

**City of Keene**  
*New Hampshire*

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

**Wednesday, June 24, 2015**

**6:00 pm**

**City Hall, 2<sup>nd</sup> Floor, Council  
Chambers**

**Members Present:**

James P. Duffy, Chair  
Janis O. Manwaring  
Robert J. O'Connor  
Philip M. Jones (arrived at 6:01 PM)

**Members Absent:**

Sheryl A. Redfern

**Staff Present:**

City Attorney Thomas Mullins  
Assistant City Manager Med Kopczynski  
Assistant City Clerk Terri Hood  
Parks, Recreation & Cemeteries Director  
Andrew Bohannon  
Planning Director Rhett Lamb  
City Engineer James Donison

**Others Present:**

Councilor Carl B. Jacobs

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

**1. MEMORANDUM – City Clerk – Warrant for Unlicensed Dogs**

Assistant City Clerk Terri Hood stated the City Clerk's Office is seeking authorization to issue a warrant for unlicensed dogs. She continued this would levy a twenty five dollar fine for each dog owner that has not yet complied with the April 30 licensing requirement. The City Clerk's Office has been doing outreach, like they do every year – they put two notices in the newspaper, send monthly email reminders to dog owners willing to give their email addresses, and send postcard reminders to dog owners whose email addresses they do not have.

Councilor Jones arrived at 6:01 PM.

Ms. Hood continued they also make follow up phone calls to those who received a post card. When the City Clerk's Office wrote this memorandum to the MSFI Committee they had 383 owners of unlicensed dogs, and now they are down to 355, but that is still a little more than they have seen in the past couple years. They are not sure why this is the case, but they will continue to work to get the list down before the forfeiture notices are mailed out, which happens in July. Ms. Hood continued she was aware the City Clerk had given the MSFI Committee a history about dog licensing when this item was before them last year, which demonstrated how the purpose of dog licensing had changed over time. Ms. Hood continued that for many years now it

has been a public health issue. Dog licensing has to do with making sure all dogs are getting rabies vaccinations.

She continued she wanted to give the Committee some background on how the fees collected for dog licensing are used. She explained the City collects a fee for each license and a portion is retained to offset the City's administrative costs of running the program. Some of the money goes to the NH Department of Agriculture, to run their diagnostic lab, to verify whether dogs have rabies or not. The State also uses the money from dog licensing fees to fund a population control program, so people who otherwise could not afford it can get their pets spayed or neutered.

Regarding the next steps in the process, Ms. Hood explained the City Clerk's Office issues the forfeiture through the Keene Police Department (KPD) and then the KPD takes over the process in terms of compliance. Dog owners can pay the fee which forfeits their right to go to court and appeal the fine, and if they choose not to pay the forfeiture and license their dog they receive a court summons. The City does very few court summons; most people comply before that step.

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

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

On a vote of 4 to 0, the Municipal Services, Facilities, and Infrastructure Committee recommends the issuance of a warrant for unlicensed dogs pursuant to NH RSA 466:14 and that the Animal Control Officer be directed to issue a civil forfeiture to dog owners who have not licensed their dogs by April 30, 2015.

## **2. RESOLUTION – R-2015-29 – Relating to Central Square and Railroad Square**

Parks, Recreation, and Cemeteries Director Andrew Bohannon stated Railroad Square has always had a history of the brick pavers, the downtown organization giving the gift to the City for the purposes of a central gathering point, with no commercial activity on the park area. He continued they established a vendor spot adjacent to the park for commercial use right in front of the brick pavers of Railroad Square which is suitable for a vendor cart. The last time this was before the MSFI Committee a couple years ago, staff updated the committee on this location and the drafting of Resolution R-2010-30 was proposed. This Resolution was never formally introduced to the City Council. He continued that Resolution before the Committee this evening takes what they did for Railroad Square and combines it with Central Square, because both areas have a lot of the same uses and purposes. Mr. Bohannon continued that staff wants to make sure we define those, with the mobile vending cart issue at Railroad Square, and that is what this Resolution does. This new Resolution also rescinds Resolution R-2005-27-B, which highlighted the need for commercial activity in Railroad Square but was in conflict with R-2002-27.

Mr. Bohannon continued that they are trying to consolidate these so there are not so many Resolutions. They need to rescind R-2002-27, which R-2005-27-B is in conflict with. The original R-2002-27 highlights the use of park lands, including Railroad Square and Central

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Square, and would be replaced with the Resolution he is about to introduce next. Resolution R-2015-29 highlights the need for the commercial use in the Railroad Square area, and defines it. It also ties in the City Code and the mobile vendor cart rules and regulations.

Councilor Jones stated that for a few years a business was putting tables there and it did not fall under the City's sidewalk café license requirements; it fell under a similar Resolution to this one. He asked if that is affected in any way with this Resolution. Mr. Bohannon replied yes, this Resolution clarifies that they are allowed to use it for this purpose, unless there is a community event or something like that. With this sidewalk café license, like all the others, there are certain precedents that take effect and they have a certain time frame they can use. It is guided by that license.

Chair Duffy asked if they need to move to rescind right now. Mr. Bohannon replied that the next Resolution he is speaking about clarifies that.

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

Move that the Municipal Services, Facilities, and Infrastructure Committee recommend the adoption of Resolution R-2015-29 – Relating to Central Square and Railroad Square.

Chair Duffy asked if any members of the public had questions or comments. Hearing none, he called for a vote.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommend the adoption of Resolution R-2015-29 – Relating to Central Square and Railroad Square.

### **3. RESOLUTION – R-2015-30 – Relating to City Park Lands**

Mr. Bohannon stated the basis of this Resolution still stands from the original Resolution R-2002-27. He continued that it is being updated to remove Railroad Square and Central Square, as they have been addressed in prior Resolution. The resolution before them now for consideration identifies other park lands and now includes Carpenter Field. At the time Resolution R-2002-27 was adopted Carpenter Field was not City property, but now it is. This Resolution outlines the exclusive uses for the different parks and then highlights that issues pertaining to Railroad Square or Central Square are dealt with in Resolution R-2015-29.

Councilor Manwaring asked if the Parks & Recreation Department mows Edgewood Avenue Park. Mr. Bohannon replied yes.

The City Attorney stated Mr. Bohannon referenced R-2002-27 and R-2005-27-B, and neither of these two Resolutions tonight specifically rescinds the earlier ones. He continued that they had done that on purpose; they were going to rescind the earlier resolutions with a separate action. It would have been confusing if these two resolutions heard tonight referred to ones that were rescinded. It would be appropriate to move to rescind the earlier ones tonight, after the vote on the current one.

Councilor Jones made the following motion, which was seconded by Councilor Manwaring.

Move that the Municipal Services, Facilities, and Infrastructure Committee recommend the adoption of Resolution R-2015-30 – Relating to City Park Lands.

Chair Duffy asked if any members of the public had questions or comments. Hearing none, he called for a vote.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommend the adoption of Resolution R-2015-30 – Relating to City Park Lands.

Chair Duffy stated that voting to rescind the earlier Resolutions is not specifically on the agenda, but he thinks it is appropriate to do it tonight if reflected in the background notes. The City Attorney agreed that it is fine to do it tonight, and the MSFI Committee could choose to suspend the rules to do this, if they want, but they do not have to. Chair Duffy replied that he would rather not have to suspend the rules, and asked for others' thoughts. The other MSFI Committee members agreed.

Councilor Jones made the following motion, which was seconded by Councilor Manwaring.

On a vote of 4 to 0, the Municipal Services, Facilities, and Infrastructure Committee recommend the rescission of Resolutions R-2002-27 and R-2005-27-B.

**4. REPORT OUT – R-2010-30 – Relating to Central Square and Railroad Square**

Mr. Bohannon stated that this resolution was never formally introduced to the City Council, but it was referenced in another Resolution that was just rescinded. He continued that it was mistakenly assigned a Resolution number even though it was just a draft. This Resolution has been on more time for several years. Staff wanted to report this draft Resolution out with no Council action. Chair Duffy asked if committee members had questions or comments. Hearing none, he asked if any members of the public had questions or comments.

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

Move that the Municipal Services, Facilities, and Infrastructure Committee recommends R-2010-30 - Relating to Central Square and Railroad Square be reported out.

Chair Duffy asked if any members of the public had questions or comments. Hearing none, he called for a vote.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommend Resolution R-2010-30 - Relating to Central Square and Railroad Square be reported out.

**5. RESOLUTION – R-2015-06 – Relating to the Absolute Discontinuance of Portions of Railroad Street and Harrison Street**

Councilor Jones stated that he is automatically recused from the next three items because he missed the site visit. Chair Duffy replied that that is correct. Councilor Manwaring asked if it is just the committee discussing the topics, since a public hearing was held previously. Chair Duffy replied yes, they can ask questions of staff if they want, but there was already a public hearing. He continued that Councilor Jones will not speak because he did not attend the site visit. The City Attorney replied that that only applies to agenda items #6 and #7. Chair Duffy replied that Councilor Jones can stay for agenda item #5.

James Donison, City Engineer, stated that this has to do with the absolute discontinuance of portions of Railroad Street and Harrison Street as part of the 93<sup>rd</sup> Street and Norway Avenue infrastructure project. He continued the City had discussions with Keene East Side Housing as part of the discontinuance of Railroad Street that would include the section from 93<sup>rd</sup> Street extending to the bridge over Beaver Brook. There was a section of Harrison Street that continues to the intersection of Railroad Street from the bridge south as well. The intent is to discontinue both of those. Those areas would revert to Keene East Side Housing.

He continued that 93<sup>rd</sup> Street and Norway Avenue are scheduled for construction this summer. The construction will be substantially complete before this goes into effect, which is one of the conditions the proposed discontinuance of these two portions of street is subject to. The other conditions the discontinuances would be subject to are: all affected property owners agreeing and waiving their rights to damages, and all documentation being acceptable to the Planning Director and the City Attorney. The waivers of damages are waiting to be signed. Those documents have been provided to all impacted property owners and they agreed to sign. The second item is, upon adoption of these three resolutions, the City can enter into a contract with the low bidder for the project for 93<sup>rd</sup> Street and Norway Avenue. That hopefully will be signed in early July. Construction will be from late July to October.

Chair Duffy stated that there was a development plan through Keene East Side Housing and the site plan was approved but it was contingent upon this happening. Mr. Donison replied yes, they are anxious for the construction of 93<sup>rd</sup> Street and Norway Avenue. He continued that as part of this, as presented to and approved by the City Council a number of years ago, the Harrison Street Bridge will be discontinued also. It is red listed, with some deficiencies. Chair Duffy stated that he asked how expensive it would be to repair that. He thinks the Public Works Director said at least \$300,000. Mr. Donison replied yes, it would be at least that, or could approach \$400,000 or \$500,000.

The City Attorney stated that he wants to clarify a statement Mr. Donison made – the intention is to discontinue Harrison Street Bridge as a class 6 road. He continued that it is not part of the absolute discontinuance of Railroad Street. The City wants to block it off and discontinue maintenance, and over a 5-year period that automatically translates it to a class 6 status. But, the public is not giving up its rights over the bridge.

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Councilor O'Connor stated his understanding is the bridge will remain open to the public for pedestrian traffic. Mr. Donison replied that that is correct. The City Attorney stated that it is important to put on record that the City is reserving certain rights with respect to what will now become private property, regarding drainage, utilities, water and sewer. He continued that it is all included in the description but should be in the record, too.

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

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

On a vote of 4 to 0, the Municipal Services, Facilities, and Infrastructure Committee recommend the adoption of Resolution R-2015-06 – Relating to the Absolute Discontinuance of Portions of Railroad Street and Harrison Street.

**6. RESOLUTION – R-2015-07 – Relating to the Alteration of the Layout of 93<sup>rd</sup> Street**

Mr. Donison stated that regarding R-2015-07, a site visit was held on June 18. He continued that the plan shows the modifications to the existing layout. It is 10 feet to the west and 10 feet to the east in which those properties will be included in the alteration of the layout.

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

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

Move that the Municipal Services, Facilities, and Infrastructure Committee recommend the adoption of Resolution R-2015-07 – for the return of layout for the alteration of a public way known as 93<sup>rd</sup> Street.

Chair Duffy asked if any members of the public or committee had questions or comments. Hearing none, he asked for a vote.

On a vote of 3-0, the Municipal Services, Facilities, and Infrastructure Committee recommend the adoption of Resolution R-2015-07 – for the return of layout for the alteration of a public way known as 93<sup>rd</sup> Street. Councilor Jones abstained.

**7. RESOLUTION – R-2015-08 – Relating to the Alteration of the Layout of Norway Avenue**

Mr. Donison stated that this Resolution pertains to Norway Avenue, which is shown on the easel board to his right. He continued that on the bottom map the area designated in pink is the area that will be modified. It is owned by the City.

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

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

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Move that the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Resolution R-2015-08 for the return of layout for the alteration of a public way known as Norway Avenue.

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

On a vote of 3-0, the Municipal Services, Facilities, and Infrastructure Committee recommends adoption of Resolution R-2015-08 for the return of layout for the alteration of a public way known as Norway Avenue. Councilor Jones abstained.

**8. Adjournment**

Hearing no other business before the committee, Chair Duffy adjourned the meeting at 6:31 PM.

Respectfully submitted by  
Britta Reida, Minute-taker

Additional Edits by  
Terri M. Hood, CMC  
Assistant City Clerk