

City of Keene
New Hampshire

MUNICIPAL SERVICES, FACILITIES AND INFRASTRUCTURE COMMITTEE
MEETING MINUTES

Wednesday, July 24, 2109

6:00 PM

Council Chambers

Members Present:

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

Members Not Present:

Robert B. Sutherland

Staff Present:

Elizabeth Fox, Acting City Manager/HR
Director
Thomas P. Mullins, City Attorney
Kürt Blomquist, Public Works
Director/Emergency Management Director
Steve Russo, Police Chief
Nancy Vincent, Library Director
Andy Bohannon, Director of Parks, Recreation,
& Facilities

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

1) James Griffin – Request to Prohibit the Use of Engine Breaks

Chair Manwaring welcomed James Griffin (of 195 Key Road), who began by thanking Police Chief Russo for his efforts to minimize drag racing on Key Road. At this meeting, Mr. Griffin requested the City take action to restrict the use of tractor trailer engine breaks around the bypass between RT-9 and Main Street, along RT-101. He worked in transportation for more than 35 years and knows that engine breaks are meant to keep tractor trailer breaks from overheating when descending steep hills. He said the majority of trucks are respectful and turn off their engine breaks when driving through town, where they are unnecessary. Still, there are a few trucks daily that use engine breaks; he said they seem to be mostly garbage haulers. He was unsure the City could prohibit something like this, but at minimum, he asked the City to consider signage requesting no engine breaks along the bypass through town. He said it is a quality of life issue. This prohibition is very common throughout the Midwest and Winchester, NH recently did the same thing, so Mr. Griffin did not feel it was an unreasonable request. He spoke with the NH State Police, who said the Keene Police Department (KPD) patrol this area of bypass predominantly.

Chief Russo agreed that the KPD monitor the bypass area in question. He also agreed that many Midwest towns prohibit engine breaks within their limits, but most bans require an exhaust system on the trucks, which can mitigate sound. For example, Chief Russo's research showed that the sound engine breaks produce with exhausts added can reach 80-83 decibels, which is like the sound of a garbage disposal at 15' away. The prohibitions in other NH towns vary in how they are written and enforced. Chief Russo stated that he and the Public Works Director do not recommend writing this prohibition into

a City Ordinance. While the sound might be annoying to some, engine breaks are a safety measure built on trucks and regulation is best left to the state. This prohibition is hard to enforce and many KPD officers cannot distinguish where the sound originates even when it is right in front of them, and if stopped, drivers could claim a multitude of reasons they used them for safety.

Councilor Lamoureux asked if the City has authority to regulate truck features on state highways. As far as Chief Russo and the City Attorney could identify, this could only be regulated potentially as a noise violation, but it would still be very challenging to enforce.

Councilor Hooper asked if Winchester, NH has signs in place; Chief Russo said he had not seen any. Per staff request, Councilor Hooper did not suggest an Ordinance but wondered if signs at critical thoroughfares through town could be a reasonable compromise. Chief Russo said new signage is at the Council's discretion, though he does not favor things that cannot be enforced; he was unsure if signs would be effective, or just more sign pollution.

The Public Works Director agreed with Chief Russo's summary and noted the last time Council saw a similar request was in 2004, for the condominiums near the country club, which at the time was for noise associated with work on the bypass. At that time, Council referred residents to NH Department of Transportation (DOT) to investigate noise barriers, but DOT determined barriers were unwarranted because the noise produced fell under the decibel threshold. Ultimately, the state provided additional screening that helped ease residents' concerns. Any signs proposed for the state right-of-way will require DOT permission, but they avoid unenforceable signs as well. He offered to install signs at entrances to the City requesting to turn-off engine breaks; however, he thinks instances of engine break use are few because of the City's low maximum speed.

Chair Manwaring recognized Councilor Terry Clark, who spoke on behalf of his constituents in Ward 3, which the bypass bisects and many homes abut it. He was glad this issue came to the City's attention because it is a problem in the summer that prevents opening windows. He thought there must be a solution that might not be a new Ordinance but perhaps additional language in the current noise Ordinance. He urged Council to act.

Mr. Griffin stated no objection to the City installing signs similar to those in Winchester that are bright yellow; he thought the City historically placed signs in the state right-of-way. He does not want to see large noise retention barriers but he said for a City this size, residents should not have to contend with noise from a few inconsiderate truck drivers.

Councilor Filiault supported the Public Works Director communicating with the state to determine what the City can do/place in the state right-of-way. If a few signs might dissuade the behavior, he was open to more discussion.

Councilor Filiault moved to place the request to prohibit engine breaks on more time while staff researches possible solutions, which Councilor Lamoureux seconded.

Chair Manwaring said letters from Council to companies urging their drivers not to use engine breaks in certain areas might be effective. She supported putting this matter on more time.

The motion to place this agenda item on more time passed unanimously.

2) Relating to Smoking, Tobacco Produces and Equipment – Ordinance O-2019- 15

Chair Manwaring welcomed Chuck Redfern (of 9 Colby St. Keene), who spoke on behalf of the Library Board of Trustees. He summarize background notes and recalled the Library Board of Trustees submitted a letter to Council that was referred to this Committee, which placed this item on more time so staff could research an effective prohibition of smoking and tobacco products on library grounds. Mr. Redfern reported that the City Attorney met with the Library Director, Fire Chief, Police Chief, and Director of Parks, Recreation & Facilities; all parties agreed on the best Ordinance to enforce prohibition. The proposed Ordinance was before the Committee and it included definitions about tobacco products and established a designated smoking area. Councilor Hooper asked, and Mr. Redfern replied that the draft Ordinance as written is acceptable to the Library Board of Trustees, the Library Director, and other staff. The City Attorney agreed and said the Ordinance is fairly self-explanatory; it was developed looking at other jurisdictions' rules combined with Keene's needs. Smoking areas at least 20' from entrances seems standard. The Ordinance states clearly that this prohibition does not include public sidewalks and right-of-way; it specifically refers to sidewalks on library property. He tried to make the Ordinance as comprehensive as possible to include new nicotine delivery systems like vapes, which could contain more than nicotine.

Councilor Lamoureux asked if the 20' standard for smoking areas away from entrances have been established yet. The City Attorney said no that will be a decision between the City Manager and Library Board of Trustees; there is plenty of space on the property. Mr. Redfern said an area already used by smokers is under consideration. He recalled Councilor Sutherland's suggestion for a cigarette receptacle as well, which staff agreed to accommodate.

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

On a vote of 4-0, the Municipal Services, Facilities and Infrastructure Committee approved Ordinance O-2019-15.

3) Adjournment

Hearing no further business, Chair Manwaring adjourned the meeting at 6:26 PM

Respectfully submitted by,
Katryna Kibler, Minute Taker
July 26, 2019