

City of Keene  
New Hampshire

MUNICIPAL SERVICES, FACILITIES AND INFRASTRUCTURE COMMITTEE  
MEETING MINUTES

**Wednesday, October 24, 2018**

**6:00 PM**

**Council Chambers**

**Members Present:**

Janis O. Manwaring, Chair  
Randy L. Filiault, Vice-Chair  
Stephen L. Hooper  
Gary P. Lamoureux  
Robert B. Sutherland

**Staff Present:**

Elizabeth A. Dragon, City Manager  
Thomas P. Mullins, City Attorney  
Beth Fox, HR Director/Assistant City Manager  
Andy Bohannon, Parks, Recreation and  
Facilities Director

**Members Not Present:**

Chair Manwaring called the meeting to order at 6:00 PM, welcomed the public, and explained the rules of procedure.

**1) Community Center Discussion-Parks, Recreation and Facilities Director**

Chair Manwaring welcomed Andy Bohannon, Parks, Recreation and Facilities Director. Mr. Bohannon explained this process started approximately one year ago through a selection committee. The selection committee consisted of members from the Keene Senior Center and City staff. He said they began with focus groups in January and February to discuss a possible collaboration between the Keene Senior Center and the Recreation Center. In April and May they conducted a data collection, a survey and national market information through a consultant. During the months of August and September they met with architect, Joel Bargmann of Bargmann Hendrie + Archetype Inc., a Boston-based firm. In addition, they created a long range planning committee that consisted of Keene Senior Center staff and City staff. The committee worked on the design that was based on the results from the focus groups and survey. On October 3, 2018, Mr. Bohannon reported they held their first discussion with the public discussing the concept.

Mr. Bohannon explained that the purpose of this agenda item was to explore if the Keene Senior Center (KSC) could coexist with the Recreation Center in the same building. He said the goal was that the scope of the work would provide a comprehensive study into the Capital Improvement Plan for future consideration. In addition, they also looked at

the Comprehensive Master Plan as well as the Active and Passive Recreation Management Plan.

Mr. Bohannon then introduced Joel Bargmann of Bargmann Hendrie + Archetype Inc. Mr. Bargmann began by stating his appreciation in being given the opportunity to work with the City. He explained that the purpose of the project is to see if the KSC could coexist with the Recreation Center. In addition, look at what programs may evolve over the next decade. He stated that part of the work was to look at the existing KSC building, which he noted has a number of issues including a lack of parking. The inside of building was described as an older building on the inside that has nice character on the outside.

Mr. Bargmann then displayed a picture of the KSC dining area and multipurpose room. He pointed out that the wall partition in the multipurpose room is from the 1960's. Mr. Bargmann stated the generation of input has been lost in the building and needs to be upgraded. However, he stated it is rather difficult to update in this particular setting because this building is designed as a residence and not as a full-fledged senior facility.

Mr. Bargmann then displayed a picture of the fitness and quilting rooms in the basement at KSC. He explained that access is an issue along with natural light. The next picture presented by Mr. Bargmann presented showed how the KSC staff is tucked into the one small corner of the building.

During Mr. Bargmann's study last winter they found that the programming for seniors could expand to address the younger age group of seniors 65-75 years old.

Mr. Bargmann then reported that the demographics of communities are trending toward older citizens that want to stay active and stay in their homes. He noted the services provided by the KSC are becoming more acute and important.

Mr. Bargmann reported they put together a program for the seniors and coincidentally the program went through the Recreation Department. The task was to then evaluate these programs at the Recreation Department and to see if other programs could be added. Mr. Bargmann stated the one key asset at the Recreation Department is the wonderful large gym that is great for all ages. He noted the gym is already set up for pickle ball that is a great program for seniors. Mr. Bargmann reiterated that a gym with senior programming is a luxury. He reported there are only two projects in New England that currently have that luxury. These projects also have walking programs and other athletic events.

Mr. Bargmann stated the Recreation Department has a 4,500 square foot multipurpose room and several thousand square feet of program rooms that have not been renovated since the building was built. He noted the lighting, heating and cooling system, Wi-Fi and audio visual need to be improved. Another component that needs to be brought into the equation is the difference in aesthetics. The KSC building is a home and the Recreation Center is a concrete block building.

Mr. Bergman reported that back in January, Ballard King was brought in to do their assessments. Ballard King's assessment discussed the trends nationally and in New England. He stated there is a growing trend to move away from the traditional senior center model for older seniors and expand the age group to 65 and older. Adults are staying active longer and in order to address the needs of this population, many centers are increasing their programming. Mr. Bargmann stated the programs should also focus on the good things that the KSC does today.

Mr. Bargmann stated that Ballard King reported this is not an absorption of the KSC into the Recreation Center but is a colocation. In addition, he stated they would be able to expand program offerings that are beneficial not to just seniors. He reported the community was concerned about the green space in front of the Recreation Center. This is the area where the Veteran's Park is located and seen as a treasured resource. Mr. Bargmann noted they are not interested in changing the front of the building.

The rear part of the building behind the gym is used for overflow parking. Mr. Bargmann explained that this area might be used for an expansion of the Recreation Center. He then displayed an image indicating the location for the potential area for additional parking. In addition, the image showed the additions possible on the east and west side of the Recreation Center. He noted the orange rectangle on the diagram is important green space and maintained as existing "park" space.

Mr. Bargmann stated there are some areas on the side of the building that are naturally expandable for two 6,500 square foot additions. There is an area in the back that can accommodate parking that would make for a very accommodating plan if these two additions were added.

The next image Mr. Bargmann displayed is the proposed site plan. Mr. Bargmann indicated the existing Recreation Center is indicated in white on the plan and noted the two saddle bags on the plan. The first addition is on the east side of the building and second is on the west side. He noted the additions that could be done at the same time or the addition for the recreation addition could be done at a later phase. He noted these additions would provide additional programs that would be beneficial for the Recreation Center over the next twenty or thirty years. The program additions that would go into the building would serve not only seniors but also the wider population.

Mr. Bargmann presented the Ballard King Program Additions and Renovations as follows:

1. "Commercial" or Community Kitchen
2. Dedicated Lounge and Administrative Offices
3. Sectional Meeting Room (2,500 sf)
4. Meeting Room Storage (500 sf)
5. Gym Expansion with Walking Track (7,500)
6. Improve current Multi-Purpose Room
7. Adapt under used Locker Rooms

8. Convert 2<sup>nd</sup> Floor MPR into Fitness
9. Improve Lobby: common entry point for Seniors and Recreation

Mr. Bargmann then displayed the first floor plan. The middle area in blue is the existing building that would be renovated and be brought up to standard. He noted these renovations would add another 30-40 years to the life cycle of the building. On the right side of scheme is where one of the 6,500 square foot additions would added. This is the senior component that houses their administrative offices, meets and greets area, dining area, lounge area and community kitchen.

The lavender color on the plan consists of two rooms that is another 6,500 square foot addition. Mr. Bargmann noted there would be storage underneath due to the slope of the land. In addition, this area will have another multipurpose room and a kid's gym. He stated that one of the goals was to have a single entry. Due to parking the site did not accommodate that goal. Mr. Bargmann stated that putting parking and an entry for seniors would be ideal. He explained this entry point would consist of a security point, administration point and a lobby lounge area.

Mr. Bargmann then displayed a picture of a community kitchen at another center. He noted this is a commercial kitchen but is simplified so that anyone can use that range. The counter in the middle of the kitchen can be used for high school students taking cooking classes or for the Meals on Wheels program. Mr. Bargmann noted that this type of a kitchen is much more of a flexible kitchen compared to a kitchen in a typical senior center.

Mr. Bargmann stated the synergy and benefits for all comes out in the scheme for new multipurpose rooms that are very flexible and adaptable. The 4,500 square foot multipurpose room would have curtains, acoustic and lighting. In addition, the room could be used for a variety of purposes and not limited to just senior activities.

Mr. Bargmann proceeded to discuss the project on the second floor. He explained the existing area on the second floor is 32, 475 square feet. The proposed area is 43,855 square feet, with the total added being 11,380 square feet.

It was noted that one of the important things being done in the building, not senior related is to make the entry lobby more welcoming. He noted they would expand the lobby by removing the one of the multipurpose rooms so that the recreation community space is more visible. The gym could be set-up for kid's activities and set up for yoga or any number of programs. Mr. Bargmann noted the existing gym is a wonderful space that could be renovated to add additional programs.

Mr. Bargmann discussed what was left out of the plan followed by the cost summary.

**What was left out of the project and why?**

1. Gym Expansion with Walking Track (7,500 square feet)

- Insufficient site area for expansion
  - Bearing walls surrounding existing gym make expansion difficult
  - Do not want to duplicate other community offerings
  - Program opportunities exist for reaching other uses with auxiliary gym
2. Common Entry point for Senior and Rec
- Parking expansion only works at rear of existing building
  - Existing entry is remote from even existing parking

### **Cost Summary**

1. Total Project (Recreation and Senior Center Additions and Renovations)

Construction Cost	\$7.4 Million
Total Project Cost	\$9.2 Million
  
2. Recreation Addition and Renovation

Construction Cost	\$5.3 Million
Total Project Cost	\$6.6 Million
  
3. Senior Center Addition and Renovation

Construction Cost	\$5.1 Million
Total Project Cost	\$6.4 Million
  
4. Renovation Only

Construction Cost	\$2.8 Million
Total Project Cost	\$3.5 Million

Mr. Bargmann noted that the building systems require upgrade for age, lifecycle and code changes. The goal is to refurbish the infrastructure for the next 25-30 years.

Mr. Bargmann stated they think the plan meets the needs of today's vision of the needs for seniors. He noted that the KSC has a need to expand programs to meet the younger senior. In closing, Mr. Bargmann stated the proposed renovations and additions joining the KSC with the Keene Recreation Center will result in a multi-generational facility that includes retired citizens working with the afterschool programs, volunteering to organize sports leagues and providing job training and coaching.

Mr. Bohannon then invited the Keene Senior Center Director, Cameron Tease to speak before the Committee. Cameron Tease, 21 Grant Street, stated that he is proud to be the Director of the Keene Senior Center. He has been the executive director for about one year. During that time he has learned a lot about the proud history of the KSC that goes back 60 years. He noted that at least 56 of those years the KSC was located at 70 Court Street. He stated that he as well as many others love this building at Court Street and what it stands for.

He noted that space is one of the issues with the current building. Mr. Tease stated that the programs today are doing alright and they have opportunities for collaboration with the YMCA and Recreation Center. He reported they have 500 members and that half of these members are active. Mr. Tease noted that on any given day 60-80 seniors come to participate.

In looking ahead to the next ten years, Mr. Tease stated there are going to be many more seniors. He reported this number was projected to be at 30% of the population in Cheshire County, 65 and older. Mr. Tease stated they do not have the space for this anticipated increase or enough space currently. In addition, he noted that there is not enough parking. Currently, they have 22 parking spaces and the current needs are not being met. In many instances seniors will not come to the KSC because they are unable to find a parking space and do not want to deal with parking on Court Street.

Mr. Tease stated that he came into job with the Board stating that he did not needed to take a certain position on this proposal. He stated the fact is that there has been discussion dating back 20 years that proposed collocating with the City. In addition, he noted the needs and advantages of doing this have been long recognized. Mr. Tease stated that he came in telling members many of whom love the current location that want to stay there, that he was neutral. He explained that after being there this year he realizes the need for additional space and programming. Mr. Tease stated now that he has seen the concept it is so viable and exciting. He stated that he is now a supporter of this proposal. However, he stated there are a lot of details that are unknown such as how the KSC would cover the cost being an independent 501c3. Mr. Tease stated that this concept is viable and meet the needs of the future.

Mr. Tease reported the KSC has been open on Saturday's since August in order to reach out to those seniors that may be socially isolated and lonely. He asked the Committee to think about how many seniors may be alone or need a place to go.

Mr. Tease reported they are already collaborating with the Keene Community Kitchen, Keene State College, Antioch, YMCA, and Cheshire Medical Center. He believes that the idea of a community center that is multigenerational is for the whole community. In closing, Mr. Tease stated the he looks forward to continuing the process and continuing the KSC legacy.

Chair Manwaring asked for comment from the Board.

Councilor Filiault stated this is a \$9.2 million project. He asked where the revenue was projected to come from and how this is intended to be funded. Mr. Bohannon replied that the concept was to look at the need and to see if the KSC could fit and collaborate with the Recreation Center. He explained this number was presented from Mr. Bargmann's firm. He noted there was a whole other process that would need to take place. Another architect would take this concept that Mr. Bargmann has developed and draw it out. Mr. Bohannon noted that this was when hard costs would be put to this project. He continued

to explain that additional revenue would come from and increase in the program numbers, rural grants such as CPG, the KSC and the City.

Councilor Hooper stated he likes the idea of selling the idea to the community as a multigenerational facility. He stated that he thinks to sell this as a senior center it might run into more push back. Councilor Hooper stated this is a great idea and that cost would need to be looked at so works for the community as well.

Councilor Sutherland stated that he is concerned on a number of levels. First, he commented that Mr. Bohannon is on the Board for the KSC and that he finds this as a conflict of interest. He stated that is it hard to know if Mr. Bohannon's interest is with the City of Keene or KSC. Councilor Sutherland stated that he thinks Mr. Bohannon needs to resign from the KSC Board to clearly demonstrate his position as working for the City of Keene.

Secondly, Councilor Sutherland stated that the KSC is important for seniors and recognizes the need to have a more space. In addition, he noted that he understands their current building is in need of repair. Councilor Sutherland stated that he also understands the \$60/year fees for members is not something that even come close to covering the costs of adding a private organization under a City's building.

Councilor Sutherland stated that in the community, we continue to build new. He noted to look across the community at places such as the YMCA who they have not approached. He stated that he feels the YMCA is most underutilized when the KSC has most of its programming during the times of 8 AM- 3 PM. In addition, he noted that the Recreation Center is already underutilized. Councilor Sutherland stated that he is concerned about cost, timing, location and tax payers. He noted there has already been a 2 million renovation into the new expansion of a library. Councilor Sutherland then noted the library is another building that is going to be underutilized from 9AM until 2 PM. He stated that the KSC needs to consider getting more creative.

Lastly, Councilor Sutherland stated that he wanted to remind everyone that last year the City Council went through the CIP and this project not listed. He stated there was a presentation from the Director of Finance who demonstrated that by the year 2022, there will finally be decline in the debit surface. He stated that by adding this addition is kicking the can again. Councilor Sutherland acknowledged there is a growing population but thinks that people need to start getting creative. He referred to the public transportation that takes people to the YMCA and all the way down to Market Basket. He stated a need for looking at the possibility of new resources for the two entities.

Chair Manwaring welcomed public comment.

*Richard Nicoletti, resident of Stoddard 210 North Shore Road, Stoddard*-Mr. Nicoletti stated that he has an office at 81 Court Street. He stated that he is a part time instructor at the CALL program at Keene State College. Mr. Nicoletti stated there is no doubt with the concept as presented would be extremely helpful. He stated that he is also a member

KSC and there is no doubt KSC can use more services and space. Mr. Nicoletti stated the Recreation Center is clearly one of those spaces for that purpose. He said the problem is that the present concept with respect to financing is unfair to the tax payers of Keene. He stated that he wishes more attention would be put toward the potential financing of this wonderful project that has been proposed.

*Martha Curtis, 19 Carrol Street, Keene*-Ms. Curtis stated that she is a senior and also a member of the KSC. She stated this is a wonderful origination and that Mr. Tease runs an amazing program for seniors. Her family also takes advantage of the Recreation Center. She noted that Mr. Bohannon and Ms. Spaulding do a phenomenal job. She stated that she is not against either organization. Ms. Curtis stated that she sees the limitations of the KSC such as parking and size of rooms. However, she stated that she is also a tax payer and that Keene has the 3rd highest taxes in the state. She said that when she looks at the cost of a 9 million dollar project it is getting to be ridiculous. She asked how the City can focus on attracting new businesses to Keene with a high tax rate. In addition, she asked how the City could attract young people to live here. Ms. Curtis reiterated that the tax rate is ridiculous. She said if the City really wants to build something nice for the seniors they should consider not taxing them out of their homes.

With no further comment. Chair Manwaring asked for a motion.

Councilor Sutherland made the following motion, which Councilor Filiault seconded.

On a vote of 5-0, the Municipal Services, Facilities and Infrastructure move to recommend that this item be accepted as informational.

2) **DRAFT Ordinance O-2018-XX, Relating to the Purchase, Use, and Possession of Tobacco Products**

Chair Manwaring recognized the City Attorney.

The City Attorney stated that after the last series of meetings, the intent was to introduce a discussion with the proposed Ordinance with respect to the sale and possession of tobacco products. He stated they have provided this Ordinance through the Chair. He noted the Ordinance does not have an ordinance number on it yet. The City Attorney said the intention is to present and allow the Committee and other parties to comment. The Ordinance does look similar to the one that was submitted to the City of Dover and is fairly simple. The Ordinance states the increase of the possession and sale to 21 years of age and does include tobacco products and e-cigarettes vaping activity. The City staff will present alternatives from other organizations that have appeared before the Body. The City Attorney stated they did review those alternatives and have had a conversation with the Tobacco 21 group. The conversation was fruitful and the City Attorney did tell them they were going to introduce the Ordinance tonight.

The City Attorney stated the ordinance presented is a model with two major issues. First, it basically restated a lot of the material that is already in state law. Secondly, in respect



to the City Manager's comment that the Ordinance did impose more administrative tasks on the City.

The City Manager stated the Ordinance put forward by the Tobacco 21 group was hefty in terms of workload that would be placed on the City. She stated the Ordinance talked about unannounced inspections and the role of the Health and Code Department. She stated this was not something that they were necessary looking to change as the rule remained with the state. She said regarding the City of Dover Ordinance seemed to be the best route because it is already in place. In addition, she stated that it does not do a lot in terms of changing our responsibilities and duties at the City.

Chair Manwaring asked if the Chief of Police wished to comment.

Chair Manwaring asked if he wished to speak in terms of work load to police. Chief Russo stated there will be no added work load.

Councilor Sutherland asked Chief Russo if police witnessed a minor purchasing cigarettes there would be fines for the seller and buyer. Chief Russo replied that is correct. Chief Russo stated that the seller, which according to the Ordinance would not be the business owner and would be the clerk. Chief Russo explained that it still gives police the option, depending on the person's age to use state statute. He explained the state statute has a piece in there where it could be community service or an education component if available in the area. He noted the Ordinance does not specify.

Councilor Sutherland asked if under these terms what would happen if a minor was caught possessing cigarettes and chose not to pay the fine. Chief Russo replied that under the City Ordinance the action would be to bring the individual to civil court. A City ordinance is a civil issue and state statute becomes a violation of an offense.

The City Attorney stated that even though a violation is not generally viewed at the criminal level. He explained that even under the City's Ordinance and state statute a violation still goes through the circuit court on the criminal side of the house. He stated that violation level does not result in potential incarceration and are purely based on fines. Although the City Attorney stated that in this statute all this Ordinance is doing is changing the age.

The City Attorney stated that potentially the penalties under RSA 126-K flow to businesses and the individual. He said often times they will focus on the person who is doing the sale but there is the potential for the business to be liable as well. The City Attorney stated a business could lose their license if clerks are not following the direction of their employer, in regards of how they go about sales.

Councilor Sutherland stated this is more of a statement that we have the ability to raise the age above 21 in the interest of health. He then asked why not raise the age to 99. Councilor Sutherland stated that people 18-21 years of age are not dying from tobacco use and usually die much later in life. He reported that 5% of alcohol related deaths in

NH are related to drivers between the ages of 15 and 18. Councilor Sutherland then reported that 15% of deaths are caused from consuming alcohol between the ages of 18-21. He concluded by stating that this Ordinance is going to do nothing.

With no further comment from the Committee, Chair Manwaring welcomed public comment.

*Daniel Cavallero, Owner of Monadnock Vapors, 341 Court Street-* Mr. Cavallero stated that he thinks this Ordinance accomplishes absolutely nothing. He stated that the Committee has helped contribute to a black market and that police have a lot more on their hands than looking for the underground vape market. He noted that vaping does not kill people. Mr. Cavarello stated the Committee should know if they did their research. He stated that the Committee was clearly ignoring research because they are pushing an agenda for one person. Chair Manwaring asked M r. Cavarello to not personalize his statements and to state his case of why the Ordinance should not pass. He stated this is an attack on his business. Mr. Cavarello stated that he is selling his shop and opening a new store in a neighboring town.

*Kate McNally, 36 Cross Street, Marlow-* Ms. McNally stated that she works as the Program Manager for the Cheshire Coalition for Tobacco Free Communities. She stated that in regards to the Ordinance she wanted to make sure that the definition of nicotine and electronic cigarette is consistent with RSA 126-K. The reason is because some of the devices are being used with other things in them and it is important to not say specifically with nicotine. She stated the definition of an electronic cigarette is that they are a device composed with a mouth piece that provides a vapor of purred nicotine. She noted this may open door for devices to be used with other things in them.

Ms. McNally stated that she does appreciate the effort of the City. In addition, Ms. McNally referred to Ordinance language that states “No person under age 21 shall”. She stated (b) “No person or business shall” should be removed. The City Attorney noted the correction.

Ms. McNally stated that she is aware they will be following state laws and that there are certain penalties for retailers that are outlined. She asked if this violation refers to the person in possession or person selling. The City Attorney replied that it would be both. He explained that because they are incorporating the statute that incorporates all of the other definitions of the statute.

Ms. McNally commented that if the age of alcohol possession was not raised to 21 the mortality rate of drunk driving would be greater. She informed the Committee that there are efforts all around the region to make this change at the state level. In addition, she stated that by passing this Ordinance, it is sending a strong message that we really do care about our teens. Also, it decreases the ability for teens to gain access to these products in schools. Ms. McNally reported the rates of the use of electronic devices in the schools in this region are stunning.

In closing, she asked that attention is paid to the content of the Ordinance in regards to devices. She explained that she did not want the door to be open for someone to say a device does not have nicotine in it so they are not breaking the law.

The City Attorney stated that the definition comes from statute and it can be altered to an extent. He asked if her concern is that instead of stating pure nicotine is that someone may say it is an adulterated product or a product that contains nicotine plus other substances. Ms. McNally responded that it was other substances or a device that provides vapor to the user. City Attorney noted if cannabis were to become a legal substance in the state the definitional structure of what is in a vape would be difficult to enforce. Ms. McNally replied that she would agree but to limit it to nicotine you are binding the hands of anyone that wants to enforce it.

Councilor Sutherland stated in relation law the City has to follow law from state law. The City Attorney stated this is one of statutes that are seldom run across in the state of New Hampshire. He stated this statute does specifically provide the municipality with the right to be more restrictive. The City Attorney noted that this is one of the conversations he had with the Tobacco 21 Group. He explained his assessment of that right is not as broad as they would like and that the statute cannot be rewritten. The City Attorney stated they can change some definition structure with regards to e-cigarettes. He also noted that this is new territory for him. The City Attorney stated this is a smoking and tobacco related ordinance and statute in which it is based on the idea of nicotine. He noted that nicotine still needs to be in there somehow because it is the primary substance.

Councilor Sutherland appreciates the efforts of Ms. McNally. He added that the health and education are important and is equally beneficial in trying to improve the health of the population. However, he stated that he disagrees and thinks that Concord should be dealing with this issue.

Councilor Filiault stated he is content with the way the Ordinance has been written. He referred to the comments made by Mr. Cavarello about the Committee not doing their homework. He stated that he did do his homework and came prepared to vote against this Ordinance. Councilor Filiault explained that after he did his homework he realized the whole intent was going after middle school age students. He noted that this is reason why the FDA has raided many of these shops.

Councilor Filiault then referred to Mr. Cavarello's comment about moving his shop to another town. He reported that he has been speaking with other selectman from surrounding towns. Councilor Filiault reported they are waiting to see how the City of Keene moves forward with this Ordinance. He noted that this will be a domino effect.

Councilor Filiault stated that he does agree this should be handled at the state level.

Councilor Filiault reported that he was with Congresswoman Annie Kuster at Keene State College and that vaping was a hot topic. He stated that students admitted this is an epidemic on the college campus. Councilor Filiault reported that most students admitted

to vaping because they thought it was cool. With that said, Councilor Filiault stated that he fully supports the Ordinance the way it is written.

Councilor Lamoureux referred to the comment made by Mr. Cavarello in regards that there is going to be a black market system if this Ordinance is passed. He stated that it was his understanding in today's statute that if someone over the age of 18 sells to a minor that is a violation. He asked if someone over the age of 21 is selling to someone under 21 years of age, the same statute will still stay in effect and that person will be held with a violation. The City Attorney replied that is correct and is why the statute is written in manner.

Councilor Hooper stated that he wanted to agree with Councilor Filiault. He stated that he has done the homework and has decided to support this initiative. He referred to the recent FDA report that was a great form of information. Based on this report Councilor Hooper reported that this swayed him to be in support. Councilor Hooper stated that he was on fence but after the research it became a no brainer.

*David Souther, Meadow Road, Keene*-Mr. Souther asked about the definition of liquid nicotine noting that it is made from propylene nicotine. He asked if pure nicotine was made without propylene glycol under this definition it could mean that someone could sell this because of the definition. Mr. Souther asked if propylene glycol would need to be included in the definition. The City Attorney stated this was straying outside his knowledge or expertise. He explained they did adopt this definition from the statute and noted that everyone should be careful to some extent about doing lab testing of these products. However, the City Attorney noted that this is up to the Council to put in some other language. Chair Manwaring added that you can address it anyway but it is still nicotine.

*City Councilor Carl Jacobs, Ward 2*- Councilor Jacobs stated that he thinks this is another tool in the toolbox to promote public health. He stated that he does not think this is the only tool that is needed to fight this addiction of nicotine. Councilor Jacobs said he is glad there are other recovery services. He stated that the larger problem is the sale to 18-21 years old and does not want to lose sight of this problem. He stated that he is grateful for all of the efforts to help fight addiction in the community.

*Todd Silverstein, 21 Kings Lane, Keene* -Mr. Silverstein stated that he wanted to commend everyone for taking a stand to move Keene in a position to lead the State in reducing nicotine products.

The City Attorney stated that he wanted to note that propylene glycol is a substitute for ethylene glycol and propylene glycol is considered to be non-toxic antifreeze.

Chair Manwaring stated that by passing this Ordinance it is sending the message that no one can use nicotine safely.

The City Attorney stated that prior to the Committee voting on the Ordinance there are a couple of scrivener errors. He explained that when he gives the Ordinance back to the Committee it will have some small changes.

Councilor Filiault stated the rule was to allow any scrivener's errors to be changed without a committee recommendation.

Chair Manwaring asked for a motion.

Councilor Filiault made the following motion, which Councilor Lamoureux seconded.

On a vote of 4-1, the Municipal Services, Facilities and Infrastructure move to direct staff to introduce an ordinance for 1st reading relating to the purchase, use, and possession of tobacco products. Councilor Sutherland voted in opposition.

### **3) Adjournment**

Hearing no further business, Chair Manwaring adjourned the meeting at 7:19 PM.

Respectfully submitted by,  
Jennifer Clark, Minute Taker