

City of Keene
New Hampshire

MUNICIPAL SERVICES, FACILITIES AND INFRASTRUCTURE COMMITTEE
MEETING MINUTES

Wednesday, September 25, 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
Elizabeth Fox, HR Director/ACM
Kurt Blomquist, Public Works Director/
Emergency Management Director
Todd Lawrence, Police Captain
Andy Bohannon, Director of Parks, Recreation
& Facilities

Members Not Present:

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

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

Chair Manwaring noted that the Councilor's could not be present, so this matter would be heard at the October 9, 2019 MSFI meeting.

The consensus of the committee was to place this item on more time.

2) Dedication of Path System Cheshire Rail Trail Section (Thom Little)

The Committee heard this matter out of order. This matter corresponds to agenda number five. All subsequent matters were heard in the order listed on the agenda.

Mr. Bohannon said the Bicycle/Pedestrian Path Advisory Committee (BPPAC) discussed the death of Thom Little at their recent meeting. Mr. Little worked for more than 20 years as a trails advocate in Keene and Cheshire County. The BPPAC wants to commemorate Mr. Little's efforts; his passing is a void in the trail advocacy community. The BPPAC decided to name a section of the Cheshire Rail Trail connector loop from Emerald Street to Island Street in his honor, as it was one of the last path projects Mr. Little worked on. The BPPAC considered naming the section of the trail as "Little Way," with signage similar to "Apple Way." Mr. Bohannon continued reading the criteria for naming a facility after a person; one of the five criteria must be met for a name change:

1. *A well-known community leader, either elected, appointed or volunteer.*
2. *A person who has positively influenced a large populace of the City through a significant contribution of money, time, material, or land.*
3. *An individual who has had a major involvement in the acquisition or development of the facility.*
4. *An individual whose civic leadership or volunteerism clearly has contributed to the betterment of the City.*
5. *An individual who is deceased and whose personal attributes symbolized the principles and standards of a community organization.*

Mr. Bohannon said he and the BPPAC thought Mr. Little met all five criteria. He welcomed questions.

Councilor Sutherland noted the section of trail proposed for renaming is approximately 200' – 300' and he thought “Little Way” could be misinterpreted as just a small section of trail. Councilor Sutherland suggested naming the trail “Thom Little Way” so it is a more specific dedication as opposed to a trail description. Mr. Bohannon thought that was a good consideration and might be more appropriate. He added that there would also be information at a trail point commemorating Mr. Little’s efforts.

Chair Manwaring recognized the President of Pathways for Keene, Wink Faulkner, who was friends with Mr. Little and knew his commitment to trails. He agreed with everything that Mr. Bohannon said and agreed with Councilor Sutherland’s recommendation to name the trail as “Thom Little Way.”

Chair Manwaring recognized Councilor Philip Jones, who is also a member of Pathways for Keene. He thought “Thom Little Way” was a good name for a deserving man, who put a lot of time and effort into Keene’s pathway system.

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

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee directed staff to draft a resolution dedicating a section of the Cheshire Rail Trail to the memory of Thom Little.

3) Periodic Report – Boards & Commissions – Partner City Committee

Chair Manwaring recognized John Mitchell (of Hilltop Drive, Keene), who spoke as the Vice Chair of the Partner City Committee (PCC) and shared their progress during the last year. He said that Jürgen Habermann recently replaced Albert Thormann as Chair of the Einbeck PCC; the Keene PCC is confident that Mr. Habermann will continue supporting the exchange in the long-term.

Mr. Mitchell explained the cultural benefits of the Partner City exchanges. The last exchange brought 10 German young people to Keene, which changed some of their lives positively. These exchanges allow valuable idea sharing between the Partner Cities. He

shared the four most common exchanges that PCC supports: youth soccer exchanges, Keene High School (KHS) exchanges, mixed group exchanges, and musical exchanges. The most recent was a soccer exchange, which brought 16 youths and four adults to Keene from June 28 to July 8, 2019. The exchange focused on sports and community involvement. He recalled summer 2017, when nine KHS students and two adults visited Einbeck; funded partly by the PCC and student fundraising. He described the mixed exchanges, which he recalled that many City staff, Councilors, and community members have participated in; the adult trip in 2018 was a self-supported event, with no PCC funding. There is an upcoming musical exchange (October 3-11, 2019) that will bring 35 choir members, including the Mayor of Einbeck, who is a well-known musician. In April 2020, 10 students and two adults will travel to Keene from Einbeck and will need to have assistance in planning and financial support from the PCC. In August 2020, 10 young people from the community will travel back to Einbeck for a few weeks, and will likely seek planning and financial support from the PCC. Mr. Mitchell discussed PCC exchange funding challenges. He said the PCC has worked hard to acquire in-kind donations to match fundraising efforts. He said the City funding for the PCC (\$5,000 annually) is essential to the Committee's functioning.

Councilor Lamoureux thanked Mr. Mitchell for the information. He noted that when Einbeck visitors come to Keene, there is a large individual financial contribution; the PCC does not fully fund these activities. He added that over the years, community members have hosted German visitors, and often pay for their meals or activities; thus, he said the community is essential to these exchanges.

Councilor Hooper asked if the public would have a chance to listen when the Einbeck choir visits in October. Mr. Mitchell replied in the affirmative and said that they will be singing at Keene State College, which has been a fundraising opportunity in the past. He continued saying it is difficult to convey the amount and importance of in-kind donations in addition to the important work parents and community members do. Mr. Mitchell said the possible relationships and young people's understanding of the world outweighs the funding to some extent.

Councilor Sutherland recalled when the PCC would fundraise at the past Pumpkin Festivals. He asked if there are fundraising plans for Keene's first annual October Fest. Mr. Mitchell said the PCC felt the loss of the Pumpkin Festival. Current fundraisers include bake sales, working with local restaurants who donate a portion of their proceeds, and raffling handmade items from Einbeck at events like air shows.

Councilor Sutherland asked if anyone in Einbeck is planning to run in the DeMar Marathon. Mr. Mitchell said there is a demand in Einbeck for a sports connection with Keene, including maintaining the soccer exchange. Three schools in Einbeck want to exchange with Keene and the DeMar Marathon is a possibility. He said that the Einbeck Middle School principal is working on a six-day exchange. He said the opportunities are amazing but funding and practicality are challenging.

Chair Manwaring recognized Councilor George Hansel, who said he participated in a mixed exchange to Einbeck and was a host for German visitors to Keene. He said this Partner City relationship is probably his favorite thing the City of Keene does; building friendships halfway around world has enriched his life and he feels like he has a second home there. He wanted to impress on the Committee that individual effort in the community and many community groups are essential to continuing these exchanges. He said that the money that City Council invests in the PCC is maximized and stretched currently, and he hoped that support would expand. He added that these exchanges also help both Einbeck's and Keene's municipal governments to learn from each other.

Chair Manwaring thanked Mr. Mitchell for his presentation and noted that she has heard the Einbeck choir before at the college and they were wonderful.

Councilor Filiault moved to accept the presentation as informational, which Councilor Lamoureux seconded and the Municipal Services, Facilities and Infrastructure Committee carried unanimously.

4) Installation of a Traffic Control Device – Arlington Avenue and Dort Street in Response to Iselin Communication Requesting a 4-Way Stop at Arlington Avenue and Dort Street – Public Works Department

Chair Manwaring welcomed the Public Works Director, who recalled an informational memo at the last meeting regarding communication from a resident requesting a four-way stop condition at the intersection of Arlington Avenue and Dort Street. The City Engineer had reviewed the intersection in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). The conditions were not met for a four-way stop so staff indicated to the petitioner that the request for a four-way condition be denied. The Committee had indicated they were interested in learning more about this type of request, for which staff had provided a memorandum outlining the existing required conditions for a four-way stop. New Hampshire State Statute governs the installation of traffic control devices and signals on highways and streets within the State according to RSA Chapter 47, Powers of City Councils, section 17 - Bylaws and Ordinances, subsection VIII, which states the following: VIII. Traffic Devices and Signals:

“(a) To make special regulations as to the use of vehicles upon particular highways, except as to speed, and to exclude such vehicles altogether from certain ways; to regulate the use of class IV highways within the compact limits and class V highways by establishing stop intersections, by erecting stop signs, yield right of way signs, traffic signals and all other traffic control devices on those highways over which the city council has jurisdiction. The erection, removal and maintenance of all such devices shall conform to applicable state statutes and the latest edition of the Manual on Uniform Traffic Control Devices.”

The Public Works Director continued saying that state law requires that the installation of traffic control devices comply with the latest edition of the MUTCD. The MUTCD provides the following criteria for the consideration of a multi-way stop control:

- A. Where traffic control signals are justified, the multi-way stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal.
- B. Five or more reported crashes in a 12-month period that are susceptible to correction by a multi-way stop installation. Such crashes include right-turn and left-turn collisions as well as right-angle collisions.
- C. Minimum volumes:
 - 1. The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day; and
 - 2. The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour; but
 - 3. If the 85th-percentile approach speed of the major-street traffic exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the values provided in Items 1 and 2.
- D. Where no single criterion is satisfied, but where Criteria B, C.1, and C.2 are all satisfied to 80 percent of the minimum values. Criterion C.3 is excluded from this condition.

The MUTCD also provides optional criteria, none of which the City Engineer found to apply in this case:

- A. The need to control left-turn conflicts;
- B. The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes;
- C. Locations where a road user, after stopping, cannot see conflicting traffic and is not able to negotiate the intersection unless conflicting cross traffic is also required to stop; and
- D. An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multi-way stop control would improve traffic operational characteristics of the intersection.

In reviewing the Dort Street and Arlington Avenue intersection to determine if a four-way stop was required, the City Engineer performed a review in accordance with the criteria outline in the MUTCD, and determined that a four-way intersection was not warranted at this location at this time.

Councilor Sutherland recalled that the Public Works Director had articulated a dollar value per stop sign at the last meeting but that number did not make it into the public record; he asked the Director to reiterate that figure for the record and asked if that discussion would continue at the next meeting. The Public Works Director could not recall providing a specific figure, though he estimated \$120 - \$150 to manufacture and install a new stop sign; there are also costs over time to maintain signs. Councilor Sutherland recalled this discussion arose as a concern for children's safety in the

neighborhood. He asked, if the petitioner returned seeking a “Slow Children” sign, if these same criteria would apply. The Public Works Director said the state of NH does not recognize and considers “Slow Children” unwarranted; the signs cannot be enforced and therefore they fade into the background of drivers’ attention. He said that highway studies have shown that the signs also provide a false sense of security to children in the street. Therefore, the signs are ultimately not safe and City staff did not recommend installing them. Councilor Sutherland said that staff’s recommendation would not stop residents from asking. The Public Works Director understood and added that most residents understand why the signs are unwarranted once staff explains the reasoning.

Councilor Lamoureux said the City is becoming polluted with signs. He said the yellow signs with a child and flag at the end of driveways that indicate children at play are most likely to make him slow down, and he thinks they could be a good indication for other drivers.

Councilor Filiault said it always seems that neighbors come to the City Council seeking help and the City finds more ways to say no than yes. He noted various instances the Council has considered exceptions to this stop sign rule in the interest of public safety and he finds this intersection similar to where those exceptions were made. He said he would vote yes on this request on behalf of the neighborhood.

Councilor Lamoureux asked if the City would face any liability by installing a sign against this state regulation, and he asked what Primex thought about the issue. The City Attorney communicated with Primex on this question and they expressed concern; if the City steps outside the statutory requirement to follow the MUTCD, then there would need to be a very good basis for doing so or the City would run a risk. With regard to stop signs and traffic control devices, he said there is a general immunity provided to the City with respect to any liability that may occur if the City is consistently following a particular plan like the MUTCD. Therefore, he said it is important for the City to follow that kind of plan, as Primex suggested.

Councilor Hooper said he was looking forward to discussing agenda item number one, which was placed on more time, because a comprehensive review of neighborhood speed limits seems very important. He has lived on Colby Street in Keene 30 years and said that speeders increase annually. He said Council should do all they can to control decent people speeding on side streets. He said he would support ways everyone can work together to make things better for neighborhoods without going sign-crazy.

Councilor Filiault asked, if the Council has these concerns, then why there are stop signs at various intersections in Keene; it seemed to him that the Council does selective enforcement. The Public Works Director said he did what he could in reviewing those cases from the 1980s; he said that today when issues arise, staff refers to the applicable statutes that exist today and require the use of MUTCD.

Councilor Sutherland pointed out that in the last Operating Budget, the Highway Division estimated more than 4,000 signs in the City; more than 2,500 of which are tracked in the City's asset management system, with updating in progress.

Chair Manwaring recognized Toby Iselin (of 46 Arlington Avenue, Keene), who said he appreciated staff review of this matter. He spoke at the last meeting and said his sentiments remain the same that stop signs are a way to keep neighborhoods safer. He said that many pedestrians (not just children) walk this path daily and they are in danger without a stop sign. Prior to the last meeting, he did not know the state recommendations, but said he still hears them as guidance. He thinks there is also a way that City representatives can keep kids safe. He also thinks that people in Keene have the power to keep their kids safe too. He asked the Council to do something to protect people who want to take a walk outside and away from screens. He said this one stop sign could be a symbol of the City caring for its inhabitants. He recalled being in neighborhoods where the Council has made exceptions to these recommendations and they seem safer to him. He knows stop signs are not meant to control speed, but said they make it safer for people in the neighborhood to walk or bike on the road, where drivers currently rip around the corner. He understood what the data showed and agreed that 85% of drivers are doing great, but said he sees the rest and thinks a stop sign there could protect people. He sees the close calls and thought the City faced a greater risk of a child being killed by a car than of going against a state recommendation, when a few hundred dollar sign could prevent those close calls. He added that if cost were a factor, he would donate the cost of the sign to the City. Mr. Iselin thanked the Council for their time spent hearing this matter and staff for gathering data.

Chair Manwaring said that hearing agenda item number one at the next meeting would be important on this matter; she said not to be discouraged if this item did not pass at this meeting. She said the Council does care about children and safety and said that perhaps other things can be done. Mr. Iselin referenced Hillsboro, NH, where there is a long stretch of 25 mph and cops are posted there to enforce. He understood that speed enforcement is challenging but said that most people stop or at least slow down at stop signs.

The Public Works Director clarified that this is state law, not a recommendation.

Chair Manwaring recognized Dave Whaley (of 70 Dickinson Road, Keene), who has lived in Keene for nine years, considers it a great community, and said he very familiar with the Mr. Iselin's concern. He said the meeting packet cites the MUTCD as a recommendation, not an adamant mandate that yield or stop signs should not be used for speed control. He was curious why the Council would not approve a sign; he said that the neighbors would pay for it, and that the City should be proactive instead of reactive. He said that yield or "child at play" signs are easily ignored, and while drivers might roll through a stop sign, they at least slow down. He said this street is 1000' and people still reach a high speed, as evidenced by two stop signs in the middle to protect drivers before crossing Arlington Avenue. He thinks a stop sign at this location would contribute a lot to quality of life.

Councilor Hooper questioned if the Council votes against MUTCD recommendations, if the City would be breaking the law by installing a sign. The Public Works Director said that right now, the MUTCD recommends that the City not use stop signs for speed and currently the conditions at this intersection do not warrant a four-way stop; and state law requires use of the MUTCD. The City Attorney agreed that the language is specific and which the MUTCD likely required some type of balance, he said this clearly requires the experience of the City Engineer and other professionals to determine where the balance lies. The City Attorney and Primex cautioned the Council to follow this manual and make a determination based on those standards.

Councilor Filiault recalled some time ago when the Council reviewed crosswalks downtown and chose to use red brick against the state and federal government recommendations to use white reflective paint. He found the argument presented to be weak. He said he would step a little out of line in the interest of safety, as the City has done with other intersections and crosswalks, and he would vote on behalf of the neighbors.

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

On a vote of 3-2, the Municipal Services, Facilities and Infrastructure Committee recommended that the request from the Iselin's for a 4-way stop sign at the Arlington Avenue and Dort Street intersection be denied because it does not meet the MUTCD criteria for a four way stop sign under state law. Councilors Hooper and Filiault opposed.

5) Engine Break Signage in Response to Griffin Communication to Prohibit the Use of Engine Breaks – Public Works Department

The Public Works Director recalled that the Committee heard from a petitioner at the previous meeting requesting control of engine or exhaust breaks in the City. He inquired about possible signage on the state highway system, where the breaks are used most. The state would not allow signs prohibiting use of a permitted safety device, per the Attorney General. Staff did consider where informational signs could be installed in the City. These could be general information signs with green background and white letters (2' x 2'); staff considered the language "Trucks please do not use engine/exhaust breaks within the City." Staff identified six locations in the City, where most large truck traffic comes from state highways and would be most likely to see the signs:

1. West Street near RT-10/12 north off bound ramp
2. Winchester Street north of RT-101 roundabout
3. Washington Street at Concord Road
4. Maple Avenue at RT-12 northbound off ramp
5. Main Street north of RT-101/12 intersection
6. Optical Avenue north of RT-101 intersection

Committee members thanked staff.

Chair Manwaring recognized Councilor Mitch Greenwald, who provided examples of how far the sound of engine breaks travels at night, especially from RT-101, where he thinks there should be signs. He said that trucks should not be speeding enough to require breaks to that extent. He urged the Committee to consider the signs if neighbors want them. Councilor Sutherland heard a comment declaring that trucks are speeding and asked if the City is not enforcing speed. Chair Manwaring said that was not an issue for this meeting.

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

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure Committee recommended that the request from James Griffin to prohibit the use of engine brakes be denied.

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

On a vote of 4-1, the Municipal Services, Facilities and Infrastructure Committee recommended that the City Manager be requested to install signage that would encourage trucks not to use engine/exhaust brakes within the City at locations of major entry points from the State highway system where truck traffic is most likely occurring. Councilor Sutherland opposed.

6) Speed Limit Change – Skyline Drive Neighborhood Ordinance O-2019-16

The Public Works Director spoke on behalf of the Police Chief on this draft Ordinance that Council voted to request, to include streets to be posted as 25 mph.

Councilor Lamoureux said his opinion was that this process and procedure was different from the stop sign legislation, but he imagined that if anything occurred of City liability, that Primex would be with the City in court. The City Attorney agreed but said he did not discuss this specifically with Primex because speed control is a different statute, though the same general policy and principles apply. For these reasons, he said agenda item one placed on more time would be a good discussion.

Councilor Sutherland asked about the signage that would be required with such rule changes, how that signage would be approved and deployed by Council, how many signs in each direction, and how far apart. The Public Works Director said that if this Ordinance passes, that he would work with the Police Chief to create signage and consider where the most appropriate placement would be for driver visibility and police enforcement. There is some discretion in the Ordinance between the Public Works and Police Departments.

Chair Manwaring asked, when there is a change like this, if the police have access to the data to ensure they patrol during the busiest times. The Public Works Director said the Police Chief indicated that they use pertinent data, but current data shows that speeds

there are less than 18 mph there, so the chief would likely suggest there is no need for patrols unless speeds increase over time.

Councilor Filiault said he recently traveled in this area before 6:00 AM and saw a driver with out-of-state license plates driving at 40-50 mph from Summit Road. He said he rested his case that it happens often enough.

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

On a vote of 3-2, the Municipal Services, Facilities & Infrastructure Committee adopted Ordinance O-2019-16. Councilors Lamoureux and Sutherland opposed.

7) Adjournment

Hearing no further business, Chair Manwaring adjourned the meeting at 7:02 PM.

Respectfully submitted by,
Katrnya Kibler, Minute Taker
September 29, 2019