

City of Keene
New Hampshire

MUNICIPAL SERVICES, FACILITIES, AND INFRASTRUCTURE COMMITTEE
MEETING MINUTES

**Wednesday, September 9, 2015 6:00 pm City Hall, 2nd Floor, Council
Chambers**

Members Present:

James P. Duffy, Chair
Janis O. Manwaring
Robert J. O'Connor

Members Absent:

Philip M. Jones, Vice Chair
Sheryl A. Redfern

Staff Present:

Public Works Director Kürt Blomquist
Assistant City Manager Med Kopczynski
City Attorney Thomas Mullins
Library Director Nancy Vincent
Police Chief Brian Costa
Planning Director Rhett Mr. Lamb
Parking Operations Manager Ginger Hill

Others Present:

Councilor Carl B. Jacobs
Councilor David R. Meader
Councilor Randy L. Filiault
Councilor Terry M. Clark

Chair Duffy called the meeting to order at 6:00 PM and explained the procedures of the meeting.

1. PRESENTATION – Partner City Committee

Tom Link, Chair of the Partner City Committee stated that other members of the committee could not be here, but he wants to recognize them and their excellent work: Irene Davis, Vice Chair; Karen Parsells; Kathy Frink; John Mitchell; Dawn Thomas-Smith, Antje Hornbeck; Steve Russo; and Helen Mattson, staff liaison.

He continued that the PCC was first thought about by Mayor Pat Russel. There was a business in town with headquarters in Einbeck, Germany. Mayor Russel had opportunities to speak to some of the leadership here in Keene as well as in Einbeck. An exchange of business and cultural ideas seemed like a good idea. That was followed up by Mayor Blastos, who set up an exploratory group in 2000. A formal relationship was signed by Einbeck's Mayor and Mayor Blastos in 2002. The PCC has existed formally for 13 years, and informally for 15 years.

Mr. Link continued that Einbeck has about 27,000 residents, and has a very long and rich history, with a beautiful downtown with timber frame houses, cobblestone streets, and old churches. Prominent, successful businesses include a brewery that has been operating since the 1400s. The beautiful plaza across from Einbeck's City Hall was recently renamed "Keene Platz." In kind,

Keene named and dedicated the fountain area at Central Square in honor of Einbeck. The partnership has been very positive for all involved.

Mr. Link continued that it is probably impossible to recount all of the terrific experiences that have happened, but he wants to talk about some of the activities they have planned for the next few years. Soccer was the first foundation for exchanges. Teenage boys from Einbeck came to play soccer here and then some teenagers from Keene went to play soccer in Einbeck. Some of those boys are now about 30 years old, and friendships have endured over the years. Members of Einbeck's soccer team are coming to Keene on their own, and vice versa. There was a soccer exchange here in 2014, and the next one is in Einbeck in 2017, followed by another in Keene in 2018. They have been talking about school partnerships, and are now getting into the details of how to make it work. In October and November for about three weeks, students and teachers from Einbeck will attend classes at the Cheshire Career Center at Keene High School (KHS). They will visit and spend time in local businesses. In 2016 a similar group of students from the Cheshire Career Center will visit Einbeck. It is very exciting for all.

He continued that cultural exchanges have been ongoing for years – the Keene Chorale Society went to Einbeck and sang with a group there, at an incredible, standing-room-only concert. In 2013, singers from Einbeck came to Keene and again, at a concert at Keene State College (KSC), they packed the house. There are plans for representatives from the Nelson Town Band to perform in Einbeck, and music students from Keene's Waldorf School will travel to Einbeck. In early October, there will be a delegation visit from Keene to Einbeck, including the Mayor, the City Manager, representatives from the Keene Police Department (KPD) and the Public Works Department, two people from Cheshire Medical Center, and others. There have been discussions with the Keene Sentinel about having a more formal exchange of news, and they are exploring social media options, and looking for ways that local businesses can benefit from sharing.

Mr. Link concluded that it is a challenge to include all of the exchanges and activities, but those are the highlights. There are many aspects of this partnership on a City basis and an individual basis, which is heartwarming and wonderful. When the buses from the airport come, and the people from Einbeck meet up with the people in Keene they are staying with, there is laughter, tears and hugs. The benefits transcend athletics, music, art, and culture – it is a terrific opportunity for people of all ages to come live in the homes of people in a foreign country. Lasting relationships have resulted from this, and a better understanding of each other. It is a terrific experience they all look forward to continuing, and they thank the City for the support.

Chair Duffy asked if there is anything the City Council could do to help or support the PCC. Mr. Link replied that the City Council has already been supporting the PCC. He continued that when delegations come here, the welcoming and farewell events are very well attended by the City Council. That gives it an extra level of authenticity and welcome. The City Council and City employees are very supportive.

The consensus of the Committee was to accept the presentation as informational.

2. **COMMUNICATION – Debbie and Dwight Bowie – Suggested Amendments to the Noise Ordinance**
3. **REPORT REFERRED BACK – Councilor Filiault – Suggested Amendment to the Noise Ordinance**

Chair Duffy stated that they will address agenda items #2 and #3 together.

Chair Duffy stated that this was referred back by his request. He spoke with Police Chief Costa, who submitted a memorandum today for the MSFI Committee.

Chair Duffy continued that he hopes they can address everyone's concerns and move forward in a positive way. The MSFI Committee has read the Bowies' communication. Councilor Manwaring stated that one of the things they asked the City Attorney to find out was if they could make rules about noise on the road. The City Attorney replied that staff is still looking at that issue. He continued that the State of NH has a pretty comprehensive statutory scheme with respect to public ways and public roads. The City has some authority but the question of whether or not the City can regulate usual and customary traffic (for lack of a better term) as a noise complaint is still up in the air. You can see from the ordinance that there are certain things the City can regulate, such as the peeling of rubber and squealing of tires. Upshifting and downshifting was mostly meant in a racing context. If the City Council needs to do redrafting of the ordinance, he wanted to hear tonight's discussion first. Then there is the question of this type of truck traffic, which occurs in connection with some other activity, in this situation logging. He does not have all the facts and circumstances of what the activity entailed other than a general understanding that it was logging in a neighboring community and the trucks were coming and going on a public way and a private road. The City cannot regulate noise into another jurisdiction.

The City Attorney continued that another issue, as the Bowies pointed out, is that there is an exemption in the ordinance for permitted activities. If someone is issued a permit for a certain activity, noise generated in connection with that activity is exempt in the current ordinance. You cannot sweep in every concept you have for what is permitted. They also need to keep in mind: it is hard to draft any ordinance that encompasses all of the circumstances that might arise with noise issues. So the ordinance tries to balance off the legitimate issues associated with noise complaints with the potential gray areas. The ordinance is designed for contact between residential units and people living in a compact environment, and not so much to regulate activities on a public way. He needs to hear from others in the room, and the Police Chief, and then staff can proceed if the committee wants to have staff further draft the ordinance.

Chair Duffy asked if the Police Chief wants to comment on the City Attorney's comments.

Chief Costa stated that he does not have any new information beyond what he shared at the meeting two weeks ago. He continued that this logging incident was very upsetting for some people in this room but that activity has now stopped. Questions were raised about the current noise ordinance. There was a reason a lot of attention and time was put into the creation of this ordinance. The impetus was to lessen the burden in the residential areas, particularly those

responsible for generating most of the noise, such as the neighborhoods near KSC. He continued that Chair Duffy had asked him for statistics which are contained in the memorandum.

Chief Costa stated the department sees an average of 76 noise ordinance summons written over the past five years, and that the vast majority were in neighborhoods close to KSC. Most of the summonses, he sees, have been officer initiated. There was confusion about that; some people thought that there had to be specific complaints made. He asked if this information is true: in 2011 there were 74 noise ordinance summons written. The current noise ordinance was adopted by the City Council on October 20, 2011. In 2012, there were 92 noise ordinance summons written, and 56 in 2013, and 53 in 2014. Chair Duffy asked for an estimate on 2015. Chief Costa replied that it is consistent with the past two years; they probably have just under 40 to date. He continued those noise ordinance summonses are most often given with the return of the college students. The Ordinance is a tool used for laying out the expectations for being a good neighbor. Chair Duffy asked when the noise ordinance summonses are higher or lower – is there a spike during certain times that then flattens out, or some other pattern? Chief Costa replied that the peak times are when KSC opens for the school year and the end of the year as graduation approaches, and events such as spring weekend, to a lesser degree.

Councilor O'Connor asked if the logging operation was contacted, regarding the noise on Hurricane Road. Chief Costa replied that by the time he got involved, the logging operation was already coming to an end.

Chair Duffy thanked Chief Costa for his information.

The City Attorney stated that he wanted to clarify what seems to be a general misunderstanding: the noise ordinance does not only apply from 11:00 PM to 7:00 AM. He continued that there is a general prohibition that is enforceable outside of those times. If an officer on their own initiative determines that noise is excessive they still can speak with the person and enforce the noise ordinance at any time of day.

Chief Costa replied that that is a good point. He continued that yes, you can enforce unreasonable, annoying noise at any time. The threshold for determining that is what is different. Where that sometimes comes to bear itself is if someone in a community thinks any radio activity of any kind is bothersome to them, but not necessarily to a college-aged student or a young person. Having the ordinance as written with a defined time makes the legal aspect of it easier to prove. Very few of these summonses issued over the past five years have been challenged and none have been overturned. It is a sound ordinance.

Dwight Bowie, of 659 Hurricane Road, stated that regarding the City Attorney's remarks, he fully appreciates the complexity of the situation they had. He continued that it is not a general neighborhood complaint about noise next door, he understands. But the noise ordinance as written had certain situations envisioned when it was written. His and his wife's situation was different. Their letter describes specifically what they had happen and he asks the committee to look at it. They do not know the line between Keene and Westmorland but the noise ordinance as written may apply. Trucks were exiting onto Hurricane Road from a private road. When they turned around, making additional noise, that was on private property. So there could be an

application of the current ordinance and he requests that they please look at that carefully. See if it needs to be re-written or if it applies in this situation.

The City Attorney stated that they are happy to re-draft this, if the City Council wishes, but if the Bowies or their attorney had called he would have struggled with the exemption under 66-125:4. He continued that it says “Any noise resulting from activities of a temporary duration,” which this was, “permitted by law,” which it is, “and for which a license or permit thereof has been granted by the City or another public authority.” You have to get a permit to log, get a notice to cut, and follow other requirements. If he were the defense attorney for Cersosimo Lumber or any truckers cited, that is the first thing he would raise. If the City Council wants to try and revise the noise ordinance, they would have to figure out a way – and this might not be possible - to put that activity into it, maybe by excluding the exception for the specific time period of 11:00 PM to 7:00 AM even if you have a permitted activity, but they need to think about the unintended consequences of that. He is sure that Mr. Blomquist is already thinking about the unintended consequences. By solving this problem in this way, they might have another consequence as a result that they had not considered. That said, the City Attorney continued, he appreciates the Bowies’ feelings. If it was his house at 2:00 AM, he would be on the phone to Chief Costa, too.

Chair Duffy moved on to Councilor Filiault’s proposed change to the noise ordinance, beginning with a brief history: the part of the noise ordinance in question has to do with amplified sound, such as loud parties. He continued that in 1993 the ordinance said 11:00 PM to 7:00 AM for that section and 10:00 PM to 7:00 AM for all other sections. He believes, and Councilor Filiault can clarify, that the ordinance referred to the operation of tools being restricted from 10:00 PM to 6:00 AM, and restricted music and loud television, etc., from 11:00 PM to 7:00 AM. In 1995 there was an ordinance amendment that kept 11:00 PM for that amplified sounds section, and 10:00 PM for the other sections. Part of the question is why it went back to 11:00 PM, across the board in all areas, in 2000. The only clue he has is a set of MSFI Committee meeting minutes from April 12, 2000. Phil Jones was Chair at the time, and Tom Powers was the Police Chief and Assistant City Manager. Staff brought a draft noise ordinance to the committee. It was amended and codified, approved by City Council as Ordinance 2000-14-A. Staff recommended that it be 11:00 PM for certain areas and 10:00 PM for others.

Chair Duffy read from the minutes: “Chairman Jones asked the Police Chief why he recommended the time be set at 11:00 PM. Chief Powers replied that it is a business standard. There is still a high level of activity at 10:00 PM, increasing the number of citations.” Councilor Duffy noted that he believes that was an attempt to accommodate businesses that are not in strictly residential neighborhoods. Fast forward to 2011 and the current noise ordinance says 11:00 PM Councilor Filiault is asking that the time be changed to 10:00 PM. He read all of the meeting minutes and watched the meeting video and sees that the ordinance was introduced by then-Police Chief Ken Meola with assistance from the City Attorney. This was part of an on-going effort to deal with college neighborhoods. In 2002 there was a proactive Code Enforcement report, lots of recommendations, an update in 2007, and an update in March 2015. There is a College City Committee working hard and their report will come out soon, as well as recommendations from Fire and Police, to go to the Planning, Licenses, and Development Committee in September. He thought that context would be helpful as well.

Chair Duffy asked if anyone knows why it was changed back to 11:00 PM across the board. The City Attorney replied that he has no recollection of this detail change. He continued that he and Chief Meola worked on this quite a bit, and looked at other ordinances across the state, and Keene's Ordinance is modeled on Durham's. The noise ordinance is working well in both communities. He looked through his materials and files and could not find any reference or reason about why the time was changed. Maybe Chief Meola wanted it that way and they drafted it that way.

Chair Duffy stated that the only comments he found were Thomas Powers' comments about it being a business standard. He guesses that what he meant by it "increasing the number of citations" was that the officers would have to pay a lot of attention to the downtown area, as opposed to efficiently covering other areas where there was noise.

Mr. Kopczyński stated that on a regular basis Code Enforcement does not get involved in the noise ordinance, but when he came here 15 years ago there was more industrial and commercial activity that generated more complaints about noise at night, such as unloading and loading of trucks. He continued that the change to the ordinance was probably considering those industrial activities but the area has now become more office-like. Chair Duffy replied that there were specifically complaints about a business called Platters. He continued that a woman spoke to the Committee about Platters in 2000 and he thinks that is why it went back to 10:00 PM.

Chair Duffy asked if committee members or members of the public had questions or comments.

Councilor Filiault stated that everyone's been looking for a reason, but regardless, they are where they are. He continued that for the people who live in these neighborhoods and are subjected to these noises at night, having the ordinance say 10:00 PM gives more teeth to what the officers can do. The frustration of the officers a few weeks ago when he was on a police ride with them was that they could not enforce the noise ordinance at 10:30 PM and had to wait until 11:00 PM and neighbors were upset. Back in 2000 when they were looking at and changing the ordinance, the neighborhoods were different - they were not proliferated with college students and rentals. There is a chart showing how much has changed - what used to be residential neighborhoods without much noise at 10:00 or 11:00 PM other than crickets have now become neighborhoods of mostly rental houses, with college students making a lot of noise. His recommendation is simple: help the neighbors quiet down the neighborhoods. The ordinance used to say 10:00 PM, then was changed to 11:00 PM, but 11:00 PM does not work, so they should move it back to 10:00 PM to give the neighbors a break.

Chair Duffy asked if he is recommending changing it to 10:00 PM across the board. Councilor Filiault replied yes. He continued that years ago, they had to make changes and take things into consideration. But 10:00 PM makes sense. The City can make exceptions as necessary, give permits, and consider people who come to the City Council with requests. They can be logical about it. They can allow noise past 10:00 PM on a short-term basis or for one-night events. Changing the ordinance to 10:00 PM just allows the officers an extra hour. If they can nip noise in the bud at 10:01 PM, that is great for neighbors that are trying to sleep, instead of having to wait until 11:01 PM to start the process. He recommends they try changing it to 10:00 PM. That

hour means a lot to the people who live in those neighborhoods. They can always talk about it and change it again if necessary.

Chair Duffy stated that it is always helpful to hear from the neighbors themselves. He asked if they are reluctant to come forward. He asked if Councilor Filiault has communicated with neighborhood groups such as the Southeast Keene Neighborhood group, which has been in existence for at least 10 years? The MSFI Committee would like to hear specifically what they are saying. Councilor Filiault replied that “this is not rocket science.” He continued that the neighbors are saying that it is too loud in the neighborhoods between 10:00 and 11:00 PM. Chair Duffy asked who, specifically. Councilor Filiault replied that he will not give names, because the people do not want to give their names and be exposed to the people who live next door. He continued that that is why City Councilors are elected – to be the voice for citizens. They do not want to appear before the City Council, they want the City Council to handle it.

Councilor O'Connor stated that he is a little concerned about changing it to 10:00 PM across the board. He continued that Councilor Hague, at the last meeting, brought up entertainment and the fact that bands might not start until 9:00 or 9:30 PM. That does not give a band much time to play before there is a complaint.

Councilor Clark stated that he thinks he has an answer about why the ordinance was changed in 2011. He continued that Chief Meola brought forward some problems he was having with the ordinance. . They adjusted Keene’s Ordinance to be closer to Durham’s. It did have a lot to do with industrial and commercial aspects of the city. He continued that he wants to caution against making any further restrictions on human behavior. Noise is somewhat subjective. We all have expectations of privacy and quiet. His expectations for privacy and serenity would be greater if he lived in a smaller town like Alstead or Stoddard, but when he moved to Keene he knew he needed to have more tolerance. Like his grandma said years ago, “Boys will be boys,” and wherever you are, people will be people. Whether it is 10:00 or 11:00 PM is “six of one, half dozen of the other.” As Chief Costa pointed out, there are ways to enforce the ordinance at any time if there is excessive noise. They can use the State statute.

Chair Duffy asked which State statute. Councilor Clark replied the one regarding disorderly conduct and disturbance of the peace. He continued that if there is loud music or other noise that is otherwise allowed under the ordinance but it is excessive they can use other means to shut down a party. He is not sure that changing the ordinance from 11:00 to 10:00 PM will give it more teeth. He does not think they need to go much further with the ordinance. People should be more tolerant and respectful of each other.

Chair Duffy asked Chief Costa: at the meeting two weeks ago he the KPD has an issue with changing the time back to 10:00 PM. However, the MSFI Committee heard Councilor Filiault say that he spoke with an officer he rode with an officer who says the ordinance does not have teeth. He asked if there is a discrepancy there. He asked if Chief Costa’s opinion is that the ordinance has no teeth.

Chief Costa replied no, he does not believe the ordinance has no teeth. Councilor Filiault stated that he did not say that the ordinance has no teeth. Chair Duffy replied that he will get to that concern in a moment.

Chief Costa continued that he could not agree more with what Councilor Clark said about tolerance. In answer to the first question, he did say that he felt that it could not hurt to move it back to 10:00 PM, from an enforcement standpoint, and it could possibly be helpful. In the meeting he also qualified and said that they need to be careful not to give the impression that they will fix this problem with noise with just one policy change or an ordinance change. From an enforcement perspective, anything that can help them deal with an issue of public concern, is something he is open to. In regards to the question of whether there is a discrepancy, he wants to say, for the benefit of the committee, in any company, whether it is IBM, State Police, or the FBI, when different people in the organization are spoken to, they may have different perceptions based upon their own experiences. All people's perceptions come based on their experiences.

Chair Duffy stated that if Councilor Filault has the impression that he was saying that Councilor Filault said the ordinance has no teeth, he apologizes. He read aloud from the August 26, 2015 meeting minutes, which quote Councilor Filiault saying that the police officers he spoke with felt like they did not have the teeth to enforce the ordinance until 11:00 PM.

Paul Venezia, of 75 Nims Road, stated that he echoes Councilor Clark - this is not Alstead. If he lived in Central Square he should have a higher tolerance for noise. But much of Keene is just like Alstead. He has a neighbor using a backhoe till 11:00 PM, Monday to Friday, close to his young daughter's window. Many neighbors complained. They could not do anything until 11:00 PM. Yes, people are trying to get work done but it is 11:00 PM in a rural zone. This is not college students or businesses in downtown Keene. This broad spectrum application has other ramifications to take into consideration. The difference between 10:00 and 11:00 PM would help. He is not saying he approves or disapproves of Councilor Filiault's suggestions but that is important to recognize.

Chair Duffy replied that that might help the committee move towards closure on this issue. He continued that there is quite a history with the noise ordinances in Keene, and in 1993 there was even a neighborhood noise and behavior committee. Noise is subjective, objective, drives people up the wall generation after generation, and will continue to do so, but they still need to do what they can. He asked the committee for their thoughts. They should try to resolve this in some manner, and he suggests having a separate motion to address the Bowies' communication.

Councilor Manwaring stated that the proposed motion is for the MSFI Committee to direct staff to draft an ordinance, and she assumes the City Attorney will say that he is looking for direction from the committee. She continued that at the last meeting, Councilor Hague brought up the different zones, relating to live music. Having the noise ordinance say 10:00 PM sounds wonderful for the college neighborhoods, but for downtown, it does not make sense to not allow music past 10:00 PM. Also, she would like to know what can be clearer or more defined for the Bowies in that situation. It could be any one of them that is disturbed by noise in the middle of the night. They do not have an answer from the City Attorney about what to do about that. It

seems silly to change it to 10:00 PM but then have this separate part of the ordinance to think more about and get more information about.

Councilor O'Connor stated that he echoes Councilor Manwaring's comments. He continued that he does not agree with 10:00 PM across the board. *Some* areas should be 10:00 PM, because it would help when people make complaints and need help before 11:00 PM. But downtown has music past 10:00 PM and Stonewall Farm has weddings and parties at night, so he can see somehow directing staff to look at 10:00 PM with exemptions.

The City Attorney stated that it is certainly possible to carve out zones, but he suggests having just two, not several. He continued that they could specify a time period that starts at 11:00 PM for the Central Business District and potentially the Central Business Limited District. The concerns Councilor Filiault brought up are in the residential areas. That would also address Mr. Venezia's concern. He is right. He went to the trail opening on Hurricane Road and was struck by how rural-feeling it is up there. They could draft an ordinance that creates the distinction: 10:00 PM outside of the Central Business District and 11:00 PM inside of it.

The City Attorney continued that with all deference to the Bowies, he is remembering the adage he learned early on that "bad facts can result in bad law." This factual situation hopefully will not occur again and it has not occurred in the past. The committee, City Council, and City need to be careful about trying to sweep in "bad facts" in terms of changing an ordinance. They heard from Chief Costa, who says that the ordinance has been effective for all intents and purposes. Police officers can still remind people who are making noise, resulting in complaints like the Bowies. It is easy to fix the problem of 10:00 versus 11:00, but not so easy to fix the Bowies' problem.

Councilor O'Connor stated that the Bowies' situation was unique. He continued that if something like that happens again, Police can get involved and help figure it out, like Chief Costa did – he determined that the reason for the trucks operating at that time on that route was that Route 91 was closed down in the day due to blasting for building the new bridge. There were many factors that went into this. He knows it was frustrating for the Bowies to deal with, but he is confident that in the future the Police Chief can help how this will be presented from the Chief down through his Captains, Lieutenants, and Sergeants.

Chair Duffy stated that they need a motion regarding the Bowies' communication. He continued that they could accept it as informational and have the City Attorney let them know if legislation changes, but it seems like this was an unfortunate, one-time thing. He would not to be subjected to what the Bowies went through, or to the noisy construction on Washington Street, although it has to be tolerated. It feels like the City Council's hands are pretty well tied on this issue, although they hope there is a way they could further accommodate the Bowies, beyond just saying thank you, at some future date, because they bring up a good point – construction noise up to or past 11:00 PM is difficult in those rural areas, especially when the City has no legislative authority and cannot do anything. As Councilor Clark and Chief Costa said, it helps to show a little tolerance for each other and try to work with each other. The police did work with the company making the noise. Maybe that will decrease the chances of it being an issue again. The City cannot legislate its way out of every issue, but they have to deal with them in some way.

Councilor O'Connor made a motion for the Municipal Services, Facilities, and Infrastructure Committee to accept the Bowies' communication as informational. Councilor Manwaring seconded the motion.

Chair Duffy asked if committee members had questions or comments, or members of the public.

Debbie Bowie, of 659 Hurricane Road, stated that one reason she and her husband wrote the letter is because they were well aware that their situation might have ended permanently or they might start up again, but she thought about others. This is a community. They need to listen to people's concerns. There is someone who purchased a nearby property who does not have concern for people from 2:30 AM to 7:00 AM. She made phone calls and was run in circles. She was told that they were not logging on that property, that they were not running trucks, that they were not subcontracting, etc., but then the subcontractor called her back. She had a lot of frustration, yes, but she is here now mainly for the rest of the City of Keene. If the MSFI Committee receives further complaints, they should do something about it. Others have had logging complaints. She can solve her own problem by putting the air conditioning on in order to block out the logging truck noise, but what about the next person? She is here as a community effort, not just for herself personally.

Chair Duffy replied yes, he understands, but this is the Bowies' specific concern. He asked if she contacted State legislators. Ms. Bowie replied no. She continued that she knows some neighbors were hearing the trucks come down the road empty, which was loud. Most of noise was from fully loaded logging trucks turning around in private property,

Councilor Manwaring stated that she suggests they put the discussion on more time. Chair Duffy replied that the motion on the floor is whether or not to accept it as informational. He continued that Councilor Manwaring could say she is not sure she supports this motion because she thinks there is a better one. Councilor Manwaring agreed and stated that she will not support the motion.

Chair Duffy called for a vote. The motion passed with a vote of 2 to 1, with Councilor Manwaring voting in opposition.

Chair Duffy told the Bowies that their comments and concerns are on record. He continued that he, staff, and the MSFI Committee will not forget them. It is a work in progress. They have constraints but accepting their communication as informational does not mean they are ignoring the Bowies' concerns. There is not much they can do, aside from encouraging people to just be nice to each other and not engage in activities at 3:00 AM that disturb others.

Councilor Manwaring made a motion for the Municipal Services, Facilities, and Infrastructure Committee to recommend that the City Council direct staff to draft an ordinance for the first reading that would amend the time restriction in the noise ordinance to 10:00 PM in some areas and 11:00 PM in others. Further, the MSFI Committee recommends that there be two zones created, one being a Central Business District and the other being the rest of the City of Keene.

The City Attorney stated that before anyone seconds that, he wants to say, they would have to look at the effective boundaries. He continued that maybe the Central Business Limited District could be included, too. He likes having just the first part of the motion. It gives staff direction to re-draft the ordinance for 10:00 PM in some areas of city and 11:00 PM in other areas, and they can all sit down and look at it and then bring it back to the committee, including information about what they think is a reasonable definition of what those two areas are.

Councilor Manwaring made the following motion, which was seconded by Councilor O'Connor.

On a vote of 3-0, the Municipal Services, Facilities, and Infrastructure Committee recommend staff be directed to draft a noise ordinance that would amend the time restriction to 10:00 PM in some areas of the city and 11:00 PM in other areas.

4. MORE TIME – Conservation Commission – Recommendation Regarding Scenic Road Designation – Nims Road and the Petition for the Scenic Road Designation

Planning Director Rhett Lamb stated that he is here to provide background information on the Conservation Commission's recommendation. He continued that the City Council had the public hearing on this matter. The Conservation Commission did a site visit and by unanimous vote recommended that the petition to include Nims Road on the list of scenic roads met all of the criteria of the scenic road ordinance.

Mr. Lamb continued that these criteria are that the road should:

- a. Be a class IV, V, or VI highway
- b. Safely accommodate passing of slow or stopping traffic.
- c. Have a design conducive to driving at slow or moderate speed
- d. Have hard or soft surfacing which blends with road shoulders.
- e. Mold itself to the terrain, favoring dips and hollows to leveling, cuts, and fills as much as possible
- f. Incorporate a natural blending of roadside improvements such as culverts, ditches, drainage pipes, etc., with the scenic qualities of the road
- g. Have prominent visual features such as stone walls, boulders, fences, picturesque trees or other vegetation, or open vistas
- h. Provide the hiker, cyclist, or motorist with the opportunity to see or hear wildlife in its natural environment, see or hear unpolluted streams or brooks, or smell the scents of the woods and open fields
- i. Have no billboards

He continued that those are the criteria the Conservation Commission used and that the MSFI Committee would use as well. The middle portion of Nims Road is a class VI highway, and this would be the first time a class VI highway was designated as a scenic road.

Chair Duffy asked if committee members had questions or comments. Hearing none, he stated that the MSFI Committee has done its due diligence. He asked for a motion.

Councilor Manwaring made the following motion, which was seconded by Councilor O'Connor.

On a vote of 3-0, the Municipal Services, Facilities, and Infrastructure Committee recommended that the Scenic Road designation be given to Nims Road.

5. ORDINANCE – O-2015-11: Loading Zone – Keene Public Library

Ginger Hill, Parking Operations Manager, stated that Parking Services and the Library have received several requests/complaints because there is not a loading zone in the Heberton Hall parking lot. She continued that staff reviewed the area and thinks that the safest place would be between the library and Heberton Hall. There are three metered spaces in that area. She recommends taking one of those spaces and using it as a designated 15-minute loading zone.

Chair Duffy stated that this sounds cut and dry. Councilor O'Connor asked if she is referring to the first space on the left when you go between the two buildings. Ms. Hill replied that on the right, closest to Heberton Hall, are two handicapped spaces. She continued that the other side has two reserved and three metered spaces. The loading zone would be the last metered space.

Chair Duffy asked if any members of the public had questions or comments. Hearing none, he asked for a motion.

Councilor O'Connor made a motion for the Municipal Services, Facilities, and Infrastructure Committee to recommend adoption of Ordinance O-2015-11. Councilor Manwaring seconded the motion.

Councilor O'Connor stated that they had talked about the possibility of a building going there in the future, but that could be addressed down the road. Ms. Hill replied that they would definitely have to be reviewed at that point. Councilor O'Connor replied yes, but the loading zone makes sense right now.

The motion passed by a vote of 3 to 0.

6. DISCUSSION – Public Works Director – Complete Streets Policy

Mr. Blomquist stated that several meetings ago City staff submitted the work on a draft Complete Streets resolution that outlines a policy statement for Complete Streets, a design guidance document, and information about the Complete Streets demonstration project coming up on September 19 on Marlboro Street, between 1:00 and 4:00 PM. He continued that before the City Council's vacation time in late July/early August, they talked about the process – first they will go through the Complete Streets resolution policy and see if it is along the lines of what the committee was thinking. At another meeting, they will go through the design guidance document. At the conclusion of their review of those two documents, staff will look for the MSFI Committee to make a motion asking staff to go forward with submitting a Complete Streets resolution.

Mr. Blomquist continued that they can go through the resolution now, and if the committee wants to think about it after tonight, that is fine. They can make changes and he can formally submit it later. It starts with an explanation of why they are creating a Complete Streets resolution: it is connected to the section of the City's Comprehensive Master Plan (CMP) that deals with the transportation system. They want to have all users' needs met, including older folks, younger folks, folks with mobility issues, pedestrians, motorists, bicyclists, and people using all modes of transportation.

He continued that next is the "application" section, in which they begin identifying where to apply the policy. It starts by talking about designating streets and facilities for all users, such as people of all ages, motorists, pedestrians, bicyclists, folks using public transportation, and so on and so forth. It identifies that the approach they want is to create a safer environment, with more accessibility for all users. Complete Streets is not just for planning purposes or new street construction, it is for things like subdivision or site plan discussions, the CIP discussions, all activities associated with transportation projects, and ordinary maintenance. For example, it is appropriate for the City Council to ask about the line painting contracts during the budget process, to make sure they have included painting of the sharrows. This application section is to make sure they look at Complete Streets concepts in maintenance operations, daily operations, and the operating budget. Communities that are successful with ingraining Complete Streets are ingraining it on both sides. It is not enough to put Complete Streets concepts in new construction but not put anything in the budget for maintenance.

Chair Duffy stated that many people have volunteered to do work on trails. There are liability issues. He asked if it is realistic to hope that maintenance could be done by volunteers or through donations or via the Spirit of Place program. Mr. Blomquist replied that it could be beneficial all the way around. He continued that it is probably simpler for volunteers to do maintenance on the multi-use trails, as opposed to the public streets, due to the nature of the work and the equipment needed for the latter. If there are companies in the business that want to do street maintenance, they could consider that, he anticipates that volunteers would be more focused on bicycle and pedestrian facilities.

Mr. Blomquist continued that the Complete Streets resolution also recognizes and talks about constraints. There will be times when the City Council will consider obtaining additional right-of-way for Complete Streets, and there will be times where that is not possible and it is okay to look at lesser levels of provisions. For example, maybe a five-foot bike lane is not possible but there could be a widened shoulder. Trees are important to the city. Sometimes putting bike lanes on both sides of a street would require too much tree removal, so they would choose a widened shoulder instead. The Complete Streets resolution talks about the ability to do that, so they are not tying themselves into doing any one thing. There is no "thou must" language. Circumstances are always changing.

Mr. Blomquist continued that the "implementation" section starts to emphasize that Complete Streets is an everyday decision-making process, not just a conversation had during CIP meetings or in regards to the design of a new street. It is relevant daily, with all projects, like the operating budget, or when someone comes in with a new site plan. It is about sidewalk maintenance, too, including how to maintain sidewalks in the winter. It is important to talk about it all.

He continued that the “implementation” section talks about the City incorporating Complete Streets principles into existing plans, manuals, checklists, etc. It calls for a review of design standards on a more regular basis. For example, there are utility standards, which they should look at every couple of years to see if they are in line with Complete Streets. It is ever changing. It says that the City will seek out sources of funding, like grants, and that the City should “promote inter-departmental coordination among City departments with an interest in the activities that occur within the public right-of-way or on public lands in order to support Complete Streets goals.” City staff does a great job with this. The Public Works Department has a relationship with the Parks, Recreation, & Cemeteries Department, for maintenance. The Police Department should be in the conversation, regarding how Complete Streets can help people feel safe. This section encourages discussions within and between departments and maybe sometimes with departments that do not necessarily think they are a part of Complete Streets. This section also talks about how the City should be doing education and outreach about Complete Streets. There is also the Bicycle Pedestrian Path Advisory Committee. The City Council can task them or ask them, what are you doing to educate the public? The City can only do work that the community supports. If the community thinks it is important to have pedestrian bridges or sharrows, they will ask.

Mr. Blomquist continued that last is the “performance measures” section. The MSFI Committee will be interested in having periodic updates on how implementation is going. This does not give specific performance standards, but encourages the City Council to check in from time to time about how Complete Streets is going and ask questions.

Mr. Blomquist asked if anyone had questions. He encouraged the committee to review this between now and next meeting, and to give him input.

Councilor Manwaring asked what they would do about Main Street. She continued that it is one of the most dangerous places for bicyclists. She asked if that falls under the “review other possibilities” section. Mr. Blomquist replied yes. He continued that there are multiple demands out there. There are multiple users on Main Street, including bicyclists, motorists, older folks, younger folks, and sidewalk cafes. Those are the constraints he talked about. They try to do the best they can. Looking at traffic, they could reduce to one lane and turn one lane into a bike friendly area. Then the traffic flow gets pinched. Some will say that is okay because it slows traffic down. There is no single answer. They do not have a good bus or multi-modal transportation point yet; they should look for that in the future. The policy sets the standard up that they should be looking at it, but allows that there are constraints and conflicting interests and has you come up with the best that you can. He does not recommend bicycles on sidewalks. There are folks of all ages and abilities as well as sidewalk cafes. Maybe they could encourage more bike parking places so people can get off their bikes and walk. Experienced bicyclists who are just passing through can safely ride on the street – they are experienced with the rules of the road and are paying attention. This policy encourages those conversations and helps when there are different user groups asking “Why aren’t you doing such-and-such?” and “You should be doing such-and-such.” They are trying to accommodate as many user groups as possible.

Municipal Services, Facilities, and Infrastructure Committee meeting minutes,
September 9, 2015

Chair Duffy stated that he is very interested in exploring the possibility of including bio retention things like rain gardens into the Complete Streets concept. Mr. Blomquist replied that that is an area they have not really explored yet. He continued that what Chair Duffy is talking about is green infrastructure. Here they are dealing with the uses. Maybe after the first of the year after they get through these discussions about use, they can have a conversation about green infrastructure.

Chair Duffy thanked Mr. Blomquist. He continued that that this has been a long process, and it is great to see it get to this point. He thanked Mr. Blomquist for all of his hard work on this. Mr. Blomquist replied that is also due to the hard work of other City staff members, citizens, staff from the Southwest Regional Planning Commission, and too many people to list by name.

Chair Duffy encouraged everyone to attend the Complete Streets demonstration on September 19. He continued that what folks will see is what Complete Streets could or would look like. Mr. Blomquist replied yes, he cannot say enough about the work of Tara Germond and the Planning Department. He continued that they have been working with merchants in the area who are off the beaten path and are excited to have this. This demonstration will showcase what a Complete Street could be like, with benches, food trucks, and so on and so forth, and it will be fun. Also, he asks that the committee members peek at the design guidance document so they can review it at the next MSFI Committee meeting with an agenda that allows for it. He suggests this topic go back on more time.

Chair Duffy made the following motion, which was seconded by Councilor O'Connor.

On a vote of 3-0, the Municipal Services, Facilities, and Infrastructure Committee placed the topic of Complete Streets back on more time.

7. Adjournment

Hearing no further business, Chair Duffy adjourned the meeting at 7:46 PM.

Respectfully submitted by
Britta Reida, Minute-taker