



City of Keene  
*New Hampshire*

**MUNICIPAL SERVICES,  
FACILITIES AND INFRASTRUCTURE  
COMMITTEE  
AGENDA  
Council Chambers B  
January 22, 2020  
6:00 PM**

Janis O. Manwaring, Chair  
Michael Giacomo, Vice Chair  
Randy L. Filiault  
Bettina A. Chadbourne  
Robert C. Williams

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1. Comprehensive Review of Neighborhood Speed Limits - Public Works Department
  2. Brett Amy Thelen/Harris Center for Conservation Education - Temporary Road Closures - Amphibian Crossings
  3. Councilor Williams - Accessibility Access at City Facilities
  4. Sewer Service and Industrial Pretreatment  
Ordinance O-2020-01

**MORE TIME ITEMS:**

- A. James Phippard/Brickstone Land Use Consultants, LLC – Request to Discontinue Easement for Possible Future Road Extension at Black Brook Road
- B. Councilor Philip Jones – Maintenance of the Wilson Pond Dam on Arch Street and Communication from Robert Malay/Keene School District – Maintenance of the Wilson Pond Dam
- C. Katie Schwerin – Proposal for Permanent Public Art Installation – Airport Property

Non Public Session  
Adjournment



City of Keene, N.H.  
*Transmittal Form*

December 6, 2019

**TO:** Municipal Services, Facilities and Infrastructure Committee

**FROM:** Kurt D. Blomquist, P.E., Public Works Director/Emergency Management Director

**THROUGH:** Elizabeth A. Dragon, City Manager

**ITEM:** 1.

**SUBJECT:** Comprehensive Review of Neighborhood Speed Limits - Public Works Department

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**RECOMMENDATION:**

OPTION 1

Move that the Municipal, Services, Facilities and Infrastructure Comment recommend the department's report in response to the request for a comprehensive review of neighborhood speed limits be accepted as informational and that speed limit concerns be address on a case-by-case basis.

OPTION 2

Move that the Municipal, Services, Facilities and Infrastructure Comment recommend that the City Manager be authorized to do all things necessary to move forward with Step I and II of the scope of work as presented for review of neighborhood speed limits.

**BACKGROUND:**

Councilors Kate Bosely and David Richards submitted a communication requesting that the speed limit in neighborhoods be reviewed for lowering. The Municipal, Services, Facilities and Infrastructure (MSFI) Committee reviewed their request at its October 9, 2019 meeting. After discussing the request, the MSFI Committee recommended the City Council direct the City Manager to develop a scope of work to determine whether to lower speed limits to 25 MPH in appropriate areas of the City. This recommendation was approved by the City Council at its October 17, 2019 meeting.

City staff has met and developed a step approach for the review of altering the speed limit within the City if the Council wishes to move forward. Speed limits and alteration of speed limits are govern by several sections of New Hampshire State Statutes, RSA 259:93, 259:118, 265:60 and RSA 265:63 along with guidance from the Manual of Uniform Traffic Control Devices.

If the City Council were interested in moving forward, it would authorize proceeding with Steps I and II.

Step I

- Extract and review accident data for the period of 2015 – 2019 for vehicle and pedestrian or bicyclist.

#### Step II

- Collate and review speed and accident data that has been collected on various streets by the City for the period of 2015 – 2019, and
- Report out information to the MSFI Committee what information shows.

If the Council determines that it wants to move forward with the full review of the City, Step III scope of work would be as follows.

- Review existing City streets against State Statute Definitions,
- Determine which streets, based on the State Statute definitions, and may be eligible for alteration of speed limits,
- Determine if additional data/information is required,
- Develop method and timeline for obtaining additional data/information, and
- Report to City Council if additional assistance is required.

#### Step IV

- Perform additional data/information collection and analysis,
- Identify areas/neighborhoods eligible for alteration of speed limit,
- Report back to City Council on areas eligible for possible speed reductions, and
- If accepted, develop necessary code changes to implement speed limit changes.

Step III and IV would be a significant level of effort. If additional data/information is required,, there will be an additional cost. To collect data/information on driver behavior it would be most appropriated to do this during non-winter period. This would mean that data/information would not be collected until the spring of 2020.



City of Keene, N.H.  
*Transmittal Form*

January 14, 2020

**TO:** Mayor and Keene City Council

**FROM:** Brett Amy Thelen, Science Director - Harris Center for Conservation Education

**THROUGH:** Patricia A. Little

**ITEM:** 2.

**SUBJECT:** Brett Amy Thelen/Harris Center for Conservation Education - Temporary Road Closures - Amphibian Crossings

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**COUNCIL ACTION:**

In City Council January 16, 2020.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

**ATTACHMENTS:**

Description

Communication\_Harris Center

**BACKGROUND:**

This is the annual request from the Harris Center for Conservation Education for the temporary closure of a portion of North Lincoln Street for approximately six nights between March and April to ensure the safety of migrating amphibians and the many families who come out to watch them. In addition, the Center is requesting - as an experimental closure a small section of Jordan Road for up to two nights in March and April for the Jefferson Salamander.

Finally, the Center is requesting that the North Lincoln Street amphibian closures become a regular part of city operations instead of something that requires City Council approval.



HARRIS CENTER  
FOR CONSERVATION EDUCATION

January 9, 2020

Mayor George Hansel and City Council  
3 Washington Street  
Keene, NH 03431

To the Honorable Mayor and City Council,

I am writing to once again request the temporary closure of a portion of North Lincoln Street for approximately six nights during a six-week period in March and April, in order to ensure the safety of migrating amphibians and the many families who come out to watch them. With two successful seasons under our belt and in the interest of efficiency, I'd also like to request that the North Lincoln Street amphibian closures become a regular part of City operations, instead of something that requires annual approval by Council – with the understanding that Council could rescind such approval at any time.

In addition, I'd like to request the experimental closure of a small section of Jordan Road for up to two nights in March and April, for the protection of migrating Jefferson Salamanders, which are listed as a "Species in Greatest Need of Conservation" in New Hampshire.

As you may remember, thousands of salamanders and frogs make their way to breeding wetlands – including the wetland adjacent to Woodland Cemetery and North Lincoln Street, and the vernal pool complex in the upper reaches of Robin Hood Park, near Jordan Road – on the first warm, rainy nights of spring. Many are killed when they must cross roads. Studies have shown that even modest vehicle traffic can have a significant negative impact on local amphibian populations.

For the past two springs, the Harris Center for Conservation Education has worked with City staff to institute temporary detours around the North Lincoln Street amphibian crossing site on migration nights, facilitating the safe passage of more than 3,500 frogs and salamanders. On any given migration night, 20 to 50 people also visit the site to see the amphibians, including dozens of families with young children who've never experienced a "Big Night" before.

One mom, who brought her elementary-school-aged son to the North Lincoln Street road closure for the first time in 2019, wrote us to say, "It's all amphibians all the time in our house now.... Thank you so much for taking care of the tiniest creatures while teaching the kids to do the same. It's just incredible."

In 2019, the road closures made national news as a featured story in the *Washington Post* and *Yankee* magazine. In 2018, the City's social media posts on the detours reached nearly 78,000 people – orders of magnitude higher than any of the Public Works Department's other posts – and the vast majority of comments were supportive.

Closing this section of North Lincoln Street on migration nights, and expanding the road closures to include a portion of Jordan Road in 2020, would ensure the safety of thousands of animals, as well as the hundreds of people who visit these sites to observe the spectacle of the migration. The North Lincoln Street detour does not impact anyone wishing to travel to their home, as the closure spans the section of road bounded to the east by Robin Hood Park and to the west by Woodland Cemetery. In addition, the Department of Public Works has developed a detour plan for the Jordan Road crossing site that would minimize inconvenience to residents of Jordan Road, as they'd still be able to drive to their homes during the road closures. Emergency vehicles would continue to have access to both roads, as necessary.

As a reminder, the amphibian migration is a weather-dependent phenomenon, so I cannot provide specific dates for the requested road closures at this time. However, last spring we worked successfully with the Department of Public Works and the Parks, Recreation, and Cemetery Department to implement the road closures and to inform the public about them. We anticipate a similarly smooth road closure and notification process in 2020.

I've spoken with Duncan Watson, Assistant Public Works Director, who affirmed that the closures represent a minor impact in terms of labor and resources dedicated to installing the detour. According to Duncan, "the Public Works Department is pleased to join in the enthusiastic public support for this important project."

Thank you for your consideration of this request, which would benefit both wildlife and people in Keene. I would be more than happy to meet with you, or to make a brief presentation to whichever subcommittee is assigned this request, to provide more information and to answer any questions you have.

Sincerely,



Brett Amy Thelen  
Science Director  
Harris Center for Conservation Education  
thelen@harriscenter.org

In City Council January 16, 2020.  
Referred to the Municipal Services,  
Facilities and Infrastructure Committee.

  
City Clerk



City of Keene, N.H.  
*Transmittal Form*

January 2, 2020

**TO:** Mayor and Keene City Council

**FROM:** Councilor Robert C. Williams

**THROUGH:** Patricia A. Little, City Clerk

**ITEM:** 3.

**SUBJECT:** Councilor Williams - Accessibility Access at City Facilities

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**COUNCIL ACTION:**

In City Council January 16, 2020.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

**RECOMMENDATION:**

**ATTACHMENTS:**

Description

Communication\_Williams

Keene Recreation Center

**BACKGROUND:**

Councilor Williams is requesting that additional curb cuts be installed on the sidewalks approaching the Keene Recreation Center as a measure to improve accessibility. In addition, the Councilor is requesting that a review of all City-owned properties be conducted to ensure accessibility compliance.

2 January 2020

Bobby Williams  
66 North Lincoln Street  
Keene, New Hampshire 03431

Keene City Council  
3 Washington Street  
Keene, New Hampshire 03431

To the Honorable Mayor and City Council,

I am writing to request that curb cuts be installed on the sidewalks approaching the Keene Recreation Center on Washington Street, as a measure to improve accessibility for people with mobility impairments. I have personally witnessed several people encounter difficulties at this location.

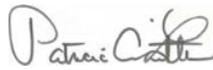
I am further requesting that the city undertake an investigation to identify any other city-owned properties that fall short of having appropriate accessibility features, with special consideration given to facilities used as voting precincts, facilities used as places of public gathering, and bus stops.

Sincerely,



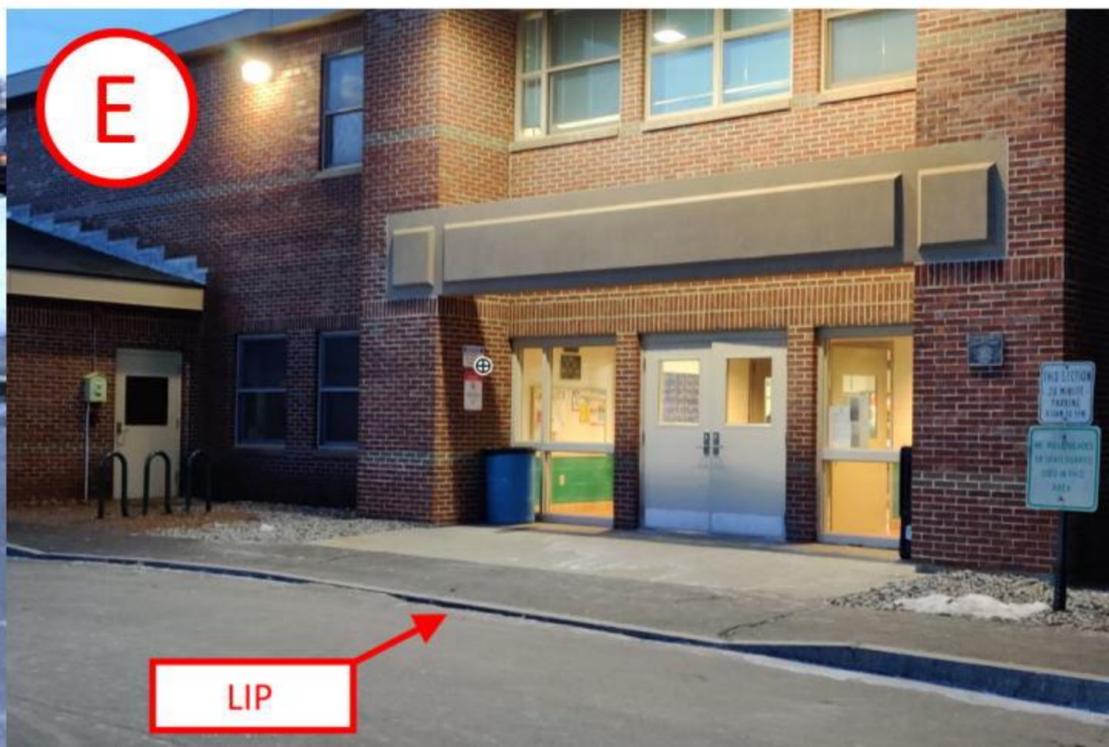
Robert Crane Williams  
City Councilor, Ward 2

In City Council January 16, 2020.  
Referred to the Municipal Services,  
Facilities and Infrastructure Committee.



Patricia Costello  
City Clerk

# Missing curb ramps at the Keene Recreation Center





City of Keene, N.H.  
*Transmittal Form*

January 7, 2020

**TO:** Mayor and Keene City Council

**FROM:** Eric Swope, Industrial Pretreatment Coordinator, Tom Moran, Assistant Public Works Director

**THROUGH:** Elizabeth Dragon, City Manager, Kurt Blomquist, Public Works Director/Emergency Management Director

**ITEM:** 4.

**SUBJECT:** Sewer Service and Industrial Pretreatment

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**COUNCIL ACTION:**

In City Council January 16, 2020.

Referred to the Municipal Services, Facilities and Infrastructure Committee.

**RECOMMENDATION:**

Recommend that Ordinance O-2020-01 be submitted to the Municipal Services, Facilities and Infrastructure Committee for their review and recommendation.

**ATTACHMENTS:**

Description

Ordinance O-2020-01

**BACKGROUND:**

On August 2, 2019 the NH Department of Environmental Services (NHDES) conducted a compliance inspection of the City of Keene's Industrial Pretreatment Program (IPP). Findings indicated that "...overall the IPP is properly structured and implemented." NHDES did find two items that must be addressed by the IPP:

1. The State of NH's Industrial Pretreatment Rule, Env-Wq 305.04(f)(2) requires a municipal Sewer Use Ordinance (SUO) to stipulate that records of an Industrial User(IU) relating to pretreatment must be maintained by the IU for at least 5 years. Section 98-427 of the Keene City Code requires that these records be maintained for a minimum of three years.
2. The control mechanism used for regulating industrial discharge is referred to as, Industrial Discharge Agreement (IDA) in the Keene City Code. NHDES noted that the term "Agreement" implies a form of contract between the two parties rather than a set of mandatory requirements imposed by the IPP. The Keene City Attorney had previously expressed the same concern.

Both of these items were addressed as part of a more comprehensive set of proposed changes to the City Code that the City submitted to the US Environmental Protection Agency in 2008 for approval. Thus far, the City has not received comment nor approval of the proposed changes. NHDES is requiring that the City move forward on these two minor changes rather than continue waiting for a response from EPA.

Staff recommends the City Council approve Ordinance O-2020-01, which will be submitted to the United States Environmental Protection Agency (USEPA) for approval.



# CITY OF KEENE

O-2020-01

Twenty

In the Year of Our Lord Two Thousand and .....

Relating to Sewer Service and Industrial Pretreatment

AN ORDINANCE .....

*Be it ordained by the City Council of the City of Keene, as follows:*

That the City Code of the City of Keene, New Hampshire, as amended is hereby further amended by deleting the stricken text and adding the bolded text to the following provisions of Article V, "Sewer Service", Division 4, "Prohibited Discharges"; and of Article VI, "Industrial Pretreatment," Division 2, "Reporting Requirements," and Division 4, "Industrial Discharge Agreements (IDA)" of Chapter 98, entitled "UTILITIES" as follows;

## ARTICLE V. SEWER SERVICE

### Division 4. Prohibited Discharges

Sec. 98-359. - Annual fee for industrial users.

Industrial users will be assessed an annual fee by the city to defray the administrative costs of the industrial discharge ~~agreements~~ **permits** (~~IDA~~) (IDP) program. The fee shall be calculated as set forth in the schedule of fees in appendix B to this Code.

Sec. 98-360. - Violations

(f) *Nondischarge violation penalties.* Any nondischarge violations of the industrial discharge ~~agreements~~ **permits** are subject but not limited to the following penalties:

## ARTICLE VI. INDUSTRIAL PRETREATMENT

### Division 2. Reporting Requirements

Sec. 98-427. - Monitoring records.

Industrial users subject to the reporting requirements under this article shall maintain records of information resulting from monitoring activities required to prepare such reports. Such records shall be maintained for a minimum of ~~three~~ **five** years and shall be made available for inspection and copying by the city. Such reports shall include the following:

1. The date, exact place, method and time of the sampling and the name of the person taking the sample.
2. The dates analyses were performed.
3. The laboratory performing the analyses.
4. The analytical techniques and methods used.
5. The results of such analyses.

#### **Division 4. Industrial Discharge Agreements Permits (IDA) (IDP)**

Sec. 98-476. - Required.

The discharge of any industrial process waste to the city's wastewater treatment plant or to a public or private sewer connected to the city's wastewater treatment plant is prohibited without a valid industrial discharge ~~agreement permit~~ (IDA) (IDP).

Sec. 98-477. - Application.

Persons subject to this division shall submit an application for an industrial discharge ~~agreements~~ **permits** containing information required under applicable federal and state industrial pretreatment reporting regulations. Such information, at a minimum, shall include the following:

- (1) The name and address of the facility, including the names of the operator and owner.
- (2) A list of all environmental permits held by or for the facility.
- (3) A brief description of the nature, average rate of production, and Standard Industrial Classification of the operations carried out at such facility.
- (4) An identification of the categorical pretreatment standards applicable to each regulated process.
- (5) An analysis identifying the nature and concentration of pollutants in the discharge.
- (6) Information showing the measured average daily and maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams.
- (7) A schedule of actions to be taken to comply with discharge limitations.
- (8) Additional information as determined by the pretreatment coordinator may also be required.

Sec. 98-478. - Amendment required.

An industrial user subject to categorical pretreatment standards shall not discharge wastewater directly or indirectly to the city wastewater treatment plant after the compliance date of such standards unless an amendment to its industrial discharge ~~agreement permit~~ has been issued by the city.

Sec. 98-479. - Application for amendment.

Within 90 days after the effective date of a categorical pretreatment standard, an industry subject to such standards shall submit an application for an industrial discharge ~~agreement permit~~ amendment. The application shall contain the information outlined under section 98-477, except that the compliance certification for pretreatment or operation and maintenance statement must be signed by a qualified professional and must contain the following statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Sec. 98-480. - Conditions.

- (a) The industrial discharge ~~agreement~~ **permit** will outline the general and specific conditions under which the industrial process waste is accepted for treatment at the city's wastewater treatment plant. Specifically, included in the ~~agreement~~ **permit** are the following:
- (1) Pretreatment and self-monitoring facilities required.
  - (2) Type, number of samples, and sampling frequency required.
  - (3) Effluent limitation on the industrial process waste.
  - (4) Listing of applicable civil and criminal penalties.
- (b) The ~~agreement~~ **permit** will be in effect for five years. A new application will be filed with the pretreatment coordinator by the industry 180 days before the ~~agreement~~ **permit** expires.
- (c) The ~~agreement~~ **permit** is nontransferable and may be revoked by the city for noncompliance or modified so as to conform to discharge limitation requirements that are enacted by federal or state rules and/or regulations.

Sec. 98-481. - Proposals for new discharge.

An industry proposing a new discharge or a change in volume or character of its existing discharge must submit a completed application for an industrial discharge ~~agreement~~ **permit** to the pretreatment coordinator at least 60 days prior to the commencement of such discharge. The submitted application must include plans and engineering drawings, stamped by a registered professional engineer, of the proposed pretreatment facilities. Upon approval of the application by the city, a discharge permit request is submitted by the community to the water supply and pollution control division of the state department of environmental services on behalf of the industry. Upon approval of the discharge permit request by the water supply and pollution control division of the state department of environmental services, the industry and the city will enter into a new or amended industrial discharge ~~agreement~~ **permit** in accordance with the procedure outlined in this division.

Appendix B- 98-359. Fee for industrial users to defray the administrative costs of the industrial discharge ~~agreements~~ **permits** (~~IDA~~) (IDP) program

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Mayor George S. Hansel

In City Council January 16, 2020.  
Referred to the Municipal Services,  
Facilities and Infrastructure Committee.

City Clerk