

City of Keene
New Hampshire

MUNICIPAL SERVICES, FACILITIES & INFRASTRUCTURE COMMITTEE
MEETING MINUTES

Wednesday, March 22, 2023

6:00 PM

**Council Chambers,
City Hall**

Members Present:

Mitchell H. Greenwald, Chair
Randy L. Filiault, Vice Chair
Robert C. Williams
Catherine I. Workman
Kris E. Roberts

Staff Present:

Elizabeth A. Dragon, City Manager
Thomas P. Mullins, City Attorney
Don Lussier, City Engineer
Brett Rusnock, Civil Engineer
Andy Bohannon, Parks, Recreation, and
Facilities Director

Members Not Present:

All Present

Chair Greenwald called the meeting to order at 6:00 PM and explained the procedures of the meeting. Roll call was conducted.

1) Request for a Tree Removal – Marlboro St. – 310 Marlboro Street, LLC

Chair Greenwald asked to hear from the Petitioner.

Randall Walter of 310 Marlboro St. stated that he is before the MSFI Committee to clear up a matter in regard to a tree, which is depicted on the screen. He continued that the tree is in the centerline of a new, proposed curb cut that was approved by the Planning Board and Zoning Board of Adjustment last fall, and deemed safer and more efficient for everything on the 310 Marlboro St. site.

Mr. Walter continued that his background with trees is well established. He worked long and hard a couple years ago to preserve a tree on Roxbury St. that was slated for cutting as part of the bridge project. Thanks to City staff, they were able to save that tree. Wanting to take down a tree is not a casual occurrence, but as you can see in the drawings, in this case it is necessary. He/310 Marlboro St. intends to replace it with a tree in the location of the curb cut that they are abandoning. This tree is not healthy. It is the smallest of the trees on the property. The center stem indicates some decay, which may or may not travel down the trunk. That might explain why it is smaller than the other trees.

Mr. Walter continued that a site plan is in the agenda packet. The site plan last fall was developed with aerial topography and the property lines indicated that this tree was on 310

Marlboro St.'s property. In fact, it is not. Therefore, it was not discussed last year because it was anticipated that this tree was on 310 Marlboro St., when in fact, it is in the City's right-of-way. They have now had a proper survey done and submit that with their building plans, and that is when City staff noticed that the tree is not on 310 Marlboro St.'s property. The site plan also shows the new layout. It is unavoidable to remove this tree, because it is on the centerline of the new right-of-way.

Chair Greenwald asked if there were any questions from the Committee.

Councilor Williams stated that he noticed in the application that Mr. Walter plans to replace the tree with a pin oak, which he has concerns about, as it is not a tree native to this area. He continued that it is native to Indiana and Ohio. Other trees could go there, such as red oak, sugar maple, hackberry, scarlet oak, and hophornbeam. These are some trees he heard from Michele Chalice, an expert on such matters. Several street trees might be better options than a pin oak. He asked what Mr. Walter's thoughts are.

Mr. Walter replied that he followed the City staff's recommendation regarding that species selection. He continued that 310 Marlboro St. would prefer a tree of a species consistent with the others, which is the sugar maple, but the City does not want that. They are completely open to other species. Pin oaks are very stable trees, which is certainly suitable. He does not have a strong opinion one way or the other; they are simply following staff recommendations. The list he was given, of species the City likes to see planted, was considerably shorter than the (list Councilor Williams gave).

Don Lussier, City Engineer, stated that staff has reviewed this as part of the site plan approval process. He continued that staff has no objection to removing this tree, given that the applicant has already stated his intention to replace it with a street tree. In terms of the specific species, the Transportation and Stormwater Manager (formerly known as Highway Superintendent) has a list of pre-approved species of street trees that considers the size of the mature tree, and growth patterns in terms of whether the roots tend to heave sidewalks and that sort of thing. This is far outside his (Mr. Lussier's) comfort zone, so he defers to the Transportation and Stormwater Manager. If other species are more appropriate, staff can certainly look at that, and he is sure the Petitioner would be happy to put in whatever species they are looking for. He confirmed that the maple present today is not considered a desirable species, although he is not sure why; maybe it has to do with mature size or the propensity to heave sidewalks.

Chair Greenwald asked if it is appropriate to let City staff and the Petitioner decide what kind of tree is going in, so long as the tree is going in. Councilor Williams replied that that is fine with him, noting that he has a strong preference for a native tree, and in that space a sugar maple would be appropriate.

Chair Greenwald asked for public input.

Michele Chalice of 25 Beech St. stated that she is a former licensed landscape architect and currently an environmentally-friendly landscape designer, and she encourages the City to give consideration to native species. She continued that the reason for not wanting to put in an additional maple is that the area is experiencing an increased number of diseases, and they do not want to have all of the street trees be of a limited type because when a disease happens, they lose hundreds of trees. This has been happening with the autumn purple ash. Having greater diversity in the street trees, instead of having all one species, stacks the odds in their favor so they do not lose as many trees when a new disease comes up. In addition, native species are most adapted to the unique local weather circumstances, so it is their best investment in terms of return for money spent.

Councilor Workman said she wants to thank the Petitioner for his foresight in adding a tree even though they are taking one down. She continued that every time she sees the site plans for this space, she is excited. She cannot wait to see the final product, and thinks 310 Marlboro St. is doing a great job revitalizing Marlboro St.

Councilor Roberts stated that he supports putting in a different species because downtown, they put in the same trees, of the exact same age, and it looks nice, but there is a good chance the trees will all die together at the same time. He continued that, as Ms. Chalice said, it is important to have trees of different species and different ages so they can continue to have the trees.

Mr. Walter stated that it does not seem like this topic is relevant to him. He continued that he/310 Marlboro St. picked from a list of recommended species. If the broader group does not like the list, he suggests they solve that issue somewhere else, and future applicants can just pick from it. He does not think this has to be a maple, and he agrees with diversity in species, but this (conversation tonight) is a bit painful because he and his team picked from the list (that City staff gave them). He and his team are experienced professionals who know what they are doing, and if they are permitted to remove this tree and plant another one, the process should have a more direct list of preferred species. Or, the letter should just say, “[City staff] will pick from the list.” He assumes they would decide based on market pricing.

Councilor Williams stated that he thinks what they have learned tonight is that the list needs to be revised. He continued that thus, Mr. Walter coming here is helpful in the sense that now they know that the list is a problem and can look at it, and he appreciates that. To reiterate what Councilor Workman said, he is very happy with what Mr. Walter is doing at 310 Marlboro St. and is very excited to see a whole lot of housing going into that space.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends granting the request of Randall Walter to remove the tree in front of 310 Marlboro St. at the expense of the requestor.

2) **Proposed Public Art Piece – Historical Society of Cheshire County**

Chair Greenwald asked to hear from anyone here representing the Historical Society of Cheshire County, or the City Manager.

City Manager Elizabeth Dragon stated that this is a great project. Still, they did not have time to go through and answer some of the questions related to the City's public art process, so staff told the Petitioner they did not need to come tonight because staff would request that the MSFI Committee place this item on more time.

Chair Greenwald stated that he has a personal objection to placing items on more time, but he will do it, particularly since this has been kicking around for the past three weeks.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee placed this item on more time.

3) **Presentation - Infrastructure Planning and the CIP Process - Public Works Department**

Chair Greenwald stated that they will hear from the City Engineer about infrastructure planning and the CIP process. He continued that to give a bit of background, originally when he suggested this idea, it was at the beginning of the discussion regarding the Main St. project and how that got into the CIP. He thought it was appropriate, as they were getting into the discussion of the Main St. project, to talk about how they begin it. The process on the downtown project is different, but nonetheless, he thinks it is worthwhile to spend some time discussing what the Capital Improvement Program (CIP) is about. Typically, this is a Finance, Organization, and Personnel Committee issue, but the value for the public is worth spending the time (in an MSFI Committee meeting).

Mr. Lussier stated that he is excited to talk with them tonight about the “sausage-making” of developing the CIP. He continued that regarding asset management planning, step one is inventorying what the City has, and the condition of it. The inventory is maintained through the GIS system. The condition comes from a few different spots. Much of the information staff uses in developing the CIP has to do with the condition of the assets. A lot of that comes from City staff doing normal maintenance activities. For example, the Water/Sewer crew flushes the water mains bi-annually, which includes operating all of the valves and touching all the hydrants. If the crew finds problems with those assets, they make note of it, and it goes into the data management system, going on the radar for future improvement. They also do sewer video inspections, periodically and routinely, or in response to a problem. The Highway crew does bridge inspections twice a year. They do a quick check in the fall to make sure there is no debris (branches, trees, and so on and so forth) hung up on the bridge with the potential to cause ice

dams. In the spring or early summer, they do a more comprehensive inspection of the bridges, identifying issues that might need more attention. When they flag those issues, Engineering looks to see if they are issues staff can address in-house, or if they are something they need to put on the radar for a contract. Another example is that Engineering inspects the dams based on regulatory compliance. Since the three-mile reservoir was built by the Army Corps, they must inspect it four times a year, which Mr. Rusnock does. Other dams are inspected annually. Those are all examples of data generated by City staff, which goes into the asset management software so they can query that system for which assets need more maintenance than others, which are showing distress or poor condition, and so on and so forth.

Mr. Lussier continued that another data source is all of the reports, studies, and documentation prepared by the City's consultants. They tend to be long-lived reports. For example, the Water Infrastructure Plan and Wastewater Infrastructure Plan are still being used as sources of projects for the future. For example, right now in the CIP, Hastings Ave. is proposed to be upgraded from its current size of 8 inches to a 12-inch main, because a Water Infrastructure Plan recommendation was to increase that size to provide better fire flow in the western side of the city. These holistic and comprehensive reports tend to be a source of ideas and needs for the long term. Decades (after they were issued), staff is still working off those recommendations.

Mr. Lussier continued that last but not least, (information comes from) Keene's residents themselves. He showed a screenshot of the "See-Click-Fix" logo, and continued that as of this morning, just over 900 resident complaints or reports have been addressed by City staff because of citizens and residents telling them what was needed. He is excited about and proud of how "See-Click-Fix" has been a great tool for the City. They also get information from phone calls to the City Manager's Office, Public Works, emails people send, and so on and so forth. Many eyes and ears on the street let them know what is going on.

Mr. Lussier continued that all of the data staff collects goes into the asset management software, and staff begins to pull that information back out. Essentially, they are looking at the history of assets' maintenance needs and conditions to figure out what assets need what improvements over the next one to seven years, which is the planning horizon for the CIP. They are trying to prioritize work on these assets so the assets can continue to meet the community's expectations for the level of service. They will not be able to keep the roads at perfect condition, because that would be too expensive. They know they will not replace 100 miles of water main in a short period of time, because that is a huge expense. However, they can try to prioritize the most critical water mains to get done when they need to get done, so they do not create problems for the community such as not being able to deliver water in an emergency.

Mr. Lussier stated that that is how staff comes up with ideas and prioritizes the work that needs to be done. Now he will get a bit more granular and look at a case study of how a project is developed and evolves over time. Typically, an identified need is the impetus for the bigger infrastructure projects, such as Washington St. and Court St. Using the downtown project as the case study, what drove that project in the first instance was stormwater. The first demonstrated

need for work on the stormwater system in Central Square, or at least the first reference he found, came from the 2008 plans for Court St. When staff was developing the plans for that project, the designer said, *“We know we need to upsize these drain pipes in order to accommodate the storms we are getting these days, but we also know that downstream of this project’s limits, there are other constrictions in the site that you are going to need to address.”* The City had a Drainage Master Plan prepared in 2012, in response to some specific flooding issues. They were looking system-wide to determine which areas needed to be addressed to mitigate some of the repetitive floodings in different neighborhoods. That report mentioned the constriction on Central Square down Roxbury St. as being one of the areas that were causing repetitive flooding along Court St. In 2013, as part of a contract for cleaning and video inspection of drain lines, they cleaned the drain line that crosses Central Square. Mr. Lussier showed a photo, stating that it shows the partial collapse of the 15-inch clay line, which was actively failing. That got the staff’s attention, and they realized this needed to get into the CIP.

Mr. Lussier continued that staff develops the CIP about nine months before its start date, and the date on it is 12 months before that. Thus, they were developing the FY16 CIP in the fall of 2014. In 2013, they got the inspection report with that photo of the actively failing pipe, and in the fall of 2014, they added it to the CIP. In February 2015, the committees reviewed it, and it became an active CIP in July 2015. In FY16, they added it to the program. At the time, it was scheduled for 2019. That same CIP also included another program, another request, to do an initial Downtown Revitalization study. It was a smaller program, \$75,000, to do community engagement/outreach, asking the community what they want to see changed and what needs to be improved downtown while the City is doing the anticipated utility work. The drainage was the initial need that made staff focus on this area, but while they plan to work in a particular area, the staff looks to see what other work needs to be done. The Council had once adopted a “dig once” policy, which staff still tries to follow to the maximum extent possible, so that if they are going to be disturbing a neighborhood or tearing up the streets, they do not want to keep coming back to the same area, so they try to do work comprehensively. That is part of the evolution of the CIP.

Mr. Lussier continued that in the first year, it just included the drain line. In 2018, they rescheduled the drainage improvements to coincide with what they thought, at the time, would be some streetscape improvements. That same year, they also added funds into the program to do the streetscape improvements, such as sidewalk widening and landscaping features. Those were scheduled for FY22 or FY23. The following year, they looked at the other utility systems and added funds to replace some undersized water mains. As part of that, there was a proposal to do some structural lining of water mains. In 2017, they experimented with structural water main lining, an epoxy spray applied to the inside of a pipe. They hoped it would solve some of the structural issues with water mains. Applying a cement lining, which they have done for years, does not really address those structural concerns, but would be a lot less expensive than replacing the water mains. The experiment was successful but did not save much money, compared to replacement, and was very disruptive for customers. There was a 24-hour shutdown with no water, followed by a “boil water” notice because they turned the water back on without having

the normal bacterial disinfection results. Staff was not impressed, and decided not to move forward with (the structural lining).

Mr. Lussier continued that although that was in FY19, that was included in the CIP as a proposal for structural lining, and later that would be revised. That same year, they added sewer replacement and upgrades, as required in the CIP. They said, *“We don’t know yet what sewer replacements are going to be required, but we expect we will do some as part of this utility project.”* That was also the first year they introduced the traffic signal program. They timed the signal replacement in Central Square to coincide with the planned utility work.

Mr. Lussier continued that for the FY21 CIP, they updated the flood control cost estimate. They looked closely at the scope, added some work on Main St., and updated the cost estimates based on what they were seeing for bid pricing at that time. By this time, the scope of the sewer main had been defined, and having a better definition and scope for that work gave a better cost estimate. This was also when staff realized that the structural water main lining was not going to be the silver bullet they had hoped. Thus, the work scheduled for a water main lining became a water main replacement, and the cost of the water main work went up a little.

Mr. Lussier continued that at this point, also, the Arts & Culture Corridor proposal was introduced. In the 2021-2027 CIP, the Department added a budget for work on Gilbo Ave., to replace and repair utilities before this proposed Arts & Culture Corridor got developed. That Arts & Culture Corridor has fallen by the wayside, but the utility work needed under Gilbo Ave. is still relevant and has been folded into the downtown project. From Main St. to St. James Place, that scope of work for water, sewer, and drainage is part of what they are now considering the downtown project.

Mr. Lussier continued that finally, with the CIP they are currently working off, 2023 to 2029, that Gilbo Ave. scope was merged into the downtown project. They also added some scope on Church St. Lamson St. was part of it originally, but Church St. was new. As they get closer, they want to make sure their numbers are right, so all of the cost estimates for the water, sewer, and drainage were updated based on the bid prices they were getting in the spring of 2022. Those numbers were used to adjust the pricing, and some of the pricing went up as a result. There was additional inflation in 2022 and 2023, but, the pricing was updated at that time.

He continued that that brings them to what everyone now knows as the Downtown Utility Improvement and Reconstruction Project. That is how the utilities have evolved over the course of the last several years. The other components of the project, in terms of streetscape, widening sidewalks and bike lanes and so on and so forth, are in that “other improvements” piece. The map shown tonight and at the informational session in January is a well-defined scope of work for the utilities, and staff is comfortable with what they have to do now.

Chair Greenwald thanked Mr. Lussier and said he would back up a bit and toss some of this to the City Manager. He continued that the CIP is a planning document, not an actual expenditure

of money until it hits the current year, and then it is rolled into the budget. He thinks it is important to know that as this planning document is moving forward if they do not do something (in it), no money is spent. No tax money is being spent. Depending on what they will do, it can be adjusted one way or another. Many changes may go on with this, and it was interesting to see that traffic signals were added, drainage was added, and other things were added, but it is still a planning document. The Council still has the position of actually committing the funds. It is important for this to be repeated to the taxpayers as they are talking about the downtown project, but it is not just the downtown project – it is all manner of things. The CIP is for major projects and is a valuable tool. He hears rumors that the School District is starting to pick up on this concept, too, which is great.

The City Manager stated that Chair Greenwald is absolutely right that the CIP is a planning document that they revise every time they update it, and it does not become an appropriation or any number in the budget until the year when they begin the project. She continued that the first year that money was appropriated for the downtown project was last year, she believes. Mr. Lussier replied that the first time that money was spent was for that early study in 2018.

The City Manager continued that they then paused it, and last year, they appropriated about half a million dollars to begin this project. The CIP is important because – and she is glad Chair Greenwald mentioned the School District – the capital plan is a way for the City to try to level the amount of money funded in infrastructure each year. Some of these projects, if they were to wait until the year it was time to start construction, could impact the tax rate. However, if they are investing in infrastructure in a somewhat level way, year after year, it does not have that same effect in terms of a spike in the tax rate. She did receive that question a lot, and that is why the planning document is such an important tool because it helps the City to forecast and to level any sort of impact of a project on the tax rate.

Chair Greenwald asked if it is correct that they are now on a two-year cycle of reviewing the capital plan. The City Manager replied yes. Chair Greenwald stated that to his fellow Councilors, this is the year. If Councilors desire, now is the time to speak with the City Manager. Mr. Lussier said they will begin developing the FY25 through FY31 CIP late this summer or early this fall. Chair Greenwald replied that this probably the time to speak up, to the public, if there is some major project, to the Councilors, and the Councilors speak to the City Manager.

Councilor Williams replied that speaking to that, he has all sorts of ideas. He asked what the process is for getting ideas into the pipeline, and what support the City Manager wants to see for those ideas that would help them become part of the plan. The City Manager replied that they can let her know what ideas they are thinking of, and it is very important for the public to know that the document is available online so they can look at it. Staff often gets (feedback) such as, “My road is scheduled to be fixed this year,” and if another project bumps it out, they get discouraged when it is bumped out in the future. In order to make sure they are balancing all that, the starting point is looking at the document in terms of needs that the City currently has,

and how much they are currently investing in all of the different categories. Then, the Council as a whole decides how to shift it or where they might want to add more money, and how to reprioritize it. If there are ideas they want staff to look at, they should feel free to reach out. Then, when they have the overall capital planning conversations and workshops, they can talk about it. It is important to realize that if they want to add a new project in, they probably have to move an existing one out. And when you move an existing one out, you are probably impacting another one in that year; thus, it is a bit of a puzzle. They are going through that “sausage-making” right now, because of how the cost estimates have increased over the last couple of years, which means they cannot do as much as they have done in the past with the same amount of money and they will need to juggle it out.

Mr. Lussier stated that regarding the CIP book, it is also worth pointing out that one of the appendixes in the back has a list of projects that are not funded in the CIP but are on staff’s radar and on the horizon. They are projects that are a little further out, that they would like to get to and need to be done, but because of the restrictions of financial realities, they are not funded in the current program.

Chair Greenwald stated that his experience with the whole budgeting process is that now is the time to communicate to the City Manager, because once something is in the book, it is hard to move.

Councilor Workman stated that a slide in Mr. Lussier’s presentation listed many of the studies that have been done. She asked if those are available to the public, and if so, how one would access those. Mr. Lussier replied that most of those exist as hard copies on the bookshelf in the Public Works library, and anyone who wants to come look at them can make an appointment to do so. He continued that many of them are quite technical, “not exactly page-turners,” but they are all public documents. Councilor Workman replied that she was asking because she knows many people have asked about public access. Mr. Lussier replied that some studies and documents are ones they have been using for 20 years, but more recent ones such as the Water Supply Master Plan are delivered to the City electronically. They are able to make those electronic documents available to the public on the Public Works Department’s website, so it is a bit easier. The older documents, unfortunately only exist as paper hard copies. Councilor Workman replied that again, it is for the sake of transparency so that the public knows they are not keeping any secrets, and knows that these are available to the public.

Councilor Filiault asked if Mr. Lussier since he is here talking about projects, could update the community about the two Winchester St. roundabouts and the Island St. Bridge. Mr. Lussier replied that he should apologize to the community; the signs all over town show that work will begin on 3/20/23. He continued that that was true when those signs were put out, and then the snowstorm last week slowed them down a bit - the contractor lost about a week of prep time. They are scheduled to be back on site on 3/27/23. This is a great opportunity for him to get the word out. One of the first tasks the community will see out there is the contractors will be putting the Key Rd./Riverside Plaza intersection into a roundabout configuration. They will do

that initially with barricades and temporary barriers, which will allow them to do a couple things. The traffic signals will be taken out of service, and it will clear up the inner part of that roundabout so they can start removing the temporary asphalt, building the truck aprons and the curbing and whatnot. Then the truck aprons/concrete needs to cure for 30 days before they can start narrowing down the temporary pavement, because the trucks cannot use it until it is set up and has achieved enough strength. Thus, they have to keep all of this extra, temporary pavement on the outside of the intersection while they build that and let it cure, and once it is strengthened enough, they will start cordoning off the corners of the intersection while they put in the curbing and sidewalks around the perimeter. It is scheduled to get back to work on Monday morning.

Councilor Filiault replied that Sunday's forecast is for sloppy weather. He asked if that could have an impact. Mr. Lussier replied that he will have Project Manager Brett Rusnock speak to this. Mr. Rusnock stated that he expects the contractor will mobilize on Monday. He continued that right now they are planning to implement the rectangular flashing beacons crossing Winchester St. for the Riverside Plaza crosswalk. That has to happen before the roundabout can be implemented, so pedestrians can cross safely. He thinks that work is not extremely weather-dependent; it is relatively small areas that they will be working on.

Councilor Filiault asked if, for the benefit of those businesses and everyone who is used to the current traffic pattern in this location, staff can tell them what to expect for initial detours while they have this temporary roundabout. He asked if Key Rd. will be closed to traffic going in or out. Mr. Rusnock replied that initially there will not be any detours, only lane restrictions through the corridor. He continued that the contractor will begin work on Monday, and initially the traffic will be shifted to the western side of Winchester St. The Island St. Bridge will remain open, and traffic will be available to flow in all directions. It will be merely lane reduction versus direction and closures.

Councilor Filiault asked when the Island St. Bridge is scheduled to be taken out. Mr. Rusnock replied that beginning in the end of April, approximately one month after work begins, the contractor plans to close the Island St. Bridge to vehicles only, mainly to reduce traffic flow coming into the Island St./Pearl St. intersection. It will remain open to pedestrians until about one month following that. Right now, the initial planned closure time for the entire bridge, for vehicles and pedestrians, is the middle of May.

Councilor Filiault asked what the schedule is for replacement. Mr. Rusnock replied that currently, the projected schedule is putting the bridge back into service toward the middle to end of December this year.

Chair Greenwald asked for an update on the Marlboro St. project. Mr. Lussier replied that Marlboro St. is currently scheduled for construction in 2024. He continued that has not gone as well as it did in his mind. When they did the utility work, they had money in the budget to do some minimal streetscape improvements, such as sidewalk repairs. While they were bidding the project, they were awarded a Transportation Alternatives Program (TAP) grant, so they used the

money they were going to spend on these additional sidewalks to be the match for the TAP grant. They pulled that work out. They knew they were going to be doing this TAP project, and thought it did not make sense to repave all of Marlboro St., because they knew they were going to be doing some lane reductions, traffic calming, chicanes to slow traffic, and so on and so forth. They thought they would save that money and wait until they did the TAP grant-funded project. They were thinking it would be a year, maybe two, and it has been more like three or four. The NH Department of Transportation (NHDOT) always had that TAP grant in their schedule for 2024, but they said that if the City could get through all of the permitting and environmental hurdles, they would try to move the funding up. Unfortunately, the City has been unable to get through all of those steps in the review and permitting process until now. It did not go as swimmingly as he would have hoped.

Chair Greenwald stated that these are all CIP projects, and regarding the Main St. project, just listen to the chaos and all of the steps of getting all the permitting, all the money, all the design, and how two years turns into four years. He continued that this is something to be aware of. It is not a firm number. When the program is saying the work will occur, say, in 2024, it can be (pushed) out. Mr. Lussier replied that it is a plan.

Mr. Lussier stated that regarding the specific schedule for the bridge closure and closing it for pedestrians versus vehicles, he recommends interested folks stay informed by going to the City's website and subscribing to the press release function, being sure to click on "Public Works." He continued that the Department will be issuing many press releases, pushing information out to the community before they close the bridge, at least a couple weeks in advance once they have the date nailed down.

Chair Greenwald stated that that is a great segue into the next agenda item. He asked for a motion.

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee accepted the Infrastructure Planning and the CIP Process presentation as informational.

4) George Street Bridge – Implement Proposed Design - Public Works Department

Chair Greenwald asked to hear from staff.

Brett Rusnock, Civil Engineer, stated that with him tonight is the Project Manager, Sam White from McFarland Johnson. He continued that McFarland Johnson is the City's design consultant for the George Street Bridge Replacement Project. The primary reason they are here tonight is that the NHDOT, as part of the funding requirements they impose on cities and towns, requires the City to demonstrate that the governing body has endorsed the proposed design of the bridge to be implemented. He and Mr. White are here tonight to present the proposed project and make

sure the Committee and potentially the public are comfortable before it moves through the next design stages. He asked Mr. White to talk about the project.

Mr. White stated that he will begin with an overview of the site, and showed and explained the bridge's location on George St. He stated that People's Linen Service is to the northwest and Beaver Brook flows up along the parking lot of People's Linen to Giffin St. and crosses just to the north there. Key to the traffic control will be Giffin St., Sullivan St., George St., and Washington St. All of that will be used as part of the detour. Regarding the project limits, they are going about 200 to 250 feet to the west and about 100 feet to the east from the bridge location, and a yellow line on the photo shows where they anticipate working along the stream, upstream and downstream. An area of erosion on the upstream side has a temporary fix on it with some concrete barricades. On the downstream side, some stonewalls are starting to tip, and they want to put in a more durable, long-term solution that will not require future maintenance. A lot of utility work is involved with widening the bridge, some slope work and wall work on the upstream side, and stream bank stabilization. Some guardrail needs to go in with the bridge.

Mr. White continued that they held a neighborhood meeting on February 14, with about 18 attendees, some of whom are here tonight. Some of the major customer concerns that were identified were speed along George St., and as a bridge replacement project, they are limited as to what they can do to help remedy that problem, but it is a consideration as they look at alternatives and what work will be done as part of the bridge. Water service outages were discussed, too. A water line that goes under/around the existing bridge and under the stream bed is proposed to be relocated. They are looking at outages involved as part of that as well. Proper notification will be given. (Another topic was) flooding along Beaver Brook, and he will get into what McFarland Johnson is doing about that as well.

Mr. White continued that the existing bridge was built in 1923, and now it is 100 years later. The goal for bridges is to have about 100 to 120 years of service, so this bridge did its job. It is on the municipal red list, which is based on two criteria: the superstructure being rated as "poor" and the substructure being rate as "serious." The superstructure is the top slab seen in the picture, the horizontal bridge element that spans along the road. The substructure is the vertical walls the slab sits on. The ratings of "poor" and "serious" are correlated to the National Bridge Inspection standards. Each element is rated on a scale of 1-9, with 9 being perfect/just built, and 1 being "failure imminent." A "poor" rating is 4 out of 9. That is usually when the NHDOT starts to look at it, and sees the need to do something so the rating does not drift lower. That is usually when action starts being taken for rehabilitation or replacement. A "serious" rating is a 3 out of 9. That is not to say that the bridge is unsafe in its current condition; it is merely a measure of the deterioration they are seeing. It has no merit on the bridge's load carrying capacity. The existing span is about 14 feet from vertical face to vertical face. The transverse width, perpendicular to the road, is 40 feet. Mr. White showed photos of the bank erosion and a temporary measure the City put in due to bank erosion that was experienced during a high water event, and a gabion wall placed as part of that. He continued that a gabion wall is essentially a steel mesh basket filled with stone.

Mr. White continued that as they are looking at the bridge, (design considerations are) that erosion and putting in a permanent measure for it; the hydraulic capacity, water passing through the opening of the bridge; and then, stream crossing compatibility with the NH Department of Environmental Services (NHDES)'s Stream Crossing Guidelines. The term those guidelines use is "geomorphic compatibility," which means looking at the stream's parameters, i.e. its width, and putting in a bridge structure wide enough to accommodate the stream without restricting it. Wildlife accommodation is part of that. A wetland scientist noted many wildlife tracks along the brook. One of the requirements of the wetlands permitting process and those guidelines is accommodation of terrestrial wildlife passage.

Mr. White showed a drawing of the proposed bridge and stated that the top shows the footprint of the existing bridge is 14 feet. He continued that for the new bridge, they are looking at opening it to a 22-foot span. That is compliant with the NHDES requirements. It meets the compatibility rules for the stream width. Inside, it slopes up to a plateau, a wildlife bench, which ties in upstream and downstream. It gives a place above ordinary high water for terrestrial wildlife to traverse.

Mr. White continued that the design's hydraulic opening is not compliant with the NHDES's requirements for wetlands permitting, which puts it into an Alternative Design. The wetlands rules require it to pass a 100-year flood event, and based on this project being located within a FEMA map's 100-year floodway, the channel is just not big enough to house that flood event already. It is already accessing the floodplain. Thus, it is difficult and very costly to put in a bridge that would (comply). Essentially, they would have to span it, which is a much larger structure than is feasible.

Mr. White continued that moving on to hydraulic considerations, he just touched on the fact that the project is within a FEMA floodway. The project limits are kind of in line with the floodway limits. McFarland Johnson looked at maximizing the hydraulic opening as much as is practical, putting in the thinnest superstructure possible, getting the vertical opening as big as possible, and putting in a span width that can be accommodated without significant impacts to abutments. They are trying to minimize that, but then providing a meaningful benefit. What that ended up with is a reduction in the 50-year flood elevation by about 1.25 feet. A design waiver is still needed, even with that improvement, because the proposed crossing does not comply with the freeboard requirements. The rules say it has to pass a 50-year flood event with one foot of freeboard, meaning one foot of clearance from the water surface elevation at the flood event to the lowest point on that bridge superstructure. Ideally, that is so you can pass debris during high water events and make sure the bridge is not being struck. Based on the site constraints, it is not feasible to achieve that. Thus, a design waiver is needed.

Mr. White showed examples of what the bridge design looks like. He continued that people might be familiar with it because of Roxbury St project. One photo is of the three-sided rigid frame going in. McFarland Johnson is looking to use the same type of superstructure, a three-

sided rigid frame on a spread footing. Another photo is of a finished project McFarland Johnson did with a similar design, armored slope, riprap going up to the bridge, with some wing walls.

Mr. White continued that regarding additional design considerations, based off some counts the State had done in the area, 500 vehicles per day is the approximate number on George St. There are utilities above and below grade that will be impacted to build the new bridge, and to accommodate that wider span length of 22 feet. There is existing stream bank erosion that McFarland Johnson is aiming to address. There is an area of contaminated groundwater that is documented with NHDES and the soil in the area was tested as part of McFarland Johnson's geotechnical program. The results showed minimal contaminations or "trace not detectable" by the testing methods. However, as part of the project as it develops, there will be management plans for that.

Mr. White showed a drawing of a bridge cross section, and continued that regarding roadway considerations, the drawing shows what they are looking to do with the bridge. The existing bridge is about 40 feet, out to out, and they are looking to replace it with 33 feet. There is a lot of ineffective space right now on the bridge. There is an area to the south that may have been put there for future sidewalk. It was not utilized. Building back in that infrastructure and maintaining it is not practical if it is not going to be used. That is largely what contributes to that reduction in bridge width. Putting back a sidewalk on the north side of the bridge as the current condition, utilizing steel bridge rail, and maintaining the same paved width as what exists today.

Mr. White continued that what they are looking to do with the roadway as part of the bridge is a slight realignment of George St. A picture shows the steep curve that comes down the hill from Washington St., with a house on the corner that creates an unfavorable sight distance and an unsafe condition. The proposed alignment widens that a little bit to get as much sight distance as they can. It also improves some conditions with the grading on the bridge, so they do not have different pavement cross slopes as you cross it. It is difficult geometry to achieve. Also, there are some drainage improvements with the road and the sidewalk as part of that roadway.

Mr. White showed a photo of what the preferred approach would be in terms of guardrail, for safety. He continued that the corner coming down the hill produces an unfavorable condition in terms of safety. It naturally wants to channel motorists to the outside of the shoulder, and not terminating the bridge rail accordingly produces a hazard for motorists. A bridge rail is a rigid element near the road; it is not going to move. Thus, these approach rail sections that come off the bridge and off the road are designed, at the end, to absorb energy and dissipate it if someone hits it, so it is not running into a blunt wall. The post spacings leading up to the bridge are to mimic stiffness. Guardrail itself wants to displace when it is hit; the bridge rail does not. It is like a transition in stiffness as you get to the bridge, so if someone hits it, it does not displace, and you still end up hitting that blunt object. At the end of these is an energy-absorbing structure that people have probably seen on the roads – they "accordion up" and if someone hits it they blow up off the side, and you can see it all mangled on the side of the road. That is what happens if you strike it. It is meant to deform, displace, and slow people down gradually.

Mr. White showed a photo of an alternative guardrail design and continued that this would be sub-standard by NHDOT practices and design standards, curling an approach rail section around such that you do not have that blunt end of the bridge rail, but it does not properly terminate for energy absorption.

Mr. Lussier stated that he asked McFarland Johnson to include this slide and have this discussion so the community, the people who live in the neighborhood, and the Council are fully aware of what they are proposing. He continued that it is very difficult for them, as licensed engineers, to recommend anything that is not as safe as possible and not in accordance with the best design principles. The first slide is what they recommend, the ideal, safest option that they think they should do. However, the reality is that that treatment is large and substantial and might not be the most aesthetically pleasing treatment. Thus, McFarland Johnson is showing an alternative. The alternative would shorten up those sections of guardrails, but people need to understand that it is not the safest option. This is a low-volume, relatively low-speed roadway. How much of a risk does this represent? It is probably not a huge risk, but it is *a* risk, and the staff thinks people should be aware of that. The staff's recommendation, as design professionals, is to put in the safest option, but they did want to show the MSFI Committee an alternative way. If the Committee does want to do something other than the recommended option, they can modify the sample motion that is in the agenda. It is not a guarantee that the NHDOT would allow that or accept it, and because NHDOT is paying the bill, ultimately, they get a say in what the City builds. If the Committee's recommendation is to build something less extensive, staff would like the Committee to give that as a recommendation or a preference, with the understanding that NHDOT may require that the City put in the full, standard guardrail treatments.

Mr. White stated that there are a number of utilities in the area. He continued that a graphic highlights the locations of overhead utilities, storm water drainage, water service, and sewer service. All will be impacted in some manner by the bridge. The overhead utilities will require temporary relocation based off the need to get heavy equipment into here to build the bridge. Lifting those pre-cast pieces into place would not be possible otherwise. They would be connecting the water line up in a straighter manner than how it is now, under the bridge. They are looking to move the storm water drainage to the south, so it outlets below the bridge, to limit any durability concern about putting saltwater from road salts in the bridge over time. The sewer line is in line with the gabion wall he noted earlier, and needs to be relocated as part of the project to accommodate the bridge widening. Otherwise, the wall would be in the middle of the stream.

Mr. White continued that regarding property impacts, there are some easements they would be looking at as part of the project. He showed a photo, continuing that the red line shows the existing right-of-way along the road, and yellow lines outline an area for the slope work upstream and downstream of the bridge and drainage easements. Those outfalls for the stormwater coming out below the bridge. The cyan line shows a temporary easement to realign the sewer line, which has to be moved as a product of widening the channel to accommodate the

new bridge. An existing sewer easement runs along the green line currently, and they would be relocating that easement based on the shift.

Mr. White continued that regarding traffic control, they are looking at a four-month roadway closure, isolated at the bridge. George St. would still be open at either side, with a detour to get around. There may be slight traffic impacts leading up to that closure, so they can get in and do some work before the closure, such as relocating the aerial line. There might be one-way alternating two-way traffic through that period; they might have to take a lane out. They are expecting the total construction duration to be about six months, anticipating advertisement in the spring of 2024 and construction in the summer of 2024. He showed a slide of the proposed detour, with “bridge closed” signage at the structure. He continued that motorists or pedestrians could use some combination of George St., Washington St., Giffin St., and Sullivan St. There would be a sign detour along that route. Knight St. is also there but is a little narrower than Sullivan St. Sullivan St. presents a better opportunity for that short-term closure.

Mr. White continued that in terms of the design, they are at the engineering study phase right now and will be moving, after that is approved, into preliminary design, going through environmental permitting, right-of-way, final design, and then revving up with project advertisements.

Chair Greenwald asked if the Committee had questions or comments.

Councilor Filiault stated that obviously, the heaviest detour will be over Giffin St. He asked if that bridge was put there about the same time as the one on George St. was put in. Mr. Rusnock replied that he has not reviewed the Giffin St. original construction record recently, but he believes it was constructed around the same time. Councilor Filiault replied that his concern is that detouring means doubling the traffic over the Giffin St. bridge, and he was curious about whether that would be down the road, too. He asked Mr. Lussier if the Giffin St. bridge is on the agenda to be replaced also. Mr. Lussier replied that Giffin St. is not currently on the City’s red list, so it is not as dire a condition. Mr. Rusnock stated that to add to that, Giffin St. was replaced not that long ago, maybe around the year 2000.

Councilor Filiault stated that his biggest concern, which he is sure the neighbors are talking about as well, is the proposed safety rail. He continued that he understands how NHDOT works, but he finds it almost humorous that this bridge has been there for 100 years with essentially no safety rail, just the cement that is there now. He is sure that if they go through the traffic studies and accident reports, they will probably find that in 100 years there has not been an accident on that bridge, or maybe one or two. He understands that NHDOT always wants the safest option possible, but realistically, if they wanted the absolute safest, they would have rails on both sides of every road, all the way up, and only have a break for roads coming in. He thinks that the NHDOT projected railing is serious overkill. What is not being looked at is the character of the neighborhood, which is very rural, and that has to be taken into consideration. Most of the time when you cross the bridge you cross it so many times you do not even know it is there. It is

similar to how with the Roxbury St. bridge, there were comments that they were going to upgrade it and have a grand crossing bridge, but they just need a bridge that works. All people want, he thinks, is a bridge that will last a hundred years. They could try to over-study safety forever, but they have to look at this realistically. Realistically, if they have had approximately one accident in 100 years, chances are they will probably not have many (going forward). He agrees with the project as a whole, but thinks the (NHDOT-preferred) guardrail design is overkill for this project, and implores the Committee and the Council to try to go with the alternative rail that fits with the character of the neighborhood.

Chair Greenwald asked for public input, stating that he wants to hear from the residents.

John Flynn of 63 George St. stated that he has two concerns. One, he does not want the guardrail in front of his house and taking up three quarters of his front yard, to the east from the brook. He continued that his second concern is how much easement will be taken on the southeast side to get the work done. They are talking about redoing the sewer line, and the need to change it because it is ceramic. That is what he was told at the last meeting.

Chair Greenwald stated that they will take everyone's questions right now and then give Mr. White the opportunity to respond.

Cheryl Pickering of 56 George St. stated that she is on the north side of the bridge, the opposite side of People's Linn. She thanked (Mr. Flynn) for his statement about the bridge rail. That is her biggest complaint. She was all in, until that. She has attended meetings, and agrees that the bridge needs to be redone. She likes that the basket was done on her side, because the last time it flooded, when the actual flow of the river was changed when the excavators were in there, it cracked her side. That needed to be fixed. She is concerned too, about how far it is coming in now with the rezoning of the right-of-way for the new sewer. She did not see that the last time, and now is seeing that is a little farther in than what she thought it was. She agrees that the bridge needs to be done, but that guardrail, no.

Janet Flynn of 63 George St stated that she has some questions. She continued that one of the slides is a cross-section of the bridge and, below it, with a shelf for the wildlife, but there was no notation on that, regarding whether that is looking north or south. Since she and Mr. Flynn about the brook, they want to know if that means the animal shelf will be closer to their property on the east, or the other side. [Mr. White replied, inaudible]. Ms. Flynn stated that it is looking north, then. She continued that they have two dogs and will be extending their fence, although now that they have seen the new easements, they need to know for sure how far out their fence can go. The other issue is being able to identify the source of the contamination of Beaver Brook. She asked if it is downstream from George St. or upstream.

Chair Greenwald stated that staff can answer these questions.

Mr. Rusnock stated that the contamination is resulting from the People's Linen site, located on the western side of the bridge.

Ms. Flynn stated that regarding the guardrail, she understood at the last meeting that the design of this bridge was intentionally going to have curvature and a lift that would slow traffic, mitigating the use of a guardrail. Thus, this was news (to her and Mr. Flynn tonight). They are directly affected because it is their yard that the guardrail would be in. She thanks Councilor Filiault for his input. It was nice to hear somebody on their side.

Chair Greenwald stated that he would like to throw an (idea) out – what about having a speed bump, if there is an issue with speed? Might that be incorporated? He asked if staff could address some of the questions that have been asked so far.

Mr. Lussier stated that he does not think anyone on the design side is surprised to hear the neighbors' and Councilors' comments. He continued that it is a big part of why they wanted to have this conversation tonight. As he said earlier, it is difficult as a licensed professional to tell them to do something other than the best industry practice. However, that (alternative guardrail design) is an option. His only suggestion, if the Committee wants to direct staff to do something other than the project as presented, is to do it in the context of a recommendation or preference, (such as) authorizing the City Manager to implement the project with the preference than an alternative bridge rail design be developed to mitigate the aesthetic concerns of the neighborhood. Chair Greenwald asked if that would be sufficient, without clarifying the actual design. Mr. Lussier replied yes, if they just express their preference in the motion that will be sufficient for staff to go to NHDOT with, and make that case to the department. At the same time, if NHDOT rejects it, they need to understand that the City may have no choice.

Mr. Lussier stated that regarding easements, they plan to have individual meetings with property owners, once they know exactly what easements, both temporary and permanent, will be needed. A couple weeks ago as part of a separate action, staff asked that the City Manager be authorized to negotiate and execute those easements. They will be doing that process in parallel with the NHDOT's review of the technical design. Staff does not have exact square footage nailed down at this point. Once they do, they will schedule individual meetings with the property owners to talk through that and address any concerns related to those. That goes for all four corners.

Mr. Lussier continued that regarding where the Flynn's fence can go, he suggests they hold off until project staff is able to sit down with them and show them exactly where the limits of the temporary construction will be, so they do not put up a fence that project staff will have to remove. However, of course, if the Flynn's have a fence there today or want to put up a fence this summer before construction starts, they can do so. Project staff can remove the fence and replace it as part of construction. They can work through that.

Mr. Lussier continued that regarding Chair Greenwald's suggestion of speed bumps or other traffic calming measures, he does not know if they are prepared to address that tonight, but it is something they can talk about as part of the design.

Councilor Williams asked what the speed limit is on George St. Others replied 30 mph. Councilor Williams replied that he wonders if they could get away with a smaller guardrail there if it was 25 mph. Mr. Lussier replied that NHDOT's answer would be "no." He continued that the standard, energy-absorbing guardrail terminal would be required at 25 or 30 mph.

Councilor Workman stated that she wants to give the residents of George St. a glimmer of hope. She continued that there was a similar issue with the roundabout at Key Rd., with the State providing 80% of the funding, and when the Council had the final vote, she noticed that the final design project only had crosswalks planned. She advocated for lit-on-demand crosswalks for safety issues. The City Manager presented the same conundrum to her, about how the City has to ask for State approval for that because the State was funding the majority of the project, but they did get it passed through. They should have faith in the City Manager's negotiation skills.

Councilor Williams stated that one of his concerns is that when the George St. bridge is closed, the traffic that goes over the George St. bridge to get back into that neighborhood will be using Rule St. or North Lincoln St., both of which have many pedestrians and do not have great sidewalk facilities. On North Lincoln St., someone was hit and seriously injured by a car a number of years ago, and the situation (on the street) has not changed. There is a problem with vegetation, too; Japanese knotweed grows up so much alongside the road that it causes blind spots. He hopes that while this project is going on, some thought can be given to extra pedestrian safety in those areas. Specifically, he hopes they cut back the knotweed and whatever else needs to go, so there is room for people to walk, since there will be a traffic increase.

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

The Municipal Services, Facilities, and Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to implement the George St. Bridge Replacement Project, with an alternative bridge rail design, to maintain the rural character of the neighborhood.

Chair Greenwald stated that as a background note, he hopes that whatever is going to be done will be communicated before it is done, whenever this negotiation is done. That way it will not be a surprise to the neighborhood.

The motion passed with a vote of 5-0.

5) Relating to Chapter 58 – Parks, Recreation, and City Unimproved Land Ordinance O-2023-04

Chair Greenwald asked to hear from Parks, Recreation, and Facilities Director Andy Bohannon.

Mr. Bohannon stated that before the Committee tonight is the second reading of Chapter 58. He continued that staff introduced it to the Committee on January 25, and gave a broad overview at that time. It was a pre-introduction to the usual process of how an Ordinance has a first reading, gets referred back to the Committee, goes for a second reading, then gets adopted through the Council process. If the Committee has anything specific they want him to review, he can, or he can answer any questions they had from (the January 25 overview). Or, he could give them the high-level overview of the Ordinance.

Mr. Bohannon continued that this was an opportunity to revoke and replace a lot of the outdated language in the Ordinance. It had been since 2003, prior to him, that this language had been updated. They clarified language and made sure there were assignments made, particularly to the parks, and changed from the watershed areas and renamed it "City Unimproved Land," which is then directed by the Public Works Director. They defined everything more clearly, and outlined all the parks. They now have a map, which will be in the Council's agenda packet next week, and is color-coded to show parks and unimproved land. They have done a good job changing and updating all the different uses. This sparked from the conversation about having no smoking in the parks and Railroad Square. To update that, once they get through Chapter 58, staff will come back with Resolution R-2015-29 and R-2015-30. The latter is related to parks, and R-2015-29 is related specifically to Central Square and Railroad Square.

Chair Greenwald asked the Committee if they want Mr. Bohannon to give them the long explanation, if they are good with what has been presented, or if they want to ask the Assistant City Attorney any questions. Mr. Bohannon stated that Assistant City Attorney Amanda Palmeira was instrumental in developing this.

Councilor Williams stated that in "Prohibited Uses," he sees "*No person shall fly an Unmanned Aerial Vehicle in City Parks except with the prior authorization of the Director.*" He asked if this is essentially banning drones. Mr. Bohannon replied that drones would be the "Unmanned Aerial Vehicle," and yes. He continued that certainly, someone can ask for permission to do so, but oftentimes, staff finds people utilizing drones over City events. They have to be licensed, and staff wants to make sure people have the proper credentialing, before they can fly (drones) within the parks. Councilor Williams replied that there are commercially licensed drones and non-commercial drones. He continued that he is more concerned with, say, the kid who gets a toy drone and just wants to go fly it at the park. It seems like there should be some options for that. Mr. Bohannon replied that he would say there is, based on the opportunity to have the conversation with the Director. Councilor Williams replied that that is kind of a barrier; people do not know about that and would have to (talk to Mr. Bohannon). Mr. Bohannon replied that he is looking at it from a safety perspective because they have had individuals flying drones over a group of volunteers within a park, unbeknownst to them. They might not have given permission to have photos or video footage taken of them, and it was quite concerning to that particular group that someone could just come out and videotape them without their consent. There is

good reason behind this (prohibition on Unmanned Aerial Vehicles). He is willing to work with an individual who wants to come forward and have that opportunity (to fly a drone). They have had individuals who have done this, prior to this Ordinance, and have gotten some amazing shots. That might be beneficial for long-term CIP or asset management. There are some benefits (to drones) and he would work with individuals to make that happen. Councilor Williams replied that he imagines there would have to be some public explanation of the process, so they are not just saying, “No, you can’t do it.” They have to show people the way. He is concerned about drones flying over people’s heads, too, but he believes there are FAA regulations against such things. Whether the City enforces the FAA regulations is a different question.

Councilor Williams stated that his other question is about smoking. He continued that he does not smoke, does not like smoking, and is glad to have less smoking. He is concerned that if the City bans smoking entirely in parks, everyone will go across the street and smoke on the sidewalk. Russell Park is a great park, for example, but if everyone is on the sidewalk smoking when people come in, that is not great. He is concerned that there is no flexibility to say that staff have identified a problem of constant smoking in a certain area near residences and wants to move it, and allow smoking in a certain, designated area of the park, per the Director’s discretion. Nothing in this Ordinance allows that. He asked what Mr. Bohannon’s thinking is.

Mr. Bohannon replied that this conversation has been on the Council floor in the past, and there has been a strong contingent from the public to make sure that there is no smoking within the public parks. He knows, for example, that Ashuelot River Park had an abundance of cigarette butts under the benches and in the gazebo at the time, to the extent that you could literally grout the stone pavers with the amount of cigarette butts. It was so disgusting that people refused to use that area and complained about it, and it reeked of cigarette smoke. They do not want that in a park. At Wheelock Park, they have designated certain areas around ballfields as no smoking, and Cal Ripkin at the time would say, *“If you want to smoke, please go smoke at that outfield side.”* Someone in his family has severe asthma, and even just the whiff of smoke can detract from the experience in that natural environment. He would not like to see designated smoking areas in some of the parks. The parks are natural areas. He understands that people wish to smoke or vape, but he hopes they have strong consideration for public health, and the opportunity for someone to have clear air and enjoy the experience without having to be sidelined by someone’s second-hand smoke.

Councilor Williams stated that the new camping restriction says, *“No person shall camp in any City Park except within Wheelock Park with the prior authorization of the Director for approved sporting events and in compliance with any requirements of the Director. Except for authorized camping in Wheelock Park, any person discovered to be camping within any City Park shall be instructed to vacate the property immediately, unless additional time to vacate the property is authorized at the discretion of the Director.”* He continued that that is all good, except in the previous camping Ordinance, it said, *“No person may camp on any City land, except the designated campground in Wheelock Park. The Director may, under special exception, permit camping by groups on an occasional basis.”* Presumably, that applies to other parks. “Allowing

camping under special exception on an occasional basis” is not in the new Ordinance. He asked if Mr. Bohannon wants to speak to that. He would think that if a group wanted to get a permit to camp in, say, Robin Hood Park or as a special event, there should be an avenue to make that happen. He asked if the City does not want that to be able to happen at all.

Mr. Bohannon replied that is correct. He continued that the Housing Stability Committee, when they were going through that process, created the language that was adopted for this particular Ordinance. Through the Housing Stability Committee, there was long discussion related to this particular sentence in the Ordinance itself. Through great debate, they compromised with them and created this particular statement, which the committee agreed upon, and he believes adopted. Regarding Councilor Williams’s question, for the purposes of groups of, say, Scouts, if someone came forward, staff would probably have to discuss what they wanted to do. He is not in favor of just a group of friends asking to have a campout in Robin Hood Park, knowing that oftentimes it does not lead to a clean site afterward. The stewardship of the environment often does not occur, and often there is other breakage of Ordinance rules, related to alcohol, smoking, and other things. Not always, but most of the time. He was making sure those types of activities are not happening within the parks.

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

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

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends adoption of Ordinance O-2023-04.

6) Adjournment

There being no further business, Chair Greenwald adjourned the meeting at 7:50 PM.

Respectfully submitted by,
Britta Reida, Minute Taker

Edits submitted by,
Terri Hood, Assistant City Clerk