

City of Keene
New Hampshire

MUNICIPAL SERVICES, FACILITIES AND INFRASTRUCTURE COMMITTEE
MEETING MINUTES

Wednesday, January 22, 2020

6:00 PM

Council Chambers B

Members Present:

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

Staff Present:

Elizabeth Fox, HR Director/Assistant City
Manager
Thomas P. Mullins, City Attorney
Kürt Blomquist, Public Works
Director/Emergency Management Director
Steve Russo, Police Chief
William Dow, Deputy City Clerk
John Rogers, Building & Health Officer
Rhett Lamb, Community Development
Director/Assistant City Manager
Andy Bohannon, Director of Parks,
Recreation & Facilities
Tom Moran, Assistant Public Works Director

Members Not Present:

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

1) Comprehensive Review of Neighborhood Speed Limits – Public Works Department

Chair Manwaring recognized Councilor Bosley who submitted a letter to the City in fall 2019 regarding neighborhood speed limits. Councilor Bosley noted she learned a lot that was new to her during the process about the rules and abilities of Councilors. As she understands the process, when the City receives a request from the public City staff are typically charged with collecting data on the issue so that Council can make an informed decision. In this instance, City staff researched speed issues in the City and data showed no significant speed problems in neighborhoods. Still, she recalled that the public was adamant and filled the room when this issue was presented because they have kids and what they see in their neighborhoods did not align with the data. She referred to a past instance when Council listened to neighbors from a particular neighborhood and allowed the speed there to be reduced. That process reminded Councilor Bosley that the City Council is largely complaint driven and that their job as Councilors is to represent the entire City. As such, she wants to advocate for all neighborhoods that might not know how to find a Councilor or speak up on these issues. In looking at maps of where City speed limits have been lowered in the past, Councilor Bosley observed that most areas seemed to be more affluent areas with large yards, for example. She wanted the Council to consider areas of the City that have apartments without yards, where kids use streets more often

to access green spaces. She said that after working with City staff to understand the data and current situations, she recommended that staff and the Council work together to review a map of City streets and consider where to lower speed limits in specific locations when requests are presented by neighbors. Councilor Bosley did not want this leading to thousands of City dollars expended on traffic studies.

The Public Works Director, Kürt Blomquist, recalled that this Committee reviewed a request from Councilor Bosley and former Councilor David Richards. The Committee asked staff to return with a potential plan. He said that staff from the Public Works, Police, and Community Services Departments have since worked together on a plan that follows State Statutes for speed limit alteration, and which incorporates a traffic analysis or engineering study before reductions in speed limits occur. Councilors referred to the staff's memo, which proposed for the Committee's consideration a possible four-step process:

1. Use electronic police records to compile pedestrian, vehicle, and bike accidents from 2015-2019 to determine if there are hotspots throughout the City. The Police and Public Works Departments have devices to capture speed information to generate baseline data, but data has not been collected for all City streets. After reviewing the data that staff compiles, the Council could choose whether to continue to step two.
2. Staff would conduct a whole review of existing City streets to determine which streets are eligible under State Statute for potential speed reductions.
3. Staff would present a comprehensive City review and a full scope of work to accomplish any further research needed. The Council would decide whether to move forward with a scope of work.
4. Implement the scope of work.

The Public Works Director noted that the City Engineer is approaching construction season and therefore the progression of the aforementioned steps might be slower than the Council would prefer, and data collection would likely not occur until spring/summer because winter is not ideal for determining driving habits.

Thus, the Public Works Director said that the Council could choose to proceed with steps one and two outlined above or the Council could choose to continue reviewing requests to lower speed limits on a case-by-case basis. The Police Chief, Steve Russo, added that the four steps outlined above would be a long process.

Councilor Chadbourne asked how long it would take to accomplish steps one and two, in addition to the staff time required for such an effort. The Public Works Director believed that staff could return to this Committee on March 11 with the products of steps one and two. He continued saying that if the Council then moved forward with step three, it would be a more substantial process and he had not yet quantified the amount of staff time that would be needed; though outside assistance might be required. Councilor Chadbourne recalled that in addition to moving forward with steps one and two, the Committee could also consider Councilor Bosley's recommendation to target streets with family neighborhoods.

Councilor Giacomo referred to NH RSA 265:63 – Alteration of Limits, which indicates that the most the City can do is lower the speed limit from 30mph to 25mph, but primarily in areas with intersections or schools. He asked if there is data in Keene or anywhere else indicating that reducing the speed limit from 30mph to 25mph actually causes the public to drive accordingly. The Public Works Director recalled presenting data to this Committee for Skyline Drive, where the 85th percentile of drivers drove well below 25mph in a 30mph zone, which he said is generally the case in the majority of Keene neighborhoods. He said the challenge is driver comfort; no matter what the posted speed, if a driver is comfortable driving faster, he said they typically would. The Public Works Director continued saying that there are many reasons for driver inattentiveness, but the City has found that physical things like narrowing streets or shifting roads to limit visual distance, for example, have been more effective at slowing drivers than lowering the speed limit. The Police Chief added that the studies Councilor Giacomo mentioned likely do not exist because municipalities changing speed limits from 30mph to 25mph cannot afford such research. Such studies are typically to alter limits on state highways.

Councilor Filiault recalled pushback from City staff when the speed limit was lowered from 30mph to 25mph on Skyline Drive in 2019, despite neighbors arguing that it would work. Since implementation, Councilor Filiault said that the change has worked tremendously as evidenced by dozens of neighbors thanking him for the signs and admitting they are a helpful reminder to slow down. While the electronic devices producing data might not indicate any improvement, if neighbors say it is working, then that is all Councilor Filiault says he needs to hear. He suggested listening to Councilor Bosley's suggestion to look seriously at possible locations where this change could make sense versus changes to the whole City.

Councilor Williams expressed concern about only basing decisions on the last five-year's data because vehicle technology is changing constantly, such as the increase of electric scooters and bikes.

Councilor Chadbourne recalled bringing forward this change for her neighborhood. She lives on a busy cross street that is predominantly rentals with many young families using the streets in absence of yards. She has lived there for decades and has observed a cycle of increasing neighbor frustration over speeding drivers that lead them to complain to the City. Their complaint resulted in an increased police/speed detector presence, and in response, the drivers become more conscious, which she said might work for a few seasons before the cycle repeats. She thought it interesting that when neighbors approached her about speed concerns, they thought the speed limit was already 25mph because there is a school in the neighborhood. She agreed it could be more manageable to focus on areas with children/schools, where neighbors might not have the knowledge or confidence to advocate for their neighborhood. Councilor Chadbourne thanked Councilor Bosley and former Councilor Richards for bringing this matter forward and helping the City to be more proactive than reactive.

The Police Chief clarified that he is not against lowering speed limits. His job is safety and while he wishes he could simply sign something lowering the limits, there must be some data substantiating a concern in order to do so. While the data might not be matching neighborhood perception, he said there is a process required by State Statute and his job is to bring facts to the Council; and what the Council does with that information is their choice.

In addition to accidents, Chair Manwaring asked if data would be available on near misses. The Police Chief said there would only be documentation if someone calls and reports the near miss with specific details about the car and license plate, which is the information needed for the police to investigate. He said many of these issues are not clear-cut and usually do not show-up in the Police log to contribute to statistics.

Chair Manwaring asked if the Committee could have a list of City streets per zone (high density, low density, rural, etc.) and the Public Works Director said that would be challenging because each department defines or categorizes streets differently for their purposes. For example, the Public Works Department classifies interior, arterial, and collector streets, among others. Chair Manwaring asked the Community Development Director, Rhett Lamb, if staff could produce an overlay of City streets per zone. The Community Development Director said it was possible. He said that if staff works together to use agreed upon terms to classify streets for this purpose with the reasonably available data, they could overlay the existing understanding of street networks with the zoning districts.

In response to the Police Chief, Councilor Chadbourne recalled that speed radar data from her neighborhood was skewed because data was collected after drivers saw the flashing speed warning, which she thinks influences the outcome of the data. The Public Works Director agreed that there was a mistake in Councilor Chadbourne's instance but said the typical procedure is to place the radars first without flashing the speed for drivers, while the device still collects data on passing vehicles. After which, the radars are turned on and data collection continues. The Police Chief added that many speed concerns are based on perception. He said that when walking on a narrow street, a passing car only going 22mph would feel to the walker that the car is going faster. Still, he acknowledged that data does not override perception and emotion. The Police Chief continued by acknowledging that there are always a few instances of outliers caught at high speeds. Councilor Chadbourne said that personally when the flashing radars are present her speed awareness is higher.

Based on the Police Chief's statements, Chair Manwaring asked if as a part of the aforementioned steps one and two, the City website could accept public comment on what they perceive in their neighborhoods. While the staff present was unsure what was possible on the City website, they agreed there were options to seek feedback on the Public Works and Community Development Department's social media.

Chair Manwaring recognized Councilor Bosley to share final comments. Councilor Bosley felt the general public interpretation of speed is to go five miles over the posted speed limit. She thinks that posted speeds will make a difference because people will actually know there is a limit. She said that these radars should be backed up with enforcement. She said that she hears staff talk about the radar technology they have available, but she does not understand why she does not see them rotating all over the City. After first presenting this issue to Council, Councilor Bosley said the residents from Beaver Street, Felt Road, Highland Avenue, Church Street, and Avon Street wrote her stating that the issue means a lot to them, but they do not know what to do about it. She will happily share those emails with the rest of Council. She liked the Community Development Director's suggestion about the overlay and supported giving the Public Works

Department more time to create it. She thought the Committee knew emotionally the right thing to do.

There were no public comments.

Councilor Filiault made the following motion, which Councilor Chadbourne seconded. On a vote of 5-0, the Municipal Service, Facilities & Infrastructure Committee recommended that City Council direct the City Manager to create an overlay map (that would show zoning designations and street classifications) and return it to this Committee as soon as possible.

2) Brett Amy Thelen/Harris Center for Conservation Education – Temporary Road Closures – Amphibian Crossing

Chair Manwaring welcomed Brett Amy Thelen, Science Director at the Harris Center for Conservation Education, which does nonprofit work all over the region, including Keene. Ms. Thelen said that this request is based on a natural phenomenon of amphibian species migration that occurs during the first warm, rainy nights of spring after the snow pack melts. Thousands of salamanders and frogs cross roads on these nights to move toward breeding wetlands. The Harris Center organizes volunteers on many of these nights to counteract the growing conservation concern of roadkill. Volunteers carry the amphibians across the roadways. The Harris Center worked with the Public Works Director and they received Council approval in 2018 and 2019 to close a portion of North Lincoln Street between George Street and the Woodland Cemetery. No homes are impacted by the closure. In 2019, 3,500 amphibian crossings were documented at the North Lincoln Street crossing, through the same animal could possibly be counted more than once. Still, Ms. Thelen said this was likely a significant underestimate of total crossings. This has become a popular activity for families with young children because road closures make it safer. Volunteers are trained each year for safety. Keene is the only City in NH to take these steps for amphibian roadkill prevention and Ms. Thelen said this activity has generated significant positive press for the City.

This year, Ms. Thelen said her request is to continue the road closure arrangement on North Lincoln Street. Ms. Thelen noted it is challenging to predict the weather and if the conditions are not specific (40°F, raining, after dark, when the ground has thawed in the spring) then the migration will not occur that night. The Public Works Director needs to be notified by 12:00 PM on the day of closure so staff can implement the barricades and road closure signs before the end of business; the barricades can be moved quickly and easily in case of emergency. Sometimes however, the weather may appear conducive early in the day but is then unfavorable in the evening and the event is canceled. For example, in 2018-2019, Council approved closures for up to six nights, but not all were used in either year. Ms. Thelen expressed her hope that the North Lincoln Street closure could be incorporated into normal annual City operations with the understanding that Council can rescind that approval anytime.

Ms. Thelen continued explaining that she spoke with Duncan Watson, Assistant Public Works Director, about a possible experiment in 2020 implementing a similar temporary closure of Jordan Road. While North Lincoln Street has the highest annual amphibian crossings on average and most public participation because the closure is safer, Jordan Road annually has crossings of

the Jefferson salamander, which is a species of special conservation concern. Ms. Thelen noted she is seeking approval to work with the City to close a portion of Jordan Road for up to two nights to see if it can work. The Jordan Road site is more challenging to detour because people live there, whereas there are no impacts to residences at the North Lincoln Street closure.

Chair Manwaring asked where the closure would be on Jordan Road. Ms. Thelen replied that the salamanders are all moving toward the vernal pools in Robin Hood Park, so the closure would affect Jordan Road between Peg Shop Road and North Concord Road. Chair Manwaring asked the plan to notify the residents of Jordan Road. Ms. Thelen said for the past two years the City and Harris Center spread the word widely on their respective social media and there have been articles in The Keene Sentinel. Chair Manwaring suggested a letter to the effected homeowners with the information that is posted on social media. While Ms. Thelen believed anyone who has lived on Jordan Road long enough are likely familiar with the event, she could discuss a mailing with staff.

Councilor Williams said he lives on North Lincoln Street and the event there is great for kids. He asked what changes Ms. Thelen seeks there. Ms. Thelen replied that moving forward she hoped the North Lincoln Street closure could be a regular event that does not require annual Council approval, whether by a memorandum of understanding or another agreement.

Councilor Chadbourne recalled volunteering at both locations in the past and being amazed at people stopping on Jordan Road to support volunteer crossing. She supported the experiment on Jordan Road and said she could not imagine people complaining. She recalled that even with how cooperative drivers were, there were many roadkill, and if the Jefferson Salamander is a species of concern, she thought it a detriment if Council did not take a larger step.

Councilor Filiault expressed support for this conservation effort. He asked the City Attorney, whether a street could be temporarily closed on such a basis without Council approval. The City Attorney said that the City Manager could authorize a temporary closure in collaboration with the Police, Fire, Public Works, and other relevant departments, which should be specific in any motion this Committee makes.

Councilor Giacomo also recalled volunteering at this event in 2019. He asked if the Jordan Road request was for a specific number of days or times of day. Ms. Thelen requested up to two nights with the ideal weather patterns described above. The closure and activity would be the same as past North Lincoln Street events.

Councilor Chadbourne said it does not take many cars to do a lot of damage when there are hundreds of amphibians on the road, even with volunteers. Ms. Thelen agreed that in the last few years on North Lincoln Street and Jordan Road, where there are the most volunteers, estimated amphibian mortality was 10%. Whereas on Eastern Avenue where there are fewer volunteers due to lower road safety there, amphibian mortality has been estimated as 50%, which is likely low because the dead are counted less when efforts are underway to move those alive. Councilor Chadbourne recalled picking-up more dead than alive when she volunteered at Jordan Road.

Chair Manwaring requested comments from the Public Works Director, Kürt Blomquist, who agreed that this event is important for conservation and said it generates great press for the City to reach a different audience. However, he said staff would need to return with proposed language for the annual North Lincoln Street closure. He agreed with the City Attorney that per State Statute and City Code, the Public Works and Police Departments have the authority to close roads in certain instances. If the closure does not meet those standards for closure by law, then City Council has the ultimate authority to close roads for any purposes. The Public Works Director continued saying that past North Lincoln Street events have been effective, safe for families, and easy because there are no residences affected by the closure between Roxbury Road and George Street. He said that Jordan Road would be a harder closure to accomplish without significant impacts to residents who live there, but he wanted to look at the possibility more closely. He said the issue is less about the closure itself and more about where people would turn around to detour because Jordan Road is not wide enough to do so in all locations. In general, he said that residents have understood the slight inconvenience because of these events and the few complaints are typically from the traveling public using those roads to move through the City. The Public Works Director recommended that the Committee place this matter on more time to allow staff to draft the correct language to delegate authority moving forward so the City Manager could authorize the closures in the future without Council review. Staff did not have enough time to do that research between receiving this request and this meeting. The Public Works Director thought one Council cycle would be sufficient time to return with a recommendation.

Councilor Filiault did not understand why the matter should be placed on more time versus wording a motion at this meeting giving the City Manager that authority. The City Attorney suggested voting on the first recommended motion provided by staff and placing the second and third recommended motions on more time as the Public Works Director requested. Councilor Filiault agreed.

The Police Chief, Steve Russo, said that the North Lincoln Street closure has occurred safely in the past, but said he could not support the Jordan Street closure, calling it unsafe because there is a lot of thru travel with nowhere to turn around on a dark night on an unlit road. He was not comfortable and did not recommend this closure on Jordan Road. He continues to support the North Lincoln Street closure.

Ms. Thelen said it was unfortunate that Mr. Watson was not present because he described the closure on Jordan Road as simpler than it sounded from the Public Works Director and Police Chief. She understood it as a full closure from Peg Shop Road to North Concord Road, with only local traffic allowed, so there would be no need to turn around. The Public Works Director said this confusion is why he recommended more time.

Chair Manwaring recognized Karen Seaver, an adjunct professor at Keene State College and staff ecologist at the Harris Center. Ms. Seaver thought the safety concern about closing Jordan Road was serious and said it sounded smart to take more time to find the smart way to move forward based on practical considerations. She added that amphibian populations are in a huge global decline due to human influence, climate change, invasive species, and more. Still, she said the Jefferson salamander on Jordan Road is rare and extra efforts should be paid to it. Ms. Seaver

and Ms. Thelen agreed that in the last five years, 176 volunteers have participated safely on volunteer nights, including between 5-25 on any given volunteer night on Jordan Road, where they both expected increased participation with road closure and thus increased safety.

Councilor Giacomo made the following motion, which Councilor Filiault seconded. On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommended that the City Council authorize the closing of a portion of North Lincoln Street for several evenings that are coordinated with City staff between March and April 2020, when conditions are favorable for amphibian migration. City staff may cancel the closure and/or reopen the road at any time, if deemed necessary for the convenience and safety of the public.

Councilor Filiault made the following motion, which Councilor Giacomo seconded. On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommended the issues related to the specific closure of Jordan Road as well as future requests be handled administratively and be placed on more time.

3) Councilor Williams – Accessibility Access at City Facilities

Chair Manwaring welcomed Councilor Williams to address the rest of the Committee regarding concerns about handicap access to City facilities. His concern began while watching residents walk to the election polls at the Parks and Recreation Center last fall. He saw several people with wheelchairs or walkers struggle where there is no curbing and he saw an elderly person fall. He said this area at the Recreation Center needs to be addressed importantly because it is a polling place, but it is not the only location he has identified (the others were marked in a photo submitted to Council) and he said all these functions should be easily available to all people in Keene. More broadly, Councilor Williams questioned what other City facilities have similar problems. Thus, in addition to requesting that the City review access at the Recreation Center, he requested that staff look all City facilities and other problems such as sidewalks in poor repair that limit access to those facilities. While the sidewalks are important, he said this is a broad issue and he wanted to keep it narrowly focused on City facilities at this time.

Councilor Filiault applauded Councilor Williams for his early leadership on City Council. Because this matter would require more time, Councilor Filiault suggested moving forward with a motion as such.

Chair Manwaring asked for initial staff comments. Andy Bohannon, Director of Parks, Recreation & Facilities said that Councilor Williams' concern went through the City Manager and staff via the Council process. Mr. Bohannon, the Deputy City Clerk (regarding polling locations), William Dow, and the Building & Health Official, John Rogers, met with Councilor Williams to discuss the concerns. Mr. Bohannon said that the City currently meets American Disability Association (ADA) requirements for all polling locations and staff is working to ensure that curbing is correct at all bus facilities. Councilor Williams added that most facilities were built before the most recent codes were developed, but said the City can begin looking at ways to rectify problems. Mr. Bohannon said he would keep working with Mr. Dow and Mr. Rogers to develop a recommendation for the Committee.

Assistant City Manager, Elizabeth Fox, said that in the short term with an election approaching it was most important to note that the City is in compliance for all voting locations, which are all inspected annually by the Secretary of State. She said there are always opportunities for improvement and staff looks forward to further discussions. Mr. Rogers said that the Recreation Center is an existing structure and it met the existing codes when it was built. Staff reviews buildings when there is a change of use to ensure necessary improvements occur for accessibility. He said that while City owned sidewalks are in compliance there is definitely room for improvements. Mr. Dow added that he met with Councilor Williams at the Recreation Center to demonstrate how the facility complies with the ADA and State Law, including a ramp into the polling location. Councilor Williams said that staff has been helpful and eager to address this.

Councilor Chadbourne made the following motion, which Councilor Filiault seconded. On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommended that this item be placed on more time to allow staff to meet with Councilor Williams regarding facility accessibility standards.

4) Ordinance O-2020-01: Sewer Service and Industrial Pretreatment

Chair Manwaring welcomed Kurt Blomquist, the Public Works Director, and Tom Moran, Assistant Public Works Director & Utilities Maintenance Manager. Mr. Moran recalled that in 2008, City staff sent suggested language to the Environmental Protection Agency (EPA) for changes to the term “agreement” and that to date the City has not received a response. In August 2019 in the absence of an EPA response, the NH Department of Environmental Services (DES) industrial pretreatment crew instructed the City to move forward with the change so that what were previously called “agreements” with industrial customers would not be called “permits.” Mr. Blomquist recalled that various industries in Keene discharge into the wastewater treatment system. One way the City manages the discharge of that water into the Ashuelot River is via permit (previously “agreement”) to minimize the treatment process for the City is to require industrial customers to pretreat or minimize their waste entering the stream. Industrial customers are also given a testing schedule and were previously required to maintain testing records for three years but the requirement has been changed to five years. This Committee oversees the wastewater system to ensure proper discharge. This Ordinance will update the language described in the City Code.

Councilor Williams made the following motion, which Councilor Filiault seconded. On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommended the adoption of Ordinance O-2020-01.

There being no further business, Chair Manwaring adjourned the meeting at 7:26 PM.

Respectfully submitted by,
Katrnya Kibler, Minute Taker
January 26, 2019