

City of Keene
New Hampshire

MUNICIPAL SERVICES, FACILITIES AND INFRASTRUCTURE COMMITTEE
MEETING MINUTES

Wednesday, March 23, 2016

6:00 PM

Council Chambers

Members Present:

Janis O. Manwaring, Chair
Randy L. Filiault, Vice-Chair
Robert J. O'Connor
Stephen L. Hooper
Gary P. Lamoureux

Kendall W. Lane, Mayor

Members Not Present:

Staff Present:

Medard Kopczynski, City Manager
Thomas Mullins, City Attorney
Elizabeth Fox, Finance Director
Kürt Blomquist, Public Works Director
Andrew Bohannon, Parks & Recreation &
Facilities Director
Duncan Watson, Public Works Assistant
Director

Chair Manwaring called the meeting to order at 6:00 PM and explained the procedures of the meeting.

1) MEMORANDUM – Parks, Recreation, & Facilities Director – Skate Park Update

Parks, Recreation & Facilities Director Andrew Bohannon stated that before the MSFI Committee is information about the status of the Skate Park. He continued that he was unable to be present during the CIP Public Hearing and he understands that people at the hearing asked questions about the project. He noted his intent was to provide this update to the City Council before sharing it with others. In the packet are five different angles. The design is a result of two public meetings that were held with the consultant and about twenty individuals who were very much involved in the process. A few comments were made back to the consultant after the whole process, and he said, “You have a very knowledgeable group of people who have thought this out quite a bit.”

He continued that the group has approved the design. They split it up into two different phases. Right from the start of the discussions it has been clear that this project will be funded through private donations. At one point the group was going to form its own non-profit. They worked with the City and Jack Dugan at Monadnock Economic Development Corporation (MEDC) so MEDC can be their non-profit fiscal agent and help with fundraising efforts. The project is just over 12,000 square feet. There are two bowls. The street bowl is in the very back. The amoeba bowl would be in the second

phase and connects the two ramps. They all feel the fundraising is possible and they are eager to get started. He wanted the City Council to be aware of this process so when it goes out to the public they have seen it.

Chair Manwaring asked what “phase 2” is. Mr. Bohannon replied that if they could only raise so much money they could adapt and choose to add that in later.

Councilor Lamoureux asked what the estimated time is by which they want to have this completed. Mr. Bohannon replied that they estimate about 18 months, but it could happen very quickly if they get a large donation. They have a website being put together and other materials. He steered the group in the direction of how successful Keene ICE was and they are trying to follow suit. The two projects are different, but in both cases they are asking the public and corporations for donations.

Councilor O'Connor asked if the website they are creating can be linked to the City's website. Mr. Bohannon replied yes, as far as he knows.

Chair Manwaring asked if the public had questions. Hearing none, she asked for a motion.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the update on the skatepark be accepted as informational.

2) **COMMUNICATION** – **Phil Suter/Greater Keene Chamber of Commerce – Granite Curbing – West Side of Central Square**

Phil Suter, Executive Director of the Greater Keene Chamber of Commerce, stated that he thinks they have all read his letter and he wants to make two points. First, there is a specific interest that the Chamber has regarding this proposal: accessibility to their office by visitors to Keene, especially from May to October when they have a steady stream of people coming in. He continued that having it be easily accessible from the sidewalk is important to them. That said, they are not open on the weekends so it is less of an issue then. The Chamber owns the building and it is a visitor center for the city and region and they want it to be as welcoming as possible. There is a handicapped accessible ramp that goes to their office and to the entrance to the Public Defender.

Mr. Suter continued that there is an important larger issue. He wants to be clear that the Chamber is not opposed to outdoor dining, either here or elsewhere in town. He commends the City for looking at this issue comprehensively in the downtown. Many parts of the sidewalk on Main Street are not really designed for outdoor dining. Some are wider or narrower; there are a lot of different configurations. He understands that the City is looking at this in a broader way, updating the downtown, which has broader implications than tables and chairs on sidewalks, like sewer line implications and other

things that will come up. He is totally in favor of that effort and looking at the value of outdoor dining as something that makes this a unique, fun place to be. The Chamber could help market it and tell a story about it as one of the many reasons people want to come here.

Councilor Richards stated that with the public information kiosk it is a little tight in front of their building and inquired whether removing the curbing would give the chamber more room. Mr. Suter replied this would create more space, but his first choice of what to put in the increased space would not be tables. Maybe the Chamber would want to add benches for visitors who need to sit with a map and figure out where they are going.

At this point the Committee took up the memorandum from the City Engineer relative to granite curbing on the west side of Central Square.

3) MEMORANDUM – City Engineer – Granite Curbing – West Side of Central Square – Options for Removal

Duncan Watson, Public Works Assistant Director, stated that a brief synopsis is that about four weeks ago the Public Works Department was here responding to a request from Dorrie O’Meara of Moxie Realty to remove the granite curb on the west side of Central Square. He continued that they explained that the City had a process, through the CIP, to look comprehensively at the downtown area, and not just this one situation. This was driven in part by identifying some drainage issues that would necessitate digging up big portions of the downtown. Because it has been almost 30 years since downtown was looked at, they thought it appropriate to start a public process of determining what Main Street should look like. It would be looked at from an aesthetic as well as a public benefit standpoint, and holistically, not on a case by case basis.

Mr. Watson continued there are a number of configurations downtown similar to this one. For example, on the west side from Winter Street to Gilbo Avenue, the sidewalk is hemmed in a little by raised curbs there as well. Also, on the east side from Roxbury Street down to Railroad Street, a similar configuration exists. Staff’s concern is: if they address this one situation, how does it affect other requests of this nature without taking into account the comprehensive nature of what they would be proposing? That said, the MSFI Committee tasked staff to come back with a couple of options that would address this situation. They have two alternatives that the City Engineer will explain.

City Engineer Don Lussier stated that they were tasked specifically with options and costs that address the request from Ms. O’Meara. He continued that these were developed internally with staff, coming up with what they thought addressed the concern. They did not do public outreach or communicate with neighbors like they would typically do with a more comprehensive design process.

Mr. Lussier continued that for option one, they tried to come up with the least amount of work they could do that specifically addresses the request for outdoor seating in front of the three buildings. Option one would remove 135 feet of the granite curbing that is there

now, from the southern-most edge of Pedraza's to the northern-most wall of the Ingenuity Country Store. It leaves the remaining portions at the northern and southern ends of the block. It also re-sets the existing lighting, and restores two of the trees that would need to be replaced as part of that work. There is ancillary work that goes along with it – drainage correction, rerouting the existing irrigation system, resetting the parking meters, etc.

Mr. Lussier continued that option two is more extensive. It gives the entire city block the same treatment. It would include the complete removal of the granite curbing, and replacement of all four trees with new trees in cast iron planter boxes. The planter grates would be flush-mounted, ADA-compliant, and accessible so that tables and chairs could go on top of them. The ancillary work with option two would be the same as with option one.

Mr. Lussier continued that to preface his comments about costs, they have not done a design. These are concept sketches looking at the big ticket items. The estimates are from \$36,000 to \$57,000, and those presume that the City would do the design in-house to expedite the process and then contract the project out under a construction contract.

Councilor Filiault stated that he knows the request is to keep it as simple as possible, but he wonders why they would need to reset light poles and replace trees at this point. One person's opinion is that removing trees and not replacing them opens up the space and makes it better. In front of the Stage, there are trees with dirt around them. Could option one be even simpler? There are potential plans for improvements down the road, but that might not happen.

Mr. Lussier replied that the existing light poles are on 18" diameter concrete bases. He continued that they are set based on the height of the landscaped islands. If not reset, the concrete would be sticking out of the ground about eight inches. This would be an aesthetic issue and they would be tripping hazards. Regarding the trees, this has not been designed yet, and yes, they could look at omitting the trees. That would give that side of Central Square a very different feel than the whole rest of the Square, but that would be a detail to work out during the design process.

Councilor Lamoureux stated that he knows this is a basic look. He asked if anyone has reviewed what is under the sidewalk. They might have to do work here again when downtown is looked at more comprehensively. Mr. Lussier replied that they took a basic look via GIS mapping. Most utilities are in the street, except electric and irrigation lines, which they know would be disturbed and need to be reset. That cost is included. It is unclear where the gas lines are. There is more that needs to be developed.

Councilor Hooper stated that he wants to echo Councilor Lamoureux's remarks. He continued that his major concern is that while this is great, and it brings a more social, lively, downtown for people sitting outside, he wants to make sure during the design and research process that they do not need to dig things up twice and that they do not have extra costs they have not accounted for by not digging up the ground to see what is under there. Before going further he wants to make sure they are not spending more money

doing it twice. He thinks they should move forward with that assessment. Mr. Lussier stated that he agrees and reiterates that this is concept level. Before they start digging they would need to go through a proper design process where all that detail gets flushed out.

Councilor O'Connor asked for a basic construction timeframe. Mr. Lussier replied that they did not look at that, but off the cuff, he thinks about it would take about 6-8 weeks.

Councilor Lamoureux stated that as part of his previous work with the City they were working on putting kiosks in for parking. He continued that it would be advantageous to look at that instead of resetting the meter poles in the concrete. Second, he knows that downtown merchants work hard to keep downtown vibrant. He supports the downtown area. He knows that City processes and things take time, but they have money put aside for a study and he wants them to do the work once in the downtown. The work may end up being done in phases. Central Square needs attention, especially based on drainage. He thinks Central Square could be looked at as a phase 1 project. He thinks they should start the study, talk to the community, and see what the downtown merchants need. If the project will take a long time, they could try to accommodate some of those things in the downtown in the meantime. It would be better for the entire downtown, and fair to everyone, to address the whole thing at once.

Mr. Lussier stated that to amend his answer, that estimate for time would be with the presumption that there are no utility complications. If the gas main runs through there, for example, that would slow the process down.

Chair Manwaring asked for public comment.

Councilor Carl Jacobs stated that he recalls that the drainage needs to be addressed in this area. He continued that he heard mention of other pipes. Do they know what the problem is and how to address it? He sensed the need for planning. Mr. Lussier replied that the issue with drainage is a large diameter drainage utility that runs under the streets. It would not directly be affected by this project, in the sense that they would not be working on top of it. The drainage for this project would be just to drain the sidewalk, regardless of what is happening in the street.

Councilor Jacobs stated that regarding just digging once, if they did this, they would not need to dig it up again to work on the drainage issue. Mr. Lussier replied that they would not need to dig this sidewalk up to fix this pipe, but whether they would have to re-dig to do the downtown features that come out of a broader planning study is another question.

The Committee went on to discuss the letter submitted previously by Ms. O'Meara.

4) MORE TIME REPORT – Dorrie O'Meara – Request to Remove Granite Curbing – West Side of Central Square

Dorrie O'Meara stated that she assures Mr. Suter that if this project occurs, the plan is not to put tables in front of the Chamber of Commerce. Previous years, the restaurant was

allowed to, but now they want to push the tables back and have them be completely out of everyone's way to make more room for traffic going by. She stated she appreciates Mr. Suter's support.

Ms. O'Meara continued that she heard Councilor Lamoureux's comments that he does not want to do something today for fear of having to re-do it if there is a plan in the future. Last time she was here there was no date or timeframe for that plan and yet there is money set aside for the study. Chair Manwaring replied that the CIP passed last week so they now know the study will begin July 2016, for the first phase.

Ms. O'Meara stated that in that case, they are going to deny a project today that they know for sure will help a business to come in and provide jobs and be a boost to the local economy, for a plan they do not know the results of and which might take years to complete. It seems unreasonable to punish her as the landlord or the prospective tenant. She continued that she would be fine with either option one or two, since she came here mostly for the Pour House and Ingenuity Country Store. The Mon Amie Jewelry person does not care to have the island in front of her store. The first option, which allows an island for the kiosk for the Chamber, if that is where the kiosk goes, might need a little thought. Handicapped people cannot step up to read it. Maybe they could put it back on the sidewalk or eliminate the island to help people who have a hard time.

Ms. O'Meara asked for a reminder about Councilor O'Connor's comments. He replied that he had asked about the timeframe. Chair Manwaring stated that that was a good point. She continued that Ms. O'Meara is basically asking to not have a sidewalk during the summer. Ms. O'Meara replied that she would suffer either way – if Pedraza's does not take a hit by not having the patio space, she could lose a really good tenant. There is no way to win unless they do this project in the late fall.

Ms. O'Meara continued that she encourages the MSFI Committee to reconsider their position about "doing things twice." They all know there could be delays. Her request has been put off for four weeks to do a study. It would be a shame to lose this tenant. It would really add to the downtown. It would create jobs and bring in money for the city. Having this tenant there would look nicer than having an empty storefront downtown.

Councilor Hooper stated that he was the one who expressed concern about doing things twice. He continued that he agrees it is important to revitalize downtown and bring in more businesses. He still has a concern about doing things one step at a time instead of coming up with a design for the entire downtown area. They did that in 1988 and brought everything together, thinking of the entire area, not just one location. That is pulling him one way. The other way he is being pulled is, trying to get the downtown business.

Councilor Hooper asked if there is a precedent for the owner of a building assisting with the cost of a project like this. He continued that this is a general question and he is not suggesting Ms. O'Meara do this. He is new, and wonders what has happened in the past.

The City Attorney stated that he does not recall any, but there was a recent public/private partnership to install crossing lights by the Grange. He continued that there was a broad public benefit to this project. He asked if other staff recall other instances.

Chair Manwaring asked Mayor Lane. Mayor Lane stated that he knows that there were patios laid in front of Scores on City property and the City did not pay. He continued that the Piazza also had work done that the Piazza owner paid for, not the City. Regarding the question of whether there is any example of the City spending significant money to benefit one property owner, he thinks the answer is no, but he could be wrong.

Public Works Director Kürt Blomquist stated that he concurs with the Mayor. He continued that Scores got permission and the patio was the business's responsibility. The Piazza requested permission to lay the bricks themselves. He is unaware of the City spending funds for one property owner.

The City Attorney stated that he does not have any particular interest in Ms. O'Meara's request. He continued that he loves downtown and eating outside, but based on those comments, it is important to remember there is a matter of law. The City Council cannot spend public dollars for a private benefit. He is not saying that is what is happening. They would have to find a broader, public benefit. There is economic development, and access and ADA compliance, yes, but he cautions them – if they spend the money just for a private benefit it would be problematic.

Chair Manwaring stated that Ms. O'Meara has mentioned problems with ADA, and the needs of folks with strollers, and so on and so forth. Ms. O'Meara replied that the idea that this is being perceived as benefitting one property owner is off. She continued that it is not just for her. There have been many times when the City has made exceptions for big companies who are coming to Keene, because they want them here. This project is not for her benefit. All she would get out of it is rent. The city will get a wonderful business, about 20 more jobs, more money in the local economy, and people using services from other vendors. The Chamber's job is to help bring businesses to Keene. The City helps businesses all the time – usually big companies that can offer a lot more.

Ms. O'Meara continued that she is not paying for this project. The new tenants would laugh at her if she asked them to pay for it. Regarding the examples City staff gave, of local businesses participating in paying for improvements, Scores only went from grass to brick, and the Piazza only put in some bricks. They did not need to do all that needs to be done on the west side of Central Square. Cobblestone (Ale House) had grass removed, and the City took on that whole thing. She does not think her request is outrageous. They should not be saying that they do not want to do it now so they do not have to do the work twice, because they do not even know what that second work will be. Not doing this project now will punish the public by not having this restaurant here today. She asked the MSFI Committee to please consider approving one of the options to go to the next level. Everyone is worried about the unknown, and she asks that they concentrate on what they know tonight, and on the plans presented, which are both great.

Councilor O'Connor asked if the Liquor Commission would need to approve an outside seating area. Ms. O'Meara replied if they serve alcohol, yes.

Chair Manwaring asked for public comment.

Connor Havron stated that he is a Keene State College student. He asked: when the City takes out light posts and installs new lights, do they look at it from an environmental perspective (e.g. considering solar panels) or just an economic one? The City Engineer replied that specifically for these options they looked at removing the existing lights and resetting them in the same location but at the correct elevation. He continued that they did not look at replacing the fixtures. The existing ones are very efficient LED ones. Reusing what can be reused impacts the environment less. Regarding the environmental impact of the project, staff looks at issues such as having a low-impact design and trying to reduce storm water as part of the design process. The existing trees on Main St. have had problems with outgrowing their boundaries. They plan on installing larger grates to give them more room.

Councilor Filiault stated that he agrees with the City Attorney that if a request is only for an individual's benefit, the City Council does not consider it. He continued that he considers this a request for infrastructure work. He can give other examples of infrastructure work - at the airport, the City "bent over backwards" to make sure C&S stayed in town. They did Black Brook Corporate Park. They laid the infrastructure for Railroad Square and for Keene ICE. They went in together with the Grange to spend money on crosswalks. So yes, the City does this. This request is for infrastructure that needs to be worked on so a business will come to town. He thinks they should open their minds and think about why they should do this, not talk so much about why they cannot. Maybe the scope can be a little smaller. Down the road, yes, they will redo downtown. Old photos of Keene show that it has been changed many times. He sees no reason to not do a small project like this and maybe scale it down.

Councilor Filiault continued that there is question of whether the "down the road" project will happen. The current City Council members will not be here then. The future City Council members might say no to that project. As the current elected officials they need to look at what they have now. They should say yes or no to tonight's request and not use the excuse of needing to push this down the road because of what *might* happen.

He continued that they can look at Optical Avenue, in the years before most of today's City Council members were involved, when the administration laid down infrastructure. Some people said it was a boondoggle then. That was a much bigger project. Tonight's request is for infrastructure to help an incoming business. The islands in the sidewalks now do not work. They were set up for a reason other than tables. The City does their best to maintain it. The woodchips were put there because the grass was not working but neither are the woodchips. As a bigger project comes along in years to come, they will work on that then. The City Council needs to be more optimistic and forthcoming, more positive, when there are taxpayers saying they want to bring jobs in.

Councilor Chadbourne stated that they just approved the CIP. She asked if there are funds available to cover this. Two approximate costs for the options were given. If they look at how much Ms. O'Meara spends on taxes and her businesses and how much that brings into the City, they could consider that. She has concerns that these projects and looking at downtown does take a long time. Yes, they do make exceptions. That is the beauty of having a City Council to go to and having flexibility. She remembers when Councilor Venezia spoke for Frank's Barber Shop when it needed a handicap space. Many times the City Council has accommodated a request. This project has more money and impact, but this is in keeping with the idea of change that improves downtown.

Assistant City Manager/Human Resources Director Elizabeth Fox replied that there are no budgeted funds for this. Councilor Chadbourne replied that her question is whether there is money available in some fund for things that come up. They borrow from this fund or that fund. Ms. Fox replied that there is no contingency fund, if that is what she is referring to. Maybe Mr. Blomquist can talk about PWD funds. They have talked about the leftover snow plowing funds.

Mr. Blomquist stated that in the past, the City Council has taken money from an unallocated fund balance, or looked through the CIP to see what had been closed out or completed, to see if there were any funds left in those projects. He continued that regarding his operational budget, yes, they had a light winter. He hesitates to give a number now, but it is probably about \$25,000 to \$50,000 in the winter budget. That is all personnel overtime costs. They would have to convert that over if they were to do it. There would be action required to take the funds from somewhere. There is no designated funding area for this project.

Ms. O'Meara stated that she wants to remind everyone that by doing this project, they would save money in the long run. She continued that it would mean no longer having the sprinkler system, or the cost of the bark mulch, or the voluminous mounds of plants put in there, or the maintenance of the area.

Councilor Hooper asked what motion they would vote on. He continued that Councilor Filiault has mentioned that there could be further study on whether they have problems in the infrastructure and perhaps downsizing the cost. He is not in favor of option two but would potentially be in favor of option one with more details.

Chair Manwaring asked for motions to accept Mr. Suter's and the City Engineer's communications as information. Then they can make a motion about Ms. O'Meara's request.

Councilor O'Connor made the following motion, which was seconded by Councilor Lamoureux.

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee accepted Phil Suter's communication as informational.

Councilor Filiault made the following motion, which was seconded by Councilor O'Connor.

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the City Engineer's communication as informational.

Chair Manwaring asked what they should do regarding Ms. O'Meara's request. Councilor Filiault replied that he wants this to be on more time. He appreciates what staff has brought them tonight, but he thinks there could be more options. He continued that this is a do-able project. He wants to minimize the cost.

Chair Manwaring stated that she agrees, and she wonders if they can place this on more time with an encouragement to staff to make it simpler. Councilor Filiault replied that that leaves it wide open – they need to give them a date to report back.

Councilor O'Connor stated that it is almost another two-step process. They were given two options. He wants to see what the cost would be to have those options done or scaled back. He does not know how that works because they have to put it out to bid. He wants more of a concrete figure.

Councilor Hooper stated that he too wants this placed on more time. He continued that he needs more information in order to make a final decision about whether this is something worth doing in a small project, as opposed to waiting and trying to do the whole downtown at once. He currently does not support it but does not want to close the door.

Councilor Lamoureux stated that what the City Attorney told them about utilizing public money for a private entity bothers him a little. If they put a plan together they know it will be a minimum of \$36,000 for option one to \$57,000 for option two. To him it is difficult to move forward with anything, regarding this project, when they have a study to do. If the study goes nowhere they can have Ms. O'Meara bring this back for discussion. He is concerned about moving forward now no matter what the cost is, above and beyond the estimates they have already been given. He hears Councilor Filiault about downsizing the project. But it is still public money for a private entity. If they say this is an ADA issue, they have ADA issues throughout the whole downtown and they would have to fix them all. He has not personally seen ADA issues in the area in question but he knows Ms. O'Meara lives there and thus sees more than he does. He thinks instead of moving forward with this project they need to move forward with the study.

Councilor Filiault made the following motion, which was seconded by Councilor O'Connor.

Move for the Municipal Services, Facilities, and Infrastructure Committee place Dorrie O'Meara's request for the granite curbing to be removed on the west side of Central Square on more time, and to have staff come back in four weeks with alternate plans, and to expand on option one and option two, to see if there is an option that is less expensive.

Chair Manwaring asked if any members of the public had questions or comments. Hearing none, she asked for a vote. The motion failed with a vote of 2-3. Chair Manwaring, Councilor O'Connor, and Councilor Lamoureux were opposed.

The City Attorney stated that this means the MSFI Committee has no recommendation to the City Council regarding this matter. He suggested they make another motion.

Councilor Lamoureux made the following motion, which was seconded by Councilor O'Connor.

On a vote of 3-2, the Municipal Services, Facilities, and Infrastructure Committee recommended that the request for the removal of granite curbing on the west side of Central Square be denied. Councilor Filiault and Councilor Hooper were opposed.

5) Adjournment

Hearing no further business, Chair Manwaring adjourned the meeting at 7:07 PM.

Respectfully submitted by,
Britta Reida, Minute Taker