



MUNICIPAL SERVICES, FACILITIES AND INFRASTRUCTURE COMMITTEE  
Council Chambers B, Keene City Hall  
June 22, 2022  
6:00 PM

**A. AGENDA ITEMS**

1. Charles Redfern - Request for Signage Identifying Trails
2. Attorney Michael Bentley - Agatha Fifield - Requesting the City Resume Maintenance of Blaine Street - Private Way
3. Councilor Philip Jones - Unsafe Sign Placement
4. Warrant for Unlicensed Dogs - City Clerk

**B. MORE TIME ITEMS**

1. Request that Railroad Square be Designated a Smoke Free Zone

**NON PUBLIC SESSION**

**ADJOURNMENT**

May 6, 2022

To the Honorable Mayor & City Council  
Keene City Hall  
3 Washington Street  
Keene, NH 03431

Re: Request for Signage Identifying Trails

After 2 years seeking to have signs placed on each side of the North & South Bridges, I believe I found a way to achieve placement of such signs to identify the Rail Trails, which cross the bypass highways. These trails are known as the Cheshire Rail Trail-North and Ashuelot Rail Trail.

My inquiry started in the year 2020 with the NH Department of Transportation, which indicated an interest in assisting me with navigating the proper channels for the fabrication and installation of the signs. However, before I reached my second milestone within NHDOT, Covid 19 hit and the state's highway sign shop was closed until further notice.

Accordingly, I turned to the City of Keene Public Works Department for advice and consent. After providing Kurt Blomquist with the details provided as exhibits to this letter, I was told the city could do the work, but only after the end of winter. He stated this matter could be re-addressed in the coming spring.

After the ground thawed, I reapproached the director to request that the city begin the sign process, anew either through the NHDOT (as Windham had for the Granite State Trail) or Keene Public Works. However, he replied the operating budget took a hit and turned flat. I noted that all 4 signs could be fabricated and installed by the state for less than \$900 (in 2021 dollars). Also, he asked who would be responsible for maintaining and repairs of these signs.

Please note that a citizen of the Town of Windham, who advocated for such signs did not appear to encounter the same pushback from town officials. The signs were installed by NHDOT in less than six months.

It should be noted the volume of traffic that pass under these two bridges every day. It is reasonable to assume that many folks could revisit our city as tourists, who maybe interested in our growing trail system.

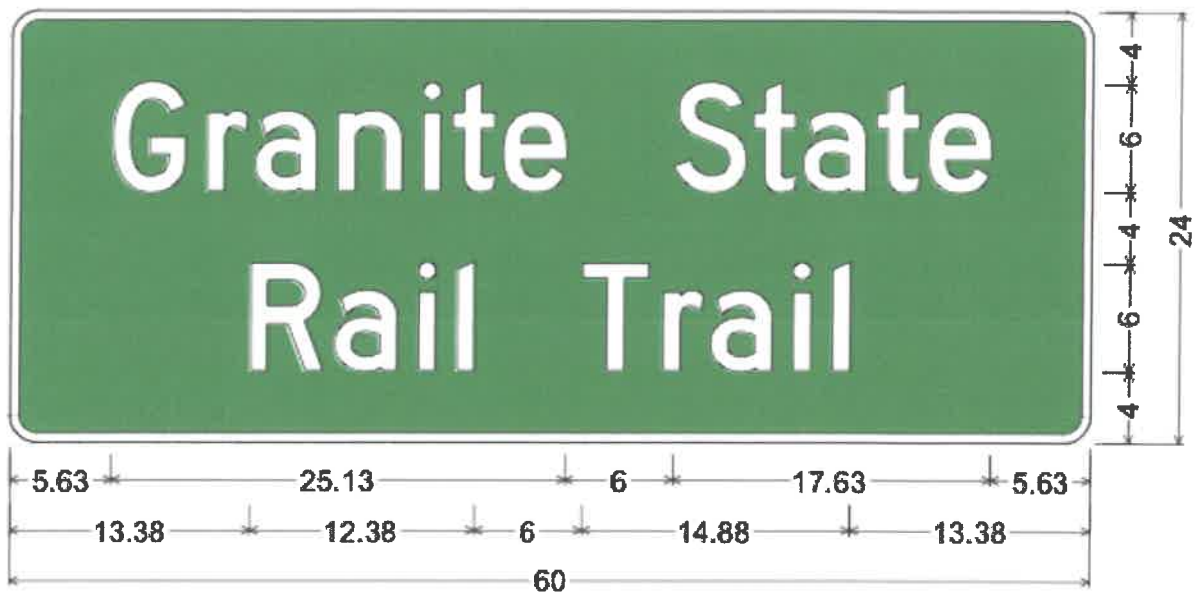
For this reason, I am turning to a collectively wise and honorable group of citizens who practically volunteer their time to the advancement of our community. As you ponder this simple request, I hope to be able to answer any questions you may have at the appropriate committee level.

Best regards to all,

A handwritten signature in black ink, appearing to read "Charles Redfern", with a stylized flourish at the end.

Charles Redfern,  
9 Colby Street  
Keene, N.H.

Exhibits:



I-2\_VARx18;

1.50" Radius, 0.50" Border, White on Green;

"Granite State", D 2K; "Rail Trail", D 2K;



**LANE & BENTLEY, P.C.**  
**ATTORNEYS AT LAW**  
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KEENE, NEW HAMPSHIRE 03431

TEL 603-352-5720

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HOWARD B. LANE, JR.  
MICHAEL P. BENTLEY

HOWARD B. LANE  
(1929-1981)

June 8, 2022

Mayor George S. Hansel and  
Members of the Keene City Council  
3 Washington Street  
Keene, NH 03431

Re: Agatha Fifield  
22 Blaine Street, Keene, NH

Dear Mayor Hansel and Members of the Keene City Council:

This office represents Agatha Fifield of 22 Blaine Street a/k/a Blain Street in Keene, NH. Our client's property is shown on Tax Map 109 as Lot 19. Miss Fifield purchased the property from Richard Forcier and Mary Forcier by Warranty Deed dated September 18, 2015 as recorded in Book 2920, Pg. 101 of the Cheshire County Registry of Deeds. The premises consist of a single-family dwelling on 0.19 acres of land. Per the records of the Department of Assessment, the dwelling was constructed in 1945.

From 1945 until the fall of 2020, a period of 75 years, the City of Keene maintained Blaine Street from Syd Street to a cul-de-sac just westerly of my client's property. Maintenance included the plowing of snow in the winter and grading the gravel surface in warmer weather so that the road was passable throughout the year by motor vehicle. Prior to my client's purchase of the property, she was led to believe that Blaine Street, which is referred to as Bain Street by the City of Keene, Public Works Department, was, in fact, a public highway. For the first five (5) years of my client's ownership of the property, the actions of the City of Keene, Public Works Department, were entirely consistent with Blaine or Blain Street being a public highway within the City of Keene.

By letter dated February 12, 2020 from Donald R. Lussier, P.E., City Engineer, a copy of which is enclosed, Miss Fifield was informed that Blain Street was not a public road. Mr. Lussier, while acknowledging that "...the Public Works Department has performed limited maintenance including snow removal," he further indicated that "[i]t is unclear why the City initiated this type of work" and that he would "...confer with Public Works staff to review further actions." By letter dated October 22, 2020, a copy of which is also enclosed, Mr. Lussier advised Miss Fifield that **"Going forward, the City will not perform maintenance, including plowing, on Blain Street."** In fact, the City has not performed any maintenance on Blain Street since that date.

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June 8, 2022

The change in the position of the City of Keene regarding the maintenance of Blaine or Blain Street after 75 years of continual maintenance obviously causes a problem which prompts this letter. Having to arrange for snow plowing services during the winter months imposes an additional expense on my client which she, and her predecessors in title, reasonably thought was covered by her real estate taxes. Currently, the road has many ruts which makes passage during this time of the year more difficult as the travel surface of the roadway is far from smooth. In addition, if Blain Street is not maintained by the City of Keene, we believe that this will have a negative affect on the fair market value of my client's property due to maintenance expenses for the street having to be borne by the property owner.

The purpose of this letter is to request the City of Keene to resume the maintenance of Blaine a/k/a Blain Street in a manner consistent with what the City of Keene had done for 75 years and being the period from 1945 until 2020. It is our position that the City of Keene is estopped from unilaterally changing its position after multiple owners of the property have relied on year-round roadway maintenance being provided by the City of Keene. There simply is no question but that the City of Keene has, in fact, provided this maintenance for three-quarters of a century such that its change in position after such a period of time is neither fair, equitable and, in our opinion, legal.

We look forward to amicably resolving this matter with the City of Keene. To that extent, we look forward to appearing before the appropriate committee of the City Council to address this situation. Thank you and we look forward to hearing from you.

Sincerely yours,



Michael P. Bentley

cc: Agatha Fifield



## City of Keene *New Hampshire*

February 12, 2020

Agatha Fifield  
22 Blain Street  
Keene, NH 03431

RE: Status of Blain Street

Dear Agatha,

I'm following up on the conversation we had earlier this week concerning the status of Blain Street. As I mentioned during our conversation Blain Street is not a public road. I did a quick review of the files and information available on Blain Street. The road was originally proposed to serve a number of small lots. There is no documentation that the road was laid out, presented or turned over to the City to be public and it has not been built to City standards.

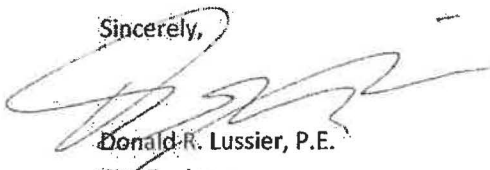
For your reference, I've enclosed copies of deeds for the three private properties that Syd Street and Blain Street cross over. One of them mentions a right of way for abutting property owners. The other two refer ambiguously to "any rights that may exist".

On the question of work on the road; State law prohibits the expenditure of public funds on private Streets. Upkeep and maintenance of private roads are the responsibility of the property owner(s) who have access.

I understand the Public Works Department has performed limited maintenance including snow removal. It is unclear why the City initiated this type of work. This runs counter to policy and practice on other private streets. I will confer with Public Works staff to review future actions.

If you have any questions, please contact me at 352-6550.

Sincerely,



Donald R. Lussier, P.E.  
City Engineer

CC: Kurt Blomquist, Public Works Director  
William Byrne, Highway Superintendent

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Working Toward a Sustainable Community



# City of Keene

*New Hampshire*

October 22, 2020

via: Certified Mail

Agatha Fifield  
22 Blain Street  
Keene, NH 03431

RE: Winter Maintenance of Blain Street

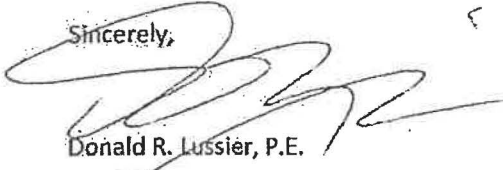
Dear Agatha,

As winter approaches, I wanted to follow up on the letter I sent you on February 12, 2020. I've discussed the issue with the Public Works Director and the Highway Superintendent. It is not clear why our staff has plowed your private road in the past. Under the New Hampshire law, we are only allowed to spend public funds for a bona fide public purpose.

**Going forward, the City will not perform maintenance, including plowing, on Blain Street. Please make arrangements to have your private road plowed by one of the commercial services that operate in the area.**

If you have any questions, please contact me at 352-6550.

Sincerely,



Donald R. Lussier, P.E.  
City Engineer

CC: Krt Blomquist, Public Works Director  
William Byrne, Highway Superintendent

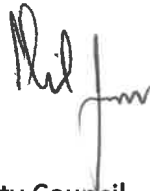
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Working Toward a Sustainable Community

June 14, 2022

FROM: Councilor Philip M. Jones



TO: The Honorable Mayor and City Council

SUBJECT: Unsafe Sign Placement

**Recommendation:**

The Keene City Council prohibit placing of signs in any city right of way that is not safely accessible without permission of the city.

**BACKGROUND:**

- The prohibition of signs for safety reasons would be similar to the already established prohibition of panhandling in those same locations for the same safety reasons.
- The prohibition should include all roundabouts, rotaries, traffic circles, medians, and dividers.
- The purpose of this request is to prohibit the unsafe placing of all signs including political campaign, business promotion, help wanted, event notification, yard sale etc.



## CITY OF KEENE NEW HAMPSHIRE

ITEM #A.4.

**Meeting Date:** June 22, 2022  
**To:** Mayor and Keene City Council  
**From:** Patricia Little, City Clerk  
**Through:**  
**Subject:** Warrant for Unlicensed Dogs - City Clerk

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**Council Action:**

**In City Council June 16, 2022**

**Referred to the Municipal Services, Facilities and Infrastructure Committee**

**Recommendation:**

That the City Council issue a warrant for unlicensed dogs pursuant to NHRSA 466:14, and the Keene Police Department be directed to issue a civil forfeiture to those dog owners who have failed to license their dog by April 30, 2022.

**Attachments:**

None

**Background:**

State Statute provides that the City Council authorize the annual warrant for unlicensed dogs. The civil forfeiture carries a \$25.00 fine that must be paid by the dog owner within 15 days of receiving notice. State statute also provides that failure to license a dog and pay the civil forfeiture could result in a complaint being filed with Keene's Eighth Circuit Court.

This year the City Clerk's Office is presenting two lists for authorization. The first is a list of owners who have not renewed their dog's license for this year. The list of non-renewal dogs contains approximately 442 dog owners, with 565 dogs remaining unlicensed. The second list represents owners for which the City Clerk has received a notification from a local veterinarian that the dog has received a rabies vaccination. Veterinarians are required by statute to notify the City Clerk and we in turn are required to follow up with these dog owners to ensure they obtain a license. This notification entails sending the owner a letter notifying them of the obligation to license their pet. Many of the owners on this list have received multiple notifications. We recently found out that we should be including them in our annual warrant process. The list of new dog owners contains approximately 276 owners, with 321 unlicensed dogs.

The following mechanisms for reminding dog owners of the licensing requirement were followed: 2 official publications appeared in The Keene Sentinel, monthly reminder emails sent to dog owners beginning in February, and reminder postcards sent to owners with no email address in March. We also utilized an online service to do automated phone calls to all owners remaining on the warrant

list. This call was done at the beginning of June. To-date, the City Clerk's Office has issued 2,341 dog licenses for the 2022-2023 license period.

Civil Forfeitures are typically issued on or around July 15th and are due within 15 days of issuance. The City Clerk's Office will continue outreach efforts in an effort to reduce the number of fines that need to be sent.