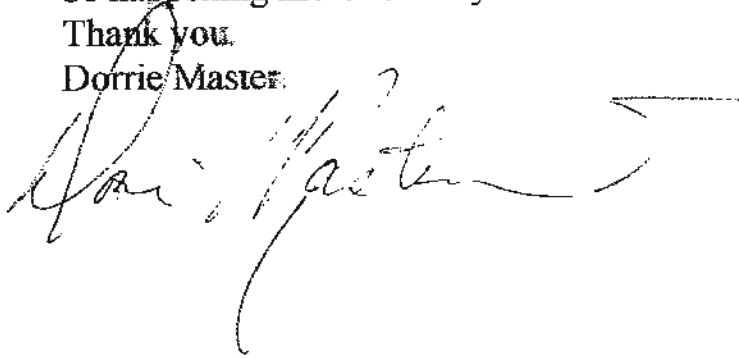
July 3, 2023

Dear Mayor and City Councilors,

I request that city councilors consider changing the process that is about to be this Thursday. NO matter discussed in a non public workshop should be voted on in a non public council meeting without going to MSFI for public discussion first. It would be unethical to take on a new plan as proposed in a non-public workshop and then be voted on without the public having any ability to discuss the matter. I have no recollection of this ever being done and there is a reason, we must be transparent in our decision making and include the residents of this city. The new plans have not been properly introduced or discussed with the public and it should be required this and other matters similar go to MSFI for discussion. This should not be taken as "informational only" which seems to be happening more recently in these committee meetings.

Thank you.

Dorrie Master

A handwritten signature in cursive script, appearing to read "Dorrie Master", with a long horizontal flourish extending to the right.



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.6.

Meeting Date: July 6, 2023
To: Mayor and Keene City Council
From: Pamela Russell Slack
Through: Patricia Little, City Clerk
Subject: **Pamela Russell Slack - Requesting an Amendment to the City Council's Rules of Order - Workshops**

Recommendation:

Attachments:

1. Communication_Slack

Background:

Ms. Slack is requesting that the City Council consider an amendment to its Rules of Order to include language about Council workshops.

Subject: Rules of Order of the City Council

To the Mayor and City Council:

My letter is in reference to the City Council Workshop meeting scheduled for 7/6 after the regular City Council meeting. As I was hoping to speak at the City Council Workshop, the Mayor is not allowing any public input to the important decision being made regarding the downtown infrastructure project. This will stifle public input to the final design. This is an important decision being made on a long-term project which must be made with public input. In order to have public support, and engage the community clear and transparent information to the public is necessary.

Historically, anything coming out of a City Committee, FOP, PLD, and MSFI goes to the full council for a vote. City Council Workshops are just that, a workshop. City Council workshops normally make recommendations to a City Council Committee for public input.

Technically the City can move to vote on a motion made from a City Council Workshop. However ethically any decision made at a City Council Workshop should be returned to a City Council Committee to allow public input. If the Mayor and City Council move to vote on the downtown infrastructure project this will set a precedent for years to come. This tells the public their opinion is not valued and allows the City Council to make important decisions like the Downtown Infrastructure Project without their input.

As a former City Councilor, former Chair of the MFSI committee and former Chair of the Planning Board, I am requesting the Mayor and City Council amend The Rules of Order of the City Council to include the procedures of City Council Workshops.

Please put this on the City Council agenda and with a copy placed on the City Councilors desk.

Pamela Russell Slack

Pamela Russell Slack

7/4/2023



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.7.

Meeting Date: July 6, 2023
To: Mayor and Keene City Council
From: Dwight Bowie
Through: Patricia Little, City Clerk
Subject: **Dwight Bowie - Encouraging Effective Communications with the Public and Greater Accessibility to any Materials that Are Disseminated Regarding the Downtown Infrastructure Improvement and Reconstruction Project**

Recommendation:

Attachments:

1. Communication_Bowie

Background:

Mr. Bowie recommends that the Council prioritize the citizens of Keene as their primary stakeholders and ensure that all disseminated materials are presented in a more accessible format. He offers a guideline that would be useful for consultants to follow.

Subject: Request to Include Letter on Council Agenda - Infrastructure Project Discussion

Dear Keene City Council

I kindly request that this letter be placed on the Council Agenda for the upcoming meeting on July 7th. I believe it is essential for this letter to be considered for discussion rather than being accepted solely as informational. The purpose of this discussion is to address the next steps for the ongoing Infrastructure project.

Having attended numerous meetings concerning the City's future Infrastructure Plans, I appreciate the genuine and informative input provided by Council Members, City Staff, Consultants, and members of the public. I would like to express my gratitude to all those involved for their valuable time, energy, and insightful comments.

However, I feel compelled to point out that the current process employed to share information with the public and communicate consultative research is ineffective. It appears that the Infrastructure Plan may be approaching a voting stage, while the Review Process has yet to provide specific dates, financial figures, or project objectives. Allow me to provide you with an overview of what I have observed.

During the meetings, attendees, including members of the public, Council or Committee Members, and City Staff, had the opportunity to review documents, schematics of Main Street and Infrastructure, as well as current and proposed plans. Consultants delivered presentations, and participants engaged in discussions involving questions from councilors and responses from the consultants. The public also offered comments on the three segments under consideration: Infrastructure, Bike Lanes, and the City Square.

To illustrate this process, I would like to highlight an example from one of the meetings. One Councilor raised a question about the Bike Lanes, to which the consultant provided an answer. There was some follow-up, and the Councilor seemed satisfied with the information provided. Another councilor went through a similar process, and the cycle continued for the City Square and the Bike Lanes.

Throughout these meetings, it became evident that the multitude of questions surrounding the three aspects of the project never coalesced into a cohesive and comprehensible end product that members of the public, such as myself, could fully understand.

Therefore, I strongly recommend that the Council prioritize the citizens of Keene as their primary stakeholders and ensure that all disseminated materials are presented in a

more accessible format. While it is understandable for consultants to present in an open forum, they should also adhere to the following guideline:

- Consultative documents, spreadsheets, proposed budgets, or any other relevant documents should not solely consist of technical data. They must incorporate written text that provides an overview of the major points, offers commentary on alternatives, explains why a particular direction is being considered as a decision becomes imminent, and outlines the rationale behind that decision.

By implementing these recommendations, the Council can enhance transparency and engage the community more effectively in the decision-making process for the Infrastructure project.

Thank you for your attention to this matter. I look forward to the discussion at the upcoming Council meeting.

Sincerely,

Dwight Bowie

A handwritten signature in black ink that reads "Dwight W. Bowie". The signature is written in a cursive style with a large, prominent 'D' and 'B'.

Keene, NM 03431

July 03, 2023



CITY OF KEENE NEW HAMPSHIRE

ITEM #C.8.

Meeting Date: July 6, 2023
To: Mayor and Keene City Council
From: Councilor Randy Filiault
Through: Patricia Little, City Clerk
Subject: **Councilor Filiault - Reimbursement for Speaking Fee - Jeff Speck Visit**

Recommendation:

Attachments:

1. Communication_Filiault

Background:

Councilor Filiault requests the City be refunded for the fees paid to host a visit from Urban Planner Jeff Speck, citing the visit as a "for profit" book sale and signing event that should not be funded with taxpayer money.

July 3, 2023

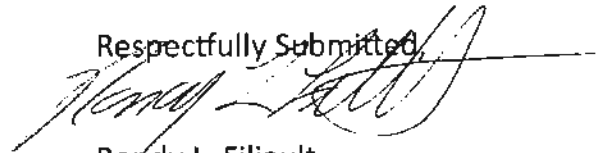
To: The Mayor and City Council
From: City Councilor Randy Filiault
RE: Jeff Speck Reimbursement

Whereas the City of Keene allotted \$2,500 of City tax dollars to Jeff Speck's visit to the City, via a "Keene Downtown Group".

And whereas Mr. Speck used the event for a "for profit" book sale and signing event.

I hereby request the City Council demand repayment of the \$2,500 he received, as no tax dollars should be spent on a "for profit" event.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Randy L. Filiault", written over a horizontal line.

Randy L. Filiault
Keene City Councilor



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 6, 2023
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: 2023 Warrant for Unlicensed Dogs - City Clerk

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the City Council issue a warrant for unlicensed dogs pursuant to NHRSA 466:14, and that the City Clerk and the Keene Police Department be authorized to issue a civil forfeiture for each unlicensed dog to those dog owners who have failed to license their dog by April 30, 2023.

Attachments:

None

Background:

Assistant City Clerk Terri Hood stated that she is seeking the City Clerk's Office's annual authorization for the warrant to issue forfeitures for unlicensed dogs. She continued that anyone that staff has not seen in the City Clerk's Office to relicense for the year will receive a \$25 fine in early July. All owners had until April 30 to get their dogs relicensed. In addition, on this year's list, staff again included the new dog owners on whom they have received rabies (vaccination) notifications. There are 322 dogs with licenses that have not been renewed, and just under 100 new dog owners who have received a written notice from the City Clerk's Office and have yet to respond. The good news is that the numbers are much lower than last year's. The City Clerk's Office has done many outreach efforts this year, similar to in the past, but something they added – which she is not sure if they did last year or not – was a robocall. Anyone who had not renewed their dog's license as of the end of May received a robocall with her voice on the line telling them to come in and see a staff member at the City Clerk's Office. They have done 2,700 licenses so far and have just over 400 left that they would like to gain compliance with. The Police Department will be helping the City Clerk's Office get the fines out. The first run will be by regular mail, and the second run will be a knock on the door from the Animal Control Officer.

Chair Greenwald asked if there is a good reason for doing this, other than this being a State requirement. Ms. Hood replied that there are a few reasons. She continued that the Department of Agriculture requires it, and beyond that, it is a public health issue. Rabies (vaccinations) are required. Rabies can spread quickly if dogs are not vaccinated and they bite someone. They do not want that to happen. What is also positive about the program is that the State uses a portion of these funds to provide low-cost spaying and neutering services. If someone, unfortunately, does get bitten, the State's lab has diagnostic services for the dog that bit someone.

Chair Greenwald thanked Ms. Hood and replied that he thinks it is important to know that this is not something they have to do “just because;” there is some reason behind it. He asked if there were any further questions from the Committee. Hearing none, he asked if members of the public had any questions. Hearing none, he asked for a motion.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the City Council issue a warrant for unlicensed dogs pursuant to NHRSA 466:14, and that the City Clerk and the Keene Police Department be authorized to issue a civil forfeiture for each unlicensed dog to those dog owners who have failed to license their dog by April 30, 2023.

Councilor Williams stated that he mentioned this (agenda item) to his son today, who asked why (the City) does license dogs. He continued that he appreciates this explanation. It is something people should know about.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 6, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Solar Generation Facilities - Revision Energy Letter of Intent**

Recommendation:

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a Letter of Intent with Revision Energy for solar energy generation facilities on City-owned property at the Monadnock View Cemetery, Rose Lane, and Dillant-Hopkins Airport along with assessing the potential provision of electric vehicle and aircraft charging infrastructure at the Dillant-Hopkins Airport.

Attachments:

None

Background:

Public Works Director Kurt Blomquist stated this item is in reference to a Letter of Intent with Revision Energy for generation facilities on several City properties. In 2019, the City issued a Request for Proposal (RFP) seeking qualifications and development proposals for the design, construction, and operation of solar generation facilities on City-owned property at the Dillant-Hopkins Airport. The RFP had two phases. Phase one was the construction of a 1 MW solar generation facility that would provide power to the City's Wastewater Treatment Plant. The second phase was for the construction of a 1.2+ MW solar generation facility that could potentially provide power to users at the airport and users located off the airport property.

The City received a number of proposals which were evaluated and Revision Energy was selected. The City negotiated a Letter of Intent that covered both phases. During the negotiations, the regulatory constraints in New Hampshire were in flux. It restricted municipalities from constructing a solar generation facility of over 1 MW and where the power could be used by users outside the community boundaries. This became an issue with respect to the facility located at the Airport.

The City did move forward with the first phase and created a power agreement for the Wastewater Treatment Plant where the generation facility is located. Since, that time, there have been changes at the State level and legislation is likely to be signed by the Governor which will allow for the construction of facilities over one megawatt and also allow for the use of that power outside boundaries of where the facility is constructed. Revision Energy has been working with staff to identify potential sites for additional solar facilities and they have identified three sites; an area in the Monadnock View Cemetery near the maintenance facility, an area at the former wastewater

treatment facility on Rose Lane and two areas at the Dillant-Hopkins Airport.

Mr. Blomquist stated the Airport Director has also been involved with this project and he is interested in providing electric charging infrastructure for vehicles and aircraft. The Airport Director believes that this infrastructure would increase interest in the airport for development and attract aircraft technology companies. Revision Energy has experience with this type of facility and it has a current contract with the State of New Hampshire. He noted the State is implementing its own electric infrastructure plans and Revision was one of the companies that bid on the project and has been awarded that contract.

The next step would be the signing of a Letter of Intent which would give Revision exclusive rights to these areas. Revision would need to have conversations with Eversource regarding their electrical infrastructure. Once all issues are resolved the City will enter into an agreement with Revision to either purchase power or perhaps to own the facility. Staff's request today is to authorize the City Manager to negotiate and execute a Letter of Intent with Revision Energy.

Councilor Chadbourne stated she had concerns about Monadnock View Cemetery and noted the space is available now but asked what happens if there is a need for this space in the future. Mr. Blomquist stated the Parks and Recreation Director has been involved with this project and they have indicated this is not an area designated for use for cemetery purposes and there is no change being proposed at least for another 20 years.

Peter Hansel, 61 Bradford Road was present as a member of the Energy and Climate Committee. He stated the Energy and Climate Committee is concerned with solar arrays in the community, particularly ones that can be used for community solar power. He indicated these three sites have been on their horizon for almost a year and the Committee has been urging the City to locate arrays on them. Mr. Hansel stated he had recently visited the airport site and felt this was a great location for a solar array.

He added Rose Lane is also a great location for solar and the committee has looked at that site as well. With respect to Monadnock View Cemetery, there are potential "off-takers" for that area nearby and depending on the Letter of Intent, the Committee would like the "off-takers" to be people that are in the lower to middle-income brackets, which would make the site more attractive and it would help achieve some of the goals outlined in the Energy Plan. Mr. Hansel encouraged the Committee to keep moving forward with this item.

Councilor Lake asked what level of charger the City would intend to locate at the airport. Mr. Blomquist stated the Airport Director is doing more research on this but thinks it would be in the 2-3 range and Revision Energy would also assist with the selection.

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

On a 5-0 vote, the Finance, Organization and Personnel Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute a Letter of Intent with Revision Energy for solar energy generation facilities on City-owned property at the Monadnock View Cemetery, Rose Lane, and Dillant-Hopkins Airport along with assessing the potential provision of electric vehicle and aircraft charging infrastructure at the Dillant-Hopkins Airport.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 6, 2023

To: Mayor and Keene City Council

From: Finance, Organization and Personnel Committee, Standing Committee

Through:

Subject: **Councilor Filiault - Proposing Referendum Question on Municipal Ballot - Preferred Design Alternative - Downtown Infrastructure Improvement and Reconstruction Project**

Recommendation:

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends accepting this item as informational.

Attachments:

None

Background:

Councilor Filiault called the Committee's attention to the letter he had sent to the Council. He indicated the reason for the letter is because of a request from a large group of constituents. The Councilor stated in his 24 years on the Council he has never seen such overwhelming opposition to a project such as is happening with this project. Most of the constituents feel like they are not being heard and they want the opportunity to be heard at the ballot box.

The Councilor stated the City feels like they need to rush this project through because they believe the grant opportunities will run out. The Councilor continued he had spoken to Senator Shaheen's office as well as the NH Department of Transportation and that is not the case.

A large majority of the constituents also feel the project has been handled poorly; he noted the first meeting happened a year ago about 100 members of the public attended. About 30 people had involvement in what was forwarded by the Ad Hoc Committee to the City Council. He added the Ad Hoc Committee was poorly attended, there was never a quorum and there were two members who never attended any of the meetings. He added the meetings were also scheduled at inconvenient times. It was only at the last meeting when the media heard about the discussion that the public actually showed up and expressed their opposition and indicated they were not aware this project was happening. After the public left, the Chair took a vote and moved the project along. The Councilor stressed meetings at 3 pm should never be scheduled when most of the public is at work. He added even now, the City has outside consultants most of whose recommendations seem "bizarre".

Councilor Filiault stated the Council does not work for the staff or for outside consultants, the Council

works for its constituents and if they are asking for an opportunity to weigh in at the ballot box it needs to be awarded. As far as the wording, that would be entirely up to the Council. This concluded Councilor Filiault's presentation.

Councilor Bobby Williams stated even though this sounds like a democratic process it does not seem like the constituents being referred to are a representative group. He stated, specifically it excludes anyone under 18 as this would be the group living with this decision. He stated if something is going to be on the ballot he would like to see some effort to go into schools and make sure everyone is included.

Ms. Dorrie Masten of Swanzey addressed the Committee and started by noting that she owns much real estate in Keene. Ms. Masten stated she wanted to express to the Committee that the decision on whether or not to move forward with the infrastructure project should be placed on the ballot requires serious consideration by all of you. It is her opinion and many others that this 14-million-dollar project should be placed on the ballot for the community to decide. She asked that the Committee listen to the rest of her presentation with an open mind and consider the following:

She filed a right-to-know request with the City pertaining to the infrastructure project. The very first one was filed on January 10th and it was for any records in the City of Keene to the Keene Fire Department and the Keene Police Department. These requests were made so that she could review them and share her findings with those who support Save The Square. These are relevant as there are many concerns throughout the community as to whether or not this project is safe, and specifically will the emergency vehicles be able to maneuver without any delay. Along with that RTK request, she also requested all communications between Stantec and City employees; of which she did receive a partial response. Ms. Masten then shared a chronology of her various interactions with City staff regarding her RTK requests. Her initial request was made on January 17th for all communications that involve her or "Save the Square" relative to the infrastructure project. Another request for the traffic study and all exhibits was made on February 9th. An informal request via email for the mailing list of all who received the postcard from Stantec/City of Keene was made on February 11th. On March 1st she requested copies of all grants the City had applied for pertaining to this project.

Ms. Masten then reviewed other dates on which she contacted the City asking for updates on her various RTK requests. Ms. Masten stated between May 12th and June 5th she stopped at the Clerk's Office asking about the requests. On June 21st Ms. Masten contacted the City again and noted that she had consulted an attorney. Within an hour of submitting that email, she was contacted and advised that she would be getting emails between the KPD and KFD by the end of the day and that the other emails were being reviewed by the legal department. Ms. Masten noted she has yet to receive any documentation. She added in the last email from the City, there was no mention of the Traffic Study or the exhibits as to when she can expect to see these documents.

In closing, Ms. Masten questioned if the staff is holding back on releasing the traffic study, exhibits, and internal emails that directly involve the safety of the community. She asked how can a decision be made to move forward? She felt it is now up to the community as a whole to decide how to move forward as the information requested back in January is still unfulfilled. If there is no traffic study available to her this would mean that the Council has not seen one either.

She asked the Council to remove itself from this project for a few months and allow the citizens to decide if they want this to proceed and how it should move forward as well as permitting the Attorney General's office to complete an investigation into this project.

Mr. Peter Hansel, 61 Bradford Road stated the Council as elected members of this community are faced every day with very difficult decisions and many of the issues can be complex. He indicated the Council is elected to look at these issues and determine whether or not they need more information to make the decision it needs to make. However, in the end, the decision is the Council's not the decision of the general public. At times those decisions are difficult and challenging and he felt this one is. He encouraged the Council to fulfill the duty it was elected to do.

Ms. Pamela Russell Slack, 260 Beaver Street addressed the Committee next and began by indicating that she is not the spokesperson for Senator Shaheen's office that Councilor Filiault referred to; it was handed off to another individual in the Manchester Office. She indicated as a previous City Councilor and with her mother having been a previous Mayor, she is extremely discouraged and disappointed at how this project has moved forward in general. She stated she did not feel the public had all of the information they needed from the very beginning and it is only because of Save The Square that things started to change and a lot of the information was brought forward to the public. She stated as a former City Councilor, she always did her homework and what she is finding now as a constituent is that she has not heard anything from any of the City Councilors to any of their constituents about this project. She stated as a City Councilor she represented the constituents she did not represent herself. She stated that Councilors have to decide because they represent their constituents.

She stated her primary concern and something that Ms. Slack stated she will be putting in writing is when this item goes to the full Council on Thursday, July 6th is for the Council to make sure its constituents were aware of what they voted for and how that decision is going to impact the entire downtown.

Councilor Powers asked whether an item such as this referendum question was allowed on the ballot by State law. Asst. City Attorney Palmeira stated State law doesn't prohibit it. The law in New Hampshire is if the Charter permits this type of survey question on the ballot – it can be permitted. She noted other towns have had similar items on their ballot. She went on to say Section 3 of the Charter has the ability to permit referendum questions ordered by the City Council. The second issue is what kind of question should be placed on the ballot. Ideally, it would be one question. If there is a referendum question about one topic, then there is one accompanying question. The attorney added there is always the risk of confusion if there are multiple or contradicting questions.

Attorney Palmeira went on to say there is a process under the State law that applies to charter amendments and is not directly applicable to referendum, but she would recommend that it be followed which would be in the form of a question ordered by the full City Council to the City Clerk at least 60 days before the regular municipal election. However, before deciding on whether to direct the City Clerk to place the question on the ballot, she believed the Council should decide whether to craft a ballot question or not. Once that determination was made, a public hearing can be scheduled and a question could be placed on the ballot.

Councilor Remy stated because this is a complex issue asked whether informational packets could be located at the polling locations. Attorney Palmeira stated she wasn't sure, but she felt this would be more like a government effort on education. The Councilor expressed concern about condensing down into a ballot question such a complex item that has been worked on for nearly a year.

Councilor Chadbourne stated she understands the frustration of Ms. Masten regarding not receiving the information she requested and also expressed concern that the July 6 meeting is not open to the public. She indicated most people she has heard from are not in favor of these changes and agrees the Council is elected to make these difficult decisions. Councilor Chadbourne clarified that staff feels it would be too confusing to have two questions on the ballot. Attorney Palmeira agreed and added

that would be the staff's recommendation. The Councilor asked whether staff considered language to include on the ballot. The attorney stated she was not aware of any language being considered but was hoping this would be a focused conversation by the Council.

A motion was made by Councilor Madison to accept this item as informational. The motion was seconded by Councilor Remy.

Councilor Remy stated he agreed as much public input was necessary, but he felt the Council has heard from more people at this point than go to a ballot box. He added even though he likes the idea – this would cause a delay and it would push the project further out.

Chair Powers stated it is difficult to pose a question when the Council doesn't know what the project is. He felt by accepting the item as informational the Council can perhaps discuss it in three weeks. He agrees the Council has heard from a lot of people but posing the question "Are you in favor of the project" when the Council doesn't know what the project is going to be is not the most appropriate question. He noted 3/4ths of this project is water and sewer and if it fails the Council would have gone down the wrong path and felt the Council would know more at the July 6th Council meeting.

Councilor Lake stated he would like to echo some of the sentiments around the difficulty of a question that the Council would be able to pose succinctly on a ballot. The suggestions, at least in front of the Committee is not to leave a lot of room for nuances and if a voter was in favor of four out of five of the MSFI proposal, they would not want any changes to Central Square, they would like to keep Gilbo Avenue as a two-way street but they want bike lanes. He questioned in that situation, how would the public express that to the Council; do they vote in favor or against the MSFI proposal and felt the City will not be getting the full information from voters. He added the second part is halting future discussions, which he felt would be wholly inappropriate as it is the Council's job to continue to get information.

Councilor Lake added that the Council indicated they did not have enough information to be able to take a vote that night. The public also voiced their opinion that they don't have all the information they would like. Hence, he felt the Council needs to continue to have these workshops and continue to have opportunities as a Council to ask questions to get information and to have a discussion about how this project should best move forward. He stated he could not agree to halt discussions and therefore was in favor of accepting this item as informational.

Councilor Chadbourne stated with respect to what Councilor Lake stated she would agree to require more information and added she was concerned about this July 6th meeting and the public not being able to participate; she stated she wasn't sure who makes that call. If July 6th ends up being the last workshop and the public feels they have not had the opportunity to participate, then it might not be the best way to move forward. She stated she would like to see both the Council and the public continue to participate. If more workshops are necessary, then those need to be scheduled. The Councilor asked for input from staff regarding the July 6th meeting with reference to public participation. Asst. City Manager Rebecca Landry stated she had not had this conversation with the Mayor but the City Manager likely had. It is likely that public participation is not going to happen because public participation opportunities have already occurred. She indicated this is not a call staff would make and stated she could provide a follow-up on this concern.

Attorney Palmeira stated her understanding was that the workshop was based on what the City Council had requested. Chair Powers agreed this was the request from Council even though it was not a unanimous vote.

Councilor Madison stated he agrees with the sentiments of his fellow councilors that the request is a

little too vague and added that he is not very much in favor of halting discussion until November. He felt the two questions are quite broad and added going to the ballot was not an issue a week ago but now it is a major issue.

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends accepting this item as informational.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 6, 2023
To: Mayor and Keene City Council
From: Finance, Organization and Personnel Committee, Standing Committee
Through:
Subject: **Councilors Williams and Chadbourne – Request for Public Forum – Effective Use of Opioid Settlement Funds**

Recommendation:

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends the communication be accepted as informational and that the City Manager request a nonprofit substance abuse provider lead a community discussion which the City participates in with other partners and the community around gaps in service to encourage grant applications to the State's opioid abatement trust fund.

Attachments:

None

Background:

Councilor Williams and Representative Jodie Newell addressed the Committee next. Councilor Williams stated what they are requesting today is a public discussion of the opioid settlement. He noted the State has a large amount of opioid settlement funds and the City has \$113,000 of those available funds. He stated the concern is the discussion of how that money is spent, who are the different organizations that can work on this together to maximize the opportunity to gain access to these funds and to use them to save lives in Keene.

He noted there is recommended language for a motion, but he would like the opportunity to make that language stronger and clearer. The Councilor added they see the City as a partner in this and don't want to hand this off to a third party to manage the discussion; they want to be part of a discussion that could perhaps be led by social service agencies.

The other issue is to include the words community discussion so that we can hear from people who have been affected by this and understand what the need is.

Representative Newell addressed the Committee and began by thanking Councilors Chadbourne and Williams for submitting this letter. She felt the community has a stake in this issue and an interest in doing the most we can with this opportunity. She felt that understanding exactly where the gaps and barriers are, is essential. For instance, Ms. Newell stated she is a social worker in a transitional housing shelter and sees things from one perspective but also sees things from a different perspective because she lived in her car with her kids at one point. The goal is to be able to navigate

the system so that we can understand how we can do the most good. Ms. Newell talked about her experience of losing her fiancé to an opiate overdose. She felt this money is an unfortunate consequence of what some people have experienced. Ms. Newell stated the City can do nothing but good to value the perspectives of the people on whose behalf this money comes in.

Councilor Madison asked for comments from the co-author of this letter.

Councilor Chadbourne felt this was a pretty meaningful conversation and stated she appreciates Representative Newell approaching her about this issue. She felt it was not only important to have professionals at the table, and those who represent the City but also the voices of people who have been directly affected or still involved in it. She felt it was a great idea to have a community conversation with different stakeholders and those who are affected.

Councilor Madison stated he had questions about the two proposals. He noted the first change Councilor Williams is proposing – change from non-profit substance abuse providers to non-profit community organizations and asked if the Councilor had any organizations in mind.

Ms. Newell stated the difference between placing it in these different ways is that there are different organizations that don't necessarily have to be pigeonholed into a specific framework which would limit the input the City receives; it would be broadened out to a variety of organizations that are working in different capacities at different levels. It will bring more people into the conversation. Councilor Williams added ultimately it would be up to the City Manager to identify a lead partner.

Ms. Landry felt it was important to provide some background information. What is the opioid lawsuit? Where is the money? Where did it come from? What is the trust fund? How is it going to be managed going forward? She began by thanking Representative Newell and stated she appreciated her willingness to share her personal experience and thanked the Councilors who brought this forward.

Ms. Landry indicated the City Manager would have liked to be present tonight, but she is attending the New Hampshire Managers Conference this evening. Ms. Landry added the City Manager is also on the Trust Fund Advisory Commission and hence can provide much insight on this topic.

Ms. Landry indicated that a broad conversation for the region about the Community's response to the opioid crisis is needed, as has been mentioned, and the City's participation certainly is important. The City's specific distribution of funds would be up to the FOP Committee during the City Council's review of the budget process. The opioid abatement trust funds received by the City specifically resulted from the City filing suit. This filing was based on the expenses incurred by the City police, Fire and Human Services.

The City's costs were compiled and submitted as part of that filing process. The City is one of 23 counties, cities, and towns that filed suit in New Hampshire, and those 23 entities are now receiving 15% of the settlement funds. The City's use of funds that have been received and will be received will be tied directly to the types of expenses that were submitted as part of the lawsuit. Ms. Landry noted this does not mean there are not opportunities for other organizations in the community. This includes the use of the funds for the addition of a social work position, who will follow up on drug-related police interactions to connect individuals with needed services.

The City has received a portion of the 15% thus far, and as the lawsuits continue additional funds are paid, the City will continue to receive its portion of the 15%. The City estimates this will be about \$40,000 to 50,000 per year for maybe the next 16 to 17 years. The funds could continue to support the social worker position being proposed by the Manager.

Ms. Landry then addressed the remaining 85%. She indicated the remaining 85% of the funds will be distributed based on a grant application process. The grant process at the State level is moving slowly and it could take six months or more to receive any of that funding. The Opioid Trust Fund grant process allows opportunities for government agencies and nonprofits to submit applications for what they are calling “qualified opioid abatement projects”. Ms. Landry noted this is defined in HB 1639, which establishes the Opioid Abatement Trust Fund and Advisory Commission, it states “the Commission shall use the fund to support programs associated with the prevention, treatment and recovery of substance use disorders.”

Ms. Landry stated the City would certainly participate in a conversation with respect to identifying gaps, services and needs of the community and it envisions a local nonprofit leading that conversation. Ms. Landry noted this would not be in regards to the use of the funding received by the City as part of the lawsuits, which is what staff brings to the Council through the FOP Committee. She indicated that community conversations would be helpful to local providers who can apply for the State’s funds moving forward. The County is also receiving funds and expects the County to participate in that conversation.

Ms. Landry went on to say that the City Manager has contacted Cheshire Medical Center, who has referred the City to the “Doorway” which is an extension of Cheshire Medical and it connects people to peer recovery support services, prevention, including naloxone screening and evaluation, supports and services to assist in long term recovery treatment including medication-assisted treatment for MAT. Ms. Landry stated Doorway might be interested in conducting that community meeting but there could be others well-positioned to lead that conversation as well. The City will be an important part of that conversation but she felt organizations that are involved in drug misuse and recovery would be better positioned to lead that conversation.

Councilor Remy stated he sees a few opportunities to consolidate the requested pieces while keeping the heart of the original motion. He stated he was very supportive of being part of a community discussion and bringing in members of the public and bringing in affected individuals. The Councilor stated he likes the idea of having a community member or community organization lead the conversation and the City be a participant but not the leader. He felt this would help with future grant writing processes etc.

The Councilor suggested the following language lead a community discussion which the city participates in along with other partners and the community around the gaps and services – to insert this around the word “discussion”

The Chair felt the City should be able to reach out to as many people as possible to be part of this and felt the professionals are better suited at finding the right mix of people to facilitate the discussion while the City lends support in different way. He felt having it outside City Hall will bring about more participation.

Ms. Newell stated as a social worker she will have people who might never open up to her and having these different parties involved would allow for people to contribute without having any of those inherent barriers. She felt it was important for the City to take a strong role in this process. Councilor Williams agreed it was important for him that the City views itself as a partner in this process.

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

Move to recommend the communication be accepted as informational and that the City Manager request a nonprofit substance abuse provider lead a community discussion which the City

participates in with other partners and the community around gaps in service to encourage grant applications to the State's opioid abatement trust fund.

Councilor Madison stated he would vote in favor of this motion and stated he agrees with the two presenters that we need many community organizations to take a leadership role in this process. He referred to a recent podcast that details the ordeals of those seeking recovery go through and trying to get their life back. He stated it is eye-opening what people have to go through when they are in recovery or even just trying to get into recovery. He indicated it is also shocking what people will do to silence reporting on this issue.

Councilor Madison went on to say substance use disorder is not a single issue that affects someone, it is often compounded by a number of different issues that a person is facing, especially mental health issues. He added it was important to have mental health providers and mental health nonprofits part of this discussion. He talked about the mental health and substance abuse his family has experienced and the trauma he has experienced.

The Councilor stated he would like the City Manager to consider having a group of community nonprofits lead this conversation with the City taking a strong role because substance abuse does not exist in a vacuum and it is compounded by other issues. He noted people who are in the depths of substance use disorder are compounded by so many issues such as poverty, housing, food insecurity, mental health, etc. He felt it might be prudent for the Manager or Mayor to consider an ad hoc group to help oversee this process.

Ms. Landry stated the motion as presented was fine and added that it has always been the assumption of city staff that they participate. She added the City Manager is already taking a leadership role and trying to find somebody to convene the group and felt this process is moving in the right direction.

On a vote of 5-0, the Finance, Organization and Personnel Committee recommends the communication be accepted as informational and that the City Manager request a nonprofit substance abuse provider lead a community discussion which the City participates in with other partners and the community around gaps in service to encourage grant applications to the State's opioid abatement trust fund.



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.1.

Meeting Date: July 6, 2023

To: Mayor and Keene City Council

From: Cauley Powell
Chair Keene Heritage Commission

Through:

Subject: **Downtown Infrastructure Improvement and Reconstruction Project - Keene Heritage Commission**

Recommendation:

Attachments:

1. Heritage Commission_Memorandum

Background:

The Keene Heritage Commission is offering to engage in a discussion of the historical implications of the downtown infrastructure project in an effort to protect the features that speak to Keene's historic character.

June 22, 2023

Keene City Council
City Hall
3 Washington Street
Keene, NH 03431

Dear Honorable Mayor and City Council,

My name is Cauley Powell. I'm a twelve-year resident of Keene and the chair of Keene's Heritage Commission, a body on which I've served for five years. My outreach today is on behalf of the Heritage Commission regarding the Downtown Infrastructure Improvement and Reconstruction Project. The work of Keene's Heritage Commission has direct ties to the Main Street and Central Square redesign entailed in the proposed infrastructure project. As such, the Commission believes it prudent to send this letter, which introduces Commission input.

The Keene Heritage Commission is an advisory commission of the City of Keene, responsible for inventorying, promoting and actively seeking protection and preservation of all Keene resources that are valued for their historic, cultural, aesthetic, archeological, and community significance. Heritage Commissions offer a valuable means for local governments to manage, recognize and protect historical and cultural resources, according to *Preserving Community Character: A Preservation Planning Handbook for New Hampshire*. The Keene Heritage Commission has been exemplary since its formation in 2000. Since that time, the Commission has played a valuable role in many endeavors. This includes the formation of the Historic District Commission and the Downtown Historic District, completion of numerous property inventories and surveys, and presentation of educational programs and public engagement events focused on a wide range of cultural and historical content. The Commission remains active with multiple, multi-year CLG grant supported projects currently underway.

The Heritage Commission believes its work reflects a larger culture of preservation in Keene. The city's many accolades are clear evidence of the community's commitment to historical protection. In 2003, Keene received the "Dozen Distinctive Destinations" award from the National Trust for Historic Preservation, a recognition which elevated Keene as a travel worthy historic destination. In 2005, due in no small part to the efforts of Heritage Commission co-founder Jeananna Farrar, the Advisory Council on Historic Preservation, a White House initiative, named Keene a "Preserve America Community." Keene was the first community in New Hampshire to be so designated. Keene has also been presented with the "Ten Best Public Spaces" award from the American Planners Association for Central Square, a recognition of efforts to preserve the character of what they call Keene's "iconic community space."

It is important to include this cultural context in discussions of the Downtown Infrastructure Improvement and Reconstruction Project. We must consider possible impacts to the historical spaces we have invested so much into. However, it is essential that we also reflect on the context of the proposed undertaking. The hidden infrastructure under our roads and sidewalks is vital but outdated. We should be equally concerned about the potential damage to our historical spaces should this infrastructure fail and require emergency repair. The work is necessary, so, with a forward looking eye, we must ask ourselves what approach will best serve Keene and its residents.

Placemaking is key to the issue. Central Square is a symbolic space in Keene. It is our town common, a hub for community events and pedestrian friendly congregation. It is a green oasis of trees and shade on a hot

day, but it's also a bridge between the courthouse and city hall, a visual representation of Keene's role as the Cheshire County seat and economic engine of the region. It is where we protest and where we celebrate, where we hold vigils and rally to causes. Central Square hosts the community, and we fulfill the centuries long mission of the space when we enhance opportunities for people to safely gather there. Building a vibrant community is an integral part of attracting the next generation to Keene.

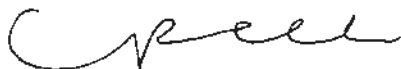
Developing a clear understanding of the attributes that define the space and give it character is also key. The Heritage Commission has been in an ongoing discussion about "sense of place" since December of 2022, when the infrastructure project became a regular addition to our monthly agenda. Since then, commission members have considered a range of questions: Are there specific features in the downtown corridor that are important to protect as a part of preserving Keene's identity? What gives Keene's downtown its historic character? How have the intended uses of downtown spaces, like Central Square, changed over time? How have past changes affected the ways that citizens engage with our communal spaces? What makes Keene feel like Keene, and *how do we preserve that?*

There is a common misconception that preservation is a purely historical endeavor. In fact, preservation is about the past and the future. What we choose to preserve, and how we choose to preserve it, is a celebration of civic pride and beauty. It's an honest reckoning with the actions of our predecessors, a statement about the values and interests of the present moment, and a gift for those who will come after us. Preservation is about the brick-and-mortar spaces we inhabit as well as the cultural legacy we are building for the next generation. Heritage, after all, is not static. It's a reflection of the practices of a people and a place, the traditions they embody, and the history they share.

Central Square has been a site where people meet and gather for events since 1828. It remains, over time, the heart of our community. Main Street is Keene's front door and entryway. These parts of our city should continue to reflect our pride in our past, and we can challenge ourselves to also make them reflect our vision for the future. It should be clear to all those traveling up or down our lovely Main Street and looking to Central Square with the church spire so elegantly gracing the tops of the trees that we care about our community and its appearance, that in Keene the past is an important part of the present, and that the needs and interests of residents are reflected in the design and function of our common areas – from the ease with which they can be accessed, to the amount of space dedicated for community engagement and the safety of their layout. The Heritage Commission is not opposed to change that meets these ends.

The downtown infrastructure project provides the city with an opportunity to think about the heritage and preservation of the downtown space. The reconstruction of Central Square and Main Street over the coming years will communicate something to the future residents of Keene. What do we want that message to be? In its advisory capacity, this commission is eager to help the city identify and protect the features that speak to Keene's historic character and engage with the historical implications of the downtown infrastructure project, including what we can do to commemorate the past (and the present) for the future.

Sincerely,



Cauley Powell

Chair, Keene Heritage Commission



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 6, 2023
To: Mayor and Keene City Council
From: William Schoefmann, Mapping Technician
Through: Jesse Rounds, Community Development Director
Subject: **Downtown Infrastructure Improvement and Reconstruction Project - Bicycle Pedestrian Path Advisory Committee**

Recommendation:

The Bicycle Pedestrian Path Advisory Committee (BPPAC) continues to advocate for protected bike lanes at sidewalk grade on both sides of Main Street. Lanes should be placed between parking spaces and the sidewalk. Lanes should be six feet wide, with a two-foot buffer on each side of the lane.

Attachments:

1. Communication_Bryenton
2. Communication_Horner

Background:

At its regularly scheduled monthly meeting, the Bicycle Pedestrian Path Advisory Committee (BPPAC) discussed the status of the Downtown Infrastructure Project as its fifth agenda item. The committee resolved to make the recommendation provided in the form of a motion to the City Council regarding the inclusion of protected Bike Lanes in the Downtown Infrastructure Project and the specific design elements the bike lanes should include. This recommendation is based on information provided in materials and presentations on the project that have been publicly available and that the BPPAC has been advocating for since the beginning of the project.

Except from draft minutes:

Chair Bryenton put forth a motion stating, "The Bicycle Pedestrian Path Advisory Committee (BPPAC) continues to advocate for protected bike lanes at sidewalk grade on both sides of Main Street. Lanes should be placed between parking spaces and the sidewalk. Lanes should be six feet wide, with a two-foot buffer on each side of the lane". Ms. Manwaring seconded the motion. Chair Bryenton asked if there were any further discussion points. Being none, a vote was called and the motion was unanimously approved.

In addition, the Chair and Vice-Chair have submitted the attached communications on behalf of the BPPAC urging support for multimodal transportation.

Drew Bryenton
30 Nelson St
Keene, NH 03431

July 3rd, 2023

Attention:
City Councilors
City of Keene

Re: Downtown Infrastructure Project and Multimodal Transportation Improvements.

Hello,

I am requesting that City Council vote to include protected bike lanes at sidewalk grade on both sides of main street. Bike lanes should be placed between parking spaces and the sidewalk. Lanes should be 6 feet wide with 2 feet of buffer on each side of the lane.

In consideration of the broader reaching impact of who these lanes will serve, please consider the following:

Studies from Portland State University have broken the general population into four categories when it comes to bicycling (see Figure 1 below).

The vast majority of the population (60%) falls into the category of **Interested but Concerned**. This segment of the population is curious about bicycling. They would ride if they felt safer on the roadways—if cars were slower and less frequent, and if there were bike paths without any cars at all.

Thus, I invite you to consider that the addition of bike lanes to downtown serves a much larger segment than just the recreational cyclists you currently see in Keene.

When we look deeper into the “Interested but Concerned” segment, we can see some of the population that utilizes bike lanes. Figure 2 shows examples of people commuting to work, riding to school, and completing errands on bikes.

Please remember that research studies show that the addition of multimodal infrastructure will benefit a much greater segment of the population than Main St is currently serving.

I look forward to your support of multimodal transportation solutions for the Downtown Infrastructure Project.

Regards,

**Drew
Bryenton**

Drew Bryenton
Chair, Bicycling and Pedestrian Pathway Advisory Committee
603-852-2073

Digitally signed by Drew Bryenton
DN: C=US, O=The Richards Group, CN=Drew
Bryenton, E=dbryenton@therichardsgpp.com
Reason: I have reviewed this document
Location: your signing location here
Date: 2023.07.03 22:02:33-0400'
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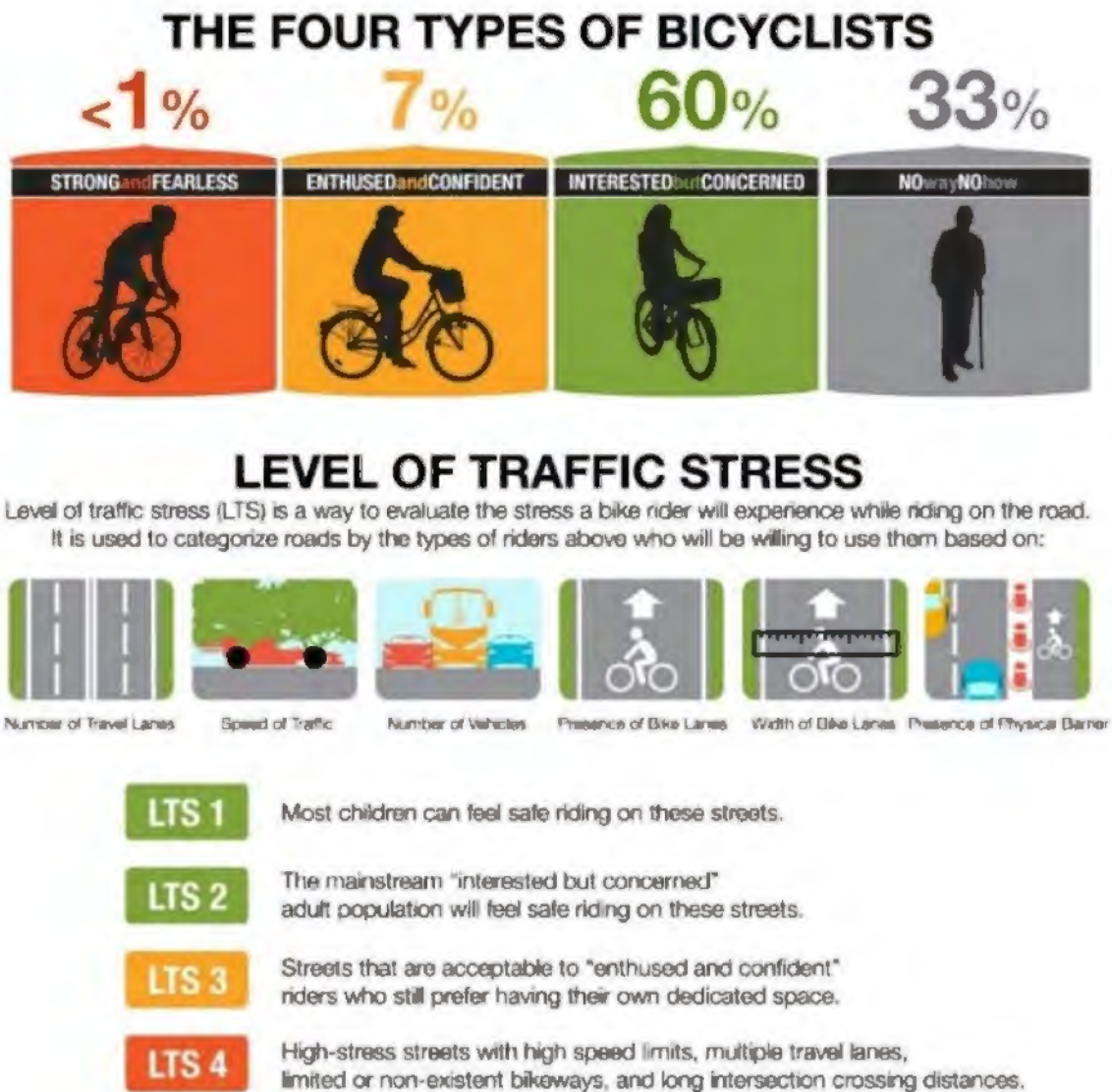


Figure 1 – The infographic above describes how the general population self identifies with respect to their cycling ability.

Who we are building for

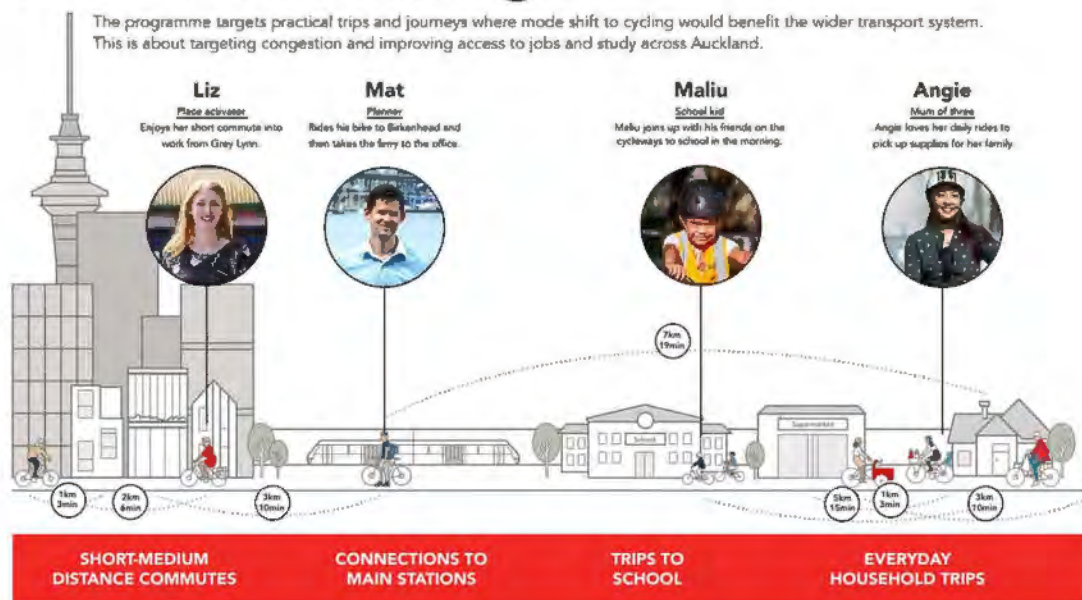


Figure 2 – The infographic above shows the different segments of the population that bike lanes serve.

July 3, 2023

City of Keene Clerk's Office
3 Washington Street
Keene, NH 03431

Dear Honorable Mayor and City Council,

As you consider how to move forward regarding downtown reconstruction, I strongly encourage you to select a streetscape design that welcomes everyone, including pedestrians and cyclists. Sticking with the status quo would fail to capitalize on a once-in-a-generation opportunity to make our downtown more walkable and bikeable, key characteristics highly sought after by tourists, students, residents, and a talented workforce. A walkable and bikeable downtown would be a more economically productive downtown, a more equitable downtown, a more culturally vibrant downtown, a healthier downtown, and a more climate-friendly downtown. A more walkable and bikeable downtown would be better poised to accommodate sorely needed infill housing development and the residents that would live in those units. For these reasons and more, the future of downtown should be walkable and bikeable.

There is much to like in the recommendations put forward by the Downtown Infrastructure Project Steering Committee and, more recently, by Jeff Speck. Expanding green space on Central Square, creating a plaza-like atmosphere on Gilbo Avenue, reducing Main Street vehicle lanes to one in each direction, and installing protected cycling infrastructure are components included in one or both proposals. Each of these components deserves careful, data-driven evaluation, which is more than what some have received to date. For example, the idea of channeling vehicle traffic through two lanes rather than four seems to have been rejected out of hand rather than through an evidence-based assessment of such a design's ability to handle current traffic demand.

I would love to see city council embrace a boldly multimodal design that incorporates the full gamut of enhanced pedestrian and cycling infrastructure. I'd like to stress, however, a particular design feature that I think is a must-have: protected bicycle lanes on Main Street.

Rather than reiterate the many benefits associated with protected bike lanes, I'll address a few specific points that I've heard come up in public dialogue on the subject.

1. Including bike lanes within the project scope would likely reduce the costs borne by Keene taxpayers. How? Projects that place a strong emphasis on multimodal transportation score more competitively when seeking federal grant funding.
2. Constructing bike lanes on Main Street is about more than providing safe bicycling facilities on a few downtown blocks. It's about connecting the existing rail trail network with the heart of our community, thereby closing a glaring gap in our city's cycling network. A well-connected, safe, and high-quality network is what encourages individuals and households to choose cycling as a daily form of transportation.
3. With well-designed infrastructure, cyclists can coexist peacefully with pedestrians, motorists, and other users of the streetscape. This is true even when one considers the rise of e-bikes. We need to look no further than our own rail trails for corroborating evidence. Today, people are walking, jogging, cycling, e-biking, and more along the rail trails in and around downtown. Chaos has not ensued. The trails remain safe for all to use.

4. Bike lanes on Main Street would be used year-round, including in the winter. Again, it helps to look to our rail trails for empirical support. Even on sub-zero mornings with snow on the ground, you'll see plenty of bike tracks tracing their way to or from downtown.

I'll close by stressing a point that is obvious but that often seems to be lost in the back and forth about bike lanes on Main Street. Bike lanes would not force anyone to ride a bike. They would merely provide another option for accessing downtown, one that would complement other modes of transportation, including driving. If more residents, students, workers, and tourists choose to bike, that leaves more street space and parking for those who would rather drive or for whom driving is the only option. If downtown Keene is to develop further—and it must in order to add much-needed housing units to its inventory—then building a high-quality cycling network will be key for preventing congestion while accommodating growth.

Sincerely,

A handwritten signature in black ink that reads "Todd Horner". The signature is written in a cursive, slightly slanted style.

Todd Horner, Vice Chair
City of Keene Bicycle and Pedestrian Pathway Advisory Committee



CITY OF KEENE NEW HAMPSHIRE

ITEM #G.3.

Meeting Date: July 6, 2023
To: Mayor and Keene City Council
From: Jesse Rounds, Community Development Director
Through:
Subject: **Downtown Infrastructure Improvement and Reconstruction Project -
Energy and Climate Committee**

Recommendation:

Accept as Informational

Attachments:

1. 20230630-ECC Letter - Downtown Infrastructure Energy and Climate Goals

Background:

The Energy and Climate Committee would like to provide comment on the Downtown Infrastructure Improvement and Reconstruction Project where the goals of the project intersect with the Energy and Climate Committee's goals and objectives related to Keene's Energy Plan and Climate Adaptation Action Plan.

June 30, 2023

Keene City Council
City Hall
3 Washington Street
Keene, NH 03431

Subject: Downtown Infrastructure Improvement and Reconstruction Project

Dear Honorable Mayor and City Council,

My name is Zach Luse. I am a resident of Keene, a downtown business owner and chair of Keene's Energy and Climate Committee. I'm writing today on behalf of the Energy and Climate Change Committee regarding the Downtown Infrastructure Improvement and Reconstruction Project as it relates to the Keene's Sustainable Energy Plan (2021), Keene's Climate Adaptation Action Plan (2007), and Complete Streets Guidelines adopted in 2015.

The Energy and Climate Committee has been tasked with Keene's Energy Plan and Climate Adaptation Action Plan. Furthermore, the Sustainable Energy Plan tasks the city with ensuring the implementation of Complete Streets and Multimodal Transportation. It's important to keep the goals in these plans in mind when considering what our downtown will look like in the future.

Making downtown more pedestrian and bicycle friendly is a multifaceted approach that aligns with our commitment to sustainable and renewable energy. By investing in pedestrian and bicycle infrastructure, we can contribute to achieving our renewable energy goals.

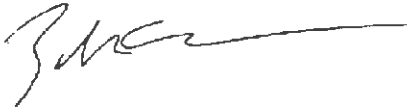
- The Sustainable Energy Plan and Climate Adaptation Action Plan both outline goals for reducing transportation emissions. Transportation is a significant contributor to greenhouse gas emissions. By prioritizing Keene to be pedestrian and bicycle-friendly, we can encourage a shift away from carbon-intensive vehicles towards cleaner and more sustainable modes of transportation. A bikeable downtown not only promotes active transportation but also supports the use of electric bicycles and scooters, reducing reliance on fossil fuel-powered vehicles and helping to decrease transportation-related emissions.
- The Energy Plan calls for Electric Vehicle readiness to ensure we can meet our goal of 100% renewable energy for transportation by 2050. Digging up streets to install the equipment necessary for electric vehicles is expensive. Planning for what is already a growing need for charging stations now to ensure we have an EV ready downtown is crucial to ensuring we are set up for the future and achieving our energy goals.
- At this point in time, ample funding opportunities exist to accommodate multimodal transportation and to improve the walkability of downtown. This funding could be used to improve downtown and reduce the burden on Keene taxpayers while setting Keene up for future success.
- City Council Adopted Complete Streets Resolution in 2015 which states, ***“Complete Streets are inclusive streets that are designed, operated and maintained to enable safe access and mobility for all users, so that pedestrians, bicyclists, motorist and public transportation users***

of all ages and abilities are able to safely move along and across a street.” In addition, it states, ***“The City will approach transportation improvements and project phases as an opportunity to create safer, more accessible streets for all users.”***

I encourage you to prioritize the development of our downtown in a manner that embraces our renewable energy goals and moves Keene towards a sustainable future. Together, we can make downtown even more vibrant and equitable while supporting Keene’s renewable energy and climate change goals and set an example for other cities that pave the way towards a cleaner and more sustainable future.

In closing, if we rebuild a downtown focused on cars, we’ll get more cars. If we focus on walkability, biking, and other forms of transportation, we’ll end up with an accessible, more equitable and more vibrant downtown that supports our community’s climate and energy goals as outlined in the Sustainable Energy Plan, Climate Adaptation Action Plan, and the Compete Streets Guidelines that our community has previously adopted.

Sincerely,



Zach Luse
Chair, Energy and Climate Committee
Resident, 317 Court St, Keene, NH
Founder/CEO, Paragon Digital Marketing, 34 Court St, Keene, NH



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 6, 2023
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **John Sosnowski - Request for Water Abatement and Fee Waiver - 251 Park Avenue**

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee placed Mr. Sosnowski's request on more time.

Attachments:

None

Background:

Chair Greenwald asked to hear from John Sosnowski or his representative.

Public Works Director Kürt Blomquist stated that he does not see Mr. Sosnowski's representative present. He continued that his recommendation is for the MSFI Committee to move to its next agenda item and see if Mr. Sosnowski's representative arrives after that. Chair Greenwald agreed.

Mr. Blomquist stated that he still does not see John Sosnowski's representative present, regarding the first agenda item. He continued that this is the second time the matter was placed on more time and the representative could not make it. As he understands from the City Clerk's Office, last time they did notify the representative about the meeting this evening. He does not know why the individual is not present.

Chair Greenwald stated that he has had two chances. Councilor Filiault stated that the Committee does not know what the person's situation is tonight. He continued that he has no problem placing this on more time for one more cycle. The City will not go bankrupt (from this), and he would like to hear from (Mr. Sosnowski).

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee placed Mr. Sosnowski's request on more time.



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 6, 2023
To: Mayor and Keene City Council
From: Municipal Facilities, Services and Infrastructure Committee, Standing Committee
Through:
Subject: **Acceptance of Deeds and Return of Layout - Magnolia Way**
Resolution R-2023-22
Resolution R-2023-23
Resolution R-2023-24-A

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Resolutions R-2023-22, R-2023-23, and R-2023-24-A.

Attachments:

1. Resolution R-2023-22
2. Resolution R-2023-23
3. Resolution R-2023-24-A

Background:

City Engineer Don Lussier stated that they are here to talk about the laying out and public maintenance of Magnolia Way. He continued that some of the Committee members have been on the City Council long enough to have seen this come around a couple of times now. The project is again moving forward, which is great. It will put additional housing stock in circulation for the City. He noted that they did hold a site visit at this location. He can talk about it or just answer questions if they prefer.

Mr. Blomquist asked Mr. Lussier to review the schedule. Mr. Lussier stated that this is the tail end of the process. He continued that once the City Council accepts the Resolutions and passes them, that starts a clock for the developer to complete the repairs. The majority of the construction work has been done. Staff has given them a punch list of items that need to be completed and tested. They are working with the developer and the contractor on those. The City Council passing the Resolutions starts the 36-month clock for the developer to complete the repairs and demonstrate to the Public Works Director's satisfaction that all of the construction meets public standards before the City is actually responsible for the maintenance of it. Hopefully, this time they will actually get over that threshold and the deal will be completed and the City will take over as public utilities.

Mr. Blomquist asked Mr. Lussier to review the process of when they went before the City Council, when the public hearing was, and how it got here. Mr. Lussier stated that the Petitioner submitted in

early April. It was received and reviewed by the City Council on April 20. The statute requires the City to have a 30-day public hearing notice. The site visit was scheduled for June 1, and the public hearing was held in Council Chambers that same evening. That was the process that led them to this point.

Chair Greenwald asked if there were any further questions from the Committee. Hearing none, he continued that he has a question for the City Attorney, regarding the A version. Assistant City Attorney Amanda Palmeira replied yes, it is in the agenda packet on page 42. She continued that paragraph 9 has the word "either" bolded. That is the change. Chair Greenwald asked which Resolution (of the three) gets the A version. Ms. Palmeira replied 2023-24-A. Chair Greenwald confirmed that what they have on the agenda is correct.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Resolutions R-2023-22, R-2023-23, and R-2023-24-A.

Mr. Blomquist noted that all Committee members were present at the site visit, and therefore, all Committee members can vote on these Resolutions.

Councilor Roberts stated that for the record when they had the public hearing a couple of weeks ago, they talked about how this would increase housing stock and help solve Keene's problem. He continued that however, \$450,000 is a lot. The only way it really helps is if eight families move up to that range to open up the lower-priced houses. If they instead have people from out of town fill all of these seven houses, it does not help solve Keene's problem. Thus, he did not think it was appropriate to say that a \$450,000 house is helping solve Keene's (housing) problem.



CITY OF KEENE

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

A RESOLUTION AUTHORIZING ACCEPTANCE OF A DEED FOR A CLASS V HIGHWAY TO BE
KNOWN AS MAGNOLIA WAY

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

That the City Manager be and hereby is authorized to do all things necessary to accept the Warranty Deed described in that certain "Petition for Layout of Magnolia Way as a Class V highway and Acceptance of Street Tree Maintenance Easement" dated April, 2023, and submitted by Nuevo Transfers, LLC, subject to a Utility Easement granted to Verizon New England, Inc. and Public Service Company, which utility easement is recorded in the Cheshire County Registry of Deeds at Book 2363, Page 823, and subject to the submission of a good and sufficient Warranty Deed therefor to the City of Keene, in a form and content acceptable to the City Attorney and City Engineer.

By accepting the aforementioned deed subject to a utility easement, the City waives the requirement that it take title in fee, free and clear of any easements of record, per Article 22.2.1(A)(2) of the Land Development Code.

Nuevo Transfers, LLC, being specially benefited by such layout, is charged with the construction of said public way in conformance with all applicable standards and safety requirements of the City of Keene.

 George S. Hansel, Mayor

In City Council April 20, 2023.
 Site Visit scheduled for June 1, 2023 at 5:45 PM.
 Public Hearing set for June 1, 2023 at 7:00 PM.



City Clerk



CITY OF KEENE

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

A RESOLUTION A RESOLUTION AUTHORIZING ACCEPTANCE OF A STREET TREE
MAINTENANCE EASEMENT ALONG MAGNOLIA WAY

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

That the City Manager be and hereby is authorized to do all things necessary to accept the Street Tree Maintenance Easements described in the “Petition for Layout of Magnolia Way as a Class V highway and Acceptance of Street Tree Maintenance Easements,” dated April _____, 2023, as shown on a plan entitled “Landscaping Plan, 515 Winchester Street, Keene, NH 03431,” prepared for Hutter Const., Corp, dated May 24, 2005, and revised April 24, 2006, to be recorded, submitted by Nuevo Transfers, LLC, and Lawrence J. Tinnin and Becky M. Tinnin, of 2 Magnolia Way, owner(s) of Tax Map Parcel 117, Lot 31, by virtue of a deed recorded in the Cheshire County Registry of Deeds, at Book 2899, Page 0660.

George S. Hansel, Mayor

In City Council April 20, 2023.
Site Visit scheduled for June 1, 2023 at 5:45 PM.
Public Hearing set for June 1, 2023 at 7:00 PM.

City Clerk



CITY OF KEENE

R-2023-24-A

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

A RESOLUTION FOR THE LAY OUT OF A HIGHWAY, UTILITIES AND/OR PUBLIC IMPROVEMENTS TO BE KNOWN AS MAGNOLIA WAY

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

The Keene City Council is of the opinion that for the accommodation of the public there is occasion to lay out and/or alter a highway, utilities or other public improvements as described in the attached Return of Layout and said Petition, subject to the following conditions, precedent to the recording of the Return of Layout:

1. Approval of the final plans and construction by the City Engineer.
2. All expenses associated in connection with the lay out and acceptance of the street, utilities, and/or public improvements are borne by Petitioner.
3. Construction and acceptance by the Public Works Director or his/her designee of the laid out street, utilities, and/or other public improvements within a thirty-six (36) month period from the approval vote by the City Council.
4. All documentation is in a content and form acceptable to the City Attorney, City Engineer, and Planning Director.
5. If construction has not started within the twenty-four (24) month period from the date of Council action, said approval of lay out shall not become effective and can only be extended upon petition to the City Council.
6. Receipt of security in an amount to be determined in accordance with Section 22.2.4, Security & Warranty, of the Land Development Code ("LDC").
7. Petitioner shall seek a waiver by the City Council of Article 22, Public Infrastructure Standards, Section 22.2.1(A)(2), Submission Requirements, of the, LDC, specifically, the acceptance of a deed subject to the previously granted Utility Easement.
8. Petitioner shall waive any and all claims for damages arising from the said layout of Magnolia Way that may be assessed pursuant to RSA 231:15, and any monetary consideration for the conveyance of a Street Tree Maintenance Easement, and shall indemnify the City from any costs, expenses or damages, including attorneys' fees, related thereto.

9. Petitioner shall **either** obtain and provide a waiver of damages from the current property owner of Lot 85-1-10-9 (as shown on Plan #67), also known as Tax Map 117, Lot 31, to the City of Keene, relative to any and all claims for damages arising from the said layout of Magnolia Way that may be assessed pursuant to RSA 231:15, including any monetary consideration for the conveyance of a Street Tree Maintenance Easement, or indemnify the City from any damages, costs and expenses, related thereto, including attorneys' fees.

George S. Hansel, Mayor



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 6, 2023

To: Mayor and Keene City Council

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

Through:

Subject: **Acceptance of Deed and Return of Layout - Matthews Road and
Winchester Street Intersection
Resolution R-2023-25
Resolution R-2023-26**

Recommendation:

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends the adoption of Resolution R-2023-25 and Resolution R-2023-26.

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the City Council grant a waiver to Section 22-3-3 of the Land Development Code with respect to minimum right-of-way widths for Matthews Rd.

Attachments:

1. Resolution R-2023-25
2. Resolution R-2023-26

Background:

Mr. Lussier stated that, unlike the Magnolia Way acceptance that they just talked about, the work required on Matthews Road is completed, and thus, there is no 36-month window for them to get to complete the work. He continued that at this point it is just a matter of filing the paperwork. He has before and after photos in front of the Committee. As part of the development plan, the Planning Board asked the developer to make some adjustments to the intersection with Matthews Rd., because Magnolia Way was directly opposite. Matthews Rd. has a weird, skewed angle, so they made some geometric changes to that intersection. They added a second lane for the outbound traffic on Matthews Rd., so today there is a dedicated right turn lane and one lane that can be used to turn left or cross Winchester St. to go onto Magnolia Way. In order to do those improvements, they had to grant a little more land to the City to have that curve on. That is what they are talking about here tonight. Resolution R-2023-05 is a deed for the land that the improvements were built on, and R-2023-26 is the layout of the public highway over that land.

Mr. Lussier continued that there is a bit of a twist with this one, in that in the agenda packet is an additional recommendation. Besides just approving the Resolutions, staff is looking for the City Council to waive one of its requirements in the Land Development Code. The reason is that if the

(developer) had strictly abided by the right-of-way width for Matthews Rd. at this intersection, it would have put the adjoining property in non-compliance with the setback requirements. Staff thinks it makes a lot of sense to grant that requested waiver and not create a non-compliant building lot. There is no public infrastructure in that area that they would have otherwise acquired. Everything is within the land that the City is being given the deed to. He does not see a lot of risk or concern here about not having the full width.

Chair Greenwald asked if there were any questions from the Committee. Hearing none, he asked if members of the public had any questions. Hearing none, he asked for a motion.

Councilor Filiault made the following motions, which were seconded by Councilor Williams.

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommends the adoption of Resolution R-2023-25 and Resolution R-2023-26.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the City Council grant a waiver to Section 22-3-3 of the Land Development Code with respect to minimum right-of-way widths for Matthews Rd.



CITY OF KEENE

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

A RESOLUTION A RESOLUTION AUTHORIZING ACCEPTANCE OF A WARRANTY DEED FOR CERTAIN REAL PROPERTY TO BE UTILIZED FOR INTERSECTION IMPROVEMENTS TO THE MATTHEWS ROAD RIGHT-OF-WAY AT MATTHEWS ROAD AND WINCHESTER STREET

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

That the City Manager be and hereby is authorized to do all things necessary to accept the Warranty Deed from Hutter Construction Corporation to the City of Keene described in that certain "Petition for the Alteration of a Public Way for Intersection Improvements to Matthews Road Right-of-Way at Matthews Road and Winchester Street" dated April, 2023, submitted by Nuevo Transfers, LLC, , in a form and content acceptable to the City Attorney and City Engineer.

George S. Hansel, Mayor

In City Council April 20, 2023.
Site Visit scheduled for June 1, 2023 at 5:50 PM.
Public Hearing set for June 1, 2023 at 7:05 PM.

City Clerk



CITY OF KEENE

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

A RESOLUTION FOR THE LAY OUT FOR THE ALTERATION OF A PUBLIC WAY RELATING
TO MATTHEWS ROAD AND WINCHESTER STREET

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

The Keene City Council is of the opinion that for the accommodation of the public there is occasion to lay out and/or alter a highway, utilities or other public improvements as described in the attached Return of Layout and said Petition, subject to the following conditions, precedent to the recording of the Return of Layout:

1. Approval of the final plans and construction by the City Engineer.
2. All expenses associated in connection with the layout and acceptance of the street, utilities, and/or public improvements are borne by Petitioner.
3. All documentation is in a content and form acceptable to the City Attorney, City Engineer, and Planning Director.
4. Petitioner shall waive any and all claims for damages arising from the said alteration of layout of Matthews Road that may be assessed pursuant to RSA 231:15.
5. Petitioner shall obtain and provide a waiver of damages from Hutter Construction Corporation to the City of Keene, relative to any and all claims for damages arising from the said alteration of layout of Matthews Road that may be assessed pursuant to RSA 231:15, including any monetary consideration for the conveyance of said waiver.
6. Petitioner shall either obtain and provide a waiver of damages from the current property owner of Lot 85-2-3.01 (as shown on Plan #68), also known as Tax Map 117, Lot 001, to the City of Keene, relative to any and all claims for damages arising from the said alteration of layout of Matthews Road that may be assessed pursuant to RSA 231:15, including any monetary consideration for the conveyance of said waiver, or indemnify the City from any damages, costs and expenses, related thereto, including attorneys' fees.
7. That the City Council waive the requirements of Table 22-1, Minimum & Maximum Street Right-of-Way Widths, of Article 22, Public Infrastructure

Standards, Section 22.3.3, Street and Utility Rights-of-Way, of the Land Development Code (“LDC”), concerning the width of the portion of Matthews Road as it intersects with Winchester Street.

George S. Hansel, Mayor

In City Council April 20, 2023.

Site Visit scheduled for June 1, 2023 at 5:50 PM.

Public Hearing set for June 1, 2023 at 7:05 PM.



City Clerk



CITY OF KEENE NEW HAMPSHIRE

Meeting Date: July 6, 2023

To: Mayor and Keene City Council

From: Attorney Stephen B. Bragdon on behalf of Whitcomb's Mill Estates LLC

Through: Patricia Little, City Clerk

Subject: **Relating to the Acceptance of Deed and Return of Layout - Brookfield Lane
Petitioner - Whitcomb's Mill Estates
Resolution R-2023-28
Resolution R-2023-29**

Recommendation:

Attachments:

1. Brookfield Lane_Communication
2. Brookfield Lane Petition
3. Brookfield Lane Warranty Deed
4. Brookfield Lane Return of Layout
5. Brookfield Lane List of Land Owners
6. Brookfield Lane Waiver of Damages
7. R-2023-28 Brookfield Lane Acceptance of Warranty Deed
8. R-2023-29 Brookfield Lane Utilities and Public Improvements

Background:

Attorney Stephen Bragdon on behalf of Whitcomb's Mill Estates is submitting a petition for the acceptance of deed and layout of a public way to be known as Brookfield Estates.



**BRAGDON, BARON &
KOSSAYDA, P.C.**

Located at The Holbrook House

82 Court Street
P.O. Box 465
Keene, NH 03431
Telephone: 603-357-4800
Fax: 603-357-4825
sbragdon@bragdonlaw.com

Stephen B. Bragdon
Adam P. Kossayda
Elana S. Baron

Peter W. Heed, *Of Counsel*

July 3, 2023

Hand Delivered

Patricia Little, Clerk
City of Keene
3 Washington Street
Keene, NH 03431

Re: Whitcomb's Mill/Brookfield Lane

Dear Clerk Little:

Enclosed herein please find the following in connection with the above-referenced matter:

1. Petition to Accept Layout of Brookfield Lane.
2. Warranty Deed.
3. Return of Layout of Brookfield Lane.
4. List of Landowners Over Which Brookfield Lane Will Cross.
5. Waiver of Damages Related to the Layout of Brookfield Lane.
6. Resolution for the Acceptance of a Warranty Deed for Brookfield Lane.
7. Resolution for the Layout of Brookfield Lane and Utilities and Public Improvements.

We had previously submitted two mailing labels for the landowners, together with a check for the costs of the certified mail.

Sincerely,

Stephen B. Bragdon

SBB/sbc
Enclosures

cc: Whitcomb's' Mill Estates, LLC
James P. Phippard

PETITION TO ACCEPT LAYOUT OF BROOKFIELD LANE

TO: THE HONORABLE CITY COUNCIL AND MAYOR FOR THE CITY OF KEENE

The undersigned represents that for the accommodation of the Public, there is occasion for a new highway at the following location:

Brookfield Lane located westerly of Whitcomb’s Mill Road as shown on a plan entitled “Proposed Road – Brookfield Lane over land of Whitcomb’s Mill Estates, LLC located at Tax Map 237 Lot 18, 19 Whitcombs Mill Road, Keene, Cheshire County, New Hampshire.” Said plan prepared by Huntley Survey & Design, PLLC.

It is anticipated that the City of Keene will allow city sewer through the property to be conveyed for the roadway.

Petitioner shall assume the complete expense of the construction (including sewer).

Petitioner agrees to post security to secure its obligations under this paragraph and to fulfill its obligations under Proposed Condition 9 of S-03-23 and SWP-CUP-02-23.

Petitioner seeks a waiver by the City Council of Article 22, Public Infrastructure Standards, Section 22.3.7 Sidewalks, Section 22.3.8 Street Lighting and Section 22.3.16 Street Trees.

These findings and orders shall be recorded in the City Clerk’s office in City Hall, Keene, New Hampshire.

WHEREFORE, your Petitioner respectfully requests that:

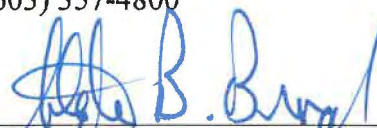
- A. The City Council accept the accompanying Resolutions for the Acceptance of a Warranty Deed for Brookfield Lane, and for the Return of Layout of Brookfield Lane; and,
- B. The City of Keene accept Brookfield Lane as a public street in the City of Keene.

Respectfully submitted,

Whitcomb’s Mill Estates, LLC

By its Attorneys
Bragdon, Baron & Kossayda, PC
82 Court Street, Keene, NH 03431
(603) 357-4800

Dated: 7/3/23 _____

By:  _____
Stephen B. Bragdon, Esquire
Duly authorized

Non-Contractual Conveyance

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **WHITCOMB'S MILL ESTATES, LLC**, a New Hampshire limited liability company, with a principal place of business located at 19 Whitcomb's Mill Road, Keene, New Hampshire, 03431, for consideration paid, grants to the **CITY OF KEENE**, a municipal corporation, duly established under the laws of the State of New Hampshire, having its principal place of business at 3 Washington Street in the City of Keene, County of Cheshire and State of New Hampshire 03431, with **WARRANTY COVENANTS**, a certain tract of land to be known as Brookfield Lane, in the City of **Keene**, County of **Cheshire**, and State of **New Hampshire**, bounded and described as follows:

Beginning at a granite bound in the westerly sideline of Whitcombs Mill Road;

Thence, following a curve to the left with a delta angle $93^{\circ} 26' 33''$ and a radius of 25.00 feet, an arc length of 40.77 feet to a granite bound with a drill hole, said point being $N 43^{\circ} 14' 01'' W$ a chord distance of 36.40 feet from the last-mentioned granite bound with a drill hole;

Thence, following a curve to the left with a delta angle of $35^{\circ} 50' 46''$ and a radius of 75.00 feet, an arc length of 46.92 feet to a granite bound with a drill hole;

Thence, $S 54^{\circ} 11' 57'' W$ a distance of 188.47 feet, to a granite bound with a drill hole;

Thence, following a curve to the right with a delta angle of $37^{\circ} 15' 20''$ and a radius of 125.00 feet, an arc length of 81.28 feet to a granite bound with a drill hole;

Thence, $N 88^{\circ} 32' 44'' W$ a distance of 210.12 feet, to a granite bound with a drill hole;

Thence, following a curve to the right with a delta angle 55° 10' 10" and a radius of 125.00 feet, an arc length of 120.36 feet to a granite bound with a drill hole;

Thence, following a curve to the left with a delta angle 38° 30' 19" and a radius of 25.00 feet, an arc length of 16.80 feet to a granite bound with a drill hole;

Thence, following a curve to the right with a delta angle 277° 36' 26" and a radius of 55.00 feet, an arc length of 266.48 feet to a granite bound with a drill hole;

Thence, following a curve to the left with a delta angle 81° 14' 13" and a radius of 25.00 feet, an arc length of 35.45 feet to a granite bound with a drill hole;

Thence, following a curve to the left with a delta angle of 33° 02' 03" and a radius of 75.00 feet, an arc length of 43.24 feet to a granite bound with a drill hole;

Thence, S 88° 32' 44" E a distance of 116.83 feet, to a granite bound with a drill hole;

Thence, following a curve to the left with a delta angle of 37° 15' 20" and a radius of 75.00 feet, an arc length of 48.77 feet to a granite bound with a drill hole;

Thence, N 54° 11' 57" E a distance of 188.47 feet, to a granite bound with a drill hole;

Thence, following a curve to the right with a delta angle of 25° 44' 47" and a radius of 125.00 feet, an arc length of 56.17 feet to a granite bound with a drill hole;

Thence, N 79° 56' 44" E a distance of 27.02 feet, to granite bound with a drill hole;

Thence, following a curve to the left with a delta angle of 80° 00' 00" and a radius of 25.00 feet, an arc length of 34.91 feet to a granite bound with a drill hole in the westerly sideline of Whitcombs Mill Road;

Thence, southerly along the westerly sideline of said road to the granite bound with a drill hole at the point of beginning, said granite bound with a drill hole being S 00° 13' 55" W a distance of 103.96 feet, from the last mentioned bound.

Containing 0.97 acres (42,242 sq. ft), more or less.

The tract of land hereinabove referred to is more particularly shown on a plan entitled "Proposed Road – Brookfield Lane, over land of Whitcomb's Mill Estates, LLC, located at Tax Map 237 Lot 18, 19 Whitcombs Mill Road, Cheshire County, New Hampshire" prepared by Huntley Survey & Design, PLLC, dated April 24, 2023, to be recorded in the Cheshire County Registry of Deeds.

MEANING AND INTENDED to convey a portion of the premises conveyed by Warranty Deed of Sandra R. Henry to Whitcomb's Mill Estates, LLC, dated and recorded May 16, 2023 at Volume 3246, Page 189 of the Cheshire County Registry of Deeds.

DATED this ____ day of _____, 2023.

Whitcomb's Mill Estates, LLC

By: _____
Sandra R. Henry, Member

STATE OF NEW HAMPSHIRE
COUNTY OF CHESHIRE, SS.

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Sandra R. Henry, Member of Whitcomb's Mill Estates, LLC, duly authorized, known to me, or satisfactorily proved to be the person whose name is subscribed to the foregoing instrument and acknowledge that she executed the same of the purposes therein contained.

Notary Public/Justice of the Peace
My Commission Expires: _____
SEAL

RETURN OF LAYOUT OF BROOKFIELD LANE

THE LAYING OUT, upon the foregoing Petition, dated July 3, 2023 the City of Keene Council appointed a hearing, and gave notice as foresaid, and on the _____ day of _____, 2023, at _____ a.m./p.m. in the City of Keene, having heard all parties interested who attended and desired to be heard, and all evidence offered by them, and examined them and any witnesses, and made a personal examination of the proposed highway, utilities, and/or other public Improvements, we are of the opinion that for the accommodation of the public there is occasion for the same and we therefore lay out a new highway, utilities and/or other public improvements as request in said Petition, and described as follows:

Beginning at a granite bound in the westerly sideline of Whitcombs Mill Road;

Thence, following a curve to the left with a delta angle $93^{\circ} 26' 33''$ and a radius of 25.00 feet, an arc length of 40.77 feet to a granite bound with a drill hole, said point being $N 43^{\circ} 14' 01'' W$ a chord distance of 36.40 feet from the last-mentioned granite bound with a drill hole;

Thence, following a curve to the left with a delta angle of $35^{\circ} 50' 46''$ and a radius of 75.00 feet, an arc length of 46.92 feet to a granite bound with a drill hole;

Thence, $S 54^{\circ} 11' 57'' W$ a distance of 188.47 feet, to a granite bound with a drill hole;

Thence, following a curve to the right with a delta angle of $37^{\circ} 15' 20''$ and a radius of 125.00 feet, an arc length of 81.28 feet to a granite bound with a drill hole;

Thence, $N 88^{\circ} 32' 44'' W$ a distance of 210.12 feet, to a granite bound with a drill hole;

Thence, following a curve to the right with a delta angle $55^{\circ} 10' 10''$ and a radius of 125.00 feet, an arc length of 120.36 feet to a granite bound with a drill hole;

Thence, following a curve to the left with a delta angle $38^{\circ} 30' 19''$ and a radius of 25.00 feet, an arc length of 16.80 feet to a granite bound with a drill hole;

Thence, following a curve to the right with a delta angle $277^{\circ} 36' 26''$ and a radius of 55.00 feet, an arc length of 266.48 feet to a granite bound with a drill hole;

Thence, following a curve to the left with a delta angle $81^{\circ} 14' 13''$ and a radius of 25.00 feet, an arc length of 35.45 feet to a granite bound with a drill hole;

Thence, following a curve to the left with a delta angle of $33^{\circ} 02' 03''$ and a radius of 75.00 feet, an arc length of 43.24 feet to a granite bound with a drill hole;

Thence, $S 88^{\circ} 32' 44'' E$ a distance of 116.83 feet, to a granite bound with a drill hole;

Thence, following a curve to the left with a delta angle of $37^{\circ} 15' 20''$ and a radius of 75.00 feet, an arc length of 48.77 feet to a granite bound with a drill hole;

Thence, N 54° 11' 57" E a distance of 188.47 feet, to a granite bound with a drill hole;

Thence, following a curve to the right with a delta angle of 25° 44' 47" and a radius of 125.00 feet, an arc length of 56.17 feet to a granite bound with a drill hole;

Thence, N 79° 56' 44" E a distance of 27.02 feet, to granite bound with a drill hole;

Thence, following a curve to the left with a delta angle of 80° 00' 00" and a radius of 25.00 feet, an arc length of 34.91 feet to a granite bound with a drill hole in the westerly sideline of Whitcombs Mill Road;

Thence, southerly along the westerly sideline of said road to the granite bound with a drill hole at the point of beginning, said granite bound with a drill hole being S 00° 13' 55" W a distance of 103.96 feet, from the last mentioned bound.

Containing 0.97 acres (42,242 sq. ft), more or less.

The tract of land hereinabove referred to is more particularly shown on a plan entitled "Proposed Road – Brookfield Lane, over land of Whitcomb's Mill Estates, LLC, located at Tax Map 237 Lot 18, 19 Whitcombs Mill Road, Cheshire County, New Hampshire" prepared by Huntley Survey & Design, PLLC, dated April 24, 2023, to be recorded in the Cheshire County Registry of Deeds.

This layout is conditioned upon Petitioner constructing the road and all necessary improvements in accordance with applicable Public Infrastructure Standards to the satisfaction of the City Engineer.

This layout is conditioned upon review and approval of all documentation by the City Attorney.

The Return of Layout shall be recorded in the Office of the City Clerk.

DATED: _____

George Hansel, Mayor

Approved as to description:

Approved as to form:

Donald Lussier, City Engineer

Thomas P. Mullins, City Attorney

LIST OF LANDOWNERS OVER WHICH BROOKFIELD LANE WILL CROSS

Whitcomb's Mill Estates, LLC
19 Whitcomb's Mill Road
PO Box 9
Keene, NH 03431

WAIVER OF DAMAGES RELATED TO THE LAYOUT OF BROOKFIELD LANE

NOW COMES, the undersigned Stephen B. Bragdon, attorney for Whitcomb’s Mill Estates, LLC, and agrees as follows relating to the layout of Brookfield Lane:

WITNESSETH

WHEREAS, on or about _____, 2023, the City Council for the City of Keene authorized the layout of Brookfield Lane; and,

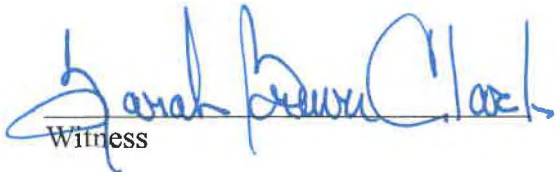
WHEREAS, said layout is depicted on a plan entitled “Proposed Road – Brookfield Lane over land of Whitcomb’s Mill Estates, LLC located at Tax Map 237 Lot 18, 19 Whitcombs Mill Road, Keene, Cheshire County, New Hampshire,” to be recorded at the Cheshire County Registry of Deeds; and,

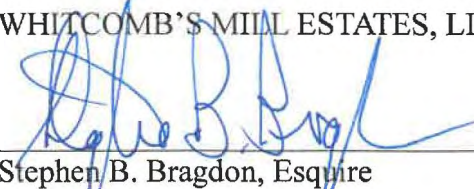
WHEREAS, the undersigned party constitutes the only “affected property owner” to whom damages may be assessed pursuant to RSA 231:15, because of its status as an abutter to Brookfield Lane; and,

WHEREAS, the undersigned, as an affected property owner, desires to waive any and all claims for damages against the City of Keene arising from or related to the layout of Brookfield Lane.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, and conditioned upon the City’s approved of Brookfield Lane, the undersigned, it successors and assigns, does hereby agree to indemnify and defend the City of Keene, its officers, agents, employees, successors and assigned, from and against any and all claims or damages arising from the said layout of Brookfield Lane and does hereby waive any and all claims for damages that may be assessed pursuant to RSA 231:15.

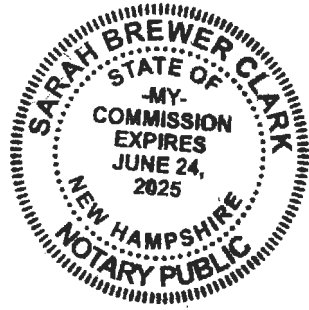
IN WITNESS WHEREOF, the undersigned, intending to be legally bound by the writing, has caused this Waiver of Damages Related to the Layout of Brookfield Lane to be executed as of this 3rd day of July, 2023.

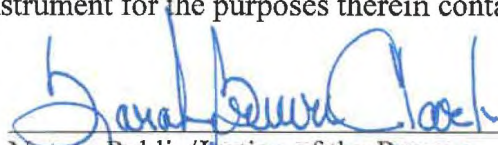

Witness

WHITCOMB’S MILL ESTATES, LLC
By: 
Stephen B. Bragdon, Esquire
Duly authorized

STATE OF NEW HAMPSHIRE
CHESHIRE COUNTY, SS

On this 3rd day of July, 2023, before me, the undersigned officer, personally appeared Stephen B. Bragdon, who executed the foregoing instrument for the purposes therein contained.





Notary Public/Justice of the Peace
My Commission Expires: 6.24.2025
SEAL



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION FOR THE ACCEPTANCE OF A WARRANTY DEED FOR BROOKFIELD LANE

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

The City Manager is authorized to do all things necessary to accept and execute the attached Warranty Deed subject to the following condition:

All documents are to be in a form and content acceptable to the City Attorney, City Engineer, and Planning Director.

George S. Hansel, Mayor



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

A RESOLUTION FOR THE LAYOUT OF BROOKFIELD LANE AND UTILITIES AND PUBLIC IMPROVEMENTS

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

The Keene City Council is of the opinion that for the accommodation of the public there is occasion to lay out a highway as described in the attached Return of Layout and said Petition, subject to the following conditions, precedent to the recording of the Return of Layout:

1. Approval of the final plans and construction by the City Engineer.
2. All expenses associated in connection with the layout and acceptance of the street, utilities and/or public improvements are borne by Petitioner.
3. Construction and acceptance by the Public Works Director or his/her designee of the laid out street, sewer, utilities and/or public improvements within a thirty-six month period from the approval vote by the City Council.
4. All documentation is in a content and form acceptable to the City Attorney, City Engineer, and Planning Director.
5. If construction has not started within the twenty-four (24) month period from the date of Council action, said approval of layout shall not become effective and can only be extended upon petition to the City Council.
6. Receipt of security in an amount to be determined in accordance with Section 22.2.4, Security & Warranty, of the Land Development Code ("LDC").
7. Petitioner shall receive a waiver by the City Council of Article 22, Public Infrastructure Standards, Section 22.3.7 Sidewalks, Section 22.3.8 Street Lighting and Section 22.3.16 Street Trees.
8. Petitioner shall waive any and all claims for damages arising from the said layout of Brookfield Lane that may be assessed pursuant to RSA 231:15, and shall indemnify the City from any costs, expenses or damages, including attorney's fees, related thereto.

George S. Hansel, Mayor