

City of Keene
New Hampshire

MUNICIPAL SERVICES, FACILITIES & INFRASTRUCTURE COMMITTEE
MEETING MINUTES

Wednesday, January 22, 2025

6:00 PM

**Council Chamber,
City Hall**

Members Present:

Randy L. Filiault, Vice Chair
Catherine I. Workman
Laura E. Tobin
Jacob R. Favolise

Members Not Present:

Mitchell H. Greenwald, Chair

Jay V. Kahn, Mayor

Staff Present:

Elizabeth A. Ferland, City Manager
Andy Bohannon, Deputy City Manager
Tom Mullins, City Attorney
Amanda Palmeira, Assistant City Attorney
Bryan Ruoff, City Engineer
Don Lussier, Public Works Director
Jason Martin, Fire Chief
Rick Wood, Building Official/Fire Marshall

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

1) Maura McQueeney/Home Healthcare, Hospice and Community Services – Request for No Parking on Either Side of the Entrance at 312 Marlboro Street
Staff Submission – View of Area – 310 Marlboro Street

Susan Ashworth from Home Healthcare, Hospice, and Community Services (HCS), 312 Marlboro St. stated that they are petitioning the Committee to put “no parking” on either side of the entrance at 312 Marlboro St. She continued that they feel this is necessary for the safety of participants who come to the building, which include Senior Center members, older adults with the Friendly Meals program, the gerontologist, people with the foot care clinics, and other services that involve older and disabled adults. Many people come in their own cars, and Meals on Wheels drivers enter and exit this driveway. It is also now a City Express bus stop. The bus comes nine times a day.

Ms. Ashworth continued that there have been numerous close calls at this juncture, and for everyone’s safety, it would be proactive to have “no parking” on either side of the driveway entrance. Also here to support the request are Kim Rumrill, the director of the Senior Center, and Maura McQueeney, HCS CEO.

Vice Chair Filiault asked to hear from staff.

Don Lussier, Public Works Director, stated that staff have spoken to HCS about this request. He continued that it is like requests the Committee has heard from businesses on Court St. and Washington St. where there is traffic into and out of a property, maybe a population with vision difficulties. They looked at those requests previously. City Code says you cannot park in front of or near a public or private driveway entrance. The Code does not define “near.” Staff has recommended, and the Council has agreed with, the interpretation of “near” as five feet on either side of the driveway opening. It is a balancing of the competing interests for providing on-street parking and having visibility and safety when vehicles are coming and going. In this case it may be moot.

Mr. Lussier stated that the graphic shows the existing conditions and driveway in question. He continued that there is probably not enough room for one vehicle to park between the next driveway and this driveway, if they were observing that five-foot offset. More to the point, this whole area will be reconstructed next summer as part of the Marlboro St. and Cheshire Trail Corridor Project. The bid they got in the fall was very high, so they did not accept it. He is optimistic about receiving competitive bids this spring. The area that is now an on-street parking lane on the north side of Marlboro St. will become a bike lane, so there will not be parking, as of the construction season next year. The area to the west of the driveway entrance will be a bike lane. The area to the east of the driveway entrance will be a chicane. Chicanes are traffic-calming measures; they are horizontal deviations in the roadway alignment. Today, Marlboro St. is straight and wide, which encourages people to drive above the speed limit. Adding curves forces people to slow down as they maneuver through the roadway.

Mr. Lussier continued that in the image on the screen, the shaded area will have pavement markings to indicate “no parking.” About 50 feet east of the driveway entrance will be two designated parking areas. Someone might want to have a loading zone in that area at some point if there is a need for it. Once this project goes forward, there will be no parking on the (HCS) side of the street to the west, and on the east, it will be a 50-foot offset from their driveway. He suggests the Committee refer this item to staff, with the understanding that this implementation will occur during the coming construction season.

Vice Chair Filiault asked if there were any questions from the Committee. Hearing none, he asked if members of the public had any questions.

Ms. Ashworth asked for clarification of when that construction is. She continued that they do not want anything to happen prior to this construction taking place. Mr. Lussier replied that the construction will be put out to bid in the next couple of weeks. He continued that construction could start in early or mid-May. Even if the Council directed staff to do this work right now, the City could put signs up, but they would not be able to mark anything because of pavement temperatures. To put up a sign and have it enforceable, they would have to add this as a “no parking zone” to the Ordinance, which is a three- to four-week process. If they went that route, the earliest they could do something would be mid- to late-February.

Vice Chair Filiault stated that they are optimistic about construction in May. Mr. Lussier replied yes, he is very optimistic.

Vice Chair Filiault asked if there was further public comment.

Kim Rumrill, Executive Director of the Keene Senior Center, stated that there were two automobile accidents with members attempting to pull out of the driveway. She continued that drivers looking left cannot see anything coming. There is a large tree. If there are multiple vehicles on the left side, even a five-foot offset would not be enough. It needs to be further than that. By the time a driver has pulled out enough to see, (a vehicle) can be right there. She has experienced people beeping their horns and just barely being able to weave around her car. It is a bad situation, and five feet is not a large enough area.

Councilor Tobin asked for clarification on whether the problem is the parking or the tree. Ms. Rumrill replied that it is the parking, overall. She continued that the tree adds to the blocked visibility. Sometimes if a car is far enough back and as you are driving up, you can glance to the left, but the tree is there, so it is a very narrow area to try and see if cars are coming. If you do not see any cars coming, then you cannot see anything, so you have to just go for it. There is no tree on the right, so that is a little easier.

Councilor Favolise made the following motion, which was seconded by Councilor Workman.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the request for no parking at 312 Marlboro St. be referred to staff for implementation as part of the Marlboro St. and Cheshire Rail Trail Project.

2) Kenneth and Diane Hitchcock – Request for No Tractor-Trailer Traffic Sign – Intersection of Water and Woodland Streets

Vice Chair Filiault asked to hear from Kenneth or Diane Hitchcock.

Diane Hitchcock of 100 Woodland Ave. stated that she submitted this letter, because she and Mr. Hitchcock have had three issues this year with a tractor-trailer driving over their property. She continued that the street is one of the narrowest in Keene. It comes at an angle, and (tractor-trailer drivers) cannot make the corner. They should not be there anyway. The three incidents in 2023 happened during the day, so she and Mr. Hitchcock were able to go out and stop the (drivers). One of them knew he could not (make it), so he backed off, and that was fine. The next driver she and Mr. Hitchcock stopped could not back up by himself, so she and Mr. Hitchcock called the police, who came and helped him back up. Regarding the third incident, the neighbor was going to help the driver back up. He ended up taking out another neighbor's mailbox. They "ended up into a fisticuff," so the police were called to that incident.

Ms. Hitchcock continued that the first incident in 2024 was at 6:30 AM. When she saw the tractor-trailer, she could not get out the door fast enough to stop the driver, who flew around the corner and was down to Lorraine St. before she got out the door. In that incident, their rocks were moved one or two feet. The second incident was at 11:00 PM. She did not near it but saw the damage the next day. She and Mr. Hitchcock have cameras and rewound the footage to see (the tractor-trailer). There was not enough damage to bother. The (third) time, there was massive damage. Before she realized it was City property, she received an estimate of between \$1,500 and \$2,000 to have it fixed. She and Mr. Hitchcock have lived here almost 54 years and never had a tractor-trailer (on their property) until 2023. She thinks GPS is (a reason for) some. She does not know where the tractor-trailer was headed and does not know if the Police report has that information. She assumes the drivers are getting lost and see on the map that the street goes around and mistakenly think they can use the street to go around, but they cannot. She does not know what can be done other than a sign.

Vice Chair Filiault stated that to clarify, the rocks Ms. Hitchcock mentioned are massive boulders that got rolled out of the way. He continued that this has happened several times a year over the last few years. He asked City staff to address this.

Bryan Ruoff, City Engineer, stated that Engineering looked at this intersection. He continued that under the City's Code, trucks of this size are not permitted within neighborhoods. They are required to stay within the numbered roads. The City works with the NH Department of Transportation (NHDOT) with an overweight permit program. They review all the truck routes that come into the City. They would never approve a truck route that would go through this neighborhood and make this turn. The damage tractor-trailers are doing is partially in the right-of-way. Even though it is not on the pavement, and it is on the lawn, which looks like private property, it is still within the road right-of-way. Thus, in the staff's opinion, this is more of an enforcement issue, as this is already something that is not allowed. He looked hard to find an advisory sign the City could install at this location instead of an enforcement sign that would require additional enforcement that is not currently being adhered to. He could not find one that made sense. Possibly, a "no thru trucks" sign could be installed at this location, but trucks are already prohibited from traveling through this area. The downside in putting a "no thru trucks" sign at this location is that other locations will want the same thing, where it is already disallowed and is already just a compliance issue.

Vice Chair Filiault stated that Ms. Hitchcock called him a while back to explain the situation. He continued that initially, he thought it was a one-time problem, but it is not. It is a continuous problem in this small, residential neighborhood. It is probably due to GPS, but nonetheless, it is happening. He asked if the only downside to the sign is that someone else might ask for one.

Mr. Ruoff replied that he is not advocating for or against the sign. He continued that he is just saying that this is already not allowed. If installed, an enforcement sign could become just another enforcement item that someone might ignore. Another possible solution is for that T intersection with the horizontal geometry to have the curve widened, so that tractor-trailers could

get around the curve. There is room in the right-of-way to do that. It would be more costly than adding a sign.

Vice Chair Filiault stated that he does not think even suggesting allowing a tractor-trailer through that neighborhood makes any sense. He continued that if a sign helps, he sees no downside to that.

Ms. Hitchcock stated that regarding what Mr. Ruoff said about how there is already a law (against tractor-trailers in this neighborhood), the recent driver who did all the damage was from Canada. She continued that she is sure he did not know the laws of Keene, NH. She believes the tractor-trailer drivers coming through here are not local.

Councilor Favolise stated that it sounds like the problem is non-local tractor-trailer drivers not understanding the dimensions of the road. He continued that if they install a sign, he wants to make sure the sign is not installed where it is too late (such as) when the tractor-trailers are already up the road and realize it is too narrow and having trouble backing out. His decision will be influenced by the sign's location. He wants it to be useful as a deterrent, not something that drivers see when they are already halfway down the road and too far in.

Councilor Workman stated that her question for staff is how a tractor-trailer driver would know they are not supposed to be on that road without a sign. Mr. Ruoff replied that a driver would not know until it is too late, when they are at the point where they cannot back up and cannot make the turn. He continued that it is about 500 to 600 feet up the road after the turn where a tractor-trailer cannot make the next right turn. Councilor Workman makes a good point.

Councilor Workman stated that she thinks this is rather simple. They need a sign there to let people know. She continued that she seconds what Councilor Favolise said about the placement of the sign.

Councilor Tobin stated that she agrees and she thinks this sounds more like an awareness issue than an enforcement issue. She continued that it does not sound like the tractor-trailer drivers who go on this street disregard information; it sounds like they are missing information. Communicating that information is a good idea.

Vice Chair Filiault asked if members of the public had any questions.

Ed Haas of 114 Jordan Rd. stated that he is curious about the possibility of other hardscape solutions, such as more trees or more boulders, or something that immediately shows to somebody when they get there that they cannot make this turn. He asked if any of that was explored.

Vice Chair Filiault replied that those who have driven through know that it is one of those neighborhoods where you do not know until you are there that you are not going to make it, and

that is the problem. He continued that by the time the tractor-trailer drivers get to where they (have a problem), they are already there. Councilor Haas replied that he is questioning whether there is something obvious the City could do with hardscape to discourage tractor-trailer drivers from making the turn. He continued that passive solutions are preferable to trying to regulate or installing signage. He puts the idea to the Hitchcocks' and the neighborhood residents, himself included, and the City Engineer, to see if they can come up with some kind of hardscape. He wonders if something like a big tree would discourage them from making that turn. As the Committee just discussed (with the previous agenda item) regarding a driveway situation, the geometry of the road curve will change, to hopefully solve that problem. The City Engineer alluded to how moving the curb out (in the location now being discussed) could discourage that kind of damage. He is in favor of looking at these type of hardscape solutions.

Councilor Workman made the following motion, which was seconded by Councilor Tobin.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the City Manager be directed to install a sign alerting drivers to the existing truck route Ordinance (i.e. "No Thru Trucks").

The City Manager stated that she can commit to following up with the Police Department on the report to see if they can find out where (the driver) was going, and then she can enter it into GPS and see where the GPS directs the drivers to go. She continued that there is an online form where you can submit a message that the directions are wrong. She will try to figure this out.

Vice Chair Filiault asked if staff could get together with neighborhood residents to figure out the most effective location for the sign, as other Committee members alluded to.

3) Oral Report Back on Staff Efforts – Reduction of Speed Limit – Upper Roxbury Street - Public Works

Vice Chair Filiault asked to hear from Public Works.

Mr. Ruoff stated that there was a long discussion about this at the last MSFI Committee meeting. He continued that Engineering and Public Works looked at the situation. He could not drive that segment without feeling like he was going to tip over, so he thought it was prudent to address. There was already one cautionary sign for a curve at one end at Lincoln and Roxbury St. Staff installed a second one at the other end in the interest of public safety. Staff discussed it with the City Manager, who agreed that it made sense. They also added two "20 mph" advisory signs, (both) about the sharp curve. Essentially, for the limits that were identified as being unsafe and requested as being reduced to 20 mph, staff installed advisory signage to recommend that speed, thus resolving this item expeditiously in the interest of public safety.

The City Manager stated that she thought this was an easy solution to improve the intersection. She continued that it made sense to go ahead and do it while they could.

Vice Chair Filiault asked if the Committee or members of the public had any questions. Hearing none, he asked for a motion.

Councilor Tobin made the following motion, which was seconded by Councilor Favolise.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the report as informational.

4) Proposal to Allow Overlay of Asphalt Sidewalks - Public Works

Vice Chair Filiault asked to hear from Public Works.

Mr. Lussier stated that he will start with some background information, since the only person on the current Committee who was there for the original conversation is Vice Chair Filiault. He continued that in 2002, the preceding Public Works Director spoke to the MSFI Committee about concrete versus asphalt sidewalks. It was an extensive conversation over the course of a few months. He wishes he could say that things have changed and the City should change to asphalt sidewalks, but he thinks the Council's decision back then still holds. Concrete is still more expensive to install, but the life expectancy and serviceable life of it is far greater. On balance, the life-cycle cost of the concrete works out to be a better investment, even though they are very expensive.

Mr. Lussier continued that he wants to talk to the Committee about staff's interim plan. Almost three years ago, staff talked to the Committee about a Sidewalk Asset Management Plan. They had that conversation over the course of a couple of meetings and came up with some goals and ranking criteria. The goal was to get the sidewalks to a condition or level of service of "C." The goal was to replace a total of 11.5 miles of unserviceable sidewalks. Nine miles of that was asphalt and two-and-a-half were concrete. The City's existing inventory is about 29 miles of concrete and 23 miles of asphalt. Most sidewalks that are in poor condition are asphalt.

Mr. Lussier continued that last fall, per a Councilor's request, he updated the Committee on how Public Works has progressed since the Sidewalk Asset Management Plan was adopted. From 2021 to last fall, they completed a little over 10,000 linear feet of sidewalk replacements. The Winchester St. project and Roxbury St. projects ran up the score, and the amount of sidewalk replaced as part of the CIP Sidewalk Replacement Program was a small portion of those 10,000 linear feet. Current funding in the CIP allows them to replace between 1,300 and 1,500 linear feet per year. Thus, it would take 75 years to convert the 23 miles of asphalt sidewalks to concrete. The Council has had a long-standing policy, which he could not find in writing but thinks was agreed upon in the discussions in 2002 and 2003, to allow repairs up to 100 feet to be done in kind. That is, if Public Works staff are doing work on sidewalks, they can replace it with asphalt up to 100 feet, but for more than that, the Council expects them to use the standard,

which is granite curbing and concrete sidewalks. Those are the guidelines they have been using for 21 years. It limits how much staff can work on sidewalks.

Mr. Lussier stated that tonight they are proposing a program of what he calls “interim repairs.” The idea is a low-cost Band-Aid over asphalt sidewalks that would give an additional 10 to 15 years of service life. It would allow the City to correct some of the ADA violations, tripping hazards, and those sorts of issues that they receive a lot of complaints about. He is not pitching this as a replacement to concrete sidewalks. It is a corrective measure, a Band-Aid approach. That said, he thinks they could get a lot of traction and do a lot of additional work at fairly-low cost. The idea is to use the City’s own highway crew. Working with the Highway Superintendent, they think they can get about 1,500 feet of sidewalks overlaid each year. Essentially, they would be doubling the number of sidewalks they touch each year, either through replacements or these interim overlays. The way to execute it would most likely be done as part of the annual WOW program they started in the fall. In each ward, they would isolate and find a few sidewalks they could overlay, and for one or two days they would put a crew there and address that sidewalk in that neighborhood.

Mr. Lussier continued that regarding budget impact, they think the existing budget could cover the ongoing costs. The operating budget includes funds for sidewalk maintenance. The current operating budget consolidates a lot of line items. Previously there was a specific line item for sidewalk maintenance; now it is part of street maintenance. Those funds are in there and they know the budget earmarked for sidewalk work. This program would total about \$7,500 per year in materials. That does not include the cost of labor, but they would be doing the work during normal business hours and that time is already accounted for. The upfront cost would be purchasing the paving machine. Currently, they do not have a machine that is designed for or intended to be used for paving sidewalks. They recently acquired a used “drag box” that attaches to the back of a dump truck and allows them to overlay roadways in a similar way. For example, over the summer, Hastings Ave. was overlaid with the drag box. At very low cost, they were able to correct many of the complaints and concerns about that road. The crew have done a very good job using that equipment. That machine gets as narrow as eight feet, but it is not suitable for sidewalks. Thus, they would need to find a machine specific for use on sidewalks. These machines are available new, and staff have also looked at used machines. If this program were to gain traction and the Council decided they were interested in this, staff would bring forward a request for that initial purchase. They would first try to find a used machine, for a lower cost. Ongoing continuation of the program would be done through the normal operating budget.

Mr. Lussier continued that he has a couple examples of what they are envisioning. The photo shows a section of Court St. of about 500 feet. Replacing that (sidewalk) with concrete would be about \$62,500 with current pricing, whereas the materials cost for overlay would be about \$2,500. Another photo shows about 900 feet of Spring St. (sidewalk) that is in rather rough shape. Replacing that with concrete would be about \$112,000. Overlaying it would be a little over \$4,000. There is clearly a substantial difference in cost. Another photo shows a section of Main St. in need of sidewalk repairs. Replacement with concrete would be almost \$140,000 and

overlaying it would only cost about \$5,000. Those (examples) are the motivation behind this request.

Vice Chair Filiault stated that he remembers participating in the conversation 23 years ago. He continued that he recalls that the Committee wanted the City to use concrete where applicable, especially in heavy traffic areas, but it was never automatically going to be concrete. It was one of those ongoing discussions. As he recalls, concrete was never something definite, just something (to use) if they could afford it. He received a couple of calls from constituents today who were confused, thinking that if some concrete was damaged, staff would overlay it with asphalt. He told them that is not the case; they would be overlaying asphalt for asphalt. He asked if that is correct.

Mr. Lussier replied yes, and to Vice Chair Filiault's first point, the concrete standard was codified. He continued that it is now part of the Land Development Code (LDC). Any (sidewalk) replacement staff does, they do with concrete, no matter the neighborhood. New developments must provide a sidewalk on at least one side of the street, depending on the district, and that is going to be concrete. As Vice Chair Filiault said, this is not intended to be a replacement for that standard. It is just an adjunct.

Vice Chair Filiault stated that he remembers part of the conversation was that as you get farther out in Keene, for some of the sidewalks heavily used, it made sense to put in concrete. He continued that that is a story for another day. Obviously, asphalt is a much lesser cost to the taxpayers.

Councilor Favolise asked about how many feet of sidewalk is in "fair" or "poor" condition. Mr. Lussier replied that when they did the Sidewalk Asset Management Plan, they identified nine and a half miles of asphalt sidewalk that met those criteria, identified as "fair" or worse. He continued that some of those nine-and-a-half miles are beyond "poor" and would not be candidates for overlay. One example is Franklin St., where the sidewalk has deteriorated so much that overlaying it would not make sense. It would have six inches of asphalt in some spots and nothing in others; it is just too far gone. That is not the intention of the program. The examples in the photos here show what staff is looking for – (sidewalks) that have been patched or have puddles or settlement. Those are the sorts of defects that overlay can correct. He does not know exactly what portion of the nine-and-a-half miles would qualify.

Councilor Tobin stated that her question is at what point asphalt meets concrete. How many repairs? Mr. Lussier said it would take 75 years to bring everything up to C. She asked if a (sidewalk) could, during that time, receive more than one overlay. Mr. Lussier replied that it is unlikely, because having more than one overlay would result in significant grade changes. Typically, an overlay is an inch-and-a-half to two inches. Part of the project selection criteria are areas where they can add that one-and-a-half to two inches without creating drainage problems or a problem where a resident's driveway does not drain properly or their front yard collects water. This is sort of a policy discussion. Selecting individual locations to implement it

would be a lot more detailed. Overlaying the same section of sidewalk twice would result in three or four inches of additional thickness. There are not many areas in which they could do that without creating drainage problems.

Councilor Tobin replied that she might have phrased her question incorrectly because she is not really asking if they would want to keep doing that. She continued that if the goal were to bring all sidewalks up to grade C, presumably this (program) would bring some up, for a little while. She wonders if this (program) would bring them to a point where, say, all sidewalks would be at grade C in 50 years. Mr. Lussier replied that that is a great question and he has not thought about it. He continued that he would have to play with some spreadsheets to look at that and then get back to the Committee.

Mayor Jay Kahn stated that he wants to add a neighborhood story that hopefully adds some color to this beyond just how many years and the conversion rate between asphalt and concrete. He continued that he lives on Darling Rd. About half of the street is paved asphalt sidewalk, but the residents never use it. People walk quite a bit on the street, as the street has many pets, and never use the asphalt sidewalk. His neighbor lost her eyesight and walks every day with her guide dog. She walks in the street, because the sidewalk is at least 30 years old and so uneven and broken up, like the one in the Spring St. photo. Other neighbors do not use the sidewalk, either. He seldomly uses it, as he does not like walking on the street around curves, but residents prefer the street's level surface to the uneven sidewalk surface with many cracks. Public Works tried to work on it this summer and he appreciates their effort, but it was the old technique of dropping asphalt, pounding it, and rolling something over it. In the end, the surface was uneven. He thinks the idea Mr. Lussier is bringing forward is necessary. He thinks the criteria is more than just where (sidewalk surface) is broken up. It is also about where residents are most inconvenienced. It is throughout the city. There is a real impact of not moving ahead with a replacement schedule that is more responsive to the needs of the constituents.

The City Manager stated that she wants to recognize and thank the Public Works Director for bringing this forward. She continued that staff always tries to stretch the dollars as far as they possibly can. Since Mr. Lussier has taken on his role, he has been looking at old policies and different ways of doing things, which she appreciates. Sidewalks are a frequent topic of conversation, and a frequent complaint that staff hears about, so she is very excited about this. This is a visible, tangible improvement they can make at relatively low cost.

Vice Chair Filiault stated that he can confirm that what goes around comes around, and this will repeat. He continued that anyone still here in 75 years will see if these sidewalks are still holding up. He asked if there were any further questions. Hearing none, he asked for a motion.

Councilor Favolise made the following motion, which was seconded by Councilor Workman.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the City Manager be authorized to develop and implement a program to overlay existing asphalt sidewalks in fair or poor condition using City forces.

5) Proposal to Implement a “Protection of Streets” Program - Public Works

Mr. Lussier stated that he would like to discuss the protection of streets with the Committee. He continued that it is a foregone conclusion at Public Works that as soon as they pave a street, someone’s sewer service fails and it will get dug up, or the gas company will have a leak they have to dig up. It seems to be inevitable. What other communities have done to discourage that sort of problem is implement what most of them refer to as a “protection of streets” Ordinance in their city or town rules. The idea is that for a period of five years after the City invests in the roadway, an umbrella of protection is placed over it. He looked at a few different cities to see how they have done this. Many of these (cities’ Ordinances say that) for the first two years, if you must cut that roadway to make a repair or put in a new service or whatever else, you will have to pay a damage fee at three times the normal rate. Between years two and five, if you must cut into it, you will have to pay twice the normal rate. It tapers off overtime, and after five years you would just pay the normal rate. The idea is that the City announces the roadway paving program at least a year in advance, encouraging people to have their sewer service inspected or do what they need to do. If someone is going to build on a vacant parcel, the City encourages them to extend utilities to that vacant parcel in advance. They give people the opportunity to make the necessary corrections and repairs (before the Roadway Paving Program) to try to minimize the amount of damage to new pavement.

Mr. Lussier continued that over the last several years the utility companies have been very cooperative and helpful with this. Liberty in particular has been doing an excellent job of considering the City’s paving list and going into those neighborhoods a year or two in advance to replace mains or cap off old services as needed. That coordination has been very productive and is going very well, but this is still a concern and something he would love to see a way of discouraging.

Vice Chair Filiault asked if there were any questions from the Committee.

Councilor Favolise stated that he does not want to get into the weeds without seeing a draft Ordinance, but a question he has right away is who would be the arbiter of whether no other reasonable option is available to provide services to new buildings. Mr. Lussier replied that the City Code gives that authority to the Public Works Director. He continued that in practice, the City Engineer administers the road excavation permit program. If, for example, someone’s lateral service for their sewer failed tonight, right now the City is in a pavement excavation moratorium. They do this during the winter months because contractors cannot get hot mixed asphalt at this time of year. The closest plant that makes hot mixed asphalt is in Dracut, MA. Most contractors do not have trucks or the wherewithal to drive to Dracut to get a truckful of asphalt to make the patch. In effect, when there are emergency repairs, the contractors must

“babysit” that patch through the winter. They put gravel or cold mix on it, but they have to go fix it every few days or after every storm. He thinks this would work basically the same way. If an emergency repair needs to be made, no one in Public Works will tell someone they cannot flush their toilet for five years. Things are still going to happen, and these repairs will need to be done. Public Works will not tell the gas company they cannot fix a leak. The idea is that the City would collect this damage fee. If this proposal moves forward, he recommends that the damage fees collected be set aside for roadway maintenance. They have a capital reserve for that purpose already. He suggests the money go into that capital reserve, which would then be available for repairs such as crack sealing, infrared, and mill-and-fill repairs later.

Councilor Tobin asked how often something urgent happens, where they would not be able to plan with a year advance. Mr. Lussier replied that he does not know if this answers her question, but an example is that with the winter work nearly every week a contractor comes to Public Works because someone’s sewer is backed up and they need to dig in the street. Obviously, Public Works cannot tell someone they need to tough it out until April. These things happen, and contractors are required to keep the patch up to snuff until they can get hot mixed asphalt in it. If the City used this (Protection of Streets) program, Public Works would be aggressive in announcing which streets they would be paving the next year to give people at least 12 months to have their service inspected. If someone knows there is a problem – for example, they need to have their sewer line cleaned out every two weeks - Public Works would encourage them to get that work done in advance, so they would not have to charge them that extra fee. The idea is not to collect extra fees in the form of damage bonds or something like that, it is to encourage people to make any needed underground work ahead of time so they do not need to cut the road.

Councilor Tobin stated that her other question was for clarification on the name. She continued that it is called “Protection of Streets,” but she heard Mr. Lussier talk about the “roadway,” which sometimes has a different definition. Mr. Lussier replied that “Protection of Streets” is the verbiage he got from Concord’s and Dover’s Ordinances. He continued that this would apply to both the travel surface of the roadway, plus any paved shoulders and whatnot, as well as in the case of a new sidewalk. The same kind of thing would apply, or at least that is his recommendation. If the City puts in a new sidewalk and a contractor has to dig it up, the City would want to collect extra fees to be able to babysit that and make sure it gets put back correctly.

Councilor Workman stated that she supports this, but she wants to make a point. She continued that she does not love that the cost would come down to the property owner but, in regard to the communications that staff sends out a year in advance, she asks them to include – if they do not already do so – some information on where property owners could access financial assistance if they need major repairs. Keene has an aging population and many people on fixed incomes.

Councilor Favolise stated that he has a clarification question. He continued that the way he is reading this proposal, an emergency repair would be exempt from this. (If not), he would need to think about that. The second piece is, “...when a situation arises that meets the criteria for an

exception, the applicant is charged the fee or required to perform far more extensive restoration.” He has not heard that talked about. Mr. Lussier replied that he does not love the idea of that, but it is how Nashua does it. He continued that, for example, if your sewer fails tonight and you have to patch it, the way Nashua handles it is that as part of the restoration of that patch, the contractor is required to excavate the full depth of the roadway. If it goes down about three feet below the road surface, they have to excavate all of the material and build it back up in layers with all new gravels, crushed gravels, and everything else. The asphalt surface has to be patched from curb to curb, 20 feet in each direction from the patch. Thus, not only are you excavating more in the roadway to replace the gravel that is disturbed but, you are milling and overlaying a section of roadway that could be about 50-feet long by the full width of the roadway. The intent is, it creates a much smoother surface than all the rest and inconveniences the rest of the traveling public for a much longer period of time, so it is not his preference for how they would do it, but it is another approach.

The City Manager stated that when the Public Works Director first told her about this idea, she thought it was great, because utility companies are always cutting into the roads after the City does a road project and it is never right every time it is fixed. She continued that, however her concern is related to emergency repairs for home owners. She is not excited about a homeowner who does not know that their sewer is about to fail and needs to make a repair paying two or three times the cost, and she does not have a sense of what that cost is. Emergencies like that will happen, and as Councilor Workman said, they have aging infrastructure and an aging population. She is concerned about someone who did not know they would have an expense to fix their sewer line now also having this additional charge on top of it. From there, they talked briefly about whether there is a way to address that and add some language that would exempt homeowners from this if they had emergencies. The challenge is making sure the City is treating utility companies and other contractors equal to how they are treating homeowners. She thinks that is worth talking about a little more, to see what options they have, and to get some direction from the Committee regarding how they would like to see this framed, if staff does bring back an Ordinance for them.

Vice Chair Filiault asked if the City Manager is asking for this to go on more time. The City Manager replied that she is asking for the Committee’s input. She continued that if the Committee has the same concern she has, related to how they are addressing homeowners’ emergency repairs, maybe the answer is to seek more creative ways to address that. Vice Chair Filiault replied yes, they want to get this done right the first time. He continued that he is okay with (placing this on more time) for a couple of weeks to allow staff to hear more from the Committee and the rest of the Council and to brainstorm about these open-ended questions.

Mr. Lussier stated that the City Manager raised a good point, and he should have put information in his memorandum about what “two times” or “three times” the cost means. He continued that Dover, for example, charges \$5 per square foot for the damage bond on every excavation. Concord charges \$7. A typical excavation would be, say, five feet by 20 feet. If the utility you are connecting to is on the other side of the road, say it is 100 square feet. The normal bond

would be \$500. That is also what they currently charge as a security deposit. If the City went forward with something like this, they would be talking about \$1,000 or \$1,500 as the fee. How they currently do it is they collect a security bond and hold it for one year. After a year, a Public Works staff member goes out to look at the patch and makes sure everything is still holding up. If it is, they release the funds back to the contractor. Something that has always given him concern is that he suspects some contractors do not tell their clients that the money comes back to them if they did the job properly. That is probably money that the homeowners are not seeing come back to them.

Vice Chair Filiault stated that he appreciates having that context, but since he thinks this item is going to be placed on more time, it does not make sense for the Committee to keep asking more questions right now because staff will have to come back before the Committee anyhow. Before they can get a first reading, they must have a draft Ordinance.

Vice Chair Filiault made the following motion, which was seconded by Councilor Tobin.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee placed the item on more time.

6) Request to Install a Stop Sign at the Intersection of Gilsum St. and Washington St. - Public Works

Vice Chair Filiault asked to hear from staff. Mr. Ruoff stated that Public Works received an anonymous request through the “See Click Fix” reporting system for the installation of a stop sign at the triangle intersection with Gilsum St. and Washington St. He continued that at this location there is currently a red flashing light for southbound traffic on Gilsum St., which serves the same purpose as the proposed stop sign. The Engineering Division did a review of this intersection and drove it a couple of times. It drives like a yield, basically. All the cars go right through it. He does not think it is anything deliberate; it is just how it drives. However, it is a stop, and people are not stopping.

Mr. Ruoff continued that they looked at the line of sight. The agenda packet includes an overhead view of the intersection. There is a section of parking where you lose the line of sight on Gilsum St. to see what is coming on Washington St. That is probably why that is a stoplight on Gilsum St. for southbound traffic on Washington St. For Washington St., at the same location, a yellow flashing light signifies the yield, which makes sense because Gilsum St. cannot see the traffic on Washington St. The lights make sense, but the problem is that people are not obeying them. The Gilsum St. at Washington St. intersection is (incorrectly) listed in the City Code as a yield, but this is a flashing red light, which acts as a stop. It needs to be corrected either way in the City Code.

Mr. Ruoff continued that because you lose that line of sight on Gilsum St., staff's recommendation is that until they reconstruct the intersection, they install a stop sign in addition to the flashing red light so cars stop there instead of continuing to drive through it.

Vice Chair Filiault asked if there were any questions from the Committee or the public. Hearing none, he asked for a motion.

Councilor Workman made the following motion, which was seconded by Councilor Filiault.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the City Manager be directed to draft an Ordinance adding a stop sign at the intersection of Gilsum St. and Washington St.

**7) Relating to Master Boxes
Ordinance O-2025-03**

Councilor Filiault asked to hear from staff.

Jason Martin, Fire Chief, and Rick Wood, Fire Marshall/Building Official, introduced themselves. Mr. Wood stated that they are here to discuss a proposed update to the Ordinance regarding fire alarm systems to facilitate a controlled decommissioning of the City-owned and maintained 100-milliamp wired master box system. He continued that the master box system has been part of the Fire Department's infrastructure since its approval on November 10, 1885. It served the City for about 140 years, which is impressive. In those days, the system was not only used to serve to alert the Fire Station of a problem, but it was also used by the responders, because it is built off the telegraph system. Each box had a teletype button to communicate back to the station to get more help.

Mr. Wood continued that there have been major iterations of technological advances that have provided viable options for the transmission of alarms and communication between the scene and the units and dispatch. The current system needs significant capital investment to maintain and update to ensure reliable service delivery is maintained. Given the challenges and the needs facing the City and Fire Department, staff have been reviewing and evaluating how to best provide core mission services. (He can speak to what) the impact (would be) if they go ahead with this Ordinance. Currently, there are about 210 master boxes on the wired system, which means they are connected via wire to the receiving station on Vernon St. Each property location would be required to transition to one of the transmission methods allowed by the NH Fire Code. That would have an impact.

He continued that there are four code-compliant options. (First is) the one the City currently operates, the radio master box system. It uses the radio frequencies to transmit the alarm instead of wires, received at the dispatch center. (The second) is a proprietary supervising system, which means an owner of multiple properties can have an alarm-receiving station to monitor all of his

or her properties and then call the Fire Department from there. That system is utilized around the country by companies like Walmart. (The third is) the remote supervising station, a business that monitors a property owner's alarms. They charge a fee for service, monitor your alarms, and transmit them via a variety of different pathways. (The fourth) is central station monitoring, which is an Underwriters Laboratories certified alarm-receiving station. It is a much more rigorous standard, typically used by companies that require a higher level of certainty.

Mr. Wood continued that those are the options for replacement. He and Chief Martin are trying to give the Committee an idea of what the execution looks like. The first step is soliciting an RFP, which they are in the process of, to do two things. One, they are looking at how to make sure to get the economy of scale for City buildings, because approximately 12 City buildings will require changes. Two, they are writing the RFP in a way that anyone who needs to change over their master box to a different system could use the same pricing the City receives through this RFP. That RFP would be going to the radio master box system, so it would still use that system, but it would go to radio transmission capable systems. That is one option, the first option he talked about. They will write to people and make them aware of this change. They worked on a flyer, for if this Ordinance is recommended and passed. They would mail a letter to every property owner who has a master box, with the letter indicating how it will be engaged, what the timeline is, what the deadlines are, and how the City can service and help people navigate the change. The flyer would explain the options and help property owners understand, from their perspective, what the best choice is.

Mr. Wood continued that they intend to host a couple of informational sessions to allow people to access City staff and ask questions about the different options, recognizing that it is complicated for people and people might not understand (the options). The goal is to allow the end-user to choose their system. One end-user might feel like a more upfront cost in the beginning is better suited for them, while another might want a lower cost up front and a higher perpetual cost for maintenance. They want to make sure the end-user gets that choice.

Mr. Wood continued that lastly, staff would do a follow-up notice, 60 or 90 days out, to give people a final reminder that the City will shut the system off on a certain date and what (to do), so they do not leave anyone hanging. They know that sometimes when people are given a lot of time (to do something), they procrastinate a bit, so they want to make sure to capture that as well. He and Chief Martin would be happy to answer the Committee's questions about the proposed Ordinance.

Councilor Tobin stated that she appreciates that Mr. Wood and Chief Martin came with this (draft Ordinance) and also a communications plan, and a plan to help people figure out what the best option is for them.

Vice Chair Filiault asked for public comment.

Jared Goodell of 39 Central Sq. stated that he has a couple of questions for Mr. Wood. He continued that first, there are some changes to the requirements of fire alarm systems in general. Section 34-93 talks about addressing and indication of things. His concern is existing buildings that have systems that might have portions that are not addressable. He asked how this Ordinance affects existing systems, particularly when a building might have a partial renovation. He asked if they would need to upgrade or update their entire fire alarm system to comply with this new Ordinance if their system does not comply with the requirements.

Mr. Wood replied that the intent is to have the primary mechanism they have in the state for existing buildings fall with the existing State building code, which dictates what comes into play based on the level of work. There is an actual methodology to that. It would be disingenuous to answer with a blanket “No, never,” because the Code recognizes certain levels of work. There are three different alteration levels. The first is changing minor things like finishes. The second is if you are going to reconfigure your space. The last one is reconfiguring more than 50% of your building’s floor area. Thus, when you get to that third level of alteration, absolutely there might be some kick-in. In the first two levels, not generally. It is only confined to the defined space being worked on, so, it is limited for that purpose. This change Mr. Goodell is referring to in Section 34-93 is focused on having consistency. Right now, they do not have a way to communicate to people when they should be doing a voice system. There are some very specific things called out in the panel when you get to different types of occupancy. For example, a point where you need point enunciation. What that means is, each device has its own address, so it can tell (the Department) exactly where the problem is. In older systems, the entire loop of wire is considered one device, so all you would know is that X amount of floor area. This tries to indicate that when they get above a certain distance, they need this addressable. The reason is that it has to do with responding efficiently to the actual alarm. If someone is doing a small renovation, the intent is not to invoke a different standard or to make someone upgrade a full system.

Mr. Goodell stated that another question is about subsection G, where there is new language saying access to panels shall be for site management personnel approved by the Fire Marshall. He asked Mr. Wood to explain that. Mr. Wood replied that with the way the master box Ordinance reads, there is no ability for property owners to access the inside of their master box. He continued that staff is trying to shift the responsibility and the ability for property owners to maintain their system. The (City) does not need to be the “babysitter of the master box.” The reason that was important when the master box was in play was because things you do inside the wired system can affect not only your box, but also the downstream boxes on the system. If you go into your box and disconnect the wrong wire, you could take 50 or 75 other clients offline. That is why the Ordinance had a restriction. This will only apply to radio master boxes in the future, because that is all that will be going in. There is no way you can take down additional clients, so the Department is saying they do not need to manage access to the box anymore. The property owner will be able to manage it. It is just to make sure that they do not have someone who does not know how to navigate the box. If you are running a location that needs to be shut

down, the Department would train you on how to do that, and then you would essentially be approved. It is very similar to other types of things they do in the Code industry.

Mr. Goodell asked if that access is only for the radio box portion of the system, not the fire alarm portion. Mr. Wood replied that is correct. He continued that a property manager needs to be able to manage their own system. Right now, there is an access permit requirement. That is being removed because they feel like because they are not taking anyone else offline, they (the Department) does not need to be in the mix. The Department is trying to remove that actual access permit and transition it back to the private vendor-initiated repair and modification process.

Mr. Goodell stated that regarding Section 33-105, Mr. Wood mentioned that it is titled "Responsibility" and he proposes deleting that in its entirety. This section currently describes that the building owner pays for the installation of a radio alarm box and then upon its activation the box becomes the City's property upon its tie-in to the system. That would change. In theory, he is not opposed to that, except that currently, folks in the system are paying an annual fee and will continue to do so but will now be responsible for the maintenance of the radio box and its good working condition. His question is what the annual fee will be going towards if the Ordinance takes ownership away from the City and puts it onto the property owner and the City is no longer maintaining that module.

Mr. Wood replied that the proposal is to leave the fee the same. He continued that the point of the annual fee is not necessarily just maintenance. That was when staff had to go out to boxes to be able to let them into the box. That is to monitor the system. Staff still has to monitor the system. They just had a capital project where they put in a second receiver, so they would have continuity if one receiver went down. That annual fee is to make sure the Department can both receive and process someone's alarm signal. The reason 105 was removed is because when they are dealing with a piece of infrastructure that is connected into a wired system that could take other people down, they needed that level of restriction. The NH Fire Code as currently written puts the responsibility for alarm systems and transmission of alarm systems on the property owner. All the Department is doing is reverting to the Fire Code. There is a transition piece here. They intend to look at how to transition, because they might need to realign the numbering of the box. Currently, when a box is installed, the Department goes out and programs it, and then witnesses it being tested. They anticipate that the Department will not need to do that anymore. They want to turn that over to the vendor as part of the RFP. They do the programming. The Department has very specific sequencing set up, and (the vendor) is aware of that. Any vendor could buy a box, install it according to the vendor who is supplying the boxes, and then the Department goes to witness and test it. The Department has to permit every box installation anyway, so that allows a more efficient flow, and allows the ability for multiple vendors to be installing boxes instead of City staff being in that loop.

Mr. Goodell stated that they also propose deleting Section 34-106, "Exceptions," in its entirety. He continued that this aligns with a lot of building code in general, which essentially says that if

a person might have, say, a legacy system or a building that means maybe they cannot meet the true intent of this Code, that they could apply to the Fire Department for an exception and as long as the intent could be met, they could be approved to have an alternative way to meet the intent. It is always good to have that flexibility. Fire alarm systems are very expensive. For example, he just had to have a single pole station in a building fixed and it cost \$4,000. The companies that service these systems are not in Keene. They are proprietary systems and there is heavy programming involved. It is very expensive to do, so he thinks the Council should consider allowing that exception paragraph to stay.

Mr. Wood replied that that exception is in there because Section 34-98 currently provides very explicit occupancies that must use the system currently. He continued that the Department is removing that. They are diverting back to the NH Fire Code, which they are obligated by law to follow anyway. The exception would divert back to what the NH Fire Code or Building Code requirement is, and a Variance process is embedded in that by statute.

Mr. Goodell stated that lastly, with all of those questions answered, he thinks that broadly, this is a good thing. He continued that as Mr. Wood mentioned, the system is old and needs to be updated; it is non-functional in many areas. However, he is concerned that it is now January 22 and people would need to be fully switched over, under the current text, by January 6, 2026, which is less than a year away, and this still has to go through the full City Council process. Fire alarm systems can be expensive, as is the programming. People are booked out for months; it takes a long time to get them in. He thinks the timeline on this is a little aggressive. He thinks they should look at giving people a little more time than eight or nine months. This could have a real financial impact on the buildings that need to move away from the master box system into one of the other approved systems. He suggests the timeline be less aggressive or provide for an alternative for someone who cannot get someone out there (to install it) or cannot afford it. Maybe they could put a plan in with the Fire Department so they are at least working toward getting upgraded. Expecting the entire city to be moved away from the old system and into the new one by January 6, 2026 is very aggressive.

Vice Chair Filiault stated that his comments are duly noted. He asked if there were any further questions from the Committee or audience.

Mr. Wood stated that he wants to comment on the timeline piece. He continued that the balance they are trying to strike here is between the aging system and maintaining it for that period of time because there is liability if the system does not work. They are trying to balance that along with that interest, and that is why January 2026 was selected. Certainly, if they need to do something a little different, they can look at that.

Vice Chair Filiault asked if the City Manager and the City Attorney are good with this. Tom Mullins, City Attorney, replied that the suggested motion is to place this on more time for one more cycle. He continued that they need to do some wordsmithing to the Ordinance. Substantively, at this point, nothing is expected to change, but there are some changes needed.

Councilor Tobin made the following motion, which was seconded by Councilor Favolise.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the Ordinance relating to master boxes be placed on more time.

Councilor Favolise stated that this might be something he should be saying when the Ordinance comes back to the Committee, but he would not be opposed to thinking more about the timeline of January 6, 2026, as they move forward with this.

**8) Relating to Installation of a Stop Sign on Jennison Street
Ordinance O-2025-04**

Mr. Ruoff stated that this was heard in front of the MSFI Committee on December 18. He continued that it is a revision of the City Code to add a stop sign at Jennison St. for northbound traffic at the intersection with Foster St. The draft Ordinance is in the agenda packet. It is rather straightforward.

Vice Chair Filiault replied yes, it is straight forward. He asked if there were questions or comments from the Committee or the public. Hearing none, he asked for a motion.

Councilor Favolise made the following motion, which was seconded by Councilor Workman.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Ordinance O-2025-04.

**9) Relating to Designated Loading Zones and Bus Loading Zones
Ordinance O-2024-16-A**

Mr. Lussier stated that this was placed on more time during a previous meeting, specifically because Chair Greenwald had some questions and was looking for some additional information. He continued that if the Committee wants to wait for Chair Greenwald to be back before they vote on this, that is fine. Vice Chair Filiault replied that Chair Greenwald contacted him and said that it is fine for the Committee to move forward on this in his absence.

Mr. Lussier stated that the question that came up last time was whether all of the areas that were proposed on Gilbo Ave. were needed for the bus loading zone or if they could be trimmed down to leave some space for normal vehicle loading and unloading of trucks, with some space preserved for buses. The Committee asked him to come back with some dimensions so they could better understand that. The graphic shows Roxbury St.'s dimensions. The indented portion in front of Central Square Terrace is 99 feet long. Staff proposes 50 feet of that be designated as a bus loading zone. That would leave enough space for two normal car-sized loading spaces. The next one is Gilbo Ave, which they had questions about last time. That area,

the curb line in front of the Transportation Center, is about 95-feet long. Staff propose 50 feet be preserved for the buses, leaving 45 feet for two normal car or small truck parking spaces. Something like a Cisco truck or box van would probably take up both of those spaces, which would be okay. The final one (on West St.) is 33-feet long along the curb line, with very gradual tapers in and out. He does not think anyone is confusing this one with anything but a bus stop, so this one is just included in the Ordinance to be consistent with the other treatment.

Councilor Tobin asked about clearing snow and anything else that is placed in there. She asked if the expectation of a bus stop versus a loading zone would mean that snow would be cleared from that area. Mr. Lussier replied that staff would maintain them exactly the same in the winter. They would be cleared. They would be part of that overnight no parking on the streets where they go around and clean up the nooks and crannies. Councilor Tobin asked if it is correct that that is how it is right now. Mr. Lussier replied yes.

Vice Chair Councilor Filiault asked if the City Manager had anything to add. The City Manager replied that she thinks this was a good resolution to Chair Greenwald's concerns. She continued that it provides for the loading zone space and the bus parking space.

Councilor Workman made the following motion, which was seconded by Councilor Tobin.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Ordinance O-2024-16-A.

There being no further business, Vice Chair Filiault adjourned the meeting at 7:37 PM.

Respectfully submitted by,
Britta Reida, Minute Taker

Edits submitted by,
Kathleen Richards, Deputy City Clerk