

City of Keene
New Hampshire

MUNICIPAL SERVICES, FACILITIES & INFRASTRUCTURE COMMITTEE
MEETING MINUTES

Wednesday, January 26, 2022

6:00 PM

**Council Chambers,
City Hall**

Members Present:

Mitchell H. Greenwald, Chair
Randy L. Filiault, Vice Chair
Robert C. Williams
Catherine I. Workman
Kris E. Roberts

Staff Present:

Elizabeth A. Dragon, City Manager
Thomas P. Mullins, City Attorney
Kürt Blomquist, Director of Public
Works/ACM
Andy Bohannon, Director of Parks,
Recreation & Facilities

Members Not Present:

All Present

Chair Greenwald called the meeting to order at 6:00 PM. He provided introductory comments to the Committee during this, his first meeting as Chairman.

Chair Greenwald wanted the Committee to understand how he sees his role in this process. His goal is to facilitate discussion, allow all committee members to speak, and to make decisions as the Committee. When voting on things, he will guide the Committee to conclusions and votes. He said the Committee would say yes, no, and more, without pushing things along at additional more time. He challenged Staff to bring the Committee the materials needed to make those decisions; with only one monthly meeting, everything needs to be prepared and the Committee needs to do its homework. Chair Greenwald would be asking for a new feature in the coming months. With the cooperation of the City Manager and Mayor, the Chairman seeks time with the different municipal Departments: Police, Fire, Public Works, Parks and Recreation, Library, Transfer Station, and Water and Sewer. This Committee deals with the actual services the public requires of the City and the Chairman sees this Committee as a vital communication link from the Staff to the public and vice versa, with a lot of projects in the upcoming year.

- 1) **Kevin Leary – Access to Property 218-009-000-000 through the Old Gilsum Road**
- 2) **Use of the Old Gilsum Road – Public Works Director/ACM**

Chair Greenwald heard the first two agenda items together. The Chairman welcomed the petitioner, Kevin Leary, of 27 Meetinghouse Road.

Mr. Leary was present to request additional entry and exit from the Fontaine property, which he is leasing legally. Mr. Leary lives near the property in the Drummer Hill Association. He discussed this topic with the Committee last year, when his access was approved. His work on the property continues and therefore, he

was present requesting additional access to manage the property. Some of the work he is unable to do alone and requires the help of small equipment. Mr. Leary mentioned that he had been working with a forester and had hired a consultant to develop an extensive plan of management practices to better diversify the property for the ecosystem's health and the property's value.

Chair Greenwald asked the type of equipment Mr. Leary would be bringing to the property. Mr. Leary confirmed that this entry and exit was not for ATV access, but that it would be "pretty much the same equipment" from last year. He called it a small compact residential grade excavator and tractor that he is using to improve the property and habitats; he is not removing anything from the property. He is managing species like beech to diversify the ecosystem.

Chair Greenwald requested Staff comments from Kurt Blomquist, Director of Public Works/Assistant City Manager. The Director of Public Works recalled that Mr. Leary was before the Committee last year. A map of the parcel in question was included in the meeting packet. He also recalled that the Old Gilsum Road is a Class VI road, meaning that is a public way, but no longer maintained by the City. Today, there are approximately 11–12 privately owned properties along the Old Gilsum Road in addition to some City-owned properties, and the Road is the only means of access to all. The Road is used by the public for recreation. The City has acquired adjacent properties over the years to incorporate into the Greater Goose Pond Forest and other lands the City owns for conservation. The City Council has added restrictions to the Old Gilsum Road, including restriction of the use of motorized vehicles without authorization. However, property owners there are allowed to access their properties via motorized vehicles with Council permission. The Director of Public Works reiterated that Mr. Leary has a formal agreement with the property owners, so he is in effect an agent of the owner, with the same status to gain access to the site. The Director of Public Works was unaware of any complaints since Mr. Leary was granted this access last year. He recalled that the City has adjacent water tank land with an easement but access via that road was not granted to Mr. Leary because the road is meant for maintenance and construction. There is also an adjacent City-owned conservation easement that was inappropriate for access. Therefore, the Old Gilsum Road was the best option for Mr. Leary's access. The City Council granted Mr. Leary this access last year and Staff recommended granting his requested access (three or four times) again this year, subject to conditions.

The City Attorney recalled that the Committee reviewed this matter in detail last year and this is just an expansion of the opportunity granted previously. He asked Mr. Leary to confirm whether he would be using the same access points as last year and Mr. Leary replied in the affirmative.

Councilor Williams mentioned that a primary issue in discussions last year was that this right is restricted to property owners along the Old Gilsum Road and in this case, Mr. Leary has a lease from the owner. Therefore, the Committee determined that Mr. Leary should have the same access as the owner.

Chair Greenwald noted that this was a conditional granting and if there were complaints or problems, it could be revoked.

There were no public comments.

Councilor Williams made the following motion, which was duly seconded by Councilor Workman.

On a vote of 5–0, the Municipal Services, Facilities, and Infrastructure Committee accepted the communication from Kevin Leary as informational.

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

On a vote of 5–0, the Municipal Services, Facilities, and Infrastructure Committee recommends per Section 94-238 of the City Code of Ordinances, that Kevin Leary, of 27 Meetinghouse Road, Keene, NH, be permitted to use motorized vehicles on the Class VI portion of the Old Gilsum Road for the purpose of accessing and transporting in and out equipment up to four (4) times per year until 2023 to the Fontaine Albert R Revocable Trust Property (218-09-00-000-000). This motorized access to be coordinated with City staff with Mr. Leary abiding by all conditions set by Staff.

3) Relocation of Woodard Pond Road – City Attorney

Chair Greenwald welcomed comments from the City Attorney.

The City Attorney said this was a matter to be cleaned-up. He said many Councilors would recall the City repairs to Woodard Dam that the City owns, which was conducted in response to a request from the State of NH. The City completed all work at the dam. As a part of this project, the City had to work with the Town of Roxbury to relocate a Class VI road to allow the dam work. The Town of Roxbury did discontinue the portion of a Class VI road and in return, the City of Keene granted an easement for highway purposes over the top of the dam. The City Attorney said it took time to complete all the paperwork associated with this project. Staff prepared an easement deed granted from the City of Keene to the Town of Roxbury over a portion of the road that is defined both in the easement deed and in accordance with the plan prepared to provide the alternative access. Staff requested that the Committee authorize the City Manager to negotiate and execute the easement, which would then be recorded with the Registry of Deeds.

There were no questions or comments from the Committee or public.

Councilor Workman made the following motion, which Councilor Filiault duly seconded.

On a vote of 5–0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute an Easement Deed with the Town of Roxbury for the relocation of Woodward Pond Road across City-owned property in Roxbury, New Hampshire.

4) REPORT OUT – Maintenance of the Wilson Pond Dam

Chair Greenwald recalled that this item was on more time. He welcomed City Manager comments.

The City Manager said the City had been talking with the school about the Wilson Pond Dam for approximately 1.5 years. The Chair asked Staff to follow-up with the school for a status report related to the dam. A letter from the school district was included in the agenda packet, indicating that the district is working with Dubois and King to repair the dam; they are close to finalizing their plans and moving forward. The City Manager confirmed that the Superintendent was comfortable reporting this out of Committee at this time.

The Chairman asked if the City Manager said the dam would be “repaired” and the City Manager replied in the affirmative, which the Chairman said was important to him.

There were no questions or comments from the Committee or public.

Councilor Filiault made the following motion, which Councilor Workman seconded.

On a vote of 5–0, the Municipal Services, Facilities, and Infrastructure Committee recommends the issue of the maintenance of the Wilson Pond Dam be reported out as informational.

5) REPORT OUT – Monica Marshall – Request that Main Street be Designated as a Smoke-Free Zone

Chair Greenwald recalled that this item was also on more time. He welcomed City Manager comments.

The City Manager reported that Staff had been in communication with Ms. Marshall, who indicated that she was working with a group to bring back a modified proposal for a more defined project. At this time, Staff recommended that this item be reported out, which Ms. Marshall was comfortable with.

There were no questions or comments from the Committee or public.

Councilor Roberts made the following motion, which Councilor Filiault seconded.

On a vote of 5–0, the Municipal Services, Facilities, and Infrastructure Committee recommends the communication from Monica Marshall seeking to have Main Street designated as a Smoke Free Zone be reported out as informational.

6) Adjournment

There being no further business, Chair Greenwald adjourned the meeting at 5:22 PM.

Respectfully submitted by,
Katrnya Kibler, Minute Taker

Edits submitted by,
Terri M. Hood, Assistant City Clerk