

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, April 21, 2021

7:00 PM

**Hybrid Meeting –
Council Chambers/via Zoom**

Members Present:

Kate M. Bosley, Chair
Mitchell H. Greenwald, Vice-Chair
Philip M. Jones
Gladys Johnsen
Catherine Workman

George S. Hansel, Mayor

Staff Present:

Elizabeth A. Dragon, City Manager
Thomas P. Mullins, City Attorney
Rhett Lamb, Community Development
Director
Kürt Blomquist, Public Works Director
John Rogers, Zoning Administrator
Marti Fiske, Library Director
Med Kopczynski, Economic Development
Director
Tara Kessler, Senior Planner

Chair Bosley read a prepared statement explaining how the Emergency Order #12, pursuant to Executive Order #2020-04 issued by the Governor of New Hampshire, waives certain provisions of RSA 91-A (which regulates the operation of public body meetings) during the declared COVID-19 State of Emergency. She called the meeting to order at 7:00 PM. Roll call was conducted.

1) Darren Humphrey/Trax Club – Request to Use City Property and Serve Alcohol – Sidewalk Café

Chair Bosley asked to hear from City Staff.

Andy Bohannon, Parks, Recreation, and Facilities Director stated that staff met on site with Mr. Humphrey right after the last meeting to review his proposal. He continued that Mr. Humphrey did what was asked of him at the last meeting and met the criteria set forth. He provided a more detailed map with less tables, which would meet the codes he will be required to meet through the State and put forth those parameters related to time of use of that space. He was amenable to all of that. He worked with staff related to the setbacks on the grass area for the bike path. Given all of that, staff has before the PLD Committee tonight an agreement that could be put in place for this year.

Chair Bosley asked if there were any questions from the committee. Hearing none, she asked if members of the public had any questions or comments.

Councilor Jones stated that he believes the ordinance only pertains to sidewalk cafes on Main St. and Central Square. He asked if they need to change an ordinance in order to allow this [request from Mr. Humphrey].

City Attorney Tom Mullins replied that it is true that this does not fall within the Sidewalk Café parameters because it is on Railroad Square. He continued that the City Council adopted a Resolution several years ago that allows this kind of activity to occur within parameters on Railroad Square. Chair Bosley asked if the City Attorney is saying they are covered. The City Attorney replied yes, the Resolution covers it.

Councilor Greenwald made the following motion, which was seconded by Councilor Jones.

Move to recommend that the Trax Club be granted permission to place 6 tables and 36 chairs on City property adjacent to Railroad Square in conjunction with a sidewalk café license and that they be permitted to serve alcoholic beverages subject to submittal of a copy of their State of NH Liquor License. This permission is subject to the following: licensee agrees to place a smoking waste receptacle in the café area to minimize litter; licensee shall maintain the property and return it to its original state at the expiration of the license with staff reviewing the condition of the area at the end of the season to determine any needed maintenance; and that the licensee agrees to remove the tables and chairs when Railroad Square is utilized by any community event licensed by the City Council or any event scheduled through the Parks and Recreation Department. Further that this permission is subject to the execution of a revocable license and indemnification agreement and receipt of a certificate of liability insurance in the minimum amount of \$1,000,000 listing the City of Keene as an additional insured. Said license shall expire March 1, 2022.

City Manager Elizabeth Dragon stated that there is a restriction on the time of day for the operation of this café license. She continued that it is different during the week versus on the weekend. She does not have the times in front of her, but it should be added to the motion.

Mr. Bohannon stated that said use is permitted Monday through Wednesday from 4:00 PM to 8:30 PM and Thursday through Sunday from 12:00 PM to 8:30 PM. Councilor Greenwald stated that he will include that in the motion he made. He asked if Councilor Jones is agreeable. Councilor Jones replied yes.

Chair Bosley asked if there were any further questions from the committee. Hearing none, she asked if members of the public had any questions. Hearing none, she called for a vote. The motion passed with a unanimous vote of 5-0.

2) Brewbakers Café – Request to Serve Alcohol on City Property – Sidewalk Café

Chair Bosley asked to hear from Mr. Murphy.

Jeff Murphy stated that he submitted Brewbakers' Sidewalk Café License request to the City Clerk's Office. He continued that last year Brewbakers had outdoor seating toward the end of the season and because there was only a month or so left of palatable weather, they did not have the alcohol aspect. Upon setting the new furniture out this year he set up areas around all of the

tables and chairs outside in accordance to the Liquor Commission and was able to get permission granted through the Liquor Commission. He submitted his Café License to the City with the letter, insurance, and all proper documentation. They were granted temporary approval until this meeting.

Chair Bosley asked to hear from City staff.

Kürt Blomquist, Public Works Director stated that as Mr. Murphy said, Brewbakers has submitted all the proper paperwork. He continued that City Council policy has been any time a first-time liquor permission on the City rights-of-way through the café it comes before the City Council. Once the City Council approves this, in the future, they proceed administratively per the City Council's guidance. Everything seems to be in order, with some finalizing done through John Rogers, and the Community Development Department and the Public Works Department will work with him if there are any issues with the sidewalk café. They are excited to have Mr. Murphy there as a new member of Emerald St. Staff recommends approving this.

Chair Bosley asked if there were any questions from the committee.

Councilor Greenwald stated that as an owner of a property that directly abuts Brewbakers, he fully approves of and encourages this. Brewbakers has a great operation.

Chair Bosley asked if members of the public had any questions. Hearing none, she asked for a motion.

Councilor Greenwald made the following motion, which was seconded by Councilor Jones.

Move to recommend that the City Council grant permission to Brewbakers Café to serve alcoholic beverages in connection with their Sidewalk Café License, subject to the following conditions: compliance with the requirements of Sections 46-1191 through 46-1196 of the City Code, the furnishing of a certificate of liability insurance in the amount of \$1,000,000 naming the City of Keene as an additional insured, and the furnishing of a copy of their current State of New Hampshire liquor license. This license shall expire on March 1, 2022.

Councilor Greenwald asked if this motion needs to have time limits stated as well. The City Attorney replied that there were not any time limits specifically proposed for this location because of the differences in the locations. The location on Railroad Square was fairly close to some residential areas. This is a question more for the City Manager or Public Works Director.

Chair Bosley asked if there were any further questions from the committee or public. Hearing none, she called for a vote. The motion passed with a unanimous vote of 5-0.

3) Danya Landis/Machina Arts – Requesting Permission to Erect a Parklet in Parallel Parking Spaces – Outdoor Dining

Chair Bosley asked to hear from Danya Landis.

Danya Landis stated that she is co-founder and partner of Machina Kitchen and ArtBar and her husband Walker Landis is with her, speaking on behalf of Landis Carpentry and will reply to any building-related questions. She continued that they are asking for a Patio Permit that will allow

them to serve alcohol as well build a parklet in three parking spots in the front of their space on 9 Court St. A parklet is a concept that has been utilized in many cities, big and small, throughout the country. They allow restaurants that are in tight spots the opportunity to expand into parking spots parallel to the building. They have also been used to add green space or benches in urban areas. Parklets usually have a deck built flush to the curb or sidewalk and walls that surround it, which make the space feel like an intimate dining experience. During the pandemic, outdoor seating has been pivotal for the vitality of the industry. They were lucky that the City acted so quickly to help them find a temporary solution last season and this season so they could provide this to customers. She does not know where they would be today if they had not had that, so she thanks the City.

Ms. Landis continued that as restrictions loosen, people are still going to be in favor of outdoor dining, so it is imperative to Machina Kitchen and ArtBar's health that they offer this. They are in a unique situation. The sidewalk is narrow and has trees and poles that make it challenging for them to put tables against the building without blocking public walking space. With the tables up against parking spots like they are now, they need the spots to be unused by cars, because if folks parked in those spots they would hit their car doors onto the tables. They believe that building a parklet is the solution. Since they already require parking spots, why not use them? Currently they are using four parking spots and they have a temporary permit through the Emergency Order. They would like to have a long-term permit that allows them to serve alcohol as well as use three parking spots to build this seasonal parklet.

Ms. Landis continued that they would build a wooden deck that would be flush to the curb and a fence that sits on nine inches of heavy pressure-treated wood. The fence would extend four feet high and the posts would extend eight feet. They would be dressed with LED lighting, surrounding the nine tables. They plan to use heavy cement planters outside the end facing Main St. but they are open to other suggestions and ideas from City staff and Councilors. This structure would be built and taken down and put up each season. They know this is a new concept for Keene and they are grateful for the outreach and support they have received from the City staff, City Council, and Mayor. They are looking forward to investing in making Keene an even more vibrant place to live and thrive.

Chair Bosley thanked Ms. Landis and asked to hear from Mr. Blomquist.

Mr. Blomquist stated that City staff are looking forward to working with Ms. Landis. He continued that the parklet concept has also been on other business's minds throughout the downtown. As he mentioned to Ms. Landis earlier today, she is sort of the "firstborn child" so the City gets to learn with her as they work through this process. Staff recommends that this topic go on more time, because they need to work through a few issues. One of the primary issues is safety, because as Ms. Landis indicated, this is on the edge of the travel way on Court St., both north- and south-bound, so they will need to work through to see who is going to be providing the barriers to protect the patrons from any errant vehicle on Court St. But City staff are looking forward to doing this and the City Manager and Med Kopczynski, Economic

Development Director, are also excited, because this will add another flavor potentially for the downtown and other areas.

Chair Bosley stated that part of the request included a request to serve alcohol. She asked the City Manager if the current, temporary license allows them to serve alcohol. The City Manager replied yes, they are currently eligible to serve alcohol; however, they will need to go through this process so that it will just become administrative in the future. She approved a temporary license for them for this year, for the entire season, but next year hopefully we will not be under an Emergency Order and they will need their official permit.

Chair Bosley asked if there were any questions from the committee. Councilor Jones stated that as he told Ms. Landis during his phone call with her, he thinks there is a set price for leasing parking spaces. He continued that he does not know what it is. But he thinks that would be part of the issue of the permit and asked if that is correct.

The City Manager replied that she does not know off the top of her head, but that is one of the things they will have to talk through. That is typically something any vendor pays for is use of the parking space during the time that it is in use. She continued that Ms. Landis and Mr. Blomquist did a great job explaining, and she is very excited about this. It is a new concept and will take staff a bit of work to figure it all out so they can make sure that Machina Kitchen and ArtBar is able to operate and that people are safe, but it is exciting that Ms. Landis is bringing forward this idea and she thinks others will be interested as well. Staff just wants to go through the process appropriately and bring forward some recommendations for the PLD Committee.

Chair Bosley replied that she thinks that is accurate; they are sort of paving the way with this new concept and it is important to do it properly.

Councilor Greenwald stated that he has on file a statement of conflict of interest. He continued that there are many issues that involve the Central Square block in which The Stage restaurant is located. He is the property manager and he knows the owner of the property has some questions and issues that she wants to voice. He will be speaking as a member of the public and not voting on this issue, when this comes off of more time.

Councilor Jones stated that when he was talking with Ms. Landis he told her he saw a beautiful way parklets are done in Plattsburgh, NY and was going to send her some photos, which he is still looking for. He continued that he will get those to her as soon as he finds them.

Councilor Workman stated that she knows they are looking for a long-term Patio Permit, but currently, through the State of Emergency, those parking spots are currently not permissible for parking anyway, correct? Mr. Blomquist replied that is correct. The City Manager replied that they are currently blocked but they are not utilized for seating.

Councilor Johnsen stated that she had a good visit today with Ms. Landis and was excited to hear about what she is planning, and she looks forward to seeing these kinds of things happen in our little city to help Keene's small businesses get back on the road. She continued that she looks forward to this coming back for a vote next time and she certainly supports it.

Chair Bosley stated that she thanks Ms. Landis for submitting the drawings and images, because that was very helpful in visualizing what she is asking from the City. She continued that again, this could be something they see other businesses following suit with, so it is exciting.

Chair Bosley asked if members of the public had any questions. Hearing none, she asked for a motion.

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

On a vote of 4-0, the Planning, Licenses, and Development Committee placed the request from Machina Arts for the erection of a parklet in the parallel parking spaces in front of their establishment on more time to allow further review by City staff. Councilor Greenwald abstained.

4) Concerned Citizens of Cheshire County – Efficacy of Face Coverings

Chair Bosley stated that there are two items on the agenda that are very closely related. She continued that with 4) there are Concerned Citizens who want to speak to the PLD Committee about face coverings. She will withhold public comment on 4) because they will be opening this up to a broader discussion when they address the topic of the Keene Mask Ordinance on 5). However, this is the opportunity for the people who sent the letter to speak. She asked to hear from Rebecca Montrone, Johanna Laurie, and John-Michael Dumais.

Rebecca Montrone stated that she, Ms. Laurie, and Mr. Dumais sent a letter that says:

"It has been over a year since pandemic restrictions began, and is now going on 9 months or more of local and state restrictions, including mask-wearing.

Many other states and localities have suspended such restrictions, recognizing that the pandemic projections as well as the efficacy of restrictions were both wildly overstated and the dangers of such measures were overlooked.

As Keene City Council reconsiders its policies regarding the pandemic, we would like the opportunity to present before the Council for about 15 minutes, preferably in a public forum, to discuss the often-ignored science and the city's policy going forward."

Ms. Montrone stated that she would like to give Mr. Dumais an opportunity to speak about the

data and the things that the three of them feel support the safety of reopening as soon as possible.

Mr. Dumais asked if it is okay for him to show a few slides. Chair Bosley replied that she believes he spoke with City staff earlier and that was permissible. The City Attorney asked if Mr. Dumais plans on showing anything that is copyrighted. Mr. Dumais replied no.

Mr. Dumais showed a graph and stated that they continue to see this kind of trend from areas where people are wearing masks versus areas where people are not wearing masks. He can show state after state, country after country, where the masks mandates were applied and did not have any effect on the transmission of the virus. Many people know the virus is a very small particle that can go through cloth. Masks available for sale say on the side of the box: "Will not protect you against COVID-19." (On the screen) is an example of Illinois, Minnesota, and Wisconsin, all of which had mask mandates and all of which saw similar types of rises and falls, based on the incidence of the virus moving through.

Mr. Dumais continued that everyone extolled the virtues of Japan and its 97% compliance rate for mask-wearing. Early on it seemed like we should all do that, but regardless of Japan's compliance rates, around December there was still a progression of the virus, which does not seem to care about masks at all. Sweden did not enforce mask mandates. There was a small amount of social distancing that people observed, but people were allowed to take care of themselves. They were widely criticized for doing so. We did not know at the beginning what would work, so some of that criticism was justified, but as time has gone on Sweden's curves have been similar to others' curves. A lot of this also seems to be related to how much death there was the previous year from respiratory diseases. In places where the deaths were light in 2019 they seemed to have extra in 2020 and vice versa. If they had a lot in 2019 their blip in 2020 was not much. In the case of the Czech Republic with great mask compliance - again, extolled as the virtue of how it should be done, in the press - it really did not make a difference. They ended up having a fairly large ingress of the virus because the virus does not respect cloth masks or geography. In NH we did pretty well, although not quite as well in the nursing homes.

Mr. Dumais stated that with his last slide he wanted to show some variation between states that did not have any mask mandate, versus states that have mask mandates that have not been lifted, versus states that have lifted the mask mandates. He continued that what he is showing with this graph is that the virus does not respect masks. The curves of these states are almost identical once the data from Johns Hopkins is considered. He encourages people to read the research that is available. It is unfortunately not what is being discussed on the mainstream media. On May 20, 2020, the CDC published a study of all the available evidence around mask-wearing for flu transmission, which is similar size and transmission type as SARS-CoV-2, and did not find support for mask-wearing for healthy people in community settings. Two large studies that came out more recently, one a meta-study in the Journal of American Medical Association looking at 54 different studies of asymptomatic transmission, only found a .7% risk from asymptomatic transmission, saying asymptomatic people are not the way this virus is being transmitted. Prior to 2020, people who were "asymptomatic" were called "healthy people." There was a study in

the Journal of Nature in China that studied 10 million people and found zero evidence of asymptomatic transmission. On June 5, the WHO announced it had no direct evidence that masking healthy people prevents SARS-CoV-2 infection. Lastly, on December 1, the WHO admitted there was limited and inconsistent evidence for mask wearing. He is happy to share the primary references with anyone who wants them. Denmark ran the only large, randomized, controlled trial of SARS-CoV-2 and found that there was no statistically significant advantage for mask-wearers. They could not even find a place to publish this because it had become so politicized.

Mr. Dumais continued that he wants people know that it is safe to be alive, safe to breathe the air, and there are lots of nutrients and treatments that have been available and many of them have been suppressed or censored, and those are coming to light now. He encourages the City Council to consider all of the evidence that is available, and if they do decide to lift the mandate, the community needs to have conversations about reducing the levels of fear. He knows that the perception of the risk from SARS-CoV-2 has been out of proportion to the actual risk. Bill Barr's program revealed that about 50% of Democrats thought that if you got SARS-CoV-2 you would be in the hospital. The perception of the risk is not in line with the actual risk. There is a 99.8% survival rate in the worst areas of the world hit by SARS-CoV-2, and other areas that have access to things like hydroxychloroquine over the counter, like Africa, have miniscule impact from SARS-CoV-2.

Chair Bosley thanked Mr. Dumais and asked if Johanna Laurie wanted to add anything.

Ms. Laurie stated that she wanted to speak about the effects on the elderly and children, which concerns her, because she is a 79-year-old Keene resident and has five grandchildren, three in school. She continued that what worries her is that elderly people on the whole have difficulty breathing. Whether they are sick or well, they have restricted nasal passages, reduced heart function, and slower blood circulation. She and everyone she has talked to her age has a lot of trouble with masks, because they need to breathe. They need all the air they can get. She feels sorry for people struggling to breathe behind a mask and knows that hypoxia and a lack of oxygen increases CO₂ in the body. In the short-term there is dizziness and drowsiness, headache, and fatigue. In the longer-term there are more immune problems and a greater risk of infection. This affects people when they have to breathe in their own germs all the time. Social effects for elderly people are anxiety, isolation, depression, and likely, earlier demise.

Ms. Laurie stated that two of her school-age grandchildren have been home for most of the school year and are not going back to school. Her other grandchild has been wearing a mask all the time. A world-renowned German neurologist who talks about the problems for children says that the human brain, being as sensitive as it is, has certain neurons that cannot survive if they are without oxygen for three minutes. This neurologist says that if you have chronic oxygen deprivation, which you see in children who have to go to school with masks on all day long, you get used to it but your breathing is undersupplied with oxygen and if that continues to progress it will eventually cause neural dysfunction and brain damage. Neurodegenerative diseases take

years to develop, but when you wear masks, something is happening there, which will turn up later and give you lots of problems. The neurologist also says that when neurological development is impaired, you cannot replace it. Those neurons will not redevelop. Down the road, you are looking at more dementia, and generations that will not have proper brain function. The neurologist says that for children and adolescents, masks are an absolute no-no. She was begging the German public to stop wearing masks.

Chair Bosley thanked Ms. Laurie, Mr. Dumais, and Ms. Montrone. She continued that it was very timely to receive their letter at a time when the State recently changed its policy and the City Council was wanting to reconsider the Mask Ordinance. She asked if the committee had any questions for the three.

Councilor Johnsen asked if the City Attorney had anything to add to the conversation at this time. The City Attorney replied no, other than this is a debate that is going on within the country and clearly within Keene and there are competing aspects to this and studies to this. You can find on the internet sites that say it is not true and competing sites that say it is true. He has his own opinion but it is really a policy decision at this point for the City Council to follow up on.

Councilor Greenwald made the following motion, which was seconded by Councilor Jones.

On a vote of 5-0, the Planning, Licenses, and Development Committee accepted the communication from the Concerned Citizens of Cheshire County on the efficacy of face coverings as informational.

5) Discussion: Keene Ordinance – Wearing of Face Coverings

Chair Bosley stated that this is the discussion on the Wearing of Face Coverings Ordinance in the City of Keene. She continued that they will begin by hearing from John Rogers, Keene's Department of Health Director.

Mr. Rogers stated that certainly, masks are not 100% preventive of transmitting or contracting this virus, but along with the masks, vaccines, social distancing, and hand-washing are some of the most effective ways to try and end this pandemic. Face coverings help prevent the spread of COVID-19 in a couple of ways. He continued that first, face coverings help prevent infectious individuals from spreading the respiratory droplets, and second, face coverings can help, probably at a much lower percentage, as a barrier by preventing respiratory droplets from entering the wearer's nose and mouth. As the Health Officer, he has some concerns with the Governor's mask mandate not being renewed last week, along with the Governor's statement that the current re-opening guidelines that are in place for many businesses will be removed May 7. By removing this, it removes a lot of other tools that they have, as far as the social distancing. These will be replaced with just a universal guideline and they will only contain recommendations for protocol. This will remove three out of four of the main tools the City has to try and combat this virus.

Mr. Rogers stated that last week, between April 14 to 20, there were an average of 360 cases per day [in the state], which is an 18% decrease from the week before. That trend seems to be continuing with only 280 new cases reported yesterday. That being said, with an incubation period of 2 to 14 days for the virus, we really do not know what the effect will be of the Governor ending the mask mandate and what effect that will have on the positivity rate for another week and a half.

Mr. Rogers continued that while NH is at the top of the list for the number of people who have received their first shot, about 50%, much of the state's younger population is still really low on the percentage. They are in a later phase of the vaccine roll-out. According to John Hopkins Medicine, the younger population might not be as high of a risk from the virus or hospitalization or death, but they can still develop severe and long-lasting symptoms, particularly if they have underlying health issues, and can most certainly transmit the virus to others. Many of the students currently in town attending Keene State College (KSC) are from out of state and had not been able to register for the vaccine until this past Monday. With the Johnson & Johnson vaccine on hold this means that the earliest they would be considered fully vaccinated would be the end of May. Many of the younger population work within the city's service industry, such as retail, restaurants, bars, schools, and childcare. They are at much higher risk of exposure dealing with the public in those different sectors.

Mr. Rogers continued that without a Mask Ordinance with our reopening guidelines in place we certainly would be putting many of our local businesses at risk. We have all seen the different businesses that have had to close for weeks due to an employee testing positive and other employees being considered close contacts and having to go into self-isolation to help prevent the spread of this virus. Another change that is the local SAU will be having students back in classrooms starting next week. While citizens, local businesses, KSC, the school system, the hospital, and the local health network in the city have been doing the best job possible during this difficult time, we need to continue to use the best practices possible to help end this pandemic and wearing masks is a large part of that effort. As the City's Health Official he recommends that this current Mask Ordinance stay in place until June 1, especially with all these other changes that are happening.

Chair Bosley asked to hear from Melinda Treadwell.

Melinda Treadwell, KSC President, stated that she has slides to show, with data to help the PLD Committee. The City Attorney asked if she will be showing any slides of copyrighted material. Dr. Treadwell replied no.

Dr. Treadwell stated that she offers her thanks and appreciation to the City, to the downtown merchants, employers of KSC students, and to the entire community. KSC's goal was to open the college, knowing they would increase the city's population about 10%, and to operate fully and get back to economic vitality, without compromising the public health of the city. She

believes they have done a remarkable job through partnership together, to get through the months that we have gotten through. She thanks the community for the support the college has felt.

Dr. Treadwell continued that she has some information to share that hopefully will inform the PLD Committee's deliberations. She opens with a request, consistent with what was just offered by the lead Public Health professional for the City: that the City Council maintain the current ordinance through June 1. KSC was surprised by the Governor's announcement to move to reopening the state. KSC delayed their opening for the spring semester by approximately three weeks to allow the peak incidents in the January timeframe to pass, so their semester will not end until late May. The University of New Hampshire (UNH) and Plymouth State will be ending in the first week of May; they both have had operational interruptions this spring. KSC has not had those operational interruptions. Not only has the college been able to perform with full business operations but they are seeing high success and high economic performance at the downtown restaurants during this past month. Thus, they ask that the City consider extending the Mask Ordinance through June 1. There are a number of concurrent situations that would encourage the continuation of the mask use and the distancing requirements.

Dr. Treadwell continued that she will speak specifically about KSC's experiences this year. KSC has conducted approximately 100,000 COVID-19 tests. They are doing weekly surveillance of 97% of KSC's population and conducting wastewater screenings, so they have a robust data set and they have an active response tracking system, so they know quite a bit about disease transmission at the college over the past full year. In those 100,000 tests what they are aware of is that their stringent mask use requirement at all times on campus and the distancing spacing requirements in the classrooms has meant that they have no documented cases of transfer within the campus community where they are adhering to these requirements. Where they are seeing transmissions from students to other students, from staff from their family members predominantly, is when they are in environments at home without mask usage and exposed to a positive COVID-19 case or in environments where the masks are off and people are speaking loudly, such as apartment-style living. When KSC is working through their response tracing, if masks are not in use, and there is an individual with COVID-19, they are seeing a 25-50% increase in transfer to individuals who are not wearing masks in those spaces. The mask usage, as a source control method, has made a tremendous difference.

Dr. Treadwell continued that her research was originally in particulate toxicology which is why she has been asked to be part of the COVID-19 Planning Team for the system, and what they do know within the scientific community is multi-layered masks or tight-fitting surgical masks do provide protection for airborne droplets of 10 microns and above and the protection factor can range from 50-80% to block droplets from an individual who may be carrying or infected with COVID-19 from transmitting. She thinks that is where they are seeing the reduction in the potential transfer when students are wearing masks on campus. They are not seeing, as they look through the data and are working with their population, impacts on oxygen levels throughout the days of using masks, and that includes the more senior faculty as well. Although these are not concerns with the style of multi-layer or surgical-style masks they can get up to 80% protection

and they are seeing it having a very positive impact on controlling transmission in the campus population, and they are not seeing impacts on oxygen rates or health in anyone who has been wearing masks during the past year.

Dr. Treadwell continued that as Mr. Rogers has stated, vaccine rates at this point are not reaching a level where they can relax their transmission control, which is the use of masks and spacing. The college and City have done an exceptional job. She has data to show what KSC's case rates have looked like. She provided testimony when the City Council was considering this ordinance in the fall. KSC students share the Main St. and work in Keene restaurants and in downtown merchants. KSC students are very concerned that they have made it this far through the year, and if they are in a quarantine or isolation protocol they will not be able to complete the semester. KSC may have an interruption in its operations, and students are concerned with making it through what is the end of a very long year with lots of requirements if we begin to have mixed standards, some on campus and some downtown. Thus, part of her request is to help support consistency in the types of requirements they are asking of the students, whether they are on campus or on Main St. or workplaces downtown. To this point, KSC has not had an interruption to its operations. They have been able to function. Even with the Mask Ordinance and the requirements they have seen economic vitality and the ability for them to persist during a pandemic, and she is proud of that, and proud of the city for it.

Showing a slide of KSC's COVID-19 data review, Dr. Treadwell continued that since July of 2020 there have been a total of 271 cases at KSC. Compared to the number of cases at UNH and Plymouth State, KSC has done exceptionally well, and that is because they have worked well with the City and have had a consistency of requirements and the students have leaned in and done what has been asked of them. KSC's positivity rate has been low even though they have seen increases in the community transmission rate around them. They plot on their dashboard that is published each week, and these are the data going back to February 15, just prior to their opening. These are the case rates between the county, the city, and the college, and these data reflect case counts up through last week. They will plot new data for this week. They are starting to see an increase in both the city and continued increase at the county level right now. These are known, new positive cases. We are not at a level where case rates are dropping and mitigation methods like masks and distancing can be relaxed.

She showed slides of the wastewater data, from approximately February 8 to the most recent sampling on April 7. She continued that they are working in partnership with the City to sample an air shed that brings up some of the congregate living, elder care facilities, and the college, as well as the baseline well in the city. What these data show are actual COVID mRNA counts in the wastewater. High wastewater counts tend to precede case counts in the city. People shed virus in their waste prior to actually being able to test positive and KSC is seeing high levels of continuing wastewater levels of COVID-19, which again emphasizes that we are not through even a plateauing of case counts yet.

Dr. Treadwell showed the operational dashboard for KSC, published on a daily and weekly basis. She continued that they are operating red, green, and yellow and they have a series of metrics both at the State and County level. KSC this week tripped into yellow for wastewater and red for the City of Keene and Cheshire County for the number of cases. They are approaching a level where the case count increase may actually result in some operational interruption at KSC. The campus has been operating at green or yellow. They typically see between 10-16 cases a week. This week they are up to 20. These case counts show that we are on the edge. Her hope is that the college can complete its semester and students present no risk; that has been her promise to the city. She implores the PLD Committee to consider extending the precaution that has been afforded with the Mask Ordinance and the physical distancing requirements for at least one more month as we move into June, so the semester can be completed and the students can have consistent experiences and the city will see where the virus goes in the next few weeks. We are not through at this point.

Chair Bosley thanked Dr. Treadwell for collecting and sharing that information. She asked if the committee had any questions.

Councilor Workman stated that she agreed with everything Mr. Rogers said about the variables he is concerned about, specifically about May and children returning classrooms full time and the industry-specific guidelines changing to universal recommendations as of May 7. She continued that her question is how the June 1 date was determined, because her only additional concern that she did not hear Mr. Rogers mention is Memorial Day Weekend. She would like the date to be mid-June to accommodate for any potential increase in positive cases as a result of the Memorial Day gatherings.

Mr. Rogers replied that June 1 was sort of chosen based on the vaccines. The State of NH has done an outstanding job, being first with the percentage of the population that has had at least their first shot, and based off of that, right around the end of May or beginning of June the percentage rates (for vaccinations) should be pretty high and that is why they initially picked June 1. But he agrees with Councilor Workman's concern about Memorial Day weekend possibly being a high-transmission time.

Chair Bosley asked the City Manager to go over the data presented to the City Council last week, regarding Dr. Caruso's opinion about herd immunity in Cheshire County and vaccinations happening at Krif Rd.

The City Manager replied that Dr. Caruso talked about how the vaccination rate at Krif Rd. is a good measure in regards to this ordinance and other protective measures in the community. She continued that Dr. Caruso shared that that site is serving about 100,000 people. It is serving Cheshire County and a few other communities and reaching between 60-80%, Dr. Caruso felt, would be reaching herd immunity for our region. At this time they have administered about 50,000 vaccines, but that is one vaccine. There are probably about 25,000 people fully vaccinated with two shots from Krif Rd. In addition, pharmacies and other places like nursing

homes and long-term care facilities have administered vaccines, so that is at least another 6,000 people at this time. That is about 31,000 people who have been vaccinated. She talked with Cheshire Medical Center's representative Tricia Zahn, and they are administering about 1,000 shots per day on average and sometimes reaching 1,900 shots in a day. They are open seven days a week. Every week the State puts out a call for municipalities and during that call they indicated that the Krif Rd. site would likely be looking to close down or pull back at the end of May because at that time they believe everyone will have had an opportunity to receive both their first and second shots. That is how City staff came to the conclusion of June 1 being a good point at which people will have had the opportunity to be fully vaccinated to get close to herd immunity. That, and in addition the graduation at KSC being later in the month of May. That was the information they used to come up with the June 1 date. In addition, they learned today that soon children will be offered the vaccine and that is another reason why they will be moving to hospitals and primary care physicians to provide the vaccine for children. The City is asking to be kept updated weekly, regarding the percentage of people being vaccinated in the region, and she would be happy to report that out to the City Council.

Councilor Jones asked Dr. Treadwell if KSC has found any cases of the African or Brazilian COVID-19 variants. Dr. Treadwell replied that UNH has been conducting phenotyping of the variant mix within their positive samples and they are seeing a strong emergence of the UK variant at this point. They have, to her knowledge, not seen the Brazilian variant. KSC has been sampling and phenotyping the septic waste stream samples and they have not seen the UK or Brazilian variant yet. The State is also tracking and phenotyping and they are seeing some incidence of the UK variant at the statewide level and are beginning to see, they believe, some emergence of the Brazilian variant in neighboring states and some concern that NH will start to pick that up soon. UNH has seen the UK variant and approximately 14 or 15 other variants that have been moving, as you watch the genetic phenotyping of the positive samples.

Councilor Greenwald asked the City Attorney: what is the timetable and process for the potential rescinding of a City Ordinance? The City Attorney replied that if the committee votes on it this evening, staff suggests that the committee recommend to the City Council that the Mask Ordinance in place be repealed as of a date certain. The next cycle will be early May, because this is a month with a fifth week. Staff would submit it to the City Council if the committee recommendation happens. Depending on how the City Council wants to proceed, and the City Manager, they could potentially submit it for a first read at the first City Council meeting in May. It would have an effective date, unlike most of the ordinances, which are effective upon passage. The repeal would be effective at whatever that date is that the committee recommends, if the committee does make that recommendation and if it is accepted by the City Council.

Councilor Greenwald asked if there is a second reading with this. The City Attorney replied yes, there is always a second reading. Councilor Greenwald replied that in that case, even if they did want to push this forward, they would not be rescinding prior to June 1 anyway. The City Attorney replied that it would be the end of May. Chair Bosley stated that it looks like the earliest date would be May 20. The City Attorney replied that if they did it direct, which they

have sometimes done in the past, and submit it on May 6, then it would go back to the committee on May 12 and act on May 20. Councilor Greenwald stated that he is not saying that is what he wants to do, but he wants to make it clear to the public that even if they decide that masks are yesterday's news, it still is going be deep into May when the ordinance is repealed, and by that time, the Emergency Order might be over. He asked if anyone knows when that will end. The City Manager replied that in the Governor's last press conference he stated that he intends to the Emergency Order in place until the end of the year for other reasons, related to use of resources and access to funds.

Councilor Greenwald stated that his thoughts on the Mask Ordinance are: he is not sure what the philosophical reasoning is, but if wearing a mask works, it is a good thing. If not wearing mask is a bad thing, or if not wearing a mask does not make a difference anyway, it strikes him that continuing the Mask Ordinance basically does no harm. His opinion is that they should continue it until the science says that there is enough herd immunity makes it reasonable to not wear masks. If someone does not want to wear a mask, they are not wearing a mask. If a business wants to require their patrons to wear masks, at least the City Council would be giving them some backup to be able to say "If you want to do business the City wants you wear a mask." If a business does not want to enforce the Mask Ordinance they are not doing it anyway. Thus, he thinks the City Council should continue the Mask Ordinance and he is not in favor of an early repeal. He hopes that the science catches up with all of the inoculations and all the hand-washing and everything else. We are so close to the finish line. It feels short-sighted to pull the plug prematurely. Also, the logic coming from Dr. Treadwell could not be expressed better. They need to support KSC, if nothing else, and keep the Mask Ordinance in place.

Councilor Jones stated that he wants to speak as well but will wait until after hearing public input, because something might change his mind.

Chair Bosley asked if any other committee members would like to speak at this time. Hearing none, she asked for public comment. She explained the procedures for participation.

Tiffany Matthews of 85 Nims Rd. stated that she is a Health Educator at KSC and suggests that the City keep the Mask Ordinance until the end of June when schools are out and more people who live or work in Keene are fully vaccinated. She continued that the City Manager was talking about numbers and data in regards to how many people have been vaccinated and the numbers they are seeing at Krif Rd. She wants everyone to remember that NH residents have been able to go or required to go all over the state to get their first or second vaccine. On Monday the State opened it up to people age 16 or over, regardless of residency, to get their first shot. Also, there has been a delay in the Johnson & Johnson supply. Thus, she hopes they keep the Mask Ordinance.

Marie Duggan of 330 Hurricane Rd. stated that she has two children in the public schools, ages 14 and 18. She continued that she has learned this year that no matter how hard she tries, she cannot protect her family by herself. She needs the community to make rules that will protect

her family. She believes that when we wear masks, we protect our neighbors. She loves all of her neighbors. She has many students who did not believe in the masks and many of them had parents get very ill last March. She teaches many students from Connecticut and New Jersey, and they did not realize the virus could actually harm their loved ones, and it really did. She has students whose parents died. She thinks we need to take the virus seriously. She would feel disappointed if she was asked to send her 14-year-old into school without a solid Mask Ordinance. She has read that it is safe to send children to school in the pandemic, as long as there is a really solid line on masks. If the whole community agrees to wear masks and to teach children to do that, then we can pull it off. But if we do not, and are wishy-washy and say, "Well, I don't think so; I won't cover my nose," then of course her child will not be protected no matter how hard she tries.

Ms. Duggan continued that her partner is a vendor at a local farmer's market and her 14-year-old runs the stand in the summer. It was very hard last year for her to have to tell people to put a mask on. It is a much easier for a person who is selling something to just be kind to the customer and have the City Councilors tell everyone that they have to wear a mask. Then her 14-year-old would not be put in the position of having to confront people twice her age and twice her size. She has also seen this with some of her neighbors who run small businesses. For example, a store was filling up with ten people from out of state and you could feel the owners getting nervous when people took off the masks. Her wish is for people to fight this together. She had to learn to teach students through the little screen, and that was really hard. Wearing a mask is actually not so hard, and everyone around her has learned to do it. Sure, people gripe about it, herself included, but we can do it, and we should keep the Mask Ordinance in place until schools are out and until 70% of the local population is vaccinated.

Natasha Athens, of Keene, stated that she believes the problem is an attempted power theft from City staff and Keene State staff as they try to dictate for the whole state what is good for everyone. She continued that they do not seem to care about the loss of business and people's rights. She believes that if you give government a reason to create an emergency they always are going to, to steal freedom and power. Businesses should sell customers their items and let them proceed on their way, instead of telling their customers what to do. Businesses and schools are not allowed to discriminate. Ms. Athens continued that she believes the government is never going to end the mask mandate and that no one on the City Council is actually considering anything for the rights and freedoms of businesses and people. She was heartbroken to hear a health professional talk about how (masks cause the) suppression of oxygen over the long term, when (the Mask Ordinance) has been in place for over a year. She is looking for the City Council to rescind the Mask Ordinance and leave it up to choice, like it always should have been.

John-Michael Dumais of 10 Foster St. asked if he could direct a question to Dr. Treadwell. Chair Bosley replied yes. Mr. Dumais asked how cases are being determined.

Dr. Treadwell replied that KSC does weekly surveillance in partnership with Cheshire Medical Center and they are working with The Broad Institute, an affiliate of MIT. The confirmatory test is the RT-PCR test that has been used for COVID-19 detection.

Mr. Dumais asked if she knows the cycle threshold being used for that test. Dr. Treadwell replied that she does not know the cycle threshold, but they evaluated the three vendors they looked at and in the RT-PCR methodology they looked at the sensitivity and the false positive rates.

Mr. Dumais asked if there is clinical confirmation of illness when the tests are being done, in order for KSC to count them as cases. Dr. Treadwell replied that the clinical confirmation is confirmed in accordance with CDC guidelines with a positive test. She continued that they do a false positive/false negative screen in the analysis itself. The Broad Institute has both false positives and false negatives and they run any non-confirmatory tests through a second cycle. They are not doing clinical diagnostic beyond that, because the clinical diagnostic would be the same method with a nasopharyngeal swab and they are not going to that level based on their work with the Infectious Disease lead at Dartmouth Hitchcock Medical Center (DHMC). KSC was informed that their method, approach, and false positive/false negative screening from The Broad Institute met all clinical diagnosis criteria that they would use, so they have been using that.

Mr. Dumais stated that according to the WHO, last year they were supporting the idea of PCR tests as being confirmatory and has released new guidance suggesting that there has to be additional clinical confirmation of symptomology and perhaps other blood testing, the way it normally used to be done before people could say it is a positive test. Children under 20 are 99.997% recovered from COVID-19 so they are not major spreaders or major illness or death risks from this. He encourages people to consider additional confirmatory means for positive diagnosis.

Janet Sinclair from Shelburne Falls, MA, stated that she works in downtown Keene as an acupuncturist, in an office building. She continued that most of her patients are disabled veterans or elderly, and are extremely vulnerable. She has to operate under strict guidelines from the State, including taking precautions similar to the ones dentists need to take. She does not own the building. When her patients come to her office they are hoping and assuming that she is able to create a safe atmosphere for them, which she can do in her own office, but there is a shared hallway and shared bathrooms. It took the landlord a year to put a sign on the building's door saying "Masks required," and until then, people were coming into the building not wearing masks. There are still tenants who refuse to wear masks in shared spaces while her patients are there. She is doing everything she can to protect her patients. If this mask requirement goes away she is concerned about what will happen. Is she supposed to not go to work because she cannot protect her patients? Are her patients not supposed to come see her, because they are not protected in the building? If any City Councilors have advice about how to get the Mask Ordinance enforced in her office building, she welcomes that.

John Schmidt of 31 Green Acres Rd. stated that he does not believe any scientists have proven that COVID-19 exists and he does not believe the pandemic exists and the PCR tests are faulty and worthless. He continued that he is a retired firefighter and worked with all kinds of real protective equipment, and believes these flimsy masks people are required to wear are worthless, regardless of what the medical establishment says. He believes the real virus is the government and the media spreading fear and lies. It is especially wrong to force young children to wear masks. In the Live Free or Die state, he believes people have the right to Breathe Free or Die. He asks the City Council to end the Mask Ordinance as soon as possible. He knows government bureaucracy means they cannot do anything quickly and it will take months, but they should end this ordinance whenever they can.

Rebecca Montrone of Winter St. stated that she is a holistic health practitioner and has a business in Keene and has not followed the Mask Ordinance at all, nor have her clients, although they can wear masks if they want to. She continued that she goes to a church in Swanzey where people do not wear masks, and they share a microphone, sing, and hug, and there has been no COVID-19 outbreak. She does not believe COVID-19 is a real threat. In 1957 the Asian Flu was huge, including in the United States, but the United States did not shut things down. It was over in three months. She assumes most people here tonight have not even heard of that Asian Flu, because it went by. There will always be germs, and we should keep ourselves strong and just get on with life. The fear people in the community have of this virus is more devastating than the virus.

Joseph Mirzoeff of 641 Clark Ave. stated that recently a citizen has charged the Governor with a criminal complaint under RSA 638-14, Unlawful Simulation Of the Legal Process. He feels that the Governor has overstepped, and many people think there is law when there was not. He is worried that this ordinance that the City has done is very similar to what the Governor has done. He would like to know from the City Attorney if there is an RSA that entitles the City to do an ordinance like this and have it apply to business owners and the citizens.

The City Attorney replied that he is not going to debate this tonight. He continued that this debate happened when the ordinance was adopted by the City Council last summer and it is all public record.

Mr. Mirzoeff stated that the difference then was there was no legislature in session. He continued that the City Attorney gets his rights from the legislature. That is the case with the Nashua case, also. The judge deferred to the Governor because there was no legislature. Moving on to something else, people tonight have talked about herd immunity, but no one has talked about natural immunity. In early 2020 he thinks he probably had COVID-19 and now probably has natural immunity. Also, we do not know what effect the experimental vaccine has, because it has only been approved for emergency authorization use. Last year there were seven deaths in Cheshire County and there was no vaccine. This year in 3.5 months there have been 26

deaths and 12 were on Court St. a month after a vaccine clinic. The evidence nearby is that this has not been successful.

Sandra Van De Kauter of 38 Felt Rd. stated that even if the mechanics of process results in the actual date of repeal not being until several weeks after any vote that the committee takes, there is a cohort which will stop wearing masks as soon as the repeal is announced and will start challenging anyone seeking to enforce the requirement which is still technically in existence. That is something to take into consideration when the City Council decides the date at which repeal will eventually occur. In the meantime, she encourages people to keep their masks on.

Dr. John Walter of 38 Felt Rd. stated that he is dismayed to hear from all of the people who claim to know more than epidemiologists, who have made their whole career with public health problems and pandemics. He continued that there is a lot of misinformation being spread and a lot of conspiracy thinking. He is dismayed that many people who are anti-mask are also anti-vaccine, as if everything about this disease is made up. He strongly urges the City Council to continue the Mask Ordinance and to follow the directions from the NH State Medical Society, which recently recommended that mask mandates be kept until 70% or more of people in the community are vaccinated and also until there are less than 50 new cases per 100,000 people over the course of the previous 14 days. He encourages the City to follow the real medical experts.

Dr. Nora Traviss of Marlboro St. stated that she is an Environmental Health scientist and teaches at KSC and is a co-founder of the NH Science Public Health Task Force. She continued that everyone is tired of the pandemic and she concurs. Dr. Treadwell has put out the facts very clearly that we are close to the finish line. The active case rate, which she just looked up on the NH Department of Health website, is at 75 in Keene. We are not at a place where we should be repealing the Mask Ordinance. It is critical to get to warmer weather so people can get outside in the fresh air where the ventilation is 100%. When the virus spreads, it occurs indoors in close contact. There are over 50 peer-reviewed studies on the effectiveness of masks to reduce the spread of the virus, and there is history as far back as the 1918 pandemic on the effectiveness of masks, and we are so close. Dr. Treadwell gave what she considers excellent updates about hanging in there until KSC students graduate. Something not highlighted, which should be, is the college has done a census by testing everyone twice a week. They have very good knowledge of how the virus spreads and the effect of ventilation and other mitigation practices such as masks have reduced the spread. When 10% of the population exits Keene that will take a huge load off. Members of her family have not been able to get a vaccine at Krif Rd. She thinks we are a little ways away from herd immunity. Remember, anyone can come to Keene and get a vaccine; they do not have to be Keene or Cheshire County residents. Memorial Day weekend, based on all of the science she has read, and based on math and exponential growth, they will be in a much stronger place, and she urges the City Council to keep the Mask Ordinance in place until then.

Rebecca Montrone stated that she disagrees with this kind of decision being left up to the Keene City Council. She continued that she does not think they know very much about this. Ms. Montrone spoke more.

Chair Bosley reminded members of the public to refrain from questioning other members of the public who have spoken tonight and to refrain from personal attacks on their neighbors.

Ms. Montrone spoke of how she feels like fear of COVID-19 has taken over many people's lives, and wearing masks is a way to show that. She continued that they seem to believe that COVID-19 is all that matters, not diabetes, cancer, or COPD. She believes the COVID-19 vaccines are not immunizations and were never tested to see if they could prevent people from contracting or transmitting COVID-19. They are experimental and put people at risk and she will never get one.

Tim Condon of 28 Lee St. stated that he urges the City Council to maintain the Mask Ordinance at least through mid-July, which includes the 4th of July holiday and graduation. He continued that he thinks they need to follow the science and the Governor did a great disservice by recommending that masks be eliminated. He has seen several people in the past few days go into businesses without masks, and scream and swear when they were told they need to wear masks. Then the people said "We're not going to do business with you." Any business that wants people to wear masks should put a sign on the door saying "No mask, no service." He will not go into any business that does not require masks. He thinks employees need to be protected. He used to be an Educator and knows children in school have a hard time staying six or more feet apart. No one likes having to wear a mask, but it is like during World War II when we all had to sacrifice a little bit for the common good, with the rationing, which should be taken into account. He wants to commend Dr. Treadwell and KSC staff for the amazing job they have been doing, along with Cheshire Medical Center and the National Guard at Krif Rd. He has had his two shots and is proud of that. It is his body and his choice and he also chooses to wear a mask. He thinks the Governor's actions are inviting people from other states to come to NH because they know they do not have to wear a mask here. NH was the last state to have a mask mandate and the first state to un-mask. He thinks that needs to be corrected. He urges the City to maintain the Mask Ordinance at least until mid-July.

Tiffany Matthews stated that she is a proud resident of Keene and is happy to be part of a community where people care for each other. She continued that the community cares for people who live, work, and go to school here, looking out for families and individuals. She thanks the City Council for giving time and space to the public to call in. Everyone is doing what they can, and people should look out for each other and try to support each other through this difficult time. We are almost at the end of the tunnel. People can check out the Healthy Monadnock Alliance and its social media pages, which promote a Mask Up Monadnock campaign. We can do this together.

Natasha Athens stated that she believes the City Councilors need to be replaced because they do not represent the people. She continued that she does not believe the City Council has a legal right to create the Mask Ordinance or to renew it. She believes the City Council will never end the Mask Ordinance because they receive money for keeping it and for keeping the state locked down. She believes this meeting is rigged. She believes John Rogers is not a health expert, and that government cannot be in charge of people's health, and each person is in charge of their own health. No one should tell people to get the vaccine; it needs to be up to each person to decide. She is concerned that people will try to continue the Mask Ordinance into September since there will be new students coming into Keene who might have come from other states, and then they will never end the Mask Ordinance because of the money she believes is behind it.

Joseph Mirzoeff stated that he believes hanging herd immunity out there as a carrot is a form of coercion. He continued that this is an experimental vaccine. The Nuremberg [Code] says that the choice has to be free. They say "We can do such-and-such as soon as there is herd immunity," but to get herd immunity people need to get the vaccines and not get immunity naturally, so that is coercing people into having vaccines, which is against the Nuremberg Code. The Nuremberg Code also says you cannot do a medical experiment if there are alternatives. In the country and this state, the alternatives were frozen out. An order from HHS said you could not use a combination of medications that were proven elsewhere to be viable. The emergency authorization use would not have happened if there were alternatives. There is no evidence that masks give protection, because COVID-19 spread does not decrease with mask mandates. Masks can help in certain situations, such as when you are tending to an older person or are in the operating room, but mask mandates actually slightly increase the spread of the virus. Also, masks inhibit communication. People who rely on lip-reading and facial expressions to understand people struggle. Masks create more isolation. In NH, 65% of people who died from COVID-19 are over 80 years old, and those are normal ages where people die. The response to COVID-19 is killing young people. National public health officials have given misguided advice.

Tammy Adams of 39 Wright St. stated that she is a Registered Nurse and echoes Dr. John Walter. She continued that we need to seek guidance from the Department of Public Health and the State epidemiologists who are keeping track of the numbers. She continued that she believes in the numbers and the evidence is there. She asks the City Council to please keep the Mask Ordinance.

John Schmidt stated that he agrees with the people who have said the government and the medical industrial complex want to keep the [mask mandate] going forever, and keep pushing the carrot out further and further. He continued that he believes the virus, its variants, and the PCR test kits are all fake and the government's goal is to force yearly vaccinations on everyone and control the population with microchips.

Councilor Greenwald asked for public comment to stay on the topic of what Keene should do about its Mask Ordinance. Chair Bosley noted that it is past 9:30 PM and they do need to wrap

this conversation up. She asked if there was anyone else wanting to speak before she closed public comment. Hearing none, she asked for PLD Committee discussion. They have heard a lot of input. She has some questions. One of the points that was brought up was, when they were talking about the data from Krif Rd., she is aware of some residents who went out of the area to receive the Johnson & Johnson vaccine. Someone also brought up natural immunity for people who have had positive COVID-19 tests themselves. Does the City Manager or Mr. Rogers know what the cumulative positive test for Cheshire County has been, to add to the numbers?

The City Manager replied that from what we understand, a positive COVID-19 test means that you may have immunity for three months. She continued that regarding the other question, she asked Krif Rd. if they have any data about people who might have gone to another location to get their vaccine, and unfortunately, we do not have access to that. She has a correction to make: people have to be from this region, Cheshire County or another couple towns, to get vaccinated at the Krif Rd. site. That is why they were so focused on getting data from that site, knowing that the Walgreens and nursing homes were also get people vaccinated and adding those numbers to what they were hearing from Krif Rd., as the best local information they have.

Chair Bosley replied yes, being in healthcare herself, she is aware that there have been many private vaccination clinics posted through facilities, organizations, and non-profit agencies to vaccinate their clientele and staff, so that adds to the numbers as well.

Councilor Johnsen stated that she wants to thank Dr. Treadwell and Mr. Rogers and other people who have called with medical information. She knows Dr. Treadwell was given this task for the entire university system, and she appreciates all of the work. It has given her, as a senior citizen, and other senior citizens in her ward, guidance. She also thanks Professor Duggan, because yes, our teenaged children still need us, and parents and grandparents need to have something other than “I told you so.” When the City helps them, it helps everyone.

Chair Bosley stated that she wants to point out that the SAU has a mask policy that is independent from the City’s mask policy. She continued that she thinks they were asking for masks to be worn in schools prior to the City’s Mask Ordinance. She does not know that a change in the City’s Ordinance would necessarily result in a change in SAU policy.

Chair Bosley stated that the PLD Committee needs to get into the meat of the question, regarding what they want to see accomplished here. She knows some citizens are concerned that this will never end and this is a “no light at the end of the tunnel” ordinance that they could extend until the end of the year or into the following year. She does think that there is science-based evidence that there is a natural tendency for the spread of COVID-19 to decline in the summer, and the holiday gatherings they are talking about mostly happen outdoors, where you see a lower spread of the virus anyway, and that they are coupling this with vaccinations, which they are encouraging people to receive, under the premise that it will get us back to some semblance of

normalcy. Thus, she hopes they can have a candid conversation tonight about an appropriate time to sunset this ordinance. She asked if anyone has input along those lines.

Councilor Jones stated that he moved here 28 years ago and went to high school and college in NJ. He continued that he lost six friends due to COVID-19. He travels during the day for work, and he cannot explain what it is like to go to NY or CT and see, behind hospitals, refrigerated trailers because the hospital has no room for all of the dead people. It is wrong to say that this virus does not exist. People need to wake up and see what is going on around them. We in NH have been very lucky. He is concerned about the variants. Right now the virus they are dealing with is an “open-envelope” virus, which is much easier to deal with than a “closed-envelope” one, such as tuberculosis, which is very hard to disinfect or sanitize. Not being able to know about the variants scares him. He thinks they need to wait until the spread rate is less than the vaccination rate and wait until there is herd immunity. It is still scary. Part of the City Council’s job is the health and well-being of the community. Why do people think the City Council is in charge of the Police Department and the Fire Department? The City Council is here for the health and well-being of the community, and that is why they need to take the lead.

Councilor Jones continued that the only thing he would ask is: the present ordinance has a sunset clause in section L., and he does not know that is necessary. Right now it is dependent on someone else, for the City Council to sunset this ordinance. He thinks if they create a new ordinance, it should be up to them and what they hear from their health professionals. Right now it is sunsetting when the Emergency Order from the NH Governor is over, and he thinks the City Council should be able to sunset it when the professionals tell them it is time. That is something to take into consideration if they ask the City Manager to submit a new ordinance. He asked if taking no action means this ordinance stays on the books.

Chair Bosley replied that she does not think the discussion was about changing this ordinance or submitting a new one, it was about the possibility of sunsetting or repealing this particular ordinance. Instead of waiting for the Governor to end the Emergency Order and having the Mask Ordinance dissolve with that, they would be choosing to go by the recommendations of the City’s health officials. The question is whether the PLD Committee feels they have received sufficient information in order to choose an appropriate date.

Councilor Jones replied that his answer would be “no.” He continued that he knows Dr. Treadwell suggested a date, but that is because it is a date that fits the college’s needs. He thinks the PLD Committee should rely on the professionals. When the professionals tell them the spread rate is less than the vaccination rate and the community is close to herd immunity, then they should address this.

Chair Bosley replied that Dr. Caruso reaching out and suggesting that the community would be reaching herd immunity at some point during May was the impetus behind this coming before the PLD Committee tonight. That is the question. The professionals are here, and they are that saying they think sometime in late May or the beginning of June is appropriate.

Councilor Jones replied that in that case, they can leave this open, and address it at the time, or in September. Chair Bosley replied they could, but the question is who are the health professionals, if not the local health Director?

Councilor Jones replied that the PLD Committee should not state who the health professionals are. He continued that he believes it is up to each of the 15 City Councilors who they are listening to.

Councilor Workman stated that she agrees with Councilor Jones. She continued that her concern with putting any date on it – say, June 1 - is they are then tied to that June 1 repeal date no matter what, even if COVID-19 cases skyrocket. She is very hesitant to put any date on it. She would like to table the decision until they have more statistics and look at it either on a month-to-month basis based off of statistics such as hospitalization rates, death rates, positivity rates, and vaccination rates. They have to look at the numbers and make decisions as they move forward. They can project that herd immunity would be around June 1, but that is projection. She would like to table it until mid-June and then look at the numbers and see where they are as a County.

Councilor Greenwald stated that coming into the meeting he was thinking of a strategy, thinking that even if they push this forward it was still going to take the whole cycle, and that is why he asked the City Attorney what the procedure was. They could stall the final rescinding of the ordinance right up until the last minute. But the more conversation he has heard, he has heard there are people who think COVID-19 is a fraud, and/or that masks are useless, while others have said that it is a deadly situation and masks are essential, and he goes back to his earlier logic: leave it alone. If someone does not want to wear a mask, they are not going to. If a business does not want patrons to wear masks, they will not enforce anything. He has not seen or heard anything about the Police getting aggressive with businesses that are not following the Mask Ordinance. He thinks it is better to err on the side of caution and leave the ordinance alone. He agrees with Councilor Workman and does not want to put a date on it at this point. He wants to hear experts from all the different media networks saying “Okay, the mask ordinance is over.” What he is hearing more is experts saying that states revoking the mask ordinance are making a big mistake and they are playing with people’s lives. He thinks they should accept this discussion as informational. Then, all it takes is a memo from a Councilor or two to bring this up again.

Chair Bosley asked if it would be reasonable to place this on more time. Councilor Greenwald replied yes, it is the same thing.

Councilor Johnsen stated that she thanks Chair Bosley for her leadership and patience. She continued that she thinks they should just leave it. They were given the direction of when the college ends, and that is a good majority of people, so they might want to follow that, but she is with the other three Councilors who have spoken and thinks they should give this some more time.

Chair Bosley stated that she would like to leave this on more time and wants to see it sitting on the bottom of the agendas so they do not forget about it. This is something important to a lot of residents. She continued that she can respect the fact that we are still at a tipping point and they want to see data that supports this decision before they move forward.

The City Manager stated that she wants to make it clear that the City is enforcing the Mask Ordinance. She continued that it will be harder now that the Governor has lifted his mask mandate. That will create more friction between the KPD and the public. To be very clear: certainly the KPD and Mr. Rogers cannot be everywhere at once where there are people without masks, but in the beginning of this ordinance they received quite a few complaints and both Mr. Rogers and the KPD responded often to both re-opening guidelines concerns and mask concerns. She wants the PLD Committee to realize that the decision does have some impact. There will be increased friction between the KPD and the public. The other reason she wanted to bring this Mask Ordinance topic up tonight is because it takes about a month to change an ordinance and is not something that can be done in a week or two. They were trying to project ahead as best they could, and she agrees that June 1 could be an optimistic date. If they are looking at vaccinating the public as being the way to return to some sort of normal life again, then that should be a very important part of the reason to lift the Mask Ordinance. The best way to do that is to look at the numbers for our region and at how many people are fully vaccinated. It is very difficult to get exact numbers, because people are going to those super-sites and may have gotten the Johnson & Johnson one shot, so it is hard to track exactly how many people are fully vaccinated. But they gather that information as best they can, so the City Council can make informed decisions. Placing this on more time is a good compromise. She can work with the Krif Rd. site to see if they can get more information as best they can, as well as tracking information from the State. She also wants anyone listening to know that the City is enforcing the Mask Ordinance and will continue to do so.

Chair Bosley stated that she thinks it is important for the City Manager to continually update the City Council on the guidance from Dr. Caruso and the data from KSC and what they are hearing from Krif Rd.

Councilor Greenwald made the following motion, which was seconded by Councilor Jones.

On a vote of 5-0, the Planning, Licenses, and Development Committee placed the item on more time.

6) Relating to Land Development Code and Downtown Zoning

Tara Kessler, Senior Planner stated that first, she wants to thank the PLD Committee for their significant involvement and contributions over the past two years, through an extensive public workshop process and other public information sessions to establish and review this proposed Land Development Code. Regulations, especially Zoning regulations, can be challenging and

intimidating subjects, and the focus of this project is to make the regulations easier to navigate, but that does not mean the process to get there has been easy. Thus, she thanks the PLD Committee and the countless others who have contributed along the way, including residents and neighborhood groups. Staff appreciates the community involvement and input.

Ms. Kessler stated that staff is hopeful that these ordinances, if adopted, will establish and improve Code that is easier to navigate and more closely aligned with the Master Plan goals and ideally will build a foundation for making more routine improvements to the regulations over time. Last week at the City Council meeting there was a public hearing on the ordinances and staff provided a presentation, giving an overview of what is proposed to change. She will not do that this evening, but she is happy to answer questions about what was shared or about things that have come up since the public hearing.

Ms. Kessler stated that the next steps in the process are: earlier this evening the Historic District Commission (HDC) voted on amendments to their regulations and to incorporate the regulations into the Land Development Code, so there will be a communication through the City Council that would be referred to the PLD committee for their meeting on May 12. That would be proposing a B. version of the ordinance to accommodate that change. Also, there is another item on the PLD Committee agenda tonight for reviewing an ordinance for establishing a licensing process for congregate living and social services uses. That ordinance that is next on the agenda, as well as two others introduced in 2019, along with the ordinances they are talking about right now which establish the Land Development Code, all need to be voted on and go together. Since there is a B. version that would need to be reviewed and voted on by this committee on May 12, staff anticipates that all of those items would need to go together before they would leave the PLD Committee with a vote to the City Council.

Rhett Lamb, Community Development Director stated that he wants to remind the committee that in that process after the public hearing in front of the City Council, the adoption process for the amendments to Chapters 1 and 2 of Zoning does not allow public comment after that public hearing has taken place. He continued that the PLD Committee has received all of the comment that they could, at least from the public, and it is really up for deliberation by the committee at this point. That is only for the Land Use Code Ordinances, item 6) on the PLD Committee's agenda. Item 7) on their agenda is the Congregate Living and Social Service Ordinance, and for that one, they can continue to take public comment, or at least, the rules do allow it if the committee is inclined to do so.

Chair Bosley asked if Ms. Kessler has a timeline to give them. Ms. Kessler replied that staff will have a B. version of the Land Development Code, in draft form, based on the amendments made tonight by the HDC, for the PLD Committee to look at for their May 12 meeting. She continued that if the PLD Committee is prepared to do so they can vote on it then to make a recommendation to the City Council about those ordinances. Those are O-2020-10-B and O-2020-11-B. Then item 7) on tonight's agenda is O-2021-04, which proposes to establish a licensing process for congregate living and social services uses. That ordinance is directly

connected with the Land Development Code, so those would need to be voted on together by the City Council ultimately. Staff anticipates that depending on what the PLD Committee chooses to do with these ordinances, ultimately they need to be sent together for action by the City Council, which could be by the May 20 meeting at the earliest. There would still be one more meeting with the PLD Committee on May 12.

Chair Bosley stated that tonight they are looking at placing the A versions on more time to allow the B version more time to catch up with them and then placing Chapter 46 revisions on more time potentially in order for it to follow the B version. She asked if the committee had any questions on what they are trying to accomplish. Hearing none, she asked for a motion.

Councilor Greenwald made the following motion, which was seconded by Councilor Jones.

On a vote of 5-0, the Planning, Licenses, and Development Committee placed Ordinances O-2020-10-A and O-2020-11-A on more time to allow final revision by the HDC and the preparation of a "B" version.

7) Relating to Chapter 46 Licenses and Permits – Social Service and Congregate Care Ordinance O-2021-04

Chair Bosley stated that she thinks they discussed a lot of the merits of what they want to accomplish tonight. They are trying to line this back up with the B. version of the Land Development Code. Ms. Kessler replied that is correct.

Chair Bosley asked if there is anything else to add or discuss tonight, related to this. Ms. Kessler replied that she is happy to provide some background if needed. She continued that the ordinance that is before the committee tonight formalizes and puts more context to the process that was discussed at the committee's March 24 meeting on a congregate living and social services license. The only content change would be the dates that are proposed for renewal of licenses for those uses. Staff made changes based on feedback from the Fire Department, which does annual inspections on some of these uses today and also feedback provided by members of the committee at the March meeting, regarding the timing of when licenses would be up for renewal. Other than that, she believes everything that was presented at the March meeting related to content, and also previous meetings to the Joint Committee in the public workshop process, has been brought into this ordinance that is before the PLD Committee tonight.

Chair Bosley asked if the committee had any questions. She asked if everyone recalls the content of that original ordinance they discussed. Hearing no questions, she asked if members of the public had any questions or comments. Hearing none, she asked for a motion.

Councilor Greenwald made the following motion, which was seconded by Councilor Jones.

On a vote of 5-0, the Planning, Licenses, and Development Committee placed Ordinance O-2021-04 on more time in order to coordinate its adoption with the Land Use Code Ordinances.

There being no further business, Chair Bosley adjourned the meeting at 9:36 PM.

Respectfully submitted by,
Britta Reida, Minute Taker