

City of Keene
New Hampshire

MUNICIPAL SERVICES, FACILITIES AND INFRASTRUCTURE COMMITTEE
MEETING MINUTES

Wednesday, October 9, 2019

6:00 PM

Council Chambers B

Members Present:

Janis O. Manwaring, Chair
Randy L. Filiault, Vice-Chair
Stephen L. Hooper
Gary P. Lamoureux
Robert B. Sutherland

Staff Present:

Elizabeth A. Dragon, City Manager
Thomas P. Mullins, City Attorney
Kürt Blomquist, Public Works/Emergency
Management Director
Don Lussier, City Engineer
Steve Russo, Police Chief

Members Not Present:

Chair Manwaring called the meeting to order at 6:00 PM, welcomed the public, and explained the rules of procedure.

1) Councilors Bosley & Richards – Comprehensive Review of Neighborhood Speed Limits

Chair Manwaring welcomed City Councilor Kate Bosley (of 111 Gunn Road, Keene), who demonstrated the reasons for this request to review neighborhood speed limits in Keene. She recalled this Committee heard recently from a whole neighborhood about speed issues. She was concerned that the City is addressing speed issues on a case-by-case and complaint-driven basis, which she said is not holistic for the City. She thinks the City Council has not heard enough about speed issues to find out why they are happening and what the Council can do for the safety of citizens and kids in Keene. While she doubted there was a perfect answer, she said it is anecdotally clear that people are not abiding the 30mph City-wide speed limit. Therefore, she said lowering the City-wide speed to 25mph could make people pay more attention. If the Council supported a comprehensive review of neighborhood speed limits by staff, as requested, then she shared some notes she hoped they would consider to develop a long-term strategy:

- She wanted to know more about data the City has already collected on speed limits, in what neighborhoods, and if there were trends. She was most concerned with neighborhoods in the High and Medium Density Zones, where there are many children without access to greenspace, who might use the streets more regularly to access parks, etc.
- She wanted to know the process to collect new data to support the stories that Council is hearing from families. She said she had heard from five families during the week of this meeting and more are sharing stories.

- She had heard about different legal ramifications for speed-related options and she wanted those defined clearly to ensure the City is acting appropriately and safely moving forward.
- She wanted to know about the various speed calming strategies other than speed reduction. She knew the City had speed monitors to collect data. She wanted to know the cost associated with that tool and if it can be used more.
- She wanted to know the possibility of installing cameras that take photos of license plates, if there is insufficient police support.

The Public Works Director, Kurt Blomquist, and Police Chief, Steven Russo spoke to Councilor Bosley's request, which would involve the Public Works, Police, and Community Development Departments. The Public Works Director recalled that this Committee has heard about past speed data when there has been internal data collection. As this Committee has heard previously, the trends show generally that speed is not actually the issue; data shows most drivers abiding within 5mph of the speed limit, with a few outliers typical in the late evening and early morning hours. In some areas like the Maple Acres neighborhood, he said the Council has heard speed issues predominant enough to lower the speed limit to 25mph. He said most data has shown that a speed problem is usually perceived but not supported by data; for pedestrians, cars seem faster when passing, for example. He said that if the Council seeks a greater review, more data would be necessary to make the best decisions.

The Public Works Director continued explaining challenges to a comprehensive review of neighborhood speed limits, as proposed. He said that most speed reports come from neighborhoods with noticeable pass-through traffic, where people are more comfortable driving daily and are therefore more easily distracted or ignore neighborhood wishes; it is a more challenging issue because of the human factor. Most speed concerns that neighbors have brought to Council in recent years were ultimately more so volume problems. Options implemented throughout the City, such as speed tables, in most cases are not a remedy for the root issue of distracted drivers.

Chief Russo recalled that this Committee heard about speed radar monitors, which cost nothing to use and can generate data and reports. He said that a City-wide review of speed limits would be complex, time consuming, and require mapping areas, all of which he said is doable. He left legal questions to the City Attorney, Tom Mullins.

Councilor Filiault asked the issue with reducing the speed limit from 30mph to 25mph in all neighborhoods. The Public Works Director said that would first require a traffic analysis to define the problem, as Chief Russo indicated. Another significant issue would be to define what a "neighborhood" is. These things will take time to work through for staff and this Committee. State law refers to urban roads as 30mph and if you want something different, you can. He said the question is how to review doing this as an exception City-wide. This past year there was house bill 39 would have changed state statute giving ability for a base speed of 25mph but as he anticipated, it was inexpedient to legislate.

Councilor Filiault asked if the City could legally reduce the speed limit from 30mph to 25mph on any street. The Public Works Director thought yes, based on his reading of the statute, but he was unsure because the law is different for urban and rural roads, which is why a study is needed. Based on his expertise as an engineer, Councilor Filiault asked the Public Works Director where he would anticipate objections to reducing the speed limit. The Public Works Director replied that different objections come from different streets and neighborhoods. He said that engineers look at the 80th and 50th percentile speeds to establish how comfortable drivers feel on a street and if there are things to make it feel like they cannot go that speed, such as speed tables. He said drivers would go the speed they feel they can go naturally and recalled issues of distracted drivers. He could not anticipate who would disagree. Councilor Filiault asked if a study were to be made, whether that would be returned to the present Council or the Council-elect. Based on the Council schedule, the Public Works Director anticipated it would not be before January 2020. Chief Russo added that there are 27 streets mandated as 30mph, so if they Ordinance were changed, then those 27 would be the smaller list with all other streets at 25mph.

Councilor Lamoureux requested advice from the City Attorney, who provided a preliminary comment on what he said, is a big topic. Under state law, there are prima facie speed limits for certain districts, such as 30mph in urban residential districts and 35mph in rural districts. He had not found case law detailing why those specific speeds were chosen. There is also exception language that does require some kind of analysis by engineering or traffic investigation that is different from the Manual on Uniform Traffic Control Devices that this Committee heard of previously. Legal issues in general are to find out what are arterial streets, urban areas, residential areas, and rural areas, which will take Planning, Zoning, and other assistance. He spoke to the license plate cameras, which have very strict restrictions in NH; there are specific limitations in the law on when they can be used. Unless it gives you a hit on a permitted reason to stop, like outstanding warrant or stolen vehicle, that information is deleted within 3 minutes after collection. He cited many issues regarding traffic cameras of which the City must be careful moving forward. Chief Russo added that license plate readers are only recently legal.

Councilor Hooper said he hears from neighbors in Ward One about speeding concerns, including people taking short cuts between Route 12 and Monadnock Highway. He stated that an additional problem upsetting neighbors is people speeding through their own neighborhoods to get home, including one outlier who was contacted by a neighbor, who rudely asked them to leave. He cited concern that neighbors speed and do not care, so he firmly supported further analysis to find ways to rebuke those who speed more. He was unsure how to accomplish all that he cited, but said there must be a way to identify the outliers. He supported further analysis of the license plate camera idea, and if it is impractical, he will be the first to move on.

Councilor Sutherland said that speeding is considered a safety issue but may be a perception issue. He asked if there are recorded injuries/deaths in neighborhoods. Chief Russo expected the records to be zero. There was only one fatal accident in Keene in 2018 and two in 2017, but none was in a neighborhood. Councilor Sutherland suspected

that the NH RSA requiring 30mph was in place a very long time. He said that any studies the City progresses with should show definitively if this is just a perception or if there is a speed problem that requires more cost devoted to enforcement, and what that cost would be.

Councilor Filiault recalled mentioning at a past meeting that Council sometimes turns simple issues into rocket science and he saw this heading that way. To be simple, he suggested asking staff to return with a comprehensive report. He said it is not complicated.

Chair Manwaring recognized Councilor Bosley who recalled personally witnessing a 10-year-old struck while riding their bike on the corner of Elm and Spruce Streets, where there is no four-way stop. While that was likely not a fatality, she thinks a report should focus not just on fatalities, but on strikes as well because even one child is too many. She was unsure for how many past years to collect data. Chief Russo said that a comprehensive review would only provide data, not the details of such incidences. He knew the instances Councilor Bosley spoke of, and he said the underlying causes of those incidences provide more important details than the strike data would. He said there is also data of reported child strikes when none actually occurred. The Public Works Director recalled a similar study in years past looking at pedestrian/bike-vehicle accidents over a five-year period; there were only three accidents near Davis Street, which he said was unsurprising. He agreed that historic data often does not match perceptions.

Chair Manwaring recognized Councilor Carl Jacobs, who said this is an important discussion and one the Council should respect as many citizens are bringing it forward. He recalled examples when Keene State College and Main Street America contributed as residents to a solution of buying a sign they wanted to help the City and neighborhood. He said that was a good model and neighbors should consider if they are willing to contribute similarly in other locations.

Chair Manwaring recognized Councilor Philip Jones, who thanked Councilor Bosley and Councilor David Richards for writing this letter to Council in an effort to be proactive instead of reactive, which he said is challenging in this context. He noted the issue of speeding before City Council dating back to Mayor Blastos, who first proposed traffic cameras, which were not then allowed under NH RSA. He recalled Council reducing the speed limit to 25mph on Pako Avenue, but said that did not control traffic; conversely, narrowing lanes there slowed the traffic. He suggested investing to place more permanent flashing speed monitors elsewhere throughout the City as a second reminder of what the speed is and what a driver is doing. He said in the past, Council has just done things to feel good, such as installing speed tables on North Lincoln Street as a “remedy” after a child was struck and killed by a driver under the influence. He cited long-term issues on Bradford Road; the City Engineer provided a workshop for residents, who were against the Complete Streets proposals because bikes were unwanted in the streets. He said staff has tried to solve this never-ending problem and he did not know the answer but thought it was more than just speed limits.

Chair Manwaring recognized John Dunnell (of 34 Lynwood Avenue), who lives in the Edgewood community. He complimented Councilor Filiault for keeping things in reality and for requesting simplicity. He said it is difficult to drive at 30mph on lower Main Street to the Swanzey line and then turn into his neighborhood with the same speed posted. He said it made no sense to him and he was not confident in a few week's data. He encouraged the Committee to carry forward this request. He saw nothing wrong with 25mph throughout the City, and as long as the areas are defined, he does not think anyone will complain.

Chair Manwaring agreed that she was against rocket science but in looking at this issue, she hopes any report will define important things like roads, streets, and sidewalks.

Councilor Filiault moved to recommend that City staff be directed to conduct an analysis of speed limits in the City of Keene.

Councilor Filiault said he called for review of the "City" as opposed to "neighborhoods," which is too ambiguous. He said staff knows what the Council is looking for.

Councilor Hooper seconded the motion.

Councilor Lamoureux asked in general the amount of staff time and cost this sort of review would require. Chief Russo and the Public Works Director agreed it would take a lot of time and money. The City Manager added that it depends on the scope of work but if analyzing speed limits and safety issues in the whole City, which staff can certainly do so, it would not have a quick turnaround. Councilor Lamoureux asked if any other communities have lowered the speed limit for their entire city. The Public Works Director was unaware but had not researched that question specifically. Councilor Lamoureux asked if Primex would be contacted and the City Attorney agreed to do so.

Councilor Hooper said that safety is a bottom line when he makes decisions and said the Council needs to seek the best solutions for these complex issues in neighborhoods and the City.

On a vote of 3-2, the Municipal Services, Facilities & Infrastructure Committee recommends that City staff be directed to conduct an analysis of speed limits in the City of Keene. Councilors Lamoureux and Sutherland opposed.

2) Authorization to Grant a Utility Easement – Public Works Department

The City Engineer, Don Lussiere, referred to a request the City received from Keene Housing, which has substantial renovations underway on the Central Square Terrace (CST) property adjacent to City Hall. Part of the work is to move the electrical system and switchboard up and out of the basement where it is currently stored but is prone to moisture. They contacted the City about rerunning conduits. While reviewing that request, it became clear there were discrepancies in the historic property deals when the City built the parking garage.

The City Engineer used a map to orient viewers, demonstrating how the Central Square Terrace building extends toward Main Street. In 1984, the predecessor to Keene Housing gave the City the parking garage area in return for the CST breezeway area. Shortly after, CST needed back a portion of the parking lot land for utilities and received an easement from the City to place a transformer that remains there today. He showed the 3.6' gap between the transformer and CST's property line. The request before the Committee was to amend the 1984 easement for a transformer to include the area between the transformer and the property line so CST can lawfully run conduits and install equipment.

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

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends that the City manager be authorized to do all things necessary to negotiate and execute an amendment to the existing easement with Central Square Terrace Housing Associates Limited Partnership to allow for conduit and appurtenant equipment between the transformer and the Central Square Terrace building across the City of Keene parcel that contains the City Hall parking structure.

3) Katie Schwerin – Public Art Proposal

Chair Manwaring welcomed Katie Schwerin (of Gilsum) and Adam Schepker (of Harrisville). Ms. Schwerin recalled the City Council approved the public art installation of a labyrinth on a parcel of Dillant Hopkins Airport property, off Airport Road. At that time, the plan was to install two accompanying sculptures on the site, but they were yet to be detailed to propose to the Council and answer questions. She noted to being the first to apply for a public art display through the City's new policy and felt part of the policy that is missing was to have the art reviewed by local artists, who were invited to speak at this meeting. She asked some artists to visit the site for the first time and their first response was that the labyrinth is placed beautifully in the hillside and the whole view from the labyrinth in the natural setting is important for the piece of art. She showed photos of two sculptures proposed; she noted that only one sculpture was included in the application as the other pended details and she was unsure if separate application would be required.

Ms. Schwerin and Mr. Schepker described the two sculptures:

1. Martina Mueller (of New York) created an aluminum cast sculpture and all parts are complete pending fundraising for the final, expensive bronze finish.
2. Mr. Schepker created a nearly complete geometric sculpture created from metal salvaged from the bases of airport runway lights.

Ms. Schwerin commented that a local artist pointed out that the first statue feels more connected to the landscape, so a location was suggested closer to the labyrinth. Mr. Schepker feels his sculpture is more industrial and connected to the airport so placement has been suggested along the trail across from the airport, which connects to the labyrinth site. He said it would help show that the path exists and give the area an artistic touch for pedestrians. He also said this is an extension of the art movement in Keene, like the Walldogs festival.

The Public Works Director, Kurt Blomquist, said this is exciting work and he recalled working on the public arts policy with the Director of Parks, Recreation & Facilities. The first step in the policy is for the artists to present their ideas to this Committee, who then refer them to the staff process of completeness to ensure all parts of the Ordinance are met, if the City wants to accept the art donation, and if it is an appropriate reflection of the community.

The City Manager, Elizabeth Dragon, said the applicant would not need to return with another application for the second sculpture because staff review would follow, at which time she said the application could be amended. Chair Manwaring thought the entire process was through the Director of Parks, Recreation & Facilities last time and that he presented a complete package about the art before coming to the Committee. Ms. Schwerin recalled she chose to present before the Committee a second time regarding the labyrinth. The Public Works Director said this is an exciting first step and he will work closely with the Director of Parks & Recreation and Rebecca Landry, who is overseeing the airport currently.

Ms. Schwerin said she would be happy to donate these sculptures to the City but she thought the City was disinclined to do so because of insurances. The proposal before the Committee stated that Machina Arts would own the sculptures and therefore the insurances. Mr. Schepker thought that Machina Arts' ownership would relieve the issue of possible future maintenance for the City; Ms. Schwerin said they are permanent structures so if there were would be maintenance issues.

Councilor Sutherland recalled serving on the former Airport Advisory Committee and learning that the path in question across from the airport once led to a tower that has since been leveled because people were climbing it. He asked if there was concern for children climbing these proposed sculptures. Mr. Schepker said kids could find the need to climb the sculptures but they would be structurally sound. Councilor Sutherland said he was thinking outside the box for locations and security. He wondered if Mr. Schepker's sculpture would be aptly placed against a wall at the airport. He suggested staff consider safety with final approval.

Councilor Hooper thought both sculptures were very good and said he supports the arts in general and at the airport. He thinks this is another welcome to Keene for airport visitors. He agreed that both sculptures belong at the airport but in different locations for the reasons mentioned.

Chair Manwaring recognized Councilor Carl Jacobs, who was happy to hear reference to the policy he, staff, and many others worked on for a few years. He said this is another good step to adjust after gaining familiarity with the process. Obviously, he said art should be structurally sound, beautiful, and appropriate to place. Councilor Filaault applauded Councilor Jacobs for spearheading the arts program for years, which has finally come to fruition with these great projects. Councilor Jacobs said it feels good.

Chair Manwaring recognized Craig Scottwell, a local artist and Director of the NH Institute of Fine Arts MFA program. He applauded the City for its hard work to gain a tremendous identity and relationship with the arts. He thinks the labyrinth fits into the hillside, which is why it should be untroubled by the other art.

Chair Manwaring said she loves the labyrinth and hears the same from others.

The Public Works Director said this would take at least two Council cycles to return to this Committee, because higher priority City projects come first and details of the sculptures remain undone. He will bring it back to Committee as soon as all is finalized, though construction is not expected during the winter months.

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

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends that the proposed public arts display by Katie Schwerin to be placed at the Dillant Hopkins Airport be referred to the City Manager to review the proposed display in accordance with Resolution R-2018-22 and possible acceptance by the City.

4) Adjournment

Hearing no further business, Chair Manwaring adjourned the meeting at 7:05 PM.

Respectfully submitted by,
Katie Kibler, Minute Taker
October 13, 2019

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