

**CITY OF KEENE**  
**PLANNING, LICENSES, AND DEVELOPMENT COMMITTEE**  
**MEETING MINUTES**

Wednesday, March 25, 2015

7:00 PM

Council Chambers A & B

**Members Present:**

David C. Richards, Chair  
David R. Meader, Vice-Chair  
Carl B. Jacobs  
Bettina A. Chadbourne

**Mayor Kendall Lane**

**Staff Present:**

John MacLean, City Manager  
Tom Mullins, City Attorney  
  
Rhett Lamb, Planning Director  
Patty Little, City Clerk  
Kenneth Meola, Police Chief  
Mark Howard, Fire Chief  
Kurt Blomquist, Director Public Works  
Ed Mattern, Airport Director

**Members Not Present:**

Emily P. Hague

**Others:**

**Councilors Present**

Philip Jones  
Jan Manwaring  
James Duffy  
Robert O'Connor

Chair Richards called the meeting to order at 7:00 PM welcoming the viewers of Cheshire TV.

1. **COMMUNICATIONS:** Request to Serve Alcohol on City Property

- Cobblestone Ale House LLC
- Fireworks Restaurant
- Always Fresh LLC, d/b/a Fritz
- Keene Fresh Salad Company
- Local Burger of Keene, Inc.
- Luca's Mediterranean Café
- Margarita's Mexican Restaurant
- Pedraza's LLC
- Scores Sports Bar & Grille
- Taco Odelay
- The Market at Luca's

- **The Stage Restaurant**

Chair Richards addressed the issue of restaurateurs coming before the Committee annually to renew their licenses as an established practice. He noted discussions with the City Clerk; adding he intends to submit a communication recommending that an applicant who is up for a renewal of their license with no changes or violations during the previous year should be handled administratively by the City Clerk's office. Only new requests or changes to existing requests would come through the Committee process.

The City Clerk noted this is the annual relicensing of the sidewalk cafes in the downtown area; and the issue before the Committee this evening is the service of alcohol. She continued the motions have been broken down to recognize that we have a Councilor with a conflict-of-interest on two of the applicants. The City Clerk added she has spoken with the Police Department and there have been no violations that would warrant a concern for reissuing the licenses for any of the applicants. In response to Chair Richards, the City Clerk clarified the conflict-of-interest is from a member of the full City Council.

There being no questions or comments from the Committee or the public, Chair Richards asked for a motion.

Councilor Jacobs made the following motion which was seconded by Councilor Meader.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that Always Fresh LLC, d/b/a Fritz, and The Stage Restaurant be granted permission to serve alcoholic beverages in connection with their Sidewalk Café Licenses, subject to the customary licensing requirements of the City Council, and compliance with the requirements of Sections 46-1191 through 46-1196 of the City Code. These licenses shall expire on March 1, 2016.

Councilor Jacobs made the following motion which was seconded by Councilor Meader.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that Cobblestone Ale House LLC; Fireworks Restaurant; Keene Fresh Salad Company; Local Burger of Keene; Luca's Mediterranean Café; Margarita's Mexican Restaurant; Pedraza's LLC; Scores Sports Bar & Grille; Taco Odelay; and The Market at Luca's be granted permission to serve alcoholic beverages in connection with their Sidewalk Café Licenses, subject to the customary licensing requirements of the City Council, and compliance with the requirements of Sections 46-1191 through 46-1196 of the City Code. In addition, The Market at Luca's and Pedraza's LLC are granted permission to extend their Sidewalk Cafés beyond their respective storefronts onto space in front of an adjacent property, subject to submittal of signed letters of permission from the adjacent property owners. These licenses shall expire on March 1, 2016.

## **2. COMMUNICATION: The Piazza - Request to Use City Property - Extension of Sidewalk Café License**

The City Clerk noted this is a request for an extension beyond the applicant's storefront. In response to Chair Richards, the City Clerk clarified this issue is similar to previous years.

There being no further questions or comments from the Committee or the public, Chair Richards asked for a motion.

Councilor Jacobs made the following motion which was seconded by Councilor Chadbourne.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that The Piazza be granted permission to extend their Sidewalk Café beyond their storefront onto property located in front of Domino's Pizza subject to the customary licensing requirements of the City Council, compliance with the requirements of Sections 46-1191 through 46-1196 of the City Code, and submittal of a signed letter of permission from the adjacent property owner. This license shall expire on March 1, 2016.

**3. COMMUNICATION: Home Healthcare Hospice and Community Services - Request to Use Property for Healthy Start 5K Run/Walk Event**

Susan Ashworth, of 312 Marlboro Street addressed the request for use of the Keene Public Works parking lot at 350 Marlboro Street on Saturday, May 9, from 7:00 am to 11:00 am for parking for participants in the Healthy Start 5k run/walk event. The event is a fundraiser to benefit the Maternal and Child Health Program at Home Healthcare, Hospice and Community Services (HCS).

This is the third year that this event has been held, and based on previous experience they anticipate a need for parking for two hundred vehicles. Ms. Ashworth clarified for Chair Richards this is the third year for the event, not the third request for use of City property for parking. The City Manager reported the City has no concerns in granting this request.

There being no questions or comments from the Committee or the public, Chair Richards asked for a motion.

Councilor Meader made the following motion which was seconded by Councilor Chadbourne.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that Home Healthcare, Hospice & Community Services be granted permission to use City property located at 350 Marlborough Street on May 9, 2015 for vehicular parking of attendees at the HCS Healthy Start 5K fundraising event. Said permission is subject to the customary licensing requirements of the City Council and compliance with any recommendations of City staff.

**4. MEMORANDUM: Airport Director - Request to Use City Property - International Aerobic Club**

Ed Mattern addressed the request noting that since 2011, the City Council has granted a request by the International Aerobic Club, Chapter 35 (also known as the New England Aerobic Club) to use the Dillant-Hopkins Airport for aerobic practice sessions. Mr. Mattern continued the request was placed on the agenda of the February 20<sup>th</sup> Airport Advisory Commission meeting. During the meeting he advised the Commission that he could not recommend granting the Club's request for the use of the airport as he had in the past because of complaints he had received during the previous year. These complaints were related to aircraft pattern safety, restrictions on "touch and go" operations and noise concerns raised by airport neighbors. After much discussion, the Commission voted to recommend

that City Council grant the Club's request to use the airport for aerobatic practice. The AAC also asked that the Airport Director meet with the Club to find some way of mitigating the concerns.

Mr. Mattern and members of the AAC met with the Club to explore areas where operational changes might be made that would address those concerns raised by airport neighbors - particularly the noise impact. This meeting resulted in a number of potential restrictions on the use of the airport. The restrictions are as follows:

- Limit practice sessions to not more than 5 for the year
- No Sunday practice sessions
- Raise the floor of the aerobatic box by 500 feet
- Limit aerobatic activity to the southern portion of the aerobatic box
- Restrict use of the aerobatics box until after 10:00 AM
- Invite neighbors to mandatory safety briefings on practice days

At the March 20<sup>th</sup> meeting the Airport Director reported back on the results of the discussions with the Club and outlined the possible operational changes to the Club's use of the airport. The Commission supported the concessions made by the Club and passed a motion recommending that the City Council grant the use of the airport, subject to those operating limitations outlined.

John MacLean, City Manager commented he thinks it is significant that Mr. Mattern was able to work with the Aerobatics Club to eliminate Sunday practice sessions. Mr. MacLean also recognized the AAC; noting they are a significant group of people who hardly ever get recognized by anybody. Mr. MacLean asked permission for the AAC to stand and receive adulation.

Councilor Jacobs asked if there would be some sort of written agreement stating what the restrictions are. Mr. Mattern noted the restrictions would be included as conditions to the license. Mr. Mattern also pointed out what they were doing before was not in violation; they are simply recognizing that there was a problem and they are trying to address those problems with these operational changes.

There being no further questions or comments from the Committee, Chair Richards asked for public comments.

Doug Green, Chair of the AAC reiterated Mr. Mattern's comments; noting he was one of the individuals that met with the Aerobatics Club. He reviewed the conditions reported by Mr. Mattern, adding the FAA has approved the conditions as well. Mr. Green noted the lowest activity will be 1500 feet above the airfield. Mr. Green also pointed out the use of the aerobatic box will move the activities further south and west away from the neighbors in the Edgewood area. Mr. Green suggested this activity supports aviation and brings business into the community. In response to Chair Richards, Mr. Green indicated the number of sessions in past years was five or six; deferring to the Aerobatics Club for the correct answer.

James Dunn, of 1 Riverton Street asked what the City has to gain from licensing this activity. He also asked why the City is "jumping through hoops" for this group. Mr. Dunn pointed out that Keene has low-leaded gas and asked if the planes coming here use low-leaded gas. Mr. Dunn noted his concern with the noise and that he is against the issuance of this license.

Weston Liu, of Brookline, New Hampshire noted he is the person the FAA authorized to fly aerobatics at the airport. Mr. Liu said one of the reasons they come to Keene is because the airport has been a wonderful host; he also noted his appreciation. Mr. Liu reported the Aerobatics Club brings in pilots from the five New England states and part of New York. Aerobatic competition requires practice and training and the Keene airport offers a large, unpopulated area to accomplish this. Mr. Liu noted the Club has members that are National Champions and one World Champion. Mr. Liu indicated the availability of Keene helps get the competitors to the level they are at. Mr. Liu continued they support the airport, buying as much fuel as they can. Club members also fly professionally for business and do stop at Keene when they can. Mr. Liu also pointed out good weather is needed for flying; from May through October one day per month is scheduled for flying practice in Keene. Mr. Liu acknowledged the noise levels. Mr. Liu also pointed out the FAA gives them operating rules so they do not mix with the non-participating traffic. Mr. Liu noted he is willing to answer questions at any time; and that the group is trying to be good citizens in every area where they fly.

Ann Shedd, of Greenwood Avenue noted some of her questions had already been addressed. Ms. Shedd continued her concern is how the City Council will balance the costs and the benefits of issuing this license. Ms. Shedd noted there are no metrics on the number of pilots, how many aircraft are coming here, or how much fuel is being bought here. Ms. Shedd also noted many airports charge take-off and landing fees; but Dillant-Hopkins doesn't operate on that basis. Ms. Shedd referred to Mr. Liu's comments about trying to patronize the airport, pointing out there has been no dining at the airport for several years. Continuing, she noted there are no actual numbers for what they are bringing into the economy. Ms. Shedd noted her concerns with the noise; pointing out her main concern is the stalling out of the engines during some of the maneuvers. Ms. Shedd referred to the prepared motion, specifically the million dollars of insurance, suggesting there is inherent risk to the activity. She asked what demands would be put on our local emergency services in event of a tragedy. Ms. Shedd also asked what about the environmental costs of this activity, noting the box in the past several years has been right over the Ashuelot River and its wetlands. Ms. Shedd also addressed her concerns with the emissions over the wetlands, and lead levels in fuels. Ms. Shedd also pointed out Keene's goals of reducing greenhouse gas emissions; and asked if this was an activity they wanted to promote.

Weston Liu, of Brookline New Hampshire provided the Committee with a photograph of the aerial box.

Chair Richards asked for further comments from the Committee.

Councilor Chadbourne noted she appreciates everybody's comments and the work the AAC has done. She pointed out Keene is a diverse community with a lot of competing interests. Councilor Chadbourne continued it seems they've been very conscientious in trying to balance the scales here; making reference to the Master Plan. Councilor Chadbourne feels due diligence has been done; suggesting the Committee has been sensitive to the people who live in that area. Councilor Chadbourne noted she wants to support the airport, and believes this activity is a great thing.

Chair Richards commented it seems this group has tried to work with the City to reduce their impact. Chair Richards suggested Keene does charge landing fees but he was unsure of what level and on what planes. Chair Richards also pointed out the million dollar liability policy is standard practice for the City on almost every event. Chair Richards also indicated the airport does have low-lead gas; with the City receiving eight cents per gallon. Noting that he is also "green," Chair Richards suggested they

are in a transition period with low-lead gas. Chair Richards made mention of snowmobiles and their use of gas on the trails.

James Dunn, of 1 Riverton Street stated airplane exhaust does not equate to snowmobile exhaust. Snowmobiles or any other any other vehicle in this country cannot buy leaded fuel; but airplanes can buy leaded fuel almost anywhere. Mr. Dunn pointed out that Keene is an exception. Mr. Dunn suggested a positive motion to approve this activity would be a major grievance against all that this City stands for.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the City Council authorize the use of the Dillant-Hopkins Airport by Chapter 35 of the International Aerobatic Club through December 31, 2015, subject to the execution of a Revocable License and Indemnification Agreement, the receipt of an insurance certificate in the amount of at least \$1 million naming the City as an additionally insured party and all other requirements of City staff; including the six restrictions noted in the letter from the Airport Director dated March 23, 2015.

##### **5. VERBAL REPORT: Cities for Climate Protection**

John MacLean, City Manager introduced Jennifer Risley, Chair of the Cities for Climate Protection Committee who will be giving a report on the Committee's activities.

Jennifer Risley, of 86 George Street reported that in 2000, the City signed on to the Cities for Climate Protection Campaign. In 2004, a Climate Action Plan was developed that outlined measures for the City to take in order to reduce greenhouse gas emissions. Following the 2005 devastating floods, the City participated in a Climate Resilient Communities campaign (2007), and created a Climate Adaptation Plan. In 2010, a section was added to the Comprehensive Master Plan dedicated to climate change and how Keene was going to react or adapt to those changes. Ms. Risley noted the Cities for Climate Protection Committee is here to coordinate the goals and measures of the Climate Adaptation Plan in order to reduce greenhouse gas emissions. A matrix was developed to look at all the goals in the Climate Adaptation Plan and identify partners because as a volunteer Committee they can't do this work alone. The Committee recommends aligning the goals from the three documents into one. Ms. Risley noted one of the goals is finding a permanent home for the Keene Farmer's Market.

Ms. Risley continued another function is to update the local Climate Action Plan and Greenhouse Gas Inventory. She recognized the interns who completed the 2006-2008 Greenhouse Gas Inventory. Ms. Risley noted she hopes that the City will adopt the ClearPath software to track this information. The Committee is also advocating for an update to the Climate Action Plan and the Climate Adaptation Plan.

Ms. Risley noted the Committee also recognizes outstanding work in the climate protection arena. She cited the Mayor presenting at the Mayor's Innovation Conference, and a partnership between Antioch University and the City. Ms. Risley reported on other functions of the Committee including education, outreach, and grant writing. The Committee also researches municipal energy use and makes the findings available to the City. Ms. Risley noted the Committee would like to do an annual greenhouse gas inventory for the City, which is presently not done on an annual basis.

Chair Richards commented the City is committed to reducing greenhouse gas emissions, citing the Honeywell agreement the City entered into.

Chair Richards asked for questions or comments from the Committee or the public.

Councilor Chadbourne commented the Committee does a lot more work than she realized. She also commended Councilor Duffy's initiative of having all of the City's Boards and Commissions reporting to the Council's Standing Committees on a regularly basis.

Mayor Lane followed up on Ms. Risley's comments noting he had the opportunity to go to Washington and speak at the Mayor's Innovation Conference. He learned at the conference that Keene's reputation for its work on Climate Protection is known nationwide. Mayor Lane commented how fortunate they are to have the work that the CCP Committee has done for the City of Keene. Mayor Lane strongly commended them for the work they have done for this City and the significant impact it has on this community.

Jim Gardner, of 27 Birch Street added his praise to what has been said about the work of the CCP. Mr. Gardner suggests there is a "fly in the ointment"; referring to the most recent greenhouse gas inventory Mr. Gardner noted a lot of the discussion was referring to the success of City government in reducing greenhouse gas emissions, but if you look at the recent greenhouse gas inventory the "community status" is going in the wrong direction. Mr. Gardner continued that he doesn't mean to task the committee with the impossible, but if you look at the reason for reducing greenhouse gas emissions it has to do with limiting the temperature increase that is causing climate change. Mr. Gardner noted he doesn't mean to be discouraging or negative, but this is a serious matter and we shouldn't congratulate ourselves too much as Keene is a long way from doing anything to reduce greenhouse gas emissions.

Chair Richards cited the recent Surface Water Protection Ordinance, noting the City is moving in the right direction.

There being no further comments or questions from the Committee or public, Chair Richards asked for a motion.

Councilor Meader made the following motion which was seconded by Councilor Jacobs.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends the report from the Cities for Climate Protection Committee be accepted as informational.

**6. REFERRED BACK: Ruth Sterling/Let it Shine - Proposal to Organize and Manage Pumpkin Festival 2015 (Request to Use City Property - Pumpkin Festival)**

Chair Richards stated staff presented their information two weeks ago, and he sees no reason to ask them to do it again. He asked who was here from Let it Shine to address this request.

Alex Bates, of Peterborough and a Board member of Let it Shine provided an overview of his background and reasons why he is so passionate about the Pumpkin Festival. Mr. Bates suggested the value Pumpkin Festival brings to Keene, from a marketing standpoint is invaluable. Mr. Bates noted

he believes in giving back to the community citing other events he has participated in. Mr. Bates indicated the Pumpkin Festival helps him do that; adding that generating \$125,000 for the local non-profits is not an insignificant thing. Continuing, Mr. Bates commented as a business person and hotelier it has a huge impact (room revenues for those two days totals over a quarter million dollars for the five hotels here). This generates approximately \$22,000 to \$23,000 in rooms and meals tax that goes back to the State. Mr. Bates also noted the significance of the event happening at the start of the slowest time of the year. Mr. Bates also indicated there are many intangible benefits (people from outside the area returning annually for the Pumpkin Festival). Mr. Bates said it is a shame what happened outside the footprint this year; he asked why would the City Council chose to take away such a great family orientated event because of these events if they could be prevented. Using the analogy of a cancer patient, Mr. Bates said you would fight the cancer; you wouldn't just give up on the patient. Mr. Bates feels this should apply to the festival. Mr. Bates referred to his two daughters noting the difficulty in trying to explain to them why there will not be a festival this year. Mr. Bates suggested many people would be happy to have the festival if a plan could be developed to guarantee the safety of all concerned. Making reference to the rumors the plan would cost \$200,000 to staff, Mr. Bates noted Let it Shine has not been presented with any plan that details that number. Mr. Bates suggested Let it Shine should be given the opportunity to review that staffing projection and look at the proposed costs. Mr. Bates suggests it is unfair to assume Let it Shine couldn't cover those costs. Mr. Bates requested the Committee vote either to recommend staff prepare a safety and security plan for Let it Shine and place the item on more time ; or recommend a community event license be granted with Let it Shine and staff working together to create a safety and security plan that would encompass outside the footprint as well.

There being no further questions or comments from the Committee, Chair Richards asked for public comments.

Katie Rockwell, of Marlboro Street asked if there was a plan for the non-profits that will be losing out; adding she doesn't think sending out the message that they can't handle a bunch of drunken college kids is the right message to send. After additional comments, Ms. Rockwell suggested that what happened last year was preventable.

Mark Patel, of Pearl Street noted he has had discussions with Mr. Bates on this issue. Mr. Patel related his experiences with the Pumpkin Festival over the past 15 years; pointing out canceling the Pumpkin Festival will throw Keene "off the map". Mr. Patel suggested the Committee is not looking at this picture as a whole; noting he had hotel guests returning after attending Pumpkin Festival who had no idea what had happened. He also had guests returning from Winchester Street that told him what was going on; suggesting this had nothing to do with the festival. Mr. Patel reported he is already receiving calls from people asking when the next Pumpkin Festival is so they can book their rooms. Mr. Patel feels what happened is preventable and something they can learn from.

Dan Curran, of 53 South Street noted he has been a resident of 35 years and stated he believes Keene was on the map before the Pumpkin Festival, and they will be on the map afterwards. Mr. Curran suggested very little of the rooms and meal tax dollars comes back to Keene. Mr. Curran noted the taxpayers paid \$54,000 plus, and the previous sponsorship asked for some of their debt to be forgiven. Mr. Curran suggested this festival needs to come to an end for a while; adding perhaps having a different sponsoring organization and type of festival in the future. Mr. Curran commented it is not the festival; it is the date on the calendar that attracts this element that will come whether it's the Pumpkin



Festival or another event. Mr. Curran noted the effects on the neighborhood over the past 25 years, and said the non-profits survived before the Pumpkin Festival and they will survive without it. Mr. Curran is in favor of not recommending approval of the license.

Mark Woolsey, of 5 Oak Street reported he was in the middle of what happened last year. Mr. Woolsey indicated the Keene Police were not prepared for what happened, suggesting a plan is needed. Mr. Woolsey commented the festival brings a lot to the businesses of this town. Continuing, he suggested punishing the children of this town because of a bunch of drunken college kids is wrong. Mr. Woolsey also pointed out the riots were not in the festival footprint. Mr. Woolsey recommended the college send their students home during the Pumpkin Festival, and that landlords ban parties over that weekend. Mr. Woolsey also suggested the Keene Police Department was as much to blame as the rioting students. Mr. Woolsey suggested there are many solutions out there to help keep the Pumpkin Festival stay alive.

Kristen Gaudreau, of Pepperell, Massachusetts noted she drove an hour and fifteen minutes to attend this meeting because of how important she feels it is that the public speak about Pumpkin Festival. Ms. Gaudreau pointed out she and her family have been attending the festival for the past eight years. Ms. Gaudreau noted how much she and her family love the Pumpkin Festival, and they show their support by spending their money here. In addition to having a brother that lives in Keene, Ms. Gaudreau's daughter is also an out of state student at Keene State College. Ms. Gaudreau reported she did not know the riots were happening until she walked to Winchester Street after leaving the festival. Ms. Gaudreau suggested students now know they have to keep other students in check; as probably 95 per cent of the students were disgusted by what happened.

Nancy Martin, of Summit Road has been a resident for four years, she came here because she loves this area and the Pumpkin Festival drew her in. Ms. Martin shared her family experience of coming to the festival; noting they were at the festival last year and had no idea what was going on. Ms. Martin relayed how important the festival is to her and her family. She also pointed out this year will be the 25<sup>th</sup> Anniversary of the Pumpkin Festival. Ms. Martin commented there will always be drunken college kids, and suggested the college do more to keep their students in line. Ms. Martin recommended keeping the Pumpkin Festival alive.

Katherine Harper, of 279 Marlboro Street stated she was a life-long resident of Keene and she relayed the magical experiences of attending the Pumpkin Festival over the years. She noted the notoriety of the festival throughout the colleges in New England, which is unfortunate. Ms. Harper noted there are two things that happen, 1) the Pumpkin Festival downtown which is wonderful, and 2) the the parties outside of the footprint. Mr. Harper reported on the efforts made prior to Pumpkin Festival last year by the college, the Keene Police Deptment, and the landlords to try and prevent these parties from becoming so destructive. Ms. Harper applauded the Keene Police for their efforts during the riots last year. Ms. Harper recommends the Pumpkin Festival go away for four or five years for the reputation to die down; start it up again the way it used to be.

Don Sporborg, of 8 Sugar Maple Lane commented as humans they need balance in the world, adding they can't escape the negativity in the world. People need beauty in the world, and they did that with the Pumpkin Festival in Keene. After additional comments, Mr. Sporborg commented if asked what they get out of the Pumpkin Festival the answer would be joy, and there is no better gift than that.

Jane Hall, of Marlborough noted she is a student at Keene High School. Ms. Hall relayed her experiences of coming to the Pumpkin Festival since she was very little. She shared how much she and her family look forward to attending the festival every year. After additional comments, Ms. Hall asked the Committee to not take the Pumpkin Festival away from the people.

Aaron Record, of 89 Kendall Road noted he was a former Board member of Center Stage Cheshire County. Mr. Record noted the concern before giving up the event of how to deal with the growing problem off of the footprint. Mr. Record suggested that being blamed for something that happens outside of the footprint and that is totally out of one's control is almost absurd. Continuing, he noted that being told you have to pay for defensive measures for those things that are out of your control, again borders on absurd. Mr. Record pointed out it is time for all stakeholders to come together and start thinking outside the box. He feels that if the festival license is denied, it will not come back.

Harry Boynton, of Walpole noted he has worked at the Emergency Operations Center during the Pumpkin Festival as a representative of Let it Shine for the past several years. Mr. Boynton reported this year the Pumpkin Festival itself went perfectly with absolutely no problems. Mr. Boynton commented thousands of people were downtown enjoying the festival and they had no idea of the chaos going on around them. He agreed with others the partying has gone on for the past few years and has been escalating. Noting the success of the festival this year, Mr. Boynton suggested there are only two reasons an event like this would be discontinued, 1) lack of volunteers, and 2) lack of public interest. Mr. Boynton's main point is he feels the festival and the chaos that went on around it are two separate issues completely. Mr. Boynton commended the Keene Police for their work before and after the event. He suggested immaturity, alcohol, and numbers gave these students a false sense of courage. Mr. Boynton recommended getting the message to these students while they're in school that this is not acceptable behavior and it won't be tolerated.

Nancy Sporborg, of 8 Sugar Maple Lane said she started the Pumpkin Festival in 1991; adding she believes City Council is going to end it because they are angry and afraid that something worse will happen. Ms. Sporborg commented she is also scared and angry for the same reason. She is also afraid the Pumpkin Festival will die and the community and the world will be deprived of the beautiful, inspirational community lit light that is the Keene Pumpkin Festival. Ms. Sporborg believes the answer to their fears is to rise above (citing a quote from Zig Ziglar). Ms. Sporborg cited the Boston Marathon as an example of rising above our fears. Ms. Sporborg related her experiences getting the Pumpkin Festival started. She also relayed Ms. Sterling's experience of purchasing 110 jersey barriers needed for the festival. Ms. Sporborg shared additional hurdles that were overcome in the past noting the Pumpkin Festival is an amazing thing. She urged the Council to focus their anger and fears on facing the challenge, and dealing with the safety problems.

Dan York, of Probate Street shared his difficulty in explaining to his daughter what is going on here. Mr. York noted there are a lot of non-profits that depend strongly on the Pumpkin Festival for a large part of their income. He agreed this income could be replaced, and added it will be a challenge for them to service people in this region. Continuing his comments, Mr. York suggested they think about what will replace the festival in bringing people to this region. Following on others comments Mr. York agreed if they don't continue to hold the festival they have effectively let the drunken folks win. Mr. York encouraged the Council to continue with the Pumpkin Festival.

Chelsey Langford, 6 Colonial Village Drive shared supporting comments that were posted on the Keene Pumpkin Festival's Facebook page. Like others this evening she shared the effects the festival has had on her family; adding she is also one of the volunteers for the festival.

David Crawford, of Marlboro Street suggested that they know what's coming and where it's coming so they should be able to fix it easily. Mr. Crawford noted he felt the police did really well last year. It seemed like the plan was containment, and maybe the containment needs to be a little tighter.

Councilor Manwaring, of Ward 1 stated she was very moved by the comments from the fans of the Pumpkin Festival, but she wants to know how Let It Shine intends to raise the money required for this event because it was not long ago they were here indicating they would raise all this money.

Jared Goodell, of Skyview Circle noted a lot of emotional comments have been made here tonight. He suggested they look at the facts rather than be emotional. Mr. Goodell listed the facts as follows: Riots on Pumpkin Festival weekend have happened and have grown exponentially over the past three years; according to Let it Shine's records over the past two years they have are not a solvent organization; if Keene State College hadn't stepped up and paid the overtime security bill that bill would still be on the backs of taxpayers today. Finally Mr. Goodell commended Chief Meola and the other personnel who contained the riots, but he indicated that although the Department can develop a plan, they cannot guarantee that they can staff a plan.

Mr. Goodell suggested the riots are called the Pumpkin Festival Riots, noting without the Pumpkin Festival these riots would not have occurred. Mr. Goodell commended Chief Meola and all supporting organizations for their work during the festival to keep everyone safe. After additional comments Mr. Goodell suggested it would be irresponsible for this City to license another Pumpkin Festival with the possibility that a citizen or visitor might be injured. Mr. Goodell recommends not granting the Pumpkin Festival license.

Charlie St. Clair, of Laconia is the Executive Director of the Laconia Motorcycle Week Association. Mr. St. Clair shared his responsibilities for Bike Week over the past 25 years. He added he has never been to the Pumpkin Festival, but does hear about it when he is traveling around the country. Addressing responsibilities for what happens, Mr. St. Clair commented it seems like Keene is being held hostage by Keene State College residents. Mr. St. Clair noted the loss to this community if the Pumpkin Festival is denied. Mr. St. Clair also commented it seems like some people in this community have axes to grind either with personalities that work with the festival or on the other side. Mr. St. Clair encouraged the City to not ruin a great event; he also noted the hard work throughout the state to bring events here to New Hampshire, and the problems Bike Week has dealt with over the years.

Toby Tousley, of 499 Washington Street shared his family's experience of attending Pumpkin Festival over the years; he also pointed out the differences between when the Pumpkin Festival began and what it is now. Continuing his comments Mr. Tousley suggested the Pumpkin Festival should have ended long ago. Following up on earlier comments, Mr. Tousley suggested a third reason why an event would be discontinued is economics, and they can rise above by finding another event to promote.

Pete Majoy, of South Lincoln Street relayed his experience of running in the Boston Marathon 35 years ago, knowing where the tragic bombing took place there, and the hopes they wouldn't cancel the

Marathon because of the bombing. Mr. Majoy gave a hypothetical situation for the Committee to think about and asked they allow the festival to move forward.

Nancy Hickox, of Jaffrey New Hampshire noted she has been at every Pumpkin Festival, having lived in the area for the past 30 years. She volunteered at the Pumpkin Festival after Ms. Sterling told her about pumpkin bowling. Ms. Hickox indicated the kids come back year after year for pumpkin bowling. She asked the Committee not to take this away from the kids.

Darryl Masterson, of Willow Street followed on Mr. Goodell's noting of facts by noting the 2014 pumpkin count was the third lowest since 2000. Mr. Masterson pointed out that C & S donated 15,000 pumpkins, there were 80,000 attendees bringing 6,000 pumpkins. He then asked if this demonstrated a community event. Mr. Masterson commented if this is a community event let's put it out at Wheelock Park. Mr. Masterson asked the City Manager what authority the City has to tell Keene State College to send the students home. Chair Richards clarified Keene State College is a state entity. Mr. Masterson agreed that was his point, the City has no authority over the college. Mr. Masterson also does not want to see Keene be alcohol free for any reason, and he suggests people need to be more realistic in what can or can't occur.

Bradford Hutchingson, explained how Monadnock United Way has failed to reach its fundraising goal several years in a row, noting the \$500,000 anonymous donation they received. He commented that to "nickel and dime" over Pumpkin Festival is juvenile. Mr. Hutchingson suggested the security issues have not been fairly addressed here this evening. He reiterated earlier comments regarding Chief Meola. After additional comments, Mr. Hutchingson referred to the crowd on Wilcox Street and the police presence suggesting that someone dropped the ball; as the crowd was at critical mass for a riot. Mr. Hutchingson does not blame the police for the actions they took, but he does consider this situation to be a leadership vacuum at the City Council level. Continuing, Mr. Hutchingson recommended all parties involved have to work together to solve the security problem. Mr. Hutchingson indicated his support for the Pumpkin Festival 2015.

Jeff Garon, of Walpole, New Hampshire noted he watched the videos of the groups of over 200 kids forming parties in backyards and suggested if they were paying attention this could have been nipped very early in the day and would not have accelerated to the point it did. He also feels they should be able to rely on Keene State College for a little assistance there. Mr. Garon noted he is here in support of a non-profit that depends on the Pumpkin Festival.

Jim Gardner, of 27 Birch Street said he wanted to add his voice to those who do not want the Pumpkin Festival to continue. He noted this Committee has already heard from Keene's Fire and Police Chiefs saying they have pretty strong reservations about not being able to guarantee safety during the Pumpkin Festival. In the context of risk and public safety, Mr. Gardner shared quotes from several individuals who commented at the Press Conference immediately held after the event. Those comments included remarks from Mayor Lane, Fire Chief Mark Howard, and New Hampshire State Police Colonel Quinn. Mr. Gardner also referenced comments from Dr. Len Fleischer who described the rioters by the term "patho-adolescence" as being drunken and alienated youth with no connection to the community. Mr. Gardner suggested that it is this patho-adolescence which makes this event so hard to train, prepare and plan for. After additional comments, Mr. Gardner urged the Committee to recommend denying this request and reminded the Committee of the relevant language in the Ordinance that stipulates that licenses shall only be granted if the event can be carried out according to applicable laws, safely and

without posing hazard or inconvenience to the public. Mr. Gardner submitted written comments for inclusion into the record.

Ruth Sterling, of 214 Washington Street distributed a handout of her remarks, Keene Pumpkin Festival Key Points for PLD Committee of Keene City Council, dated 3/25/2015. Ms. Sterling commented she doesn't like being the face of the Pumpkin Festival, and she wants to see the Pumpkin Festival move on whether people like her or not. Ms. Sterling noted one of her points is that Let it Shine has met its license requirements every year; regardless of the unfounded rumors spreading around. Ms. Sterling shared what UMass at Amherst did when they were in jeopardy of having their event discontinued. They paid a former Boston Police Commissioner \$160,000 to develop a plan so they could continue their Blarney Blowout. Ms. Sterling noted Dave Eisenstadter, a former reporter at The Keene Sentinel, was able to obtain that information which was provided here this evening as an executive summary. Ms. Sterling asked the Committee to please read the executive summary and her other remarks. Ms. Sterling continued Let it Shine is requesting that the Committee place their request on more time with City staff charged with preparing and costing a real safety plan, like the UMass report by June 1, 2015. Ms. Sterling's final comment was let's face our fear and "fix the fest."

Toby Tousley, of 499 Washington Street commented that it seemed to him the City spends more money than it donates to the non-profit organizations; noting that staff is kept from doing other projects while working on this festival. He continued one of the issues, if they discontinue this event, is what the non-profits will do to fundraise. Mr. Tousley suggested it would behoove the City to just donate that money, even if they set it up on a lottery basis.

Steve Scheffler, of Marlborough noted he runs Marlborough Taekwondo, the non-profit mentioned earlier. Mr. Scheffler shared his family's feelings about the Pumpkin Festival and noted his support of continuing the festival. He added he gets upset when people say just give the non-profits the money; and added they don't want a handout- they want to work for their money. Mr. Scheffler pointed out the distances people travel to attend the Pumpkin Festival.

Mike Giacomo, of 39 Union Street noted he is the unpaid pumpkin carver coordinator at Markem. He pointed out he has no financial interest in the festival and like many others his feelings are torn on this issue. Mr. Giacomo suggested the real issue is identity; Keene is having an identity crisis. He referred to various social media coverage on the festival and the Bearcat. Mr. Giacomo elaborated on Keene's tarnished reputation, and asked what they want to be known for nationally and internationally.

Charlie St. Clair, of Laconia, commented if he didn't see the faces he would think that what he was hearing sounds like locals regarding Bike Week. Secondly, referring to the gentleman that recommended turning this down based on not being able to guarantee the safety of the people, Mr. St. Clair said he is unaware of any Police Department in the country that guarantees the safety of everybody in its jurisdiction.

Donna Weldon, of 266 Main Street relayed her experience on the day of the festival noting how vulnerable it made her feel knowing the police were unavailable for other issues because they were dealing with the riots.

Bradford Hutchingson, of Elm Street agreed with those recommending that the festival continue; adding they must shut down the riots now, and the organizers and City Council need to do a much better job of listening to the people around the festival who are most affected.

Chair Richards asked for Committee member comments.

Councilor Jacobs commented he has attended a lot of meetings for the Pumpkin Festival and read a lot of testimony about this whole situation. Councilor Jacobs noted he has been very concerned about several things. He commented there is no doubt there is a lot of magic to the festival, and he doesn't want to lose that. There are also a lot of problems with the festival, and he does want to lose that. "Face Everything and Recover" is the version of Ms. Sporgberg's statement that he is the most familiar with, and he thinks facing everything means really having the time to do an inventory of facts. The City needs the time when we're not really looking at something to marshal the facts. Councilor Jacobs noted he is not any more inclined to grant the license tonight than he was at the last meeting. He is also skeptical of directing City staff to put together a plan as they have already heard from City staff that there is a limit with their resources. Councilor Jacobs agreed that Keene can rise above and will still be a community that has magic, and doesn't have drunken riots; which is what he wants to work for. Councilor Jacobs noted his work with local non-profits and commented just because the Pumpkin Festival is gone doesn't mean they don't have the opportunity to help non-profits.

Chair Richards commented he also won't be supporting the Pumpkin Festival. Noting his family's attachment to the Pumpkin Festival in the past, Chair Richards commented the Pumpkin Fest has been nothing but spectacular. He noted the cooperative efforts of the City, Let it Shine, and Center Stage before them pointing out the Pumpkin Fest has helped local businesses and put Keene on the map. Chair Richards continued the downside is the riots that have gotten worse over the last two years. All the colleges around here for a hundred miles know to come to Keene and burn the City to the ground. The students get here, have a party and turn into a mob mentality; and last year it started a day ahead of time. Chair Richards commented he feels this is primarily why they need to take this year off.

Councilor Chadbourne commented she admires the tenacity of Ruth Sterling and Nancy Sporgborg. She agreed there is a lot of magic with the Pumpkin Festival, and that part of Keene's identity has been the Pumpkin Festival. Councilor Chadbourne indicated she was downtown at the festival last year and knew nothing of what was going on until she left and went to a party where she saw the riots on people's phones. She believes that the festival was insulated because the Police were able to keep the crowds out of the footprint. Councilor Chadbourne commented the neighborhoods may need some relief; and sitting in her role the first thing that comes to mind is public safety. Continuing, Councilor Chadbourne explained even though the riots happened outside the Pumpkin Festival footprint; for City Councilors the footprint is the City. Councilor Chadbourne agreed it is time to take a break; after noting her concerns of trying to work under the gun to develop a safety plan.

Councilor Meader noted his primary concern as an elected official is the maintenance of public safety. He continued at the last meeting the Committee heard from the top two safety officials and the City Manager who were all reluctant to see this move forward in its present fashion. Councilor Meader was in agreement the City should take a moratorium on this event for at least a year; and take a look at what other cities are doing. Although he expressed his doubt that a safety plan could be developed by June 1, 2015, it should be looked at in depth perhaps by an Ad-hoc Committee.

Councilor Chadbourne thanked those present for being part of the community, participating, and weighing in. Councilor Meader echoed Councilor Chadbourne's comments to the public.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that a Community Event License not be granted to Let it Shine for the proposed 2015 Pumpkin Fest.

**7. COMMUNICATION: Councilor Hague and Councilor Duffy - Update on the "Blueprint for Action" - Proactive Law/Code Enforcement**

Councilor Duffy noted that Councilor Hague co-authored this letter and she isn't here this evening. Councilor Duffy indicated he would do his best to explain what he is certain they are in consensus on; and added he is certain that Councilor Hague has her own unique perspective and things that are important to her. Councilor Duffy also noted that Councilor Hague is Vice-Chair of the newly formed College City Special Commission. It is his understanding that Councilor Hague is requesting the 2002 Proactive Law/Code Enforcement Report be provided to those Commission members. Continuing, Councilor Duffy said their request is for an update. Speaking only for himself, Councilor Duffy indicated he finds the 2002 report to be the bedrock of his understanding of what his role is as a City Councilor. Councilor Duffy continued that the 2007 update was fruitful. He feels it is important for all City Councilors to get an understanding of what that report was, and to get an assessment of where they may go, and what they may do. Councilor Duffy pointed out this has to do mainly with issues in the southeast area of Keene.

Councilor Duffy said he would like to, independent of the work of the Special Commission, start looking at recommendations and initiatives the City could work on independently. The report also contains recommendations for working with the neighborhood and the college. Councilor Duffy suggested he has recently become very concerned about the deterioration of the quality of the housing stock, specifically in neighborhoods that directly border our downtown. He continued deteriorated housing leads to more crime and leads to obstacles in creating greater economic and social security in our community.

Councilor Duffy referred to the March 12, 2008, Planning, Licenses, and Development Committee meeting, specifically the quarterly Code Enforcement Activity Report quoting from those minutes. Councilor Duffy also referred to the Joint Planning Board/Planning, Licenses and Development Committee meeting on October 14, 2014 noting discussions regarding implementation of the Master Plan with Jack Dugan (MEDC), Maryanne Christenson (Hannah Grimes), and Dr. Richard Grogan (Small Business Administration). In the article, both Ms. Christenson and Dr. Grogan discussed obstacles in economic development and creating affordable housing for people in this community. Councilor Duffy also quoted from the recent Monadnock Business magazine; an article by Melanie Plenda, Attracting Young Professionals Means Overcoming Many Obstacles. Councilor Duffy suggested there are a lot of issues, not just housing, and recommends beginning discussions around these issues.

Councilor Duffy noted he and Councilor Hague had hoped this would be the first in a series of discussions at this Committee on a regular basis to perhaps work towards some sort of action.

Chair Richards noted the lateness of the hour, and asked Councilor Duffy if it would be best to put this on more time and ask staff to give us a report tied in with what we're doing now on Marlboro Street,

and then see where we want to go moving forward. Councilor Duffy said he would defer to the Chair and the wishes of the Committee. He continued Councilor Hague also requested that staff identify specific references from the Keene Comprehensive Master Plan, the results of the Marlboro Street Corridor report, and any information from the recent East Side Forum event held at Heberton Hall, considered relevant. Councilor Duffy also noted there are a number of relevant comments on the Mindmixer about the East Side Forum.

Chair Richards suggested that Councilor Duffy was actually also hitting on agenda item #8, and wanted to make sure the minutes were clear. Chair Richards asked Councilor Duffy if these two items should be separated or together. Councilor Duffy replied speaking for himself, he is confident he and Councilor Hague are in consensus that we need to start connecting the dots a little more. He outlined their discussion points for the Committee; noting the Comprehensive Master Plan is literally a consensus looking at the number of people in Keene and the number of those who participated. After additional comments, Councilor Duffy noted he didn't expect anything more than "more time" tonight.

Chair Richards suggested staff take a look at this together and see where they are from in terms of the Comprehensive Mater Plan where they need to go. Chair Richards asked the Planning Director for his thoughts.

Rhett Lamb, Planning Director noted the Planning Department staff put a lot of importance in the Comprehensive Master Plan for a lot of reasons that Councilor Duffy pointed out. Mr. Lamb feels it is totally reasonable to ask for an update and to take a look at the implementation progress that they have been making. Mr. Lamb indicated staff could come up with a way of updating that isn't a lengthy, written exercise.

Councilor Jacobs made the following motion which was seconded by Councilor Chadbourne.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that this item be placed on more time for two cycles to allow staff to address the issues raised in the communication from Councilors Duffy and Hague.

#### **8. COMMUNICATION: Councilor Duffy - Master Plan Implementation Review and Discussion**

Councilor Duffy noted he would like to find out how their implementation of the Master Plan process is going, and are there ways to improve it. Councilor Duffy indicated he would not mind seeing these discussions occur at the Joint Committee meetings because the Planning Board does have a statutory role in the implementation of the Master Plan.

Chair Richards recommended placing this communication on more time to allow staff to review the implementation of Master Plan items with the codicil that their report be sent the Joint Committee for further review.

Jim Gardner, of 27 Birch Street asked when there would be opportunity for public input. Chair Richards replied public comments are allowed at any meetings of the Committee or the Joint Committee.



There being no further questions or comments from the Committee or the public, Chair Richards asked for a motion.

Councilor Jacobs made the following motion which was seconded by Chair Richards.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that item be placed on more time.

**9. VERBAL REPORT: Project Manager - Parking - Keene Farmer's Market and the Capital Improvements to the Commercial Street Parking Lot**

Gary Lamoureux, Project Manager for Parking Services introduced Bruce Bickford of the Keene Farmer's Market. Mr. Lamoureux indicated he was asked to provide a verbal report this evening on what has been going on with the Farmer's Market over the past week, and where they are with the Farmer's Market. Mr. Lamoureux noted the Farmer's Market has been in the Commercial Street lot for a number of years. The City has supported the Farmer's Market, and they do not want to see that go away. Mr. Lamoureux made reference to the changes in the scope of work at the Commercial Street lot which means the Farmer's Market May 1 date may be pushed out as construction may still be going on. Mr. Lamoureux noted the issue of information not being passed along to the Farmer's Market Committee last year regarding this project. Mr. Lamoureux outlined the efforts taking place to see if the project can be done sooner, if a temporary location can be secured for the Farmer's Market, and/or if the cars at the Wells Street lot can be relocated because of the rehabilitation of the Wells Street parking lot.

Mr. Lamoureux reported that both he and Mr. Bickford have had discussions with property owners at other locations with no results as of yet. He noted the City is working very hard with the Farmer's Market.

In response to Chair Richards, Mr. Lamoureux reported the Commercial Street bid has been awarded; he added they are looking at an April start date. The Request for Proposal for the Wells Street deck has also gone out with closing for proposals either next week or the following week.

Councilor Chadbourne asked when the Commercial Street bid was awarded. Mr. Lamoureux replied he believes it was March 12, 2015.

Bruce Bickford, (Post Office Box 425) representing the Farmer's Market reported he heard from the City Clerk's office earlier in the month asking if they intended to renew their license; to which Mr. Bickford replied in the affirmative. Mr. Bickford also reported the City Clerk's office advised him the City wanted to talk to him about some plans for the Commercial Street Parking Lot. Mr. Bickford noted he met with Mr. Lamoureux on March 17, 2015, which was the first time he had heard anything about a change in their normal pattern of business. After additional comments, Mr. Bickford indicated had they known last fall they could have been working on a new location. Mr. Bickford outlined his efforts towards seeking an alternative location, and reported no success to date. Mr. Bickford emphasized the displeasure of the membership.

The City Manager asked Mr. Lamoureux why the Farmer's Market can't stay in the parking lot and why couldn't the City finish this project prior to their opening day of the market. Mr. Lamoureux explained that when parking services looked at the Wells Street parking lot project and discussed the need to relocate those 100 vehicles who normally park there; they thought the best option would be to relocate those motorists to the Commercial Street lot and to have the Farmer's Market move. The City Manager clarified only the Tuesday will be a problem for the people from the Wells Street deck. The City Manager asked if they could put the same level of energy into finding them alternative parking versus relocating the Farmer's Market. Mr. Lamoureux agreed he could take a look at other locations for parking. The City Manager also commented the one thing they can't guarantee is that the opening date would be free and clear; but that would be their intention. Mr. Lamoureux reported he has emailed the City Engineer to see if there is any possibility of moving the project up.

Councilor Jacobs reported the Agriculture Commission is still interested in helping the Farmer's Market find a long-term solution. Mr. Bickford reiterated although they are interested in a long-term solution they do have to survive until it is found. The membership is more worried about the current season.

In response to Councilor Chadbourne, Mr. Lamoureux reported he is in contact with Keene State College who has contacted the National Grange to see about using that area; no response has been received as of yet. Mr. Lamoureux also outlined other options that are being explored.

Councilor Chadbourne asked if there was a process for notifying applicants the space they expect to occupy will not be available. The City Clerk outlined the license application process. Councilor Chadbourne noted she was not asking about the license. The City Manager indicated he understood Councilor Chadbourne's question noting the City wants to be the best neighbor, and supportive of all activities. Then there is the other side of the argument, how far do they go and what is required of the City if indeed this is a license for a specific period of time. The Farmer's Market knows every year they come back for a renewal of this license. The City Manager referred to the legislature that prescribes a certain amount of responsibility in terms of due notification. He suggested this is a question for the City Council to answer.

Councilor Duffy noted that Mr. Bickford has relayed his dilemma; he also pointed out the City did help the Downtown Merchants and asked if it was possible for the City to provide the same assistance to the Farmer's Market. The City Manager replied once they know what they are dealing with they can certainly make a recommendation to City Council.

Discussion continued and the City Manager summarized what was going to happen for the Committee and Mr. Bickford. They are going to try to accelerate the Commercial Street project, which could lead to the possibility of the Farmer's Market staying in its current location for opening day (assuming they can come up with a parking solution for the Wells Street deck when that projects occurs.) Mr. Lamoureux has a lot of work to do, including looking for an alternative location, and then possibly working with the Farmer's Market to make sure you get proper advertising and directional signs to your new location. The City Manager added you may not get the perfect location.

The City Clerk noted that the Farmer's Market had submitted their request for use of the Commercial Street Parking Lot and the communication would be on the next City Council agenda and the letter

would be referred to this Committee. There being no further questions or comments from the Committee or the public, Chair Richards asked for a motion.

Councilor Meader made the following motion which was seconded by Councilor Jacobs.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that this report be accepted as informational.

There being no further business before the Committee, Chair Richards adjourned the meeting at 11:09 PM.

Respectfully submitted by,  
Mary Lou Sheats-Hall, Minute Taker  
March 29, 2015