

City of Keene
New Hampshire

MUNICIPAL SERVICES, FACILITIES & INFRASTRUCTURE COMMITTEE
SPECIAL MEETING MINUTES

Wednesday, September 3, 2025

6:00 PM

**Council Chambers,
City Hall**

Members Present:

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

Staff Present:

Elizabeth A. Ferland, City Manager
Amanda Palmeira, City Attorney
Don Lussier, Public Works Director

Members Not Present:

All Present

Jay V. Kahn, Mayor

Chair Greenwald called the meeting to order at 6:00 PM and explained the meeting's procedures.

1) Howard Mudge – Request to Remove a Tree on City Property – Westerly Edge of 9 Evergreen Avenue

Chair Greenwald asked to hear from staff.

Don Lussier, Public Works Director, stated that he does not believe the Petitioner is available to attend tonight, but staff suggested this proceed forward on the agenda. He continued that if the Committee has questions for Mr. Mudge, it would be appropriate to place the item on more time, but staff's recommendation is to grant this request to remove a tree. It is on public property, in the right-of-way. It is in front of Mr. Mudge's home. The first photo shows the view of the tree standing from the end of Evergreen Ave., looking back toward Court St. The middle photo is the view from standing at the Court St. end of Evergreen, looking into the dead end. The third photo is a closeup. City Code says, "*No person shall remove or destroy a shade tree or ornamental tree standing on any common square, street, or land within the city limits without the permission of the Mayor and City Council. It shall be the duty of the Director of Public Works to notify any infractions of this Article and report the infraction at once to the Mayor and City Council.*" In practice, the way this has been interpreted is that if a tree in the right-of-way is clearly unhealthy or causes a danger to individual property or wires, the Director has the discretion to take that hazard down. However, this tree is in good health. It is not diseased, and there is no indication that it is an imminent hazard, so staff informed Mr. Mudge that he would have to seek the Council's permission to remove it. Along with that, Mr. Mudge would be responsible for the cost

of removing it if he would like to do so. Mr. Mudge wants to proceed and wants it taken down for aesthetic reasons. It is at the MSFI Committee's and Council's discretion.

Councilor Favolise stated that looking at the request, he sees reference to concern about the size of the tree and utility lines. He cannot really tell, but in the left of the first photo, it looks like it might be the side of a utility line. He asked if there is a public safety concern with this tree in addition to the aesthetics. Mr. Lussier replied that when there is an issue with trees growing into or endangering wires, City staff works with Eversource. He continued that Eversource sends an arborist out, and if they agree there is a problem, or the tree poses a risk to the wires or the reliability of Eversource's system, Eversource's tree crew comes out to trim the tree or remove it if need be. That was not the case in this situation.

Councilor Favolise asked Mr. Lussier to expand on staff's recommendation to move this forward in the absence of a public safety issue. Mr. Lussier replied that it is the discretion of the Council whether they want to authorize the removal of the tree. He continued that it would be appropriate, if they were so inclined, to authorize it with conditions, such as a replacement tree in its stead. If that were the condition of approval, staff would work with Mr. Mudge to select an appropriate street tree to plant there. The City would be responsible for maintaining it in the future, because it would remain a City tree.

Chair Greenwald asked if it is correct that if the MSFI Committee wants to recommend granting this at Mr. Mudge's expense, they could require the planting of a new tree. Mr. Lussier replied yes, they could require that as a condition of approval. Chair Greenwald stated that the tree does not look sick at all. Mr. Lussier replied that it is a healthy tree, which is why Mr. Mudge has to seek permission from the Council.

Councilor Workman asked if it is correct that it is just the tree being removed, not the stump. Mr. Lussier replied that if the tree were removed, they would have to remove the stump down to ground level. He continued that that is the same process the City follows when they remove a tree, cutting it flush with the ground.

Chair Greenwald asked if that means grinding the stump. Mr. Lussier replied that it does not mean grinding it below grade, it means cutting it flush. He continued that usually, staff brings in a grinder and trims it off, rather than trying to get the saw blade down in the ground. It would not require taking the grinder and actually penetrating down in to try to remove all of the stump. Chair Greenwald replied that he thinks he would like to see it below grade.

Councilor Tobin asked if they have a sense of how old the tree is. Mr. Lussier replied that they have no idea.

The following motion by Councilor Favolise was duly seconded by Vice Chair Filiault.

On a vote of 4 to 1, the Municipal Services, Facilities and Infrastructure Committee recommends granting Howard Mudge's request to remove the tree in front of 9 Evergreen Ave. at Mr. Mudge's expense, conditional on the planting of a replacement tree to be maintained by the City. Councilor Tobin voted in opposition.

2) Frederick MacMillan – Request to Install a Sculpture at Patricia Russell Park

Chair Greenwald asked to hear from the Petitioner.

Frederick MacMillan stated that he thanks the Committee for hearing this proposal to install a cornerstone sculpture in the City of Keene, which will hopefully attract other artists who would be interested in displaying their works of art. He continued that the letter he sent to the Committee on May 12 speaks to what this project is about. There is one amendment. The letter focused on Patricia Russell Park as the installation site, but since then, the Public Works Department has modified that to change the location to Ashuelot River Park, which he believes would be much better. He and others involved with this project have secured a structural analysis from a certified engineer as to the stability of the structure. They have secured a certificate of additional insured, naming the City of Keene on an insurance policy, and they have struck an agreement with the artist, Christopher Curtis of Duxbury, VT. Mr. Curtis will be the installing party for this project, and they are ready to go.

Chair Greenwald stated that they remember the discussion, and personally, he likes the Ashuelot River Park as a site. He continued that there is reduced concern for the potential of vandalism there. He asked for questions or comments from members of the public. Hearing none, he asked for a motion.

The following motion by Councilor Workman was duly seconded by Vice Chair Filiault.

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends the City Manager be authorized to do all things necessary to accept and install the proposed public art piece by Frederick MacMillan, to be placed at the Ashuelot Park, and to negotiate and execute a memorandum of understanding with the donor, to include the requirement for certificates of insurance, in accordance with Resolution R-2018-22.

3) Councilor Haas – Request for Historical Marker - Keene Bottle Works

Chair Greenwald asked to hear from Councilor Haas.

Councilor Ed Haas of 114 Jordan Rd. stated that the Yankee Bottle Club is based in Keene and runs a historical/antique bottle show every October, which is coming up, and he refers the Committee to the Yankee Bottle Club's website to find out more information. It is an exciting time if you are into old bottles. We have all used bottles in various ways, shapes, or forms over the years and have an affection for them. The club recognizes that the original site of Keene Bottle Works was just off the rail trail, behind the Public Works building, and they think it would be great to have a sign there acknowledging that site. A sign put out by the NH Department of Transportation (NHDOT) is by the Recreation Center, but that references the site that was 2.5 miles south of this point. It would be good to have a sign right on the rail trail to identify that site. Adding more signs and more history to the city is always good. He commends Alan Rumrill, a known and respected historian, who strongly supports this. He hopes the Council can do it.

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

The following motion by Vice Chair Filiault was duly seconded by Councilor Tobin.

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends that the Yankee Bottle Club be authorized to design, fabricate, and donate a historical marker for installation on the Cheshire Rail Trail, and that the City Manager be authorized to take all actions necessary to facilitate its installation.

4) Sale of City Property – 100 Church Street - Finance, Organization and Personnel Committee Report

Chair Greenwald asked to hear from staff. Mr. Lussier asked the Chair to recognize Mr. Paul Rodenhauser to comment.

Paul Rodenhauser of 24 Pearl St. stated that he represents the landowner at 110 Church St. and 116 Church St., Jiffy Real Estate, LLC, as well as an interested abutter at 103 Roxbury St., MGJ Realty. He continued that this is in regards to the City-owned land at the corner of Norway Ave. and Church St. It has become “quite a nuisance and a problem,” not only for public safety, but for the tenants in these buildings. Tenants have complained about drug use and people defecating behind the dumpsters, and public urination. He thinks the best way to address this is to put the property in private hands so it can be addressed. When he and those he represents first talked with the City, they had a productive meeting with the City Manager, and they were talking about different options for how the City can address it. At the end of the meeting, one of the parties suggested, “*Well, why don’t we just purchase it?*” And there seemed to be unanimous agreement that that would probably be the easiest solution to quell this problem.

Mr. Lussier stated that this matter was already before the Finance, Organization, and Personnel (FOP) Committee, and the FOP Committee agreed with staff’s recommendation to sell it. However, some concerns were raised at the Council meeting last week with constituents. He continued that Councilor Chadbourne had some reservations, and Councilor Williams also spoke on the topic. He himself does not have anything to add now but is happy to take questions.

Chair Greenwald stated that it is a little confusing, and Mr. Lussier sort of cleared it. He continued that this request went through the FOP Committee, which recommended approval. There was conversation that maybe the neighborhood should be informed, which is why the matter is here at the MSFI Committee meeting. He asked the City Manager if she has thoughts on where they are going.

City Manager Elizabeth Ferland stated that staff’s recommendation remains the same. She continued that the reason the Public Works Director is presenting this item instead of the Parks and Recreation Director is this is not actually codified as a park. This area is under the control of the Public Works Department, as other pieces the City owns, either in the right-of-way or land that the City maintains. When they met with the neighbors, residents of the abutting properties,

they discussed what options might be available. A member of the Police Department was in the room and talked about how activity in this area has increased and how it would be unrealistic for the Police to be able to be there as often as they would need to be in order to address some of the issues. They talked about fencing or other ways to try to mitigate the issue for the people who are living right next door to this piece of land. When the abutters offered to purchase and maintain the property, staff thought that was a good solution. Therefore, staff brought it to the FOP Committee, who agreed with staff and made the recommendation.

Chair Greenwald stated that he always thought the little area was part of the big brick building. He continued that when Antioch University was there, it was a nice little study area. Antioch is no longer there. Times have changed.

Chair Greenwald asked the City Attorney if it would be appropriate for the MSFI Committee to inquire about the potential use of that property and perhaps even make it a condition of sale. City Attorney Amanda Palmeira replied yes, they could do that. Chair Greenwald stated that he is weighing two different issues: green park, and housing. They keep saying they want housing, and he strongly assumes the use on that property would be to put up a duplex or something like that.

Mr. Lussier replied that they discussed the redevelopment of it at the FOP Committee meeting. He continued that the parcel is about 5,000 square feet, and it is in a zone that requires a minimum lot size of 10,000 square feet. At the very least, it would require a Variance from the Zoning Board of Adjustment to develop that site. Geometrically, he does not know if it would support a reasonably shaped duplex development. That said, the adjacent property owners might be able to combine it with some of their land by doing a lot line adjustment and accommodate some redevelopment that way. He does not know what their intention is.

Chair Greenwald asked Mr. Rodenhauser to comment on that. Mr. Rodenhauser replied that safety is the biggest factor right now. He continued that no one is really using the “park” for anything other than drug use, loitering, and making people feel unsafe. He cannot speak to what future plans would be, but for now, it is just about safety. Chair Greenwald replied that it is best to not make a commitment right now. Mr. Rodenhauser agreed and stated that it is taking a burden off the City at this point.

Councilor Filaault stated that he agrees with the sale of the property, and he agrees that this is a troubled area. He continued that he tries to ride with the Police three times a year, knowing that the sidewalks do not roll up after 8:00 PM, and every single time he has ridden with them, they arrest someone on 93rd St. He experienced that just this week. This is a small area, with troubles that take an Officer off the street when they need to come here to make arrests. Especially with the Officer shortage, they have better things to do, but if they see an infraction, they need to enforce it. Thus, he fully agrees with the sale of this property, which is a troubled area. Police Officers have better things to do than make an arrest every time they drive by this corner.

Councilor Favolise stated that he also supports the sale of this property. He continued that the way he sees it is that this is a parcel the City owns and is currently responsible for maintaining, and an offer from a private abutter to take it over and manage its security and maintenance feels

close to a “no brainer” to him. One of the first emails he ever received from a constituent when he joined the Council was from someone feeling unsafe and uncomfortable in that general neighborhood, with activity behind the convenience store at night. Thus, if helping clean up this area means transferring this property to a private owner who could maybe enforce some standards of behavior there in a way that the City cannot, he supports that. He supported this topic coming back to the MSFI Committee and thinks it is an important discussion for the neighbors to weigh in on, and he has already received some communication about this from constituents, as have other Committee members. However, there is green space in East Keene that is not this “pocket park.” There is Pat Russell Park in East Keene, and Robin Hood Park is not too far away. The way he is balancing the competing concerns might be different if there were not already outdoor recreation opportunities in this part of Keene. This just seems like a liability to the City, and he supports taking it off of the rolls.

Mr. Rodenhauser stated that to Chair Greenwald’s point, he understands that Antioch developed this into green space, so no City money has gone into this, besides from when it was taken from eminent domain at one point.

Vicky Morton of 275 Water St. stated that for historical perspective only, in the middle of the 1980s, the City of Keene, Antioch New England, and Conway Landscape Design School out of MA went into a joint venture to make that the park that it was at the time. She helped cut and haul sod for that park, so, she knows about what happened with that park. As she understands it, it has always been part of the city. A long time ago before most people here were even alive, there was a “really nasty bar” located there. Then, that joint venture of the three entities came together to build that park.

Peter Hartz of 12 Brook St. stated that about six years ago, there was a fentanyl epidemic in Keene and people were dying weekly. He continued that one of his friends who thought that park was special, and was homeless, overdosed. This friend of his considered the park “his little piece of green in the world,” and had wanted to improve the park, and had planted some things. Mr. Hartz wanted to continue that in his friend’s memory, so he asked Public Works if it would be okay to make a garden in the strip between the sidewalk and the street. He peeled back the landscape cloth, did a lot of digging to improve the soil, and planted many things in the past five years. He has maintained that spot. Another friend of his made a different portion into a garden, where the street sign is. It is lovely and they have had a lot of compliments about it. He had been there frequently until this year when he lost ability with his legs. Having been there often over the past five years, he has witnessed good things and “mediocrely bad things.” There used to be a group of older gentlemen who sat together on the stone wall and quietly drank beer out of a paper bag. He and his friend never felt threatened by anyone in the park, and they socialized with others in the park to the point where the other park users did not feel threatened by him and his friend, either. Many times, pedestrians such as neighbors and workers in the adjacent office buildings pass by and say, “*What a beautiful little park this is.*” He thinks he had something to do with that, calling attention to it by planting the flowers. He and his friend have witnessed nice things there. There was a lesbian wedding there with ball gowns and picture snapping, with the crab apples in bloom, and it was amazing. Fathers go there to teach their kids how to play ball. He has seen people reading on blankets there. People who say it is not being used probably just do drive-bys, and yes, it is true that people are not there all the time. When we lose something, it

is gone forever. This has been a beautiful little park, worked on by many people in the past. It is an asset. The difficulties there are temporary. He has not ridden with the Police, so he does not know about what Councilor Filiault talked about. Maybe late at night it is a different story. However, it is the function of the Police to “police” downtown Keene. If they were to just try and chase away all the homeless people or the “people up to no good,” they will land somewhere else, and meanwhile, everyone will have lost the park. The question is where the people who were chased off will go next. Typically, it is someplace within walking distance of the rail trail, Hundred Nights, or Railroad Square. The problem is not going to go away just because you have sold the park. People will find another place. They probably will move over to Pat Russell Park, because it fits the bill. You cannot solve the problems by just closing off parks.

Mr. Hartz continued that he has a couple of questions that he does not expect answers to, but they are something to think about. He understands that two adjacent property owners are interested in buying the property together, which is interesting, but he was a landlord and has property in Keene, and he does not believe that the property owners intend to keep that as a park. It is an added expense. He believes it will be fenced off and not used by anyone, and then one property owner might sell to the other so the lot is continuous, and then they can change the lot lines as someone mentioned earlier. Development will eventually go in there. Housing is used as a major reason why this property needs to be developed. However, he could find ten better places to build in Keene than this lot, which is already developed as a beautiful park. For example, there is an empty lot on Church St. of almost the same size, adjacent to Pat Russell Park. He would like to know, before the sale is completed, if anyone has looked at the deed, because it was not always City property. His question is how it became City property. He understands that Antioch developed it. His impression was that Antioch owned it, and if they were to deed a park over to the City, there might have been some contingencies.

Chair Greenwald thanked Mr. Hartz for his comments and stated that he is sure the City Attorney and the City Manager will confirm the deed.

The City Manager stated that she wants to point out that the plantings and the flowers are not included in the transfer. She continued that there is a photo that might help them visualize it. The plantings are closer to the sidewalk and are separate. Mr. Hartz replied that that is like saying an arm is an arm and not a part of the body. He continued that the plantings were intended to be a beautification of the park.

Councilor Tobin stated that she appreciates the many people who have invested time and energy into making the space around them more beautiful. She continued that she loves walking around and seeing little areas being taken care of. A friend of hers grew up in the housing that is right near this property. When she thinks about children growing up in that building, she feels concerned about the safety in the surrounding areas, and about parents not trusting that their children will be safe when they go outside and cross the street. Having seen how difficult it is to deal with those persistent drug problems in a specific area, when something becomes a hub for that, she thinks it is difficult for the Police to respond to that repeatedly, because if it is a public space, they need to catch someone in the act of doing something.

Councilor Bobby Williams of 66 N. Lincoln St. stated that he does not support selling this park, at least not yet. He continued that he thinks they should try some other things before they take what he considers a drastic step of privatizing a public park. They could take some simple steps to make it safer. The original request was for fences. A fence between the park and each abutting property would make more sense, and it would discourage people from hanging out there, as it would be less easy to escape when they get seen. Perhaps those fences would reduce the unwanted activities. In addition, a big berm in front of the park hides what is going on there. Cutting down at least part of that makes sense to him, so people can see into the park and people cannot hide there. It is important for a park to have engagement with the area outside the park so people walking by can see what is going on, so they feel like they are invited in. This park does not do that right now, but it could. Regarding the issues late at night, they could install a motion-activated streetlight so that people cannot hide there. Those are steps they could take tomorrow. If they work, great, they have a park and can keep it and maybe find more ways to engage with it. It was a little disturbing to him to hear that it is not part of Keene's Park system. If they have land like that, they should figure out how to make it part of the park system and have some programming. This is a green space in a tough part of Keene. Yes, there are other green spaces. Pat Russell Park is five blocks away and in the other direction. Everyone who lives on Church St. or walks there to get downtown and go to work goes by this park. This park could be something that engages them and gives joy on the way. It would be a good thing for the community, but if they give it away, they give away the opportunity to keep it from being walled off, and it could be turned into parking lots in 20 years. He would hate to see that. He thinks its best, highest possible use is as a park. His recommendation is to make those changes he asked for and see if they work. If they do not work, they can come back in a year and consider selling it.

Chair Greenwald stated that Councilor Favolise pointed out that they have too many Councilors in the room at a Committee meeting, creating a quorum. He asked the City Attorney for advice. The City Attorney replied that she recommends that Councilors be mindful of the conversation that is tonight for the Committee's purposes. She continued that the Committee tonight is working on a recommendation, so if Councilors want to speak, it is helpful to ask questions or make points that will help the Committee function, but not conversations about the matter that goes to Council, how they will vote on it, and what they think about proposed recommendations. Council is the venue for that.

Chair Greenwald asked for further public comment.

Michele Chalice of 25 Beech St. stated that having been a landscape architect for 40 years, she would like to have an acknowledgement that urban spaces need excellent visual access at all times for the public's sense of safety. She continued that she is embarrassed that a landscape design was done for this park with a berm that does not allow visual access in the space, and without connecting the surrounding sidewalk to welcome people into the space. To be clear, this is not a dangerous space "just because." If the berm were not there, as has been done very well at Pat Russell Park and the adjacent pocket park, there would be excellent visual access. The berm is a huge factor here. She wants to make sure that they are not just tossing it away. The location has nothing to do with it; it is a great location.

Kristen Petricola of 256 Beaver St. stated that she sent a letter to the Council about 10 days ago about this issue, and she expressed concern about how green space is an ever-shrinking commodity everywhere in the world today and believes in doing everything possible to protect it. She continued that if she lived next door, and there were people defecating behind her apartment and there were drug deals happening, that would be really disturbing, to Councilor Tobin's point. She lives at the quiet end of Beaver St., and many disturbing things occur on Oak St., so she is familiar with the east side in general being a "fairly complicated region" in the town. That said, she does not recommend the City have a habit of selling property due to being unable to figure out how to manage it. She suggests they just pause. She is an avid walker, walking all around this community, and she has walked through Pat Russell Park and seen drug deals happening there, too. Walking through there at night, it is not always clean and pleasant. Disturbing activities are happening everywhere. To think they can just sell a park and move it or just shift the responsibility somewhere else will not work. It will just shift. People will go to Pat Russell Park. She recommends they slow it down a little bit and look at ideas like motion lights, fences, or what Ms. Chalice brought up. She knows it is not technically a park, but they could make it a green space that is more welcoming and more visually accessible. The people who want to purchase it need to keep it safe, too, so they either have to completely fence it in, which would be a "visual disgrace for the community," or start spending money on protecting it, probably by calling the Police, but the Police are already going there. She thinks the City could be more creative with this. She appreciates the City Council's hard work and thoughtfulness.

Jodi Newell of Leverett St. stated that she does not live right around the corner, but due to unfortunate circumstances, she and others ended up in a temporary apartment on Church St., right down the street, for a little less than a year. She continued that she spent a lot of time walking by this property and riding her bike past there, and she is very surprised that this is a concern, because she never saw anything concerning. Mr. Hartz talked about this being a space that was cultivated and loved on, and she wants to share a little bit about a similar space in her hometown. It was a place where people were using drugs and teenagers were drinking beers, and she and her former fiancé used to love taking their dog there until they noticed broken glass everywhere. After their dog passed, she and her fiancé adopted that area and saved it. They transformed it into a beautiful space, with about 60 community members participating in a clean-up day to rejuvenate it. The points other speakers made tonight are well taken. When you give up public space, there is no getting it back. She does not think this is an unresolvable issue at 100 Church St. She wants to highlight that this is a sentimental space, a space people poured their hearts and souls into because they wanted to, in the same way she and others did in her hometown of Orlando when they wanted to reclaim their space from what it had become. Learning that about the space at 100 Church St. makes it more personal, and they need to ruminate on this.

Bill Bradford Hutchinson of Keene stated that he is a candidate for mayor. He continued that he wanted to make sure this is about the parcel at the end of Church St., Norway Ave., and 93rd St. Since he returned to Keene in 1987, he spent most of his time downtown. This parcel is in the downtown area. He has seen this little area change over the years. A few years ago, a man named Jeffrey Allen, who was homeless in Keene for many years, adopted that park. He put plantings in, weeded, laid out rocks, and knew and was known by everyone in the neighborhood. That area is one of the many areas in downtown Keene that the Police have been aware of for decades,

where people hang out, smoke, use alcohol and drugs, and sometimes engage in sexual activity. Thirty years ago when he ran for City Councilor at large, he said he wanted to be a voice for “the homeless drunks, the homeless junkies, the disabled, the crazies, the people whose voices are too often silenced.” For the most part, these are good people. When they hang out in the park, the Police know where they are. If someone overdoses or there is an emergency, the Fire Department knows where they are. They are more or less in public. However, there are people on the City Council who hate homeless people, although they would never admit it publicly. Mr. Allen loved owls, and when he camped in the woods, everyone knew him as someone who loved owls, and there were owl themes in that park. When there was a sense of community among the homeless people and people using substances in the park, they would work to pick up the park. They are also the people who messed it up. Some would leave their beer cans and cigarette butts around, and others would clean them up, as long as there was a trash can, which the City provided for many years. The City removed the trashcan, with the short-sighted belief that it would make the people disappear, which did not happen. People still hang out there but now there is no trash can, so the trash goes all over the place. If the City put out a trash can, there would be less trash on the ground.

Mr. Hutchinson continued that he sees the issue as white privilege, with many people not wanting to see these types of people and activities and not wanting this in downtown Keene. But this is the reality of 2025, the reality of downtown Keene. Many people say, “Not in my backyard,” or “not on my street,” but the question is where these people will go. The City of Keene owns a lot of woods space. He questions whether there is no place on City property where they know people will hang out, and whether these people do not have rights to public space. “Not when white privilege rears its ugly head.”

Chair Greenwald asked if anyone from the Committee or public wanted to speak further.

Mr. Hartz stated that he would like to know that the City has checked out the deed before the sale, to make sure it is a clear deed. Chair Greenwald replied that they absolutely will; the City Attorney is on it.

The following motion by Councilor Tobin was duly seconded by Vice Chair Filiault.

On a vote of 4 to 1, The Municipal Services, Facilities and Infrastructure Committee recommends that the City Manager be authorized to do all things necessary to negotiate and execute the sale of 100 Church St., parcel #574-015. Chair Greenwald voted in opposition.

Chair Greenwald stated that now this is referred to the City Council, which will be meeting and voting on this not this Thursday, but the next Council meeting on September 18, 2025.

5) Installation of Trail Sign Identifying the Charles Redfern Bridge – BPPAC Committee

Mr. Lussier stated that he is here tonight representing Will Schoefmann, who brought this item forward. He continued that he will give a brief introduction, and members of the Bicycle and Pedestrian Path Advisory Committee (BPPAC) are present, as well as the honoree himself. This

is a relatively simple request. The BPPAC has forwarded a recommendation that a sign be placed on the rail trail to indicate the State law that was passed, officially naming what they used to call the “south bridge” as the Charles Redfern Bridge. It is the pedestrian bridge that crosses over Rt. 101. There are already signs that will go on the bridge itself, facing the vehicular traffic. The City does not have much say or creativity when it comes to those official NHDOT-designed dedication signs, but signage on the rail trail is more at the City’s discretion. The BPPAC put forward a recommended design, as shown. The intent is for the arced text of “*welcome to the*” to reflect the gentle arc of the Charles Redfern Bridge itself. Underneath are the words, “*Honoring the man with the vision and tenacity to create the magnificent multi-use trail system here in Keene, NH.*” If there is one word he thinks appropriately describes Mr. Redfern, it is “tenacity.”

Mr. Lussier continued that he wants to point out the proposed placement of this sign. On a map he identified where the rail trail goes north-south, by the Keene State College athletic fields, the back side of the Walmart parking lot, the agricultural fields, and Eversource power lines. He continued that the NHDOT signs will go right above the roadway. The City is talking about a sign on the rail trail, probably in the area by the end of the bridge near the back of the Walmart parking lot, which would be designed and scaled to be appropriate for bike and pedestrian traffic. The design of the sign text itself is very nice. He would like to see this incorporated into the wayfinding sign package designs that the City has had prepared for other signs throughout the rail trail system. He would use the same kind of signpost and roof structure so it looks cohesive with the other signs, but he would use the BPPAC’s suggested language for the sign copy itself.

Chair Greenwald asked if the Committee had any questions or comments for Mr. Lussier. Hearing none, he asked if anyone from the BPPAC wanted to speak.

Councilor Haas stated that the BPPAC fully endorses the signage on the bridge as printed. He continued that he thought they were putting signs on both ends of the bridge. Mr. Lussier replied that it depends on how much money they can raise for the signs. Councilor Haas replied that they will work on that.

Councilor Phil Jones, Ward 5, stated that he is here tonight as a member of the board of directors for Pathways for Keene (PFK). He continued that PFK designed the sign and sent it to BPPAC for their endorsement. The sign was designed on a napkin over breakfast in the pub. It went through the process through PFK. He was the one who used the word “tenacity,” and Ted McGreer helped with some of the wording, like “*the magnificent multi-use trail system here in Keene, NH.*” He thinks PFK did a great job. The “*welcome to the*” text was designed to curve slightly to mimic the curve of the bridge. Most important is honoring the person with the vision and tenacity, otherwise they would not have the trail system here in Keene. He asks that the City not put any logos or emblems on the sign. Let it tell its own story. He is not sure what Mr. Lussier means about “adding it to the wayfinder,” and he is not sure if that takes away from it, but he hopes they see the full sign.

Councilor Favolise stated that he had taken that to mean that when the title of the bridge is updated on the wayfinding signage, it will not have this special font and design. He asked if that is correct. Mr. Lussier replied that his suggestion is to try to merge the design that came forward with the structure that was designed for the wayfinding signs. The company came up with some

typical examples of signage for trailheads, mile markers, and that sort of thing. One is a directional sign or informational sign that would be appropriate in this sort of situation, where the PFK's design would constitute the majority of the sign, but it would have posts and an arc roof, and it might have some other information like the distance to downtown. PFK's copy would be the majority of the sign. Chair Greenwald stated that to be clear, they are only talking about this one sign tonight. Mr. Lussier replied that it is correct.

Charles Redfern stated that "tenacity" is Phil Jones, who went before a body of 400 legislators to get this passed, and he also met with Senators, so he is the first person he thanks. He continued that he also thanks the volunteers who have made this happen, generating excitement in the community and political goodwill. He feels the volunteers' names should also be incorporated into the sign. He also wants to note that someone who has given the sustainability of the group is Ted McGreer. Mr. McGreer has been with them for over 24 years. Without the 4 on the 4th Road Race, they would not have had the thousands of volunteers they have had over that period of time. Mr. McGreer uses that as a message board to push out information about what the next project is, what they are paying for on that race to be the next feature of Keene's wonderful trail system. He thanks Mr. McGreer, Councilor Jones, City staff, Mr. Lussier, Andy Bohannon, the City Manager, the City Engineer, Mr. Schoefmann, and countless others. He thanks Council for this opportunity for making this happen.

Ted McGreer of 115 Main St. stated that yes, he has been on the PFK board for 24 years, but Mr. Redfern had the vision with John Summers to look at these rail trails 30 years ago. He continued that they put on this race because of Mr. Redfern's tenacity. He knocks on doors, gets sponsors, and raises the majority of the money for this organization, which he thinks is around \$2 million at this point. He is honored to be here with Mr. Redfern, and he is delighted this sign honoring him will be on the bridge.

Chair Greenwald thanked Mr. McGreer for his work. He asked if there were any further comments, or if the Committee was ready for a motion.

Councilor Favolise stated that before he makes the motion, he wants to say that he is glad he is the one who gets to do so. He continued that Mr. Redfern was a Ward 1 Councilor, although he does not know if it was the exact seat that he himself is in now, and he is also a Leo F. Redfern award winner, so this is meaningful for him. He congratulates Mr. Redfern.

The following motion by Councilor Favolise was duly seconded by Councilor Workman.

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends approval of the attached design for trail signs identifying the newly named Charles Redfern Bridge (formerly South Bridge) spanning NH State Route 101 and that the City Manager be authorized to do all things necessary to install the signage on the rail trail.

Chair Greenwald stated that he looks forward to the festivities when the signs are put up. He asked if they know how long it will take. Mr. Lussier replied no, they have not fabricated the sign at this point, so it will take some time to fabricate it and make a plan to install it. Chair Greenwald asked if Public Works is making it. Mr. Lussier replied no, Public Works specializes

in retroreflective signs compliant with the Manual on Uniform Traffic Control Devices (MUTCD). He continued that anything more creative than that is outside of their wheelhouse.

6) Downtown Infrastructure Project – Suggested Bike Lane Rules – BPPAC Committee and Draft Bicycle Lanes Ordinance

Chair Greenwald stated that one of the features of the Downtown Infrastructure Project is a bike lane. He continued that there has been a lot of discussion about how to make the bike lane safe and workable for everyone. The City Manager appointed a committee, and the BPPAC also worked on suggested rules for the bike lane. Before the MSFI Committee tonight is a draft of recommendations for usage.

Mr. Lussier stated that he is again here representing Mr. Schoefmann, regarding the suggested bike lane rules. He continued that about a year and a half ago, they started having conversations about the requirements to regulate the activity of these new bike lanes the Council had by then approved. The City Manager and the Mayor got together and appointed a committee to look at the existing rules in State law and how those apply to City Ordinances and then recommend rules to govern how people use these bike lanes once they are built. This came to a head recently with the BPPAC dusting those off and forwarding them to the Council to be enacted into an Ordinance. The recommended motion in tonight's agenda is to accept the correspondence as informational. The Council has already voted to authorize the City Manager to draft an Ordinance and to bring it forward. That was already on staff's docket to do. He did not think it was urgent, because they are still close to a year before the bike lanes exist. However, because BPPAC recommended that this comes forward, staff went ahead and submitted the draft. The agenda packet includes the draft Ordinance as well as the language forwarded by the BPPAC. He would like to go through the BPPAC's 12 recommendations, and for each, he will discuss how an item is either addressed by the draft Ordinance or already contemplated in State statute and the City Code.

Mr. Lussier stated that the BPPAC's recommendations are as follows:

- 1. Bicycles and other personal vehicles for the purpose of these rules include all as defined by State of NH statutes.*

Mr. Lussier stated that RSA 259-6 defines a "bicycle" as according to State law, and it explicitly says that an e-bike is a bicycle, for legal purposes. He continued that he would also point out that RSA 259:122 defines a "vehicle" which includes "*every mechanical device in, upon, or by which any person or property is or may be transported or drawn upon a way.*" It is as inclusive of a definition as you could possibly imagine, capturing scooters, skateboards, bikes, e-bikes, and monocycles. All of those are "vehicles" by State law and fall under the requirements for vehicles.

- 2. Bicycles should always yield to pedestrians in the bike lanes.*

Mr. Lussier stated that RSA 265:143 – 153 is the section of State law that deals specifically with the rules of the road as they pertain to bicycles. They say, "*Every person propelling a vehicle by*

human power or riding a bicycle shall have all of the rights and be subject to all of the duties applicable to the driver of any other vehicle under the rules of the road, except as provided in paragraph 2...” This says that it is already a State law that bicycles have to yield to pedestrians in bike lanes or crosswalks.

Mr. Lussier stated that one of the themes of his comments on these BPPAC suggestions is that it is not best legal practice to have rules at the City level that duplicate existing State law, or State law that are redundant with existing Federal law. He continued that the risk is that if State law changes and the City does not also change its local laws, they will be in conflict, which will cause legal ambiguity. Where things are already adequately covered by State law, staff suggests not adding them to City laws to be redundant. This second BPPAC suggestion is one such example.

3. *Bicycles should not park in the bike lanes. Likewise, any vehicle engaged in commercial deliveries should not even temporarily park in the bike lanes, no matter the duration.*

Mr. Lussier stated that bicycle parking in bike lanes is addressed in the Ordinance that they will go over in a minute. He continued that vehicles parking would already be addressed elsewhere in the City Code. Section 94-67 has General Prohibitions for Parking; it is what says you cannot park on a sidewalk or within 15 feet of a fire hydrant or within 30 feet of an intersection. One of those rules is that you “*cannot park on the traveled portion of any roadway, so as to obstruct the movement of traffic in the travel lane.*” He thinks that would cover the parking on a bike lane. In essence, the bike lane is a portion of the roadway that is dedicated for a specific type of vehicle. If the Committee and Council think that is too obtuse, staff could add a bullet in Section 94-67 to explicitly say you cannot park in a bike lane. He thinks either way is acceptable, but in his mind, it is already adequately covered.

4. *Bicycles and other personal vehicles are not to be operated on sidewalks.*

Mr. Lussier stated that this is addressed in City Code Section 94-466. He continued that actually, bicycle use on sidewalks is allowed, except where it is not. The Code lists specific streets and locations where bike use on sidewalks is not allowed. According to State law and everywhere else in the city, people are allowed to use bikes, scooters, and skateboards on sidewalks. Staff does not propose changing those rules. As it is currently written in the Ordinance that they will go over, there would still be no use of bicycles on the sidewalks downtown. The downtown sidewalks exist separately from the bike lanes.

5. *Bicycles and any personal vehicle should not exceed 8 MPH in these bike lanes.*

Mr. Lussier stated that the proposed draft recommends a maximum of 10 MPH. He continued that the MUTCD has a specific recommendation for speed limits. Admittedly, Federal Highway regulations are mostly geared toward vehicular traffic, but the guideline is that speed limits only be incremented in multiples of 5 miles per hour. It is what vehicle operators expect to see. It avoids confusion about what the sign means. Staff recently had an opportunity to do some bike trials on Main St., and he thinks they found that with speeds less than 10 MPH, it gets difficult to maintain balance on a bicycle. Bicycles are stable when you are riding, and not when you are

still, because the wheels spinning create that gyroscopic effect and create stability. Thus, staff recommends the maximum speed be set at 10 MPH. State law has provisions for the equipment of a bicycle that reference stopping distance at 10 MPH. He thinks it is consistent with State law to say 10 MPH is the maximum.

6. *Helmets are recommended for all cyclists but are required for persons under 16 years of age.*

Mr. Lussier stated that he has two concerns with this. He continued that first, laws are not designed as recommendations. They are either enforceable laws or they are not. It is not a good idea to have a recommendation codified in an Ordinance. Second, for people age 16 and under, helmets are already required under 265:144(10). *“No person less than 16 years of age may operate or ride upon a bicycle on a public way unless he or she wears a protective headgear of a type approved by the Commissioner of Health and Human Services.”*

7. *1-4 yr olds up to 40 lbs. can ride on a bicycle that has a harness, sits upright, does not allow feet and/or hands to reach spokes, and is permanently attached to the bicycle and/or tow.*

Mr. Lussier stated that 166-144(1) already requires that all users ride *“upon or astride a permanent and regular seat attached to the bicycle.”* He continued that if BPPAC’s concern is having a child being carried by an adult or sitting on the handlebars or that sort of thing, that is already prohibited under State law. They are required to be in an approved seat that is permanently affixed to the vehicle, and it would be easy for an Officer to say when something is a seat designed for such a rider to be sitting in.

8. *All bicycles and personal vehicles should yield to pedestrians before crossing intersections.*

Mr. Lussier stated that that is not consistent with State law. If you come to an intersection and there are pedestrian signals like the ones on Central Square, the pedestrian is required to stop and yield to traffic when they have a “no walk” sign. When they have a “walk” sign, vehicles are required to yield to the pedestrians. Simply having a rule that bicyclists are required to yield to pedestrians in the intersection would create a conflict with that existing State law. Pedestrians are required to yield to vehicles when the pedestrian signals are present and the “no walk” sign is on. State law prohibits crossing diagonally. Finally, vehicles are required, in all cases, to exercise due care, regardless of what the pedestrian is doing. Besides being potentially conflicting with State law, it is also redundant to have that statement in there, so staff does not recommend adding this to the Code.

9. *All bicycles and personal vehicles must fully obey all traffic control signs and devices.*

Mr. Lussier stated that RSA 265:9, “Obedience to Any Required Traffic Control Devices,” and RSA 265:2, “Required Obedience to Traffic Laws; Penalty” both talk about vehicles having to obey the traffic laws. He continued that he thinks it would be redundant to have a line in City

Code saying bicycles, which are vehicles, have to obey the law. They already have to obey the law.

10. Bicycles must have front white and rear red lighting if operated between ½ hour after sunset and ½ hour before sunrise.

Mr. Lussier stated that this is an interesting question. He continued that it is not clear whether BPPAC's request is that this be an additional requirement. Currently, in 266:86, all bicycles, during those hours of darkness, are required to have a headlamp and a rear red reflector. They are not required to have a self-illuminated lamp, they are required to have a red reflector that is visible at a distance of 300 feet when illuminated by vehicle headlights. State law says specifically that a red light can be used in addition to a reflector, but not in lieu of. Thus, if the intention is for the City to also require a red light in addition to a reflector, the Council has the authority to do that, but he would note that it is an additional requirement and it might be difficult for someone who is not from Keene, who thinks they are in good shape with their headlamp and their reflector, to know that this one city also requires an illuminated lamp on your bike. Whether to require that is up to the Committee and Council.

11. Bicycles cannot be left unattended unless placed against a proper bicycle rack. Unattended bicycles not at a rack may be removed by City employees.

Mr. Lussier stated that RSA 265-152 allows parking on sidewalks and roadways, so long as it does not impede pedestrian traffic. He continued that this recommendation from the BPPAC would be a more stringent requirement, and if the Committee and Council want it, it is within their authority.

12. All rules and regulations of the State of New Hampshire must be followed; it is the obligation of the cyclist to understand these regulations.

Mr. Lussier stated that City Code already has Section 94:464 Rules of Operation, which says, "The rules for operation of bicycles on public ways or public property shall be set forth in RSA 265:143 – 265:153."

Mr. Lussier continued that all that said, what staff recommends, and what the Committee sees in the agenda packet, is a draft Ordinance they could bring forward to City Council that would do the following. The first line would remain as is. They would add a "b)" paragraph, which would say, "In addition, the following rules shall apply to the operation of bicycles, unicycles, tricycles, scooters, roller skates, skateboards, or similar devices (including electrically propelled or assisted versions of such devices) on bike lanes and multi-use paths within the City of Keene.

- 1) Within the Downtown Core zoning district, the maximum permissible speed shall be 10 miles per hour.*
- 2) Where bike lanes are provided adjacent to roadways, cyclists shall only travel in the same direction as the adjacent travel lane.*
- 3) No person shall stop, park or load any bicycle or other vehicle in such a way as to obstruct the public use of bike lanes and multi-use paths.*

4) Bicycles and other personal vehicles shall not be parked or left unattended within the public way, except at a rack provided for such purpose.

5) Bicycles must have front white and rear red lights if operated between a half hour after sunset and a half hour before sunrise.”

Mr. Lussier stated that items 4) and 5) are more stringent, addressing those recommendations from BPPAC, which is up to the Committee and Council. The above is what staff recommends the Ordinance say. They would love the Committee’s feedback on this draft, which has not been read at Council. The idea is for the Committee to discuss it and tell staff what they want to see in it, so when it comes to its first reading, it will already be in the format that the Committee approves.

Chair Greenwald stated that his initial observation is, he understands the need and desire for an Ordinance. He continued that he thinks that informing the public of the rules is most important. He “does not care if it is written in the Constitution,” but it needs to be easy to understand so the public can get with it gradually. It is about training. He remembers learning the rules of the road as a child, which are logical, but they see many people not following the rules of the road. He will thus ask if there is a way to have the Ordinance as well as a Resolution or “rules of the road” or something that picks up a lot of what the BPPAC brought forth. Although the recommendations are redundant, it is important to have them, to train the public in what to do. There is a little time to do this, before the bike lanes are functional, probably next summer.

Mr. Lussier replied that Chair Greenwald is absolutely right. He continued that he, Mr. Schoefmann, and the City Manager have made similar comments, regarding how they can write all the laws they want, but it comes down to public education. There will be a learning curve as people learn how to use this new type of facility. They talked with Rebecca Landry, Deputy City Manager, about how to communicate this. They are thinking about videos and other types of public informational messages. However, an Ordinance is something that can be enforced, versus education, which will just be an ongoing process. Chair Greenwald replied that they need to get going, sooner than later, with signage and the education. They need to get it going, before someone gets hurt.

Councilor Favolise stated that his concern is that they heard tonight that “bicycles cannot be on the sidewalk in the downtown,” and yet, when he is downtown at any time of day, on any day of the week, he sees bicycles on the sidewalk downtown. He continued that he does not have interest in wasting the time of the Committee, the Council, staff, or the public, to come up with the best version of the Ordinance that reconciles all the things and takes into account the State law and the BPPAC’s recommendations and the Council’s desires, only to have it not enforced. He is concerned that as soon as there is some kind of collision between a bike and a pedestrian or vehicle, such as someone crossing from the parking stalls, he thinks they will see a drop-in public support for the bike lanes. He wants to get this right in terms of the Ordinance, but he also wants to get this right in terms of enforcement. They touched on the education piece, but this will also come down to enforcement, and it is not being enforced right now. He recognizes that he is one of 15 Councilors, but he would like a commitment from City staff that this will be an enforcement priority, more than it is now.

Councilor Filiault stated that he appreciates the BPPAC putting the bike lane rules together, but they are “feel good” rules that are completely unenforceable. He continued that when he rode with the Police last week, he asked three different Officers if the KPD will be able to enforce these bike lane rules, and they said, “*Absolutely not.*” He rode with an Officer for eight hours, and it was stop after stop after stop. He encourages any Councilor who has not ridden with the Police to do so, because it is one thing to see things on paper, and it is another thing to experience something in reality. It is an eye-opener. He saw that the Officer barely has time to do a call before the next comes in. They are buried in work. He looks at this list of bike lane rules and knows the probability of enforcement is zero. When the Officers said they could not enforce the bike lane rules, they were not being rude. They told him they do not have time, being eight officers short. If the Council puts these rules out, they might feel good about having put something on paper, but to him, “Paper means nothing. Reality means everything.” In this situation, reality is that the KPD Officers have more important things to do than to see if a bicycle is going 5 MPH or 8 MPH or what the horsepower is of an e-bike. He has heard some people say, “*We’ll have to self-police,*” but they cannot self-police it now. The other day in front of the Colonial Theater, a bicycle almost ran him and his family over. When he yelled, “*There’s no bikes on sidewalks downtown,*” the cyclist replied with a rude hand gesture and insult and kept on going. Most people are not going to confront people on bicycles, because that is the type of response they get.

Councilor Filiault continued with an anecdote about a person on an e-bike he recently saw, who took a turn so quickly it would have harmed someone coming around the corner, if someone had been there. He continued that the speed and stealth of these electric bicycles are incredible. No one will be enforcing a speed limit on any bicycle or vehicle on the sidewalks or the bike lane. Reality on the street is different from what is on paper. If any Ordinance brought before the Committee allows anything with a motor on a sidewalk or bike path, he personally will vote “no” on that Ordinance. Nothing with a motor belongs on those. The horsepower, stealth, and speed of these vehicles increase yearly. No matter what the definition is, when an Ordinance comes before the Committee, he will vote against it if any motor is allowed on any of these surfaces, except for maybe a motorized wheelchair.

Councilor Tobin stated that she agrees with Chair Greenwald that whatever they come up with here in terms of an Ordinance, there still needs to be clear communication about the rules. She continued that the education piece needs to happen for drivers, cyclists, and pedestrians. Regarding the one about bikes being parked in different places, she really wants them to be in a bike rack. She does not want trees covered with bikes, which is what they sometimes see now. She asked if it is correct that “scooters” in this context are different from the mobility devices that are often called scooters, with the latter still allowed on sidewalks. Mr. Lussier replied that he believes that is correct. Councilor Tobin replied that it would be good to clarify that somewhere in the Ordinance.

Councilor Tobin continued that she does not know if this needs to be part of the Ordinance, but there is something that needs to be cleared up. The design will be that there is the parking, then the bike lane, then the sidewalk. Thus, when people are getting out of their vehicles and crossing the bike lanes, in terms of what the behavior is there, it looks like there are crosswalks drawn on the bike lanes, but she does not know if that is considered part of the roadway or it would have

the same guidelines. Mr. Lussier replied that where there is a crosswalk across the road, that crosswalk marking will also go across the bike lanes to let bicyclists know they are crossing a crosswalk. He continued that at those locations; they have to yield to pedestrians in the crosswalk. Councilor Tobin replied that it sounds like it is still considered part of the roadway then. Mr. Lussier replied yes.

Chair Greenwald asked for public comments.

Councilor Haas stated that he is a member of the BPPAC. He continued that they started working on this in January 2024 and hashed out a lot. They looked at many state laws and the regulations of many other cities across the country, trying to find things that were comparable. They put together a large packet and sent it to the City Manager's committee, and he is glad to see it coming into an Ordinance. In the meantime, the BPPAC continues discussing it and what they can do. Their goal is specific.

Chair Greenwald paused Councilor Haas's comments to ask the City Attorney if it is okay for Councilor Haas to continue, given that there is a quorum of Councilors right now. The City Attorney replied that she would remind the Councilor that conversations about the recommendation that comes out of this Committee are for all 15 Councilors to be having with them, and they have that opportunity at City Council. She continued that if a Councilor wants to provide information that the Committee will use in making this recommendation, which would not be something the Councilor would voice at City Council, that works, too. To give transparency and more of an explanation, the reason is that when there is a quorum of Councilors, there is the opportunity for a meeting of the City Council to be formed, if a quorum of members starts discussing an agenda item that is appropriate for the full City Council to address.

Councilor Haas replied that he will avoid expressing opinions or directions and just reflect on discussions that they had in BPPAC meetings. He continued that the City Attorney can interrupt him if he strays from these guard rails. The downtown bike lanes are a special situation, given that they are raised bike lanes that are more like sidewalks dedicated to bicycles. They do not have a good word for it. Words used in discussions of bike lanes tend to confuse people, like the "sharrows" that run up and down Main St. and Washington St. being called "bike lanes." Wherever the City has some kind of markings for bicycles on a roadway, they call it "a bike lane," but what they are doing in the downtown infrastructure project is unique and special. Somehow, they need to find verbiage that expresses that. The BPPAC's biggest concern is the need to create a safe environment for cyclists and for pedestrians, which is part of the BPPAC's charge, and for the other users of the space. They need to create something that makes everyone comfortable in the space. Of course, they will never 100% get there, but through Ordinances and communications, they can get to a point where everyone knows they are aiming for this safe environment that respects everyone's rights to the space. They can go on and on about incidents they have had with different pedestrians, cyclists, or drivers—everyone has had such experiences. But that does not mean they cannot go forward with creating something that will be very special, and a great credit to Keene.

Councilor Haas continued that regarding enforcement, yes, it is hard for a Police Officer to enforce speed rules on motorcycles, never mind bicycles, which can dart in and out much easier. However, like the discussion they just had about the access road to the Wastewater Treatment Plant. They need to have people being self-enforcing. He sees that as a growing factor in all of their decisions, that they look to the citizenry to help enforce these laws. When something is written into an Ordinance, even if it is difficult to enforce or does not get enforced, it creates a legal environment in which there is a law on the books that talked about how someone's behavior should have been, so if something happens and a person violated that law with their behavior, that tilts the legal side of it, should there be a liability suit. He is glad to see this Ordinance coming forward. The BPPAC's ideas are to help craft it. A couple of them, as Mr. Lussier mentioned, could be incorporated at the Committee's desire.

Councilor Haas continued that regarding, *"Within the Downtown Core zoning district, the maximum permissible speed shall be 10 miles per hour,"* that could be for the bike lanes in particular, because they cannot have a speed limit on bicycles that are traveling in the streets. Second, the reason for having an odd number for a speed limit is for exactly the reason Mr. Lussier pointed out—people are used to seeing "5" or "10," and of course, tend to go 5 miles per hour beyond the number. Seeing an odd number makes people pause and have to think. He first ran into that many years ago when he learned that is how Disney World controls speed in its parking lots. Disney World made their parking lot speed limit something like 11 MPH or 17 MPH, attracting attention.

Councilor Haas stated that the BPPAC looks forward to working further with this Ordinance and offering recommendations. He continued that the communications piece was a big deal. The BPPAC never expected to get an Ordinance written around it, because they knew the conflicts with State law and so on and so forth. However, they have to drive communications. He thinks of tourist brochures and advertising things that educate people about the downtown area's "sidewalk bike lanes."

Councilor Favolise stated that he is not quite as firm in his opposition to electric bikes and scooters as Councilor Filiault is, and to be clear, he is not talking about assisted mobility devices, but he has thought a lot about whether having electric bikes and scooters is consistent with their intent in the downtown district. He continued that as Councilor Filiault said, these e-bikes can be going 20–30 MPH and quietly sneak up on you. He looks forward to further discussion about that piece. Councilor Tobin brought something up the last time the Committee talked about this, which he is not sure they settled on exact language for, regarding "tricks" and not allowing bicycles and scooters to be used in ways other than for getting from point A to point B. They want a multi-modal transportation environment. His final comment is that the challenge he has with some of the language in the draft Ordinance versus the language in the recommendations is that he understands and generally agrees with the principle that Mr. Lussier laid out about avoiding redundancy. At the same time, he hears a desire from the committee, public, and staff for clear communication and education. He wonders if it would be worth it to have some of the redundant sections in this piece of the Ordinance that is specific to downtown operation, and what the trade-off would look like. He looks forward to continued conversation and thinks there are still some big questions for the Committee to wrestle with, recognizing that the decision about bike lanes was made before he joined the Council and it is the will of the community

expressed through the vote of the Council. Now they need to figure out a way to make this work and prioritize safety downtown.

Chair Greenwald stated that it is appearing that this discussion is informational. He continued that however, the Ordinance needs work. He is asking for something else, maybe a Resolution or something that is a little more inclusive for the public. Who is going to do this and when?

The City Manager replied that the Ordinance is meant to create the framework for the rules of the road, but the educational campaign will come after that. In the committee she and the Mayor created, they talked a lot about the need for education and engagement with cycling groups. They have already talked with Ms. Landry about how they might do that, and videos are one method they could use to educate people about the rules. They are looking to the Committee and Council to set the rules first. They know what the State rules are. Once the Council has set the rules, then they can begin the work of the educational campaign.

Chair Greenwald asked if they should expect to see a continuing discussion on this at the next MSFI Committee meeting. The City Manager replied that they should expect to see a draft of the Ordinance at the next Committee meeting. She continued that staff would draft an Ordinance, which would have its first reading at the City Council and be referred back to the MSFI Committee. She assumes the Committee would have one or two more meetings to decide what the Ordinance looks like, and then it would go back to Council for final reading and adoption. After that, they would begin the effort of the educational campaign.

Chair Greenwald asked for further public comments.

Andreas deDanaan of 37 Cottage St. stated that he would like clarification about the parking, and the proposed mandate for bikes to be in some sort of parking structure. He asked how many of those parking structures will be available. Chair Greenwald replied that they do not have a parking structure for bicycles. Mr. deDanaan replied that he means a bike rack. Chair Greenwald asked Mr. Lussier if there is a number for the bike racks. Mr. Lussier replied that he does not know the number off the top of his head, but the project will construct a number of permanently installed bike racks, in locations where they will be out of the way for sidewalk plows. One of the problems now is that staff must remove many of the bike racks during the winter due to maintenance of the sidewalks. All of the bike racks installed with this project will be permanent. There will be roughly one bike rack per city block. Mr. deDanaan replied that that sounds good. He continued that he agrees with the rule of having bikes on bike racks, but he wanted to make sure there are enough of the racks, because that is often a problem.

Mayor Jay Kahn stated that he appreciates the thought that the BPPAC has put into this. He continued that this is a start. There are some things he would like to add emphasis to. He hopes the Committee considers the BPPAC's recommendation of 8 MPH. He rode a bike 8 MPH to try it out and was completely able to balance without a problem. It became wobbly for him at 6 MPH. The difference between 8 MPH and 10 MPH is 25%, so that difference is not something insignificant. They might have difficulty with enforcement, but this is about self-responsibility, as many or most of them have expressed, including through the education process. Yes, somebody will eventually be hit crossing a bike lane. It is inevitable, as people get hit many

different ways, and there are conflicts between people, dogs, vehicles, pedestrians, or whatever it might be. The point is, if someone is going 20 MPH, you can judge a difference between 8 MPH and something that is twice that speed. That is the self-responsibility issue. There are always going to be people who have observed that kind of accident, because it is downtown, and there are always going to be people there. The point is, he would be able to perceive if someone was acting irresponsibly, the difference between 8 MPH and accommodating the fact that pedestrians will be crossing, and the fact that they were accelerating without concern for pedestrians crossing spaces. That will be a conflict between the person on the vehicle who created the accident, and the person who was hit. They will deal with that in their own ways. He is not saying this is the City's responsibility. This is individual responsibility, and people need to be held accountable if they do not follow the guidance the City has provided, and he thinks perception will be the rule. He thinks the Committee should consider 8 MPH as BPPAC has suggested.

Mayor Kahn continued that he also thinks the Committee, beyond the Ordinance, needs to insist on signage. He agrees they should get it on the website and promote as much as they can in advance of this, but without signage, it is that point in time when someone is on Main St. and there is a sign with the rules. They should work with BPPAC to identify what the most important rules are, whether they are in State law or not. It is all about safety. Many Councilors will be knocking on doors in the next few weeks, and he guarantees that the downtown infrastructure will be the primary topic they get questions about, and "safety" is the primary answer for them to deliver. How they address that, with proactive steps, will be very important to keep people coming downtown. The motivation here is to create a safe atmosphere downtown so that people who are resistant to the changes are assured that the City is taking steps to ensure that safety is prominent in their decisions. He hopes the Committee and Council deal with that with signage. Judging by the Charles Redfern Bridge sign, he thinks BPPAC has some sign experts. Finally, he thinks that the 8th recommendation, about bicyclists yielding to pedestrians before crossing intersections, is something they will need to continue to talk about. That is not a well understood statement. It is meant to convey to pedestrians that there is a safe protocol in the downtown area.

Councilor Jones stated that he wants to talk about procedure. He continued that there is a quorum present, so other Councilors are not giving their opinions, and he understands that the Committee intends to accept this as informational, which means there will not be any discussion for the Council to have. He thinks there should be some other motion that would allow the Council to speak to this at the Council meeting. Chair Greenwald replied that alternately, he could speak to the City Manager and the City Attorney about a workshop, which would allow everyone to speak. Councilor Filiault stated that even if something is recommended as informational, the Mayor still has to bring it up at the Council meeting in two weeks and a Councilor can still raise their hand to speak to it at the Council meeting. Recommending acceptance of an item as informational does not kill it.

Ted McGreer of 115 Main St. stated that he is a raving fan of alternative transportation opportunities in this community and has been for 30 years. He continued that he makes his living by putting shoes on people to go use these trails. He is an avid cyclist as well. He would speculate that everyone here agrees that cycling on the downtown sidewalks right now is not safe. That is why they have rules in place for not riding on the sidewalk. The question is whether painting a green stripe on the sidewalk makes it safer. Councilor Favolise talked about losing

public support for the bike lanes, and his fear, having talked with thousands of people about this infrastructure project, is that they have already lost that. The safety issue here with this raised path coming down Main St. and ending is a major concern for people. To the Mayor's point about reaction time, cognitive abilities to see somebody coming 8 MPH versus 20 MPH is as good as the eye of the beholder. If "little Mrs. Thompson" gets out of her car, she cannot react as quickly seeing somebody coming at 20 MPH versus 8 MPH. He is nervous about it. He does not disagree with Councilor Filiault. They will not have bike police there with radar to see who is going 12 MPH and stopping them. He questions how they will enforce these rules. As a downtown merchant, he thanks everyone for having a deep passion for the beautification and the changes downtown, but he cannot, in good faith, support the bike lanes. He knows it is too late, but he just cannot do it.

Deborah Macri stated that she has had a business on Central Square for 42 years, but she lives at 286 MacLean Rd., Alstead. She continued that she agrees with Mr. McGreer. She will add that avid cyclists are not going to use this bike path. They do not now. They ride in the traffic on Main St., or use other streets to go around Main St. She does not see any need for this bike lane on Main St., thinks it is a real accident waiting to happen, and is completely against it. She knows they have to do this infrastructure project. But as far as having people get out of their cars and cross a bike lane to a sidewalk, she thinks they are looking for trouble. She agrees with Councilor Filiault.

Chair Greenwald asked for further public comment. Hearing none, he asked for a motion.

The following motion by Councilor Workman was duly seconded by Vice Chair Filiault.

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends that the list of suggested bike lane rules by the Bicycle and Pedestrian Path Advisory Committee (BPPAC) be accepted as informational.

7) Adjournment

Chair Greenwald stated that Thursday the Council has a site visit on Grove St. at 5:00 PM, and the Council meeting is 7:00 PM. He continued that all the items discussed tonight will appear at the subsequent Council meeting, to give the City Clerk's Office time to prepare the meeting minutes and such. There being no further business, Chair Greenwald adjourned the meeting at 8:03 PM.

Respectfully submitted by,
Britta Reida, Minute Taker

Edits submitted by,
Kathleen Richards, Deputy City Clerk