

**City of Keene**  
**New Hampshire**

**MUNICIPAL SERVICES, FACILITIES & INFRASTRUCTURE COMMITTEE**  
**MEETING MINUTES**

**Wednesday, February 26, 2025**

**6:00 PM**

**Council Chambers,  
City Hall**

**Members Present:**

Mitchell H. Greenwald, Chair  
Randy L. Filiault, Vice Chair  
Laura E. Tobin  
Jacob R. Favolise

**Members Not Present:**

Catherine I. Workman

**Staff Present:**

Elizabeth A. Ferland, City Manager  
Thomas P. Mullins, City Attorney  
Don Lussier, Public Works Director  
Bryan Ruoff, City Engineer  
Jason Martin, Fire Chief  
Rick Wood, Fire Marshall/Building Official  
Carrah Fisk-Hennessey, Parks and Recreation  
Director

Chair Greenwald called the meeting to order at 6:30 PM and explained the procedures of the meeting. Roll call was conducted.

**1) Presentation – NH Department of Transportation – Reconstruction of Route 101 - Public Works**

Chair Greenwald asked to hear from staff from the NH Department of Transportation (NHDOT).

David Smith, Project Manager from NHDOT, introduced himself and teammates Ellen Moshier, Project Manager with CHA Consulting, and John Parrelli, Lead Highway Engineer with CHA Consulting. Mr. Smith stated that tonight's presentation is an update on the project's status. He continued that the team was here in the fall of 2023 to give a presentation of the project. They have made great progress since the fall of 2023.

Mr. Smith stated that the project is just southeast of Keene on Rt. 101. It starts just east of Optical Ave., progresses about one mile just past Branch Rd., and encompasses a portion of Swanzey Factory Rd. They are looking to improve the intersection there and address the bridge condition, roadway condition, and drainage challenges. They have worked with and collaborated with folks from the City of Keene, the Town of Swanzey, and the public/abutters. Tonight, they will give a project overview and talk about the studies to date; the preliminary design, the concept they have developed through public outreach and coordination with the project work group; the construction plan; and the schedule moving ahead.

Mr. Smith continued that not present tonight is Hans Weber, Design Engineer with NHDOT. Rob Faulkner, Principal with CHA Consulting, is in the audience tonight. The team has had great collaboration with Don Lussier, Keene's Public Works Director; J.B. Mack, Assistant Director from the Southwest Regional Planning Commission (SWRPC); and the Town of Swanzey's Stephon Mehu, Assistant Town Planner. This is the working group that gives NHDOT and CHA the local knowledge and insight they need to guide the project, from a scope perspective, and to make sure NHDOT is getting the right solution for the needs along the corridor.

Mr. Smith stated that it has been about a year and a half since the team has been (before the MSFI Committee), and they have had a significant amount of public outreach. They had a public information meeting in February of 2024 and another in December of 2024 to share the project with the public and solicit the public's input on what improvements they need to capture. The team also met with the SWRPC this January, and with the Town of Swanzey two weeks ago. They have also had many meetings with abutters. This project will impact properties along the corridor, so as a means of goodwill and as part of their public outreach, the team has met with several property owners along the corridor. The team has had a lot of great collaboration with the public. They asked for public input on the concerns for this corridor, brought many solutions to the table, and asked the public for their perspective on those solutions.

Mr. Smith continued that (regarding public outreach), the team heard about the Swanzey Factory Rd. relocation, which is prompted by the challenging intersection location today. Site distance is very challenging for people looking back to the west, when trying to turn out of that intersection. They heard from the public that that is a challenge they need to address. They heard about the need for improved or enhanced bicycle and pedestrian accommodations, and they heard concerns about environmental resources. The Branch River parallels and goes underneath Rt. 101, and they have heard concerns about that, which they have worked to address and will continue to. They have worked to address the private property impacts they have heard about and continue to engage abutters. They have become aware of and appreciative of the Prowse Bridge and the City's vision for it, and concerns for the Rt. 101 bridge, which is on the State's Red List. They have also heard about people's perspective on the potential for roundabouts, the high travel speeds and relatively high volume of traffic on Rt. 101, and construction impacts to the Branch Rd. intersection. The team's goal is to work to respond and provide insight to the public and the Committee on each of these aspects. They feel that they have, and hope that they have, as they have progressed and reached out to and collaborated with the public.

Ellen Moshier from CHA Consulting stated that the project starts just east of Optical Ave. and continues a mile east to just past Branch Rd. She continued that there are two key intersections in the project road, the intersection of Swanzey Factory Rd. and the intersection of Branch Rd. They will discuss these tonight, as well as the bridge over the Branch River. She continued that the purpose of the project is to provide pavement rehabilitation. The concrete slab under the pavement is deteriorating; they need to remove and build back up the pavement surface. Drainage improvements are needed; currently there is no closed drainage system. They will improve pedestrian and bicycle accommodations along the corridor. They are looking to address the

deficiencies at the bridge, and to make improvements at the Swanzey Factory Rd. intersection for safety. Rt. 101 is one lane in each direction today, with approximately 12-foot-wide travel lanes with varying shoulder widths. They will widen the road to maintain the 12-foot lanes and add five-foot shoulders on each side.

Ms. Moshier stated that a challenge with this project has been the proximity of the Branch River and the resource areas close to the pavement. In addition, the private properties abutting the side of the road give them a constrained right-of-way. As a result, the team is unable to provide sidewalks and bike lanes along this segment of roadway. They discussed it with the working group and the public and took a deep dive into it, but due to the right-of-way constraints and the fact that there are no connecting facilities at either end of the project, they decided to not provide sidewalks.

Ms. Moshier continued that during the team's first presentation to the MSFI Committee, they introduced some ideas to potentially realign Swanzey Factory Rd. This included three potential bridge locations on the eastern end. They proposed keeping the road where it is today and providing a signal to improve sight distance lines or moving the road behind the Fastener Mill. Having vetted those options with the working group and through the public information meetings, the team heard that no one wanted a new bridge, so they eliminated those three options. No one wanted the road to close, since it is a regional connection. The team developed signal plans to vet. Alternative 1, keeping the road where it is today, but with the new bridge structure they propose and the proximity of the buildings at that intersection, they decided providing a signal was not really feasible, either. Thus, they moved ahead with looking at Alternative 2, which is moving the road behind the Fastener Mill. Along with property owner John Graves, they developed three concepts for the alignment. They ultimately decided on Alternative 2C, which follows some of the State's right-of-way along the railroad spur line that used to exist in this area.

Ms. Moshier stated that the Branch River Bridge is on the State's Red List. She continued that built in 1933, it is eligible for the National Register. CHA inspected the structure in August 2023 and generally found the concrete to be sound, but they found staining on the underside of the bridge and some signs of deterioration. Thus, they recommended some non-destructive testing. They took some concrete core samples, and the lab found high levels of chlorides on the decking and Alkali-Silica Reaction (ASR), which is "essentially a concrete cancer." Thus, they determined a full bridge replacement is needed here.

John Parrelli stated that he will now go over the plans, with the slides starting on the west end and gradually moving east. He noted that on the slides, north is up, yellow represents the proposed paved travel lanes, brown represents the shoulders, orange represents driveways and access points, green represents limits of earth work, red represents locations of homes and businesses, and blue hatching represents wetlands. On the slide, Mr. Parrelli showed the location of the existing Stone Arch Bridge, and Marlboro Rd. as it comes down and dead ends just before Rt. 101. He continued that the project starts just west of the Stone Arch Bridge, and will have, as Ms. Moshier mentioned, 12-foot lanes and 5-foot shoulders. He indicated the future location of the

Transportation Heritage Trail as it crosses Rt. 101, utilizing the Prowse Bridge the City purchased from the State. Moving east past the Prowse Bridge location, they propose shifting Rt. 101 south three or four feet, trying to minimize impacts to the floodplain and wetlands. That will also help minimize the impact on the properties on the hillside to the north.

Mr. Parrelli continued that moving east, on the north side of the roadway is the Curran Building. A little further east is the Branch River crossing with the bridge, and as Mr. Smith mentioned, there are some sightline issues. Just east of the river is the existing Swanzey Factory Rd. location. Adjacent to Swanzey Factory Rd. is the Monadnock Housing building, and east of that is the Mighty Moose Mart. South along Swanzey Factory Rd. is the mill building. The team proposes closing Swanzey Factory Rd. from Rt. 101 to just south of the mill building. Swanzey Factory Rd. will head to the east of the mill, following an existing right-of-way for an old railroad spur line all the way to the new intersection east of the Mighty Moose Mart, where the team proposes a roundabout. The roundabout shown on the slide is about 130 feet, approximately the same size as the roundabout on the other end of Swanzey Factory Rd. It will be a single-lane roundabout, providing some speed mitigation through this section of Rt. 101.

Mr. Parrelli continued that moving further east, Keene Mini Storage is to the north of Rt. 101. The Branch River heads back, goes around the storage, and goes back adjacent to Rt. 101. In this stretch, they are holding the same horizontal alignment. However, with the next stretch, when the Branch River is still to the north of Rt. 101 along this stretch until Branch Rd., which is off to the right, they propose shifting the horizontal alignment three or four feet to the south here, too, to minimize impacts to the floodplain and wetlands along the river. Through this, they will probably need to add about five retaining walls in front of the homes in that area to minimize impacts to the residences.

Continuing east, Mr. Parrelli continued, they propose a left turn lane for eastbound traffic turning onto Branch Rd. Currently there is a wide shoulder people use to pass cars waiting to make that left turn, which is a little dangerous. The left turning lane will be a safer alternative. Then, the project ends just east of Branch Rd. as they taper back down from adding that turn lane.

Mr. Parrelli continued that regarding best management practices for potential stormwater mitigation, the slide shows the whole project area. A location to the west at the beginning of the project, near where Marlboro St. ends at Rt. 101, could have a treatment swale. For a couple of potential locations along the existing Swanzey Factory Rd. that is being discontinued, they could have treatment swales or detention basins of some sort. They also have a potential (location) to the east of Branch Rd., which will most likely be a basin. An existing stream continues in a closed system in the area of the Curran Building and they do not propose any changes to that system.

Ms. Moshier stated that they expect construction to start in the spring of 2027 and to last about two years. She continued that they have been working closely with Mr. Lussier and his team to discuss reconstructing the water line through this portion of road as well. During construction they anticipate being able to keep the road open to traffic. However, at times they will need to

have alternating, one-way traffic. They expect to have a temporary signal to control traffic during these times. They might need to detour traffic, which they are just starting to look at. They would detour traffic down Swanzey Factory Rd. and back up to Main St. However, they understand the roundabout has limited capacity. Some people might use Branch Rd. if they are headed downtown, to bypass the construction, but this is something the team will continue to look at and continue to work with the City on.

Ms. Moshier continued that this summer, the team conducted a bat study with an acoustic survey. They found two species of concern, the northern long-eared bat, which is endangered; and the tri-color bat, which is proposed to be endangered. This means there will be limitations on when they can do clearing during construction. The project will include about 21,000 square feet of permanent wetland impacts and 490 linear feet of stream impacts.

Ms. Moshier continued that the work to date has also included an architectural survey plan. The properties noted (in the slide) potentially have some historic integrity. The team is moving forward with an additional survey of these properties. Right now, the project seeks to avoid any impacts to those properties and they will continue to be mindful of the properties as they move forward. They also conducted archeological assessments. The areas in yellow were shown to have some sensitivity. The team looked at these areas as part of the Swanzey Factory Rd. relocation. Once they decided on Alternative 2 behind the mill, they did some additional ground penetrating radar (GPR) studies, shown in the green areas. GPR Area 2 adjacent to the Branch River is filled area and there were no findings there. GPR Area 1 where the roundabout is might have structural remains associated with the former mill uses, so the team will continue to monitor that location during construction.

Mr. Smith stated that continuing along with environmental aspects, there are many requirements the team is complying with, due to the project's Federal funding. He continued that it is an 80/20 split between the Federal and State funding. One of the requirements is the development of a National Environmental Policy Act (NEPA) document, which captures all the project's environmental aspects to make sure the team has addressed all of them and are complying with all the rules and regulations. Section 106, the National Historic Preservation Act, offers the public the opportunity to be engaged in the project from a consulting party to guide the awareness and insights for that aspect of the project. The team solicits this opportunity at all public meetings. If anyone would like to be engaged from a Section 106 consulting party perspective, they can contact him. He would put the person in touch with the Federal Highway representative and there would be some coordination related to that collaboration and involvement.

Mr. Smith continued that regarding the project schedule, they have done a lot of public outreach, and they have progressed with the design to a large degree. They feel that they have a preferred alternative, in their collaboration with the working group, which incorporates a broad set of improvements, addressing the bridge condition, the roadway condition, the drainage condition, and the safety at Swanzey Factory Rd. Introducing the roundabout will mitigate speeds on that

corridor. They feel that this is a very impactful project, certainly justifying the funding they are dedicating to it.

Mr. Smith stated that this concludes the team's (presentation to the MSFI Committee), unless the Committee would like to have them back again before the public hearing. He continued that they are planning to have the public hearing later this summer. It is a formal meeting for the team, overseen by a commission of three members, that will ultimately determine the necessity of the project and allow the team, ideally, the progress to the final design phase of the project. The final design phase would run from 2026 into 2027 as they develop their right-of-way plans and construction plans, get their environmental permits in place, and acquire right-of-way for the improvements. Construction would start in the spring of 2027. The current project estimate is \$17 million. They welcome questions.

Chair Greenwald asked if there would be any taking of private property. Mr. Smith replied yes, they are widening the roadway itself along the whole corridor by four to six feet and introducing formal drainage ditches along the corridor. He continued that that alone will at least require a strip acquisition across the frontage of probably every property along Rt. 101. Due to the nature of the roadway and the river, there will likely be a need for easements as well, to accommodate the slope improvements of either cuts into the embankment or fills on the low side. For a good portion of the project, where the river sits low, the residences sit high, so they are threading the needle with the improvements and likely incorporating retaining walls. Those will require some construction and easements as well.

Mr. Smith continued that not to dismiss any of the strip acquisitions and the right-of-way acquisitions he mentioned, there are other, more significant right-of-way impacts. For the relocation of Swanzy Factory Rd. they will need to acquire properties from The Fastener Mill's owner. The team has talked with John (Graves) several times. They have also talked with Mr. J. Blanchard relative to the reconstruction and relocation of Swanzy Factory Rd. and the impact to his property. The footprint of the roundabout is right on Mr. Blanchard's building, so they have had a constructive discussion with him and his counsel about that. The team is assessing opportunities going forward. Knowing that that building is on a slab and not a full foundation, they talked about the opportunity to move it and try to make it whole in that current location. The team is still assessing other right-of-way impacts and locations as they work to finalize the roadway alignments, bridgework, and phasing. They will fine-tune it as they continue along.

Chair Greenwald asked if residents have been notified that this is going on. Mr. Smith replied yes, residents have been notified. He continued that for both public information meetings, the team sent out mailers to all properties along the corridor and even beyond. For the second public information meeting, they sent over 2,000 mailers to mail routes that were along the corridor and even extended into some of the downtown areas, because of the mail routes they were on.

Chair Greenwald stated that his question is really about the six or eight homes where people own land and the potential for eminent domain action. Mr. Smith replied that eminent domain is not a

process that they would first be pursuing. Chair Greenwald asked if he means NHDOT wants to do it the friendly way first. Mr. Smith replied yes, absolutely. He continued that the team has met with several of the abutters, and they will continue to meet with abutters as they progress. All the residents there have been contacted. They have not talked to every property owner on the corridor; there are probably 35 to 40 of them. The team will coordinate with folks who reach out to them, and certainly the folks the team thinks will be the most significantly impacted, like Mr. Graves and (the owners of) Keene Mini Storage. They have talked with people from Monadnock Affordable Housing, Prime Roast, and Mighty Moose Mart. The team is striving to do their due diligence relative to that outreach.

Councilor Favolise thanked the panel for the presentation and stated that he thinks it is timely for this stretch to have the increased shoulder, so he was happy to see that. He asked if the slide show will be available on the project website at <http://dot.nh.gov>. Mr. Smith replied yes, the presentation will be posted on the project website within the week. He continued that they also post meeting minutes for most meetings they have, and they post mailers and other information that is relevant to the presentation and the outreach.

Chair Greenwald asked for further questions or comments from the Committee or the public.

Councilor Ed Haas of 114 Jordan Rd. asked if the panel could advise the Committee on traffic control at Branch Rd. when this is completed. He continued that they are familiar with the hazards of left turn lanes, and as the road gets expanded, with the great sightlines there, the velocity through it will be significant. There is a full red light stop at Optical Ave., which does a good job there with that left turn lane, but Branch Rd. will be tough.

Ms. Moshier replied that they looked closely at Branch Rd., and they did hear concerns about speeding and safety at the intersection. She continued that they looked at potentially installing a signal at that location, but unfortunately, it does not meet signal warrants. They looked at potentially installing a roundabout, but due to the steep hillside opposite the road and the bridge structure that currently exists, they cannot. Then, they returned to their traffic model and assessed what they could do for improvements, and there were a couple. One is adding the left-turn lane, so going eastbound, there will be a left-turn lane added into Branch Rd. The other is to realign the center line on that road. Currently, you kind of veer to the right to make a left turn. Within the existing pavement width, they can realign that to improve visibility at that intersection as well as do extensive clearing. When they went out and looked at it, the team saw that many of the challenges at that location, in addition to the speeds, are the sightlines and the vegetation along that stretch. Thus, they will do some clearing. Again, having the roundabout installed at Swanzey Factory Rd. will change the character of this section of Rt. 101, and that should, in turn, reduce speeds and improve operations at Branch Rd. as well.

Vicky Morton of 275 Water St. asked the panel to review the plan for the sidewalk or bike lane. She continued that they talked about a portion of it. She asked them to repeat what they said about how far it will go, or if it is eliminated.

Mr. Smith replied that they do not have a formal sidewalk in the project right now. He continued that they have had coordination and discussion with the City relative to it, or at least, representatives from the City in the working group. The team knows there is a presence out there. They know the east end of the project has folks who need to walk into town, and they are aware of the fatality that happened a short while ago to the west of this project. Part of the purpose and need is to enhance bicycle and pedestrian opportunities. Given the restrictions they talked about, which are the river and the residences there, it is a challenge to put in a sidewalk. They have not fully dismissed it, but it would incur additional impacts, both from a right-of-way and/or residents' perspective, or a resource perspective. With the lack of connecting infrastructure, given the fact that there are no sidewalks that would connect to this (hypothetical) one mile of sidewalk, the team decided at this time to not implement sidewalks in the project. The five-foot shoulders will be more formal and offer some relief for bicyclists and pedestrians, but not to the extent that a sidewalk would.

Mr. Smith continued that the team is also aware that the Transportation Heritage Trail progresses to the west end of the project. Their (NHDOT's) commitment to that project, from the City's perspective, the Prowse Bridge is not to preclude that from being built from their (NHDOT's) project improvements. The team has worked with Mr. Lussier and Mr. Ruoff relative to that. The team even tried to sync their project up with the implementation of that bridge project. They have committed to continue to progress together and to assess how funding comes ahead for the City's side of that.

Tim Jordan of 275 Water St. asked if the \$17 million figure is in today's dollars or projected out for when the construction is in 2027. He continued that his other question is relative to the political climate we are in today. The states are looking to cut their budget. He asked if there is a Plan B or Plan C if this does not go through due to a lack of funding. If so, he would like to hear about it. He would like to know if there has been any thinking about what they will do about the problems they are trying to solve, if the funding gets reduced or something happens.

Mr. Smith replied that the \$17 million is in today's dollars. He continued that relative to the availability of funding in the future, they (NHDOT) feel that they are stable at this point. Leadership in the NHDOT Executive Office is working with Federal Highway leadership as well to appreciate what the transition in national leadership means for them on a transportation level. At this point, he is still confident that they will have funding as they progress. They will continue to evaluate and continue to progress with the expectation that they will have construction funding in two to two and a half years to fund this project.

City Attorney Thomas Mullins stated that understanding the issues associated with land acquisitions and having had some experience with those and working through their negotiations, it is clear that NHDOT will need to have all those acquisitions in place before they can start construction. He asked if that is correct. Mr. Smith replied yes, absolutely. The City Attorney

asked if NHDOT anticipates those will happen before the construction start date. Mr. Smith replied yes.

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

On a vote of 4-0, the Municipal Services, Facilities and Infrastructure Committee recommends acceptance of the presentation on the NH Department of Transportation Reconstruction of Route 101 as informational.

**2) Verbal Update – Accelerated Tree Removal Timeline – Red Pine Scale**

Carrah Fisk-Hennessey, Parks and Recreation Director, stated that the last time she was before the Committee, she gave an update on the Red Pine Scale, a current invasive species in Keene. She continued that it impacts the red pine trees, and Wheelock Park has a monoculture. Last Thursday, staff met with people from the NH Division of Forest and Land Foresters, who informed City staff that the best time to harvest is in the winter. They are not talking about removing all the red pine trees right now, but they are talking about accelerating the removal of the educational pilot tract, which is along the now-defunct roadway between the bike park and the ballfields. She has an aerial photo if the Committee wants to see what that looks like.

Ms. Fisk-Hennessey continued that what they are talking about is removing about 50 red pine trees from that one educational pilot tract. The reason the foresters recommend winter removal is that the red pine scale is dormant during the winter months, so they could take down the trees without spreading red pine scale. Once the trees are taken down, they plan to use sections of them for the City's bike park retaining walls' side structures. They will replace some of the red pine that they have already used for that in 15- or 20-foot sections, and they are able to chip the rest, at no impact to the rest of the park and the rest of the trees, as long as they get them down in the next couple of weeks.

Ms. Fisk-Hennessey continued that then, it comes to funding and timing. Next Wednesday, the foresters will run a chainsaw class with five members of the Parks and Recreation team and five members of the Public Works team, and they will take a handful of trees down at that point. They will meet with Phil's Tree within the next week to take care of the rest of the trees. That funding is made available through the additional funding that was secured by Public Works for the storm removal; there is still funding available in that fund.

Chair Greenwald asked if the MSFI Committee needs to take an action on this. Ms. Fisk-Hennessey replied that this is just informational. Chair Greenwald asked if there were any questions or comments from the Committee or the public. Hearing none, he asked for a motion.

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

On a vote of 4-0, the Municipal Services, Facilities and Infrastructure Committee accepted the report as informational.

**3) Unresolved Design Decisions for the Downtown Infrastructure Project - Public Works**

Chair Greenwald stated that the Council has not decided on several items regarding the Downtown Infrastructure Project. He continued that in addition to the three that are up for discussion, they will not be talking about the color of the bike lanes tonight, and he has another item to bring up later. He asked to hear from staff.

Don Lussier, Public Works Director, stated that Bob Corning and Ed Roberge from Stantec, the City's design consultant for the project, will be with him tonight. He continued that a couple of items were discussed previously but have not been fully resolved, so they are here again to talk through those lingering details.

Mr. Corning stated that they have been working on several design refinements, following up on a couple of discussions they had with the Committee and the Council. He continued that tonight they will look at some options for the fountain at the Central Square green, some paving design updates, and the pavilion structure at Railroad Square. Then, Mr. Lussier will give an update on the bollards, the trash receptacles, and the over-the-street banner signs.

Mr. Corning continued that starting with the Central Square fountain, an original concept was to have the fountain replaced with a design that was either through a design competition or an artist, but subsequently, it was decided that the fountain should be part of the project. Thus, Stantec has been looking at some alternatives for a revised or new fountain design. They were inspired by a historic photo Mr. Lussier found that had a rather Victorian historic fountain in the square. They looked at options for incorporating something similar into a proposed design. Option 1 would be a new fountain, located in the center of the square. They found an off-the-shelf product, called a Caesar fountain, produced by Robinson Iron, very similar to the historic fountain in the photograph. They are also considering reusing the original Einbeck stone, which is the whitish granite around the perimeter, the octagon shape in the existing fountain. The center portion would be removed and replaced with this cast iron feature. The water bubbles up through the top and cascades through the various bowls down into the fountain's base. He showed a photo.

Mr. Corning continued that they also propose including a semicircular seat wall along the eastern edge of the circle, providing a backdrop to the fountain. It also orients you to the gazebo, so if there were a performance happening at the gazebo, you could sit at the fountain wall or the seat wall.

Mr. Corning stated that Option 2 was relocating the fountain to the edge and incorporating it into the seat wall. Again, it would be very similar. They would relocate the existing granite at the fountain base and incorporate it into the seat wall they showed for Option 1. The cast iron

fountain would be proposed as an option as well. Having the fountain off to the side frees up space and provides multi-use space in the circle's center. Some of the existing granite pieces on the fountain base are cracked, so they would have to look at whether they would be damaged further if they were removed and relocated. However, there was a lot of appeal to this in terms of having the fountain offset from the center and as a separate feature.

Mr. Lussier stated that he knows this was discussed previously during the project, and the Committee preferred having the fountain stay where it is. He thinks this concept (in Option 2) is very appealing in that it frees up the space in the plaza for events and creates a much more usable space for viewers to sit and watch the events happening in the gazebo. He knows the Committee has already expressed their opinion that the fountain should stay where it is, but he hopes these graphics will convince them to consider that option.

Chair Greenwald replied that he appreciates Mr. Lussier's comments but likes Option 1, as before, and even more now, hearing that it would retain the existing granite. He continued by saying that it sounds like a cost-saving option. Councilor Filiault replied that he agrees. Councilor Tobin stated that she likes the fountain off to the side but does not have a strong preference.

Chair Greenwald asked for public comment.

Brad Hutchinson of Marlboro St. stated that this is the first he has seen about this, and his initial reaction is that the fountain should be in the center. He continued by saying that, looking at the images of the fountain off to the side, he understands the idea of wanting to have more open space. That would facilitate larger crowds, and he questions whether they want to encourage larger crowds or if they want a more broken-up crowd with the fountain in the center. He does not want the fountain moved away from the center. With it in the center, you have to walk around it and cannot go through it. It is like a roundabout, in a way.

Vicky Morton of 275 Water St. encouraged them to leave the fountain where it is. She continued that she thinks they need to look at cost-cutting, and if they moved the fountain, they would have to move water lines. If any of those Einbeck stone pieces get destroyed, they would have to be fixed or replaced. Leaving it where it is would save money.

Councilor Tobin stated that she would like clarification from the Public Works Director about why he thinks the fountain would be better on the side. She asked if there is a structural issue. Mr. Lussier replied no, it is purely an aesthetic preference.

Councilor Favolise stated that he agrees with others who want to keep the fountain in the center. He continued that the Central Square fountain should be centered in Central Square. He asked if they would still be getting the new fountain design and what that cost looks like. Mr. Lussier replied that they have not gotten a quote for that particular fountain, but they heard previously that there is not a lot of love for the stone configuration there now. Thus, they planned to replace that with the cast iron fountain on either of these options.

Chair Greenwald made a motion to recommend Option 1. Councilor Filiault seconded the motion. Councilor Favolise agreed. Councilor Tobin stated that she could be on board. The consensus of the Committee is 4 to 0 in favor of recommending Option 1: A new fountain located in the center of Central Square.

Mr. Corning stated that the next topic is paving in the public open spaces, such as sidewalks and crosswalks. He continued that previously, the team proposed a combination of concrete sidewalks for the main pedestrian corridors and accent zones, buffers for the bike lane, and the commercial zones in front of buildings. For some of the crosswalks, they proposed different types of unit pavers, such as concrete, brick, or granite. This Committee, the Council, and Public Works raised concerns about maintenance and cost. Thus, the team went back and looked at opportunities to propose colored concrete and patterned concrete. It would be a concrete-based system that could be differentiated from standard concrete by different patterning or different coloring. He showed an enlarged image of the crossing at the rail trail. He continued that the team's preliminary idea was to have a series of different patterns and colors of concrete. Many colors and patterns are available. They were thinking of a traditional herringbone system, stamped and colored. They would do different colors and patterns for the different pedestrian zones. For example, the multi-use zones at the corners of the intersections, the buffer strip between the bike lane and parking, and the furnishing zone between the planters would each be a little different but be in the same vocabulary of color and patterns.

Mr. Corning continued that the team heard concerns about having the bike lanes painted the bright green color that is typical for bike lanes. There has been a lot of discussion. He thinks the vote was to have concrete. The question is whether there are opportunities to have it be colored concrete. Mr. Lussier is passing around samples of shades of green that are more muted.

Mr. Lussier stated that they are not asking the Committee to pick a color tonight. He continued that he intends to create some samples at Public Works so that in the future the Committee can see full-size samples and see exactly what it would look like. That will be in the spring or early summer. He handed out the samples from the vendor so the Committee could see what they are thinking. Regarding the different textures and patterns shown in the graphics, the team is not asking the Committee to pick anything tonight. All these patterning details are within the umbrella of what the Council has already decided. If anyone has strong opinions, the team would like to hear them; otherwise, he does not think the Committee needs to pick a specific pattern. The samples planned for this summer will include some patterns. They will be sections of about 5'x10' with different colors and patterns. Chair Greenwald asked if one sample will be natural/the base. Mr. Lussier replied yes, a green, a couple of red-brown tones, and a plain gray concrete.

Councilor Filiault stated that when Public Works does those samples, he wants to know any cost differentials because it is time to tighten the belt on this project. He continued that his main concern is having a smooth surface for the sake of people with disabilities and people who use mobility devices, and his other concern is to keep the price in line.

No recommendations were made on the design of the paving in public open spaces, such as sidewalks and crosswalks, because the Committee will not be shown samples until summer.

Mr. Corning stated that the next item is the pavilion in Railroad Square. He continued that this was proposed previously. They had a small, square pavilion located in the center. The concern the team heard was that it was not large enough for fixed seating or covered bikes and thus was not useful. The team looked at several options. The option that rose to the top is an off-the-shelf item produced by Landscape Forms, a modular pavilion system. The modules are about 15'x15'. The roof could be louver or solid. The wall panels, of perforated metal, can be open or can have a louver system. Many accessories could be added, such as seating or leaning rails. The team proposes two modules, side by side but offset slightly for interest, along with a small, uncovered area with a free-standing rail, potentially with an interpretative panel included. That would provide some vertical separation between the bike path and this structure. The structure could include fixed or flexible seating and covered or uncovered bike racks. He showed a couple of different views.

Mr. Corning continued that another option is something a little more traditional in terms of its character and style. These (pavilions) would have a stone base with a wood structure, and metal or wood roofs. They would be more in keeping with the architectural style of downtown Keene. They are modular to some extent, and customizable. A (third) option would be tensile cover structures, which are fixed posts with canvas structures that span between them. Many colors, styles, and details are available to use with these types of systems. The (fourth) option is similar to the first, but a little simpler, just a wood structure with a metal frame. Many off-the-shelf items could be used for this option.

Councilor Filiault stated that, as he said in the Council meeting, he could not favor any of these. He continued that he thinks (pavilions) are unneeded expenses to the taxpayers. He thinks the Committee said they will do what needs to be done and not extend beyond to anything else. If a non-profit group wants to fundraise to build pavilions, that is fine, but he cannot justify this to the taxpayers, and he thinks this is a waste of money.

Mr. Lussier replied that he understands Councilor Filiault's hesitation. He continued that the Council voted to include this structure as a bid alternate, so the team is looking for guidance on which structure to include as the bid alternate.

Councilor Tobin stated that she likes Option 1, the modular one, with the leaning rail.

Councilor Favolise stated that he likes Option 4, which he thinks is the simplest. He continued that the Council was divided over including one shaded structure; he does not think they would be interested in having two, offset with the leaning rail. He does not think that including that as the bid alternate sets it up for a real conversation. He thinks the Council would be against that. He would like to see Option 4, which has just one structure.

Chair Greenwald stated that, in summary, Councilor Tobin and Councilor Favolise should agree on what they want because he and Councilor Filiault want none. Councilor Filiault replied that he suggests just having their comments on record and letting this go to the Council without a decision since they are split. Chair Greenwald replied that something has to go forward. Mr. Lussier stated that the Council told them to put something forward as a bid alternative, but right now, he does not know what that “something” is. Chair Greenwald replied that that is why he is asking Councilor Tobin and Councilor Favolise to choose an option they both agree on.

Councilor Tobin stated that she liked the first two. She continued that she likes the one with sort of an archway, which she sees reflected in other architecture in the area. Option 4 looks to her like a picnic area, like it belongs in a park, so she struggles with it. Councilor Favolise replied that he understood, and of the two that Councilor Tobin likes, he liked the second one best. He continued that he thinks the Council would not accept the two shade structures offset with the rail (Option 1), so he hesitates to choose that. He could switch to the stone/brick column base with the covered structure if that is what is needed to move something forward to Council.

Chair Greenwald stated that the record will reflect that the two Committee members who want to see a shade structure are choosing Option 2 (with the stone/brick column base with a covered structure).

Two members of the Committee would recommend no pavilion in Railroad Square, and two members would recommend Option 2: A stone/brick column base pavilion with a covered structure in Railroad Square.

Mr. Lussier stated that the bollards are next. He continued that there was a clear desire from the Committee and the Council to include removable bollards as part of the project. They would be bollards that City staff could deploy for community events instead of the jersey barriers and trucks they park on the street for perimeter security for community events now. He thinks this originated with a business complaint that during the community event a dump truck was parked in front of their storefront all day, which hid their storefront from their customers, and they felt excluded from the event. The idea would be to have something a little more attractive that allows people to see the businesses and is less obstructive.

Mr. Lussier continued that the team met with Highway Department staff and KPD to look at what they needed to do to accommodate all the different events and have some flexibility. They looked at options. The solid red bars in the graphic show where they would install high-speed security bollards, which are rated to stop a truck going 50 mph. They would install them at the perimeter and at the head of Main St. The idea is to give flexibility for the different sizes of events that need to be accommodated. Some events might only require security around Central Square. Some might require Central Square and the northern part of Main St. Others, like the Food Fest, go all the way to Emerald St.

Mr. Lussier continued that the blue outline shapes like those seen on Church St. or Cypress St. are slightly lighter-weight versions, designed to stop an automobile going up to 30 mph. They are not quite as heavy duty, but they could be used in areas where a heavy-duty truck does not have an opportunity to get going 50 mph. They could save a little money there. The third thing is the areas with the dashed boxes, which are areas where it would be okay to have permanently installed, fixed bollards. These are places where they do not need to get vehicle traffic through; they are just for pedestrians and bicyclists, and a bollard in the middle of, for example, the bike trail next to the Transportation Center would solve that need. Altogether, they would require about 154 bollards to complete this plan as it was designed by the Highway and Police staff. Each (permanently installed) one is over \$3,600, just for the materials, not including installation. With installation, those bollards would add up to about \$715,000. He does not feel comfortable recommending that it be the way they go forward.

Mr. Lussier continued that thus they looked at other options. They found a portable system. Unfortunately, he cannot give a quote tonight; he has reached out to the vendor but has not heard back yet. These (portable bollards) are stored off site. There is no construction below ground. They are large steel devices on wheels and can be rolled off a trailer and placed in the roadway, and they are chained together. They can still stop a truck with minimal intrusion into the event zone. They expect they will be considerably cheaper than the built-in models. (Bollards) were something they were directed to include in bid documents as a bid alternate. His suggestion for the Council is to eliminate the built-in bollards; they are cost prohibitive. If they want to go forward with the deployable version, there is no reason to have that as part of the bid for this project. They (the City) could buy a small number of them and try them out in a few locations, see how they like them, and if the Council wants to keep moving forward they could buy them over time. He cannot recommend spending nearly a million dollars on bollards. It would not even save a lot of labor. Each pipe is over 1,000 pounds, so it would still require a machine with a chain to put them in place.

Chair Greenwald replied that he understood. He continued that it is an amazing amount of money, and he never would have guessed that it was so complex. He thought it was a concrete-filled pipe they (the City) could do themselves. Mr. Lussier replied that they must be quite robust to get them to be crash-rated for event security, to protect against the kind of attack in New Orleans a few months ago.

Chair Greenwald asked what the Emergency Management staff say. Mr. Lussier replied that the system they are using right now, the jersey barriers and trucks parked across the roadway, satisfies the need for event security, just as well as the deployable, metal devices would. He continued that what they would be gaining with the deployable devices is something a little more aesthetic that does not obstruct views into the event or storefronts, which has been the concern.

Chair Greenwald replied that they could combine that deployable bollard and jersey barriers. Mr. Lussier replied that it was correct. He continued that if the Council wants to go forward with that, that is how he would suggest they do it. They can begin with a “starter kit” of these deployable

bollards and use them in specific locations where they have had complaints about visibility being obstructed. Then, from there, they could add to them if the Council wants to do. They could implement them over time.

Chair Greenwald replied that there are also cost savings for not having dump trucks and Public Works staff there. Mr. Lussier replied that yes, these would be easier because they would not need to have staff on site during events to move them. He continued that they would probably just have one person with the equipment to move one of these bollards if they needed to, for example, get an ambulance into the event.

Councilor Filiault replied that he agrees. He continued that he was the one who asked for the estimate on the bollards, and those (built-in ones) certainly are cost prohibitive. He thinks the temporary ones fit the bill. There is a cost either way, but he thinks putting multi-million-dollar fire trucks there as jersey barriers is not a good use of fire trucks. He thinks it is a great idea to look at the deployable devices and maybe an occasional jersey barrier on the side streets. He recommends moving forward and coming back with a cost estimate on these (deployable bollards).

Chair Greenwald asked if there have been any further discussion from the Committee or the public. Hearing none, he stated that the Committee agrees to this one.

The consensus of the Committee is 4 to 0 in favor of recommending Temporary Deployable Bollards.

Mr. Lussier stated that the rest of the presentation is a verbal update. He continued that regarding the trash receptacles, the Council's direction was to bid out the trash compactors as a bid alternate, and he will willingly admit that he was a proponent of the trash compactors. They got a quote for those. Each pair, one trash receptacle and one recycling container, which ship together as a unit, is \$8,580. He did some quick math. For those to pay for themselves, it would take 30 years of deferred staff time in the savings of not having to empty the containers as often. Thus, he cannot recommend those as a viable solution. He recommends they stay with the standard trash can that was selected as the base option.

Chair Greenwald and Councilor Filiault agreed. Chair Greenwald stated that the Committee agrees. Chair Greenwald asked about the City logo going on trash cans and benches. Mr. Lussier replied that as he recalls, the decision was related to bicycle racks, and the decision was to just do the bicycle racks and make it so they could add the logo at a future date. He continued that that is how they are moving forward with that.

Mr. Lussier stated that the next item is the over-the-street banner. He continued that the team evaluated what the banner would look like, how big it would have to be, what infrastructure would be needed to support it, and so on and so forth. Sometime in the next two or three weeks, they have a meeting scheduled with the person who originally requested the banner. They want to

have that meeting first, and once the team makes sure that what they propose meets the requester's expectations, they will come forward with a recommendation on that. Chair Greenwald suggested they bring up the idea of (having a banner) maybe not across Main St., but maybe across Gilbo, Church, and Lamson Streets.

Mr. Lussier stated that the last topic is a catch-all for the next steps. He continued that right now there are four areas the team knows they need to coordinate with individual property owners on. In the next couple of weeks, he will get a letter out to everyone who owns property abutting this project. The first of those four areas is service connections. As with all infrastructure projects, they (the City) will replace, for example, the water service up to the property line. In the case of most of the project limits, the property line is essentially the building face. Something they want to coordinate with property owners is whether the property owner wants the City to take that service connection past the property line and bring it right up to their meter or through the building wall. The City is supposed to not spend public money on private property, but they would like to include in the contract an allowance for private work to be done on private property. For the building owners who want them (the construction team) to take the last three to ten feet into the building, the City would get an estimate from the contractor on how much extra it would cost them to go that last few feet with the new pipe, and if the property owner agrees to that, the City would have the contractor do it and would bill the property owner for that cost. The property owners will get the work done right into their basements, it will be a better product in the end, and the City will have resolved the problem of not using public funds on private property.

Mr. Lussier continued that the second (of the four) areas is roof drains. According to the Clean Water Act, you are not allowed to discharge stormwater, such as your roof drains, into sanitary sewers. The team strongly suspects that many of the historic buildings downtown have roof drains that are plumbed into their sewer lines. That being said, the City is not the agency in charge of enforcing the Clean Water Act. He does not want to start going into people's basements and start issuing fines for not having disconnected their storm drains. The City's approach to this will be that they will run a service connection up to the building face. They will tell the property owners, 'If you want to connect your interior storm drains to the storm drain, here's where you can do it. If you want to have some input on where we make that service connection available, let us know now, and we can put it where it is most convenient for your situation.' That is as far as the City will take that. If property owners want to work with them and make that connection during construction, great. Or they could come back later and make that connection. The City is not intending to mandate or require individual property owners re-plumb their buildings as part of this project.

Chair Greenwald stated that he does not want to get too deep into it, and this is why he was asking for this to be delineated as an agenda item, and for outreach to all the building owners. He continued that since Mr. Lussier brought it up, he will ask, what about sprinkler lines? Mr. Lussier replied that the fire lines are the same as the water services. Chair Greenwald replied not really. If you touch a fire line, you must put a backflow. He continued that that is a big to-do for the building owners. Mr. Lussier replied that backflow is a separate item on his agenda. He

continued that the team is compiling a list of the properties that require backflow and do not have them. Those property owners will be notified of that. With the storm drain disconnection, yes there is a cost of having to treat water that should just be going to the storm drains, but it is not a life safety issue. With fire lines, not having a backflow does present a life safety issue for the rest of the water supply. If there is a problem with an individual property owner's fire suppression system, they can be flushing a slug of dirty, contaminated, rusty water into the City's water supply. Chair Greenwald replied that (he fully understands), but the City needs to tell the rest of downtown (property owners) who do not understand this. He continued that it is a substantial expense, and he does not want to see what happened with the merchants happen with the building owners, where the equipment shows up and they say, "I didn't know, I didn't know." They (the City) need to get aggressive (in informing them). Mr. Lussier replied that it will be part of the outreach that happens. He continued that right now they are still trying to sort out exactly who needs to have (backflow) and who already does or does not (need it).

Mr. Lussier stated that the fourth area is addressing accessibility. Again, the City cannot do work on private property with public money, but they want to make it as easy as possible for property owners to make accessibility improvements on their properties. He continued that to the extent they (the City) can coordinate with individual property owners to adjust the sidewalk elevation at a certain point to allow the property owner to make an ADA-compliant ramp into their building, and that sort of thing, (they will). Those are the conversations they want to have with property owners.

Mr. Lussier stated that those are the four big topics the team needs to coordinate with individual property owners on, and he hopes that happens in the next couple of weeks. He continued that that concludes his remarks. Chair Greenwald asked if the Committee had questions or comments. Hearing none, he thanked Mr. Lussier, Mr. Corning, and Mr. Roberge for their presentation.

Councilor Tobin asked for clarification on how to word the motion, regarding defining the options they talked about. Mr. Lussier replied with the suggested wording.

Councilor Tobin made a motion that the Municipal Services, Facilities and Infrastructure Committee to recommend that the City Manager be authorized to incorporate the following design preferences into the Downtown Infrastructure Project:

- For the Railroad Square covered pavilion, a wood frame structure with brick columns;
- For the Central Square fountain, Option 1 in the center;
- For deployable bollards to be purchased outside of the contract.

Councilor Filiault seconded the motion.

The City Attorney stated that he has some concerns that can be dealt with at the Council level. He continued that he knows Councilor Filiault and Chair Greenwald are not in favor of the covered pavilion at Railroad Square, but now all these items are included in one motion. He suggests they

vote for this motion and then save their conversation about their opposition to certain items for the Council meeting. Otherwise, they have to bifurcate this out.

Mr. Lussier stated that he wonders if this is going to raise a concern with reconsideration of an item during the same calendar year. He continued that maybe if the Council is okay with it, they could forget to include it as a bid alternate. The City Attorney replied no, they cannot do that. Chair Greenwald replied that they do not need to have it as part of this motion; they could go with the bid alternate. Mr. Lussier replied that they could include it as a bid alternate, which is easy enough. City Manager Elizabeth Ferland stated that she recommends they include it as a bid alternate, since that was the original decision. Chair Greenwald replied that his intention, when the time comes, is to delete the pavilion from the project. He continued that they do not need to divide the motion. It is fine as it is, as is Councilor Filiault's second.

The motion passed unanimously.

**4) Continued Discussion – Proposal to Implement a “Protection of Streets” Program - Public Works**

Mr. Lussier stated that this is a continuation of last month's discussion, when he came to the Committee with a proposal to change the City's Ordinances related to the cutting of streets in the years immediately after a road gets repaved. He continued that as he mentioned, a number of municipalities in the state have implemented this sort of program. The Committee and the City Manager raised some excellent concerns about how this program could potentially impact individual property owners who might not have the foresight to know that their sewer line will fail in the next couple of years and do not have a lot of choice in terms of having to fix it. Thus, staff did more research and came up with more comparisons for the Committee. They looked at five municipalities with similar programs in their Ordinances. The agenda packet has a table comparing those five. Concord, Dover, and Manchester all have Ordinances so similar that they are almost verbatim; clearly, they were learning from each other as they went along, with some minor flavor differences. The biggest difference is with Dover; they added a refundable security deposit in addition to the damage fee they collect. It is a \$7-per-square-foot fee they collect on every excavation. If it is within two years of being paved, they multiply that damage fee by three. If it is within two and five years of being paved, they multiply that by two. They also charge a refundable deposit of seven dollars (per square foot).

Mr. Lussier continued that the City has a similar refundable deposit, of \$500. A year after the patch is completed, they go out and inspect it, and if everything is holding up the City returns that deposit to the contractor. Manchester and Concord do not have that refundable deposit. Portsmouth does it a little bit differently. They have a lump sum fee of \$250 for the permit. If there is cutting within two years, they charge four times that amount. If there is cutting within one year, they charge five times that amount for the permit, and it graduates; Portsmouth has five different fees.

Mr. Lussier continued that Nashua is completely different. They do not have any damage fees, per se; instead, they make the contractor that is doing the excavation in the newly paved street do a much more extensive repair. He asked the City Engineer to go through and estimate how much it would cost to do that repair work for a typical trench of about four feet wide, 15 feet long, and he came up with an estimate of about \$6,000, under Nashua's fee structure. In order to excavate three feet in such a trench to replace all the material with new, imported gravel and mill and overlay the full width of the roadway for 50 feet in each direction. Thus, it is a hefty cost.

Mr. Lussier continued that compared to our peer communities, the City of Keene charges a modest amount for work within the roadway. That does not answer the question the City Manager raised about what the impact is to property owners. Concord and Dover both include in their Ordinances an incentive to do work proactively. If you are excavating in a street that is scheduled to be repaved within the next 12 months, they waive all damage fees. In that case, their fee would go from \$1,200 to the \$200 or \$250 permit fee. That is how they incentivize it. If the City were to do a program like this, he suggests extending that to two years. The City is able to lock in the paving list well in advance. Unless there are extreme circumstances, they do not change that list two years out. He suggests that within two years of a scheduled paving, they waive the fee. As part of this program, the City would be required to notify property owners who live on streets scheduled for paving as early as possible, not less than 12 months in advance. Residents can look at the CIP and see where their street is in the schedule, but the City would reach out to property owners with a letter at least 12 months in advance, trying for two years in advance. The letter would say when the City would be paving and recommend that property owners do any needed water, sewer, or drainage service connection before then so they could take advantage of the waiver period. That is a way the City could mitigate impacts to individual property owners.

Mr. Lussier continued that he is looking at another option, but he has not yet had a chance to have it vetted by the City Attorney's Office. He will not put the City Attorney on the spot tonight, but his (Mr. Lussier's) interpretation of Chapter 31 – Powers and Duties of Cities is that paragraphs in that would allow the City to finance the construction of repairs. The way he envisions this working would be a property owner knows the City will be paving their street and they know they need to replace their sewer line because it needs to be flushed every six months, so the property owner gets a price from a contractor to get it repaired. The contractor does the work, and the City pays the contractor for the work that is done. The contract will be selected and agreed to by the property owner, but the City makes the payment in the first instance. Then the City can bill the property owner over a course of time, such as three to five years, as part of their quarterly utility bill. This would not be spending public money on private property; the City would just act as a financing mechanism for the property owner to be able to make that repair before the City does the paving. If the Council is interested in moving forward with this plan, it would need to be looked at by the City Attorney and they would have more detailed conversations, and if it is possible to do this plan, staff would come forward with an update.

The City Attorney replied that the City has already done something similar to this in the past, so a model exists.

Chair Greenwald stated that this would answer his question about the Main St. buildings, too. Mr. Lussier replied that is correct. Chair Greenwald asked if there is an answer. The City Attorney replied that there is a model. He continued that the City has done this in the past for sewer and water infrastructure.

Chair Greenwald stated that his question for Mr. Lussier is what they are trying to do. He continued that people do not plan ahead that their sewer line is going to clog and collapse; they will find out (suddenly), and then in addition to the cost, now there will be a penalty. Mr. Lussier replied that that is a good point. He continued that the City is not trying to raise more revenue. He would prefer to not ever have to collect these penalties. The idea is to try to get property owners to make needed repairs in advance of the street paving to extend the life expectancy of the investment in the infrastructure.

Mr. Lussier continued that he asked the City Engineer to look into how frequently this situation comes up, because it seems like every time the City paves a road, it is cut within three months. The City Engineer looked at the last five years of data, and the estimate is that this situation only happens about once a year. It is probably true to say that it happens more frequently with water main breaks and City infrastructure failures that the City has to repair than it does with private infrastructure.

Councilor Favolise stated that his concern is that if they move forward with this Ordinance, the Ordinance assumes that utility companies or property owners are somehow being irresponsible and waiting until the roads and sidewalks are paved and then suddenly deciding to cut the road. He continued that the sewer and water line gods do not always follow the City's CIP timeline. Thus, he is concerned about property owners finding out they need to repair their sewer or water line and not only do they have that unexpected cost, but now the City is charging a fee as well. He understands that peer municipalities do this, and it is not a novel concept, but he struggles to see this is any other way, even as he understands the intent to preserve the lifetime of the roads and sidewalks that the City paves, than as just another hit to property owners.

Mr. Lussier replied that that was a fair comment. He continued that he does not think most people are doing this maliciously. During the previous nine years when he was in the City Engineer's Office, they had several instances where immediately after the City paves a road, a contractor comes in and says that they have been flushing a line every few months for the last three years and now it has completely collapsed and needs to be replaced. In some instances, it is true that property owners do know they have a problem with their service and are just putting off the replacement for as long as possible.

Councilor Tobin stated that she is sure people are not being malicious when they dig up (the road), just like it is not malicious that every time she moves to a new location, someone starts a construction project next to or across the street from her; it just happens that way. She continued that looking at the policies of other municipalities makes her think other municipalities have been

struggling with the same thing. Even if the situation only happens occasionally, if that once-in-a-while situation can be prevented, she thinks it is worth considering.

Councilor Tobin stated that some of the municipalities' policies charge street damage fees based on square footage, such as \$5 per square foot. She asked what the typical cost would be to repair and pave a square foot of space. Mr. Lussier asked if she means for a typical 2-inch overlay. Councilor Tobin replied yes, for whatever they are required to do; she is just looking for an approximation. Mr. Lussier replied that the City Engineer will do some calculations while they are talking.

Councilor Tobin stated that her other question is whether Mr. Lussier thinks it is beneficial to treat all the streets the same, or if they should have different fee structures for different classes of streets, for example. Mr. Lussier replied that he thinks it would be very complicated (to treat different streets in different ways). He continued that it would be a lot to keep track of.

Mr. Ruoff stated that to answer Councilor Tobin's question, it would be about \$4 per square foot, depending on the amount of disturbance. He continued that if you do less paving, the per ton cost of paving increases. This is a defined area; a load of tonnage for asphalt is well defined. For smaller patching, the cost per square foot "skyrockets." There is some variability, but in general for what they are describing here, it is about \$4 per square foot.

Chair Greenwald asked if that is in addition to the contractor doing the work. Mr. Lussier replied yes, that is just the cost of restoring the surface. Chair Greenwald asked if that is in addition to the contractor himself doing the work, and this is a penalty. Mr. Ruoff replied that is correct. Mr. Lussier replied that he thinks what Mr. Ruoff is saying is that the cost of paving a patch is about \$4 per square foot. He continued that what the contractor charges the property owner for excavating, replacing the pipe, doing all that work, is a separate fee. Chair Greenwald replied that what they are talking about is in addition to that, a \$5 per foot penalty (or whatnot) to the City. Mr. Lussier replied that is correct.

Mr. Lussier continued that Concord and Manchester both charge \$5 per square foot as a damage fee penalty, for all patches, regardless of whether they are new pavement or not. For every excavation, they charge a pavement damage fee. That \$5 per square foot for a typical patch is right around the \$500 (the City charges) for, say, 13 feet, which has been the City's typical average over the last few years, about four or five feet deep.

Chair Greenwald stated that he does not see any harm in having Mr. Lussier and the City Manager drafting an Ordinance for the Committee to consider. He continued that the Committee could then (recommend changes to it) or (recommend against the Ordinance). Councilor Filiault agreed.

Chair Greenwald asked for public comment.

Bradford Hutchinson stated that he thinks this is a good idea. He continued that when the City does a project, they do not want it to be torn up too soon; that obviously makes sense. He is in favor of this. Mr. Lussier mentioned other municipalities that have something similar. He asked if the City has information about those municipalities' experiences with implementing this. For example, how many times they have had to use this program, how effective it is, how well the municipality is able to work with property owners in a win-win situation, whether there is resistance to the program, and so on and so forth. He is asking for a little more information. That would help the City Manager and Public Works.

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

On a vote of 4-0, the Municipal Services, Facilities and Infrastructure Committee recommends the City Manager be authorized to draft an Ordinance to disincentivize the cutting of newly paved roadways and sidewalks for a period of five years after construction.

#### **5) 2025 Construction Season Update - Public Works**

Bryan Ruoff, City Engineer, stated that he is here to update the Committee on projects that are either going into construction in 2025 or major construction projects that have updates. He continued that the Downtown Infrastructure Project is not listed because it was already discussed tonight.

Mr. Ruoff gave the following updates:

- The Marlboro St. and the Cheshire Rail Trail project is currently out to bid for construction. A bid opening is scheduled for Tuesday, March 4, with construction anticipated for the spring of 2025.
- The Island St. Road Reconstruction project involves water, sewer, sidewalk replacement, paving, and a traffic signal replacement in West St. at Island St. It is currently being publicly bid, with a bid opening scheduled for March 25. The project is funded by the City and anticipated to go forward in the spring of 2025.
- The Key Road Drainage Replacement project was built into the CIP under future fiscal funding years, but due to conditions that arose, sinkholes being created over the existing storm drain, this project was expedited. The project is in preliminary design with SLR Consulting and is scheduled and anticipated to be bid and go out to construction in the summer of 2025. Construction is expected to finish in the fall of 2025.
- The Lower Winchester St. project is not scheduled for construction this year. It is in preliminary design with the consultant, McFarland Johnson. They anticipate preliminary design to be complete in about June of 2025; then, NHDOT will perform the property assessment and acquisitions for the project in conjunction with McFarland Johnson performing the environmental permitting. They anticipate this to take about 18 months. The project is scheduled and anticipated to be bid for the summer of 2027 construction.

- The Transportation Heritage Trail Phase I is in final design with Stantec Consulting. They are performing the right-of-way acquisitions for the project and received archeological and historic review approval for the project recently. They plan to go to bid for construction in the summer of 2025.
- The George Street Bridge Replacement project is in preliminary design and moving forward to final design. McFarland Johnson has an expected completion of final design date for summer 2025 bidding. This project is NHDOT funded, 80% federally funded with a 20% City match.

Mr. Ruoff stated that those are the major infrastructure projects. He continued that the remaining projects are ones that are executed by the City Engineering Division. The 2025 Road Rehabilitation Project has several roads throughout the city, including Bank St., Cedar St., Cone St., Hamden St., Iceland St., Needle St., Queens St., Robbins Rd., Robbins Ct., Russell St., Sawyer St., Stanhope St., Thornton St., Warren St., Wheelock St., Winchester St. for Main St. to Island St., and Worcester St. This project is currently out to bid with bid opening scheduled for next Thursday, March 6, for spring construction of the project. A similar pavement maintenance project out to bid is a City Surface Parking Lot – Shim Overlay. The City-maintained parking lots included in this are Gilbo East, the Library Annex, the Elm St. lot, the Wells St. lot, and Roxbury Plaza. Bid opening is Thursday, March 6. There are two types of road rehabilitation projects they are currently bidding on: a fog seal project and a micro-surfacing project, which is a very thin layer of asphalt that protects the pavement from further degradation. The fog seal project is more like a sealer and includes Adam Ct., Adam St., Avalon St., Bridge St., Elliot St., Gate St., Gilsum St., Kingsbury St., Moore Farm St., North Perham St., Proctor St., Richard St., River St., School St., South Sullivan Rd., Valley St., Village St., Woodburn St., and Woodbury St. The Preservation and Micro-surfacing project limits include Edgewood St., Greenwood St., Kenworth St., Lynwood St., Park St., Riverton St., Walker St., and West St. Both projects are currently out to bid with a bid opening scheduled for Thursday, March 13, with construction anticipated for late spring or early summer in 2025. Currently, three roads are scheduled for the Sidewalk Replacement Project this year: Gardner St., Jennison St., and Willow St. That project is currently out to bid with a bid opening scheduled for Thursday, March 6.

Mr. Ruoff stated that he would be remiss not to include two other projects they just received NHDOT approval to go to construction on, the Sewer Main Lining and Sewer Manhole Lining projects. Those will both be awarded probably within the next week. They expect construction will begin in April of 2025. That project will take about two years, given the amount of work involved. They will keep the Committee and Council updated monthly.

Chair Greenwald stated that he is stunned by how much work is planned for the summer. He continued that if anyone is wondering where their tax dollars are going, it will definitely be obvious. He asked if Mr. Ruoff could prepare his written update to be given to Councilors for the next Council meeting. Mr. Ruoff replied yes, the plan is to issue a monthly update on the major projects and projects during construction, to be delivered to Councilors' mailboxes. Chair Greenwald replied that Councilors get a lot of questions from constituents regarding what is

happening and when, and it is great to have the answers. He continued that for the Council meeting, it would be easier to have the written update/list there in front of them, so Mr. Ruoff does not have to run down the list like this. He thanked Mr. Ruoff for a great presentation.

Chair Greenwald asked for public comment. Hearing none, he asked for a motion.

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

On a vote of 4-0, the Municipal Services, Facilities and Infrastructure Committee recommends accepting the report as informational.

**6) Relating to Master Boxes – Ordinance O-2025-03-A**

Rick Wood, Fire Marshall and Building Official, introduced himself and Fire Chief Jason Martin. He continued that he and Chief Martin were here last month, so tonight, they will give a briefing on what has been updated and what they have done since then. At the last meeting, they had some questions from the public. He and Chief Martin met with that individual to explore the concerns, made some adjustments, and finished up with the A version (of the Ordinance) that the Committee has before them tonight. From his and Chief Martin's perspective, they are ready to go and they believe they have answered the questions. They welcome the Committee's questions.

Chair Greenwald stated that they answered a big question he asked them a couple of days ago. He continued that in essence, this is giving choice to the building owners in terms of how they communicate to the Firehouse. It sounds like more flexibility. He would ask, as a backwards question, what surprises are in (the Ordinance), such as new regulations.

Mr. Wood replied that the surprise is that they are reducing the regulations. He continued that he did not count the exact number of occupancy types, but for instance, instead of telling nine occupancy types that they must connect to the (Fire Department's) system, they will no longer do that. The decision of how to communicate to the Fire Department is now left to the building owner or building manager as long as it is in compliance with the National Fire Alarm Code as adopted. Chair Greenwald replied that that sounds good.

Councilor Filiault stated that he chaired that meeting (last month), and he wants to commend Mr. Wood, Chief Martin, and the public. He continued that it was amicable, with well-thought-out questions and well-thought-out answers, and he thanked them for a thorough presentation.

Chair Greenwald asked for public comment.

Jared Goodell of 39 Central Square stated that he was the member of the public who had concerns at the last meeting. He continued that many of his concerns were either answered in a way that he thinks is good for building owners or were addressed via changes that he thinks are good for

building owners. He met with the Fire Chief and the Fire Marshall about this Ordinance, and he thinks that it is tuned up and makes sense for the City and for building owners.

Councilor Tobin 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 Ordinance O-2025-03-A.

**7) Relating to Installation of a Stop Sign on Gilsum Street – Ordinance O-2025-06**

Bryan Ruoff, City Engineer, stated that they were in front of the Committee on January 22 to discuss this topic. He continued that where Gilsum St. intersects with Washington St. is a red flashing light at which no one stops. A red flashing light is the equivalent to a stop sign and should be treated as such. In light of that, in the interest of public safety and based on a review of this intersection, they recommended that the City Manager be authorized to draft an Ordinance, which is included tonight for the Committee's review.

Mr. Ruoff continued that there are two parts to this. This intersection is currently listed as a yield sign, which it is not. Thus, because there is the addition of the stop sign and the deletion of the yield sign that is not there, Public Works coordinated with the City Clerk's Office to make sure they have the wording correct. He is happy to answer questions on the Ordinance.

Chair Greenwald asked if there were any questions. Hearing none, he asked for a motion.

Councilor Favolise 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 Ordinance O-2025-06.

**8) Adjournment**

There being no further business, Chair Greenwald adjourned the meeting at 8:06 PM.

Respectfully submitted by,  
Britta Reida, Minute Taker

Edits submitted by,  
Kathleen Richards, Deputy City Clerk