

City of Keene
New Hampshire

MUNICIPAL SERVICES, FACILITIES & INFRASTRUCTURE COMMITTEE
MEETING MINUTES

Wednesday, September 24, 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:

Amanda Palmeira, City Attorney
Don Lussier, Public Works Director
Andy Bohannon, Deputy City Manager
Bryan Ruoff, City Engineer
Rebecca Landry, Deputy City Manager
George Downing, Downtown Infrastructure
Project Ombudsman

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) Continued Discussion – Sale of City Property – 100 Church Street**
Direct Referral: Support for the Sale of 100 Church Street to a Private Owner –
Tenants of 110 and 116 Church Street
Direct Referral: Support for the Sale of 100 Church Street to a Private Owner –
Tenants of 103 Roxbury Street

Chair Greenwald introduced the agenda item, stating that the Committee has two petitions from people at 110 and 116 Church St., and 103 Roxbury St., in support of the sale of 100 Church St. He asked to hear from Don Lussier, Public Works Director.

Mr. Lussier stated that they are here for continued discussion based on feedback that the Committee heard. He continued that he does not have any additional prepared remarks tonight, but he would be happy to answer any questions. He added that representatives from the adjoining properties are here tonight, and they might want to speak.

Chair Greenwald stated that the petitions the Committee received answered some of his questions. He continued that he has been stalling this decision, hoping that the neighborhood would come together with a plan to maintain the park, regarding mowing, planting, maintenance, policing, or anything. If there is such a plan, it would be relevant for the Committee to hear it now, because tonight they will decide whether to recommend the sale of the property or the adoption of such a plan.

Michele Chalice of 25 Beech St. stated that she would like to add a warning. She continued that she feels this sets a terrible precedent. They should not sell developed green spaces just because of their social challenges. People who use drugs in this park will do it elsewhere. People need a respectful place to go to the bathroom, which the City is not providing, and it is a shameful thing. The City cannot just keep shutting down green spaces because of these activities. She is very sorry to hear that selling 100 Church St. is the solution, and she hopes it will not be the solution in the future, because it is a much broader problem and green spaces are important in a healthy city.

Chair Greenwald stated that Ms. Chalice raised the idea of the downtown bathroom/comfort station, which has been talked about and was even part of the rebuilding of Gilbo Ave. at one point, but there is nothing currently happening. He continued that it absolutely needs to be a priority for the Council to address. Tonight, they need to decide whether to recommend selling 100 Church St. or come up with a maintenance plan of some sort. He asked if anyone has such a plan to present.

Councilor Ed Haas of 114 Jordan Rd. stated that there is no maintenance plan, but over the past month after this was introduced, there has been talk between the fledgling Friends of Pat Russell Park group that is looking after gardening and maintenance and such there and the Friends of Ashuelot River Park Arboretum group, to get some kind of combined effort to look after these pocket parks. It is challenging to pull together a plan in one month, but there is something percolating, and he hopes that gets some credit.

Chair Greenwald stated that he knows there was an effort to locate some group to buy the park, and he can understand why that would be a huge challenge, not just in terms of the money, but also the ongoing responsibility. He asked if any abutters have anything to offer tonight.

John Tasoulas stated that he lives at 36 S. Lincoln St., and he is the abutter at 103 Roxbury St. and 93 Roxbury St. He continued that this piece of property “has been breaking his heart for years.” His grandparents immigrated from Greece and bought this piece of property and built a store. At some point, the City took it by eminent domain. At one point, Antioch College was a tenant at 103 Roxbury St., and 100 Church St. was transformed into what it is today. Now, it is a horrible situation. His tenants are terrified to even go to the dumpster adjacent to the park to put their trash in there. They will only do that mid-day or if a male is present. He has tried to be a steward of this property, to no avail. The people who use the park for bad activities are smart and know when to put their beers and other items away, so that by the time the police arrive, there is nothing to see. He thinks it is time for this vacant piece of land, which is not a park, to be sold either to him or the abutter at 110 Church St. He does not see how anyone could manage this without owning it. That was the problem he ran into. He would tell people they could not drink there, and they would reply, “*Tough.*” He implores the Committee and Council to do the right thing. If any of them lived or had a building next to this park, they would be dying to have the ability to buy, control, and maintain it. That is the only solution he can think of. He went to the meeting at which people tried to come up with solutions for this property, and they talked about fencing, lighting, “No Drinking” signage, removing the berm to increase visibility, or even a porta potty. The City Manager was horrified by the idea of a porta potty, saying that it would be destroyed within days.

Mr. Tasoulas continued that this is a sad situation. Usually, a problem piece of property is due to an absentee landlord not caring for their property, with the activities on that site spilling over to the neighborhood. This is different. This is a City-owned piece of property, with activities that spill out to his property and to the property Paul Rodenhauser represents. He has talked with Deputy City Manager Andy Bohannon about a fence or signage, and the best they could do was a small, 8-foot piece of fencing that has not done anything. It is strange to feel that he needs protection from a City property, which is not good. The City should set a high standard for its properties. The right action would be to sell it to the abutters.

Ken Kost of 51 Railroad St. stated that he wants to begin by acknowledging the abutters' concerns. He continued that he hears the stress the situation causes. Everything he read in the petitions in the agenda packet reflects what he also sees regularly, but blocks away, not just here. When he has to throw out his trash across from the Wells St. garage, he has to go into a little door and is looking over his shoulder, always a little bit concerned and stressed. He walks his dogs four times a day through Railroad Square and along the rail trail, and usually there are people in those places, and sometimes it is fine, and other times, the people are a little scary and he does not know what they are doing. Sometimes people are tucked in the corners of the little circle between the Monadnock Food Co-op and the hotel, which is privately-owned land. The rail trail is an important asset to the neighborhood, and he would like to walk and bike on it, but sometimes there are groups of people there who seem suspicious. Thus, the problems they are talking about regarding 100 Church St. occur throughout the neighborhood. Selling this green space would not solve the problem, it would just shift it to other areas, intensifying the challenges in the places he just mentioned. It would be like Whack-a-Mole, perhaps making it worse for him and others who live a block away. He is surprised the City considers selling 100 Church St. as the solution; it does not seem like sound policy. They have heard that this is nice green space. He understands that the City owned the other three corners, which are now gravel parking lots and other unattractive things. He does not know what they were before the City sold them. That could be the fate for this corner if it is sold.

Mr. Kost continued that he hears Chair Greenwald asking whether a group has been put together, and who will take care of this park, and whether there is a plan to consider before the Committee makes a decision. What is missing is any plan from the prospective buyers. They have not heard what the prospective buyers' solution is, beyond wanting to manage it somehow and figure it out, but he does not know what that is. Maybe they will just bulldoze it, fence it, and pave it. He thinks if the Committee is asking for a neighborhood plan, they should also ask for a plan from the prospective buyers. Lastly, he wants to make the point that the people who gather in this park and elsewhere are not a problem, rather, they are people with problems. They are individuals facing serious challenges in their lives, and the City should not treat them as nuisances to move from space to space and bench to bench. They should look more holistically for solutions. Before the Committee votes to sell the property, just like they are asking for community plans for the park if it stays in City ownership, he thinks they should ask the prospective buyers what their plans are, to see whether it would be a detriment to the neighborhood.

Councilor Favolise stated that he thinks that is a fair question from Mr. Kost, and he had the same question when Mr. Tasoulas was speaking about how they heard what has been discussed in meetings. He continued that he is not sure there is a clear plan for the management of this

space, if it were to be sold. To him, there is a distinction between his concern about the lack of a plan if the City continues ownership versus if the property is sold. Like Mr. Kost, he would like to hear the answer to that, but the reason the Committee is stating a stronger interest in whether the neighborhood group has a plan is because in that scenario, the City ultimately retains responsibility for the activities there. He will not speak for the Committee, but that is his perspective.

Robin Kost of 51 Railroad St. stated that five years ago, she and Mr. Kost made the conscientious decision to move to Keene, and it was based on what she had heard. She continued that she and Mr. Kost were somewhat familiar with Keene and liked the small-town atmosphere. In their small town in Delaware, they were very involved with the community, and they have always been very service-oriented people. While deciding on where to move to, she called into the radio show of then Mayor George Hansel and asked him to convince her on why she and Mr. Kost should move to Keene. He spoke with her off air, asking her about her work, in which she worked collaboratively with every 501c3 group in her city of 23,000 people. Mayor Hansel told her she would love Keene, because even if what she was interested in was not happening in Keene yet, she would find like-minded citizens and could make something happen here. She and Mr. Kost moved to West Keene, and then downtown to Railroad St. She loves walking her dogs, but she cannot walk on the rail trail, because people are sitting there, and she cannot control her dogs when people are taunting. She has gone to 100 Church St. and has seen people there but has also seen children enjoy it. Many residents from an adjacent senior housing project walk around with mobility devices, and she has seen them go to and enjoy the green space at 100 Church St. She utilizes Railroad Square and knows the problems there. The view from her home is over the City parking garage, and she has called the police about activity she has seen. Green spaces need to be preserved. There are few in the City. She is glad to hear there is an East Keene group considering consolidating and working with pocket parks in the City.

Ms. Kost continued that she has worked with dogs for 55 years and can see that 100 Church St. is small enough that it could become a privatized, or membership-supported small dog park. Members would pay a membership to access the fenced area with a code. She and others did this in another place in Delaware, with the property maintained by the membership. Thus, there are alternatives for 100 Church St., which are not being considered. As others have mentioned, they are not hearing what the abutting owners want to do, other than own the property. In the letters, people talked about problems with the dumpster and activities going on, but that is privately owned, not the City park. That access to that dumpster will remain the way it is. She really wants to hear what the prospective buyers want to do, because if it is to pave it and turn it into parking, she is opposed to the sale. She thinks the community can come up with other options.

Councilor Workman stated that she has questions for just about everyone, the petitioners, community group, and the Public Works Director. She asked to start with Mr. Lussier. She continued that last time they spoke about this, she did not ask enough questions. She is curious about what it would cost the City to take some immediate steps to try to remedy the situation and mitigate some of the activities happening here. She asked what the cost would be for additional signage, lighting, fencing, or breaking down the berm, and whether that would be possible to do. Mr. Lussier replied yes, all of those would be doable over a relatively short period of time. He continued that he did not determine what all of that would cost. He would like to clarify the

scope of what the Committee would like to see done, and then he could report back on what the cost would be. Removing the berm could be done in-house rather easily, although it would remove some of the vegetation as well. Putting up a fence is straightforward. The lighting might take longer because Public Works cannot do it themselves. That would have to be done by Eversource and typically, that is a six-week lead time, maybe longer, depending on whether the type of lighting chosen would need to be ordered.

Chair Greenwald stated that what just occurred to him is that if they put up a fence, that would keep everyone out, which would violate the idea of trying to have a fence. Mr. Lussier replied that this conversation started a long time ago when the applicants who are looking to purchase the land approached the City and requested the City do some improvements on the City's side, in terms of fencing between the green space and their property, so that people using the green space cannot walk behind the applicant's dumpster to relieve themselves and that sort of thing. He continued that it would be more like fencing the north and east sides of the green space. Chair Greenwald replied that he was envisioning fencing the street side, and that would just make it a closed space. Mr. Lussier replied that if it were no longer public space, the purchaser might look to do that. He continued that if it were to remain a public space, that probably would not make sense.

Chair Greenwald stated that he was thinking of asking the prospective buyer what they intend to do, but there is no way to lock them into that. He continued that they could say, for example, that they were going to plant something there, and then they could pave it two weeks later. It is not even fair to try and back them into an answer and put a deed restriction on it.

City Attorney Amanda Palmeira replied that that is legally doable, but of course, the consequence of violating a condition is that it would revert back to the City, so that might not accomplish what they are looking for.

Councilor Workman stated that she wants to say, on record, that the City has 20 parks, and six are pocket parks. She continued that that is a considerable amount for the size of the City. She heard many comments since the last meeting regarding a desire for the City to keep the property and not sell it. She was told there was a group ready to go and take this challenge on, but she is concerned and not seeing that coming to fruition right now. She, too, is very interested in hearing what the abutters have already done to protect their own property and what they would do if they owned this property.

Paul Rodenhauer of 24 Pearl St. stated that he helps manage the 110 and 116 Church St. properties, and from the first day that the current owner took title, he received phone calls from tenants about the park, about concerns for their safety and how the previous owner was incapable of providing safety to them. He continued that this is all based around tenant safety. Nearly every tenant in those buildings signed the letters to the Committee, including prominent community members who have been there for decades. The plan is private ownership, and that is the clear differential between publicly owned land and private land. The first step would be designating "No Trespassing." Most people abide by "No Trespassing" signs they see and would not go behind the dumpster or use things that are not theirs. Today, he had all the locks on the front and back doors of 110 and 116 changed, because people who are homeless have been sleeping there

in the common hallways. Now every tenant has a key to access the building with. Again, the plan is just private ownership. He does not see any other plan besides keeping tenants safe.

Chair Greenwald asked if they can visualize this as grass and some landscaping. Mr. Rodenhauser replied that they can visualize it however they want to see it. He continued that he does not know who on the Committee or Council goes down to 100 Church St. currently and spends time there. It really just boils down to tenant safety and the difference between publicly owned land and privately owned land and being able to have better control over it.

Councilor Tobin stated that she cannot say she has heard much new information tonight. She continued that she keeps hearing a couple of themes, such as an interest in people taking care of property around them. She would love to look at exploring that option further with Public Works, regarding ways that people can do that. Doing that in response to a longtime concern feels different to her. Another theme she hears is concern about people throughout the City needing help and resources, and that is a separate issue. This conversation has been going on for a while, even before it came to the Committee, and tenants are currently struggling and feeling unsafe. She understands that with lots of time, resources, and planning, there might be an option for the community to step in to this specific place. She thinks there are opportunities for them to step into many other places. This space is not designated as a park, and although it is lovely green space, she feels the concern of the residents who live there and deal with it on a day-to-day basis. How the Committee can help them, today, is what she keeps thinking about.

Vicky Morton of 275 Water St. stated that the last time this came before the Committee, Councilor Williams had some good suggestions, such as adding a fence on the two abutting sides, a motion detector light, and a trash can. She continued that they probably will not resolve the issue with the urination and defecation without some kind of a bathroom, which will not happen at this site, but they at least have the option to try Councilor Williams's suggestions and then make a decision. She thinks they should wait six or nine months to make a decision. She thinks some of the east side neighborhood's reluctance to step in and say, "*Oh, we'll take over,*" is because it is a step too far for the City to expect a neighborhood group to take responsibility for an open space/green space. Green space is desperately needed on this side of town. She does think the neighborhood group would come together if there were a final decision, if they postpone the decision for six or eight months and see what the community will do, in stepping forward to help out with this park.

Jodi Newell of 32 Leverett St. stated that she wants to start by thanking the Council for sending this topic back to the Committee, because it is wonderful to be able to continue this conversation and flesh it out a little more. She continued that she does not think that people always pay attention to every agenda, and people do not necessarily know about this conversation. She lives across the street from an open field, and she has heard things coming out of that space at night, but during the day it is filled with school children. People might not know what the tenants know, but these are the things that need to be understood in order for the City to come up with a good solution. She does not know that everyone in that space has been paying attention to the degree that they understand that the green space could be taken away. What she has seen in this conversation is people realizing and saying they really enjoyed that space, or were part of putting that space together, or that the space is special to them in some way. These people have not been

part of the conversations between the abutters, the City Manager, and the Councilors, and people who are in the know. Not everyone is in the know. She herself would be willing to participate in the maintenance of this space. She would love to do that. When she used to take her children to the playground, she would end up cleaning up litter while her children played, because she did not like to see it and she wanted to leave the space better than how she found it. She thinks what has happened through this conversation is that people are starting to realize that they should not take a space for granted because it might not always be there. She is not an East Keene resident, but she is happy to stand up and be a part of this.

Tracy Desteph stated that she has lived at 110 Church St. since 2018. She continued that there have been drug dealers in the building, and someone died in the building, and she helped revive someone who overdosed in the park. She picks up trash there daily. This weekend, the person who mowed did not want to go in the back corner because there were people sitting there smoking and drinking. Parks and Recreation staff cannot force those people out, so they just do what they can and go. Thus, she went through all day Thursday and Friday to weed and snip out as much as she could with scissors. With soapy water, she washed all the sidewalks and even behind the dumpster at 103 Roxbury St. Over the weekend, she saw residents from the Cleveland building come out and sit on those benches. They usually do not sit there, but this time they did, because she disinfected everything. She saw a man in his work clothes come to the dumpster to take the trash out, which has never happened. Every day, essentially, the Police do not have time because they are shorthanded, and they know they will be dealing with the same person they just dealt with a few hours ago. They can move them to a new location. She has seen people in and out of treatment, in and out of the hospital. She sees people come out sober, and then two months later, they are using again. She has lost all understanding for that. She thinks selling the property would allow someone to gain more control, with “No Trespass” orders, to address the misuse of the property. She agrees with having more lighting at night, because often, multiple people squish onto the one bench that is furthest away from the street sign so that people do not see them, and by the time the police get there, the people are gone. The community members at 110 and 116 Church St. have a strong network now, to the point where typically, one person will call the police and then multiple tenants go over together, if they are outside. That is helpful. The new locks are helpful, too, because in the winter, people who are homeless and who know her name sleep in the hallway and say, *“Oh, I know Tracy, so I can sleep in the hallway,”* but no, they cannot. She did not give anyone permission to sleep in the hallway. She does not have any disagreement with the sale of the property. She does not think anyone has any bad intentions with the space or wants to just plow everything down, because even if they wanted to use it as a parking lot, there are many Zoning issues they would need to work out with the City; they could not just go ahead and do it. Other community members are trying to help. The manager of Achille Agway lent her a leaf blower, which she used all down the street, which is filled with trash and cigarette butts. There is no trash can, which is okay, because the City worries about needles being in it. A couple weeks ago, an Officer found a needle, which is the first in five years that she is aware of. She does not think a porta potty would be successful. There used to be one at Pat Russell Park, and one summer, there were about 12 overdoses before they had redone it. A closed space like that at 100 Church St. would encourage it. She thinks a downtown bathroom would be a different story, because there would be more people around. She messaged a few Committee members but there was no way to attach photos, which she wishes she could have done. Like she said, she did as best she could with the grass, with the scissors and tools she had.

Chair Greenwald stated that he thinks the Committee owes it to the Petitioner to make a decision about this. He continued that he would like the Committee to vote on a recommendation, which will go to the Council for their decision.

Councilor Filiault stated that he agrees with some of what Councilor Tobin said. He continued that this is not a park, a pocket park, or under control of the Parks and Recreation Department. It is just a small piece of green space. There is a pocket park about 100 yards down on Church St., controlled by the City, and Pat Russell Park is just a few steps further. About one-quarter mile away is Robin Hood Park. Thus, within that area, there are some good green spaces, and some that the City has spent good money on and continues to do so. He and Councilor Favolise have both recently gone on rides with the Police, and they both experienced that of all the areas in Keene, 100 Church St. is probably the primary location the Police go to for trouble. The Police Officers dread going by there because they know what will happen, and it will tie up an Officer for a good part of a night. A month ago, when this topic came to the Committee, they all agreed to place it on more time for a month to give someone the opportunity to come up with a better solution. It is a month later, and no one seems to have a better solution. From his perspective, the City does not want this property. He does not want to get involved with someone saying, *"Yeah, we'll take care of it,"* because ultimately, if the people offering to take care of it decide they do not want to, the City will still be on the hook. The Police Department will still be going there. The suggestions for fencing, lights, and a motion detector just show that there is a problem. At this point, he would like the City to sell the property to the abutter next door. They have the most invested in this area, and provide jobs, and pay taxes. As the gentleman said, they have to provide extra security there due to people hanging out there and getting into the building. He completely understands people thinking maybe they could come up with a plan if they had more time, but his gut feeling is that if they gave this another 30 days, the same thing would happen. No one really wants to invest the money in this, except the City. He thinks it is best for the Committee to send a recommendation to the full, 15-member City Council and let the Council decide.

Ken Kost of 51 Railroad St. stated that before the Committee votes, he wants to say that he was not aware, coming into this meeting, that there was a call on the street to get a community group together to volunteer to come up with the solution the Committee asked for. He continued that at the beginning of the meeting, the Committee asked what the solution is from the community members to maintain and take care of the park. That has not happened yet. Before they vote to sell it, even though he hears the Councilors saying they should do it today and there is no time to waste, he thinks it is worth taking some time to see if the community now has a better understanding of the Committee's position that the City should sell the property if no one wants to adopt and take care of it. He suggests giving the community a little more time. They heard people talking about volunteering and getting involved, so they should let that happen first. It is not just a piece of green space; it is a beautifully designed little square. All the other corners are atrocious. They are just gravel and parking. Part of having a City is having these nice little gems throughout the City, and he knows the City has 20 parks, but this is the one in this area and it is very nice. When he walks, he enjoys looking at its plants and beauty, and he thinks there are solutions other than selling it. He thinks they should let the community try again to come together and bring a solution to the Committee.

Robin Kost of 51 Railroad St. stated that if this property were to be offered for sale to a group other than the abutting property owners, then they need more information about it. She continued that given time, she thinks there would be enough concerned citizens with good ideas who could come up with a solution. Thirty days is nothing. It takes longer to do many other things in town. They have not solved the other problems, and she does not think this is a life-or-death problem. Also, if the owners were concerned, it was incumbent on the private owners to put up their own outside lighting, motion detectors, or fencing, at their own expense. It was not absolutely needed to be done by the City.

Peter Hartz of Brook Street stated that once it is gone, it is gone for good. He continued that he has taken care of what he could for the last five years and has seen some improvement. This space is only a trouble space when the weather is nice. In the winter, no one is there, unless they are very cold. It is only a problem six months out of the year. Second, the problem is not the park, it is people, and the people are not even the problem. The problem is that they *have* problems. He hears that the Police know 100 Church St. is where most of the problems are. It is less than a mile from their headquarters, and it is clearly visible on two sides at least. Driving around that corner, an Officer can see everything going on right from their vehicle. If this were not the place where they would find the difficulties with the people who need help, they will have to look elsewhere. If these people with difficulties are dispersed, it will be a much bigger job for the Police. Pushing people with struggles further away so we do not have to see them does not help. He has heard people walking on the bike path refer to “those people,” but “those people” are the same as us and they are citizens of Keene, even if they do not pay taxes. They are people. It is not like getting rid of the park gets rid of the problems. The problems will just spread out.

Mr. Hartz continued that he does not believe the property owners intend to purchase the property and keep it as a park. The lot line for 110 Church St. and the green space can be amended through procedures with the City Council so that it is one big lot, and then the lot restrictions change and make it much more developable. Once it is gone, it is gone. There is a chance that a group could be formed. The East Keene Neighbors and Friends group is very active online, and on the first Monday of every month, a group that came out of the Pat Russell Park redevelopment meets and is very active with many participants. He is sure they could work with the City to develop a plan that would resolve issues with “those people.” Even a light and some fencing would go a long way, for very little expense. There is now a full-time social worker in the KPD, he believes. He suggests getting that social worker involved to see what can be done. Also, it is not just the green space. He thinks the two benches across Norway Ave. from the green space are City benches, like the ones that used to be downtown. That is now where people congregate the most. During the past month, he has not seen any problems in the park. He just sees people sitting on the bench and they leave debris. He does not see the park at night, but if people being there at night is an issue, that can be addressed. Selling this property would mean that the people with problems, whom the Police now know are at the park, will no longer be there and the Police will not be able to address the situation. The people will need to go somewhere else, and the problems will be more dispersed, and the Police will still have to respond. He does not think selling the park would solve the problem of “those people.”

Alturo Dumas of 110 Church St. stated that he sees the park all the time and does not care if people go there and have a good time, if they are doing the right thing. Tenants do not need to call the Police on them then. He is happy to see families there, or children playing in the park, but when people go there to drink or do other activities, the tenants will call the Police. People leave, then, knowing the Police will show up. The park has been clear lately because of that, and people have been hanging out across the street instead on the benches. Some people come through and keep moving, while other people sit there and live there. Two or three people stay there overnight because they have nowhere to go or they do not make it to the shelter. If the property is sold, he does not mind if people come with their children. He does not like the drinking in the park.

Chair Greenwald stated that as Councilor Filiault pointed out, this Committee will make a recommendation to the Council. That Council meeting will be next Thursday. If some organization comes together with a plan, he will read it to the Council when he presents whatever the Committee's motion is, and they will see what they come up with. They will see if the Council wants to go forward with whatever plan there is or go forward with the sale. Another possibility is that the abutter does not buy the property. Maybe the City's price is too high or something of that sort. There is no guarantee that there is a sale pending.

Councilor Workman stated that the comments make it clear that there is a much larger problem in the city than this one park. She continued that she thinks everyone on the Council and in this Committee recognizes that. She feels for the abutters and the nearby tenants. Ms. Kost's comments about a fenced-in dog park piqued her interest. She would be comfortable giving this no later than the end of November, with the understanding that the City Manager and/or Public Works would work with the interested community members to form a solid plan. In the meantime, Public Works could do so some minimum, cost-effective changes to help improve the situation in the meantime. She is cautiously optimistic that that would even work. She suspects that at the end of November, they would be selling this property because the efforts were unsuccessful, but she would love to be proven wrong.

Andy Bohannon, Deputy City Manager, stated that he had worked with Mr. Tasoulas in November 2023, related to a concern at that time. He continued that they installed 20 feet of fencing along the dumpster, which was all they could install because of the lighting pole in that location. That was \$3,500, just as a point of reference.

Chair Greenwald stated that for those who do not know, Mr. Bohannon was involved with building the current dog park. He asked how much that dog park cost. Mr. Bohannon replied \$110,000.

Chair Greenwald stated that the Committee needs to make a decision. He continued that the Council might agree or disagree with their decision, or if a plan suddenly appears by next Thursday, that might influence it.

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 the City Manager be authorized to do all things necessary to negotiate and execute the sale of 100 Church St., Parcel #574-015. Councilor Workman voted in opposition.

The City Attorney stated that regarding the communications about 100 Church St. That came in, staff recommends filing those as informational.

The following motion by Chair Greenwald was duly seconded by Councilor Filiault.

On a vote of 5 to 0, the Municipal Services, Facilities, and Infrastructure Committee recommends accepting the petitions from tenants of 110 and 116 Church Street and 103 Roxbury Street as informational.

2) Relating to the Load Rating Study Results for the Beaver Street and Spring Street Bridges Over Beaver Brook - City Engineer

Chair Greenwald asked to hear from the City Engineer.

Bryan Ruoff, City Engineer, stated that last winter, the NH Department of Transportation (NHDOT) performed their bi-annual inspection of City-owned and maintained bridges in accordance with the National Bridge Inspection Standards, which they are required to do. Based on that inspection, three bridges were identified as having Critical Deficiencies. Those included George Street Bridge over Beaver Brook, Spring Street Bridge over Beaver Brook, and Beaver Street Bridge over Beaver Brook. Of these three bridges, which were already among the nine Red Listed bridges in the city, the George Street Bridge was currently under design and is out to bid for construction, so that will be addressed as part of that replacement of that bridge. The other two bridges, Spring Street and Beaver Street, were required to be assessed to determine the adjusted load rating to determine what could safely cross those bridges. In light of that, the Engineering Division solicited scope and fees from qualified engineering firms and selected Hoyle and Tanner to perform the assessment of those bridges. They expedited their work, since this was in the interest of public safety, and completed the assessment and inspection in about six weeks. They did very good work. The summary of their work is that they reviewed the bridges and performed structural calculations in accordance with the AASHTO (American Association of State Highway and Transportation Officials) Manual for Bridge Evaluation and the AASHTO LRFD (Load and Resistance Factor Design) Bridge Design Manual, and determined that both bridges should be posted for a weight limit of eight tons for passenger vehicles. They are working to confirm the associated load rating for emergency vehicles and City vehicles to ensure that they can still maintain access. Hoyle and Tanner are currently working on developing the recommendations for that, but for the purposes of standard two-axle cars and trucks, the load rating limit they recommend is 10 tons for both of those bridges. Within the next two weeks or so, Hoyle and Tanner will give their recommendation on which of the City's existing vehicles should not be using those bridges in the interest of public safety, and the bridges will be posted with those load ratings. In addition, they will be recommending NHDOT add these to the Bridge Replacement Program and building both bridge replacements into the CIP.

Chair Greenwald asked what a school bus weighs. Mr. Ruoff replied that it varies, but typically, about 24 tons. He continued that it depends on the load and other factors. A school bus could still potentially cross; that is being confirmed by Hoyle and Tanner.

Mr. Lussier stated that when Public Works got this initial report from the consultant, they asked them to dig a little deeper and do a more nuanced analysis. He continued that school buses are not the primary concern, because they can adjust their routes and schedules. The larger concern right now, which they are trying to work out, is the impact this will have on the provision of emergency services for the east side of Keene. They did a quick, Google map kind of analysis and found that right now, a fire truck responding from Central Station to the east end of Beaver St. is about a minute. If they have to instead go up Washington St. to the next bridge that is not weight restricted, which is on Giffin St., and then wind their way back down and do that same return trip to get someone to the hospital, that would add about five to eight minutes to the response. That is a life safety issue. They have not posted the bridge at this point. They are trying to figure out exactly what they can do to mitigate that concern before they take any actions.

Chair Greenwald asked if there were questions from the committee. Hearing none, he asked if there were questions from 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 Engineer's report related to weight limits for Beaver Street and Spring Street bridges be accepted as informational.

3) Relating to Rules for the Operation of Bicycles
Ordinance O-2025-33

Chair Greenwald introduced the agenda item and asked to hear from the Public Works Director.

Mr. Lussier stated that a couple of weeks ago, staff presented a draft Ordinance that they talked about a little bit before it was submitted formally for first reading. He continued that there were some suggestions and preferences expressed by Committee members. He did not hear, however, whether there was a Committee consensus on many of those comments. Thus, he has not made any changes to the draft as it was presented a couple of weeks ago. He expects that as they talk through it tonight, the Committee will recommend some changes, and they will end up with an "A" version of the Ordinance.

Mr. Lussier continued that to refresh everyone's memory about what the City Code says about bicycle rules and the use of bicycles in the City, it says simply that the rules for operation of bicycles on public ways or on public property shall be as set forth in state statute, and then it lists the relevant sections of the RSAs. The RSAs that are cited cover everything from minors using helmets, to having to have lights on your bicycle, to riding on the right of the road, to following all the rules of vehicles, and so on and so forth. This is a comprehensive set of rules that the City Code already references. The proposed Ordinance, in tonight's agenda packet, would add to that. It would say that in all cases, you must follow State rules, but within bike lanes and bike trails,

these mixed-use bicycle facilities, these additional rules apply. Those are what they talked about last time, the distilled comments of the Bicycle and Pedestrian Path Advisory Committee (BPPAC) and the work of the Mayor and City Manager's bike rules committee that met and talked about this. This is what they boiled it down to.

Mr. Lussier continued that the first one is, "*Within the Downtown Core zoning district, the maximum permissible speed shall be 10 mph.*" He does not remember who, but someone on the Committee expressed a preference to keep it at 8 mph. They can talk about that more. He recommends keeping it at 10 mph, but that is completely within the Council's legislative discretionary function. It would apply within the Downtown Core district. It would apply to the bike lanes that are going to be built and to the rail trail as you are coming into the downtown.

Mr. Lussier continued that the second one is, "*Where bike lanes are provided adjacent to roadways, cyclists shall only travel in the same direction as the adjacent lane.*" That clarifies that these are one way, in a counterclockwise fashion. The third one is, "*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 or multi-use paths.*" That is a provision that came out of BPPAC, which he did not think was covered by the existing RSAs. Fourth is, "*Bicycles and other personal vehicles shall not be parked or left unattended within the public way except at a bike rack provided for such purpose.*" This would be a more stringent requirement than what is in the cited RSAs. The RSAs say you can park your bicycle on a sidewalk, provided that it does not obstruct the public's use of the sidewalk. Again, it is within the Council's purview and authority to make a more stringent requirement than that.

Mr. Lussier continued that last is, "*Bicycles must have a front white and rear red light if operated between a half hour after sunset and a half hour before sunrise.*" This was a recommendation from the BPPAC, and he recommends deleting this item from the provisions, because the other section of the Ordinance, regarding equipment, says, "*No person shall ride a bicycle in public ways or public property of the City unless it is equipped as required by RSA 266:85-89.*" The RSAs say you must have a front light, but the rear requirement is for a reflector, which must be visible from 300 feet when someone shines a light on it. Again, the Council has the authority to make a more stringent requirement, but it might be difficult for people to know that Keene has a rule that is different from every other community in the state. They might think their bicycle is compliant if it has a reflector, even if it does not have an illuminated light. He thinks it would create more difficulty in being compliant, and it might be tough to enforce. He suggests that the requirement for the reflector gets to what BPPAC is trying to accomplish. They want bicycles to be visible when they are operating at night, without actually needing the illuminated rear light.

Mr. Lussier continued that Section 94-466 talks about Operation of Bicycles on Sidewalks. State law allows you to operate a bicycle on the sidewalk. The City is allowed to prohibit the use of bicycles on City-maintained roadways, and the City has chosen to do that. Section 466 says that bicycles, skateboards, scooters, and other similar motorized vehicles may be ridden on "*all sidewalks and parking areas of the City, except for the following*" and lists everything that people would call "downtown," including the southern part of Washington St. and Court St., Main St., and the parking lots. This part of the Ordinance says you cannot ride your bicycle on

the sidewalks downtown. The bike lanes are differentiated from the sidewalks by the fact of Section 464 and Section 466.

Councilor Favolise stated that regarding Section 464 and Section 466, he might be reading it incorrectly and it is covered in another section, but it says, “*Bicycles, skateboards, scooters, and other similar unmotorized wheeled or unwheeled vehicles.*” He asked where that leaves them with electric bikes. Mr. Lussier replied that by State law, e-bikes are bicycles, so they would be included in this provision. He continued that again, it means e-bikes can ride on sidewalks outside of the downtown, and they are prohibited within the downtown.

Councilor Filiault stated that as he said a couple weeks ago, he appreciates the efforts of the Ordinance and it looks good on paper, but realistically, it is completely unenforceable. He continued that for example, if they say “10 mph” is the maximum allowed speed, he does not think the Police will be down there with radar. As he has said before, he will not vote for any Ordinance that allows anything with a motor on the paths downtown. In the past few days, he has seen electric scooters in Keene going much faster than 10 mph. His research found that scooters average 20 to 30 mph and the high performance ones go over 30 mph. The other day he saw an electric skateboard that was going so fast it was going to pass him. Those go up to 40 mph. Class III electric bikes with pedal assist go up to 28 mph, and the high-performance models go up to 40 mph. Checking with the State, the City can adopt an Ordinance that disallows motorized vehicles as long as it is specific under Ordinance in the downtown area, even on what is designated as a bike path. Realistically, given the set up, when people get out of their car, as soon as they step onto the sidewalk, that is the bike path. Scooters and skateboards are stealthy. It is not a matter of “if” someone will get hit, but a matter of when. He is concerned that once downtown is set up, someone will step out into the path of one of those stealth electric vehicles. The torque on those picks up immediate speed. Someone will get hurt. As Councilor Favolise mentioned a while ago, you can see the problems around KSC. When you walk some of the sidewalks there, where the electric vehicles are, “you are taking your life in your own hands.” It is not a matter of “if” someone gets hurt, it is a matter of when, and Mayor Kahn mentioned that a month ago. It is in the meeting minutes that it is a matter of when someone gets hurt downtown. This does not have his (Councilor Filiault’s) vote.

Mr. Lussier stated that to clarify, when he said that State law says that e-bikes are bikes and they are allowed on sidewalks, he should have added some nuance there. He continued that State law says Class I and Class II e-bikes are allowed on sidewalks, but in no case is a Class III e-bike allowed to use a sidewalk. Councilor Filiault mentioned that Class III e-bikes can go up to 28 mph. Those are never allowed on sidewalks. They would have to use the roadway. Councilor Filiault replied that no one will be enforcing that. He continued that the same people not enforcing the 10-mph speed limit will not be going downtown to try and determine whether a scooter or e-bike is Class I, Class II, or Class III. They will only find out after the e-bike or scooter hits someone, because there will be no enforcement of this Ordinance. There is no enforcement now. There are bicycles and skateboards on the sidewalks downtown now, even though they are not allowed to be. He will not support an Ordinance that looks good on paper but is completely unenforceable in real life.

Chair Greenwald stated that he is sure there are regular bicycles, without motors, that easily can do 20 mph, so it is going to come back to personal responsibility. He continued that they got into this conversation about bike lanes a long time ago, and there were a lot of concerns expressed about safety, given the stores, restaurants, tables, pedestrians, dogs, bikes, and cars. Downtown has a lot of competing interests. It will have to come back to personal responsibility. Councilor Filiault is right that enforcement will be very difficult, but he himself will not say that enforcement is impossible. Certainly, you could ride a non-motorized bike very irresponsibly.

Councilor Favolise stated that he shares Councilor Filiault's concerns about enforcement, and he led with that the last time they talked about this. He continued that he has thought about the e-bike and e-scooter issue quite a bit over the past couple of weeks. He is interested in hearing more discussion. His experience over the past four years at KSC has left him wary of sharing sidewalk space with e-bikes and e-scooters. To Councilor Filiault's point, these are quiet and can really come up on you, and he has concerns about whether that is appropriate in the downtown core and whether it is consistent with the intent of the bike lanes around the downtown. He would like to hear the other Committee members' thoughts on that. Other City Council members will have comments, too. One of the pieces that is missing, as he and Councilor Tobin both brought up, is he does not want to get into a situation with bicycles, scooters, or skateboards doing tricks downtown or using any of the downtown sidewalks, paths, landscaping, or infrastructure for anything other than transport from point A to point B. He does not know exactly what the language there looks like, and he welcomes suggestions, but that is something he had not considered when they discussed this months ago. It has been at the top of his mind since Councilor Tobin brought it up. He thinks they should have some kind of Ordinance, even though he shares Councilor Filiault's concerns about enforcement, but he wants to make sure they do this in a responsible way, addressing as many possibilities for unsafe operation as possible.

Chair Greenwald asked for public comment.

Pete Moran of 38 Myrtle St. stated that a couple of years ago when the bike lane was first introduced at a public forum at the Recreation Center, he asked the question, "*How do you control the bike lanes?*" Nobody replied. He then asked the question at a City Council meeting, and no one replied. His thought is, as he said then, it will not be controlled by the Parking Enforcement Officer, nor the crossing guard. The KPD will be called upon once again, and they are short-staffed, as they heard in the discussions about the park. Who will monitor the bike lanes? Who will make sure the bikes go one way? It will not happen. Councilor Favolise voted for the downtown project and is now expressing concerns about the bike lane. There is a contradiction there. Councilor Filiault is correct, and he is glad he spoke up. The bike lane will be introducing another mode of transportation with speed in a very compressed area. He does not know if the Committee realizes how many bicycles are at Hundred Nights. It is "a bike park over there," and he does not believe the people with those bikes have any interest in bike safety. They "ride around, totally oblivious to anybody." His suggestion was to have a bike park, where people would have to get off their bicycles and walk downtown, but that was blown off. There are plenty of places that could potentially be used for that. He looked at the maps and plans for the downtown project and saw a few bike racks. What happens if there are not enough bike racks? He imagines 10 bicycles leaning against the tree by The Works because there is no place

for them. He wonders who is in charge, and who gets the right-of-way. He questions whether he, when he steps onto the bike path, has the right of way over bicycles or skateboards. That question is not covered in the Ordinance.

Mr. Lussier replied that that is covered in State law. He continued that by State law, bicycles are considered vehicles. The pedestrian has the right of way in the same way that the pedestrian has the right of way over a vehicle. That said, pedestrians are also expected to exercise due care.

Mr. Moran stated that he recommends the Committee look at the crosswalks by the college. He continued that people do not put down their cellphones when they are on the crosswalk. They go right across, expecting everyone to stop for them, ignoring common sense. From day one, he has been opposed to adding another mode of transportation to a compressed area. The dollar value is shunted off, with people saying, "*Oh well, it is only \$70,000 or \$80,000 or whatever it is, so we don't need to cut it because it's incidental,*" yet there is a 16" water line in the city that is a problem, and it has been pretty quiet for a while, but they can put money into a bike path downtown. He completely agrees with Councilor Filiault. He wonders who will be the first one to step out and take the hit, such as an EMT. It is ridiculous that the Council even voted for bike paths, except Councilor Filiault. They are not representing the taxpayers.

Chair Greenwald asked Mr. Lussier and the City Attorney if they can put something in the Ordinance to say that no motor can be used. He continued that he recognizes that enforcement would be very slim, but he is back to the concept of personal responsibility and hoping that signage will affect at least some people. He is not sure how to phrase it, but he wonders if they can say no bicycles under power. The City Attorney replied that a provision in the RSAs provides the authority to regulate the Class I and Class II vehicles in the bike lanes. That is something the Council is authorized to do. They are permitted by right, and under the statute, they could take that away.

Chair Greenwald clarified that he is asking whether someone who has the kind of e-bike that you have to pedal, whatever class that is, could be allowed to pedal it downtown but not use its power. His question is how to phrase that. The City Attorney replied that she would have to think about that and confirm that State law allows them to get into that minutia. She continued that she knows the RSA says they can regulate and be stricter, but she wants to cross compare what is in there to see if there is a distinction like that. She has not explored that idea yet.

Mr. Lussier stated that he has the RSAs, which say, "*A Class I or Class II electric bicycle may be ridden on bicycle paths or on multi-use paths where bicycles are permitted. However, a city, town, or state agency having jurisdiction over a bicycle or multi-use path may prohibit the operation of a Class I or Class II electric bicycle on that path.*" He continued that the RSA says they can "prohibit" it, but it does not say they can regulate how they are used, if they are allowing them to be used. Chair Greenwald replied that he will give the City Attorney time to look into that.

Jennifer Sizoo of 10 Fairfield Ct. stated that she appreciates everyone's concern for public safety. She continued that she thinks most people riding bicycles are responsible. She has ridden a bike for years, and she is alert, watching out for people opening their car doors. People with children

will teach them to do the same. E-bikes are here, and they are the future; they are not going away. Other towns and cities have bike lanes that are used by all types of bicycles. She does not think they should prohibit them. Of course there will be problems, as there are problems with anything, but she does not think people will be doing wheelies in the bike lane. There is no room. Any kind of bicycle is okay in a bike lane, because people who come from out of town are not going to stop and read a small sign to find out they need to get off their e-bike and walk it downtown. She has ridden on many busy roads in places like New Jersey. You just watch out, and stay aware of what is going on, and it is about personal responsibility.

Chair Greenwald stated that if someone wants to ride an e-bike 20 mph, they can do that in the road with the cars. Mr. Lussier replied yes, absolutely they can do that. Chair Greenwald stated that he would like to see if there is a way for the City to say no to e-bikes using power in the bike lane.

Rebecca Landry, Deputy City Manager, stated that she knows the Committee had questions about educational campaigns and promotional materials. She continued that they can let her know if they have specific questions, but the City has a communications plan that involves everything from detailed brochures to be available at downtown merchants and businesses if they are willing and interested, to key signage, which she and Mr. Lussier have looked at. That is something that they have not been able to locate yet, but she knows the Public Works team is good at innovative, creative projects. There is an opportunity to put something on the lamppost in a particular type of frame that is at eye level. It is not huge, and it does not mean sticking another sign in the ground somewhere, that would be visible to pedestrians and bicyclists in terms of rules or guidance for what to do and not do in the bike lanes. And of course, there are all the other standard ways the City gets information out, like social media, press releases, and a primary website that a QR code will lead people to if they want more information. The Committee can let her know if they have questions, but she wants them to know that the City does have a comprehensive plan for education.

Chair Greenwald stated that what she is saying is exactly what he hopes to see. He asked if she could present the plan next month or the month after. Ms. Landry replied that if they want a presentation, she can either provide a copy of the plan as an informational document in the Councilors' mailboxes, or she can present at a meeting. She asked what the Committee prefers. Chair Greenwald replied that he would like the presentation at a meeting, as it is part of the unrolling to the public about what is going on downtown.

Andy Holt of Forest St. stated that he is a member of BPPAC, but these are his own thoughts and feelings. He continued that the proposed rules seem fine to him. He would probably just stick with the State's rules instead of trying to add more; he does not think it really changes too much. That said, he is frustrated by how this is being discussed. It feels like Councilors are stoking fear about bicycles as threats. Some people rely on these types of wheeled transport to get around the city because they cannot drive, including children and people with disabilities. During the downtown project design, the Council voted to have diagonal parking instead of parallel, and to have two driving lanes instead of one in each direction. Both of those were in opposition to the recommended plans, which led to a proposed plan of 80 to 90 feet width for just cars. For comparison, each bike lane will be five feet wide with a small buffer on each side. If they are

very concerned about pedestrian safety, as they should be, they should consider that these decisions did three things: 1) they made less space available for sidewalks and for separating the bikes and cars from pedestrians, 2) they kept the crosswalks long, increasing dangerous interactions between cars and pedestrians, especially the mobility impaired, and 3) they allow cars to drive faster than they would with a single travel lane. It is easy to be concerned about the risks posed by selfish people riding e-bikes too fast, and he is not dismissing that fear, but there are risks that people have grown complacent to because they are normalized, such as a 5,000 lb. pickup truck in the heart of our most pedestrianized area. If a self-centered driver is running a red light or ignoring a crosswalk, they will go twice as fast as the e-bike, with weight of 20 times more. That means pedestrians struck are much more likely to be injured or killed. He does not hear much conversation about that risk, compared to the back and forth over bike lanes, and he thinks it is because one is more common, and they are used to it.

Mr. Holt continued that he asks that when they are worried about changes around bikes, to imagine that they are making that change for the first time around cars. If safety is the top priority, then they should be addressing the things that really affect it. Many people grew up biking around town, visiting friends and going to school, which is uncommon today because the public realm is built primarily to serve cars going as quickly as possible to their destinations. Cars and trucks are bigger and heavier every year, and the deaths of pedestrians and bikers from automotive violence have skyrocketed as a result. Keene needs these bike lanes, along with the rail trails and other bike routes, to continue building a connected network that separates vulnerable bicyclists from cars and lets them get around town safely. Concerns for pedestrian safety are good, but they should also consider the safety for neighbors and children when they are on wheels. Current options are to illegally ride on the sidewalk and risk collisions with pedestrians, or ride on the street, where a mistake by either the rider or driver could mean their death. The bike lane rules being discussed also protect those people. The choices are not bike lanes or no bikes, they are bike lanes or bikers being at a higher risk of being killed. If they are worried about dangerous interactions between different modes of travel, separated bike lanes with reasonable guidelines are the best way to keep everyone safe. If they bury their heads in the sand and insist on the status quo, that is more dangerous. The solution to the concern about lack of enforcement is to create separated infrastructure, as the infrastructure creates the behavior. Designed right, it will improve the situation instead of making it worse. Refusing to vote for rules would not somehow solve the current situation.

Mr. Holt continued that he has heard some say that the bike lanes are not needed because the number of people on bikes are fewer but imagine that argument applied to roads and bridges. If our predecessors had said, "*We don't need to build a bridge to Vermont because almost no one is fording the Connecticut River,*" that would sound crazy. It is similar with bikes. They need to provide infrastructure, so people have options. He recommends they have common sense rules about bike operation and follow the industry's best practices for building separated bike lanes, which they are doing in this approved plan, and make sure that all residents and visitors can access the downtown safely, not just those on foot or in cars.

Councilor Workman stated that she has always been in favor of the bike lanes and that has not changed. She continued that she just wants to be very clear that the comparisons made to large cities such as Boston or even the KSC campus are very different than what they are talking about

downtown. Those are two very different scenarios. Yes, there will absolutely be an adjustment period. Our culture is changing right now. She sat on the Master Plan Committee and heard that young people want bike lanes and multi-modal transportation. It is the future. E-bikes and scooters are here to stay and will be increasingly popular. Our community is asking for this. She has one question, which she has asked before but might not have received an answer to. She asked if anything prohibits the Council or the City Manager to add enforcement of the bike lane regulations to the Parking Enforcement Department's duties. It would make the most sense, because they are already downtown. She wonders how much red tape that would involve.

The City Attorney replied that the road regulations, including the bike rules, are assigned to law enforcement, which is the KPD by statute. She continued that it is a State statute, and therefore not up to the City.

Councilor Tobin stated that she looks forward to having bike lanes. She continued that she would be open to considering starting with non-motorized bikes and scooters, if that is an option. She also wants to say that Councilors hear a lot of information over time, and sometimes their understanding, thoughts, and opinions about things do change and evolve. She thinks that shows being open-minded.

Councilor Favolise stated that for the sake of a clear and accurate record, he wants to say that by the time he joined the Council, the decision about a multi-modal downtown project had already been made. He continued that he has voted, along with every member of the Committee and the other Councilors, to move the downtown project forward through various stages. He has never voted on the question, "yes or no on bike lanes."

Chair Greenwald stated that he had hoped the Committee could vote on this and pass it along to the Council, but he wants to give the City Attorney an opportunity to come up with a proposed rule that addresses the power issue. He continued that he is not ready at this moment to place the item on more time, when he thinks there are more public comments.

Councilor Haas stated that he thinks exploring other options for controlling motorized vehicles is an excellent idea, and he wants to point out that the BPPAC's recommendation was for an 8 mph speed limit.

Councilor Filiault stated that he wants to clear up some things. He continued that he was born and raised in the City, and as a 9- and 10-year-old, he peddled his Schwinn Stingray from the north end of Keene to the Colonial Theater to watch John Wayne movies, so he does not want anyone to think that he is anti-bike, because he is far from it. He has voted positively on all of the rail trails in the 28 years he has been on the Council. He has always been accommodating to bicyclists. Here, they are just talking about two city blocks. He used to hear comments like, "*Wow, wouldn't people in New York City love it if we could get bikes downtown.*" If they were to say to them, they can get a bike into downtown Keene within one block of every store, would they be happy? It is not always apples to apples. You can get an e-bike within one block of every store in downtown Keene. They are talking about the equivalent of a block and a half here, so he does not want people going overboard about him being "anti-bike," because he is not. It is true that he was not a big fan of the bike lanes, but it is part of the project, so they are dealing with it.

All he is asking for is to not allow anything with a motor on it on those two blocks of downtown Keene, on the bike lanes. The Ordinance says yes, they can regulate that. That is up to the City Council. He would be fine with people pedaling for those two blocks. They are not just talking about e-bikes. The problems he sees downtown and around the KSC campus are with the scooters and skateboards. From his perspective, people who peddle bikes are typically well-mannered and are not going that fast. Riders of electric scooters and electric skateboards are different, which they are trying to fit into one category. This is like trying to put the square peg into the round hole. He agrees with the woman who said that most people who ride bikes are respectful, but that is not as true with some of the people who ride e-bikes, nor with the people who ride electric skateboards and scooters. He is very pro-bicycle and pro-bike path, with his voting record on the issues publicly available in the City Clerk's Office. All he is asking for is to keep the motorized vehicles off the two blocks downtown.

Mr. Moran asked how many bikes can be accommodated with bike racks, with the plan the way it is. He asked what will happen if there are more bikes than what the bike racks will accommodate. He asked if thought has been given to where the overflow would go, and whether that would lead to additional bike parking. Mr. Lussier replied that he does not have the total count off the top of his head, but he knows they have gone over that, and basically each block of the downtown project will have at least one bike rack located throughout. Those are different sizes, depending on the available space at each location. For example, some might have two "staples," which are the "U" shape, or four. They will be scattered throughout downtown. It would be a wonderful problem to have, if there were too many people riding their bikes downtown to shop and eat in the restaurants, and if that became an issue, he would be the first one to come forward with a recommendation to add more bike racks. They would find room.

Councilor Workman stated that she works at KSC, and is there from 8:00 AM to 4:30 PM, Monday through Friday. She continued that the other day, she was walking to a meeting and a student on a motorized scooter was riding slower than she was walking. He was with a group of friends, so he was going very slowly. She did not even know scooters could go that slowly. He was not shaking or wavering like they heard would happen if someone was going less than 8 mph with a pedal bike. Her point is that they should all educate themselves on what they are talking about.

Chair Greenwald stated that he thinks they have said it all by now, and as he said, he wants to give the City Attorney more time to work on this.

Chair Greenwald made a motion to place the item on more time, which was duly seconded by Vice Chair Filiault.

The City Attorney stated that she thinks the plan had been to have an A version of the Ordinance come out of the Committee anyway, but she wanted to ask, if she finds that there is the option to regulate how motorized vehicles are used downtown, if the Committee wants her and other staff to return with an A version with something like that drafted. Chair Greenwald replied yes. The City Attorney asked if they are interested in anything else, while she and staff are working on it. Chair Greenwald replied that nothing comes to mind. He continued that he still thinks the blending of the State RSA with the City's Ordinance is confusing, but if that is the way it has to

be, it will be. Ultimately, the Assistant City Manager will come up with a great educational plan so everyone will know what is going on.

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends placing the item on more time.

4) Downtown Infrastructure Project Update - Public Works Director

Mr. Lussier stated that last week, staff from Public Works and Parks and Recreation got together and went page by page through the Downtown Infrastructure Project construction documents. They are up to 268 sheets of drawings at this point, for all the different details. It was a final flip through of the plans to make sure everything had been addressed and was ready to go. Coming out of that, there are some edits and revisions for the consultant to make, but they are in very good condition, and they are looking to advertise those for construction sometime in mid to late October. Bids will be due in the first half of December.

Mr. Lussier continued that there was one other issue brought up tonight that he and Mr. Downing want to talk with the Committee about. He is not asking for a specific motion on it, because he thinks everything they will talk about is already part of what was authorized, but there was a suggestion raised regarding the aesthetic treatment of the bike lanes. Chair Greenwald had noticed a Canadian bike lane with a treatment called “exposed aggregate concrete,” which there are photos of tonight. It is standard concrete, but before it cures, they hit it with a releasing agent and they essentially wash the cement paste off of the surface. That leaves the stone that is in the concrete exposed. Rather than having plain gray concrete, you get to see the colors and textures of the stone in the concrete mix. For this to look good, it relies on finding a very nice aggregate that is worthy of being exposed. If this is the direction the Council wants to go in, staff would get samples from the concrete vendor to make sure the stone looks nice and has a nice variation of colors and tones. The other option, which the other photo shows, is plain concrete with a smooth surface, finished with a dark gray color. They previously talked about a green finish, but for some reason, the pigments used to make green concrete are absurdly expensive. Thus, Public Works suggests one of these two options, either dark gray concrete, or the exposed aggregate concrete. He was surprised to learn that the labor to do the exposed aggregate would be about the same cost as the color for the gray concrete, about \$16 per yard. Regarding advantages and disadvantages, the exposed aggregate leaves a rough texture, so if someone falls on that, they would get more scraped up than they would on normal concrete. The positive side of that is that if someone needs to brake hard to avoid a collision, it is a good, textured surface to give the friction they need to stop quickly. A potential disadvantage of the exposed aggregate would be that the pavement markings—for example, to show that the bike lane is one way—might not be as crisp due to the texture. They might have fuzzier edges. Otherwise, he thinks the exposed aggregate would have good durability and last just as well as regular concrete. He believes the exposed aggregate concrete would be finished with a high gloss sealant, so it has a darker look and helps the colors of the aggregate stone pop out a little more. Both options are viable and about the same cost. The Council has already voted for and authorized colored concrete for the bike lane. He thinks both are within the scope of what the Council voted to approve, in terms of using concrete in the downtown, so he does not think they need a special motion or Council vote.

However, the Committee could express its preference. He would be satisfied with that. If the Committee disagrees and wants the full Council to vote, that is their prerogative.

Chair Greenwald stated that he has another reason for liking this exposed aggregate concrete. He continued that if they decide in a few years to have no more bike lane and just have sidewalk, they would not have an odd, green-colored piece of concrete. It would aesthetically be better if that event happens, but probably they will have many bicycles downtown and everyone will be happy and sharing the space.

Councilor Favolise stated that he thinks if they were going to go back to just having sidewalk, he does not like the idea of two different materials there. He continued that however, of all the questions related to the bike lanes that are keeping him up, this is not necessarily one of them.

Chair Greenwald stated that the plan also has feature areas, like Railroad Square, which this would be appropriate for. Mr. Lussier replied that they are proposing stamped concrete for those feature areas.

Councilor Filiault stated that in his opinion, they could just use the same material as they used on the sidewalks, to not spend extra money. He continued that if, as Chair Greenwald says, they find in a couple of years that the bike lanes are not getting the expected use, they could just become sidewalks. Having them the same material makes sense to him. To make markings, they could use a stencil and white paint to show a bike lane. He thinks that is all they should spend money on. He is not in favor of spending any additional money to designate the bike part of it from the pedestrian part, other than white markings to show that it is the bike lane temporarily.

Mr. Lussier replied that if they do not do something to designate the bike paths, they will not be bike paths, and the Council voted for bike paths. Councilor Filiault replied that he is suggesting designating the bike paths with arrows and the silhouette of a bicycle every so many feet. Mr. Lussier replied that earlier tonight, Councilor Filiault suggested that there would be no enforcement of the bike lanes. He continued that if the only indication that there is a bike lane is white paint every few hundred feet on the sidewalk, he can assuredly say that bicyclists will not know that is where they are supposed to be, pedestrians will not know they are not supposed to be there, and there will be accidents downtown. What Councilor Filiault says is contrary to what the Council voted on and would be setting them up for an absolute disaster.

Michele Chalice stated that she loves the idea of exposed aggregate concrete. She continued that as a lifelong bicycle commuter she knows this type of texture will slow bikes down automatically. She loves this idea, for all kinds of public safety reasons.

Andy Holte of Forest St. stated that he thinks it is a great idea, too. He continued that subway platforms often have this textured space near the tracks so that people do not step over it. You feel it. This texture would help the bicyclists go slowly and help pedestrians realize that it is a space that is different. Even if pedestrians are not looking, they feel it on their feet, and it will designate it as a separate area. To what Mr. Lussier said, it makes the bike lanes safer. He thinks it is a great idea.

Councilor Workman stated that Mr. Lussier mentioned they would have different samples of concrete. She continued that she is leaning toward the photo on the right. She likes the color aspect. She hopes that when they are picking colors, they make sure there is a good contrast between the sidewalk and bike lane. Mr. Lussier replied that colors are not his personal forte, but he will make sure someone on the team picks a good color.

Chair Greenwald stated that he does not think they need to send a motion to Council, but he will ask each Committee member what they want.

Councilor Tobin stated that she is happy with either option. Councilor Filiault stated that some of the comments made about the rougher surface made sense. He continued that maybe it will slow down those electric scooters he does not want on the sidewalk, so he can go with that one.

Chair Greenwald asked if Mr. Lussier, for the next meeting, could bring in the bid book, not for the Committee to go through, but it would be interesting to see. Mr. Lussier replied that he would be happy to bring in the construction documents.

Mr. Lussier stated that he has a couple of other things to say about the downtown project. Deputy City Manager Landry has already addressed the educational component, which she summarized well. They do have a plan for that, and once the rules get resolved, they will begin that effort. Lastly, the Downtown Infrastructure Project Ombudsman, George Downing, is here tonight. Going forward, the Committee will receive a monthly update from him as well.

Mr. Downing stated that last month he told the Committee that part of his monthly update will be on what he has been hearing for challenges, concerns, and questions, more volume and trends. He continued that if an issue needs to be brought to the Council or the Committee, that will come through the normal channels, not through him. They are working hard to differentiate his role. He was hired by the City but does not represent the City. When he is out meeting people, he is not defending the project, he is explaining the project. He gets asked about the bike paths a lot. The Committee cannot revisit that this year, so the people who are vehemently opposed to bike paths need to wait a while. It is going in the bid project. People who are very opposed to bike paths need to reach out to the Council and let them know, as constituents. That is not something he can do. What he can do is walk people through the reasoning for why the bike paths were approved in the first place, because that is in the meeting minutes, as there was a lot of debate. A lot of his work has been explaining why decisions were made, not just about the bike path. Obviously, there are not many challenges yet. When the construction vehicles show up, the challenges will start overtaking the conceptual questions. In the last month, he has had 13 issues that rose above the level of just explaining or answering questions. There are many misperceptions, such as numerous people thinking that all of downtown will be closed for the entire construction period, which obviously is wrong, and they want to give the opposite message: downtown will be open for business, and they encourage people to come. That does not really go into his tally, though, because he just talks with people about it, and then they understand. Of the 13 issues, nine have been resolved, and two are pending information that will come out of the meeting with Stantec that Mr. Lussier was just talking about. One is coming to another committee of the City Council in a couple of weeks, and the last one, he just got this morning and thus has not had time to resolve it yet.

Mr. Downing continued that he has walk-in hours now, thanks to the Colonial Theater, who have him set up in their lobby twice a week. He gives huge thanks to Keith Marks, the Colonial Theater's Director, and all their staff, who have been very helpful. They are among the group of people who are really digging in and acknowledging that this project will happen, discussing what they can do to help keep downtown vibrant while it is happening. They have been collaborating on some other ideas that might move forward, and they are involved with what is coming to the Planning, Licenses, and Development Committee in a week or two. The Colonial Theater is really trying to work with the City to make this happen. He is in the Colonial Theater lobby on Mondays from 1:00 PM to 2:30 PM, and Thursdays from 9:30 AM to 11:00 AM. That will go through the end of October, and then they will determine whether it is still a good use of everyone's time. He gets some people coming in every time he is there, but not a lot, and he thinks that is partly because many people perceive the construction project as still a long ways away. He suspects they probably will not continue the office hours through the winter but will look to re-open that in the spring as construction gets closer.

Mr. Downing continued that in addition, he has started the difficult work of going door to door. He needs to know and meet everyone downtown. Some of them will say they do not ever want to see him again, but for everyone who wants to be kept up to date, he needs to know who they are, and they need to know who he is. He started down at Cumberland Farms, and they did not care at all, but they have their own parking lot anyway. He is working his way up the street, through the square, and back down the other side. He is also going down the side streets, even though they are not part of construction, because people there will need some notifications when this comes about. They want to push the email opt-in, which remains the best way to get information about the project. It is on the downtown infrastructure page on the City's website, and there is also a new comment form on there that people can use.

Chair Greenwald thanked Mr. Downing for the update and asked if the Committee had any questions. Hearing none, he asked if the public had any questions.

Mr. Lussier stated that if the Committee had specific things they want Mr. Downing to include his monthly updates, they can let him know.

Chair Greenwald replied that Mr. Downing was right on with what they were looking for, such as how many approaches, questions, and answers. He continued that he hopes the merchants are paying attention. Then there are the building owners, which is another population he will need to consider. Mr. Downing replied that it is actually more than that—there are building owners, building managers in many instances, and then the tenants and residents. Sometimes, all three are the same person, and in some cases, all three are different people. One of the questions he asks when he goes into a business is thus “who is who”—who the building manager is, whether that is the same person as the building owner, and if he can get contact information for them. Most communications for the building owners will come directly from the Public Works Department. He is trying to find all of those levels of contact so that at least people hear things once, and he can reach everyone who needs to be notified when something is happening.

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

On a vote of 5 to 0, the Municipal Services, Facilities, and Infrastructure Committee recommends accepting the Downtown Infrastructure Project report as informational.

5) Relating to an Amended Return of Layout for a Public Right-of-way Known as Grove Street and Relating to a Deed for Land Removed from the Right-of-way and an Easement for Public Infrastructure
Petition - Public Works Director
Resolution R-2025-26
Resolution R-2025-27

Mr. Lussier stated that the Grove St. right-of-way amendment had a public hearing a couple of weeks ago. They went out to do a site visit. He does not have the graphic tonight, but what this boils down to is that in 2014, the City acquired a few hundred square feet of property along the west side of Grove St. with the intention of widening the roadway. That widening happened, because they thought at the time that the Railroad Land development was going to include some sort of public event venue, a pavilion or stadium. That did not come to fruition, so the traffic that was expected and justified widening the roadway did not come to fruition, either. There is an interest in straightening that intersection and reducing the confusion for motorists and pedestrians. At the same time, the City recently sold the property on the west side of Grove St. and the developer, Habitat for Humanity, has expressed interest in reacquiring some of the land the City took from the previous owners, so they can get the maximum size property and develop it as much as possible. That strip of land is 2'9" at the southern end and about 5' at the northern end, very narrow, but it might make the difference between being able to put a single-family home on the property versus a duplex and having to get a waiver or not. The City does not need the land for any foreseeable public infrastructure purposes. That said, as they talked about in the site visit and public hearing, giving up that strip of land probably means they would be giving up potential for a future sidewalk on the west side of Grove St. He explained previously, he thinks the chances of the City ever going back to put a sidewalk on that side of the street are minimal. Down the street is a row of utility poles that are in the way. By State law, the City can require them to be moved, but if they move to the other side of the street, there is a sidewalk right up to the right-of-way limit there, too, so he does not know where, in practical terms, they could be moved to. There is sidewalk on the other side of the roadway and crosswalks where they need to be. The crosswalk to Wheelock School is on the east side where needed, so he thinks it is a relatively minor risk they would be taking, and Public Works supports this application.

Chair Greenwald asked if anyone on the Committee had questions. Hearing none, he asked for a motion.

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

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends the adoption of Resolution R-2025-26.

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

On a vote of 5 to 0, the Municipal Services, Facilities and Infrastructure Committee recommends the adoption of Resolution R-2025-27.

6) Adjournment

There being no further business, Chair Greenwald adjourned the meeting at 8:19 PM.

Respectfully submitted by,
Britta Reida, Minute Taker

Edits submitted by,
Terri Hood, City Clerk and Kathleen Richards, Deputy City Clerk