

A regular meeting of the Keene City Council was held on Thursday, December 19, 2024. The Honorable Mayor Jay V. Kahn called the meeting to order at 7:00 PM. Roll called: Kate M. Bosley, Laura E. Tobin, Michael J. Remy, Randy L. Filiault, Robert C. Williams, Edward J. Haas, Philip M. Jones, Andrew M. Madison, Kris E. Roberts, Jacob R. Favolise, Bryan J. Lake, Catherine I. Workman, Bettina A. Chadbourne, Mitchell H. Greenwald, and Thomas F. Powers were present. Councilor Jones led the Pledge of Allegiance.

MINUTES FROM PRECEDING MEETING

A motion by Councilor Greenwald to adopt the minutes of the December 5, 2024, meeting as presented was duly seconded by Councilor Bosley. The motion carried unanimously with 15 Councilors present and voting in favor.

ANNOUNCEMENTS

The Mayor and Council formally congratulated Assistant City Attorney, Amanda Palmeira, on being chosen as the new City Attorney following a search process that began in August 2024. She will begin as City Attorney on March 1, 2025. Next, the Mayor reminded the Council of a Workshop on the Rules of Order on Tuesday, January 28, 2024 at 6:00 PM, and asked Councilors to let him know of any specific topics of interest. Lastly, the Mayor reminded Councilors of the Council's Holiday Party after this meeting hosted at the official campus residence of Keene State College President Melinda Treadwell, with the Keene State College cabinet present. To not keep the host waiting, the Mayor intended to expedite the consideration of the Council Committee reports during this meeting.

CONFIRMATIONS – AIRPORT DEVELOPMENT AND MARKETING COMMITTEE, ASHUELOT RIVER PARK ADVISORY COMMITTEE, BUILDING BOARD OF APPEALS/HOUSING STANDARDS BOARD OF APPEAL, CONGREGATE LIVING AND SOCIAL SERVICES LICENSING BOARD, CONSERVATION COMMISSION, HISTORIC DISTRICT COMMITTEE, HUMAN RIGHTS COMMITTEE, KEENE HOUSING, PARTNER CITY COMMITTEE, PLANNING BOARD, TRUSTEES OF TRUST FUNDS/CEMETERY TRUSTEES

CONFIRMATIONS – BICYCLE/PEDESTRIAN PATH ADVISORY COMMITTEE, BUILDING BOARD OF APPEALS/HOUSING STANDARDS, CONSERVATION COMMISSION, ENERGY AND CLIMATE COMMITTEE, PARTNER CITY COMMITTEE, ZONING BOARD, ZONING BOARD OF ADJUSTMENT

Mayor Kahn re-nominated the following members to serve a 2nd term to the following City boards and committees. To the Airport Development and Marketing Committee: Elizabeth Bendel, as a regular member, with a term to expire Dec. 31, 2027; Kristopher Radder, as an alternate member, with a term to expire Dec. 31, 2027; Nathan Jacobs, changing from a regular to an alternate member, with a term to expire Dec. 31, 2027. To the Ashuelot River Park Advisory Board: Arthur Winsor, changing from a regular to an alternate member, with a term to expire Dec. 31, 2027. To the Building Board of Appeals/Housing Standards Board of Appeal: Doug Brown, as a regular member, with a term to expire Dec. 31, 2027. To the Congregate Living and Social Services Licensing Board: Andrew Oram, as a regular member, with a term to expire to expire Dec. 31, 2027; and Allison Welsh, as a regular member, with a term to expire to

expire Dec. 31, 2027. To the Conservation Commission: Kenneth Bergman, changing from a regular to an alternate, with a term to expire Dec. 31, 2025; Thomas Haynes, as an alternate member, with a term to expire Dec. 31, 2027. To the Historic District Commission: David Bergeron, as an alternate member, with a term to expire Dec. 31, 2027. To the Human Rights Committee: Gina Burke, as a regular member, with a term to expire Dec. 31, 2027. To Keene Housing: Susan Shaw, as a regular member, with a term to expire Dec. 31, 2029. To the Partner City Committee: Eric Weisenberger, as a regular member, with a term to expire Dec. 31, 2027. To the Planning Board: Harold Farrington, as a regular member, with a term to expire Dec. 31, 2027. Trustees of Trust Funds: Martha Curtis, as a regular member, with a term to expire Dec. 31, 2027.

Mayor Kahn provided the following new nominations to various City boards and committees. To the Bicycle Pedestrian Path Advisory Committee: Dwight Fisher, as a regular member, with term to expire Dec. 31, 2027. To the Building Board of Appeals/Housing Standards Board of Appeal: Stephen Tarbox, as an alternate member, with a term to expire Dec. 31, 2027. To the Conservation Commission: the Clerk noted that Robert Milliken's nomination was originally before the Council as a regular member; however, the nomination is being presented to the Council this evening, as an alternate member, with term to expire Dec. 31, 2027; and Gary Flaherty, as a regular member, with term to expire Dec. 31, 2027. To the Energy and Climate Committee: Maureen Nebensahl, as a regular member, with term to expire Dec. 31, 2027. To the Partner City Committee: Gerald Kuhn, as a regular member, with term to expire Dec. 31, 2027. To the Zoning Board of Adjustment: Tad Schrantz, as a regular member, with term to expire Dec. 31, 2027; Adam Burke, as an alternate member, with term to expire Dec. 31, 2027; and Stephen Tarbox, as an alternate member, with term to expire Dec. 31, 2027.

A motion by Councilor Greenwald to confirm the nominations was duly seconded by Councilor Bosley. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

NOMINATIONS – ASHUELOT RIVER PARK ADVISORY BOARD, CONSERVATION COMMISSION, ENERGY AND CLIMATE COMMITTEE, HERITAGE COMMISSION, AND TRUSTEES OF TRUST FUNDS/CEMETERY TRUSTEES

Mayor Kahn nominated the following individuals to various City boards and committees. To the Ashuelot River Park Advisory Board: Leslie Casey, as a regular member, with a term to expire Dec. 31, 2027. To the Conservation Commission: Deborah LeBlanc, re-nominated to change from an alternate to a regular member, with a term to expire Dec. 31, 2027; Sparky Von Plinsky, re-nominated to change from a regular to an alternate member, with a term to expire Dec. 31, 2025. To the Energy & Climate Committee, Lisa Maxfield, re-nominated as a regular member, with a term to expire Dec. 31, 2027; Timothy Murphy, as a regular member, with a term to expire Dec. 31, 2027; Steve Larmon, as a regular member, with a term to expire Dec. 31, 2027. To the Heritage Commission: Cauley Powell, re-nominated to change from a regular to an alternate member, with a term to expire Dec. 31, 2027. To the Trustees of Trust Funds and Cemetery Trustees, Malcolm Katz, as a regular member, with a term to expire Dec. 31, 2027.

Mayor Kahn tabled the nominations until the next regular meeting.

COMMUNICATIONS – COUNCILOR ED HAAS – ANNUAL REPORTS OF BOARDS AND COMMISSIONS

A communication was received from Councilor Ed Haas, requesting that the City Council initiate a process for all boards and commissions of the City to submit annual reports of their activities, accomplishments, challenges, goals, and ideas for the coming year. This reporting would improve the visibility of the work done by these public bodies and keep all Councilors aware of their accomplishments and goals. Mayor Kahn referred the communication to the Finance, Organization & Personnel Committee

MSFI REPORTS – PETITION – REDUCTION OF SPEED LIMIT – UPPER ROXBURY STREET; ROUTE 9 – OLD SULLIVAN ROAD INTERSECTION; RED PINE SCALE; PROPOSED CHANGES TO WINCHESTER STREET, BETWEEN WILSON AND MAIN STREETS

The Mayor noted that in order to expedite the meeting this evening, he would request that the Council consider consolidating all of the Committee recommendations from each Standing Committee. He would request that the Committee chairs explain the recommendation and the background of each report before a single motion and vote were entertained. He added if a Councilor wished to have one item removed from this group, they should identify the specific committee report.

A Municipal Services, Facilities & Infrastructures Committee report (D1) read, unanimously recommending placing the reduction of speed limits on more time and that the City Manager be directed to evaluate potential solutions to reduce speed and improve safety on Roxbury St. A Municipal Services, Facilities & Infrastructures Committee report (D2) read, unanimously recommending that the City Manager be directed to carry out the recommendations identified by the City Engineer. A Municipal Services, Facilities & Infrastructures Committee report (D3) read, unanimously recommending accepting the Red Pine Scale presentation as informational. A Municipal Services, Facilities & Infrastructures Committee report (D4) read, unanimously recommending that the report on the proposed changes on Winchester St. be accepted as informational with the expectation that Public Works will provide updates on the progress in the proposal.

A motion by Councilor Greenwald to carry out the intent of the Committee reports (D1-D4) was duly seconded by Councilor Filiault. The motion carried unanimously with 15 Councilors present and voting in favor.

FOP REPORTS – ACCEPTANCE OF INVESTNH PLANNING & ZONING GRANT TO EXPAND THE 79-E TAX INCENTIVE PROGRAM; 2022 HOMELAND SECURITY GRANT PROGRAM REALLOCATION OF FUNDS; ADOPTION OF A NEW VOTE TABULATION SYSTEM FOR ELECTIONS; TRANSPORTATION HERITAGE TRAIL – AUTHORITY TO ACCEPT DRAINAGE EASEMENTS; REALLOCATION OF CAPITAL FUNDS – FINDINGS BUILDING DEMOLITION; PROFESSIONAL SERVICES CONTRACT – ENGINEERING SERVICES FOR THE KEY ROAD DRAINAGE REPLACEMENT PROJECT;

PROFESSIONAL SERVICES CONTRACT – ENGINEERING SERVICES FOR THE STORMWATER LINING PROGRAM

A Finance, Organization & Personnel Committee report (D5) read, unanimously recommending that the City Manager be authorized to do all things necessary to accept and expend grant funds in the amount of \$34,860 from the Invest NH Municipal Planning & Zoning Grant Program for the purpose of hiring a consultant to expand the City's 79-E program. A Finance, Organization & Personnel Committee report (D6) read, unanimously recommending that the City Manager be authorized to do all things necessary to apply for, accept and expend the 2022 Homeland Security Grant Program reallocation of funds in the amount of \$18,902. A Finance, Organization & Personnel Committee report (D7) read, unanimously recommending that the Voting Works electronic ballot counting device be approved as the vote tabulation system for Keene's elections and that the Secretary of State be notified as required by RSA 656:40. A Finance, Organization & Personnel Committee report (D8) read, unanimously recommending that the City Manager be authorized to do all things necessary to negotiate, accept, and record Drainage Easements across private properties as required for the construction of the Transportation Heritage Trail - Phase I. A Finance, Organization & Personnel Committee report (D9) read, unanimously recommending that the City Manager be authorized to reallocate the unencumbered funds in the amount of approximately \$162,490 from the recently completed Skate Park Improvement Project to the Findings Building Demo Project (65J0008B). A Finance, Organization & Personnel Committee report (D10) read, unanimously recommending that the City Manager be authorized to do all things necessary to negotiate and execute a professional services agreement with SLR International Corporation (SLR) in the amount of \$91,100, as bid, for the design and permitting of the Key Road Drainage Improvements Project (75M00625). A Finance, Organization & Personnel Committee report (D11) read, unanimously recommending that the City Manager be authorized to do all things necessary to negotiate and execute a professional services agreement with NHDES and Kleinfelder in the amount of \$180,400 to expend the awarded NHDES ARPA grant for the engineering services, design and permitting of the Stormwater Lining Program.

A motion by Councilor Powers to carry out the intent of the Committee reports (D5-D-11) was duly seconded by Councilor Remy.

Councilor Haas posed a question about report D9 on the reallocation of funds from the State Park to the Findings building work. He understood that the Skate Park was partially funded by donations and asked if there was clarification between the donations and the City's investment. The City Manager replied that all donations went to the construction of the Skate Park and the City had to apply for additional grant funds through the NH Land and Community Heritage Investment Program (LCHIP). She said that originally, those funds were a part of the Pat Russell Park project, and now, they were re-allocated for the demolition of the Findings building. The Deputy City Manager, Andy Bohannon, said that was incorrect and should be switched, stating that the InvestNH funding for demolition should be going to the Skate Park project. Mayor Kahn paused discussion of item D9 and pulled it from the overall vote of the Committee reports for further discussion.

Councilor Favolise asked about report D7, noting that when the grant was originally approved, his understanding was that a portion of it was to go toward one4all voting systems to comply with the new NH statute. The week before this meeting, the City Clerk had informed him that there had been some developments at the State level, so Councilor Favolise asked for an update. The City Clerk, Patty Little, replied that on December 18, the Clerks were invited to Concord for demonstrations of a new accessible voting system (AVS). She said it appeared that the State had recognized that the legislation it passed in 2024, which required that an accessible voting system be used at all local and school elections was an unfunded mandate to communities. The State is now considering whether they should purchase new AVS systems that could be shared by both the State and local communities. The State brought in three vendors for this demonstration for the disabled community as well as local clerks in the area. The City Clerk thought it was probably best that the City had not expended any money, and staff were waiting and hoping that the legislature would rectify this and fully fund this new mandate.

If pulling item D9, Councilor Jones asked if that would impact a vote on item D5. The City Manager said no, D5 would be fine; that was the grant application to InvestNH for the City's current 79-E area as well as considering whether to add some residential 79-E zones. Mayor Kahn recalled that as a State Senator, he brought forth this 79-E amendment that allows for up to four units to use the 79-E tax credit, which is a municipally issued tax credit program for renovations of one- to four-unit housing projects.

The motion to carry out the intent of FOP Committee reports D5–D8 & D10–D11 carried unanimously.

Discussion ensued on report D9. Deputy City Manager Bohannon explained that when the City received Land and Water Conservation Funds (LWCF) that matched the fundraising donations, the LWCF were used to match the InvestNH grant, which incurs all the remaining Skate Park project (i.e., the sidewalk and fence). He said the Invest NH money should go into the LWCF project. So, Deputy City Manager Bohannon said that report D9 should be amended to read: "...to the Findings Building Demo Project (65J0008A)." The City Attorney said that this would move it to the Findings building demolition project, which is connected to the Skate Park through fencing and Deputy City Manager Bohannon said that was correct; this would help to complete the Skate Park project. Mr. Bohannon said the LWCF would be needed for demolition.

A motion by Councilor Remy to amend the motion to adopt FOP Committee report D9 to send the funds to Project #65J0008A was duly seconded by Councilor Powers and the motion carried unanimously.

Councilor Haas was concerned that the fundraisers would not be clear on where their money was going but he trusted that the FOP Committee covered that in their work, so he thanked them for that. The motion to carry out the intent of the amended FOP report D9 carried unanimously.

CITY MANAGER COMMENTS

The City Manager was proud to announce that the City of Keene was named a "Housing Champion" by the State of New Hampshire Department of Business and Economic Affairs. This

prestigious designation honors communities that have demonstrated a strong commitment to expanding housing opportunities for residents of all income levels, and it also makes the City eligible to apply for two grants opening in January 2025. The City of Keene was one of 18 communities statewide to receive designation. The scoring process considered several significant steps that Keene had taken to address housing needs, including:

- Several major updates to the City’s Zoning and Land Use Regulations to encourage more housing development, including the adoption of a Cottage Court Overlay District and changes to rules for accessory dwelling units.
- Recent and planned improvements to transportation, walkability, and water/sewer infrastructure to support housing development. For example, the downtown infrastructure project will significantly increase the reliability of critical infrastructure needed to support housing.

Of the 18 communities in the State that received this designation, 5 scored above 100 (star), and Keene scored the highest (128) in the State, including 30 points for Public Works (maintenance and infrastructure programs). The City Manager congratulated Senior Planner, Mari Brunner, and Planner, Evan Clements, for their work on the application articulating all of Keene’s capital planning and zoning changes. Mayor Kahn agreed that it was a high honor and well deserved.

REPORTS – ACCEPTANCE OF DONATION

A memorandum read from the Finance Director/Treasurer, Merri Howe, recommending that the City Council accept the donation in the amount of \$351.29 from the Keene Kiwanis for the purchase of 8 balance bikes to support Keene Parks & Recreation Toddler “Movement Monday” programming and that the City Manager be authorized to use the donation as specified by the donor.

A motion by Councilor Powers to accept the donation in the amount of \$351.29 from the Keene Kiwanis for the purchase of 8 balance bikes to support Keene Parks & Recreation Toddler “Movement Monday” programming and that the City Manager be authorized to use the donation as specified by the donor was duly seconded by Councilor Remy. The motion carried unanimously with 15 Councilors present and voting in favor.

REPORT – ACCEPT FUNDING THROUGH THE 2024 AFG GRANT

A motion by Councilor Powers to suspend the Rules of Order to act upon the application for the 2024 AFG Grant in the amount of \$569,126 was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

Mayor Kahn requested background from the Fire Chief, Jason Martin. Chief Martin explained that the reason for not following the regular process was a very short time frame for the application deadline the day after this meeting. He asked the City Council to authorize the City Manager to do all things necessary to apply for, accept, execute, and expend the 2024 AFG grant in the amount of \$569,126. If applied, there would be a 10% required match to the grant. This grant would not cover fringe benefits for any compensation. If awarded the grant, the Fire Department would be requesting a supplement of \$80,387 in the FY26 budget to cover the gap. Chief Martin explained two major components of the grant that staff wanted to apply for: (1)

training and (2) replacement of equipment. The training program would train members to the technician level in confined space rescue. With the number of new firefighters hired over the past few years, the Department had lost most of its technicians through attrition. He said it is essential to properly train the newer members so the Department can continue to provide this service. Chief Martin explained that the Department also needed to replace two ambulance power cots and add power load systems to go with those cots. There was currently no funding source to replace those items, and they were at the end of their service life. The training component would cost \$255,858 and the equipment would be \$313,267, for the grand total of \$569,126.

Mayor Kahn asked who the grantor was. Chief Martin said the Assistance to Firefighter Grant (AFG) through the Federal Emergency Management Agency (FEMA).

Councilor Jones said that 10% would be approximately \$56,000, but he thought he heard the Chief said \$83,000, so he asked about the breakdown. Chief Martin explained that when he did the price for the confined space rescue—backing out the fringe benefits—the total cost was \$25,558. With the fringe benefits that were a part of the supplement he needed to ask for FY26, that itself would be \$67,033, which when added to the \$56,912, would total \$123,945. At this time, Chief Martin had a line item in his budget for a grant match for \$43,599, which was how he arrived at the supplement request of \$80,000 short.

If successful, Councilor Haas asked when the grant would be awarded, and Chief Martin said September.

Councilor Madison asked how many firefighters needed to be trained to technician level at this time and where the training would occur. Chief Martin said that the price listed was to bring a specialized training company to Keene for the training. He said that the intent was to train every member of the Department even if they had already taken the training, even the Chief. He thought it would be a good refresher for someone like him who had not received that training in approximately 20 years.

A motion by Councilor Powers to carry out the intent of the recommendation was seconded by Councilor Remy and unanimously adopted with 15 Councilors present and voting in favor.

PB-PLD REPORT – RELATIVE TO RESIDENTIAL PARKING REQUIREMENTS – ORDINANCE O-2024-20-A

A report was received from the Joint Committee of the Planning Board and the Planning, Licenses & Development Committee. The Planning Board unanimously found that Ordinance O-2024-20-A was consistent with the Master Plan. The Planning, Licenses & Development Committee unanimously requested that the Mayor set a public hearing for Ordinance O-2024-20-A. Mayor Kahn set the public hearing for Thursday, January 16, 2025, at 7:05 PM.

PB-PLD REPORT – RELATING TO SIDE AND REAR SETBACKS IN THE DOWNTOWN EDGE ZONE – ORDINANCE O-2024-24-A

A report read from the Joint Committee of the Planning Board and the Planning, Licenses & Development Committee. The Planning Board found on a vote of 4–1 that this proposed change

to Ordinance O-2024-24-A was consistent with the 2010 Master Plan. The Planning, Licenses & Development Committee unanimously requested that the Mayor set a public hearing for Ordinance O-2024-24-A. Mayor Kahn set the public hearing for Thursday, February 6, 2025, at 7:00 PM.

MORE TIME – MSFI REPORT – RELATING TO DESIGNATED LOADING ZONES AND BUS LOADING ZONES ORDINANCE O-2024-16; PLD REPORTS – POLICY ON THE DISCHARGE OF FIREWORKS; SIGN CODE MODIFICATIONS REQUESTED BY MAYOR KAHN; RULES OF ORDER – SECTION 15 – VOTING AND CONFLICT OF INTEREST; & FOP REPORT – AND A PROPOSAL THAT THE CITY COUNCIL CONSIDER A DELAY IN THE DOWNTOWN INFRASTRUCTURE PROJECT

A Municipal Services, Facilities & Infrastructure Committee report read, recommending that Ordinance O-2024-16 be placed on more time. A Planning, Licenses & Development Committee report read unanimously recommending placing any consideration of fireworks regulations on more time to allow staff to develop alternatives. A Planning, Licenses & Development Committee report read, recommending placing Sign Code modifications requested by Mayor Kahn on more time. A Planning, Licenses & Development Committee report read, recommending placing Section 15 of the Rules of Order “Voting and Conflict of Interest” on more time. A Finance, Organization & Personnel Committee report read, recommending that the request to delay the downtown project be placed on more time until the next FOP meeting. Mayor Kahn granted more time for all the reports.

ORDINANCES FOR SECOND READING – RELATING TO AMENDMENTS TO THE CITY OF KEENE LAND DEVELOPMENT CODE, PERMITTED USE IN THE DOWNTOWN CORE AND COMMERCE DISTRICTS – ORDINANCE O-2023-16-C

A Planning, Licenses & Development Committee report read on a vote of 3–1, recommending the adoption of Ordinance O-2023-16-C. Mayor Kahn filed the report.

Mayor Kahn recognized an outstanding conflict of interest on file from Councilor Greenwald from when this Ordinance was first submitted and asked if the Councilor wanted to address it. Councilor Greenwald did not think the conflict needed to be amended but said that drive through windows should be included in the conflict since they were included in the Ordinance. Since he has a downtown business and this Ordinance would impact downtown businesses, Councilor Greenwald still thought his conflict was appropriate, so he wished to remain recused. Hearing no objections from the Council, Mayor Kahn granted the recusal.

A motion by Councilor Bosley to adopt Ordinance O-2023-16-C was duly seconded by Councilor Jones.

Councilor Bosley summarized the Committee report, recalling that the PLD Committee and the Joint Committee of the Planning Board and PLD Committee had spent a lot of time working on this in fine detail, so she did not belabor the intricacies. She pointed out that the Joint Committee removed the electric vehicle charging stations and established some streets in the City that it thought would be appropriate for this type of use: West Street west of Island Street, Winchester

Street south of Island Street, Main Street south of Route-101 and north of Silent Way, as well as Key Road, Ashbrook Road, and Kit Street. Councilor Bosley added that—as Councilor Greenwald mentioned—this Ordinance would also restrict drive throughs to the Commerce and Commerce Limited Districts, and with a Special Exception in the Downtown Growth District. Councilor Bosley thought the one objection from the PLD Committee was more so in principle than related to the information contained in the Ordinance.

Councilor Jones said he was the dissenting vote on the PLD Committee because he does not believe that gaming should be a special entity but should be treated like all other forms of entertainment, like bowling or a movie theater. He thought that this action was the City picking on and restricting this one entity. He said this gaming could benefit local non-profits, which could earn 35% of the gaming profits, whereas if these businesses opened in Walpole or Claremont instead, the Keene non-profits would not gain. Councilor Jones recalled the first public hearing on this Ordinance, when he said two local restaurant owners begged the Committee not to put restrictions on gaming because it would bring more life to the community, which he supported. He cited the example of downtown Springfield, MA, 15 years prior, when it was known for less desirable activities and businesses (e.g., go-go bars and pornographic activities). Now, he said there were furniture and jewelry stores there, and even a supermarket, which had not been the case in downtown Springfield since the 1960s. Councilor Jones said that charitable gaming could change and bring money into a community. He said that Keene should use it as an anchor and not a deterrent. So, he would vote against this.

Councilor Bosley wanted to point out—without touching on her personal feelings about gaming—that since the City started working on this Ordinance, the State of NH had passed a moratorium on Historic Horse Racing Licenses which is tied to a specific community. Keene's local casino, for example, cannot take its HHR License to an adjacent community and use it there. The State presented the City with information clarifying that these casinos need these HHR Licenses to be profitable; while there are charitable gaming licenses for table games, in order for them to really be profitable, they do need the HHR component, which also means they need to be a certain size. At this time, there was a moratorium on HHR. Councilor Bosley said the Committee really worked to clarify the understanding that Keene already had a licensed casino in the community that might want to expand at some point, and to define where in the community that expansion would make sense. By adopting this, she thought there would be a very narrow scope until the moratorium is lifted.

Councilor Remy referred to Councilor Jones' example of Springfield, MA, and said that while there were more stores there—specifically in the casino—the hotel he has to stay at when when he is in the Springfield area for work now has to escort guests to that part of the city. So, he cautioned against using Springfield, MA, as an example. Councilor Madison agreed, noting that he grew up there and he recalled when the downtown was not a safe place to go. He did not agree that the casino was positive for downtown Springfield, MA. He noted how divisive that casino had been since its proposal, and said it was still unpopular. Councilor Madison said that violence, drugs, and many of the problems Councilor Jones mentioned were problems are still there.

Councilor Filiault said that with all due respect to Councilor Bosley and the PLD Committee, he would also be voting against this because he also did not think that a legal business—just like a bar or restaurant—should be restricted any more than those other legal businesses. While it would not be ideal to him to have small casinos downtown, he did not think the Council should be the morality police; every person has different opinions and morals. Councilor Filiault recalled some uses the Council had allowed downtown over time that were considered potentially bad for the City or public at the time: tattoo shops, pawn shops, outdoor seating at restaurants, alcohol at outdoor seating at restaurants, and an axe throwing business. Now, for example, the City was expanding sidewalks downtown to accommodate the outdoor seating for restaurants. As with the cases he cited, he said demand would take care of it.

Councilor Favolise thanked Councilor Bosley and the Joint Committee for their long-term hard work on this Ordinance and for continuing to fine tune it. He said he would vote in support because the best part of this Ordinance for him was that it would restrict casinos from the downtown. His position on the Ordinance had nothing to do with Councilors Jones' and Fililault's points about whether the City should allow gambling and everything to do with parking and traffic patterns, and the need to turn over parking spaces downtown. Councilor Favolise was glad that his least favorite part of the Ordinance was taken out, which was the electric vehicle charging stations. So, while parts of the Ordinance that he thought were too restrictive continued to make him uncomfortable, he was willing to vote in support at this time to have something adopted.

Councilor Haas wanted to speak about this positively, stating that this Ordinance would follow what the City does with Zoning everywhere, as things are created for different places, different things, different shapes, and different sizes. He said this would not restrict gaming at all. In fact, he said this would make it more positive by decreasing the electric vehicle charging requirement, decreasing the maximum size required, and other features to encourage gaming. He supported the City developing this industry like any others. He said the items that Councilor Filiault mentioned were a part of the evolution that happens during growth and change. Councilor Haas said finally codifying this would be positive.

Councilor Williams disagreed with the characterization that charitable gaming facilities are like any other business. He said this is predatory casino gambling that would be siphoning from Keene's economy and sending it to MA or CT. In addition, he cited how many people are hurt by gambling. While it might only be 1% of gamblers, he said those 1% have family, friends, and people who care about them. He knew of situations in which entire college savings accounts were spent on casino gambling, which he said would now be happening in Keene. So, Councilor Williams noted he is not a fan of this type of establishment.

Councilor Roberts heard the comment about the Council not being the morality police but he stated that people elect Councilors with the expectation that they will look out for the City, its economic growth, and its citizen's quality of life. He said he had been to many places around the country where people say to let the free market go. For example, he referred to the totally free market "combat zone" in Boston that he called really dangerous. He said the Council could not be prejudice without justification for some businesses but would still need to protect the people

of the community it was elected to. He heard the argument that adults could make the decision not to go to these establishments, but he questioned who would keep kids from going there, or who would protect kids when someone stumbles out of one of these businesses drunk. Councilor Roberts said the Council needed a way to allow the free market but not at the expense of quality of life or safety of the community.

Councilor Workman said she would vote in favor of this because she felt like it was a fair compromise. She felt that the PLD Committee had worked hard and listened to the Council's concerns. While she was not originally in favor of making any changes, she felt this was a compromise, and to Councilor Filiault's point, she said that the Council could choose to update this in a few years if these facilities open and are successful, as it had with sidewalk cafés serving alcohol.

Councilor Remy called the question.

Mayor Kahn thanked Councilor Bosley for her long-term work on this Ordinance.

On a roll call vote of 12–2, motion to adopt Ordinance O-2023-16-C carried. Councilors Jones and Filiault voted in opposition. Councilor Greenwald abstained.

ORDINANCE FOR SECOND READING – RELATING TO AMENDMENTS TO THE LAND DEVELOPMENT CODE, DEFINITION OF GAMING FACILITIES – ORDINANCE O-2023-17-B

A Planning, Licenses & Development Committee report read, unanimously recommending the adoption of Ordinance O-2023-17-B. Mayor Kahn filed the memorandum. A motion by Councilor Bosley to adopt Ordinance O-2023-17-B was duly seconded by Councilor Jones.

Councilor Jones said that because Ordinance O-2023-16-C was adopted, it would not work without this definition, so the Council should adopt this.

The motion to adopt Ordinance O-2023-17-B carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

ORDINANCES FOR SECOND READING – RELATING TO MAINTENANCE PARKING RESTRICTIONS – ORDINANCE O-2024-21

A Municipal Services, Facilities & Infrastructure Committee report read, unanimously recommending the adoption of Ordinance O-2024-21. A motion by Councilor Greenwald to adopt Ordinance O-2024-21 was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

ORDINANCES FOR SECOND READING – RELATING TO GILBO AVENUE PARKING RESTRICTIONS – ORDINANCE O-2024-22

A Municipal Services, Facilities & Infrastructure Committee report read on a vote of 1–3, failing to recommend the adoption of Ordinance O-2024-22. Mayor Kahn filed the memorandum.

12/19/2024

Mayor Kahn noted that Councilor Greenwald abstained from the vote on this Ordinance at Committee and asked if the Councilor wished to present a conflict to the City Council. Councilor Greenwald explained that he was dealing with a strange situation. The area in question abutted his downtown building and the individual who came forward with the request for this parking change had an issue with one of his tenants, and he was caught in-between. So, he respectfully asked to be recused. Hearing no objections from the Council, Mayor Kahn granted the recusal.

A motion by Councilor Filiault to adopt Ordinance O-2024-22 was duly seconded by Councilor Remy. The motion failed on a roll call vote of 1–13. Councilor Powers voted in the minority. Councilor Greenwald abstained.

ORDINANCES FOR SECOND READING – RELATING TO JUNETEENTH EXCEPTION TO PARKING REGULATIONS – ORDINANCE O-2024-23

A Municipal Services, Facilities & Infrastructure Committee report read, recommending the adoption of Ordinance O-2024-23. Mayor Kahn filed the memorandum. A motion by Councilor Greenwald to adopt Ordinance O-2024-23 was duly seconded by Councilor Tobin. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

ORDINANCES FOR SECOND READING – RELATING TO PERSONNEL – ORDINANCE O-2024-25

A Finance, Organization & Personnel Committee report read, recommending the adoption of Ordinance O-2024-25. Mayor Kahn filed the memorandum. A motion by Councilor Powers to adopt Ordinance O-2024-25 was duly seconded by Councilor Remy. The motion carried unanimously on a roll call vote with 15 Councilors present and voting in favor.

RESOLUTION – RELATING TO DEVELOPMENT ON CLASS VI HIGHWAYS AND PRIVATE ROADS – RESOLUTION R-2024-43

A Planning, Licenses & Development Committee report read, recommending the adoption of Resolution R-2024-43. Mayor Kahn filed the memorandum. A motion by Councilor Bosley to adopt Resolution R-2024-43 was duly seconded by Councilor Jones.

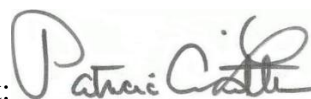
Councilor Jones said he had supported this since the ban was placed in the Land Development Code. He thought this would be important for expansion. He added that if this had been passed sooner, the City would have ranked even higher on the Housing Champion scoring process.

The motion to adopt Resolution R-2024-43 carried unanimously with 15 Councilors present and voting in favor.

ADJOURNMENT

There being no further business, Mayor Kahn adjourned the meeting at 8:11 PM.

A true record, attest:



City Clerk