

City of Keene
New Hampshire

MUNICIPAL SERVICES, FACILITIES AND INFRASTRUCTURE
COMMITTEE
MEETING MINUTES

Wednesday, May 25, 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

Staff Present:

Thomas Mullins, City Attorney
Kürt Blomquist, Public Works Director
Andrew Bohannon, Parks, Recreation, &
Facilities Director
Don Lussier, City Engineer
Elizabeth Fox, Assistant City
Manager/Human Resources Director
Rhett Lamb, Assistant City
Manager/Planning Director

Members Not Present:

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

**1) PRESENTATION AND MEMORANDUM – City Engineer –
Water Asset Management Plan**

Chair Manwaring recognized City Engineer Don Lussier and Mike Unger from Underwood Engineers. Mr. Lussier stated tonight they will be talking about the water pipes. He continued that Underwood Engineers were retained last year to do an asset management plan of this infrastructure. This plan is part of a grant application from New Hampshire Department of Environmental Services (NHDES) to look at water management more holistically.

Mr. Unger stated that there are five core components to asset management. He continued first is inventory, second is level of service, third is criticality, fourth is life cycle costing, and fifth is a long-term funding plan.

Mr. Lussier stated this is being funded through a NHDES grant and a 50% City match, which will come in the form of staff hours to do some of the work. He continued the first portion of the asset management plan, which the City completed, is the asset inventory. The good news is that this was an easy task for staff, mostly because they already have an excellent database in the form of GIS and cartographic systems. The data, such as length, material, diameter of pipes, years installed, history of maintenance, and so on, was already being tracked in the system. The current tools the City utilized were very useful for this project. The data they maintain is constantly being updated with new CIP projects that involve replacing pipes and maintenance projects such as water main breaks. There are about 600,000 feet of pipe. They are able to determine the length of pipe installed in each decade between 1860 and 2010. There was a lot of pipe installed in the “baby boomer” time from the 1950s to 1970s. Mr. Lussier noted this pipe will soon start reaching the end of its life expectancy soon.

Mr. Lussier continued that the next task that City staff did was evaluating the assets to see which are most critical and which create the highest level of risk for the City. In other words what is the probability that a given section of pipe will fail, multiplied by the repercussions of what would happen if it failed. For example, pipes serving hospitals or nursing homes are critical because of whom they serve, and they score high. On the other hand, a pipe that has had seven breaks in three years also scores high. Those are the two factors the Committee must weigh when determining which are most important to swap out. Only three lengths of pipe were determined to be very high priority in both categories: a section on Main St. just south of the roundabout, a Court St. section beyond the hospital, and most of Marlboro St.

Mr. Unger stated that one of Underwood’s tasks was developing a draft Level of Service Statement – how the City wants the system to perform. He continued they focused on reliability, availability, and funding. That draft Level of Service Statement is currently being worked on.

The main focus of Underwood’s work was the costing piece. They did a life cycle costing – the life cycle of a pipe can be up to 120 years. Their focus

was to look at the bigger picture, as opposed to near-term selection of projects which would have more detailed factors. The firm was trying to get an idea of the total life cycle replacement cost of the system. They looked at total pipe replacement vs. leaving in the lining. Mr. Unger showed a chart of the estimated replacement cost by decade. He continued stating that as Mr. Lussier pointed out, there is a spike coming up in 2040 and higher costs coming up past that as the newer pipes age. The idea is to plan today for the future costs so it is not a surprise when it comes.

Underwood broke the funding plan into two sections. First, based on the life cycle cost – in years 0 to 60 the cost will be approximately \$50 million, which is about \$833,000 per year. In years 60 to 120 the cost will be approximately \$94 million, which is about \$1.5 million per year. The life cycle cost is all figured in 2016 dollars.

Mr. Unger continued saying that the next step is to take the two pieces, criticality assessment and long term funding planning, and put together a near term implementation plan. Underwood recognizes the existing CIP and started to focus on the most critical assets in terms of pipes that had already exceeded their expected useful life and were at high risk.

Mr. Unger continued stating that the current funding level is \$650,000 per year for pipe replacement, cleaning, and lining. In this first period the goal is \$833,000 for a sustainable level to meet the needs and cover future expenses. The money that has been allocated in the CIP has been spent well and the City is doing a good job meeting current needs. Underwood is just talking about incremental increases that they recommend to get to the sustainable funding level. Keene is doing a much better job than most other communities.

Mr. Unger continued saying that the goal of asset management is that this is a living document and a process, not just a report that sits on the shelf. Underwood has met several times with staff and the goal is to have buy-in from all levels - staff, the community, and the City Council. Hopefully through this process Underwood will be communicating the need and a clear way of implementing the plan.

The next step is to expand the Asset Management Plan to vertical assets in the water system, address long term funding, and refine the level of service that has been started to address other goals of the City , such as odor and

taste (chlorine levels), future supply capacity to meet demands, and working pressures.

Councilor Lamoureux stated that he heard reference to today's dollars. He asked if there is a typical annual percentage increase they can keep in mind. Mr. Lussier replied that typically the estimates in the CIP budgets are based on today's dollars and they include an inflation escalator. The costs vary but basically they keep up with inflation.

Councilor Jacobs asked what a vertical asset is. Mr. Lussier replied buildings, tanks, pump stations; vertical infrastructure is infrastructure that is not underground.

Councilor Hansel asked if there are emerging technologies. Mr. Lussier replied that today the technology is the pipe lining system which started about 60 years ago and has become much better in the past 15 to 20 years. He continued saying that the products now allow structural re-linings whereas previously the pipe structure had to be in tact in order to use it. That technology has come a long way and is significantly cheaper. He thinks that trend will continue.

Councilor Hansel asked with what are they replacing most of the old pipes. Mr. Lussier replied almost exclusively cement lined ductile iron. He continued typically there are a lot of cast iron pipes which are rigid and brittle. The ductile iron can absorb more stress before it breaks. It is innovative to include a veneer of concrete on the inside. It means the mineral deposits do not accumulate like they do in a metal pipe.

Councilor O'Connor asked about the machine that cleans the pipes. Mr. Lussier replied the machine called a "pig" is pushed or pulled through and scrapes the accumulated tuberculation out of the pipe. Councilor O'Connor asked if that will affect the thin concrete. Mr. Lussier replied that this process is used with the older cast iron pipes. The ductile iron pipes have not needed the "pig."

Councilor Hooper asked what is the life of the new pipes. Mr. Unger replied over 100 years for ductile iron.

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 the Water Asset Management Plan be accepted as informational.

2) COMMUNICATION – Walter Lacey – Renaming of the “North Bridge” to the “Vietnam Veterans Bridge”

Walter Lacey of 230 Daniels Hill Road, referenced his letter and noted he was recommending the North Bridge be renamed to pay tribute to honor all those who served in Vietnam.

Councilor Lamoureux asked for information about the City’s policy about naming facilities. Parks, Recreation, & Facilities Director Andrew Bohannon stated that he wanted to describe the process that occurred in 2012. In 2012, the City Council established an ad hoc committee to review the naming process for the North Bridge. An email account was set up on the City website for emailing nominations. Names received were put on the website and if people liked a name they could support it, or put another name in. Forty names were suggested with 60 responses supporting various suggestions. The City followed the criteria set by the City Code’s Section 82-97.

Mr. Bohannon continued that the criteria listed in the code are:

- (a) In naming a public facility after an individual, qualifying facilities must be under the ownership of and funded through the City.
- (b) The criteria for naming a facility after an individual will require that at least one of the following requirements is fulfilled:
 - (1) A well-known community leader, elected, appointed, or volunteer.
 - (2) A person who has positively influenced a large populace of the City through a significant contribution of money, time, material, or land.
 - (3) An individual who had a major involvement in the acquisition or development of the facility.
 - (4) An individual whose civic leadership or volunteerism clearly has contributed to the betterment of the City.

- (5) An individual who is deceased and whose personal attributes symbolized the principles and standards of a community organization.

He continued the Ad Hoc Committee used the criteria when looking at the 40 names. Seven names submitted fit those criteria. The Committee unanimously voted to recommend to the City Council the name “North Bridge.” The bridge does go west, but travels north.

As staff sees Mr. Lacey’s Suggestion, the Committee could choose one of three recommendations. The MSFI Committee could place Mr. Lacey’s letter on more time to allow staff to solicit input from the public, or form another Ad Hoc Committee to consider the issue, or the Committee could accept Mr. Lacey’s letter as informational and keep the current name.

Chair Manwaring stated that the ordinance is about naming public facilities after individuals. She asked if naming a public facility after a group of people would follow the same process. Mr. Bohannon deferred to the City Attorney, who stated that “it is clearly ambiguous.” He continued that the ordinance does talk about it being named for a specific person. That was the original intent of the ordinance. The involvement factors of naming for a group are fewer. When naming after one person, the community really does need to be clear about why. If the MSFI Committee wants to recommend to the City Council, based on Mr. Lacey’s letter, to re-name the bridge “Vietnam Veterans Bridge,” that would be appropriate under the ordinance, but the City Council certainly has the right to put that out into a public process and ask the public how they feel. Mr. Mullins also noted that letter is just from one person.

Councilor Filiault stated that he has heard there are meeting minutes saying the Committee would review the bridge’s name at another time, and he guesses that this is that “other time.” He continued that the Committee was calling it North Bridge at the time because it was controversial and the Committee was planning to look at it later down the road. Mr. Lacey’s request is appropriate. The City Attorney replied “yes,” that is exactly what happened. He continued that during the meeting when the name North Bridge was selected, the Mayor suggested it would not preclude them reopening the naming issue at another point in the future.

Councilor Filiault stated that he is also a Vietnam era veteran. He continued saying he thinks the bridge should be named to honor all veterans.. He likes

“Veteran Memorial Bridge.” He agrees with opening up the process and getting the community involved again. He recommends placing the communication on more time for a couple weeks.

Chair Manwaring stated that to clarify a question some people may have, South Bridge is a State of NH bridge so the City will not be asked to name that bridge.

Councilor Hooper stated that he agrees with Councilor Filiault. He continued saying that initially they had a challenge with the naming of an individual. This opens discussion up to having a more general name, such as Vietnam Veterans or Veterans Memorial Bridge. This would honor an important group of people. It is good to open this up to the public and get some feedback. He likes the idea of honoring veterans in some way.

Thom Little of 1 Central Square, distributed copies of a letter he prepared. He stated that he had three additional ideas to convey to everyone. The first is, he really likes the name North Bridge, but perhaps he is prejudiced because he is the person who suggested it. He continued that the original name was “Multi-use Trail over NH Routes 9, 10, and 12, Keene, NH.” Pathways for Keene needed a name that was shorter to support the fundraising activities that were taking place. Everyone knew what “Old North Bridge” was. “North Bridge” was short and seemed very familiar. Because the bridge is not in north Keene it does give a lot of people pause, wondering about how the name came about. The bridge was built on a rail trail where the Cheshire North railroad used to travel. This honors Keene’s heritage of being a railroad hub for many years, as does the design of North Bridge, which is very reminiscent of the sort of railroad trestle structure.

Mr. Little continued that the second point is the focus and memorabilia. The Vietnam era was a very turbulent time in our country. Every young man in America had to decide if he was going to serve our country. The millions who served the country with him and did what they were ordered to do are ignored by the suggestion in the letter.

He continued saying that the name “South Bridge” was also suggested by him. That bridge will be in south Keene, and Keene already has North Bridge. If they have to rename something, he suggests renaming South Bridge to Veteran’s Bridge. That thanks every man and woman who has served the country in the armed forces.

Chair Manwaring asked if any members of the public had questions or comments. She stated that as the public can see, this will be a process. Mr. Lacey replied that getting away from naming it after one person was the biggest issue four years ago and that is what he was thinking; it is good to honor this specific group. Veterans need recognition.

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

On a vote of 5 – 0, the Municipal Services, Facilities, and Infrastructure Committee recommends the communication from Walter Lacey be placed on more time until the next cycle to allow staff to do more research.

3) MEMORANDUM – Planning Director – Driveway Code Review

Rhett Lamb, Planning Director, stated he is here to continue the discussion from a few meetings ago, regarding a driveway exception that came to the City Council. He continued that in 2008 the City Council heard for the first time an appeal of a Planning Board decision. The Council all learned a lot about how that process worked and thought that there were possible improvements to be made.

Mr. Lamb continued that Mayor Lane put on the record some of his concerns, such as notification to abutters as part of the process of review and the absence of specific rules regarding what a quasi-judicial process is. He also raised the idea of temporary driveway permits. Finally, all of this raised general questions about the process they established in 2008. In the 2008 timeframe the task was to eliminate a double jeopardy situation. Prior to 2008 the exception process was given to two bodies, the Planning Board and the City Council. There was a possibility that approval could come approval from one body but not the other.

Mr. Lamb stated that the circumstance they are dealing with currently is unique in the sense that it does not happen very often. Single family driveways, except ones needing exceptions, are handled by the Engineering Division. The ones requiring exceptions are handled by the Planning Board. So it is only a tiny slice of driveways that they are talking about. The Planning Board probably deals with four or five of these each year. Since

2008 there have probably been 20 to 25 of these exceptions applied for and each was granted; this was the first that was not granted, to the best of his memory, and an appeal was filed with the City Council.

He continued that the suggestions for improvements deal with just this small slice of exceptions to the single family driveways. In the memorandum staff identified options for how to proceed. His recommendation is to place this on more time. If the MSFI Committee likes what they see in an option, staff can pursue it. It seemed appropriate for this to be an informal discussion tonight. Staff has prepared three options, based on the issues and concerns the Mayor brought up.

Mr. Lamb continued stating that option one addresses abutter notification. In the Planning Board and City Council processes they would be adding a step to notify abutters. The Planning Board recognizes that the first question people ask when there is controversy is, “Well, did the abutters get notified?” and the answer is always “no,” there was no requirement for that. This is a provision that would add abutter notification to both the exception and appeal applications.

Mr. Lamb continued indicating option two would be additive to that. Options one and two could stand independently or both could be pursued simultaneously. There are procedural guidelines for the City Council to follow - the quasi-judicial rules that would apply. That means that when the appeal process takes place the City Council has a procedure and rules to follow with respect to pursuing information about the project, how to manage the meeting itself, and the testimony and evidence brought forward. It would be more like a Planning Board or Zoning Board of Adjustment process.

Mr. Lamb suggested option three would be a bit of a diversion – this would establish a different process than the City currently has. The City Engineer grants driveway permits when there is no request for exceptions and when the standards are met. The exception process is reserved for the Planning Board. The third option would grant the City Engineer the right to deal with the exception and the appeal process would go through the Planning Board. This would make the driveway exceptions administrative. The root of this option comes from the statute which establishes the Planning Board handling all aspects of the driveway permit process.

Councilor Filiault stated that the Committee learned that for the previous people who had asked for this (they already had a driveway and were asking for a second), the process was extremely intimidating with the Planning Board and attorneys. He continued that he likes part of option three, having people just deal with the City Engineer, who is one person and less intimidating to an individual. He thinks more people that are planning to ask for second driveways would do that. There are a lot of illegal second driveways out there and people are not likely to come ask the City for permission. As the Committee talked about before, households used to have just one car; that period is over. He feels the process should be simpler for people. He agrees with abutter notification. On option three, he does not like the statement that the appeal would go to the Planning Board and not the City Council. He thinks all appeals should come to the City Council since they are the elected officials of the community. Clearly there needs to be a protocol.

Councilor Lamoureux stated that originally in the discussions the Committee was thinking of some kind of process for temporary driveway permits, but he wonders why he does not see that in the memorandum. Mr. Lamb replied that the staff did not have time to finish the research for that. That is one reason the staff wants to come back with this discussion. He continued that having temporary permits would be somewhat problematic in terms of documenting and tracking the time period of the grant of the permit. If the people's circumstances change, the City might not be aware of that and might not be able to approach the person to pull back the temporary permission. Mostly the permits run with the land, not the owner. A driveway permit is in the category of a land use permit. A temporary permit would be very difficult to enforce.

Chair Manwaring asked if any members of the public had questions or comments.

Councilor Hansel asked if the Committee went with option three, how abutters would be notified and allowed to comment, and how would this be handled administratively? Would staff have a window of time in which to notify abutters so they could comment? How would that work if there was not a public hearing?

The City Attorney replied that clearly this is a process that has not been hammered out. He continued that if option three is chosen it should involve

some sort of notice to the abutters. The City Engineer should give them the opportunity to speak at the inception of the process. If there was an appeal of the City Engineer's decision, that should be stated to the abutters, and spelled out in the process.

Councilor Hansel stated that he thinks option three is the simplest way to handle the process. He thinks the appeal should go to the Planning Board because they are already operating in a quasi-judicial manner. The City Council operates in a more legislative manner and they are not in the same mindset as the Planning Board. Planning Board members are used to hearing applications to a set of standards. The next step would be court. That would expose the City to a certain level of risk if there was confusion between legislative discussion and quasi-judicial process.

Chair Manwaring asked what exactly is meant by "abutters." Mr. Lamb replied that it is defined in State law as properties that directly abut the site. He continued that the City is allowed to go further than that and in the case of the Planning Board and Historic District Commission the standard is 200 feet. The City has added to the State's criteria. An abutter could be defined either way. In his opinion in the case of a driveway permit, as opposed to the case of a bigger site plan review, it could be just the direct abutters.

Chair Manwaring asked about the quasi-judicial process and what it means. Mr. Lamb replied that in a land use setting, (like Planning Board, Zoning Board of Adjustment, and the Historic District Commission), the intent of the quasi-judicial process is to apply a juror standard to the preparation and presentation of the evidence. Planning Board members are required to only take that testimony at a public hearing at which the abutters and applicants are present and everyone who is going to make the decision has the same information in front of them. An abutter cannot have side meetings taking place in the market when an abutter approaches someone whom they know is a Planning Board member and say, "I have an opinion on the site plan that it coming to you next month.. It is a juror standard on the presentation of evidence that would be brought to bear on the decision that is made at a Planning Board level. The City Attorney concurred with Mr. Lamb's explanation.

Councilor Lamoureux asked, if they notify the abutters, do the abutters also have the right to appeal the decision that is made? The City Attorney replied that he thinks the answer, under either process, would be "yes." He

continued that if an abutter wanted to file an appeal, he thinks a fair reading of the ordinance would say that would be allowed. If that came up through the Planning Board process, the process is clear. A little caveat: the driveway ordinance that the Committee has arises under a different statutory structure than the land use one. Driveways fall into the land use category. A driveway is included in the zoning ordinance and is part of the site plan review. That is why the statute places this onto the Planning Board. The answer is, if option three were adopted, the procedural process is clear – it would go to the Planning Board and any party aggrieved would have the opportunity to take it to the Superior Court.

Chair Manwaring asked what creating a driveway does to the value of the property. Mr. Lamb replied that he would have to research that and bring information back at a future meeting. He speculates that it would be a fairly minor value impact. Chair Manwaring replied that the last folks have had this driveway forever, but let us say I bought the house and wanted a garden instead of a driveway, and I take it out. What does that do? That would be a reason for having a temporary driveway permit. Mr. Lamb replied that the option for having a temporary permit is tantalizing in this case but it is probably an unwieldy solution. He continued saying that he can give a different example that would be appropriate. In the past 20 years they have dealt with a number of driveways not for residential activities, like logging. You need a driveway permit for logging even if it is only used for a few months. The City has never been able to treat those properly as single family driveways. They have made logging driveways go through the administrative or Planning Board process. They think there could be a temporary category for logging, and other situations like the corn maze at Stonewall Farm used for only a month, construction access, and so on and so forth. In order to encourage compliance with the standard, they would like to ask the City Council to consider language allowing for a temporary permit of that sort.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the review of driveway code provisions be placed on more time to allow staff to come back with more information.

4) ORAL UPDATE – Street Lighting – Ralston Street

Mr. Lussier stated that staff's task was to look at the lighting situation on Ralston Street and compare it to the City's standards for lighting. He continued that there is currently a street light, as shown in the drawing, located at the corner of Davis and Ralston Streets. There is an existing one at the corner of Winchester and Ralston Streets. Street lights are supposed to be every 400 feet. There are about 672 feet between these two existing lights. Staff suggests one more streetlight in the center, to be in compliance, and one at the corner of Emerald and Ralston Streets for a total of two street lights to bring this area into compliance.

Councilor Lamoureux asked if that will be additional lighting put on utility poles. Mr. Lussier replied yes, high sodium vapor on "cobra-head" street lights.

Chair Manwaring asked if any members of the public had questions or comments. Hearing none, she asked if committee members had questions or comments.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the two streetlights be installed as recommended by staff and the staff's report be accepted as informational.

5) ORAL UPDATE – Removal of Granite Curbing – West Side of Central Square

Mr. Blomquist distributed copies of drawings depicting the area of Central Square. Mr. Lussier stated that two cycles ago the MSFI Committee directed staff to meet with the property owner regarding her request to determine what could be done at the least cost to accommodate her request and return with a different option than the options they presented previously. He continued that the graphic that he brought shows existing and proposed conditions for the 'least cost option.' He met with the property owner, Dorrie O'Meara. They went down the block looking at what they could do and where they could save some money. He thinks they came up with an option that allows the outdoor seating for the least cost. The option will replace the existing vegetative island with concrete in front of the Ingenuity

storefront and the Pour House and Pedraza's with an exception of a 15 to 20 foot section where the existing tree and irrigation control system is located, to eliminate the cost of removing the tree. He had a chance to meet again this week with Ms. O'Meara to go over the plan and they made some minor revisions. He thinks this plan represents what she is looking for to accommodate the seating. They estimate that the cost for this plan would be about \$16,600.

Chair Manwaring invited Ms. O'Meara to speak. Dorrie O'Meara, of 326 Matthews Road in Swanzey, stated that staff members were out there several times. She continued that they measured, documented, and worked with her to come up with something that would work for the proposed tenant for the Ingenuity space and for her storefront. She thinks it is a great plan and is less expensive.

Chair Manwaring asked how much money Ms. O'Meara is contributing to this. Ms. O'Meara replied that she owns millions of dollars' worth of real estate in the City and she pays taxes and should not have to pay for the sidewalk. She continued that she does her share for the City. She takes great pride in her properties and she does what is best for the City and herself.

Councilor Lamoureux stated that the last time they spoke one thing the City Attorney brought up was that utilizing funds acquired through payment of a property tax had to be shown to be for the public good. They understand that she is looking for extra seating for her businesses. How is this for the public good?

Ms. O'Meara replied that part of the Comprehensive Master Plan (CMP) states that the City would like more outdoor seating and dining. She continued that it is not just for her, it is what the community wants. Pedraza's is not asking for additional seating. Pedraza's has nothing to do with this. The Pour House has no outdoor seating. The Ingenuity space would have potential for a fantastic restaurant tenant if there was outdoor seating. She guesses that it would be about \$300,000 or \$400,000 of renovations. They will pay taxes, have employees, and bring income to the City. She could rent this space to a retail store with only two employees. There is a difference between that and having the opportunity to bring in a restaurant business with 20 to 25 employees. She could come up with 25 businesses that have left Keene in recent years. The City needs to do

something to get businesses here. If \$16,000 in cement does it, she is all for it, and thinks the City Council should be, too.

Councilor Jacobs asked why Ms. O'Meara wants the granite curbing removed in front of Pedraza's if they do not need additional seating. Ms. O'Meara replied that she has expressed concerns before about the green area/walkway being a complete hazard. She continued saying on May 25, 2016, she videotaped a person with a disability trying to make it over that green area. It is in the way and completely useless. The bark is dead. She sweeps and leaf blows the sidewalk. She put plants there. She wants the restaurant to look beautiful. The green area looks horrible there and adds nothing. If they make it flat, the Pour House could get seating. If you just take out a little piece in front of the Pour House it will be a hazard again. People will need to go over the hump to get to Pedraza's. Making the sidewalk flat will make it symmetrical on both sides.

Councilor Hooper stated that from the get-go he wants this to happen. He continued that his initial vote was to keep this moving forward to come up with plans that would work for Ms. O'Meara and the City. He continued that there is one caveat that he is hearing from constituents – even though Ms. O'Meara pays a good portion of taxes, from a public relations standpoint, if the City is putting forward money to get this done and it is indeed for the public good and would revitalize that part of town and bring in business, it might be good for her to offer a little contribution to the plan. He knows she probably does not agree with that suggestion but it might be worthy. There needs to be a balance between what the City does to support business owners and what a business owner does. That would help move away from the feeling that it benefits the business owner more than the public.

Councilor Filiault stated that he thinks they are getting close and thanked everyone involved. He continued stating that his comment at the beginning was that what the City proposed was massive overkill and not what Ms. O'Meara was asking for. There are many areas of Keene with plenty of room for outdoor seating with no request needed. The City helped other businesses have outdoor seating. The City put the curbing there. It has not always been there. Now it has become cumbersome. The curbing was installed when the downtown area was more retail than social. There used to be no outdoor seating and then the City spent money to put curbing up. In hindsight, that was a mistake. All that is being requested is removing

curbing. This is not a complex project. He wants to remind the City Council that in this time in the City's history, there are more vacancies on Main Street than he can ever remember. New businesses are not coming in. The Toadstool Bookstore will fill a huge hole in the downtown, but its departure will leave a big hole in the Colony Mill. It is like they are getting shuffleboard but not getting new businesses in. If someone comes in two weeks and wants to put a restaurant where the Kitchen Store was but needs the curbing removed, the City should do it. Downtown has become a social downtown. All that is being request is moving some curbing and dirt and putting down a little concrete. . The City could get another request from a downtown business and the City should be prepared to help. Elected officials should think about what they can do to make this happen, rather than just saying no. This request is just reversing something that does not work.

Chair Manwaring asked if any members of the public had questions or comments.

Ms. O'Meara stated that regarding Councilor Jacobs's question about why to put cement in front of Pedraza's. She does not want to be misunderstood. She will not ask for more tables at Pedraza's, but will ask for those tables to be pushed back so there is more room to walk.

Councilor Hooper stated that he thinks when they weigh what is happening downtown, with some businesses moving out, it is important to the public good to keep downtown business vital. He is leaning towards what Councilor Filiault said, wanting to try to help business owners so they can bring in more business to revitalize the Central Square area and the downtown in general. He supports this move but still asks Ms. O'Meara to reconsider making a donation to this project as a good faith gesture as to having this move forward with a lot of planning and work by the City. He thinks her donating would go over better in the long run for her as a business owner.

Councilor Filiault stated that he wonders if relocating the electric pedestal, which is stated in the plan, is necessary. He continued that The Stage has tables that go right around meters and trees and the electrical pedestal. Are there items like this in the proposed plan that they could eliminate to save even more money?

Mr. Lussier replied that what they are showing on the plan is really what they think is the least cost option. He continued that the ground is getting dug up there. That pedestal will be relocated as part of this plan. Whether it gets relocated horizontally or vertically, it will be disturbed as part of this work. They can put it closer to the light to make more room for tables. In a more broad way of answering the question: there are many items in this plan that in order to cut costs have been they eliminated. For example, they will not touch the lighting. They will see the 6 or 8 inches sticking out of the concrete. The previous plan had addressed aesthetic concerns more. This plan does not address trees at all. The tree in the center will remain in place. Previously they had talked about rounding off the ends of the vegetative islands to keep it more consistent, whereas this plan calls for square granite curbing, cut flush.

Councilor Lamoureux stated that he understands the importance of the downtown, as he was a liaison to the downtown merchants for two years. He continued saying that the downtown business owners work very hard and he understands that. He has heard comments about the area not being up to snuff. City staff works hard downtown to keep the area maintained and looking good. Working with the City staff for two years, they upgraded the downtown, correcting safety issues and improving aesthetics. He has not heard how this work would benefit more than the three businesses. When he got elected to the City Council he understood that it was their responsibility to use City money to benefit the whole community. He is having a hard time differentiating between the private entity and the public good. He sticks with the fact that they have a plan in place to revitalize the whole of downtown and he will vote against this project.

Councilor O'Connor asked where the \$16,000 would be coming from. Mr. Lussier replied that there is nothing currently allocated or designated for this work. If it is approved the next step is for the Finance, Organization, and Personnel Committee to choose where money will be allocated.

Councilor Filiault replied that they would go through the FOP Committee and let them determine the funding source. He continued that he appreciates Councilor Lamoureux's perspective as a former staff member. His perspective is as a former downtown business owner. They need to look at this from the business owner's perspective, too. He does not take \$16,000 for granted but he has seen other funds allocated easily for other projects.

He does not think it requires a \$70,000 study. The holes downtown will not be filled by retail.

Ms. O'Meara stated that she thinks the MSFI Committee would want to be part of the growth in Keene. She continued that if you were to walk out of City Hall and see a beautiful, vibrant restaurant across the street, with people sitting outside and spending money and tipping servers and cooks, it would be great for downtown. She still does not understand why this has gone this far. She owns the majority of that side of Central Square, and she takes care of the whole block. It would benefit the City and give 20+ local people jobs. It would bring in visitors who spend money, buy gas here, and stay in hotels. What we all want is more people downtown.

Councilor Hooper stated that he saw her wonderful decorations for Halloween and thought they were fantastic. He continued that they have to think in terms of the bigger picture and bringing businesses to Keene and the passion of business owners who are invested in improving Keene. Putting up those decorations shows that Ms. O'Meara has the best interest of the City and public in mind. Now that they are down to \$16,000, he thinks it is important to make these changes now. The revitalization plan is coming up but there is critical work to do now to maintain the vitality. This is a short term measure. If Ms. O'Meara contributes financially to the project that gesture would be wonderful.

Councilor Filiault stated that at the airport the City spent thousands of dollars for one business owner. Downtown probably affects more people than the Airport does. That project just went through without a whisper. Why is this different? Chair Manwaring replied that that is different because the Flight Deck (restaurant at the airport) will be paying rent to the City.

Ms. O'Meara stated that the City paid for work in front of Luca's (market/restaurant). She asked if that was because they pay rent to the City. Chair Manwaring replied that her understanding is that there were safety concerns that prompted the work.

Mr. Blomquist stated the recent work outside of City Hall did not remove any curbing. He continued that the steps were deteriorating and the Code Enforcement Department determined that it was a safety issue. They also replaced the concrete because it was a safety issue. All of that was maintenance, not a reconfiguration.

Councilor Filiault stated that he has a technical question. He asked if this goes through, they need to find out where the funds are coming from, so should a motion be made to approve this or should they put it on more time to determine where the funding would come from? The City Attorney replied that the MSFI Committee has jurisdiction with whether or not to recommend that the work be performed, and to refer the matter to the City Council/FOP Committee for funding consideration. Councilor Filiault asked if the motion would go to the City Council or the FOP Committee. The City Attorney replied to the full City Council and if the recommendation is approved it then goes to the FOP Committee.

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

On a vote of 3-2, the Municipal Services, Facilities, and Infrastructure Committee recommend the approval of the request for curbing improvements on the west side of Central Square. Chair Manwaring and Councilor Lamoureux were opposed.

6) Adjournment

Hearing no further business, Chair Manwaring adjourned the meeting at 7:44 PM.

Respectfully submitted by,
Britta Reida, Minute Taker