

City of Keene
New Hampshire

MUNICIPAL SERVICES, FACILITIES AND INFRASTRUCTURE COMMITTEE
MEETING MINUTES

Wednesday, June 22, 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:

Medard Kopczynski, Acting City Manager
Thomas Mullins, City Attorney
Andrew Bohannon, Parks & Recreation &
Facilities Director
Kürt Blomquist, Public Works Director

Members Not Present:

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

1) PERIODIC REPORT – Martin Luther King, Jr./Jonathan Daniels Committee

Parks, Recreation, and Facilities Director Andy Bohannon stated that he was here on behalf of the Martin Luther King, Jr./Jonathan Daniels Committee. He continued that Derek Scalia, the Chair recently resigned due to a job commitment.

Mr. Bohannon continued that the mission of the Committee is to celebrate and memorialize the lives of Martin Luther King, Jr. and Jonathan Daniels and the principles of civil equality and multiculturalism for which they stood. In addition, the charge of the Committee was to educate the general population about the lives of these individuals and the principles of non-violence and equality.

He continued that the ongoing practice of having the City's boards and commissions appear before the Standing Committee is meant to tie back the committee's efforts with the Comprehensive Master Plan. He read a statement from page 112 of the CMP, the section on Diversity and Diversity Strategies: *"It means understanding individual differences and exploring these differences in a safe, nurturing, positive environment. It is about moving beyond simple tolerance to embracing and celebrating diversities in the many dimensions throughout our community."* He continued that at last week's City Council meeting, Councilor Filiault worked to create a proclamation regarding these values. He thanks the City Council for that proclamation on behalf of the committee.

Mr. Bohannon continued that in 2015, the Committee did a lot to recognize Jonathan Daniels's birthday and the anniversary of his death. They wanted to seek ways to raise

awareness of his life and his legacy. In February, the Committee sent a memorandum to the City Council addressing some of the issues they wanted to bring forward. They were looking for the City Council to act on and embody the values - like voting fairly, and thinking of others - that these two individuals stood for. Certainly the actions of last week reflect that greatly.

Mr. Bohannon noted the Committee continues to struggle with trying to work within the community to find events to promote multiculturalism. Mr. Bohannon continued that the Committee had a great partnership with Keene State College (KSC), Antioch University New England (AUNE), and Franklin Pierce. The Committee will continue working with different organizations within town by promoting events. One of the actions they took this year, which they hope will be ongoing, was an effort to promote voting within the community – that was a big push of Jonathan Daniels. The Committee put an ad in the Keene Sentinel encouraging people to get out and vote. They do not have a political agenda other than recognizing the importance of voting, and encouraging people to get their voices heard, like Jonathan Daniels was talking about.

Mr. Bohannon continued that the Committee continues to explore educational opportunities to bring to the community. This year, they are putting together a trip, through the Parks, Recreation, and Facilities Department, to spend three days in Washington, D.C. The trip will highlight the Martin Luther King, Jr. Memorial and the National Cathedral where Jonathan Daniels had been memorialized.

Chair Manwaring asked if anyone had questions. She asked if the 8th grade students go to the National Cathedral when they go on their Washington, D.C. trip. Mr. Bohannon replied that he thinks so, but was not sure. Chair Manwaring thanked Mr. Bohannon for his presentation.

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 periodic report from the Martin Luther King, Jr./Jonathan Daniels Committee be accepted as informational.

2) COMMUNICATION – Anthony Dionne – Water Shut Off and Restart Charge – 25 American Avenue

Chair Manwaring asked if Mr. Dionne was present. Mr. Blomquist stated that he was not certain the reason for the petitioner's absence, but staff is requesting more time to allow them to do more research.

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 communication regarding water shutoff and turn on charges be placed on more time to allow staff to research the matter.

3) COMMUNICATION – Eric Allen – Request for No Parking – Sheridan Avenue

Chair Manwaring recognized Mr. Allen. Eric Allen stated that he owns Mac's Market and a Citgo Station at 501 Main Street, which corners Sheridan Avenue as well. He continued that he was asking the City Council for a "No Parking" sign installed on Sheridan Avenue for safety reasons and to accommodate access and egress for Mac's Market and Discount Oil.

Chair Manwaring asked to hear from City staff. City Attorney Thomas Mullins stated that he had handouts for the Committee, which included a couple of opinion letters, to help them understand this. He continued that they were written by former City Attorneys, one in 1952 and one in 1991. The short answer is Sheridan Avenue is not a City street. It is not a public way. The two opinion letters discuss that fact. In November of 1964, based on a request by the then-property owners that abutted this area, who petitioned the City Council to have it laid out as a City street, there was a public hearing. The Planning Board recommended that Sheridan Avenue not be accepted as a City street. The letter from City Attorney Gerald Carney was in response to a request from Attorney Gary Kenyon. The underlying opinion from Attorney Carney was Sheridan Avenue was not a city street. The City does not pave it or maintain it. The City does have easements for water, fire, and sewer. The letter from 1952 factored into the 1991 opinion of the City Attorney's and his analysis of why Sheridan Avenue is not a city street.

The City Attorney continued that because Sheridan Avenue is not a City street or a public way the City does not have authority to require a no parking zone. There is a fair amount of private rights that may be occurring on the property. The letter from Mr. Allen references cross easements. He continued that staff looked at plans with respect to the property for other development that has occurred through the Planning Board and otherwise, and there were numerous references to easements, etc. From the City's perspective the City Council cannot act on the request. To the extent that the cross easements may be interfered with by other people who have businesses in the area, those are private matters that the individuals need to address amongst themselves.

The City Attorney continued if Mr. Allen or others have private rights they have to assert the private rights on their own, individually, through the Superior Court, or otherwise.

Mr. Allen asked if he could install a no parking sign, since it was a private street. The City Attorney replied that he cannot give the petitioners legal advice about their legal rights; all he can say is that the City does not have authority with respect to that street. Mr. Allen and others should ask their own legal counsel.

Lou Berube stated that he owns Discount Oil of Keene. He continued that he and Mr. Allen have ongoing issues with parking, with both of them unable to gain access to their properties. They thought a “no parking” sign would help everyone.

Chair Manwaring replied that the MSFI Committee wished they could help.

Councilor Filiault made a motion for the Municipal Services, Facilities, and Infrastructure Committee to accept the communication regarding a request for no parking on Sheridan Avenue be accepted as informational, which was seconded by Councilor Hooper.

Mr. Allen asked if there was a safety issue with getting to the fire hydrant. The City Attorney replied that yes, there was a fire hydrant there, and if the Fire Department had concerns they may have authority with respect to that. But questions about liability and safety issues are issues that the property owners need to address on their own. Even in that situation there was no liability to the City because of the emergency function exception for fire and police.

Mr. Berube stated that he spoke with the Fire Chief this afternoon. He continued that the Chief said that because the convenience store and Discount Oil are commercial properties he would have problems with a vehicle blocking access, but regarding the residence out back, if it was blocked by the owner, he does not see that as an issue. The problem is parking where the commercial properties are located.

On a vote of 5 – 0, the Municipal Services, Facilities, and Infrastructure Committee recommends the communication regarding a request for no parking on Sheridan Avenue be accepted as informational.

4) Adjournment

Hearing no further business, Chair Manwaring adjourned the meeting at 6:18 PM.

Respectfully submitted by,
Britta Reida, Minute Taker