



MUNICIPAL SERVICES, FACILITIES AND INFRASTRUCTURE COMMITTEE
Council Chambers B, Keene City Hall
April 24, 2024
5:30 PM

A. AGENDA ITEMS

1. Request for a License to Use City Right-of-Way: Hurricane Road - City Engineer
2. Relating to Water and Sewer Abatements
Ordinance O-2024-04
3. Downtown Infrastructure Project - Focus Area: Gilbo Ave and Railroad Square

B. MORE TIME ITEMS

NON PUBLIC SESSION

ADJOURNMENT



CITY OF KEENE NEW HAMPSHIRE

ITEM #A.1.

Meeting Date: April 24, 2024

To: Municipal Services, Facilities and Infrastructure Committee

From: Donald Lussier, City Engineer

Through: Elizabeth Dragon, City Manager

Subject: Request for a License to Use City Right-of-Way: Hurricane Road - City Engineer

Recommendation:

Move that the Municipal Services, Facilities & Infrastructure Committee recommend that the City Manager be authorized to do all things necessary to negotiate and execute a revocable license to install, maintain & operate an irrigation water supply system across Hurricane Road in the vicinity of 140 & 149 Hurricane Road.

Attachments:

1. 8 April, 2024 Letter of Request_Redacted
2. Gemmo Forest Irrigation CPA 1257 Landowner Concurrence Form-1

Background:

Lauren Hubele has requested to reinstate a disused underground irrigation pipe system that was previously used for irrigation of the former Ellis Farm. The City has no record of when this pipe was originally installed. City staff visited the site on April 3, 2024, and observed the pipe in question. It appears to be cast iron, approximately 8-10" in diameter. The property owner has had the pipe inspected and confirmed it is intact across the roadway.

The existing pipe will be used as a conduit only. A pipe will be installed in it to convey the water. Therefore, this request poses minimal risk to the public roadway should the irrigation system fail or leak. Since the pipe is already in place and extends from one private parcel to another, no work is required within the right-of-way. Public Works has no concern with granting this request.

The applicant is also applying for funding from the US Department of Agriculture to help fund the irrigation system. The USDA requires the "landowner" to sign off on proposed grant funded projects to verify that the applicant has permission to install and maintain the Federally funded activities. Once this request for a license is approved by the City Council, the City Manager will sign the enclosed form, documenting the "Landowner's Concurrence".

8 April, 2024

Dear Don,

I currently own the home and property at 180 Hurrican Road and am leasing 12.5 acres of land at 150 and 140 Hurricane from Filtrine, which is managed by Peter Hansel.

The land is being used for a registered NH non-profit that I direct as a demonstration permaculture farm. To be successful with our growing projects we need access to an existing irrigation system that was installed during the years of Ellis Farm. This irrigation system involves a conduit pipe that runs diagonally across Hurricane Road between the land we lease and the pond that is part of Elm Farm. The conduit pipe and hose within it have been in place for several decades.

Because my non-profit has applied for funding and technical support from the NRCS, I need a city official's signature approving our efforts to reinstate the irrigation system.

Please let me know how we might achieve this in a timely manner so that we can qualify for the next NRCS funding cycle.

Warm Regards
Lauren Hubele
180 Hurricane Road



Landowner Concurrence Form to Install Structural or Vegetative Activities

This form is used for the applicant to obtain written documentation of landowner concurrence for the purpose of installing structural or vegetative conservation activities on land they lease. Structural and vegetative conservation activities are those activities with a lifespan greater than one year.

Applicant Name:	Landowner Name:	Date Prepared:
Application No.	Farm Name (opt):	
Conservation Activity:	Farm No. & Tract No.	Field Nos.
1.		
2.		
3.		
4.		
5.		
6.		
7.		

Landowner Concurrence

By signing this form, I, the landowner, hereby agree that the above-named applicant, if awarded a contract with the USDA Natural Resources Conservation Service (NRCS) has permission to install and maintain conservation activities on the land identified. I understand that I am not a party to any contract between NRCS and the applicant to install or maintain the above listed activities.

Landowner Signature: _____ **Print Name:** _____ **Date:** _____

Non- Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.



CITY OF KEENE

In the Year of Our Lord Two Thousand and _____ Twenty Four

AN ORDINANCE Relating to Water and Sewer Abatements

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

That the Ordinances of the City of Keene, as amended, are hereby further amended by deleting the stricken text and inserting the bolded text in Section 98-79, Section 98-122, and Sec. 98-514 of Chapter 98 entitled “Utilities”, as follows:

Sec. 98-79. Penalties.

Any person failing to comply with the restrictions imposed under a declaration of a water supply shortage may be subject to penalties including shut off/discontinuance of water service and subject to the restoration charges as detailed in section 98-513 by the public works department; and/or a fine of \$250.00 per day of continued violation; and/or be subject to imposition of civil penalties pursuant to RSA 38:26, II not to exceed \$10,000.00 per day of such continued violation. Recovered penalties shall be used to the benefit of the city as determined by the city council. ~~Any person aggrieved by the imposition of any fine or penalty for violation of this division may seek abatement thereof under section 98-514.~~

Sec. 98-122. Testing.

When the accuracy of registration of any water meter is challenged by any consumer, such meter shall be tested in accordance with public works department standard practice. If the test shows the meter to be within two percent of a possible 100 percent accuracy, that amounts billed shall be deemed accurate. If the property owner still desires an abatement, he may proceed under section 98-514 pertaining to abatement and posting. If, after being tested, the accuracy of the meter is within the accuracy tolerance as described in section 98-122, the customer shall be responsible for a service charge for the meter testing as set forth in the schedule of fees in appendix B to this Code.

Sec. 98-514. Abatement and posting.

- (a) ~~Generally. The city council shall have the sole authority, unless otherwise delegated to one of its standing committees, to abate, reduce or otherwise forgive any bill or assessment for any rate, roll or charge which may be or which may become legally due to the city, on account of water or sewer service, except as otherwise specifically provided under subsection (b) of this section.~~ When a customer petitions **for an abatement** as set forth in

section 98-122~~such abatement~~, the director shall immediately cause the meter to be tested, and the results of such tests shall be forwarded to the customer. ~~and to the city council.~~ If, after being tested, the accuracy of the meter is within the accuracy tolerance as described in section 98-122, the customer shall be responsible for a service charge for the meter testing as set forth in the schedule of fees in appendix B to this Code. The customer shall be responsible for hiring a licensed plumber to check his plumbing system on his side of the meter to determine whether any leaks exist, and the results of such examination shall be forwarded to the director. ~~and to the city council.~~

Jay V. Kahn, Mayor

In City Council March 21, 2024.
Referred to the Municipal Services,
Facilities and Infrastructure Committee.



Assistant City Clerk



CITY OF KEENE NEW HAMPSHIRE

ITEM #A.3.

Meeting Date: April 24, 2024

To: Municipal Services, Facilities and Infrastructure Committee

From: Donald Lussier, City Engineer

Through: Elizabeth Dragon, City Manager

Subject: **Downtown Infrastructure Project - Focus Area: Gilbo Ave and Railroad Square**

Recommendation:

Move that the Municipal Facilities, Services and Infrastructure Committee accept the Downtown Infrastructure Project update as informational.

Attachments:

None

Background:

The City's engineering consultant will present the second of three planned project updates with a focus on the Gilbo Avenue and Railroad Square areas of the project. The presentation will include an overview of the public input received during a workshop held on April 10, 2024. The Consultant will solicit informal input from the committee in order to refine and adjust the preliminary design plans currently under development.